

BEFORE THE
ZONING BOARD OF APPEALS
OF BOONE COUNTY, ILLINOIS

REPORT OF PROCEEDINGS had and testimony
taken at the public hearing of the above-entitled
matter, taken by Amy K. Bateman, CSR No. 84-003803,
RPR, CRR, CRC, on Tuesday, December 19, 2023, at
7:01 p.m., at 1212 Logan Avenue, Belvidere, Illinois.

1 PRESENT:

2 MR. CRAIG HALE, Chairperson;

3 MR. RICK SCHULTZ, Vice-Chairperson;

4 MS. JOAN KRUMM, Board Member;

5 MR. STEVE SCHABACKER, Board Member;

6 MR. NATE SROKA, Board Member.

7 ALSO PRESENT:

8 MS. JESSICA ROBERTS, Land Use Planner;

9 HEYL, ROYSTER, VOELKER & ALLEN, P.C., by
10 MR. ANDREW KEYT

11 300 Hamilton Boulevard, Second Floor
12 Peoria, Illinois 61602
13 (309) 676-0400
14 akeyt@heyloyster.com

15 Hearing facilitator on behalf of Boone
16 County;

17 UPHOFF LAW, LLC, by
18 MR. SETH UPHOFF
19 5901 North Prospect Road, Suite 201B
20 Peoria, Illinois 61614
21 (309) 322-1414
22 uphofflaw@gmail.com

23 on behalf of Trajectory Energy Partners;

24 MS. MOLLY SNITTJER, Trajectory Energy Partners.

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1 CHAIRMAN HALE: It's 7:00 o'clock. We're calling
2 the meeting to order.

3 Can we have a roll call?

4 MS. ROBERTS: Sure.

07:02 5 Craig Hale.

6 CHAIRMAN HALE: Here.

7 MS. ROBERTS: Rick Schultz.

8 MR. SCHULTZ: Here.

9 MS. ROBERTS: Joan Krumm.

07:02 10 MS. KRUMM: Here.

11 MS. ROBERTS: Steve Schabacker.

12 MR. SCHABACKER: Here.

13 MS. ROBERTS: Nate Sroka.

14 MR. SROKA: Here.

07:02 15 CHAIRMAN HALE: Okay. We have a quorum.

16 Everybody stand for the Pledge of
17 Appliance and opening prayer.

18 (Whereupon, the Pledge of

19 Allegiance was recited and an

07:02 20 invocation was given by Chairman
21 Hale.

22 CHAIRMAN HALE: Okay. We have the agenda we
23 have. We have three items on the agenda. Do we have a
24 motion to approve the agenda?

1 MR. SCHULTZ: So moved.

2 MS. KRUMM: Second.

3 CHAIRMAN HALE: A motion by Mr. Schultz and a
4 second by Ms. Krumm.

07:03 5 Can we have a voice vote? All in favor
6 say aye.

7 (Whereupon, all the ayes were
8 heard.)

9 CHAIRMAN HALE: All opposed, same sign.

07:03 10 (Whereupon, no nays were heard.)

11 CHAIRMAN HALE: Motion passes.

12 We have no minutes from last week --
13 last month?

14 MS. ROBERTS: They're not complete yet.

07:03 15 CHAIRMAN HALE: So this will be the public
16 comment section. This is for anything other than
17 what's on our agenda, any of the items on the agenda.
18 This is just general comment.

19 Is there anything for public comment?

07:03 20 MS. KRUMM: I'll speak.

21 CHAIRMAN HALE: Joan.

22 MS. KRUMM: It's nice to see everybody here
23 tonight and coming and being part of government, and
24 you guys are part of it tonight. So speak up and enjoy

1 yourselves, and thank you for coming.

2 CHAIRMAN HALE: Okay.

3 AUDIENCE MEMBER: Could you please clarify? I'm
4 having trouble hearing you back here. Are you asking
07:04 5 for public comment in general and then when each item
6 comes up to speak then?

7 CHAIRMAN HALE: This is just in general anything
8 other than what's on the agenda.

9 MR. KEYT: I can address that a little bit.

07:04 10 CHAIRMAN HALE: Okay.

11 MR. KEYT: Just so for those unfamiliar, my name
12 is Andy Keyt. I'm an attorney in Peoria, and I'm hired
13 by the County to be the hearing -- I'll be the hearing
14 facilitator specifically for the solar project that's
07:04 15 up on the agenda later tonight.

16 In terms of public comment, anyone is
17 allowed to come up and speak regarding -- during the
18 public comment time about any topic you want.

19 Now, if you are here to give evidence
07:05 20 that you want or testimony that you want the Zoning
21 Board to consider in relation to a specific case, you
22 need to present that evidence during the actual hearing
23 on that case.

24 AUDIENCE MEMBER: Okay.

1 MR. KEYT: So if you give public comment, the
2 Zoning Board can't really consider that in the context
3 of that specific case.

4 So generally speaking, when people want
07:05 5 to give comment about a case specifically, they're
6 asking to really to come up and give testimony about a
7 specific case. That's -- if that's what you're wanting
8 to do, then I would wait until that hearing is called
9 and we'll go through a specific order for that.

07:05 10 But I think what the Chair is asking is
11 if there's any public comment in relation to something
12 other than what's already on the agenda, somebody can
13 come up and give that public comment now. Whether it's
14 about, you know, streets or something else, you could
07:05 15 do that.

16 But if you're here for something that's
17 on the agenda specifically, I would suggest you wait
18 until that agenda item comes up and we'll address it
19 then.

07:06 20 AUDIENCE MEMBER: Thank you.

21 MR. KEYT: I'll turn it back to the Chair.

22 CHAIRMAN HALE: Thank you.

23 So seeing how there's no other public
24 comment, we'll -- and we have no other unfinished

1 business, we'll move on to new business.

2 This will be for Case No. Z-21-2023,
3 875 Ivy Oaks, variation in size, accessory structure.

4 MS. ROBERTS: Go ahead with staff report?

07:06 5 CHAIRMAN HALE: Staff report, yes, please.

6 MS. ROBERTS: Okay. So the item before you is a
7 variation. The Applicant is looking to construct a
8 detached accessory building in excess of 800 square
9 feet.

07:06 10 The subject property is located at
11 875 Ivy Oaks Drive in unincorporated Caledonia
12 Township. The Applicant is seeking the variance to
13 construct a 1350-square-foot accessory building in the
14 R-1 single-family zoning district.

07:07 15 Again, the property is owned R-1, and
16 the current application for the structure is to place
17 the structure on the northeast corner of the lot.

18 The Applicant has indicated in the
19 narrative that the size variation is required in order
07:07 20 to store items from outside within the building, and
21 the Applicant states in the description that the home
22 on the property is a small home in the neighborhood and
23 that a larger accessory structure would be a great
24 benefit for the occupants.

1 A request for comments was made to the
2 agencies. Comments were received from the Soil and
3 Water Conservation District, the Health Department, and
4 the Building Department as well as Boone County Highway
07:07 5 Department. The County Highway Department has required
6 that the Applicant provide assurance and documentation
7 that shows that the drainage and stormwater will be
8 accounted for on the property in the event the building
9 is permitted.

07:08 10 The Boone County Health Department
11 noted the need for a site plan review and their concern
12 for the septic placement and the required setbacks.
13 The Applicant would have to show that the lot size will
14 accommodate for the size of the building as well as
07:08 15 meet appropriate setbacks from the property lines as
16 well as the septic prior to building permit issuance.

17 The case was published on
18 November 23rd; notices were sent out to surrounding
19 properties; a sign was placed on the property.

07:08 20 There was one letter in support that
21 was received from the -- a neighboring property. The
22 letter was from Mike and Peggy Paulson located at
23 881 Ivy Oaks Drive in Caledonia indicating that they
24 are in full support of German Ortiz to build the

1 1350-square-foot building on the property.

2 So then the findings of facts,
3 according to the Section 2.8.5 of the Boone County
4 Zoning Ordinance, a variation shall not be granted
07:09 5 unless all the following findings of facts are made.

6 This is the recommended findings based
7 from staff's recommendation.

8 A. Particular physical surrounding,
9 shape, topographical, or other on-site conditions of
07:09 10 the specific property involved would result in a
11 particular hardship upon the owner, as distinguished
12 from a mere inconvenience, if the strict letter of the
13 regulation were carried out.

14 The Applicant is looking to increase
07:09 15 the permitted size of a detached structure from the
16 allowed 800 square feet to 1350 square feet. No
17 physical surrounding shape, topographical, or other
18 on-site conditions of the property involved would
19 result in a particular hardship other than the owner
07:09 20 prefers a larger structure.

21 B. The conditions upon which the
22 petition for a variation is based would not be
23 applicable generally to other property within the same
24 zoning classification.

1 The conditions upon which the petition
2 for the variation is based would be applicable to other
3 properties within the same zoning classification. Lots
4 zoned R-1 can be small in size. The minimum lot size
07:10 5 is one acre in the R-1 zoning district. Lots are
6 subdivided in general at that size.

7 A detached accessory building is
8 allowed at the maximum size of 800 square feet in the
9 R-1 district, and the size limit is created and
07:10 10 required in order to account for installation of septic
11 systems, drainage, and setback requirements. The
12 subject lot is substandard in size.

13 C. The purpose of the variation is not
14 based exclusively upon a desire to make more money out
07:10 15 of the property.

16 The variance should not, and according
17 to the Applicant is not based exclusively on the desire
18 to make money.

19 D. The owner of the property has not
07:10 20 created the alleged difficulty or hardship.

21 The variance request is based on the
22 size of the outbuilding desired. Building size
23 increase would be the result of the Applicant's desire
24 for a larger detached building.

1 E. The granting the variation will not
2 be detrimental to the public welfare or injurious to
3 the other property or improvements in the neighborhood
4 in which the property is located.

07:11 5 The variance would not be detrimental
6 to the public welfare so long as the proper drainage,
7 septic setbacks, and side yard set setbacks are to
8 code.

9 F. The proposed variation will not
07:11 10 impair an adequate supply of light and air to adjacent
11 property or substantially increase the congestion in
12 the public streets or increase the danger of fire or
13 endanger public safety or substantially diminish or
14 impair property values within the neighborhood or
07:11 15 adversely affect the health, morals, or general welfare
16 of the public.

17 No evidence indicates that the larger
18 building in this case would be detrimental to the
19 general public welfare.

07:11 20 And finally, G. That the potential
21 public benefits of the variation outweigh any potential
22 adverse impacts on the variation after taking into
23 consideration the Applicant's proposal and any
24 requirements by the Applicant to ameliorate such

1 impacts.

2 The approval of the variation would not
3 have any adverse effects in this case.

4 Based on the findings of facts, staff
07:12 5 finds that each of the findings have not been met. Due
6 to the size of the structure in relationship to the
7 size of the lot, drainage concerns as well as setbacks
8 required from property lines and septic setbacks, staff
9 does not find evidence in support of the variation from
07:12 10 the required 800 square feet to 1350 square feet, a
11 variation of 550 square feet, for a detached accessory
12 structure. The variance would give special privileges
13 to the Applicant.

14 Staff recommends the Zoning Board of
07:12 15 Appeals deny the variance request at 875 Ivy Oaks Drive
16 in Caledonia Township.

17 And the Applicant is here.

18 CHAIRMAN HALE: Okay. Do we want to have the --

19 MS. ROBERTS: Any questions of staff at this
07:12 20 time?

21 CHAIRMAN HALE: Any questions of staff at this
22 time?

23 MR. SCHULTZ: No.

24 CHAIRMAN HALE: I guess I did have one.

8 CHAIRMAN HALE: Okay. Thank you.

07:13 10 CHAIRMAN HALE: Okay. Can we have the Applicant
11 come up and present, Mr. Ortiz. I believe over here to
12 the podium.

13 THE REPORTER: Will you raise your right hand?

14 (Mr. Ortiz sworn.)

07:14 15 MR. ORTIZ: Hello. Good evening. My name is
16 German Ortiz, and thank you for listening to my case of
17 what I want to do.

18 So I'm here to, like, exactly what
19 Jessica say, we want to do our building, you know,
07:14 20 because I got so many stuff, so many cars in our
21 driveway.

22 And one of my biggest issue right now
23 is that me and wife, we always in wintertime -- we've
24 been here my whole life, and every -- and every

1 wintertime, we have to clean the cars every time.
2 That's why we decided to build the building.

3 So can I give you a couple of my
4 papers?

07:14 5 This is one of the things that I have
6 in my garage and my parking lot -- let me get one for
7 you.

8 And this is one of the things that I
9 want to ask you --

07:15 10 MR. KEYT: Mr. Ortiz, just for the record, I'm
11 going to mark what you've handed out as Exhibit A, just
12 so it's -- I'm just going to mark what you've handed
13 out --

14 MR. ORTIZ: Okay.

07:15 15 MR. KEYT: -- as Exhibit A. It becomes part of
16 the record, and then Jessica holds on to that.

17 MR. ORTIZ: Okay. And then I really appreciate
18 if you guys help me out to build it. This is the first
19 time that I'm doing something like that for the family,
07:15 20 for my car, because I want to have that -- my garage
21 clean for wintertime for my wife, not for me. I'm a
22 man; I can deal with the cold. But one of the things
23 is my wife, we have to -- every time it snow, we have
24 to go outside and clean the snow by hand because my

1 garage is full.

2 I got a couple patio door -- patio
3 things in my backyard that I really want to put in the
4 inside because every three years I buy a new one
07:16 5 because with the snow, it get to that and they get
6 damaged.

7 So I'd really appreciate it if you guys
8 help me out, and that's why I'm here.

9 CHAIRMAN HALE: Okay. Does the Board have any
07:16 10 questions of the Applicant?

11 MS. KRUMM: I do.

12 MR. SCHULTZ: So this is not any kind of a
13 business; you're just using this for additional
14 storage. Is that correct?

07:16 15 MR. ORTIZ: It's going to be actually storage.
16 I'm going to just put gravel. It's not for business.
17 It's not for business. It's going to be used just
18 gravel. There's no electricity, no water. It's going
19 to be just plain to storage. So everything like what I
07:16 20 use in summertime, like wintertime -- I got six cars.
21 I got two classic cars.

22 Every year I have to go and pay some
23 storage for my car, for two cars, you know, so I'm
24 paying 180 every -- every -- I pay five months 180, so

1 like a thousand dollars. I've been doing it for a few
2 years already.

3 So I just want to build that so I can
4 put my cars in there and put all my -- my furniture and
07:17 5 everything in there, my canoes and everything, and I
6 just want to have my garage clean. That's why we're
7 building it.

8 There's no business. There's nothing
9 in terms of that. It's only for me.

07:17 10 MR. SCHULTZ: Okay. Thank you.

11 CHAIRMAN HALE: Joan.

12 MS. KRUMM: Outside of the classic cars, how many
13 cars are there -- besides you and your wife have a car.
14 How many extra cars are there?

07:17 15 MR. ORTIZ: Four more cars.

16 MS. KRUMM: Who is driving those?

17 MR. ORTIZ: We are. Like, I got a hobby car, I
18 own my truck, my Jeep, and I got two in the storage, an
19 Audi, an Audi A6 and a '79 Trans Am, Pontiac. Those
07:18 20 two, they've always been in storage.

21 I just move two cars, my truck and my
22 Jeep to work, and my wife drive the Jeep and the truck
23 to work. So if one broke down, we use the other one
24 like a backup car. That's what we have.

1 MS. KRUMM: Thank you.

2 MR. ORTIZ: Like four cars available.

3 MS. KRUMM: Thank you.

4 MR. ORTIZ: You're welcome.

07:18 5 CHAIRMAN HALE: Do we want to open it for any
6 other questions of the Applicant?

7 (No response.)

8 CHAIRMAN HALE: I see no other questions for this
9 Applicant. We can close the public hearing --

07:18 10 MS. ROBERTS: Any people opposed or comments?

11 CHAIRMAN HALE: Any additional comments or --

12 (No response.)

13 CHAIRMAN HALE: I see there's none. We can close
14 the public hearing.

07:19 15 MS. KRUMM: So moved.

16 CHAIRMAN HALE: There's been a motion to close
17 the public hearing.

18 MR. SCHULTZ: Second.

19 CHAIRMAN HALE: And a second by Mr. Schultz.

07:19 20 All in favor -- do we need a roll call
21 vote for that?

22 MS. ROBERTS: No.

23 CHAIRMAN HALE: All in favor say aye.

24

1 (Whereupon, all the ayes were
2 heard.)

3 CHAIRMAN HALE: All opposed, same sign.

4 (Whereupon, no nays were heard.)

07:19 5 CHAIRMAN HALE: Motion passes. Is there --

6 MS. KRUMM: Do you want a motion for findings?

7 MR. SCHULTZ: I'll make the motion to approve
8 findings of fact.

9 MS. KRUMM: Second.

07:20 10 MS. ROBERTS: As presented?

11 MR. SCHULTZ: As presented.

12 MS. ROBERTS: And so you'll want to look at the
13 findings and make sure they are -- indicate what you're
14 looking to do with the case and -- (Inaudible.)

07:20 15 THE REPORTER: I'm sorry, I'm having a hard time
16 hearing.

17 MS. ROBERTS: Sorry.

18 CHAIRMAN HALE: The Board will discuss any of the
19 findings of facts or questions that we want to discuss.

07:20 20 MR. SCHULTZ: So the main reason for not
21 approving this is you don't want to set a precedent; is
22 that correct?

23 MS. ROBERTS: Well, the findings -- we have to
24 find each particular finding is based on these

1 findings; and some of the findings, there's no evidence
2 indicating that I found thus far as a physical shape,
3 topographical, or other on-site condition that would
4 result in a hardship to this case. That's what -- go
07:21 5 ahead.

6 MR. SCHULTZ: Okay.

7 CHAIRMAN HALE: Steve.

8 MR. SCHABACKER: One of the things you have here,
9 I understand the gentleman's plight, Mr. Ortiz, but
07:21 10 variances -- and I'm not trying to school anybody here.
11 I've done this for many years. They're a hardship, but
12 the hardship can't be self-created. So if a guy buys
13 10 cars, can he come in and get a building for 10 cars?

14 So the hardship you're facing, I
07:21 15 realize for you it is, but that is not the hardships
16 that we approve. The hardship you have is
17 self-imposed.

18 So for me, to cut to the chase, I
19 cannot vote for this in favor of it because even though
07:22 20 you have those issues, this is a self-imposed hardship;
21 and in our code, that's not the way it works.

22 Also, you can still put up an
23 800-square-foot structure, which, if you go 24 deep by
24 32, that's a three-car garage. And you already have a

1 two-car garage. That gives you five stalls. I think
2 that's fair. You can do that without a special use or
3 a variance. That's a given, 800 square feet. So you
4 already can put up a large building that's, like I
07:22 5 said, a 24 by 32 which kicks out 768.

6 But as far as this larger structure,
7 for me personally, I have to vote against it because
8 your plight is self-imposed. Thank you.

9 MR. ORTIZ: Can I answer that question?

07:23 10 CHAIRMAN HALE: No.

11 MS. ROBERTS: No, the public hearing has been
12 closed.

13 MR. ORTIZ: Oh, sorry.

14 MS. KRUMM: Do you want a motion?

07:23 15 MS. ROBERTS: There is a motion.

16 CHAIRMAN HALE: There is a motion.

17 MS. KRUMM: Oh, there is.

18 MS. ROBERTS: There is a motion on the findings
19 as recommended by staff currently being discussed as to
07:23 20 whether you're all --

21 MS. KRUMM: Okay. All right.

22 CHAIRMAN HALE: Is there any other discussion?

23 MS. KRUMM: That's all the questions.

24 CHAIRMAN HALE: Okay. So we'll vote on this.

1 MS. ROBERTS: On the findings.

2 CHAIRMAN HALE: On the findings for Z-21-2023.

3 Do we have a roll call vote?

4 MS. ROBERTS: Yes.

07:24 5 Rick Schultz.

6 MR. SCHULTZ: I'm going to vote no.

7 MS. ROBERTS: So you're voting to adopt the
8 findings. So you're voting no to these findings.

9 MR. SCHULTZ: We're voting to adopt the findings?

07:24 10 MS. ROBERTS: Yes, voting to adopt the findings
11 as presented by staff.

12 MR. SCHULTZ: I'll change that to yes, then.

13 Thank you.

14 MS. ROBERTS: Joan Krumm.

07:24 15 MS. KRUMM: I don't know what you just said. Say
16 that again.

17 MS. ROBERTS: So the findings as presented by
18 staff is what has been motioned --

19 MS. KRUMM: Right.

07:24 20 MS. ROBERTS: -- to approve.

21 MS. KRUMM: And if so, if we say yes --

22 MS. ROBERTS: Then you're adopting the findings
23 as written by staff.

24 MS. KRUMM: Okay. Yes.

1 MS. ROBERTS: Steve Schabacker.

2 MR. SCHABACKER: Yes.

3 MS. ROBERTS: Nate Sroka.

4 MR. SROKA: Yes.

07:24 5 MS. ROBERTS: And did I say Craig --

6 CHAIRMAN HALE: Yes.

7 MS. ROBERTS: Craig Hale.

8 CHAIRMAN HALE: Yes.

9 MS. ROBERTS: Okay. So the findings have been
07:24 10 adopted as presented by staff.

11 MS. KRUMM: I have a question.

12 MS. ROBERTS: Next is the motion.

13 MS. KRUMM: I have a question. Now, if we
14 vote -- if we don't vote to accept this, we're voting
07:25 15 against our findings.

16 MS. ROBERTS: No. The findings are presented
17 with the recommendation of denial. So the findings are
18 written such that the findings of facts have not all
19 been met.

07:25 20 MS. KRUMM: Until your line at the end, though, I
21 didn't understand if that is what you were doing, your
22 final thing saying that you wanted us -- that you
23 thought this was a denial.

24 MS. ROBERTS: Staff is recommending based on the

1 findings of facts that are found that this case be
2 denied.

3 MS. KRUMM: Okay.

4 MS. ROBERTS: So the findings of facts is the
07:25 5 first item that you all adopted, as staff recommended.

6 The next is -- the next is whether or
7 not the case is going to be approved or denied; right?
8 And that question -- and that vote --

9 MS. KRUMM: And now we can -- we don't have to
07:26 10 vote what we voted for before because the way we've
11 been doing this is if we vote yes for the findings, we
12 have to vote yes for the case. That's been our rule,
13 and this is breaking that rule.

14 MS. ROBERTS: If you're adopting the findings as
07:26 15 written by staff, then it matches the denial for the
16 case.

17 MS. KRUMM: Okay.

18 MS. ROBERTS: Does that clear that up?

19 MS. KRUMM: Yes, I understand that.

07:26 20 But do you understand what I'm saying?

21 MS. ROBERTS: I do.

22 MS. KRUMM: Okay.

23 CHAIRMAN HALE: So now there will be a motion to
24 deny.

1 MS. KRUMM: I'll make the motion.

2 MR. KEYT: If I can make a suggestion.

3 CHAIRMAN HALE: Yes.

07:26 4 MR. KEYT: If somebody wants to make a motion on
5 the application, generally you'd make a motion to
6 approve.

7 CHAIRMAN HALE: Yes.

8 MS. KRUMM: That's correct.

9 MR. KEYT: Then when you roll call it, you make
07:27 10 that your vote at that time. Whether that's a yes or a
11 no.

12 CHAIRMAN HALE: Right.

13 MR. KEYT: So typically you would make a motion
14 to approve regardless of what it will be, but then it
07:27 15 will be a yes or no.

16 MS. KRUMM: We understand.

17 MR. KEYT: Okay.

18 CHAIRMAN HALE: So do we have a motion to approve
19 the variance for Z-21-2023?

07:27 20 MS. KRUMM: I'll move we approve it.

21 CHAIRMAN HALE: There has been a motion --

22 MR. SCHABACKER: Second.

23 CHAIRMAN HALE: -- made by Ms. Krumm and a second
24 by Mr. Schabacker. Let's have a roll call vote.

1 MS. ROBERTS: Steve Schabacker.

2 MR. SCHABACKER: No.

3 MS. ROBERTS: Nate Sroka.

4 MR. SROKA: No.

07:27 5 MS. ROBERTS: Joan Krumm.

6 MS. KRUMM: No.

7 MS. ROBERTS: Rick Schultz.

8 MR. SCHULTZ: No.

9 MS. ROBERTS: Craig Hale.

07:27 10 CHAIRMAN HALE: No.

11 Okay. So your application has been
12 through the Zoning Board of Appeals and denied for the
13 variance.

14 Now that goes to the County Board?

07:28 15 MS. ROBERTS: No. The variance --

16 CHAIRMAN HALE: It simply dies here.

17 MS. ROBERTS: Yes.

18 Mr. Ortiz, I'll reach out to you
19 tomorrow and we'll chat.

07:28 20 MR. ORTIZ: Okay. Sounds good.

21 Thanks a lot, and Merry Christmas to
22 everybody.

23 MR. SCHABACKER: Thank you.

24 CHAIRMAN HALE: Okay. The next case is

1 MA-22-2023.

2 MS. ROBERTS: Yes. So this application is for a
3 zoning change from the A-1 zoning district to the A-2
4 zoning district at 37xx Wyman School Road. The
07:28 5 Applicant is Pam Berkenpas, and she is seeking a zoning
6 change for approximately four acres of her 13.31 acres.

7 So the road frontage is on Wyman School
8 Road, and the proposed use is for a residential home.
9 Existing zoning is A-1, the proposed zoning is A-2, and
07:29 10 the family has indicated they intend to farm the
11 remainder of the lot. Physical features on the lot
12 include a stream, trees, and a slope of the parcel.

13 The Applicant is proposing to utilize
14 the existing drive in order to preserve the farmland
07:29 15 and reduce any amount of disturbance, and the Applicant
16 is submitting that a large part of the property
17 consists of barriers to farming and therefore proposing
18 the zoning change.

19 The comprehensive plan indicates the
07:29 20 property is agriculture preservation with a future
21 intended use of agriculture.

22 The goals and objectives that are met
23 are Goal 10.1, Objective A, preserve prime ag,
24 agriculture land and open space.

1 In order for the zoning change for the
2 A-2 zoning district, there are some criteria that are
3 set out that need to be met; and the Applicant has
4 presented some evidence indicating that there are
07:30 5 existing features which serve as a barrier to farm
6 operations.

7 The Applicant is also indicating that
8 they're free of water wells, in compliance with the
9 road and safety requirements, and the property is
07:30 10 suitable for a septic determined by a licensed soil
11 classifier, as well as the Applicant has submitted a
12 site plan indicating the size and location of the lot.

13 The current zoning, again, is A-1; and
14 this is the lot survey and the property that is being
07:30 15 applied for the zoning change.

16 Staff has reviewed -- request for
17 review with Building and Zoning and Health Department,
18 Boone County Soil and Water as well as the County
19 Engineer and Boone County Conservation District with no
07:31 20 objection.

21 The Health Department did a preliminary
22 review on the on-site wastewater treatment, and the
23 Soil and Water Conservation District did make the
24 following opinion: They have a favorable opinion on

1 the implementation of a proposed zoning change with the
2 recommendation to combine all development to the north
3 of the creek on the parcel. They indicate that soils
4 are low productivity and the creek serves as a
07:31 5 potential barrier.

6 Then finally the findings for the
7 application.

8 Findings of fact for No. 1 is existing
9 uses of property within the general area of the
07:31 10 property in question.

11 The uses of the adjacent properties are
12 agriculture and residential in nature. The property
13 surrounding the site in question would be compatible
14 with the change in zoning.

07:31 15 No. 2. Zoning classification of
16 property within the general area of the property.

17 The zoning classification of the
18 adjacent properties are A-1, agriculture preservation
19 district. The amendment would be comparable --
07:32 20 compatible with the adjacent zoning district and uses.

21 3. The suitability of the property in
22 question for the uses permitted under existing zoning
23 classification would not be detrimental to the A-1
24 agriculture preservation district; however, the

1 rezoning would still be agriculture but would allow one
2 single-family home. For the trend of development, if
3 any, in the general area of the subject property,
4 including changes, if any, which may have taken place
07:32 5 since the date the subject property was placed in its
6 present zoning classification.

7 The general development in the area is
8 a mix of agriculture and residential; therefore, there
9 would be no substantial change to the area.

07:32 10 And finally, No. 5. Whether the
11 proposed rezoning is consistent with the plans and
12 policies of the official comprehensive plan which is
13 adopted by Boone County.

14 The comprehensive plan has shown that
07:32 15 the area with a future intended use of greenways. The
16 majority of the parcel would be maintained as open land
17 and agriculture, and the rezoning would be in line with
18 the comprehensive plan.

19 Summary: Boone County department
07:33 20 concerns are reflected in the comments, and there are
21 no other concerns from other agencies; therefore, staff
22 is recommending that the map amendment be considered as
23 meeting standards for the rezoning.

24 And the Applicant is in attendance.

1 CHAIRMAN HALE: Okay. I'm going to ask the
2 Applicant to come up and present.

3 THE REPORTER: Will you raise your right hand.

4 (Ms. Berkenpas-Davis sworn.)

07:33 5 MS. BERKENPAS-DAVIS: Hello. I'd like to give
6 just a brief history of our farm.

7 My father bought 220 acres in 1976 when
8 I was 14 years old, and 32 years ago I moved there
9 permanently and my three children were born and raised
07:33 10 there.

11 The reason for the rezoning is my
12 daughter would like to build a house on the farmland
13 she grew up on.

14 And I'm not taking this lightly. I
07:34 15 started this project five years ago, in 2018, when my
16 son expressed an interest in building on the farm. I
17 worked with John Maville to try to find the lot of
18 record; and even though we had owned the farm for
19 47 years, he was not able to find that lot, so that
07:34 20 came to a standstill. Then a year ago, when the rules
21 were changed and my daughter had moved back from
22 Kentucky, we revisited this. So that is why I'm in
23 front of you today.

24 And according to -- I'm supposed to

1 present clear and existing evidence.

2 The main reason that I think the
3 property should be rezoned is we do have a lot of
4 existence of physical features. There's a large creek
07:35 5 running through the proposed parcel, lots of mature
6 trees. And the creek itself is quite deep, and this is
7 certified by the Boone County Soil and Water
8 Conservation District report. You can see it on
9 page 12, and there's picture evidence on pages 14 and
07:35 10 15 and 16. You can see the creek, the trees, the
11 rocks, et cetera.

12 Another piece that I'm supposed to show
13 to you is that the property is free of water wells; and
14 in the Boone County Planning Department report, that is
07:35 15 specified on page 2, paragraph 2.

16 I'm supposed to comply with local and
17 state roadway safety requirements as approved by the
18 Boone County Engineer. That's also in the Boone County
19 Planning Department report, page 2, paragraph 3. It's
07:36 20 stated that the request has been reviewed with no
21 objections.

22 We did have a septic suitability done
23 by William Kreznor. He's on your approved soil
24 classifier list. And that is with the paperwork that

1 has been submitted, and that was also approved.

2 The site plan has been shown to be
3 rezoned to be compatible with the surrounding area.
4 That's shown on page 4 of the Boone County Planning
07:36 5 Department report. And the site plan that I need to
6 show, the percentage of property is on page 12 of that
7 same report.

8 If you look at the report from the
9 Boone County Soil and Water District, the parcel to the
07:36 10 south of the creek and the tree line would continue to
11 be farmed. That would continue to be cropland. That's
12 2.6 acres out of the 4.6, we would leave that
13 completely alone. The tree cover, the creek, and the
14 boulders take up about one acre of the 4.6.

07:37 15 The homesite is currently not being
16 farmed and has not been farmed in over 46 years, to the
17 best of my knowledge. That's approximately one acre
18 and has been a horse pasture.

19 So we're really not taking up any farm
07:37 20 or cropland. None of that is changing. We would just
21 like to build one home for my daughter on the site that
22 is currently a horse pasture.

23 MR. KEYT: Maybe I didn't catch your name, but
24 can you state and spell your name for the record,

1 please?

2 MS. BERKENPAS-DAVIS: Sure. Pamela, P-A-M-E-L-A,
3 the last name is Berkenpas, B-E-R-K-E-N-P-A-S, hyphen,
4 Davis, D-A-V-I-S.

07:38 5 MR. KEYT: Thank you.

6 And can give us your address?

7 MS. BERKENPAS-DAVIS: Sure. 378 Wyman School
8 Road, Caledonia, Illinois.

9 MR. KEYT: Okay. Thank you.

07:38 10 CHAIRMAN HALE: Okay. Any questions from the
11 Board for this Applicant?

12 Mr. Schabacker.

13 MR. SCHABACKER: Yeah.

14 Thanks for coming in.

07:38 15 On this property you're going to build
16 a home on, I noticed that you do have road frontage,
17 which is what you need. You've got it.

18 But I'm going to assume the driveway is
19 going to go over across a separate parcel of land. Am
07:38 20 I correct?

21 MS. BERKENPAS-DAVIS: No. For this -- for my
22 daughter's home, we would use our existing driveway
23 that is to the west and do a short driveway to where
24 the home would be built.

1 MR. SCHABACKER: All right. Again, maybe I'm --
2 sometimes I do get confused.

3 So the way I see this here is are you
4 going to enter and exit from the road out in front, or
07:39 5 are you going to cut across a parcel of land to another
6 driveway?

7 And, again, maybe I didn't understand
8 clearly, if you don't mind. And if you could speak up
9 just a little bit, that would help me.

07:39 10 MS. BERKENPAS-DAVIS: Sure.

11 The parcel that we had to parcel off
12 had to have 250 feet of road frontage.

13 MR. SCHABACKER: Yes.

14 MS. BERKENPAS-DAVIS: That's why it's not
07:39 15 directly connected to the existing driveway.

16 So if I'm understanding your question,
17 the parcel that we would like to access will not have
18 its own separate entrance at this time. We're going to
19 leave the cropland alone, access that parcel up our
07:39 20 driveway to the west.

21 MR. SCHABACKER: Yes, that's what I was saying.
22 So you're going to use -- I won't say "use."

23 Let me put it this way: If you were to
24 sell that land to me, the only way currently would be

1 for me to go across a separate parcel of land?

2 MS. BERKENPAS-DAVIS: Correct. We would probably
3 write in an easement.

4 MR. SCHABACKER: Yes.

07:40 5 MS. BERKENPAS-DAVIS: Yes.

6 MR. SCHABACKER: That's what I was going to bring
7 up, because you want to have ingress-egress to your
8 property.

9 MS. BERKENPAS-DAVIS: Correct.

07:40 10 MR. SCHABACKER: And the way it looks -- again,
11 correct me if I'm wrong, because that's happened --
12 currently, otherwise you'd have to go over the creek.
13 Am I correct? Because you're north of it.

14 MS. BERKENPAS-DAVIS: Well, we cross the creek
07:40 15 with our existing driveway. But if you were going to
16 build another drive onto that parcel as is, yes, you
17 would have to cross the creek.

18 MR. SCHABACKER: Okay. Again, just for
19 conversation, I just wanted to see that, you know, if
07:40 20 you're going to do that because, like I said, if you
21 sell it off, the only way you're going to get in and
22 out of there would be going across that driveway. And
23 say your daughter does live there, time comes when you
24 sell your land, how is she going to exit from that

1 parcel across your land, the driveway, unless she has
2 an easement or getting down -- going down to the road.
3 So you have the road frontage to do that.

4 MS. BERKENPAS-DAVIS: Correct.

07:41 5 MR. SCHABACKER: It's just a heads-up. All
6 right?

7 MS. BERKENPAS-DAVIS: Okay.

8 MR. SCHABACKER: Okay. Well, thank you for
9 talking with me.

07:41 10 CHAIRMAN HALE: Any other questions from the
11 Board?

12 MS. KRUMM: Just what about fire protection
13 services? Can they get to it easily?

14 MS. BERKENPAS-DAVIS: Yes. They would use the
07:41 15 same driveway that we have to my home, and my home is
16 about a quarter mile further to the north than this
17 house will be built; so they should be able to access
18 it quite easily.

19 CHAIRMAN HALE: Okay? Any other public comments
07:41 20 or questions for this Applicant?

21 (No response.)

22 CHAIRMAN HALE: We are going to close the public
23 hearing -- or motion to close the public hearing.

24 MS. KRUMM: So moved.

1 CHAIRMAN HALE: Motion --

2 MR. SCHABACKER: Second.

3 CHAIRMAN HALE: -- by Ms. Krumm and second by

4 Mr. Schabacker. This is for SUP-23- --

07:42 5 MS. ROBERTS: Map Amendment 22-2023.

6 CHAIRMAN HALE: Map Amendment 22-2023. Thank
7 you.

8 So can we have a vote for the motion to
9 close public hearing? All in favor say aye.

07:42 10 (Whereupon, all the ayes were
11 heard.)

12 CHAIRMAN HALE: All opposed, same sign.

13 (Whereupon, no nays were heard.)

14 CHAIRMAN HALE: Motion passes.

07:42 15 Now for the findings. Do we have
16 any -- a motion to accept the findings as presented?

17 MR. SCHULTZ: So moved as presented.

18 CHAIRMAN HALE: There's been a motion by
19 Mr. Schultz.

07:43 20 MR. SROKA: Second.

21 CHAIRMAN HALE: Second by Mr. Sroka to approve
22 the findings as written for Map Amendment 22-2023.

23 Can we have a roll call vote?

24 MS. ROBERTS: Joan Krumm.

1 MS. KRUMM: Yes.

2 MS. ROBERTS: Steve Schabacker.

3 MR. SCHABACKER: Yes.

4 MS. ROBERTS: Nate Sroka.

07:43 5 MR. SROKA: Yes.

6 MS. ROBERTS: Rick Schultz.

7 MR. SCHULTZ: Yes.

8 MS. ROBERTS: Craig Hale.

9 CHAIRMAN HALE: Yes.

07:43 10 Now we have -- need another motion to
11 accept the map amendment of 22-2023.

12 MR. SCHABACKER: So moved.

13 CHAIRMAN HALE: We have a motion by
14 Mr. Schabacker.

07:43 15 MR. SCHULTZ: Second.

16 CHAIRMAN HALE: And a second by Mr. Schultz to
17 accept this map amendment.

18 Any other discussion? No other
19 discussion?

07:44 20 (No response.)

21 CHAIRMAN HALE: Can we have a roll call vote?

22 MS. ROBERTS: Steve Schabacker.

23 MR. SCHABACKER: Yes.

24 MS. ROBERTS: Nate Sroka.

1 MR. SROKA: Yes.

2 MS. ROBERTS: Rick Schultz.

3 MR. SCHULTZ: Yes.

4 MS. ROBERTS: Joan Krumm.

07:44 5 MS. KRUMM: Yes.

6 MS. ROBERTS: Craig Hale.

7 CHAIRMAN HALE: Yes. Your map amendment has been
8 approved.

9 Does that go to the --

07:44 10 MS. ROBERTS: Yes.

11 CHAIRMAN HALE: -- County Board?

12 MS. ROBERTS: It will go to the administration.

13 But you've got the meeting date I sent
14 you?

07:44 15 MS. BERKENPAS-DAVIS: Yes.

16 MS. ROBERTS: You can reach out to me if you'd
17 like to.

18 MS. BERKENPAS-DAVIS: Okay. Thank you.

19 CHAIRMAN HALE: You're welcome to stay or if you
07:44 20 want, you can leave.

21 MS. BERKENPAS-DAVIS: Okay.

22 MR. KEYT: Okay, folks. We're in that time in
23 the agenda we are going to take up a solar application,
24 which is probably why most of you are here, I would

1 take a guess.

2 Just by way of introduction, my name is
3 Andy Keyt. I'm from a law firm in Peoria. I am
4 retained by the County to help assist through the
07:45 5 facilitation of the process of the hearing. I don't
6 have a dog in the fight; I am not from here; I don't
7 have any interest in what happens one way or the other.
8 My job is only to help facilitate the hearing process
9 itself.

07:45 10 And so I'm going to go through a couple
11 of just ground rules for the hearing. There is
12 probably going to be a number of witnesses. We will
13 get to swearing everybody in here in just a minute.

14 But in terms of sort of the hearing
07:45 15 process itself, the purpose of this hearing is to
16 provide a forum for public input and for the Applicant
17 to make their case and for anyone from the public to
18 provide any evidence or information in opposition or in
19 support of the project itself.

07:45 20 Because of the way the process works,
21 it goes through a very orderly process. The Applicant
22 will go first and present their evidence. We then will
23 go through the process of anybody who might have
24 questions for the Applicant's witnesses, they may do

1 so. We then will proceed to people who may be in
2 opposition of the project. Those individuals can
3 present information and evidence as well.

4 Keep in mind, if you provide any
07:46 5 testimony, you might be subject to cross-examination by
6 the Applicant or others.

7 We then go through this process until
8 we're complete. Anyone will have the opportunity to
9 provide some rebuttal evidence; so the Applicant can
07:46 10 provide rebuttal evidence, if there is any. An
11 objector or someone in opposition can provide rebuttal
12 evidence as well.

13 Once we are through that process, the
14 Board will then close the public hearing and
07:46 15 deliberate, which will include deliberation on the
16 findings of fact and then recommend conditions and
17 ultimately a motion to recommend the application to the
18 County Board.

19 Because of the process that we undergo,
07:47 20 it is important that we keep order within the process
21 itself. So if people are up testifying, everyone else
22 needs to remain seated and quiet during that period of
23 time. There's no booing or cheering or clapping or
24 anything like that during the proceeding. I'm sure

1 everyone here seems like we'll be able to abide by
2 that.

3 We may take a break at some point. We
4 will try and get through the entirety of the case
07:47 5 tonight. If we don't, it's up to the Zoning Board if
6 they want to recess and come back for another night to
7 finish it off. But, of course, we will make every
8 effort to get through all of the information that may
9 be presented.

07:47 10 If you're going to testify, we're going
11 to ask that you come up to the podium up here, just as
12 we have been doing; you would then get sworn in, and
13 anyone -- and then you provide your evidence and any
14 information.

07:48 15 If you provide any documents to the
16 Zoning Board, those will become evidence of the Zoning
17 Board. So, again, marked as an exhibit and any copy,
18 at least one copy will have to be retained for the
19 record.

07:48 20 With that, I think we are ready to call
21 the case; and I think we'll ask the zoning
22 administrator to provide a summary and review of the
23 case.

24 MS. ROBERTS: Yes.

1 So the application, as you indicated,
2 is a special use. It's Prairie North Solar LLC at
3 172xx Illinois Route 76. The application is for a
4 solar energy development. It's located in Poplar Grove
07:48 5 Township which is south of North Boone School Road and
6 west of Illinois Route 76. The current use is
7 agriculture, and the current zoning is agriculture
8 preservation.

9 The leased area is proposed at 40 acres
07:49 10 and the solar area is contained at 21 acres. The
11 application is for a solar farm, so the project will
12 consist of equipment and to generate electricity. The
13 Applicant plans to install the panels in an east-west
14 configuration on a mounting system that will rotate the
07:49 15 panels to track throughout the day.

16 The request was reviewed by Building
17 and Zoning and Health Department, County Engineer; and
18 there were no objections.

19 This indicates the location of the
07:49 20 arrays.

21 The comprehensive plan has indicated
22 the property is agriculture preservation.

23 Preliminary documents have been
24 submitted for review to staff. Prior to the final

1 County Board approval, they would need to be completed,
2 a signed decommissioning plan, a preliminary
3 construction plan, surety information, the AIMA, and
4 the road use agreement.

07:50 5 The Boone County Conservation District
6 has reviewed the request and has recommended that the
7 Prairie North Solar follow the current landscape plan
8 and vegetation requirements for the solar farm
9 development, which is a document that the Boone County
07:50 10 Conservation District oversees. The plantings and
11 ongoing oversight will be subject to the Boone County
12 Conservation adopted fee schedule.

13 The Boone County Soil and Water
14 Conservation District has indicated the property -- has
07:50 15 an unfavorable opinion of the proposed project due to
16 the LESA score being 85.19 and the permanent
17 displacement of prime farmland that is necessary for
18 implementation of the project. The parcel is currently
19 in cropland.

07:50 20 The public hearing notice was for
21 tonight, December 19th, was published on November 23rd,
22 and the notice of the hearing was sent out to the
23 adjacent property owners.

24 There was one letter that was received

1 in opposition to the -- to the application, and the
2 letter is from Jean Ramsay.

3 Do I go ahead and read that aloud right
4 now?

07:51 5 MR. KEYT: I would suggest you read it aloud for
6 the record.

7 MS. ROBERTS: Okay. For the record, then:
8 Comments about the Prairie North Solar special use
9 request. The request for this special use should be
07:51 10 denied. Solar power is a good idea on rooftops,
11 abandoned landfills, and brownfield areas.

12 The highest and best use of prime
13 agriculture land is for farming. The Boone County
14 Comprehensive Plan has a goal to preserve prime
07:51 15 agricultural land.

16 We have a lot of good farmland in Boone
17 County, but that is not true for the world. Only about
18 1/30- -- 1/32nd of the Earth's surface is suitable for
19 farming.

07:52 20 I apologize if I didn't do that right.

21 Recent and projected growth of
22 distribution centers in Boone County has already
23 eliminated or will eliminate significant areas
24 currently used for farming. Although Prairie North

1 Solar is a relatively small piece of property, it is
2 prime agricultural land and should be protected.

3 I agree with the Boone County Soil and
4 Water Conservation District conclusion that this land
07:52 5 should stay in agriculture. Their report reports that
6 the land is excellent for agriculture, but has severe
7 limitations for solar arrays used in solar projects.
8 The site also has moderate limitations for solar arrays
9 due to erosion. This is particularly important during
07:52 10 construction, as protective vegetation will not be
11 present. The most valuable part of agricultural soil
12 is the top layer of soil. Once this topsoil is eroded
13 away, it cannot be replaced.

14 For the general welfare of the
07:52 15 residents of Boone County, this request for a special
16 use should be denied.

17 And that is from Jean Ramsay at
18 16810 Ramsay Road, which is indicated as an adjacent
19 landowner and neighbor of the proposed property.

07:53 20 Do I need to make that an exhibit?

21 MR. KEYT: Is that part of your normal report?

22 MS. ROBERTS: Not usually, no.

23 MR. KEYT: Okay.

24 MS. ROBERTS: Just the adjacent property

1 indicated.

2 MR. KEYT: What I would suggest is we mark that
3 as Letter From the Public Exhibit No. 1. And then for
4 your report to the County Zoning Board, I would suggest
07:53 5 that be marked as County Zoning Office Exhibit No. 1.

6 MS. ROBERTS: The only other item I have -- and
7 I'm not sure -- normally we would read all the factors.
8 Do I do that in this case?

9 MR. KEYT: You can, yes. I would suggest you do
07:53 10 your normal procedure.

11 MS. ROBERTS: That's our normal procedure, yes.

12 So I'm going to go ahead and read the
13 factors. In our solar siting ordinance that we just
14 adopted in this year, there are what is known as
07:54 15 hearing factors and then there's also our findings of
16 fact. So there will be two things that I'm indicating
17 here.

18 The hearing factors that is part of the
19 solar siting ordinance is the County Board may approve
07:54 20 a commercial solar energy facility special use permit
21 application if it finds the evidence complies with the
22 state and federal law and regulations, and with the
23 standards of this zoning code including the factors
24 listed. The factors are applied as a balancing test,

1 not individual requirements to be met.

2 So there's A through I, and I'll go
3 ahead and read them aloud as presented by staff. So
4 this is the staff draft finding.

07:54 5 The establishment, maintenance, or
6 operation of the commercial solar energy facility
7 will not be detrimental to or endanger the public
8 health, safety, morals, comfort, or general welfare.

9 The establishment, maintenance, or
07:55 10 operation of the commercial solar energy facility will
11 not be detrimental to or endanger the public health,
12 safety, morals, or comfort, welfare.

13 The proposed use is regulated by
14 Section 4.22.1 of the Zoning Ordinance which is the
07:55 15 Commercial Solar Energy Facility Siting and Operation
16 Ordinance. The provisions within the ordinance,
17 conditions of approval, and all other applicable codes
18 and ordinances will apply to the use. The operations,
19 installation, maintenance, establishment procedures,
07:55 20 and use are required to meet these provisions.

21 B. The commercial solar energy
22 facility will not be injurious to the uses and
23 enjoyment of other property in the immediate vicinity
24 for the purposes already permitted, nor substantially

1 diminish and impair property values of surrounding
2 properties.

3 Surrounding uses are agriculture in
4 nature. Setbacks, screening, and all other applicable
5 codes and ordinances apply to the use. The use will
6 not be injurious to the uses and enjoyment of other
7 property in the immediate vicinity for the purposes
8 already permitted, nor substantially diminish and
9 impair property values of surrounding properties.

07:56 10 C. The establishment of the commercial
11 solar energy facility will not impede the normal
12 or orderly development and improvement of the
13 surrounding properties.

14 The surrounding uses and zoning are
07:56 15 agriculture. The use will not impede the normal or
16 orderly development and improvement of the surrounding
17 properties. Adequate public utilities, access road,
18 drainage, and/or necessary facilities have been
19 or will be provided.

07:56 20 As part of the approval of the
21 application, interconnection to the electric grid is
22 required prior to building permitting. Drainage must
23 be accounted for as a condition of approval. Adequate
24 public utilities, access roads, drainage, and/or

1 necessary facilities have been or will be provided.

2 E. Adequate measures have been or will
3 be taken to provide ingress and egress so designed as
4 to minimize traffic congestion in the public streets.

07:57 5 Adequate measures have been taken to
6 provide ingress and egress. The access road is off of
7 Illinois Route 76. Minimal traffic is attributed to
8 the use. Any initial construction traffic is required
9 to meet all applicable codes and ordinances.

07:57 10 F. The proposed commercial solar
11 energy facility is not contrary to the objectives of
12 the current Comprehensive Plan of the County.

13 The Comprehensive Plan designates the
14 property and surrounding as future agriculture
07:57 15 preservation. The use is an established special use
16 within the A-1 Agriculture Conservation District and
17 Chapter 4, Environmental Sustainability: Protecting the
18 environment by promoting the use of alternative energy
19 sourced, and considering the natural environment.

07:57 20 G. The commercial solar energy
21 facility shall, in all other respects, conform to the
22 applicable regulations of this ordinance and the zoning
23 district in which it is located, except as such
24 regulations may, in each instance, be modified pursuant

1 to the recommendations of and approved by the County
2 Board.

3 The proposed use will and is required
4 to conform to the applicable regulations laid out
07:58 5 within the ordinance and the A-1 zoning district.

6 And H. To preserve prime agriculture
7 land for agricultural uses, the solar project site's
8 land evaluation score is 82 or lower.

9 The subject property LE score is not 82
07:58 10 or lower. The property has an LE score of 85.19.

11 And I. To protect sensitive aquifer
12 recharge areas within the county, the solar project
13 site is located where the aquifer recharge has minimal
14 impact, as determined by the relevant groundwater and
15 hydrogeologic studies and maps utilized by Boone
16 County.

17 The site has a KSAT rating of zero to
18 2.5. Minimal impact to the aquifer recharge area is
19 anticipated.

07:58 20 So those are the hearing factors that
21 are found in Section 4.22.13 of the solar siting
22 section of the specific uses in the solar ordinance.

23 Now I have the findings, so.

24 MR. KEYT: Understood. Are those -- what you

1 just read and the findings, are those separate from
2 your staff report that you provide?

3 MS. ROBERTS: Usually I have them within my staff
4 report.

07:59 5 MR. KEYT: Okay. If they're encompassed within
6 Exhibit 1, then we'll just leave it --

7 MS. ROBERTS: Well, this time I might have just
8 referenced them as see attached draft of findings.

9 MR. KEYT: I think that's fine. If it's --

07:59 10 MS. ROBERTS: Just checking.

11 MR. KEYT: If it's incorporated that way.

12 MS. ROBERTS: Okay.

13 MR. KEYT: So we'll leave it as incorporated in
14 Group Exhibit No. 1.

07:59 15 MS. ROBERTS: Okay. Then, findings of fact,
16 these are the typical findings of facts that are
17 established as a special use permit shall not be
18 granted unless the County Board finds the following
19 facts. So they all must be found, A through F.

07:59 20 A. The proposed structure or use at
21 the particular location requested is necessary or
22 desirable to provide a service or a facility which is
23 in the interest of the public and will contribute to
24 the general welfare of the neighborhood or community.

1 The proposed use will provide economic
2 benefits and reliable source of renewable energy to the
3 county and its inhabitants. The use is permitted
4 within the zoning district and in line with the
07:59 5 Comprehensive Plan.

6 B. The proposed structure or use will
7 not have a substantial adverse effect upon the adjacent
8 property, the character of the neighborhood, traffic
9 conditions, utility facilities, and other matters
10 affecting the public health, safety, and general
11 welfare.

12 Proposed special use is expected to
13 have minimal effects on the property or adjacent
14 property owners. The impacts are minimal to the land
15 and to the county. Glare and noise are not expected to
16 produce adverse effects, and conditions are in place to
17 mitigate any concerns.

18 C. The proposed structure or use will
19 be designed, arranged, and operated so as to permit the
08:00 20 development and use of neighboring property in
21 accordance with the applicable district regulation.

22 The proposed use is not anticipated to
23 have any effects or impede on surrounding development,
24 nor produce traffic. The use will be in conformance

1 with regulations placed on the use by the County.

2 D. Such other standards and criteria
3 are established by the ordinance for a special use as
4 set forth in Section 2.7.4 and as applied to planned
08:00 5 developments as set forth in Section 2.10
6 shall apply to the property for as long as the special
7 use permit is in effect.

8 And the special use would be required
9 to conform to all the applicable regulations and lot
08:01 10 development standards of the zoning district in which
11 it is located, specifically setbacks. In addition, it
12 must comply with any conditions of approval enacted by
13 the County Board. A set of proposed conditions are
14 included in the "Recommendations" section of this staff
08:01 15 report.

16 E. The special use shall in all other
17 respects conform to the applicable regulations of the
18 district in which it is located, except as such
19 regulations may in each instance be modified by the
08:01 20 County Board pursuant to the recommendations of the
21 Zoning Board of Appeals.

22 The proposed special use will be
23 subject to review by the appropriate county departments
24 including, but not limited to, building permits and

1 various departmental reviews as outlined by
2 the conditions.

3 And F. The potential public benefits
4 of the special use outweigh any potential adverse
5 impacts of the special use after taking into
6 consideration the Applicant's proposal and any
7 requirement recommended by the Applicant to ameliorate
8 such impacts.

9 The proposed special use is a
08:02 10 low-impact development opportunity on existing land and
11 surrounding areas. The use is expected to produce an
12 economic benefit to the county as well as renewable
13 energy, a goal in the County Comprehensive Plan.

14 So those are the summary of the factors
08:02 15 and the findings.

16 So staff is recommending -- staff finds
17 that the special use would be in line with the
18 Comprehensive Plan. Staff recommends the Zoning Board
19 of Appeals accept the findings of fact and recommend in
08:02 20 favor of the special use in the A-1 district for case
21 Special Use 23-2023, solar energy development, energy
22 facilities are greater with conditions, subject to the
23 18 conditions listed within the staff report dated
24 December 12th, as well as I will read those for --

1 MR. KEYT: Okay.

2 MS. ROBERTS: -- for everybody.

3 So the recommended conditions as
4 recommended by staff.

08:03 5 Condition No. 1. Special use approval
6 will expire 36 months from date of approval if the
7 Applicant fails to apply for a commercial solar energy
8 facility building permit and all other permits required
9 and/or fails to commence and actively pursue
08:03 10 construction of the project within the 36-month period.

11 2. Special use shall be in conformance
12 with the narrative, site plan, and submittals presented
13 in regards to fencing, height of panels, panel design,
14 and noise.

08:04 15 A. Noise levels are restricted from
16 the solar energy development in that no noise is
17 allowed which can be heard at a distance of greater
18 than 500 feet from any exterior property line of the
19 development. This noise restriction applies to
20 permanently-installed solar equipment and excludes
21 noise from routine maintenance, repair, and
22 construction.

23 3. A full site plan review will be
24 administered by the Boone County Staff and all

1 appropriate agencies. Review and approval shall occur
2 before building permits are issued.

3 There's A through G of Condition 3.

4 A. Solar panel equipment and
5 structures shall not exceed 20 feet in height when
6 oriented at maximum tilt. Excluded from this height
7 requirement are electric transmission lines and utility
8 poles. Additional structures on site shall not exceed
9 35 feet in height.

08:05 10 B. Systems equipment and structures
11 shall be fully enclosed and secured by a fence with a
12 minimum height of seven feet. Razor wire on fencing is
13 prohibited.

14 C. The landscaping plan is required
15 for review and approval, see Section 5.4 of the Boone
16 County Zoning Ordinance, prior to building permit
17 issuance. Any site buffer plantings shall be chosen
18 and installed where the root systems and plantings
19 would be easily removed as part of decommissioning.

08:05 20 D. Native vegetation plan is required
21 for review and approval by the Boone County
22 Conservation District prior to building permit
23 issuance. The landscape plan shall also incorporate
24 native grasses, flowers, plants which will provide

1 wildlife and pollinator habitat, soil erosion
2 protection and/or aid in strengthening the soil
3 structure in compliance with the Boone County
4 Conservation Landscape Plan and Vegetation Requirements
5 for Solar Farm Developments, a document within the
6 Boone County Conservation District oversight.

7 E. All fees related to administration
8 shall be paid to the Boone County Conservation District
9 for ongoing review and oversight by the agency.

08:06 10 F. An appropriate sign shall be
11 provided at the entrance to the facility and along the
12 perimeter to the solar energy development project. The
13 sign at the entrance to the facility shall include the
14 facility's 911 address and a 24-hour emergency contact
15 number.

16 And G. Setbacks shall be a minimum of
17 50 feet from the right-of-way, 50 feet from side yard
18 and rear yard, and 150 feet from the nearest dwelling
19 on a non-participating property.

08:06 20 4. Installation and design.

21 A. Qualified engineer shall certify
22 that the foundation and design of the solar panel is
23 within accepted professional standards, given local
24 soil and climate conditions.

1 B. All drainage tiles shall be
2 repaired or restored to same or better condition as
3 to when project began. There will be an inspection for
4 compliance by an independent inspector chosen by Boone
5 County Soil and Water Conservation District and paid
6 for by the owner/operator.

7 C. Electrical lines shall be inspected
8 before burial.

9 D. Individual arrays/solar panels
10 shall be designed and located in order to prevent
11 glare toward any residential dwellings on adjacent
12 properties as well as adjacent street rights-of-way.
13 Solar energy development components must have a UL
14 listing and must be designed with anti-reflective
15 coatings.

16 E. An on-site subsurface drain tile
17 investigation shall be completed by an agricultural
18 drain company with demonstrated experience with the
19 agricultural drain tile systems, installations, and
08:07 20 repairs. The drain tile survey map shall illustrate
21 locations where existing agricultural drain tiles enter
22 and exit the subject property, and must also call out
23 the diameters, direction of flow, the material,
24 observed percentage of flow, observed percentage of

1 silt, and observed tile condition at inspection
2 locations.

3 The drain tile map exhibit must be
4 completed as an overlay onto the existing and/or
08:07 5 proposed site topography mapping at one-foot intervals
6 using U.S.G.S. datum. The drain tile locations must be
7 surveyed and registered with the subject property's
8 boundary and also based on U.S.G.S. datum.

9 The agricultural drainage systems must
08:07 10 be protected prior to construction throughout the term
11 of the special use. If damaged, the agricultural
12 drainage system shall be repaired or restored to same
13 or better condition.

14 Copies of agricultural drainage maps
15 will be provided to the Boone County Planning
16 Department, the Boone County Soil and Water
17 Conservation District, Applicant, and contractors
18 working on-site.

19 5. Building permits. Applicant must
08:08 20 seek building permits with the following conditions.

21 5.1. Site plan with existing
22 conditions.

23 A. Existing property lines and
24 property lines extending 500 feet from the exterior

1 boundaries, including the names of adjacent property
2 owners and current use of those properties.

3 B. Existing public and private roads,
4 showing widths of the roads and any associated
08:08 5 easements.

6 C. Location and size of any existing
7 and abandoned wells and sewage treatment systems.

8 D. Existing buildings and any
9 impervious surface.

08:08 10 E. A contour map showing topography at
11 two-foot intervals. A contour map of surrounding
12 properties may also be required.

13 F. Existing vegetation (list type and
14 percent of coverage: cropland/plowed fields,
08:08 15 grassland, wooded areas, et cetera).

16 G. Waterways, watercourses, lakes, and
17 public water wetlands.

18 H. Any delineated wetland boundaries.

19 I. A copy of the current FEMA FIRM map
08:09 20 that shows the subject property. And the 100-year
21 flood elevation and any regulated flood protection
22 elevation, if available.

23 J. Floodway, flood fringe, and/or
24 general flood plain district boundary, if applicable

1 and not provided on the copy of the current FEMA FIRM
2 map.

3 K. Mapped soils according to the Boone
4 County Soil Survey.

08:09 5 L. Surface water drainage patterns.

6 M. The location of any subsurface
7 drainage tiles.

8 N. The location of any and all
9 utilities.

08:09 10 5.2. Site Plan, in substantial
11 conformance with application submittal and proposed
12 conditions.

13 A. Location, number, and spacing of
14 solar panels.

08:09 15 B. Location of access roads and access
16 points.

17 C. Planned location of underground or
18 overhead electrical lines connecting the solar energy
19 development to a building, substation, or other
08:09 20 electrical load.

21 D. New electrical equipment other than
22 at the existing building or substation that is to be
23 the connection point for the solar energy development.

24 E. Certified drawings of elevations of

1 the premises accurately depicting proposed solar energy
2 conversion systems.

3 F. Weed/grass control. Applicant must
4 present an acceptable weed control plan for property
08:10 5 inside and outside fenced area for entire property that
6 must be approved by the Boone County Conservation
7 District. Site must maintained to prevent fire hazards
8 and in compliance with state and federal environmental
9 regulations. No soil sterilant shall be permitted to
08:10 10 be used on the solar site.

11 5.3. Applicant shall provide wetland
12 delineation and determination of jurisdiction and
13 appropriate permits during final engineering review
14 before building permits may be issued.

08:10 15 6. Decommissioning plan.

16 A. Decommissioning plan shall be
17 required and fully executed prior to building permit
18 issuance as well as be in compliance with Ordinance
19 No. 23-16, Section 4.22, Solar Energy Systems Siting.

08:10 20 B. It is defined as a plan prepared by
21 a professional engineer, at the commercial solar energy
22 facility owner's expense.

23 C. Decommissioning of solar panels
24 must occur in the event they are not in use for 12

1 consecutive months. The operating company and/or
2 landowner has six months to complete the
3 decommissioning plan. If operating company or owner
4 does not complete the decommissioning plan within six
5 months, the project is deemed abandoned.

6 D. The Boone County Board has
7 authority by majority vote to extend the time frame to
8 complete repairs causing inoperability upon written
9 request outlining reasons why an extension is needed.
10 Request for extension must be received no later than 60
11 days prior to the anniversary date of the special use
12 permit.

13 E. Provisions for removal of all
14 structures, including equipment, fencing, and
08:11 15 methodology to manage any hazardous or special
16 materials, roads, foundations, restoration of soil and
17 vegetation conditions equivalent prior to construction.

18 F. A work schedule and a permit list
19 necessary to accomplish the required work.

08:11 20 G. A provision that allows the County
21 to have the legal right to transfer applicable solar
22 development material, if abandoned by the owner, to a
23 salvage firm.

24 6.1. Decommissioning plan shall

1 include: The estimated decommissioning cost, in
2 current dollars at the time of filing, for the
3 commercial solar energy development, taking into
4 account, among other things, as well as be in
5 compliance with Ordinance No. 23-16, Section 4.22,
6 Solar Energy Systems Siting.

7 A. The number of solar panels,
8 racking, and related commercial solar energy facilities
9 involved.

08:12 10 B. The original construction costs of
11 the commercial solar energy facility.

12 C. The size and capacity in megawatts
13 of the commercial solar energy facility.

14 D. The salvage value of the commercial
08:12 15 solar energy facility.

16 E. The construction method and
17 techniques for the solar facility and for other similar
18 commercial solar energy facilities, and a comprehensive
19 detailed description of how the commercial solar energy
20 facility owner plans to pay for the deconstruction of
21 the commercial solar energy facility.

22 F. Obtain bid specifications provided
23 by a professional structural engineer.

24 G. Request estimates from

1 construction/demolition companies capable of completing
2 the decommissioning of the solar development project;
3 the Boone County Engineer, an independent engineer of
4 the County's choosing, the Zoning Administrator, the
08:13 5 Zoning Enforcement Offices, and State's Attorney will
6 review all estimates and make a recommendation to the
7 Boone County Board for an acceptable estimate.

8 H. Boone County reserves the right to
9 pursue other estimates.

08:13 10 I. All costs to secure the estimates
11 will be funded by the solar development owner.

12 6.2. Financial assurance for
13 decommissioning. It shall be the responsibility of
14 owner/developer to maintain the financial assurance in
15 sufficient amounts at all times after the completion of
16 construction. Such responsibility to maintain the
17 financial assurance shall include, but not be limited
18 to, any necessary renewals or the issuance of new
19 financial assurance instruments. All financial
20 assurance shall be submitted to the Boone County
21 Building Department.

22 6.3. As used in these conditions,
23 "financial assurance" shall be defined as "a
24 reclamation or surety bond or other commercially

1 available financial assurance that is acceptable to the
2 County, with the County as beneficiary." The financial
3 assurance shall not release the surety from liability
4 until the financial assurance is replaced.

08:14 5 6.4. The owner/developer shall submit
6 financial assurance, as defined in Condition 5.3, to
7 cover the cost of decommissioning, as follows:

8 A. Prior to the issuance of a building
9 permit, the commercial solar energy facility owner
08:14 10 shall provide the County with financial assurance as
11 laid out in Ordinance 23-16, 4.22, Solar Energy Systems
12 Siting.

13 B. The County reserves the right to
14 require additional information or components to the
08:14 15 plan as the County deems necessary to ensure that an
16 adequate proposal is in place to decommission the
17 facility in its entirety and that adequate funds are
18 available.

19 6.5. The owner/developer shall inform
08:14 20 the County in writing of any proposed change in
21 ownership, leasehold, and/or management of the
22 property. Such notice will contain contact information
23 and written assurance that the conditions of the
24 special use permit will be met. Successor owners will

1 provide sufficient financial securities and assurance
2 to demonstrate responsibility for the decommissioning
3 plan.

4 7. Permit fees and costs. The
08:14 5 following remedial costs shall apply for solar
6 energy development permits:

7 A. Liability insurance. The owner or
8 operator of the solar project shall maintain a current
9 and general liability policy covering bodily injury and
08:14 10 property damage with limits of at least \$2 million per
11 occurrence and \$20 million in the aggregate.

12 The owner or operator of the solar
13 project shall maintain this policy for the lifetime of
14 the solar project and submit a copy of the same to the
08:15 15 Boone County Building Department at each renewal. The
16 County of Boone and its officials shall be
17 named as additional insureds.

18 If any section, clause, or provision of
19 this ordinance is declared unconstitutional or
20 otherwise invalid by a court of competent jurisdiction,
21 said declaration shall not affect the validity of the
22 remainder of the ordinance as a whole or any part
23 thereof, other than the part so declared to be
24 unconstitutional or invalid.

1 Indemnification. The owner and/or
2 operator of the solar project shall defend, indemnify,
3 and hold harmless the County of Boone and its officials
4 from and against any and all claims, demands, losses,
5 suites [sic], class of action, damages, injuries,
6 costs, expenses, and liabilities whatsoever, including
7 attorney's fees, without limitation arising out of the
8 acts or omissions of the owner and/or operator
9 associated with the construction and/or operator
10 associated with the construction and/or operation of
11 the solar project.

12 D. Public nuisance. Any solar project
13 declared to be unsafe by the Boone County Board by
14 reason of inadequate maintenance, dilapidation,
15 obsolescence, fire hazard, damage, or abandonment is
16 hereby declared a public nuisance and shall be abated
17 by repair, rehabilitation, demolition, or removal in
18 accordance with the procedure set forth in this
19 ordinance.

08:16 20 8. Submittal, review, and approval of
21 a stormwater plan in accordance with Article VIII,
22 Stormwater Protection, and NPDES permits of the Boone
23 County Code of Ordinances and the Boone County Regional
24 Stormwater Management Plan.

1 A. Impacts of stormwater runoff should
2 be considered with provisions for on-site detention
3 and/or a buffer strip to be placed after the most
4 downstream panels, as determined or required by
08:16 5 supporting calculations.

6 9. The special use shall be subject to
7 Applicant successfully obtaining and maintaining all
8 required local, state, and federal permits. Permits
9 may include, but are not limited to, Special Use
08:17 10 Permit, Natural Resource Information Report, County
11 Highway Right-of-Way Use Permit, Building Permits,
12 State Threatened and Endangered Species Clearance,
13 Cultural Resource Clearance, NPDES Stormwater
14 Construction Permit and Stormwater Pollution,
08:17 15 Section 404 Permit, Federal Threatened and Endangered
16 Species Clearance.

17 All original and reoccurring renewals
18 of permits required shall be provided to the Boone
19 County Planning and Building Departments within 30 days
08:17 20 receipt of the Applicant.

21 10. The following agreements shall be
22 made, fully executed and maintained as required for
23 the project:

24 A. Electrical Transmission

1 Interconnection Agreement.

2 B. Engineering, Procurement, and
3 Construction Agreement.

4 And C. AIMA, A-I-M-A.

08:17 5 11. Due to the nature of the
6 development, the typical 12-month timeline for the
7 establishment of a special use is extended to 36
8 months; however, the special use shall be null and void
9 if the Applicant fails to apply for a commercial solar
10 energy facility building permit and all other permits
11 required and/or fails to commence and actively pursue
12 construction of the project within the 36-month period.

13 12. The Boone County Board has
14 authority by majority vote to extend the time frame.
08:18 15 Requests for extensions must be received no later than
16 60 days prior to the 36-month date of the special use
17 permit.

18 13. Construction hours. Construction
19 hours shall be permitted Monday through Saturday
08:18 20 7:00 a.m. to 7:00 p.m. On Sundays and holidays,
21 construction is permitted from 9:00 a.m. to 6:00 p.m.

22 14. All responsibilities of the
23 Applicant under this special use permit shall transfer
24 to subsequent owners of the solar energy facility for

1 the duration of this special use permit.

2 15. This special use shall be in
3 effect for a maximum of 45 years from first operational
4 date.

08:18 5 16. The Applicant must obtain a survey
6 with the project area and deliver a copy to the Chief
7 County Assessment Office for the issuance of a parcel
8 number for the project.

9 17. Compliance with any and all other
08:18 10 regulations and requirements within Ordinance
11 No. 23-16, Chapter 4, Design Criteria for Specific
12 Uses, Section 4.22, Solar Energy Systems Siting.

13 And finally, 18. Compliance with all
14 other applicable codes, applicable local, state, and
08:19 15 federal laws, rules, and regulations.

16 MR. KEYT: Okay. I did not realize there were
17 subparts.

18 MR. SCHABACKER: Can we go over that again?

19 MR. KEYT: Yeah.

08:19 20 (Laughter.)

21 MR. KEYT: With that, does that conclude your
22 staff report?

23 MS. ROBERTS: Yeah, I think I did the findings
24 and the fact --

1 MR. KEYT: I think you did.

2 MS. ROBERTS: Yeah.

3 MR. KEYT: Are there any questions for staff by
4 members of the Zoning Board of Appeals?

08:19 5 MS. KRUMM: How did this go from 25 to 45 years?

6 MR. KEYT: Can I pause you there before you
7 answer?

8 MS. ROBERTS: Uh-huh.

9 MR. KEYT: So so far we've read from a report.
08:19 10 Before you answer that question, though, we need to
11 swear you in.

12 MS. ROBERTS: Sure.

13 THE REPORTER: Will you raise your right hand.

14 (Ms. Roberts sworn.)

08:20 15 MS. ROBERTS: Okay. Go ahead, Joan.

16 MS. KRUMM: Just how did we go from 25 to
17 45 years when we first started with this?

18 MS. ROBERTS: Oh, I can't -- I don't know the --
19 I don't know the progression of how many, the old solar
08:20 20 applications and how they --

21 MS. KRUMM: It's only been just -- not very long.
22 I mean, all of a sudden, it's 45, like an explosion.

23 MS. ROBERTS: (Indicating.)

24 MS. KRUMM: Okay. That's fine. If you don't

1 know, you don't know.

2 MS. ROBERTS: No, you know.

3 MR. KEYT: Okay. Any other questions of staff
4 from the Zoning Board of Appeals?

08:20 5 (No response.)

6 MR. KEYT: Okay. Seeing none. We will now move
7 on to the Applicant's case.

8 Before, though, Mr. Uphoff steps up
9 here, how many people are wishing to testify in the
08:20 10 matter either for the Applicant or opposed or even
11 neutral?

12 (Show of hands.)

13 MR. KEYT: We have a few here, looks like about
14 10.

08:21 15 Okay. So for efficiency' sake, let's
16 do this. I think we can swear in everybody at one
17 time.

18 Is there anybody that does not want to
19 be sworn and would prefer to be affirmed as opposed to
08:21 20 being sworn in?

21 (No response.)

22 MR. KEYT: Seeing none. I think we could have
23 everybody stand and take the oath at once, and we can
24 dispose of that.

1 (Audience members sworn.)

2 MR. KEYT: All right. With that, we can proceed
3 now to the Applicant's case.

4 Mr. Uphoff, do you have either an
08:21 5 opening statement, or do you prefer to just call a
6 witness to begin?

7 MR. UPHOFF: Brief opening, then we'll call
8 witnesses.

9 I didn't know whether we wanted to take
08:21 10 a break now before we started witnesses or what --

11 MR. KEYT: It's up to the Zoning Board.

12 Does the Zoning Board wish to take a
13 break?

14 MR. SCHABACKER: I'd like to.

08:22 15 MR. KEYT: Okay. So why don't we take five
16 minutes. We'll come back at 8:30. We'll be in recess
17 until then.

18 (Recess taken.)

19 MR. KEYT: All right. In the order of process
08:28 20 here, the Applicant goes first.

21 Mr. Uphoff, do you have some brief --
22 by "brief," I mean very brief -- opening comment?

23 MR. UPHOFF: Yes. Thank you.

24 First of all, my name is Seth Uphoff,

1 and I'm the representative here with the team from
2 Trajectory Energy Partners. I'm from Peoria, Illinois.
3 I'm here with the team tonight to help go through this
4 process.

08:29 5 We're going to try to, as best as
6 possible, provide you an orderly description of this
7 project and why we believe it meets all the elements
8 required by your code. We'll try to get through it as
9 expeditiously as possible. Please keep in mind,
08:29 10 though, that this is our one opportunity to make our
11 record; so we do want to make sure that we get as much
12 information into the record as is necessary so that you
13 can make an informed decision and then the County Board
14 also has the opportunity to review that same record.

08:29 15 There are several witnesses that I'll
16 be calling tonight. The first is Mack Gapinski. He's
17 a project developer. He's going to come up and
18 testify.

19 We're also going to have testimony from
08:29 20 Justin Button who's going to provide some expert
21 testimony.

22 We'll have testimony from Brian Swanson
23 and Sam Manos, who are both union members here in the
24 area and are going to testify about the impact this

1 project can have.

2 And then we're going to have testimony
3 from Rudy Dixon, who is going to provide some expert
4 testimony as to drainage and erosion issues.

08:30 5 We also have Molly Snittjer who is here
6 with Trajectory Energy Partners and can answer any
7 questions depending on the particular topics we'll get
8 into.

9 And then Jon Carson is also here. He
08:30 10 is one of the founding members of Trajectory Energy
11 Partners.

12 So with that, we'll start with
13 testimony from Mack Gapinski, and I'll call him up now.

14 MR. GAPINSKI: Can you hear me okay?

08:30 15 MR. KEYT: Mr. Gapinski, you state and spell your
16 name for the court reporter, please?

17 MR. GAPINSKI: Yes. First name Mack, M-A-C-K,
18 last name Gapinski, G-A-P-I-N-S-K-I.

19 MR. KEYT: And your microphone is a little bit of
08:30 20 a distance from you.

21 MR. GAPINSKI: Is that better?

22 MR. KEYT: Yeah, there you go.

23 MR. GAPINSKI: I have two volumes. It's either
24 way too loud or you can barely hear me.

1 MR. KEYT: That's fine.

2 MR. GAPINSKI: So please raise your hand if you
3 can't hear me.

4 MR. KEYT: Can you also give your address,
08:30 5 please? Business address or home address, either one
6 is fine.

7 MR. GAPINSKI: 7695 Bittersweet Court, Middleton,
8 Wisconsin.

9 MR. KEYT: Okay. You can proceed, sir.

08:31 10 MR. GAPINSKI: Wonderful.

11 Well, first of all, thank you all for
12 your time tonight. As Seth mentioned, we'll try to
13 keep this as brief as we can.

14 My name is Mack Gapinski, the Northern
08:31 15 Illinois Project Development Manager with Trajectory
16 Energy Partners. I'm looking forward to telling you a
17 bit more about Trajectory and our project tonight.

18 MR. UPHOFF: And, Mack, to that point, can you
19 tell us a little bit about Trajectory Energy?

08:31 20 MR. GAPINSKI: Yeah, absolutely. So we were
21 founded in 2017. We have about 32 employees now.
22 We're focused on developing community solar projects
23 all over the state of Illinois and being good neighbors
24 and community members in the communities that we do

1 business in.

2 MR. UPHOFF: And Trajectory Energy Partners,
3 that's an Illinois-based firm; is that correct?

4 MR. GAPINSKI: Yes.

08:31 5 MR. UPHOFF: And your projects that you're
6 providing -- and I guess I should check, do you have a
7 clicker for us to be able to go through, or do you need
8 us to tell you when we're changing slides?

9 MS. ROBERTS: (Indicating.)

08:32 10 MR. UPHOFF: Okay. So if we could go to the next
11 slide, and this was what Mack was just describing in
12 terms of some information about Trajectory Energy
13 Partners.

14 Next slide, please.

08:32 15 And, Mack, this project is a community
16 solar project; is that correct?

17 MR. GAPINSKI: Correct.

18 MR. UPHOFF: And can you tell us, just briefly,
19 what community solar projects do and the benefits they
08:32 20 can provide to subscribers?

21 MR. GAPINSKI: Yeah. So the main benefit of the
22 community solar project is so Boone County residents
23 can actually virtually subscribe to a portion of the
24 output of the system and receive a guaranteed discount

1 on their electricity bills.

2 MR. UPHOFF: And in order to do that, they would
3 just need to be a ComEd subscriber; is that correct?

4 MR. GAPINSKI: Correct.

08:32 5 MR. UPHOFF: And something that is unique to
6 community solar is that, per statute, any power that's
7 created stays within the state of Illinois; is that
8 correct?

9 MR. GAPINSKI: Correct.

08:32 10 MR. UPHOFF: Okay. Next slide, please.

11 And so the project is going to be sited
12 here in Boone County. Can you tell us a little bit
13 about the location?

14 MR. GAPINSKI: Yep, absolutely. So it's on the
08:33 15 southwest corner of North Boone School Road and 76,
16 just northwest of Poplar Grove.

17 MR. UPHOFF: All right. And this is on a 40-acre
18 parcel; is that correct?

19 MR. GAPINSKI: Correct.

08:33 20 MR. UPHOFF: And it's a 2-megawatt facility; is
21 that right?

22 MR. GAPINSKI: Correct.

23 MR. UPHOFF: So because it's a little smaller
24 facility, it will only be using 21 acres of that

1 40-acre parcel; is that right?

2 MR. GAPINSKI: That's correct.

3 MR. UPHOFF: And the project is sort of tucked
4 into the southwest corner of this 40-acre parcel; is
08:33 5 that right?

6 MR. GAPINSKI: Yes, that's correct.

7 MR. UPHOFF: We'll get to that more here in a
8 minute.

9 Can we go to the next slide, please?

08:33 10 This is a callout here on this slide
11 showing approximately where this project is located; is
12 that right?

13 MR. GAPINSKI: Yes.

14 MR. UPHOFF: Next slide, please.

08:33 15 And this is a slide showing sort of the
16 project overlay on the parcel map; is that accurate?

17 MR. GAPINSKI: Yep.

18 MR. UPHOFF: And I want to start off with a
19 couple of things just as a point of clarification.

08:34 20 Earlier it was mentioned that the
21 panels would run east and west, but, in fact, the
22 design calls for them to run north and south; is that
23 right?

24 MR. GAPINSKI: Yes, that's correct.

1 MR. UPHOFF: And there are some neighboring
2 properties, residential properties, one that's to the
3 south of the project; right?

4 MR. GAPINSKI: Yes, that's correct.

08:34 5 MR. UPHOFF: And that project is over 500 feet
6 from the fence line -- or that residence, excuse me, is
7 over 500 feet from the fence line; is that correct?

8 MR. GAPINSKI: Correct.

9 MR. UPHOFF: And then there's some residential
08:34 10 properties up to the north and northeast of the
11 project, and those are well in excess of 500 feet from
12 the project --

13 MR. GAPINSKI: Yes.

14 MR. UPHOFF: -- is that accurate?

08:34 15 And we'll get to more of those setbacks
16 later, but some of those properties to the north are
17 probably greater or are greater than 1,000 feet; is
18 that right?

19 MR. GAPINSKI: Yes.

08:34 20 MR. UPHOFF: Now, in relation to this
21 construction plan, can you tell us a little bit about
22 how these projects are typically constructed?

23 MR. GAPINSKI: Yes. So typically it involves the
24 driving of steel posts, and then on top of the post is

1 a mounting system that houses the panels which will
2 track east-west over the course of a day with the sun.

3 MR. UPHOFF: And so that tracker system sort of
4 acts a little bit like a sunflower; right? At the
08:35 5 beginning of the day, the panels would be pointed
6 towards the east, in the middle of the day, they'll be
7 leveled out, and then in the evening, they'll be aimed
8 towards the west; is that right?

9 MR. GAPINSKI: Yes, that's correct.

08:35 10 MR. UPHOFF: And then it'll reset and start that
11 process over again in the morning?

12 MR. GAPINSKI: Correct.

13 MR. UPHOFF: And in order to get these projects
14 installed, do you need a lot of heavy equipment on the
08:35 15 property?

16 MR. GAPINSKI: No.

17 MR. UPHOFF: All right. So would it be fair to
18 say that the -- about the heaviest equipment that you
19 use would be a skid steer loader?

08:35 20 MR. GAPINSKI: Yes.

21 MR. UPHOFF: And then once these -- the steel
22 posts are put in and the panels are put on, then all
23 the wiring is connected; is that right?

24 MR. GAPINSKI: Yes.

1 MR. UPHOFF: Runs to some inverters and then a
2 transformer; is that right?

3 MR. GAPINSKI: Correct.

4 MR. UPHOFF: And then eventually that will
08:36 5 connect to the power lines that run along Illinois
6 Route 76; is that correct?

7 MR. GAPINSKI: Yes, that's correct.

8 MR. UPHOFF: And so on the slide that we're
9 looking at here, towards the bottom of the site plan,
08:36 10 there's a darker area that runs to the east to Illinois
11 State 76. That would be an access road; is that
12 correct?

13 MR. GAPINSKI: Yep, that's correct.

14 MR. UPHOFF: And then at the end of that access
08:36 15 road where it meets 76, that's where there would be a
16 point of interconnection, where the project connects to
17 the current existing power lines there; right?

18 MR. GAPINSKI: Yes.

19 MR. UPHOFF: And so that point of interconnection
08:36 20 is one of the key matters that you use in siting these
21 projects; is that accurate?

22 MR. GAPINSKI: Yes.

23 MR. UPHOFF: Now, in order to get all of this
24 equipment onto the site, are there special heavy trucks

1 or anything like that that's needed?

2 MR. GAPINSKI: Yes.

3 MR. UPHOFF: All right. Would those trucks meet
4 all IDOT -- and when I say "heavy trucks," I guess I
08:36 5 should say semis; right? Semis or some gravels trucks.
6 Would that be fair to say?

7 MR. GAPINSKI: Yes.

8 MR. UPHOFF: Would that meet all of the IDOT
9 weight limits that are required for all the roads?

08:37 10 MR. GAPINSKI: Yes, that's correct.

11 MR. UPHOFF: And would it be the intention per
12 the ordinance that before a building permit is taken
13 out that there would be a road use agreement that was
14 created to address any potential road issues that may
08:37 15 come up?

16 MR. GAPINSKI: Correct.

17 MR. UPHOFF: When the construction is ongoing,
18 there would be, you know, obviously construction
19 workers that are going to the site. They would be
08:37 20 bringing their personal vehicles to that site; is that
21 right?

22 MR. GAPINSKI: Yes, that's correct.

23 MR. UPHOFF: But all parking of those personal
24 vehicles would be on the subject property. They

1 wouldn't be parking along the state road or anything
2 like that; is that right?

3 MR. GAPINSKI: Correct.

4 MR. UPHOFF: And in terms of the labor that
08:37 5 you're going to be using, is this going to be a union
6 labor project?

7 MR. GAPINSKI: It will be, yes.

8 MR. UPHOFF: And what's the typical construction
9 period for a project like this?

08:37 10 MR. GAPINSKI: Typically nine to 12 months.

11 MR. UPHOFF: So that during that nine to
12 12 months, that's when there would be the greatest
13 amount of traffic, but even that traffic is just going
14 to be the workers arriving in the morning and then
08:37 15 leaving in the evening; is that right?

16 MR. GAPINSKI: Yes.

17 MR. UPHOFF: Once the project is up and going,
18 would it be fair to say that there's extremely limited
19 traffic to and from the site throughout the year?

08:38 20 MR. GAPINSKI: Yes.

21 MR. UPHOFF: It would just be limited visits for
22 maintenance and operational issues there; is that
23 right?

24 MR. GAPINSKI: Yes.

1 MR. UPHOFF: Next slide, please.

2 Actually, before you change that slide,
3 if you wouldn't mind changing back.

4 One thing I forgot to ask here in terms
08:38 5 of this site plan, there's a green line that runs along
6 the east side of the proposed project here; and is that
7 to denote a vegetative screening buffer?

8 MR. GAPINSKI: Yes.

9 MR. UPHOFF: All right. And we'll touch on that
08:38 10 more, but I wanted to be sure to point that out.

11 Next slide, please.

12 So when we start talking about setbacks
13 and screening, there are minimum setbacks that are
14 required both by state statute and the Boone County
08:38 15 ordinance; correct?

16 MR. GAPINSKI: Yes.

17 MR. UPHOFF: And does this project plan meet all
18 of those minimum standards?

19 MR. GAPINSKI: It does.

08:38 20 MR. UPHOFF: And, in fact, for example, the
21 distance from this project to the road, is that around
22 or greater than 500 feet?

23 MR. GAPINSKI: It is.

24 MR. UPHOFF: But the minimum requirement from the

1 setback from the road would be only 50 feet; is that
2 right?

3 MR. GAPINSKI: Yes.

4 MR. UPHOFF: So this is 10 times that setback?

08:39 5 MR. GAPINSKI: Yes.

6 MR. UPHOFF: And the setbacks that would be
7 required from any occupied residences that were not
8 part of the project would be 150 feet; is that correct?

9 MR. GAPINSKI: Yes.

08:39 10 MR. UPHOFF: And here, we mentioned earlier that
11 it's over 500 feet to the nearest residential property;
12 is that right?

13 MR. GAPINSKI: Correct.

14 MR. UPHOFF: So, again, multiple times greater
08:39 15 than what's required under the ordinance?

16 MR. GAPINSKI: Yes.

17 MR. UPHOFF: Now, as I was mentioning on the last
18 slide, there's going to be a line of vegetative
19 screening that's proposed along the east side that
08:39 20 would help shield this project from traffic that's
21 passing along interstate -- or not interstate, excuse
22 me, State Route 76, the north and southbound traffic
23 there; is that correct?

24 MR. GAPINSKI: Yes.

1 MR. UPHOFF: And in order to set up that
2 vegetative screening, there's some requirements that
3 you would be working with the Boone County Conservation
4 District; is that right?

08:40 5 MR. GAPINSKI: Yes.

6 MR. UPHOFF: And that screening would help
7 throughout the year. But for the normal crop year,
8 there's going to be 500 feet of crops between this
9 project and the roadway during the normal growing
08:40 10 season; right?

11 MR. GAPINSKI: Correct.

12 MR. UPHOFF: Next slide, please.

13 So when we get into fencing, which is
14 on this slide, can you tell us a little bit about the
08:40 15 type of fencing that would be put in place?

16 MR. GAPINSKI: Yes. We proposed an agricultural
17 style fence. As you can see, we believe it meshes well
18 with the landscape and is aesthetically pleasing.

19 MR. UPHOFF: Now, this photo that's shown up
08:40 20 here, is this from a project that's in the area?

21 MR. GAPINSKI: Yes.

22 MR. UPHOFF: And approximately where is that
23 project located?

24 MR. GAPINSKI: Southwest.

1 MR. UPHOFF: And is it in Boone County?

2 MR. GAPINSKI: Yes.

3 MR. UPHOFF: Okay. And I should say, for the
4 members of the Board, obviously we've got the screen up
08:41 5 there, but a packet folder was provided earlier. And
6 if you look on the right-hand side of that folder,
7 you'll find a printout of all of these slides that
8 we're going through. So if easier, you could look at
9 those slides or you can look at the screen.

08:41 10 I'm sorry I didn't mention that sooner.
11 I should have pointed that out.

12 So, Mack, coming back to the fencing
13 here, there would be some requirements in terms of the
14 height of that fence. There's seven feet that's
08:41 15 required by the National Electric Code and the
16 ordinance; is that correct?

17 MR. GAPINSKI: Yes.

18 MR. UPHOFF: And then for emergency purposes or
19 for entry onto the property, there would be some
08:41 20 KnoxBoxes that are placed at the -- and there's going
21 to be essentially one entrance to this project;
22 correct?

23 MR. GAPINSKI: Correct.

24 MR. UPHOFF: So if somebody needed to make entry,

1 they'd drive down that gravel road and then there would
2 be a KnoxBox where they can obtain keys to be able to
3 enter if there was an emergency?

4 MR. GAPINSKI: Yes.

08:42 5 MR. UPHOFF: So that information would then be
6 provided to the emergency personnel, fire departments,
7 sheriff departments and the like, here in Boone County?

8 MR. GAPINSKI: Correct.

9 MR. UPHOFF: There would also be 24/7
08:42 10 representatives available from the operators of this
11 project in the event that there was any emergency?

12 MR. GAPINSKI: Yes.

13 MR. UPHOFF: Would there also be signage around
14 the area, both warning signs and, for example, 911
08:42 15 signage along the road?

16 MR. GAPINSKI: Yes.

17 MR. UPHOFF: And all of the signage requirements
18 of the ordinance then would be complied with?

19 MR. GAPINSKI: Correct.

08:42 20 MR. UPHOFF: Next slide, please.

21 So this is a slide about
22 pollinator-friendly solar. Can you tell us a little
23 bit about what that means?

24 MR. GAPINSKI: Yeah. So pollinator-friendly

1 solar, it's a low-maintenance pollinator-friendly
2 habitat, as the name suggests, and helps reduce erosion
3 and promote pollinator habitat.

4 MR. UPHOFF: And the pollinators are also, you
08:43 5 know, obviously good for a lot of things, and
6 pollinators -- maybe you're not aware of this.

7 Are you aware that pollinators also
8 assist with soybean populations and how soybeans are
9 raised?

08:43 10 MR. GAPINSKI: Yes.

11 MR. UPHOFF: All right. If we could go to the
12 next slide, please.

13 So here again we've got a slide that's
14 talking about screening. And would this be in relation
08:43 15 to the vegetative screening that would run along the
16 east side of the proposed project?

17 MR. GAPINSKI: Yes.

18 MR. UPHOFF: And, again, you indicated before, I
19 believe, that you would be working with the Boone
08:43 20 County Conservation District to come up with a plan of
21 the appropriate types of native plants that would be
22 planted along there?

23 MR. GAPINSKI: Yes, that's correct.

24 MR. UPHOFF: And that would be the goal is to use

1 native Illinois plantings?

2 MR. GAPINSKI: Yes.

3 MR. UPHOFF: Next slide, please.

4 So, Mack, this slide is in relation to
08:44 5 decommissioning. And what can you tell us about the
6 decommissioning process for this project?

7 MR. GAPINSKI: Yes. So decommissioning is an
8 agreement we enter into with the Illinois Department of
9 Agriculture -- or excuse me, we have entered into,
08:44 10 essentially requiring that decommissioning the system
11 must be completed within one year of the end of its
12 useful life.

13 In addition, we place down a bond with
14 the authority having jurisdiction, in this case, the
08:44 15 County, that ensures there's adequate funds available
16 to decommission the system when it is time.

17 MR. UPHOFF: And decommissioning is required not
18 only under the ordinance but by state law; correct?

19 MR. GAPINSKI: Correct.

08:44 20 MR. UPHOFF: And that agreement that you were
21 referencing, that's the Agricultural Impact Mitigation
22 Agreement?

23 MR. GAPINSKI: Yes.

24 MR. UPHOFF: And is that often referred to as an

1 AIMA?

2 MR. GAPINSKI: It is.

3 MR. UPHOFF: And so the AIMA has a lot of
4 requirements that ensure the land is returned to the
08:44 5 state that it's in before the project is even started;
6 is that right?

7 MR. GAPINSKI: Yes.

8 MR. UPHOFF: And when you're talking about
9 decommissioning, you're going in and essentially doing
08:44 10 the reverse of the installation that we talked about.
11 You're going to be taking off the panels, you're going
12 to be pulling those steel posts out of the ground,
13 you're going to be removing the fence and turning the
14 land back into the state that it was before; is that
08:45 15 right?

16 MR. GAPINSKI: Yes.

17 MR. UPHOFF: Sometimes this is referred to as a
18 "leave no trace behind" type of process. Is that a
19 good way of describing decommissioning?

08:45 20 MR. GAPINSKI: I would say, yes.

21 MR. UPHOFF: If we could go to the next slide.

22 And here there's a little bit more
23 information about the AIMA that you were referencing
24 before; is that correct?

1 MR. GAPINSKI: Yes.

2 MR. UPHOFF: And, again, it has those
3 requirements that once this project is done with its
4 useful life that you have an opportunity then to go in
08:45 5 and decommission and that that decommissioning is
6 secured by a bond with the County; is that right?

7 MR. GAPINSKI: Correct.

8 MR. UPHOFF: So, again, that's providing
9 protections both for the land itself but also for the
08:45 10 landowner and the County?

11 MR. GAPINSKI: Yes.

12 MR. UPHOFF: Next slide, please.

13 So the slide here is "Why is this
14 project located here?"

08:46 15 So, Mack, can you tell us why there's a
16 project being located in this particular area?

17 MR. GAPINSKI: Yes. It's a frequent question we
18 get.

19 Obviously there's a lot of available
08:46 20 land in Illinois, so requirement number one is open
21 land that's suitable for solar development. But more
22 importantly, there's the requisite electrical
23 infrastructure capable of supporting a solar system.

24 MR. UPHOFF: So you have to have a spot to get

1 onto the electrical grid; is that right?

2 MR. GAPINSKI: Yes.

3 MR. UPHOFF: And that's that point of
4 interconnection that we talked about before?

08:46 5 MR. GAPINSKI: Correct.

6 MR. UPHOFF: And so there is apparently a power
7 line that runs along north and south there with State
8 Route 76 that is suitable for this type of development?

9 MR. GAPINSKI: Yes.

08:46 10 MR. UPHOFF: Can we go to the next slide, please?

11 And is this slide talking about that
12 particular line that runs along there?

13 MR. GAPINSKI: It is.

14 MR. UPHOFF: And what can you tell us just
08:46 15 generally about the type of line that's required and
16 why this location works out well?

17 MR. GAPINSKI: So this project will feed into a
18 12-kV line which feeds into a longer 34-kV line.
19 You'll see a little bit more of it on the next slide;
08:47 20 but basically you need three components: One, the
21 lines need to have -- or both lines need to have
22 capacity; and then in addition, the substation that it
23 leads back to needs to have available capacity as well.
24 So even though a project might have lines next to it,

1 it doesn't necessarily mean that it's going to be
2 capable of supporting a project.

3 MR. UPHOFF: So is this a picture of the
4 substation that would be involved in this particular
08:47 5 line?

6 MR. GAPINSKI: Yes.

7 MR. UPHOFF: And so, again, just for
8 clarification, you have to have space -- essentially
9 space or capacity on the line and capacity at the
08:47 10 substation in order for a project like this to even be
11 considered?

12 MR. GAPINSKI: Correct.

13 MR. UPHOFF: So would it be safe to say that
14 there are lines and substations throughout the state
08:47 15 where there is not enough capacity for a project to be
16 put on that line?

17 MR. GAPINSKI: Many, yes.

18 MR. UPHOFF: So really, trying to site these
19 projects, that's a key focus and probably a starting
08:48 20 point, trying to find lines where there's capacity and
21 then finding land that attaches to those lines?

22 MR. GAPINSKI: That is correct.

23 MR. UPHOFF: And if we could go to the next
24 slide, please.

1 So it's a little hard to see from
2 across the room here; but this has a red line running
3 on this photo, this aerial photo, going from south to
4 north or north to south, whichever way you want to look
08:48 5 at it, and then it eventually veers over to the
6 northeast; is that accurate?

7 MR. GAPINSKI: Yes.

8 MR. UPHOFF: And is this the three -- or 34.5-kV
9 line that you were referencing?

08:48 10 MR. GAPINSKI: It is.

11 MR. UPHOFF: And is kV short for kilovolt?

12 MR. GAPINSKI: Yes.

13 MR. UPHOFF: So this is a higher level line,
14 obviously, than the 12.5 line that you were talking
08:48 15 about?

16 MR. GAPINSKI: That's correct.

17 MR. UPHOFF: So this is a more significant line
18 that runs along; and then other lines, like the 12.5
19 you were talking about, feed onto that line?

08:48 20 MR. GAPINSKI: Yes.

21 MR. UPHOFF: So in order for there to be capacity
22 for these types of projects, not only does that 12.5
23 line have to have room or capacity, but this more major
24 corridor has to also have capacity; is that right?

1 MR. GAPINSKI: That's correct.

2 MR. UPHOFF: So you're looking for capacity on
3 both of those lines in addition to the substation?

4 MR. GAPINSKI: Yes.

08:49 5 MR. UPHOFF: And as it relates to this particular
6 line, I know oftentimes there are questions about how
7 much capacity may still be on a line.

8 Do you have some information about how
9 much capacity is left on that line?

08:49 10 MR. GAPINSKI: Yeah. So in terms of capacity
11 that's left, so right now there's 6 megawatts
12 constructed on the line, 13 megawatts in the queue, and
13 then we estimate 34-kV lines can utilize a total of
14 roughly 30 megawatts. So, again, about 19 of that 30
08:49 15 is already used up, so that leaves roughly 11 megawatts
16 left.

17 MR. UPHOFF: So there's not a lot of capacity
18 still left on that line; is that correct?

19 MR. GAPINSKI: Correct.

08:49 20 MR. UPHOFF: And on this slide, you also have
21 some rough acreages that relate to those megawatts. Is
22 that because you can generally count about a certain
23 number of acres per megawatt?

24 MR. GAPINSKI: That's correct.

1 MR. UPHOFF: So, really, it looks like there
2 would be less than 100 acres of capacity, so to speak,
3 left on this line; is that right?

4 MR. GAPINSKI: Yes.

08:50 5 MR. UPHOFF: And that covers for that entire area
6 of where that red corridor runs through this map; is
7 that right?

8 MR. GAPINSKI: That entire roughly 14-mile line,
9 yes.

08:50 10 MR. UPHOFF: So would it be pretty fair to say
11 that there's only a limited amount left that could be
12 developed in this particular area?

13 MR. GAPINSKI: Yes.

14 MR. UPHOFF: Next slide, please.

08:50 15 So this is a slide that pulls
16 information from the United States Department of
17 Agricultural Census about the ag land in Boone County;
18 is that right?

19 MR. GAPINSKI: Yes.

08:50 20 MR. UPHOFF: And it indicates that as of 2017,
21 which is the last survey that was -- or census that was
22 conducted, that there's approximately 113,500 acres of
23 farmland in Boone County. Is that what it states?

24 MR. GAPINSKI: That's correct.

1 MR. UPHOFF: And this project you indicated was
2 only going to be utilizing 21 acres; is that right?

3 MR. GAPINSKI: Yes.

4 MR. UPHOFF: So if we can go to the next slide,
08:51 5 please.

6 Is this a graph depicting the amount of
7 acreage that would be used up by this project as
8 compared to the total amount of acres available in
9 Boone County?

08:51 10 MR. GAPINSKI: It is.

11 MR. UPHOFF: And so if you use those numbers that
12 are on that chart, it means that there's less
13 than .02 percent of Boone County farmland that would be
14 taken out of production by this particular project; is
08:51 15 that right?

16 MR. GAPINSKI: Correct.

17 MR. UPHOFF: And even if you were to round down
18 the total acres, let's just say to 100,000, which would
19 be a big departure downward, you still would be taking
08:51 20 out just over .02 percent of the total farm acres in
21 Boone County; is that right?

22 MR. GAPINSKI: Temporarily taking out, yes.

23 MR. UPHOFF: And that's a good point. This is
24 temporary; is that correct?

1 MR. GAPINSKI: Yes.

2 MR. UPHOFF: And that's because this is not an
3 indefinite lease; is that accurate?

4 MR. GAPINSKI: Correct.

08:52 5 MR. UPHOFF: And there was some questions before
6 about the life of the lease.

7 Does it start with a 35-year lease in
8 this particular scenario?

9 MR. GAPINSKI: Yes, it does.

08:52 10 MR. UPHOFF: And then are there two five-year
11 options which could add on an additional 10 years?

12 MR. GAPINSKI: There are.

13 MR. UPHOFF: So it starts off as a 35-year lease;
14 but if those options are utilized, then it could become
08:52 15 a 45-year lease?

16 MR. GAPINSKI: Correct.

17 MR. UPHOFF: But then at that point, if the
18 landowner opts not to renew the lease, the project will
19 be removed and the ground will be returned back to the
08:52 20 state that it is now; is that right?

21 MR. GAPINSKI: That's correct.

22 MR. UPHOFF: And so even if you take temporarily
23 that amount of land out of production, Boone County
24 would still have over 99.98 percent of its farmland

1 available?

2 MR. GAPINSKI: Correct.

3 MR. UPHOFF: Okay. Next slide, please.

4 So one of the significant things that
08:52 5 Trajectory does is engage in community outreach and
6 engagement.

7 Can you tell us about the community
8 outreach that you did in relation to this project?

9 MR. GAPINSKI: Yeah, absolutely.

08:53 10 So we did several neighbor mailings, as
11 you can see, including one with certified mail; and I
12 left it on the table there, but I have the receipts
13 from the certified mail with me, if there's interest.

14 In addition to sending out our own
08:53 15 mailers, we also held an open house at the Ida Public
16 Library on November 9th. We did have several neighbors
17 who attended and asked questions.

18 On top of that, we did two door
19 knockings for the adjacent neighbors and had the
08:53 20 opportunity to connect with three of the neighbors in
21 person. One of them was aware of the project but
22 didn't have any questions. The other neighbor was
23 aware of the project, didn't have any questions, and
24 stated she was very thankful that somebody was going

1 around and door knocking and being made available. And
2 then the final neighbor that we spoke with was the
3 residence directly to the south of the system who was
4 strongly in support of the project and didn't have any
08:54 5 concerns.

6 MR. UPHOFF: And so that neighbor I think was one
7 we were referencing before. That's the closest
8 neighbor to the project, the one to the south?

9 MR. GAPINSKI: Correct.

08:54 10 MR. UPHOFF: And you indicated that they were
11 actually supportive of the project?

12 MR. GAPINSKI: Yes.

13 MR. UPHOFF: And then did you also make contact
14 with some other agencies --

08:54 15 MR. GAPINSKI: Yes.

16 MR. UPHOFF: -- or community leaders, I guess is
17 how you've got it phrased here on the screen; is that
18 right?

19 MR. GAPINSKI: Yep, that's correct.

08:54 20 MR. UPHOFF: And describe for me who it was that
21 you met with and how that went?

22 MR. GAPINSKI: So we met with the North Boone
23 Fire Protection District, conducted a tour of our
24 Poplar Grove project that we developed. It was a

1 Tuesday evening. It was pretty cold. We had over 20
2 people who were in attendance to conduct the training
3 and the tour, with the follow-up being that they were
4 satisfied with the training and didn't have any further
08:55 5 questions of Trajectory.

6 MR. UPHOFF: So this was another nearby project
7 that Trajectory has already developed and completed?

8 MR. GAPINSKI: That's correct.

9 MR. UPHOFF: So you took the firefighters out
08:55 10 there and went through an educational and training
11 session with them?

12 MR. GAPINSKI: Yes.

13 MR. UPHOFF: Next slide, please.

14 So, Mack, tell us a little bit about
08:55 15 the benefits that this project can bring to Boone
16 County.

17 MR. GAPINSKI: Yeah, absolutely.

18 So number one, the significant economic
19 investment associated with the system with a roughly
08:55 20 raw project cost of around 5 million with over
21 60 percent of that going to labor. As we mentioned
22 before, we do plan on utilizing local union labor.

23 In addition, there's going to be an
24 increase to the property tax assessment; so typically

1 that's to the tune of 20 times more than if it would
2 have remained as farmland.

3 Then third, over the course -- excuse
4 me. Each year with residents subscribing to the
08:56 5 system, we anticipate they'll save just shy of \$40,000
6 annually, again, if they subscribe to the solar, off
7 their electricity bill.

8 MR. UPHOFF: And we touched on this just a little
9 bit earlier, but this provides ComEd users to be able
08:56 10 to have a subscription that provides a discount off of
11 their utilities bills if they're a subscriber; correct?

12 MR. GAPINSKI: Correct.

13 MR. UPHOFF: And so these are the estimated
14 savings you see for the regular ComEd-using citizens
08:56 15 here in Boone County?

16 MR. GAPINSKI: Yes.

17 MR. UPHOFF: And in addition to the benefits,
18 economic benefits that you've talked about, there's
19 also some environmental benefits to the area, and those
08:56 20 are listed here at the bottom of that slide; is that
21 right?

22 MR. GAPINSKI: Yes.

23 MR. UPHOFF: Okay. If we can move on to the next
24 slide, please.

1 And you were referencing before some of
2 the tax increases, and this is a chart demonstrating
3 what some of those tax increases would be; is that
4 correct?

08:57 5 MR. GAPINSKI: Yes, that's correct.

6 MR. UPHOFF: And just to highlight one of them,
7 the top line there would be the school district for
8 this area. And that district, year one, their taxes
9 would go from approximately 1,000 or \$1100 and jump up
08:57 10 to over \$11,000; is that right?

11 MR. GAPINSKI: Correct.

12 MR. UPHOFF: And lifetime on this project, that
13 school district would see over \$290,000 from this
14 project; is that right?

08:57 15 MR. GAPINSKI: Yes.

16 MR. UPHOFF: And so they're going to receive
17 those economic benefits, but you're not adding any
18 additional students or strain to the school district;
19 is that right?

08:57 20 MR. GAPINSKI: That's correct.

21 MR. UPHOFF: And for these taxing bodies, then,
22 you see there, increases go all the way down so that
23 there's a total lifetime project estimate of just shy
24 of \$400,000 being injected into these taxing bodies; is

1 that right?

2 MR. GAPINSKI: Correct.

3 MR. UPHOFF: And, again, all of that money going
4 into those taxing bodies is with very little to no use
08:57 5 of the infrastructure, you know, say here in the
6 county; is that right?

7 MR. GAPINSKI: Yes.

8 MR. UPHOFF: Next slide, please.

9 So with that, we would open it up to
08:58 10 see if there are any questions for Mr. Gapinski, or
11 Mack as he goes by.

12 MR. KEYT: Okay. Is there any questions from the
13 Zoning Board of Appeals for this witness?

14 Okay. Mr. Schabacker.

08:58 15 MR. SCHABACKER: Thank you.

16 Mack, can you tell me what your
17 background is?

18 MR. GAPINSKI: Sure, yeah. So coming out of high
19 school, I did a double major in real estate.

08:58 20 MR. SCHABACKER: Can you speak up just a tad?

21 MR. GAPINSKI: Yeah, sorry. My mouth's a little
22 dry.

23 Coming out of high school, I did a
24 double major in real estate and entrepreneurship, so a

1 business degree; and then I ended up getting connected
2 and working in the solar industry for about the past
3 eight years.

08:58 4 MR. SCHABACKER: Okay. So you're the project
5 manager?

6 MR. GAPINSKI: Project development manager, so
7 yes, yep.

8 MR. SCHABACKER: And so you've been on other
9 projects as the manager also?

08:59 10 MR. GAPINSKI: Yes.

11 MR. SCHABACKER: Sometimes I don't always
12 remember everything people say, so I might have missed
13 that.

14 Are you going to have any lighting on
08:59 15 that facility; and also, is there going to be on-site
16 storage?

17 MR. GAPINSKI: So there will be no on-site
18 storage, the answer to your second question.

19 MR. SCHABACKER: Yeah.

08:59 20 MR. GAPINSKI: Regarding the lighting, there may
21 be some temporary lighting during construction but not
22 outside of construction hours, consistent with the
23 ordinance.

24 MR. SCHABACKER: So in the evening, at night,

1 there will not be any lighting?

2 MR. GAPINSKI: Correct, yeah. No permanent
3 lighting either.

4 MR. SCHABACKER: Okay. Thanks, Mack.

08:59 5 MR. KEYT: Any other questions from members of
6 the Zoning Board of Appeals for this witness?

7 (No response.)

8 MR. KEYT: Any questions for this witness from
9 County staff?

09:00 10 (No response.)

11 MR. KEYT: Seeing none.

12 Okay. The last part would be any
13 questions for this witness from members of the public
14 that are either neutral or opposed to the project. If
09:00 15 you have questions for this specific witness, you can
16 do so at this time.

17 Is there anyone -- by show of hands,
18 anyone have questions for this witness?

19 Okay, ma'am. Why don't you come on up.

09:00 20 Actually, so we can hear, there is a seat up here.

21 There's a little American flag next to it. If you can
22 come up there and just ask your questions of the
23 witness.

24 So, ma'am, one thing keep in mind, this

1 is an opportunity to ask questions of the witness.

2 MS. PATTERSON: Yeah.

3 MR. KEYT: You do have an opportunity later to
4 present any evidence or testimony yourself.

09:00 5 But before you ask questions, for the
6 court reporter, can you state and spell your name?

7 MS. PATTERSON: Yeah. Alisa Patterson,
8 A-L-I-S-A, P-A-T-T-E-R-S-O-N.

9 MR. KEYT: Okay. You can inquire of the witness.

09:01 10 MS. PATTERSON: I only have one question, and it
11 is just were any other lands looked at that had a
12 lesser LESA score?

13 MR. GAPINSKI: Yes.

14 MS. PATTERSON: Okay. Because this does not meet
09:01 15 the requirements of that LESA score, of what our
16 ordinance says.

17 MR. UPHOFF: Is that a question or is that
18 testimony?

19 MS. PATTERSON: Well, he answered. Sorry.

09:01 20 MR. KEYT: It's okay.

21 MS. PATTERSON: Sorry if I overstepped, but --

22 MR. KEYT: You're fine.

23 MS. PATTERSON: Thank you.

24 MR. KEYT: Any other questions for this witness

1 from members of the public, either neutral or opposed
2 to the project?

3 (No response.)

4 MR. KEYT: Seeing none. Any final questions from
09:01 5 the Zoning Board of Appeals for this witness at all?

6 MS. KRUMM: I have a comment.

7 This is a very well-put-together
8 proposal from all the ones we've seen. This answers
9 everything before we have questions.

09:02 10 MR. UPHOFF: Well, thank you. Doing our best.

11 MS. KRUMM: So thank you very much.

12 MR. KEYT: All right. Mr. Gapinski, I think you
13 can be excused.

14 MR. UPHOFF: May I ask one rebuttal question?

09:02 15 MR. KEYT: Sure, you can.

16 MR. UPHOFF: So you were asked a question about
17 other properties, but the second part of that question
18 was other properties that had a lower LESA score. So I
19 wasn't sure whether you were answering just the first
09:02 20 part of the question or both parts of the question.
21 Can you clarify?

22 MR. GAPINSKI: Sorry. Can you repeat that?

23 MR. UPHOFF: So when you were asked that
24 question, it sort of had two parts, did you look at

1 other properties and did those other properties have a
2 lower LESA score than this property.

3 MR. GAPINSKI: Yes to both.

4 MR. UPHOFF: Okay. And were there other
09:02 5 considerations that came into play in determining why
6 this particular property was selected over those
7 others?

8 MR. GAPINSKI: Yes, there were.

9 MR. UPHOFF: And what were those considerations?

09:02 10 MR. GAPINSKI: There were a number, the primary
11 being interconnection capacity.

12 MR. UPHOFF: So when you say "interconnection
13 capacity," that goes back to what we were talking about
14 whether or not there was capacity on the grid?

09:02 15 MR. GAPINSKI: Yes.

16 MR. UPHOFF: And so these other properties, while
17 they may have had a lesser LESA score, they did not
18 have access to a line that would allow for the power to
19 get onto the grid?

09:03 20 MR. GAPINSKI: Correct.

21 MR. UPHOFF: So if you were to develop on those
22 properties, you wouldn't be able to generate -- you'd
23 be able to generate the power, but you wouldn't be able
24 to put it out there on the grid for anybody to use?

1 MR. GAPINSKI: That's correct.

2 MR. UPHOFF: So essentially the project would be
3 useless?

4 MR. GAPINSKI: Correct.

09:03 5 MR. UPHOFF: Okay.

6 MR. KEYT: Okay. Thank you, Mr. Uphoff.

7 Anything further of this witness?

8 MR. UPHOFF: No.

9 MR. KEYT: Okay. Mr. Gapinski, you can be
09:03 10 excused.

11 Mr. Uphoff, you can call your next
12 witness.

13 MR. UPHOFF: Thank you.

14 At this time, we would call
09:03 15 Mr. Brian -- or excuse me, sorry -- Mr. Justin Button.

16 MR. KEYT: All right, Mr. Button. You've already
17 been sworn in.

18 Can you state and spell your name and
19 give your address for the record, please?

09:03 20 MR. BUTTON: Yeah. It is Justin Button, Button
21 spelled like a button on your shirt, and I live at
22 5332 West Winnemac, W-I-N-N-E-M-A-C, Avenue, Chicago,
23 Illinois.

24 MR. KEYT: Okay. Thank you.

1 Mr. Uphoff, you can proceed.

2 MR. UPHOFF: Thank you.

3 So, Mr. Button, first of all, you're
4 with BBJ Group; is that correct?

09:04 5 MR. BUTTON: Yes, that's correct.

6 MR. UPHOFF: And can you describe what BBJ Group
7 does?

8 MR. BUTTON: Yes. We do environmental
9 consulting. We're Chicago based. We provide
09:04 10 assistance on a number of different types of projects,
11 due diligence, permitting, compliance, remediation,
12 civil site design, ESG, et cetera.

13 MR. UPHOFF: Okay. And in order to assist with
14 your testimony today, did you put together a slide
09:04 15 show, a PowerPoint slide show?

16 MR. BUTTON: Yes, I did.

17 MR. UPHOFF: I don't know that we have that to
18 show up on the screen; but for the members of the
19 Board, if you look in your folder, again, you should
09:04 20 find a printout of all the slides that we'll be
21 referencing as we go through this.

22 And -- I'm sorry, can we go to the next
23 slide? Maybe it is on there.

24 MS. ROBERTS: I just have this maybe.

1 MR. UPHOFF: Oh, perfect. There we go. We do
2 have it. Excellent.

3 All right. So, Mr. Button, did you
4 help with creating this slide show?

09:05 5 MR. BUTTON: Yes, I did.

6 MR. UPHOFF: All right. And so as we go through
7 this, you're going to be referencing some technical
8 information. Would that be accurate?

9 MR. BUTTON: That's correct.

09:05 10 MR. UPHOFF: And as part of your job with BBJ
11 Group, did you also create what's referred to as a
12 technical memorandum?

13 MR. BUTTON: Yes, I did.

14 MR. UPHOFF: And for the Board, again, if you go
09:05 15 to your folder, on the left-hand side, I think if you
16 go back one or two documents, you'll find a technical
17 memorandum from BBJ Group. We'll be covering all of
18 the information that's contained in there, but I did
19 want to bring that to your attention that we've got the
09:05 20 technical memorandum that relates to some of the
21 testimony you're going to hear from Mr. Button.

22 So, Mr. Button, you've told us who you
23 work for. You've told us what you do. But I failed to
24 ask you, what is your background and education as it

1 relates to this type of work?

2 MR. BUTTON: Yes. So I have a degree in civil
3 and environmental engineering from the University of
4 Illinois. I am also a registered professional engineer
09:06 5 for the state of Illinois.

6 MR. UPHOFF: Very good.

7 And so let's get into what you were
8 tasked with in relation to this particular project.

9 Can you tell us what the overall task
09:06 10 was for you as an engineering expert?

11 MR. BUTTON: Yes. So our task was kind of broken
12 down into a couple of subparts. We were asked to
13 evaluate the breakage potential for solar panels, how
14 often do they break, and what can be done to minimize
09:06 15 their impacts if they do; risk assessments, which talk
16 about the degree of impact to human health and the
17 environment; and then end-of-life operations, basically
18 where they go when they're done.

19 MR. UPHOFF: Could we go ahead two slides,
09:06 20 please?

21 And so would these be the categories up
22 on the slide that you were just referencing?

23 MR. BUTTON: Yes, that's correct.

24 MR. UPHOFF: Very good.

1 So let's start with breakage potential,
2 which is what you said was your first task. If we
3 could go to the next slide, please.

4 Can you tell us in terms of breakage
09:07 5 potential, what are we talking about with solar panels?

6 MR. BUTTON: Yeah. So solar panels are designed
7 to last. They have an average use life of 25 years.
8 They can last longer than that.

9 And breakage potential would generally
09:07 10 come from, you know, if there's storm events,
11 mishandling as they're coming off of the truck, those
12 types of things.

13 And from the data that we were able to
14 uncover from various research, we were able to see that
09:07 15 there's less than .04 percent per year for breakage of
16 panels, which is four out of every 10,000 for breakage.

17 MR. UPHOFF: All right. And you said one of the
18 most common reasons for breakage is just handling when
19 they're taking it off the truck, putting it on the
09:08 20 truck; is that right?

21 MR. BUTTON: Yes.

22 MR. UPHOFF: And so those types of panels, if
23 they're broken before they even go into service,
24 they're not even going to make it into service; is that

1 right?

2 MR. BUTTON: That's correct.

3 MR. UPHOFF: And that's four out of every 10,000?

4 MR. BUTTON: Yep.

09:08 5 MR. UPHOFF: So then once they get into service,
6 it would probably be another smaller percentage of that
7 percentage that breaks while it's in service. Would
8 that be fair to say?

9 MR. BUTTON: That's correct, yes.

09:08 10 MR. UPHOFF: All right. So tell us a little bit
11 about how these panels are designed to withstand these
12 elements and to make them so unsusceptible to breakage?

13 MR. BUTTON: Yeah. So the panels have multiple
14 layers that are involved on it, and the primary
09:08 15 materials are glass and metal. And so, you know, the
16 metals that are actually involved with certain pieces
17 in the panel are encapsulated in glass, so they're
18 protected from any of the elements or anything that
19 could be coming in.

09:08 20 MR. UPHOFF: And so is that encapsulation or
21 lamination that's sort of referenced throughout some of
22 your materials here?

23 MR. BUTTON: Yes, that's correct.

24 MR. UPHOFF: And so when we're talking about some

1 of the materials that are contained within the panels,
2 what are the majority of the panels constructed of?
3 What's the majority of the materials that are being
4 used?

09:09 5 MR. BUTTON: The majority of the materials are
6 going to be glass, aluminum for the structure, some
7 silicone depending on the type of panel, and then a
8 very, very small percentage of metal.

9 MR. UPHOFF: And that very small percentage of
09:09 10 metal, that would be other than aluminum, you mean --

11 MR. BUTTON: Correct.

12 MR. UPHOFF: -- is that right?

13 MR. BUTTON: Yes.

14 MR. UPHOFF: Okay. And so what's the purpose of
09:09 15 those metals being in the panels?

16 MR. BUTTON: Yeah, they serve as the
17 semiconductors as part of the panel. So they help with
18 the charge, so to speak, of gathering the charge and
19 then pushing it into the network.

09:09 20 MR. UPHOFF: And how -- I mean, when you're
21 talking about very small amounts, what kind of amounts
22 are we talking about, or how are these semiconductor
23 layers of metal designed?

24 MR. BUTTON: Yeah. They're kind of like a wafer

1 cake style, if you think about just layer cake, with
2 them being encapsulated in there. And they're very
3 thin. They're about as thin as a strand of hair.

09:10 4 MR. UPHOFF: So like the thickness of a human
5 hair, that's how --

6 MR. BUTTON: Yes.

7 MR. UPHOFF: -- thin this is?

8 So we're talking about really minute
9 amounts of these metals in the panels; is that correct?

09:10 10 MR. BUTTON: Yes, that's correct.

11 MR. UPHOFF: All right. But they're not -- you
12 know, they can be broken, the panels can be broken.
13 But tell us about when breakage does occur, what do you
14 typically see based on the research and how is that
09:10 15 addressed?

16 MR. BUTTON: Yeah. Typical breakage that occurs
17 would be cracking of the glass or fracturing of the
18 glass. There's nothing that breaks off in big chunks
19 or just falls off of it. So even when something breaks
09:10 20 then, it's essentially still a part of the solar panel.

21 MR. UPHOFF: So that lamination still stays in
22 place even if you have some fracturing in the --

23 MR. BUTTON: Yes.

24 MR. UPHOFF: -- top surface?

1 MR. BUTTON: That's correct.

2 MR. UPHOFF: And so what does that mean in terms
3 of the potential environmental impact of these panels
4 if they were to be broken?

09:11 5 MR. BUTTON: There would be minimal to none.

6 MR. UPHOFF: Minimal to none what?

7 MR. BUTTON: Environmental impacts if they were
8 to break.

9 MR. UPHOFF: Okay. And that's because all of
09:11 10 these things are laminated into the materials; is that
11 right?

12 MR. BUTTON: Yes, that's correct.

13 MR. UPHOFF: And so what types of measures that
14 could be taken to help ensure -- obviously they don't
09:11 15 want the panels to get broken, but what other steps
16 could be taken to ensure that there's no potential for
17 environmental impact?

18 MR. BUTTON: Yeah, so routine inspections of the
19 panels, which would be done; and then there's also
09:11 20 remote sensing that's done to check the performance of
21 a panel. So if a panel isn't operating correctly, that
22 would then trigger someone to go do an inspection and
23 then take it potentially out of commission at that
24 point.

1 MR. UPHOFF: All right. So if we could go to the
2 next slide, please.

3 So your next task, then, in terms of
4 after talking about the potential of these things
09:11 5 breaking, which is a very low potential, but if it was
6 to happen, then it appears that your next task was to
7 determine how much risk could be involved if a break
8 were to occur; is that right?

9 MR. BUTTON: Yes, that's correct.

09:12 10 MR. UPHOFF: All right. So tell us a little bit
11 about the research that you looked at and what some of
12 the findings were from that in terms of the risk
13 assessment of breakage of solar panels?

14 MR. BUTTON: Yeah. So there's a variety of
09:12 15 sources out there to actually pull from for this.
16 There's academic, national, international
17 organizations, and the like.

18 And basically there's a couple of
19 methods that were looked at and that were evaluated to
09:12 20 see the leachability of the metals, and so they were
21 done through lab procedures that were overexaggerated
22 compared to what actually would occur in the field.

23 MR. UPHOFF: Okay. And when you say
24 "leachability," just describe that for a layperson like

1 myself.

2 MR. BUTTON: Yeah. So leachability would be the
3 potential for something like metals, or something like
4 that, to transfer from one surface and then leach with
09:13 5 water or the like into another media.

6 MR. UPHOFF: So to put it even more simply,
7 whether or not any of this could leak out of the
8 panels; is that right?

9 MR. BUTTON: Yes.

09:13 10 MR. UPHOFF: And so when you were going through
11 and reviewing these studies, you said the tests were
12 overexaggerated. What do you mean by that?

13 MR. BUTTON: They overexaggerated what could
14 actually happen in the field. And so what I mean by
09:13 15 that is the methods in which they did the tests were
16 more rigorous than what these panels would ever be put
17 through when subject to normal everyday use.

18 MR. UPHOFF: Can you give an example of one of
19 those types of tests?

09:13 20 MR. BUTTON: Yeah. So one of the tests that
21 they -- that they would do is you would have high pH
22 run over this to simulate like a landfill situation
23 with high pH leaching into the soils and to the
24 groundwater. So they use a very high pH, and there was

1 no leachability from the panels from this.

2 MR. UPHOFF: And science wasn't always my strong
3 suit, but high pH I believe means it would be, like,
4 acidic; is that right? Or is that --

09:14 5 MR. BUTTON: Yes.

6 MR. UPHOFF: Okay. So essentially --

7 MR. BUTTON: Yes. In this instance, yes.

8 MR. UPHOFF: All right. So it could also be like
9 people would talk about, well, if something's exposed
09:14 10 to acid rain, it would be a rain that has a higher pH;
11 is that right?

12 MR. BUTTON: Yes, that's correct.

13 MR. UPHOFF: So they were taking and putting
14 these panels through essentially an acid wash to try to
09:14 15 see if they could pull any of these metals out of the
16 panels; is that right?

17 MR. BUTTON: That's right.

18 MR. UPHOFF: And what were the findings from
19 that?

09:14 20 MR. BUTTON: The findings were that all of the
21 metals that would be of concern that are in the panels
22 were less than one in a million health risk criteria,
23 so below all the standard health and environmental risk
24 criteria that's set by the EPA and other agencies.

1 MR. UPHOFF: So all the standard health agencies
2 that set limits for these types of metals, this would
3 fall, I think your study here says, several orders of
4 magnitude below those requirements; is that right?

09:14 5 MR. BUTTON: That's right.

6 MR. UPHOFF: And was it also true when you were
7 talking about some of these tests that they would break
8 these panels up into very, very small pieces and test
9 them?

09:15 10 MR. BUTTON: Yes, that's right.

11 In one of the tests, they took a
12 compactor, ran it over several times to get super small
13 particle sizes, which would then have a greater surface
14 area for them to have the high acid wash go over; and
09:15 15 there was still no effects with that.

16 MR. UPHOFF: When you say "compactor," are you
17 talking about one of these big heavy equipment pieces
18 that they use at landfills that they run over the trash
19 to compact it down over and over again?

09:15 20 MR. BUTTON: Yes, that's right.

21 MR. UPHOFF: And so they took one of these things
22 and literally drove it over these panels to crush it up
23 into these small bits; is that right?

24 MR. BUTTON: That's right.

1 MR. UPHOFF: And then even when it was crushed
2 into those small bits, they then washed it with
3 essentially an acid wash; is that right?

4 MR. BUTTON: That's right.

09:15 5 MR. UPHOFF: And even after doing all of that,
6 they still couldn't get enough of these things to leach
7 out of the panels to even come within one one-millionth
8 of a potential health hazard?

9 MR. BUTTON: That's correct.

09:15 10 MR. UPHOFF: And so if you were to have these
11 panels out in normal operation, you're not going to
12 have any sort of situation that even comes close to
13 that; is that right?

14 MR. BUTTON: That's correct.

09:16 15 MR. UPHOFF: And these panels being out in a
16 rural or remote area, even if they were to go out there
17 with a trash compactor and smash it, and even if they
18 were to acid wash it, it then still would have to try
19 to make its way to some population center somewhere in
09:16 20 order for it to have any effect on human or animal
21 health; is that right?

22 MR. BUTTON: That's correct, yes.

23 MR. UPHOFF: All right. So overall, what would
24 the risk assessment be for the potential of any harmful

1 materials leaching out of these panels?

2 MR. BUTTON: There would essentially be no risk.

3 MR. UPHOFF: Can we go to the next slide, please?

4 So this refers to end-of-life options;

09:16 5 and if you could, run through this, what this part of
6 your task was.

7 MR. BUTTON: Yeah. So this was, you know, after

8 a solar panel is decommissioned or taken out of

9 service, what happens to it, where does it go, and

09:17 10 what's the end-of-life options for it.

11 MR. UPHOFF: And what are some of those options?

12 MR. BUTTON: A majority of the options are

13 actually recycling. So the panels themselves, plus the

14 racks and everything, are over 90 percent or more

09:17 15 recyclable. So they can be recycled, then reused in
16 other methods.

17 MR. UPHOFF: And you were talking before that the

18 majority of it is aluminum and glass?

19 MR. BUTTON: That's correct.

09:17 20 MR. UPHOFF: And those are easily recyclable
21 materials?

22 MR. BUTTON: Yes.

23 MR. UPHOFF: And then there's also a growing

24 market for the recycling of these products; is that

1 right?

2 MR. BUTTON: That is correct, yes.

3 MR. UPHOFF: Would it also be true to say that
4 they're coming up with ways in which they can recycle
09:17 5 and reuse these same materials into future solar
6 panels?

7 MR. BUTTON: That is correct, yes.

8 MR. UPHOFF: So with the those assessments having
9 been done -- next slide, please -- can you give us your
09:17 10 overall expert summary of what your findings were about
11 the risks that panels can pose?

12 MR. BUTTON: Yeah. So panel breakage and the
13 risks associated with breakage are essentially little
14 to no risk at all to human health and the environment.

09:18 15 MR. UPHOFF: And in terms of the breakage of
16 these panels, one of the actual real-life possibilities
17 for there to be breakage would be severe weather
18 events; is that correct?

19 MR. BUTTON: That is correct, yes.

09:18 20 MR. UPHOFF: And are you familiar with any
21 research in terms of the severe weather events and
22 whether or not any panels were destroyed to the point
23 where there could be any materials that would have
24 leached out?

1 MR. BUTTON: No.

2 MR. UPHOFF: And even if these panels were to,
3 let's say, be damaged or destroyed in a storm, all of
4 the procedures would be for those panels to go out and
09:18 5 be collected right away; is that right?

6 MR. BUTTON: That's correct, yes.

7 MR. UPHOFF: So they wouldn't be left to the
8 elements, at least not for a very long period of time;
9 is that right?

09:19 10 MR. BUTTON: That's right.

11 MR. UPHOFF: And even if they were left to the
12 elements, they wouldn't be under these exaggerated
13 conditions that you talked about before; so the
14 likelihood of any potential harmful material leaking
09:19 15 out is, I think you said, almost nonexistent?

16 MR. BUTTON: That's correct, yes.

17 MR. UPHOFF: And even if there was to be some
18 small amount that would leak out, it then would still
19 have to make its way through the ground all the way
09:19 20 down into the water -- into the water sources that
21 could affect any -- excuse me, health of any humans or
22 animals; is that right?

23 MR. BUTTON: That's correct, yes.

24 MR. UPHOFF: And what are the probabilities of

1 something like that happening based on the research
2 that you've seen?

3 MR. BUTTON: It's pretty much nil.

09:19 4 MR. UPHOFF: Okay. And then when talking about
5 end-of-life options, those are also governed by the
6 decommissioning plans that are put in place for these
7 projects and are required by both local and state law;
8 is that right?

9 MR. BUTTON: That's correct.

09:20 10 MR. UPHOFF: All right. Thank you very much. I
11 don't have any further questions.

12 MR. KEYT: Okay. Are there any questions from
13 the Zoning Board of Appeals for this witness?

14 Mr. Schabacker.

09:20 15 MR. SCHABACKER: Yeah.

16 Thanks, Justin.

17 You talked about a lot of testing and
18 about having a large machine run over them, a compactor
19 and stuff like that.

09:20 20 Who did that testing? Was it a third
21 party that did that?

22 MR. BUTTON: Yes. There's a -- there's several
23 papers that were done on it, and it was groups of
24 different agencies that performed this work.

1 MR. SCHABACKER: So this wasn't done by anyone
2 connected to the project per se?

3 MR. BUTTON: No.

4 MR. SCHABACKER: Okay. Thank you.

09:20 5 MR. KEYT: Okay. Any other questions from
6 members of the Zoning Board of Appeals?

7 (No response.)

8 MR. KEYT: Seeing none.

9 Any questions from County staff or
09:21 10 consultants?

11 (No response.)

12 MR. KEYT: Seeing none.

13 Next, members of the public, either
14 neutral or opposed to the project, is there anyone that
09:21 15 wishes to ask questions of this witness?

16 Going once, going twice.

17 (No response.)

18 MR. KEYT: Okay. Hearing none, Mr. Button,
19 you're excused.

09:21 20 Mr. Uphoff, you can call your next
21 witness.

22 MR. UPHOFF: Thank you.

23 At this time I'd call Brian Swanson.

24 MR. SWANSON: Good evening.

1 MR. KEYT: Okay. Mr. Swanson, before you start,
2 can you state and spell your name for the record,
3 please?

4 MR. SWANSON: Brian Swanson, B-R-I-A-N,
09:21 5 S-W-A-N-S-O-N. 6553 Thomas Parkway, Rockford, Illinois
6 61104.

7 MR. KEYT: All right. Mr. Uphoff.

8 MR. UPHOFF: Thank you.

9 Mr. Swanson, you just gave us your
09:21 10 name, but could you tell us just a little bit about
11 yourself?

12 MR. SWANSON: Sure. I'm a business
13 representative for Carpenters Local 792 out of
14 Rockford. We represent part of Ogle County, all of
09:22 15 Winnebago, and all of Boone County for carpenters.

16 MR. UPHOFF: All right. And how long have you
17 been with the union?

18 MR. SWANSON: 20- -- almost 25 years. 24 years.

19 MR. UPHOFF: All right. And has that provided
09:22 20 you with a pretty stable and steady source of income
21 and potential future pension retirement?

22 MR. SWANSON: I don't know where I'd be without
23 it. I -- I'll make this as quick as possible; but I
24 tell all of our new apprentices, the most important

1 thing in life is your retirement and health benefits.

2 Everybody makes good money, enough
3 money to live, if that answers your question.

4 MR. UPHOFF: Very good. Yes, it does.

09:22 5 Now, I think you had prepared sort of a
6 statement that you wanted to read tonight about your
7 thoughts on solar projects generally but in particular
8 Trajectory solar; is that right?

9 MR. SWANSON: Yes, I do. Pardon me, I prepared
09:22 10 it so I don't forget anything. I'd like to read it
11 off, if you don't mind.

12 I already told you my name. We got
13 through that part.

14 So I'm here to talk to you about solar
09:23 15 and what it means for local jobs in relationship with
16 Trajectory Energy.

17 We've been working with Trajectory
18 since the day solar started to emerge as a viable
19 industry in Illinois, more than a few years back.
09:23 20 We've been to a good amount of city council meetings
21 across all of northern to central Illinois, village and
22 county board meetings talking about benefits of solar,
23 especially as it relates to job creation, alongside
24 Trajectory.

1 What we have witnessed every time, and
2 I'll say that "every time," is Trajectory being honest
3 and true to their word. If they say they're going to
4 do something, they do it. When they're asked to do
09:24 5 site conditions or using a local workforce, which is
6 very important in my position that local people get put
7 to work here, they spend the money here, and it creates
8 tax revenue, instead of somebody coming in out of town,
9 leaving with their money, nobody gets a benefit out of
09:24 10 it.

11 Every one of their projects has
12 resulted in local union carpenters, electricians, and
13 operators working on solar and earning a living wage,
14 health insurance, and retirement benefits.

09:24 15 We think solar is an essential part of
16 our energy in Illinois and is good for many reasons but
17 wanted you to know the impact it is making in local
18 families' lives with the work opportunity solar
19 creates.

09:24 20 Sam Manos, my partner over there, is a
21 perfect example. Sam is a Boone County resident who
22 got his career started as an apprentice carpenter
23 because of solar. Right now he's worked in solar, he's
24 moved into concrete, and he's a very fine apprentice.

1 I'd like to -- I can't introduce him.
2 I'll wait for questions. But that's my boy Sam right
3 there. (Indicating.)

4 MR. UPHOFF: So, Mr. Swanson, would it be fair to
09:25 5 say that you've had -- since solar sort of started here
6 in Illinois, you've had experience working with
7 Trajectory on multiple projects?

8 MR. SWANSON: That's correct.

9 MR. UPHOFF: And so far, your assessment has been
09:25 10 that Trajectory has been true to their word and has
11 worked with local union labor to get these projects
12 done?

13 MR. SWANSON: Absolutely.

14 MR. UPHOFF: All right. No further questions.

09:25 15 MR. KEYT: Okay. Thank you.

16 Any questions for this witness by
17 members of the Zoning Board?

18 Mr. Schabacker.

19 MR. SCHABACKER: Yeah.

09:25 20 Thanks, Brian.

21 And this might have been told. Like I
22 said earlier, sometimes I don't remember enough things.
23 But approximately how many employees do you feel you
24 will need to work on this project from start to finish?

1 MR. SWANSON: I would guess probably -- I mean,
2 I'm guessing.

3 MR. SCHABACKER: Sure, sure.

4 MR. SWANSON: I would guess probably 15
09:26 5 carpenters.

6 MR. SCHABACKER: Okay. And you said you've done
7 these projects before for the company; correct?

8 MR. SWANSON: I certainly have not worked on a
9 solar project.

09:26 10 MR. SCHABACKER: Okay.

11 MR. SWANSON: I'm a business representative.

12 MR. SCHABACKER: Sure.

13 MR. SWANSON: I'm a commercial builder. I have
14 not worked on solar myself.

09:26 15 I've been on their projects before.

16 I've been to the classes at the training center. We
17 train our apprentices. We've got solar racks inside
18 our building to train everybody.

19 So I've seen it, I've been around the
09:26 20 projects, but personally I've never done it myself.

21 MR. SCHABACKER: Okay. So a guesstimation on
22 your part, maybe along the way or maybe it's already
23 been answered and I just missed it, the approximate
24 number of employees, and I know you can't nail it down

1 to the last one, but I'm kind of curious how many jobs
2 this would create.

3 The carpenters are union. Am I
4 correct?

09:27 5 MR. SWANSON: That's correct.

6 MR. SCHABACKER: That's a question that I have,
7 but that's all I have. Thanks a lot, Brian.

8 MR. SWANSON: Sure. Can I add on to that --

9 MR. KEYT: Yes.

09:27 10 MR. SWANSON: -- at all?

11 This is a good way for us to bring on
12 young people like Sam that are trying to get into the
13 field and trying to get into our apprenticeship. And
14 it's -- it's difficult work, it's heavy work, but it's
09:27 15 the building block to start to move on to other things
16 and build buildings and all the things that we do. And
17 we have brought in a ton of apprentices, young people
18 that are looking for their scope of work; they don't
19 know what they're going to do. Just like I was
09:27 20 25 years ago, I didn't know what I was going to do.
21 And I'll leave it at that.

22 MR. SCHABACKER: You bring up a good point.
23 Thank you.

24 MR. SWANSON: Yes, sir.

1 MR. KEYT: Okay. Any other questions from the
2 members of the Zoning Board of Appeals?

3 (No response.)

4 MR. KEYT: Seeing none.

09:28 5 Any questions from County staff or
6 representatives of the County?

7 (No response.)

8 MR. KEYT: All right. Seeing none.

9 Last is any questions from members of
09:28 10 the public either opposed or neutral to the project?

11 Going once, going twice.

12 (No response.)

13 MR. KEYT: Don't see any.

14 All right. Mr. Swanson, you're
09:28 15 excused.

16 MR. SWANSON: Thank you.

17 MR. KEYT: Mr. Uphoff, your next witness.

18 MR. UPHOFF: Yes. We call Sam Manos.

19 MR. KEYT: All right. The infamous Mr. Manos.

09:28 20 Okay. Mr. Manos, can you state and
21 spell your name for the record please and give your
22 address?

23 MR. MANOS: Samuel Manos, S-A-M-U-E-L, M-A-N-O-S.
24 206 Rochester, Poplar Grove, Illinois 61065.

1 MR. KEYT: All right. Mr. Uphoff.

2 MR. UPHOFF: Thank you.

3 And, Mr. Manos, we'll keep it fairly
4 brief because I think Mr. Swanson covered a lot of it.

09:29 5 But did you grow up here locally in the
6 Boone County area?

7 MR. MANOS: Yeah, born and raised here.

8 MR. UPHOFF: You're with the carpenters union; is
9 that right?

09:29 10 MR. MANOS: Yes, sir.

11 MR. UPHOFF: And like Mr. Swanson said, did you
12 get started doing some solar work?

13 MR. MANOS: Uh-huh.

14 MR. UPHOFF: Is that a yes?

09:29 15 MR. MANOS: Yes.

16 MR. UPHOFF: All right. And can you tell us just
17 a little bit about how that brought you into the
18 process and what your thoughts were on working in a
19 solar field?

09:29 20 MR. MANOS: I mean, it was a real good
21 opportunity to get my foot in the door and find other
22 job opportunities.

23 MR. KEYT: Mr. Manos, can you just keep your
24 voice up so everybody can hear you.

1 MR. UPHOFF: So do you foresee this -- you
2 obviously have liked this line of work so far?

3 MR. MANOS: Yes, sir.

4 MR. UPHOFF: And you're continuing on with the
09:29 5 union?

6 MR. MANOS: Yes, sir.

7 MR. UPHOFF: And you see this as creating
8 opportunities for other people like yourself. If they
9 were getting started, is this a good type of project to
09:29 10 get started on?

11 MR. MANOS: Yes.

12 MR. UPHOFF: No further questions.

13 MR. KEYT: Okay. Any questions from the Zoning
14 Board of Appeals for this witness?

09:30 15 Mr. Schabacker.

16 MR. SCHABACKER: Yeah.

17 Sam, are you having a good time?

18 MR. MANOS: Yeah. I'm a little nervous, but.

19 MR. SCHABACKER: You're a pretty young guy.

09:30 20 How long have you been doing what
21 you're doing for the company there, if I might ask?

22 MR. MANOS: This company here?

23 MR. SCHABACKER: Yes, sir.

24 MR. MANOS: About six months.

1 MR. SCHABACKER: Six months? Good. Good for
2 you.

3 So you enjoy your work?

4 MR. MANOS: Very much so.

09:30 5 MR. SCHABACKER: Good. Thanks, Sam.

6 MR. MANOS: Thank you.

7 MR. KEYT: All right. Any other questions from
8 the Zoning Board of Appeals for this witness?

9 (No response.)

09:30 10 MR. KEYT: Seeing none.

11 Is there any questions from County
12 staff, consultants?

13 (No response.)

14 MR. KEYT: All right. Seeing none.

09:30 15 Any questions from members of the
16 public that may be neutral or opposed to the project
17 for this witness?

18 (No response.)

19 MR. KEYT: All right. Seeing none.

09:30 20 Mr. Manos, you're excused.

21 MR. MANOS: Thank you.

22 MR. KEYT: Mr. Uphoff, your next witness.

23 MR. UPHOFF: Thank you.

24 At this time we call Rudy Dixon.

1 MR. KEYT: All right, Mr. Dixon. State and spell
2 your name for the record please and give your address.

3 MR. DIXON: Rudy Dixon, R-U-D-Y, D-I-X-O-N.
4 9512 East Fowler Road, Rochelle, Illinois 61068.

09:31 5 MR. KEYT: All right. Mr. Uphoff.

6 MR. UPHOFF: Thank you.

7 Good evening, Mr. Dixon.

8 MR. DIXON: Hello.

9 MR. UPHOFF: So let's start off with just tell us
09:31 10 a little bit about your yourself and what it is that
11 you do.

12 MR. DIXON: Sure. I grew up on a family farm,
13 corn, soybeans, cattle, in central Illinois. Went to
14 Southern Illinois University in Carbondale; I got a
09:31 15 degree in civil engineering specializing in land
16 surveying. I currently have a land surveying company
17 and work with Huddleston McBride.

18 MR. UPHOFF: All right. And Huddleston McBride,
19 is that a land drainage service or surveying business
09:32 20 in Rochelle?

21 MR. DIXON: Yes, sir.

22 MR. UPHOFF: And for the members of the Board,
23 again, in your folder, the left-hand side, you'll find
24 sort of a fact information sheet from Huddleston

1 McBride that is part of your packet for consideration.

2 So, Mr. Dixon, you got your degree, and
3 then you've been working in land surveying through your
4 whole career; is that correct?

09:32 5 MR. DIXON: Yes.

6 MR. UPHOFF: And right now that's at about
7 18 years or so that you've been in that business?

8 MR. DIXON: Yes.

9 MR. UPHOFF: And for about the last five years or
09:32 10 so, have you been working in and around the northern
11 Illinois area, I guess, because you go out from
12 Rochelle; right?

13 MR. DIXON: Yes, that's correct.

14 MR. UPHOFF: So what counties do you tend to
09:32 15 typically work in?

16 MR. DIXON: We work in every -- almost every
17 county in the state.

18 MR. UPHOFF: Okay. Over the last five years,
19 would it be fair to say that you've done a fair amount
09:32 20 of work here in the northern counties including Boone
21 County?

22 MR. DIXON: Absolutely, yes.

23 MR. UPHOFF: And so when we get into drainage, in
24 this context, we're talking about farm tiling and

1 drainage. And are you pretty familiar with that area?

2 MR. DIXON: Yes.

3 MR. UPHOFF: Would it be fair to say that's sort
4 of your area of expertise; right?

09:33 5 MR. DIXON: Yes.

6 MR. UPHOFF: All right. Now, the law requires --
7 or excuse me, at least the ordinance requires here in
8 Boone County that a drain tile survey be conducted
9 before a building permit can be issued for a project
09:33 10 like this.

11 Can you explain to us what a drain tile
12 survey is?

13 MR. DIXON: Yes. So a drain tile survey is we --
14 before we go to the field, we collect topographic maps,
09:33 15 hydric soil maps, if available. We determine -- try to
16 determine where there might be existing farm drain
17 tile.

18 From there, our crews go to the field,
19 and we start by digging what we call slit trenches with
09:33 20 an excavator. Once we locate a drain tile, our crews
21 then start to probe that line out and flag that line so
22 we can map it after we're -- after the job is
23 completed.

24 From there, once we get to a point

1 where we can't locate that line anymore, we dig another
2 slit trench to determine if the line still exists or if
3 it's -- if it's a dead end.

4 We can also use -- on lines that are
09:34 5 extremely deep, we can use tracers. Those tracers go
6 approximately 500 feet in each direction, and then
7 we'll dig another slit trench to once again locate that
8 tile and keep moving up the line.

9 So we can -- by doing that, we can map
09:34 10 pretty much every line that we -- that we find, you
11 know. We're not perfect, but we find almost all of
12 them.

13 MR. UPHOFF: So really, you're just mapping out
14 the existing drain tile lines that are on that
09:34 15 particular piece of property; right?

16 MR. DIXON: Yes.

17 MR. UPHOFF: And so then how do you utilize that
18 information once you have it?

19 MR. DIXON: Okay. So we map that information
09:34 20 with GPS. We create a base map. From that base map --
21 or the -- that's what we call the drain tile survey.
22 From there, we give that to the engineer; and the
23 engineer starts his design.

24 Once they get the design with the

1 panels for this instance, they'll give that back to us.
2 We'll determine if any tile are in conflict with the
3 piles and create a plan to mitigate those tile from --
4 from any conflicts we might have.

09:35 5 MR. UPHOFF: Okay. So to hopefully not
6 oversimplify but simplify that just a little bit, you
7 take those maps and provide them to the engineers with
8 the solar company; is that right?

9 MR. DIXON: Yes, sir.

09:35 10 MR. UPHOFF: And then they'll design their solar
11 plan as we've seen previously on these slides up here
12 as to how those panels would line out; is that right?

13 MR. DIXON: Uh-huh.

14 MR. UPHOFF: Is that a yes?

09:35 15 MR. DIXON: Yes. Yes.

16 MR. UPHOFF: And then those are mounted on the
17 steel posts. I think you referred to them as piles; is
18 that right?

19 MR. DIXON: Yes, sir.

09:35 20 MR. UPHOFF: So tomato, tomato -- right? -- posts
21 or piles.

22 So then you work with those engineers
23 to determine whether any of those posts or piles might
24 come in conflict with the existing drain tile system;

1 is that right?

2 MR. DIXON: It's almost inevitable that there's
3 going to be some conflicts.

4 MR. UPHOFF: All right. So then once a conflict
09:36 5 is located, what's the process you go about to address
6 that?

7 MR. DIXON: Okay. So what we do is we stake
8 those piles or posts in the field, and then our crews
9 come in and we reroute those main lines, and we replace
09:36 10 the whole main line throughout the farm. We reroute
11 those main lines to miss all the piles and posts that
12 are proposed.

13 MR. UPHOFF: And so you're able to go out there
14 and make adjustments to the tile mapping system or the
09:36 15 tile system so that you can still maintain the same
16 drainage, but you just make sure you avoid these posts;
17 is that right?

18 MR. DIXON: That is correct.

19 MR. UPHOFF: So when you're developing these
09:36 20 plans for drainage on these systems, are you also
21 working with the upstream and downstream neighbors?

22 MR. DIXON: Yeah. We work with the mutual tile,
23 you know, the landowners upstream and downstream. We
24 want to ensure that their drainage stays the same or

1 improves. That's our goal.

2 MR. UPHOFF: And so when you're addressing those
3 systems, are there times where you'll make adjustments
4 to increase the capacity of the system to account for
09:37 5 neighbors?

6 MR. DIXON: Yes, absolutely. If an upland
7 neighbor decides that he wants to upgrade his system in
8 the future or thinks he might, we give him the option
9 to upgrade the tile coming through the solar farm at
09:37 10 the additional cost.

11 So we'll replace the tile at cost for
12 the size that's existing. If he wants to upgrade that
13 tile, that would be his responsibility to pay for the
14 difference.

09:37 15 MR. UPHOFF: But that would be consistent
16 currently under the Illinois Drainage Law even if it
17 was not going to be a solar farm, even if it's just an
18 upland farmer who wanted to increase the flow coming
19 off of his property onto the neighboring property, he
09:37 20 would work with the neighbor to split the cost on
21 upgrading that tile?

22 MR. DIXON: Yeah, that's typically how that
23 works, yes, sir.

24 MR. UPHOFF: So then are you also taking into

1 account any drainage districts that are in that area?

2 MR. DIXON: Yes.

3 MR. UPHOFF: So you consult with them and make
4 sure that all of their needs are accounted for as well?

09:38 5 MR. DIXON: Yes.

6 MR. UPHOFF: All right. And so if there would be
7 any damage to any of these tiles, I think you said you
8 reroute around, but sometimes are you called upon to
9 replace those tiles?

09:38 10 MR. DIXON: We could be, yeah. You know, if
11 something happened during construction or, you know,
12 there becomes an issue, yes.

13 MR. UPHOFF: And what's just the general nature
14 of how you go about making those repairs?

09:38 15 MR. DIXON: So at the property lines outside the
16 fence, we typically put breathers or a riser in so we
17 can -- we can check the flow of the tile to make sure
18 everything's good. If there is an issue downstream,
19 obviously water will be backing up out of these risers,
09:38 20 and we can then -- we obviously then know that we have
21 a problem somewhere, and we go locate that problem and
22 fix the issue.

23 MR. UPHOFF: So you install these breathers or
24 risers outside the fence line so that you can help

1 determine whether there's any issue inside the fence
2 line that would need to be addressed?

3 MR. DIXON: Yeah. We typically put them just
4 inside the property line --

09:39 5 MR. UPHOFF: Okay.

6 MR. DIXON: -- but outside the fence.

7 MR. UPHOFF: All right. And so when you go to
8 make these replacements or even when you're rerouting
9 some of this tile beforehand, let's say you run into
09:39 10 some old clay tile, because there's still a lot of that
11 out there, do you go and put clay tile back in there?

12 MR. DIXON: No.

13 MR. UPHOFF: Okay. So how do you go about making
14 those changes or repairs? Do you upgrade?

09:39 15 MR. DIXON: Yeah. We put in polyethylene pipe,
16 and it does have a 50-year warranty. So, yeah, we try
17 to upgrade the system.

18 MR. UPHOFF: So then when we're talking about the
19 purposes of having drainage, there's a couple of
09:40 20 different reasons for it; but does it also help with
21 making sure that there's no ponding on the property or
22 additional water on the surface that can lead to
23 additional erosion?

24 MR. DIXON: Yeah. Drain tile over time takes

1 surface water down and helps with erosion.

2 MR. UPHOFF: As part of your studies and part of
3 your job, are you pretty familiar with, you know, the
4 nature of erosion and combating erosion especially in
09:40 5 agricultural lands?

6 MR. DIXON: Yes, sir.

7 MR. UPHOFF: And so when a project like this is
8 going to be built or constructed, there would be a
9 requirement that they have a stormwater permit to
09:40 10 address any potential erosion during construction. Is
11 that typically how it goes?

12 MR. DIXON: Yes.

13 MR. UPHOFF: And that's required by law?

14 MR. DIXON: Yes.

09:40 15 MR. UPHOFF: And would it be fair to say that
16 there's pretty straightforward ways of mitigating any
17 erosion during construction?

18 MR. DIXON: Yes.

19 MR. UPHOFF: And then post construction, are you
09:40 20 familiar with how these solar farms typically use
21 vegetative ground cover underneath the solar panel
22 arrays?

23 MR. DIXON: Yes.

24 MR. UPHOFF: And what, if anything, does that

1 type of ground cover provide for the soils in that
2 area?

3 MR. DIXON: Well, it helps the soils recharge.
4 So over time, once the decommission happens, the farm
09:41 5 is -- is going to be very fertile and very productive.

6 MR. UPHOFF: Is that because you're essentially
7 allowing the ground to lay fallow?

8 MR. DIXON: Yes, sir.

9 MR. UPHOFF: And you grew up farming and have a
09:41 10 farming background as well.

11 And when you let ground lay fallow, it
12 allows the ground to, I think as you said, recharge,
13 but that typically means allowing the vegetative
14 material to compost back into the soil; is that right?

09:41 15 MR. DIXON: That's correct.

16 MR. UPHOFF: So it adds back in that native
17 material that provides the fertile soils here in
18 Illinois; is that right?

19 MR. DIXON: Yes, sir.

09:41 20 MR. UPHOFF: And so there are times where farmers
21 may allow a field to lay fallow for a season or so to
22 try to rehabilitate that soil; is that right?

23 MR. DIXON: Yeah.

24 MR. UPHOFF: And so here we're talking about

1 doing it for, you know, 30 to 40 years; is that right?

2 MR. DIXON: Correct.

3 MR. UPHOFF: So you would anticipate that the
4 quality of the soil when this project is decommissioned
09:42 5 would likely be better than the current condition of
6 the soil?

7 MR. DIXON: I would think so, yes.

8 MR. UPHOFF: Now, does that vegetative ground
9 cover also assist with reducing erosion on these
09:42 10 properties?

11 MR. DIXON: Yeah, it's --

12 MR. UPHOFF: No, go ahead, explain how.

13 MR. DIXON: Oh, I was just going to say, you
14 know, it's a constant year-round ground cover that --
09:42 15 so they're absorbing the water, the natural -- you
16 know, when it rains. And then that combined with the
17 new tile system should take care of a lot of erosion
18 issues.

19 MR. UPHOFF: And having also grown up with a
09:42 20 farming background, would it be fair to say that
21 most -- not all, but most farms utilize fertilizer and
22 herbicides during typical row crop operations?

23 MR. DIXON: Yes.

24 MR. UPHOFF: And in these scenarios with this

1 vegetative ground cover, you would not be utilizing
2 those fertilizers and pesticides; is that right?

3 MR. DIXON: No.

09:42 4 MR. UPHOFF: So it would also eliminate the
5 fertilizer buildup or pesticide buildup in the
6 waterways in and around that area for 30 to 40 years?

7 MR. DIXON: Correct.

09:43 8 MR. UPHOFF: So based on your expertise and
9 experience, do you believe that field drainage and
10 erosion systems can be effectively designed and
11 utilized on solar facilities such as the one that's
12 being proposed here?

13 MR. DIXON: Yes.

14 MR. UPHOFF: Thank you. No further questions.

09:43 15 MR. KEYT: Okay. Any questions from the Zoning
16 Board of Appeals for this witness?

17 Mr. Schabacker.

18 MR. SCHABACKER: Thank you.

09:43 19 Rudy, just for my own curiosity,
20 approximately what's the depth of those drain tiles?

21 MR. DIXON: Usually three feet. I mean, they can
22 be up to like seven, eight feet, depending on -- you
23 know, depending on the topography of the land.

24 MR. SCHABACKER: And then when you do the -- was

1 that a slit trench? Is that what you said?

2 MR. DIXON: Yes, sir.

3 MR. SCHABACKER: All right. What's the width of
4 that trench?

09:44 5 MR. DIXON: Oh, we have a two-foot bucket.

6 MR. SCHABACKER: Okay. So that gives you area to
7 get down in to do those repairs?

8 MR. DIXON: Yeah.

9 MR. SCHABACKER: Thank you.

09:44 10 MR. KEYT: Any other questions from the Zoning
11 Board of Appeals?

12 (No response.)

13 MR. KEYT: Okay. Any questions from County staff
14 or consultants?

09:44 15 (No response.)

16 MR. KEYT: Seeing none.

17 Lastly, any questions from those
18 opposed to or neutral to the project? Any questions
19 for this witness?

09:44 20 Going once, going twice.

21 (No response.)

22 MR. KEYT: All right. Mr. Dixon, you're excused.

23 MR. DIXON: Thank you.

24 MR. KEYT: Do you have another witness,

1 Mr. Uphoff?

2 MR. UPHOFF: I do not have any further witnesses.

3 I would want to just address the
4 exhibits, but I don't know if you want to do that now
09:44 5 or at the end.

6 MR. KEYT: Well, let's do it now because I think
7 you have -- you probably have an application that's on
8 file which I think we can mark as Applicant's Group
9 Exhibit No. 1.

09:44 10 MR. UPHOFF: That would be our request would be
11 the application and its attached exhibits as No. 1.

12 MR. KEYT: Okay. And then I think you have a
13 folder of materials that has been submitted.

14 Has there been any materials submitted
09:44 15 to the Zoning Office between the application and the
16 public hearing date?

17 MS. SNITTJER: Molly Snittjer, legal counsel.

18 No. The application that we submitted
19 today should have everything that was submitted at any
09:45 20 time to the Zoning Office.

21 MR. KEYT: Okay. Perfect. So that will be
22 marked as Applicant's Group Exhibit 1.

23 The materials in the folder --

24 MR. UPHOFF: Yeah, we've referenced some of them

1 throughout the hearing; but if possible, I would ask
2 that that just be submitted as a group exhibit.

3 MR. KEYT: Okay. So that will be Applicant's
4 Group Exhibit No. 2.

09:45 5 MR. UPHOFF: And then lastly, just for purposes
6 of the record, we have a property value impact report
7 from CohnReznick that we would like to submit into the
8 record even though that topic didn't come up this
9 evening.

09:45 10 MR. KEYT: Okay. We will mark that as
11 Applicant's Exhibit No. 3.

12 MR. UPHOFF: So I believe with that, we have all
13 of our exhibits and all of our witnesses that have been
14 called; so we would rest.

09:46 15 MR. KEYT: Okay. All right. Well, it comes to
16 the time of the evening where we will proceed.

17 Is there anyone else that wishes to
18 testify as to this project that is in favor of the
19 project? Anyone else wishing to testify that is in
09:46 20 favor of the project?

21 Going once, going twice.

22 (No response.)

23 MR. KEYT: Seeing none.

24 Is there anyone that is neutral to the

1 project that wishes to testify as to this application?
2 Anyone neutral? This is not opposed but just neutral.

3 Okay. Do you wish to testify --

4 MS. BRANSON: Yeah.

09:46 5 MR. KEYT: -- as someone who is neutral or
6 opposed?

7 MS. BRANSON: Neutral.

8 MR. KEYT: Okay. You can come on up to the
9 podium.

09:46 10 Just for everyone's edification, what
11 you've seen so far is Mr. Uphoff has been asking
12 questions of the witnesses. You don't have to do it
13 that way. You can just come up and provide testimony.
14 You don't have to have somebody else asking you
09:46 15 questions or doing that format.

16 MS. BRANSON: I just want to say what I've got to
17 say.

18 MR. KEYT: Perfect.

19 State and spell your name for the
09:46 20 record and provide your address.

21 MS. BRANSON: I'm Sherry Branson, 8044 Distillery
22 Road, Belvidere.

23 And before I begin, I should point out
24 that I am a County Board member, but I'm not here

1 speaking on behalf of the entire County Board. I'm
2 speaking on behalf of myself.

3 And let me just pass out a couple of
4 handouts. And some of this is repetitious because I
09:47 5 know, Jessica, I wasn't prepared for you to read so
6 much into the record at the beginning of this, but I do
7 want to reiterate a couple of things.

8 First of all, it has not been very long
9 since the County Board took a great deal of interest in
09:47 10 looking at our ordinance; and we focused heavily,
11 because the State is pushing -- the State is really
12 encouraging for solar development. However, I know
13 that the Boone County soil -- I'm sorry, let me back
14 up.

09:47 15 The Illinois Environmental Protection
16 Agency as a result of the 1994 Groundwater Protection
17 and Planning Act declared our county to be sensitive
18 for groundwater contamination and that we would be
19 prioritized for protection, and that got me kind of
09:48 20 interested in what we needed to do to make sure that
21 our county is protected.

22 And so when -- after I got on the
23 County Board, we started looking at solar and water;
24 and we tried to come up with a way to protect our --

1 our water and our recharge areas and also to allow
2 solar in and to protect our prime farmland. And so
3 that resulted in this ordinance that we currently have
4 today.

09:48 5 I'm just going to pass that around,
6 enter that into the record just because it's here.

7 A couple of things. It used to be that
8 prime farmland was given a LESA score -- I'm sorry, let
9 me back up. I'm terrible at public speaking.

09:49 10 Boone County Soil and Water, when they
11 did their NRI reports, they had a tendency to have an
12 unfavorable report for any LESA score above 69. With a
13 revision of this ordinance, we went up to 82 because
14 that is the most productive of our farmland throughout
09:49 15 our entire county with that cut score of 82 and above.
16 And so this is out of that ordinance, and it just kind
17 of highlights it for you.

18 You can pass that around.

19 This is their unfavorable report.

09:49 20 Joan, you can pass that around.

21 MR. KEYT: Okay. Can I ask you just one
22 question?

23 MS. BRANSON: Yes.

24 MR. KEYT: Is the ordinance that you're referring

1 to, is that the solar siting ordinance?

2 MS. BRANSON: Yes.

3 MR. KEYT: Is that right?

4 Okay. So that's already part of the
09:50 5 public record.

6 MS. BRANSON: Right.

7 MR. KEYT: We don't necessarily need to mark it
8 as an exhibit.

9 Is the report, the NRI report, is that
09:50 10 from Soil and Water Conservation District?

11 MS. BRANSON: Correct.

12 MR. KEYT: Okay. And that's already in the
13 record too, but that's okay.

14 MS. BRANSON: Right. It's just pages of it that
09:50 15 really --

16 MR. KEYT: Understood.

17 MS. BRANSON: I'm trying to condense it down into
18 a bulleted, short, sweet, and to the point.

19 MR. KEYT: That's fine.

09:50 20 MS. BRANSON: But the bottom line is that this
21 site has a LESA score of 85.19, I believe. It's well
22 over the 82 cut score. It's some of the best, most
23 productive farmland in the county; and for that reason,
24 I would urge you to be very careful about ignoring this

1 because once we use up our farmland as our best -- our
2 highest producing farmland in the county, we're not
3 going to be able to feed the public.

4 And although we do need business and we
09:51 5 need to have things evolve with the times, we really
6 need to still be able to eat. So I would urge them to
7 look at lower producing farms like we just approved one
8 not -- maybe a month ago in Garden Prairie because it
9 had a lower LESA score and it had everything else like
09:51 10 they're talking about tonight going for it.

11 Anyway, that's all I wanted to say.

12 MR. KEYT: Okay. Is there anyone from the Zoning
13 Board of Appeals who has questions?

14 MS. KRUMM: These are good, but everybody gets
09:51 15 one.

16 MS. BRANSON: I tried to just keep it short,
17 sweet, to the point because none of us want to be here
18 all night.

19 MR. KEYT: No, I get it.

09:51 20 Seeing none from the Zoning Board, is
21 there any questions for this witness by the Applicant?

22 MR. UPHOFF: Yes. Thank you.

23 So, ma'am, you indicated that you're
24 referencing the natural resources information report,

1 the NRI report?

2 MS. BRANSON: The NRI.

3 MR. UPHOFF: Okay. And the ultimate finding from
4 the Soil and Water Conservation District stated that
09:52 5 they were viewing this as unfavorable because of the
6 permanent displacement of prime farmland. Do you
7 recall reading that in there?

8 MS. BRANSON: It may be part of it. I was
9 referring to the LESA score itself.

09:52 10 MR. UPHOFF: Okay. So on page 1 in the opinion
11 where it says -- it's in the first sentence. It says:
12 The Board has an unfavorable opinion due to the
13 permanent displacement of prime farmland that is
14 necessary for the implementation of this project. Do
09:52 15 you see that sentence?

16 MS. BRANSON: I do see that.

17 MR. UPHOFF: Okay. And you've been here this
18 evening and have heard the evidence so far; is that
19 right?

09:52 20 MS. BRANSON: Correct.

21 MR. UPHOFF: Do you have any evidence that would
22 support that this is a permanent displacement of prime
23 farmland?

24 MS. BRANSON: I'm not even getting into that.

1 I'm saying that when you are not producing on your
2 prime farmland, you're cutting off the food supply
3 during the time that it is out of production.

4 MR. UPHOFF: Okay.

09:53 5 MS. BRANSON: That's what I'm saying. And I
6 think that's a problem.

7 MR. UPHOFF: Okay. So do you -- does this land
8 have to be used for agriculture?

9 MS. BRANSON: It is -- in my understanding, it is
09:53 10 protected farmland, and our comprehensive plan is
11 heavily based upon the protection of our farmland.

12 MR. UPHOFF: But does it have to be used for
13 agriculture?

14 MS. BRANSON: I think so.

09:53 15 MR. UPHOFF: So the landowner has to farm it?

16 MS. BRANSON: I believe so.

17 MR. UPHOFF: So if the landowner decided he did
18 not want to farm it, what action would the County take?

19 MS. BRANSON: I do not know. I'd have to refer
09:53 20 back to our state's attorney.

21 MR. UPHOFF: Do you think the County could go and
22 force him to farm his land?

23 MS. BRANSON: Again, I'd have to refer back to
24 our state's attorney.

1 MR. UPHOFF: But so it's your position that the
2 land has to be farmed?

3 MS. BRANSON: It's my position that I should
4 refer that question back to our state's attorney.

09:54 5 MR. UPHOFF: Well, you're here testifying tonight
6 and you're referencing this report.

7 MS. BRANSON: I am referencing this report. I'm
8 referencing my concerns about taking prime farmland out
9 of production, and that we have a land evaluation score
09:54 10 that we have raised dramatically to try and accommodate
11 solar farms and still protect our highest producing
12 farmland.

13 MR. UPHOFF: When you say "we," do you mean the
14 County Board?

09:54 15 MS. BRANSON: Well, that is what the County Board
16 did; but, I mean, I'm a part of that, but I'm not
17 speaking on behalf of the County Board. I'm speaking
18 on behalf of myself. I want to be clear on that.

19 MR. UPHOFF: Okay. So for you, as yourself,
09:54 20 then, do you believe that the County could force an
21 individual to have to farm their land?

22 MS. BRANSON: I think "force" is a strong word.

23 MR. UPHOFF: Well, you said they have to farm it;
24 right?

1 MS. BRANSON: I think it is clear that the County
2 would prefer that it be farmed.

3 MR. UPHOFF: But it's not required?

4 MS. BRANSON: Again, I'd refer that back to the
09:55 5 state's attorney.

6 MR. UPHOFF: Well, you're referring to the
7 state's attorney, but you're not here in your official
8 capacity as a Board member. You're here as an
9 individual; right?

09:55 10 MS. BRANSON: Correct.

11 MR. UPHOFF: So the state's attorney could only
12 assist you if you were acting in your official capacity
13 as a County Board member. So if you're referring to
14 the state's attorney as an individual, I don't believe
09:55 15 you would have the authority to refer to him --

16 MS. BRANSON: Well, then I would --

17 MR. UPHOFF: -- as your counsel.

18 MS. BRANSON: -- have to hire a private attorney.

19 MR. KEYT: Can I hold on here for just a second.

09:55 20 We're a little bit far afield as to
21 what is relevant in this proceeding. So I understand
22 your line of questions, but if we can stick to
23 something that's relevant to what is before us right
24 here.

1 MR. UPHOFF: So you're referencing the LESA
2 score. Do you know how the LESA score is calculated?

3 MS. BRANSON: Boone County Soil and Water goes
4 out, they take a bunch of samples, they write a very
09:55 5 lengthy report, they factor in numerous things that go
6 into it. I think the report itself is about 175 pages.

7 MR. UPHOFF: And is it all just in relation to
8 sampling the soil that's on the property, or does it
9 also take into account the uses of neighboring
09:56 10 property?

11 MS. BRANSON: I do not know.

12 MR. UPHOFF: And you submitted this report as
13 evidence and handed it out to the Board; is that
14 correct?

09:56 15 MS. BRANSON: Actually, it's already on
16 BoardDocs. It was already entered into evidence by the
17 County.

18 MR. UPHOFF: Okay. But you were asking that if
19 it had not been entered, you were asking that it would
09:56 20 be entered; right?

21 MS. BRANSON: No. I pulled it off of BoardDocs.
22 I'm just drawing their attention to something that is
23 already in reports that were already submitted.

24 MR. UPHOFF: Okay. So are you familiar with the

1 report, then?

2 MS. BRANSON: I am familiar with part of the
3 report. I haven't read it in fully.

4 MR. UPHOFF: Okay. Are you familiar with the
09:56 5 executive summary, which would be about the first 12
6 pages of it?

7 MS. BRANSON: I cut right to the bottom of line.

8 MR. UPHOFF: But you're familiar with it?

9 MS. BRANSON: As a Board member, I've read
09:56 10 several.

11 MR. UPHOFF: Okay. So are you also familiar with
12 the property in question? Have you been out to the
13 site?

14 MS. BRANSON: I have not.

09:56 15 MR. UPHOFF: So then when it talks on page 9
16 about erosion concerns, are you familiar with that
17 portion of the report?

18 MS. BRANSON: I have glanced at it. I was
19 focusing in on the LESA score. I'm not up here talking
09:57 20 about the rest of the report. I'm just talking about
21 the LESA score.

22 MR. UPHOFF: Okay. But this ultimately gets to
23 how they get to the score; right?

24 MS. BRANSON: It does.

1 MR. UPHOFF: All right. And so under the
2 "Erosion Concerns" section on page 9, when it's
3 referencing the property, it says it is currently
4 woodland.

09:57 5 Are you familiar with whether this
6 property is woodland or not?

7 MS. BRANSON: I told you, I have not been out to
8 this property.

9 MR. UPHOFF: Okay. But in reading and reviewing
09:57 10 the materials, have you found anything that led you to
11 believe that this is a woodland property?

12 MS. BRANSON: I don't know.

13 MR. UPHOFF: So you don't know exactly how the
14 LESA score is calculated other than to say the Soil and
09:58 15 Water Conservation District does the calculation?

16 MS. BRANSON: I talked to the person that does
17 them several years ago. She explained it to me then.
18 But to come in here and actually tell you exactly every
19 little detail to it, I don't remember that. It's been
09:58 20 a while.

21 I cut to the chase. I looked at the
22 unfavorable report. I looked at the LESA score. I
23 looked at the comprehensive plan. And I'm just drawing
24 the attention to the fact that, you know, you've got

1 these high numbers, and I'm -- I came up here as
2 unbiased to say, you know, you need to take a look at
3 this and be careful. That's all I'm saying.

4 MR. UPHOFF: So do you know whether or not any of
09:58 5 the LESA score factors are subjective factors?

6 MS. BRANSON: Some of them are.

7 MR. UPHOFF: Okay. So there's a subjective
8 element to how the LESA score gets determined?

9 MS. BRANSON: I believe part of it.

09:59 10 MR. UPHOFF: So then it would depend on who the
11 various individuals are that are scoring it as to
12 whether or not the score is a little higher or a little
13 lower based on those subjective opinions; is that
14 right?

09:59 15 MS. BRANSON: I am not an expert in the obtaining
16 of LESA scores and the writing of them.

17 MR. UPHOFF: So you don't know whether or not
18 those subjective opinions could move the LESA score
19 several points one way or the other, are you?

09:59 20 MS. BRANSON: That would be a question for the
21 Department of Natural Resources or our Boone County
22 Soil and Water.

23 MR. UPHOFF: Okay. But you're not familiar with
24 that and you don't know that answer?

1 MR. KEYT: I think that part's been established,
2 Mr. Uphoff.

3 MR. UPHOFF: Okay.

4 MR. KEYT: If we could move on maybe because
09:59 5 we're getting kind of late.

6 MR. UPHOFF: All right.

7 So you're saying that you looked at all
8 of these things and you're cautioning this Board?

9 MS. BRANSON: I am.

10:00 10 MR. UPHOFF: Cautioning them -- again, what's the
11 caution?

12 MS. BRANSON: I want them to take a look at the
13 information, be aware of the fact that it is above the
14 cut score and that the county is trying to protect
10:00 15 their farmland because they realize that it is a very
16 limited resource and that if you use it all up, you
17 lose the ability to be producing with it while it is
18 being used for something else, and we still have to
19 eat.

10:00 20 MR. UPHOFF: No further questions.

21 MR. KEYT: All right. Any other questions for
22 this witness from members of the Zoning Board or those
23 in favor of the project?

24 Going once to the Zoning Board.

1 (No response.)

2 MR. KEYT: Seeing none.

3 Anyone in favor of the project?

4 (No response.)

10:00 5 MR. KEYT: All right. Seeing none.

6 Ms. Branson, you're excused. Thank
7 you.

8 Okay. We are at exactly 10:00 p.m.

9 How many witnesses are left that are either -- are

10:01 10 there any witnesses left that are neutral to the
11 project?

12 (No response.)

13 MR. KEYT: Seeing none.

14 Are there any witnesses that are

10:01 15 opposed to the project who wish to testify or provide
16 evidence?

17 There is one. Anyone else?

18 (No response.)

19 MR. KEYT: Okay. We have one.

10:01 20 Is it the Zoning Board's wishes that we
21 could hear this one witness left?

22 MR. SCHABACKER: I would like to hear that
23 witness since it's the last one.

24 MR. KEYT: Okay.

1 MS. KRUMM: Is this a lengthy one?

2 MR. KEYT: How much time, ma'am, do you think you
3 have?

4 MS. RAMSAY: I was told I had three minutes.

10:01 5 MR. KEYT: Well, okay.

6 MS. RAMSAY: So short.

7 MR. KEYT: Yeah, you have more than that if you
8 want; but why don't you come on up and we'll at least
9 get this witness done, and then we can decide where to
10:01 10 go from there. Is that --

11 MS. KRUMM: Well, if this attorney is going to go
12 through his whole thing with her, I'm not going to stay
13 for that.

14 MR. KEYT: Yeah, I suspect he won't.

10:02 15 So all right, ma'am. Can you state and
16 spell your name for the record, please.

17 MS. RAMSAY: My name is Jean Ramsay, J-E-A-N,
18 R-A-M-S-A-Y.

19 MR. KEYT: Okay. Ms. Ramsay, what's your
10:02 20 address?

21 MS. RAMSAY: 16810 Ramsay Road, Caledonia.

22 MR. KEYT: All right. Ma'am, why don't you go
23 ahead and tell us what information you wish to provide.

24 MS. RAMSAY: So I did provide some written

1 information so you would have it.

2 I do feel this use should be denied. I
3 do support the solar power, as I said, on rooftops and
4 landfills and brownfields; but the highest and best use
10:02 5 of prime ag land is farming. The comprehensive plan
6 has a goal of protecting ag land. It's only one of
7 your factors to consider, but it's a very important
8 factor.

9 The Soil and Water Conservation

10:02 10 District report is more than an LE score. The report
11 shows, if you read -- and I have read carefully parts
12 of it and I have skimmed the whole thing.

13 If you look at that report, and you
14 probably have seen it, it's got these maps with all

10:03 15 these squiggly lines on it with numbers on them. The
16 numbers correspond to the type of soil. Each soil has
17 factors that they consider, and it's not subjective.
18 And in the report, it shows so much of this soil has
19 this score, so much of this soil has that score, so
10:03 20 much of this has that score, and it's all combined into
21 one total score.

22 So that report, which is also full of
23 little summary maps that are green and yellow and red,
24 says it's very good for agriculture use.

1 But if you read further in the report,
2 there are severe limitations as a site for solar arrays
3 because the steel, and if you change to concrete, are
4 both subject to deterioration underground. And they
10:03 5 felt that the soils of that type don't like steel posts
6 stuck in them.

7 And the erosion is moderate concern,
8 but it is extremely concerning during the construction
9 process because then there won't be this protective
10:04 10 vegetation. The most valuable part of the soil is that
11 top layer. Once you wash it away, you can't put it
12 back practically.

13 And can you put it back to agriculture
14 use the way it was? Nobody knows. We haven't had
10:04 15 solar power long enough. Nobody's tried
16 decommissioning one. So that's an opinion, yes, it can
17 or it can't.

18 It's a small part of agricultural land.
19 The 2017 numbers that were reported are out of date.
10:04 20 We're all aware of the development that has occurred in
21 the southern end of the county along what we always
22 call "Chrysler Land" and beyond. So it's decreasing.
23 And it's excellent for farming, has severe limitations
24 for solar.

1 So I urge you to reject the findings of
2 fact related to that and to deny the special use
3 permission.

4 MR. KEYT: Okay. Thank you, Ms. Ramsay.

10:05 5 Just for clarification, the document
6 you provided previously is the letter that was already
7 read into the record --

8 MS. RAMSAY: Yes.

9 MR. KEYT: -- is that correct? Okay. Perfect.

10:05 10 Is there any questions for this witness
11 from members of the Zoning Board of Appeals?

12 MS. KRUMM: I do.

13 MR. KEYT: Okay. Go ahead, ma'am.

14 MS. KRUMM: Are you saying that on this
10:05 15 particular parcel that there are soils that are
16 affected by these steel posts going into it?

17 MS. RAMSAY: I am saying that I read the Boone
18 County Soil and Water Conservation District report; and
19 the Boone County Soil and Water District said there
10:06 20 were severe limitations, and they do explain in that
21 report what they are, so.

22 MS. KRUMM: But is it in this particular parcel?

23 MS. RAMSAY: Yes. Yes.

24 MS. KRUMM: It would be damaging and they

1 cannot -- cannot regenerate. Is that what you're
2 saying?

3 MS. RAMSAY: So I think we're talking about two
4 things.

10:06 5 MS. KRUMM: Okay.

6 MS. RAMSAY: So putting the solar array, the
7 piece that provides the energy, the base, the support
8 for that will deteriorate.

9 Whether or not you can take that soil
10:06 10 when the project is decommissioned and return it to its
11 previous condition, that's what nobody knows.

12 MS. KRUMM: Okay. Thank you.

13 MS. RAMSAY: Uh-huh.

14 MR. KEYT: Okay. Any other questions from the
10:06 15 members of the Zoning Board of Appeals for this
16 witness?

17 (No response.)

18 MR. KEYT: Seeing none.

19 Are there any questions of this witness
10:07 20 from the Applicant?

21 MR. UPHOFF: Just one.

22 I wanted to clarify in terms of your
23 address, you don't have a residence next to the
24 property; is that correct?

1 MS. RAMSAY: I own property next to the project.
2 My residence is a couple miles away.

3 MR. UPHOFF: Okay. That's all I needed. Thank
4 you.

10:07 5 MR. KEYT: Any other questions from anyone in
6 favor of the project for this witness?

7 (No response.)

8 MR. KEYT: Seeing none.

9 Ms. Ramsay, you're excused. Thank you.

10:07 10 MS. RAMSAY: Thank you.

11 MR. KEYT: All right. Is there any other
12 witnesses that wish to be heard on this matter at all,
13 in favor, opposed, neutral?

14 (No response.)

10:07 15 MR. KEYT: Okay. Seeing none.

16 All right. Is there any rebuttal
17 evidence from the Applicant?

18 MR. UPHOFF: No.

19 MR. KEYT: Okay. Is there any rebuttal evidence
10:07 20 that anyone that is either neutral or in opposition to
21 the project that they wish to provide?

22 (No response.)

23 MR. KEYT: All right. Seeing none.

24 Is there any evidence from the Zoning

1 Board of Appeals or staff that they need to clarify or
2 for the record?

3 (No response.)

4 MR. KEYT: Okay. Seeing none.

10:08 5 We are on to -- we are on to the
6 portion of our agenda where we can move to close --
7 close the public hearing and deliberate.

8 Mr. Uphoff, did you have something to
9 add?

10:08 10 MR. UPHOFF: I didn't have rebuttal, but I didn't
11 know if there was an opportunity just for summation.

12 MR. KEYT: I think the Zoning Board has got all
13 the information they probably need.

14 Is there anyone from the Zoning Board
10:08 15 that wishes to hear a summation from either the
16 Applicant or anyone from the public?

17 MS. KRUMM: No.

18 MR. SCHABACKER: I'm good.

19 MR. KEYT: Okay. It sounds like from their
10:08 20 perspective they don't necessarily a summation.

21 MR. UPHOFF: Understood.

22 MR. KEYT: Thank you.

23 Is there a motion to close the public
24 hearing?

1 MR. SCHABACKER: I make that motion to close the
2 public hearing.

3 MS. KRUMM: Second.

4 MR. KEYT: Okay. Roll call vote.

10:08 5 MS. ROBERTS: Steve Schabacker.

6 MR. SCHABACKER: Yes.

7 MS. ROBERTS: Nate Sroka.

8 MR. SROKA: Yes.

9 MS. ROBERTS: Rick Schultz.

10:09 10 MR. SCHULTZ: Yes.

11 MS. ROBERTS: Joan Krumm.

12 MS. KRUMM: Yes.

13 MS. ROBERTS: Craig Hale.

14 CHAIRMAN HALE: Yes.

10:09 15 MR. KEYT: All right. We have closed the public
16 hearing, and it's time to deliberate.

17 Is there a motion to approve the
18 findings of fact as recommended from staff and
19 conditions of staff?

10:09 20 MR. SCHULTZ: I'll make that motion to approve.

21 MR. KEYT: Okay. Motion to approve from
22 Mr. Schultz.

23 MS. KRUMM: Second.

24 MR. KEYT: Second by Ms. Krumm.

1 Roll call vote -- or excuse me. Is
2 there any discussion on the matter --

3 MS. ROBERTS: On the findings.

4 MR. KEYT: Any discussion on the findings from
10:09 5 the Zoning Board of Appeals?

6 (No response.)

7 MR. KEYT: All right. Seeing none.

8 Call the roll call vote.

9 MS. ROBERTS: Craig Hale.

10:09 10 CHAIRMAN HALE: No.

11 MS. ROBERTS: Rick Schultz.

12 MR. SCHULTZ: Yes.

13 MS. ROBERTS: Joan Krumm.

14 MS. KRUMM: No.

10:10 15 MS. ROBERTS: Steve Schabacker.

16 MR. SCHABACKER: Yes.

17 MS. ROBERTS: Nate Sroka.

18 MR. SROKA: Yes.

19 MR. KEYT: Okay. Is there a motion on the
10:10 20 application itself, a motion to approve the application
21 subject to conditions or without conditions, but a
22 motion on the application itself?

23 MR. SCHULTZ: I'll make that motion as presented.

24 MR. KEYT: And is your motion to approve subject

1 to conditions or without conditions?

2 MR. SCHULTZ: Without conditions.

3 MR. KEYT: Do you mean with conditions?

4 MR. SCHULTZ: I'm sorry, with conditions.

10:10 5 MR. KEYT: All right. So there's a motion to
6 approve the application with conditions. Is there a
7 second of that motion?

8 MR. SROKA: I'll second.

9 MR. KEYT: Okay. Mr. Sroka.

10:11 10 Roll call vote or any -- excuse me, any
11 discussion first?

12 (No response.)

13 MR. KEYT: Okay. Seeing none.

14 Roll call vote.

10:11 15 MS. ROBERTS: Rick Schultz.

16 MR. SCHULTZ: Yes.

17 MS. ROBERTS: Steve Schabacker.

18 MR. SCHABACKER: Yes.

19 MS. ROBERTS: Nate Sroka.

10:11 20 MR. SROKA: Yes.

21 MS. ROBERTS: Craig Hale.

22 CHAIRMAN HALE: No.

23 MS. ROBERTS: Joan Krumm.

24 MS. KRUMM: No.

1 MR. KEYT: Okay. Motion passes 3 to 2.

2 All right. That concludes the final
3 hearing that was on the agenda for tonight.

4 And looking at our agenda items, I
10:11 5 believe we are on to any new business of the Board. Is
6 there any new business that the Board needs to bring --

7 MS. ROBERTS: Or other business?

8 MR. KEYT: -- or other business?

9 Is there any other business of the
10:11 10 Board that needs to come before the Board?

11 MS. KRUMM: I'm leaving.

12 MR. KEYT: Okay. Gotcha.

13 Okay. No other business.

14 Any other discussion?

10:12 15 (No response.)

16 MR. KEYT: Hearing none.

17 Agenda Item No. 10, communication and
18 planning reports, is there anything from planning?

19 MS. ROBERTS: No. Just to remind everybody the
10:12 20 next meeting is scheduled for January 23rd.

21 MR. KEYT: Thank you.

22 That takes us to adjournment. Is there
23 a motion to adjourn?

24 MR. SCHULTZ: So moved.

1 MR. KEYT: Is there a second?

2 MR. SCHABACKER: Second.

3 MR. KEYT: All in favor signify by saying aye.

4 (Whereupon, all the ayes were

10:12 5 heard.)

6 MR. KEYT: No, same sign.

7 (Whereupon, no nays were heard.)

8 MR. KEYT: Motion carries.

9 We stand adjourned.

10 (Whereupon, the proceedings were

11 adjourned at 10:12 p.m.)

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STATE OF ILLINOIS)
) SS:
COUNTY OF K A N E)

I, Amy K. Bateman, CSR, RPR, CRR, CRC, do hereby certify that I reported in shorthand the proceedings had at the taking of said public hearing and that the foregoing is a true, complete, and correct transcript of my shorthand notes so taken as aforesaid, and contains all the proceedings given at said public hearing.



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