

1	McLEAN COUNTY	1	1	I N D E X	3
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6	APPLICATION for special use to allow)	CASE NUMBER	5	Narrative testimony by Theresa Capodice	24
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13	the hour of 8:10 p.m. at Government Center, 115 E.		12		
14	Washington Street, Bloomington, Illinois.		13		
15			14		
16			15		
17			16		
18			17		
19			18		
20			19		
21	PATKES REPORTING SERVICE		20		
22	(217)652-6395		21		
23	lpatkes@comcast.net		22		
	REPORTER: LAUREL A. PATKES, CSR #084-001340		23		
		2			
1	BOARD MEMBERS:		1	<u>PROCEEDINGS</u>	4
2	JULIA TURNER, Acting Chair		2	ACTING CHAIR TURNER: We'll call	
3	DRAKE ZIMMERMAN		3	Case No. SU-18-20, ASD McLean Illinois Solar II.	
4	MICHAEL KURITZ		4	Phil, if you want to go ahead	
5	RICK DEAN		5	and present the case.	
6	BRIAN BANGERT		6	MR. DICK: This is Case No.	
7	CHRIS CARLTON		7	SU-18-2, application of ASD McLean, Illinois Solar	
8	MARY BETH TAYLOR		8	II, LLC by Amp Solar Development, Inc. for special	
9	PHIL DICK		9	use to allow a solar power generating facility in	
10	Secretary		10	the Agriculture District on property in the	
11	SAMANTHA WALLEY		11	southeast quarter of Section 22, Township 23 North,	
12	Assistant State's Attorney		12	Range 2 East of the Third Principal Meridian and	
13	LUKE HOHULIN		13	located in Bloomington Township at 2906 Hendrix	
14	Assistant County Engineer		14	Drive, Bloomington, Illinois.	
15	APPEARANCES:		15	Public notice of this hearing	
16	LUKE RICKARD		16	was published in the Pantagraph on August 18, 2018	
17	1550 Wewatta Street		17	as provided by law, and all the other required	
18	Denver, Colorado 80202		18	notifications have been made, and the applicant has	
19	-and-		19	paid the publication costs.	
20	CLAY SCHULER		20	As communications, there is,	
21	7713 Red Maple Drive		21	well, there's a plat map that I will pass and a site	
22	Plainfield, Illinois 60586		22	plan that's part of your application that I won't	
23	-and-		23	pass, but if you'll notice in the site plan, the	
	ROBERT LENZ				
	202 North Center				
	Bloomington, Illinois 61701				
	on behalf of the Applicant.				

<p style="text-align: center;">5</p> <p>1 solar arrays have been moved to the south about 2 150 feet, and there are now trees planted in here 3 that I will reference in my staff report.</p> <p style="text-align: center;">The Soil and Water</p> <p>4 Conservation District LESA report which I will pass 5 I delivered in the case, and this is a re-filing of 6 the case that was heard last month but the site plan 7 is significantly different, and it was withdrawn. 8 It did not go to the County Board, and that's why 9 they were able to submit a new application by the 10 deadline, and it was published then accordingly.</p> <p style="text-align: center;">This is a communication from</p> <p>11 the Illinois Department of Natural Resources which I 12 will pass. They have a communication from the 13 health department that they've signed off on and a 14 zoning map indicating that this property is in the 15 Agriculture District which I will also pass.</p> <p style="text-align: center;">If you look at the aerial</p> <p>16 photo here, this is the zoning map showing that this 17 property is in the Agriculture District. If you can 18 see it, it's right along the north side of I-74 19 outlined in red, and this is a blow-up of the 20 property, and there are three residences to the</p>	<p style="text-align: center;">7</p> <p>1 land use to the north are single family residents. 2 To the south, there are residences across I-74 to 3 the south. To the east is crop production. To the 4 west are single family residences.</p> <p style="text-align: center;">The land evaluation and site</p> <p>5 assessment, or LESA, has been completed on the 6 property. The soil score is 83 out of a hundred. 7 The site score is 112 out of 200 giving it a total 8 score of 195 out of 300. 219 points and below means 9 that the property is of low value for ag land 10 protection, so this has a relatively low LESA score.</p> <p style="text-align: center;">The seven standards of the</p> <p>11 ordinance are as follows:</p> <p style="text-align: center;">The proposed special use will</p> <p>12 not be detrimental to or endanger the health, 13 safety, morals, comfort or welfare of the public. 14 This standard is met.</p> <p style="text-align: center;">The applicant proposes to</p> <p>15 establish a 2-megawatt solar power generating 16 facility on this property which will meet all the 17 county setback requirements and use standards for a 18 solar power generating facility.</p> <p style="text-align: center;">The application indicates that</p>
<p style="text-align: center;">6</p> <p>1 north and then another one to the right which is 2 also a residential property and then I-74 to the 3 south.</p> <p style="text-align: center;">This is the public road facing</p> <p>4 the south, and this is the public road facing the 5 north, and this is the north edge of the property. 6 The corn is on the subject property. The fence is 7 on the property to the north.</p> <p style="text-align: center;">And this is the corn that is</p> <p>8 toward the north edge of the property where the 9 solar arrays would be to the east of this, all of 10 this area.</p> <p style="text-align: center;">And there you can see I-74 to</p> <p>11 the left there which is south of the property, and 12 the solar arrays would be in this area. They 13 earlier weren't going to be this far south, but in 14 this site plan, now they are.</p> <p style="text-align: center;">And this is the corn planted</p> <p>15 to the north of that open area.</p> <p style="text-align: center;">And this is the aerial photo.</p> <p style="text-align: center;">The property is surrounded by</p> <p>16 land in the Agriculture District. These residences 17 are all located in the Agriculture District. The</p>	<p style="text-align: center;">8</p> <p>1 this facility will contain rows of photovoltaic cell 2 panels mounted on posts set in the ground. These 3 rows of panels are referred to as solar arrays. Amp 4 Solar Development will mount the solar arrays on a 5 tracking system which will allow them to follow the 6 sun throughout the day. The solar arrays will be 7 designed with anti-reflective coating. The 8 applicant indicates the solar arrays will be a 9 maximum of 15 feet in height.</p> <p style="text-align: center;">The proposed solar panels will</p> <p>10 be located 189 feet from the north property line and 11 staggered coniferous and deciduous trees will be 12 planted along the north property line to provide a 13 screen for nearby residences. Coniferous trees will 14 be a minimum of eight feet in height at planting. 15 Deciduous trees will be a minimum of 12 feet in 16 height at planting.</p> <p style="text-align: center;">The applicant submitted an</p> <p>17 EcoCAT communication from the Illinois Department of 18 Natural Resources which indicates that there is no 19 record of State-listed threatened or endangered 20 species, Illinois Natural Area Inventory sites, 21 dedicated Illinois Nature Preserves or registered 22</p>

<p style="text-align: right;">9</p> <p>1 Land and Water Reserves in the vicinity of the 2 project location and that the consultation is 3 terminated.</p> <p>4 A decommissioning plan that 5 includes an Agricultural Impact Mitigation 6 Agreement, or AIMA, with the Illinois Department of 7 Agriculture and financial assurance acceptable to 8 the County need to be provided.</p> <p>9 The application indicates that 10 the parent company will provide a contact person to 11 be kept on file with the Department of Building and 12 Zoning for issues/complaints upon completion of the 13 facility.</p> <p>14 The applicant has conducted a 15 search of the Illinois Historic Preservation 16 Agency's Architectural Resources Geographic 17 Information System.</p> <p>18 b. The proposed special use 19 will not be injurious to the use and enjoyment of 20 other property in the vicinity for purposes already 21 permitted or substantially diminish property values 22 in the area. This standard is met.</p> <p>23 The electrical transformers</p>	<p style="text-align: right;">11</p> <p>1 nearby land in crop production will continue to be 2 desirable for such use.</p> <p>3 d. Adequate utilities, access 4 roads, drainage and/or other necessary facilities 5 have been or will be provided, and this standard is 6 met.</p> <p>7 The property has approximately 8 500 feet of frontage on the east side of Hendrix 9 Drive. The Bloomington Township Fire District will 10 provide fire protection for the subject property. 11 Pre-development drainage patterns will be retained 12 as much as possible. The applicant will provide 13 certified plans for storm water detention/retention 14 before a permit is issued for the proposed solar 15 power generating facility.</p> <p>16 The applicant will need to 17 have all field tile damaged in the construction 18 process repaired by a competent contractor with 19 experience in such repair during the life of the 20 solar farm.</p> <p>21 The applicant has obtained a 22 signoff from the County Health Department.</p> <p>23 e. Adequate measures have</p>
<p style="text-align: right;">10</p> <p>1 for the facility, the part of the facility that 2 creates a humming noise, will be located 3 approximately 900 feet from the nearest residence 4 and not likely heard by nearby residents. The 5 proposed solar panels will be located 189 feet from 6 the north property line and staggered coniferous and 7 deciduous trees will be planted along the north 8 property line to provide a screen for nearby 9 residences.</p> <p>10 Nearby property and 11 residential use will continue to be desirable for 12 such use, and nearby land and crop production will 13 continue to be desirable for such use.</p> <p>14 Groundcover that includes 15 native species, encourages pollination, recommended 16 by the McLean County Soil and Water Conservation 17 District, will need to be installed.</p> <p>18 c. The proposed special use 19 will not impede the orderly development of the 20 surrounding property for uses permitted in the 21 district, and this standard is met.</p> <p>22 Nearby property in residential 23 use will continue to be desirable for such use, and</p>	<p style="text-align: right;">12</p> <p>1 been or will be taken to provide ingress and egress 2 so designed as to minimize traffic congestion in the 3 public streets, and this standard is met.</p> <p>4 It appears that safe site 5 distance can be provided at the proposed entrance. 6 The application has been in communication with the 7 Bloomington Township Road Commissioner and will need 8 to obtain an entrance permit from him before a 9 construction permit will be issued for the proposed 10 solar farm.</p> <p>11 f. The establishment, 12 maintenance and operation of the special use will be 13 in conformance with the intent of the district in 14 which it is located, and this standard is met.</p> <p>15 The preamble states, "Provide 16 for the location and govern the establishment and 17 operation of land uses which are compatible with 18 agriculture and are such a nature that their 19 location away from residential, commercial and 20 industrial areas is most desirable."</p> <p>21 g. The proposed special use 22 in all other respects conforms to the applicable 23 regulations of the Agriculture District. This</p>

<p style="text-align: right;">13</p> <p>1 standard is met.</p> <p>2 In conclusion, staff</p> <p>3 recommends that the application meets all of the</p> <p>4 standards set forth in Article VIII, Section 350-56</p> <p>5 provided compliance with the following stipulations:</p> <p>6 1) An entrance permit shall</p> <p>7 be obtained from the Bloomington Township Road</p> <p>8 Commissioner before a construction permit is issued.</p> <p>9 2) The applicant shall</p> <p>10 provide certified plans for storm water</p> <p>11 detention/retention before a construction permit is</p> <p>12 issued.</p> <p>13 3) The applicant shall</p> <p>14 complete consultation with the Illinois Historic</p> <p>15 Preservation Agency before a construction permit is</p> <p>16 issued.</p> <p>17 4) The applicant shall have</p> <p>18 all field tile damaged in the construction process</p> <p>19 repaired by a competent contractor with experience</p> <p>20 in such repair during the life of the solar farm.</p> <p>21 5) The solar panels shall be</p> <p>22 installed with an anti-reflective coating.</p> <p>23 6) Groundcover that</p>	<p style="text-align: right;">15</p> <p>1 9) As a condition of</p> <p>2 receiving a permit from the County, the company must</p> <p>3 pay the cost of hiring an Illinois registered</p> <p>4 professional engineer to provide a certified</p> <p>5 estimate of decommissioning costs.</p> <p>6 The company shall provide</p> <p>7 decommissioning security financing for the estimated</p> <p>8 cost of decommissioning in the amount determined by</p> <p>9 the engineer or \$50,000, whichever is greater.</p> <p>10 Security financing must be in</p> <p>11 the form of an irrevocable letter of credit or a</p> <p>12 cash escrow unless the County Board, in its sole</p> <p>13 discretion, agrees to accept a performance bond.</p> <p>14 The decommissioning costs will</p> <p>15 be reviewed and revised when needed, but estimate</p> <p>16 review must occur at least every ten years.</p> <p>17 We'll also have a condition in</p> <p>18 here that requires that all infrastructure five feet</p> <p>19 below above the surface be removed as approved in</p> <p>20 the previous special use.</p> <p>21 10) The company must provide</p> <p>22 an Agricultural Impact Mitigation Agreement signed</p> <p>23 by the company and the Illinois Department of</p>
<p style="text-align: right;">14</p> <p>1 encourages pollination that is recommended by the</p> <p>2 McLean County Soil and Water Conservation District</p> <p>3 needs to be installed.</p> <p>4 7) Standard coniferous and</p> <p>5 deciduous trees shall be planted no more than 25</p> <p>6 feet apart, on center, along the north property line</p> <p>7 to provide a screen for nearby residences. The</p> <p>8 coniferous trees shall be a minimum of eight feet in</p> <p>9 height and will include a mixture of two to three</p> <p>10 different species such as Norway Spruce, Douglas Fir</p> <p>11 and Eastern White Pine.</p> <p>12 The deciduous trees will have</p> <p>13 a minimum height of 12 feet and will include a</p> <p>14 mixture of two to three different species such as</p> <p>15 Common Hackberry, Quaking Aspen, and Linden. All</p> <p>16 tree species selected will be appropriate for USDA</p> <p>17 hardiness Zone 5 and based on site specific criteria</p> <p>18 for soil characteristics, moisture, sunlight and</p> <p>19 exposure.</p> <p>20 8) A contact person for the</p> <p>21 applicant will need to be kept on file with the</p> <p>22 Department of Building and Zoning for</p> <p>23 issues/complaints upon completion of the facility.</p>	<p style="text-align: right;">16</p> <p>1 Agriculture prior to the issuance of a permit to</p> <p>2 construct from the County and must certify that it</p> <p>3 will comply with all of the terms of the agreement.</p> <p>4 Nothing in the Agricultural Impact Mitigation</p> <p>5 Agreement will preclude the County from establishing</p> <p>6 any standards that exceed those contained in the</p> <p>7 Agreement.</p> <p>8 11) Development shall follow</p> <p>9 the plans and documents submitted with the</p> <p>10 application and with zoning regulations including</p> <p>11 Article VI standards for a solar power generating</p> <p>12 facility.</p> <p>13 And that concludes my report.</p> <p>14 ACTING CHAIR TURNER: With that, I</p> <p>15 would like to swear you guys in if that's okay.</p> <p>16 (Whereupon the witnesses were</p> <p>17 sworn by Acting Chair Turner.)</p> <p>18 ACTING CHAIR TURNER: All right.</p> <p>19 With that, will you state your names and addresses,</p> <p>20 please?</p> <p>21 MR. LENZ: I'm Robert Lenz, an</p> <p>22 attorney in Bloomington at 202 North Center Street.</p> <p>23 MR. RICKARD: I'm Luke Rickard with</p>

17

1 Amp Solar Development, 1550 Wewatta Street,
 2 W-e-w-a-t-t-a, Denver, Colorado.
 3 MR. SCHULER: I'm Clay Schuler with
 4 MeritCorp Group, 7713 Red Maple Drive, Plainfield,
 5 Illinois 60586.
 6 MRS. CAPODICE: I'm Theresa
 7 Capodice, 2827 Capodice Road, Bloomington, Illinois
 8 61704.
 9 MR. CAPODICE: John Capodice, 2827
 10 Capodice Road, Bloomington, Illinois 61704.
 11 ACTING CHAIR TURNER: All right.
 12 Would you guys like to present your case or present
 13 more than what Phil has at this point?
 14 MR. RICKARD: Yes.
 15 Could we pull up the
 16 presentation, please? I promise it will be a brief
 17 presentation. I want us to get out of here before
 18 1 a.m.
 19 ACTING CHAIR TURNER: Yes, so do I.
 20 NARRATIVE TESTIMONY
 21 BY LUKE RICKARD:
 22 Okay. So I just wanted to
 23 explain the reason behind withdrawing the previous

18

1 application and resubmitting to get back in front of
 2 you guys here.
 3 At the end of the last hearing
 4 with the way that things were left, the County Board
 5 was going to vote upon something that we had no
 6 intention of building after all the constructive
 7 discussion that we had with rebutters and with the
 8 board, and so the plan was sort of borne in
 9 reference to where we got with that.
 10 So I wanted to resubmit and
 11 get a vote on what it is that we would actually want
 12 to stand behind.
 13 MR. LENZ: May I add to that?
 14 I want to call to the board's
 15 attention the fact that you recall in our previous
 16 appearance just a month ago that John Capodice
 17 testified, and after hearing comments from neighbors
 18 and objectors, he testified that he had spoken to
 19 them in advance, but what you should know is almost
 20 immediately following, well, the next day, not
 21 immediately after our midnight period, John must
 22 have stayed up all night because he came up with a
 23 concept for a new plan, more setback from the north

19

1 line, more plantings, a different arrangement of the
 2 development of the property, and contacted Luke.
 3 We met the next day, made
 4 arrangements to withdraw the application, and then
 5 scrambled to be able to file proper notice for the
 6 plan that you have before you tonight.
 7 And since then, John and
 8 Theresa both can testify about their recent contacts
 9 with neighbors, and we think we're presenting a much
 10 better plan to you.
 11 And I want to give credit to
 12 my clients...you'd expect me to, but it's
 13 particularly true in this case...both John and
 14 Theresa have done their best to be very responsive
 15 to the concerns of this board and the concerns of
 16 the neighbors, and they should be commended for
 17 that.
 18 Thank you.
 19 MR. RICKARD: Next slide, please.
 20 So brief information on Amp,
 21 not to belabor any points here, but, you know, we
 22 are a leading clean energy IPP. IPP stands for
 23 independent power producer. The main significance

20

1 of that is that as an IPP, we intend to hold all of
 2 our projects on the books for the long term, and
 3 we're again not one of the developers who shuts us
 4 into, you know, develop a project and then sell to a
 5 different owner.
 6 We have offices around the
 7 world in Japan, in India, in Canada, and across the
 8 northern United States as well.
 9 So as an overview, we've, as I
 10 stated before, we've revised the plans. In summary,
 11 it's the same technology as was previously proposed
 12 and as has been brought in front of the board
 13 numerous times over the last few months.
 14 It would be 2-1/2 megawatts on
 15 the DC side, 2 megawatts even on the AC side so
 16 coming out of the inverter which is the award we are
 17 seeking from the zoning; polysilicon solar modules
 18 with anti-reflective coating, single axis tracking
 19 technology, and everything else is as previously
 20 advertised.
 21 Next slide, please.
 22 So as Mr. Dick indicated in
 23 his report, we have made amendments to the design to

<p style="text-align: center;">21</p> <p>1 make it more compatible with the local neighborhood 2 and to address concerns raised in front of the board 3 last month.</p> <p>4 The screening along the 5 northern boundary has been introduced to provide 6 screening from the abutters on the northern side of 7 the property line. A mix of evergreen and deciduous 8 trees, the reason we chose this mix is we took 9 advice from a landscape architect, and there had 10 been a suggestion that the height of the trees 11 should be 12 feet to screen, and apparently it's 12 really hard to find evergreen trees that are 12 feet 13 in height when you want to plant them, so that's the 14 reason for the mix of evergreen and deciduous trees.</p> <p>15 The other one is to mostly 16 plant them in staggered rows so as they grow in 17 they'll provide very effective screening over time.</p> <p>18 We've added in a temporary 19 construction staging area on this. The purpose of 20 this was we had to size this site down a little bit 21 in order to move away from the northern property 22 line, so we added in the construction staging area 23 to help with construction logistics, but also, we</p>	<p style="text-align: center;">23</p> <p>1 plan to specify that we will be imposing a ten mile 2 an hour speed limit for all delivery and 3 construction vehicles coming into and out of the 4 site on Hendrix Road as well as to designate 5 observation personally to assist delivery drivers 6 and residents for safety when delivery is being made 7 and make sure that everyone is safe during those 8 times.</p> <p>9 Next slide please. 10 So as you can see, the site 11 plan has been revised. We now have the screening 12 across the north end with the mix of deciduous and 13 evergreen trees. The system is closer to the 14 floodplain boundary on the east. We have a 15 temporary construction laydown yard which is located 16 outside the fence line which is where you can see 17 the turnaround analysis has been performed there. 18 That will obviously be removed after the end of 19 construction.</p> <p>20 That generally involves just a 21 geotech style layer with some crushed rock or 22 something on top to keep it so it's drivable and 23 workable.</p>
<p style="text-align: center;">22</p> <p>1 ran through an analysis to make sure that semi 2 delivery trucks would be able to turn around in that 3 construction staging area which should prevent any 4 need for any delivery trucks to turn around on the 5 street on Hendrix Road or the private road located 6 to the north of the subject property.</p> <p>7 So if we could just go back. 8 We relocated the access point 9 to the southern end of Hendrix Road. We thought 10 this would be cleaner and would be less likely to 11 impact abutters on that northern corner there.</p> <p>12 We managed to relocate the 13 array a little further close into the floodplain on 14 the east side, and that allowed us to achieve a 15 greater setback on the northern boundary, again, to 16 address concerns that were raised before the board 17 the last time with the array being too close to the 18 property line. So now the array would be located 19 more than 180 feet away from the property line.</p> <p>20 We've located the electrical 21 equipment as close to I-74 as possible so as to 22 reduce any potential impact during operation to the 23 neighbors, and we've also changed our construction</p>	<p style="text-align: center;">24</p> <p>1 And then obviously the access 2 point has been moved to the southern end of Hendrix 3 Road there.</p> <p>4 And that concludes my 5 presentation.</p> <p>6 Theresa, would you like to 7 testify?</p> <p>8 MRS. CAPODICE: Yes.</p> <p>9</p> <p>10 NARRATIVE TESTIMONY 11 BY THERESA CAPODICE: 12 Thank you for your time 13 tonight.</p> <p>14 I would like to address some 15 issues that the ZBA considered at the August 7th 16 meeting, information that's critical to the 17 decision-making, and to that end, I brought with us 18 a packet of materials that we shared with our 19 neighbors.</p> <p>20 After a short meeting with 21 those neighbors that turned into a much longer 22 social gathering where we discussed our common 23 interests, we feel we have addressed any issues of</p>

25

1 concern.

2 First, we were as concerned as

3 anyone else in the neighborhood about the impact

4 solar gardens would have on adjoining property

5 properties. In our research, we found no evidence

6 that solar projects have a devaluation effect on

7 adjoining properties.

8 Included in the packet is

9 sworn testimony from the McHenry County Zoning Board

10 of Appeals meeting on April 25, 2018 from two expert

11 appraisers licensed in Illinois.

12 Understand that we are also an

13 adjoining landowner, and we would not do anything

14 that would compromise land values in the

15 neighborhood. We have always been aware that what

16 we do with our properties can have an effect on the

17 neighborhood, so no matter if it is a commercial use

18 property, agricultural use, or residential

19 neighborhood, we always do our due diligence and

20 research the tenant.

21 In this case after being

22 contacted by other solar companies we chose Amp, the

23 only company that was willing to fly from Canada to

26

1 Bloomington, come to our home and talk to us at our

2 own kitchen table about our concerns.

3 We think we made the best

4 choice of companies for us and for our neighbors.

5 Within days of hearing our

6 concerns, Amp had sent us new plans. Everyone we

7 talked with in the neighborhood thinks that this new

8 plan is a good, workable plan.

9 The solar panels have been

10 moved from 30 feet from the neighbors to 189 feet

11 from the neighbors. The transformer for the project

12 has been moved about 900 feet away from any

13 residences and is close to I-74.

14 At 60 decibels, which is about

15 equal to a human voice while talking, it is unlikely

16 to be heard by any of the neighbors.

17 A combination of trees and

18 bushes will be planted along the north property line

19 to provide screening for nearby homes. It will take

20 a few years to fill in, but I think it will be an

21 attractive solar garden as it fills in.

22 As citizens in McLean County,

23 my husband and I both have two generations that were

27

1 here before us and now two following us, so it's a

2 priority for us to be a good citizen.

3 We were asking that Amp use

4 groundcover plantings that will not only enrich the

5 earth but also attract pollinators -- bees and

6 butterflies. We currently have two fields on our

7 own farm dedicated to this.

8 We also have discovered in our

9 research other environmentally friendly practices

10 such as beekeeping can be incorporated.

11 When meeting with the Unit 5

12 superintendent, we also discussed field trips to the

13 solar farm, and wouldn't every taxpayer here enjoy

14 an injection of revenue to our schools that doesn't

15 use any additional resources.

16 We would also like the ZBA to

17 know we believe that this ground will benefit from a

18 rest from crop production. The State of Illinois,

19 probably using best practices at the time, really

20 messed up this farm ground.

21 Clay from the construction of

22 I-74 was piled 15 feet deep on this farm so that

23 even after decades of allowing vegetation to be

28

1 incorporated to enrich the soil on this farm, it was

2 still considered to be of low value for agricultural

3 land production.

4 Perhaps considering the types

5 of crops that can be harvested on this farm, solar

6 energy production seems to be the most logical crop

7 for this field.

8 Traffic safety is a concern,

9 but we feel that for the few months of construction,

10 the precautions promised by Amp, which include

11 barricades, warning lights, guard rails and

12 employing flaggers as necessary during construction,

13 went a long way to alleviate our concerns.

14 They also moved the

15 construction traffic entrance and staging area so

16 the construction vehicles move in and out away from

17 the closest neighbors.

18 We promise no construction

19 will take place until we have a local contact number

20 for the contractor.

21 We live in the neighborhood,

22 and the neighbors all know how to get ahold of us

23 with any safety concerns or questions, and Amp has

29

1 been wonderful. They've responded quickly to all of
 2 our calls and e-mails.

3 It will be a great honor for
 4 us and for our family to participate in this.

5 We are hoping that our
 6 community, and I mean more than just the people that
 7 live in the neighborhood, can work together for the
 8 success of solar, a renewable energy source.

9 Thank you.

10 ACTING CHAIR TURNER: Anyone else?

11 MR. LENZ: John Capodice?

12 MR. CAPODICE: I can't top that. I
 13 can't follow that act.

14 Thank you for the offer.

15 MR. LENZ: We're available for
 16 questions.

17 MR. DICK: We'll call this
 18 Applicant's Exhibit 1.

19 ACTING CHAIR TURNER: Anyone from
 20 the board have any questions?

21 MR. DEAN: I would concur with
 22 Mr. Lenz that they've got a community-minded spirit
 23 here that's working well.

30

1 I had one little curious
 2 question.

3

4

5 QUESTIONING BY BOARD

6 OF MR. RICKARD:

7 MR. DEAN: What does hail do to
 8 these panels, a hail storm?

9 MR. RICKARD: Your average hail
 10 storm, I'm not sure what an average hail storm is,
 11 but just some small hail would have very, very
 12 little effect on the panels themselves.

13 If you start getting up to
 14 softball size hail, which is pretty rare, you can
 15 see, if the hail strikes the panel dead on sort of
 16 at a right angle, you can see some cracking on the
 17 glass, perhaps some bending of the aluminum on the
 18 frame.

19 Generally speaking, you know,
 20 after an event like that, our monitoring software
 21 would tell us that we have something going wrong at
 22 the site that it wouldn't be producing like it
 23 should, and we'd send somebody out to fix it. We

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1 normally carry some spares, and we can also, you
 2 know, get additional work done as needed to replace
 3 any defective parts. We also carry insurance.

4 MR. DEAN: Thank you.

5 ACTING CHAIR TURNER: So I just
 6 want to clarify, the road that's coming down to the
 7 south of the property now, are you building that
 8 road?

9 MR. RICKARD: That would be an
 10 all-weather gravel surface, so yeah, we would be
 11 adding that to the property.

12 MR. ZIMMERMAN: And you would be
 13 avoiding Wren Road entirely with this application?

14 MR. RICKARD: Yeah the plan -- is
 15 Wren Road the prior road to the north?

16 The plan was never to drive on
 17 Wren Road originally, but, yes, the idea behind
 18 moving this access and then putting in the
 19 turnaround here is to eliminate any possibility.

20 MR. ZIMMERMAN: Somewhere in there
 21 you said you'll have a speed limit along Hendrix
 22 Road of ten miles per hour.

23 MR. RICKARD: Yeah. We'll be

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1 instructing all of our delivery drivers and
 2 construction vehicles and everybody else to keep to
 3 a slow speed limit on that road for public safety.

4 ACTING CHAIR TURNER: And I know we
 5 talked last time about the number of truckloads that
 6 would be coming through but could you restate that,
 7 please?

8 MR. RICKARD: I didn't have an
 9 exact number in the application, but I believe for
 10 the solar panels themselves, we will probably be
 11 looking at around 30 trucks. Maybe another 20 more
 12 for additional equipment, that sort of thing.

13 ACTING CHAIR TURNER: That's what I
 14 remembered, 40 to 50 truckloads.

15 And that's over the span of
 16 how many months?

17 MR. RICKARD: Well, if we're
 18 looking at a construction period of up to six
 19 months, generally speaking, the deliveries take
 20 place earlier on in the construction sequencing, so
 21 I would expect that it be no more than three months
 22 of deliveries but quite likely be less.

23 ACTING CHAIR TURNER: Okay. And

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1 the number of people that you employ at one time
 2 that would be driving, would they be using the same
 3 access as the construction workers?
 4 MR. RICKARD: Yes.
 5 ACTING CHAIR TURNER: And how many
 6 would that be?
 7 MR. RICKARD: I would estimate it
 8 at perhaps an additional 10 to 20 craft vehicles,
 9 worker vehicles, depending on how many crews we have
 10 on site, what's going on, but they should all be
 11 able to park next to the access road on the side and
 12 not park on Hendrix Road.
 13 ACTING CHAIR TURNER: Sure.
 14 MR. ZIMMERMAN: I'm just curious.
 15 Have you contacted any beekeepers around this? And
 16 secondly, have you put a bee friendly mix, a
 17 pollinator friendly mix in the works for planting
 18 around that, around the plot?
 19 MR. RICKARD: I have not specified
 20 specific flowers or plants yet, but that will
 21 happen, and that's obviously one of the conditions
 22 in the report which we're happy to abide by.
 23 It's also something that I've

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1 done in the past on previous solar farms. I did
 2 make partnership with a solar farm I developed in
 3 Colorado. We did do this exact thing. We put
 4 pollinator friendly groundcover down, and then I had
 5 a partnership with a local honey maker, and they
 6 came and put six hives on the property. It was for
 7 another company, but the last I heard, everything
 8 was going great.
 9 To answer your question, we
 10 have not yet reached out to local beekeepers. We're
 11 still awaiting for approval for the project.
 12 MR. BANGERT: So out of the
 13 concerns, and this would be for John and Theresa,
 14 out of the concerns from the last hearing, you felt
 15 it was necessary to call a meeting, and you got
 16 together the neighbors in an informal setting and
 17 worked out these details? Or how did this all come
 18 about?
 19 MRS. CAPODICE: We didn't call the
 20 meeting. One of the neighbors called everyone in
 21 the neighborhood and...well, we called her, and she
 22 called everybody else in the neighborhood and said
 23 we were coming over to her house.

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1 We intended to do it one at a
 2 time, but everybody came that day, and so we just
 3 ended up sitting there talking to everyone and
 4 listening to all their concerns and had a good time
 5 actually; I did.
 6 MR. BANGERT: And so out of that
 7 helped steer the direction of the new plan?
 8 MRS. CAPODICE: Yes.
 9 MR. BANGERT: Completely you might
 10 say.
 11 MRS. CAPODICE: I think so.
 12 MR. BANGERT: I commend you on that
 13 effort. That was really nice.
 14 MRS. CAPODICE: Thanks.
 15 MR. CAPODICE: We handed out a
 16 packet to them too that you will have tonight that
 17 was in your handout.
 18 ACTING CHAIR TURNER: Any other
 19 questions from the board?
 20 Does the staff have any
 21 questions?
 22 MR. DICK: No.
 23 ACTING CHAIR TURNER: Does anyone

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1 from the audience have any questions for the
 2 applicants?
 3 Okay. And this is for
 4 questions so I'm not going to swear you in yet, but
 5 you do need to state your name and address, please.
 6 MS. McLAUGHLIN: Amos McLaughlin,
 7 606 Wren Road, Bloomington, Illinois 61704.
 8 MR. DICK: Spell your last name,
 9 please.
 10 MR. McLAUGHLIN: Yeah.
 11 M-c-L-a-u-g-h-l-i-n.
 12 ACTING CHAIR TURNER: Okay.
 13 MR. McLAUGHLIN: I'll be the only
 14 person from the neighborhood asking questions so I
 15 have a quick little list here, and it shouldn't be
 16 too big a deal. This is from everybody in the
 17 neighborhood. As you can see, they didn't come
 18 tonight.
 19
 20 QUESTIONING OF LUKE RICKARD
 21 BY MR. McLAUGHLIN:
 22 Q. If one of these trees dies, are you
 23 guys planning on replacing that or is there any kind

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1 of a plan in place in case something happens with
2 it?

3 A. Yeah. So monitoring the landscaping
4 is part of our ongoing operations and maintenance,
5 so if one of those trees does die, we would be
6 looking to replace it.

7 Obviously, if it grows to
8 20 feet and then dies, we'll have to replace it with
9 a shorter one.

10 Q. Then what hours do you guys plan on
11 working, and specifically while they're driving the
12 piles?

13 I'm just kind of curious about
14 noise level. You know, are they going to start at 6
15 in the morning and driving for a month or...

16 A. I don't anticipate starting at 6 in
17 the morning. I think we could keep it to business
18 hours.

19 Q. And then how long do they take just
20 to get piles driven? That's probably the only loud
21 part I would imagine.

22 I mean, is that a couple days, a
23 couple weeks?

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1 A. I'd say it depends on the pile.
2 There's different types of piles. There's straight
3 piles and there is screw piles.

4 We haven't decided which one to
5 go with yet. We haven't done the geotechnical
6 analysis, but I would say we should be able to drive
7 piles in about three or four weeks max.

8 Q. Is that probably eight hours day five
9 days a week?

10 A. Yeah, six to eight hours a day.

11 Q. I mean, we're looking for worst case
12 scenario just so I can tell everyone kind of what
13 we're looking at.

14 A. Yeah, I would say eight hours a day,
15 but it would be during the day obviously.

16 Q. You guys have an overhead section of
17 power lines here along I-74, and we're just curious
18 how tall.

19 Are those 35-foot poles or do
20 you have any idea what the overhead portion will be?

21 A. It will be to the utility standard,
22 so it would be the standard wooden poles.

23 Q. 35 or oir 40?

39

1 A. Yeah.

2 Q. Okay. And then this is a personal
3 question for me since I work at Ameren. I'm trying
4 to learn about solar, and nobody at Ameren really
5 knows. We don't have any on our system. This is
6 the first ones coming in.

7 I assume you guys have some kind
8 of like a viper recloser that connects your stuff to
9 our stuff.

10 A. Yes.

11 Q. And then, just out of curiosity, if
12 we have a fault on our line, you know, what we have
13 is our line drops off, and that way, when the
14 workers go out there to work on it themselves,
15 everything is pretty easy to isolate and kill.

16 Do you guys have something that
17 will automatically disconnect? I'm not sure how
18 your vipers are programmed, but if they see a fault
19 on our system, say we drop source voltage, do you
20 guys see that there's no source voltage on the line
21 and they disconnect automatically or how does
22 that...just out of curiosity.

23 A. Yeah, that's part of the UL

40

1 certification I believe that, you know, the
2 equipment has.

3 So if there was let's say a loss
4 of current on the line or a loss of voltage and the
5 power went out, the inverters will automatically
6 sense that there is no grid signal, and they would
7 turn themselves off.

8 It's been a standing operating
9 procedure for solar reverters for a long time.

10 Q. And I think some people said there
11 was some Ameren equipment, and then you guys have
12 separate equipment.

13 Would our dispatch office have
14 control over the vipers so if we needed to, say we
15 needed to take that line out for something, we would
16 have a way to open that and switch it?

17 Like I said, this is just
18 questions because I'm going to be working on the
19 lines.

20 A. Understood.

21 No, the utility would have full
22 control over all the equipment. That's mandated in
23 our interconnection service agreement typically.

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1 So anything we install, whether
 2 it's inside the fence line or outside the fence
 3 line, the utility would have access to and be able
 4 to come out and manually switch.
 5 Another point for the automatic
 6 fail-safes, there's also a relay system in the
 7 transformer, SEL relay system, and if that notices
 8 any sort of fluctuation in the grid voltage or any
 9 sort of potentially dangerous operating condition,
 10 that would also shut it down automatically as well.
 11 Q. So if say a single phase goes out,
 12 something like that, you would still drop off?
 13 A. Correct.
 14 Q. And then the last question that I've
 15 got for you, last month I asked you guys about
 16 voltage, and you said you guys will run up to 13.8,
 17 and I just went out there and checked after that
 18 just to see.
 19 You guys are actually requesting
 20 to tap onto a line that's 34.04 that runs through
 21 Bloomington, but that's a 34,000 volt line, and I
 22 didn't know if that's something you guys are still
 23 working to step your voltage up to 34 kV?

42

1 A. Yes.
 2 Q. I'm just curious if you guys are
 3 willing to step up to 34 or not.
 4 A. Yeah. That's no problem.
 5 MR. McGLAUGHLIN: And that's all
 6 the questions from everybody in my neighborhood, so
 7 thank you.
 8 ACTING CHAIR TURNER: You guys are
 9 making me feel a little bit better about staying
 10 till 12:30. I didn't sleep till 2:30 because I felt
 11 so bad about that, but it was what we needed to do I
 12 guess.
 13 MR. RICKARD: I still haven't
 14 gotten over it.
 15 ACTING CHAIR TURNER: Many of us
 16 haven't.
 17 MR. LENZ: Is it okay to make Mike
 18 stay till 2:30 since he wasn't here the last time?
 19 ACTING CHAIR TURNER: Okay. Does
 20 anyone in the audience have any testimony regarding
 21 this case?
 22 MR. McLAUGHLIN: One last thing I'd
 23 like to say.

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1 ACTING CHAIR TURNER: I appreciate
 2 your participation.
 3 MR. McLAUGHLIN: Everything the
 4 same again?
 5 ACTING CHAIR TUNER: Except now I
 6 need to swear you in.
 7 (Whereupon the witness was sworn
 8 by Acting Chair Turner.)
 9 ACTING CHAIR TURNER: Just state
 10 your name again.
 11 MR. McLAUGHLIN: Amos McLaughlin,
 12 606 Wren Road, Bloomington, Illinois 61704.
 13
 14 NARRATIVE TESTIMONY
 15 BY AMOS McLAUGHLIN:
 16 I just wanted to say thanks to
 17 the Capodices and Amp Solar.
 18 I have talked to every single
 19 person in our neighborhood, everybody that was here
 20 at last month's meeting.
 21 Nobody loves the idea of
 22 having this thing out there. Nobody necessarily
 23 wants it in their back yard, but all of us really

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1 appreciate you guys coming and talking to us, and we
 2 recognize what you guys have done. It's a lot of
 3 work to redesign the entire plan. It addresses
 4 almost every one of our concerns, and everybody
 5 wanted me to let you guys know how much we
 6 appreciate the extra work and extra time you guys
 7 put in just to try to be good neighbors. It does
 8 mean a lot to all of us.
 9 I think they moved everything
 10 from 30 feet back to almost 200 feet off and then
 11 put the two rows of trees in.
 12 Like I said, nobody loves it,
 13 but everybody is very happy that you guys did that,
 14 and we all do appreciate that, and we know it's a
 15 big financial burden to put all the trees and
 16 everything in, and it doesn't go unappreciated or
 17 unnoticed, so that's all I wanted to say.
 18 MR. RICKARD: Thank you.
 19 ACTING CHAIR TURNER: Thank you.
 20 I love to see our system work,
 21 sometimes. We have our doubts sometimes.
 22 All right. Do you guys want
 23 to make a closing statement?

45	<p>1 MR. LENZ: I have nothing more.</p> <p>2 Thank you.</p> <p>3 ACTING CHAIR TURNER: Okay. And do</p> <p>4 you want to make a closing statement, Amos?</p> <p>5 MR. McLAUGHLIN: No thank you.</p> <p>6 ACTING CHAIR TURNER: All right.</p> <p>7 With that, we'll go through the standards, and just</p> <p>8 state anything you would like to concerning each one</p> <p>9 of the standards.</p> <p>10 On a) Special use will not be</p> <p>11 detrimental or endanger the health, safety, morals,</p> <p>12 comfort, or welfare of the public.</p> <p>13 MR. ZIMMERMAN: They've addressed</p> <p>14 it and remediated a lot of the questions we had last</p> <p>15 time.</p> <p>16 ACTING CHAIR TURNER: Okay.</p> <p>17 b) The special use will not</p> <p>18 be injurious to the use and enjoyment of other</p> <p>19 property in the immediate vicinity.</p> <p>20 Same there? Okay.</p> <p>21 The proposed special use, c),</p> <p>22 will not impede the orderly development of the</p> <p>23 surrounding property for uses permitted in the</p>	47	<p>1 Case No. SU-18-20.</p> <p>2 MR. DEAN: I'll second that.</p> <p>3 ACTING CHAIR TURNER: Roll call.</p> <p>4 MR. DICK: Bangert?</p> <p>5 MR. BANGERT: Yes.</p> <p>6 MR. DICK: Kuritz?</p> <p>7 MR. KURITZ: Yes.</p> <p>8 MR. DICK: Dean?</p> <p>9 MR. DEAN: Yes.</p> <p>10 MR. DICK: Turner?</p> <p>11 ACTING CHAIR TURNER: Yes.</p> <p>12 MR. DICK: Zimmerman?</p> <p>13 MR. ZIMMERMAN: Yes.</p> <p>14 MR. DICK: Carlton?</p> <p>15 MS. CARLTON: Yes.</p> <p>16 MR. DICK: Taylor?</p> <p>17 MS. TAYLOR: Yes.</p> <p>18 MR. DICK: This goes to the County</p> <p>19 Board two weeks from this morning. They meet at</p> <p>20 9 o'clock in the morning. You may call our office</p> <p>21 or attend to see what happens.</p> <p>22 (Whereupon the foregoing</p> <p>23 proceedings adjourned at 9:00</p>
46	<p>1 district.</p> <p>2 d) Adequate utilities, access</p> <p>3 roads, drainage and other necessary facilities have</p> <p>4 been or will be provided.</p> <p>5 That to me is one of the</p> <p>6 biggest changes, the fact that you're building that</p> <p>7 road down there.</p> <p>8 e) Adequate measures have</p> <p>9 been or will be taken to provide ingress or egress.</p> <p>10 f) The establishment,</p> <p>11 maintenance and operation of this special use will</p> <p>12 be in conformance with the intent of the district.</p> <p>13 g) The proposed special use</p> <p>14 in all other respects conforms to the applicable</p> <p>15 regulations of the Ag District.</p> <p>16 Okay. And then we have all of</p> <p>17 the stipulations as stands.</p> <p>18 Anything that we need to add</p> <p>19 there? All good?</p> <p>20 MR. BANGERT: Just like before, we</p> <p>21 take it down to five feet. That was the last one.</p> <p>22 ACTING CHAIR TURNER: All right.</p> <p>23 MR. ZIMMERMAN: I move we approve</p>	48	<p>1 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

1 STATE OF ILLINOIS)
)SS.
2 COUNTY OF SANGAMON)

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CERTIFICATE

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I, Laurel A. Patkes, Certified Shorthand Reporter in and for said County and State, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.

I further certify that I am in no way associated with or related to any of the parties or attorneys involved herein, nor am I financially interested in this action.

Dated September 9, 2018.

Laurel A. Patkes
Certified Shorthand Reporter

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