IN THE MATTER OF: CHRISTIAN COUNTY

ZONING BOARD OF APPEALS

JULY 28, 2023

## CHRISTIAN COUNTY

ZONING BOARD OF APPEALS JULY 28, 2023

6:00 P.M.

ZONING BOARD:

Mr. David Copenbarger, Acting Chairman
Mr. Gary Merker
Ms. Adrian Adcock
Mr. Joe Dorr
Mr. Glen Goodrich

PRESENT:

Mr. Blake Tarr, Zoning Administrator
Mr. Greg Vasilion, Hickory Point Solar Energy Center, LLC

Mr. James R. Griffin, Schain, Banks, Kenny \& Schwartz, Ltd., 70 West Madison Street, Suite 5300, Chicago, Illinois 60602

Mr. Joey MaRous
Mr. John Aquilino
Dr. Chad Coady, Supervisor of Assessments

Ms. Sandra K. Haines, Court Reporter, CSR No. 084-002423

MR. BLAKE TARR: It is now 6 o'clock, and $I$ would like to call the meeting to order. The first order of business is not seen on the agenda, but $I$ would like to entertain a motion to appoint a temporary chairperson for tonight's meeting.

Chairman Overholt notified the Zoning
Office today that he was unwell and was going to be absent for the evening.

MS. ADCOCK: I make a motion to appoint Dave Copenbarger.

MR. BLAKE TARR: Do we have a second?
MR. DORR: I will second.
MR. COPENBARGER: Shall we vote.

MR. BLAKE TARR: Yes, I am sorry. Do we need to do a roll-call. Roll-call vote. James absent. Adrian Adcock.

MS. ADCOCK: Yes.
MR. BLAKE TARR: Dave Copenbarger.
MR. COPENBARGER: Yes.
MR. BLAKE TARR: Joe Dorr.
MR. DORR: Yes.
MR. BLAKE TARR: Glen Goodrich.
MR. GOODRICH: Yes.
MR. BLAKE TARR: Joann Howard. Absent as well. Gary Merker.

MR. MERKER: Yes.
MR. BLAKE TARR: Motion carries.
MR. COPENBARGER: Thank you Board for the nomination, I think.

So, I would like to clarify that tonight's meeting is a continuation from last month's meeting. This is not a new meeting. So, therefore, we are going to move to the spot we were at last time, and that's where we will start the meeting.

So, the first order of business we need a roll-call of members present. Adrian Adcock.

MS. ADCOCK: Here.
MR. COPENBARGER: Joe Dorr.
MR. DORR: Here.
MR. COPENBARGER: Glen Goodrich.
MR. GOODRICH: Here.
MR. COPENBARGER: Gary Merker.
MR. MERKER: Here.
MR. COPENBARGER: Dave Copenbarger, here.

We do have a quorum.
We need to approve the minutes from the June 27th, 2023 meeting, and there were two of those meetings. The first one was at 1:30. If everybody has had a chance to look over those minutes, $I$ need a motion to accept the minutes from the June 27 th meeting, the $1: 30$ meeting, please.

MS. ADCOCK: I make a motion.
MR. COPENBARGER: We have a motion. Do
I hear a second?
MR. GOODRICH: Second.
MR. COPENBARGER: Second from Glen
Goodrich. All those in favor.
ZONING BOARD MEMBERS: Aye.

MR. COPENBARGER: Opposed. Motion carries.

Also we need to approve the minutes from the June 27th, 2023, the 6:00 P.M. meeting, which was the beginning of this meeting we are going to continue tonight. So, we are going to approve the minutes that we had for the portion of the meeting that we started. So, I need a motion to accept the minutes from the June 27 th, 2023 6:00 P.M. meeting.

MS. ADCOCK: I will make a motion.
MR. GOODRICH: Second.
MR. COPENBARGER: All those in favor say aye.

ZONING BOARD MEMBERS: Aye.
MR. COPENBARGER: Opposed. Motion
carries.
So, where we are at is there a
representative from Invenergy here that would like to answer the questions submitted by the Board in regards to the project?

MR. GREG VASILION: Yes. Thank you for
having us back. Good to be here.
So, I have slides, but all that's on these
slides is just the questions that Blake sent over. So, just kind of go through them in the order we got them, and answer them, and that will be that.

Again my name is Greg Vasilion. I am the developer on this project, and seated along this row for the most part is the team that I have brought to help answer some questions.

So, the first question have all of the adjacent landowners been contacted and their concerns addressed. We talked a little bit about this last time, but the first thing we did was before the last hearing we went and knocked on every landowner who lived within a half mile of the project. Since that hearing we haven't gotten any phone calls, but we have pursued folks who we haven't heard from who spoke at the last hearing, and we did get in front of two individuals in particular who had concerns that they spoke about at the last hearing. One of them was concerned about an access road near her property and its affect on the chickens that she has on her property, and we took that back internally, and we are
comfortable moving that access road per her request, and $I$ can point to where that is when we get to that screen. So, from that perspective certainly we will do that.

The other was a gentleman who lives, the closest panel to him are 1,400 feet away, and he was just concerned about his viewshed, just wanted to, you know, just looking at them more or less, and he was a little harder to get ahold of, but we did get ahold of him. We have exchanged contact information, and we are having that dialogue to talk about what the project is going to look like from his perspective. I feel confident that we are going to get to where we need to with him.

But those are the two explicit concerns that have come up. Nothing else explicit has come up as we have knocked on the doors and been in the community we haven't heard anything additional. So, we will continue to be coordinating with those landowners.

This is the tax dollars that we talked about last time as far as how many tax dollars the project is going to be paying and how long
it is going to operate. So, there is kind of two parts to this, and $I$ will start with the life cycle of the project. I think it caused some confusion last time because I had a chart up that said 30 year life when in reality the numbers were the 25 year tax numbers.

The way that these projects work, not to get too into the nitty-gritty, is that as long as there is a customer for the power, someone to buy the power, the project will be operational. So, we don't -- if we install it in 2025, and it is operational, we aren't necessarily saying okay, it is turned on in 2025, we are going to turn it off in 2050 on the nose. It just depends on if there is somebody buying that power. So, there can be a range of how long the project is in the ground, and apologies for that being a bit of a confusing point, but that is how that piece of it worked.

As to the amount of tax generated, the numbers that $I$ showed last time were 25 year numbers, but if you look in the Exhibit 10 of the report, there is also, it shows year by year how many tax dollars we expect to be paying, and
that amount will never depreciate to nothing. I believe the lowest it goes in our table is 900 , just north of $\$ 900,000.00$ in taxing year. So, that's the answer to that question.

I have the table that has crossed off the 30 and put 25 in here for clarity, but also between this hearing, the last hearing and this one we spent a lot of time talking about this with various folks at the County including Chad, who is here, obviously the Assessor. We talked to him about what the mechanics look like. I know he went and talked to some counties as well so that we are generally on the same page about the tax contributions. I believe he has handed -- did you hand that out?

MR. CHAD COADY: No.
MR. GREG VASILION: So, just wanted to check through that, but that's all that $I$ have to say on that one.

Will there be a green screen planted around the entire perimeter of the project. No, the vegetative screening is around residences. So, folks who are adjacent to the project want to make sure that we are screening their sight
lines, but it does not go around the entire project.

Here is that map again. It is a little hard to see still, but the yellow is where screening will be installed. So, here for example, you can see up here there is a residence. So, it is based on where residences are.

Does the green screen aid in preventing run-off. The answer is probably. I mean it will, there will be rooted plants, but the main run-off prevention is going to be our vegetation management inside the fence. The green screen is a visual aid more than anything. So, certainly it won't hurt it, but the main thing that contributes to run-off reduction is going to be the vegetation within the site.

We can talk a little bit more about that. How is run-off prevented during construction. So, when $I$ say that we vegetate the site, it serves a lot of purposes. Some of it is visual. Some of it is structural. So, what we do our vegetation is based on stabilization. That's our first and foremost concern is make sure that
the soil is stabilized, and it is good for our project, and it is good for reducing run-off. So, at the start of construction or before construction we will put down the seed mix that will help with run-off reduction. So, there is not really going to be a situation where there is bare ground that's getting run to mud, and then of course, we also are going to follow the terms of our SWPPP, Storm Water Pollution Prevention Plan. That is something that will be completed before construction. And then of course, just following good construction practices is in everyone's best interest, so not working on exceptionally rainy days, for example.

What vegetation is being planted to support pollinators. So, our vegetation strategy, folks, is on soil stabilization like I mentioned. We are going to be planting in order to stabilize the soil. Part of that is that there are pollinators that are soil stabilizers as well. But our primary focus is making sure that the soil is stabilized.
Is this project a part of the Illinois

Planned Polinator Habitat Program. No, that program is something that is generally geared towards community scale or smaller projects. I hate to keep saying the same thing, but our project's main objective with the vegetation is soil stabilization, reducing run-off, making sure there is roots in the ground, and we focus on that piece of it. To meet the requirements of this program as looked into it further would require us to jeopardize the soil integrity that we think is important for the project. How long will construction take, construction can take 18 to 24 months. So, about a year and a half to two years. Part of the reason for that range is how bad the winter is, how many wet days there are, et cetera, et cetera. We expect to be completed with the project at the end of 2025 .

The potential storage area on Page 10, storage is becoming a very popular add-on to a solar project. They pair very well together. We don't currently have any plans to install storage, but wanted to flag the area on the map
that should in the future storage make sense for this project, that's where we would anticipate it going.

On Page 13 communication interference, have you had interference issues, solar projects by their nature do not have a unique ability to interfere with solar signals. If you had plywood out there on the racks, it would be the same effect. They aren't tall enough to interfere with the communication systems. So, again at their maximum height they are 15 feet tall. So, no, this hasn't been an issue on any other projects that $I$ am aware of.

Are the wetlands on Stanec's map signed up acres. Yes, those parcels within the red boundaries on those studies are participating. We won't install on any of those wetland features and then, of course, they are not contained within the red borders on those maps. That's just an illustration of where our project is.

The interconnection agreement what we included in the application was to show -- I will zoom out a little bit. When we put these projects together, we have to apply to the grid operators to say we are going to be putting this much electricity at this point on the grid. Can you take a look at this, and let us know what you think. That's obviously the most casual explanation of it that you will ever hear, but what we end up getting from that is an interconnection agreement that says yes, you can put the electrons here. You can put electricity onto the grid. So, this was just included to show that we have gone through that step with MISO, who is the grid operator. Our Q position as it is called is J815, and $I$ just included that to show that we have gone through that process. We do have the thumbs up from the grid operator to put energy onto the grid.

That is all $I$ got. I have the rest of the presentation from the last time. So, I am not going to click through all that, but those are my answers to the questions. Thanks for letting us go through it.

MR. COPENBARGER: Thanks, Greg. Are
there any questions from the Board?
MR. MERKER: I don't have a question.

I have more of a comment than anything.
I spent a little bit of time with
Mr. Coady. He ran through -- he particularly gave me a two page document that $I$ am not sure who prepared, one of the State agencies, and spent several hours with that trying to go through and figure out the tax, the estimates and whatever. It was my intent to come down here and dig out some tax information, but $I$ figured after I spent several hours with this two page document $I$ finally realized that it appears for context that the General Assembly when they wrote the bill, wrote it in such a fashion that there would always be tax income, which resolved most of my concerns about that particular issue. I am good to go with it.

MR. GREG VASILION: Appreciate that, thank you.

MR. COPENBARGER: Any other questions from the Board? Adrian.

MS. ADCOCK: I have a question about the storage. So, is that going to be then a separate special use application, or how does that work?

MR. GREG VASILION: Yes. I just
included it as a point of transparency to say that if in the future we were to do it, we would want to do it here, but certainly approving this permit does not give us the ability to install that. Sorry for that confusion there.

MR. COPENBARGER: I guess, Greg, real
quick for me is that battery storage?
MR. GREG VASILION: Yes, that's what the discussion is battery storage.

MR. COPENBARGER: Any other questions from the Board? Adrian.

MS. ADCOCK: So, like with J815 what does that mean?

MR. GREG VASILION: Sure. I will get further into detail on this.

So, the way that these projects work is we can go through this process in here and get a project approved, build a project, but what we have to make sure is that we -- with a project this large you can't just plug onto the grid and expect that everything is good to go.

It is like in your house if you install a new large appliance or you get $X, Y$, or $Z$
electric appliance, you may have to upgrade your electrical system.

So, what we do is we tell the grid operator, who is MISO, that's the Midcontinent Interconnection System Operator. I had to make sure $I$ got that right. They operate the entire grid that we are connected to. So, we tell them here is where our project is going to be, here is the size of the project, and here is the technology type, which is solar. They will run a series of studies to make sure that we can put our project on the grid, and what we have from them now it is called an interconnection agreement, $a$ GIA is what $I$ wrote up here. It is an interconnection agreement, and that's with MISO to say yes, you are good to go, you can put the energy on the grid.

So, similar to how we are permitting here,
it is kind of like permitting through the electricity piece of it, and that's managed by MISO.

Does that paint that clearer? MS. ADCOCK: Yes, I think so. MR. GREG VASILION: I guess I didn't
answer your question, what is 815. That is our project to MISO.

So, if you said hey, MISO, they don't know what the Hickory Point Solar Project is. They know the project as J815. So, we are going through their system. So, that's just how they refer to our project in their study cycles, but it is like our place in line, if you will, and then they study us.

MS. ADCOCK: So, is that giving you a date range as well, or is it just a reference number?

MR. GREG VASILION: Yes, that's part of it. So, they will give our range that you have to be on line by, and then it does get a little bit complicated there because there is ways to add years onto it, subtract years if you need to do it earlier so it is a fairly loose range. The one that we have in the GIA right now the interconnection agreement is 2025 .

MS. ADCOCK: So, do they have some flexibility with that?

MR. GREG VASILION: Yes, they do. It is a matter of going to them and explaining kind
of just like how we are doing here, it is a similar process to say we are here today because the coal mine issue and relocating our project footprint. We go to them with a similar story, if you will, and explain why we would need $X, Y$, or Z.

MR. COPENBARGER: Any further
questions?
MS. ADCOCK: So, is that part -- do you
also have to have already sold the energy when you apply to MISO?

MR. GREG VASILION: No, you don't have to. It is an independent process to the -- I will call it the commercial process, the sales process of the energy. You don't need to have the power sold before going to them. Actually $I$ think if you are trying to sell it, you really should have that approval from them, or else the buyer won't be very interested because it is not considered as real of a project until MISO has given the thumbs up to it.

MS. ADCOCK: So, if you put in the battery storage, would that have to be a
separate application to MISO as well?
MR. GREG VASILION: Yes, that's not
part of -- when $I$ said there is no storage plan for this time, to your point that you are getting to right now, we would have to go to MISO and say hey, can we put a battery here, and they would say yea or nay, that process takes years. So, no, we do not have a storage position with MISO.

MS. ADCOCK: So, this application is for your 250 megawatts for solar specific?

MR. GREG VASILION: Yes, correct, and that can't change to anything else. It is a solar cue position.

MS. ADCOCK: Because you had some additional acres signed up, right, could you make it 300 megawatts, and MISO would accept it?

MR. GREG VASILION: No. The size is pretty rigid because to make it larger -- I will use the home analogy again -- if you were going to get an electric stove, and you get one that has two extra ranges, it is going to use more power. The same concept applies, if we did a larger project, we would be in violation of what

MISO has told us we can do. So, no, it is 250 megawatts is the most we can do.

MR. COPENBARGER: Any further questions from the Board? Do you have anything else, Adrian?

MS. ADCOCK: Well, I guess the gentleman that you were speaking with on the 1,400 feet when do you guys think or when do you think you might have that completed, or what avenues do you think --

MR. GREG VASILION: Yes, candidly it is just about making sure that we can get in touch with each other. So, that's the biggest part of it is just making sure that we can sit down. It was kind of hard to track him down. I have his contact information. We have been talking. So, when do I expect to have that resolved, shortly. It just depends on how soon we can get ahold of him. I suspect that once we look at the map, and really get a sense of where his property is, and where the project is, I suspect we will come to a pretty quick resolution. He is really not very close to the project. Like $I$ said, 1,400 feet is like more than seven
times the setback. It is close to ten times the setback that's required. So, I expect we will be able to resolve that one pretty easily. He is a reasonable guy. So, I am not too concerned about it.

MR. COPENBARGER: Any further
questions?
MS. ADCOCK: I do have one more, sorry. You had mentioned township roads and county roads. Did you have a road use agreement last time?

MR. GREG VASILION: Yes, we did. We will have another one this time, yes.

MS. ADCOCK: When is that usually set up?

MR. GREG VASILION: That will take place before we get the building permit. So, after this hearing we will go through the whole process, get approved for the special use, and then between the special use permit and the building permit we will be talking to Cliff and the Township Commissioners to get those road use agreements in place.

MR. COPENBARGER: You just keep going
until you say you are done with questions. MR. GREG VASILION: I should tilt the podium.

MS. ADCOCK: Sorry, I am learning. MR. COPENBARGER: No, you are good. MS. ADCOCK: Thank you. I appreciate you entertaining me. Shawn had asked last time, I guess, about the storm water pollution prevention plan or something. So, is that a pretty lengthy thing to put together, or how does that work?

MR. GREG VASILION: We talked to Shawn
yesterday. We sat down and were talking through this, and the short answer is that that's something that we will get through the EPA.

MR. JAMES GRIFFIN: IEPA.
MR. GREG VASILION: IEPA, so I am not sure exactly how to answer your question as far as is it lengthy, but it is something that will be done before construction. Before the building permit is done we will have that put together.

MS. ADCOCK: So, all that is a requirement for the building permit?

MR. GREG VASILION: Yes. We will get that done because it is something that we are required to do for the project.

MS. ADCOCK: Do you have a list of
things that's left to do for the project?
MR. GREG VASILION: Yes. We could put
that together, yes. I don't have -- like I don't have it with me right now, but we could put together a list of what happens between this and the building permit, but $I$ do believe Blake has the zoning code that lays out a good chunk of it too.

MS. ADCOCK: I think I am done.
MR. COPENBARGER: Is that it? Thank you.

MR. GREG VASILION: Appreciate it.
MR. COPENBARGER: Any other questions
from any other Board Members?
At this time $I$ will accept a motion to approve or deny the project.

MR. MERKER: So moved.
MR. COPENBARGER: So, we have got a --
you are moving to approve the solar project?
MR. MERKER: Yes.

MR. COPENBARGER: Approve the zoning change special use. Do $I$ hear a second?

MR. GOODRICH: I will second it.
MR. COPENBARGER: Glen Goodrich
seconded it.
We will do a roll-call.
MS. ADCOCK: Can we have a discussion now?

MR. COPENBARGER: Yes.
MS. ADCOCK: Should we entertain adding
a condition that the list of the outstanding items be approved by the County Board and the Zoning Administrator for issuance of their building permit?

MR. COPENBARGER: Could you say that again?

MS. ADCOCK: I am sorry. Should we have a, entertain a condition to the list that Greg mentioned that those outstanding items be approved by the County Board and the Zoning Administrator as well?

MR. COPENBARGER: I guess we could. But they have to do that, don't they, Blake?

MS. ADCOCK: For the building permit?

MR. COPENBARGER: If the County Board approves it, then you have got a check sheet of things.

MR. BLAKE TARR: Kind of like a break out line, the special use permit is first, and then the road use agreement, then the building permit. So, it is kind of sequential. I think that's what he was referring to is what the ordinance states.

MR. COPENBARGER: That will be all projects you use the same procedure.

MR. BLAKE TARR: Right, yes. I think maybe where Adrian was going was some of the specifics like the wastewater management plans and stuff like that. Is that what you were getting at?

MS. ADCOCK: Yes.
MR. BLAKE TARR: Some of those other details of the project?

MS. ADCOCK: Right.
MR. COPENBARGER: I guess I am thinking
if we wanted to highlight specific items other than the normal ones that they have to do anyway, but $I$ am not sure if $I$ know what those
are exactly.
MS. ADCOCK: I guess I don't either. So, that's what $I$ was curious if there was a list.

MR. COPENBARGER: Okay, I understand. Joe, do you have any thoughts on that?

MR. DORR: I don't think that's
necessary because they have to get there from the Illinois EPA, and then whatever we have in our zoning that's all got to be completed between the application and the construction. So, I think unless there is anything -- the only time we have ever done that in the past is like when a landowner wanted to make sure that they were going to get vegetation screen. We put that in there that they had to make sure that was complete before anything could happen and specific things that aren't covered by the State or the County. I don't see anything that's not covered by those right now. Nothing was brought before that $I$ read in the minutes.

MS. ADCOCK: Yes, okay.
MR. COPENBARGER: That's what I was
thinking also like specific things that weren't
covered by the checklist that we wanted to make
sure happened we would add onto our motion, but
I don't really think that we have any unless you
know of something. I think we are good.
MS. ADCock: No, I don't know what was
in the storm water pollution prevention plan.
MR. CoPENBARGER: Any more discussion?
So, there is a motion on the floor to
approve this special use zoning application. We
are going to do a roll-call vote. Adrian
Adcock.

MS. ADCOCK: Yes.
MR. COPENBARGER: Dave Copenbarger,
yes.
Joe Dorr.
MR. DORR: Yes.
MR. COPENBARGER: Glen Goodrich. MR. GOODRICH: Yes. MR. COPENBARGER: Joann Howard is absent. Gary Merker. MR. MERKER: Yes. MR. COPENBARGER: Motion passes. The only thing left is a motion to adjourn. Do I

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hear a motion to adjourn?
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    MR. DORR: I will make a motion to
    adjourn.
    MR. COPENBARGER: Second, do I hear a
    second?
            MS. ADCOCK: Second it.
            MR. COPENBARGER: All those in favor,
        aye.
            ZONING BOARD MEMBERS: Aye.
            MR. COPENBARGER: Against.
                Motion carries. Thank you everybody.
                        (Which were all of the proceedings
        had on this meeting as of this
        date.)
    | STATE OF ILLINOIS |  |
| :--- | :--- |
| COUNTY OF CHRISTIAN | ) $S$ S |

I, Sandra K. Haines, a Notary Public and Certified Shorthand Reporter, do hereby certify that on July 28, 2023 the foregoing Zoning Board of Appeals was taken down stenographically by me and afterwards reduced to typewritten form by me, and that the foregoing transcript contains a true and accurate translation of all such shorthand notes. Given under my hand and seal this 7 th day of August, 2023 at Taylorville, Illinois.
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