

In The Matter Of:
Before the McLean County Zoning Board of Appeals
Volume II

Hearing
February 7, 2018

PAOLETTI & ASSOCIATES
6215 N. POST OAK ROAD
PEORIA, IL 61615
PHONE: 309-343-7800 FAX: 309-673-0341
SATELLITE OFFICE IN GALESBURG, IL

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BEFORE THE
MCLEAN COUNTY ZONING BOARD OF APPEALS
VOLUME II

ARROWSMITH I SOLAR, LLC by Cypress) CASE SU-18-03
Creek Renewables)
)
APPLICATION for special use to allow)
a solar power generating facility in)
the agriculture district on property)
located in Arrowsmith Township)
immediately north of 1100 North Road)
approximately 2/5 of a mile east of)
3400 East Road; Parcel 24-14-300-006.)

ARROWSMITH II SOLAR, LLC by Cypress) CASE SU-18-04
Creek Renewables)
)
APPLICATION for special use to allow)
a solar power generating facility in)
the agriculture district on property)
located in the SE 1/4 of Section 14,)
Township 23N, Range 5E of the 3rd)
P.M. in Arrowsmith Township)
immediately north of 1100 North Road)
approximately 3/5 of a mile east of)
3400 East Road; Parcel 24-14-400-002.)

MORAINE SOLAR, LLC by Cypress Creek) CASE SU-18-05
Renewables)
)
APPLICATION for special use to allow)
a solar power generating facility in)
the agriculture district on property)
located in Downs Township immediately)
west of 2200 East Road approximately)
3/5 of a mile north of 600 North)
Road; Parcel 29-10-200-005.)

Hearing held, pursuant to notice, on Wednesday
February 7, 2018 at the hour of 7:00 p.m. at 115 E.
Washington Street, Bloomington, Illinois.

REPORTER: LAUREL A. PATKES, CSR #084-001340

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BOARD MEMBERS:

JULIA TURNER, Chairperson
MICHAEL KURITZ
RICK DEAN
BRIAN BANGERT
CHRIS CARLTON
MARY BETH TAYLOR

STAFF:

PHILIP W. DICK
Director
Department of Building & Zoning

SAMANTHA WALLEY
Counsel

APPEARANCES:

POLSINELLI, by
DAVID D. STREICKER
150 N. Riverside Plaza
Suite 3000
Chicago, Illinois 60606-1599
dstreicker@polsinelli.com
(312)873-2941

on behalf of the Applicant.

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PROCEEDINGS

CHAIRPERSON TURNER: We will resume
Case SU-18-03, continue it I should say, from last
night, and our legal counsel will tell us where we
were.

MR. DICK: Roll call.

CHAIRPERSON TURNER: Oh, first let's
do roll call.

MR. DICK: Marc Judd?
(No response)

MR. DICK: Brian Bangert?

MR. BANGERT: Here.

MR. DICK: Michael Kuritz?

MR. KURITZ: Here.

MR. DICK: Rick Dean?

MR. DEAN: Here.

MR. DICK: Julia Turner?

CHAIRPERSON TURNER: Here.

MR. DICK: Drake Zimmerman?
(No response)

MR. DICK: Jim Finnigan?
(No response)

MR. DICK: Chris Carlton?

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1 . MS. CARLTON: Here.
 2 . MR. DICK: Mary Beth Taylor?
 3 . MS. TAYLOR: Here.
 4 . CHAIRPERSON TURNER: That's six, and
 5 that's a quorum for us, so we will proceed on.
 6 Where do we need to go from
 7 here? Where were we?
 8 . MS. WALLEY: Madame Chairman, my
 9 recollection of SU-18-03 was that the applicant had
 10 presented most, if not all, of their case in chief.
 11 They have been subject to cross-examination.
 12 I do see some new individuals in
 13 the audience. I don't recall if they rested their
 14 case, but I believe they were presenting evidence
 15 when we recessed yesterday.
 16 . CHAIRPERSON TURNER: I think we were
 17 at the point of the public being able to ask the
 18 applicant questions.
 19 So is there anyone else in the
 20 audience who would like to ask any questions of the
 21 applicant?
 22 . MR. ENSENBERGER: Is this for Moraine
 23 or is this for --

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1 . CHAIRPERSON TURNER: You can ask
 2 them -- do you have specific to a...
 3 . MR. ENSENBERGER: Well, I wanted to
 4 comment on the Moraine project was all.
 5 . CHAIRPERSON TURNER: Okay. You'll
 6 have time to testify if that's what you're wanting
 7 to do.
 8 . MR. ENSENBERGER: Yeah.
 9 . CHAIRPERSON TURNER: We're on the
 10 Arrowsmith one right now.
 11 . MR. ENSENBERGER: Okay.
 12 . MR. STREICKER: This is Dave
 13 Streicker.
 14 For the board, counsel, staff,
 15 I'd like to introduce a new colleague of ours, Bryan
 16 Whitson who's a civil engineer, and Bryan is sitting
 17 in for Dan who was able to testify last night.
 18 . CHAIRPERSON TURNER: Okay. Thank
 19 you.
 20 . MR. DICK: Mr. Streicker, could you
 21 introduce yourself for the court reporter, please?
 22 . MR. STREICKER: Again, my name is
 23 David Streicker (S-t-r-e-i-c-k-e-r), counsel for

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1 Cypress, the applicant.
 2 . CHAIRPERSON TURNER: Okay. Seeing
 3 that no one else has any questions of the applicant,
 4 would anyone like to testify from the audience in
 5 this case?
 6 . MR. DICK: We have three signed up.
 7 . CHAIRPERSON TURNER: We have three
 8 signed up? Great. Then I'll let you read them off.
 9 . MR. DICK: Mike Mateka.
 10 . CHAIRPERSON TURNER: Is it okay to
 11 swear you in?
 12 . MR. MATEJKA: Yes.
 13 (Whereupon the witness was sworn
 14 by Chairperson Turner.)
 15 . CHAIRPERSON TURNER: Okay. And your
 16 name and address?
 17 . MR. MATEJKA: Michael Matejka
 18 (M-a-t-e-j-k-a), 800 North School Street in Normal.
 19
 20 NARRATIVE TESTIMONY
 21 BY MICHAEL MATEJKA:
 22 I appreciate that McLean County has
 23 been consistently here on top of new energy

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1 development and appreciate Cypress Creek showing
 2 interest in our community.
 3 I just want it on the public record
 4 to say that very much since this is an out-of-state
 5 enterprise that I really want to encourage them to
 6 really enhance their economic involvement in the
 7 community by using local skill trades labor to build
 8 their project, and hopefully they will use the
 9 skills that we have in this community to build a
 10 positive thing that brings another level of economic
 11 enrichment to the community.
 12 That's it.
 13 . CHAIRPERSON TURNER: Great. Thank
 14 you.
 15 Does anyone have questions for
 16 Mr. Matejka?
 17 Does the applicant have
 18 questions for Mr. Matejka?
 19 . MR. STREICKER: We do not.
 20 . CHAIRPERSON TURNER: Okay. Anyone in
 21 the audience or I should say anyone on the board
 22 have questions for him? Staff? Audience?
 23 I think you're good to go.

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1 . MR. MATEJKA: Thank you.
2 (Witness excused.)
3 . MR. DICK: Anna Ziegler.
4 . CHAIRPERSON TURNER: Hi, Anna.
5 . MS. ZIEGLER: Hello.
6 . CHAIRPERSON TURNER: Is it okay to
7 swear you in?
8 . MS. ZIEGLER: Yes.
9 (Whereupon the witness was sworn
10 by Chairperson Turner.)
11 . CHAIRPERSON TURNER: Your name and
12 address?
13 . MS. ZIEGLER: Anna Ziegler
14 (Z-i-e-g-l-e-r), 2242 Westgate Drive, Bloomington.
15 I'm here on behalf of McLean
16 County Farm Bureau.
17
18 NARRATIVE TESTIMONY
19 BY ANNA ZIEGLER:
20 As far as testimony, I really just
21 have a couple questions and then a couple
22 suggestions to comment before the board.
23 So a couple questions. Some of them

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1 all reference back to questions I asked yesterday,
2 so one question was whether or not this applicant
3 should be required to sign an ag nuisance disclaimer
4 as a user of our property in the ag district. We
5 think that could be advantageous
6 And then a couple other things that
7 were addressed yesterday that we do think are
8 important include tile drainage repair, erosion
9 control, vegetative cover and weed control, and
10 those things are outlined in the applicant's
11 application as well as in the zoning ordinance.
12 Things like an erosion control plan
13 has to be submitted before they get a construction
14 permit, those types of things.
15 Then a couple of suggestions or
16 recommendations.
17 In the applicant's decommissioning
18 plan, they state that they are going to remove all
19 equipment and structures to a depth of three feet.
20 We believe five feet would be more applicable for
21 future farming uses. Five feet is the standard that
22 is in the ag impact mitigation agreement for wind
23 companies, and it is likely to be that same depth in

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1 a solar AIMA which is yet to be completed
2 And then we would also recommend or
3 suggest that the ZBA look at some type of financial
4 assurance as a condition of the special use for that
5 decommissioning plan, again, like you've imposed on
6 other utility companies. We think that would be
7 advantageous as well
8 And then lastly, there is an ag
9 impact mitigation agreement that is being negotiated
10 with Illinois Department of Ag. It is not finalized
11 yet, but we would recommend or suggest that the
12 county consider adding that as a condition of the
13 special use permit, that the applicant enter into
14 that agreement.
15 . CHAIRPERSON TURNER: Okay. Thank
16 you.
17 Anyone on the board have any
18 questions for Ms. Ziegler?
19 I actually do.
20
21 QUESTIONS
22 BY CHAIRPERSON TURNER:
23 Q. You mentioned about having erosion

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1 control and ground cover.
2 A. Uh-huh.
3 Q. And last night it came to our
4 attention that there was an opportunity to have a
5 pollinating ground cover or one that would help
6 pollination.
7 Can you comment on the
8 advantages or disadvantages in your opinion of that?
9 A. I don't know that that's an area of
10 expertise of mine.
11 I would suggest that the McLean
12 County Soil and Water Conservation District may be
13 able to lend their expertise.
14 I believe Building & Zoning has
15 suggested to the applicant that they consult with
16 them.
17 And our other comment would be
18 we'd want to make sure there weren't obnoxious weeds
19 in whatever they plant as cover, and I'm sure
20 they're aware of that.
21 . CHAIRPERSON TURNER: Any other
22 questions?
23

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1 QUESTIONS

2 BY MR. DEAN:

3 Q. Do you have a timeframe for when the

4 nuisance disclaimer -- no, the nuisance disclaimer

5 is in place -- for the AIMA?

6 A. I do not.

7 I have seen a draft of it. I

8 had hoped to possibly submit it as an exhibit this

9 evening, but I did not receive the go ahead to do

10 that because it's not a public document yet.

11 I believe they are -- the

12 communication I've seen, they're accepting comments

13 until February 20th, but I can't tell you beyond

14 that when it will be finalized.

15 MR. DEAN: Thank you.

16 CHAIRPERSON TURNER: Any other

17 questions?

18 Staff have any questions?

19 Anyone in the audience have

20 questions for Ms. Ziegler?

21 And I'm sorry. I didn't ask you

22 guys if the applicant has any questions?

23 MR. STREICKER: No, but I would note

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1 for the board, and I want to thank you for bringing

2 that up, that we do plan to confer with the Soil and

3 Water District, and we have met with the McLean

4 County Farm Bureau and would like to keep that

5 dialogue going ultimately to determine what is the

6 best ground cover here.

7 We definitely view that as a

8 collaborative approach locally and almost

9 hyperlocally with the ground cover as far as what

10 makes sense.

11 So that is absolutely on the top

12 of our radar screen.

13 CHAIRPERSON TURNER: Okay. Thank

14 you.

15 I think you're good to go.

16 Thank you.

17 (Witness excused.)

18 MR. DICK: Amy Winterland?

19 (No response)

20 CHAIRPERSON TURNER: Is there anyone

21 else that wasn't on that list who would like to

22 testify tonight on the Arrowsmith case?

23 MR. DICK: That would be Arrowsmith

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1 I.

2 CHAIRPERSON TURNER: Arrowsmith I,

3 correct.

4 Okay. At this point, it looks

5 like I can ask you if you have a closing statement.

6 MR. STREICKER: Yes. Thank you.

7 Thank you again for the

8 opportunity, board members, again, counsel and

9 staff.

10 We've really appreciated not

11 only the input that you have provided, especially

12 staff, on our application process, but the questions

13 that the board has come up with have helped us even

14 become I think more familiar with our project, and I

15 note we have a couple follow-up points to questions

16 yesterday that we wanted to add, and I would also

17 like to note for the board that we talked about

18 ground cover, and that's certainly one of the things

19 that we knew coming into the area is going to be

20 important, and it's certainly been emphasized by

21 staff and the board, and we absolutely want to make

22 a Grade A effort to make sure that whatever native

23 grasses are planted makes sense, not only for

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1 pollination but it's been made very clear to us that

2 weed control is an absolute priority in the

3 agricultural area that we're going into, and we are

4 aware of that and are on top of it.

5 With regard to the FEJA, I'm

6 sure we would consider that as I understand it.

7 THE REPORTER: With regard to the --

8 it's a little hard to hear you.

9 MR. STREICKER: FEJA. I'm not sure

10 what the acronym is. It's the one that Ms. Ziegler

11 mentioned.

12 MR. DICK: AIMA?

13 MR. STREICKER: No, no.

14 CHAIRPERSON TURNER: No. It was the

15 nuisance disclaimer.

16 MR. STREICKER: Yeah, the nuisance

17 disclaimer.

18 We're certainly amicable to

19 taking a look at that. We fully realize we're in an

20 agricultural area as we can tell from the pictures.

21 And with regard to the AIMA,

22 that's one of the things we've been dealing with in

23 the wind world for quite some time. There's

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1 actually a statute that the state has dictating the
 2 agricultural impact mitigation that would be entered
 3 into.
 4 We have not seen any of the
 5 drafts of the AIMA. Certainly in my experience, the
 6 issues that come up are tiling, returning the land
 7 to the condition it was which we admitted to prior
 8 to the project coming in, and there's certain
 9 decommissioning requirements.
 10 At this point, I would argue to
 11 the board it's probably not necessary to make a
 12 stipulation in the SUP because, one, I believe we've
 13 covered all those areas, and two, it is a formative
 14 document that's going to have input from a lot of
 15 people, and I don't know what it's going to look
 16 like when it gets finished.
 17 And furthermore, McLean County
 18 is unique in that you have a very robust zoning
 19 ordinance with Utility Major, a very robust wind
 20 energy conversion system ordinance and one of the
 21 few counties at least that I've seen that's already
 22 addressed solar in advance.
 23 So I believe hopefully with the

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1 application and our testimony here and the strength
 2 of your ordinance that those local residents should
 3 be very well protected.
 4 Again, we do have a concern
 5 about making commitment to enter an agreement where
 6 we have not seen final terms, and, you know, cabling
 7 depth for wind is a little bit different than solar
 8 because you're actually farming over a wind farm,
 9 and I don't know how that's going to go.
 10 Also, and just to reiterate some
 11 of the points that we really want to highlight in
 12 our application, it's our intention hopefully to
 13 come and be an exemplary resident of McLean County
 14 and not only land stewardship that we've done a lot,
 15 we hope to be a very low impact resident.
 16 The construction of the wind
 17 farm as you see from the application is not nearly
 18 as intensive as other industrial construction. It
 19 doesn't require heavy equipment to be brought in the
 20 area.
 21 And, Scott, I don't know if you
 22 have anything you want to add on the equipment basis
 23 but...

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1 . MR. NOVACK: No.
 2 . MR. STREICKER: Okay.
 3 You know, you saw some pictures
 4 yesterday of the site.
 5 The equipment that goes in and
 6 drives the piles into the ground, that really is the
 7 heaviest piece of equipment that's going to be out
 8 on the construction site. It's a very quiet site,
 9 very low maintenance, and it's not going to create a
 10 lot of traffic in the area.
 11 Obviously, we want to leave a
 12 lasting economic betterment, whether that's for
 13 local construction spend. Certainly, hiring people
 14 in the local economy is a priority of ours too.
 15 I think you'll see some numbers
 16 in the application that we've broken down our
 17 project spend to what we hope directly goes into the
 18 local community.
 19 Workforce is an interesting
 20 thing because the way the Future Energy Jobs Act is
 21 set up, it requires a, quote-unquote, "qualified
 22 person" to be involved with the construction, and I
 23 believe, I'm not certain, that the Illinois Commerce

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1 Commission is going to set the overall structure for
 2 what is a qualified person to be working on these
 3 projects and how the state is going to interpret
 4 that, and it's going to be a state level matter.
 5 So for those entities and
 6 individuals that get qualified as such, certainly we
 7 hope many of those are from the area, and with the
 8 strength of the universities and the tech schools
 9 here, I would suspect that's the case.
 10 Lastly, again, we hope to be a
 11 long-term resident of McLean County.
 12 Scott, anything you want to add?
 13 . MR. NOVACK: I think I'd have to be
 14 sworn in.
 15 . MR. STREICKER: I think it carries
 16 over from yesterday.
 17 . CHAIRPERSON TURNER: It carries over
 18 but make sure you identify yourself.
 19 . MR. NOVACK: Sure.
 20 I'm Scott Novack with Cypress
 21 Creek Renewables, senior developer here in Illinois.
 22
 23

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1 NARRATIVE TESTIMONY
 2 BY SCOTT NOVACK:
 3 I think Dave said it perfectly. I
 4 mean, we're really excited about the opportunity
 5 here to be in this county and make a long-lasting
 6 impact while at the same time making an extremely
 7 low, you know, we want to make a nice economic
 8 presence and a clean tech presence but not be a
 9 nuisance either from a construction standpoint or a
 10 long-term standpoint.
 11 With our experience developing solar
 12 all over the country, we're really well-tuned to do
 13 just that, and I hope that we've done a good job of
 14 answering questions, and I know that more can come
 15 up in Arrowsmith II and Moraine.
 16 And I'm looking at Mr. Kuritz because
 17 I want to address something that he had brought up
 18 yesterday but I'll wait on that for the next...
 19 CHAIRPERSON TURNER: You can go
 20 ahead.
 21 MR. NOVACK: Okay. Perfect.
 22 You stumped me on vaults
 23 yesterday so I wanted to make sure that I was

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1 educated on that, so I spoke with one of our
 2 internal civil engineers. He explained exactly what
 3 they are. You were pinpoint on, and he also
 4 confirmed that we do not use vaults because we don't
 5 have to based on the scale of the wires and what
 6 we're doing there.
 7 So to confirm, there's
 8 slab-on-grade that house the transformer and the
 9 inverter, and then the conduit is stubbed through
 10 the slab and then goes down into the underground
 11 from there without the necessity to use vaults at
 12 all.
 13 So thank you for that.
 14 And with that said, thank you
 15 very much for hearing our case.
 16 CHAIRPERSON TURNER: Okay. Thank
 17 you.
 18 (Witness excused.)
 19 CHAIRPERSON TURNER: Does anyone
 20 who -- should we go down the list?
 21 Anyone who testified is allowed
 22 to come up and give a closing.
 23 So we will call your name if you

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1 testified, and if you want to come give a closing,
 2 just come on up.
 3 MR. DICK: Mike Matejka?
 4 MR. MATEJKA: No thanks.
 5 CHAIRPERSON TURNER: Anna Ziegler?
 6 MS. ZIEGLER: Just one final comment
 7 on the AIMA.
 8 The applicant would be
 9 negotiating that with the Illinois Department of Ag,
 10 so I understand their concern about signing an
 11 agreement they haven't seen yet, but if you made it
 12 a condition, it would be open to their negotiation
 13 with the Illinois Department of Ag.
 14 So just wanted to make that
 15 point. Thank you.
 16 CHAIRPERSON TURNER: Okay. With
 17 that, I will officially close the hearing part of
 18 this, and we will have staff deliberation on this.
 19 We may have other questions that
 20 come up in our staff deliberation, especially given
 21 that this has gone over two nights. I know I've had
 22 a few come up so if you'll hang around.
 23 MR. DEAN: We're going to have board

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1 deliberation, right?
 2 CHAIRPERSON TURNER: I did say staff,
 3 didn't I? I meant board deliberation.
 4 Thank you.
 5 MR. DEAN: Okay. I have one comment.
 6 Would it be possible to get the
 7 agricultural nuisance disclaimer in front of these
 8 folks this evening?
 9 CHAIRPERSON TURNER: Yeah, that was
 10 my thought too. I would like them to see it if we
 11 have a copy of it.
 12 Do we have a copy?
 13 MR. KURITZ: Here.
 14 CHAIRPERSON TURNER: There you go.
 15 That way you guys can see it and
 16 know what it looks like.
 17 Okay. I think maybe we should
 18 start, since this is new just with the pluses and if
 19 there are minuses, things that you're puzzled about
 20 or that you like that we're seeing so that we can
 21 kind of discuss those and go from there.
 22 It will make the future ones a
 23 lot easier but this first one I think, rather than

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1 going through the standards right now, let's talk
2 about that just for a minute.

3 MR. DEAN: Well, the pluses are
4 pretty obvious. It's eco-friendly. You know, it's
5 something that our state has evidently mandated. I
6 was unaware of that. The state has mandated solar
7 energy being constructed in Illinois to a certain
8 level. I'm not sure what that is. I think 25
9 percent is required.

10 CHAIRPERSON TURNER: I think he said
11 25 percent renewable energy is what we're shooting
12 for.

13 MR. DEAN: I thought it was 25
14 percent solar.

15 Is it 25 percent solar as part
16 of the renewable package?

17 MR. STREICKER: It's 25 percent
18 renewable by 2025 is the goal.

19 There are mandates for both
20 solar and wind.

21 MR. NOVACK: That's right, and I
22 don't have the numbers in front of me as to how that
23 exactly breaks down, but the answer is it's 25

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1 percent renewable.

2 MR. DEAN: Okay. Thank you.

3 MR. BANGERT: I do agree that there's
4 plenty of benefits to a project like this. I still
5 in the back of my mind still think these would be
6 placed well on, you know, unused parking lots and
7 landfills and places like that that wouldn't take
8 out productive land that these projects are going to
9 take out.

10 I also view -- you know, the
11 landowners don't seem to be concerned about the tile
12 on their property. I am concerned about the people
13 that are upstream, downstream, anybody that could
14 possibly be impacted in that regard, but as long as
15 we've got that covered through either AIMA or
16 another way because those projects don't always show
17 up right away. Those can be years down the road.

18 Erosion control, another one, is
19 a project, you know, they're not going to use heavy
20 equipment, but one clarification I could use is
21 maybe the conduit for the wiring, I didn't ask as to
22 whether that was going to be removed as part of
23 the --

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1 (Mr. Novack nodded)

2 MR. BANGERT: All conduit. Okay. So
3 that answers that.

4 CHAIRPERSON TURNER: That was a yes,
5 it will be removed?

6 MR. NOVACK: Yeah. You got my nod?
7 I don't know if that shows up, but we're going to
8 remove everything including the conduit, all the
9 wires.

10 MR. STREICKER: And additionally,
11 staff has recommended a standards stip that we would
12 repair all field tile that's damaged. I believe
13 that's No. 4 in the stipulations, and we would be
14 very amicable to doing so, and we will abide by that
15 stipulation if the board decides it's ultimately
16 appropriate.

17 CHAIRPERSON TURNER: Brian, do you
18 feel, is there a necessity to notify people around
19 as being out in the ag area? Do neighbors need to
20 be notified that, hey, we're doing some digging
21 around here that could affect field tile or is it
22 pretty much assumed when you see a project like this
23 that -- I mean, if this was your neighbor doing

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1 this, what would you want?

2 MR. BANGERT: Well, obviously, just a
3 conversation, you know, a good neighbor conversation
4 about what's going to be taking place so that, you
5 know, it could be communicated quickly and who do we
6 talk to. I mean, that would kind of rectify that
7 right away.

8 CHAIRPERSON TURNER: So some
9 information on who to talk to if drainage issues do
10 show up that you think may be related to field tile.

11 MR. BANGERT: Yeah, because the
12 burden of proof then becomes, well, was this an
13 existing issue before or did we cause this?

14 MR. SANDAGE: Can I testify to that
15 again?

16 CHAIRPERSON TURNER: Not at this
17 point. Sorry.

18 MR. BANGERT: So yeah.

19 CHAIRPERSON TURNER: Okay. So maybe
20 if we had a stipulation of contact numbers should
21 anything come up.

22 MR. BANGERT: Yeah.

23 CHAIRPERSON TURNER: Anybody else?

1 MS. TAYLOR: Yes. I came to the
2 Midwest, grew up in the Pacific Northwest where land
3 was valued so much and came to the Midwest when I
4 was 12 and went to high school in Colfax, and it's
5 beautiful. The prairie is beautiful, and I think we
6 all want to preserve that, and I just want to say
7 that I guess as these things develop, and I'm a
8 strong proponent of renewable energy, but we need to
9 think through at some point how much of the prairie
10 we want to cover.

11 I'm not saying I'm opposed to
12 this project. You know, balancing those two things
13 out is a difficult issue.

14 CHAIRPERSON TURNER: I agree, and
15 when I think of these things, that's exactly what I
16 think. You know, how do we restrict the amount of
17 land that is taken over by this, or do we.
18 Obviously, we don't want...

19 MS. TAYLOR: It's really special when
20 you drive across the prairie from Champaign to
21 Bloomington on a summer evening and look out over it
22 and see the clouds and...

23 MR. KURITZ: Yeah, I guess I like the

1 idea of the solar renewable and the wind energy that
2 we've been putting in here, but someone last night
3 said that it's funny that it takes 20 acres to
4 produce two megawatts of solar, and for about one
5 acre, it sounds like we can do up to four and a half
6 megawatts with one wind turbine without taking
7 anywhere close to as much land out of production.

8 And I guess that's the only real
9 issue that I have is sort of like what Brian said.
10 There's got to be land out there that doesn't score
11 off the top of the charts that's not the flattest,
12 blackest land in McLean County.

13 That said, you know, I know that
14 the landowner, he's probably going to make as much
15 out of this crop or more than he is with the other
16 and he's going to have a guaranteed income versus
17 having to play the commodities market, so I really
18 hate to take that away from him.

19 But that's the only real issue I
20 have is the fact that it is, you know, I know it's
21 not taking it away forever, but it is taking away
22 crop production right now and some of the best land
23 out there.

1 CHAIRPERSON TURNER: And we did hear,
2 you know, how it can be good for land to let it
3 rejuvenate to be taken out, and I do believe in
4 that, and I do think that our food production is
5 pretty high at this point.

6 But Phil, I have a question for
7 you where that concern -- and it sounds like it's a
8 concern across-the-board as far as is there any way,
9 and I don't think we can do it here, we'd probably
10 have to go into our ordinances, but is there any way
11 we can put a limit as to how much of the land or a
12 percentage of farm or anything like that that can be
13 converted?

14 MR. DICK: Not that I can think of.
15 I think that's a policy decision that you really
16 wouldn't want to put in a zoning ordinance.

17 CHAIRPERSON TURNER: So that would be
18 done on the McLean County board level then?

19 MR. DICK: I would think so.

20 CHAIRPERSON TURNER: Good. We'll let
21 them worry about that. I like those.

22 And that's kind of what I
23 thought too, that ultimately it's their decision

1 whether it goes in or not so that's where that would
2 come in.

3 Rick?

4 MR. DEAN: And it's the landowner's
5 prerogative to use his land for whatever he chooses
6 to.

7 I've got one other question for
8 the applicant.

9 So we're talking two megawatts
10 per 20 acres.

11 How many megawatts does the
12 state document that just passed last November or
13 December allow for?

14 MR. NOVACK: So to get to -- so it's
15 30,000. If all of the solar that the IEPA has set
16 out to achieve by 2025, it's actually by the year
17 2030, was built on ground-mounted systems, and
18 that's not the case because there is going to be
19 some behind the meter commercial and industrial,
20 there's going to be some rooftop installations.
21 It's going to a decent percentage of all of that.
22 But if all of that was on the ground, it would take
23 30,000 acres by that same math of ten acres per

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1 megawatt, which is a conservative number.
 2 30,000 acres...we did the math
 3 on this because we were curious. 30,000 acres out
 4 of 27 million acres of farmland in the State of
 5 Illinois is .001 percent, and I forgot where I was,
 6 but I also looked at it on a county perspective. I
 7 haven't looked at in McLean, and I don't want to
 8 quiz any of you all here to ask how many prime acres
 9 of farmland there is in this wonderful big county.
 10 I'm sure there's a lot, and we can all do the math.
 11 So when you look at it
 12 individually, when you think about a 20-acre farm,
 13 it sounds like a lot of them. Holistically though,
 14 when it's compared to how much, you know, we're
 15 blessed with a lot of really great farmland here in
 16 this state, so on a relative basis, you know, it's a
 17 small amount luckily.
 18 MR. DEAN: Okay. Thank you.
 19 CHAIRPERSON TURNER: You know, my
 20 other thought is since it is rich farmland and it is
 21 some of the highest production farmland that it will
 22 be a tougher business decision for farmers to have
 23 these put on their land, and ultimately that's what

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1 it will come down to if we, you know, move ahead
 2 with this.
 3 Anybody have anything else they
 4 want to add?
 5 Okay. Shall we walk through the
 6 standards then?
 7 MR. DEAN: Did we get the nuisance
 8 thing in front of the folks?
 9 CHAIRPERSON TURNER: Yes.
 10 MR. DEAN: Okay. My take on that is
 11 it's not very burdensome.
 12 MR. STREICKER: Sure. A couple
 13 comments on the nuisance, certainly recognizing
 14 we're in an agricultural area and willing to abide
 15 by the activities going on out there.
 16 A couple things with the
 17 disclaimer.
 18 One, it talks about not being
 19 conducive to residential activities. Obviously
 20 we're not doing that.
 21 It also states in the beginning
 22 that I will certify that I'm the owner of the
 23 property.

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1 In this case, we are lessees. I
 2 don't know if the county has modified these in the
 3 past, but we are not going to be the owner of this
 4 property.
 5 MR. DEAN: Okay. Yeah, I understand
 6 this maybe does not apply to you.
 7 MR. STREICKER: This document would
 8 not apply to us.
 9 CHAIRPERSON TURNER: The nature of it
 10 is what we're trying to get, so will you, Sam,
 11 address that?
 12 MS. WALLEY: I think you're right. I
 13 think for the most part it applies to property
 14 owners and landowners, that sort of thing.
 15 If you were to agree to the
 16 terms of it, I think it would be as the chairwoman
 17 said. It would be the spirit of it and not
 18 necessarily the literal language as a property owner
 19 versus a lessee.
 20 MR. STREICKER: Sure. And we would
 21 definitely agree to the spirit of it and be willing
 22 to consider modifications if the board or counsel
 23 wanted to modify this document to conform to our

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1 construction.
 2 CHAIRPERSON TURNER: Okay. And that
 3 may be worthwhile for us.
 4 MR. BANGERT: And can I get one more?
 5 CHAIRPERSON TURNER: Sure.
 6 MR. BANGERT: So before we dive into
 7 that, the decommissioning plan, and maybe this is a
 8 question for staff, the decommissioning plan doesn't
 9 exist, but there will be one. Is that my
 10 understanding?
 11 MR. DICK: Our ordinance doesn't
 12 require that they have a decommissioning plan but
 13 that they decommission it at the end of the
 14 operation, that they remove everything.
 15 MR. BANGERT: Okay.
 16 CHAIRPERSON TURNER: I'm glad you
 17 brought that up, Brian, because I did have a
 18 question for you guys.
 19 What determines, what instigates
 20 a decommissioning for you?
 21 MR. STREICKER: Thank you for that
 22 question, and hopefully it's in your application
 23 packets, but we did sign and submit a

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1 decommissioning plan, and just for the board, when
2 it says decommissioning will occur as a result of
3 the following: either our lease expires or the
4 asset is not producing power for 12 consecutive
5 months.

6 At that point, we have obligated
7 ourselves to do the following: remove all
8 owner-operated equipment, conduit, structures,
9 foundation to a depth of at least three feet below
10 grade; remove all fencing unless the owner of the
11 leased real estate requests in writing for it to
12 stay in place; and then take the following steps to
13 restore the land, grade the land after subsurface
14 equipment removal, reseed the land using local
15 noninvasive grasses, and maintain the grass for a
16 total of three months after seeding.

17 And that's assuming we have
18 rights to be on the property, which I'm presuming
19 could be worked out.

20 And then it says, all such
21 removal and decommissioning shall occur within 18
22 months of any aforementioned decommissioning
23 condition, and the operator is responsible for

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1 decommissioning.

2 And we have also agreed that we
3 will provide McLean County with an updated signed
4 decommissioning plan within 30 days if we transfer
5 ownership of the facility or operation in some
6 capacity.

7 CHAIRPERSON TURNER: Okay. Thank
8 you.

9 MR. KURITZ: You made it clear that
10 all you got is slab, but you're going to drive
11 I-beams into the, galvanized I assume I-beams into
12 the ground, and they're going to go down five to
13 seven feet or more?

14 MR. NOVACK: Could be as much as ten
15 as it's been explained to me.

16 MR. KURITZ: Okay. So you're saying
17 that you'd cut those off at three feet?

18 MR. NOVACK: No. We're going to pull
19 those out completely.

20 MR. KURITZ: You're going to go ahead
21 and pull them out.

22 MR. NOVACK: Yeah.

23 MR. KURITZ: Okay. So really, there

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1 wouldn't be any...taking everything down three feet
2 isn't an issue.

3 MR. NOVACK: No.

4 MR. KURITZ: Because we do have five
5 feet on our wind farms because they've got great big
6 concrete bases, and if you're going back to farm
7 ground, and nobody deploys anymore it doesn't seem
8 like, but anyway, if there's nothing going to be
9 there with this installation, then that's not an
10 issue.

11 MR. BANGERT: So that decommissioning
12 plan you just spoke of there, what if you guys
13 aren't in business then? You wouldn't be able to
14 decommission it.

15 MR. STREICKER: I think we noted or
16 at least one thing in our application, that given
17 the racking system that Scott just referred to, the
18 metal supports for the solar rays we think has very
19 high salvage value as well as the other components.

20 So one, there would certainly be
21 an economic incentive for someone to come in there
22 and remove this equipment if you were gone, and I
23 can check the application to see if we specified

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1 anything else but certainly decommissioning is a top
2 priority for us because we understand it's a top
3 priority for the county.

4 CHAIRPERSON TURNER: Yeah. I think
5 that we need to -- we've learned here that I think
6 we need to definitely set some decommissioning
7 stipulations similar to what exists currently in the
8 AIMA for the wind farms, and we can hit that as we
9 come across it.

10 But what I would suggest to the
11 board and would be willing to discuss before we get
12 there is that we get a decommissioning estimation
13 and they can include their, you know, their
14 recyclable or their recoupable out of the steel, but
15 at the same time, if, you know, the life, say just
16 like it is in the AIMA, ten years down the road we
17 can get another quote, and by the 11th year, they
18 need to present a bond for that amount of the
19 decommission.

20 MR. BANGERT: Yeah, it could be put
21 in there some way to tie it with the Consumer Price
22 Index so as costs keep going up, it will cover it
23 down the road.

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1 . CHAIRPERSON TURNER: Right. Okay.
 2 . So perhaps we could say that the
 3 decommissioning agreement would be the same as the
 4 current AIMA decommissioning agreement for the wind
 5 farms.
 6 . Would that be possible?
 7 . MS. WALLEY: Are you referring to the
 8 timeline?
 9 . CHAIRPERSON TURNER: The timelines
 10 and, in general, the stipulations.
 11 . MS. WALLEY: Okay.
 12 . MR. DEAN: I have a question for the
 13 applicant.
 14 . Are you guys familiar with what
 15 we're talking about here?
 16 . MR. STREICKER: I believe you're --
 17 . MR. DEAN: Financial assurance.
 18 . MR. STREICKER: Absolutely familiar
 19 with financial assurance, and I believe your wind
 20 energy conversion systems ordinance talks about
 21 financial assurance as part of the decommissioning
 22 process.
 23 . It looks to me like it's \$35,000

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1 . per tower is posted.
 2 . MR. DEAN: It went up.
 3 . CHAIRPERSON TURNER: Yeah. We've
 4 changed it to, well, whatever. Ours agrees now with
 5 the AIMA. AIMA takes precedence over what ours is
 6 because it's part of the agreements, and it sounds
 7 like they're putting an AIMA together with that, and
 8 I can assure you we'll end up going that direction
 9 as a county to keep things consistent.
 10 . And not that we need to discuss
 11 that. You guys will have a business decision
 12 depending on what we decide here.
 13 . MR. STREICKER: Okay. But I do
 14 understand financial assurance and how it operates
 15 in the wind context.
 16 . CHAIRPERSON TURNER: Sure.
 17 . MR. STREICKER: And it does appear
 18 that your Wex ordinance is very specific to wind and
 19 how that operates.
 20 . CHAIRPERSON TURNER: Right.
 21 . MR. STREICKER: And I understand that
 22 AIMA has tried to override the county deliberation
 23 process on decommissioning on several occasions.

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1 . CHAIRPERSON TURNER: But we agree
 2 with it, and we've included it in ours and have
 3 allowed that.
 4 . MR. STREICKER: Okay. And I would
 5 also note that the county has a 24 month I think
 6 decommissioning trigger if the project hasn't been
 7 functioning or generating electricity for 24 months,
 8 and we've actually agreed to a shorter timeframe in
 9 our decommissioning plan.
 10 . CHAIRPERSON TURNER: And I like that.
 11 . MR. STREICKER: It's not something
 12 developers normally do.
 13 . CHAIRPERSON TURNER: Okay.
 14 . Are we ready to go through the
 15 standards then?
 16 . Okay. On A, the proposed
 17 special use will not be detrimental to or endanger
 18 the health, safety, morals, comfort or welfare of
 19 the public.
 20 . MR. KURITZ: I think that one is met.
 21 . MR. DEAN: Yeah. I don't think
 22 there's anything hazardous there.
 23 . CHAIRPERSON TURNER: Okay. I assume

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1 . we're all in agreement since I'm not hearing
 2 anybody.
 3 . Okay. B. The proposed
 4 specialty use will not be injurious to the use and
 5 enjoyment of other property in the immediate
 6 vicinity for the purposes already permitted or
 7 substantially diminish property values in the
 8 immediate area.
 9 . MR. KURITZ: It looked to me like as
 10 long as the drain tile systems are taken care of
 11 like Phil's stipulation said that that should be met
 12 also.
 13 . MR. DEAN: Did I see somewhere where
 14 you're 30 feet back or 50 feet? What's the distance
 15 from the property line?
 16 . CHAIRPERSON TURNER: Phil, do you
 17 have that?
 18 . MR. DICK: Yeah. The setback
 19 requirements are 30 feet from all property lines
 20 except 50 from the front.
 21 . CHAIRPERSON TURNER: Okay. And on
 22 this, we have obviously the stipulation already in
 23 there of fixing the tiles.

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1 Do we need to put anything in
2 there of notification for neighbors as far as who to
3 get in touch with?
4 MR. BANGERT: Yeah. If there's some
5 way that they have a contact information available
6 for them.
7 CHAIRPERSON TURNER: How about if we
8 say they can give it to the county so that people
9 can call the county and at least get that number.
10 Would that be okay?
11 MR. BANGERT: Yeah.
12 MR. KURITZ: I think that if I'm not
13 mistaken, Mr. Sandage said that the tenant on the
14 property runs a tiling service, so I'm assuming in
15 at least this instance and probably the next one
16 that it shouldn't be an issue, but I'm not sure
17 about the third one.
18 CHAIRPERSON TURNER: Yeah, I think
19 I'm looking for getting pretty standard.
20 And then C, the proposed special
21 use will not impede the orderly development of the
22 surrounding property for uses permitted in the
23 district. I think we're good there.

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1 MR. KURITZ: Yeah.
2 CHAIRPERSON TURNER: D, adequate
3 utilities, access roads, drainage and/or other
4 necessary facilities have been or will be provided.
5 And again, we have the drainage
6 tile issue there that will cover that.
7 Adequate measures have been or
8 will be taken to provide ingress and egress so
9 designed as to minimize traffic congestion in the
10 public streets.
11 MR. KURITZ: We've got the
12 stipulation on the agreement with the township road
13 commissioner. That should take care of that.
14 CHAIRPERSON TURNER: Okay. F, the
15 establishment, maintenance and operation of the
16 special use will be in conformance with the intent
17 of the district in which the special use is proposed
18 to be located.
19 I think we're good there.
20 The proposed special use in all
21 other respects conforms to the applicable
22 regulations of the district in which it is located.
23 Okay. That is also met.

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1 I do have one other stipulation
2 and in honor of Drake not being here, but I have a
3 feeling he would be very interested in having the
4 pollination ground cover. If it's deemed
5 appropriate at all, we would like to go that
6 direction, and we'll put that in.
7 MR. BANGERT: Yeah. They need to for
8 sure at least within their CS for their cover and
9 then whatever else.
10 But, yeah, there's a pollinator
11 program.
12 So as far as the other
13 stipulations that we've talked about...
14 CHAIRPERSON TURNER: She'll read them
15 off to us here.
16 MS. WALLEY: Okay. I have four
17 stipulations so far.
18 The first requires contact
19 information from the applicant on file with the
20 Department of Building & Zoning to hand out to any
21 citizen for issues or complaints.
22 A decommissioning financial
23 assurance timeline that mirrors what is required of

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1 wind farms in the AIMA.
2 Repairs of any damaged drainage
3 tiles for nonparticipating landowners.
4 And pollination of ground cover,
5 I need specific language on that.
6 CHAIRPERSON TURNER: Ground cover
7 that encourages pollination if deemed appropriate
8 by -- what's the acronym again?
9 MR. DEAN: Soil and Water
10 Conservation District, the local.
11 MR. KURITZ: We've also got Phil's
12 stipulations of the entrance permit from the
13 Arrowsmith Township Road Commissioner.
14 Certified plans for stormwater
15 detention/retention permit is issued for the purpose
16 of solar power generating facilities, and complete
17 consultation with the Illinois Historical
18 Preservation Agency before construction can begin,
19 and have all field tile damaged in the construction
20 process repaired by a competent contractor with
21 experience in such repair during the life of the
22 solar farm.
23 Then shall follow the plans and

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1 documents submitted with the application and the
2 zoning regulations, Article VI, Section 350-43.003,
3 use standards for a solar power generating facility.
4 CHAIRPERSON TURNER: And the other
5 one that we didn't mention yet was an agreement in
6 the spirit of the ag nuisance disclaimer.
7 MR. BANGERT: Should we look at being
8 consistent with wind farms? If they put anything in
9 excess of three feet, say that they go down five
10 feet, if they put anything that deep, they've got to
11 take it out?
12 MS. WALLEY: I was just going to
13 point out 3G which is the last stipulation that was
14 referenced in the staff report that I believe Member
15 Kuritz was looking to adopt.
16 3G requires, and Mr. Streicker
17 referenced it, "If a facility ceases to produce
18 electricity on a continuous basis for 24 months, the
19 equipment must be removed and the site restored to
20 original condition."
21 So that would mean that when, my
22 understanding, when decommissioning is done, there's
23 nothing there.

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1 MR. BANGERT: They take everything.
2 Okay.
3 MR. KURITZ: Except the dirt.
4 CHAIRPERSON TURNER: Okay. I think
5 we have all the disclaimers on there.
6 MR. KURITZ: I move we recommend
7 approval of SU-18-03.
8 MR. BANGERT: Second.
9 CHAIRPERSON TURNER: Okay. We'll do
10 a roll call vote.
11 I'm sorry. We have a motion by
12 Kuritz, a second by Bangert.
13 Now we'll do a roll call vote.
14 MR. DICK: Bangert?
15 MR. BANGERT: Yes.
16 MR. DICK: Kuritz?
17 MR. KURITZ: Yes.
18 MR. DICK: Dean?
19 MR. DEAN: Yes.
20 MR. DICK: Turner?
21 CHAIRPERSON TURNER: Yes.
22 MR. DICK: Carlton?
23 MS. CARLTON: Yes.

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1 MR. DICK: Taylor?
2 MS. TAYLOR: Yes.
3 CHAIRPERSON TURNER: Looks like it's
4 unanimous, and it passes.
5 MR. DICK: This is a recommendation
6 that will go to the County Board on Tuesday,
7 February 20th, at 9 a.m.
8 MR. DEAN: There are other wind farms
9 in other counties. Am I correct in that assumption?
10 CHAIRPERSON TURNER: Solar.
11 MR. DEAN: Excuse me. Solar.
12 MR. STREICKER: I can answer that.
13 At least from personal
14 experience, I know that there is a utility scale
15 solar farm in LaSalle County.
16 I believe the University of
17 Illinois has one that's in Champaign County.
18 I believe there is a solar farm
19 in Winnebago County, and there may be another one
20 that I'm missing.
21 I know Cook County has one;
22 Henry County.
23 MR. DICK: If you want to go look at

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1 the one in Champaign, it's just north of Champaign
2 on the north edge of the city. We went and looked
3 at it just to see how it was affected.
4 MR. DEAN: So we are one of the first
5 counties that's approving them for agricultural, on
6 farmland?
7 MR. STREICKER: I worked in LaSalle
8 County project, and that is agricultural land.
9 I can't speak to you about the
10 Geneseo project. Those I believe are utility scale
11 projects with this community.
12 MR. DEAN: What's the difference
13 between a utility scale and this project?
14 MR. STREICKER: It's just size.
15 CHAIRPERSON TURNER: Okay.
16 MR. NOVACK: Sorry. I just wanted to
17 add, clarify one item there.
18 We've gotten approvals, zoning
19 approvals in a number of other counties. I'm happy
20 to just give you examples: Grundy County,
21 Stephenson County, Will County, Bureau County and
22 Christian County to date.
23 MR. STREICKER: Those are approvals

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1 but they're not projects.
 2 MR. NOVACK: Those are zoning
 3 approvals but all on farmland.
 4 CHAIRPERSON TURNER: Okay.
 5 MR. DEAN: Okay. Thank you.
 6 CHAIRPERSON TURNER: With that, I
 7 will call the next case, Case SU-18-04, application
 8 of Arrowsmith II Solar LLC by Cypress Creek.
 9 And Phil, do you want to go
 10 ahead and present that?
 11 MR. DICK: I did.
 12 CHAIRPERSON TURNER: Oh, that's
 13 right. He already did. That's what we spent the
 14 last half hour doing.
 15 With that, I will turn it over
 16 to you guys.
 17 MR. STREICKER: Again, thank you to
 18 the board, counsel and staff.
 19 This is the Arrowsmith II
 20 project which will be I believe the neighbor to the
 21 west of Arrowsmith I.
 22 MR. NOVACK: East.
 23 MR. STREICKER: East of Arrowsmith I.

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1 I feel comfortable saying that
 2 the application and material specs for Arrowsmith II
 3 is materially similar to Arrowsmith I.
 4 And, Scott, unless you have
 5 anything else to add, I would rest on our opening
 6 statement and make ourselves available for
 7 questions.
 8 MR. NOVACK: I would only add that,
 9 Darryl, it might be nice to advance this
 10 presentation just so we have a visual here and see
 11 exactly what we're talking about.
 12 And then the next slide covers
 13 kind of the numbers, but this you'll notice is
 14 identical to the slide, the same slide for
 15 Arrowsmith I, and additionally will be for Moraine
 16 as well.
 17 So I don't know if you want to
 18 sit on this screen or go back to the aerial.
 19 CHAIRPERSON TURNER: On this one.
 20 MR. NOVACK: Okay. Great.
 21 CHAIRPERSON TURNER: Okay. Anything
 22 else? All good?
 23 MR. STREICKER: We're good.

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1 CHAIRPERSON TURNER: Does the board
 2 have any questions for the applicant?
 3 Does staff have any questions
 4 for the applicant?
 5 MR. DICK: No.
 6 CHAIRPERSON TURNER: Would anyone in
 7 the audience have any questions for the applicant?
 8 MS. WALLEY: Mr. Streicker, I just
 9 wanted to let you know, for procedural purposes,
 10 you're more than welcome to adopt evidence that was
 11 offered by Mr. Novack and yourself yesterday, but
 12 the engineer that you had yesterday is unavailable
 13 today for cross-examination, so if there's any
 14 additional engineering information you'd like to
 15 offer with your witness here today as it relates to
 16 this case and SU-18-05, you're more than welcome to.
 17 We just can't adopt it for these since he's not here
 18 for cross-examination purposes.
 19 MR. STREICKER: Understood. Thank
 20 you.
 21 And if I need to make a formal
 22 request, I would ask that the board adopt both my
 23 testimony and Mr. Novack's testimony from yesterday.

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1 CHAIRPERSON TURNER: Okay. Is there
 2 anyone in the audience who would like to testify on
 3 Arrowsmith II?
 4 MR. SANDAGE: I could testify on the
 5 drainage if you want me to.
 6 CHAIRPERSON TURNER: You can testify
 7 on whatever you would like to testify.
 8 MR. SANDAGE: Why don't I testify on
 9 the drainage so we can have it on the record.
 10 CHAIRPERSON TURNER: That's fine.
 11 Come on up.
 12 MR. SANDAGE: It's Dave Sandage,
 13 34292 East 1100 North Road, Arrowsmith, Illinois.
 14 CHAIRPERSON TURNER: And let me swear
 15 you in then, okay?
 16 MR. SANDAGE: Okay.
 17 (Whereupon the witness was sworn
 18 by Chairperson Turner.)
 19 NARRATIVE TESTIMONY
 20 BY DAVE SANDAGE:
 21 So I talked to Dan again about the
 22 tiling thing this morning, and he's more than
 23

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1 willing to be helpful for spotting that tile.
2 And, you know, my grandparents came
3 here in the 40s. He worked out on the Mecherle farm
4 for 17 years before we got our first shot at a farm.
5 We worship this ground. I'm just
6 telling you. I too graduated from Colfax.
7 My other granddad farmed a lifetime
8 on a centennial farm just a mile the other side of
9 Route 9 there where I grew up.
10 So we don't take any of this lightly,
11 what we're doing here, and my wife and I struggled
12 with this decision, but it's just the numbers. You
13 just look at it, and it all makes sense
14 And like I was telling these guys,
15 they shot up a rocket yesterday with a Tesla
16 electric car. I mean, what are we going to do with
17 all this corn that we're making ethanol out of if we
18 all go to electric cars, and that is just the wave
19 of the future.
20 So with all that being said, I mean,
21 I have a lot of pride in ownership on that farm if
22 you've ever been by it, and anyone that's seen it
23 before I came out there would know that, but 17

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1 years I've been out there, and I have no intentions
2 of leaving there. I don't want anything to go wrong
3 there, and I have intentions of leaving it to my two
4 sons, so we don't want anything going wrong out
5 there, and we're doing our best to make the best
6 decisions here.
7 And I would say that the first thing
8 that Cypress did when I agreed to let them move
9 ahead with this was they wanted a tiling map. That
10 was I think the very first thing you guys asked for.
11 And there are no tiling maps on those farms that are
12 a hundred years old.
13 The only person that this would
14 affect I'm pretty sure is Dolly Wick, and she's
15 right across the road from me. She's a lifelong
16 friend. Her husband is dead now. I've known them
17 my entire lifetime, and we definitely don't want
18 anything going wrong over there with Dolly
19 And that farm as well is going to be
20 left to her two daughters I've known my entire
21 lifetime
22 So when we talk about this farm
23 drainage thing, Dan was adamant that, you know, he

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1 would come and help us spot those. His dad farmed
2 our ground, and his dad died now. Dan has farmed it
3 for at least 20 years. He's been in the tiling
4 business. He farms I'm going to say three, four
5 thousand acres, and he's also on the board of
6 directors at Cooksville grain elevator. So really
7 sharp guy, knows what he's doing
8 So we really do believe that we have
9 all of the details on the tiling covered and are
10 more than willing to cooperate with whatever it
11 takes to spot that tile, and I've been there 17
12 years, and they've never been worked on, I can tell
13 you that.
14 CHAIRPERSON TURNER: Thank you for
15 coming forward.
16 Stay right there in case we have
17 questions.
18 I just want to comment and just
19 say thank you, and it certainly sounds like it's an
20 ideal situation for an initial look at doing
21 something like this.
22 So does the board have any
23 questions of Mr. Sandage?

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1 MR. SANDAGE: I would like to just
2 make a quick comment like I said on this grain
3 situation.
4 I own a heating and cooling
5 business, and I'm a pretty technical savvy guy, and
6 I work on, well, I mean, I've got a large business,
7 and I can just tell you, this corn situation in this
8 country, if it rains in Brazil, our price goes down,
9 and I get it on my phone every day. It's 323 today.
10 My target number has been 360 for a number of years.
11 It's getting tougher and tougher.
12 It costs as much money to put a
13 crop in as you make from it now, and the risk
14 involved and, you know, the insurance, the umbrella
15 policy, all the expenses to put a crop in, but if
16 you look, there's corn piled everywhere now. If we
17 go to electric cars, what are we going to do with
18 this corn?
19 And I don't have to take you a
20 half a mile from my house and I can show you 80
21 acres that's been in layout ground for 40 years
22 because people can't make any money off of it and
23 they don't have no risk in layout acres. It's

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1 everywhere across the road from me and Dolly's
2 place. It's laid out over there where they're
3 getting paid not to farm this ground.
4 So I feel like you guys do about
5 it taking this ground out of production, but what
6 we're doing with this ground is we're giving it a
7 rest for 40 years is what we're really doing. We're
8 not destroying this property, and what we're really
9 doing is just giving it a rest for 40 years, but I'm
10 just telling you that what we're going to do with
11 all this corn if we quit burning it in ethanol I do
12 not know because you go back a few years ago and
13 corn was piled everywhere, and now we're burning 35
14 percent of it in ethanol.
15 So that was my thought process
16 on this, and so I understand your feeling on taking
17 this ground out of production, but this is reality.
18 What I'm talking about here is electric cars.
19 They're going to build electric semis this year.
20 So it's just a reality that we
21 live in, and we all know what they're trying to do
22 to Clinton power plant. You know that electricity
23 has got to come from somewhere. If you take it off

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1 the main grid, we can put it in a local area like
2 these guys do on a lower voltage scale.
3 CHAIRPERSON TURNER: Okay. Great.
4 Thank you.
5 Go ahead.
6 MR. KURITZ: So this 40 acres, is
7 this all good crop production on this farm or is
8 there still --
9 MR. SANDAGE: I have 110 acres total.
10 In back of the railroad tracks there's 55 and in
11 front there's 75.
12 MR. KURITZ: So your tenant is not
13 going away.
14 MR. SANDAGE: No. No. Dan and I
15 have had a long conversation about this. He's a
16 great guy. We've got a great working relationship,
17 and every time that something happens, Dan knows it.
18 Like today, I called him and
19 said, hey, I just want to let you know what happened
20 last night. This is what's going on, and we had the
21 whole tiling conversation.
22 But he and my sons have been
23 notified the entire process because really and

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1 truthfully, this is going to affect me for the first
2 20 years. The next 20 is going to be somebody
3 else's problem.
4 But, you know, I mean, it's just
5 a different game now. I mean, there's people out
6 there farming 22,000 acres of farm ground, so it
7 makes it tough for a guy like me doing 110 acres I
8 can tell you.
9 CHAIRPERSON TURNER: Any other
10 questions?
11 Does staff have any questions?
12 MR. DICK: No.
13 CHAIRPERSON TURNER: Do you have any
14 questions?
15 MR. DEAN: I just wanted to reiterate
16 what Julia said. We appreciate hearing from you and
17 your connection to the land, So that was beneficial.
18 MR. SANDAGE: Yeah. It's just, it's
19 different when you grow up. I'm one of the last
20 generations that ever filled a corn crib or barn,
21 and I can just tell you it's different now, and so
22 we don't take any of this stuff you're doing here
23 lightly.

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1 CHAIRPERSON TURNER: Okay. Go ahead.
2 MR. STREICKER: Mr. Sandage, just for
3 the record, could we have Dan's last name?
4 MR. SANDAGE: My name?
5 MR. STREICKER: Dan. You mentioned
6 Dan.
7 MR. SANDAGE: Oh, Brucker
8 (B-r-u-c-k-e-r).
9 MR. STREICKER: And he's your tenant
10 farmer and also a tile contractor?
11 MR. SANDAGE: Yes, he is.
12 MR. STREICKER: All right. No
13 further questions. Thank you.
14 CHAIRPERSON TURNER: Does anyone in
15 the audience have any questions for Mr. Sandage?
16 Okay. You're free to go.
17 Thanks.
18 (Witness excused.)
19 CHAIRPERSON TURNER: Is there anyone
20 else in the audience that would like to testify in
21 Arrowsmith II?
22 Okay. Seeing none, if you have
23 a closing statement, you can go ahead and make it.

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1 . MR. STREICKER: Just for the board's
2 consideration, on behalf of Cypress, we intend to be
3 as good a resident and neighbor in McLean County
4 with Arrowsmith II as we do with Arrowsmith I.
5 . CHAIRPERSON TURNER: Okay. Thank
6 you.
7 At this point, I will close the
8 hearing on this, and we'll go forward on
9 deliberation.
10 Does anyone feel a need to talk
11 about anything new with this case or are we ready to
12 walk through the stipulations or the standards?
13 . MR. DEAN: Walk through them.
14 And we'll be adopting the same
15 stipulations?
16 . CHAIRPERSON TURNER: That's what I
17 would like to do.
18 Okay. All right. So the
19 first -- I won't read them again. Let's just go
20 through it.
21 A? Okay.
22 B?
23 . MR. KURITZ: Good.

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1 . CHAIRPERSON TURNER: C?
2 . MR. KURITZ: Good.
3 . CHAIRPERSON TURNER: D?
4 . MR. KURITZ: Good.
5 . CHAIRPERSON TURNER: E?
6 . MR. KURITZ: Good.
7 . CHAIR TUNER: F?
8 . MR. KURITZ: Good.
9 . CHAIRPERSON TURNER: G?
10 . MR. KURITZ: Good.
11 . CHAIRPERSON TURNER: Okay. And then
12 we can include the same stipulations as we had on
13 the last case.
14 Do we need to read those into
15 the record or can we just bring those forward?
16 . MS. WALLEY: The stipulations?
17 . CHAIRPERSON TURNER: Uh-huh.
18 . MS. WALLEY: I can simply make a
19 notation that for SU-18-04, you're adopting the same
20 stipulations as SU-18-03, and they'll be written up
21 separately.
22 . CHAIRPERSON TURNER: Thank you.
23 . MR. KURITZ: I move we recommend

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1 approval of SU-18-04.
2 . MS. CARLTON: I second that.
3 . CHAIRPERSON TURNER: We have a
4 recommendation by Kuritz and a second by Carlton.
5 We'll do a roll call vote.
6 . MR. DICK: Bangert?
7 . MR. BANGERT: Yes.
8 . MR. DICK: Kuritz?
9 . MR. KURITZ: Yes.
10 . MR. DICK: Dean?
11 . MR. DEAN: Yes.
12 . MR. DICK: Carlton?
13 . MS. CARLTON: Yes.
14 . MR. DICK: Taylor?
15 . MS. TAYLOR: Yes.
16 . MR. DICK: And Turner?
17 . CHAIRPERSON TURNER: Yes.
18 Okay. That's a unanimous vote.
19 That one also passes.
20 And that's the same. It will be
21 a recommendation on the same night, correct, Phil?
22 . MR. DICK: That's correct. It will
23 go to the county board on the 20th at 9 a.m.

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1 . CHAIRPERSON TURNER: Okay. And with
2 that I would like to call SU-18-06, and that is
3 Moraine Solar, LLC by Cypress Creek.
4 . MR. DICK: I think you mean 05.
5 . CHAIRPERSON TURNER: 05. Sorry. I
6 got ahead of myself. 05. So that's Case No.
7 SU-18-05.
8 And you can go ahead and present
9 on that.
10 . MR. STREICKER: Okay. Thank you
11 again to the board, counsel and staff for taking the
12 time to hear about the Moraine project.
13 Similarly to Arrowsmith I and
14 II, I believe the size of the site is approximately
15 33 acres. The land characteristics are slightly
16 different as you can see from the overhead. This
17 project borders Interstate 74, and one of the things
18 that we'd like to reiterate is that the solar panels
19 that we'll be installing, they have an
20 antireflective nonglare coating, and they are
21 approved by the FAA, so we believe they are very
22 compatible to use in this close proximity to I'm
23 sure quite a busy transportation corridor given that

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1 it's on the interstate.
2 Other than that, I believe the
3 material terms in the application with regard to
4 statistics are our obligations and commitments as
5 far as decommissioning. Otherwise, it would be
6 substantially similar to the representations we made
7 in the application for Arrowsmith I and II.
8 MR. NOVACK: That's absolutely
9 accurate, and I don't really --
10 CHAIRPERSON TURNER: Could you
11 identify yourself again?
12 MR. NOVACK: Absolutely. I'm very
13 sorry.
14 Scott Novack with Cypress Creek
15 Renewables, senior developer.
16 What Dave just said is
17 absolutely accurate, and the information is very
18 similar, really the same as was presented on
19 Arrowsmith I and Arrowsmith II.
20 Of course I want to echo Dave's
21 sentiment and thank you for hearing this case as
22 well, and we are happy to answer questions
23 specifically as they pertain to this site.

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1 CHAIRPERSON TURNER: Okay. Are there
2 any questions from the board?
3 MR. DEAN: What's the blue line off
4 to the left I guess you'd call it?
5 MR. NOVACK: To the west of our site,
6 that squiggly blue line, that is some sort of a
7 water feature that's been identified through our
8 environmental diligence phase. It may or may not be
9 a wetland.
10 I don't have the exact
11 information on that particular place.
12 MR. DEAN: Okay. Thank you.
13 Okay. So is this piece really,
14 really flat? Is there going to be some -- will
15 there be a water holding stormwater retention area
16 developed on this site?
17 CHAIRPERSON TURNER: Okay. I will go
18 ahead and swear you in if that's okay?
19 MR. WHITSON: Yes.
20 (Whereupon the witness was sworn
21 by Chairperson Turner.)
22 CHAIRPERSON TURNER: Okay. And could
23 you state your name and address for the record?

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1 MR. WHITSON: Bryan Whitson at 1644
2 North Artesian Avenue, Chicago, Illinois 60647.
3 CHAIRPERSON TURNER: And could you
4 spell your last name?
5 MR. WHITSON: Yes. It's Whitson
6 (W-h-i-t-s-o-n.)
7
8 NARRATIVE TESTIMONY
9 BY BRYAN WHITSON:
10 So to address I guess the topography
11 of the site, you can see based on the contour maps
12 for it, the site is draining to the south, and so,
13 you know, once rainfall does hit the site, it will
14 continue south and into that detention basin located
15 just south of the property similar to the other
16 site. You know, there's not really any flat areas,
17 and if there were any potential ponding areas, we
18 would make sure to mitigate as, you know, it's not
19 ideal to have ponding in the panel.
20 MR. DEAN: Just for clarification,
21 that's not a detention basin. That's a borrow pit.
22 MR. WHITSON: Yeah, borrow pit.
23 CHAIRPERSON TURNER: They all collect

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1 water.
2 MR. DICK: I don't think it drains to
3 the south.
4 Are you sure you checked the
5 topography?
6 (Pause)
7 MR. WHITSON: Pardon me. Yeah. So a
8 portion of the site, that northwest corner that you
9 pointed out, that does actually, in fact, drain to
10 the northwest, and that's where it probably gets
11 carried away with that ravine that could potentially
12 be a water feature.
13 Thanks for pointing that out.
14 MR. DEAN: So my question there would
15 be are we going to impact the neighbor negatively
16 with a heavy rainfall?
17 MR. WHITSON: So no additional I
18 guess grading is proposed, and so the site would
19 function in a similar manner that it does today,
20 and, in fact, because we would be proposing some
21 sort of seed mix on the site, there's actually going
22 to be more infiltration, and it actually would
23 decrease the runoff from the site, and water would

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1 actually infiltrate into the ground better than it
 2 does in the existing condition.
 3 The soils in this area are
 4 classified as Group A and Group B which have a high
 5 infiltration rate and, therefore, conversely, a low
 6 runoff potential.
 7 MR. DEAN: I understand what you're
 8 saying, but I just can't get my head around the
 9 concept that this is a lot like concrete, you know.
 10 It's not concrete, but whenever it hits it, it's
 11 impervious, right? Rain does not go through these
 12 panels?
 13 MR. WHITSON: So with them being
 14 sloped as they are, yes, you're correct. The water
 15 would hit the panel. Then it would slide off the
 16 panel.
 17 And underneath the panel would
 18 all be pervious area.
 19 So it's not like your typical
 20 pavement where it would hit the pavement and then
 21 get discharged essentially to some sort of sewer
 22 system and then get carried away from the site that
 23 way. You know, it's going to hit that grass

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1 pervious area that it's going to have to ultimately
 2 flow through, so you're not actually reducing the
 3 perviousness of the site.
 4 MR. DEAN: Okay.
 5 CHAIRPERSON TURNER: Any other
 6 questions?
 7 Does staff have any questions?
 8 MR. DICK: No.
 9 CHAIRPERSON TURNER: Does anyone in
 10 the audience have any questions for the applicant,
 11 questions?
 12 Okay. Seeing none, is there
 13 anyone else in the audience who would like to
 14 testify?
 15 MR. ENSENBERGER: Yes. Thanks for
 16 your patience.
 17 CHAIRPERSON TURNER: We love it when
 18 people come up and talk to us.
 19 Can I go ahead and swear you in?
 20 MR. ENSENBERGER: Sure.
 21 (Whereupon the witness was sworn
 22 by Chairperson Turner.)
 23 CHAIRPERSON TURNER: Okay. And your

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1 name and address for the record?
 2 MR. ENSENBERGER: My name is Leo
 3 (L-e-o), last name Ensenberger
 4 (E-n-s-e-n-b-e-r-g-e-r). Address, 1509 Biltmore
 5 (B-i-l-t-m-o-r-e) Court, Normal, Illinois 61761.
 6 CHAIRPERSON TURNER: Okay. Go ahead.
 7
 8 NARRATIVE TESTIMONY
 9 BY LEO ENSENBERGER:
 10 I'm one of the owners of the property
 11 that has the borrow pit just to the south, and
 12 that's about a five-acre borrow pit with about five
 13 acres of land around it. It's been in our family
 14 since the early '70s, and we're into the third
 15 generation now.
 16 We use the land for recreation, and
 17 we eat fish out of the pond approximately once a
 18 week, and I'm not talking just summer recreation.
 19 We're down there essentially all focept the worst possible
 days
 So with all due respect to the Trents
 and their property rights, obviously, we have some

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1 concerns about a solar power plant being erected,
 2 you know, right next to us.
 3 You know, things like erosion come to
 4 mind and a number of things that have come up here
 5 tonight that have been presented by the board in
 6 terms of, you know, long-term, what's going to
 7 happen if Cypress Creek doesn't work out, those
 8 types of questions, not to mention it's some of the
 9 best farmland in the world. We've all talked about
 10 those things here tonight.
 11 But I think, you know, we just kind
 12 of want to make sure that, you know, our property
 13 values are being looked at a little bit too.
 14 Obviously, we get some drainage into
 15 our borrow pit, and how's that going to impact us to
 16 have a solar farm next to us
 17 And probably one of the biggest
 18 issues that I would like to discuss tonight is the
 19 narrow dirt road that runs between the Trent
 20 property and our property.
 21 There was a great picture that
 22 Mr. Dick showed yesterday that showed that road.
 23 That is a very narrow road, and when the crops are

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1 planted, the heavy farm equipment essentially has to
2 drive on our property to get to fields down along
3 74.
4 So if a permanent fence is erected
5 close to that road, it is essentially going to
6 establish a new road that's going to be on our
7 property. That's a concern of ours.
8 First of all, we feel like the crops
9 are planted a little bit too close to the road
10 anyway. There's not much of a variance given there.
11 There used to be a ditch there, a grassy ditch.
12 That was plowed over years ago, and essentially the
13 crops are now planted right up against the road.
14 So I guess essentially we have
15 questions about a solar power plant being a
16 neighbor, that's number one, and concerns about
17 that, but if it's going to happen, we really wish
18 that that would be looked at so that we don't bear
19 the brunt of large farm equipment that needs to use
20 that narrow dirt road is going to essentially take
21 us over.
22 That's really kind of something
23 that's on our mind as well as everything else. I

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1 mean, it's a recreation spot for us. It's been in
2 our family since the '70s as I said, and we just
3 kind of would like to keep that going on for more
4 generations.
5 CHAIRPERSON TURNER: Okay. Thank
6 you.
7 Does the board have any
8 questions?
9 MR. DEAN: Yeah, I do.
10 Can Phil show us the lane, or
11 Darryl, could you show us the picture of the lane
12 that he's referring to?
13 And while he's finding that, it
14 appears to me that there won't be any farm traffic.
15 Is there an easement on your
16 property for the neighbors to access the fields down
17 there? Do you know if there's an easement?
18 MR. ENSENBERGER: I'm not sure about
19 the exact legalities of it, sir, but I was told
20 years ago when we first obtained the property that
21 we needed to keep that road open for farmers to use
22 to get in and out of there, and I think there's
23 several of them that go down along 74 to the west.

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1 It's not just the Trents or the adjacent neighbors.
2 I think there's more of them that use that road.
3 MR. DEAN: It appears to me that the
4 wind farm is going to shut those people off. Excuse
5 me. The solar farm.
6 MR. ENSENBERGER: I don't know
7 anything about that.
8 MR. DEAN: It just looks to me like
9 the solar farm is going to have a fence up there
10 that's going to touch the highway fence.
11 MR. DICK: The solar farm will be
12 30 feet off of their property line.
13 MR. DEAN: Okay. It's not on the
14 property line?
15 MR. DICK: That's correct.
16 MR. DEAN: Okay. That's news to me
17 then. I always assumed the fence would be on the
18 property line, but it is in 30 feet.
19 MR. DICK: That's correct.
20 MR. DEAN: Okay. Well, that might be
21 refreshing to you then.
22 MR. ENSENBERGER: Well, that's
23 essentially the width of the road, the 30 feet if

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1 I'm looking at that right.
2 MR. DEAN: So the tree line is the
3 property line here is what we're looking at.
4 MR. ENSENBERGER: Approximately I
5 think, yes.
6 MR. BANGERT: Which side are you on?
7 MR. ENSENBERGER: The tree line.
8 MR. BANGERT: So you're on the other
9 side of the trees?
10 MR. ENSENBERGER: Yes.
11 MR. DEAN: You don't own any property
12 on the north side of the trees?
13 MR. ENSENBERGER: The north side?
14 MR. DEAN: That's not your lane, is
15 it?
16 MR. ENSENBERGER: No, no.
17 MR. DEAN: So this is not your lane.
18 MR. ENSENBERGER: No, not to my
19 knowledge, no.
20 MR. DEAN: Well, I'm having trouble
21 understanding how they're driving on you if there's
22 a tree line there.
23 How can the farm equipment be

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1 driving on your property?
2 MR. ENSENERGER: Well, I don't know
3 exactly where the property line is, sir. I just
4 know we own the other side of the road. I just know
5 we own property there.
6 CHAIRPERSON TURNER: Okay. And so
7 what you're wanting to make sure is that they
8 maintain that tree line there and that it doesn't
9 encroach upon your property on the other side.
10 MR. ENSENERGER: Yeah, and the fence
11 is not put too close to the road. That's a concern
12 of mine too.
13 CHAIRPERSON TURNER: Oh, I understand
14 what you're saying.
15 So if the fence was put too
16 close to the road, then perhaps they would need to
17 drive on the other side of that tree line.
18 MR. ENSENERGER: Yeah.
19 CHAIRPERSON TURNER: Okay. We
20 understand.
21 MR. ENSENERGER: I think to
22 reiterate to your question earlier, there is more
23 farms to the west of the proposed solar power plant

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1 that use that road to get to their fields.
2 CHAIRPERSON TURNER: Okay. So to the
3 west there are some farms.
4 MR. ENSENERGER: Right, along 74.
5 CHAIRPERSON TURNER: Okay.
6 MR. DEAN: And the solar farm that's
7 going in there is still going to allow a 30-foot
8 alley for the people between the highway fence and
9 the solar farm fence?
10 MR. ENSENERGER: Well, there's no
11 highway fence in there. There's no fence. There's
12 just that tree line.
13 MR. DEAN: Well, go back to the other
14 map. It appears to me that the solar farm is going
15 to touch the highway. The solar farm is going to go
16 right up to the highway.
17 Am I not correct on that?
18 MR. ENSENERGER: To the west of our
19 property.
20 MR. DEAN: Yeah, west.
21 MR. ENSENERGER: Yeah.
22 MR. DICK: I can pass this site plan
23 around for you to look at. You can see where the

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1 property line is.
2 Mr. Ensenberger's access to
3 their borrow pit is on the Trent property although
4 we don't have a survey on the property at this
5 point. They would have to do that before they get a
6 permit, and conceivably, if you had a concern, you
7 could require them to have that fence more than
8 30 feet from that south property line.
9 MR. DEAN: So Mr. Ensenberger has an
10 easement on the property that belongs to the Trents?
11 MR. DICK: I don't know that.
12 MR. KURITZ: According to the site
13 plan, Mr. Dean is correct. It says seven-foot high
14 chain link fence, and it's going right up to the
15 interstate fence, and then the setback is inside of
16 that fence.
17 MR. DEAN: And that's what I was
18 trying to say. This would prohibit anybody from
19 going west.
20 (Pause)
21 CHAIRPERSON TURNER: Okay. So what
22 we need to clarify is exactly what's needed here.
23 And we'll let Rick and Mary Beth

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1 look at it.
2 MR. STREICKER: If I might interject
3 for staff.
4 We're looking at the version
5 that went out with the staff notice where it does
6 look like the fence is set back sufficiently.
7 MR. KURITZ: Correct, but on that
8 site plan that you submitted with your application,
9 the fence goes out to the interstate fence.
10 MR. STREICKER: I believe we had
11 submitted a...
12 MR. DICK: This is the one that
13 Taylor Smith Fed Ex'd to me that we received.
14 MR. STREICKER: All right.
15 CHAIRPERSON TURNER: And we'll let
16 you get in here in just a minute.
17 Okay. So we need to address
18 that issue.
19 Anybody else have any other
20 questions?
21 MR. DEAN: 2200 is a public road?
22 MR. DICK: Yes.
23 MR. DEAN: It goes clear to the

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1 interstate and stops?
2 . MR. DICK: No. It crosses over the
3 interstate.
4 . MR. DEAN: Oh, okay. That one goes
5 over. I see. Thank you.
6 . MR. DICK: And we can show you a
7 photo of that going over the interstate that I
8 showed you yesterday.
9 . MR. DEAN: Okay. Mr. Dick, then I
10 don't understand why Mr. Ensenberger would have to
11 go through the Trent property to get to his
12 property. He could come right off of 2200 and go
13 over to the borrow pit.
14 . MR. DICK: There's a photo that shows
15 that road there.
16 This is 2200 going south over
17 the interstate.
18 Next photo.
19 There. This is the photo that
20 is taken at the intersection of 2200 and this access
21 road.
22 . CHAIRPERSON TURNER: Okay.
23 Mr. Ensenberger, how do you get to your property

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1 from this?
2 . MR. ENSENBERGER: That's the way we
3 access our property, and it's always been my
4 understanding and when we talked to the Downs
5 Township folks, authority or road commissioner
6 whoever, that that was a shared road. It doesn't
7 necessarily belong to the Trents or to us; that that
8 was a shared road.
9 That's always been my
10 understanding.
11 . MR. DEAN: So the township has no
12 responsibility on that road then.
13 . MR. ENSENBERGER: That's what I've
14 been told.
15 . MR. DEAN: Okay.
16 . MR. ENSENBERGER: Whether that's
17 accurate or not, I don't know.
18 . CHAIRPERSON TURNER: Okay. And so
19 what you're wanting to ensure is that, one, you
20 still have access to your property from this.
21 . MR. ENSENBERGER: Correct.
22 . CHAIRPERSON TURNER: And that that
23 road doesn't disappear.

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1 . MR. ENSENBERGER: Correct, or goes
2 south over to me.
3 . CHAIRPERSON TURNER: To your
4 property, right?
5 . MR. ENSENBERGER: Yeah.
6 . CHAIRPERSON TURNER: Okay.
7 . MR. DEAN: Okay. I think I was in
8 error because this has cleared it up for me.
9 The lane goes on the north side
10 of the property.
11 I was thinking it was going
12 along the interstate, so I'm clear on that now.
13 Thank you.
14 . CHAIRPERSON TURNER: Okay. Anyone
15 else have any questions for Mr. Ensenberger?
16 Okay. Does the applicant have
17 questions for Mr. Ensenberger?
18 . MR. STREICKER: Potentially question;
19 more responsive points if the board will entertain
20 us.
21 . CHAIRPERSON TURNER: You can hit that
22 in the closing if you want, but you can ask
23 questions to clarify to make sure you're covering

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1 those responses.
2 . MR. STREICKER: Understood.
3 . MR. NOVACK: Mr. Ensenberger, thank
4 you for your comments. I have a question.
5 You mentioned that other farmers
6 west of this property are currently using this
7 access to get to their farms.
8 Can you talk more about that?
9 Do you believe it's their primary access to get to
10 those fields?
11 . MR. ENSENBERGER: That's my
12 understanding.
13 My father and his partner
14 obtained the property in the early '70s at which
15 point they decided they were going to put a gate up
16 on their road, and they were quickly told by a
17 number of folks in the area you can't put a gate up
18 there because that belongs to all of us, and I
19 believe it's more farmers than just the Trents that
20 use that access road to go down along 74 to access
21 their fields. That's what I believe, that it's at
22 least one more, maybe a couple more than the Trents.
23 . MR. NOVACK: Thank you.

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1 CHAIRPERSON TURNER: Okay. Does
2 anyone in the audience have questions for
3 Mr. Ensenberger?
4 Okay. Mr. Ensenberger, you're
5 good to go.
6 Is there anyone else in the
7 audience who would like to testify on the Moraine
8 case before us?
9 Seeing none, we'll let you go
10 ahead and do your closing if you'd like.
11 MR. STREICKER: I appreciate that.
12 Again, thank you board, counsel and staff.
13 You know, one of the themes
14 we've hit on throughout all three projects is that
15 we want to be a good neighbor. We want our neighbor
16 to continue the quiet enjoyment of their property,
17 and we believe a solar farm is a good use to enable
18 that to continue, certainly with the recreational
19 parcel that we've been talking about.
20 A couple of points that
21 Mr. Ensenberger hit. I know he's concerned about
22 his erosion and so are we. We believe that after we
23 confer with the Soil and Conservation District and

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1 find the optimal local native grasses to plant, we
2 will actually hopefully control erosion in a better
3 manner than it would be in an active agricultural
4 context.
5 We've talked a lot about
6 drainage, and again, I believe with the appropriate
7 top cover that hopefully, again, drainage is
8 improved in the area.
9 One of the things that we do as
10 most developers do, when we permit an area, we
11 optimize our footprint once we get our permit area,
12 and certainly we're aware of site access issues and
13 believe that the placement of the fence, we do need
14 to put a security fence up around the site, but the
15 placement and exact location of the fence, we do
16 feel very comfortable that we'd be able to
17 accommodate the ingress and egress concerns of the
18 residents, and I believe that's something we can
19 work cooperatively to do.
20 I believe those are the three
21 points we definitely wanted to hit on other than we
22 look forward to being hopefully a longtime resident
23 of McLean County.

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1 I appreciate your time.
2 MR. NOVACK: I don't really have much
3 to add other than to highlight that last bit that
4 Mr. Streicker was referring to which is, I mean, we
5 have no intention of starting any sort of a border
6 war here. We want to be a great neighbor.
7 We have land here to work with
8 that enables us to be a little bit flexible with our
9 solar arrays and the layout of the site whereby our
10 intention would be to move that fence, you know,
11 further away and to cause less problems than more
12 problems.
13 So we believe we will be good
14 neighbors and improve certain situations such as
15 erosion and access.
16 Thank you.
17 CHAIRPERSON TURNER: Okay. Thank
18 you.
19 Does anyone who testified have a
20 closing statement that they want to put forth?
21 Mr. Ensenberger, would you like
22 to make a closing statement?
23 MR. ENSEBERGER: No thank you.

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1 CHAIRPERSON TURNER: Okay. Thank
2 you.
3 With that, I will close this
4 case, and we will move on to board deliberation.
5 Do we have a need to put in a
6 stipulation or anything like that concerning this?
7 Okay. They will get that worked
8 out now that they know of the issue. All right.
9 With that, let's walk through
10 the standards.
11 MR. BANGERT: Did we cover at any
12 point the timing of the vegetative growth to be
13 established? Did we ever establish that to be
14 before the project starts, during or after?
15 CHAIRPERSON TURNER: I don't think we
16 covered it. You can ask them though if you want
17 during the deliberation.
18 MR. BANGERT: Do you have a timeline
19 when the vegetative cover would be established?
20 MR. WHITSON: So the seed mix would
21 go down before obviously we would go and disturb any
22 I guess of the land with the posts, so it would be
23 after if we did any minor grading.

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1 Then once the soil was kind of
2 disturbed, we would definitely provide I guess
3 erosion control protection in those areas, and then
4 many times, you know, that temporary seeding is
5 actually the final seeding as well and so then it
6 would go down during that portion as well.
7 In regards to the growth, you
8 know, it's something that it would be very
9 advantageous to have it I guess starting to grow as
10 the panels were commissioned and brought online.
11 Any further questions?
12 MR. BANGERT: So that's a yes, it
13 will be established before you start building?
14 MR. WHITSON: That would be the goal.
15 Sorry, not building but after it's already been
16 constructed, then it would start to grow underneath
17 the panels. Sorry. Because that land will be
18 disturbed obviously while we're building on the
19 portion.
20 MR. DICK: They have to provide an
21 erosion control plan, and it has to be established,
22 the erosion control has to be established before
23 they can get any occupancy for the facility.

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1 MR. BANGERT: Okay. Thank you. That
2 covers that then.
3 CHAIRPERSON TURNER: Okay. Any other
4 questions?
5 Okay. On to the standards.
6 A?
7 MR. KURITZ: Good.
8 CHAIRPERSON TURNER: B?
9 MR. KURITZ: Good.
10 CHAIRPERSON TURNER: C, D, E, F, and
11 G.
12 And then just as on the other
13 two, the same stipulations brought forward?
14 MS. WALLEY: In looking at the staff
15 report, this has six stipulations. The other two
16 only had five.
17 CHAIRPERSON TURNER: Good point.
18 MR. DICK: I could comment on one
19 additional stipulation that isn't necessary anymore
20 if you would like.
21 CHAIRPERSON TURNER: Please do.
22 MR. DICK: That stipulation had them
23 being at least 50 feet from the front property line

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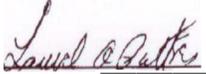
1 or 80 feet from the centerline of the road,
2 whichever is greater, because their site plan that
3 they had before this one didn't have that put down
4 accurately.
5 CHAIRPERSON TURNER: Okay. So that's
6 the extra stipulation.
7 MR. DICK: That's why there's an
8 extra stipulation, and my only question had to do
9 with whether you wanted a stipulation that made that
10 fence a certain distance from that access road. I
11 think it would be clearer if you made some kind of
12 stipulation like that.
13 CHAIRPERSON TURNER: That's what I
14 was wondering too.
15 MR. DEAN: So the access road doesn't
16 have a middle is kind of what I'm thinking.
17 MR. DICK: I would think that you
18 would want to make sure that that fence on the south
19 side of this solar farm is at least ten feet from
20 the edge of that driveway at a minimum or 30 feet
21 from the property line, whichever is greater.
22 MR. DEAN: I propose we put that
23 stipulation in.

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1 CHAIRPERSON TURNER: So we'll add a
2 stipulation that says that the fence is ten feet
3 from the edge of the driveway or 30 feet from the
4 property line, whichever is greater.
5 It looks like it will be about
6 the same to me.
7 MS. WALLEY: Are you asking then to
8 remove stipulation 4 from the staff report?
9 CHAIRPERSON TURNER: Yes, we are.
10 MS. WALLEY: Okay. And replacing it
11 then with the fence options?
12 CHAIRPERSON TURNER: Correct.
13 MS. WALLEY: So the fence should be
14 ten feet from the edge of the roadway or 30 feet
15 from the property line, whichever is greater?
16 CHAIRPERSON TURNER: Correct.
17 MS. WALLEY: Okay.
18 MR. DEAN: Okay. Phil, help me
19 understand.
20 Are you talking about the grass
21 road, the grass area, or are you talking about the
22 roadway?
23 MR. DICK: I was just talking about

1 where people are driving.
 2 . MR. DEAN: Okay.
 3 . MR. BANGERT: We do not know where
 4 the boundary line is, correct?
 5 . MR. DICK: That's correct. I have
 6 not seen a survey of it. I don't know exactly where
 7 that is.
 8 . And my concern was that maybe
 9 that fence is a little bit in that road, but I can't
 10 tell that for sure.
 11 . MR. BANGERT: Yes, because what if
 12 the property line is further into the trees than
 13 what -- I mean, that could really...
 14 . CHAIRPERSON TURNER: That's why we
 15 have that covered ten feet from the roadway or
 16 30 feet, whichever is greater, from the property
 17 line.
 18 . MR. BANGERT: Okay.
 19 . MR. KURITZ: I move that we recommend
 20 approval of SU-18-05 with the recorded stipulations.
 21 . MS. CARLTON: I second that.
 22 . CHAIRPERSON TURNER: Motion by
 23 Kuritz. Second by Carlton.

1 . And with that we'll take a roll
 2 call vote.
 3 . MR. DICK: Bangert?
 4 . MR. BANGERT: Yes.
 5 . MR. DICK: Kuritz?
 6 . MR. KURITZ: Yes.
 7 . MR. DICK: Dean?
 8 . MR. DEAN: Yes.
 9 . MR. DICK: Turner?
 10 . CHAIRPERSON TURNER: Yes.
 11 . MR. DICK: Carlton?
 12 . MS. CARLTON: Yes.
 13 . CHAIRPERSON TURNER: Taylor.
 14 . MS. TAYLOR: Yes.
 15 . CHAIRPERSON TURNER: That's a
 16 unanimous vote, and that will be on the same morning
 17 as the others.
 18 . And with that, I think we're
 19 done, right? Well, we're continued to tomorrow for
 20 Case SU-18-02, tomorrow evening at 6 p.m. here.
 21 (Whereupon the foregoing
 22 proceedings concluded at 8:47
 23 p.m. this same date.)

1 STATE OF ILLINOIS)
 2)SS.
 3 COUNTY OF SANGAMON)
 4
 5 CERTIFICATE
 6 I, Laurel A. Patkes, Certified Shorthand
 7 Reporter in and for said County and State, do hereby
 8 certify that I reported in shorthand the foregoing
 9 proceedings and that the foregoing is a true and
 10 correct transcript of my shorthand notes so taken as
 11 aforesaid.
 12 I further certify that I am in no way
 13 associated with or related to any of the parties or
 14 attorneys involved herein, nor am I financially
 15 interested in this action.
 16 Dated February 14, 2018.
 17 
 18 Certified Shorthand Reporter
 19
 20
 21
 22
 23

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