

TAB 2
WIND FARM DESCRIPTION AND INFORMATION

2.1. APPLICANT INFORMATION

The applicant for the Special Use Permit and siting approval is Livingston Wind Project, LLC (“LWP”), which is wholly owned by EDF Renewables Development, Inc. (“EDFR-Dev.”), which is in-turn wholly owned by EDF Renewables, Inc. (“EDFR”). EDFR is one of the most experienced wind farm developers and operators in the United States.

2.1.1. LIVINGSTON WIND PROJECT, LLC

LWP has been organized to own and operate the Project. LWP is a Delaware limited liability company approved by and in good standing with the Office of the Secretary of State of Illinois. The officers of LWP are Cliff Graham, President; Kate O’Hair, Vice President; Dan Summa, Chief Operating Officer; Luis Silva, Treasurer; and Benoit Rigal, Secretary. LWP is owned by EDFR-Dev., which is LWP’s sole member and sole manager and currently holds the entire 100% membership and ownership interest in LWP. LWP’s address is 15445 Innovation Drive, San Diego, California 92128, and its phone number is 858-521-3300.

2.1.2. EDF RENEWABLES, INC.

EDFR is a Delaware corporation based in San Diego, California, and is approved by and in good standing with the Office of the Secretary of State of this State of Illinois.

EDFR has vast wind energy development and construction experience in the Midwestern United States. EDFR has developed more than 24 gigawatts (GW) which produce enough power to offset more than 2 million homes. EDFR got its start operating & maintaining wind projects in 1985 and continues to service its renewable energy projects with more than 13 GW of projects under service contracts. EDFR has developed more than 630 MW in Illinois, including the Livingston Wind Project and two neighboring projects. EDFR originates and develops wind farms from conception through completion and long-term operation. With this long-term perspective, EDFR takes a proactive approach to building strong relationships with landowners, local communities, government agencies, interconnecting utilities, power purchasers, equipment manufacturers, and contractors.

For example, EDFR, through an affiliate, developed and currently operates the Pilot Hill Wind Project located in Kankakee and Iroquois counties, which is a 175 MW wind farm that began commercial operation in 2015. EDFR, through an affiliate, also developed and currently operates the Kelly Creek Wind Project in Ford and Kankakee Counties, which is a 184 MW wind farm that became operational in 2016. EDFR has a proven track record of developing and operating successful wind farms in this geographic area of Illinois with minimal disruption to county residents.

EDFR is committed to developing high quality, economically competitive and responsibly sited wind energy projects, and to helping Illinois meet its growing energy demand in a clean and sustainable manner.

2.2. FORM APPLICATION

The Livingston County form application for a Special Use Permit (the "Form Application") is attached in **TAB 3**. Information sought in the Form Application is cross-referenced to the relevant sections and tabs of this Application Binder. All documents, studies, reports, and other information contained in this Application Binder are incorporated into and should be considered as part of LWP's formal Application for a Special Use Permit for a Wind Energy Conversion System (collectively, the "Application").

2.3. PROJECT MAPS

TABS 4 to 7 of this Application Binder contain plans in support of the Application. These plans illustrate the conceptual design of the Project in the area where the Special Use is being developed ("Special Use Area") and demonstrate compliance with zoning requirements as set forth in the WECS Article. Specifically, included with this Application Binder are "Special Use Area Plans" with and without topography, "Concept Plans," "Site Plans," and "Setback Maps," which are described and defined in Sections 2.3.1 to 2.3.4, respectively. These plans and maps reflect over four years of meteorological, engineering and environmental studies, as well as discussions with Project landowners and local officials. Collectively, these plans satisfy the requirements of section 56-616(b)(3) of the WECS Article.

The Project is designed to maximize the amount of electricity cultivated from the wind while protecting local resources, meeting the requirements of participating landowners, addressing concerns of other local residents, and complying with local, state and federal laws. The owners of parcels comprising about 60% of Broughton Township are voluntarily participating in the Project and the owners of parcels comprising almost 50% of Sullivan Township are voluntarily participating in the Project. In total, there are 385 parcels participating in the Project across four townships. Despite that heavy landowner involvement, the actual impact to the land by the Project is very low. Approximately four acres in Livingston County will actually contain a wind turbine, which is approximately **2/100th of one percent** of the Special Use Area. Fewer than 140 acres will be occupied by all wind farm facilities combined, including turbines, gravel access roads, substations, and overhead transmission lines, which is approximately **one half of one percent** of the Special Use Area.

Though LWP has made a preliminary determination of potential siting locations as depicted in the following plans, the requested approval of a Special Use Permit includes flexibility to relocate the WECS towers and other improvements within the Special Use Area based on final engineering and Project requirements subject to the provisions of the WECS Article. Pursuant to the WECS Article, if LWP intends to move the siting of a turbine more than 100 feet from the

siting identified in this Application, then LWP, through a qualified professional, will appropriately demonstrate compliance with the noise requirements at a hearing to amend the special use. While movement of a turbine 100 feet or less does not require approval of a new special use, it should be noted that the final turbine location must still meet noise, shadow flicker, setback and other WECS Article requirements. As confirmed by the County, other improvements, including without limitation roads, meteorological towers, transmission lines, and other supporting Project components, can be relocated so long as they remain within the approved Special Use Area and satisfy all applicable WECS Article standards and setback requirements. The final locations of these improvements may also depend on the final road use agreements between LWP and the County and the Township Road Districts.

2.3.1. Special Use Area Plan With and Without Topography

The Special Use Area Plan is set forth in a map book consisting of a cover map showing the whole Special Project Area in the County indicated in pink, and then three maps for the northern, middle, and southern portions of the Special Project Area that are detailed enough to number each parcel. The number on each parcel corresponds to a number on an accompanying key. The key has the corresponding parcel identification number for the parcel identified by the number and is in **TAB 7**. Map books for the Special Use Area Plan, both with and without topography, are attached as **TAB 4**. The parcels in the Special Use Area are additionally legally described in **TAB 12**.

2.3.2. Concept Plan

The Concept Plan attached as **TAB 5** displays the locations of above-ground facilities that are included as part of the Project, including wind turbines, three or more meteorological towers, site access roads, substations, an operations and maintenance building and underground and overhead transmission lines. The locations of these facilities are based on extensive analyses by LWP and its affiliates, their engineers, consultations with individual landowner on wind turbine and gravel access road locations as well as other advice from other consultants, and may change based on final engineering and Project criteria. Any such changes will conform to the requirements of the Zoning Ordinance and, in particular, the WECS Article. The Concept Plan attached in **TAB 5** consists of a map book with maps for the northern, central, and southern portions of the Special Use Area Plan.

TAB 5 also contains the general overhead transmission line routing map that depicts the general route that the overhead transmission line will follow to the point of interconnection with the utility's transmission system.

2.3.3. Site Plan

TAB 6 includes a Project preliminary Site Plan, which displays the locations of Project facilities (including guy lines and anchor bases, if any), including those above-ground facilities shown on the Concept Plan as well as dwellings, property lines, public and private access roads and

turnout locations, above and below ground electrical cabling, substation, operations and maintenance building, third party utility lines, all structures within 1,875 feet of a wind turbine, and the temporary construction staging area(s) and concrete batch plant(s).

A preliminary plot plan of the operations and maintenance building is attached as **TAB 17**. A preliminary plot plan of the Project Substation is attached as **TAB 17**. ComEd will determine the design of the ComEd Substation once it completes its Facility Study for the Project. LWP will provide the design to the County prior to requesting improvement location permits. Note that step up transformers associated with each wind turbine are not shown because they will be immediately adjacent to each wind turbine or inside the wind turbine tower as shown in the schematic in **TAB 16**.

2.3.4. Setback Maps

To avoid visual clutter on the Site Plan Map, all applicable setback lines are shown on the Setback Maps in **TAB 7**, including setbacks from primary structures, public roads, third party transmission lines, communication towers, adjacent property lines, incorporated villages and municipalities, and school property. Setbacks are discussed in more detail in Section 2.7 below. The Village of Cullom's, the Village of Emington's, and Tri-Point Community Unit School District #6J's Resolutions approving the development of the Project and waiving the applicable County setbacks are attached at **TAB 8**. The relevant lease terms waiving setbacks by participating landowners, where required, are attached as **TAB 7**.

2.4. OWNERSHIP AND PROPERTY INTEREST INFORMATION

LWP or its affiliates have entered into agreements with more than 230 Livingston County landowners. These landowners have voluntarily agreed to have a portion of the Project developed on their property. These agreements provide the rights necessary to build and operate the Project on these properties. LWP has submitted to the Livingston County zoning administrator two identical notebook size binders containing real estate and land control memoranda, which will be filed with the Livingston County Recorder, and that memorialize the existence of the real estate and land control documents that have been executed between LWP or its affiliates and each participating landowner.

TAB 10 provides the names and addresses of the landowners of the parcels or their designated representatives that make up the Special Use Area, including the present use and zoning district for each parcel. Phone numbers of the landowners or their designated representatives can be provided upon request and under confidential cover.

TAB 11 contains the names and mailing addresses (as reflected on tax bills) of all landowners owning property within 1.5 miles of the Special Use Area. All of the adjacent non-participating landowners also are graphically depicted in the Special Use Area Plan map described in Section 2.3.1 and contained in **TAB 4**.

TAB 12 contains the Legal Description of the Special Use Area. This is the area graphically depicted on the Special Use Area Plan of the participating landowners (**TAB 4**). Also provided are the County Assessor assigned property identification number(s) (PIN) of each of those parcels.

2.5. ECONOMIC BENEFITS

The Project represents an investment of approximately \$378 million in Livingston County. This infusion of investment will directly and indirectly benefit the community in Livingston County as summarized in this section. Most of the economic benefits described below are analyzed in more detail in the *Economic Impact Analysis for Livingston County Wind Project in Livingston County, Illinois*, attached as **TAB 13**, which was authored by Dr. David Loomis (“Economic Impact Analysis”). Dr. Loomis is the President of Strategic Economic Research, LLC, a Professor of Economics at Illinois State University, and the Co-Founder of the Center for Renewable Energy. Additionally, the Greater Livingston County Economic Development Council (“GLCEDC”) submitted a letter, attached as **TAB 14**, observing that the Project “will bring benefits to our local economy while balancing the interest our citizens.” The GLCEDC further states, “Given the Livingston County Wind Project is located in areas that support wind development, coupled with the significant economic benefits to our county’s residents, the GLCEDC respectfully requests Livingston County approve this project.”

2.5.1. New Source of Income to Local Farmers

LWP or its affiliates has entered into agreements with more than 230 landowners in Livingston County and each of these landowners has voluntarily agreed to have a portion of the Project developed on their property consistent with this Application. The Project is truly envisioned to be a cooperative effort with these landowners and, as a result, they are expected to share in over \$150 million in payments generated by the Project over the life of the Project. These payments will provide an additional source of revenue to local farmers helping to preserve their properties, their farms, and the community for future generations. This additional revenue stream complements the farmer’s productive land to protect against agricultural market fluctuations, which are sometimes influenced by factors outside of the control of local landowners like foreign geopolitical forces and the weather.

Further, LWP or its affiliates have offered Good Neighbor Agreements to all non-participating property owners who may be impacted by 15 or more hours of shadow flicker per year, using conservative assumptions. LWP or its affiliates offered the Good Neighbor Agreements notwithstanding that the Project is designed to limit shadow flicker to 30 or fewer hours per year on all non-waiving property owners’ primary structures, as provided in Section 56-619(e)(2) of the WECS Article. Such Good Neighbor Agreements provide a guaranteed monetary payment to the affected property owner in exchange for an acknowledgment of potential effects of the Project on the property owner’s property (such as shadow flicker), among other accommodations, even though the property owner is not hosting a Project component directly on his or her property. At the property owner’s discretion, monetary payments received as a result of the Good Neighbor Agreement can be used to mitigate

potential impacts from the Project on the property (such as by installing window treatments, vegetation, or fencing). A form Good Neighbor Agreement is attached at **TAB 15**. The Good Neighbor Agreements are entirely voluntarily and do not include a waiver of any setbacks or other requirements of the WECS Article, including limitations on noise and shadow flicker.

2.5.2. New Source of Revenue to Taxing Bodies

Taxing bodies that service this community will benefit from the substantial investment in the Project with little or no burden on these taxing bodies. Revenues will both be direct, in the form of taxes, and indirect, enhanced economic stability created by the revenues and salary income generated by the Project. In Illinois, utility-scale wind farms are taxed according to state statute. This ensures that every county, school, road authority, and township in the state gets the same tax valuation related benefits from the same improvements. The fair cash value of a wind turbine in Illinois is \$360,000 per megawatt of capacity beginning in 2007 and is annually adjusted for inflation and depreciation. The inflation adjustment, known as the “Trending Factor,” increases each year according to the Bureau of Labor Statistics’ Consumer Price Index for all cities for all items. The Trending Factor for assessment year 2020 is 1.29. Depreciation is allowed at 4% per year up to a maximum total depreciation of 70% of the trended real property cost basis.

Dr. Loomis, a professor at Illinois State University, estimates that the Project will pay an average of \$2.6 million per year in property taxes to the taxing bodies over the 40-year life of the Project (with payments near \$4 million in the early years of the Project). The expected total property taxes paid over the 40-year lifetime of the Project is over \$104.5 million.

For more detailed breakdowns of anticipated tax generation, see Tables 6 to 9 in the Economic Impact Analysis, **TAB 13**.

2.5.3. New Job Creation in Livingston County During Construction

LWP expects that the Project will create approximately 414 new local jobs during construction, including approximately 100 onsite and project development jobs, 267 jobs created in the supply chain, and 47 jobs induced through increased economic activity in the community. State-wide, the Project is expected to create a total of 1,277 jobs (directly and indirectly) during the construction phase.

The community will also benefit from induced impacts, particularly during construction. Such induced impacts are the result of increased economic activity in the area. Establishments County-wide that cater to Route 66 tourism, such as RV parks, hotels, bed and breakfasts, and restaurants, are expected to experience an increase in revenue.

2.5.4. Permanent Long-Term Jobs

The Project is expected to create 10 to 15 permanent full-time skilled jobs when fully operational for operations and maintenance of the wind farm, which includes approximately

ten direct hires by LWP to staff the operations and maintenance of the wind farm and approximately five on-site support roles such as janitorial and electricians. The Project is expected to spur approximately 18 additional long-term local jobs in the supply chain and through induced impacts. In total, the Project is expected to create approximately 33 new local permanent jobs (a combination of direct hires and downstream impacts).

2.6. ENVIRONMENTAL BENEFITS: CLEAN AND RENEWABLE ENERGY

The Project will generate enough electricity for approximately 113,000 residential homes and will do this without polluting the air or water or utilizing non-renewable fossil fuels. The development of this clean energy comes at no cost to Illinois ratepayers or Livingston County residents.

2.7. SETBACKS

The WECS Article requires setbacks from primary structures, public roads, third party transmission lines, communications towers, adjacent property lines, property lines of property containing primary structures, airports, and schools. **TAB 7** provides eight maps (including two overview maps and two three-page map books showing the northern, central, and southern portions of the Special Use Area in more detail) showing the setbacks from:

- a. Primary structures
- b. Public roads
- c. Third-party transmission lines and communications towers
- d. Property lines
- e. Incorporated villages and municipalities
- f. School property

Note that the center point of the Wind Turbine symbol on these maps indicates the location of the wind turbine position which is in all cases outside of the required setback area. For illustrative purposes and to provide for easier symbol recognition, the wind turbine symbols have been enlarged. The Project was specifically designed to exceed all applicable setbacks, except where expressly waived.

2.7.1. Primary Structures Setbacks

The WECS Article requires that, in Round Grove Township, Broughton Township, Union Township, and Sullivan Township, WECS towers shall be set back at least 3.75 times the height of the WECS tower or at least 1,640 feet, whichever is greater, from any primary structure. The setbacks for all primary structures located in the townships adjacent to Union, Broughton and Sullivan Townships are to be 3,250 feet from a WECS tower, complying with the setback requirements of those adjacent townships and not the lesser 1,640-foot setback for Union, Broughton and Sullivan Townships.

The distance for the setback shall be measured from the edge of the primary structure foundation closest to the WECS tower to the center of the WECS tower foundation. The owner of the primary structure may waive these setback requirements but in no case shall a WECS tower be located closer to a primary structure than 1.10 times the WECS tower height.

As demonstrated on the map at **TAB 7**, the Project complies with these setbacks.

All owners of participating parcels have agreed in their lease agreements to waive the setback requirement set forth in the WECS Article for primary structures. LWP has voluntarily set back WECS towers from participating primary structures a distance of at least three times the height of the WECS tower. **TAB 7** includes a document with the language in every participating property owner's lease waiving the County's setback requirements. The document in **TAB 7** also includes a list of the participating property owners with primary structures more than 1,500 feet and fewer than 1,875 feet from a proposed turbine location and who have thus waived the County's setback requirement pursuant to their lease.

Pursuant to WECS Article § 56-618(n), final wind turbine locations may be moved up to 100 feet from the siting approved by the County Board. Such minor adjustments could be made during the final siting and engineering of the Project. The document attached at the end of **TAB 7** includes a list of the participating property owners with primary structures more than 1,875 feet and fewer than 1,975 feet from a proposed turbine location and whose waiver of County setback requirements in their lease may become relevant if a turbine is moved up to 100 feet as allowed by the WECS Article § 56-618(n).

As further discussed in Sections 2.12.5 and 2.13 respectively, the Project also complies with all shadow flicker and noise limitations required by the WECS Article for all primary structures on both participating and nonparticipating properties.

2.7.2. Public Roads, Third Party Transmission Lines, Communication Towers Setbacks, and Microwave Paths

The WECS Article requires that all WECS towers be set back a distance of 1.10 times the WECS tower height from public roads, third party transmission lines, and communication towers. The county may waive this setback requirement.

As demonstrated on the map at **TAB 7**, the Project complies with these setbacks.

2.7.3. Property Line Setbacks

The WECS Article requires that, in Round Grove Township, Broughton Township, Union Township, and Sullivan Township, WECS towers shall be set back a distance of at least 1.375 times the height of the tower from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

As demonstrated on the map at **TAB 7**, the Project generally complies with the WECS Article property line setbacks. In a limited number of cases, LWP is proposing to site a tower within

the property line setback required by the WECS Article, but all affected landowners have waived the setback in those cases. Upon final engineering, LWP will re-confirm compliance with all setbacks and applicable waivers to the extent required.

2.7.4. Substation Setbacks from Property Lines

The WECS Article requires that WECS substations shall be set back 1,600 feet from the property line of any property containing a primary structure. LWP is seeking permission in this Application to construct two substations. The first substation (the “Project Substation”) is expected to be located in Broughton Township and will collect electricity from all of the Project turbines and step up the electricity to 345 kV for transmittal to the second substation.

The second substation (the “ComEd Substation”) will be constructed on the northern half of parcel 06-06-31-300-022 in Round Grove Township (the “ComEd Substation Parcel”) and will occupy approximately eight acres. LWP has an option to purchase the ComEd Substation Parcel and will own that parcel during construction of the ComEd Substation. The ComEd Substation Parcel is adjacent to an existing Commonwealth Edison (“ComEd”) transmission line and the ComEd Substation will connect into the ComEd transmission line to transmit energy generated by the Project into the PJM grid. After constructing the ComEd Substation, LWP will convey the ComEd Substation and the ComEd Substation Parcel—including all rights in the special use permit and improvement location permits as they pertain to the ComEd Substation—to ComEd prior to full commercial operation of the Project. ComEd will then control the ComEd Substation as required by LWP’s interconnection agreement with PJM.

Once transferred to ComEd, the applicable setback in the WECS Article to substations will no longer apply to the ComEd Substation because the ComEd Substation and ComEd Substation Parcel will be owned by a public utility under the Illinois Public Utility Act. Nevertheless, at the time of construction of the ComEd Substation, the ComEd Substation Parcel may still be owned by LWP and the ComEd Substation will be fewer than 1,600 feet from the property line of a property containing a primary structure. Although the ComEd Substation will be fewer than 1,600 feet to the property line of a property containing a primary structure, the ComEd Substation will be located over 2,500 feet from that primary structure on the affected property.

LWP is concurrently seeking a variance from the property line setback for the ComEd Substation. LWP will accept a condition on the variance requiring confirmation that LWP will convey the ComEd Substation and ComEd Substation Parcel to ComEd. The variance application, while being separately filed, is attached to this Application Binder at **TAB 9** for reference and includes a map of the ComEd Substation in relation to the property line at issue drawn to scale. As set forth in the variance application, which is incorporated herein, the requested variance satisfies all state and county standards for variations. Without the variance, LWP and the entire Project will suffer a severe hardship because there is no other place to site the ComEd Substation with direct access to the ComEd transmission line. The current property line setback in the WECS Article as it applies to LWP makes constructing the ComEd Substation on the ComEd Substation Parcel impossible. This creates a significant difficulty and hardship for the Project to interconnect with the ComEd transmission line and, ultimately, the PJM grid.

The affected property owner, whose property line is the subject of the variance request, has submitted a letter in support of the variance from the setback, which is also attached under **TAB 9**.

2.7.5. Setback from Aviation-Related Activities

There are no aviation-related activities, including airstrips, within close proximity of the Project. The Project complies with this setback.

2.7.6. Transmission Line Setbacks

The WECS Article requires that above ground transmission facilities and transmission poles be set back 150 feet from any portion of the edge of a primary structure. The Project complies with this setback requirement.

2.7.7. Environmental Setbacks

Although not required by the WECS Article, the Project will adhere to the environmental setbacks suggested by the Illinois Department of Natural Resources (“IDNR”) in its February 18, 2022 letter to the County following EDFR’s request for an EcoCat consultation, except where final engineering supports construction of a turbine at a location that is within the recommended setback by the IDNR and the Project has obtained separate landowner support for siting at that location. The IDNR letter is included at **TAB 24**. The only turbine that LWP anticipates constructing within the environmental setback suggested by the IDNR is the following:

- Turbine M8 is within a recommended riparian setback. Siting this turbine at this location is necessary to otherwise comply with the jurisdictional setbacks required by the County and to ensure that the turbine does not cause shadow flicker or noise that exceeds the allowances authorized by the WECS Article and the Illinois Pollution Control Board regulations. LWP or its affiliates obtained support from the affected landowner for the siting of Turbine M8 at that location, which is included in **TAB 24**.

2.8. APPROVALS AND SETBACK WAIVERS BY MUNICIPALITIES AND SCHOOL DISTRICTS

The WECS Article requires that an incorporated village or municipality approve the location of any WECS tower to be located within one and a half miles of the corporate limits of such incorporated village or municipality.

The preliminary Site Plan anticipates that LWP may locate up to five WECS towers within one and a half miles of the Village of Cullom and up to eight WECS towers within one and a half miles of the Village of Emington. Both Villages passed resolutions approving the Project and the siting of turbines within one and a half miles of their respective corporate limits pursuant to the WECS Article, and both Villages executed letters to the Livingston County Board in support of

this Project. The resolutions and letters for both the Village of Cullom and the Village of Emington are attached under **TAB 8**.

The WECS Article requires that all WECS towers be constructed at least 1.5 miles from the property line of a school district, but also allows affected school districts to waive that setback requirement. The only school district affected by the Project is Tri-Point Community Unit School District #6J. The school district's Resolution approving the development of the Project and waiving the applicable County setback is attached at **TAB 8**.

2.9. WIND TURBINES

LWP requests approval of a special use permit to construct a maximum of 88 wind turbines in Livingston County. At the time of the filing of this Application, 81 of the proposed wind turbine locations are "primary." Seven of the proposed wind turbine locations are "alternates." Upon final engineering and siting, LWP may determine that one or more primary locations are not feasible for the Project and will substitute one or more of the seven alternate locations. At this time, LWP expects to construct up to 81 total wind turbines. The aggregate net generating capacity will be approximately 255 MW, depending on the capacity of the turbine model selected. Each turbine has the capacity to generate approximately 3–5.5 MW, and will be fully automatic, self-regulating, and designed to operate in the climatic conditions found at the site. The foundation will be designed based on the load information provided by the wind turbine manufacturer and the load bearing characteristics. Geotechnical investigations will be undertaken to ensure that the custom engineered foundation designs are appropriate for the soil conditions and seismic conditions in the area. The foundations will all meet applicable federal, state, and local building standards.

Wind turbines feature a generator housing or nacelle mounted on a tubular steel tower on the foundation. The nacelle houses the generator and gearbox and supports the rotor and three blades at the hub. The tower supports and provides access to the nacelle. A drawing of a wind turbine is attached as **TAB 16**. The maximum tower height from base to hub will likely vary between approximately 260 and 270 feet (79.5 and 82 meters) with the maximum rotor diameter varying between approximately 459 and 475 feet (140 and 145 meters) corresponding to a maximum blade length of varying between approximately 225 and 232 feet, with exact specifications depending on the model ultimately selected by LWP. The combination of hub height plus rotor diameter ultimately used by LWP upon final engineering will not result in a height, when the blade swings to the 12-o'clock position, exceeding the maximum permissible height of 500 feet.

The wind turbine supplier for the Project has not yet been selected and final selection of a turbine model will depend on several factors, including but not limited to final engineering, availability, market conditions, and existing technology. However, **TAB 16** provides publicly available promotional materials on potential wind turbine models being considered at this time, which are manufactured by General Electric, Siemens Gamesa and Vestas, three of the largest wind turbine manufacturers in the world. The turbines selected for the Project will be substantially similar to the turbines depicted in **TAB 16**, if not the same.

2.10. DESIGN AND INSTALLATION

2.10.1. Design Safety Certification

The wind turbines will conform to applicable industry standards, including those of the American National Standards Institute (ANSI). After turbines have been selected for the Project, and prior to construction, LWP will submit certificates of design compliance showing that the wind turbines have been manufactured in conformity with industry standards. Such certificates shall be obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energic, or an equivalent third party. As part of the improvement location permit process, a Licensed Illinois Professional Engineer will certify that the foundation and tower design of the wind turbines are within accepted professional standards given local soil and climate conditions. Design Safety Certificates for the turbines being considered at this time are included in **TAB 16**. If different turbines are selected, then the Design Safety Certificates will be provided to the County as part of the application for improvement location permits.

2.10.2. Controls and Brakes

All turbines constructed by LWP are equipped with control systems and brakes, including a redundant braking system. All turbines are controlled by the supervisory control and data acquisition (“SCADA”) system that detects over-speed situations. The SCADA system commands aerodynamic over-speed controls including variable pitch rotor blades which feather or rotate the blades to a no lift condition, thereby halting rotor movement. In addition, mechanical disc brakes acting on the main rotor shaft are operated in a fail-safe mode to provide a redundant means of halting the rotor movement.

2.10.3. Electrical Components

The Project’s electrical system will consist of the following: (1) the collection system, which will collect energy generated by each wind turbine, increase voltage through step up transformers and deliver it via electric cables, which will be primarily, if not entirely, underground, to (2) the Project Substation, where transformers will increase the voltage before delivering power (3) via the Project’s high-voltage transmission line to the ComEd Substation and then on to the bulk high-voltage transmission system managed by the PJM regional transmission organization. All electrical components will conform to applicable local, state, and national codes, and relevant national and international standards, such as ANSI and the International Electrical Commission.

Each wind turbine will generate electricity at approximately 600 volts (voltage may vary depending on the turbine model that is ultimately selected for the Project). A transformer next to, or inside of, each tower will increase the voltage to 34.5 kV. From there, power will be transmitted via electric cables. Most, if not all, of the cables will be buried approximately 4 or more feet below the ground surface (depending on agreements with landowners). In areas where collector cables from several strings of turbines follow the same alignment (for example, near the substation), multiple sets of cables may be installed within a single trench or parallel adjacent trenches where practicable. These electrical cables will generally be alongside, above,

or below the fiber optic cables of the SCADA system which monitors wind farm operations at all times.

In any locations where overhead structures are preferable from an environmental, landowner, or engineering point of view, some of the collector lines might be constructed above ground, on pole structures for short distances.

As described in Section 2.7.4, the Project Substation is expected to be located in Broughton Township, as shown on the Site Plan. The Project Substation increases the collection system voltage to 345 kV for delivery to the regional high voltage transmission system. The Project Substation will transmit the electricity via a high-voltage transmission line to the ComEd Substation located in Round Grove Township. The ComEd Substation will be a graveled, fenced area approximately 9 acres, with breakers, buswork, switching equipment to connect the ComEd Substation to the ComEd high-voltage transmission lines, and a parking area.

A number of meteorological towers will be installed at locations to be determined. Potential locations under consideration are set forth on the preliminary Site Plan. The current preliminary Site Plan indicates four sites under consideration in Sullivan Township and one site under consideration in Broughton Township. The number and locations of meteorological towers ultimately constructed will depend on final engineering and the WECS turbine model(s) used. The permanent meteorological tower(s) will collect wind speed and direction data throughout the life of the Project at several different heights. The meteorological tower(s), including the lightning rod, will be up to approximately 291 feet (88.6 meters) tall. Unguyed (i.e. self-supporting) or guyed towers could be employed. **TAB 18** displays examples of both types of towers.

Final locations of all electrical components depend on a number of factors, such as engineering, and will be submitted in advance of LWP's improvement location permit application.

2.10.4. Color

The wind turbine towers and blades will be uniformly painted a non-reflective, unobtrusive neutral gray or white color approved by the Federal Aviation Administration (FAA) for daylight marking. No advertisement will be visible on the blades or towers. All surfaces are sandblasted and multi-layer coated for protection against corrosion.

2.10.5. Compliance with the Federal Aviation Administration

Once the FAA finalizes its review and approval of the lighting plan (see Section 2.10.11. below), and prior to start of construction, a copy of the approved lighting plan will be provided to the County Zoning Enforcement Officer. The Project will comply with all FAA requirements.

2.10.6. Warnings

Livingston Wind and its contractors will use temporary and permanent warning signs during construction and operation of the Project to prevent unauthorized access to equipment and spaces. Signage will be consistent with Section 56-618(f) of the WECS Article, and will include the following:

- (1) A reasonably visible warning sign concerning voltage will be placed at the base of all pad-mounted transformers and substations.
- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape will be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- (3) Upon completion of the project, a reasonable visible sign to warn people to not approach a turbine while operating will be placed at the entrance of each access road.
- (4) Upon completion of the project, a sign that provides emergency contact information will be posted on or near the operations and maintenance building.
- (5) The signs in items (3) and (4) above will be made with letters and numbers at least 3 inches in height and will include the 911 address and an emergency phone number of the Operator which will be answered 24 hours a day by a live operator. A non-emergency phone number for the Operator will also be displayed. These phone numbers will remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Livingston County zoning administrator on a monthly basis. The recorded calls will be maintained for at least 12 months.

Temporary signage used during construction of the Project will be removed from the Project area upon commercial operation.

2.10.7. Climb Prevention

Interior access to the wind turbines and to the substations (including the Project Substation and ComEd Substation) will be limited to wind farm employees. Modern commercial-scale turbines are mounted on tubular towers, which are smooth, tapered monopole structures and virtually un-climbable. The only climbing access is by the ladder located inside the tower. The door to the tower is kept locked, prohibiting unauthorized entry. The towers feature a locked entry door made of heavy steel, and an internal vertical ladder with several safety platforms for access to the generator housing. A controller cabinet will be located inside each tower at its base. Only authorized, trained personnel with keys to the towers will be able to gain entry to the tower. These and other features prevent unauthorized public access. The substations will be fenced to prevent unauthorized access.

2.10.8. Setbacks

The Project will comply with all applicable setbacks. See Section 2.7 above.

Additionally, the Project will not encroach on a public or private sewage disposal or septic system. The WECS towers are purposefully sited far away from any building and are highly unlikely to encounter any unrecorded private septic system. The final engineering of the Project will address any potential issues and ensure that the Project will not encroach on sewage disposal or septic systems.

2.10.9. Use of Public Roads

The Special Use Area Plans, Concept Plans, and Site Plans (attached at **TABS 4, 5, and 6** respectively) show the roads and right of ways that we anticipate will be utilized by the Project. LWP and its affiliates believe strongly in working with local officials and have met with county and township road officials as part of our nearly four-year long planning effort to bring the Project to Livingston County. LWP is committed to repairing any road damage caused by the construction, operations, maintenance, or removal of the Project. The County and Township road officials have retained the services of a local attorney to work out a final road transportation agreement between LWP and each road jurisdiction. As part of the road transportation agreement, LWP has identified public roads that it expects will be used for construction purposes in consultation with the Township Road Commissioners and the County Engineer. LWP is currently negotiating an agreement with the relevant road authorities concerning applicable weight and size permits, the method to assess potential future damage, and financial assurance to repair any damage caused by construction, operation, or maintenance of the WECS. The road use agreement will include those items required by the WECS Article and LWP will provide the County Zoning Administrator with signed copies of the agreements with the relevant road authorities pertaining to the use of public roads.

LWP will also appoint a transportation coordinator prior to the start of construction. The transportation coordinator will be responsible for communicating on a regular basis, and, if necessary, on an emergency basis, with the Township Road Commissioners and the County Engineer. In addition, the transportation coordinator will be responsible for communications with law enforcement officials, emergency service providers and school officials in order to minimize any transportation disruptions as a result of construction activities.

2.10.10. Height

The Project will adhere to all applicable height restrictions. The wind towers utilized by the Project will be no taller than 500 feet. See Section 2.9 above.

2.10.11. Lighting

LWP plans to work closely with the Federal Aviation Administration (FAA) regarding Project lighting. The FAA requires obstruction lighting or marking of structures over 200 feet above mean

sea level because structures of this height are considered obstructions to air navigation. The Project will meet the FAA lighting requirements while mitigating the visual impact of lighting to the degree practicable.

The FAA requires synchronized red lights from Project turbines. Lighting on other support buildings and structures will be downward facing to reduce glare. A single, medium intensity aviation warning light will be attached to the top of the turbine nacelles. These lights are anticipated to be flashing red strobes (L-864) that operate only at night. Additionally, LWP is seeking approval from the FAA to install an Aircraft Detection Lighting System (ADLS). The system is designed to automatically turn on the wind turbine obstruction lights when an aircraft is within proximity to the wind facility. When the aircraft is safely past, the lights will turn off to preserve the night sky.

The FAA has a specific evaluation process for each wind farm and turbine location. This evaluation results in a customized lighting plan for the Project in accordance with their Advisory Circular AC 70/7460-1K. The plan creates a distinct pattern that is easily recognized and avoided by passing aircraft while minimizing the overall number of lights. All FAA-required lights will be placed on the top of the turbine nacelles for maximum aerial visibility and will be red, synchronized flashing lights unless otherwise stipulated and approved by the FAA.

2.10.12. Agricultural Impact Mitigation Agreement

LWP will comply with all terms of the Agricultural Impact Mitigation Agreement (“AIMA”) as approved by the Department of Agriculture and attached as **TAB 19**, except where modified by private landowner agreements as permitted in the AIMA.

2.10.13. Project Changes

Pursuant to § 56-618(n) of the WECS Article, if the Project intends to move the siting of a turbine more than 100 feet from the siting identified in this Application, then LWP, through the use of a qualified professional, shall appropriately demonstrate compliance with the noise requirements at a hearing to amend the special use.

2.10.14. Access Roads

Construction of the Project will require constructing new gravel all-weather access roads for construction vehicles and for operations and maintenance vehicles. Typical access roads during the operations phase of the wind farm are approximately 16–18 feet wide. During construction, roads used by the cranes may be up to 50 feet wide, but the excess width (i.e. width greater than 16-18 feet) will be reclaimed at the end of construction and will continue to be available for agricultural purposes. The expected locations of the access roads are shown on the Concept Plan and on the Site Plan.

2.10.15. Drainage Repair

LWP is committed to working with landowners and local officials, including drainage district commissioners, as necessary, to identify and repair damage to waterways, drainage ditches, field tiles, or any other infrastructure caused by the Project during the construction or maintenance of the Project.

The landowners' leases all include the following provision to which LWP has agreed:

"Underground Electrical Lines and Drainage Tiles. At Grantee's option, either (i) Grantee will hire a local tiling firm to do any trenching work on the Property in connection with the installation of underground electrical lines, or (ii) Grantee will allow all of the landowners in the Project collectively to select a local tiling consultant to be present during trenching work for the Project, and Grantee will pay such consultant at standard local long-term rates. Grantee will install its underground electrical lines at least four (4) feet below the soil surface so long as soil conditions do not make it commercially impracticable to do so, unless Owner consents to a lesser depth. During construction, if Grantee encounters underground drainage tiles while trenching for underground electrical lines, Grantee shall install its underground electrical lines below the drainage tiles unless the drainage tiles are six (6) feet or more below the surface, in which case Grantee shall install its underground electrical lines above the drainage tiles. After the Commercial Operations Date, Grantee shall provide Owner with a site map showing the "as built" location of the underground electrical lines on the Property (using GPS coordinates) and will place field markers at the edge of fields and take any other measures that are required by the JULIE or county permits to mark the location of the underground electrical lines, *provided* that marker tape placed in the trenches for the underground lines shall be at least two (2) feet below the soil surface. After Owner's receipt of the "as built" site map, Owner shall notify Grantee at least seven (7) days in advance of installing, or at least two (2) days in advance of repairing, underground drainage tiles or doing other soil-disturbing activities above or near Grantee's underground lines and shall indemnify Grantee for any damage to or interruption in service of such underground lines, provided such electrical lines are buried at least four (4) feet below the soil surface.

Grantee shall repair all drainage tiles on the Property that are (x) broken as a result of construction of any Windpower Facilities installed by or at the direction of Grantee or (y) broken as a result of Grantee's construction, operations or maintenance activities on the Property (whether before, during or after construction of the Wind Farm) (including any drainage tiles damaged along the path traversed by the main erection crane during any construction or repair of the Wind Farm).

This language protects the property owner from drainage tile damage caused by the Project.

2.11. CONSTRUCTION

One of the benefits of wind farm construction is the limited duration of the construction period. Construction of the Project is expected to last no more than 8–10 months of active construction (“active construction” does not include clean up, removal of construction materials, restoration of area temporarily disturbed during construction, and road repairs). During this period of active construction, an average of approximately 100 to 150 people will be employed for direct project development and onsite labor. Prior to construction, a geotechnical investigation will be undertaken to identify subsurface conditions. The results of that investigation will be instrumental in designing foundations, underground improvements and access roads. After final engineering design and issuance of building permits, construction will commence with groundwork, roadways and foundations. Erosion and storm water controls, such as hay bales, silt fences, and diversion ditches in some areas will be used to control storm water runoff during construction in accordance with local, state, and federal regulations and agreements with landowners.

During construction, turbine and other components will typically be delivered to the Project on flatbed transport trucks. The largest components will be off-loaded at each turbine site. Turbine erection is performed in multiple stages including the following: setting of the bus cabinet and ground control panels on the foundation; erection of the tower (usually in three to four sections); erection of the nacelle; assembly and erection of the rotor; connection and termination of the internal cables; and inspection and testing of the electrical system prior to energization. Construction is not considered complete until clean-up, removal of construction materials, restoration of areas temporarily disturbed during construction, and road repair are finished.

2.12. OPERATION

2.12.1. Maintenance

The Project will have an operations and maintenance (“O&M”) staff of approximately 10 employees servicing the wind farm. The exact number of employees will depend on the make and model of turbine, as well as manufacturer’s requirements. O&M personnel will perform routine and preventive maintenance on the wind turbines and other facilities making up the Project to ensure the highest possible level of operating efficiency and wind turbine availability.

The O&M staff will typically work forty hours per week, Monday through Friday. The Project’s SCADA system monitors wind farm operations around the clock. Even when employees are not present on site, the SCADA system can automatically contact an on-call employee as necessary.

The general operation and maintenance of the wind farm include, at a minimum, the following tasks:

Perform all scheduled maintenance, including periodic operational checks and tests and regular preventive maintenance, required on all wind turbines and associated facilities in accordance with the manufacturer's recommendations;

Operate all wind turbines and associated facilities, including full-time (forty hours per week) staffing of the wind farm, 24/7 remote monitoring of the wind turbines and associated facilities and remote resets of the wind turbines and associated facilities via the SCADA system;

Operate and maintain the systems for controlling, gathering, and analyzing data from the wind turbines and associated facilities;

Maintain all technical bulletins and revisions to the O&M procedures manual as received by Owner from equipment manufacturers;

Employ, train, and supervise the work force necessary to operate and maintain the wind farm and related facilities in good working order;

Exercise of reasonable site security of the wind farm and related facilities which shall include locking all gates and doors, and checking integrity of fences and gates;

Procure spare parts for the wind turbines and related facilities as necessary to ensure the smooth and continued operation of the wind farm.

LWP will submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the annual summary, LWP will furnish operation and maintenance reports as the County reasonably requests.

Prior to making any physical modification (other than a like-kind modification), LWP will confer with a relevant third-party certifying entity as identified in § 56-618(a)(1) of the WECS Article to determine whether the physical modification requires re-recertification, and by a professional engineer as determined by the county zoning administrator (the cost of which LWP will pay). LWP will recertify all physical modifications to the Project that alter the mechanical load, mechanical load path, or major electrical components consistent with § 56-618(a)(1) of the WECS Article.

Pursuant to the WECS Article, LWP will obtain written approvals by the county zoning administration of any like-kind replacements of individual WECS towers.

LWP will obtain an amendment to the special use permit for any equipment replacement that is not a like-kind replacement.

2.12.2. Interference

In order to ensure that the Project will not disrupt microwave communications in the area, LWP or its affiliates retained the services of Evans Engineering Solutions, LLC, a provider of spectrum

management services, to advise on licensed microwave transmission paths in the Project area. A copy of Evans Engineering Solutions, LLC's report is attached as **TAB 20**. Evans Engineering Solutions, LLC located eight microwave paths in the vicinity of the proposed wind farm. No turbines are expected to penetrate any microwave beams based on the Site Plan. The Site Plan was developed and designed based on the beam paths, providing for prudent setbacks to ensure that wind turbine blade movement does not intersect with a given beam path.

Notification of the Project was sent to the National Telecommunications and Information Administration. In addition, LWP or its affiliates sent notification letters including site plans, Project descriptions, and the Evans Engineering Solutions, LLC report to the Vermillion Valley Regional Emergency Communication Joint Authority ("VCom"). If any of the microwave transmission providers or any of the local emergency service providers demonstrate a likelihood of interference with their communications resulting from this Project, LWP will take reasonable measures to mitigate such anticipated interference. Also, if LWP receives a written complaint related to interference of microwave transmission providers or local emergency service providers after construction of the Project, then LWP will take steps to respond to and rectify the complaint.

Evans Engineering Solutions, LLC also conducted an assessment of potential interference with local broadcast residential television and wireless internet services. The assessment does not demonstrate a likelihood of interference resulting from the Project. If, after construction of the Project, LWP receives a reasonable written complaint related to interference with local broadcast residential television or wireless internet services, then LWP will take steps to rectify the complaint, such as providing alternate service to each individual resident or property owner affected.

2.12.3. Coordination with Local Fire Department

Attached as **TAB 21** is an Emergency Response Plan developed by LWP or its affiliates and used on wind energy cultivation projects across the United States and globally. Prior to obtaining improvement location permits for the Project, LWP will submit a copy of the Site Plan and Emergency Response Plan to the local fire district and will collaborate with the local fire protection district to further develop the Emergency Response Plan for local needs, if necessary. The Project complies with all applicable fire laws and regulations.

2.12.4. Materials Handling, Storage and Disposal

All solid wastes related to the construction, operation, and maintenance of the wind farm will be removed from the site promptly and disposed of in accordance with all federal, state, and local laws. Additionally, all hazardous materials related to the construction, operation, and maintenance of the Project will be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

Some minor and potentially hazardous fluids related to turbine lubrication and other maintenance will be required on site, similar to those used to maintain standard farming and

other mechanical equipment. Such hazardous fluids will be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

2.12.5. Mitigation of Shadow Flicker

LWP hired ReGenerate Consulting to conduct an analysis on the potential shadow flicker on adjacent properties and that analysis is attached as **TAB 22**. The analysis identifies the locations of anticipated shadow flicker and the anticipated durations of the flicker over the course of a year. As demonstrated in the ReGenerate Consulting study, shadow flicker does not affect any participating or non-participating primary structures for more than 30 hours per year. Further, LWP has taken measures to alleviate the effects of shadow flicker on all impacted primary structures, including by offering to enter into Good Neighbor Agreements with adjacent non-participating property owners that may be impacted by shadow flicker for more than 15 hours per year from the Project.

Such Good Neighbor Agreements provide a guaranteed monetary payment to the affected property owner in exchange for an acknowledgment of potential effects of the Project on the property owner's property (such as shadow flicker), among other accommodations, even though the property owner is not hosting a Project component directly on his or her property. At the property owner's discretion, monetary payments received as a result of the Good Neighbor Agreement can be used to mitigate potential impacts from the Project on the property (such as by installing window treatments, vegetation, or fencing). A form Good Neighbor Agreement is attached at **TAB 14**. The Good Neighbor Agreements are entirely voluntarily and do not include a waiver of any setbacks or other requirements of the WECS Article, including limitations on noise and shadow flicker.

If any WECS towers are relocated in accordance with the WECS Article from the anticipated location set forth on the Site Plan after a Special Use Permit is approved, then the Applicant will submit an updated shadow flicker analysis upon application for an improvement location permit.

2.13. NOISE LEVELS

LWP or its affiliates have undertaken an extensive analysis to design the Project in compliance with the strict and detailed Illinois Pollution Control Board ("IPCB") noise regulations applicable to the Project. Turbines have been sited to ensure compliance with the IPCB requirements.

To confirm that noise levels generated by wind turbines comply with the IPCB noise requirements, LWP or its affiliates retained a leading noise consultant: ReGenerate Consulting. ReGenerate Consulting conducted a thorough study measuring sound pressure levels in accordance with IPCB regulations, and measured sound pressure levels at points no more than 150 feet from primary structures to comply with the WECS Article's more conservative noise regulations. To the extent a property had more than one use or classification, ReGenerate Consulting measured to confirm that all the land utilized for a particular use will not exceed the IPCB noise regulations for that classification or use. ReGenerate Consulting's Acoustic Noise

Assessment is found at **TAB 23** and demonstrates that the Project will comply with IPCB regulations.

All participating property owners have signed leases in which they agree to waive the measurement distance for compliance with the county noise requirements for the participating property owner's property.

If any WECS towers are relocated in accordance with the WECS Article from the anticipated location set forth on the Site Plan after a Special Use Permit is approved, then the Applicant will submit an updated sound analysis upon application for an improvement location permit.

2.14. BIRDS AND BATS

LWP or its affiliates retained the services of Western Ecosystems Technology, Inc. ("WEST") to perform a study of avian and other wildlife habitat in the Project area (the "WEST Study"). The WEST Study is attached at **TAB 25**. WEST is a leading expert on wind turbines and wildlife. A statement of WEST's experience in providing environmental analyses for wind farms, along with resumes of the WEST biologists performing the study, are included in the WEST Study. The WEST Study notes that post-construction studies completed at neighboring Kelly Creek and Pilot Hill did not indicate a potential for significant adverse impacts, and no federally or state-listed bird or bat species were documented during two years of post-construction monitoring at Kelly Creek and four years at Pilot Hill. Though there could be some impacts to bats, the WEST Study indicates that such impacts would be similar to that of the Kelly Creek and Pilot Hill projects and would not impact federally or state-listed bat species. LWP continues to coordinate with IDNR for an adaptive management plan with IDNR to minimize impacts to birds and bats.

2.15. PUBLIC PARTICIPATION AND PRE-APPLICATION

The WECS Article, section 56-622, requires, "At least 90 days prior to the submission of any WECS application, the applicant shall make a reasonable effort to inform members of the public of the proposed project. Mailings and notices of public community meetings or open houses shall be sent out to landowners and residences within the footprint and to landowners and residences within one and a half miles of the proposed outside boundary of the project. These mailings should make reference to where additional information can be obtained regarding the proposed project. Advertisements in local newspapers and at least one community meeting are also required."

Consistent with the requirement in § 56-622 and in consultation with the county zoning administrator, LWP collated property owner information for all properties within the Special Use Area and all properties within one and a half miles of the Special Use Area through a review of the property tax records for each parcel maintained by the county assessor. Some parcels within one and a half miles of the Special Use Area are in Ford and Kankakee Counties, so LWP relied on property tax records maintained by the Ford or Kankakee County Assessor for those properties, respectively. LWP sent notice letters to the addresses of the property owners listed

on tax records that notified the property owners of LWP’s intent to file a special use permit application for the Project, provided information about the Project, referenced to where additional information about the Project could be obtained, and invited the property owner to a community meeting. LWP also sent notice letters to the “current resident” at each address for a property in the Special Use Area or within one and a half miles of the Special Use Area, even if the property owner’s address was listed as something other than the parcel address. Overall, LWP sent 3,330 notice letters on January 21, January 24, and January 25. Affidavits of the mailing from LWP’s vendors (Office Depot and Polsinelli) are attached at **TAB 26**, including an example of the notice letter sent and a list of each person and address to which LWP sent a notice letter.

LWP also ran advertisements in the Pontiac Daily Leader and the Paper on January 12, 2022. Those advertisements also included a notice of LWP’s intent to file a special use permit application for the Project, information about the Project, referenced to where additional information about the Project could be obtained, and invited all interested persons to the community meeting (along with date, time and place of the meeting). Certificates of publication, along with copies of the publication, are attached at **TAB 26**.

LWP hosted a community meeting on Tuesday, February 8th, 2022 from 4:30 to 7:30 p.m. at the Tri-Point High School at 100 East Van Alstyne Street, Cullom, Illinois. It was attended by approximately 200–300 people. A total of 11 employees, consultants, and representatives of LWP or its affiliates were present and spoke with members of the community in an open-house style forum. LWP assisted members of the community locate their properties on a map and explained what impact, if any, the Project would have on their property. LWP also had information boards and handouts that provided information about LWP, its affiliates, and the Project.

2.16. LIABILITY INSURANCE

LWP will obtain general liability insurance covering bodily injury and property damage sufficient to cover the limits set forth in § 56-623 of the WECS Article from the date of the improvement location permit until decommissioning. A certificate of insurance will be provided to Livingston County prior to the start of construction.

2.17. DECOMMISSIONING PLAN

Absent major capital improvements, the Project is expected to have a useful life of 40 years or more. However, the wind farm may be “repowered” by replacing existing wind turbines, towers, and other infrastructure with new, more efficient turbines and related equipment or otherwise refurbished. If the wind farm is repowered or refurbished, it could have a useful life significantly longer than 40 years.

Any decommissioning of the wind farm will be conducted in accordance with the Decommissioning Plan attached as **TAB 27**. LWP’s and its affiliate’s agreements with Project landowners also provide conditions and requirements for the removal of the wind farm

equipment and restoration of the land. All decommissioning will be conducted in accordance with the terms of the agreements with the Project landowners and in accordance with the Decommissioning Plan.

The Decommissioning Plan details how the facilities will be removed, as described further below, and how the sites and roads will be restored to their original condition. The Decommissioning Plan provides that LWP will submit a road network plan to the County prior to decommissioning activities and that all roads identified in the road network plan will be restored to their original condition upon completion of decommissioning.

The first step in decommissioning is the dismantling of turbines, towers, pad-mounted transformers, substations, and related above-ground equipment. Turbine towers, nacelles, pad-mounted transformers, substations, and related above-ground equipment have considerable value and are removed and sold. Unsalvageable material is disposed of at authorized sites. Subsequent steps in decommissioning are the removal of concrete turbine pads and any other underground facilities to the greater of (i) four feet below the soil surface or (ii) the depth required by agreements with the Project landowners. The final step in decommissioning is the removal of Project roads. Decommissioned roads are reclaimed to restore the surface grade and soil to a condition suitable for agriculture. If a landowner desires, roads are left in place. Removal of below ground facilities is conducted in order to allow agricultural use of the area after decommissioning. Restoration procedures include re-grading to restore soil and original contours.

As required by the WECS Article § 56-624, the Decommissioning Plan attached at **TAB 27** includes an estimate of the decommissioning costs certified by a professional engineer. That estimate may be updated upon final siting and engineering. Financial assurance will be secured by LWP for the purpose of adequately performing decommissioning in an amount equal to the professional engineer's certified estimate of the decommissioning costs (which is calculated as net of the salvage value of the improvements) and the cost to continue insurance coverage at the level specified in § 56-623 of the WECS Article.

2.18. ARCHEOLOGICAL LITERATURE REVIEW

A Cultural Resources Desktop Literature Review was completed by Westwood Professional Services on behalf of LWP. The literature review included file search of the Historic and Architectural Resources Geographic Information System ("HARGIS") and the Illinois Inventory of Archaeological Sites ("IIAS") maintained by the Historic Preservation Division of the IDNR on June 26, 2019 by Westwood Cultural Resources Manager Ryan Grohnke. The review was completed to gather restricted and publicly available information on previously recorded cultural resources within and one mile around the Project area. The literature review was updated in January 2022.

Review of the IIAS database indicates that eight archaeological sites have been previously recorded within one mile of the Project area, none of which are within the Project area boundaries. The sites consist of one prehistoric artifact scatter and seven historic archaeological

sites. All of the sites have been recommended not eligible for listing in the National Register of Historic Places (“NRHP”). Seven cemeteries are located within one mile of, but outside of, participating Project parcels according to the IIAS. Publicly accessible information from the HARGIS database was also reviewed. No historic architectural resources have been previously inventoried within the Project area. Twenty-five architectural resources have been identified within the one-mile buffer, all of which are located within the villages of Cullom, Kempton, Campus and Emington. None of the resources have been evaluated for listing in the NRHP.

LWP completed archaeological field surveys within the proposed construction corridors in spring 2022 to further inform the Project design. Additionally, the Applicant will prepare an Unanticipated Discovery Plan (“UDP”) prior to construction. Should previously undiscovered cultural resources be identified or encountered on site during Project construction, the UDP will outline the steps to be taken to stop work and notify the appropriate authorities to ensure local, state, and federal requirements are properly addressed.

2.19. NATURAL RESOURCES INVENTORY

Surface water resources for the Project area were identified for Project design by completing a desktop assessment in January 2020, and an updated assessment in December 2021. The assessment included the review of publicly available mapping resources from the National Wetlands Inventory (“NWI”), National Hydrography Dataset (“NHD”), hydric soils data, and available topographic information to identify potential wetland and waterway areas within the leased lands. Because the site is largely agricultural, a review of cropped portions of the site was also completed using readily available historical aerial imagery to identify frequently occurring wetland signatures that may not be identified as potential wetlands in other public mapping resources. The resulting desktop-mapped water resource boundaries were used as a baseline for preparing the preliminary site design to avoid wetlands and watercourses where practicable with turbines and other Project infrastructure. See also Section 2.7.8 for a discussion of the consultation provided by the IDNR.

2.20. STORMWATER PLAN

LWP performed a preliminary hydrology study for the Project in 2020 using the FLO-2D Model. The results identified areas of flow concentration and ponding to be avoided during Project design and siting. Flow depths based on a 100-year event were also modeled for each turbine location. The model will be further refined as engineering plans progress.

Stormwater runoff and surface drainage will be appropriately permitted at the local, state, and federal levels, as needed, for runoff associated with turbine pads, access roads, and parking areas adjacent to substations and the operations and maintenance facility. Because the Project will disturb more than one acre of land, coverage will be required under the National Pollutant Discharge Elimination System (“NPDES”) regulations as established by the Clean Water Act (“CWA”) and administered by the IEPA, Division of Water Pollution Control. As part of the NPDES permit, a Stormwater Pollution Prevention Plan (“SWPPP”) will be prepared once detailed

construction plans near completion and prior to construction. The SWPPP must be prepared in accordance with the Construction General Permit (“CGP”) approval for stormwater discharges from construction sites.

The Project is committed to controlling erosion in accordance with the AIMA, see **TAB 19**.

The SWPPP will be prepared in accordance with NPDES regulations as established by the CWA and guided by the State of Illinois. Stormwater plans and permit approvals, including any needed stormwater retention, treatment, or infiltration areas, will be closely coordinated with state and county staff, will be pursued for the Project closer to commencement of construction, and construction will not begin until applicable local, state, and federal permits related to stormwater are issued.

2.21. WETLANDS DELINEATION REPORT

LWP completed field delineation of wetlands and watercourses within the proposed project construction corridors in spring 2022. Delineated jurisdictional wetlands and watercourses within the construction corridors will be documented and located using GPS technology.

Project construction will be completed in a way that will avoid direct impacts to jurisdictional wetlands and waterways to the degree practicable. Based on the current Project layout, only minimal, if any, permanent impacts to wetlands and watercourses are anticipated to accommodate planned infrastructure. Some temporary impacts to wetlands and watercourses are anticipated for collection line crossings and intersection expansions for turbine component deliveries. If reportable impacts to wetlands and watercourses become necessary, they will be closely coordinated with the U.S. Army Corps of Engineers (Corps) and other agencies typically involved in the review of wetland impacts. The Applicant will evaluate these carefully, and apply for the necessary federal, state, and local permits prior to construction.

A NPDES Construction Stormwater permit will also be obtained. The USEPA has delegated this permit to the Illinois Environmental Protection Agency, Bureau of Water. LWP will submit a stormwater pollution prevention plan to the Illinois EPA with the NPDES permit application, which will include grading, construction and drainage plans, soils information, design features to maintain water quality downstream, a revegetation plan, and methods that will be used to minimize surface disturbance area and dispose or store excavated material. This plan will be designed and implemented to meet the erosion control requirements of the Livingston County Soil and Water Conservation District.

2.22. LIVINGSTON COUNTY SOIL AND WATER CONSERVATION DISTRICT

In accordance with the Livingston County Special Use Application Form, LWP submitted information regarding this Project to the Livingston County Soil and Water Conservation District (“LCSWCD”) and applied for a Natural Resources Information Report (“NRI Report”) from the LCSWCD. A copy of that NRI Report is attached under **TAB 28**. The Project will comply with all

recommendations in the NRI Report except that instead of conducting a sub-surface drainage investigation, LWP will address drainage tiles as they are uncovered during construction and repair or replace damaged drainage tile consistent with Paragraph 6 of the AIMA.

2.23. PROPERTY VALUES / MARKET ANALYSIS

LWP or its affiliates retained the services of Cohn Reznick to complete a market analysis of the Project area to determine the “highest and best use” of the property in the Project area both before and after the proposed wind farm construction and to determine the potential impact of the Project on the value of other properties in the surrounding area. The market analysis is attached as **TAB 29**.

The market analysis concluded that the highest and best use of the property is agricultural and that, because the wind farm would not alter the agricultural use of the properties in question, the highest and best use would continue to be agricultural after the proposed wind farm is constructed. Furthermore, based on multiple published studies as well as personal interviews with numerous property owners, appraisers, and assessors from Illinois, Wisconsin, Iowa, and Minnesota, the market analysis concluded that the proposed wind farm will not adversely affect either the marketability or the market value of other properties in the surrounding area.

The conclusions of the market analysis are summarized in the cover letter that accompanies it, which states that “the data indicates that wind energy facilities do not have a negative impact on adjacent property values.” During its thorough investigation, CohnReznick interviewed the Livingston County Supervisor of Assessments, Shelly Renken, who reported that there is no documentation showing any impact to property values as a result of being near a wind farm in Livingston County.

2.24. STANDARDS FOR SPECIAL USE

To grant a Special Use Permit, the County considers the standards outlined below. As described below, and as supplemented by the information contained within this Application Binder and by exhibits and testimony to be provided to the Zoning Board of Appeals, the Agriculture and Zoning Committee, and the County Board, the Project satisfies each of these standards.

2.24.1. Is consistent in all respects with the Livingston County Comprehensive Plan and the Livingston County Zoning Ordinance.

The 2020 Livingston County Comprehensive Development Plan states the County’s goal is to strive to preserve the most productive and suitable land areas for agriculture, while remaining open to enhancing the agricultural economic base by considering property development that may be related to the processing of agricultural products, which can add value to farm products and possibly create jobs and income for Livingston County residents. “This job creation and income,” the Comprehensive Plan notes, “can enhance the economy with added value by having money circulate through the county business and financial institutions adding to the economic

well being of the county as a whole.”³ Economic well-being supports the goal of preserving the rural character of the County without excessive development and supports the preservation and expansion of agricultural and natural resource business.

The Project accomplishes all of these goals. It is a natural resource business. It fortifies the agricultural use and way of life in Livingston County and ensures a diverse revenue stream to supplement the income of local farmers who can reinvest that revenue into agricultural land use and the community. The Project will inject hundreds of millions of dollars into the local economy and create hundreds of jobs during the construction phase. Approximately 10-15 permanent onsite jobs will endure after the Project is commissioned. These benefits require fewer than 140 total acres of agricultural land (including the wind turbines, access roads, and related facilities). Outside of the land used by the Project, the remainder of participating farms and neighboring farms are unaffected and can continue to farm or ranch without needing to consider additional, more intrusive development. Further, the cultivation of energy from wind—a natural resource—on agricultural land is “farming,” and the “wind farm” is consistent with the County’s goal of preserving agricultural land for agricultural use. The Project is entirely consistent with the Livingston County Comprehensive Plan and ensures that Livingston County’s rural character and agricultural heritage will persist.

2.24.2. Will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The Project is specifically designed to promote the public health, safety, and welfare. It provides a domestic source of renewable electric generation that does not pollute the air or water, is not subject to the price volatility of fossil fuels, and is not subject to the potential volatility inherent in reliance on foreign-controlled energy sources. Electricity is essential to all American life and the wind farm will help assure that electricity is readily available at a reasonable cost while protecting the environment. Cultivating electricity from the wind produces no carbon, sulfur, nitrogen, or mercury emissions and generates no radioactive waste. In addition, no water resources are required for wind-generated electricity.

The locations of wind turbines and related facilities have been carefully chosen to ensure compatibility with the environment and existing land uses in the area. LWP and its affiliates have engaged noted experts in the fields of mechanical and electrical engineering, environmental preservation, wildlife, noise, wetlands, real estate, and microwave broadcast/telecommunications, among others, to ensure that the Project will comply all applicable federal, state, and local laws and will provide benefits to the community and the environment. LWP has commissioned dozens of studies to ensure that the Project is compatible with this location and will not risk the local community, land, or wildlife. At the same time, the Project provides significant direct economic benefits to property owners, job holders and to the governmental entities that support the public health, safety, and welfare

³ 2020 Livingston County Comprehensive Development Plan at 1, 35, available at <https://www.livingstoncounty-il.org/wordpress/wp-content/uploads/2014/12/UCLC-13.pdf>.

including without limitation the county, townships, schools, police and fire departments. As indicated in this Application Binder, the Project, from design to construction to operation and maintenance and even decommissioning, has been extensively planned to ensure the benefits to the community without being detrimental to or endangering the public health, safety, morals, comfort, or general welfare.

2.24.3. Is located in a zoning district where such use is permitted.

All components of the WECS will be located on parcels in the Agriculture District, which allows for wind turbines as a special use pursuant to § 56-82 of the Livingston County Code of Ordinances so long as they otherwise comply with Article VIII of the Livingston County Code of Ordinances, which specifically regulates the siting of WECS. As demonstrated in this Application Binder, the proposed Project complies with the Livingston Code and is properly sited on parcels zoned in the Agricultural District.

2.24.4. Complies with the requirements set forth in the zoning district where it is to be located and all requirements specified in the Livingston County Zoning Ordinance, except in each instance as such regulations may be modified by the Board of Appeals.

All components of the WECS will be located on parcels in the Agriculture District. As evidenced by the plans and information set forth in this Application Binder, the Project is designed to comply with all requirements of the Agricultural District set forth in Article III Division 2 of the Livingston County Code of Ordinances, and with all requirements of the Article VIII of the Livingston County Code of Ordinances specifically regulating the siting for WECS.

2.24.5. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, or substantially reduce the value of neighboring property.

EDFR's experience, studies of other wind farm areas by noted experts, the County's Supervisor of Assessments, and an independent third-party real estate report (see **TAB 29** and "Property Values / Market Analysis" section above) have confirmed that wind farms do not adversely impact the use or value of property within and adjacent to wind farms. Neighboring agricultural properties can continue to farm and ranch and the wind farm facilities will not impair any neighboring uses.

By bolstering the local economy and providing a supplemental source of income for farmers, taxing bodies, and the community, wind farms stabilize and preserve the agricultural way of life and ensure that the County will continue as a farming community without intrusive development. The numerous benefits described in this Application Binder are available to the landowners in the County while the Project will physically disturb approximately 0.5% of the Special Use Area. By using such a small area of land while providing enhanced economic stability to landowners and the region, the economic boost from the Project can improve the

property for agricultural uses in this agriculturally zoned area. Local landowners can reinvest in their farms for better production and longevity.

As demonstrated in this Application Binder, the Project will comply with applicable federal, state, and local laws that help to ensure that it will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. The Project is designed to benefit—and not to diminish nor impair—values within the neighborhood. Perhaps the greatest evidence of the positive benefits to the use and enjoyment of property in the area is that over 230 landowners in Livingston County have voluntarily entered into agreements with LWP to have a portion of the Project developed on their property consistent with this Application. These landowners are already located between two wind farms (the Cayuga Ridge wind farm and the Kelly Creek wind farm) and in close proximity to a third (the Pilot Hill wind farm). The residents in each impacted township voted to support setbacks enabling the development of this Project and a significant percentage of landowners in the two central townships impacted (Broughton and Sullivan) are participating in the Project. Residents in these communities are finally realizing the economic and other benefits of wind cultivation that neighboring communities and counties have been experiencing for years.

2.24.6. Will not impede orderly growth, development and improvement of surrounding properties for those uses permitted in the zoning district.

The proposed location of the Project is within an area zoned for and devoted almost entirely to agricultural uses. Wind farms are consistent with and promote the continuance of the agricultural and related uses permitted in the County’s agricultural zoning district. For example, farmers may safely and profitably grow crops and graze livestock very close to the edge of the tower base. In addition, domestic cultivation of energy from the wind represents a second, drought-proof crop for farmers, which will be bought and used in the United States.

Substantial economic benefits to the area will result from the approximately \$378 million dollar investment in the community, including about 414 jobs during the construction period, 10-15 permanent skilled operations and maintenance jobs, a new source of property tax revenue averaging \$2.6 million per year, and more than \$150 million in payments to landowners over the life of the wind farm. The enhanced economic strength improves orderly development and improvement not only of the numerous properties that are a part of the wind farm but also surrounding properties through improving regional economic stability and benefiting the taxing bodies that help to ensure that schools, roads and other governmental services are available to support the entire region. Wind farms therefore provide a steady annual income stream to farmers, helping to enhance the economic stability of their traditional farming operations rather than replace them, and promote the orderly development and improvement of properties in the district. The economic boost will support all farmers in the community and ensure longevity for the farming way of life in Livingston County. Wind farms bolster rather than inhibit the productivity of neighboring farms. At the same time, the wind farm will not require an extensive construction period (less than one year of active construction), so disruption for the landowner and area properties is minimal.

2.24.7. Is provided or will be provided with adequate utilities, access roads, drainage and necessary facilities.

LWP and its affiliates believe strongly in working with local officials and have worked with county and township engineering and highway officials as part of our effort to bring the Project to Livingston County. Engineering for the wind farm, including utilities, access roads, drainage and other necessary facilities have all been addressed or will be addressed prior to the issuance of building permits. Through the combined experience and expertise of local officials and the project team, all of these facilities have been adequately and appropriately integrated into the wind farm.

2.24.8. Is provided with ingress and egress so designed as to minimize traffic congestion in the public streets.

The Project will generate limited traffic in connection with its ongoing maintenance and operation, which will have minimal, if any, impact on public streets. The construction period is relatively short thereby helping to minimize the impact on roadways even during this period.

Prior to the start of construction, LWP will obtain the approval of County and Township road officials for all applicable routes proposed for construction and maintenance purposes. LWP will enter into a road transportation agreement with each applicable road jurisdiction. As a part of the road transportation agreement, LWP will identify public roads that will be used for construction purposes and will establish a transportation plan in consultation with the Township Road Commissioners and the County Engineer. LWP is committed to repairing road damage caused by the construction, operations, maintenance, or removal of the Project, and will provide a financial assurance to ensure that this obligation is met.

LWP will also appoint a transportation coordinator prior to the start of construction. The transportation coordinator will be responsible for communicating on a regular basis, and, if necessary, on an emergency basis, with the Township Road Commissioners and the County Engineer. In addition, the transportation coordinator will be responsible for communications with law enforcement officials, emergency service providers and school officials in order to minimize any transportation disruptions as a result of construction activities.

Additionally, the State of Illinois has created a fair and predictable approach to assessing the taxable value of wind farms. Once operational, the Project will generate annual property taxes that will be distributed to Livingston County, the impacted townships, school districts, and other taxing bodies, including but not limited to the road districts. That new tax revenue will support the long-term maintenance of the public roads.

2.25. NOTICE OF HEARING

The County Zoning Administrator has confirmed that the County is responsible for mailing and publication of all notices. LWP will cooperate with the County Zoning Administrator to comply with all applicable notice requirements for the ZBA hearing, including providing published

notice not more than 20, nor less than 15, days prior to the hearing. The County Zoning Administrator has confirmed that published notice satisfying this time requirement will be provided in the Daily Leader, a newspaper of local circulation. While not required, additional publication will be provided in the Paper. Notices will be mailed via First Class mail to all property owners within 250 feet of any Project facility (which exceeds the County Ordinance and State Statute requirements). Property owners will be identified using County Supervisor of Assessment records. The County Zoning administrator has indicated that he may choose to also provide notice to a broader group of property owners. Notices will also be mailed via certified mail to all municipalities within one and a half miles of any Project facility.

2.26. FEE

Concurrent with the filing of this Application, LWP is tendering an application fee to the County in the amount of \$150,000.