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3			3	Introduction of case by Mr. Dick	4
4	ASD McLEAN IL SOLAR III, LLC by Amp)		4	Narrative testimony by Luke Rickard	16
5	Solar Development, Inc.)	CASE NUMBER	5	Narrative testimony by Mr. Capodice	19
6	APPLICATION for special use to allow)	SU-18-21	6	Questioning of Panel By Board Members	20
7	a solar power generating facility in)		7	Questioning of Luke Rickard by Mr. Bitner	26
8	the Agriculture District on property)		8	Questioning of John Capodice by Ms. Metzger	33
9	located in Bloomington Township)		9	Deliberations by the Board	35
10	immediately south of 925 North Road)		10	Motion to recommend approval with all applicable	40
11	approximately .6 miles east of U.S.)		11	additions	
12	Highway 51.)		12	Motion carried	40
13	Hearing held, pursuant to notice, on Tuesday,		13		
14	September 4, 2018 at the hour of 9:00 p.m. at		14		
15	Government Center, 115 E. Washington Street,		15		
16	Bloomington, Illinois.		16		
17			17		
18			18		
19			19		
20			20		
21	PATKES REPORTING SERVICE		21		
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	REPORTER: LAUREL A. PATKES, CSR #084-001340				
1	BOARD MEMBERS:	2	1	<u>PROCEEDINGS</u>	4
2	JULIA TURNER, Acting Chair		2	ACTING CHAIR TURNER: I call Case	
3	DRAKE ZIMMERMAN		3	Number SU-18-21.	
4	MICHAEL KURITZ		4	Phil, I'll let you go ahead	
5	RICK DEAN		5	and present.	
6	BRIAN BANGERT		6	MR. DICK: Just as a little	
7	CHRIS CARLTON		7	background, last month you heard a variance on this	
8	MARY BETH TAYLOR		8	property, and in order for this application to move	
9	PHIL DICK		9	forward, that variance needed to be approved, and it	
10	Secretary		10	was, and so now this application could be taken even	
11	SAMANTHA WALLEY		11	though there's a residential zoning district	
12	Assistant State's Attorney		12	immediately east of the subject property.	
13	LUKE HOHULIN		13	So this is Case Number	
14	Assistant County Engineer		14	SU-18-21, application of ASD McLean Illinois Solar	
15	APPEARANCES:		15	III for a special use to allow a solar power	
16	LUKE RICKARD		16	generating facility in the Agriculture District on	
17	1550 Wewatta Street		17	property in the Southwest Quarter of Section 27 and	
18	Denver, Colorado 80202		18	Northwest Quarter of Section 35, Township 23 North,	
19	-and-		19	Range 2 East of the Third Principal Meridian located	
20	CLAY SCHULER		20	in Bloomington Township immediately south of 925	
21	7713 Red Maple Drive		21	North Road approximately .6 miles east of U.S.	
22	Plainfield, Illinois 60586		22	Highway 51.	
23	-and-		23	Public notice of this hearing	
	ROBERT LENZ				
	202 North Center				
	Bloomington, Illinois 61701				
	on behalf of the Applicant.				

<p style="text-align: center;">5</p> <p>1 was published in the Pantagraph on August 18, 2018 2 as provided by law. 3 All the other required 4 notifications have been made, and the applicant has 5 paid the publication costs. 6 The first exhibit is an 7 application that actually includes an IDNR 8 consultation as well, and I distributed that earlier 9 so I won't pass that, but I have a plat map showing 10 where this property is located in Bloomington 11 Township, and as a reminder, I'll distribute the 12 site plan, although there's one in your application. 13 It's the sold railroad 14 right-of-way here, and I'll pass that. 15 And the zoning map showing 16 that this property is located in the Agriculture 17 District just adjacent to the R-1 District, and I'll 18 show an aerial photo of that. 19 And a land evaluation and site 20 assessment completed by the McLean County Soil and 21 Water Conservation District which I will pass, and 22 it includes the staff analysis of the land 23 evaluation and the site assessment.</p>	<p style="text-align: center;">7</p> <p>1 corn, and this is facing toward the southwest. 2 And this is facing south, part 3 of that old railroad right-of-way. 4 And this is across the road to 5 the north. There's a residence here. 6 And this is on the west side 7 of the old railroad right-of-way and the power lines 8 that the applicant will be connecting to. 9 And this is facing north, the 10 same property, and the subject property is to the 11 right. 12 And you can see the power 13 lines and the railroad right-of-way, and this is 14 facing to the southeast. 15 And the blow-up of the 16 property. 17 The zoning to the north, south 18 and west is in the Agriculture District. 19 The zoning to the east is in 20 the R-1 single family residence district. 21 Property to the north is 22 occupied by single family residences across the 23 public road in the Ag District, and to the south is</p>
<p style="text-align: center;">6</p> <p>1 And the Illinois Department of 2 Natural Resources communication which was part of 3 the application. I won't pass that. 4 A communication from the 5 Health Department indicating that they have reviewed 6 all the subject properties and they're okay with it. 7 And I will go over the photos 8 at this time. 9 And as you can see, that's the 10 zoning map that shows the property is immediately 11 adjacent to the R-1 District. You can see where 12 it's located. 13 This is a blow-up of this 14 property. 15 This is the public road to the 16 east and to the west, and the subject property is 17 immediately to the left of that one, to the left 18 here. 19 And this is the east side of 20 the property. There's corn. And this is the R-1 21 District, so there's corn on the east side of this 22 old railroad right-of-way, and these trees are on 23 the subject property, as is this. This is the same</p>	<p style="text-align: center;">8</p> <p>1 the wooded and vacant, and to the east is crop 2 production and to the west is crop production. 3 A line evaluation and site 4 assessment report was completed for the property. 5 It has a soil score of 93.9 out of a hundred and a 6 site assessment score of 134 out of 200 giving it a 7 total score of 227.9 points out of 300. 8 A LESA score between 220 and 9 229 means that the property is of moderate value for 10 agricultural land production. 11 The analysis of the seven 12 standards are as follows: 13 The proposed special use will 14 not be detrimental to or endanger the health, 15 safety, morals, comfort or welfare of the public, 16 and this standard is met. 17 The applicant proposes to 18 establish a 2-megawatt solar power generating 19 facility on the property. 20 The applicant indicates that 21 the facility will contain rows of photovoltaic 22 cells. 23 I'm not going to go through</p>

<p style="text-align: center;">9</p> <p>1 all of the standards here.</p> <p>2 They did submit an EcoCAT and</p> <p>3 a decommissioning plan that includes an Ag</p> <p>4 Mitigation Agreement which will need to be included.</p> <p>5 The applicant indicates that</p> <p>6 the parent company will provide a contact person to</p> <p>7 be kept on file with the Department of Building and</p> <p>8 Zoning.</p> <p>9 And the applicant has</p> <p>10 conducted a search of Illinois Historic Preservation</p> <p>11 Agency's Architectural Resources Geographic</p> <p>12 Information System.</p> <p>13 b. The proposed special use</p> <p>14 will not be injurious to the use and enjoyment of</p> <p>15 other property in the vicinity. The solar farm will</p> <p>16 not likely negatively impact the property values in</p> <p>17 the area. The electrical transformers for the</p> <p>18 facility, the part of the facility that creates a</p> <p>19 humming noise, will be located more than 1,500 feet</p> <p>20 from the nearest residence and would not likely be</p> <p>21 heard by nearby residents.</p> <p>22 Nearby property in residential</p> <p>23 use will continue to be desirable for such use, and</p>	<p style="text-align: center;">11</p> <p>1 roads, drainage or other necessary facilities have</p> <p>2 been and will be provided. And this standard is</p> <p>3 met.</p> <p>4 The property has approximately</p> <p>5 284 feet of frontage of the south side of 925 North</p> <p>6 Road. The Bloomington Township Fire District will</p> <p>7 provide fire protection for the subject property.</p> <p>8 Predevelopment drainage</p> <p>9 patterns will be retained as much as possible, and</p> <p>10 the applicant will provide certified plans for</p> <p>11 stormwater detention/retention before a permit is</p> <p>12 issued for the proposed solar power generating</p> <p>13 facility.</p> <p>14 The applicant will need to</p> <p>15 have all field tile damaged in the construction</p> <p>16 process repaired by a competent contractor with</p> <p>17 experience in such repair during the life of the</p> <p>18 solar farm.</p> <p>19 The applicant has obtained a</p> <p>20 signoff from the County Health Department.</p> <p>21 e. Adequate measures have</p> <p>22 been and will be taken to provide ingress and egress</p> <p>23 so designed as to minimize traffic congestion in the</p>
<p style="text-align: center;">10</p> <p>1 nearby land in crop production will continue to be</p> <p>2 desirable for such use.</p> <p>3 Groundcover that includes</p> <p>4 native species, encourages pollination recommended</p> <p>5 by the McLean County Soil and Water Conservation</p> <p>6 District will need to be installed.</p> <p>7 c. The proposed special use</p> <p>8 will not impeded the orderly development of the</p> <p>9 surrounding property for uses permitted in the</p> <p>10 district. And this standard is met.</p> <p>11 Nearby property in residential</p> <p>12 use will continue to be desirable for such use, and</p> <p>13 nearby land in crop production will continue to be</p> <p>14 desirable for such use.</p> <p>15 The property is the former</p> <p>16 rail bed for the Illinois Central Gulf Railroad and</p> <p>17 is relatively narrow and very deep. It is only 100</p> <p>18 to 200 feet in width and over one mile deep. The</p> <p>19 adjacent R-1 District property located immediately</p> <p>20 to the east is in crop production. The nearest</p> <p>21 residential lot in the R-1 District is over 800 feet</p> <p>22 to the east from the subject property.</p> <p>23 d. Adequate utilities, access</p>	<p style="text-align: center;">12</p> <p>1 public streets. This standard is met.</p> <p>2 It appears that safe site</p> <p>3 distance can be provided at the proposed entrance.</p> <p>4 The applicant has been in</p> <p>5 communication with the Bloomington Township Road</p> <p>6 Commissioner and will need to obtain an interest</p> <p>7 permit from him before a construction permit will be</p> <p>8 issued for the proposed solar farm.</p> <p>9 f. The establishment,</p> <p>10 maintenance and operation of the special use will be</p> <p>11 in conformance with the intent of the district in</p> <p>12 which it is located. And this standard is met.</p> <p>13 The preamble states, "Provide</p> <p>14 for the location to govern the establishment and</p> <p>15 operation of land uses which are compatible with</p> <p>16 agriculture and are of such a nature that their</p> <p>17 location away from residential, commercial and</p> <p>18 industrial areas is most desirable."</p> <p>19 g. The proposed special use</p> <p>20 in all other respects conforms to the applicable</p> <p>21 regulations of the Agriculture District. And this</p> <p>22 standard is met.</p> <p>23 In conclusion, staff</p>

<p style="text-align: right;">13</p> <p>1 recommends that this application meets all the 2 standards set forth in Article VIII of the Zoning 3 Ordinance provided compliance with the following 4 stipulations:</p> <p>5 1) An entrance permit shall 6 be obtained from the Bloomington Township Road 7 Commissioner before a construction permit is issued. 8 2) The applicant shall 9 provide certified plans for stormwater 10 detention/retention before a construction permit is 11 issued. 12 3) The applicant shall 13 complete consultation with the Illinois Historic 14 Preservation Agency before a construction permit is 15 issued. 16 4) The applicant shall have 17 all field tile damaged in the construction process 18 repaired by a competent contractor with experience 19 in such repair during the life of the solar farm. 20 5) The solar panels shall be 21 installed with an anti-reflective coating. 22 6) Groundcover that 23 encourages pollination that is recommended by the</p>	<p style="text-align: right;">15</p> <p>1 And infrastructure above five 2 feet below surface will need to be removed when 3 decommissioning takes place. 4 9) The company must provide 5 an Agricultural Impact Mitigation Agreement signed 6 by the company and the Illinois Department of 7 Agriculture prior to the issuance of a permit to 8 construct from the County and must certify that it 9 will comply with all of the terms of the agreement. 10 Nothing in the Agriculture 11 Impact Mitigation Agreement will preclude the county 12 from establishing any standards that exceed those 13 contained in the agreement. 14 10) Development shall follow 15 the plans and documents submitted with the 16 application and with zoning regulations including 17 Article VI, Section 350-43.00 (3) (Use Standards for 18 a solar power generating facility). 19 And that concludes my report. 20 ACTING CHAIR TURNER: Okay. Thank 21 you, Phil. 22 You're all still sworn in 23 obviously.</p>
<p style="text-align: right;">14</p> <p>1 McLean County Soil and Water District needs to be 2 installed. 3 7) A contact person for the 4 applicant will need to be kept on file with the 5 Department of Building and Zoning for 6 issues/complaints upon completion of the facility. 7 8) As a condition of 8 receiving a permit from the County, the company must 9 pay the cost of hiring an Illinois registered 10 professional engineer to provide a certified 11 estimate of decommissioning costs. The company 12 shall provide decommissioning security financing for 13 the estimated cost of decommissioning in the amount 14 determined by the engineer or \$50,000, whichever is 15 greater. 16 Security financing must be in 17 the form of an irrevocable letter of credit or cash 18 escrow unless the County Board, in its sole 19 discretion, agrees to accept the performance bond. 20 The decommissioning cost 21 estimate will be reviewed and revised when needed, 22 but estimate review must occur at least every ten 23 years.</p>	<p style="text-align: right;">16</p> <p>1 MR. LENZ: Yes. Thank you. 2 MR. RICKARD: Yes. 3 Okay. We have another very 4 brief presentation. 5 6 NARRATIVE TESTIMONY 7 BY LUKE RICKARD: 8 If we can go to the next slide 9 please and the next one and the next one. 10 So summary overview of this 11 one, you know, during the variance hearing last 12 month before this board, there were some concerns 13 raised around visibility and impact on local 14 wildlife. We've tried to address those in the plan. 15 Again, it's a nominal 2-1/2 16 megawatt DC facility, 2 megawatts even AC which 17 would be the interconnection award, more polysilicon 18 solar modules with anti-reflective coating, single 19 access tracking technology. 20 And also noting, as staff has 21 also noted, we're planning to locate this on a 22 former railway easement, and these properties have 23 very limited development or use potential, you know,</p>

<p style="text-align: right;">17</p> <p>1 outside of this application.</p> <p>2 To address some of the</p> <p>3 concerns which were raised by abutters at the</p> <p>4 variance hearing, we're calling for existing</p> <p>5 vegetation on site to be partially preserved. We</p> <p>6 are going to need to clear some of the vegetation</p> <p>7 within the setback, within the 30-foot setback that</p> <p>8 was approved by variance last month.</p> <p>9 On the northern boundary where</p> <p>10 we have a 50-foot setback, we're planning to leave</p> <p>11 all of that vegetation in that setback where it is.</p> <p>12 It's on the north side. We don't need to cut it</p> <p>13 down for any reason so it can stay there, but</p> <p>14 obviously, after the setback, we would be looking to</p> <p>15 clear the fence line within the facility.</p> <p>16 And then the eastern boundary,</p> <p>17 we were granted a 30-foot setback from the eastern</p> <p>18 boundary.</p> <p>19 We did a preliminary shading</p> <p>20 analysis and determined that we would have to remove</p> <p>21 up to 20 feet of those trees within that setback.</p> <p>22 So the plan is to leave the easternmost ten feet of</p> <p>23 vegetation in place and to manage the height of that</p>	<p style="text-align: right;">19</p> <p>1 NARRATIVE TESTIMONY</p> <p>2 BY MR. CAPODICE:</p> <p>3 Good evening, board members.</p> <p>4 Thank you for allowing the setback variance at your</p> <p>5 last hearing on this property so we can be here</p> <p>6 tonight to talk about why this is an excellent</p> <p>7 location for a solar farm.</p> <p>8 A) This will not be using</p> <p>9 prime farm ground, which has been a concern of a few</p> <p>10 County Board members. It has been a railroad</p> <p>11 right-of-way since the 1850s. It is an unusual</p> <p>12 piece since most of it is 275 feet wide instead of a</p> <p>13 typical 100-foot wide right-of-way.</p> <p>14 The necessary power lines for</p> <p>15 this project are on the property. There is an</p> <p>16 existing vegetation barrier on the north and east</p> <p>17 boundaries. It can be utilized and supplemented as</p> <p>18 needed. Neighbors should not be able to see much.</p> <p>19 There's no noise, there's no smell.</p> <p>20 There should be no property</p> <p>21 value impact on adjoining properties per two</p> <p>22 detailed studies, and testimonies submitted tonight,</p> <p>23 by two highly accredited Illinois appraisers given</p>
<p style="text-align: right;">18</p> <p>1 vegetation to between 12 and 15 feet, you know, as a</p> <p>2 sort of ongoing maintenance, part of the ongoing</p> <p>3 maintenance plan.</p> <p>4 This height has been selected</p> <p>5 to sort of minimize the potential for shading of the</p> <p>6 array. Obviously, shading is bad for solar</p> <p>7 production so, you know, at 12 feet, we're sort of</p> <p>8 roughly double the height that we expect the solar</p> <p>9 panels to be above grade.</p> <p>10 At 15 feet, that would be when</p> <p>11 we would start to see some shading, you know, sort</p> <p>12 of bleeding over into the sort of key production</p> <p>13 hours, anything taller than 15 feet.</p> <p>14 If there's any gaps in the</p> <p>15 retained vegetation, we can fill them through the</p> <p>16 addition of evergreen trees on an as needed basis to</p> <p>17 ensure that the screening remains intact, but we</p> <p>18 hope that ten feet of vegetation would be</p> <p>19 sufficient.</p> <p>20 And that concludes my</p> <p>21 presentation on this.</p> <p>22 John, did you want to testify</p> <p>23 here?</p>	<p style="text-align: right;">20</p> <p>1 this spring in the McHenry County, Illinois Zoning</p> <p>2 Board of Appeals on a solar project up there.</p> <p>3 That's in your packets. Pretty interesting reading.</p> <p>4 Last but not least, more</p> <p>5 property tax revenue from a multi-million dollar</p> <p>6 solar farm, income without any additional expense,</p> <p>7 no more kids in the schools, you won't have to run</p> <p>8 water and sewer or put streets to it.</p> <p>9 Having just paid the property</p> <p>10 taxes today, I'm sure we can all agree that any help</p> <p>11 in keeping our own property taxes from going any</p> <p>12 higher is a good thing.</p> <p>13 Thank you for allowing me to</p> <p>14 speak.</p> <p>15 ACTING CHAIR TURNER: Thank you.</p> <p>16 Anyone else?</p> <p>17 Okay. Does the board have any</p> <p>18 questions for the applicant?</p> <p>19</p> <p>20 QUESTIONING OF PANEL</p> <p>21 BY BOARD MEMBERS:</p> <p>22 MR. ZIMMERMAN: You're going to</p> <p>23 have the tilt systems again, so we go to the east?</p>

21

1 MR. RICKARD: Yes, that's correct,
 2 single access tracking, so everything is stored on
 3 the north-south access. Then the panels track the
 4 sun across the sky during the day.
 5 So they face east in the
 6 morning, they lay flat at noon, and they face west
 7 in the afternoon.
 8 MR. ZIMMERMAN: So it doesn't get
 9 the initial sunshine because it will have 12 feet of
 10 vegetation towards the east, but the panels will be
 11 high enough to get some of the sunlight soon after
 12 that?
 13 MR. RICKARD: We have minimum of
 14 12 feet of vegetation and then the 20 feet gap, so,
 15 you know, that 20-foot gap will alleviate a lot of
 16 shade that's thrown from those trees.
 17 There may still be some
 18 intermittent shading in the morning, but generally,
 19 we look at the hours of 10 a.m. onwards where we're
 20 modeling sort of real production time.
 21 So we modeled 10 a.m. at I
 22 think it was December 21st which is normally the
 23 shortest day of the year, and we were pretty much

22

1 shade-free just after 10 a.m., so that's why we
 2 selected that.
 3 MR. DEAN: I've got a question.
 4 You may not want to answer this but you possibly
 5 can.
 6 How many years have you owned
 7 this piece of property?
 8 MR. CAPODICE: Since the mid '80s.
 9 MR. DEAN: Is this the first time
 10 it's ever going to generate any income for you?
 11 MR. CAPODICE: Exactly.
 12 And I might add, technically,
 13 it may not have been in a crop production, but my
 14 wife looked up the definition of crop, and
 15 harvesting the sun can be considered a crop.
 16 So there you go. It's going
 17 to finally produce a crop.
 18 MR. ZIMMERMAN: Now, off to the
 19 west, you own part of this, but then the Norfolk and
 20 Western Railroad owns the rest, the stripe down the
 21 side, so this is owned in large part by the Canadian
 22 National Railway?
 23 MR. CAPODICE: Yes.

23

1 MR. ZIMMERMAN: And then you own a
 2 portion of it, is that correct?
 3 MR. CAPODICE: Tonight as we speak,
 4 I own all the Canadian Northern Railroad property,
 5 and the Norfolk and Southern property that I don't
 6 own, probably in the next week or so I'm going to
 7 own that too.
 8 ACTING CHAIR TURNER: Given that
 9 it's a mile long, that's probably kind of unusual
 10 for different solar gardens that you guys have done.
 11 Are there any concerns with
 12 that? That's a long way to take trucks and
 13 different things. Is there anything special you
 14 have to do for that?
 15 MR. RICKARD: I wouldn't anticipate
 16 there being anything special that we would need to
 17 do. Obviously, you need to stage things a little
 18 differently while you're building, and, you know,
 19 maybe place some piles of equipment, lay them out a
 20 little differently, maybe run the crews along the
 21 site a little bit differently.
 22 I would say the main
 23 difference would be needing to size the DC, the

24

1 direct current cabling that comes from the solar
 2 panels. We really need to size that up because we
 3 have a longer distance to go, and we would need to
 4 counter voltage drop which happens over distance.
 5 So that would be the main
 6 change, deviation from "standard design."
 7 MR. BANGERT: When was the last
 8 time trains used to run on this track?
 9 MR. CAPODICE: Okay. Illinois
 10 Central Gulf I think ran the last train down their
 11 right-of-way in the mid '80s, okay?
 12 And then the other parallel
 13 railroad right-of-way, the Illinois Terminal
 14 right-of-way, that last train ran in 1953, and it
 15 was an electrified system, and we're going to
 16 utilize that right-of-way for access into this
 17 thing.
 18 I personally feel a little...I
 19 feel good about this because I am a member of the
 20 Illinois Terminal Railroad Society, and that
 21 right-of-way has rapidly disappeared over the years.
 22 If you've ever been down
 23 Madison Street and seen the rails going down the

25

1 middle of Madison Street south of the railroad
2 tracks, that's the Illinois Terminal right-of-way.
3 It went all the way to Decatur.
4 I feel good about that that
5 right-of-way is going to stay intact and be there.
6 Even some of the original culverts are still in
7 place. That's how good the railroad builds stuff.
8 MR. BANGERT: Thank you.
9 ACTING CHAIR TURNER: Does staff
10 have any questions for the applicant?
11 MR. DICK: No.
12 ACTING CHAIR TURNER: Does anyone
13 from the audience have any questions for the
14 applicant?
15 Come on up.
16 And since this is for
17 questions, I won't swear you in at this point, but
18 you still need to state your name and address.
19 MR. BITNER: Van, first name Van,
20 V-a-n. Last name Bitner, B-i-t-n-e-r, 30279 E CR
21 900N, Mason City, Illinois 62664.
22 ACTING CHAIR TURNER: Okay. Go
23 ahead and ask your questions.

26

1 QUESTIONING OF LUKE RICKARD
2 BY MR. BITNER:
3 Q. Are you folks objection going to
4 remove the railroad bed?
5 A. I would anticipate we would.
6 Q. Okay. So the screen between you and
7 my R-1 zoned property is going to be 12 feet of the
8 existing brush that's there, and you're going to top
9 those trees off at 15 feet, 12 to 15 feet?
10 A. Yes. So we're calling for ten feet,
11 leaving ten feet of vegetation in place from the
12 property line moving west and limiting the height of
13 those trees to between 12 and 15 feet.
14 Q. So it will be locked off on top 12 to
15 15 feet?
16 A. Yes.
17 Q. How come we don't get the fancy
18 pretty screening that the previous project gets?
19 A. It would be ineffective being that we
20 would be leaving ten feet of existing vegetation in
21 place.
22 Q. So our screen is going to be --
23 you're going to leave me alone so it's my R-1

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1 property, my west boundary, 12 feet of the existing
2 vegetation.
3 A. Ten.
4 Q. Ten feet of the existing vegetation
5 and then the solar farm.
6 A. And then clear for 20 feet and then
7 the solar panels.
8 Q. Clear for 20 feet?
9 A. Because of the 30-foot setback.
10 Q. And then you'll have to put in --
11 then the clear area will be replanted into the
12 typical vegetation that you replanted into, grasses
13 and things like that?
14 A. Yeah, low growth grasses, pollinator
15 mix, that sort of thing.
16 Q. Will you survey your eastern
17 boundary?
18 A. Yes.
19 Q. What are we going to do when we find
20 out a bunch of those trees are on me, on my
21 property?
22 A. We would have to have a conversation
23 about that.

28

1 Q. I have been told lots of times that
2 you folks are going to enhance my drainage. Is that
3 correct?
4 A. In what way?
5 Q. That it's better than what it is now.
6 A. Well, I'm not sure how your property
7 drains right now, but generally speaking, all of
8 this land drains from the, I would say the majority
9 of it appears to drain from the southeast to the
10 northwest.
11 So seeing as how your property
12 is either on a level with ours or slightly uphill
13 from ours, I'm not sure what effect I would have on
14 your drainage.
15 MR. CAPODICE: Let me jump in there
16 because I am familiar with this.
17 I told Van that yes, when we
18 remove that railroad right-of-way, the Illinois
19 Central right-of-way, I anticipate we're going to
20 improve the drainage because that thing is like a
21 big dam or a dike running, you know, the entire
22 length of his property.
23 There is one, I would guess

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1 you would call it a major waterway. Going under the
2 Illinois Central right-of-way, there's a 36-inch
3 concrete culvert, and then under the Illinois
4 Terminal I believe is the same thing, same size.
5 We would remove the culvert
6 under the Illinois Central Gulf and make that --
7 it's just going to be a big waterway, and I told Van
8 when we get in there and start working on the thing,
9 we're going to keep that thing as low as possible
10 for him.
11 In other words, the property
12 to the west of this project, that's your benchmark.
13 However low that is sitting, we'll go back to the
14 east and keep it as low as we can.
15 So when it gets over to
16 touching Van's property, you know, if he can improve
17 and make a new waterway through his property and
18 help his drainage situation, I think, you know, you
19 would agree you've got a drainage issue on your
20 thing. It ponds a lot.
21 So if we can do something to
22 help him in the construction of this project, I'm
23 willing to do it.

30

1 You know, it isn't going to
2 hurt our project one way or the other, right? I
3 hope I'm not saying something that's wrong here.
4 MR. RICKARD: Clay, could you speak
5 to -- I know you sort of maintain a sheet flow from
6 the neighboring property to across our property and
7 to the properties on the west.
8 MR. SCHULER: Yeah. In looking at
9 the grade here, you have roughly I would say ten
10 feet of fall from the beginning of your property to
11 the property to the west as you go across.
12 So that would be plenty of
13 slope to remove any type of railroad bed and create
14 a sheet drainage situation pretty much across this
15 whole frontage where it's not affecting any type of
16 solar production, and it wouldn't, as John
17 mentioned, it wouldn't dam up anywhere along that
18 east property line.
19 MR. BITNER: Is that a writable
20 clause? Is that something you guys would write down
21 for me?
22 MR. SCHULER: I mean, without a
23 topography, I would have to have a full topography

31

1 to be able to know the relationship along there
2 because we would have to have more detailed
3 topography, which we would do after any type of
4 application approval, to know that there wouldn't be
5 any low depressions that actually exist on your
6 property at your property line.
7 So if that's the case, that
8 wouldn't be necessarily upgradeable on this piece.
9 MR. BITNER: I guess I still am
10 thinking about that fancy screening you had on the
11 project before. I thought that looked pretty nice.
12 How come I can't have that?
13 MR. RICKARD: You don't like the
14 trees as they are?
15 MR. BITNER: Well, I like them as
16 they are. I don't know if I'd like them when
17 they're lopped off at 15 feet, 12 to 15 feet.
18 MR. RICKARD: I think planting a --
19 is it really a mile?
20 ACTING CHAIR TURNER: Yes.
21 MR. RICKARD: So planting that much
22 brand new vegetation along the eastern boundary
23 might not be cost-effective for us which is why we

32

1 made the commitment to leave existing vegetation in
2 place as well as concerns that removing all the
3 existing vegetation on there would, you know, take
4 away a valuable wildlife corridor.
5 MR. BITNER: So is there any
6 concern that that might be detrimental to me?
7 MR. RICKARD: Well, what concerns
8 would you have?
9 MR. BITNER: Well, the previous
10 plan had what I think sounds like a really nice
11 looking screening. I would like a nice looking
12 screening.
13 ACTING CHAIR TURNER: I think he's
14 answered that. We'll move on from that.
15 MR. BITNER: Okay. You bet.
16 That's it.
17 ACTING CHAIR TURNER: Great. Thank
18 you.
19 Any other questions from the
20 audience?
21 MS. METZGER: Katherine Metzger,
22 20645 North, 825 East Road Carlock.
23

33

1 QUESTIONING OF JOHN CAPODICE

2 BY MS. METZGER:

3 Q. I'm just curious as to how this

4 project is going to impact the proposed recreational

5 trail from Bloomington to Mansfield?

6 A. This is a different railroad. The

7 one that you're referring to goes right through our

8 farm, and it goes out through Downs, LeRoy, that

9 way.

10 This one is going more straight

11 south of Heyworth, used to.

12 ACTING CHAIR TURNER: Any other

13 questions from the audience?

14 Is there anyone from the

15 audience who would like to provide testimony in this

16 case?

17 Okay. I'll go ahead and swear

18 you in if that's okay.

19 MR. BITNER: Yes.

20 (Whereupon Van Bitner was sworn

21 by Acting Chair Turner.)

22 ACTING CHAIR TURNER: Okay. State

23 your name again.

34

1 MR. BITNER: First name Van, V-a-n;

2 last name Bitner, B-i-t-n-e-r.

3 Address?

4 ACTING CHAIR TURNER: I think we

5 have that.

6

7 NARRATIVE TESTIMONY

8 BY VAN BITNER:

9 Van Bitner, partner in the R-1

10 zoned property immediately to the east.

11 We invested in McLean County because it's a good

12 county to invest in. We invested in McLean County

13 because it was an R-1 property. We invested in

14 McLean County because of the protections that R-1

15 properties have.

16 And that's it.

17 ACTING CHAIR TURNER: Okay. Thank

18 you.

19 Does anyone have any questions

20 of Van?

21 Does staff have any questions?

22 MR. DICK: No.

23 ACTING CHAIR TURNER: Okay. I'm

35

1 sorry. Does the applicant have any questions?

2 MR. RICKARD: No.

3 ACTING CHAIR TURNER: Okay. All

4 right.

5 Is there anyone else who would

6 like to testify in this case?

7 All right. Would the

8 applicant like to provide a closing?

9 MR. RICKARD: I think we're all

10 set, just to note that we did really good on time

11 this time, so I appreciate everybody hearing us out

12 again and look forward to doing business here in

13 McLean County.

14 ACTING CHAIR TURNER: It's a good

15 thing I have thick skin.

16 Van, would you like to make a

17 closing at all?

18 MR. BITNER: No.

19 ACTING CHAIR TURNER: Okay. Thank

20 you.

21 All right. Are there any

22 points we'd like to discuss before we go through the

23 standards?

36

1 The one point that was brought

2 up that I think we need to discuss was the

3 vegetation in between.

4 Do you feel that it's enough,

5 good enough?

6 MR. DEAN: The problem I'm having

7 here is I don't really see where Van is being

8 damaged. You know, he's not being hurt. I think,

9 you know, we've got people that are not that far,

10 you know, on Hendrix Road, and they're not, you

11 know, there was some concessions made, but if that

12 R-1 project is developed fully, it will touch this

13 property, but there will be back yards to this

14 property as well. You know, there will be, I don't

15 really see where there's an impact on that property.

16 MS. TAYLOR: And I also think that

17 when you can leave things in place and work with

18 them rather than pulling them out, replanting, all

19 of that, that environmentally, that's preferred.

20 MR. ZIMMERMAN: I was really glad

21 to see that they were going to keep the vegetation

22 along there to at least 12-foot height because it is

23 a wildlife corridor going through there.

37

1 The other thing is that as far
 2 as the drainage, the map that we have along here
 3 does have topo lines, and there's about a 15-foot
 4 total drop from the absolute peak which isn't really
 5 on the line down from 795, well, actually, probably
 6 790 down to 780, so it's only about a 10, max
 7 15-foot drop on the side where Van's property is and
 8 about the same on the other, so it's really level
 9 over the course of a mile.
 10 So a 10-foot drop or even a
 11 15-foot drop over the course of half a mile may not
 12 cause a lot of pondering so we do have some topo
 13 information on there.
 14 ACTING CHAIR TURNER: But again,
 15 clearing out that rail area is not going to hurt
 16 drainage. It will actually help drainage.
 17 MR. ZIMMERMAN: Yeah, I don't know
 18 about that.
 19 ACTING CHAIR TURNER: Okay. Any
 20 other concerns?
 21 MR. DEAN: I think what you're
 22 thinking about right there what you just said, it
 23 has a potential to improve the drainage on Van's

38

1 property.
 2 ACTING CHAIR TURNER: Providing
 3 there's not any low areas on his side of things
 4 that's preventing it from...okay.
 5 All right. Shall we walk
 6 through the standards?
 7 Okay. Standard a) Special
 8 use will not be detrimental to or endanger the
 9 health, safety, morals, comfort or welfare of the
 10 public. We're good?
 11 b) It won't be injurious to
 12 the use and enjoyment of other property.
 13 MR. ZIMMERMAN: Well, I think we
 14 had the variance last month that covered most of
 15 those issues. I'm really happy we commented on
 16 having additional screening setback in there, at
 17 least at that existing vegetation.
 18 ACTING CHAIR TURNER: In addition,
 19 I'm glad that they left the vegetation on the north
 20 end also right across from that house. I think
 21 that's important and good. He was great to come in
 22 and talk with us.
 23 c) The proposed special use

39

1 will not impede the orderly development of the
 2 surrounding property for uses permitted in the
 3 district.
 4 I don't think it's going to
 5 impede anything.
 6 d) Adequate utilities, access
 7 roads, drainage and other necessary facilities have
 8 been or will be provided.
 9 e) Adequate measures have
 10 been taken to provide ingress and egress so designed
 11 as to minimize traffic congestion.
 12 f) The establishment,
 13 maintenance and operation of the special use will be
 14 in conformance with the intent of the district.
 15 g) The proposed special use
 16 in all other respects conforms to the applicable
 17 regulations of the ag district.
 18 All right. Are there any
 19 additional stipulations anyone wants to put than
 20 what have been read?
 21 MR. KURITZ: Removing five foot
 22 added to No. 8.
 23 ACTING CHAIR TURNER: Okay.

40

1 Anything else?
 2 MR. KURITZ: I move we recommend
 3 approval of SU-18-21 with all applicable additions.
 4 MR. BANGERT: Second.
 5 ACTING CHAIR TURNER: Roll call
 6 vote.
 7 MR. DICK: Bangert?
 8 MR. BANGERT: Yes.
 9 MR. DICK: Kuritz?
 10 MR. KURITZ: Yes.
 11 MR. DICK: Dean?
 12 MR. DEAN: Yes.
 13 MR. DICK: Turner?
 14 ACTING CHAIR TURNER: Yes.
 15 MR. DICK: Zimmerman?
 16 MR. ZIMMERMAN: Yes.
 17 MR. DICK: Carlton?
 18 MS. CARLTON: Yes.
 19 MR. DICK: Taylor?
 20 MS. TAYLOR: Yes.
 21 MR. DICK: It goes on the consent
 22 agenda from two weeks from this morning, and you can
 23 come in at 10 and see how it goes or give me a call.

1 We'll send you a letter
2 letting you know what happens in any case after that
3 date.

4 ACTING CHAIR TURNER: The county
5 board can pull it off the consent agenda to discuss
6 it, but you're not allowed to have any more
7 testimony.

8 MR. RICKARD: Understood.

9 ACTING CHAIR TURNER: Again. Thank
10 you for working with both projects.

11 MR. LENZ: Thanks to members of the
12 board as well. Thank you very much for your time
13 and attention. Good night.

14 ACTING CHAIR TURNER: We'll
15 officially adjourn.

16 (Whereupon the foregoing
17 proceedings adjourned at 9:40
18 p.m.)
19
20
21
22
23

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

3
4 CERTIFICATE

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

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

15 Dated September 9, 2018.

16
17 **Laurel A. Patkes**
Certified Shorthand Reporter
18
19
20
21
22
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