

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

APPEALS HEARING
June 22, 2021

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1 MCLEAN COUNTY ZONING BOARD OF APPEALS HEARING
 2 IN PERSON
 Case No. SU-21-03
 3 TUESDAY, JUNE 22nd, 2021
 4 115 EAST WASHINGTON,
 ROOMS 400 and 404,
 5 BLOOMINGTON, ILLINOIS
 6
 7 THOSE PRESENT IN PERSON:
 8 DARRELL MITCHELL
 JIM FINNIGAN
 PHIL DICK
 9
 10 STATE'S ATTORNEY'S OFFICE:
 11 MS. SAMANTHA VAZQUEZ
 12
 13 COUNSEL FOR SAPPHIRE SKY WIND PROJECT:
 14 MR. JIM GRIFFIN
 Schain Banks
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 17
 18 BOARD MEMBERS PRESENT IN PERSON:
 19 RUTH NOVOSAD
 MICHAEL KURITZ
 RICK DEAN
 20 BRIAN BANGERT
 DRAKE ZIMMERMAN
 21 JULIA TURNER
 22 REPORTED IN PERSON BY: Deann K. Parkinson, CSR
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 24

1 over for a while, see if we get our questions
 2 answered, and if we get to that point then we will
 3 go to the standards. But I'd like to see quite a
 4 bit of discussion before we get there.
 5 **MS. TURNER:** So what do we see as the
 6 issues we need to discuss? I think if we make a
 7 list up, that way we can kind of know what relates
 8 to each other.
 9 **MR. DEAN:** There was a fair amount of
 10 discussion about shadow flicker in our earlier
 11 discussions.
 12 **MR. FINNIGAN:** You want to start on
 13 that? Seeing as you brought it up?
 14 **MR. DEAN:** Yeah, might as well. Is it
 15 30 hours per annual that -- is that in our
 16 ordinance? No. That's just a suggested, what
 17 we've got now? Is that Julia, can you help me
 18 with that?
 19 **MS. TURNER:** That's just what the
 20 company has set forth as what they feel, and what
 21 is the standard for them in other places that
 22 they've worked. But we do not have any guidelines
 23 for that.
 24 **MS. NOVOSAD:** Well, I would think that

1
 2 (The time is 7:23 p.m.)
 3 **MR. FINNIGAN:** We're going to call the
 4 McLean County Zoning Board to order. Will the
 5 secretary call the roll.
 6 **MR. DICK:** Brian Bangert.
 7 **MR. BANGERT:** Here.
 8 **MR. DICK:** Michael Kuritz.
 9 **MR. KURITZ:** Here.
 10 **MR. DICK:** Rick Dean?
 11 **MR. DEAN:** Here.
 12 **MR. DICK:** Julia Turner?
 13 **MS. TURNER:** Yes.
 14 **MR. DICK:** Ruth Novosad?
 15 **MS. NOVOSAD:** Here.
 16 **MR. DICK:** Jim Finnigan?
 17 **MR. FINNIGAN:** Here.
 18 **MR. DICK:** Drake Zimmerman?
 19 **MR. ZIMMERMAN:** Here.
 20 **MR. FINNIGAN:** Gang is all here. We
 21 have a quorum. We can conduct business. This is
 22 a reconvening of case SU 2103. And the public
 23 hearing has been closed. At this point the zoning
 24 board can start debating the case. Let's talk it

1 if we decide that 30 hours per year is acceptable,
 2 I guess I would, we probably ought to make a note
 3 and put that as a condition or contingency or
 4 whatever, don't you think?
 5 **MR. FINNIGAN:** Well, I kind of brought
 6 up when we were talking about it that there were
 7 15 towers they said might have a problem between
 8 20 and 30 hours. And if those were
 9 non-participating land owners, I think that's a
 10 bigger issue. If somebody signed off and said
 11 there's not a problem with this, I don't really
 12 know that we need to worry about them. But if
 13 they're non-participating, I think that that's
 14 quite a bit for those. I'd like to see what we
 15 can do about that. 'Cuz if nothing else, I mean
 16 we talked about it, I think they're laying back,
 17 but I think those 15 towers we should be able to
 18 monitor them a little bit better, and maybe shut
 19 them down for a half hour, an hour in the morning,
 20 and then an hour at night.
 21 **MS. TURNER:** I think what we talked
 22 about there is just how difficult that is, because
 23 it's so dependent on whether or not the sun is
 24 shining, which way the wind is blowing; I mean,

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1 while that sounds like a great thing and an easy
 2 thing, I don't think it's a practical thing.
 3 And I feel that 30 hours in a year that
 4 it could possibly have flicker, you have to
 5 assume, I mean that's the maximum it could be.
 6 And you have to assume that weather conditions and
 7 everything else are going to account for less than
 8 that.
 9 And I think that 30 hours is an
 10 acceptable amount. You have to be in the right
 11 room at the right time with the right conditions.
 12 **MR. KURITZ:** Since we've had these
 13 discussions, I live right out there by White Oak
 14 farm so I've been back and forth taking care of
 15 some issues and stuff. And spent quite a bit of
 16 time early in the morning and late in the evening
 17 and in the middle of the day going through that
 18 area and looking for shadow flicker.
 19 Now, out of probably 20 trips through
 20 there at various times of day, I've seen it one
 21 time is all I saw it. And when you get looking at
 22 them and thinking about it, it's good to, how
 23 quickly the sun rises, it shortens itself up real
 24 fast to where those shadows aren't very long.

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1 Most of the time I can't, like I said, one time
 2 I've seen the tall shadows from either the sunset
 3 or the sunrise. And that's when it looks to me
 4 like you're going to have the biggest issues, is
 5 right at early sun and at dusk as it's starting to
 6 set, because it throws a big long shadow.
 7 And certain times of year that you get
 8 those long shadows that that's going to be the
 9 nuisance part. But going down the road in a
 10 truck, I hardly noticed it. Now I'll grant you,
 11 I'm not living there and sitting in one spot. And
 12 having it happen to me every day. But I think if
 13 it's 30 hours max, I think I'm good with it.
 14 **MR. DEAN:** But in our ordinance, we
 15 don't have that. So, I think what I'm hearing is
 16 that we should put that as a stipulation. As a
 17 cap.
 18 **MR. FINNIGAN:** I think the company
 19 actually stipulated that they wouldn't be over
 20 that already. That they would not exceed that
 21 amount.
 22 **MR. DEAN:** Okay. We've got that in our
 23 --
 24 **MR. FINNIGAN:** Well, they told us that.

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1 We can put it in there too, to maximize it or
 2 whatever.
 3 But, only question I have is this: Why
 4 do we keep getting complaints when we have these
 5 meetings? That's the first thing that really they
 6 complain about is shadow flicker. It's got to be
 7 somewhat real. I mean, I've seen it. I don't
 8 live in it. I've been around it. But, I think if
 9 you're a non-participating land owner, that what
 10 are your rights? That's the whole thing. I mean,
 11 in any kind of thing we do, you got to balance the
 12 rights of the company compared to who the home
 13 owner is.
 14 And we got to allow for that a little
 15 bit.
 16 **MS. TURNER:** So, maybe this kind of
 17 leads into one of the things I'm wondering if
 18 there's an appetite for, and maybe the real issue
 19 to help cut down on shadow flicker on
 20 non-participating residents is to look at, we have
 21 these windmills have to be so far from any
 22 residence. But, we don't talk about how many can
 23 be within a radius of that residence.
 24 And I'm looking at a few here. And some

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1 of these non-participating residences have eight
 2 within a mile. Eight within a mile. And to me, I
 3 think that if we address some of that, how many of
 4 them are so close, then it may cut down on the
 5 amount of shadow flicker and the chances of them
 6 being hit both in the morning and in the evening
 7 type thing. I'm wondering if there's an appetite
 8 for that to look at that. I don't mean to get off
 9 the subject, but I think they lead into each
 10 other.
 11 **MR. BANGERT:** Looking at the
 12 transcripts, it does say the 15, they have 20 to
 13 30 hours, and then 30 residences would have 10 to
 14 20 hours. And then 281 would have less than 10
 15 hours.
 16 So, as far as non-participants, I think
 17 it's palatable to think that we could come up with
 18 something that helps them get down to 10 or less
 19 or something.
 20 They talked quite often about their
 21 ability to model what shadow flicker was on all
 22 these properties. They can model when those
 23 turbines need to be curtailed to reduce that
 24 shadow flicker to a point that would get below

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1 that. They also have more turbine locations than
 2 they're actually going to use, so they do have
 3 options.
 4 So, in that sense I'm saying, with their
 5 modeling programs, I would say they could figure
 6 out a way to get that number down.
 7 I would have liked to have heard that
 8 they parked a camper or something and actually
 9 lived through it to say okay, I've studied this by
 10 living in the shadow of one of these just to say I
 11 lived through it, rather than just I experienced
 12 it through a computer. It's very different. But
 13 I'm kind of getting in the weeds here. But, just
 14 a thought.
 15 **MR. ZIMMERMAN:** If we have the maximum
 16 on those, that number of houses, that depends on
 17 who's around it, and if they're getting hit from
 18 both sides. And that also assumes that we have
 19 clear weather through those times. And typically
 20 it would be the houses east, would have an east
 21 and west view depending on the ecliptic and how
 22 the sun is going through there.
 23 So I think the modeling of 30 hours
 24 maximum, they have already said they're going to

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1 meet. And we want to make sure that people are
 2 heard for this.
 3 So, we might set a stipulation that for
 4 the residents who might experience that, which is
 5 easily determined from the modeling of where the
 6 sun is going, where the houses are east and west,
 7 where the turbines are east and west, we can
 8 specify that they turn them off for those specific
 9 hours. They're not losing a gigantic amount of
 10 energy by turning it off for that half hour or so,
 11 whatever that time is. The flicker happens as the
 12 blade goes around. The blade isn't going flup,
 13 flup, flup, flup, flup. It's going slowly through
 14 that. So there is some flicker effect, and that
 15 can be mitigated by turning off specific turbines.
 16 They have already got the computer models and the
 17 ability to turn them on and off.
 18 So I think we could easily conscionably
 19 set a condition that they turn it off to lower it
 20 below a particular standard, whether it's 15 or 20
 21 or whatever. I think that's an easily
 22 accomplishable task.
 23 **MS. TURNER:** I think we're assuming
 24 that. But when we specifically asked them, they

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1 said it was not an easy accomplishable task.
 2 **MR. FINNIGAN:** They're not going to tell
 3 us all their secrets.
 4 **MS. TURNER:** You're right. I understand
 5 that. But the fact that we asked them directly,
 6 and for us to make a stipulation when we've asked
 7 specifically if it's possible, and they have said
 8 it's not easy to do, or I definitely got the
 9 feeling that it really wasn't that possible.
 10 So, I'm just saying, it's easy to make
 11 stipulations. But, if we don't know that it's
 12 possible to do, what's the use of a stipulation?
 13 I mean, we're surmising that it can be done.
 14 **MR. KURITZ:** I watched, again, I live
 15 close to White Oak out there, and I watch those as
 16 they go around every day. And almost every day
 17 they shut the whole wind farm down and then they
 18 start bringing them back up later on.
 19 So, they're shut down once a day it
 20 seems like at least in that farm for whatever
 21 reason. So, shutting them on and off doesn't look
 22 like it's a big deal. It looks like it's pretty
 23 much usual.
 24 **MR. FINNIGAN:** Well, you can do this in

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1 a couple different ways. You can just stipulate
 2 that the non-participating would have less than
 3 that. A certain amount we could stipulate, say,
 4 will not exceed 15 hours. That's half of what is
 5 allowed. And if they don't want to do that, they
 6 can do it any way they want. If they want to shut
 7 it down, if they move it, don't put those up.
 8 But, I mean, I think we need to do
 9 something for those non-participating. More than
 10 we've done in the past. And McLean County is kind
 11 of the leader of this wind thing. And we need to
 12 be the leaders. Let's do it right.
 13 **MS. NOVOSAD:** Well, the one question I
 14 have, no matter what, if it's 30 or 15 or whatever
 15 stipulation we put out there, how is this going to
 16 be enforced? And how is it going to be measured?
 17 I think that was one of the concerns that
 18 residents brought up, is that the responsibility
 19 is on them. And it's timely. It's technical.
 20 They don't feel like they have any support or help
 21 to enforce that.
 22 **MR. FINNIGAN:** I don't have an answer to
 23 that.
 24 **MR. DEAN:** I don't either, but I'm not

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1 sure our zoning staff is capable of doing that job
2 either.
3 **MR. KURITZ:** I thought about it, and
4 having come from the construction industry, I
5 thought that a good answer was, that there ought
6 to be a project manager for this for the county.
7 Now, Phil and his staff has dwindled down in size
8 and everything, they don't have the manpower to do
9 this I'm sure on a full-time basis.
10 But, firms like Farnsworth Wiley and
11 Lewis Yockey & Brown are professional engineers
12 that do these things, and offer some of those kind
13 of services.
14 So, if we stipulated that one of those
15 be hired, and it was a stipulation that it be paid
16 for by the owner, you'd have someone to police
17 some of that stuff. And someone would be on top
18 of when, if the dust control was being taken care
19 of. If the roads were deteriorating. Just an
20 idea.
21 **MR. FINNIGAN:** No reason we couldn't put
22 that in as a recommendation. I mean, whether they
23 take it or not I guess that's up to them. I mean,
24 the county would have to be the one that would be

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1 in charge of that kind of.
2 **MR. KURITZ:** I mean, everything is kind
3 of like the road agreements. It's all up for
4 negotiations, and it depends on what the county
5 board feels needs to be done.
6 **MR. FINNIGAN:** It wouldn't be just for
7 one wind farm. It would be for all of them?
8 **MR. KURITZ:** Well, I mean --
9 **MR. FINNIGAN:** You got the same problems
10 everywhere.
11 **MR. KURITZ:** Well, and maybe that's what
12 we need to do is we need to recommend to the
13 county board that there be someone hired to do
14 that. Maybe that's it, the answer. But at least
15 maybe try it on this one and see if it does
16 something. Then if it works you could -- then the
17 county board could look at that and decide what
18 they want to do.
19 **MR. FINNIGAN:** Well, do we want to move
20 on to the next thing, or have we talked that about
21 as far as it's going to go?
22 **MS. TURNER:** I was going to say, did we
23 come to an agreement on what we're going to do
24 there? What is the agreement?

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1 **MR. FINNIGAN:** Well, I mean, let's do
2 that before we move on.
3 **MR. KURITZ:** I like your proposal. I
4 think that if you want to, whether it's 15 or --
5 **MR. FINNIGAN:** I'm just saying half of
6 what they're allowed for the non-participating.
7 **MR. FINNIGAN:** Let them work it out.
8 **MR. KURITZ:** Yep.
9 **MS. NOVOSAD:** So the stipulation will
10 be, we're talking about putting in a stipulation
11 that it's no more than 30 hours for participating
12 land owners and 15 for non-participating, is that
13 correct?
14 **MS. TURNER:** I'm all for setting some
15 limits, but I think to go 50 percent less is a
16 lot. And we don't know how possible that is. We
17 have no idea how possible that is to have that on
18 there. 15 hours a year is how many minutes a
19 week? I don't know.
20 I feel like we're putting a pretty heavy
21 stipulation in there for something that I don't
22 know, I know we hear about it a lot -- I don't
23 know. 15 sounds like --
24 **MR. FINNIGAN:** The way I look at it is,

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1 I know we have some boisterous people that talked
2 to us about this. You know who they are.
3 But, there's got to be something to it
4 or else you wouldn't hear it. And so we need to
5 give some credibility to that. And I don't think
6 we've had or done a good enough job. And let's do
7 it this way, and then if it doesn't, the county
8 board can change it.
9 **MS. TURNER:** Why don't we take a moment
10 and look down the list? They gave us data on how
11 many of the houses, what they have, what each
12 residence has as far as shadow flicker goes. And
13 did you look at all those? What percentage are
14 under 15 hours?
15 **MR. BANGERT:** So, per the transcript
16 there are 15 that are non-participating residents
17 that will have 20 to 30 hours per year. 30
18 residents would be expected to get 10 to 20 hours
19 per year. And 281 would have less than ten hours
20 per year.
21 **MS. NOVOSAD:** But are those participating
22 or non-participating?
23 **MR. BANGERT:** So the non-participating
24 is at 15.

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1 **MR. DEAN:** The number of homes is 15?
 2 **MS. TURNER:** So that's very workable.
 3 They can figure that out. Okay. I'm for that.
 4 That's good. I just wanted those numbers. I
 5 didn't know how many we were looking at.
 6 **MR. FINNIGAN:** It's not our job to make
 7 it easy for them. I think that sometimes we hear
 8 numbers that probably are to their benefit.
 9 **MR. ZIMMERMAN:** Part of that, that's
 10 assuming I think those stats were done with the 84
 11 turbines, if they're all in there with some place.
 12 The non-participating who actually receive flicker
 13 at the 20 to 30 hours per year level might be much
 14 smaller than that.
 15 And that also assumes pretty clear
 16 weather. I don't remember what provisions they
 17 had for weather.
 18 **MS. TURNER:** They took the average. I
 19 remember now.
 20 **MR. ZIMMERMAN:** Thanks. So, it might
 21 be, it's 15 to start with, and it's probably going
 22 to be less than that with their placement.
 23 **MR. KURITZ:** Do you want a motion?
 24 **MR. DEAN:** Let's keep talking here for a

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1 second. I was kind of with Julie for a while.
 2 Maybe 15 is too radical. Let's go back to 20 is
 3 what I'm thinking. Don't be so tough on them.
 4 We're trying to protect the people too. So, if
 5 the group is -- if the group is good with 15
 6 hours.
 7 **MR. FINNIGAN:** She said 15 was all
 8 right.
 9 **MS. TURNER:** I think 20 is better.
 10 **MR. BANGERT:** We've got a situation
 11 where they can curtail it during migratory bird
 12 season. They have ways of doing that. They can
 13 curtail it to knock it back a few minutes here and
 14 there over the course of the year to get down to
 15 that 15.
 16 **MR. KURITZ:** Okay. 60 percent is 18
 17 hours. Can we split the difference?
 18 **MS. TURNER:** I'm just concerned about
 19 our stipulations, if they get approved, being
 20 possible. 'Cuz we don't want to get in the habit
 21 of just throwing out stipulations unless we know
 22 that they're possible.
 23 **MS. NOVOSAD:** Well, like I say, I know
 24 it's in the book, I've read it, that they can turn

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1 the turbines off for a few minutes. So, I think
 2 anything is possible. And I'd like to err, I'd
 3 like to be conservative. I'd like to keep it at
 4 15. I think particularly the non-participating
 5 land owners ought to be well protected in this
 6 instance.
 7 So, I guess I would be in favor of
 8 keeping it at 15.
 9 **MR. DICK:** Does it sound like we have a
 10 consensus?
 11 **MR. FINNIGAN:** You say we do?
 12 **MR. DEAN:** We do.
 13 **MR. FINNIGAN:** I wasn't sure. So is
 14 everybody happy with that? Maybe the company is
 15 not.
 16 **MR. DEAN:** We're going to need a motion
 17 if we can come to an agreement.
 18 **MR. FINNIGAN:** We'll put that in a
 19 stipulation as long as we know what we're going to
 20 put in it.
 21 There was one thing that I, a question
 22 was asked, should we have an independent
 23 consultant rather than companies? We have never
 24 had that. What's your thoughts on that? We can't

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1 do anything on this case, but going forward.
 2 **MR. BANGERT:** I think we should -- it's
 3 not that we're not trusting of their information.
 4 It's just third party verification is a good
 5 system. It does work. And it could help dispel
 6 some of the other one-sidedness that we
 7 occasionally see. So, I think it's a good thing.
 8 **MS. TURNER:** I agree that it's a good
 9 thing. And every single person who comes before
 10 us has the opportunity to bring that person to us.
 11 The company presents their side of things. I
 12 mean, kind of the way the system works is the
 13 company presents their side of things. And those
 14 who are against it present their side of things.
 15 Free to bring forth any information and expertise
 16 that they want.
 17 And if we want additional information,
 18 then we go, we get that information. That's kind
 19 of the way the system works. We don't
 20 automatically put up independent information.
 21 Think if we did that for every case; I mean,
 22 that's -- I feel like our system is one side
 23 presents theirs. The other side presents theirs.
 24 And that's what we're supposed to be basing our

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1 decisions based on what both sides brings us. The
 2 information both sides brings us.
 3 **MR. DICK:** I think the system that we've
 4 got here in place is working great and that's what
 5 you are referring to. I think what the discussion
 6 on the table now is whether we should have an
 7 independent consulting person oversee the project.
 8 That's what I was thinking. Maybe I'm wrong.
 9 **MS. TURNER:** I think what they're
 10 talking about is verifying the information that's
 11 coming in here. The overseeing the project is
 12 another topic.
 13 But, this is a topic that came up as far
 14 as we're taking the company's word for it with
 15 their information. But, that's the way our system
 16 works. They present their information. Others
 17 present their information. And we make a decision
 18 based on that.
 19 **MR. DEAN:** Okay. Well, I would end this
 20 discussion then because I think I'm comfortable
 21 with the way the system works and unless I'm all
 22 wet here. I think the system is okay, and so we
 23 don't need to fine tune that any more.
 24 **MS. NOVOSAD:** Well, I guess I'll just --

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1 my concern is that we ask good questions. And we
 2 read the information. We listen to the
 3 presentations. We make the best decision that we
 4 can based on the information. But, what happens
 5 when in real life the models aren't correct? And
 6 the shadow flicker is more than 30 hours? And the
 7 noise levels are higher than predicted?
 8 Again, I think it's the enforcement.
 9 It's looking at the real life situations, and
 10 probably after the fact. And verifying that they
 11 have met the standard. And I don't see that in
 12 any of the wind farms. I don't think it's
 13 appropriate for the company to supply the expert
 14 to go out and say yes, we've got it right. I
 15 think we need to do that independently. So, that
 16 was my concern.
 17 **MS. TURNER:** So that's a whole other
 18 thing. That's an enforcement issue that you're
 19 talking about. You're not talking about
 20 information presented at the hearings or at these
 21 meetings.
 22 **MS. NOVOSAD:** That's correct. I think
 23 that we're going to have to do the best we can,
 24 and I'd have to agree that if those opposing wind

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1 farms want to come up with their own studies and
 2 make their own presentation, that's fine. We have
 3 to make a decision based on the information that's
 4 presented to us and based on our standards.
 5 But, the missing piece is how those
 6 standards are applied in real life.
 7 **MR. ZIMMERMAN:** It would have been
 8 before you got on the board, we as a board did
 9 decide that we could, and if we have questions,
 10 hire and bring in experts to clarify a point. And
 11 I'm saying clarify, as opposed to support one
 12 cause or another.
 13 What we're trying to do is to get to
 14 what works and what are the facts behind this
 15 particular area. If I use the word truth, it's
 16 like we're trying to figure out how this system
 17 works, so that we can make a fully informed
 18 decision.
 19 And we decided many years ago that we
 20 could bring in some experts. What we found is
 21 that, through the back and forth and through the
 22 process we have had good enough information that
 23 we have not -- we have brought in some experts but
 24 not on these particular topics. And it was just

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1 really small points that we were -- that we were
 2 considering. So, we may as a board bring it in on
 3 that part of the process. Enforcement is another
 4 story.
 5 **MR. FINNIGAN:** Okay. I think we ought
 6 to cover that because it was a question that was
 7 asked. And maybe we need to see how the process
 8 worked. I don't know which is the best way, 'cuz
 9 it puts all the burden on the opposition basically
 10 to hire people to preserve what they already have.
 11 So that's the part that really is not quite fair.
 12 The company has everything to win, and people have
 13 everything to lose.
 14 **MS. TURNER:** I don't think that's true.
 15 **MR. FINNIGAN:** It is.
 16 **MS. TURNER:** The company is spending
 17 money to do this, to present it and go out and get
 18 things. They both have something on the table as
 19 far as --
 20 **MR. FINNIGAN:** The company will be --
 21 they want to get the thing passed. I mean,
 22 they're spending the money to get the process
 23 working. The people that live there are just
 24 trying to preserve what they have. So, it cost

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1 them money just to do that if they hire
 2 consultants, and they're not cheap. I've been
 3 there. You know that.
 4 **MS. TURNER:** Right. And I agree with
 5 that. But that is across the board for many
 6 different things. I mean, that's kind of the
 7 world we live in. If you have different things
 8 coming into your area or things that are quote,
 9 unquote, "progressing" in a way that you don't
 10 want, then that's what we do. I mean, that's our
 11 democratic system.
 12 So, I don't know. I don't know of a
 13 better way.
 14 **MR. FINNIGAN:** I don't either.
 15 **MR. KURITZ:** Maybe not for this case or
 16 whatever, but we have enough wind towers in our
 17 jurisdiction right now that maybe it's time to
 18 hire a study done to find out if the standards
 19 have been met on the ones that we got put up
 20 there.
 21 And then next time they come in and they
 22 say that their modeling is good and we have had a
 23 chance to review the farms that we have got up, we
 24 can say, yes, it is. Or no, it wasn't.

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1 **MS. TURNER:** As far as I know, this
 2 board has no budget.
 3 **MR. FINNIGAN:** Anybody else? I got a
 4 couple more questions. Should I go through mine?
 5 I just got something I'll throw out. They're just
 6 discussions.
 7 Another question was asked, being able
 8 to stop a project if they need to. And I think
 9 that we heard that, that they have already got
 10 that. So, I don't know that we need to add
 11 anything to it unless you guys think different.
 12 **MS. TURNER:** I do not think any
 13 different.
 14 **MR. DEAN:** I'm having trouble picturing
 15 why you would want to do that? Because of a dust
 16 issue or something like that, is that what you're
 17 talking about, Jim? Because it's dirty.
 18 **MR. FINNIGAN:** It could be anything. If
 19 the company doesn't comply with their terms of
 20 their permit, then the county needs to have the
 21 ability to shut the project down. It sounds like
 22 they have already had that. But, it's never been
 23 enforced and how do you enforce it, I guess that's
 24 one of the biggest issues, who's is in charge of

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1 enforcement.
 2 **MR. ZIMMERMAN:** Have we had problems
 3 that severe with this, we can't bring that in, but
 4 I don't remember that? With wind farms?
 5 **MS. TURNER:** And it came up because of
 6 the dust and the bridge issue and the road
 7 conditions and all of that. And when you're
 8 living in the middle of that, you would like to
 9 see things stopped.
 10 **MR. FINNIGAN:** You would like to shut it
 11 down.
 12 **MS. TURNER:** Right. But, that's -- it's
 13 not the resident's decision. It's the county's
 14 position, that it's their job to do that. So, I
 15 think I'm not about to tell them how to do their
 16 job as far as that goes.
 17 **MR. FINNIGAN:** The next thing I got is
 18 the road agreement process. And it sounds like
 19 it's in flux right now. But, I think it is
 20 getting improved in my opinion. But it has to be
 21 improved. Because if you don't do something,
 22 you're going to have the same problems you got
 23 before. You can't think you're going to get a
 24 different outcome if you don't change something.

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1 **MR. KURITZ:** Yeah, and it's been -- it's
 2 my belief that the road commissioners, be it
 3 county or be it the township, that's in their
 4 level of authority.
 5 All we have the power that I see to do
 6 is say that it has to, before you get the permit,
 7 the road agreements have to be in place. As far
 8 as the stipulations and the enforcement of those,
 9 it looks to me like road commissioners are the
 10 ones that need to enforce those. That's their
 11 responsibilities.
 12 **MS. TURNER:** And the residents have the
 13 power to vote them out if they don't like the job
 14 they're doing; if they're not doing a good job.
 15 **MR. DEAN:** I think the road
 16 commissioners do have the authority to do what
 17 they need to do. I think what Jim is suggesting
 18 here, and maybe we ought to be looking at, should
 19 the road agreement be in place before we get to
 20 this point is the question? And why wouldn't it
 21 be? It should be, it could be a done deal, you
 22 would think.
 23 **MS. TURNER:** So what's the advantage of
 24 that?

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1 **MR. FINNIGAN:** We know all the details
 2 are worked out I guess.
 3 **MR. DEAN:** The details would be worked
 4 out and there wouldn't be any loose --
 5 **MS. TURNER:** Well, we still don't have
 6 any say in the road agreement, right? So, my
 7 reading isn't going to change the road agreement.
 8 And my knowing what it is isn't going to change
 9 anything. If they have reached the agreement
 10 already, why does it matter if it's done before it
 11 gets to this point or not? If we have a
 12 stipulation saying they have to have an agreement,
 13 but we don't have any say in what the agreement
 14 is? I don't feel a need for it to be done before
 15 -- I'm just wondering what the advantage is.
 16 **MR. KURITZ:** As long as the permit isn't
 17 issued until the agreement is in place, I think
 18 that's what we do.
 19 **MS. TURNER:** That's our stipulation.
 20 **MS. NOVOSAD:** My only concern would be
 21 that, I think of Bellflower Township and West
 22 Township, and I've never met the township road
 23 commissioners. And I worry that the townships are
 24 anxious and supportive of the wind farms. And

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1 they don't have the experience with what can go
 2 wrong and how to protect the township roads.
 3 So, I guess I'm kind of wondering
 4 whether the relationship between the county staff
 5 and township, or how to craft that agreement so
 6 that the township roads are well protected. And I
 7 know it's not part of the zoning responsibility.
 8 But, that's my concern, is that I think
 9 that's probably been a problem in the past, that
 10 the road agreements on the township level have not
 11 been strict enough. And there have been problems.
 12 **MS. TURNER:** I would think almost the
 13 county has to approve those right? I mean, does
 14 the county road department have to approve the
 15 township? They're all on their own. But they're
 16 there for reference. I mean, any of them who have
 17 come in here say they work with the county people
 18 as a reference point.
 19 I haven't had any of them come in and
 20 say, well, we never talked to the county about
 21 this stuff.
 22 **MR. DEAN:** That was my understanding,
 23 that the county engineer works very closely with
 24 the dictates kind of what happens in the

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1 townships.
 2 **MR. ZIMMERMAN:** I'm not sure I would go
 3 to dictates. But they, especially McLean County,
 4 we have several road commissioners, several
 5 townships. We have road commissioners who have
 6 worked with wind farms, and they know each other.
 7 They know how to work with each other. They have
 8 been encouraged actively by different people to go
 9 talk with the State's Attorney for consultation,
 10 and more importantly with the county engineers.
 11 So if they're not talking with each
 12 other, it's not for want of knowing that the
 13 others are out there. Or that kind of experience.
 14 This is not just a one off the first time that's
 15 ever happened. There are half a dozen road
 16 commissioners out there who can offer that input.
 17 And the county is there to help.
 18 So, I think they know where to get the
 19 help.
 20 **MS. NOVOSAD:** So then why, if the
 21 agreements are in place, then why have we had dust
 22 problems and bridge issues and gravel issues and
 23 why have we had all the problems that we've had in
 24 the past? What needs to happen to avoid those

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1 situations?
 2 **MS. TURNER:** It's back to enforcement.
 3 **MR. FINNIGAN:** It sounds to me like they
 4 are trying to hone this thing down, do a better
 5 job. Everybody is involved. Nobody likes to get
 6 phone calls. I don't think county board members
 7 want phone calls. I don't think Phil Dick wants
 8 phone calls.
 9 But, so they're trying to make this
 10 thing a little better. I think we need to get out
 11 of their way. But, I would say one thing. We can
 12 stipulate that they get this thing resolved up
 13 there before they get a permit down here. They
 14 don't get a permit until this issue is taken care
 15 of with the road commissioner out there.
 16 **MS. NOVOSAD:** You mean the White Oak or
 17 --
 18 **MR. FINNIGAN:** Whatever they call it.
 19 The previous one that there's an issue with.
 20 **MS. NOVOSAD:** I would agree with that.
 21 **MS. TURNER:** I'm okay with that. That
 22 there be no outstanding issues on prior projects.
 23 No outstanding road issues on prior projects. Is
 24 that what you're saying?

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1 **MR. DEAN:** I don't think we can do that.
 2 Those are legal issues.
 3 **MR. FINNIGAN:** We can do anything we
 4 want. They just tell us we can't later.
 5 **MR. KURITZ:** On the previous projects
 6 that this company has just, Invenergy --
 7 **MR. FINNIGAN:** Before Invenergy gets the
 8 permit or whoever gets the permit for this next
 9 project, the previous project has to be -- the
 10 issues that are going on need to be resolved.
 11 **MS. NOVOSAD:** What is the ownership
 12 status, help me out? Does Invenergy own --
 13 **MR. FINNIGAN:** As far as I know.
 14 **MR. DICK:** Yep.
 15 **MR. ZIMMERMAN:** There's a phrase, in
 16 successors of interest. So if company A has a
 17 project, and they have got problems, then they
 18 sell it to somebody else, then company A comes in
 19 and starts up another project, sorry, it's still a
 20 problem.
 21 **MS. NOVOSAD:** Okay.
 22 **MR. FINNIGAN:** That's all I had on mine.
 23 So you guys come up with what, you know, I'm sure
 24 you got questions too. Hope I didn't ask them all

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1 you wanted to ask.
 2 **MS. TURNER:** I like when your chairman
 3 does that. That's good.
 4 My only question really, is there an
 5 appetite among or from anybody else to limit the
 6 number that they can have within a mile? We have
 7 a limitation on how close they can be. But, we
 8 don't have a limitation on the number that can be
 9 within a radius.
 10 And like I'm looking, one of them that
 11 was at 30 hours has eight within a mile. So,
 12 limiting the shadow flicker will help, they will
 13 have to get rid of one somewhere there. And I
 14 think the two things kind of work together. But
 15 there's another one, 315, and a non-participating
 16 resident that has eight in a circle all around it.
 17 I just think things like that for
 18 non-participating residents, that's who we have
 19 coming in screaming saying this is crazy. And I
 20 tend to agree with them.
 21 **MR. KURITZ:** Yes, it doesn't matter what
 22 direction the wind is coming from or if the sun is
 23 shining or anything. They're going to have the
 24 maximum shadow flicker. They're going to have the

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1 maximum amount of noise and disruptions, plus the
 2 maximum amount of traffic, road traffic and dust
 3 around 'em. That doesn't seem real fair.
 4 **MS. NOVOSAD:** Julia, do you have a
 5 recommendation for how many? 'Cuz I think that's
 6 a great idea.
 7 **MS. TURNER:** Fewer than eight. But, no,
 8 I don't. I'm the first to say, I don't live
 9 amongst them. If you don't like 'em, one is too
 10 many. So, I don't know what the right number is.
 11 But, I do know the people that we have had in here
 12 screaming the loudest are the ones that have a lot
 13 around them.
 14 **MR. KURITZ:** Well, for one thing, I'll
 15 stipulate that you can't put them on all four
 16 sides of a non-participating property.
 17 **MR. FINNIGAN:** Which sides aren't you
 18 going to put them on?
 19 **MS. TURNER:** I would tend to say, no
 20 more than four or five within a mile would be my
 21 feeling. But again, that's a stab in the dark.
 22 This is no better than the numbers before. But,
 23 what are other people's thoughts on limiting that?
 24 **MS. NOVOSAD:** So help me out. What's

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1 the definition of participating? The wind turbine
 2 has to be on their property or within a quarter
 3 mile? Is that the case?
 4 **MR. DEAN:** They're just getting paid.
 5 **MS. TURNER:** They're getting paid one
 6 way or another.
 7 **MS. NOVOSAD:** Why do they get paid?
 8 Either they're on their property or it's a quarter
 9 of a mile?
 10 **MS. TURNER:** It's on their property or
 11 they have entered an agreement with the company
 12 saying, yeah, I know you're close, and there's
 13 lots of them around.
 14 **MS. NOVOSAD:** So there's no stipulation
 15 as far as how close it has to be before they get
 16 paid? Okay.
 17 **MR. DEAN:** If they own the land then
 18 they're getting paid for having a wind farm here
 19 and they live here, they're participating.
 20 **MR. KURITZ:** Well, plus the ones that
 21 have to give right-of-way for the electrical or
 22 for the wiring and roads and services to get to
 23 the turbine. Sometimes they have to go across
 24 people's property that will not have a turbine.

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1 But, they have to sign an agreement to get that
 2 right-of-way to go across their property with
 3 utilities.
 4 **MR. DEAN:** Yeah, but I would define it,
 5 I'm not sure I'm right, but I would define
 6 participating that means you got a wind farm on
 7 your farm and you're getting a check for it.
 8 **MR. FINNIGAN:** You could have it
 9 different ways. You could be getting money for
 10 just the nuisance factor and not have a tower on
 11 your property. So then you're participating 'cuz
 12 you're taking money from the company.
 13 **MR. DEAN:** Okay. I got you. Thank you.
 14 **MR. FINNIGAN:** I almost think that by
 15 limiting it to 15 hours we eliminate some of those
 16 towers. But I don't know for sure that I'm right.
 17 It's got to do some.
 18 **MR. KURITZ:** I agree. I think you
 19 probably are. But then again -- you gotta feel
 20 like Custard at Little Big Horn if you got eight
 21 of 'em babies all around your house.
 22 **MS. TURNER:** So let me see. 315,
 23 resident 315 is the one that I'm looking at
 24 that's encircled. Let's see how many -- and so

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1 they pretty much, they have eight, it looks to me
 2 like very close within a mile. And they only have
 3 eight hours and seven minutes of shadow flicker
 4 expected; 8 hours and 7 minutes. Now, 319 has 30
 5 hours, which is close obviously because their
 6 numbers are close.
 7 **MR. ZIMMERMAN:** It has to do with east
 8 and west, the positioning. So if you have north
 9 and south of your place, you could have several to
 10 the north and the south of you and have very, very
 11 few hours of shadow flicker.
 12 **MR. KURITZ:** The shadow flicker, but the
 13 noise you're still going to have. Doesn't matter
 14 what direction it is, 'cuz the wind is going to
 15 blow this way, this way, all four directions and
 16 intermediate.
 17 So, we're going to have the sound and
 18 again, you're going to have the construction,
 19 dust, and nuisances around you, more so.
 20 So, eight is too many.
 21 **MS. TURNER:** Like I said, I'm not
 22 looking at it exactly. I'm just looking at
 23 what -- it's pretty close to eight within a mile.
 24 There may be a couple of them that are a mile and

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1 a tenth or something. So I don't know. I'm just
 2 asking.
 3 We have this come in, these are the ones
 4 when people come in specifically and say, I'm this
 5 resident, I've got five around me. That's too
 6 many as far as I'm concerned. We regularly cut
 7 them, say you need to cut out one or two of those.
 8 So, do we just make a general
 9 stipulation or not? We heard that maybe once
 10 here. But, for me I think it's something that we
 11 need to start thinking about putting in
 12 permanently as far as --
 13 **MR. ZIMMERMAN:** They have a practical
 14 approach too, in that they say we have identified
 15 this many, say 84 locations, but we're only
 16 putting in 60 some turbines. So, that gives them
 17 a lot of flexibility.
 18 So, on the maps, what it looks like they
 19 have done here as they have done earlier is say,
 20 here's all of the turbines we do. Yes, there are
 21 going to be some houses that have eight around
 22 them. I have not gone back and looked to see what
 23 they actually put in there.
 24 But, just moving a couple turbines or

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1 excluding a couple turbines, and they have the
 2 ability to exclude a couple dozen of them, gives
 3 them the ability to one, eliminate a lot of
 4 flicker. Two, eliminate other issues that they
 5 have. And that is I think is the built in
 6 flexibility of how they plan these things.
 7 **MS. TURNER:** I agree that they have
 8 built in flexibility. I don't agree that they use
 9 it for that particular issue. Just like you said,
 10 you don't know if they do either. What I would
 11 like to say is that they use that flexibility for
 12 that issue.
 13 **MS. NOVOSAD:** And I almost think four is
 14 too many within a mile of a non-participating.
 15 Maybe three. But, again, it's a shot in the dark.
 16 We can quibble about it.
 17 **MR. KURITZ:** I think I agree with Jim
 18 though that, and what Drake said with that
 19 flexibility, if we go ahead and limit it to that
 20 15 hours, they're going to have to take some of
 21 them out, plain and simple. So there's going to
 22 be some that got put back in that weren't going to
 23 make the grade before. But, to take their place.
 24 **MS. NOVOSAD:** Didn't Julia, did I

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1 understand you correctly there's one that has
 2 eight within a mile? And their shadow flicker is
 3 predicted as only eight hours?
 4 **MS. TURNER:** According to the tables
 5 that are in our application, correct.
 6 **MS. NOVOSAD:** So I think we do need a
 7 stipulation.
 8 **MR. FINNIGAN:** We got no guidelines to
 9 go by for this, so I don't know that we can do
 10 that 'cuz there's nothing to base it on. Just the
 11 fact that you don't -- they don't want 'em. We
 12 need to make it harder for them to put them around
 13 non-participants. I mean, some guidelines. But,
 14 nothin' is coming to me at the moment.
 15 **MS. TURNER:** How is that different than
 16 shadow flicker?
 17 **MR. FINNIGAN:** Well, you make a good
 18 point. I mean, I'm not downplaying your point at
 19 all. And I guess, I just threw a number out for
 20 shadow flicker. I just thought half was -- I was
 21 trying to, in my thought with the shadow flicker,
 22 was that would eliminate some of them around the
 23 non-participating. But you come up with that, and
 24 that doesn't hold water.

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1 **MS. TURNER:** I feel, and I guess my
 2 point is I think we need to decide on one or the
 3 other of those. That we need to decide, is the
 4 main issue the shadow flicker? Or is it simply
 5 that they have more than three or four around
 6 their house? And go with one of those. Not both
 7 of those. Because I think both of them could make
 8 it too restrictive.
 9 So, that's just my whole point. I feel
 10 that the number of towers around their house is a
 11 bigger issue than whether or not they have 30
 12 hours of shadow flicker in a year.
 13 **MS. NOVOSAD:** I guess I would like to
 14 see both stipulations, just so that there is a
 15 situation whereas you say there could be eight
 16 towers, but eight hours of shadow flicker. And I
 17 think non-participating residents would be best
 18 protected with both stipulations.
 19 **MR. ZIMMERMAN:** I think, so I'll speak
 20 to the concentrations. So, I think we don't want
 21 to have, we may not want to permit towers across
 22 the entire area. And where we have them, if we
 23 can organize them in a way which may mean
 24 concentrating them. And in a couple other cases

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1 we've lined them up so that the planes can fly
 2 more easily in there to do the crop dusting.
 3 And some places are better suited,
 4 especially in this part of the county, there are
 5 fewer residents than in other parts of the county.
 6 That the concentration in an area that is less
 7 densely populated may make sense.
 8 So, I agree that I think they are
 9 separate issues. And it may make sense in certain
 10 circumstances to allow the wind turbines to be
 11 concentrated, say eight within a mile, which
 12 sounds like a lot. But for an area that is less
 13 populated, that might be a more acceptable way to
 14 do it.
 15 So, I don't want to lock ourselves in on
 16 a rule that would say, no more than X number of
 17 turbines within a given mile. Within a given
 18 project, yeah. We could do that.
 19 **MS. TURNER:** I'm not saying within a
 20 mile. I'm saying within a mile of a
 21 non-participating residence. So it's taking what
 22 you say into consideration; if it's out in the
 23 middle of no where and there's no one around, I
 24 don't care how many they have in a mile. It's how

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1 close are they.
 2 **MR. FINNIGAN:** Well, it seems like what
 3 we're talking about pertains to standard number
 4 two. The purpose of the special use will not be
 5 injurious in the use and enjoyment of the
 6 property, in the immediate vicinity for purposes
 7 already permitted or substantially diminish
 8 property values in the immediate area. That is
 9 kind of what we're looking at.
 10 **MS. TURNER:** Maybe we don't make a
 11 general statement. Maybe we specifically say,
 12 like we have in other times, where we specifically
 13 stipulate that hey, you have resident 315 that has
 14 eight of them around it. Cut that around 315
 15 down. And not make a broad stroke stipulation on
 16 this.
 17 **MR. DEAN:** Do we have the tools to do
 18 that?
 19 **MS. TURNER:** We do that all the time.
 20 Yeah. We've done that on a regular basis. Where
 21 we go specifically like, it's probably what we do
 22 more often than the broader. Because the others
 23 are kind of become part of a --
 24 **MR. DEAN:** I'm not following you, Julia.

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1 I don't remember doing this at this setting.
 2 **MS. TURNER:** Oh, yeah. We did it in
 3 Lexington on a couple of different ones. As a
 4 matter of fact, one of them testified that I
 5 didn't even -- I think Tim Jolly testified, I
 6 didn't ask for you to remove any of them around
 7 me, but you guys did.
 8 **MR. FINNIGAN:** Set them back further.
 9 **MR. DEAN:** No, I remember that. But I
 10 think, we put that into the stipulation?
 11 **MS. TURNER:** Yep.
 12 **MR. DEAN:** Okay. I'm not sure we have
 13 the tools to do that wisely at this point in time
 14 right now.
 15 **MS. TURNER:** We did have one person,
 16 resident 414, talk to us about how many were
 17 around her. She testified that there were, I
 18 can't remember how many she said; it goes through
 19 two different maps here. And typically that's
 20 when we made the stipulation when that particular
 21 resident has come before us, is that they don't
 22 like that.
 23 **MR. BANGERT:** Was that T 42?
 24 **MS. TURNER:** That was the tower 42, but

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1 it's resident 414.
 2 **MR. ZIMMERMAN:** How do we feel about
 3 having a stipulation relating to tower 42 or
 4 resident 414? She testified that she didn't want
 5 to have it close by. She's non-participating.
 6 How do we feel about that?
 7 **MR. FINNIGAN:** That's how we handled it
 8 in the past, 'cuz we had one person specifically
 9 in Lexington or Chenoa, I don't know which one it
 10 was. And I think we decided, if we were going to
 11 do it for one we would do it for all. But one
 12 person was very boisterous about not wanting them.
 13 And we did I think about three of them. 'Cuz Tim
 14 Jolly was one of them. And I think it was Taylor
 15 that we did. Travis Taylor. Seemed like there
 16 was a third one.
 17 **MS. TURNER:** Yeah, there was a young
 18 family that had just bought a house and we changed
 19 it.
 20 **MR. FINNIGAN:** I think there were three.
 21 **MR. KURITZ:** They got one that's dead
 22 east of them and the rest of them are both north
 23 and south.
 24 **MR. ZIMMERMAN:** Say this is 315.

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1 **MR. KURITZ:** Yeah, this is on 315.
 2 Again, they only get the eight hours of flicker.
 3 If you look at this map, like Julie was talking,
 4 you got eight of them, and they're all a whole lot
 5 less than a mile it looks to me. But the noise
 6 issues.
 7 'Cuz that's another thing we hear is the
 8 flicker and the noise. Which, if you stand and
 9 listen to them long enough, you finally figure out
 10 when they make the noise is when that blade goes
 11 by that tower. Evidently it's compressing that
 12 air between the two, that's making that noise.
 13 **MS. NOVOSAD:** So, was the individual lot
 14 owner, or resident 414, say again? She had how
 15 many towers?
 16 **MR. KURITZ:** 414 has six to the east it
 17 looks like, probably five for sure within a mile.
 18 And one to the west within a mile.
 19 **MR. FINNIGAN:** A mile is way further
 20 back than what your stipulations are. I don't
 21 remember what they are exactly, but 5,280 per
 22 mile. So we're not much over 2,000 feet, I don't
 23 think, in how close they could be.
 24 **MS. TURNER:** It's 1.5 times the height

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1 of the tower.
 2 **MR. FINNIGAN:** But I don't know what
 3 that is exactly.
 4 **MR. ZIMMERMAN:** It's actually the 1.5
 5 times the tower, and the towers I think are 591.
 6 I was going to use 600 for a ball park. So we're
 7 talking, if they're a mile away, they're four or
 8 five times the standard. So, it's a ways away.
 9 It's pretty hard to control them much further than
 10 that.
 11 **MS. TURNER:** And that's exactly what I
 12 said. We have that regulation, which is
 13 fantastic. But what we don't talk about, and the
 14 people that we have show up from multiple
 15 counties, who come show us pictures out their
 16 window, that they're looking at a lot of them out
 17 their window.
 18 Those are the people, whether it be
 19 because of the noise, because they're seeing it,
 20 because of the shadow flicker, I don't know. But
 21 I'm just saying that seems to be like the ones who
 22 come in front of us the most.
 23 And I don't know if we need to set that.
 24 If you guys think we don't need to, let's move on

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1 and go. If we do need to, let's set a particular
 2 number for these residents that we have in front
 3 of us, and actually 315 hasn't come in front of
 4 us, but 414 did. Do we want to do anything for
 5 her? She asked us to do something.
 6 **MS. NOVOSAD:** So she wouldn't qualify --
 7 she would qualify if we limited that you could
 8 only have four towers within a one mile radius,
 9 she would qualify.
 10 **MS. TURNER:** She also has 16 minutes and
 11 eight seconds of shadow flicker predicted. So,
 12 they would have to do something there anyway.
 13 **MR. DEAN:** 15 hours.
 14 **MS. TURNER:** That's what I mean; hours.
 15 **MR. DEAN:** If we do do something, we
 16 could eliminate the three to the east. They got
 17 five plotted. We could max out at three if we
 18 want to do something for her.
 19 **MR. FINNIGAN:** That would sound okay.
 20 But we can't do it for all of them 'cuz they never
 21 asked us to. So, somebody that specifically
 22 asked, I think maybe we can do something for her.
 23 **MR. DEAN:** That's what I'm suggesting we
 24 do for 414 is to limit the three in the area due

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1 east of her home. That's where they're
 2 concentrated.
 3 **MR. FINNIGAN:** Why don't we put that in
 4 our notes. Somebody keeping track? He's going to
 5 make a motion sometime tonight.
 6 **MS. TURNER:** That's all I got.
 7 **MR. KURITZ:** 315 didn't ask, but that
 8 seems pretty obvious to me. That one right there.
 9 **MR. ZIMMERMAN:** Is 315 participating or
 10 non-participating?
 11 **MR. KURITZ:** Non-participating. If it's
 12 a yellow house, they're non-participating. If
 13 they're blue, they're participating. Again, if
 14 you got four to the east, if you took that too,
 15 but that one doesn't have a lot of flicker. But
 16 noise-wise it --
 17 **MR. KURITZ:** Well, that's what this one
 18 is. Noise receptor map that you've been looking
 19 at.
 20 **MR. FINNIGAN:** Does that mean you want
 21 to include that one too?
 22 **MR. DICK:** Yeah, let's cut that back.
 23 There's four to the east, due east, limit that to
 24 two. Ask them to take out two of those. Only put

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1 in two in that area.
 2 **MS. TURNER:** I don't know that we need
 3 to specify which direction. Because the shadow
 4 flicker is not an issue for that one; it's eight
 5 hours, seven seconds.
 6 **MR. DEAN:** You're thinking out of the
 7 eight just ask them to take it down to six?
 8 **MS. TURNER:** That's fine.
 9 **MS. NOVOSAD:** Well, I'm confused. Are
 10 we still talking about a stipulation that there
 11 can be no more than four?
 12 **MR. DICK:** No, we're doing an individual
 13 basis now only.
 14 **MS. NOVOSAD:** I think we need a general
 15 stipulation, both in terms of shadow flicker and
 16 the number of towers within a mile of a
 17 non-participating.
 18 **MR. KURITZ:** Wouldn't that be a change
 19 to the code and something that we would need to
 20 sit down and study and come up with a good number
 21 that we can all agree on?
 22 **MS. NOVOSAD:** We're doing the same thing
 23 here, just piecemeal. I just think it needs to be
 24 flat out for everyone.

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1 **MR. KURITZ:** I'm not disagreeing. I'm
 2 just saying it's going to take a change to the
 3 building code to do that. We can't enact that
 4 tonight here to change the code. All we can do is
 5 stipulations for this farm.
 6 **MS. NOVOSAD:** Yeah, for this farm. I
 7 think we need two stipulations. One, that nor
 8 non-participating residents you can have no more
 9 than 15 hours of shadow flicker per year. And for
 10 non-participating land owners, you can have no
 11 more than four wind turbines within a one mile
 12 radius.
 13 **MR. DEAN:** I think that might be fairly
 14 restrictive for what the wind farm is proposing to
 15 do.
 16 **MR. FINNIGAN:** You got any idea how many
 17 that would be? How many would be eliminated if we
 18 did that?
 19 **MR. KURITZ:** No.
 20 **MR. DEAN:** It would take a lot of
 21 studying to figure that out I think. A lot of
 22 looking and --
 23 **MR. KURITZ:** The only way you could do
 24 this is to transfer this on and have like an

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1 AUTOCAD so you could take and put a one mile
 2 circle on it and start counting. We don't have
 3 AUTOCAD. We don't have the capabilities to do
 4 that. That's for certain.
 5 **MS. TURNER:** And I agree with that. And
 6 I tend to agree with you, Ruth, I'm not sure this
 7 is the time that we can do it.
 8 But, I think as the towers get higher I
 9 think there are additional things like this that
 10 we need to start thinking about, and what we can
 11 do now is definitely address the people who come
 12 before us and obvious ones. And beyond that, I'm
 13 not sure what we can do without -- when they
 14 designed the farm based upon this.
 15 Personally, I don't see a big difference
 16 between this and the shadow flicker issue. I
 17 think we're doing the same thing with both of
 18 them. But --
 19 **MS. NOVOSAD:** The only concern I have is
 20 that if you have people, and I haven't looked at
 21 the positioning of the towers with respect to
 22 non-participating very closely. But, just because
 23 somebody came or did not come and made a
 24 presentation, I don't think that should dictate

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1 that they get treatment. I mean, I think if it's
 2 bad for them, it's bad for everybody else that's
 3 in the same situation.
 4 **MS. TURNER:** I would disagree with that.
 5 Because I think for some people it is bad for
 6 them; and others, they don't care. It doesn't
 7 bother them. They like them.
 8 I think we have to base our decisions on
 9 what comes before us. And we can't make -- I
 10 don't feel like we can make blanket across the
 11 board without discussing it as a policy and as a
 12 change, like you said, to the code or to the
 13 policy.
 14 **MR. FINNIGAN:** I think this is
 15 consistent to what we've done in the past. We've
 16 made some allowances in the last wind farm setting
 17 it back a little farther for people that asked.
 18 So, I don't think we're setting a precedent here
 19 that this is new.
 20 **MR. KURITZ:** And 315 didn't come in and
 21 testify, but it's just so obvious that you've got
 22 that big conglomeration. There's one little
 23 yellow house sitting in the middle of this big
 24 circle of turbines.

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1 So, doing something for those two, I
 2 think --
 3 **MS. NOVOSAD:** What about 316?
 4 **MR. KURITZ:** Where is 316?
 5 **MS. TURNER:** I agree. And that's where
 6 I'm kind of, I think we either draw the line at
 7 who's come before us or not. Those who have asked
 8 for it or not. As much as I think 315 is obvious
 9 too, I think the company would do the right thing
 10 there.
 11 **MR. KURITZ:** 316, they're close, but
 12 they got one to the east and two to the west. And
 13 the others are north and south. And so shadow
 14 flicker, I don't know what their number is, but --
 15 I don't know.
 16 **MS. TURNER:** I think once you get to
 17 deciding, that is when it gets hard. And that's
 18 why I feel we either make a general statement of
 19 no more than four within a mile. Or we only take
 20 those who have asked us to do something.
 21 **MS. NOVOSAD:** And I would prefer the
 22 general statement. I mean, I think that's the
 23 only fair thing to do. You're making the
 24 assumption that these people have chosen because

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1 they haven't come, they're accepting it. And I
 2 guess I'm not quite there yet. And I think they
 3 deserve our protection as well as someone who has
 4 come before us.
 5 **MR. DEAN:** I think four per mile is too
 6 restrictive.
 7 **MS. NOVOSAD:** And if we want to, and
 8 this opens a can of worms, but if we want to kind
 9 of postpone this, are we under any kind of
 10 deadline to approve this? Can we come up with a
 11 reasonable number?
 12 I mean here again, we don't know what is
 13 acceptable shadow flicker time and what's not.
 14 And we're kind of guessing with the number of
 15 turbines. I mean, this is a pretty big decision
 16 that we're kind of making with maybe not as much
 17 information as we need.
 18 So, is there something we can do to get
 19 that information?
 20 **MR. FINNIGAN:** Well, what you're
 21 suggesting is you would have to reopen the case.
 22 **MS. NOVOSAD:** That's true.
 23 **MR. FINNIGAN:** So to get the information
 24 that you really want, it would actually be

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1 something the company would have to present to us
 2 and we'd have to start -- not start over, but it
 3 would be reopening it for one issue and another
 4 hearing. And it would be -- I'm not saying it
 5 can't be done. But, it's not as easy as what
 6 we're talking about.
 7 **MS. NOVOSAD:** I mean, what are the
 8 company's opportunities, if we made some
 9 restrictive stipulations that they wanted on an
 10 individual basis, extensions to, I mean what would
 11 the process be? They would have to come before us
 12 and ask for a variance?
 13 **MR. FINNIGAN:** Yes.
 14 **MS. TURNER:** A variance on our
 15 stipulation?
 16 **MR. FINNIGAN:** I don't think that would
 17 be fair to the company at this point because they
 18 presented this application with the rules that
 19 were in place at the time. And so to ask them to
 20 do that, I think it would set us up for problems
 21 that we don't want.
 22 **MR. DEAN:** By being too restrictive.
 23 **MR. FINNIGAN:** I just mean we change the
 24 rules after the horse left the track. I mean, we

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1 can't do that.
 2 **MR. KURITZ:** You can't legislate
 3 backwards.
 4 **MR. FINNIGAN:** No. I think basically we
 5 need to look at what we have tonight and try and
 6 do the best we can. And I think that's what we're
 7 trying to do. Maybe we're trying to do too much.
 8 **MS. NOVOSAD:** So are you saying we
 9 shouldn't have any stipulations at all on shadow
 10 flicker or anything?
 11 **MR. DEAN:** No, he's not saying that at
 12 all, Ruth.
 13 **MR. FINNIGAN:** No, I think what we've
 14 asked for, we can put in the stipulations, but for
 15 you to go as far as to say they would have to ask
 16 for a variance to do that, we can't do that.
 17 Because we don't have that rule. I hope I'm
 18 saying it right.
 19 **MS. TURNER:** I hear what you're saying.
 20 But, my argument would be that the shadow flicker
 21 is essentially doing the same thing. That the
 22 shadow flicker stipulation is essentially doing
 23 the same thing.
 24 And I think that if we want to stipulate

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1 for specific residents, we have precedent for
 2 that. But, when we're throwing in whole other set
 3 of rules at this point in the game that we are
 4 regulating backwards.
 5 **MR. FINNIGAN:** The shadow flicker is --
 6 we don't really have a rule in the county, period.
 7 I mean, it doesn't sound like there's a rule.
 8 There might be a state law. I don't even know if
 9 there's one of those.
 10 So we're just saying that we think this
 11 is where it ought to be. And I make this point,
 12 we're going to make this recommendation to the
 13 county board. If they decide they want to change
 14 something, they tell us what to do all the time.
 15 So, we're going to do the best we can, but it's up
 16 to them to approve. We're just making a
 17 recommendation.
 18 **MS. TURNER:** I agree. But, it is a
 19 rule. You are creating a rule by saying you can't
 20 have any more than -- you're creating a rule that
 21 we don't have anywhere by putting a stipulation in
 22 about shadow flicker. It's a rule.
 23 **MR. KURITZ:** But the 30 hours was their
 24 recommendation.

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1 **MS. TURNER:** Right. So we're going from
 2 absolutely no rule, to half of what they have said
 3 they would do.
 4 **MR. KURITZ:** We're negotiating on their
 5 recommendation. Or we're saying we don't agree
 6 with their recommendation.
 7 **MS. NOVOSAD:** Here again, they have said
 8 they're going to abide by this, but if we don't
 9 make it a stipulation then there's -- I don't
 10 think we have any way of enforcing it.
 11 **MS. TURNER:** That's a good point.
 12 **MR. DEAN:** That takes me perhaps to 20
 13 is the right number for, so that we're not overly
 14 restrictive.
 15 **MR. ZIMMERMAN:** 20 flicker is what I'm
 16 hearing. Do I hear 18 from Michael Kuritz?
 17 **MR. KURITZ:** I'll stick with Jim.
 18 **MR. BANGERT:** To something that Julie
 19 said earlier, trying to reduce the number around
 20 people that have come forward. I think this is an
 21 intimidating process and I think maybe it's
 22 something I can get behind Ruth on this. We're
 23 not hearing from anybody. We don't have any proof
 24 of this.

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1 But this is an intimidating process for
 2 somebody to come in and voice their opinion about
 3 this, and not sure what there could be, if any,
 4 ramification for them. But, just thinking about
 5 your comment about the number of eight around a
 6 non-participating, we've only been focused on the
 7 number of decibels given off by one tower. And
 8 when you've got eight around a house, I mean so
 9 I'm back to poor analogy time. You're at the
 10 family reunion and you're talking with one person,
 11 you're both talking at 40 decibels. The rest of
 12 the family shows up, everybody is talking at 40
 13 decibels, now you've got a noisy room.
 14 So there's amplification here. And so I
 15 don't know how we do this. But, it's to the point
 16 of the number around non-participating, they do
 17 have options. I mean, that's their math. I think
 18 they have got ways of figuring this out. And
 19 there is something to be said about the shadow
 20 flicker for the people that have been through it.
 21 **MS. TURNER:** Now keep in mind it's not
 22 like they're ignoring what you talked about, the
 23 cumulative effect of all of that. They have the
 24 -- on this map that I'm looking at, they have

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1 their 41 decibel band at 1,000 hertz drawn and
 2 this is outside of those limits and all of that
 3 stuff. I mean, I'm not saying anything has been
 4 misrepresented at all by what they put out there.
 5 What they said their standard is, and what it
 6 meets all of that.
 7 So, this would be above and beyond what
 8 we said and what we've asked them to do. We're
 9 not -- I don't in any way want it to sound like I
 10 feel like this doesn't fall within all of the
 11 guidelines it's supposed to, that we've already
 12 set forth.
 13 So --
 14 **MR. ZIMMERMAN:** It's been pointed out to
 15 me that we're talking about flicker, that in the
 16 concluding opinion by staff, it was staff
 17 recommending that no resident shall be affected by
 18 over 30 hours of shadow flicker per year.
 19 So a lot of what we're talking about is
 20 how many residents and which residents are
 21 participating versus non-participating. We're
 22 just -- a lot of this discussion has been around
 23 item number five of the staff recommendation. So,
 24 we heard more testimony, and so I'm up for putting

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1 in some restriction, whether it's 18 or 20 or 15,
 2 for non-participating residents. That's perfectly
 3 all right.
 4 **MR. FINNIGAN:** We're going to take a
 5 little bit of a break. About 7 minutes. Start
 6 back at five 'til.
 7 (A break was taken at 8:47 p.m.)
 8 (The time is 8:53 p.m.)
 9 **MR. FINNIGAN:** We're going to bring the
 10 Zoning Board back to order.
 11 **MR. DEAN:** I believe 15 is a little bit
 12 too restrictive. You know where I'm going? 30 is
 13 what the company thinks they can live with.
 14 **MS. TURNER:** It's also what staff
 15 recommended.
 16 **MR. FINNIGAN:** Seems like we're going
 17 backwards here now.
 18 **MR. DEAN:** I think 15 is a little too
 19 restrictive. And I think that four per mile would
 20 be way restrictive myself. I think that's just
 21 too -- we're almost going to eliminate the project
 22 in my way of thinking, but I could be wrong. Jim
 23 thinks that they could work around a lot, which 80
 24 towers on this map and 60 allowed or something.

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1 **MS. TURNER:** What if -- I don't know.
 2 What if we made a recommendation or stipulation
 3 that when they have a choice of taking down --
 4 that they prioritize taking into consideration how
 5 many towers are around a non-participating
 6 resident as they look at which ones are we going
 7 to take down?
 8 I don't know. I'm just throwing ideas
 9 out there.
 10 **MR. DEAN:** I like that, Julie. That
 11 sound reasonable to me, do we have the kind of
 12 teeth to get them to look at that kind of stuff
 13 in --
 14 **MS. TURNER:** What I'm looking at is,
 15 letting them know what we're thinking and what we
 16 would like to have happen. And we've approved --
 17 if we approve this project, it's what's in front
 18 of us for the most part. And we put in
 19 stipulations and I hate to put in whole new rules
 20 because they've designed this and all that good
 21 stuff.
 22 But, this is a partnership. And if we
 23 approach it like a partnership and say hey, we
 24 don't want to put a restrictive thing on there

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1 saying "four per", so as you guys look at this,
 2 prioritize your non-participating residents when
 3 it comes to the time to not put some of these
 4 towers in.
 5 **MS. NOVOSAD:** I think that if I were a
 6 company, and you made a recommendation like that,
 7 and I was looking at the bottom line, I don't
 8 think that would go very far. I just don't think
 9 it would be very effective. We've already seen
 10 instances where no project is going to be perfect.
 11 But, we've already seen instances where in my view
 12 a company has tried to kind of take a shortcut or
 13 whatever.
 14 So, I'm not sure I'm really there with
 15 the trust that they would do that.
 16 **MS. TURNER:** I understand that, Ruth.
 17 And I think what you're talking about as far as
 18 getting much more restrictive on how many are
 19 within a mile, I agree with it. You know I agree
 20 with that.
 21 But, I see their point. And it really
 22 needs to be, if we're going to do it, we need to
 23 have a text amendment. We need to work through
 24 that and have it there before they're designing a

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1 project, to know if it's even a feasible project
 2 with those type of restrictions in there, I think
 3 with something that restrictive.
 4 But, we don't know how restrictive that
 5 is. And you said, so can we move it forward? We
 6 can kill it. I mean, that's always an option to
 7 vote no, if you don't feel like you can do that.
 8 But, at this point I don't think it's
 9 the right time to put something that restrictive
 10 in. I think it's either you vote for the project
 11 or you don't. And do you understand what I'm
 12 saying?
 13 **MS. NOVOSAD:** Yes.
 14 **MS. TURNER:** 'Cuz we have the option.
 15 **MR. DEAN:** Let's word it what she
 16 suggested there and try to get it --
 17 **MS. TURNER:** Let's put it this way. If
 18 they don't follow those recommendations and we
 19 continue to have people in, you can bet I'm going
 20 to fight to get a text amendment in there limiting
 21 it so we don't have these people coming in
 22 screaming that I look out my window and see eight
 23 windmills around me.
 24 **MS. NOVOSAD:** The only thing is that

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1 that doesn't do a whole lot of good to the people
 2 that it's impacted adversely in this particular
 3 project. So, we said it before earlier this
 4 evening. I think we need to get this right. And
 5 whatever that means, we need to take the time to
 6 get it right.
 7 **MR. BANGERT:** I think for the people
 8 that we have heard from I think there is something
 9 that we definitely should make sure we make it
 10 happen for them. Definitely. I also am not
 11 comfortable with the elephant in the room, which
 12 is the prior project that has ongoing. So, I
 13 don't know how we migrate through this. Somebody
 14 could maybe speak up, how do we migrate? Do we
 15 get this as far as we can and then what? 'Cuz you
 16 haven't got all your ducks in a row from the last
 17 project.
 18 Would we go forward with voting? I
 19 mean, somebody else want to help me out with that?
 20 **MS. TURNER:** What is your major concern
 21 from the last project?
 22 **MR. BANGERT:** I guess it goes back to
 23 the road agreement, and there's a bridge issue,
 24 and that should be resolved before you start

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1 another project.
 2 **MS. TURNER:** But that road commissioner
 3 was here before us and he said they were working
 4 through it; they were at the table working through
 5 it. I heard others who were upset with what was
 6 going on there.
 7 But the information we got, and correct
 8 me if I'm wrong, but the information we got from
 9 the road commissioner is he felt like it was
 10 moving in the right direction. Is that correct or
 11 not?
 12 **MR. KURITZ:** That's what I heard. And
 13 it was basically in the hands of the attorneys.
 14 So --
 15 **MR. ZIMMERMAN:** I had the sense that the
 16 current road commissioner for this project had
 17 gone to school on what the prior road commissioner
 18 for the other project had not put in. There might
 19 have been -- I don't think the project was
 20 finished, and I think the road commissioner didn't
 21 negotiate a strong enough agreement as other
 22 people might have recommended that they do.
 23 And so there was some -- they were
 24 starting to have issues, or they already had

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1 issues. But the new road commissioner down here
 2 in Bellflower area, I am not concerned about. I
 3 think one, he's here. Two, he was fully informed,
 4 that he had to go get all the information. And he
 5 knew how to get the information. Where to get it.
 6 And had everything under control.
 7 **MR. DEAN:** I think you might be
 8 mistaken, Drake. I don't think I've ever seen
 9 that road commissioner in this room from
 10 Bellflower or West Township.
 11 **MS. NOVOSAD:** I don't think --
 12 **MR. DEAN:** I know 'em both. They
 13 weren't here.
 14 **MS. TURNER:** It was the one in the
 15 current project that said he was working with
 16 them. He said he was talking with them. And that
 17 he was working closely with them. But they did
 18 not come and say that --
 19 **MS. NOVOSAD:** That's kind of one of my
 20 concerns is that there hasn't been, I haven't
 21 seen, and here again I don't think it's our role
 22 to oversee that agreement. But that is of concern
 23 to me that I don't think the townships are really
 24 as engaged as they could be.

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1 **MR. DEAN:** I think the townships are
 2 doing well because they have got the leadership of
 3 our county to guide them where they need to go,
 4 the way I have viewed it for a long time.
 5 **MR. FINNIGAN:** I think in the past I
 6 think Bob Lenz has been the attorney for a lot of
 7 the townships. And he has been kind of under the
 8 weather. And I think they had a new lawyer that
 9 maybe just didn't know exactly what was going on
 10 the last time, is kind of what I heard. I mean
 11 that's --
 12 **MS. TURNER:** I just feel that that is
 13 out of our jurisdiction. We put the stipulation
 14 in that they have to have the agreement. And we
 15 can't -- I mean, as much as some county board
 16 members may want us to and others may want us to,
 17 we put in what we want to have done, then we step
 18 back. I don't want to get drug down in that --
 19 **MR. FINNIGAN:** I think we can stipulate
 20 that before they get a permit for this one, the
 21 last one has to be finished.
 22 **MR. KURITZ:** As far as there's a lot of
 23 issues about the dust and all that. It seems to
 24 me that that's really part of the road agreement,

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1 and --
 2 **MR. FINNIGAN:** Don't you think they're
 3 going to get on top of it this time?
 4 **MR. KURITZ:** I would hope so. I think
 5 there was enough conversation about it, that they,
 6 like I say, they better, or four years from now or
 7 maybe even before, we don't know, it might not be
 8 four years; they may be a year from reelection.
 9 **MR. FINNIGAN:** Is there any other major
 10 concerns we need to talk about?
 11 **MR. KURITZ:** We got to decide, there's
 12 two camps, one at 15 and one at --
 13 **MR. FINNIGAN:** Let's go for 20. I'll
 14 back up. I think they can -- they're dogging it.
 15 They can do 20. And that gives us, I think it
 16 shows that we're trying to help the
 17 non-participating. If we don't do something, if
 18 we do them all the same, then I think it's -- we
 19 haven't done our job.
 20 **MR. DEAN:** We got the two residents that
 21 we're talking about Mike had notes on.
 22 **MS. TURNER:** Definitely the one
 23 resident, and then if we want to do something for
 24 the resident that wasn't here, that's --

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1 **MR. DEAN:** Let's decide if we want to do
 2 both, or just the one that was present.
 3 **MS. NOVOSAD:** So which was the
 4 non-present non-participating just for my --
 5 **MR. KURITZ:** 315.
 6 **MS. NOVOSAD:** Okay. I definitely think
 7 we should do something for both of them.
 8 **MR. FINNIGAN:** So what would that be?
 9 What are we going to do for them?
 10 **MR. DEAN:** Limit it to two where there's
 11 four in that spot to try to encourage them to, or
 12 ask them, or stipulate that they only have two;
 13 they have to choose two in that spot for both,
 14 they're essentially the same. There's four
 15 concentrated near the home for 14 and 315 -- 414
 16 and 315, and we're going to ask them to only have
 17 two that close to that house.
 18 **MS. TURNER:** Two?
 19 **MR. FINNIGAN:** I think it was four. It
 20 was eight now.
 21 **MR. DEAN:** There's eight all around it.
 22 But there's four really close.
 23 **MR. KURITZ:** On 315 we went down to six.
 24 So that was your --

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1 **MS. TURNER:** To get rid of two.
 2 **MR. DEAN:** To get rid of two.
 3 **MS. TURNER:** I thought you meant only
 4 leave two.
 5 **MR. KURITZ:** And 414 was limit the east
 6 ones to three towers instead of the five or
 7 whatever it was.
 8 **MS. TURNER:** That's fine.
 9 **MR. FINNIGAN:** Okay. Any other
 10 concerns?
 11 **MR. DEAN:** Just say that again, Mike?
 12 On 316?
 13 **MR. KURITZ:** On 414, you're going to
 14 limit the east, the towers to the east of a total
 15 of three. And 315, you're going to take it down
 16 to six around it instead of eight.
 17 **MS. TURNER:** Let's say no more than six.
 18 **MR. KURITZ:** No more than six.
 19 **MR. DEAN:** Okay. I'm good with that.
 20 **MR. DICK:** No more than six within a
 21 mile?
 22 **MR. FINNIGAN:** Right; within a mile.
 23 **MR. DICK:** On the other one, how many
 24 within a mile?

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1 **MR. KURITZ:** The other one, 414 was --
 2 well, you can't say that, 'cuz going to the east
 3 three towers that takes out a whole lot of them
 4 out there. So, three on the eastern side within a
 5 mile. Is that right?
 6 **MR. DEAN:** If we're going to limit the
 7 whole deal to a mile, then we're going to have to
 8 recount 'em to limit it to five, to 414.
 9 **MR. KURITZ:** There were five, and we're
 10 saying take two away from them also.
 11 **MR. DEAN:** Yep.
 12 **MR. KURITZ:** Two on the east side.
 13 There's five within a mile east of them. So, they
 14 need to take that down to three within a mile east
 15 of them.
 16 **MR. DEAN:** Is that clear enough?
 17 **MR. DICK:** To the east, they're limited
 18 to three within a mile? And on 315 there's no
 19 more than six within a mile?
 20 **MR. KURITZ:** Yeah.
 21 **MR. DEAN:** Yep.
 22 **MS. NOVOSAD:** So, 315 -- say that again
 23 about 315? Could you repeat the 315 and 316?
 24 **MR. DEAN:** 315 and 414.

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1 **MS. NOVOSAD:** So we're not going to do
 2 anything for 316? We're not including it? I
 3 thought we just said we were.
 4 **MR. DEAN:** No, 315 and 414 are the two
 5 we're talking about.
 6 **MR. KURITZ:** 414 is the one that
 7 testified. 315 is surrounded on all four sides.
 8 And 316 isn't surrounded.
 9 **MR. FINNIGAN:** I think we're down to the
 10 point where we can go to the standards. I'm going
 11 to read the standards so we got 'em read in. And
 12 then you guys will say if it meets it or not.
 13 Proposed special use, standard number one.
 14 Proposed special use will not be detrimental or
 15 endanger the health, safety and morals, comfort or
 16 welfare of the public.
 17 Is this standard met?
 18 **MS. TURNER:** Yes.
 19 **MR. FINNIGAN:** Number two, the proposed
 20 special use will not be injurious to the use and
 21 enjoyment of other property in the immediate
 22 vicinity for purposes already permitted versus
 23 substantially diminish the property values in the
 24 immediate area. Is this standard met?

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1 **MR. DEAN:** Yes.
 2 **MR. FINNIGAN:** Number three, that the
 3 proposed special use will not impede the orderly
 4 development of the surrounding properties
 5 permitted in the district. Is this standard met?
 6 **MR. KURITZ:** Yes.
 7 **MR. FINNIGAN:** Adequate utilities,
 8 access roads, drainage and/or necessary facilities
 9 have been or will be provided. Is that standard
 10 met?
 11 **MR. DEAN:** Yes.
 12 **MR. FINNIGAN:** Adequate measures have
 13 been or will be taken to provide ingress or egress
 14 as designated or to minimize traffic congestion in
 15 the public streets. Has that standard been met?
 16 **MS. TURNER:** Yes.
 17 **MR. FINNIGAN:** Establish, number six,
 18 the established maintenance and operation of the
 19 special use will be in conformance with the intent
 20 of the district in which the special use is
 21 proposed to be located. Is that standard met?
 22 **MR. ZIMMERMAN:** Yes.
 23 **MR. FINNIGAN:** Number seven, the
 24 proposed special use in all other respects

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1 conforms to the applicable regulations of the
 2 agricultural district, is that standard met?
 3 **MR. KURITZ:** Yes.
 4 **MR. FINNIGAN:** I think we're ready for a
 5 motion with stipulations.
 6 **MR. KURITZ:** We're going to go through
 7 the conclusion opinion?
 8 **MR. FINNIGAN:** I think we can just say
 9 we recommend all stipulations of the county, then
 10 you're going to add yours to it.
 11 **MS. TURNER:** Well, technically we're
 12 changing five.
 13 **MS. VAZQUEZ:** I would suggest making a
 14 motion to amend, and then vote on that, with all
 15 of the new stipulations that you're changing. And
 16 then do a vote on the whole thing after that.
 17 **MR. FINNIGAN:** So we need to read what
 18 we want to change them to?
 19 **MS. VAZQUEZ:** I think it's clear 'cuz
 20 you talked about it enough, that when there's
 21 consensus I would just suggest having a motion to
 22 amend with the new stipulations that you're adding
 23 or changing. Second, vote. And then vote on the
 24 permit itself.

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1 **MR. FINNIGAN:** There; we've been told.
 2 **MR. KURITZ:** I move that we amend the
 3 staff's concluding opinion and their stipulations
 4 to change number five to 20 hours of flicker for
 5 non-participating -- or non-participants. And
 6 that we add that the issues from the previous
 7 project be resolved before the permit is issued.
 8 And that residence 414, the towers
 9 within a mile of the east side of that residence
 10 be limited to no more than three. And residence
 11 315, that the number of towers, or the number of
 12 towers around that residence, be limited to no
 13 more than six within a mile.
 14 **MR. FINNIGAN:** Do we have a second of
 15 that motion?
 16 **MS. TURNER:** Second.
 17 **MR. FINNIGAN:** So we have a motion by
 18 Kuritz, seconded by Turner. So we have a roll
 19 call vote.
 20 **MR. DICK:** Can you clarify the one issue
 21 that you said about the issues for the previous
 22 wind farm?
 23 **MR. FINNIGAN:** The road? I think it's
 24 basically down to a road situation.

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1 **MR. KURITZ:** Right. Yeah, that the
 2 outstanding road issues be resolved before we
 3 issue -- before this permit is issued.
 4 **MR. DICK:** By "this permit", you mean
 5 the special use permit or the permit to build the
 6 wind farm?
 7 **MR. KURITZ:** The permit to build the
 8 wind farm, I believe.
 9 **MR. DEAN:** I'm comfortable with that. I
 10 think it should fly.
 11 **MS. TURNER:** Do we know what the issues
 12 are? We heard of one issue. I think that's a
 13 pretty blanket --
 14 **MR. KURITZ:** If it's in court or being
 15 handled by attorneys.
 16 **MR. DICK:** These are both LLCs, you know
 17 that? These are both LLCs, you know that?
 18 Different LLCs?
 19 **MR. DEAN:** You're suggesting that we
 20 shouldn't be tying them together?
 21 **MR. DICK:** I'm not an attorney, but I
 22 don't know how to really deal with that.
 23 **MR. KURITZ:** We did hear from the road
 24 commissioner that it is being negotiated out with

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1 the attorneys, so --
 2 **MS. TURNER:** I'm fine leaving that one
 3 out.
 4 **MR. KURITZ:** I would be fine to --
 5 **MR. DEAN:** If you're comfortable.
 6 **MR. KURITZ:** -- to get rid of that one.
 7 **MR. DEAN:** We'll drop that. Be fine.
 8 **MR. KURITZ:** Take that out.
 9 **MR. DEAN:** Let the attorneys fight that
 10 out and not include it in our deal.
 11 **MR. FINNIGAN:** But they're both
 12 Invenergy.
 13 **MR. DEAN:** Yeah, but that's a legal
 14 deal.
 15 **MS. NOVOSAD:** What's the issue that you
 16 say they're both LLCs?
 17 **MR. DEAN:** He's suggesting that they are
 18 both separate entities, that what one does doesn't
 19 impact the other one.
 20 **MS. NOVOSAD:** Invenergy is different
 21 than --
 22 **MR. DEAN:** This is one LLC. And the
 23 Lexington one is one LLC.
 24 **MR. DEAN:** So just to be clear, we have

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1 dropped that, if that's okay with the chairman.
 2 **MR. DICK:** Okay.
 3 **MS. TURNER:** Permitted on the second.
 4 **MR. DICK:** We're voting on the amendment
 5 to the stipulations, not the whole thing.
 6 Bangert?
 7 **MR. BANGERT:** Yes.
 8 **MR. DICK:** Kuritz.
 9 **MR. KURITZ:** Yes.
 10 **MR. DICK:** Dean.
 11 **MR. DEAN:** Yes.
 12 **MR. DICK:** Turner?
 13 **MS. TURNER:** Yes.
 14 **MR. DICK:** Novosad?
 15 **MS. NOVOSAD:** Yes.
 16 **MR. DICK:** Finnigan?
 17 **MR. FINNIGAN:** Yes.
 18 **MR. DICK:** Zimmerman?
 19 **MR. ZIMMERMAN:** Yes.
 20 **MR. FINNIGAN:** Motion carried. Now I
 21 think we can make a motion for the whole
 22 enchilada.
 23 **MR. DEAN:** I would like to recommend
 24 approval to the county board for SU 2013 with

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1 stipulations.
 2 **MR. KURITZ:** I'll second.
 3 **MR. FINNIGAN:** So we have a motion by
 4 Dean. Second by Kuritz. Do we have a roll call
 5 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:** Turner?
 13 **MS. TURNER:** Yes.
 14 **MR. DICK:** Novosad?
 15 **MS. NOVOSAD:** Yes.
 16 **MR. DICK:** Finnigan?
 17 **MR. FINNIGAN:** Yes.
 18 **MR. DICK:** Zimmerman?
 19 **MR. ZIMMERMAN:** Yes.
 20 **MR. FINNIGAN:** Motion carried. I don't
 21 know what --we have to talk to Phil, he knows all
 22 about what goes on from here. I have no idea.
 23 Our job is done.
 24 **MR. DICK:** This will go to the county

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1 board on the 15th. 5:30 PM evening meeting. And
 2 it will probably be pulled up for consent agenda
 3 and voted on separately.
 4 **MS. VAZQUEZ:** Just for your information,
 5 that meeting is in person only and will not be
 6 streamed.
 7 **MR. FINNIGAN:** We're adjourned.
 8 (The time is 9:19 p.m.)
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1 STATE OF ILLINOIS)
 2 COUNTY OF CHAMPAIGN) SS
 3
 4 I, DEANN K. PARKINSON, a Notary Public
 5 in and for the County of Champaign State of
 6 Illinois, do hereby certify that the foregoing was
 7 taken on June 22, 2021.
 8 That said hearing was taken down in
 9 stenographic notes and afterwards reduced to
 10 typewriting under my instruction.
 11 I do hereby certify that I am a
 12 disinterested person in this cause of action; that
 13 I am not a relative of any party or any attorney
 14 of record in this cause, or an attorney for any
 15 party herein, or otherwise interested in the event
 16 of this action, and am not in the employ of the
 17 attorneys for either party.
 18 In witness whereof, I have hereunto set
 19 my hand and affixed my notarial seal July 2nd,
 20 2021.
 21
 22
 23
 24

DEANN K. PARKINSON, CSR
NOTARY PUBLIC

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