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|----|---|-------------|----|---|------|
| 1 | McLEAN COUNTY | 1 | 1 | I N D E X | 3 |
| 2 | ZONING BOARD OF APPEALS | | 2 | | |
| 3 | | | 3 | | PAGE |
| 4 | ASD McLEAN IL SOLAR I, LLC by Amp) | | 4 | Introduction of case by Phil Dick | 4 |
| 5 | Solar Development, Inc.) | CASE NUMBER | 5 | Staff report | 7 |
| 6 | APPLICATION for special use to allow) | SU-18-15 | 6 | NARRATIVE TESTIMONY BY: | |
| 7 | a solar power generating facility in) | | 7 | Luke Rickard | 18 |
| 8 | the Agriculture District on property) | | 8 | QUESTIONING BY: | |
| 9 | in Old Town Township immediately) | | 9 | Acting Chair Turner | 21 |
| 10 | northwest of the intersection of 850) | | 10 | Mr. O'Neill | 24 |
| 11 | North Road extended and Interstate) | | 11 | Mr. Reynolds | 27 |
| 12 | I-74 and approximately four-fifths of) | | 12 | Ms. Zeigler | 29 |
| 13 | a mile west of 1900 East Road.) | | 13 | Comment by Dave Perry | 28 |
| 14 | | | 14 | Deliberations | 32 |
| 15 | Hearing held, pursuant to notice, on Tuesday, | | 15 | Motion to recommend approval with stipulations | 36 |
| 16 | August 7, 2018 at the hour of 9:20 p.m. at | | 16 | Motion carried | 37 |
| 17 | Government Center, 115 E. Washington Street, | | 17 | | |
| 18 | Bloomington, Illinois. | | 18 | | |
| 19 | | | 19 | | |
| 20 | | | 20 | | |
| 21 | PATKES REPORTING SERVICE | | 21 | | |
| 22 | (217)652-6395 | | 22 | | |
| 23 | lpatkes@comcast.net | | 23 | | |
| 24 | REPORTER: LAUREL A. PATKES, CSR #084-001340 | | 24 | | |
| 1 | BOARD MEMBERS: | 2 | 1 | PROCEEDINGS | 4 |
| 2 | JULIA TURNER, Acting Chair | | 2 | ACTING CHAIR TURNER: We will now | |
| 3 | DRAKE ZIMMERMAN | | 3 | move to Case SU-18-15 of ASD McLean Solar by Amp | |
| 4 | RICK DEAN | | 4 | Solar. | |
| 5 | BRIAN BANGERT | | 5 | While they're getting seated, | |
| 6 | CHRIS CARLTON | | 6 | I'm going to go ahead and have him introduce the | |
| 7 | PHIL DICK | | 7 | case. | |
| 8 | Secretary | | 8 | MR. DICK: This is Case Number | |
| 9 | SAMANTHA WALLEY | | 9 | SU-18-15, application of ASD McLean Illinois Solar | |
| 10 | Assistant State's Attorney | | 10 | I, LLC by AMP Solar Development, Inc., for special | |
| 11 | LUKE HOHULIN | | 11 | use to allow a solar power generating facility in | |
| 12 | Assistant County Engineer | | 12 | the Agriculture District on property in Old Town | |
| 13 | APPEARANCES: | | 13 | Township immediately northwest of the intersection | |
| 14 | LUKE RICKARD | | 14 | of 850 North Road extended and Interstate I-74 and | |
| 15 | 1550 Wewatta Street | | 15 | approximately four-fifths of a mile west of 1900 | |
| 16 | Denver, Colorado 80202 | | 16 | East Road. | |
| 17 | -and- | | 17 | Public notice of this hearing | |
| 18 | CLAY SCHULER | | 18 | was published in the Pantagraph on July 21 as | |
| 19 | 7713 Red Maple Drive | | 19 | required by law. All the other required | |
| 20 | Plainfield, Illinois 60586 | | 20 | notifications have been made. The applicant has | |
| 21 | -and- | | 21 | paid publication costs. | |
| 22 | ROBERT LENZ | | 22 | I have the application. I | |
| 23 | 202 North Center | | 23 | will not distribute it since you each got a copy of | |
| | Bloomington, Illinois 61701 | | | | |
| | on behalf of the Applicant. | | | | |

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| <p style="text-align: center;">5</p> <p>1 it. I have a plat map showing where this property 2 is located in Old Town Township, and this site plan 3 is also part of your application but I'll distribute 4 it as well.</p> <p style="text-indent: 40px;">5 There is a communication that 6 the applicant has submitted that is a road proposal 7 that I will pass, and it is something that would 8 probably not meet muster with the road agreement. 9 That would need to be done with the county engineer 10 and their advice to the road commissioner, but 11 that's something that the applicant submitted.</p> <p style="text-indent: 40px;">12 As another exhibit I have the 13 Soil and Water Conservation Soil score and the LESA 14 report that the County prepared and an EcoCAT from 15 IDNR indicating that there are no endangered species 16 and that the consultation is terminated, and a 17 zoning map showing that this property is in the 18 Agriculture District and where it is located along 19 I-74, although it does not have access to I-74.</p> <p style="text-indent: 40px;">20 And I will go over the photos 21 of the property.</p> <p style="text-indent: 40px;">22 If you can see the area 23 outlined in red there, you can see Downs is to the</p> | <p style="text-align: center;">7</p> <p>1 and this is part of the driveway as well. 2 And this is the area, there's 3 a couple of houses sited on this agricultural 4 property. Where the proposed solar farm would be 5 located is where the corn is located, and this is 6 one of the residences on the property and one of the 7 outbuildings.</p> <p style="text-indent: 40px;">8 We're actually facing toward 9 the northeast, and it's where this corn is is where 10 the solar farm would be located.</p> <p style="text-indent: 40px;">11 And this is another house on 12 the property and the aerial photo.</p> <p style="text-indent: 40px;">13 I'll deliver the staff report 14 at this time.</p> <p style="text-indent: 40px;">15 The property is 72 acres in 16 area, and the property has no frontage on a public 17 road access except for I-74 but it doesn't have 18 access there. Access would be provided through 19 adjacent property to the east from 850 North Road 20 through adjacent property to the west from 1750 East 21 Road.</p> <p style="text-indent: 40px;">22 The topography is relatively 23 flat and drainage is to the south. There is crop</p> |
| <p style="text-align: center;">6</p> <p>1 east and Bloomington is to the west. This is a 2 blowup of the property.</p> <p style="text-indent: 40px;">3 The road 850 North is a 4 relatively small road there that conceivably could 5 access it, but most likely, this property will be 6 accessed through a driveway that goes along the old 7 railroad right-of-way that goes through the 8 applicant's property and goes up to Road 1750 East 9 Road in Bloomington Township.</p> <p style="text-indent: 40px;">10 This is what that township 11 road looks like at that point where it accesses the 12 property.</p> <p style="text-indent: 40px;">13 And this is a photo of how you 14 get to the property if you were going to use that 15 850 North Road.</p> <p style="text-indent: 40px;">16 This is the Bloomington 17 township road that's 1750 east.</p> <p style="text-indent: 40px;">18 And this is to the north of 19 the property and this is to the south.</p> <p style="text-indent: 40px;">20 And this is the driveway 21 accessing the property, and the old railroad 22 right-of-way is to the left, and it goes across the 23 owner of the subject property to a different parcel,</p> | <p style="text-align: center;">8</p> <p>1 production, trees and pasture on the property. It 2 is surrounded by land in the Agriculture District, 3 and it is surrounded by land in crop production.</p> <p style="text-indent: 40px;">4 The land evaluation and site 5 assessment has a soil score of 91.6 out of 100 and a 6 site assessment score of 178 out of 200, which comes 7 out to a score of 269.6 out of 300, and a score 8 above 230 means that the property is of high value 9 for ag land protection.</p> <p style="text-indent: 40px;">10 The standards of the ordinance 11 as they apply to this request is as follows: 12 A. The applicant proposes to 13 build two 2-megawatt solar projects on this 14 property, which will meet all of the county setback 15 requirements and use standards for a solar power 16 generating facility.</p> <p style="text-indent: 40px;">17 The applicant indicates that 18 this facility will contain rows of photovoltaic 19 cells, and they will be solar arrays, and they will 20 be mounted on a tracking system which allows them to 21 follow the sun throughout the day. The solar arrays 22 will be designed with an anti-reflective coating, 23 and the applicant indicates that the solar arrays</p> |

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| 9 | <p>1 will be a maximum of 15 feet in high.</p> <p>2 The applicant submitted an</p> <p>3 EcoCat communication from the Illinois Department of</p> <p>4 Natural Resources which indicates there is no record</p> <p>5 of State-listed threatened or endangered species,</p> <p>6 Illinois Natural Area Inventory sites, dedicated</p> <p>7 Illinois Nature Preserves or registered Land and</p> <p>8 Water Reserves in the vicinity of the project</p> <p>9 location, and that the consultation is terminated.</p> <p>10 A decommissioning plan that</p> <p>11 includes an Agricultural Impact Mitigation Agreement</p> <p>12 with the Illinois Department of Agriculture and</p> <p>13 financial assurance acceptable to the County need to</p> <p>14 be provided.</p> <p>15 The applicant indicates that</p> <p>16 the parent company will provide a contact person to</p> <p>17 be kept on file with the Department of Building and</p> <p>18 Zoning, and there has been no communication yet with</p> <p>19 the Illinois Historic Preservation Agency.</p> <p>20 B. The proposed special use</p> <p>21 will not be injurious to the use and enjoyment of</p> <p>22 other property in the vicinity for purposes already</p> <p>23 permitted or substantially diminish property values</p> | 11 | <p>1 Pre-development drainage patterns will be retained.</p> <p>2 The applicant will provide plans for stormwater</p> <p>3 detention/retention. The applicant will need to</p> <p>4 have all field tile damaged in the construction</p> <p>5 process repaired by a competent contractor with</p> <p>6 experience in such repair during the life of the</p> <p>7 solar farm, and the applicant will need to obtain a</p> <p>8 signoff from the County Health Department.</p> <p>9 E. Adequate measures have</p> <p>10 been or will be taken to provide ingress and egress</p> <p>11 so designed as to minimize traffic congestion on</p> <p>12 public streets. This standard is met.</p> <p>13 It appears that safe site</p> <p>14 distance can be provided at either of the proposed</p> <p>15 entrances to the public roads. The applicant is in</p> <p>16 communication with the Village of Downs and the Old</p> <p>17 Town Township Road Commissioner to provide access to</p> <p>18 property from 850 North Road and with the</p> <p>19 Bloomington Township Road Commissioner for access to</p> <p>20 1750 East Road. The applicant will need to provide</p> <p>21 an entrance permit from the Village of Downs or the</p> <p>22 Bloomington Township Road Commissioner before</p> <p>23 issuance of a construction permit.</p> |
| 10 | <p>1 in the area. This standard is met.</p> <p>2 The proposed solar farm is</p> <p>3 surrounded by land in crop production, which will</p> <p>4 continue to be desirable for such use. Groundcover</p> <p>5 that includes native species, encourages</p> <p>6 pollination, recommended by the Soil and Water</p> <p>7 Conservation District, will need to be installed.</p> <p>8 C. The proposed special use</p> <p>9 will not impede the orderly development of the</p> <p>10 surrounding property for uses permitted in the</p> <p>11 district, and this standard is met. Nearby property</p> <p>12 that is currently in crop production will continue</p> <p>13 to be desirable for such use.</p> <p>14 D. Adequate utilities, access</p> <p>15 roads, drainage and/or other necessary facilities</p> <p>16 have been or will be provided. This standard is</p> <p>17 met.</p> <p>18 The property has no frontage</p> <p>19 on a public road. Access would be provided through</p> <p>20 adjacent property to the east from 850 North Road or</p> <p>21 through adjacent property to the west from 1750 East</p> <p>22 Road. The Downs Community Fire District will</p> <p>23 provide fire protection for the subject property.</p> | 12 | <p>1 This presumes that they would</p> <p>2 have a road agreement before they would be issued an</p> <p>3 entrance for that.</p> <p>4 The establishment, maintenance</p> <p>5 and operation of the special use will be in</p> <p>6 conformance with the intent of the district in which</p> <p>7 the special use is proposed to be located, and this</p> <p>8 standard is met.</p> <p>9 The preamble states: "Provide</p> <p>10 for the location and govern the establishment and</p> <p>11 operation of land uses which are compatible with</p> <p>12 agriculture and are such a nature that their</p> <p>13 location away from residential, commercial and</p> <p>14 industrial areas is most desirable."</p> <p>15 G. The proposed special use</p> <p>16 in all other respects conforms to the applicable</p> <p>17 regulations of the district in which it is located,</p> <p>18 and the standard is met.</p> <p>19 According to the zoning</p> <p>20 ordinance, "The Land Evaluation and Site Assessment</p> <p>21 System has been designed to provide a rational</p> <p>22 process for assisting local officials in making</p> <p>23 farmland conversion decisions through the local</p> |

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1 zoning process." Although this property has a high
 2 LESA score, the applicant indicates that native
 3 grasses will be grown and maintained on the site and
 4 that prime soils will be preserved as long as the
 5 Solar Power Generating Facility is operational.

6 After the subject property is
 7 returned to its original position as required by the
 8 Zoning Ordinance, the land can be returned to crop
 9 production.

10 It was reported that up to 35
 11 percent of corn grown in McLean County was used to
 12 make ethanol. Harvesting the sun to produce
 13 electricity in the Agriculture District with solar
 14 farms is similar and another way for farmers to
 15 produce value from their land in addition to
 16 producing corn and soybean crops.

17 In conclusion, staff
 18 recommends that this application meets the standards
 19 of the Zoning Ordinance provided with the following
 20 stipulations:

21 1) An entrance permit shall
 22 be obtained from the Village of Downs for access to
 23 850 North Road or from the Bloomington Township Road

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1 Commissioner for access to 1750 East Road before a
 2 construction permit is issued.

3 2) A signoff shall be
 4 obtained from the County Health Department before a
 5 construction permit is issued.

6 3) The applicant shall
 7 provide certified plans for stormwater
 8 detention/retention before a permit is issued.

9 4) The applicant shall
 10 complete consultation with the Illinois Historical
 11 Preservation Agency before a construction permit is
 12 issued.

13 5) The solar panel shall be
 14 installed with anti-reflective coating.

15 6) The applicant shall have
 16 all field tile damaged in the construction process
 17 repaired by a competent contractor with experience
 18 in such repair during the life of the solar farm.

19 7) Groundcover that
 20 encourages pollination that is recommended by the
 21 McLean County Soil and Water Conservation District
 22 needs to be installed.

23 8) A contact person for the

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1 applicant will need to be kept on file with the
 2 Department of Building and Zoning for
 3 issues/complaints upon completion of the facility.

4 9) As a condition of
 5 receiving a permit from the County, the company must
 6 pay the cost of hiring an Illinois registered
 7 professional engineer to provide a certified
 8 estimate of decommissioning costs. The company
 9 shall provide decommissioning security financing for
 10 the estimated cost of decommissioning in the amount
 11 determined by the engineer or \$25,000, whichever is
 12 greater. Security financing must be in the form of
 13 an irrevocable letter of credit or cash escrow,
 14 unless the County Board, in its sole discretion, to
 15 accept performance bond. The decommissioning cost
 16 estimate will be reviewed and revised when needed,
 17 but estimate review must occur at least every ten
 18 years.

19 10) The company must provide
 20 an Agricultural Impact Mitigation Agreement signed
 21 by the company and the Illinois Department of
 22 Agriculture prior to the issuance of a permit to
 23 construct from the County and must certify that it

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1 will comply with all of the terms of the agreement.
 2 Nothing in the Agricultural Impact Mitigation
 3 Agreement will preclude the County from establishing
 4 any standards that exceed those contained in the
 5 Agreement.

6 11) Development shall follow
 7 the plans and documents submitted with the
 8 application and with the Zoning Regulations
 9 including Article VI, Section 350.

10 That concludes my report.
 11 ACTING CHAIR TURNER: Thank you,
 12 Phil.

13 If you guys would state your
 14 names and addresses, and then I'll swear you in.

15 MR. RICKARD: My name is Luke
 16 Rickard (R-i-c-k-a-r-d), 1550 Wewatta Street,
 17 Denver, Colorado 80202.

18 MR. DICK: Could you repeat that
 19 address, please?

20 MR. RICKARD: 1550 Wewatta Street,
 21 (W-e-w-a-t-t-a), Denver, Colorado 80202.

22 MR. DICK: One more time, please.

23 MR. RICKARD: 1550 Wewatta Street.

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1 MR. DICK: W-e-t-t-a?

2 MR. RICKARD: W-e-w-a-t-t-a.

3 MR. DICK: Denver?

4 MR. RICKARD: Denver.

5 I don't know what it means

6 either.

7 MS. SCHULER: Clay Schuler, 7713

8 Red Maple Drive, Plainfield, Illinois 60586.

9 MR. DICK: Could you spell your

10 last name?

11 MR. SCHULER: S-c-h-u-l-e-r.

12 MR. LENZ: Robert Lenz, 202 North

13 Center in Bloomington, Illinois.

14 Thank you.

15 ACTING CHAIR TURNER: Okay. And

16 are you fine to be sworn in?

17 MR. RICKARD: Yes.

18 (Whereupon Robert Lenz, Luke

19 Rickard, and Clay Schuler were

20 sworn by Acting Chair Turner.)

21 ACTING CHAIR TURNER: Okay. We

22 have two mikes on at a time, so if you see your mike

23 turn green, it means we're not hearing you.

18

1 Since there's three of you, we

2 always run into an issue when that's the case, but

3 you can go ahead and give your presentation.

4

5 NARRATIVE TESTIMONY

6 BY LUKE RICKARD:

7 So in light of where we were on the

8 agenda and the late hour that I figured we'd be, I'd

9 forego the presentation up on the screen so we can

10 save some time.

11 I have a short introductory

12 statement about Amp and the project that we're

13 planning, and then I'll be ready to answer any more

14 questions that you have.

15 So Amp is an international

16 development of solar farms. We have offices in

17 India, in Japan, in Toronto, Canada as well as in

18 the continental United States in New York and in

19 Denver.

20 We develop projects that suit

21 the market. By that I mean we develop both utility

22 scale solar projects in markets where the market is

23 good for that and we develop community scale assets

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1 in markets where it's good for that too.

2 Currently we have around, I

3 think it's around 30 megawatts of operational

4 community assets in the U.S. We are developing more

5 than a hundred megawatts of additional community

6 assets both in the northeast markets like

7 Massachusetts and New York as well as here in

8 Illinois as well.

9 If I were to have a

10 presentation, I literally could have picked any

11 slide from the previous two for you guys to see.

12 It's all pretty much the same as what's being

13 proposed with the other applicants that you have

14 today.

15 The solar photovoltaic modules

16 have not been filmed so the anodized glass with the

17 limited frame around them is being matched to single

18 access trackers so they can follow the sun for extra

19 yield. It's standard solar equipment including

20 inverters, combiner boxes, standard electrical

21 utility equipment.

22 You know, we share the same

23 philosophy as previous applicants have also

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1 described. You know, it's important to us to be

2 good stewards of the land as well as good neighbors

3 to the communities that we come and develop these

4 projects in.

5 Obviously, a large part of

6 that is, you know, through making these developments

7 as low impact as possible, so some of the ways we

8 achieve that is to develop sites that are as

9 self-sufficient as possible.

10 As you saw before, you know,

11 all of the monitoring for performance is done

12 remotely by software. During the operational phase,

13 we don't anticipate having more than about ten

14 visits to the site in a year, so traffic during

15 operation is generally very low.

16 We try and conserve the

17 original topography of the land as much as we can or

18 as much as is feasible for stormwater design and in

19 order to preserve the soils, and also, you know, we

20 do place a premium on reseeding with native

21 noninvasive species and make that facility as

22 pollinator friendly as well; you know, standard.

23 Otherwise, the projects look

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1 very much as you would have seen both tonight and at
 2 other previous hearings with the applicants.
 3 Also I'd like to, in the vein
 4 of low impact development, I'd like to point out
 5 that these projects do contribute to the tax base in
 6 our schools and other community infrastructure while
 7 not requiring any additional community resources to
 8 be laid on. You don't need any extra water or sewer
 9 or any other facilities that need to be installed to
 10 support these projects.
 11 Thank you.
 12 ACTING CHAIR TURNER: Okay. Thank
 13 you.
 14 Either one of you have
 15 anything to add to that?
 16 MR. LENZ: I have nothing on this
 17 project; maybe the next two.
 18 ACTING CHAIR TURNER: Okay. Great.
 19 Does the board have any
 20 questions?
 21 I have one quick question.
 22
 23 QUESTIONING BY

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1 ACTING CHAIR TURNER:
 2 Q. Will the houses be able to see this
 3 development whenever it's done? Can they see the
 4 crops from where they are?
 5 A. If you look on the picture here, you
 6 can see there is a line of trees that goes pretty
 7 much almost continuously north to south, so we would
 8 be building exclusively on the other side of those
 9 trees.
 10 If additional screening would be
 11 needed to plug any gaps or anything like that, we'd
 12 be happy to do that.
 13 ACTING CHAIR TURNER: Okay. Thank
 14 you.
 15 MR. ZIMMERMAN: I have a question.
 16
 17 QUESTIONING BY
 18 MR. ZIMMERMAN:
 19 Q. There's a railroad, now possibly
 20 abandoned railroad right-of-way there that might at
 21 some point be turned into a rails to trails or some
 22 other sort of effort that would pave it and make it
 23 go through, make it accessible to bikes and hikers,

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1 etc.
 2 Will you be impacting that at
 3 all?
 4 A. I don't believe so. We are going to
 5 be applying to the utility for permission to
 6 interconnect to the three-phase line that runs along
 7 the north side of that abandoned railway, but it
 8 would either be a case of stringing a pole up and
 9 over, which, you know, bikes and other vehicles
 10 could easily pass under, or just push the home run,
 11 you know, the interconnection run underground and
 12 then come up at one of the poles.
 13 So either way, I don't
 14 anticipate these affecting future trails use.
 15 ACTING CHAIR TURNER: Real quick.
 16 Bob, did you want to submit this as a...
 17 MR. LENZ: No. That's for the next
 18 two cases, not for this case.
 19 Thank you.
 20 ACTING CHAIR TURNER: Anybody else
 21 have any other questions?
 22 Does staff have any questions?
 23 MR. DICK: No.

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1 ACTING CHAIR TURNER: Does anyone
 2 from the audience have any questions for this
 3 applicant?
 4 Could you state your name and
 5 address, please?
 6 MR. O'NEILL: Sure. Ted O'Neill,
 7 1909 Haverhill in Normal.
 8 QUESTIONING BY
 9 MR. O'NEILL:
 10 Q. My concern is if the board or Amp can
 11 speak to what kind of road improvement would be
 12 needed, especially on 850, and then the continuing
 13 upkeep. In that part of the county, is it salted in
 14 the winter or plowed?
 15 A. So with regard to the 850 North Road,
 16 the plan is to take access actually off of the 1750
 17 North Road first which would have us coming in from
 18 the west there along the underside of the abandoned
 19 railroad easement.
 20 You know, we would have an
 21 agreement in place with the road authority to repair
 22 any damage that was done to the road as a result of,
 23 you know, deliveries or anything like that to the

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1 site during construction, and if it was determined
2 that the existing driveway that come in from there
3 would need to be improved, we would handle that as
4 well.

If we had to take some

5 construction access or otherwise from the 850 North
6 Road, the same agreement would be in place. We
7 would have an agreement with the authority to fix
8 any damage that was done to the road, and we would,
9 having looked at that road, we would likely need to
10 make some improvements to it anyway to create an
11 all-weather surface of some kind, but at this point,
12 that really is more of a secondary consideration.
13 We're looking to take access from the northwest
14 corner.

15 Q. But if it needs to be improved, would
16 it be improved to the same standard as other roads
17 in the county?

18 A. That would be for us to work out with
19 the township authority I would suppose. They would
20 tell us what standards they wanted us to improve it
21 to.

22 MR. O'NEILL: Okay. Thank you.

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1 ACTING CHAIR TURNER: Another
2 question?

3 MR. REYNOLDS: My name is Gil
4 Reynolds. I live at 8270N 2200 East Road in Downs,
5 and I'm the Old Town Township Road Commissioner.

We were contacted just a short

6 time ago, and I was under the impression that all
7 the traffic would come from the west which it sounds
8 like it is now, but 850 Road, over 90 percent of it
9 belongs to the Village of Downs, and they weren't
10 able to even upkeep the road after it was made. I
11 mean, they're running short on funds. It would have
12 to be improved first before anybody would ever use
13 it. I mean, it's almost nonexistent. It's a dirt
14 road. If somebody tried to use it now and it
15 rained, it would turn into a big mess.

I was under the impression

16 that that road wouldn't even be considered at all.
17 I mean, if it would, it would have to be improved
18 before anything was ever done.

Then I have a question just

19 regarding the solar panels. I'm not sure now
20 durable they are.

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QUESTIONING BY

1 MR. REYNOLDS:

2 Q. Is there anything in place if a major
3 storm would hit, a hail storm or a tornado, direct
4 hit of one of those? Is there some kind of cleanup
5 plan or are those things that durable they can
6 withstand a storm like that?

7 A. Yeah, they are extremely durable.
8 They're made of anodized glass and very strong
9 aluminum frame, so they can withstand quite a strong
10 wind force.

When they test these things in

11 the lab, they fired large hailstones, large balls of
12 ice at them sort of point blank at a hundred plus
13 miles an hour.

Obviously, when these things are

14 tilted, the impact of the hail is going to be less.
15 It doesn't come in point blank on a hail storm.

So usually for these things to

16 get out of the factory, they go through a fairly
17 rigorous testing process.

I've seen pictures of solar

18 farms that my colleagues in the industry have

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1 installed and had them suffer through a hurricane
2 for example. I mean, you generally see a lot of the
3 modules, a lot of the panels are still there but the
4 racking sort of gets bent and twisted.

Having said that, if there were

5 to be, you know, a tornado or something like that
6 coming through, it would be in our interest to come
7 in and clean it up and repair it and get it back to
8 operational order so we can continue to deliver the
9 power that this thing is designed to deliver.

MR. REYNOLDS: Okay. Thanks.

MR. PERRY: My name is Dave Perry,
10 I live at 8522 North 1900 East Road in Bloomington,
11 and 850 actually goes through my property.

I don't know what the original

12 easements were that allowed that, but the property
13 markers, it splits it.

One, it's a very...

MR. DICK: Mr. Perry, could you
14 tell me your address again, please?

MR. PERRY: Yes, sir. 8522 North
15 1900 East Road, Bloomington, 61705.

So again, I don't know what

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1 improvements you'd make.

2 One, you'd have to do a whole

3 rate exchange because that's a very steep drop-off

4 in there. I've seen tractor-trailers dragging their

5 rear ends trying to get out of that ditch.

6 The other thing is it's right

7 on a curve, and 1900 is a pretty busy road, so I

8 don't think it's a good idea.

9 So again, when you leave it in

10 as an option, it says, well, you can use it, but I'd

11 like to see it removed if it's really not going to

12 be an option.

13 ACTING CHAIR TURNER: Okay. Thank

14 you.

15 Anyone else have any questions

16 for the applicant?

17 MS. ZEIGLER: Hannah Zeigler, 2242

18 Westgate Drive, Bloomington 61705.

19

20 QUESTIONING BY

21 MS. ZEIGLER:

22 Q. On your decommissioning plan, you

23 estimate the solar PB recycling, you value it at

30

1 \$50,000.

2 I'd just be interested in what

3 your justification is for that figure.

4 A. Obviously, that figure is an estimate

5 at this time. It's based off of the assumption that

6 you would still have some usable life in the modules

7 themselves.

8 By the time we get to

9 decommissioning these things, the silicon that

10 produces the electricity would only have degraded to

11 I would say no less than 70 percent, so it should

12 still be usable. I know that factors in, but at

13 this point, it's an estimate.

14 With the situation being that

15 very few of these have reached decommissioning stage

16 and there not being an actual market for it, it's,

17 you know, it's not a very educated estimate, but

18 it's the best we could do.

19 Q. So your net cost to decommission is

20 \$5,925 and some change, but then you estimate or you

21 suggest a bond value of 15,000 per megawatt.

22 Can you tell me why you're

23 offering a bond higher than your estimate?

31

1 A. Well, like I said before, this is

2 still in a very new stage. Nobody really has a good

3 solid handle of what it's going to cost because it's

4 still in the future.

5 Everybody knows that

6 construction projects tend to have overrun costs on

7 schedule, so I would hazard a guess that that would

8 be one of the reasons to include a bond that was

9 greater than the estimate.

10 ACTING CHAIR TURNER: Any other

11 members of the audience have questions for this

12 applicant?

13 Are there any members of the

14 audience who would like to testify on this case?

15 Okay. Seeing none, if you

16 guys have a closing statement you'd like to make,

17 you can do that.

18 MR. RICKARD: Nothing other than

19 thank you for your time.

20 It's been good working with

21 the staff here at McLean County, and we hope to come

22 back and do more business here in the future.

23 ACTING CHAIR TURNER: Great. Thank

32

1 you.

2 Okay. Is there anything in

3 particular we want to talk about that we haven't?

4 Anything we would change on this one compared to the

5 others?

6 Okay.

7 MR. ZIMMERMAN: The 25,000 per

8 megawatt, the decommissioning fee?

9 ACTING CHAIR TURNER: Seems to be

10 where we're landing.

11 MR. ZIMMERMAN: The decommissioning

12 fee, we would stipulate that there would be a

13 decommissioning fee as stipulated in stipulation

14 number 9 that it would be 25,000 per megawatt.

15 ACTING CHAIR TURNER: Okay. We'll

16 go through the stipulations.

17 A?

18 B?

19 C?

20 D?

21 MR. DEAN: Is this one dealing with

22 the access roads?

23 ACTING CHAIR TURNER: Yeah. I

33

1 think that's a good point. It is dealing with the
 2 access roads, utilities, access roads and drainage.
 3 Obviously, they have some thoughts on where you
 4 should access, and it sounds like you're going
 5 toward accessing from the better road.
 6 Again, none of this goes
 7 forward without an agreement.
 8 Luke, you want to talk to
 9 that?
 10 MR. HOHULIN: Yes.
 11 As far as the access road
 12 goes...
 13 ACTING CHAIR TURNER: Let me swear
 14 you in.
 15 (Whereupon Luke Hohulin was sworn
 16 by Acting Chair Turner)
 17 ACTING CHAIR TURNER: All right.
 18 MR. DICK: State your name.
 19 MR. HOHULIN: Luke Hohulin;
 20 H-o-h-u-l-i-n.
 21 The access road off of 1750
 22 would be preferred because from my understanding,
 23 there would be substantial work that would need to

34

1 be done on 850, and then there would have to be a
 2 road use agreement with Bloomington Township because
 3 that is Bloomington Township's road, 1750.
 4 I guess if there's any other
 5 questions, I'll be happy to answer them.
 6 MR. DEAN: I would adopt that we
 7 drop the 850. We scratch that.
 8 Is that okay if we just
 9 scratch 850?
 10 MR. RICKARD: Yeah. I'm okay with
 11 that.
 12 MR. ZIMMERMAN: Would we need
 13 Mr. Reynolds to sign off on that or is that just out
 14 of Old Town Township? That's just no longer part of
 15 the equation?
 16 MR. DICK: Old Town Township would
 17 not be involved in an access off of 1750 East Road.
 18 MR. ZIMMERMAN: Thank you.
 19 ACTING CHAIR TURNER: Okay.
 20 Thanks; Rick.
 21 E?
 22 F?
 23 G?

35

1 Okay. Can I ask for a motion?
 2 MR. DEAN: With the stipulations,
 3 it looks like there that might be a problem there.
 4 Do they still need an entrance
 5 permit from the Village of Downs?
 6 MR. DICK: They do not. They would
 7 only need an entrance permit from the Bloomington
 8 Township Road Commissioner.
 9 MR. DEAN: Okay. Well, I recommend
 10 we correct that statement.
 11 MR. DICK: Okay. Did you want to
 12 do the low ground too, five feet above?
 13 MR. DEAN: Yes. We want to be
 14 consistent with everything we do.
 15 ACTING CHAIR TURNER: So if their
 16 cable is not at least five feet below ground, then
 17 they have to remove it.
 18 MR. ZIMMERMAN: I'd like to add as
 19 a stipulation that in the hookup, it does not
 20 interfere with any potential use which would be some
 21 sort of extension of the rails to trails.
 22 Would that be in the form of
 23 putting it underground to get over there?

36

1 ACTING CHAIR TURNER: I don't think
 2 it would hurt to go over it.
 3 MR. ZIMMERMAN: Yeah, I don't
 4 either. I'm not sure if we even need a stipulation
 5 for that. I'm seeing no.
 6 ACTING CHAIR TURNER: I don't think
 7 so. They're not going to want anybody running
 8 through their wires.
 9 Okay. So do I have a motion?
 10 MR. DEAN: I recommend approval of
 11 SU-18-15 with stipulations.
 12 MR. BANGERT: Second.
 13 ACTING CHAIR TURNER: Roll call
 14 vote.
 15 MR. DICK: Bangert?
 16 MR. BANGER: Yes.
 17 MR. DICK: Dean?
 18 MR. DEAN: Yes.
 19 MR. DICK: Turner?
 20 ACTING CHAIR TURNER: Yes.
 21 MR. DICK: Zimmerman?
 22 MR. ZIMMERMAN: Yes.
 23 ACTING CHAIR TURNER: Carlton?

1 MR. CARLTON: Yes.
2 ACTING CHAIR TURNER: Okay. So
3 that will go to the County Board, and then you'll go
4 from there.

5 MR. RICKARD: Yes. Thank you.
6 ACTING CHAIR TURNER: Just to note,
7 we usually quit at 10 but we're not quitting, are
8 we. Let's get these things done.

9 All right. Good.
10 (Whereupon the foregoing
11 proceedings adjourned at 10:00
12 p.m. on this same date.)
13
14
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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 August 11, 2018.
16

17 **Laurel A. Patkes**
Certified Shorthand Reporter
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19
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