

PLANNING & ZONING COMMISSION

**City Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, April 10, 2024 7:00pm**

Meeting Called to Order

Chairman Richard Vinyard called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call

Ryan Forristall-yes, Reagan Goins-yes, Greg Millen-yes, Rich Vinyard-yes

Absent: Danny Williams, Rusty Hyett

City Staff

Krysti Barksdale-Noble, Community Development Director
Sara Mendez, Planner I

Other Guests

Lynn Dubajic Kellogg, City Consultant
Chris Vitosh, Vitosh Reporting Service
Dan Kramer, Attorney
Elizabeth Bruns, Nexamp
Gary Bennett, landowner
Patti Bakala, Homeowner, Corneils Rd.

Matt Kwiatkowski, Nexamp
Michael Keith, Atwell, LLC
Hanna Udischas, Nexamp
Betty Bennett, landowner
Jerome Gawlik, Homeowner
David Petesch, *Kendall County
Record (via Zoom)*

Previous Meeting Minutes March 13, 2024

Motion by Ms. Goins and second by Mr. Millen to approve the minutes as presented.
Roll call: Forristall-yes, Goins-yes, Millen-yes, Vinyard-yes. Carried 4-0.

Citizen's Comments None

Public Hearings

1. **PZC 2024-05 Corneils Road Solar, LLC**, petitioner, on behalf of Gary L. and Betty S. Bennett, owners, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and special use authorization. The real property is generally located immediately north of Corneils Road, approximately 1,700 feet east of Beecher Road, and approximately 4,300 feet west of IL. Route 47 (N. Bridge Street) consisting of 94 acres. The petitioner is requesting rezoning approval from R-1 Single-Family Suburban Residential District to A-1 Agricultural District (contingent on approval of annexation by the City Council). The petitioner is also requesting special use permit approval in pursuant to Section 10-8-5 of the Yorkville City Code for a solar farm.

Chairman Vinyard explained the procedure for the Hearing and swore in those persons who planned to present testimony during the Hearing.

A motion was made and seconded by Ms. Goins and Mr. Millen, respectively, to open the Public Hearing at approximately 7:01pm. Roll call: Goins-yes, Millen-yes, Vinyard-yes, Forristall-yes. Carried 4-0.

Mr. Vinyard read the Hearing description.

At approximately 7:43pm a motion was made by Ms. Goins and seconded by Mr. Millen to close the Public Hearing. Roll call: Millen-yes, Vinyard-yes, Forristall-yes, Goins-yes, Carried 4-0.

(See Court Reporter's transcript of Public Hearing)

Petitioner requested standards and application to become part of official record.

Unfinished Business None

New Business

1. PZC 2024-05 Corneils Road Solar, LLC, (same as description above)

Ms. Noble said the annexation request will go before the City Council on April 23rd. She offered a few other comments regarding the petition. She noted the property is contiguous to the city boundaries. The rezoning request is for A-1 Agricultural since the zoning defaults to R-1 when a property is annexed and if the annexation request is approved, a revision will be made to the Comprehensive Plan. She noted the site is 94 acres, however, only 31 acres will be used for the solar field and all setbacks are met. The 31-acre site will hold about 11,500 modules, with a height of 20 feet. There is a 20-year lease with options to extend. Ms. Noble noted the nearest residential land to the nearest array meets the recently passed requirements. A glare study was done with no issues and the engineer is recommending a photometric plan. Fencing is required and landscaping and buffering will also be provided. The decommissioning plan was discussed with a security guarantee required. A blanket easement or license agreement will be provided to enter the property if necessary. There is also a battery energy storage system on site and is considered an accessory use. Engineering comments were provided and will be included as conditions of the special use. There was no further discussion.

Action Item

Rezoning

A motion was made by Mr. Millen and seconded by Ms. Goins to approve PZC 2024-05 and Ms. Goins read the motion as follows: In consideration of testimony presented during a Public Hearing on April 10, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from R-1 Single-Family Residential to A-1 Agricultural District for the purpose of constructing a freestanding solar energy system, or solar farm, contingent upon approval of Annexation by the City Council, for approximately 94 acres of existing farmland located immediately north of Corneils Road, east of Beecher Road and west of IL Route 47 (N. Bridge Street).

Chairman Vinyard read the standards and UDO standards.

Roll call: Vinyard-yes, Forristall-yes, Goins-yes, Millen-yes. Carried 4-0.

Action Item

Special Use

Ms. Goins moved and Mr. Millen seconded a motion to approve the PZC 2024-05 Special Use request. Ms. Goins read the motion as follows: In consideration of testimony presented during a Public Hearing on April 10, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system, or solar farm, contingent upon approval of annexation by the City Council, for approximately 31 acres generally located north of Corneils Road, east of Beecher Road and west of IL Route 47 (N. Bridge Street), subject to staff recommendations in a memo dated April 2, 2024.

Roll call: Forristall-yes, Goins-yes, Millen-yes, Vinyard-yes. Carried 4-0.

The standards were reviewed following the vote.

Additional Business

1. City Council Action Updates

a. PZC 2024-06 United City of Yorkville

Ms. Mendez said there was a Text Amendment for the Alternative Energy Use Standards.

Adjournment

There was no further business and the meeting was adjourned at 7:59pm on a motion by Ms. Goins, seconded by Mr. Millen and approved on a unanimous voice vote.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

651 Prairie Pointe Drive
Yorkville, Illinois

Wednesday, April 10, 2024
7:00 p.m.

PRESENT:

Mr. Rich Vinyard, Chairman,
Ms. Reagan Goins,
Mr. Greg Millen,
Mr. Ryan Forristall.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;
Ms. Sara Mendez, Planner;
Ms. Marlys Young, Minute Taker.

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WITNESS:

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1 (WHEREUPON, the following
2 proceedings were had in public
3 hearing, beginning at 7:02 p.m.)

4 CHAIRMAN VINYARD: There is one public
5 hearing scheduled for tonight's Planning and
6 Zoning Commission meeting. The purpose of this
7 hearing is to invite testimony from members of
8 the public regarding the proposed request that is
9 being considered before the Commission tonight.

10 Public testimony from persons
11 present who wish to speak may be for or against
12 the request, or to ask questions of the
13 petitioner regarding the request being heard.

14 Those persons wishing to testify are
15 asked to speak clearly, one at a time, and state
16 your name, who you represent. You are also asked
17 to sign in at the podium right over there.

18 If you plan to speak during
19 tonight's public hearing as a petitioner or as a
20 member of the public, please stand and raise your
21 right hand and repeat after me.

22 (Witnesses sworn.)

23 CHAIRMAN VINYARD: Have your seats.
24 Thank you. All right. The order of testimony

1 during the public hearing will be as follows: We
2 are going to do the petitioner's presentation,
3 those who wish to speak in favor of, and then
4 those who wish to speak in opposition of. Okay?

5 May I have a motion to open the
6 public hearing on Petition Number PZC 2024-05,
7 United City of Yorkville, for a rezoning and
8 special use for a solar farm.

9 MS. GOINS: So moved.

10 MR. MILLEN: Second.

11 CHAIRMAN VINYARD: Roll call vote on the
12 motion, please.

13 MS. YOUNG: Yes. Goins.

14 MS. GOINS: Yes.

15 MS. YOUNG: Millen.

16 MR. MILLEN: Yes.

17 MS. YOUNG: Vinyard.

18 CHAIRMAN VINYARD: Yes.

19 MS. YOUNG: And Forristall.

20 MR. FORRISTALL: Yes.

21 CHAIRMAN VINYARD: Okay. All right.

22 The public hearing up for discussion tonight is
23 as follows: Corneils Road Solar, LLC,
24 petitioner, on behalf of Gary L. and Betty S.

1 Bennett, owners, has filed an application with
2 the United City of Yorkville, Kendall County,
3 Illinois, requesting rezoning classification and
4 special use authorization.

5 The real property is generally
6 located immediately north of Corneils Road
7 approximately 1700 feet east of Beecher Road and
8 approximately 4300 feet west of Illinois Route
9 47, North Bridge Street, consisting of 94 acres.

10 The petitioner is requesting
11 rezoning approval from an R-1 Single-Family
12 Suburban Residential District to an A-1
13 Agricultural District.

14 The petitioner is also requesting a
15 special use permit approval pursuant to Section
16 10-8-5 of the Yorkville City Code for a solar
17 farm.

18 Is the petitioner for PZC 2024-05,
19 Corneils Road Solar, LLC, ready?

20 MR. KRAMER: We are.

21 CHAIRMAN VINYARD: Thanks.

22 MR. KRAMER: Good evening. I think it's
23 on.

24 CHAIRMAN VINYARD: Yeah.

1 MR. KRAMER: Okay. Good to know.

2 Sorry.

3 DANIEL J. KRAMER,
4 having been first duly sworn, testified from the
5 podium as follows:

6 MR. KRAMER: Good evening. My name is
7 Daniel J. Kramer. I am an attorney licensed to
8 practice law in the state of Illinois. For the
9 record, my address is 1107A South Bridge Street,
10 Yorkville, Illinois, and I have the privilege
11 tonight to be here representing Nexamp, which is
12 the overall umbrella organization.

13 It is a bit confusing perhaps if
14 you're not used to that underneath where it's
15 Corneils Road Solar, LLC. They provide a
16 separate standalone LLC here in Yorkville, but it
17 is owned by and will be totally operated by the
18 Nexamp network.

19 I say I have the privilege of being
20 here because we have represented the company
21 before, but when you look at the presentation
22 they make tonight, they are a large solar
23 generator in the country, they have an excellent
24 track record, and what many of their competitors

1 can't tell you is they operate what they get
2 zoned, and I think that's a real plus, so if you
3 see this group tonight, this is the group that
4 you're going to see down the road as well, and I
5 think that's hugely important.

6 They have followed along the city
7 journey of the city coming up with some solar
8 issues like setback, how far from the road,
9 landscaping and so on, and even though they were
10 filed before that ordinance was to take effect,
11 they have observed all of those niceties, so I
12 think you will find it will be a good community
13 member.

14 I also have here tonight Gary and
15 Betty Bennett, the folks sitting in the second
16 row right next to one another, who actually own
17 the land and are leasing it to Nexamp. Long time
18 community residents. They certainly wouldn't
19 want anything bad to happen to their property.

20 Not all of it is going to be used
21 for solar, so they are still going to be there,
22 so they have a true vested interest to make sure
23 this is something we can all be proud of.

24 Overall there are some great

1 community benefits in terms of green energy, tax
2 revenue for the area, no students added to the
3 school district.

4 You're going to see some slides that
5 I thought were real powerful at the Community
6 Development Committee meeting with Krysti and
7 with Sara a couple weeks ago about the type of
8 plantings they do, which I think is hugely
9 important. They are big on pollinator-type
10 plants.

11 So I think all of those things bode
12 well, so I am going to pass it off to Matt
13 Kwiatkowski, who is the primary rep for the
14 company, and they have their engineer here
15 tonight here as far as any technical questions,
16 and if audience members have questions, we will
17 write down and if we can at the end come back and
18 try and answer their questions. Thank you.

19 CHAIRMAN VINYARD: You're welcome.

20 MATT KWIATKOWSKI,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. KWIATKOWSKI: Good afternoon. My
24 name is Matt rezoning and I am with Nexamp. I am

1 the project developer for this project, Corneils
2 Road Solar, LLC.

3 We are proposing a 4.99 megawatt
4 community solar facility and we are seeking
5 annexation rezoning, and a special use permit.
6 Advance the slide, please.

7 Just to give you a little background
8 about our company, we were founded by two Army
9 veterans back in 2007, and then since 2007, we
10 have grown exponentially. We have 475 employees
11 today.

12 We are now vertically integrated,
13 which Dan mentioned. We don't only develop these
14 projects and sell them off, but we manage the
15 whole process through operation, decommissioning.
16 It will be the company involved, you know, in the
17 whole project lifestyle cycle.

18 We were voted the number one
19 community solar company in 2023 by Solar Power
20 World magazine, and last year we just completed
21 the largest domestic module purchased in
22 community solar history with Heliene in
23 Minnesota, which is 1500 megawatts, and that just
24 ensures that our panels are being produced

1 domestically and that, you know, we don't have
2 issues with supply chain when we want to get
3 panels, so we can get to construction faster.
4 Next slide, please.

5 Specific to Illinois, we started to
6 build out our Midwest team in 2018. We have now
7 got a Chicago office that -- last year we
8 declared it our second headquarters. We've got
9 80-plus employees here in the state of Illinois,
10 and currently building or operating 20-plus
11 projects statewide with 30 more in development.

12 Our operation assets serve over
13 5,000 residents and small businesses in Illinois
14 that want to subscribe for bill credits to save
15 on their electricity. Next slide, please.

16 So I'm just going to hash through
17 this fairly quickly just to show where we fall
18 kind of in the electricity generation pyramid.
19 There was two really acts that set renewable
20 energy here in the state of Illinois into motion;
21 one was called the Future Energy Jobs Act, or
22 FEJA, in 2017, and more recently is CEJA, which
23 is Climate and Equitable Jobs Act in 2021, and
24 that's really, you know, an act that set a

1 standard for a renewable portfolio of 40 percent
2 renewable generation by 2030 in the state of
3 Illinois.

4 Down below you will see, you know,
5 there is utility scale solar and wind with coal
6 and gas plants that's generating -- and, you
7 know, with solar that's hundreds, thousands --
8 thousands of acres, and that's generating
9 electricity that's put into the transmission
10 lines and the power companies purchase it and
11 that's shipped, you know, pretty far.

12 We fall on the small generation
13 scale, so it's anything under five megawatts,
14 which is kept on the local distribution grid, so
15 the energy does stay local in the grid, and
16 that's important in the fact that, you know, this
17 electricity is really stabilizing the local grid
18 and it stays local, and so that just kind of
19 gives you a little overview of kind of the
20 different types of generation. Next slide.

21 MS. NOBLE: You should be able to
22 advance it, the little pod.

23 MR. KWIATKOWSKI: Sorry. And then just
24 to further expand on community solar, sometimes

1 referred to as shared solar, it's on the
2 distribution grid as I said and the energy stays
3 local. It's free to sign up. Once it's built
4 and generating power, the subscribers receive
5 credits for their utility bill discount on their
6 utility bill, so that's applied to their normal
7 ComEd bill, and it allows businesses and
8 residential customers to access solar energy even
9 if they can't install it on their property,
10 whether ground mounted or roof mounted, so it
11 allows a lot more people to be involved in
12 renewable energy.

13 Our engineer, Michael, is going to
14 go through the site plans after I go through a
15 few more slides, and I just wanted to show you
16 some pictures as he is going through that of the
17 visual -- we have a visual picture of what these
18 items are.

19 We have the equipment pad, which
20 Michael will point out, which will be in the
21 center of the site, houses the transformers and
22 the inverters.

23 As Dan said, we are a big proponent
24 of pollinators within the site and as a buffer,

1 and that has a lot of benefits not only for
2 pollinating, the birds and butterflies and
3 things, but it also helps with reduced erosion
4 and increases in filtration of rain water.

5 To the right you'll see your typical
6 PV modules. We typically do a farm fence, but
7 here, you know, the standard is a chain link
8 fence with slats, so that's that picture right
9 there, and then we are proposing a battery energy
10 storage system, or BESS, and that's basically the
11 container that houses the ion batteries.

12 All sites we monitor 24/7 from
13 our -- we have an operation control center and
14 for security reasons they do have cameras, and
15 then to the right you will see the posts and
16 racking, and we are using a tracker system, which
17 basically starts out, you know, tracking the sun
18 facing east in the morning, and as the sun moves,
19 it will face west in the afternoon.

20 Just to give you some examples of
21 some of our projects that are local, close to
22 here, Burlington -- French Road Solar up in
23 Burlington, Kane County , it's 16 acres,
24 2.8 megawatts, and it serves nearly 400

1 subscribers.

2 We've got one in Will County, it's
3 Goodenow Road East Solar. It's 19 acres, 2.7
4 megawatts and serves nearly 400 subscribers.

5 This is kind of the overview of
6 where the site is located. There is three
7 parcels. It's located between State Route 47 and
8 Beecher Road kind of in the middle. The exact
9 project location is 10791 Corneils Road. It's
10 made up of three parcels, as I said. The owners
11 are Gary and Betty Bennett and the parcel size of
12 all three parcels is 93 acres. Our project size
13 is only approximately 35 and a half acres within
14 the proposed array fence.

15 The project capacity is 4.99
16 megawatts and the project -- the expected project
17 life is 30 to 40 years, and in this particular
18 photo you can see where it's highlighted in
19 yellow is the approximate location of the solar
20 array, so to the west we do have the old
21 landfill, which changes quite significantly in
22 topography, it rises quite a bit, it's got a lot
23 of existing trees, so it's really tucked in kind
24 of well, and then it's set back more than

1 1500 feet off of Corneils Road, so it's set back
2 quite far.

3 And as Dan said, there is a lot of
4 community benefits, not only the environmental
5 benefits, but it's only a temporary use of farm
6 ground. I know in our lifetime it seems like a
7 long time, 40 years, but it is only a temporary
8 use.

9 We were required by the state of
10 Illinois to put a -- to enter into an AIMA
11 agreement, Agriculture Impact Mitigation Act,
12 with the State Department of Agriculture, and
13 that ensures we protect the farm ground during
14 construction, during operation, and during
15 decommissioning, things like we've got to protect
16 the drainage, we've got to protect the topsoil,
17 and so that agreement requires a bond that put up
18 with the city to ensure decommissioning.

19 Community solar also stabilizes the
20 grid, as I said, and helps with electricity cost
21 stabilization. A project of this size has
22 utility savings for over 650 residential
23 subscribers, and, most importantly, it really
24 adds to the tax base without adding to demand for

1 public services, as Dan said. You know, once
2 this is operational, we won't have impacts on the
3 roads or in the schools or parks.

4 It's also located in an area
5 which -- we are technically in a floodway
6 floodplain of Rob Roy Creek, and, you know, there
7 is not a lot of development that can occur there,
8 you know, that can generate additional revenue
9 other than farming, but solar is one of these
10 uses that can be used in that kind of area.

11 So this is the model of just the
12 projected taxes. For Year One the current taxes
13 for the 35-plus-or-minus acres is approximately
14 \$2,345, and these two, the school district and
15 the Bristol Kendall Fire District, are the two
16 largest taxing bodies within the -- almost ten
17 percent tax that the city has, so that equates to
18 the 1560 for the school district and 163 for
19 Kendall Fire.

20 Now, with the solar facility, the
21 first year we generate approximately \$34,000 in
22 aggregate tax, 22,000 going to the school and
23 approximately 2,000 going to Kendall Fire
24 District, so that's a difference of 14 times in

1 the first year.

2 On the right side is the projected
3 taxes over the 40-year total. It's not that 14
4 as you see because, you know, there is
5 depreciation in the facility, but it's still a
6 five times difference. We are looking at 176,000
7 over 40 years currently and then, you know, with
8 the solar facility, approximately 900,000.

9 So just to review some due diligence
10 that we did to date, we selected the site,
11 executed the lease with the landlord, we have
12 done all of our surveying, we've had
13 pre-application discussions with the city as well
14 as we are obviously here tonight.

15 We've done utility studies. We do
16 have an agreement with ComEd for interconnection,
17 so the project is real, it's been studied, and we
18 have an agreement with them to hook into the
19 grid.

20 We have done SHPO consultation,
21 that's State Historic Preservation Office
22 consultation, that looks at things like
23 archeology and historic resources. No impact
24 there. Endangered species, no impact.

1 We have done a wetland delineation,
2 there is no wetlands onsite. There is the
3 stream, the Rob Roy Creek, which we are crossing
4 and we are working with the IDNR on a nationwide
5 permit for a culvert replacement as well as the
6 floodplain, the floodplain permit.

7 We have done consultation with the
8 Federal Aviation Administration, no impact there.
9 Done natural resource inventory, and, as I said
10 before, we have entered into an agreement with
11 the Department of Agriculture with that AIMA
12 agreement.

13 And now I will hand it over to our
14 engineer of record, Michael with Atwell, to talk
15 specifically about the site plan.

16 MICHAEL KEITH,
17 having been first duly sworn, testified from the
18 podium as follows:

19 MR. KEITH: Good evening. For the
20 record, I am Michael Keith. I am the civil
21 engineer of record for this project. Our office
22 is located at 1250 East Diehl Road in Naperville.

23 What we have up on your screen right
24 now is the site layout. First off I want to draw

1 your attention to the setbacks. We are required
2 to be 50 feet off the property line and 100 feet
3 from the public right-of-way for all the panels
4 and electrical equipment, and this is in order to
5 meet the new ordinance that was recently approved
6 as Dan mentioned, so we would adhere to the new
7 setbacks that are required, and as you can see
8 from the exhibit in your lower left corner, we
9 are meeting those setbacks. We get close in the
10 back of the property, but the intent of our site
11 layout is to push everything as far away from the
12 right-of-way as we can.

13 Also on the site layout you will see
14 that we strategically placed equipment pads in
15 the middle of the site, and that's to keep them
16 as far away from the property lines as we can.

17 We also are utilizing the existing
18 access on Corneils Road. There is an existing
19 farm access. We will actually have some good
20 access pictures of that access on later slides,
21 but we are utilizing that access rather than
22 getting a whole new access point on Corneils
23 Road.

24 And then we also are dedicated at

1 providing all wires underground to the point of
2 interconnection where it will transition to cross
3 the right-of-way, and you will see those poles on
4 the southern end of the property near the access
5 point where we transition up, and as Matt
6 mentioned, Rob Roy Creek does run through our
7 site, it runs north and south.

8 We are currently working with IDNR
9 to get all the nationwide permits through that
10 with the wetlands with the Corps and we are in
11 conversations with the Rob Roy Creek District,
12 Drainage District, so they know what we're doing.
13 We are going to work with our final site plans to
14 make sure they are okay with what we're doing.

15 The only change we're doing is we're
16 going to widen our access across. There is
17 currently a culvert there, we will widen the
18 culvert, but we're keeping the size and
19 everything the same, so we're not planning on
20 impacting the creek at all.

21 This sheet here shows our
22 landscaping plan. Within the fenced-in area we
23 are going -- as Matt mentioned, we are utilizing
24 the site specific pollinator mix. The seed mix

1 not only helps us stabilize the site, provide
2 eco-friendly ground cover, but it helps support
3 the bees and other insects. It also helps
4 satisfy the County Stormwater Management
5 Ordinance requirements.

6 The pollinator mix has a lower
7 run-off coefficient and a higher concentration
8 than the existing row crops. Together with the
9 reduced run-off -- and as we've seen on another
10 site, we are probably going to still need a
11 stormwater management basin to help satisfy the
12 Kendall County Stormwater Management Ordinance,
13 but the size of the pond has reduced drastically
14 because we are reducing the flow in the
15 greater grand scheme of things.

16 We also plan on utilizing the
17 existing trees along the creek beds. We are not
18 taking those down, we are trying to keep as many
19 in place as we can to help provide natural
20 screening of the facility, and then we are
21 providing an additional screening along our
22 southern edge of our property, on the southern
23 edge of the fence line, to help screen it
24 additionally. Then we are going to be surrounded

1 by an eight-foot tall chain link fence with
2 privacy slats.

3 This is an existing picture right
4 now from Corneils Road looking north from the
5 site. We are kind of west of the access road,
6 but we are kind of looking back into the corner.
7 You can kind of see the tree lines kind of on all
8 sides of the west side of our property.

9 This is a picture, you can kind of
10 see the access road in the background and then
11 the existing vegetation we plan on keeping that
12 runs along the access road, and that will remain,
13 that existing tree line, and you will see in the
14 foregone is corn, so that area still is going to
15 be planned to be farmed, so you will have the
16 corn and you will have the -- probably corn and
17 soy switching back and forth as we always see,
18 but it's still planned to be farmed where we are
19 not providing the solar array field.

20 Here is a picture of the access road
21 looking up. We do have plans to improve that
22 access road. It's not going to be a dirt road,
23 it will be gravel. We will make sure we level it
24 out, replace it with gravel. You can see from

1 that access point you can barely see where we are
2 at in the background.

3 Here is kind of another picture. We
4 wanted to show a picture in the winter so that
5 you can't see all the crops and the trees. If
6 you look, you can kind of see a green area in the
7 back; that's actually our solar facility kind of
8 superimposed on what it would look like.

9 What you see there is actually the
10 buffer that we are planning on planting, that's
11 with the trees at full maturity, and there is a
12 mix of evergreen trees in there, so we will get
13 the permanent buffering through the winter months
14 by the deciduous trees that do not have leaves on
15 them, so we are trying to buffer the facility as
16 much as we can from Corneils Road.

17 And then here is another picture.
18 This is actually the same picture with the
19 superimposed image in the back. This is in the
20 summer months when you've got the crops and the
21 trees in there. You can kind of see it kind of
22 blends in with the natural area of the site.

23 As Matt mentioned, we did enter into
24 an agreement with AIMA. Part of that AIMA

1 agreement is we do a decommissioning, a
2 decommissioning of the site, and with that we
3 will include the steps that are required to
4 decommission the site, which would be remove all
5 panels, racking tiles, remove all equipment,
6 remove concrete pads and foundations.

7 We will do a site stabilization at
8 the end, do decompaction, which means any
9 construction vehicles that drive over it, we'll
10 kind of till the land to make sure the new
11 seeding takes hold, and we will remove and
12 recycle all materials.

13 What we've seen with kind of doing
14 these estimates, it actually -- with all the
15 equipment that's recycled, you almost make a
16 profit when you decommission it, so, I mean,
17 there is actually a benefit to decommissioning
18 and recycling all the materials.

19 And this will be -- we will provide
20 a cost estimate to the city, which we will
21 provide a bond for this for 25 years out so that
22 if the land owner or the developer defaults, the
23 county can use that bond to come in and
24 decommission the site.

1 And then this last picture is a
2 really nice picture of the pollinators on another
3 one of Nexamp's sites, you can kind of get an
4 idea of what it looks like, you can see the
5 vegetation coming in and the native flowers
6 coming in that will help with the bee populations
7 and provide a good stabilization.

8 With that, we will close -- With
9 that, we are here to answer any questions and
10 help out with anything anyone has got.

11 CHAIRMAN VINYARD: Do you want your
12 responses added to the record?

13 MS. NOBLE: Your standards.

14 CHAIRMAN VINYARD: Your standards.

15 MS. NOBLE: And your application.

16 MR. KWIATKOWSKI: Yes.

17 MR. KEITH: Yes.

18 MR. KRAMER: Please.

19 CHAIRMAN VINYARD: All right. Is there
20 anyone present who wishes to speak in favor of
21 this proposal? Sure.

22 JEROME GAWLICK,
23 having been first duly sworn, testified from the
24 podium as follows:

1 MR. GAWLICK: Thank you for your time.
2 My name is Jerry Gawlick, Jerome Gawlick. I live
3 at 2793 Gains Court here in Yorkville.

4 I have been representing our
5 community, which is right now about 205 to
6 210 units give or take, which is going to grow to
7 about 290 units plus. The HOA is currently under
8 development, but will be turned over to the
9 citizens of our community probably within the
10 next couple of months. They are preparing the
11 documents now, so I can't say that I am on the
12 HOA or the board, but I will be.

13 Not opposed to the farm, solar farm,
14 but we just want to raise some concerns and
15 thoughts for consideration before approving the
16 annexation agreement.

17 It is my understanding that the
18 Planning and Zoning Commission is considering
19 annexation of the land north of Corneils Road
20 along Route 47, along Route 47. Is this the best
21 and highest use for this land given its prime
22 location near Route 47?

23 Did you consider the delta between
24 the difference of R-1 Residential or rezoning it

1 to Industrial Commercial versus going back to A-1
2 Agricultural with special use? Based on my
3 readings, this would be a revenue loss. Can the
4 city continue to take these revenue losses? Our
5 taxes here are large to begin with.

6 With two other solar farms approved,
7 this would be the third if approved by the City
8 Council. Before approving this, have you
9 considered how the energy savings will be
10 distributed to its residents?

11 Has there been a thought splitting
12 savings to its homeowners, industrial or
13 commercial? It was mentioned 650 residential.
14 Is that homeowners? Is that multi-family? Is a
15 residence considered an industrial building or
16 commercial building, just what?

17 Again, I am a senior on fixed income
18 and live in a development. When completed, we
19 will have about 290 homes targeted 55 plus in
20 which a majority of the residents are retired on
21 fixed income. There are other similar
22 communities as well, similar to ours.

23 With taxes high and utilities on the
24 rise above cost of living, can there be

1 consideration of distribution of solar energy
2 savings to senior residents on fixed income to
3 help offset the continuing rise in water rates
4 due to the installation of Lake Michigan water
5 sources?

6 We all know that's going to go up,
7 it's going to be there, and it's going to be
8 greater than the cost of living. We all know
9 that. We accept it. Realize it's going to be.

10 In a letter written by Kathleen
11 Field Orr, city attorney, she had some
12 interesting questions regarding the city trying
13 to restrict use of land by no more than I believe
14 five farms is what their first thought was.

15 She states, among other things, what
16 is unclear is the basis of such a restriction.
17 Is it because solar farms generate minimal real
18 estate taxes, because solar farms do not create
19 much job opportunity, but with regard to taxes or
20 jobs, how are solar farms different from
21 not-for-profit organizations? How are all solar
22 farms the same that a prohibition would apply to
23 it? Would the restriction apply to community
24 solar farms.

1 I would suggest that a study be made
2 of restrictions of the location, size and
3 proximity to resident communities to allow the
4 city to prevent a proliferation of solar farms
5 which could have a negative impact on the
6 community.

7 She mentions revenue loss and taxes.
8 Can the city afford the revenue loss or do the
9 right thing by its distribution to its citizens?

10 I think this must be considered.
11 These should all be considered before approving
12 any annexation of this land as a solar farm. I
13 thank you for your time.

14 CHAIRMAN VINYARD: Okay. Thank you,
15 sir. Is there anyone else that would like to
16 speak in favor of the request?

17 PATTI BAKALA,
18 having been first duly sworn, testified from the
19 podium as follows:

20 MS. BAKALA: Good evening. My name is
21 Patti Bakala. I live between just east of the
22 current property that you are talking about, in
23 between there and MacArthur property, so I just
24 had a few questions, concerns.

1 I see where the map is going around
2 towards the back of the property and I see the
3 nice pictures that you have presented with all
4 the foliage.

5 I don't know if you are aware, but
6 last month or two months ago they ripped out
7 about 3,000 trees all along there, so there is --
8 none of that exists anymore that you just put up
9 there, so my concern is being right on the edge
10 across the creek, I don't really want to be
11 looking at that or an eight-foot slatted chain
12 link fence. That's not why I moved here.

13 Taxes just went up another ten
14 percent this year. The roads are trashed, there
15 is trucks running up and down that access road
16 non-stop all day long, whether it's Yorkville
17 removing branches or burning them in the back,
18 bringing down the trees, regrading the road,
19 whatever.

20 I guess I'm just concerned if we're
21 living there for that and what can be done. You
22 said you would be a good neighbor. Maybe we
23 could build a large berm, put up some trees, I
24 don't know.

1 Also I am kind of speaking on behalf
2 of Joan MacArthur, I think some of that is going
3 to come around the back of her property, and we
4 were concerned about are we going to be annexed
5 into Yorkville being that we are Plano? No?
6 Okay.

7 Those are pretty much my concerns,
8 so hopefully we can work together on a solution
9 because there's a lot of traffic there, so that's
10 all. Thank you.

11 CHAIRMAN VINYARD: Anyone else want to
12 speak in favor of it?

13 (No response.)

14 CHAIRMAN VINYARD: Okay. Is there
15 anyone present who wishes to speak in opposition
16 of this request?

17 (No response.)

18 CHAIRMAN VINYARD: All right. Are there
19 any questions for the commissioners of the
20 petitioner? Nothing?

21 (No response.)

22 MR. KRAMER: Can I respond to some of
23 the questions raised?

24 CHAIRMAN VINYARD: Please.

1 MR. KRAMER: Thank you. Dan Kramer,
2 again, speaking on behalf of the petitioner. Am
3 I correct, is it pronounced Mr. Gawlup?

4 MR. GAWLICK: Gawlick.

5 MR. KRAMER: Gawlick. Okay, thank you.
6 With regard to some of the questions you raised,
7 certainly legitimate. We appreciate the input.
8 That's why you have these public hearings.

9 In terms of the use of the property,
10 Mr. Keith, our engineer, I think gave a real good
11 reason why this is the perfect place for a
12 community solar system. Number one, it's a small
13 generator, it's not thousands of acres of the
14 array, and it's not taking any property out of
15 taxation.

16 It's kind of like -- there was an
17 old movie Crocodile Dundee, and Paul Hogan had a
18 great line in it. He said, you know, the dispute
19 you're having is like two fleas fighting over who
20 owns the dog. Neither of them do. Yorkville
21 isn't getting any taxation from this right now.
22 The school district is getting a smidgen, the
23 fire protection district is getting a smidgen.

24 But because there is floodway and

1 flood fringe, this property cannot be developed
2 for residential purposes, and even more so, it
3 can't be developed for serious industrial
4 purposes, and this young lady who spoke is
5 absolutely correct. If you put industrial over
6 there, she would have a lot more traffic on
7 Corneils Road and, frankly, that road is not
8 built for industrial. It's a tar and chip
9 township road, and it will become the city's
10 responsibility when it gets annexed, so the
11 neighbors will probably end up with better
12 conditions road-wise than they have.

13 Again, I think the petitioners
14 should be commended because they have put this
15 more than 1500 feet back.

16 Now, again, in her question about
17 what will you look at, they will work on the
18 landscaping, and she is correct, the pictures
19 were taken last fall before the drainage district
20 did all of its work, but thank God the drainage
21 district did. We have not experienced any
22 catastrophic flood events here since -- and I
23 always forget if it was July of 1996 or July of
24 1998, when we had this catastrophic storm where

1 we had over 14 inches of rainwater in less than a
2 24-hour period.

3 People talk about hundred year
4 storms, and of course it doesn't mean, as Michael
5 could tell better than I, that it only happens
6 once every hundred years, it's just a term of
7 measurement, and in this part of the world back
8 when we had that flood, a hundred year event was
9 five and a quarter inches within 24 hours.

10 So it's just not you multiply it
11 times three to 14, it's an exponential, never
12 happened before, and what the drainage district
13 did was cleaned out all the kind of -- not great
14 trees, they're not solid oaks and so on generally
15 speaking, they are more invasive trees, so that
16 ditch will take water and not flood a downstream
17 subdivision like Mr. Gawlick is in or further
18 subdivisions that are in the city, so the city
19 was very proactive working with the drainage
20 district and ensuring that cleaning out was done
21 so that if we ever get that major event we're not
22 floating our houses downstream and people calling
23 Krysti and questioning the wisdom of what was
24 built there.

1 Just as kind of a rule of thumb, and
2 I'm no expert, I only know from land planners
3 where I sat in a lot of these entitlement
4 proceedings, they will tell you if you've got sod
5 or turf grass in your front or backyard, you've
6 got about a four-inch root structure, which does
7 almost nothing about infiltration.

8 And this is my favorite picture and
9 slide in this presentation. When you get this
10 type of pollinator mix -- and Gary being a hay
11 farmer, he can tell you, too, with alfalfa or
12 Timothy, any of -- clover, those kinds of root
13 structures go down about four feet and just suck
14 up water, so this is a win/win drainage-wise for
15 the neighbors.

16 I don't know where to go on the
17 aesthetics of the slatted fence, frankly. It's
18 the city ordinance that we provide a solid fence
19 and so we are doing what the city provided.

20 If you drive up 47 and turn left on
21 Keslinger Road and go to the front of Kaneland
22 High School, there is a small array right in
23 front. They have a chain link fence so the kids
24 don't get in, no slats. I don't know if they are

1 getting any heat from neighbors, but it's worked.
2 If you go a little further on 47 just north of
3 the intersection with 64, the Lily Lake School
4 has now become almost a school that was going to
5 close, now with all the rural development it's
6 packed with kids, they've got their own array
7 right out in back, no fencing, no landscaping, no
8 nothing.

9 I am wondering if we are going to be
10 like solar in the next ten years, much like we
11 grew up with TV antennas, because I'm old, they
12 weren't real attractive on roofs, but we all
13 lived with it.

14 I am looking out at this gigantic
15 tower now that I'm sure the neighbors would
16 probably say it's an ugly, gigantic tower, but
17 you go about your business.

18 So we can't have it both ways.
19 We're cooperating with the city ordinance. If
20 you said, you know, just do trees, just do a
21 berm, we could certainly be flexible and work
22 with you, but, again, don't punish the
23 petitioners because they are following the
24 ordinance.

1 And as I say, I think I agree with
2 this gentleman about the taxes. Again, being a
3 senior myself, I don't like it one little bit,
4 but when you put this development in that doesn't
5 throw one more child to school, maybe you have an
6 SUV or a pickup once a week once the array is
7 built to go on-site just to drive around and
8 check everything is working, maybe occasionally a
9 maintenance vehicle for the battery or the other
10 moving parts to the facility, other than that,
11 it's not going to create any traffic once it's
12 done, and the city staff has told us how they
13 want us to bring our construction vehicles in and
14 that they don't want semis, which we agreed to,
15 so all in all I think we are trying to address
16 all the concerns.

17 I know, not personally, I wouldn't
18 know them if they walked in now, but
19 Mr. MacArthur that started the horse farm out
20 there I met years ago when I was here and was
21 city attorney here for 22 years, and he told us
22 often about taxes in the county, but never came
23 into the city, so the city, whenever they did
24 anything out there, or the county, always tried

1 to protect them landscaping-wise. They have
2 beautiful trees on their property, so we will try
3 and continue that tradition on landscaping. But
4 I think those are the major points raised.

5 Is this the highest and best use for
6 this property? I believe it is because other
7 than Gary continuing to farm, there is no other
8 practical use for it being a floodway, so I think
9 you are getting a good bang for the buck.

10 You don't have a high tax rate, and
11 I know that's not something the city ever hears
12 very much about. Actually the city is milling
13 the tax bills quite low. Water rates, not so
14 much, but we're not going to be a heavy water
15 user, and we're going to keep more of the water
16 in the ground.

17 There is a famous engineer who is
18 now passed and left us that created some waste
19 disposal system called -- boy, I'm losing his
20 name now. I don't know, Mike, if you remember.
21 He died well into his 80s, but he would do land
22 recapture systems like the development up on
23 Fabyan Parkway, the Shodeen golf course and
24 development, and he used to be famous at these

1 seminars for saying there is not one ounce less
2 of water in this planet today than there was when
3 God made it, it's just a question of the
4 distribution of it, and his theory was don't as
5 engineers design stuff to kick all the water to
6 end up down at the Mississippi Delta, absorb it
7 on-site.

8 It's better for structures, the
9 aquifers, and that's what these folks are doing
10 with the deep rooted plants. The water will stay
11 on-site, so the people like the MacArthurs and
12 the rural people around it that have wells, their
13 wells won't go dry because of this at all. Won't
14 help the city deep water system, but again, there
15 is some benefit to those surrounding farmhouses.

16 So I'll be quiet and the
17 professional staff will answer any questions you
18 have. Thank you.

19 CHAIRMAN VINYARD: Thank you.
20 Commissioners, do you guys have any questions for
21 the petitioner?

22 (No response.)

23 CHAIRMAN VINYARD: All right. Since all
24 public testimony regarding the petition has been

1 taken, may I have a motion to close the taking of
2 testimony in this public hearing?

3 MS. GOINS: So moved.

4 MR. MILLEN: Second.

5 CHAIRMAN VINYARD: Roll call vote on the
6 motion, please.

7 MS. YOUNG: Millen.

8 MR. MILLEN: Yes.

9 MS. YOUNG: Vinyard.

10 CHAIRMAN VINYARD: Yes.

11 MS. YOUNG: Forristall.

12 MR. FORRISTALL: Yes.

13 MS. YOUNG: And Goins.

14 MS. GOINS: Yes.

15 CHAIRMAN VINYARD: All right. The
16 public hearing portion of tonight's meeting is
17 now closed.

18 (Which were all the proceedings had
19 in the public hearing portion of
20 the meeting, concluding at 7:44
21 p.m.)

22 ---o0o---

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF LASALLE)

3 I, CHRISTINE M. VITOSH, a Certified
4 Shorthand Reporter of the State of Illinois, do
5 hereby certify:

6 That previous to the commencement
7 of any testimony heard, the witnesses were duly
8 sworn to testify the whole truth concerning the
9 matters herein;

10 That the foregoing public hearing
11 transcript, Pages 1 through 42, was reported
12 stenographically by me by means of machine
13 shorthand, was simultaneously reduced to
14 typewriting via computer-aided transcription
15 under my personal direction, and constitutes a
16 true record of the testimony given and the
17 proceedings had;

18 That the said public hearing was taken
19 before me at the time and place specified;

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee
22 of such attorney or counsel for any of the
23 parties hereto, nor interested directly or
24 indirectly in the outcome of this action.

1 I further certify that my certificate
2 attached hereto applies to the original
3 transcript and copies thereof signed and
4 certified under my hand only. I assume no
5 responsibility for the accuracy of any reproduced
6 copies not made under my control or direction.

7 IN WITNESS WHEREOF, I do hereunto set my
8 hand at Leland, Illinois, this 24th day of April,
9 2024.

10
11
12 /s/ Christine M Vitosh

13 CHRISTINE M. VITOSH,
14 C.S.R. Certificate No. 084-02883.
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