

**COUNTY BOARD OF MACOUPIN COUNTY, ILLINOIS  
ORDINANCE NO. O-2023.07**

**AN ORDINANCE APPROVING THE APPLICATION FOR  
A WIND ENERGY CONVERSION SYSTEM SITING APPROVAL PERMIT  
SUBMITTED BY LOTUS WIND, LLC FOR A WIND ENERGY CONVERSION SYSTEM ("WECS")  
KNOWN AS THE LOTUS WIND PROJECT ("WECS PROJECT")**

**WHEREAS**, on April 10, 2023, Lotus Wind, LLC, a Delaware limited liability company, ("Applicant" or "Lotus Wind") filed an application (the "Application") pursuant to Macoupin County's Ordinance No. O-2023.02: Wind Energy Conversion Systems Siting Regulations Ordinance ("WECS Ordinance"), seeking siting approval of the Application and issuance of a WECS Siting Approval Permit to construct and operate the Lotus Wind Project (the "WECS Project"). A copy of the WECS Ordinance is incorporated by reference into this Siting Approval Permit Ordinance as Exhibit "G"; and

**WHEREAS**, the WECS Project consists of the construction and operation of a wind project of up to 45 turbines (52 permitted turbine locations to account for spare locations) with a maximum height of up to 657 feet (200 meters) when the blade is in the up-most position located on approximately 16,650 acres of agricultural land in northern Macoupin County, Illinois. Depending on the type of turbines selected, the anticipated number of turbines to be constructed will range from 34 to 45 up to 204 MW. The WECS Project will be a single-phase construction project. The WECS Project is roughly bounded by the Morgan and Sangamon County lines to the north, Greene County to the west, State Route 4 to the east, and County Highway 12 to the south in portions of Scottville, North Palmyra, and North Otter Townships in Macoupin County. The WECS Project area is largely utilized for agricultural purposes, with corn and soybeans as the predominant crops. All wind turbines will be located on land currently used for growing crops, with each turbine and access road utilizing approximately up to 0.75 acres of land. The access roads to each turbine will comprise most of this acreage. In some cases, existing field lanes are being upgraded to the standards necessary for turbine access. The Applicant, landowners, their designees, and tenant farmers will use the access roads for agricultural purposes and wind turbine purposes. Other improvements include: underground 34.5 kilovolt (kV) electrical collector lines connecting the turbines to the collector substation (to be located in Morgan County) and associated facilities; Light Detection and Ranging (LiDAR) systems to detect wind speed; an O&M Facility and office; one (1) ADLS radar tower; and temporary construction facilities such as a laydown yard and a concrete batch plant. In addition, construction and operation of the WECS Project will not significantly affect current land use in the WECS Project area, and crop production can continue up to and surrounding the wind turbines and access roads; and

**WHEREAS**, the substation and the switching station for this WECS Project, which are not part of the Application, will be constructed in Morgan County, Illinois and permit approval for that portion of the WECS Project will come from Morgan County. The principal function of the substation is to increase the voltage from the collector system (34.5 kV) to the voltage of the transmission line (345 kV), which will transport the electricity of the entire Project to the Midcontinent Independent System Operator (MISO) grid via the interconnection switching station. The WECS Project is a capital investment of more than \$415 million and will generate approximately \$167 million in direct economic benefits from lease payments, construction and operation wages, and tax benefits. The WECS Project Summary, WECS Project Area Maps, and Site Plan are incorporated by reference herein as part of Group Exhibit "A" and made a part hereof; and

**WHEREAS**, the Application, dated April 7, 2023, which has been on file with the Clerk’s Office of Macoupin County (the “County”) and available for inspection at the County’s website since April 10, 2023, and is incorporated herein by reference as **Group Exhibit “A”** and made a part hereof, consists of the following WECS Project-related documents for consideration and approval:

- a. Landowner Names and Addresses (Appendix A.1);
- b. Evidence of Recorded Site Control Documents (Appendix A.2);
- c. Template Lease and Easement Agreement for Wind Energy Project (Appendix A.3);
- d. Template Wind Farm Participation and Support Agreement (Appendix A.4);
- e. Template Grant of Easement and Easement Agreement for Underground Facilities (Appendix A.5);
- f. Template Amendment to Wind Farm Participation and Support Agreement – Shadow Flicker Waiver (Appendix A.6);
- g. Template Access Road Location Approval and Gate Waiver (Appendix A.7);
- h. WECS Project Summary (Appendix B.1);
- i. Site Control (Appendix B.2);
- j. Turbine Setbacks (Appendix B.3);
- k. Preliminary Site Plan (Appendix B.4);
- l. Topographic Map (Appendix B.5);
- m. County, Township, and Village Approved Public Roads (Appendix B.6);
- n. Community Grant Program Summary (Appendix C.1);
- o. Resolution of Support - Northwestern Community Unit School District No. 2 Board of Education (Appendix C.2);
- p. Resolution of Support - North Mac Community Unit School District No. 34 Board of Education (Appendix C.3);
- q. Resolution of Support - Waverly Community Unit School District No. 6 Board of Education (Appendix C.4);
- r. Economic Impact Analysis (Appendix C.5);
- s. Property Values Market Impact Analysis (Appendix C.6);
- t. Agricultural Impact Mitigation Agreement (Appendix D.1);
- u. Village of Modesto Compensation and Waiver of Siting Authority Agreement (Appendix D.2);
- v. Greene County List of Public Roads Identified and Approved by Road Authorities (Appendix D.3);
- w. Morgan County List of Public Roads Identified and Approved by Road Authorities (Appendix D.4);
- x. Macoupin County, Scottville Township, North Palmyra Township, North Otter Township, and Village of Modesto List of Public Roads Identified and Approved by Road Authorities (Appendix D.5);
- y. Macoupin County Draft Form of Financial Assurance - Road Use (Appendix D.6);
- z. Telecommunications Study and National Telecommunications and Information Administration Letter (Appendix E.1);
- aa. Sound Modeling Report (Appendix E.2);
- bb. Avian and Wildlife Impact Study with updated Illinois Department of Natural Resources Letter dated April 14, 2023 [Consultation Program: EcoCAT Review] (Appendix E.3);
- cc. Draft Emergency Action Plan (Appendix E.4);
- dd. Shadow Flicker Report (Appendix E.5);

- ee. Draft Drainage Systems Repair and Remediation Plan (Appendix E.6);
- ff. Draft Decommissioning and Site Reclamation Plan (Appendix E.7);
- gg. Macoupin County Draft Form of Financial Assurance – Decommissioning Bond (Appendix E.8);
- hh. Federal Aviation Administration Determination of No Hazard to Air Navigation Letter (Appendix F.1);
- ii. U.S. Department of Defense Letter (Appendix F.2); and
- jj. Lotus Wind Federal Aviation Administration Filings, February 2023 (Appendix F.3)

(collectively referred to as the “Applicant’s Exhibits”); and

**WHEREAS**, pursuant to notice published in a newspaper and posted as required by the applicable provisions of State law and as required by the applicable provisions of the WECS Ordinance, Sections 5-12020 and 5-12009.5 of the Illinois Counties Code (55 ILCS 5/5-12020; 55 ILCS 5/5-12009.5) and the Illinois Open Meetings Act (5 ILCS 120), including the wind farm regulatory amendments to the Counties Code as set forth in recently enacted Public Act 102-1123, a public hearing to consider the Applicant’s Application was commenced and conducted, in part, on May 23, 2023 by the Macoupin County Board at the Blackburn College in the Bothwell Auditorium, located at 700 College Avenue in Carlinville, Illinois, and, then, the Macoupin County Board continued the public hearing to June 14, 2023 at the Macoupin Courthouse, located at 201 East Main Street in Carlinville, Illinois (the “Public Hearing”). . The Public Hearing, which was conducted as an in-person format, concluded on June 14, 2023. Members of the public attended and participated in the Public Hearing. The County provided alternate means of public participation and opportunities for the public to submit its comments relative to the Application to the County Board by delivering paper copies of such public comments to the County Clerk’s Office or submission via email of such public comments to the County Clerk’s Office. Live public comment was also permitted during the public comment portion of the Public Hearing; and

**WHEREAS**, during the Public Hearing, the County Board reviewed and accepted into the record copies of the following documents, which are incorporated by reference into this Ordinance and are on file and available for public inspection at the Macoupin County Clerk’s Office:

- a. Applicant’s Application and its above-listed Exhibits (**Group Exhibit “A”**).
- b. Public Hearing Notice with a Publisher’s Certificate dated April 20, 2023, prepared by Tracy Favre of the Macoupin County Enquirer-Democrat, is attached as **Group Exhibit “B”** and made a part hereof.
- c. Affidavit of Mailing, Publication and Sign Posting signed by County Clerk Pete Duncan dated May 19, 2023 is attached as **Group Exhibit “B”** and made a part hereof.
- d. The following additional WECS Project-related documents were submitted by the Applicant and accepted into the record during the Public Hearing (marked as **Group Exhibit “C”**):
  - i. C-1: PowerPoint prepared by Applicant regarding content of Application.
  - ii. C-2: PowerPoint prepared by Applicant regarding Decommissioning.
  - iii. C-3: PowerPoint prepared by Stout regarding Economic Impact Analysis for Illinois and Macoupin County for Lotus Wind Project.
  - iv. C-4: Lotus Wind Supp. Letter re Absence of Mines and Natural Areas Identification of Ancillary Equipment Location dated June 5, 2023.
  - v. v.C-5: Lotus Wind Supp. Letter re Proposed Surety Bond Protects Macoupin County dated June 5, 2023.C-6: Memorandum from Apex Counsel

(ArentFoxSchiff law firm) dated June 8, 2023 regarding Applying Decision-Making Factor.

- e. The following documents were submitted by Macoupin County and accepted into the record during the Public Hearing and were marked as **Group Exhibit "D"**:
- i. D-1: Memorandum dated May 23, 2023 and prepared by Attorney Michael T. Jurusik (an Illinois licensed attorney), serving as the County's appointed hearing facilitator, confirming the performance of a preliminary investigation of the Application for completeness with the requirements of the WECS Ordinance (4 Pages).
  - ii. D-2: Review Report of the WECS Project Siting Approval Permit Application received April 10, 2023 and prepared by Terrence H. Fountain, P.E., of Cummins Engineering Corporation on May 23, 2023, serving as the County's appointed Consulting Engineer for the WECS Project, confirming the performance of a preliminary investigation of the Application for completeness with the requirements of the WECS Ordinance and providing other information relative to conditions of permitting, construction and operation of the WECS Project. This will come with a recommendation to the Macoupin County Board on acceptance or denial of the Application.
  - iii. D-3: EcoCAT Review Letter (#2304522) from the Illinois Department of Natural Resources (3 pages) dated April 14, 2023 and prepared by Kyle Burkwald, Resource Planner – Impact Assessment Section of the Office of Realty and Capital Planning, regarding update to ECOCAT Review Letter dated October 3, 2022 and IDNR recommendations for the WECS Project ("EcoCAT Letter").
  - iv. D-4: Amendment to Wind Farm Participation and Support Agreement entered into by Lotus Wind LLC and Dixie Stewart-Gage, Trustee of the Dixie L. Stewart Gage Trust No. 2016 (as land contract seller) and David R. Drake and Sharlynn S. Drake and David Allyn Drake as land contract buyers – initially dated January 23, 2023 with execution dates by the land contract seller and land contract buyers of February 24, 2023 and February 27, 2023 by Lotus Wind LLC.
- f. The following documents were submitted by the Objectors and accepted into the record during the Public Hearing by Macoupin County and were marked as **Group Exhibit "E"**:
- i. E-1: Email dated May 5, 2023, prepared by Peter Stromsland – Public Comment #3 (1 page).
  - ii. E-2: Email dated May 17, 2023, prepared by Lindsey Kahl – Public Comment #5 (1 page).
  - iii. E-3: Email dated May 17, 2023, prepared by Richard Bray – Public Comment #6 (1 page).
  - iv. E-4: Email dated May 18, 2023, prepared by Matthew Baker – Public Comment #9 (1 page).
  - v. E-5: Email dated May 18, 2023, prepared by Dennis Baker – Public Comment #10 (1 page).
  - vi. E-6: Email dated May 20, 2023, prepared by James Looser – Public Comment #12 (1 page).
  - vii. E-7: Email dated May 23, 2023, prepared by Beth Welch – Public Comment # 15 (1 page).
  - viii. E-8: Email dated May 23, 2023, prepared by Delores Pattetson – Public Comment #16 (1 page).

- ix. E-9: Email dated May 23, 2023, prepared by Anonymous – Public Comment #17 (1 page).
  - x. E-10: Email dated May 23, 2023, prepared by Patsy Gibbs – Public Comment #18 (1 page).
  - xi. E-11: Email dated May 24, 2023, prepared by Jacki Pellinghelli – Public Comment #19 (1 page).
  - xii. E-12: Email dated May 26, 2023, prepared by Amy DeWitt – Public Comment #20 (1 page).
- g. The following documents were submitted by Interested Parties (Supporters of the WECS Project) and accepted into the record during the Public Hearing and were marked as **Group Exhibit “F”**:
- i. F-1: Letter - not dated - prepared by Earl Hannah (1 page).
  - ii. F-2: Letter - not dated - prepared by Pauline Ladage (1 page).
  - iii. F-3: Letter - not dated - prepared by Kathy Hannah (1 page).
  - iv. F-4: Letter dated March 29, 2023, prepared by Mike & Laurie Driscoll (1 page).
  - v. F-5: Letter dated March 30, 2023, prepared by James R. Launer (1 page).
  - vi. F-6: Letter dated April 4, 2023, prepared by Dixie Stewart-Gage (1 page).
  - vii. F-7: Letter dated April 5, 2023, prepared by Gary D. Edwards (1 page).
  - viii. F-8: Letter dated April 5, 2023, prepared by R. Steven Gage (1 page).
  - ix. F-9: Letter dated April 13, 2023, prepared by Mike & Laurie Driscoll (1 page).
  - x. F-10: Letter dated April 17, 2023, prepared by James R. Launer (1 page).
  - xi. F-11: Letter dated May 12, 2023, prepared by Alan Little (1 page).
  - xii. F-12: Email dated May 12, 2023, prepared by Chris and Cristi Newingham – Public Comment #4 (1 page).
  - xiii. F-13: Email dated May 17, 2023, prepared by Mary Tinder – Public Comment #7 (1 page).
  - xiv. F-14: Email dated May 17, 2023, prepared by Ron Dowland – Public Comment #8 (1 page).
  - xv. F-15: Email dated May 19, 2023, prepared by Laura A. Driscoll – Public Comment #11 (1 page).
  - xvi. F-16: Email dated May 22, 2023, prepared by Barbara Allyn – Public Comment #13 (1 page).
  - xvii. F-17: Email dated May 22, 2023, prepared by Dixie Stewart-Gage – Public Comment #14 (1 page).
  - xviii. F-18: Letter dated March 28, 2023, prepared by Kevin Williams but delivered to the County Clerk on May 23, 2023 (1 page).
  - xix. F-19: Letter dated March 28, 2023, prepared by Josh Hoover but delivered to the County Clerk on May 23, 2023 (1 page).
- h. Macoupin County’s Ordinance No. O-2023.02: Wind Energy Conversion Systems Siting Regulations Ordinance accepted into the record during the Public Hearing and was marked as **Exhibit “G”**;

; and

**WHEREAS**, during the Public Hearing, the County Board heard testimony from the following individuals and asked questions of some of the individuals, whose testimony is contained in the transcript of the Public Hearing, which was prepared by the court reporter (Karen Waugh of Pohlman

USA Court Reporting and Litigation Services) and is incorporated herein by reference as Exhibit "H":

- a. The Applicant and its consultants, consisting of:
  - i. Scott Jansen, Director of Project Development – Apex (introducing the WECS Project, discussing community benefits and how the application meets the WECS Ordinance);
  - ii. Jason Conley, Manager of Health and Safety – Apex (discussing health and safety for Lotus Wind);
- b.
  - iii. Adam Carlson, WECS Project Manager – Apex (discussing WECS Project construction through restoration); Apex subject matter experts who were present at the Public Hearing and some of whom answered questions posed by the County Board and the public:
    - i. Jennie Geiger, Apex – Wildlife;
    - ii. Mike MaRous, MaRous & Company - Property Values;
    - iii. Isaac Old, RSG – Sound;
    - iv. Greg Scheig, Stout - Economic Impacts (review of report by David Loomis and additional analysis);
    - v. Jacob Runner, EDR - Shadow Flicker;
    - vi. Carrie Boecher, Westwood Professional Services – Decommissioning;
    - vii. Travis Brown, WEST – Wildlife;
- c. Legal – Amy Antonioli and Ryan Granholm, ArentFox Schiff LLP
- d. Macoupin County and its consultants, consisting of:
  - i. Terrence H. Fountain, P.E., of Cummins Engineering Corporation.
  - ii. Michael T. Jurusik (hearing facilitator).
- e. Objectors who testified in opposition to the Application included:
  - i. Fairly Cole
  - ii. Terry Worth
  - iii. Brad Banhuss
  - iv. Eric Allison
  - v. Dennis Bake
  - vi. Doug Worth
  - vii. Kevin Weidner
- f. Interested Parties who testified in favor of the Application included:
  - i. Kyle Hacke
  - ii. John Blank
  - iii. Patrick Bowman
  - iv. Christen Johnson
  - v. Lori Driscoll
  - vi. John Early
  - vii. Mike Hannah
  - viii. Doug Oxley
  - ix. Greg Stimae
  - x. Don Ferrari
  - xi. Steve Gage
  - xii. Dixie Stewart-Gage
  - xiii. Collin Dankerbring
  - xiv. Richard Sims
  - xv. Allen Little

; and

**WHEREAS**, after closing the Public Hearing on June 14, 2023, the County Board reviewed and considered the written documents and oral testimony received, heard and entered into the public record at the Public Hearing relative to the Applicant's Application and the issuance of the requested WECS Siting Approval Permit. The County Board also considered reasonable conditions, consistent with the regulations of Public Act 102-1123, that would apply to any approval of the Application and the issuance of a WECS Siting Approval Permit for the construction and operation of the WECS Project. As part of its deliberations, the County Board made specific findings, based on the Application and the other materials submitted in support of and in opposition to the WECS Project, that the Applicant has met the "Siting Approval Permit Standards" set forth in Section XIII.B(3) (Fee Schedule and Permitting Process) of the WECS Ordinance, subject to the stipulated conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the WECS Project, as set forth below in Section 3 (Conditions of County Board Approval), as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of the WECS Ordinance. The County Board's specific findings relative to the Siting Approval Permit Standards consist of:

- a. The establishment, maintenance or operation of the WECS Project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;**

In regard to Siting Approval Permit Standard (a), the County Board finds that:

- i. The proposed WECS Project complies with and will operate in accordance with all the requirements of the WECS Ordinance.
- ii. The proposed WECS Project is specifically designed to promote the public health, safety, and welfare of the community. It generates renewable energy from a local source that does not pollute the air or water, is not subject to the price volatility of fossil fuels, adds fuel diversity and reliability to domestic production of electricity and furthers the state's goals of clean energy generation.
- iii. The Application demonstrates that the WECS Project will utilize wind energy turbines that meet all design and safety requirements of the WECS Ordinance. As part of the Pre-Construction Submittal for each wind energy turbine, a Professional Engineer and a Structural Engineer will certify that the foundation and tower design both conform to Macoupin County and industry standards per Subsection VI.A.2. (Design and Installation; Design Safety Certification) of the WECS Ordinance.
- iv. The Application demonstrates that the WECS Project complies with all setback requirements from primary structures, public roads, third party distribution and transmission lines, and communication towers, and adjacent property lines, unless waived by the appropriate owner (See, Section 4.8 of the Application). Compliance with these setback requirements ensures that WECS Project improvements are located at appropriate distances from other uses and roads. This is shown in Appendix B.
- v. The Application includes the report of a qualified acoustics consultant that demonstrates that the WECS Project agrees to comply with the sound standards of the WECS Ordinance and Illinois Pollution Control Board (IPCB). The sound model utilized conservative assumptions and established that the WECS Project will not emit sound to surrounding residential uses at levels that interfere with the use and enjoyment of such

residential uses (See, Section 4.13 of the Application). The Sound Modeling Report is included in Appendix E.

vi. The Applicant has designed the WECS Project to restrict shadow flicker upon any occupied dwelling to a maximum of 30 hours per year unless expressly waived by a participating landowner (Section 5.4). This will essentially eliminate the adverse impact of shadow flicker on occupied dwellings in the area. The shadow flicker analysis is included in Appendix E.

vii. The Application includes a qualified telecommunications consultant's report that demonstrates that interference with television reception is unlikely (See, Section 4.12). The telecommunications studies are included as Appendix E.

viii. The Application includes a qualified telecommunications consultant's report, demonstrating that the WECS Project will not interfere with any radio transmissions, microwave paths, emergency communications, or other existing telecommunication systems (See, Section 4.12 of the Application). The telecommunications studies are included in Appendix E. The WECS Project also will not improve any current telecommunications deficiencies that may exist within the WECS Project footprint.

ix. The Application includes a decommissioning and site reclamation plan prepared by an Illinois licensed engineer which estimates the cost to decommission the WECS Project and restore property in accordance with the WECS Ordinance (See, Section 8.0 and Appendix E of the Application). Decommissioning financial security in the form of a bond will be posted based on the estimated decommissioning cost as required by the WECS Ordinance and the Agricultural Impact Mitigation Agreement ("AIMA") entered into with the Illinois Department of Agriculture ("IDOA") on February 23, 2023. The decommissioning cost estimate will be updated during the life of the WECS Project as required by the WECS Ordinance and the AIMA. The AIMA is included in Appendix D.

x. The wildlife habitat studies completed for the WECS Project and provided to U.S. Fish and Wildlife Service (USFWS) and Illinois Department of Natural Resources (IDNR) demonstrate that the WECS Project is unlikely to negatively affect the environment or wildlife. All turbines are sited in active row crops minimizing the impact to wildlife or its essential habitat. Furthermore, the WECS Project has sited turbines to comply with recommended buffers and setbacks by USFWS and IDNR. The avian and wildlife impact study is included in Appendix E and described in Section 4.15 of the Application.

xi. The Application includes the pending application filed February 24, 2023, for a Determination of No Hazard from the FAA for the WECS Project. In October 2022, the FAA issued Determinations of No Hazard for a layout of 71 turbines up to 745 feet above ground level, found at Appendix F, and based on the FAA's approval of a significantly similar layout with higher turbine height within the same WECS Project Area, the Applicant anticipates issuance of the Determinations of No Hazard in Q3 2023 (See, Sections 3.5 and 4.5 and Appendix F of the Application).

xii. Operation of radio frequencies for federal government use is managed by the National Telecommunications and Information Administration (NTIA), which is part of the U.S. Department of Commerce. The NTIA has confirmed no reviewing federal agencies have concerns with wind turbine construction in the WECS Project Area (See, Section 4.12 and Appendix E of the Application).

xiii. Finally, the WECS Project will provide significant property tax benefits to Macoupin County and other taxing districts, such as local school districts including the Lincoln Land Community College district and Extension Office district, fire districts, the Veterans

Assistance Commission district, and road and bridge districts which are entities that specifically benefit and protect the public health, safety, morals, comfort and general welfare (See, Section 3.7.1 and Appendix C of the Application). The WECS Project will create nearly 350 direct jobs during construction in Macoupin County, approximately 8 new permanent jobs in the community, and provide significant stimulus to the local economy during the life of the WECS Project. There are approximately as many, if not more, additional indirect (supply chain) and induced jobs created as a result of the WECS Project that are not accounted for here. The full economic impact analysis is included in Appendix C.

- b. The WECS Project 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.**

In regard to Siting Approval Permit Standard (b), the County Board finds that:

i. Use and enjoyment of residential property in the vicinity of the WECS Project will not be injured because the WECS Project meets all the setback standards as to non-participating property owners. In addition, the Application demonstrates that the WECS Project agrees to comply with the noise standards of the Illinois Pollution Control Board, and the WECS Project will limit shadow flicker on occupied dwellings to a maximum of 30 hours per year, unless waived by occupied dwelling owner. The sound modeling study and shadow flicker report are included in Appendix E. The Application also establishes that the WECS Project is not likely to cause any interference with TV reception, but if there is interference, there is antenna equipment that can be used to mitigate such interference.

ii. Use and enjoyment of the agricultural property in the immediate vicinity of the WECS Project will not be harmed because the land surrounding the wind turbines will remain farmland and will continue to be farmed. The Applicant has coordinated with landowners hosting facilities on their property. The WECS Project will not negatively affect the agricultural uses of the surrounding properties. The significant rental payments to local agricultural landowners over the life of the WECS Project will support and preserve agricultural use of their land and enhance the economic benefits to the entire community. See both the Economic Impact Analysis and Property Values Analysis reports included in Appendix C.

iii. The WECS Project will not diminish property values within the immediate area. The Applicant has demonstrated through its property valuation expert that the value of residential properties located near wind energy turbines in Illinois have not diminished as a result of wind energy projects. A Property Values Analysis report is included in Appendix C.

- c. The establishment of the WECS Project will not impede the normal and orderly development and improvement of the surrounding properties.**

In regard to Siting Approval Permit Standard (c), the County Board finds that:

i. The WECS Project does not require expenditures by Macoupin County or other units of local government to extend public services to the WECS Project. The WECS Project will include the construction of all access roads to all wind energy turbines and other improvements per the requirements of the WECS Ordinance. The Applicant shall enter into a Road Use Agreement ("RUA") with Macoupin County and other affected road jurisdictions to ensure that the existing roadways are sufficient for the development of the WECS Project,

and the Applicant will make, at its expense, any road improvements necessary. The WECS Project will obtain all necessary permits from the entities having jurisdiction over roadways used for the WECS Project prior to construction

ii. The WECS Project will not impede the normal and orderly development and improvement of the surrounding properties. The WECS Project will not impair any existing or future agricultural uses.

iii. The WECS Project complies with all required setbacks and sound standards. The Applicant demonstrates, through use of a qualified professional property valuation expert, that the WECS Project will not diminish the value of nearby residential parcels. A Property Values Analysis report is included in Appendix C. To the contrary, the economic benefits of the WECS Project will support the County, schools, police, fire, township, road authorities, and other governmental entities that enhance the value and strength of the community.

**d. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

In regard to Siting Approval Permit Standard (d), the County Board finds that:

i. The WECS Project does not require expenditures by Macoupin County or other units of local government to extend public services to the WECS Project. The WECS Project will include the construction of all access roads to all wind energy turbines and other improvements per the requirements of the WECS Ordinance. The Applicant will enter into a RUA with Macoupin County and other affected road jurisdictions to ensure that the existing roadways are sufficient for the development of the WECS Project, and the Applicant will make, at its expense, any road improvements necessary. The WECS Project will obtain all necessary permits from the entities having jurisdiction over roadways used for the WECS Project prior to construction.

ii. The Applicant will protect the existing drainage in the vicinity of the WECS Project and promptly repair any damage to drain tile or other drainage improvements. The Applicant has executed an AIMA with the IDOA which requires that the WECS Project minimize impacts upon the agricultural uses, quickly repair any damage to drain tiles, and restore land after construction or decommissioning to its pre-Project state.

**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;**

In regard to Siting Approval Permit Standard (e), the County Board finds that:

i. The Application shows that all parcels in the WECS Project have access via public roads. Accordingly, the WECS Project has sufficient ingress and egress.

ii. The WECS Project will enter into RUAs with Macoupin County and applicable road authorities. The RUAs will provide for necessary improvements to County and local roads for construction and operation of the WECS Project, and will ensure that the County and local roads will be safe for travel by the general public during and after construction of the WECS Project. The Applicant will construct, at its expense, public road improvements required for the installation and maintenance of the WECS Project. A map showing county and township public roads approved by the respective road authorities is included in Appendix B.

- iii. Once the WECS Project is constructed, minimal vehicular traffic for maintenance and operations is projected, and, accordingly, will not cause traffic congestion on the public streets.
- f. **The proposed WECS Project is not contrary to the objectives of the current comprehensive plan of the County (if any).**

In regard to Siting Approval Permit Standard (f), the County Board finds that:

- i. The WECS Project will utilize only a small fraction of agricultural ground for each wind energy turbine and access road (approximately 0.5 to 0.75 acre, which comprises less than 0.1% of the total WECS Project Area). Accordingly, nearly all of the land within the WECS Project Area will continue to be utilized for agricultural purposes, consistent with the current use. The WECS Project will not have any negative impact upon the continued agricultural use properties in the vicinity of the WECS Project.
  - ii. The WECS Project will protect and preserve the agricultural uses and culture in the area by ensuring a diverse revenue stream to supplement the income of local farmers, who can reinvest that revenue into agricultural land use and the community. The revenue stream is a protection against sometimes uncertain agricultural commodities markets and the potential fluctuation in the cost of farming operations and supplies (e.g., gas and fertilizer prices). Outside of the small amount of land actually needed to site the wind farm, the remaining land of participating and neighboring farms is unaffected and can continue to farm without additional, more intrusive developments that might not be consistent with the rural character of the community.
- g. **The WECS Project shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approval by the County Board.**

In regard to Siting Approval Permit Standard (g), the County Board finds that:

- i. The Application demonstrates the WECS Project satisfies all of the standards of the WECS Ordinance, including setback requirements, sound regulations, shadow flicker regulations, design regulations and other standards.

; and

**WHEREAS**, at an open, public meeting held on June 14, 2023, the Macoupin County Board of Members took a final vote on the approval of the Applicant's Application and the issuance of the requested WECS Siting Approval Permit; and

**WHEREAS**, pursuant to the applicable provisions of the Illinois Counties Code (55 ILCS 5/), as amended, the Macoupin County Board Members have the authority to enact this Ordinance and determine and find that it is in the best interests of Macoupin County, its residents, businesses, property owners and the public to approve the Application and issuance of a WECS Siting Approval Permit, **SUBJECT TO THE CONDITIONS CONTAINED** in Section 3 below of this Ordinance.

**BE IT ORDAINED BY THE CHAIRMAN AND COUNTY BOARD MEMBERS OF MACOUPIN COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Incorporation.** The Whereas paragraphs set forth above are material provisions of this Ordinance and are incorporated into this Section 1 by reference and made a part hereof.

**SECTION 2: Approval of Application by County Board.** The Chairman and the County Board Members of Macoupin County, Illinois grant the following approvals relative to the Application, SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 3 BELOW:

1. Approval of the Application and the issuance of a County WECS Siting Approval Permit, which will incorporate the terms and conditions of this WECS Siting Approval Permit Ordinance for the construction and operation of a 204 MW nameplate capacity wind energy conversion system (WECS), known as the Lotus Wind Project, consisting of up to 45 wind turbines (52 permitted turbine locations to account for spare locations) in substantial conformance with the Application and Applicant's Exhibits (**Group Exhibit "A" and Group Exhibit "C"**).

**SECTION 3: Conditions of County Board Approval.** The approval of the Application and the WECS Siting Approval Permit granted by this Ordinance in Section 2 above are subject to the following:

1. The Applicant must complete and file the necessary County application(s) and pay all required permit fees and comply with all other County pre-filing requirements, as set forth in the WECS Ordinance and this WECS Siting Approval Permit Ordinance, to be entitled to construct the WECS Project. The Applicant is required to submit a Pre-Construction Submittal, consisting of those construction related plans and other required documents, as set forth in Table 10.1-1 of the Application and elsewhere in this Ordinance, which are necessary to be reviewed and approved by the County Engineer, or designee, prior to commencement of construction of the WECS Project. See Sections 9 and 10 of the Application.
2. The Applicant agrees to comply with its stated commitments and proposed improvements relative to installation, operation and maintenance of the proposed Turbines as set forth at Section 3.1.1 (Turbines) of the Application.
3. The Applicant agrees to comply with its stated commitments relative to road identification, survey work, and entry into road use agreements with the necessary highway authorities who have jurisdiction over roads that the Applicant intends to use for the WECS Project and the construction, operation and maintenance of the proposed Access Roads and related and proposed improvements as set forth at Section 3.1.2 (Access Roads), Section 4.10 (Use of Public Roads), Section 4.10.1 (Identification and Approval of Public Roads of the Application), Section 4.10.2 (Baseline Surveys of Public Roads) and Section 4.10.3 (Road Use Agreements) of the Application. The Applicant accepts responsibility for the reasonable cost of improving roads used to construct the WECS Project and the reasonable cost of repairing roads used during construction so those roads are in a condition that is safe for the motoring public after completion of the Project's construction pursuant to 55 ILCS 5/5-12020(s). Prior to the issuance of the WECS Siting Approval Permit, the Applicant shall submit signed and recorded copies of all Road Use Agreements entered into with the County and each highway authority within or outside of the County whose roads will be impacted by the WECS Project (i.e., the County, Greene County, Morgan County, Scottville