

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
COUNTY OF DEWITT

ALTA FARMS WIND PROJECT II, LLC, an)
Illinois limited liability company,)

Plaintiff,)

v.)

Case No. 2021MR36

DEWITT COUNTY and the DEWITT COUNTY)
ZONING ADMINISTRATOR,)

Defendants.)

VERIFIED COMPLAINT FOR MANDAMUS PURSUANT TO 735 ILCS 5/14-101

The Plaintiff, ALTA FARMS WIND PROJECT II, LLC, an Illinois limited liability company, by its attorneys, Schain, Banks, Kenny & Schwartz, Ltd., hereby files this action for mandamus pursuant to 735 ILCS 5/14-101 et seq. against Defendants DeWitt County and the DeWitt County Zoning Administrator, and states as follows:

Parties

1. Plaintiff Alta Farms Wind Project II, LLC ("Alta Farms") is an Illinois limited liability company. Alta Farms is currently constructing a wind energy project ("Project") located in unincorporated DeWitt County.

2. Defendant DeWitt County is a unit of local government with legal authority for issuance of building permits in unincorporated DeWitt County. The acting DeWitt County Zoning Administrator is Dee Dee Rentmeister, and this action is brought against the Zoning Administrator solely in her official capacity and not personally.

Facts

3. DeWitt County regulates land uses and the issuance of building permits pursuant to the Revised Zoning Code of DeWitt County, Illinois (“DeWitt County Zoning Ordinance”). Under the DeWitt County Zoning Ordinance, Section 155.125, the DeWitt County Zoning Administrator is responsible to review and issue building permits.

4. On July 14, 2020, the DeWitt County Board enacted an ordinance approving Alta Farms’ application for a special use permit for the Alt Project. A copy of the ordinance approving the special use permit is attached hereto as Exhibit A (the “SUP Ordinance”).

5. The SUP Ordinance approved up to sixty-six (66) wind turbines to be installed in DeWitt County for the Project.

6. On November 5, 2020, Alta Farms applied for building permits for 57 wind turbines for the Project. A copy of the building permit application for wind turbine no. T - 21 is attached hereto as Exhibit B. The building permit applications for the other wind turbines are substantially similar and are in DeWitt County’s possession.

7. The applications for building permits for the wind turbines complied with all of the requirements of the DeWitt County Zoning Ordinance, DeWitt County Commercial Wind Energy Conversion Ordinance of DeWitt County, Illinois (“Wind Ordinance”) and the SUP Ordinance.

8. DeWitt County, through its Zoning Administrator, has issued 30 wind turbine building permits.

9. DeWitt County has refused to issue any additional building permits for wind turbines for the Project.

10. In this mandamus action, Alta Farms requests that the Court order DeWitt County and the acting DeWitt County Administrator to issue fifteen (15) building permits for the following wind turbines: T-21, T-24, T-26, T-27, T-28, T-30, T-44, T-45, T-48, T-49, T-58, T-59, T-60, T-61, T-64.¹

11. Alta Farms has submitted to DeWitt County all required fees, information and documentation necessary to obtain the building permits for the wind turbines referenced above.

12. There is no legal or factual basis for DeWitt County to refuse to issue the building permits for these wind turbines.

13. Alta Farms has made a written demand upon the DeWitt County Zoning Administrator for the issuance of these wind turbine building permits, but DeWitt County has refused to issue such building permits.

14. DeWitt County's refusal to issue building permits for the wind turbines has caused Alta Farms to suffer, and Alta Farms will continue suffer each day until such permits are issued, substantial damages resulting from construction delays.

15. To the extent DeWitt County is withholding these building permits for any reason relating to SUP Ordinance conditions or State laws pertaining to any Illinois drainage district located within the area of the Project, there is no legal basis to withhold the building permits on such grounds. None of the wind turbines for which building permits are sought in this mandamus action are located upon any drainage district rights-of-way, easement, or other drainage district facility.

¹ There are several wind turbine building permit applications which Alta Farms has either withdrawn or are still pending but for which Alta Farms is not seeking any relief in this mandamus action.

COUNT I – MANDAMUS (735 ILCS 5/14-101)

16. Alta Farms has a clear legal right to the issuance of the wind turbine building permits demanded in this action.

17. Mandamus is the appropriate remedy when a unit of local government such as DeWitt County, in violation of the law, refuses to issue building permits.

WHEREFORE, for the foregoing reasons, the Plaintiff, Alta Farms Wind Project II, LLC respectfully requests that the Court enter an Order pursuant to 735 ILCS 5/14-101 et seq. that DeWitt County and the DeWitt County Zoning Administrator immediately issue the building permits for wind turbines T-21, T-24, T-26, T-27, T-28, T-30, T-44, T-45, T-48, T-49, T-58, T-59, T-60, T-61, T-64 for the Project, award Plaintiff its costs in this matter, and enter such other relief as the Court deems just and equitable.

Respectfully submitted,

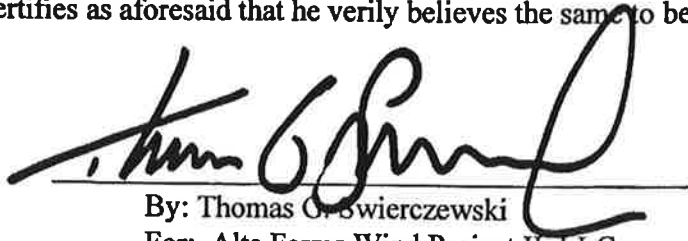
Alta Farms Wind Project II, LLC

By: 

James R. Griffin
Schain Banks Kenny & Schwartz, Ltd.
70 West Madison St.
Suite 2300
Chicago, IL 60602
312-345-5700
jgriffin@schainbanks.com

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


By: Thomas O. Swierczewski
For: Alta Farms Wind Project II, LLC

EXHIBIT

A

COUNTY BOARD OF DEWITT COUNTY, ILLINOIS

SPECIAL USE PERMIT ORDINANCE

ALTA FARMS WIND PROJECT II, LLC

WHEREAS, in accordance with 55 ILCS 5/5-12009.5, the County Board of DeWitt County may provide for the classification of special uses;

WHEREAS, Alta Farms Wind Project II, LLC submitted an application for a special use permit for a wind energy conversion system and wind energy system facility ("Project"), designated as Case S-250-2019;

WHEREAS, the Regional Planning Commission of DeWitt County considered the application for a special use permit and made a recommendation on the application;

WHEREAS, following public notice, the DeWitt County Zoning Board of Appeals ("ZBA") conducted the required public hearing on the application for special use permit;

WHEREAS, following testimony and public comment on the application, the ZBA reported to the County Board of DeWitt County the ZBA's findings and recommendation as to whether the County Board should deny, grant, or grant subject to the conditions the special use in Case S-250-2019;

WHEREAS, the County Board of DeWitt County finds that the application for special use permit was substantially complete and in accordance with the requirements of the DeWitt County Code of Ordinances;

WHEREAS, the County Board of DeWitt County has considered the standards in the DeWitt County Code of Ordinances Title XV § 155.130(D) et seq.; and

WHEREAS, the County Board of DeWitt County finds that the application for special use permit satisfies the standards for a special use in the DeWitt County Code of Ordinances Title XV § 155.130(D) et seq., as follows:

(1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

This Application demonstrates that the proposed WESF will meet or exceed all design and safety requirements of the Ordinance. A licensed professional engineer will certify that the turbine foundation and tower designs are within accepted professional standards prior to construction. The Application demonstrates that the Project complies with all setback requirements which ensure that Project wind turbines are located the required distances from specified uses. This Application includes professional reports in Attachments J and M demonstrating that the Project will comply with County noise standards and FCC regulations on microwave, radio, television, and navigation interference. The Environmental Impact Study at



Attachment G1 demonstrates that the Project has been sited in an area that is not expected to cause any significant harm to the environment or wildlife.

Operating wind energy projects in Illinois and nationally have demonstrated they are not detrimental to nor endanger public health, safety, comfort or general welfare. As discussed throughout the Application, the Project will comply with all applicable federal, state, and local health and safety regulations.

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

The County Board finds that the SUP will not have any injurious effect on nearby properties. All Project Facilities will be located on Participating Properties and the Project will be sited in accordance with the setback and noise requirements of the Ordinance. The majority of the land in the Project Area is used for agricultural purposes. Less than one percent of the Project Area will house above ground facilities; the remainder of the Participating Properties and all adjacent property can continue to be used for agricultural purposes and not be negatively affected by the Project.

Based on a large volume of peer-reviewed literature on the subject, and the report prepared by professional appraiser Michael MaRous included in the application, the wind project is not expected to produce negative effects on the value of Participating Properties, adjacent properties or nearby properties. An abundance of scientific studies confirm property values are not negatively impacted by the presence of wind energy facilities.

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

The Project will not impede normal and orderly development and improvement of property in the surrounding area. The Project is located in a largely rural, agricultural area, dominated by cultivated crop areas, where wind projects have proven to be compatible and beneficial to ongoing rural residential and agricultural activities. A wind farm is a normal and orderly development in agricultural areas like northwest DeWitt County.

The Project is designed to minimize its footprint and maximize the remainder of the Participating Properties' land area for continued agricultural use. The Project's permanent physical impact is minimal. Across the majority of the Project Area will be limited to the presence of the wind turbine towers and private gravel access roads.

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

Any additional utilities, access roads, drainage and facilities required for the Project will be provided by the Project.

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

During operations, no material impact on traffic is expected due to the Project. Mitigation of potential impacts from construction traffic and measures to address ingress and egress are addressed in the Road Use Agreements executed with each pertinent Road Authority.

(6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The Project will conform to the applicable regulations of the zoning districts in which it is located for a WESF as provided in the Ordinance.

NOW THEREFORE BE IT ORDAINED, by the County Board of DeWitt County, Illinois, as follows:

1. Alta Farms Wind Project II, LLC is hereby granted the special use permit requested in Case S-250-2019 as to the properties more particularly described in the application.

2. The special use permit shall become effective on the date of approval and shall remain in effect for the life of the Project provided that Alta Farms submits a Building Permit Application within three years from the date the special use permit was approved.

3. All setbacks waivers identified in the application for Case S-250-2019 are acknowledged and approved.

4. The Harrier Aircraft Detection Lighting System identified in the application for special use for Case No. S-250-2019 is approved.

5. The special use permit shall be subject to the following conditions:

1. Alta Farms shall curtail Project wind turbines as soon as reasonably feasible after a National Weather Service (NWS) issuance of a severe thunderstorm warning and/or tornado warning for DeWitt County. Curtailment shall continue for the duration of the warning and consist of feathering the wind turbine blades to minimize rotation. Alta Farms shall implement this curtailment strategy throughout the life of the Project unless and until modifications to this strategy are mutually agreed upon by Alta Farms and the NWS based on NWS recommendations and/or advances in technology, science or weather prediction methods. Alta Farms shall provide access to 10-meter precipitation, wind speed, and wind direction data that is available from an Alta Farms meteorological

tower in the Project Area to the NWS in a format and delivery method mutually agreed upon by Alta Farms and the NWS. Failure to curtail turbine operation by the owners of Alta Farms during a severe weather or tornado warning for DeWitt County shall cause the owners of Alta Wind Farm to pay a penalty to DeWitt County \$5000 per event. They should also curtail when a severe weather warning is issued for Logan County because of the proximity of the towers near the eastern boundary of Logan County. DeWitt County shall require a written agreement with the NWS for a curtailment plan.

2. Alta Farms shall model shadow flicker based on the Final Site Plan, and if more than 30 hours a year of expected shadow flicker would occur in a residence existing and occupied at the time of the Application submission as a result of the final Project configuration, Alta Farms shall implement a curtailment strategy to reduce the expected shadow flicker to 30 hours or less within a calendar year. Alta Farms shall provide an updated Shadow Flicker Analysis at the time of Building Permit Applications for wind turbines.
3. In order to comply with Section 153.26(E) of the DeWitt County Code of Ordinances, Alta Farms shall provide the County with Determinations of No Hazard to Air Navigation (DNHs) from the Federal Aviation Administration (FAA) for the final wind turbine locations prior to installation of tower sections for each wind turbine.
4. The Harrier Aircraft Detection Lighting System (ADLS) manufactured by DeTect, Inc. is approved by the County for use at the Project. Additionally:
 - a. Prior to Building Permit Application submittal for a wind turbine, Alta Farms shall request approval of the DeTect Harrier ADLS from the FAA.
 - b. With the Building Permit Application for each ADLS structure, Alta Farms shall provide the County final locations of ADLS components.
 - c. Prior to the installation of any wind turbine tower sections, Alta Farms shall provide the County the FAA approval of the requested ADLS.
 - d. All ADLS structures and associated components approved by the FAA are hereby approved by the County to be sited anywhere on Participating Property in compliance with all applicable standards of the DeWitt County Code of Ordinances.
 - e. Prior to Commercial Operation of the Project, the ADLS shall be installed and fully operational.
 - f. Alta Farms shall operate ADLS continuously for the life of the Project except for standard maintenance, emergency situations or any changes in FAA regulations.
5. Above ground cable junction boxes utilized as a part of the underground power collection system shall be located adjacent to wind turbines, private gravel access drives or within a reasonable distance to the public road right of way pursuant to terms of the Road Use Agreement.
6. Alta Farms may not begin producing energy for commercial sale until after it has provided written notice ("Notice of Commercial Sale") to the County certifying that the Project has

been constructed in accordance with the DeWitt County Code of Ordinances, except that Alta Farms may produce energy required for testing, commissioning and pre-commercial generation and sale of electricity sufficient to ensure the WESF is operating in a safe and efficient manner, in accordance with the Ordinance, and to meet Alta Farms' contractual and regulatory obligations with ComEd, PJM, PPA off-takers, and others. Full commercial operation may begin thereafter.

7. Alta Farms shall be responsible for the reasonable expenses of a mutually agreed upon third party consultant to be hired to assist the County to review Building Permit Applications for the Project to ensure compliance with the DeWitt County Code of Ordinances.
8. Alta Farms shall finalize with the DeWitt County Board a Complaint Logging and Investigation Plan pursuant to Ordinance Section 153.27 (G)(2).
9. Alta Farms shall enter into a Decommissioning Agreement with the County prior to issuance of the first Building Permit for a wind turbine. The Decommissioning Agreement shall be consistent with the DeWitt County Code of Ordinances and the Agricultural Impact Mitigation Agreement. At no time will this draft plan be considered as the final Decommissioning Plan for DeWitt County unless approved by the County and its approved engineer.
10. Alta Farms shall comply with the Illinois Drainage Code, 70 ILCS 605/1 et seq., and obtain all necessary consents or approvals from the various Drainage Districts in which facilities are constructed.
11. Alta Farms shall implement the recommendations of the Illinois Department of Natural Resources (IDNR) as detailed in the IDNR letters dated May 11, 2018 and July 23, 2019 and as committed to by Alta Farms response to the IDNR dated June 4, 2018. Regarding IDNR Recommendation #3, it is noted that over the life of the project advances in technology, science, species behavior, etc. may result in different recommendations and/or better alternatives for bat conservation. If such circumstances arise and are mutually agreed upon by both Alta Farms and IDNR, modified bat conservation measures may be implemented.
12. The SUP shall become effective on the date approved and shall remain in effect for the life of the Project provided that Alta Farms submits a Building Permit Application within three years from the date the SUP was approved and remains in compliance with the SUP. In the event that Alta Farms does not submit a Building Permit Application within this time period, the County may provide notice to Alta Farms and schedule a public hearing to consider action on the SUP.
13. Alta Farms may commence road work pursuant to the Road Use Agreement(s) prior to the issuance of Building Permits for WECS structures.

14. Alta Farms shall identify the final model, name plate capacity and dimensions of the wind turbine for each Building Permit Application from those models identified in the SUP Application.
15. Alta Farms may submit Building Permit Applications for individual Project components individually, in groups or all together. Such applications shall be processed and approved by DeWitt County as they are submitted.
16. Building Permit Applications for the Project and associated forms shall be signed by Alta Farms as Applicant and shall not require the signatures of Participating Property owners because Alta Farms has submitted with its SUP Application evidence of Alta Farms' authorization to apply for such permits on behalf of the Participating Property owners.
17. Pursuant to Section 155.126(A)(3) of the Zoning Ordinance no Building Permit shall be required for the Project switchyard, provided Alta Farms submits documentation to the County of an executed agreement with a public utility entity/regional transmission operator evidencing that the switchyard will be a public utility asset upon completion of construction. Notwithstanding the foregoing, Alta Farms shall obtain all other relevant local, state or federal approvals and comply with the applicable requirements of the Road Use Agreements and the Agricultural Impact Mitigation Agreement for the switchyard.
18. Alta Farms shall work with the County to provide a safety notice/no trespassing/E-911 sign at such locations as deemed reasonably necessary by Alta Farms and the County. The specific locations, design and content of the sign(s) shall be reviewed and approved by the County as a part of the Building Permit Applications for wind turbines.
19. Alta Farms may replace equipment during the life of the Project with like-kind equipment, which shall include technology and equipment with similar physical and mechanical characteristics without the need to re-permit. Alta Farms will hire an independent, licensed professional civil, mechanical or electrical engineer to evaluate the proposed modifications and their compliance with the Code of DeWitt County and conditions of the SUP. Upon completion of the engineer's analysis, Alta Farms will provide a report to the County. In the event of a complete re-powering of the Project, which shall include replacement of the wind turbine nacelle and associated internal mechanical components and wind turbine blades of more than 50% of the Project WECS in less than a given 24-month time period (for reasons other than acts of God), re-permitting shall be required under the terms of the Code of DeWitt County and other regulations then in effect.
No increasing in size of generators will be allowed without reapplying for a new building permit.
20. Alta Farms shall, on an annual basis, report to the County Board a yearly summary of:
 - a. operation and maintenance reports of the WECS/WESF
 - b. Any material physical modifications made to the WECS
 - c. Complaints received through the Complaint Logging and Investigation Plan pertaining to operational standards of Section 153, including setbacks, noise, appearance, safety, lighting, use of roads and shadow flicker.

21. Alta Farms shall construct and operate the Project in compliance with the conditions of the Special Use Permit, the applicable provisions of the DeWitt County Code of Ordinances and all other applicable local, state and federal requirements.
22. Alta Farms shall offer a lease to all owners of real property that is not part of the SUP located within 1/2 mile of a final location of a Project wind turbine submitted for a building permit. This lease to be offered shall be substantially similar to the form of lease included in the Alta Farms SUP Application Attachment C4. Said Lease shall compensate landowners annually for the life of the project to offset the owners for the inconvenience and nuisance of having property and living in the proximity of the wind towers. Landowners accepting this lease will be considered participating owners in calculating allowable shadow flicker. This lease will not be used for any construction purposes and will be at an initial rate of:
 - a. \$15.00 per acre of leased land with a minimum payment of \$500.00.
 - b. \$500 for an occupied residence that is occupied, existing anywhere on the leased land at the time of the SUP Application, and
 - c. \$500.00 for an occupied residence that is, existing within 1/2 mile of one or more wind turbines.

To show compliance, Alta Farms shall include with the building permit application for each turbine, a list of the property owners of the property within 1/2 mile of said turbine that is not part of the SUP or already leased. Copies of the offer letters sent and proof of delivery via national carrier such as FedEx or UPS will be provided with the building permit application.

Leases will clearly state that construction of any type will never be allowed.

These land owners would be considered participating and the lease payment for the nuisance of owning land adjacent to a turbine would cover and surcharges by aerial spray applications.

23. Within 12 months following Notice of Commercial Sale, Alta Farms shall submit a post construction noise profile study conducted by an expert sound consultant mutually agreed upon with the County verifying the WECS meets the noise requirements of Chapter 153 of the DeWitt County Code of Ordinances. Post construction sound measurements shall:
 - a. Be based on good engineering practices and industry recognized international standards for measurements of WECS noise emissions.

b. Include measurements taken at not less than 6 locations chosen by the expert sound consultant on Participating property spread throughout the area to verify compliance. The locations chosen shall be selected to indicate probable noise levels at non participating occupied residences. The duration of monitoring will be for 1 calendar year to allow for changing seasons and ground cover conditions. Any ground truthed noise study that indicates any violation of the limits set by the IPCB shall be immediately mitigated.

BE IT FURTHER ORDAINED, by said County Board of DeWitt County, that this Ordinance shall be effective immediately upon its adoption and shall serve as written authorization for the Administrator to issue the Special Use Permit.

Pursuant to a roll-call vote of six (6) ayes and five (5) nays, such vote being a majority of the members of the County Board of DeWitt County in attendance and such vote having the required majority of members in attendance voting in favor, this resolution is hereby passed on this 14th day of July, 2020.

~~Absent~~ Ritter
YES Newberg
NO Matthews

YES Reece
NO Ennis
YES Nimmo

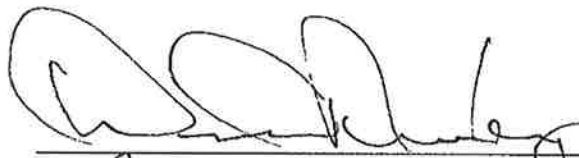

NO Ferguson
YES Pruser
NO Tilley

YES Wickenhauser
YES Redman
NO Houser

AYES 6

NAYS 5

PRESENT 11


COUNTY BOARD CHAIRMAN, David Newberg

COUNTY CLERK, Dana Smith

Adopted by roll call vote this 14th day of July, 2020.

EXHIBIT

B

DEWITT COUNTY
DEPARTMENT OF PLANNING & ZONING

201 WEST WASHINGTON STREET, P.O. BOX 439
CLINTON, ILLINOIS 61727-0439 • 217-935-7775

Note: NO permit will be issued until this application has been
completed and submitted to the DEPARTMENT

**Fill in those sections below which apply to your proposed project,
leave others blank**

- FOR OFFICE USE ONLY -

Township _____
Sec. _____ T _____ R _____
PERMIT No. _____
Date Issued: _____
Exp. Date _____
Zoning _____
Flood Data _____
Health Dept. _____
Fee \$ _____ Paid _____

Applicants Name Alta Farms Wind Project II, LLC Daytime Phone (913) 205-2212
Applicants Address 16105 W 113th Street, Suite 105, Lenexa, KS 66219
Owners Name See Attached Daytime Phone See Attached
Owners Address See Attached
Applicants Interest in Property Applicant has signed agreement with owner(s) for a WESF
Mail Permit To 16105 W 113th Street, Suite 105, Lenexa, KS 66219
Legal Description of Property See Attached
Property Number 06-10-100-008

Application is hereby made for permission to erect, construct, reconstruct, alter, make addition to, move, or for the installation of buildings, structures, or for the use(s) of buildings and/or land(s) as checked and described below:

**PRINCIPAL
BUILDING:**

- ☐ Single-family
(site built)
☐ Single-family
(Modular/sectional)
☐ Multi-family
(site built)
☐ Multi-family
(Modular/sectional)
☐ Commercial
Industrial
☐ Institutional Pblc
☐ Agricultural
(farm building)
☐ Mobile Home
☐ Other (specify) _____

**ACCESSORY
BUILDING:**

- ☐ Attached
Garage
☐ Detached
Garage
☐ Covered Patio
Porch Storage
☐ Shed Other
(specify) _____
☐ _____

**INCIDENTAL
BUILDING
STRUCTURE:**

- ☐ Breezeway
☐ Fence
☐ Swimming Pool
☐ Antenna
☐ Tower
☒ Other (specify)
WESF
SUP: S-250-2019

REMODELING:

- ☐ Room Addition
☐ Move Building
☐ Repair
☐ Other (specify) _____

**CERTIFICATE
OF OCCUPANCY:**

- ☐ Building to
be moved Change
☐ in use
Special Use
☐ Permit

☐ Variance Permit



The specific use of the new building or property will be WESF - Turbine 21

Estimated total cost of construction \$ 3,800,000

Acreage or Square Feet of Property See Attached

Size of buildings/addition N/A ft. x _____ ft. No. Sq. Ft. in Building N/A Survey is Attached: Yes _____ No X

Height in ft. 591 No. of Rooms N/A No. of Dwelling Units N/A No. of Parking Spaces N/A No. of Employees N/A

Architect N/A Address _____

Contractor TBD Address _____

In consideration of this application and attached forms being made a part thereof, and the issuance of permits, I/we will conform to the regulation set forth in Title 15, Chapter 152, (Zoning) of the Dewitt County Code, as amended. I/we also agree that all work performed under said permit will be in strict accordance with the plans and plot diagram, which accompanies this application, except for such changes as may be authorized by the Administrator, and that I/we will use the building and/or land solely for the following purposes.

AGRICULTURAL

RESIDENTIAL

COMMERCIAL

INDUSTRIAL

PUBLIC

(Circle the use which applies)

I/we further state that I/we make this application in order to induce the Department of Planning and Development, DeWitt County, Illinois, to issue its official permit for the use(s) stated and described herein. By my/our signature(s) below, I/we do hereby grant permission to and do authorize entry into and upon the named premises by any authorized personnel of the DEPARTMENT for official zoning purposes.

Alta Farms Wind Project, II, LLC

By: [Signature] 11/05/2020
Signature of Applicant Date

Signature of Owner Date

Name: Conor Branch, Authorized Representative

FEE AND PLOT PLAN MUST ACCOMPANY THIS APPLICATION

Alta Farms Wind Project II, LLC

Building Permit Application Attachment

November 5, 2020

Turbine Number/Structure:	T-21
Owners Name:	Edna F. Smith Trust
Owners Phone Number:	(217) 737-6113
Owners Address:	c/o Eric P. Smith, Successor Trustee 410 Treeline Drive Charleston, IL 61920
Legal Description of the Property:	S10 T20 R1 W 1/2 NW & PT E 1/2 NW, BEG 1142.46W NE COR, SE138.65, SE62.81, E94.28, S137.29, E63.27, S1042.63, E236, S TO S LN, W TO SW COR, N TO POB
Property Number:	06-10-100-008
Acreage of Property:	109.60
Agreement Number:	1168300

DEWITT COUNTY
DEPARTMENT OF PLANNING AND ZONING
201 WEST WASHINGTON • P.O. BOX 439 • CLINTON, ILLINOIS 61727-0439

Construction Type _____

Use(s) of Above _____

PUBLIC HEALTH

Approval for the sewage disposal and water supply systems **must** be obtained from the DeWitt-Piatt Bi-County Health Department **before** a permit will be issued by the Planning and Development Department for construction or occupancy.

BUILDINGS

All new buildings and structures hereafter erected, shall conform to all requirements of the Title 15, Chapter 152, (Zoning) DeWitt County Code, as amended. Permits are required for all new buildings and structures.

REMODELING & ALTERATIONS

Any remodeling, alteration, room addition, or change which increases the size, shape, or dimension of a building or structure shall conform to all of the requirements of the Title 15, Chapter 152, (Zoning) DeWitt County Code, as amended. Permits are required for any such remodeling or alteration.

CHANGE OF OCCUPANCY

No change in the occupancy of land, or any change of the use or occupancy in a new or existing building, other than for single-family dwellings, shall be made until an "occupancy permit" has been issued by the Administrator, stating that the new use complies with the provisions of the Title 15, Chapter 152, (Zoning) DeWitt County Code, as amended.

INSPECTIONS

Any new or altered building and/or structure, or any land is subject to inspection to insure that all activity is carried out according to the provisions of the Title 15, Chapter 152, (Zoning) DeWitt County Code, as amended.

VIOLATION & PENALTIES

Any person, firm, company, or corporation, violating the provisions of the Code, is subject to the fines and penalties as provided by law.

PERMIT

Date of Issuance _____ Expiration Date _____

This PERMIT is granted upon the express condition that only such construction or improvements as located on the revised plot plan forming a part hereof and described in the application appearing on the reverse side hereof may be effected, that no error or omission in either plans or application, whether said plans and application have been approved by the Department or not, shall permit the applicant to construct or to use in any manner other than that provided for in the DeWitt County Code.

Administrator

Fee of \$ _____ paid _____

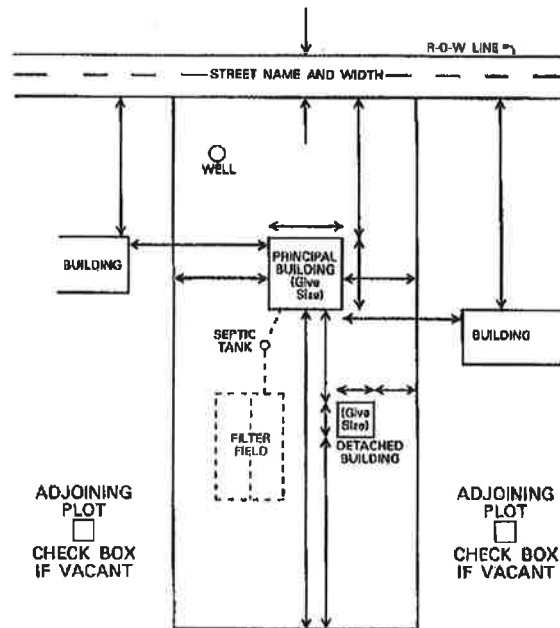
Issued By _____

PLOT PLAN

IMPORTANT DATA REQUIRED

1. Show all lot dimensions, lot size, and lot shape.
2. Show all utilities, easements, buildings, and water-courses.
3. Locate all buildings/structures on lot with dimensions of each to the property lines and road right-of-ways.
4. Show all buildings within 100 feet of your lot line on either side.
5. Show proposed structures, accessways, parking areas, loading and unloading areas, sign location, location of well and sewage disposal system, utility plan, and surface drainage.
6. State if your facility is existing or proposed.
7. Show profile of ground surface, whether flat, or direction of slope(s).
8. Arrow indicating NORTH direction.

NOTE: Approval for sewage disposal system must be obtained from the DeWitt County Health Department before a permit will be issued by the Zoning Department for construction or for occupancy.



EXAMPLE

SKETCH YOUR PLOT PLAN BELOW BY SUPPLYING COMPLETE INFORMATION

(Note Example Above)

PERMIT NO. _____

No deviation from Plot Plan below unless approved by the Department.

FOR SIGNS: In addition to items 1-8, applicable above, record hereon, exactly, the wording as it will appear on the sign face. Supply dimensions of sign, and whether it will be single or double faced. NO FLASHING LIGHTS ARE PERMITTED.

INSPECTION RECORD

Applicant's Name _____ Parcel # _____

Their Address _____

Permit # _____ Issued on _____ E-911 # _____

The signature of the Zoning Administrator notes approval of this project based upon inspections made as to its conformity to the regulations set forth in Title 15, Chapter 155 (Zoning), of the DeWitt County Code, as amended, and that the work performed by the applicant has been completed in strict accordance with the Plot Plan and any other diagrams, drawings or plans attached to this Permit (except for such changes as were authorized by the Administrator).

Signature _____

Dated _____

Staking Inspection

Call for inspection was received on _____

The inspection was made at _____ AM/PM on _____

The staking was found to be (as permitted) (not as permitted).

Inspection made by _____

Foundation inspection (90Days)

Call for inspection was received on _____

The inspection was made at _____ AM/PM on _____

The foundation was found to be (as permitted) (not as permitted).

Inspection made by _____

Enclosure of Building (150 Days)

Call for inspection was received on _____

The inspection was made at _____ AM/PM on _____

The enclosure was found to be (as permitted) (not as permitted).

Inspection made by _____

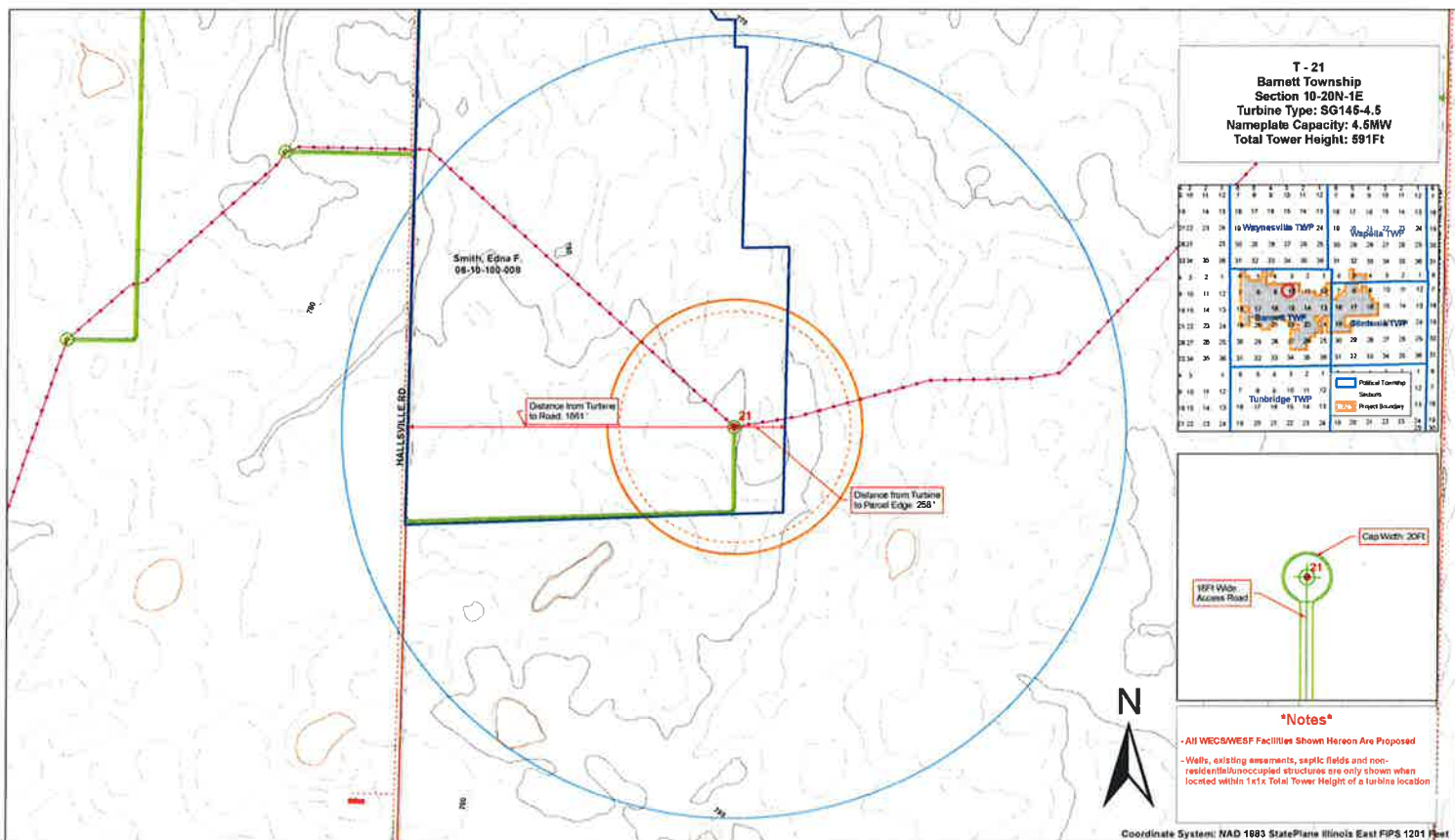
Final Inspection

Call for inspection was received on _____

The inspection was made at _____ AM/PM on _____

The final was found to be (as permitted) (not as permitted).

Inspection made by _____



tradewind energy

An Equal Opportunity Employer

Farnsworth GROUP

Legend

<ul style="list-style-type: none"> ● Turbines ▲ MET ● ADLS — Access Roads — UG Collection 	<ul style="list-style-type: none"> Parcel Boundary Substation Laydown Yard Switchyard 	<ul style="list-style-type: none"> Total Tower Height Setback Property Line Setback - 1.1x Total Tower Height Principal Residential Structure Setback - 2,000' Wells Principal Residential Structures Non Residential/Unoccupied Structures 	<ul style="list-style-type: none"> --- Streams (NHD) --- Drainage Area --- 10' Contours --- 2' Contours --- Existing Fiber Optic --- Existing UG Telephone --- Existing Gas Pipeline --- Existing Overhead Electric --- Existing Easement
---	--	--	--

xx-xx-xxx-xxx Parcel ID Number

Alta Farms Wind Project II, LLC
 DeWitt County, Illinois
 Turbine: 21
 06-10-100-008
 Plot Plan

0 200 400 800 Feet

Alta Farms Wind Project II - Building Permit Site Plan



Permit Number: T-21

Turbine T- 21

Barnett Township

Section 10-20N-1E



The following companies and organizations provided data that is referenced in the production of this map:

U.S. Geological Survey (USGS)
Environmental Systems Research Institute (ESRI)
U.S. Department of Agriculture (USDA)
U.S. Forest Service Administration (USFS)
White Star Corporation
Copyright
various, etc.



Copyright 2020 Tradewind Energy, Inc.



Building Permit Site Plan

Permit Number: T-21

Legend

- Existing Transmission Lines
- Public Roads
- Principal Residential Structures within 1.5 Miles of Turbine Array
- Principal Residential Structure Setback - 2,000'
- Property Line Setback - 1.1x Total Tower Height
- Above-Ground Public Electric Power/Telephone Line Setback - Total Tower Height
- Non-Participating Property
- Participating Property
- Wetlands (NW1)
- Elevation Contour Line (10')
- Elevation Contour Line (2')

Key - Attachment C1
"XXXXXX" = Agreement No.
"XXX" = Tract No.
Tax Parcel (DeWitt County)
"XX-XX-XXX-XXX"
Parcel Identification Number

Project Design

- Access Road
- Electrical Collection and Communication Lines
- ADLS Tower Location
- MET
- WECS Tower
 - SG145-4.2 107.5m HH
 - SG145-4.5 107.5m HH
 - SWT2 3-108 80m HH
- Interconnection Switchyard
- Electrical Collector Substation
- Temporary Laydown Yard



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-WTE-4027-OE

Issued Date: 02/11/2019

Leslie Strong
Alta Farms II Wind Project, LLC
16105 W 113th Street
Suite 105
Lenexa, KS 66219

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Wind Turbine T-21
Location:	Clinton, IL
Latitude:	40-12-17.26N NAD 83
Longitude:	89-04-46.44W
Heights:	783 feet site elevation (SE) 599 feet above ground level (AGL) 1382 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights - Chapters 4,12&13(Turbines).

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☒ At least 60 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 08/11/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before March 13, 2019. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on March 23, 2019 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Policy Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Steve Phillips, at (816) 329-2523, or steve.phillips@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-WTE-4027-OE.

Signature Control No: 363798799-396323978

(DNH -WT)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2018-WTE-4027-OE

Abbreviations:

AGL, Above Ground Level
AMSL, Above Mean Sea Level
ASN, Aeronautical Study Number
ASR, Airport Surveillance Radar
ATC, Air Traffic Control
CARSR, Common Air Route Surveillance Radar
CFR, Code of Federal Regulations
IFR, Instrument Flight Rules
MOCA, Minimum Obstruction Clearance Altitude
MVA, Minimum Vectoring Altitude
NM, Nautical Mile
TRACON, Terminal Radar Approach Control
VFR, Visual Flight Rules

The proposed structures are part of a proposed wind farm that would be located approximately 9.48 - 16.32 NM east of the Airport Reference Point for the Logan County Airport (AAA), Lincoln, IL. The ASNs with coordinates, AGL heights, and AMSL heights are as shown on page one. They would exceed the obstruction standards of 14 CFR Part 77 as follows:

Section 77.17(a)(1): by 100 feet; a height that exceeds 499 feet AGL.

Section 77.17(a)(3): A height that increases a minimum instrument flight altitude within a terminal area. They would increase the Springfield, IL. TRACON (SPI) MVA(s) in Sector A and/or E from 2,200/2,300 feet AMSL to 2,400 feet AMSL.

Section 77.17(a)(4): A height that increases a minimum instrument flight altitude within an en route area. They would increase the MOCA on Federal Airway V-173 between RAILS Intersection and COOKS Intersection from 2,300 feet AMSL to 2,400 feet AMSL.

In order to facilitate the public comment process, the studies were circularized under ASN 2018-WTE-4007-OE on October 04, 2018, to all known aviation interests and to non-aeronautical interests that may be affected by the proposal. No letters of objection were received as a result of the circularization.

The aeronautical study disclosed that the proposed structures would have the adverse effect as described above on instrument procedures. The MOCA in this area is not routinely assigned by ATC and is therefore not considered a significant impact. MVAs are solely used by ATC and not published for public use and are not circulated for public comment. The study disclosed that increasing the MVA in the area of the turbines would not impact a significant number of operations. The proposed structures would have no other effect on any existing or proposed arrival, departure, or en route IFR operations or procedures.

Aeronautical study indicates that the turbines will be within the radar line of sight for the Champaign, IL. (CMI) ASR-11, the Peoria, IL. (PIA) ASR-11, and the Hanna City, IL (QUZ) CARSR facilities. They could cause unwanted primary targets (clutter) and primary-only target drops in the immediate vicinity of the wind turbines. Also, tracked primary-only targets could diverge from the aircraft path and follow wind turbines, when the

aircraft is over or near the turbines. However, this would not cause an unacceptable adverse impact on Air Traffic Control operations at this time.

Study for possible VFR effect disclosed that the proposals would have no effect on existing or proposed VFR arrival or departure operations. The proposals are beyond traffic pattern airspace. Therefore, the proposal would not have an adverse effect on VFR traffic pattern operations at AAA or any other known public use or military airports. At 599 feet AGL, the structures would extend upwards into altitudes commonly used for en route VFR flight, however no information was received to indicate they would be located within any regularly used VFR routes. Therefore, they would not have a substantial adverse effect on en route VFR flight operations.

The proposed structures would be appropriately obstruction marked/lighted to make them more conspicuous to airmen should circumnavigation be necessary.

The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation providing the conditions set forth in this determination are met.

Additional conditions:

As a condition of this determination it is required that Notice of Actual Construction or Alteration (7460-2 Part 1) be E-filed at least 60 full days prior to the start of construction so that appropriate action can be taken to amend the effected procedure(s) and/or altitude(s).

Sectional Map for ASN 2018-WTE-4027-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-WTE-4027-OE

Issued Date: 07/09/2020

Leslie Strong
Alta Farms Wind Project II, LLC
16105 W 113th Street
Suite 105
Lenexa, KS 66219

**** Extension ****

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure:	Wind Turbine T-21
Location:	Clinton, IL
Latitude:	40-12-17.26N NAD 83
Longitude:	89-04-46.44W
Heights:	783 feet site elevation (SE) 599 feet above ground level (AGL) 1382 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

This extension is subject to review if an interested party files a petition that is received by the FAA on or before August 08, 2020. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This extension becomes final on August 18, 2020 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 01/09/2022 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable

airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6645, or Lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-WTE-4027-OE.

Signature Control No: 363798799-444962054

(EXT -WT)

Lan Norris

Specialist

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2018-WTE-4027-OE

All conditions and instructions per the original FAA determination apply under this extension. If there are any changes to the coordinates of 1 second or more and/or increase in the overall AMSL height, the sponsor will be required to E-file a new FAA Form 7460-1 "Notice of Proposed Construction or Alteration" at the website <https://oeaaa.faa.gov>.

One extension is authorized for up to 18 months. If construction has not started or completed prior to the expiration date of this extension letter, the sponsor will be required to E-file a new FAA Form 7460-1 "Notice of Construction or Alteration" at the FAA public website <https://oeaaa.faa.gov>.





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-WTE-6174-OE
Prior Study No.
2018-WTE-4027-OE

Issued Date: 11/04/2020

Leslie Strong
Alta Farms Wind Project II, LLC
16105 W 113th Street
Suite 105
Lenexa, KS 66219

**** MARKING & LIGHTING RECOMMENDATION ****

The Federal Aviation Administration has completed an evaluation of your request concerning:

Structure:	Lighting Study for Wind Turbine T-21
Location:	Clinton, IL
Latitude:	40-12-17.26N NAD 83
Longitude:	89-04-46.44W
Heights:	783 feet site elevation (SE) 599 feet above ground level (AGL) 1382 feet above mean sea level (AMSL)

Based on this evaluation, we have no objection to the change provided the structure is marked/lighted in accordance with FAA Advisory Circular 70/7460-1, L Change 2 , Obstruction Marking and Lighting, white paint/synchronized red lights - Chapters 4,12&13(Turbines).

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

So that aeronautical charts and records can be updated, it is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed when the new system is installed and operational.

Your request for consideration to utilize an Aircraft Detection Lighting System to operate the recommended lighting is approved. See attached for additional condition(s) or information.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting

configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This evaluation concerns the effect of the marking/lighting changes on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6645, or Lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTE-6174-OE.

Signature Control No: 454955807-455780652

(MAL -WT)

Lan Norris
Specialist

Attachment(s)
Additional Information
Case Description
Map(s)

cc: FCC

Additional information for ASN 2020-WTE-6174-OE

There is no objection to the use of an Aircraft Detection Lighting System (ADLS) to operate the obstruction lighting for this structure and/or the associated wind farm, so as long as the system meets the specifications of the latest technical note. The sponsor is responsible for ensuring the ADLS is continuously monitored and meets the aircraft detection capabilities for the volume of airspace defined in the current version of FAA Advisory Circular 70/7460-1. The sponsor will ensure this responsibility is specifically transferred to any subsequent owners of the wind farm.

Case Description for ASN 2020-WTE-6174-OE

Filing is for ADLS consideration on previously determined wind array; Clinton, IL.



November 5, 2020

Dee Dee Rentmeister
DeWitt County Administrator
201 West Washington Street, PO Box 439
Clinton, IL 61727-0439

Re: Alta Farms Wind Project II, LLC Building Permit Applications

Dear Ms. Rentmeister,

Enclosed with this correspondence please find the first batch of Building Permit Applications being submitted by Alta Farms Wind Project II, LLC (Alta Farms) for the Alta Farms Wind Project II (Project) for which a Special Use Permit ("SUP") was approved by the DeWitt County Board on July 14, 2020 and adopted via the Special Use Permit Ordinance for Case S-250-2019. The Project's Building Permit Applications have been developed in compliance with the DeWitt County Code of Ordinances, with special attention to Chapters 153.10, 155.126(C), and the provisions and conditions of the SUP issued for the Project.

Enclosed are Building Permit Applications for 57 wind turbine locations, 2 Aircraft Detection Lighting System (ADLS) structures, and the Project laydown yard. Building Permit Applications for additional Project facilities, as described in the Alta Farms' SUP Application, will be submitted at a later date.

Alta Farms is requesting approval of building permits for 57 wind turbines at the locations shown on the Plot Plan and Site Plan provided with each Building Permit Application. Only 50 wind turbines will be constructed as part of the Project (39-SG145 and 11-SWT2.3 wind turbines). Construction of a Project of this magnitude requires the ability to make rapid decisions during the construction process in the event of discovery of unanticipated conditions in the field. As such, Alta Farms is requesting Building Permits be issued for 57 total turbine locations so that construction decisions can be made in real time throughout the Project's construction. The supplemental material provided with these Building Permits allows for evaluation of all 57 wind turbines even though only 50 will be constructed. This ensures that the supplemental materials address Project impacts of all potential wind turbine locations and, in some cases, overestimates actual Project impacts.

The construction schedule for the Project is still being finalized but we are hopeful construction will commence in April 2021, weather permitting. Below please find a general construction schedule providing rough estimates of timing of the various activities and when facilities will be available for Building Permit staking and inspection, though the schedule and dates are subject to shift as plans are finalized.

- A. The first construction activities that will occur will be public road improvements and the creation of the temporary laydown yard/construction management offices. The County and Township

Road Use Agreements require the Project to prepare certain road segments for Project construction traffic. We estimate that the pre-construction road work will begin in April 2021 and could extend through early July 2021.

- B. As road improvement of certain road segments are completed and construction use of the roads is approved by the applicable Road Authority, the next step will be building the wind turbine access roads on Project property. We estimate that access road work will likely begin in May 2021 and should be complete by early August 2021. Staking of turbine locations for inspection, per the Building Permit for each location, will likely take place during this time.
- C. Once individual access roads are completed, work on the wind turbines accessed through these access roads will begin. We estimate that excavation and foundation pouring will begin as soon as early June 2021 and should extend through mid-September 2021. As foundations are finished, foundation inspections, per the Building Permits will occur.
- D. The underground collection system will be installed in parallel to the wind turbine construction likely starting in June 2021 and running through early November 2021.
- E. As foundations are completed, wind turbine components will be delivered to the Project site and assembled. Component delivery is estimated to begin in July 2021 and extend through late November 2021.
- F. The electrical collector substation and the ComEd interconnection switchyard will also be under construction in parallel to wind turbine construction. Construction on those facilities is estimated to begin in July 2021 and could extend into early 2022.
- G. Once wind turbines have been fully assembled and electrically connected to the Project substation, "pre-commissioning" can begin. This is a certification process that the equipment is in proper working order and the wind turbine is nearly ready to begin producing electricity. This process could begin shortly after each wind turbine is assembled beginning in July 2021 and will likely extend into early 2022.
- H. Once all electrical components have been completed, including the electrical collection substation and ComEd interconnection switchyard, full commissioning of the turbines can begin. We estimate this to take place in February and March of 2022 with full commercial operation of the Project in March or April of 2022.
- I. We estimate that final grading, erosion control, permanent access road finalization and other post construction activities will begin in April 2022, weather permitting. Once all Project work is complete on private property, Alta Farms will repair any damage done to the public roadway network pursuant to the Road Use Agreements. These activities could extend through the summer of 2022.

As required by SUP Condition 14, Alta Farms has identified the final model, name plate capacity, and dimensions of the wind turbine to be used at each wind turbine location in the corresponding Building Permit Application for each turbine and as detailed as below. Alta Farms will utilize a combination of 2 different turbine models for the Project, both of which were identified in Alta Farms' SUP Application.

Manufacturer	Turbine Model	Maximum Power Rating (MW)*	Maximum Hub Height (m/ft)	Maximum Rotor Diameter (m/ft)	Maximum Tip height (m/ft)
Siemens-Gamesa	SG145	4.5	107.5/353	145/476	180/591
Siemens	SWT2.3	2.3	80/262	108/354	134/440

* As provided in the Building Permit Applications, 1 of the SG-145 wind turbine locations will be operated at a 4.2MW power rating.

Each individual Building Permit Application contains the following information specific to each wind turbine or other Project facility:

- Permit Application form
- Plot Plan
- Site Plan
- FAA Determination of No Hazard (if applicable)
- Approval of DeTect Harrier ADLS from the FAA (if applicable)
- Structure Details (for structures other than wind turbines).

The Plot Plan for each wind turbine has been developed in accordance with the Plot Plan Instructions provided in DeWitt County's Building Permit Application Form and in consultation with the Zoning Administrator. The Site Plan for each wind turbine has been developed in accordance with Section 153.10(D) of the DeWitt County Code of Ordinances.

In addition to the location specific information provided as outlined above, Alta Farms is providing the following supplemental materials as part of the Building Permit Applications for the Project:

- Project Overview Map
- Building Permit Application Key – November 5, 2020 Submittal
- Attachment A – Participating Properties Spreadsheet
- Attachment B – Setback Waiver Tables
 - Attachment B1 – Property Line Setback Waivers
 - Attachment B2 – Structure Setback Waivers
- Attachment C – FAA and ADLS Information
 - Attachment C1 - FAA Determinations and ALDS Submission Summary Table
 - Attachment C2 – DeTect ADLS Certification
- Attachment D – Design Specification
 - Attachment D1 – SW145 Foundation Design
 - Attachment D2 – SW145 Wind Turbine Design
 - Attachment D3 – SWT2.3 Foundation Design
 - Attachment D4 – SWT2.3 Wind Turbine Design
- Attachment E – Shadow Flicker Analysis
- Attachment F – Sound Level Assessment
- Attachment G – Decommissioning Cost Plan Analysis
- Attachment H – SUP Condition 22 Documentation
 - Attachment H1 – Property Owners List

- Attachment H2 – Form of Lease
- Attachment H3 – Offer Letter Copies and Proof of Delivery Information

The Building Permit Application Key provides an overall summary of the Building Permit Applications submitted for the Project with this submission and is meant to serve as a quick reference guide for key information regarding each application.

Attachment A – Participating Properties Spreadsheet, Attachment B – Setback Waiver Tables, and Attachment C - FAA and ADLS Information are updated versions of documents submitted with Alta Farms' SUP Application. These documents are being provided with the Building Permit Applications for convenience. Attachment B – Setback Waiver Tables provides the details of the setback waivers applicable to wind turbine locations included in this Building Permit Application submittal.

Attachment C1 – FAA Determinations and ADLS Submission Summary Table provides a summary of the Determinations of No Hazard for each wind turbine (SUP Condition 3) for which a Building Permit Application is being submitted. This table has been updated to include the documentation showing the Project's request and approval by the FAA for the DeTect Harrier ADLS to be utilized at the Project per SUP Condition 4.

Attachment C2 – DeTect ADLS Certification provides the certification from DeTect, Inc. which was submitted to the FAA with the request for approval of the ADLS system.

Attachment D – Includes certifications by an Illinois Licensed Structural Engineer for both the wind turbine foundation and tower designs, submitted in compliance with Section 153.10(C) of the DeWitt County Code of Ordinances.

Attachment E - Shadow Flicker Analysis is being provided per SUP Condition 2 and includes an updated shadow flicker analysis based on the final site plan for the Project.

Attachment F – Sound Level Assessment is being provided per the commitments of Alta Farms in the SUP Application to provide an updated Sound Level Assessment based on the final wind turbine models and wind turbine locations chosen at the time of Building Permit Applications.

Attachment G – Decommissioning Cost Plan Analysis is being provided per the Section 3(d) of the Decommissioning Agreement dated August 19, 2020 entered between DeWitt County and Alta Farms pursuant to SUP Condition 9.

Attachment H – SUP Condition 22 Documentation pertains to SUP Condition 22. Per SUP Condition 22, Alta Farms has extended a lease offer to all owners of real property not part of the SUP and located within ½ mile of wind turbine locations being submitted for a Building Permit from DeWitt County. As evidence of compliance, Alta Farms is providing a list (Attachment H1 – SUP Condition 22 Lease Offers

Spreadsheet) of all owners of real property located with 2,904 feet¹ of a turbine location being submitted for a Building Permit, copies of the offer letters which were sent, proof of delivery for each letter, and the form of lease which was provided to each landowner. The form of lease provided with each offer complies with the requirements of [SUP condition] and is substantially similar to the form of lease included in the Alta Farms SUP Application Attachment C4.

Prior to submittal of the Building Permit Applications contained herein, Alta Farms and DeWitt County developed and agreed to a Permanent Project Signage Plan During Operations. This plan was agreed to on August 19, 2020 and meets the requirements of SUP Condition 18. A copy of the Signage Plan is on file with DeWitt County.

Lastly, accompanying this submittal are two application fee checks. The first check, in the amount of \$114,000, is payment of the Application Fee for the 57 wind turbine locations per Section 153.10(F) of the DeWitt County Code of Ordinances (\$2,000 per tower). The second check, in the amount of \$4,000, is for the 2 ADLS structures and the Project laydown yard. This amount was determined based on DeWitt County Code of Ordinances Sec. 153.10(F) for conventional structures and 155.126(C)(1)(I), which provides that the application fee for structures other than buildings is \$0.001 x Total Estimated Cost/Min. \$25.00. Each ADLS structure is estimated to cost approximately \$250,000, equating to \$250 for each Building Permit Application (\$500 total for two ADLS structures). The Project laydown yard is estimated to cost approximately \$3.5 million equating to \$3,500 for the Project laydown yard Building Permit Application fee. The fees for any additional future Building Permit Applications will be provided at the time of those submittals.

Thank you in advance for your time and assistance in review and approval of these Building Permit Applications for Alta Farms. If you have questions or wish to discuss these Applications in greater detail, please do not hesitate to reach out.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle Lockhouse".

Kyle Lockhouse
Development Manager

¹ The distance of 2,904 feet was used to generate the list of landowners despite the fact that it exceeds ½ mile (2640 feet) providing an additional 10% buffer.