

**LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION
LIVINGSTON COUNTY HISTORIC COURTHOUSE,
112 W. MADISON ST., PONTIAC, IL 61764**

APPLICATION FOR SPECIAL USE - LIVINGSTON COUNTY ZONING ORDINANCE

Applicant

Name Livingston Wind Project, LLC

Address 15445 Innovation Drive
San Diego, CA 92128

Phone 612-486-4523

(attach list if necessary)

For Office Use Only

Filed Date _____ Case No. SU-
Fee \$ 175.00
Receipt No. _____
Publication Cost _____
Receipt No. _____
Hearing Date _____
Decision Date _____ File Date _____
Approved _____ Denied _____

For Office Use Only

Legal description of property: See attached TAB 12

Street address: See attached TAB 10

Property interest of applicant: Lessee, except in the case of 06-31-300-004, which is the subject of the accompanying Application for Variation. For this property, Applicant has an option to purchase the property in fee simple and expects to assign the property to ComEd following construction of the ComEd Substation (as described in Section 2.7.4 in this Application and in the Application for Variation).

Present Use: Crops Zoning District: Ag

A special use is requested to allow the property described above to be used as: Applicant is applying for approval of a Special Use Permit for a Wind Energy Conversion System ("WECS") in accordance with the provisions of the Livingston County Zoning Ordinance and, in particular, Article VIII of Chapter 56 governing Wind Energy Conversion Systems (the "WECS Article"), and for siting approval of the WECS.

Yes ~~No~~ A previous special use has not been requested with respect to the described property.

~~Yes~~ No A previous special use was requested with respect to the described property. Such previous special use request was made on _____, _____ and _____
Date Year Granted or Denied

Attachment No. 1 — Submit a map drawn to scale (as required by the Zoning Administrator) of the area included in the application and the abutting area within 200 feet (additional area may be required by the Zoning Administrator) showing the zoning classification; dimensions and use of all buildings and/or structures (existing and proposed); driveways; parking areas; right-of-way lines for streets and roads; easements; provision for surface drainage; proposals for sewage disposal systems; distance of building(s) and/or structure(s) from front, side and rear property lines; and distance of building(s) and/or structure(s) from center of public access road(s).

Additional Attachments — Submit additional attachments as required by the Zoning Administrator.

I (we) certify that all of the information presented above is true to the best of my (our) knowledge and belief.

Kathryn d. Otari 7/8/22
Applicant(s) Signature Date

STATEMENT OF APPLICANT - OWNER STATUS

APPLICANT: Livingston Wind Project, LLC

OWNERS –

Individual (s)

Alter ego or representative of individual (s)

(List the name (s) and address (es) of the actual and true principal)

Corporation

(List the names and addresses of all officers and directors and identify by title; also list the names and addresses of all stockholders and shareholders owning an interest in excess of 20% of all outstanding stock)

Business or entity doing business under an assumed name

(List the names and addresses of all true and actual owners)

Partnership

(List the names and addresses of all partners)

Joint Venture

(List the names and addresses of all joint venturers)

Syndicate

(List the names and addresses of all syndicate members)

Unincorporated Voluntary Association

(List the names and addresses of all members)

LIST OF NAMES AND ADDRESSES REQUIRED ABOVE

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’s address is 15445 Innovation Drive, San Diego, CA 92128.

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 has leases with the landowners of all properties depicted in the Special Use Area (as defined in the Application Binder) allowing for the construction of the WECS described in this

Application, except for PIN 06-31-300-004, for which LWP has an option to purchase the property in fee simple. LWP anticipates constructing the ComEd Substation (as defined in the Application) on PIN 06-31-300-004 and then assigning the ComEd Substation and the associated property interest to ComEd prior to commencement of commercial operation.

LWP is applying for this Special Use Permit pursuant to the consent of all of the landowners in the Special Use Area.

APPLICATION EXPLANATION

Project Name: Livingston Wind Project, LLC

Requested Zoning: Not applicable. Livingston Wind Project, LLC ("LWP"), a wholly owned subsidiary of EDF Renewables Development, Inc. ("EDFR-Dev."), is applying for approval of a Special Use Permit for a Wind Energy Conversion System ("WECS") in accordance with the provisions of the Livingston County Zoning Ordinance (the "Zoning Ordinance") and, in particular, Article VIII of Chapter 56 governing Wind Energy Conversion Systems (the "WECS Article"), and for siting approval of the WECS.

Explanation and description of request or project: This project is explained and described in detail in the accompanying Application Binder. Specifically, TAB 1 and TAB 2 introduce and provide a detailed description of the project. TABS 3–30 provide supporting materials, information, approvals, and studies. The request for special use permit will be additionally supported by testimony and exhibits provided to the Zoning Board of Appeals, the Agricultural and Zoning Committee, and the County Board during hearing and upon request.

STANDARDS FOR SPECIAL USE

Members of the Board of Appeals must find the proposed Special Use complies with these required standards; however, the criteria for determining the acceptability of a Special Use shall not be limited to the following standards:

LWP refers to and incorporates the Application Binder, including TABS 1–30, which support LWP’s application for a special use permit and demonstrate satisfaction with the below standards of special use. These standards are also specifically addressed in Section 2.24 of the Application Binder. LWP’s request for special use permit will be supported additionally by testimony and exhibits provided to the Zoning Board of Appeals, the Agricultural and Zoning Committee, and the County Board during hearing and upon request. All capitalized terms used here are defined in the Application Binder.

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.”¹ 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.

¹ 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>.

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 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.

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.

4. Complies with the requirements set forth in the zoning district where it is to be located and all requirements specified in Section 24.0, SPECIAL USES, REQUIREMENTS AND PROCEDURES, of 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.

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.

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.

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.

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.

NOTE:

The Board may, at its discretion, qualify any approval for a Special Use subject to certain conditions being imposed upon and agreed to by the applicant prior to requesting the Zoning Administrator issue an Improvement Location Permit.

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