

PLANNING & ZONING COMMISSION

**Yorkville City Hall Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, May 10, 2023 7:00pm**

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the City of Yorkville is allowing remote attendance at this meeting. Social distancing is being encouraged due to the current Covid-19 pandemic.

Meeting Called to Order

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

Roll Call

Jeff Olson-yes, Deborah Horaz-yes, Richard Vinyard-yes, Reagan Goins-yes, Greg Millen-yes (via Zoom)

Absent: Danny Williams, Rusty Hyett

City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner

Other Guests

Lynn Dubajic Kellogg, City Consultant (via Zoom)
Christine Vitosh, Court Reporter/Vitosh Reporting Service
Mr. Kyle Barry, McGuire Woods
Emily Kahanic, Kimley-Horn
Scott Osborn, Turning Point Energy
Donna Krahn, Cannonball Trail, Bristol
Paulette Budreck, Cannonball Trail, Bristol
Andrew Silagyi, Irrev. Tr.
Roger Arntzen, Cross St., Bristol
Paul Borneman, Conover
Bill Bazan
Lori Haff-DeLancy, Plum St., Bristol
Timothy Kepler, resident
Michelle (no last name given), via phone

Previous Meeting Minutes February 8, 2023

The minutes were approved as presented on a motion and second by Commissioners Goins and Horaz, respectively. Roll call: Olson-yes, Vinyard-yes, Goins-yes, Horaz-yes, Millen-yes. Carried 5-0.

Citizen's Comments

Mr. Roger Arntzen asked about the boundary of Yorkville with Bristol and if the property adjacent to Bristol Ridge Rd. and Cannonball is in Yorkville's jurisdiction. These questions will be answered after the meeting.

Public Hearings

Chairman Olson said there are two Public Hearings scheduled for tonight. He explained the procedure for the Hearings and swore in those would give testimony. At approximately 7:05pm Commissioner Vinyard moved to open the Hearings and Commissioner Goins seconded. Roll call: Vinyard-yes, Goins-yes, Horaz-yes, Millen-yes, Olson-yes. Carried 5-0.

Mr. Olson then read the Public Hearing descriptions:

1. **PZC 2022-02** Turning Point Energy, LLC, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval, special use authorization and variance approval to construct a solar farm on the 54-acre parcel generally located east of Cannonball Trail and north of the Burlington Northern Santa Fe railroad line within the Bristol Ridge Planned Unit Development. The petitioner is requesting to rezone the parcel from the R-2 Single-Family and R-2 Duplex PUD to the A-1 Agricultural District, special use permit approval for a solar farm land use and variance approval to decrease the minimum distance between the ground and the solar panels from ten (10) feet to a minimum height of two (2) feet.
2. **PZC 2022-03** Turning Point Energy, LLC, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval, special use authorization and variance approval to construct a solar farm on the 42-acre parcel generally located east of Cannonball Trail and south of Galena Road within the Bristol Ridge Planned Unit Development. The petitioner is requesting to rezone the parcel from the R-2 Single-Family and R-3 Townhome PUD to the A-1 Agricultural District zoning, special use permit approval for a solar farm land use and variance approval to decrease the minimum distance between the ground and the solar panels from ten (10) feet to a minimum height of two (2) feet.

*See Court Reporter's Transcripts of Public Hearing Proceedings
Power Point Presentation and related materials to be entered into official record*

At approximately 8:24pm the presentations finished and a motion was made and seconded by Ms. Horaz and Mr. Vinyard, respectively, to close the Public Hearings. Roll call: Goins-yes, Horaz-yes, Millen-yes, Olson-yes, Vinyard-yes. Carried 5-0.

Unfinished Business None

New Business

1. **PZC 2022-02** Turning Point Energy (see full description above)
2. **PZC 2022-02** Turning Point Energy (see full description above)

Mr. Engberg presented details for the southern parcel. He said the Bristol Ridge development for residential was approved in 2006 with a 20-year lifespan, expiring in 2026 and not likely to be developed. To move forward, these petitions will require an annexation amendment and a Public Hearing at City Council and annexation agreement. The rezoning and variance are contingent on a positive annexation agreement amendment. That matter will go to the May 30th City Council meeting.

Mr. Engberg briefly outlined some of the recommendations. He discussed panel height and also said staff has recommended a maximum of 15 foot setbacks. An ag-style fence for both properties was proposed, however, staff recommends an 8-foot chain link fence with slats and screening. A dollar estimate was provided for decommissioning and EEI said it was appropriate. Per city policy, the requirement is 120% of the estimate plus a 3% inflation rate. This is a condition of the special use. An approved landscaping plan and site plan are also needed as part of the special use. A blanket easement for the city is required as part of the decommissioning. An inspector will be required for a 2-year maintenance period to insure the establishment of grasses. Finally, the gap in the northern parcel must be filled with landscaping as a condition of the special use.

Commissioners' Discussion

Mr. Olson said he had many questions. He said the value to decommission is incorrect based on his experience as a 20-year demolition contractor. He also said the solar panels cannot be salvaged and re-sold as the presentation claimed. He said Waste Management said there is no means by which to dispose of solar panels as indicated in the presentation and they would go into a landfill and not be deconstructed for salvage value. In the future, the panels alone would cost over half a million to be disposed of and the money set aside would not be adequate. He said the presentation was thorough, but he questions other statements in the report. He would like more information on the effect on Bristol residents and he would like an engineered SWPPP (Stormwater Pollution Prevention Plan). He said more information is needed on the drain tile/wet spot and he does not have confidence in a software report for the glare study. Because the decommissioning report is incorrect according to Mr. Olson, he would want to add in the conditions that engineering is needed prior to a vote. He also wishes for the city to determine if they want restoration of grass in the event of decommissioning and they must determine if the grass cost is included.

It was decided that more information is needed and the petitions would be continued. A list of requested items is:

1. Engineered SWPPP which documents how the site will manage their water during construction.
2. Drain tile issue to be resolved.
3. Engineering study for glare report.
4. Re-evaluation of decommissioning study.
5. City to approve cost of restorative grass at decommissioning time.
6. Wish to have native Illinois pollinators.

Motions for Continuance:

PZC 2023-02 Rezoning: Motion by Mr. Vinyard, (no second). Roll call: Goins-yes, Horaz-yes, Millen-yes, Olson-yes, Vinyard-yes. Carried 5-0.

PZC2023-02 Special Use: Motion by Mr. Vinyard, (no second). Roll call: Millen-yes, Olson-yes, Vinyard-yes, Goins-yes, Horaz-yes. Carried 5-0.

PZC2023-02 Variance: Motion by Ms. Goins, second by Ms. Horaz. Roll call: Goins-yes, Horaz-yes, Millen-yes, Olson-yes, Vinyard-yes. Carried 5-0.

PZC 2023-03 Rezoning: Motion by Mr. Vinyard, second by Ms. Goins. Roll call: Horaz-yes, Millen-yes, Olson-yes, Vinyard-yes, Goins-yes. Carried 5-0.

PZC2023-03 Special Use: Motion by Mr. Vinyard, (no second). Roll Call: Millen-yes, Olson-yes, Vinyard-yes, Goins-yes, Horaz-yes. Carried 5-0.

PZC 2023-03 Variance: Motion by Mr. Vinyard, second by Ms. Goins; Roll call: Olson-yes, Vinyard-yes, Goins-yes, Horaz-yes, Millen-yes. Carried 5-0.

Additional Business

1. Appointment of Vice Chair

Commissioner Vinyard volunteered to be the Vice Chair and was approved unanimously on a voice vote.

2. City Council Action Updates

PZC 2022-24 New Leaf Energy dba Beecher Solar and PZC 2022-25 Giovanna Schmieder were both approved.

Adjournment

There was no further business and the meeting was adjourned at 8:52pm on a motion by Ms. Goins and second by Mr. Vinyard, respectively. 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

800 Game Farm Road
Yorkville, Illinois

Wednesday, May 10, 2023
7:00 p.m.

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PRESENT:

Mr. Jeff Olson, Chairman,
Ms. Deborah Horaz,
Mr. Richard Vinyard,
Ms. Reagan Goins.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;
Mr. Jason Engberg, Senior Planner,
Ms. Marlys Young, Minute Taker.

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I N D E X

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1 (WHEREUPON, the following
2 proceedings were had in public
3 hearing:)

4 CHAIRMAN OLSON: We're going to move on
5 to the public hearing portion of the meeting.
6 There is two public hearings scheduled for
7 tonight's Planning and Zoning Commission meeting.
8 The purpose of this hearing is to provide
9 testimony from members of the public regarding
10 proposed request that is being considered before
11 the Commission tonight.

12 Public testimony from persons
13 present who wish to speak may be for or may be
14 against the requests or to ask questions of the
15 petitioner regarding those requests.

16 Those persons wishing to testify are
17 asked to speak clearly, one at a time, and state
18 your name, who you represent, if anyone. You are
19 also asked to sign in at the podium or that card
20 that went around, which I think everyone did, if
21 you plan to speak.

22 Right now, if you plan to speak
23 during tonight's public hearing as a petitioner
24 or a member of the public, please stand, raise

1 your right hand, and repeat after me. So anybody
2 who wishes to speak tonight, stand now. Okay.
3 Thank you.

4 (Witnesses thereupon duly sworn.)

5 CHAIRMAN OLSON: All right. The order
6 for receiving testimony during the public hearing
7 portion of tonight's meeting will be the
8 petitioner presentation where they will talk
9 about what's up for vote tonight, then we will
10 have those who want to speak in favor of the
11 request and then we will have those who want to
12 speak in opposition to the request, so
13 petitioner, in favor, opposition. And with that
14 said, we have the ground rules.

15 May I have a motion, please, to open
16 the public hearing on Petition Number PZC
17 2023-02, Turning Point Energy, LLC, rezoning
18 approval, Special Use Authorization and Variance
19 approval for the 54-acre parcel, and PZC 2023-03,
20 Turning Point Energy, LLC, rezoning approval,
21 special use authorization and variance approval
22 for the 42-acre parcel.

23 MR VINYARD: So moved.

24 MS. GOINS: Second.

1 CHAIRMAN OLSON: Roll call vote on the
2 motion, please.

3 MS. YOUNG: Vinyard.

4 MR. VINYARD: Yes.

5 MS. YOUNG: Goins.

6 MS. GOINS: Yes.

7 MS. YOUNG: Horaz.

8 MS. HORAZ: Yes.

9 MS. YOUNG: Millen. Millen.

10 MR. MILLEN: Yes.

11 MS. YOUNG: Thank you. Olson.

12 CHAIRMAN OLSON: Yes.

13 MS. YOUNG: Thank you.

14 CHAIRMAN OLSON: All right. The public
15 hearings up for discussion tonight are PZC
16 2023-02, Turning Point Energy, LLC, petitioner,
17 has filed applications with the United City of
18 Yorkville, Kendall County, Illinois, requesting
19 rezoning approval, special use authorization and
20 variance approval to construct a solar farm on
21 the 54-acre parcel generally located east of
22 Cannonball Trail and north of the BNSF railroad
23 line within the Bristol Ridge Planned Unit
24 Development.

1 The petitioner is requesting to
2 rezone the parcel from R-2 Single-Family and R-2
3 Duplex PUD to the A-1 Agricultural District,
4 special use permit approval for a solar farm land
5 use and variance approval to decrease the minimum
6 distance between the ground and the solar panels
7 from ten to a minimum height of two feet.

8 PZC 2023-03, Turning Point Energy,
9 LLC, petitioner, has filed applications with the
10 United City of Yorkville, Kendall County,
11 Illinois, groundhog day here, requesting rezoning
12 approval, special use authorization and variance
13 approval to construct a solar farm on the 42-acre
14 parcel generally located east of Cannonball Trail
15 and south of Galena Road with the Bristol Ridge
16 Planned Unit Development.

17 The petitioner is requesting to
18 rezone the parcel from R-2 Single-Family and R-3
19 Townhome PUD to the A-1 Agricultural District
20 zoning, special use permit approval for a solar
21 farm land use and variance approval to decrease
22 the minimum distance between the ground and the
23 solar panels from ten feet to a minimum highlight
24 of two feet. Okay.

1 Is petitioner for PZC 2023-02,
2 Turning Point Energy, present and prepared to
3 make their presentation of the proposed request?

4 MR. BARRY: Yes, Mr. Chairman.

5 CHAIRMAN OLSON: Would you take the
6 podium, please? Does the mic work on the podium?

7 MR. ENGBERG: That's a good question.

8 CHAIRMAN OLSON: If the mic doesn't
9 work, if you could speak a little louder. We're
10 not sure.

11 KYLE BARRY,
12 having been first duly sworn, testified from the
13 podium as follows:

14 MR. BARRY: Thank you, Mr. Chairman.
15 Members of the Commission, good evening. My name
16 is Kyle Barry, I am an attorney with the law firm
17 of McGuireWoods, and tonight I am here
18 representing the petitioner for both cases that
19 are on the agenda.

20 The petitioner is Turning Point
21 Energy and my client for the first case is TPE IL
22 KE105. It's a developer of a solar project in
23 the area described by the chairman in the opening
24 description.

1 For both the projects, and
2 specifically for KE105, we will have -- I will be
3 presenting two witnesses. The first witness is
4 Scott Osborn, so, Scott, if you could please step
5 up. Scott is a project developer for Turning
6 Point Energy. The second witness is Emily, she
7 is an engineer supporting the engineering firm of
8 Kimley-Horn, and she is supporting the project.

9 So each witness is going to take you
10 through a PowerPoint presentation for both
11 projects, so without further adieu, I am going to
12 turn things over to Scott Osborn, who will walk
13 you through it now. Thank you.

14 SCOTT OSBORN,
15 having been first duly sworn, testified from the
16 podium as follows:

17 MR. OSBORN: Thank you, Kyle. As Kyle
18 mentioned, my name is Scott Osborn. I am the
19 developer on this project, which means I am
20 responsible for the various permitting tasks
21 through the city, and I'll reach the landowners
22 and try to meet -- make sure we meet all your
23 requirements. So I have notes in my slide on my
24 computer, so hopefully I can do this properly.

1 So what is Turning Point Energy?
2 TPE is a developer of solar projects. We
3 primarily focus on what's called community solar,
4 and that's -- community solar at least in
5 Illinois is five megawatts of AC power, and that
6 generally translates to 20 to 30 acres of panels.
7 So a 40-acre parcel, which is pretty common, can
8 host one of these -- one of these types of
9 projects, and so that's what we focus on.

10 The owners of this company -- I work
11 for this -- I joined the company part-time last
12 year, but full-time in January, and the owners of
13 this company have been in and around solar energy
14 for 20, 25 years. I've been around energy
15 development for 25 years working in the field.

16 So we do these community solar
17 projects. We advise our -- we advise investor
18 clients, we advise landowners in some cases in
19 how to work with other developers if they call
20 asking for our help on what's this lease mean. I
21 do that pretty regularly for wind and solar.

22 So this is a map of where we have
23 worked and where we are working. As you can see,
24 it's a pretty broad spectrum across the country.

1 Our people, we're mostly a remote company, so I
2 live outside of Denver, the person I report to
3 lives in Rhode Island, the person she reports to
4 lives ten miles north of me, so it's an
5 interesting structure for me because we have
6 staff really all over the country. Next slide,
7 please. Thank you.

8 The company has a goal of making
9 long-term investments in the communities in which
10 we work. We try to find charities that are doing
11 good work that we can support. It's part of
12 the -- a good member of the community, a good
13 corporate citizen, and we will -- we work to find
14 these charities, and if we can help them, we
15 certainly -- we certainly will try.

16 The company owner, the primary
17 owner, has a certain number in mind he wants to
18 give away every year, I think it's very generous,
19 and we are working to meet his goal.

20 This slide indicates different
21 places where the company has given money just
22 trying to help the local communities where we
23 work. Next, please.

24 So this is a video of one of the --

1 of a project that the company did, and if you
2 will click play, Jason, I think it will run. It
3 has a lovely soundtrack in the background, so --
4 that might not work for us, but this is a
5 Maryland project, it's a smaller project, 1.27
6 megawatts DC, so that's about a megawatt of AC
7 power.

8 It's an active tracking array,
9 which means the panels will tilt to follow the
10 sun across the sky trying to -- the panels
11 maintain a perpendicular position to the sun,
12 helps them capture 15 to 20 percent more energy
13 than just being stationary.

14 As you can see, the field is
15 planted in a grass and that helps reduce any kind
16 of erosion. There are some places where it
17 didn't take very well and had to be replanted,
18 but that is what that array looks like. Again,
19 that's in Maryland. The soundtrack is really
20 quite moving. Next slide, Jason, please. Thank
21 you.

22 So community solar, like I
23 mentioned, it ends up being about 25 acres in
24 panels. This facility, the KE105, that is just

1 north of the Burlington Northern railroad and
2 east of Cannonball Trail, we believe it's going
3 to produce enough power to power 1,030 homes in
4 output throughout the year.

5 The community solar programs allow
6 people who would really love to have solar,
7 really hope to buy solar, and maybe even at a
8 discount to their standard ComEd rates, but don't
9 want to write a check for \$20,000 or more to put
10 solar on their roof.

11 Maybe you're a renter and you don't
12 own the roof, so you can't do that anyway. Maybe
13 your house is surrounded by trees, you have a
14 little shade, but you want this, too, so you can
15 participate in this program and it will allow the
16 homeowner or renter or business owner or renter
17 to participate and have the green power that they
18 want to buy. Next, please.

19 So this is a map of the site. This
20 is our zoning site plan. As you can see,
21 Burlington Northern is on the southern end.
22 Let's see if I can make this pointer work. So we
23 have Burlington Northern railroad here, the golf
24 course over here on the southeast side, there is

1 a big ComEd substation and a high voltage power
2 line that parallels the railroad to the south
3 side of our proposed subject area. Cannonball
4 Trail is over here, Bristol Tap right there, and
5 the refrigeration business.

6 This is the property now of Robert
7 Velazquez. He owns a landscape company called
8 Semper Fi. I have met with him a couple of times
9 and he is a little hesitant about this use, I
10 admit that, and, you know, they bought an old
11 farmhouse in the countryside kind of and kind of
12 expected this to be a bit more remote I think.

13 So we have designed in here
14 vegetative screening on the northwest side that
15 reduces the visibility of the facility, and Emily
16 will go into more detail on the plant mix that we
17 plan to use for this screening.

18 We have a screening also built down
19 the west side of the project area and that will
20 reduce visibility from Cannonball Trail from the
21 Tap into the homes on Cannonball.

22 As part of this process, we will
23 have to have an above-ground power line, and this
24 is dictated by ComEd, this is how the process has

1 to be, and there is a point right there, where
2 just to the -- little shaky, right there just to
3 the east of the driveway, the north driveway
4 on -- for the refrigeration shop, that's the
5 interconnect right there. There is a couple of
6 panels that ComEd has said this is where you are
7 going to tie in.

8 So as the data on this site shows,
9 the property is owned by Daniel White. He is a
10 commercial real estate developer, construction
11 guy, I think he is in Barrington, and he has
12 owned this property, I'm trying to remember
13 when -- he has owned this property for several
14 years now.

15 They really don't have plans to
16 advance the planned unit development that's here
17 called Bristol Ridge that was permitted and
18 annexed into the city in 2006, and that
19 annexation agreement I guess expires in a couple
20 years and they haven't made any real advancement
21 in the development of any infrastructure like
22 utilities, water, sewer.

23 We think it's really unlikely that
24 anybody would be able to move a residential

1 subdivision quickly enough to meet that deadline
2 and we think this is a suitable alternative use
3 for the property.

4 What was planned here initially
5 with Bristol Ridge was I think about 207
6 residential units, primarily single-family homes,
7 and 2007 happened and a lot of the developments
8 through here, I'm sure you all are aware of what
9 happened with property values as that occurred,
10 so the residential use kind of just fell out.

11 In this area we requested a
12 variance for panel height. The ordinance
13 presently says a minimum height on panels of
14 ten feet, a minimum height, so they're two feet
15 above my head here, so -- at the bottom, so that
16 would put them 25, 30 feet up in the air, and we
17 had speculated as to why that was written into
18 the ordinance when it was, we don't really -- I
19 don't think any of us knows, but that height
20 would make this -- would make something like this
21 almost impossible to screen visually with
22 planting.

23 We couldn't build a 30-foot high
24 wall fence to hide that, so that's why the reason

1 we requested a variance on the height. That
2 height would also add significant wind loads. I
3 think the term we described was an unnecessary
4 burden on the project design, so that is the
5 reason for the variance request.

6 We have an agreement pending with
7 ComEd for interconnection, so we know that they
8 can accept the power. In some cases projects
9 might go through this entire permitting process
10 and not know about interconnection, power
11 delivery. We know that they can accept the power
12 and we are first in line to sign up for this
13 location to serve power into ComEd on the wires
14 that are there.

15 Setbacks, so from the road we have
16 a minimum setback of 100 feet, but the distance
17 here from the property line of the refrigeration
18 shop to the first row of panels is 625 feet. So
19 we're nowhere near the road, so we're set back,
20 this road exists -- our driveway path here is --
21 I want to say it was -- well, it's 700 feet, I
22 have it written in right here. So 700-foot
23 driveway in, and setback from Bristol Tap, and
24 I'm very worried about Mr. Velazquez and not

1 negatively affecting their quality of life, their
2 home, so we maximized our setback as far as we
3 could from the homes and businesses along
4 Cannonball Trail, and there is this potential
5 wetland in here in the property.

6 I think it's probably the result of
7 a drain tile failure or damage possibly by the
8 construction of the ComEd substation, and if we
9 can -- if we can figure out what is happening
10 here and solve that, we will move these panels
11 here that are on the west side, the farthest
12 west, and be able to move them a little bit to
13 the southeast, increasing our setback from the
14 western property line.

15 MR. ENGER: What about the other
16 residents that are living there, meaning us?

17 CHAIRMAN OLSON: We'll have time for
18 questions from the public after he's done with
19 the presentation.

20 MR. ENGER: Okay, I'm sorry. I didn't
21 mean to interrupt.

22 CHAIRMAN OLSON: Don't be. It's okay.

23 MR. ENGER: We are talking about one
24 person and there is multiple.

1 MR. OSBORN: And I want to make sure
2 everyone is heard and I will address all your
3 concerns.

4 MR. ENGER: I understand. Sorry to
5 interrupt.

6 CHAIRMAN OLSON: Go ahead.

7 MR. OSBORN: Next slide, Jason, please.
8 Pollinators. This is the grass and plant and
9 flower mix that we would place under the panels
10 to make sure that -- you can't leave an open
11 piece of dirt, it's just going to absorb a bunch
12 of weeds and have a lot of run-off and sediment
13 and drainage, so the entire field would be
14 planted with these pollinator seeds that are good
15 for the birds and bees and, in that respect, it
16 would also help reduce any kind of run-off from a
17 heavy rainfall. Emily is going to speak more to
18 that, she knows a lot more about that than I do.
19 Next slide, Jason.

20 Drain tiles, we have -- our advisor
21 is a gentleman named Tom Huddleston. He knows
22 drain tiles, he grew up in drain tiles, so this
23 is his field of expertise. I think it's a
24 generational business, so we have a lot of

1 experience.

2 The site does have a drain tile
3 system in it, I have a map provided by the
4 landowner that shows that there is -- that there
5 is a system in place. Mr. Huddleston and his
6 team will survey that system and map it, make
7 sure that we know exactly where everything is,
8 and we can design the layout such that the -- so
9 that we don't drive an anchor through a drain
10 tile and create a problem, and if we think we're
11 going to do that, we can relocate the drain tiles
12 and make sure that the mutual line doesn't affect
13 neighbors upstream or downstream because we don't
14 want to create a problem for anyone.

15 I have very little experience
16 working with drain tiles, so I don't know all
17 that much about it, but what I have learned about
18 causing problems for other people scares me a
19 bit, so we will do everything we can to avoid
20 causing a problem in that area. Next one,
21 please.

22 So the project construction we think
23 is going to employ 50 to 75 people. It will be
24 four to six months, should it be allowed to move

1 forward. As you can see in the gray table here,
2 the taxes for the parcel right now as ag producer
3 are very small. For a solar facility we think
4 the number is about 42,000 year one and
5 70 percent of that money goes to the local -- to
6 the local school district. We always hear how
7 the schools need more money, so if we can help
8 the schools, we are happy to do that.

9 I know that the city just did
10 budgets and I saw the number and I see that
11 42,000 isn't even a drop in the bucket compared
12 to the city's annual budget, so is it a
13 significant difference? It's a significant
14 increase over the current number. Is it a
15 significant difference financially to the city?
16 I don't think it is, but it is an improvement
17 over what's there today. Let's see. Thanks,
18 Jason.

19 So we did a study, and I will go
20 into the study on glare in a moment. We found
21 that the facility does not reflect or shine onto
22 neighboring properties or onto the roads causing
23 any kind of danger. We won't have people coming
24 and going regularly from the project. I know

1 that I'm sure we've all sat at the stoplight at
2 47 and Galena Road wondering when we were going
3 to get through the intersection, so we won't be
4 adding to traffic issues long-term, so we think
5 with 50 to 75 people working there during the
6 construction phase, that might be a bit of an
7 irritation in Bristol, but it won't be people
8 coming and going from 200-plus homes on a daily
9 basis long-term.

10 We have no water use, we have no
11 sewer use. These projects don't really emit any
12 smell or -- they shouldn't generate any noise,
13 there would be no lighting, they're not
14 plantable. There's been some concerns about
15 things catching fire and there's nothing really
16 there to catch fire.

17 The pollinator mix long-term will
18 improve the soil conditions, allow the soil to
19 rest. It's kind of like putting a farm field
20 fallow or in a CRP or some other program that
21 just lets the ground rest, and the last point
22 outside is I try to address the donations plans
23 that we have.

24 This is the first visualization we

1 had done of the facility, so this is kind of --
2 you can see the railroad right there, so this is
3 really right above the railroad, the intersection
4 with the railroad and Cannonball Trail, and that
5 is the substation as it is in place with ComEd,
6 and this area here is the potential wetland that
7 I addressed.

8 So if we can solve this question, we
9 can move all these panels here over here and
10 improve the setback from Cannonball Trail and the
11 adjacent homes even more, so if we can make that
12 happen, we certainly -- we certainly will, and
13 we're going to try. Also along here we have
14 vegetative screening, so this -- as the plants
15 grow in, they will help reduce the visibility of
16 this facility.

17 We have our driveway coming off of
18 Cannonball Trail and the above ground power poles
19 that I mentioned, and there will be some
20 electrical boxes that I mentioned here that are
21 inverters and transformers. It's necessary
22 equipment for any kind of electrical production.

23 Different aerial view. I like this
24 one because it shows the golf course, it shows

1 the existing trees planted along the railroad,
2 reducing visibility on this side.

3 I tried to reach the golf course a
4 number of times just to get their comments, never
5 really heard back from anyone over there, so I
6 guess they're not concerned.

7 There are existing plantings along
8 the property lines over here that we're hoping
9 will help further reduce visibility and, again,
10 it's just another angle of view from above.

11 Along Cannonball Trail we have --
12 our proposed driveway would be here. This shows
13 the unused portion of the property north of our
14 driveway still being used for farming, so on this
15 parcel, I think it was 54 acres and we are using
16 about 26 acres, we will have some part of the
17 property that needs to be filled in just inside
18 the fence with the pollinators, but I estimated
19 that at eight to ten acres of unused property,
20 and in that unused property, my preference would
21 be to have it continue to be farmed. It was
22 soybeans last year, I assume it's going to be
23 corn this year. I haven't been up there this
24 week to see if it's been planted. They seem to

1 be alternating between soybeans and corn.

2 So, again, we have the poles that
3 would be proposed, and it's not terribly easy to
4 see that the panels are there back there, they're
5 showing a max height of I think 15 feet, and some
6 planting along our driveway, and the trees
7 that -- and we will go into some detail as to
8 what plants -- what plants we would like to plant
9 there. Jason, please. Thank you.

10 I wandered out in the back of the
11 Bristol Tap from their parking lot, and there is
12 kind of a gap here, so the facility again is in
13 the background there, the Com Ed substation and
14 high voltage power lines here. Our power pole is
15 over here, and again hoping for it to be farmed.

16 I am trying to get a definitive
17 answer on how we do that. I think that we -- the
18 landowner seems to be open to working to maintain
19 some of the other use. I don't want to have ten
20 acres of grass I have to go mow and I don't think
21 anybody else does. So that's kind of the
22 direction we are going, trying to get this --
23 make sure that this continues agricultural
24 production.

1 So Mr. Velazquez, who has the home
2 there on the west side of the road, and this is
3 the back of his -- between his out-buildings, so
4 he has a large metal a shed over here, his garage
5 is on the other side of the photo. The trees in
6 the background are where the facility is. These
7 kind of big brown trees are currently there, he
8 has planted those. Just another view of what we
9 think.

10 I touched briefly on glare. Glare
11 is a reflection off of the panels or off of the
12 equipment, and we can't go shine a mirror on
13 somebody ever, so we had this study done, and the
14 study tracks the sun across the sky, it tracks
15 the position of the panels, and it gauges where
16 those panels might reflect the sun's light.

17 I'm sure we've all had it driving
18 past a window or walking past a window and get
19 hit with that unexpected shine right in the eyes.
20 That's why we do the study. We don't want to
21 harm our neighbors, we don't want to risk -- we
22 don't ever want to risk anybody on the road.

23 This study does not contemplate
24 existing landscaping, trees, buildings, it just

1 looked at the sun, the position on the road or
2 the position of the potential observation point,
3 so if there are already trees there, it doesn't
4 know that.

5 The study here came back saying
6 you're not going to reflect on anybody, so we're
7 pretty confident in those results, but we're
8 still going to have the screening and the
9 fencing, and then should there ever be a problem,
10 we can adjust the tilt of the panels slightly so
11 that they kind of jump past that window where
12 they are reflecting on somebody or some location.
13 We can also plant trees, we can add slats to
14 fences. There are a number of things we can do
15 to mitigate that problem should it occur, but
16 this study says that it won't occur. Next,
17 Jason. Thank you.

18 So as I mentioned, the Bristol Ridge
19 Planned Unit Development was on this property.
20 It was annexed by the City in 2006. This
21 residential subdivision was proposed. 2007
22 happened and many of the homes, many of the new
23 Montgomery village homes north of there just went
24 through the floor in value, so people bought them

1 for 350, they ended up being foreclosed on and
2 sold a year and a half later for about 150,000,
3 many of them, and so the market for this
4 development at the time, before 2007, looked
5 great. 2007, it kind of killed that. So we
6 don't really -- given the timeline we don't see
7 that coming back as an alternative use here.
8 Looking at my notes, make sure I'm not forgetting
9 anything. So it's been almost 17 years and there
10 hasn't really been any advancement of that
11 program or that development. Included in here,
12 well, Mr. White bought the property in 2017.

13 After the useful life of the project
14 we are required to decommission it. Under the
15 state law we have to enter into what's called a
16 AIMA, Agricultural Impact Mitigation Agreement,
17 and the counterpart to that is the Illinois
18 Department of Agriculture, so they dictate the
19 rules that say this has to come down, you have to
20 work with the county or the city, depending on
21 the jurisdiction, to establish decommissioning
22 security so that the money is there just in case
23 they can't find the project owner or the
24 developer to make sure it is removed, and the

1 financial security will be there to make sure
2 this facility is removed at the end of its life.

3 Under those rules I believe we are
4 required to make -- Under our estimate for that
5 we included plowing and planting, plowing and
6 planting with native grasses and seeds. If the
7 property was to return to agricultural use, the
8 plowing and planting I think would not be
9 necessarily needed. There would be some
10 decompaction, but I think we have a lot of buffer
11 in the number that we provided for
12 decommissioning given that the planting may not
13 be necessary should the parcel go back to
14 agricultural use. Next, please.

15 I discussed the glare analysis. We
16 don't have anything that should catch fire or
17 explode. People have asked if these generate
18 heat. They absorb the sun's light and so they
19 will become warm like the top of a car sitting in
20 the sun, that heat generally dissipates over
21 about five to eight feet, so we're not creating a
22 focus point for heat that could cause a fire.

23 We had a property study. This talks
24 about property values. We had a property study

1 by a group named CohnReznick, and they know how
2 to do this. They do the analysis. They studied
3 a number of different things, so they studied
4 previously peer reviewed studies of property
5 values around these types of facilities, they
6 interviewed tax assessors, they reviewed sales
7 data, and they found no statistical proof of
8 negative impact on property values of adjacent
9 properties or nearby properties, so we are pretty
10 confident in their work and we don't believe that
11 anybody would be financially harmed by the
12 presence of this facility.

13 So setbacks. For an agricultural
14 parcel, it requires a 100-foot setback from the
15 road. As we discussed, the setback is -- or as I
16 discussed, the setback is over 600 feet. The
17 side and rear yard for an agricultural parcel,
18 that setback is eight feet under the ordinance.
19 We are set back at least 20 feet, I believe it's
20 20 to 60 feet depending on the location along
21 around the north side, south side and/or east
22 side of the parcel, so we are meeting the
23 requirement for setback. I showed the viewshed
24 images that try to display what we think -- how

1 we think the facility is going to look.

2 Our operations maintenance plan
3 includes maintenance of the landscape, so we
4 can't just plant these pollinators and leave them
5 and let them grow to unlimited height. We also
6 have to -- so they will have to be mowed
7 regularly, I think it's every three to six weeks,
8 to make sure that the height doesn't get carried
9 away.

10 The noxious weeds, we have to handle
11 the weeds. You can't let them -- we can't let
12 them take over, so there will be some hand
13 removal, there may be some spraying for weed
14 control.

15 We believe that the pollinator mix,
16 once it takes hold, will help squeeze the weeds
17 out and keep them from establishing a foothold on
18 the property, and the decommissioning, the
19 decommissioning does require the whole thing has
20 to be removed. That's going to be part of the
21 contract with the state, it will be a condition
22 of the permit, and it will be subject to the
23 financial security to make sure it happens.

24 So the CohnReznick study, they did a

1 lot of analysis and they seem to really know
2 this. This is statistical analysis, I don't know
3 statistics, so we are pretty confident in their
4 knowledge, and I've seen a number of other --
5 number of others cite this same firm doing this
6 analysis.

7 So it was a lead regulator in the
8 state government that oversaw the creation of
9 this report and we're pretty confident of her
10 neutrality on the question, that it's not biased
11 in our favor.

12 I think that's an important thing to
13 note because sometimes people get the studies
14 they pay for, so we got a study that I think is
15 pretty neutral and I think it provides a pretty
16 good set. That's the conclusion.

17 CHAIRMAN OLSON: All right. Thank you.
18 Is there anyone present who wishes to speak in
19 favor of the request?

20 MR. BARRY: We have Emily.

21 CHAIRMAN OLSON: Go right ahead, yes.
22 I'm sorry. What was your name again, ma'am? I'm
23 sorry.

24 MS. KAHANIC: Emily Kahanic.

1 CHAIRMAN OLSON: Thank you.

2 EMILY KAHANIC,
3 having been first duly sworn, testified from the
4 podium as follows:

5 MS. KAHANIC: I am Emily Kahanic and I
6 am on this project as the civil consultant for
7 the firm of Kimley-Horn. You can go to the next
8 slide.

9 MR. ENGBERG: One second.

10 MS. KAHANIC: All right. So I think
11 Scott did a good job kind of going through the
12 site plan already, but I just want to go through
13 some setbacks. So the requirements for the
14 setbacks, our agricultural railroad setback is
15 200 feet, the right-of-way setback is 100 feet,
16 the solar side yard setback is eight feet, as
17 well as the rear yard setback, and then we also
18 have a wetland buffer of 30 feet.

19 So if you will kind of look at this,
20 I think we are 574 feet from the agricultural
21 setback, so we're exceeding that by 574 feet.
22 And then also if you look at it there is the
23 interconnection point, it's kind of along the
24 road, so we have those power poles connecting to

1 Cannonball Trail, and that will be where we are
2 planning to interconnect with approval from
3 ComEd.

4 Then we also have our vegetation
5 buffer, so we have that on the west side and the
6 northwest side as a buffer from the north
7 residential property, and then you can go to the
8 next slide.

9 So this is our transportation access
10 plan, so we would be coming off of Highway 34
11 going north on State Route 47 and then northeast
12 onto Cannonball Trail, which is where our site
13 access would be off of. You can go to the next
14 slide.

15 So this is our landscape plan and a
16 potential buffer that we would be using, so we
17 plan to comply with the City of Yorkville
18 recommendations, and it will be a mixture of
19 native grasses and pollinators that we are
20 planting throughout the solar array to create a
21 conservation area.

22 This will help reduce the sediment
23 and nutrient run-off, improve water quality and
24 create enhanced critical habitat for fish and

1 wildlife populations on private lands.

2 Just to kind of run through some of
3 the trees that we typically propose in this area,
4 and this will all be run by and permitted when we
5 get to the actual building permit application,
6 but typically we do evergreen trees and shrubs,
7 ornamental trees, ornamental grass and then large
8 deciduous shrubs.

9 So the evergreen trees, the
10 installed height is five feet, the ornamental
11 trees installed height is eight feet, and the
12 grass would be an installed height of two feet
13 and then the shrubs are about four feet. Then if
14 you go to the next slide.

15 So ASC does a hydrology abstract on
16 the hydrologic response of solar farms. So the
17 analysis of existing ground cover versus proposed
18 ground cover, which would be -- our existing is
19 crop and then proposed would be meadow, so the
20 report concluded that solar panels over grassy
21 fields do not have an affect on the volume of
22 run-off, the peak discharge or the time to peak,
23 meaning we are reducing the run-off that's going
24 offsite onto neighboring properties.

1 Also, in addition to this, we do
2 submit our plans to the IEPA, and we have to
3 comply with the MPDS requirements, so we will
4 submit a script to make sure that during
5 construction and the final conditions that there
6 is no run-off onto the neighboring properties and
7 impacting them.

8 So this is a visual of kind of the
9 existing versus proposed conditions, so in the
10 proposed conditions, the water will run off the
11 panels and come underneath the panels, and there
12 is meadow underneath, so this is to replace the
13 row crop that you can see on the left. That's
14 the existing.

15 So meadow has longer roots which
16 will which help decompact the soils and kind of
17 increase the infiltration rate, which helps
18 absorb water, and then it will actually decrease
19 the amount of run-off that's coming off-site.

20 With crops, a lot of that water
21 isn't really absorbed into the soil, so it kind
22 of has more run-off that's actually leaving the
23 existing site onto neighboring properties, so we
24 are required to reduce that, and that is our

1 plan.

2 This is a visual of the ground
3 cover. These aren't the exact plants that will
4 be, but this is just an example of one where they
5 have plantings.

6 There is a common misperception that
7 plants can't grow underneath panels. They
8 definitely can, and our landscape team definitely
9 works to make sure we are planting the right
10 plants that can sustain under shading versus
11 plants outside of the arrays which might have
12 more sun.

13 Decommissioning plan. I won't run
14 through every single bullet, but we will be
15 complying with the City of Yorkville Code
16 requirements and any other requirements. At the
17 end of the project life cycle, this will be
18 decommissioned and we will provide financial
19 security in the amount required per the City of
20 Yorkville Code.

21 And then sound. So there is a noise
22 ordinance that we plan to comply with. We are
23 also going to be complying with the Illinois
24 Pollution Control Board.

1 As you can us tell by our zoning
2 site plan, we are 655 feet from the nearest home
3 and 260 feet from the property line to the
4 inverter, and the inverter is what would be
5 making supposedly the most sound, but we aren't
6 really going to hear this noise from the property
7 line. It's a fairly ambient noise, similar to
8 that of a refrigerator, so it should not or will
9 not negatively impact neighboring properties.

10 Also for the SUP we submitted an
11 EcoCAT. They evaluated it and actually
12 terminated this project because -- not terminated
13 the project. Their evaluation was terminated
14 because there were no adverse effects on-site.
15 You can go to the next one.

16 We submitted to SHPO, response is
17 pending. We have seen a lot of times they do
18 require an archeological survey. We will be
19 complying with this and we will get this done
20 prior to the start of construction if that's what
21 they come back and ask for. And that is my
22 presentation.

23 CHAIRMAN OLSON: Thank you. All right.
24 For real this time, is there anyone who wishes to

1 speak in favor of the two requests?

2 (No response.)

3 CHAIRMAN OLSON: Is there anyone who
4 wishes to speak in opposition to the proposed
5 request?

6 MR. BAZAN: Yes.

7 CHAIRMAN OLSON: If you would like to,
8 please go up there. The way this is going to
9 happen, if there is multiple people who want to
10 speak in opposition, we ask that you do not
11 repeat the same points, so I will ask you to move
12 on if we are repeating ourselves. But go ahead,
13 sir. First state your name so we --

14 BILL BAZAN,
15 having been first duly sworn, testified from the
16 podium as follows:

17 MR. BAZAN: My name is Bill Bazan. I've
18 been a resident here since 1970 when Yorkville
19 was about 600 people. I've seen a lot of good
20 things in this town, I've seen some not so good
21 things in this town. I've seen some stupid
22 things, I've seen some ignorant things, and I
23 think this is borderline ignorant and stupid.
24 Once it's in the ground, it's in the ground

1 forever. You've destroyed the landscape.

2 It's not feasible to build these in
3 northern Illinois because of our winters and --
4 excuse me, I don't do this very often. I worked
5 in the energy sector for -- off and on for the
6 past 15 years, I've been an operating engineer
7 for 35 years, I've worked on solar farms, I've
8 worked on wind farms. I've traveled across from
9 Gila Bend, Arizona, to Yuma, Arizona, and seen
10 all of the solar panels out there.

11 On the north side of the road you
12 can just see the heat boiling off of them panels
13 and the desert is doing what the desert does.
14 Most of the power there is shipped right out of
15 state over to California.

16 Northern Illinois produces a lot of
17 power. We have four power plants down along --
18 down by Morris in Grundy and Will County. There
19 is a gas-fired generating station in Minooka,
20 there is two more under construction in Joliet.
21 We've got Byron nuclear out there. More than
22 likely, all this power is going to be shipped out
23 of state, too. It's not going to go to local
24 residents. Nobody's power -- or electrical

1 prices are going to go down.

2 It's a proven fact, wherever there
3 is solar or wind, energy costs do not go down.
4 The local residents do not see any relief
5 whatsoever. And it's all -- Is it all done with
6 all taxpayer incentives? Probably. Does the
7 taxpayer see anything out of it? No. Just a
8 little bit of money to the school district.

9 Is the money, the revenue, generated
10 from these things, does it stay in local banks?
11 Probably not. It's shipped right out, just like
12 they ship it down to Bentonville. It's kind of
13 like a drain, and once it's in the ground, it's
14 in the ground.

15 What about the tornadoes or
16 microbursts we've had out there, who is going to
17 pay the farmer for the \$50,000 bean head that
18 just got destroyed by a panel? Who retains that
19 liability? What about if it goes through a 5,000
20 tank, who is going to pay for that?

21 My family has farmed around here in
22 Kendall County since the 1920's, and to see
23 something like this -- this was an
24 agricultural-based county, Yorkville is the

1 county seat, and we prided ourselves on our
2 agriculture, and to see something like this go
3 up, you know, that's a 10-foot ceiling, that's a
4 12-foot ceiling, so you are going to go three
5 foot higher above than what this ceiling is, and
6 they are really hideous. You drive across
7 wherever this stuff is and they are really ugly
8 in my opinion.

9 They are made with foreign-made
10 materials. Are they going to be made with copper
11 out of Arizona, aluminum out of Kentucky or
12 Tennessee, steel out of Indiana? No, probably
13 not a chance. It's all stuff made in China. Do
14 we want to support a communist country? I sure
15 as heck don't.

16 I just -- No. It's wrong. There is
17 other ways to produce revenue. You want to build
18 it? Why don't you take down this old gravel pit
19 out there and reclaim that? There is probably 75
20 or 100 acres there that's not being used. Take
21 the Nelson's old landfill out there. They build
22 them on top of landfills. Add another five or
23 ten foot of dirt to the landfill out there, put
24 your panels out there.

1 You know, keep our agriculture
2 around here. You can't eat solar panels, you
3 can't feed solar panels to livestock, you know.
4 It's just -- we are losing the core of what our
5 county was and it's getting pretty sad to see
6 this go on, you know. Just take a dive, nobody
7 cares. Nobody is afraid to speak up.

8 If I hurt somebody's feelings, I
9 don't care. Like I said, I've lived here all my
10 life. I've seen crazy things go on. Part of the
11 city code is all infrastructure materials
12 underground has to be domestically made, has to
13 be made out of U.S. products. Are these going to
14 be made out of U.S. products? Probably not a
15 chance, is there?

16 MR. OSBORN: There is manufacturing
17 coming back to the U.S. now.

18 MR. BAZAN: Are these going to be made
19 out of U.S. made products? Probably not.
20 Probably not. And what are you going to do when
21 they go out of date? How do they get recycled?
22 Do they end up in a landfill just like the wind
23 farms? They can't recycle those blades. You
24 know, those things, they have a life expectancy

1 of about 15, 20 years. They are replacing all
2 the ones out in Paw Paw that were put up in '08,
3 and when they say only use ecofriendly
4 lubricants, well, that thing spins around about
5 50 times, that oil is all contaminated. When it
6 leaks, where does it go? Blows out in the
7 cornfield on top of the crops. I don't really
8 care for that stuff in my food, I don't know
9 about you people.

10 And does it catch fire? You know
11 what? Anything man-made is destined to fail. 99
12 percent of the time over time it will fail. And,
13 you know, how do you put that stuff out when they
14 do catch fire? Does our fire department put that
15 stuff out? Just like lithium car batteries, how
16 do you put that out? It's 20,000 gallons of
17 water to put out a car battery.

18 It's just -- I don't know, this
19 whole green deal thing, it's like they're trying
20 to sell ketchup and popsicles to a woman in white
21 gloves. It's just --

22 Is it going to be done by union
23 labor? Is it going to be done by local labor?
24 Not the ones I've seen, it was all imported

1 labor, so, you know, and I am a union man and I
2 am proud of it, but I know what goes on with a
3 lot of these projects.

4 They'll have a couple of guys out
5 there and everybody else is from different
6 states, different countries. I worked on one
7 where hell, most of the people, they weren't from
8 the United States. There were a lot of investors
9 in that project, they were all Chinese investors.
10 I just -- it doesn't add up. It doesn't make
11 sense. They are trying to sell something to you
12 that we really don't need. I think there is
13 other and better ways to produce revenue for this
14 city and for the county.

15 So that's just something for you to
16 think about. That's all I have to say.

17 CHAIRMAN OLSON: Thank you, sir. Does
18 anyone else want to speak in opposition? Yes,
19 ma'am. What's your name, ma'am?

20 LORI HAFF-DELANCY,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MS. HAFF-DELANCY: I am Lori
24 Haff-Delancy. I think live at 8 Plum Street in

1 Bristol, which is directly across the railroad
2 tracks.

3 CHAIRMAN OLSON: Would you mind spelling
4 your name for me, your last name?

5 MS. HAFF-DELANCY: H-A-F-F hyphen
6 D-E-L-A-N-C-Y.

7 CHAIRMAN OLSON: Thank you. Go ahead.

8 MS. HAFF-DELANCY: I am directly across
9 it on the south side of the railroad tracks, and
10 they did not address how they are going to block
11 it from our view, although the tracks are there
12 and they will see the buildings are there, but we
13 still have -- it's going to impact us.

14 I am also a realtor, and as a -- you
15 know, they said that it doesn't affect property
16 values, but I know as a realtor, if you are
17 showing a property next to power lines, next to
18 solar panels, it definitely brings the property
19 value down.

20 One of the questions I have is the
21 heat. I have read that it does affect us, that
22 the heat stays day and night, it just doesn't
23 regulate -- generate extra heat during the day,
24 but it continues at night.

1 And also the farmland, once they do
2 decommission it and it goes back, it's unknown if
3 there is any value to that -- what value is to
4 that farmland after it's been a solar field for
5 that length of time. It's unknown if they can
6 reclaim farmland after 30 or 50 years, the
7 quality of the soil after that.

8 What about electromagnetic fields?
9 I know that, you know, there is a lot of that
10 generated from the power lines. How much extra
11 is that going to be generated from the solar
12 panels? It's also an eyesore for everybody
13 around there, and, again, like he said, the
14 farmland, it's taking up too much of our
15 farmland, and it definitely impacts the property
16 values.

17 The other question is mosquito
18 control, when you've got all the pollinators and
19 weeds growing up underneath there, we already
20 have weeds growing from seed when they brought
21 bird seed in, we still deal with a lot of the
22 seeds that blew off of the -- and now we are
23 picking that, so mosquitos from that.

24 Now, does it generate -- they said

1 it doesn't generate glare, but from all angles,
2 if you are tilting it to keep it from glaring
3 from one side, what about the other side? If you
4 are tilting it so that it doesn't affect the
5 people on your side, will it affect the people
6 on -- all of us on the south side?

7 And what about -- I mean, does it
8 have a glare? Because we are right -- we have
9 planes that fly over. Is it going to blind them
10 as they are going over? I don't know what
11 happens with that glare. That's all.

12 CHAIRMAN OLSON: Thank you. All right.
13 Is there anyone else that would like to speak?
14 Go ahead, sir. And if you could, if I could have
15 your name again.

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

19 MR. ARNTZEN: My name is Roger Arntzen.
20 I live at 8 Cross Street in Bristol, Illinois. I
21 have lived there since 1972.

22 CHAIRMAN OLSON: Arntzen family, is that
23 what you said?

24 MR. ARNTZEN: Huh?

1 CHAIRMAN OLSON: The Arntzen family, is
2 that what you said?

3 MR. ARNTZEN: Yes.

4 CHAIRMAN OLSON: Okay.

5 MR. ARNTZEN: There is a lot of things I
6 worry about in Bristol. If you look at Bristol
7 on a map, all the way around it, Bristol is
8 surrounded by water. All the way around Bristol
9 is flood areas. We battle floods every time
10 there is a big storm, and we -- you take away
11 that area and you change the water flow and the
12 septic areas, I am afraid we're going to end up
13 with water in our basements again, which we
14 battled for years.

15 We also have -- a lot of us in
16 Bristol have long septic areas, septic systems,
17 our own water systems, and we don't want that,
18 those systems, messed with.

19 We already, a lot of people in
20 Bristol, have had to have their wells redug
21 because of the low water area, water systems,
22 already. It causes a lot of problems if you mess
23 with the ecosystems, with the water and the
24 septic and the flooding.

1 It doesn't take a lot because if you
2 look at Bristol, if you look at the railroad
3 tracks in Bristol, if you get a lot of water, it
4 flows to the south, and if you get a lot of water
5 from fields heading south into Bristol, if you
6 load that field up so it doesn't fill the water
7 or it starts floating towards Cannonball Trail,
8 or that side of the town, those people over there
9 are going to have trouble with water in their
10 basements and we will have trouble with the water
11 flowing.

12 We don't have drainage systems like
13 you do in Yorkville, we don't have any hardly at
14 all, so we have no place for the water to go but
15 into our basements. We have maybe one or two
16 drainage systems out in Blackberry Creek and
17 that. So we have a real problem if we have a lot
18 of water and it comes from the fields in Bristol.

19 Another thing with solar panels, if
20 you have a lot of bright lights or heat coming
21 from solar panels, it affects birds. Birds think
22 that the solar panels -- it looks like water to
23 them, and birds have been known to head into the
24 solar panels and crash and die. It would hurt

1 our ecologic system if the birds start -- all of
2 a sudden in Bristol all started to die because
3 they have seen all these solar panels and they
4 start heading toward the panels because they
5 think it's water. It would not help that at all.

6 And if they talk about taking all
7 the dirt and stuff out of that field and move it
8 back and forth, it's going to be on Bristol
9 Township roads, and all of these big trucks are
10 going to be coming in and out of the Bristol
11 Township roads and damaging all the roads. Who
12 is going to pay for all those roads when they
13 have to be repaired from all those big trucks
14 coming back? I'm sure the City of Yorkville
15 isn't going to pay for it. Who is going to pay
16 for the road damage? We haven't got money in our
17 account to pay for damaged roads when semis come
18 in and out of town.

19 And another thing, you know, the
20 other fellow's presentations that they put up
21 there, they said yes, sometimes we have donations
22 we give the schools and stuff. You never seen
23 anything that said we will or we promise or the
24 percentage we will give you, they just said

1 sometimes we do. Sometimes. It isn't always,
2 and didn't say we guarantee you money coming in.
3 It just says sometimes and some places we do
4 things. Remember that. They didn't guarantee
5 anything, they just said that sometimes they do
6 it. So you've got to think about that.
7 Sometimes ends up being never.

8 CHAIRMAN OLSON: Thank you. Is there
9 anybody else who would like to speak in
10 opposition? Go ahead, sir. What's your name?

11 MR. ENGER: David Enger.

12 CHAIRMAN OLSON: Can you spell your last
13 name for me?

14 MR. ENGER: E-N-G-E-R.

15 CHAIRMAN OLSON: Thank you.

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

19 MR. ENGER: You guys have touched on
20 almost everything. I do live directly -- it's
21 directly behind where my property is, and I am
22 concerned with the drainage as well.

23 I mean, I've seen that pool up back
24 there, I don't see that disappearing, it's a

1 small lake when it pools up back there, and all
2 of our houses are over a hundred years old and
3 they easily, easily get that -- that drainage
4 comes in towards us, and any kind of adjustment
5 back there is going to create a serious problem,
6 serious water problem.

7 And all of us have well and septic
8 also, so any of that run-off is going to come
9 into us, and any pesticides from the field that
10 are there already and churned up and brought in,
11 it's a big concern, but other than that,
12 everything else was touched on, so I hate to
13 repeat everything.

14 CHAIRMAN OLSON: Thank you, sir. All
15 right. Anybody else have any inkling to speak in
16 opposition? Speak now or forever hold your
17 peace.

18 (No response.)

19 CHAIRMAN OLSON: All right. We are
20 going to move on and close the public hearing.

21 MR. ENGBERG: There is another one.

22 CHAIRMAN OLSON: Are we going to do it
23 again?

24 MR. ENGBERG: Well, yes, there is

1 another public hearing.

2 CHAIRMAN OLSON: Do we want to do the
3 same presentation over again or what do we want
4 to do?

5 MS. NOBLE: So for your second parcel,
6 you didn't address any of that, so are you going
7 to do a presentation for that? You should do it
8 now in the public hearing.

9 CHAIRMAN OLSON: Yeah, go ahead then,
10 please.

11 MR. BARRY: Can I do a closing at the
12 end of the second?

13 CHAIRMAN OLSON: Sure, yeah. No
14 problem.

15 MR. BARRY: This presentation is very
16 similar to the last one, so, Mr. Chairman, with
17 your agreement, I would like to skip through
18 several of the points that I think are not
19 necessary --

20 CHAIRMAN OLSON: Anything that is --
21 anything that is redundant we can skip.

22 MR. BARRY: Okay. Yes.

23 CHAIRMAN OLSON: Thank you.

24 MR. BARRY: Okay. Please keep going,

1 Jason.

2 MR. ENGBERG: I will just go to the --

3 MR. OSBORN: This one does address that
4 the output of this project we believe will
5 power -- all of our numbers indicate that this
6 will power 1,050 homes. Jason, next, please.

7 So this is the northern parcel.
8 This is also along Cannonball Trail, the
9 Jehovah's Witness church is there on the north
10 end, and this is a very similar design. It meets
11 the setbacks of the ordinance.

12 Our nearest panels to the Kingdom
13 Hall church are 215 feet. Nearest panels to the
14 home to the southwest is 591 feet. There are no
15 homes to the west, immediately to the west of the
16 parcel. The parcel to the south is empty, it's
17 currently a field and will remain an open field.
18 To the east is agricultural use, to the northeast
19 side is a parcel owned by the local YMCA. I
20 believe they have a recreation center planned for
21 there, but not -- I'm not familiar with -- if
22 they have any timing on that.

23 The parcel itself is 41.8 acres.
24 We're talking about 27.7 acres of solar panels.

1 Again, max height at 15 feet. And we have an
2 executed power -- executed interconnection
3 agreement with ComEd here.

4 Same question on pollinators, what
5 we addressed before. Same with the drain tile.
6 Drain tiles will be surveyed and relocated to
7 avoid driving an anchor into them, so we will
8 know exactly where they are. Please.

9 Again, the property tax revenue is
10 not a significant number to the City compared to
11 the City's overall budget. It's a decent
12 increase over the current number. And I think
13 that is -- it's the same slide as before, almost.

14 So this site does have a potential
15 for glare, as glare was raised in one of the
16 comments just made. I did submit this study
17 to -- this location to the FAA. The FAA did do a
18 review of this -- of both of these sites. They
19 concluded that it was not a hazard to air
20 navigation.

21 I have a determinative -- what they
22 call -- what the FAA calls a determination of no
23 hazard to air navigation. That is the name of
24 the form. I believe that was included in our

1 application package. Please.

2 This is the aerial view of the
3 array. I included this slide and the next one to
4 try to show the progression of the vegetative
5 screening that is intended to reduce the view of
6 this.

7 There is a gap in the northwest
8 corner that is open in our current site plan. I
9 don't recall why it was left open, I don't think
10 there was a reason for it to be open, but it is
11 now -- in our site plan is now closed, so that
12 gap will be planted.

13 Again, this is a Cannonball Trail
14 view of the facility with year one of the
15 vegetative screening planted. This has an open
16 fence. That would be -- I believe this
17 contemplates what's called an agricultural fence,
18 which is really wire mesh in about a four-by-four
19 grid, four-inch-by-four-inch grid.

20 Chain link is a suitable alternative
21 and I think it's probably better from a security
22 and safety perspective. Next, please.

23 Year five of the previous plantings
24 grown in, so we see that it's really starting to

1 reduce the visibility. I took photos from the
2 church parking lot at the entrance of the church,
3 I met with a couple of church elders to discuss
4 the project. They didn't have any immediate
5 concerns.

6 They did forward information on to
7 their church headquarters to see if they had any
8 feedback from that angle, and I have not heard
9 anything from them. They were also notified
10 under the rules for these permit applications.

11 And five years, showing the growth
12 on the left side, that is -- the gap on the right
13 is what I tried to address. It will be filled in
14 with plantings as well. There was -- the
15 software that does this analysis on the glare, it
16 tracks the sun across the sky and it tracks the
17 position of the panels and it evaluates a number
18 of different locations.

19 I had them track the railroad as
20 well because that provides a path that could be
21 affected should there be glare. Now, in this
22 case, this study did say there was a little
23 potential for some glare, but the study doesn't
24 contemplate existing plantings around homes, so

1 where that number six is, just behind it is
2 number five, and it is said well, you may cause a
3 glare issue here on this property, I believe it
4 is the Silagyi -- I'm sure I'm mispronouncing
5 their name. I believe it's the Silagyi property.

6 That home is surrounded by mature
7 trees, so I don't believe there is a glare issue
8 there, and if there is, if there is and the sun
9 is causing glare at this angle, we can program it
10 to turn back just a little bit and skip that
11 angle, so it would be a flash across their
12 windows, but not shining on the home or on any
13 other location. That is the programming that we
14 would use for the system operations to
15 hopefully -- well, not hopefully. That all the
16 numbers, all the math, all the engineering says
17 this is the solution.

18 We can also plant additional
19 plantings, taller trees to help alleviate spots
20 where that may be a concern.

21 And this is really the same slide
22 that was presented before, so I think you can
23 skip it. Again, it's the same information. And
24 yet again.

1 So the property values were
2 addressed, the statistics by this CohnReznick
3 group say one thing, statistics by other groups
4 say other things. I read a number of reports;
5 some say in this particular market this is what
6 happened, some say -- others say across the
7 field, this is what we have seen is no negative
8 impact, so I -- you know, the story changes
9 depending on who you are listening to and you who
10 you are reading. That is the second site. I
11 know Emily may have additional points.

12 MS. KAHANIC: You can just skip to hat.
13 So all setbacks same in this area. I think just
14 a few key points I wanted to touch on. So
15 originally when we submitted for SUP we didn't
16 have -- in that northwest corner, there was a
17 gap, kind of in the landscape buffer, so we did
18 fill that in so that we are kind of blocking the
19 entire area along that road, but just to kind of
20 run through some setbacks that we are exceeding,
21 we are 240 feet from the road, 591 feet from the
22 nearest residence and 214 feet from the church.
23 We could go to the next slide. We could skip
24 this, it's right next to the other one. All

1 right.

2 Landscape, it's the same plantings,
3 same kind of plan. Again, this will get updated
4 to show -- this was where it was before, we
5 didn't have that landscape buffer and we have
6 added it since then. You can go to the next one.
7 This is the same slide.

8 This one, I know there are a lot of
9 questions on it, so I just wanted to touch that
10 the panels do rotate, so the water will slide off
11 the panels and underneath them, so all of that
12 surface underneath is pervious, so it's not like
13 typical commercial development where it's a
14 parking lot and that whole area is impervious,
15 increasing the run-off.

16 This will decrease it because we are
17 adding better plants to help with that run-off,
18 so ideally you actually decrease the run-off and
19 some of the flooding issues you are seeing from
20 this site. Same slide. Also same slide. I
21 don't know that I actually have any other
22 differences.

23 The SHPO one, though, we did get
24 SHPO response back from this. They do not

1 require a survey, so this has been terminated and
2 we don't need to do anything additional.

3 CHAIRMAN OLSON: Thank you. All right.
4 Is there anyone who wishes to speak in support of
5 this specific request?

6 (No response.)

7 CHAIRMAN OLSON: Is there anyone who
8 wishes to speak in opposition to this specific
9 request? Go ahead, sir.

10 MR. ARNTZEN: I just have one thing
11 that -- nobody said anything about the railroad.
12 Has anybody been in touch with railroad about
13 this? Those trains are awful big and awful high
14 up in the air when they come through that area.
15 Has anybody looked into the height of the train
16 coming by and will the glare affect the trains?

17 We get a lot of trains going through
18 Bristol, there is at least four trains, coal
19 trains, come through there a day, plus four
20 passenger trains, and there is a crossing at
21 Cannonball that trains go through every day, and
22 there are two tracks.

23 CHAIRMAN OLSON: Thank you.

24 MR. OSBORN: I can speak to that, but I

1 don't know if it's appropriate for me to at this
2 time.

3 CHAIRMAN OLSON: Go ahead.

4 MR. OSBORN: Okay. He asked the
5 question. Thank you. I did analyze the train
6 height. The cab of the locomotive, the driver
7 would sit with a head height of about 12 and a
8 half feet, and so the glare study that I had done
9 along the railroad track looked at five feet and
10 above to make sure that we are not shining any
11 kind of light, any kind of reflection, into the
12 cab, into the train drivers.

13 MR. ARNTZEN: What type of trains?

14 MR. BARRY: I researched the type of
15 trains that use the track and they said that the
16 max height of the trains was 15 and a half feet,
17 so the driver's head at the window -- and I
18 looked up all the specs for the engine they were
19 using, puts their head right about 12 and a half
20 feet.

21 MR. ARNTZEN: Did you look at how high
22 the tracks are or how high it is built up?

23 MR. BARRY: That was contemplated in the
24 topographic review of the solar software as I

1 understand how it works, so it's looking at that
2 point location on the track plus 15 feet and --
3 or plus five feet and looking above it, too, so
4 it said if it doesn't see it at 15 feet, it's not
5 going to see it below. If it doesn't see it at
6 five feet, it could see it above, but we have
7 that window pretty well blocked out from all the
8 information that I have.

9 MR. ARNTZEN: I hope so.

10 MR. OSBORN: Thank you.

11 MR. ARNTZEN: Yes, sir.

12 CHAIRMAN OLSON: Did you want to say
13 something before we close out our public
14 hearing?

15 MR. BARRY: Yes. Thank you, Mr. Chair.
16 First, if I could ask to enter into evidence the
17 PowerPoint presentations for both cases this
18 evening, as well as the materials associated with
19 the permit application.

20 CHAIRMAN OLSON: Yes. Thank you.

21 MR. BARRY: So just to sum up quickly,
22 I'd like to -- obviously you know this is a
23 public hearing. One of the roles of the
24 Commission is to establish findings of fact and

1 to take in evidence, so that's the real focus of
2 this as a public hearing, the public hearing
3 portion of this proceeding is on the collection
4 of evidence and testimony, which is part of that.
5 But the request -- there are three requests for
6 each project on the table tonight, one for a
7 rezoning, one for a special use permit and one
8 for a variance.

9 On behalf of the applicant, we
10 submit that the evidence that's been presented,
11 including the materials in the permit application
12 as well as the testimony and the presentation
13 materials this evening, satisfy the standards for
14 issuance of a special use permit and a variance
15 as well as the rezoning, and I won't go through
16 all of the standards, but for a solar project
17 they are set forth in Section -- it's in the
18 solar provisions of the ordinance, but the
19 special use standards are set forth in
20 Section 10-4-9, and that's really the question.

21 It's not whether you like solar
22 projects or not, the county has -- or, excuse me,
23 the city has already established solar farms as a
24 special use within the boundaries, and so the

1 question this evening is whether the application
2 and the testimony and the evidence meets the
3 standards, and we believe that it does, and those
4 standards, for example, relate to things like
5 whether there is going to be an impact on
6 neighboring properties, whether it's going to be
7 unreasonably detrimental to the public health,
8 safety, morals, comfort or general welfare.

9 Well, we submit that the evidence
10 shows that the project will actually benefit or
11 promote the general welfare by increasing the
12 property tax revenue, and we submit that -- there
13 was discussion about, you know, no fire hazards,
14 et cetera, it won't impact neighboring properties
15 because there just aren't any emissions for solar
16 projects. To the extent there are emissions,
17 they are related to noise and it's a humming
18 sound from an inverter as Emily testified, and
19 these inverters are going to be two football
20 fields away from people's houses, so you're just
21 not going to hear them because they sound like a
22 refrigerator.

23 And then with respect to the
24 property values, I just want to point out that

1 again, focusing on the evidence, the evidence
2 that was submitted is a property value impact
3 study, preparation of which was supervised by
4 Patricia McGarr at CohnReznick.

5 Patricia McGarr is the -- I believe
6 the chair of the committee or whatever it's
7 called that regulates property value -- excuse
8 me, property appraisers in the state of Illinois,
9 so she provides -- oversees the licenses for
10 issuing -- issuance to appraisers, and she is
11 what's called an MAI, she has a special license
12 as an appraiser, and so they have to abide by
13 certain rules, and they prepared -- and
14 standards, and she oversees those standards, and
15 as Mr. Osborn testified, the report -- and you
16 can take a look at it yourself, it states and
17 concludes that there is just no impact, no
18 negative impact, on property values in the
19 vicinity of solar projects. That is the
20 conclusion of the experts, so I will close there.
21 I will stop there.

22 We thank you for the opportunity
23 this evening and we ask for a recommendation of
24 approval for the rezoning request, special use

1 request, and the variance request, and just
2 quickly on the variance, Mr. Osborn, as he
3 testified, imposes the height of the panels is
4 not going to be good for anybody, but it imposes
5 an unnecessary hardship on the property, and
6 again, thank you very much for the opportunity
7 and respectfully ask for a positive
8 recommendation.

9 CHAIRMAN OLSON: Thank you. Since all
10 public testimony regarding this petition has
11 been taken, may I have a motion, please, then to
12 close the taking of testimony in this public
13 hearing?

14 MS. HORAZ: So moved.

15 MR. VINYARD: Second.

16 CHAIRMAN OLSON: Roll call vote on the
17 motion, please.

18 MS. YOUNG: Yes. Goins.

19 MS. GOINS: Yes.

20 MS. YOUNG: Horaz.

21 MS. HORAZ: Yes.

22 MS. YOUNG: Millen. Millen.

23 CHAIRMAN OLSON: Greg, are you --

24 MR. MILLEN: Yes.

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MS. YOUNG: Olson.

CHAIRMAN OLSON: Yes.

MS. YOUNG: And Vinyard.

MR. VINYARD: Yes.

CHAIRMAN OLSON: All right. The public hearing portion of tonight's meeting is closed.

(Which were all the proceedings had in the public hearing portion of the meeting.)

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

3 I, Christine M. Vitosh, a Certified Shorthand
4 Reporter, do hereby certify that I transcribed
5 the proceedings had at the public hearing and that
6 the foregoing, Pages 1 through 70 inclusive, is a
7 true, correct and complete computer-generated
8 transcript of the proceedings had at the time and
9 place aforesaid.

10 I further certify that my certificate annexed
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13 hand only. I assume no responsibility for the
14 accuracy of any reproduced copies not made under
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16 As certification thereof, I have hereunto set
17 my hand this 23rd day of May, A.D., 2023.

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Christine M. Vitosh, CSR
Illinois CSR No. 084-002883

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