COLES COUNTY BOARD
Special Meeting
July 1, 2025

The special meeting of the Coles County Board was called to order at 5:00 p.m. with the following members present, Bob Bennett (arrived late), Mike Clayton, John Doty, Tad Freezeland, David Johnson, Nancy Purdy, Tom Royal, Rick Shook, Michael Watts, Bristole Zimmerman with Chairman Darrell Cox presiding. Absent was member Jeremy Doughty.

Invocation was given by Tad Freezeland
Moment of Silent Reflection
Pledge to the Flag

PUBLIC COMMENT

Charles Stodden	James Dinaso	Ella Viertel	Christina Krost	Madeline Krost
Dorothy May	John Richardson	Rick Wandling	Maria Fichter-Wandling	
Judy Sherman	Bradley Weakly	Alan Moore	Joe Riley	Tom Sherman
Ed Talbert	Kendra Callaway	Andrew McNitt	Connie Winslow	

APPROVAL OF THE COLES WIND PROJECT WITH CONDITIONS

For the Coles Wind Project see page(s)7066 - 7093

Motion by Watts, seconded by Doty to approve the Coles Wind Project with conditions with the consent of the County Board

AYES: Clayton, Cox, Doty, Freezeland, Watts, Zimmerman (6)
NAYS: Bennett, Johnson, Purdy, Royal, Shook (5)
ABSENT: Doughty (1)

RESOLUTION: GLACIER MORAINE APPLICATION FEES

For a copy of the resolution see page(s) 7094

Motion by Watts, seconded by Freezeland

AYES: Bennett, Clayton, Cox, Doty, Freezeland, Johnson, Watts, Zimmerman (8)
NAYS: Purdy, Royal, Shook (3)
ABSENT: Doughty (1)

MOTION TO REMOVE

REQUESTING APPROVAL OF HEYL ROYSTER FOR PURPOSE OF GLACIER MORAINE SOLAR APPLICATION FOR REVIEW, ADVISEMENT AND PUBLIC HEARING FACILITATOR

Motion by Clayton, seconded by Johnson to remove this from the agenda.

AYES: Clayton, Cox, Bennett, Doty, Freezeland, Johnson, Purdy, Royal, Shook, Watts, Zimmerman (11)
NAYS: None (0)
ABSENT: Doughty (1)

GLACIER MORAINE PUBLIC HEARING RULES

MOTION TO TABLE

For a copy see page(s)7095 - 7099

Motion by Watts, seconded by Doty

AYES: Clayton, Cox, Bennett, Doty, Freezeland, Johnson, Purdy, Royal, Shook, Watts, Zimmerman (11)
NAYS: None (0)
ABSENT: Doughty (1)

ADJOURNED

Upon motion by Doty, seconded by Purdy, the Coles County Board was adjourned at 5:55 p.m. with the consent of the County Board.

AYES: Clayton, Cox, Bennett, Doty, Freezeland, Johnson, Purdy, Royal, Shook, Watts, Zimmerman (11)
NAYS: None (0)
ABSENT: Doughty (1)

_____ County Clerk

COLES COUNTY, ILLINOIS
Ordinance No. _____
Coles Wind, LLC

WHEREAS, the Coles County Planning & Development Committee ("Committee") held public hearings related to the Application of Coles Wind, LLC (a subsidiary of Apex Clean Energy Inc.) to construct and operate a 51 turbine, 311 megawatt, Commercial Wind Energy Facility on March 17, 2025, March 19, 2025, April 10, 2025, April 14, 2025, April 15, 2025, April 16, 2025, April 17, 2025, April 22, 2025, April 23, 2025, April 24, 2025, May 19, 2025, May 20, 2025, June 9, 2025, and June 11, 2025;

WHEREAS, the Committee held public hearings and gathered evidence regarding the Application over the course of those public hearings noted above;

WHEREAS, the Committee has recommended approval of the Application of Coles Wind, LLC for the construction and operation of the Commercial Wind Energy Facility, and supporting facilities;

WHEREAS, the County is bound by the statutes of the State of Illinois, specifically 55 ILCS 5/5-12020, and the Coles County Amended Ordinance, Standards for Wind Energy Conversion Systems Over 500 kW;

WHEREAS, the County has reviewed the Findings of Fact and Recommended Conditions, collectively attached hereto as Exhibit A, and adopts said written Findings of Fact and Conditions as part of this Ordinance (attached hereto as Exhibit A);

WHEREAS, prior to construction the Applicant must submit to the County a Building Permit Application and have said Building Permit approved by the County prior to beginning any construction of the Project.

NOW, THEREFORE, BE IT ORDAINED by the Coles County Board that the Findings of Fact are well founded and adopted hereto, and that Special Use Application of Coles Wind, LLC is approved subject to the Conditions and continued compliance with all applicable laws, regulations, ordinances and conditions. Collectively the Findings of Fact and Conditions are included and adopted hereto as Exhibit A. The County Clerk shall publish and record this Ordinance and Exhibit A with the Ordinances of the County.

PRESENTED and APPROVED by the County Board of Coles County, Illinois at its July 1, 2025, session.

DATED, this 1st day of July 2025.

AYE_____ NAY_____ ABSENT_____

_____
Chair, Coles County Board

ATTEST:

_____
Clerk of the County Board

June 11, 2025

COLES COUNTY, ILLINOIS
PLANNING & DEVELOPMENT COMMITTEE
RECOMMENDED CONDITIONS (approved by Committee on 6/11/2025)
COLES WIND, LLC

In addition to all necessary requirements imposed by law or ordinance, the Applicant, Company, Owner and/or Operator shall abide by the following conditions.

1. **Definitions.** For purposes of these conditions, the following definitions shall apply:
   a. "Company" shall have the same meaning as defined in the Coles County Wind Ordinance and also include those entities noted above.
   b. "Coles County Wind Ordinance" means the "Coles County Amended Ordinance, Standards for Wind Energy Conversion Systems over 500kW" dated May 9, 2023.
   c. "Project" shall include all equipment utilized in the operation of the Wind Energy Conversion System (WECS), including non-essential equipment.
   d. "Executive Director" shall mean the Executive Director of the Coles County Regional Planning & Development Commission.
   e. "Substantially complete" shall mean the point at which Coles Wind LLC issues a Notice of Completion for the Project.
   f. "Building Permit" shall have the same meaning and effect as WECS Building Permit as listed in the Coles Count Wind Ordinance.
   g. These conditions incorporate all other definitions of the Coles County Wind Ordinance.

2. **Commencement of Special Use.** Commencement of Construction of the Coles Wind, LLC ("Company") project ("Project") in Coles County shall begin within thirty-six (36) months from the date of the granting of the Special Use Permit. If any litigation is filed challenging the approval of the Project, then the time for Commencement of Construction shall be within one (1) year after termination of the litigation, and the time for the Company to substantially complete construction shall be within twenty-four (24) months after Commencement of Construction. If the Company fails to begin or substantially complete construction of the Project by the applicable date(s) above, then the Special Use Permit ("Special Use Permit") shall expire and become null and void, unless, prior to such expiration, an extension of time is granted by the Coles County Board ("County Board"), upon application by the Company. As used herein, the term "Commencement of Construction" shall mean the issuance of WECS Building Permit for the Project. Company shall inform County of the Commercial Operation Date within 7 days of reaching the Commercial Operation Date.

3. **Term.** The special use shall be valid for a term of 30 years after Commercial Operation Date of the Project. Prior to its expiration, the Company may apply to the County Board to extend the term of the special use.

4. **Compliance.** Construction and operation of the Project shall follow all applicable federal, state, and local regulations now or hereafter in effect. The construction and operation of the Project shall conform to all representations made by the Company in its application and at all public hearings and these conditions. In the event of any discrepancy between such representations and these conditions, these conditions shall control. The Company is limited to construction of 51 turbines.

5. **Construction Hours.** Construction activities for the Project shall be limited to the hours from sunrise to sunset with the exception of emergency situations or time-sensitive work (pouring concrete foundations, placing of the nacelle or blades on the towers).

6. **Road Agreements.** The Company shall enter into all necessary Road Use Agreements with the County Board and applicable township road districts. Any applicable County Road Use Agreement is subject to the terms and conditions of the County Board, and subject to a separate County Board approval of the same. Coles County shall not issue any Building Permit(s) for the Project until after Company has entered into the necessary Road Use Agreements with the County Board and applicable township road districts and provided copies thereof to Executive Director. The Company shall comply with all the provisions of the Road Use Agreement between the Company and Coles County. The Company shall also comply with any Road Use Agreement between the Company and any township road district. Any uncured or un-waived material breach of the County Road Use Agreement or any township Road Use Agreement by the Company shall constitute a material breach of these conditions.

7. **School Buses and Vehicular Traffic.** The Company shall comply with restrictions or requirements imposed by the County Board upon Project construction and maintenance traffic in order to avoid conflicts with school bus traffic, school bus stops, farm traffic, and other vehicular traffic in the Project area. The Company shall continuously maintain a website throughout the construction period which shall, at a minimum, provide updates to the public regarding the planned traffic pattern at least 72 hours in advance of the planned activity (including areas that may experience delays during the construction period), and provide the "Plan of the Day" denoted in any Road Use Agreement. Any changes must be posted to the construction website.

8. **Turbine.** The Company is permitted to utilize the Vestas V162 6.0 MW or the GE 6.1-158 MW platform model turbines for the Project. No other turbine models will be permitted. If the Company proposes to install a different turbine than the turbines listed herein, the Company shall apply for an amendment to the special use and submit necessary information to demonstrate that the new turbine will comply with all applicable requirements. If the Company proposes to make a material change to the Project, including replacement of a turbine or significant components thereof with equipment of a new design that will increase the height or noise output or materially and adversely affect other standards set forth in the Coles County Wind Ordinance then the Company shall apply for an amendment to the special use. Any material amendment of the Special Use Permit shall require a public hearing.

   If there is substantiated evidence that any turbine(s) has exceeded the permissible limits for sound or shadow flicker during project operations and if requested by the County, the Company shall acquire and install a commercially reasonable shadow flicker or noise reduction system or take other reasonable steps, approved by the County, to bring relevant turbine(s) into compliance with applicable limits. As to bird or bat protection systems, the Company shall confer with the Illinois Department of Natural Resources ("IDNR") and if recommended by IDNR shall install said commercially reasonable system.

   The Company shall provide, with its application for any Building Permits, updated sound and shadow flicker models based on the final turbine model selected and final locations of the 51 turbines for which WECS Building Permits are being requested. The updated sound modeling must include a receptor for the property located north of RE00031 and such receptor and associated land use must be modelled to be compliant Illinois Pollution Control Board ("IPCB") sound limits prior to the issuance of any Building Permits.

The Company shall provide post-construction sound studies within 180 days of commencing commercial operation on the five occupied residential receptor sites with the highest modeled noise levels closest to the IPCB limits. Should any such studies show sound in excess of the limits allowed by the Coles County Wind Ordinance the Company shall perform any necessary repairs or operational changes to address the exceedance within two weeks. If the exceedance persists for more than 14 days, the Project will cease the operation of the turbine(s) causing the excess and within 7 days submit a remediation plan to the Executive Director. Once the Executive Director has found the remediation plan to be sufficient, the turbine(s) may be restarted. Once restarted, the Company shall again perform sound studies, as applicable, and submit them to the Executive Director for review. If repairs or operational changes do not eliminate the exceedance, the Company agrees to decommission the turbine(s) causing the excess noise. The study, compliance and other requirements of this paragraph shall not apply to any residential use areas or residence whose owner either (i) does not provide access to place the sound monitors or (ii) has executed a waiver for any sound or shadow flicker requirements, as applicable.

9. **Turbine Location.** Each turbine shall only be located on those properties and in those locations set forth in the Project application. Site conditions may necessitate adjustments in the location of any wind energy turbine within 100 feet in any direction from the location set forth in the Project application. Provided however, each wind energy turbine shall meet all setback, noise, and shadow flicker requirements set forth in the Coles County Wind Ordinance and shall satisfy all other Coles County Wind Ordinance requirements and applicable state or federal requirements, including the requirement that the turbine locations shall not adversely affect any communications systems or radar systems.

10. **Non-Operational or Obsolete Turbines.** Any turbine that is determined to be abandoned or have no remaining useful life in accordance with the Agricultural Impact Mitigation Agreement ("AIMA") shall be decommissioned and removed by the Company in accordance with the AIMA and any Decommissioning Agreement with the County.

11. **Liability Insurance.** The Company shall maintain liability insurance as required by Coles County Wind Ordinance. The Company shall identify landowners in the project as additional insureds under the Company's liability insurance. The Company shall promptly increase such liability insurance within 60 days if such amount is increased in the Coles County Wind Ordinance. The Company shall provide evidence of the compliant insurance to the County prior to the issuance of a Building Permit.

12. **Assignment.**
    a. Except as provided herein, the Special Use Permit shall not be assignable except upon approval by the County Board and interest and/or ownership in the Company shall not be assigned or transferred to another party except upon approval by the County Board. County Board approval under this Paragraph shall not be unreasonably denied or delayed so long as the assignee or transferee ("Acquirer") demonstrates to the County Board adequate financial resources, experience in and capability of operating a wind energy project, and the Acquirer complies with all conditions hereunder and any other applicable local, state or federal requirement. The Company and the proposed Acquirer shall provide the Executive Director the following information:
        i. The name of the proposed Acquirer;
        ii. The most recent financial statement of the proposed Acquirer;
        iii. "Financial assurance" as defined in the Coles County Wind Ordinance for the current amount of the Decommissioning Cost Estimate in effect as of the date of the proposed assignment or transfer as required by these conditions;

iv. A new certificate of insurance from the Acquirer providing evidence of liability insurance coverage in the amount that is required under the applicable provisions of the Coles County Wind Ordinance;
v. Written acknowledgement by an authorized signatory of the Acquirer that it understands, recognizes and agrees to assume responsibility for all terms, conditions, financial assurances, and standards of any road agreement, decommissioning agreement or any other agreement then in effect;
vi. Written agreement by an authorized signatory of the Acquirer that it understands, recognizes and agrees to assume responsibility for all terms, conditions and standards of the special use at the time the special use was granted to the Company which are in effect as of the date of the proposed assignment or transfer, including compliance with any mutually agreed upon damages or modifications subsequent to that time, and including compliance with the requirements and obligations of any other agreements or understandings required for the original approval in effect as of the date of the proposed assignment or transfer;
vii. The contact information for the Acquirer;
viii. Designate a representative or representatives of the Acquirer to meet with the County to discuss the ongoing obligations and responsibility of the acquirer under the conditions of the Special Use Permit which meeting shall take place not less than fifteen (15) days following County Board approval of the assignment or transfer; and
ix. Provide the County with such other information as the County Board reasonably requests.

b. Notwithstanding the above, the Company shall have the right to assign in its sole discretion and without any consent from the County, as follows:

i. The Company may assign or transfer any interest, including 100% interest, to qualified lenders if the Company defaults on a financing agreement.
ii. The Company may assign or transfer any interest, including 100% interest, to tax equity investors.
iii. The Company may assign or transfer up to 50% ownership interest to an Acquirer, subject to the conditions in Paragraph 12(a)(i)–(ix) and subject to Company retaining day-to-day operational control of the Project.
iv. The Company may assign or transfer any interest, including 100% interest, in Company to a wholly owned affiliate of Apex Clean Energy Holdings, LLC.
v. The Company shall provide notice of such assignment to the County within thirty (30) days following such assignment.

13. **Operating Requirements.** The Company shall operate the Project according to the following operating requirements and these requirements are supplemental to and do not supplant any other requirements imposed by law, regulation or ordinance.
    a. Wind turbines shall be a non-obtrusive and non-reflective color such as white, off white, or gray. The Company shall maintain the paint on wind turbines in good repair.
    b. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacture, Company, and any parent entity of Company as approved by the County. All other signs shall be in accordance with the Coles County Wind Ordinance.
    c. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad mounted transformers and substations, and at all

entrances to the Wind Towers. The Company shall place a clearly visible sign at the entrance to each turbine that identifies a 24-hour emergency contact number for the Company and pertinent 911 emergency information.

d. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet from the ground.
e. Except to the extent decommissioned by the Company in accordance with these conditions, the Company shall operate the Project in a safe and well-maintained manner, making all necessary repairs in a timely fashion. Company shall keep the Project clear of all trash and debris.
f. The Company will respond immediately to any emergency or casualty event.
g. The Company shall operate the Project such that no occupied community building or nonparticipating residence will experience more than 30 hours per year of shadow flicker.

14. Aircraft Detection Lighting System. The Project will utilize minimal lighting that is compliant with the applicable Federal Aviation Administration ("FAA") regulations. The Company shall further install an Aircraft Detection Lighting Systems ("ADLS") or other similar technology if approved by the FAA and Federal Communications Commission ("FCC"). Prior to issuance of any Building Permit, Company must provide sufficient proof to the County that it has requested authority to construct and operate an ADLS from all required federal authorities. Upon approval of said system, Company shall provide proof of all approvals to the County within 30 days of such approval, or at the time of requesting the Building Permit, whichever is later. Company shall operate the ADLS system for the entire Commercial Operation of the Project, excepting only those periods of initial testing prior to the utilization of said system. Company shall notify the County if the ADLS system becomes non-functional during the commercial operation of the Project. Such notice shall be provided to the County within 48 hours. If the ADLS system is non-functional for greater than 30 days in any rolling one-year period, Company shall pay a penalty of $1,000.00 for each day the ADLS system is or was non-functional. For the purposes of this paragraph the "day" shall be deemed non-functional if it ceases to function for any period during any calendar day. For the purposes of this paragraph the ADLS system will be considered to be "non-functional" if the system reverts to continuously flashing lights without an aircraft within 3.5 miles of the footprint of the Project. For the purposes of this paragraph, "non-functional" includes individual turbines or the Project as a whole, and penalties will be assessed on a per turbine basis.

For the purposes of this Paragraph 14, a revocation of the ADLS by the FAA or FCC shall not be cause for the ADLS to be deemed non-functional. If Company contends that the ADLS system is non-functional due to an issue outside of the control of Company, then Company shall provide sufficient proof to the County Board that the issue is not within the control of the Company. If the County Board agrees that the issue is not within the control of the Company, then no penalty shall be assessed. Failure to diligently pursue repairs and cost of repairs, for example, shall not be considered outside the control of the Company. The cure provisions of the Ordinance and of these Conditions do not apply to this paragraph.

15. Determinations of No Hazard. Prior to the issuance of any Building Permit related to the Project, Company must provide all Determinations of No Hazard from the Federal Aviation Administration for all wind turbines.

16. Complaint Resolution. The Company agrees to, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the Project. The Company shall resolve such non-emergency complaints on a case-by-case basis and shall provide

confirmation to the County. The complaint resolution system shall include specific requirements for complaints regarding sound, shadow flicker, crop damage, and communications interference as follows:

a. **Sound and Shadow Flicker Monitoring and Mitigation.** Company shall not install any turbines which cause a violation of the noise regulations adopted by the Illinois Pollution Control Board ("IPCB") or shadow flicker requirements of these Conditions or the Coles County Wind Ordinance. Upon any complaint regarding noise or shadow flicker related to one or more wind turbines by a resident or landowner of property in the immediate area thereof, the County may investigate and take such action against the Company as may be warranted. The County may retain, at the Company's expense, such experts and other professionals as may be necessary to conduct field tests, modeling or take such other measures as may be necessary to determine whether a violation of said noise or shadow flicker regulations is occurring or has occurred. The Company shall fully cooperate with the County, promptly remedy any such violations and pay the expenses of the County related thereto.

b. **Crop Damage.** The Company shall investigate complaints of crop damage within 7 days. The results of any investigation shall be provided to the County Board and the person making the complaint within 60 days, including the resolution or proposed resolution of said complaint. This paragraph does not preclude any private right of action by an affected party. This paragraph does not apply to any contractual agreements between the Company and landowners or farmers regarding crop damage issues.

c. **Communications.** The Company agrees to take all commercially reasonable steps to respond to complaints related to interference caused by the Project, including correcting any interference related to TV, radio, or internet, and service levels shall be brought to a level of serviced experienced prior to construction of the Project or better. The Company will also take immediate actions to mitigate or minimize interference with communications radio, telephone, internet, or microwaves or television signals, and to eliminate any such interference that impacts public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications caused by the impact of the Project.

d. **Remedies.** The Company agrees that all available remedies apply to this paragraph.

17. **Transmission and Communication Lines.** All power lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement ("AIMA") until same reach the property line or a substation adjacent to the property line. The project's transmission line from the substation to the switching station shall similarly be buried underground at a depth in accordance with the AIMA.

18. **Water Use.** In order to protect the water supply and the viability of wells, and upon demonstration of an adverse impact, the County shall have the right to reasonably limit or otherwise regulate the use of water and the discharge of wastewater related to the manufacture, transportation, and use of concrete in any manner related to this special use. The County shall have the right to conduct or have conducted such studies and tests as may be necessary or helpful in this regard at the Company's expense. The Company shall promptly correct any degradation to the water supply or any well negatively impacted including but not limited to providing alternative suitable water to those affected and the drilling and connection of a suitable replacement well.

19. **Fire Protection Districts and Emergency Response.** The Company shall cooperate with all local fire Protection Districts and provide funding as necessary for training or for new equipment to prepare the districts to respond to fire and other emergencies concerning the Project. The Company shall assist emergency response agencies in developing an emergency response plan for the Project. The Company shall train their onsite personnel to assist emergency response agencies for any emergency incident that may occur on or in close vicinity to the turbines or other structures that are part of this Project. The Company may enter into agreements with local or other emergency response agencies to comply with this requirement. The Company and its contractors shall share their emergency response plans and protocols, for both construction and operation of the Project, with local emergency response agencies. The Company shall assist emergency response agencies in evaluating emergency response training needs and assisting with training of emergency response personnel in relation to this Project. The Company shall cooperate in emergency response drills relating to this Project, as part of coordinated training for WECS and emergency response personnel. The Company shall coordinate a bi-annual review of policies, procedures, drills, training and equipment needs between Company representatives and local emergency response agencies and provide this documentation to the County. Company shall reimburse any responding emergency services (such as fire, police, or ambulance services) for the actual cost of emergency response services attributable to the construction, operation or decommissioning of the Project.

20. **Existing Underground Utility Lines.** The Company shall work with appropriate pipeline, water lines, and other underground utility companies and shall insure that the integrity of the pipelines and other underground utilities in the area of the Project are maintained during construction and operation of the Project.

21. **Reimbursement for County Expenses.** If during the term of the special use, operation or/and decommissioning period for the Project, the County retains outside engineers, consultants, contractors, attorneys, or other parties, in order for the County Board to enforce, determine compliance, or obtain compliance with applicable laws, ordinances, regulations, or these conditions, the Company shall promptly reimburse the County for all such expenses. Reimbursement of expenses shall occur no later than 30 days after Company receives a request for payment of said expense from the County.

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

23. **Defense against Claims/Indemnity.** As required by the Coles County Wind Ordinance, the Company shall defend, indemnify, and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Special Use Permit or the construction, operation, maintenance and removal of the Project and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Company, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities arise from the negligence or intentional acts of the County or Indemnified Parties.

24. **Decommissioning and Financial Assurance.** Prior to applying for a Building Permit(s), Company shall negotiate and enter into an agreed upon Decommissioning Agreement and post the Financial Assurance with the County. The agreed upon Decommissioning Agreement shall include an agreed upon Decommissioning Plan and agreed upon Decommissioning Cost Estimate. The Company shall, at a minimum, comply with its stated commitments during the public hearing to provide 100% of the Decommissioning Cost Estimate in a Financial Assurance, without a discount for salvage value, prior to applying for a Building Permit(s).

    Prior to the issuance of any Building Permits, the Company shall provide to the satisfaction of the County Board either: i) a surety bond or other form of financial assurance as defined in the Coles County Wind Ordinance to cover the cost of the construction of the Project; or ii) reasonable evidence of financing, as approved by the County Board demonstrating the financial ability of the Company to complete construction of the Project.

25. **Project Maintenance.** During operations, the O&M staff will perform scheduled, preventative maintenance on turbines. Turbine maintenance is performed as per the turbine manufacturer's specifications. The on-site operations team also will drive throughout the Project daily (excepting weekends and holidays), conducting unrecorded visual inspections of the WECS Project. Members of this team will be at the Project site or the O&M building during normal business hours and will also have specified personnel on-call 24 hours per day, seven days per week should an issue arise outside of normal business hours. The Company will maintain turbines without any visible oil, grease, chemical, or other residue.

26. **Annual Report.** The Company must submit, on an annual basis, on the anniversary date of the Special Use Permit approval, an operation and maintenance report to the County. The report shall contain (i) a general description of any physical repairs, replacements, or modifications to the Project, (ii) complaints pertaining to setbacks, noise, shadow flicker, appearance, safety, lighting and use of any public roads received by the Company concerning the Project and how any such complaints were resolved, (iii) all monitoring reports or studies required by law, regulation, Ordinance or these Conditions, (iv) calls for emergency services, (v) proof of status of liability insurance, and (vi) a general summary of service calls to the Project.

27. **JULIE.** The Company shall become a member of the Illinois State-Wide One-call Notice System (otherwise known as the Joint Utility Location Information for Excavators or ("JULIE")) and provide JULIE with all of the information necessary to update its records as soon as JULIE allows such membership and provide the Executive Director.

28. **Avian/Bat/Wildlife/Environmental.** The Company shall comply with all requirements and recommendations () of the Illinois Department of Natural Resources (pursuant to IDNR's letter of November 15, 2024) and the U.S. Fish & Wildlife Service during the duration of the construction, operation, and decommissioning of the Project. The Company shall perform at least one year of post-construction bird and bat monitoring. Further monitoring, if necessary, shall be determined through coordination with Illinois Department of Natural Resources.

29. **Additional Site Surveys.** The Company shall provide site surveys for each turbine, tower, and substation location before applying for the Building Permit and after construction demonstrating compliance with the Ordinance requirements.

30. **As-Built Drawing.** The Company shall provide the County with as-built drawings of the entirety of the Project.

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

32. **Environmental Conditions.** To protect the health of neighbors, the County shall have the right to conduct or have conducted such studies and tests by a third-party of County's choosing at Company's sole expense. The purpose of the studies or tests shall be to determine whether environmental conditions exist on a participating parcel(s) that pose a risk of harm to human health due to or as a consequence of construction or operation of the Project. If such studies or tests show an increased risk of harm to human health from construction or operation of the Project, the Company will implement any and all recommendations from the County's third-party expert regarding the means and methods of construction or operation of the Project.

33. **Construction Site Security.** If the County, in its sole discretion, determines there is a need for increased law enforcement protection and/or private security within the Project area during Project construction, the Company agrees to provide or reimburse the County for the costs associated therewith.

34. **Aerial Application.** Company shall compensate farmers, landowners or aerial applicators for any reasonable increased costs for aerial application due to, or as a consequence of, the presence of the Project. In addition, the Company shall reimburse the increased cost or damage due to or because of the inability of a farmer or landowner to obtain aerial application due to the presence of the Project. The party seeking compensation shall submit an invoice for the commercially reasonable increased costs of aerial application to be reimbursed.

35. **National Weather Service Requests.** Company shall comply with any reasonable request from the National Weather Service to curtail or cease operations in the event of adverse weather conditions.

36. **Proof of Compliance.** The Company shall provide any reasonably requested proof of compliance with the conditions to the County.

37. **General.** The Special Use Permit and Building Permit may be revoked (or subject to any other remedy at the discretion of the County) pursuant to the procedures set forth in the Coles County Wind Ordinance for violation of any law, regulation, the provisions of the Coles County Wind Ordinance, and/or these Conditions. Unless monetary penalties are otherwise specified by Ordinance provision or these Conditions, the County may institute of a fine of not more than $1,000.00 per violation for each day a violation of the Coles County Wind Ordinance and/or these Conditions persists. The preceding remedies of this paragraph are in addition to any other remedies available by law, regulation, ordinance or condition. All costs, fines, penalties, or fees of any kind assessed to Company by County shall be paid within 30 days of receipt of an invoice form the County. The remedies within this paragraph 37 are subject to the cure period of the Ordinance and these Conditions.

END OF CONDITIONS

June 11, 2025

COLES COUNTY, ILLINOIS

PLANNING & DEVELOPMENT COMMITTEE

FINDINGS OF FACT AND RECOMMENDATION (approved by Committee on 6/11/2025)

REGARDING THE SPECIAL USE PERMIT APPLICATION OF:

COLES WIND, LLC

I. APPLICANT

The Applicant, Coles Wind, LLC, a subsidiary of Apex Clean Energy Holdings, LLC (collectively the "Applicant"), seeks approval of a Special Use Permit for a Wind Energy Conversion System ("WECS") pursuant to the Wind Energy Conversion Systems Siting Ordinance ("WECS Ordinance"), which was adopted by Coles County, Illinois ("Coles County") on May 9, 2023.

II. PROJECT SUMMARY

The proposed project ("Coles Wind Project" or the "Project") consists of a WECS and substation approximating 311 megawatts ("MW") in nameplate capacity, with a maximum of 51 wind turbines, to be located in the northern portion of Coles County. The Project is to be bounded by the Douglas County line to the North, the Seven Hickory-Humboldt Township line to the West, State Highway 2 to the East, and E CR 1200N to the South, in portions of Seven Hickory Township and Morgan Township (the "Project Area"). The Project Area is approximately 20,000 acres of private land with approximately 250 individual participating parcels, which are currently largely utilized for agricultural crops of corn and soybeans.

III. APPLICATION

Applicant filed its Special Use Permit Application ("Application") in January of 2025. Following review and comment by Coles County and its consultants, the Application was supplemented, deemed complete and ready for public hearing. On file with the office of the Coles County Regional Planning and Development Commission are copies of the notification and publication.

IV. HEARING PROCESS

In accordance with Section 5/5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020), the Planning and Development Committee ("Committee") of the Coles County Board ("County Board") held a public hearing on this case at the Coles County Courthouse located at 651 Jackson Street, Charleston, Coles County, Illinois. These proceedings occurred on: March 17, 19, April 10, 14, 15, 16, 17, 22, 23, 24, May 19, 20, June 9 and 11, 2025. Applicant and all those in attendance for said proceedings were given the opportunity to present evidence and cross-examine witnesses. The record of proceedings, including all admitted exhibits and the stenograph record are retained by the Coles County Regional Planning and Development Commission.

V. APPLICABLE STANDARDS

The Coles County WECS Ordinance governs the County Board's deliberation and consideration of the Application, as well federal and state law.

VI. TESTIMONY AND DOCUMENTARY EVIDENCE

On Behalf of the Applicant:

- Alan Moore of Apex Clean Energy, Director of Development
- Brie Anderson of Apex Clean Energy, Director of Project Permitting
- Adam Carlson of Apex Clean Energy, Senior Project Manager
- Goni Iskali of Apex Clean Energy, Director of Environmental
- Jason Conley of Apex Clean Energy, Director of Health and Safety
- David G. Loomis of Strategic Economic Research, LLC, President
- Kenneth Kaliski of RSG, Principal
- Jacob Runner of Environmental Design & Research, Practice Leader
- Andrew Lines of CohnReznick, Partner
- Kelly McKeough of Westwood Professional Services, Construction Permitting Lead

In Support of the Project:

- Bruce Thompson (called by Applicant)
- Joe Riley (called by Applicant)
- Mike Litteken (called by Applicant)
- Paul Komada (called by Applicant)

In Opposition to the Project:

- Nathaniel Phipps
- Jim Allen
- Rita Rogers
- Terry Smith
- Davon Yoder
- Tina Green
- Connie Winslow
- Clint Shaw
- Tom Sherman
- Arthur Cronkhite
- Becky Miller
- Katherin Shaw, PhD
- Alva Miller
- Phil Borgman (declared as neutral)
- Kelly Clark
- Katina Smith
- James Di Naso (declared as neutral)

- Ted Hartke
- Jason Helmuth

Applicant Exhibits:

Applicant Group Exhibit 1	Applicant Coles Wind, LLC's Special Use Permit Application and Appendices
Applicant Exhibit 2	Presentation of Alan Moore
Applicant Exhibit 3	Presentation of Brie Anderson
Applicant Exhibit 4	Presentation of Kelly McKeough
Applicant Exhibit 5	Presentation of Adam Carlson
Applicant Exhibit 6	Presentation of Dr. David Loomis
Applicant Exhibit 7	Presentation of Andrew Lines
Applicant Exhibit 8	Presentation of Jason Conley
Applicant Exhibit 9	NTIA February 2025 Letter of No Concern
Applicant Exhibit 10	Revised Appendix D.1 – Decommissioning Plan and Reclamation Costs (March 12, 2025)
Applicant Exhibit 11	CV of Kelly McKeough
Applicant Exhibit 12	Journal Gazette Newspaper Notice
Applicant Exhibit 13	Declaration of Mailing and Mailed Notice of Hearing to Landowners
Applicant Exhibit 14	Presentation of Goni Iskali
Applicant Exhibit 15	S. Voicescu, et al., *Estimating annoyance to calculated wind turbine shadow is improved when variables associated with wind turbine noise exposure are considered* (Mar. 31, 2016)
Applicant Exhibit 16	R. McCunney, et al., *Wind Turbines and Health: A Critical Review of Scientific Literature* (Nov. 2014)
Applicant Exhibit 17	T. Ryan Haac, et al., *Wind turbine audibility and noise annoyance in a national U.S. survey: Individual perception and influencing factors* (Aug. 14, 2019)
Applicant Exhibit 18	R. Haac, et al., *In the shadow of wind energy: Predicting community exposure and annoyance to wind turbine shadow flicker in the United States* (Feb. 15, 2022)
Applicant Exhibit 19	C. Baliatsas, et al., *Health problems near wind turbines: A nationwide epidemiological study based on primary healthcare data* (Mar. 26, 2025)
Applicant Exhibit 20	P. Maijala, et al., *Annoyance, perception, and physiological effects of wind turbine infrasound* (Apr. 02, 2021)
Applicant Exhibit 21	B. Hoer, et al., *Effects of land-based wind turbine upsizing on community sound levels and power and energy density* (Mar. 16, 2023)
Applicant Exhibit 22	Apex Clean Energy OSHA Form 300A for 2024 and 2025
Applicant Exhibit 23	Preliminary Site Plan – Display Board

Opposition Party Exhibits:

Rogers Exhibit A	Ursula Maria Bellut-Staeck, *Impairment of the Endothelium and Disorder of Microcirculation in Humans and Animals Exposed to Infrasound due to Irregular Mechano-Transduction* (June 13, 2023)
Yoder Group Exhibit A	Four (4) Photographs of Yoder Property
Sherman Exhibit A	Illinois Department of Revenue Illinois Property Tax System Guide
Sherman Exhibit B	Key Terms – County Clerk Tax Extension Instructions from the Property Tax Extension Limitation Law Technical Manual
Di Naso Exhibit A	McCann Report to Adams County, Illinois

County Exhibits:

County Exhibit A	Report of Luke Hahn, dated June 2, 2025

Public Comment:

Public Group Exhibit A	Various public comments in favor and against the Project

VII. FINDINGS OF FACT

The Committee, having reviewed the Application, the testimony of the Applicant and all interested parties, and all evidence presented during the public hearing process, issues the following Findings of Fact and Recommendation to the full County Board, as memorialized herein.

VII(A). ASSESSMENT OF TECHNICAL ORDINANCE REQUIREMENTS:

SPECIAL USE PERMIT APPLICATION.

A. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.

Applicant submitted its Application on or about January 17, 2025. Supplemental materials were provided on or about January 24, 2025. The Application was then set for public hearing.

B. The Special Use Permit application shall contain or be accompanied by the following information:

1. A WECS Project Summary, including, to the extent available: (a) a general description of the project, including (i) its approximately overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of WECS(s), (iv) the number of WECS, and name plate generating capacity of each WECS, (v) the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s), (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project;

and (b) a description of the Applicant, Owner and Operator, including respective business structures.

The proposed Project is an approximately 311.1 MW nameplate capacity WECS and Substation. The Project will be located on over approximately 19,500 acres of privately-owned agricultural land in the northern portion of Coles County, Illinois, and is generally described as being bounded by the Douglas County line to the North, the Seven Hickory-Humboldt Township line to the West, State Highway 2 to the East, and E CR 1200N to the South, in portions of Seven Hickory Township and Morgan Township (the "Project Area"). The Project will deliver up to 300 MW of electricity to a single point of interconnection on the existing Ameren Kansas West to Faraday transmission line running east-west between CR 1500N and CR 1600N, and west of N CR 1400E in the west-central portion of the Project Area.

The Project description consisted of the following:

- The Application seeks approval of 62 turbines sites, with a maximum of 51 wind turbines being constructed. The maximum tower height of 644 feet when the blade is in the up-most position, and a maximum blade rotor diameter of 532 feet
- Models proposed are the Vestas V162-6.0 MW or GE 6.1-158 turbines
    - V162 – 6.0 MW (tip height – 611 feet; rotor diameter – 532 feet);
    - GE 6.1-158 (tip height – 644 feet; rotor diameter – 519 feet);
- Access roads to each turbine;
- Underground electrical collection lines connecting the turbines to the Project Substation and associated facilities;
- Underground fiber-optic cable for turbine communications co-located with the collection lines;
- Two temporary and one permanent Light Detection and Ranging ("LiDAR") Sensors to detect wind speed;
- One Aircraft Detection Lighting System ("ADLS") radar tower;
- An O&M facility; and
- Temporary construction facilities such as a laydown yard and a concrete batch plant (if needed).

2. ***The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property.***

The Applicant, Coles Wind, LLC, is a Delaware Limited Liability Company and a wholly owned subsidiary of Apex Clean Energy Holdings, LLC.

Contact Information:

Alan Moore, Director of Project Development
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The names of property owners with lease agreements for the Project have been provided. (*Application, Appendix B.1*). Contact information for said property owners was provided separately to counsel for Coles County and is available through the office of the Coles County Regional Planning and Development Commission.

3. ***A site plan for the WECS Project showing the planned location of each WECS Tower, including legal descriptions for each site, guy lines and anchor bases (if any), Participating and Non-participating Residences, Occupied Community Buildings parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings and permanent Meteorological Towers, electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed WECS, the location of all known communications towers within two (2) miles of the proposed WECS, and the layout of all structures within the geographical boundaries of any applicable setback.***

The Application provides a "Preliminary Site Plan" showing the locations of all facilities for the Project, including each turbine location with respective legal descriptions, access roads, collection lines, the Project's Substation, Operations & Management Facility, ADLS Radar Tower, LiDAR Systems/Sensors, and location of the laydown/staging area and concrete batch plant. The Preliminary Site Plan also shows the locations of all participating and non-participating residences, occupied community buildings, parcel boundary lines, setback lines, public access roads and turnout locations, third-party above-ground transmission lines, wetlands, flood plans, and drainage structures. (*Application, Appendix A.4*).

Applicant acknowledges that the "Final Site Plan" shall be submitted with its application for a building permit and that no turbine locations shall be moved more than 100 feet from the locations depicted in the Site Plan.

4. ***The Applicant for the WECS shall comply with all applicable FAA requirements.***

Applicant has had the Project reviewed by the FAA and has received Determinations of No Hazard (DNH) previously for various locations within the Project footprint. As some locations have changed from the original submittal Coles Wind submitted locations for 62 turbine sites and an ADLS radar location in December 2024. Applicant admits all DNH documents will be provided for each turbine for which it seeks a Building Permit.

5. ***A proposed Decommissioning Plan for the WECS Project including cost estimations.***

Applicant submitted a proposed "Decommissioning and Site Reclamation Plan" which was prepared by an Illinois-licensed engineer and includes information on decommissioning and site restoration activities and associated costs for both the GE 6.1-158 and V162.6.0 turbine models. (*Application, Appendix D.1*).

At public hearing, the Applicant provided testimony from Kelly McKeough as to its means and methods of calculation for the provided cost estimate for Project decommissioning.

6. ***All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.***

   The Applicant has provided the following studies, reports and approvals:

   Project Summary (Appendix A.1), Preliminary Site Plan (Appendix A.4), Topographic Map (Appendix A.5), Protected Lands Map (Appendix A.6), Landowner Names and Addresses (Appendix B.1), DNHs for turbines (Appendix C.1), Decommissioning Plan and Draft Financial Assurance (Appendix D.1), Illinois Department of Natural Resources Review Results (Appendix D.2), U.S. Fish and Wildlife Service Review Results (Appendix D.2), Telecommunications Studies (Appendix D.4), Sound Modeling Report (Appendix D.5), Avian and Wildlife Impact Study (Appendix D.6), Emergency Action Plan (Appendix D.7), Shadow Flicker Report (Appendix D.8, Farmland Drainage System Repair and Remediation Plan (Appendix D.9), Economic Impact Analysis (Appendix E.2), Property Value Impact Report (Appendix E.3), Agricultural Impact Mitigation Agreement (Appendix F.1), Coles County Public Roads Identified and Approved by Road Authorities (Appendix F. 2), Morgan Township Public Roads Identified and Approved by Road Authorities (Appendix F.3), Seven Hickory Township Public Roads Identified and Approved by Road Authorities (Appendix F. 4), and Structural Engineer's Certificate.

7. ***Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.***

   A fully executed AIMA between the Applicant and the Illinois Department of Agriculture was provided. *(Application, Appendix F.1).*

8. ***The topographic map shall include the WECS Project site and the surrounding area;***

   Applicant submitted a topographic map of the Project facilities and surrounding area. *(Application, Appendix A.5).*

9. ***Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.***

   All non-participating residences and occupied community buildings are compliant with the minimum setback requirements and no waivers are required. Brie Anderson provided testimony as to the setback compliance, and Applicant has provided setback siting maps to show available locations for construction of turbines. Additionally, the County's independent third-party engineer (Luke Hahn of Hampton, Lenzini, and Renwick, Inc.) reviewed the setbacks and confirmed compliance with the setback requirements.

10. ***Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and/or the non-participating property owners bearing file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.***

    Two participating residences are modeled to receive more than 30 hours per year. Coles Wind includes shadow flicker mitigation waivers for these Project participants (See Appendix B.1 – Agreement numbers IL-CLW-141 and IL-CLW-168). These agreements are recorded with a stamp from the County Recorder of Deeds Office. A form waiver is included in Appendix B.4.

11. ***Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.***

    Applicant provided the required IDNR ECOcat dated 2/24/2024. The ECOcat provided a number of recommendations which, if the Project is approved, shall become operation requirements.

12. ***Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.***

    Coles Wind utilized the USFWS's Information for Planning and Consultation (IPaC) tool to generate a current list of federally listed species that have the potential to be affected by activities within the Project Area (See Appendix D.3).

13. ***Information demonstrating that the WECS Project will avoid protected lands.***

    Applicant submitted a map demonstrating there are no Protected Lands in the Project Area, and therefore, the Project will avoid Protected Lands. (SUP Application Appendix A.6 – Protected Lands).

14. ***Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the WECS Project and to demonstrate that the WECS Project meets each of the regulations in this Ordinance, including the Special Use Permit standards set forth below.***

    The Application and its appendices contain all studies, reports, certifications, and approvals required to demonstrate compliance with the applicable provisions in the Coles County WECS Ordinance, except as noted herein related to the sound overage modeled for one specific occupied community building.

DESIGN AND INSTALLATION.[1]

The following requirements within the "Design and Installation" section of the Ordinance requires documents and/or evidence as part of the Special Use Permit application process. The requirements and findings related to those sections are as follows (letter designations are as set forth in the Ordinance):

- ***Setback Requirements (Design and Installation, paragraph G)***

WECS Towers shall be sited as follows, with setback distances measured from the center of the base of the WECS Tower;

1. ***Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;***
2. ***Participating Residences: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;***
3. ***Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;***
4. ***Boundary Lines of Participating Property: None.***
5. ***Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the nonparticipating property.***
6. ***Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Tower to the center point of the public road right-of-way.***
7. ***Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.***
8. ***Overhead Utility Service Lines to Individual Houses or Outbuildings: None.***
9. ***Fish and Wildlife Area and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the fish and wildlife area or protected land.***

Based on the evidence presented, the proposed turbine layout for the Project meets the setbacks prescribed under the County's Ordinance. All setback distances are calculated using the tip height of the taller turbine under consideration, the GE 6.1-158MW turbine at 117m hub height and 196m tip height (644 feet). By doing so, the Applicant ensures that the proposed turbine layout included in this Application meets the setbacks for both of the turbine models being considered. (SUP Application Section 4.7 – Setbacks)(SUP Application Appendices A.1, A.3, A.4, A.6).

Importantly, the County retained the services of Luke Hahn of Hampton, Lenzini, and Renwick, Inc. to evaluate the setback compliance. His report is included as County Exhibit A. The report reviewed the Project and found the setbacks compliant with the Ordinance (County Ex. A – Hahn Report).

[1] *note – all other provisions of the Design and Installation section of the Ordinance are requirements to be met during the Building Permit phase and/or Construction phase and not during the Special Use Permitting phase, and accordingly, are not relevant to this Committee's review.

- ***Use of Public Roads (Design and Installation, paragraph H)***

To the extent an Applicant must obtain a weight or size permit from the County . . . Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Special Use Permit. (H.2(b))

Coles Wind has identified public roads that it may use for Project turbine and equipment deliveries in Coles County, Morgan Township, and Seven Hickory. The road authorities for Coles County, Morgan Township, and Seven Hickory Township, have approved the use of these public roads, subject to execution of a Road Use Agreement. (SUP Application Section 4.9- Use of Public Roads)(Appendix F.2, F.3, F.4).

To the extent an Applicant must obtain a weight or size permit from the County . . Applicant shall submit a draft form of said financial assurance with application for Special Use Permit. (H.2(b))

Applicant provided a "Draft Financial Assurance Form – Road Use" as part of its Application (SUP Appendix F.5).

- ***Communications Analysis; Interference (Design and Installation, paragraph K)***

The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the WECS Project. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the WECS Project and shall be submitted as part of the Special Use Permit application. (K.1)

The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct a communications analysis that indicates that the E9-1-1 communications, emergency communications or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be a public record and shall be submitted as part of the Special Use Permit application. (K.2)

Applicant submitted Appendix D.4 which included all telecommunications studies required by the Ordinance (SUP Application Appendix D.4).

Coles Wind contracted with ComSearch to conduct telecommunication studies on television reception, land mobile and emergency services (E-911), AM/FM radio towers, FCC-licensed communication towers, and microwave beam paths. The analysis indicates steps that may be taken should interference occur due to operations of the Project. The land mobile analysis found that no FCC-licensed land mobile or public safety transmitting

stations are expected to be adversely affected. The AM and FM Radio Report concludes that there are no AM stations within 30 kilometers (18.6 miles) of the Project and the closest distance to an FM station is 7.55 kilometers (4.7 miles). The microwave beam path study demonstrates that all turbines are sited to avoid interference with microwave beam paths in the Project Area, regardless of the turbine model. Coles Wind submitted a notification letter to the NTIA describing the Project to determine potential impacts and received a response indicating that no reviewing federal agencies had concerns with wind turbine construction in the Project Area. Coles Wind commits to undertaking commercially reasonable steps to respond to a written complaint related to interference caused by the Project as is required by the WECS Ordinance. The Project will also take immediate actions to mitigate or minimize interference with communications that impact local government public safety as required in the WECS Ordinance. (SUP Application Section 4.11 – Communications Analysis; Interference and Appendix D.4)

- ***Noise Levels (Design and Installation, paragraph L)***

Noise levels from each WECS or WECS Project shall be compliance with applicable Illinois Pollution Control Board ("IPCB") regulations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit application.

Coles Wind hired RSG to perform a sound modeling analysis for the proposed Project turbines and Project Substation. The study demonstrates that the Project will comply with the Illinois Pollution Control Board's noise regulations, regardless of the turbine model to be constructed, with one notable exception. Pursuant to the testimony of expert witness Kaliski an occupied community building (a church per testimony of witness Brie Anderson) was modeled for sound emission by the GE model proposed and was over the proscribed IPCB limit for the relevant land classification. *See Kaliski testimony, 4/16/2025, pages 124-125; See Brie Anderson testimony, 3/19/2025, pages 155-157.*

The County retained the services of Luke Hahn of Hampton, Lenzini, and Renwick, Inc. to evaluate the Project for compliance with this provision. His report is included as County Exhibit A. The report reviewed the Project and found the noise modeling compliant with the Ordinance (County Ex. A – Hahn Report).

- ***Agricultural Impact Mitigation (Design and Installation, paragraph M)***

Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project application. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.

The Applicant received a fully executed AIMA on October 31, 2024. (SUP Application Section 4.13 – Agricultural Impact Mitigation Agreement and Appendix F.1).

- ***Avian and Wildlife Impact Study (Design and Installation, paragraph N)***

The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an avian and wildlife impact study and submit said study to the County as part of the Special Use Permit application. Each WECS or WECS Project shall be located, designed, constructed, and operated so as to avoid and if necessary, mitigate the impacts to wildlife.

Applicant hired Western EcoSystems Technology, Inc. (WEST) to conduct wildlife studies in the Project area. Coles Wind has been coordinating with the USFWS and IDNR regarding the potential impact of the Project on flora and fauna since Spring 2020. This early coordination included data requests and database reviews regarding the potential presence of federal and state threatened and endangered species and other protected species like eagles in the Project Area. In coordination with USFWS and IDNR, Coles Wind conducted a series of wildlife surveys and habitat assessments for species of concern with the potential to occur in the Project Area. Coles Wind used the results from the studies, along with recommendations from the USFWS and IDNR, to inform appropriate impact avoidance, minimization, monitoring, and adaptive management measures for the Project. (SUP Application Section 4.14 – Avian and Wildlife Impact Study).

Mr. Borgman testified to saying he's observed bald eagles and bats in the project area, but offered no testimony or evidence that the Project will negatively impact the population of such wildlife.

- ***Engineer's Certificate (Design and Installation, paragraph P)***

The WECS Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the WECS tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. The WECS Project engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit application.

The Applicant will submit an engineering assessment and certification in the Building Permit submittal after the turbine model has been selected and the site-specific geotechnical investigation is completed and a form version was provided in the Application. (SUP Application Section 4.16 – Engineer's Certificate)

- ***Additional Terms and Conditions (Design and Installation, paragraph S)***

All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be

prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.

All technical submissions contained in the Application were properly affixed with an engineer's seal. Future submissions for the Building Permit must also be prepared and signed by an Illinois Professional Engineer or structural engineer for the relevant discipline.

OPERATION:[2]

The following requirements within the "Operation" section of the Ordinance requires documents and/or evidence as part of the Special Use Permit application process. The requirements and findings related to those sections are as follows (letter designations are as set forth in the Ordinance):

- ***Shadow Flicker***

The Applicant must present the County Board a model study on potential shadow flicker. The Applicant shall demonstrate to the County Board through industry standard modeling that no occupied community building or non-participating residence will experience an expected duration of 30 hours or more per year. An occupied community building owner or a non-participating participating (sic) residence owner may waive this shadow flicker mitigation requirement. Each waiver of the above shadow flicker mitigation requirement shall be set forth in a written waiver executed by the occupied community building owner or non-participating residence owner and filed with the County Recorder of Deeds Office against title to the affected real property.

Application provided a shadow flicker study from Environmental Design & Research which modeled the shadow flicker utilizing WindPRO analysis (SUP Application Appendix D.8). The modeling indicated that no occupied community building or non-participating residence will receive in 30 hours or more of shadow flicker in a given year (Appendix D.8). There were two receptor sites RE00013 and RE00121. Both receptor sites modeled over the allowable shadow flicker limit for both proposed turbine models (Appendix D.8). However, both properties are participating properties that have waived the shadow flicker requirements of this provision.

The County retained the services of Luke Hahn of Hampton, Lenzini, and Renwick, Inc. to evaluate the Project for compliance with this provision. His report is included as County Exhibit A. The report reviewed the Project and found the shadow flicker modeling compliant with the Ordinance (County Ex. A – Hahn Report).

[2] *note – all other provisions of the Operations section of the Ordinance are requirements to be met during the Building Permit phase and/or Construction phase and not during the Special Use Permitting phase, and accordingly, are not relevant to this Committee's review.

VII(B) – ASSESSMENT OF HEARING FACTORS:

The County Board may approval a Commercial Wind Energy Facility Special Use Permit application if it finds the evidence complies with state, federal and local law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

(a) The establishment, maintenance or operation of the Commercial Wind Energy Facility will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

Health

The Project will generate renewable energy, though the Applicant did not provide any evidence on whether the renewable energy increases the overall health of the community. The Applicant did provide evidence in the form of various papers (Applicant Hearing Exhibits 15-20) suggesting that the presence of wind turbines may not be a detriment to the health or general welfare, though they may cause annoyance. *See Kaliski testimony.* Kaliski did state, however, that annoyance could lead to stress which could lead to a medical condition if the stress is high enough. *See Kaliski testimony, 4/16/2025 transcript, page 52.* However, in looking at the studies of the population, one could have annoyance, but "at the levels of sound that this project is limited to, you don't get that link between . . . . annoyance and health effects." *Id. at 52-53.*

Other witnesses of the Applicant also testified that they do not believe there is a negative health effect from wind turbines. However, it is notable that the Applicant did not provide a medical doctor to provide testimony as to this issue.

There was testimony from some objectors indicating they had felt poorly while in the presence of other wind farms, though no evidence was provided establishing a causal link to wind turbines and the physical feeling(s). *See testimony from 5/19/2025 and 5/20/2025.* There was also public comment provided that suggested potential health effects, but likewise, there was no causal link or even foundation for the statements. *See Public Exhibit A, written public comments.* Katherine Shaw, PhD, provided testimony indicating the Committee should be skeptical of the studies that were provided by the Applicant. *See testimony from 5/20/2025.* Shaw stated she could "come up with six peer-reviewed journal articles that would speak to the negative impacts of wind farms" and that she came up with "a list of 33 in the matter of two days." *See Shaw testimony, 5/20/2025, page 145.* However, no specific studies were provided to the Committee by Dr. Shaw.

Rita Rogers provided a study on the potential negative health effects from sound emissions from mechanical devices, particularly infrasound, including wind turbines. *See Rogers Ex. A, Impairment of the Endothelium and Disorder of Microcirculation in Humans and Animals Exposed to Infrasound due to Irregular Mechano-Transduction* (June 13, 2023). The paper does indicate the information may be helpful in informing determinations of safe distances from such devices. *Id.* The paper does not reflect a specific distance that would be safe or unsafe. *Id.* It is important to note that this is not a text amendment hearing and the state has mandated specific setbacks which the county cannot control. *See 55 ILCS 5/5-12020.*

Safety

There concerns expressed about potential safety issues at the Project, particularly during construction. One of the primary concerns raised was related to the potential presence of histoplasmosis on participating parcels. Though not caused by the Applicant, the safety concern is noted by the Committee as a possible health concern. *See Smith testimony, 5/20/2025.* It is unknown to the Committee the potential health risk. If the Project were to be approved, the Committee recommends a condition of approval to include further evaluation of the potential issue.

Other concerns were expressed related to the increase in traffic related to the construction, and potential crime increases related to the presence of the construction workers. These concerns are not without potential concern, but they are speculative in nature.

The potential impacts of the presence of the turbines on weather radar was also raised as a concern. *See Rogers testimony, 5/19/2025.* However, the applicant has provided the Department of Commerce response letter dated 2/20/2025, which states:

> "Commerce has completed our review of the subject wind farm, Coles Wind Energy Project and found it is 110.5 km SE of the Lincoln, IL NEXRAD. Based upon distance and terrain this project appears to be radar neutral. No further contact with the developer requested at this time."

See Applicant Exhibit 9, NTIA Response Letter, 2/20/2025.

Phillip Borgman testified that he spoke to a weather person at a Champaign, IL news station indicating that a weather person told him that wind turbines mask the rotation of storms on weather radar. *See Borgman testimony, 6/9/2025.* However, Mr. Borgman did not provide any testimony that this particular Project will impact weather radar. *See id.*

Kelly Clark testified that Illinois is home to largest population of wintering eagles. She also testified that wind farms account for approximately 600+ bald eagle deaths. *See Clark testimony, 6/9/2025.* She indicated painting a turbine blade black, according to the US Fish and Wildlife Service, would reduce the bird/bat deaths. *See Clark testimony, 6/9/2025.* Her testimony did not address whether this specific project would have a negative impact on the population of eagles.

Morals, Comfort, General Welfare

There was testimony from Tom Sherman indicating the Project participants that are Coles County residents makeup a small percentage of overall Coles County residents. However, such evidence is not relevant to the Committee's determination.

The Applicant did provide significant information on the overall economic impact of the Project via the testimony David Loomis, PhD. According to Loomis' testimony, the Project could provide up approximately $81,000,000 in tax revenue over its anticipated life. The majority of that tax

revenue (approx.. $48.6 million) could go to school districts, specifically Arcola CUSD 306, Charleston CUSD 1, and Oakland CUSD 5. There is estimated to be approximately $13 million in property taxes for Coles County over the life of the Project. *See Loomis testimony, and Applicant Ex. 6.* There was testimony from members of the public that the tax benefits may not comport with the testimony provided by Mr. Loomis.

According to Loomis' testimony, the Project will also create construction related jobs and operations jobs. Of those onsite construction jobs were estimated to be 286 new local jobs during construction, though only 3 long term jobs over operations period of the Project. However, Loomis did not investigate whether certain jobs, such as aerial applicators, could be impacted negatively by the presence of the Project. *See Loomis testimony.*

Ted Hartke testified how he and his family were adversely impacted by wind turbines in Vermilion County. The project he testified about in Vermilion County was not an Apex project and used different models of turbines than those proposed for this Project.

(b) The Commercial Wind Energy Facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;

Some particular evidence referenced in paragraph (a) above is relevant to this particular issue as well.

There was no evidence that any current permitted use in the vicinity of the Project will be unable to continue or otherwise impeded due to or as a consequence of the presence of the Project, though one property (a church) was modeled to receive sound levels greater than that permitted by the Illinois Pollution Control Board. *See Kaliski testimony, 4/16/2025, pages 124-125.* Agricultural uses of surrounding properties will be able to continue, as well as residential uses. the Project will utilize only a small fraction of agricultural ground for each wind energy turbine and access road (approximately up to 0.25 acre, which comprises less than 0.1% of the total Project Area).

The Application states that the Project will comply with the noise standards of the Illinois Pollution Control Board, and the Project will meet industry standards and limit shadow flicker on occupied community buildings and non-participating residences to less than the maximum allowable levels in the WECS Ordinance and permitted by the State of Illinois. (SUP Application Appendix D.5 – Sound Modeling Report and Appendix D.8 – Shadow Flicker Report). However, it is notable that Applicant's witness Kaliski testified that at least one occupied community building (a church) would receive higher sound levels than is permissible by the IPCB. *See Kaliski testimony, 4/16/2025, pages 124-125.*

As to property values, Andrew Lines of CohnReznick, analyzed the impact of wind projects and other energy projects on real estate values around the country. He provided a Property Values Analysis Report included in Appendix E.3, "the vast majority of studies with large-scale data sets concluded existing wind facilities have had no negative impact on adjacent property values." *See Group Exhibit 1, Appendix E.3.*

There was a letter provided by James Di Naso which was from Michael McCann. *See Di Naso Exhibit A.* The letter provides an opinion of Mr. McCann that property values may decrease from the presence of a wind farm. *See Di Naso Exhibit A.* However, Mr. McCann himself did not testify and is difficult for this committee to evaluate his claims. There are several items within the McCann report which are not applicable particularly suggestions which are in derogation of the state of Illinois siting statute (55 ILCS 5/5-12020).

(c) The establishment of the Commercial Wind Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties;

There was no evidence to indicate the Project will or will not impede the normal and orderly development and improvement of the surrounding properties. Arguably road upgrades could improve such issues though there was not sufficient evidence on this factor.

(d) Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

The Project will include the construction of all access roads necessary for the Project. The Applicant will enter into a Road Use Agreement with Coles County and other affected road jurisdictions to ensure that the existing roadways are sufficient for the development of the Project, and the Applicant must make all road improvements necessary.

Coles Wind has executed an AIMA with the Illinois Department of Agriculture which requires that the Project minimize impacts upon the agricultural uses, repair any damage to drain tiles, and further state statutory protections also provide protection of the drainage structures currently in place.

There are several necessary facilities which will be needed to construct the Project. For example, the Project will need a concrete batch plant (unless concrete could be sourced locally elsewhere) and a substation. While those facilities do not currently exist, those facilities will be the sole responsibility of Applicant to construct and operate.

(e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

The SUP Application shows that all parcels in the Project have access via public roads. Accordingly, the Project has sufficient ingress and egress. Further, Applicant will need to enter into Road Use Agreements with the necessary authorities to account for construction and operation of the Project. Importantly, any upgrades to the local roads, or repairs thereto, will be at Applicant's expense.

(f) The proposed Commercial Wind Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any); and

Coles County Comprehensive Plan (2006, updated 2012) is included by reference. The Plan includes among its concerns for the County the "preservation of prime agricultural land". *See Coles County Comprehensive Plan, 2006, updated 2012, generally.* The Plan also references potential for private sector investments in Coles County, including "wind energy systems" as

reasons for needing a Plan. The Plan does not specifically reference a position in favor of or against such development. *See id.*

Regardless, the Project will utilize a small fraction of agricultural ground for each wind energy turbine and access road (approximately up to 0.25 acre, which comprises less than 0.1% of the total Project Area). Accordingly, nearly all of the land within the Project area will continue to be utilized for agricultural purposes, consistent with the current use and goals of the plan for preserving prime agricultural land.

(g) The Commercial Wind Energy Facility shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.

Coles County is not zoned under the authority provided in Division 12 of the Illinois Counties Code. Accordingly, the Project will not reside in a zoning district. Regardless, the general character of the community within the Project area is agricultural.

VIII. RECOMMENDATION

Based on the evidence in the record, the Planning and Development Committee finds and hereby recommends to full Coles County Board that the Special Use Permit Application of Coles Wind, LLC be:

_____ Approved
_____ Denied
__X__ Approved, subject to the Recommended Conditions attached hereto

Mike Watts
Chair, Planning and Development Committee
of the Coles County Board

23 June 2025
Date

END OF DOCUMENT

(4.)

State of Illinois)
)ss.
County of Coles)

RESOLUTION RE: EARTHRISE SOLAR FARM APPLICATION FEE

WHEREAS, Coles County has received A $75,000 application fee from Earthrise Solar Energy for a solar farm; and

WHEREAS, these funds are to be deposited in an account to be used to cover the county's cost incurred in processing the Application; and

WHEREAS, the applicant shall be responsible for all additional cost and shall remit to the County within 15 days of the request.

WHEREAS, any unused application fees are to be refunded to the Applicant within six months of the County Board rendering a final decision on the Application and any pending litigation, disputes, or negotiations.

NOW, THEREFORE BE IT RESOLVED that the County ~~increase~~ add a revenue line item 001-000-4292-000 to the Budget in the amount of $75,000.

NOW, THEREFORE BE IT RESOLVED that the County ~~increase~~ add an expense line item 001-001-7292-000 to the Budget in the amount of $75,000.

DATED this ____ day of _____, 2025.

_____
Chairman

ATTEST:

_____
County Clerk

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COLES COUNTY, ILLINOIS
COLES COUNTY PLANNING & DEVLOPMENT COMMITTEE
PUBLIC HEARING RULES GOVERNING SOLAR FARM APPLICATION HEARINGS

Order of Public Hearing:[1]

1. Meeting called to order.

2. Pledge of Allegiance.

3. Roll Call of Planning & Development Committee Members.

4. Identification of the application and project overview by counsel for Coles County

    a. Coles County counsel will identify the application and the applicant for which the hearing has been set, including a general description of the proposed wind energy conversion system, and the areas in which such system is proposed to be developed.

    b. Coles County counsel will provide confirmation that the necessary fees have been paid by the applicant, and that the notice of the public hearing has been published and mailed in accordance with law.

5. Introduction of the Public Hearing Moderator by the Chairperson.[2]

6. Readings of the rules and procedures of public hearings by the Public Hearing Moderator.

7. Evidence from the applicant [3]

    a. Applicant shall present testimony and evidence. Each of the applicant's witnesses shall remain present for questioning by the Planning & Development Committee or others, until such time as the witness is excused by the Chairperson.

    b. Members of the Planning & Development Committee shall have the opportunity to question the applicant's witnesses providing testimony. The Planning & Development Committee members may, in the discretion of the Chairperson, ask questions at any time during the hearing.

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[1] The order denoted herein may be adjusted in the reasonable discretion of the Chair or Hearing Moderator.
[2] The Hearing Moderator will assume the allowed duties of the Chair for the duration of the hearing.

[3] Witnesses may be presented individually or as a panel at the discretion of the Public Hearing Moderator/Planning & Development Committee

c. All persons present shall have the opportunity to question the applicant's witnesses and evidence in the following order:

   i. Coles County Planning & Development Committee members;

   ii. Units of local government, including school districts;

   iii. Interested parties represented by licensed attorneys;

   iv. Other interested parties including members of the public;

   v. Coles County staff and consultants; and

   vi. Follow-up questions from Committee members.

8. Evidence from persons in favor of the application

   a. Repeat order of questioning denoted in 7(a)-7(c).

9. Evidence from licensed attorneys representing interested parties in opposition to the application.

   a. Repeat order of questioning denoted in 7(a)-7(c).

10. Evidence from persons opposed to the application, but unrepresented by a licensed attorney.

   a. Repeat order of questioning denoted in 7(a)-7(c).

11. Evidence from persons who are neutral on the application.

   a. Repeat order of questioning denoted in 7(a)-7(c).

12. Identification of written comments and entry into record regarding the application.

13. Evidence from Coles County staff and consultants.

   a. Repeat order of questioning denoted in 7(a)-7(c).

14. Public Comment. (NOTE: public comment is not evidence and will not be considered by the Committee or County Board in rendering a decision on the application).

    a. **Time Limit – 3 minutes per person.**

15. County may recall any witness that has testified for further information/evidence at any time.

16. Closing statements by counsel for Applicant.

    a. Introduction of new evidence is precluded.

17. Closing statement by Objectors (if any).

    a. Introduction of new evidence is precluded.

18. Rebuttal by counsel for Applicant.

    a. Rebuttal limited to rebuttal of closing statement(s) by Objector(s).

19. Closing of Evidence

20. Deliberations and Votes

    a. Findings of Fact (consider, discuss and vote)
    b. Conditions (consider, discuss and vote)
    c. Recommendation to full County Board (consider, discuss and vote)

21. Adjournment.

COLES COUNTY PLANNING & DEVELOPMENT COMMITTEE PUBLIC HEARING RULES

1. These provisions shall govern procedures of the public hearings before the Coles County Planning & Development Committee concerning wind energy conversion systems. The Chairperson and the Planning & Development Committee may modify these procedures in their reasonable discretion.

2. A court reporter shall be present at every hearing and voting meeting in order to provide a transcript of the proceedings. Transcripts will be prepared by the court reporter and sent to the Planning & Development Committee. Costs for all transcripts of hearings or voting meetings before the Planning & Development Committee shall be borne by the applicant, and the cost of the transcripts shall be paid directly to the court reporting service.

3. The hearing shall occur on the date and time set forth in the published notice. All necessary additional hearing dates shall be scheduled at the discretion of the Planning & Development Committee.

4. The Chairperson or acting Chairperson (including Hearing Moderator) of the Planning & Development Committee shall preside at the public hearings of the Planning & Development Committee. The Chairperson shall have the authority to control the hearing proceedings, and may determine time limits, schedule the appearance of witnesses and require their appearance on dates set forth in the scheduling order, restrict witnesses from testifying for failure to appear on the date scheduled for that witness' testimony, adopt reasonable limits upon the questioning of witnesses by the applicant and interested parties, and take other action deemed reasonably necessary by the Chairperson in order to conduct the hearing in an orderly, efficient and professional manner.

5. The hearing before the Planning & Development Committee shall not be governed by, and the Planning & Development Committee shall not be bound by, the strict rules of evidence. The Planning & Development Committee may exclude irrelevant material and unduly repetitious testimony, and any other testimony or evidence that in the discretion of the Chairperson and Planning & Development Committee is not pertinent to the proceedings. Tactics designed to delay the proceedings are not permitted.

6. All witnesses shall testify under oath.

7. At the discretion of the Chairperson, Planning & Development Committee members shall be permitted to question witnesses at any time during the hearing and Planning & Development Committee members may request that additional information or evidence be presented to them during the hearing.

8. Public hearings may be held by less than a quorum of the Planning & Development Committee.

9. The discretion to admit testimony, documents or other evidence lies solely within the discretion of the Hearing Moderator. The determination of qualifications of an expert shall be within the discretion of the Hearing Moderator. Expert witnesses must be adequately demonstrate their

qualifications prior to rendering an opinion on a matter. All studies relied upon in a expert's written submissions must be disclosed.

10. The Planning & Development Committee shall transmit its findings and recommendations to the County Board in written form.

11. Audience members must be seated and quiet, loitering in the hearing room is prohibited. Any person who is unruly, disrupts or attempts to disrupt the hearing or otherwise engages in inappropriate behavior will be expelled. Excessive applause, jeering or other commotion shall be considered disruptive.

12. Time Limits:

    a. Upon demonstration of expertise within a relevant field, expert witnesses are allowed 15 minutes to testify. Testimony shall be relevant to the application
    b. Non-expert witnesses who are residents of Coles County shall have 15 minutes to testify.
    c. Non-expert witnesses who are non-residents of Coles, Cumberland or Shelby Counties shall have 5 minutes to testify.
    d. Questions of witnesses shall be limited to 30 total minutes per witness, and no single person may question a witness for longer than 10 minutes. The time limits on questions shall not apply to the County, including its staff, its attorneys, or its consultants.

END OF DOCUMENT