

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF OGLE)

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5 In the Matter of the Petition

6 of

7 Aaron Noe, Forrester Township,
8 Ogle County, Illinois

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11 Testimony of Witnesses
12 Produced, Sworn and
13 Examined on this 28th day
14 of June, A.D., 2018,
15 before the Ogle County
16 Zoning Board of Appeals

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17 Present:

18 Paul Soderholm
19 Mark Hayes
20 James Reed
21 Dave Williams

21 Randy Ocken, Chairman
22 Michael Reibel, Zoning Administrator

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Margaret M. Ciembronowicz, Court Reporter

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Aaron Noe.....

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End.....

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1 CHAIRMAN OCKEN: I call this June 28th,
2 2018, meeting of the Ogle County Zoning Board of
3 Appeals to order at 6 p.m.

4 Mr. Reibel, please call the roll.

5 (Roll call was taken and all
6 were present.)

7 MR. REIBEL: Five present.

8 CHAIRMAN OCKEN: We have five members
9 present. There is a quorum.
10 Please rise for the Pledge of Allegiance.

11 (The Pledge of Allegiance was
12 recited.)

13 CHAIRMAN OCKEN: The verbatim transcript
14 serving as minutes of the last meeting is on file,
15 and it will not be read at this time. I will
16 entertain a motion to approve the minutes of the
17 last ZBA meeting.

18 MR. WILLIAMS: I'll make a motion to
19 approve.

20 CHAIRMAN OCKEN: Mr. Williams moves. Is
21 there a second?

22 MR. HAYES: I'll second.

23 CHAIRMAN OCKEN: Mr. Hayes seconds. All
24 in favor say aye.

1 (Whereupon, all the ayes were
2 heard.)

3 CHAIRMAN OCKEN: Motion passes.

4 All testimony will be taken under oath.

5 Please come forward to the podium to testify and
6 state your name and address to the recording
7 secretary. Please spell your last name. When
8 testifying, please speak clearly and loudly enough
9 to be heard.

10 This hearing is the only opportunity to
11 place testimony and evidence on the record. There
12 will not be another opportunity beyond tonight's
13 hearing to submit additional evidence or testimony
14 for consideration.

15 Please turn off or silence all electronic
16 devices.

17 The procedures on hearings that will be
18 followed tonight is as found in the ZBA Rules of
19 Procedures or Citizen's Guide to the Zoning Board of
20 Appeals, which are available on the desk near the
21 entrance to this room.

22 If anyone has trouble hearing, please let
23 us know.

24 After your petition has been voted on, you

1 are free to leave, however, you are welcome to stay
2 for the rest of the meeting.

3 It is the purpose of the Zoning Board of
4 Appeals to follow the Ogle County Zoning Ordinance
5 in order to determine appropriate use for the land
6 of Ogle County while balancing individual property
7 rights with the rights and interests of the general
8 public to a healthy, safe and orderly living
9 environment. While there are many factors which
10 affect each situation, the function of this board is
11 to determine appropriate use of the land. The
12 decision that is made will be based on the evidence
13 and testimony presented at this hearing.

14 Mr. Reibel, what is the first order of
15 business?

16 MR. REIBEL: The first order of business
17 is to consider the request filed May 4th, 2018, of
18 Aaron A. Noe, 101 West Washington Street,
19 Baileyville, Illinois, for an amendment to the
20 zoning district to rezone from B-1 Business
21 District, to R-1 Rural Residence District, on the
22 property described as follows and owned by the
23 Petitioner:

24 All of Block 25 and the East Half of Block

1 24 and that part of Commercial Street lying between
2 said blocks and that part of South Street lying
3 South of said Block 25 and the East Half of said
4 Block 24, all according to the original Plat of the
5 Town of Baileyville as recorded in the Recorder's
6 Office of Ogle County, Illinois, and the West Half
7 of all of Block 25 and the part of South Street
8 lying south of the West Half of said Block 24, all
9 according to the original Plat of the Town of
10 Baileyville as recorded in the Recorder's Office of
11 Ogle County, Illinois; located in part of the NE 1/4
12 of Section 5, Forreston Township, 25N, R8E of the
13 4th P.M., 4.22 acres, more or less. Property
14 Identification No. is 02-05-284-002, Common Location
15 101 West Washington Street.

16 For the record, all adjoining property
17 owners to the petition have been notified by
18 certificated mail of the hearing this evening and
19 the specifics of the petition. A public notice was
20 published in the June 4th, 2018, edition of the *Ogle*
21 *County Life*, notifying the public of the hearing
22 this evening, and the specifics of the petition, and
23 a sign has been posted along the front of the
24 premises to notify the public of the pending hearing

1 reference the subject property.

2 Under the staff report, which is on file,
3 I will point out under general information, that the
4 site is 4.22 acres in the area, more or less,
5 approximately 363 feet by 479 feet. The existing
6 land use is residential.

7 As far as surrounding land use and zoning,
8 the site is located within the unincorporated
9 village of Baileyville, and is located within an
10 area that contains a mixture of residential and
11 agricultural uses. Land to the north is in
12 residential use zoned B-1. Land to the west is in
13 residential use zoned R-2 Single-Family Residence
14 District. Land to the east is in agricultural use
15 zoned B-1. Land to the south is in agricultural use
16 zoned B-1.

17 Comprehensive plan. The site is not
18 located within 1.5 miles of an incorporated city or
19 village. Forreston Township does not have a
20 township planning commission.

21 Zoning history. The site and land to the
22 north and east of the site were placed in a business
23 zoning district in 1965 upon adoption of the first
24 Ogle County Zoning Ordinance.

1 Special information. Public utilities,
2 none available. The site is served by a private,
3 on-site well and septic system.

4 Transportation. West Washington and South
5 Main Streets are seal coat surfaced roads under the
6 jurisdiction of Forrester Township and are
7 functionally classified as local roads.

8 Physical characteristics. Approximately
9 42 percent of the site is part of a somewhat poorly
10 drained and frequently flooded stream
11 bottom/floodplain, and approximately 49 percent of
12 the site is part of a well-drained upland side
13 slope. There are no mapped wetlands or Special
14 Flood Hazard Areas on the site.

15 And the following is a recommended
16 condition for approval of this map amendment, that
17 the existing parcel/zoning lot consists of multiple
18 platted lots in two separate blocks within the plat
19 of unincorporated Village of Baileyville. Any
20 future divisions of the existing parcels/zoning lot
21 and the platted lots comprising the parcel/zoning
22 lot shall result in parcels/zoning lots that conform
23 to the minimum lot size and lot width of the R-1
24 Rural Residence District.

1 At the June 21st meeting of the regional
2 planning commission, Mr. Nelson made a motion to
3 recommend approval of the petition as it conforms
4 with the County's comprehensive plan and fits the
5 surrounding area; seconded by Mr. Reising. The
6 motion carried unanimously by a vote of 5 to 0 by
7 roll call vote.

8 That is all I have.

9 CHAIRMAN OCKEN: Would Mr. Noe come
10 forward, please. Just go to the podium there.
11 Please raise your right hand.

12 AARON NOE,
13 having been first duly sworn, testified as follows:

14 CHAIRMAN OCKEN: And please tell us why
15 you're requesting that this property be rezoned from
16 B-1 Business District to R-1 Rural Residence
17 District.

18 MR. NOE: Well, we've been there for
19 20 years, and we already have a farmerette. We have
20 had animals there the whole time. And before, the
21 owners before us, had their animals and stuff there,
22 too, so it was never -- they just always had it
23 there, so it was like kind of grandfathered I would
24 say. Nobody has ever had a problem with it. We

1 keep it really clean, and none of the neighbors or
2 anything like that have ever had a problem with it.
3 With the rezoning, it's more if somebody else wanted
4 to sell it for somebody else to be able to buy it,
5 it would be easier for 'em zoned commercial. It's
6 different.

7 CHAIRMAN OCKEN: And do you plan to sell
8 this property?

9 MR. NOE: Yeah. Yes.

10 CHAIRMAN OCKEN: Okay. We've run into
11 these situations before where that was put in as a
12 business district in the original zoning plat and no
13 longer applicable to the present situation, so I
14 understand your situation.

15 Any questions from the board?

16 (No response.)

17 CHAIRMAN OCKEN: We have no questions.
18 You may be seated. Thank you.

19 MR. NOE: Okay. Thank you.

20 CHAIRMAN OCKEN: Has anyone filed for an
21 appearance?

22 MR. REIBEL: No.

23 CHAIRMAN OCKEN: Is there anyone here to
24 speak in favor of this petition?

1 (No response.)

2 CHAIRMAN OCKEN: Anyone here to speak
3 against this petition?

4 (No response.)

5 CHAIRMAN OCKEN: Hearing none. We will
6 now go through the finding of fact. For each of the
7 six standards, we have two prepared statements; one
8 in support of this petition and one in opposition.
9 A board member will read the statement which he
10 believes is most applicable in this situation. The
11 board members will either agree or disagree. After
12 the finding of fact, I will entertain a motion in
13 regard to this petition.

14 Mr. Reibel, please read the first
15 standard.

16 MR. REIBEL: Standard 1, that the proposed
17 amendment will allow development that is compatible
18 with existing uses and zoning of nearby property.

19 MR. SODERHOLM: Rezoning of the site to
20 R-1 to allow continued residential use of the site
21 is compatible with existing uses and zoning of
22 nearby property, as the site is located in an area
23 that contains a mixture of residential and
24 agricultural uses, and the site is adjoined by both

1 the R-2 Single-Family Residence District and the B-1
2 Business District. And I feel that standard has
3 been meet.

4 CHAIRMAN OCKEN: I agree.

5 MR. HAYES: I agree.

6 MR. REED: I agree.

7 MR. WILLIAMS: I agree.

8 MR. REIBEL: Two, That the County of Ogle
9 and other service providers will be able to provide
10 adequate public facilities and services to the
11 property, including but not necessarily limited to,
12 schools, police and fire protection, roads and
13 highways, water supply and sewage disposal, while
14 maintaining adequate public facilities and levels of
15 service to existing development.

16 MR. HAYES: Continued residential use of
17 the site will not create a burden on the County of
18 Ogle and other public service providers, as no
19 change in the intensity of the use is proposed. I
20 believe the standard is met.

21 CHAIRMAN OCKEN: I agree.

22 MR. SODERHOLM: I agree.

23 MR. REED: I agree.

24 MR. WILLIAMS: I agree.

1 MR. REIBEL: Three, That the proposed
2 amendment will not result in significant adverse
3 impacts on other property in the vicinity of the
4 subject site or on the environment, including air,
5 noise, stormwater management, wildlife and natural
6 resources.

7 MR. REED: No adverse impacts or impact on
8 the environment will result from the proposed map
9 amendment, as no change in the use of the property
10 is proposed. I believe the standard has been met.

11 CHAIRMAN OCKEN: I agree.

12 MR. SODERHOLM: I agree.

13 MR. HAYES: I agree.

14 MR. WILLIAMS: I agree.

15 MR. REIBEL: Four, That the subject
16 property is suitable for the proposed zoning
17 classification.

18 MR. WILLIAMS: The site is suitable for
19 the R-1 zoning district, as it is currently, and has
20 been used for single-family residential purposes,
21 and it conforms to the minimum lot size and width of
22 the R-1 Zoning District. I believe the standard has
23 been met.

24 CHAIRMAN OCKEN: I agree.

1 MR. SODERHOLM: I agree.

2 MR. HAYES: I agree.

3 MR. REED: I agree.

4 MR. REIBEL: Five, That the proposed
5 zoning classification is consistent with the trend
6 of development, if any, in the general area of the
7 subject property, including changes, if any, which
8 have taken place since the day the property in
9 question was placed in its present zoning
10 classification.

11 MR. WILLIAMS: The trend of development in
12 the general area is existing and established
13 residential uses and agricultural uses. The
14 proposed zoning classification of R-1 Rural
15 Residence District is consistent with this trend. I
16 believe the standard is met.

17 CHAIRMAN OCKEN: I agree.

18 MR. SODERHOLM: I agree.

19 MR. HAYES: I agree.

20 MR. REED: I agree.

21 MR. WILLIAMS: I agree.

22 MR. REIBEL: Six, That the proposed
23 amendment is consistent with the public interest and
24 not solely for the interest of the applicant, giving

1 due consideration to the stated purpose and intent
2 of the Amendatory Zoning Ordinance as set forth in
3 Division 1 therein, the Land Evaluation and Site
4 Assessment findings, if applicable, in this case
5 they are not, and the recommendation of the Ogle
6 County Regional Planning Commission with respect to
7 the Ogle County Amendatory Comprehensive Plan.

8 MR. SODERHOLM: The proposed amendment is
9 consistent with the public interest and not solely
10 for the interest of the applicant, as it will make
11 an existing and established use consistent with the
12 zoning ordinance and surrounding uses. The proposed
13 amendment is also consistent with the purpose and
14 intent of the Amendatory Zoning Ordinance. The
15 zoning board of appeals has given due consideration
16 that the regional planning commission has
17 recommended approval. And I believe that standard
18 is met.

19 CHAIRMAN OCKEN: I agree.

20 MR. HAYES: I agree.

21 MR. REED: I agree.

22 MR. WILLIAMS: I agree.

23 MR. REIBEL: Have the board members read
24 and considered The LaSalle Factors as applied to

1 this petition?

2 (Whereupon, all board members
3 answered in the affirmative.)

4 CHAIRMAN OCKEN: All of the standards have
5 been met. I will entertain a motion to approve this
6 petition.

7 MR. WILLIAMS: Mr. Chairman, I'll make the
8 motion to approve 6-18 AM, rezoning from a B-1
9 Business District, to a R-1 Residential District,
10 with the following recommendations based on the
11 standards were met and the regional planning
12 approved it also.

13 CHAIRMAN OCKEN: Mr. Williams moves. Is
14 there a second?

15 MR. SODERHOLM: Second.

16 CHAIRMAN OCKEN: Mr. Soderholm seconds.

17 Does the board have any other questions or
18 comments?

19 MR. REIBEL: Just for clarification, you
20 intended to say that that was along with that
21 condition, recommendation of the staff report?

22 MR. WILLIAMS: Correct.

23 MR. REIBEL: Okay. Thank you.

24 CHAIRMAN OCKEN: Any other questions or

1 comments?

2 (No response.)

3 CHAIRMAN OCKEN: Hearing none.

4 Mr. Reibel, please call the roll.

5 MR. REIBEL: Reed?

6 MR. REED: Yes.

7 MR. REIBEL: Hayes?

8 MR. HAYES: Yes.

9 MR. REIBEL: Soderholm?

10 MR. SODERHOLM: Yes.

11 MR. REIBEL: Williams?

12 MR. WILLIAMS: Yes.

13 MR. REIBEL: Ocken?

14 CHAIRMAN OCKEN: Yes.

15 MR. REIBEL: Five voted yes.

16 CHAIRMAN OCKEN: This motion has been
17 approved by a vote of 5 to 0.

18 MR. REIBEL: This petition will go on to
19 the planning and zoning committee of the Ogle County
20 Board on July 10th at 10 a.m., per recommendation,
21 then to the County Board for a final decision on
22 July 17th, at 5:30 p.m., for a final decision, and
23 both of those meetings are here in this room.

24 (The hearing in this matter was

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concluded.)

* * *

Now on this 16th day of July, A.D., 2017, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman

Michael Reibel,
Zoning Administrator

Margaret M. Ciembronowicz
Certified Shorthand Reporter
IL License No. 084-003-833

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF OGLE)

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5 In the Matter of the Petition

6 of

7 FFP IL Community Solar, LLC & Dan Terhark,
Marion Township,
8 Ogle County, Illinois

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12 Testimony of Witnesses
Produced, Sworn and
13 Examined on this 28th day
of June, A.D., 2018,
14 before the Ogle County
Zoning Board of Appeals

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18 Present:

19 Paul Soderholm
Mark Hayes
20 James Reed
Dave Williams

21

22 Randy Ocken, Chairman
Michael Reibel, Zoning Administrator

23

24 Margaret M. Ciembronowicz, Court Reporter

1 CHAIRMAN OCKEN: Mr. Reibel, the next
2 order of business.

3 MR. REIBEL: The next order of business is
4 to consider a request filed April 17th, 2018, of FFP
5 IL Community Solar, LLC, in care of Sam Youneszadeh,
6 100 Montgomery Street, Suite 725, San Francisco,
7 California, and Dan Terhark, 3997 North Pear Road,
8 Polo, Illinois, for a special use permit to allow a
9 solar farm in AG-1 Agriculture District, on the
10 property described as follows:

11 Owned by Dan Terhark being leased by FFP
12 IL Community Solar, LLC, part of the Southwest
13 Quarter of Section 27, Marion Township, 25N, R11E of
14 the 4th P.M., Ogle County, Illinois. 52.68 acres,
15 more or less, on Property Identification No.
16 05-27-300-011, at the common location of 8248 North
17 Kishwaukee Road. This is a continued public
18 hearing, continued from May 31st.

19 I've previously noted that proper
20 publication and notice have been complied with, and
21 I would also like to enter into the record some
22 other information, particularly from Marion
23 Township. I have a letter on file dated May 29,
24 2018, from Marion Township, which states that the

1 Marion Township Board has taken the following zoning
2 petition under consideration, a second permit
3 request from Dan Terhark, 3997 North Pear Road,
4 Polo, Illinois, and the bullet points state:

5 It has been noted the current electric
6 lines in this area would possibly not be sufficient
7 to run suitable lining and involve additional
8 properties affecting even more landowners.

9 The solar panels on this proposed site
10 would be placed in an area where they have a great
11 deal of limestone as is the understanding of the
12 board. Placement of the panels in this area
13 involves placing steel bases into the rock possibly
14 affecting area water tables.

15 This proposal was also inconsistent with
16 Byron's 1 1/2 month plan. Concern regarding
17 surrounding property values apply to this proposal
18 as well.

19 As Mr. Terhark already represented, was
20 unable to be in attendance to answer any questions,
21 the Marion Township Board voted unanimously to
22 oppose this petition.

23 I have a report from the Illinois
24 Department of Natural Resources regarding an

1 endangered species consultation which states that
2 the Department has previously reviewed the project
3 and determined that the resources identified by
4 EcoCat in this area likely to be affected to state
5 and federally endangered (inaudible) act. The
6 (inaudible) is known to occur in the vicinity of the
7 project. To avoid potential impact of the species,
8 the Department recommends no trees should be removed
9 between the dates of April 1 and October 15. If
10 construction time occurs outside of the recommended
11 time frame, the Department recommends a potential
12 survey be performed of the species within the tree
13 removal area. The results of the survey should be
14 forwarded to the Department. Please note any survey
15 activity that will actually capture or handle
16 endangered or threatened species requires a person
17 upon doing sign the appropriate permits under
18 Department 520 and Department 1070 of the
19 Department's rules. If species are present, please
20 contact Irene (inaudible). The letter is signed by
21 Natalia Jones, Impact Assessment Section, Illinois
22 Department of Natural Resources.

23 At the June 21st meeting of the Ogle
24 County Regional Planning Commission, Mr. Smith made

1 a motion to recommend approval of the petition as
2 the site fit the comprehensive plan for the AG-1
3 area and the low LESA score. The motion was
4 seconded by Mr. Wetzel, and the motion failed by
5 roll call vote of three opposed to the motion and
6 one in favor of the motion.

7 A revised staff report, which is on file
8 and the board members have received with a revision
9 date of June 18th, 2018, I will point out under
10 general information, that FFP IL Community Solar,
11 LLC, lessee, Dan Terhark is the owner of the site.
12 The site is -- the special use area is located on
13 the west side of North Kishwaukee Road beginning
14 approximately 26/10ths of a mile north of East Hales
15 Corner Road and approximately 6/10ths of a mile
16 south of North Crestview Road.

17 The size of the parcel upon which the
18 special use is proposed is 52.68 acres. The
19 proposed special use area, the area in proposed
20 solar farm, is 26.71 acres.

21 Existing land use is agriculture, row crop
22 production. A former limestone quarry is also
23 located on the site.

24 Surrounding land use and zoning. The site

1 is within an area that contains a mixture of
2 residential uses and agricultural uses. And I do
3 have a map attached to the staff report. It
4 indicates surrounding land uses and zoning. I think
5 it helps with the orientation when trying to
6 describe north, south, east and west in an area
7 that's angled.

8 Zone history. None.

9 Applicable regulations. "Solar Farm" is
10 listed as special use within the AG-1 Agricultural
11 District.

12 Under special information:

13 Public Utilities: No public utilities are
14 required of a solar farm.

15 Transportation: North Kishwaukee Road is
16 a hot mix surfaced Ogle County highway with an
17 80,000 pound weight limit and is functionally
18 classified as a major collector.

19 Physical Characteristics: The site is
20 located in an area of sloping, strongly sloping
21 terrain and is part of an upland side slope. There
22 are no mapped wetlands or floodplain areas on the
23 site. The identified soil types within the proposed
24 special use area have the following selected

1 characteristics:

2 100 percent are well drained and not
3 subject to ponding; however, the 8073A map unit
4 identified on the site, which accounts for 2.6
5 percent of the proposed special use area, may be
6 subject to occasional brief flooding. No identified
7 soil types are classified as hydric soils.

8 91.5 percent are classified as being
9 farmland of statewide importance, and,

10 8.5 percent are classified as being prime
11 farmland.

12 100 percent have moderate potential frost
13 action.

14 5.9 percent have a moderate risk of
15 corrosion for uncoated steel, and 94.1 percent have
16 a low risk.

17 The depth to seasonal saturation is 59 to
18 79 inches on 2.6 percent of the site, and greater
19 than 79 inches on the remainder of the site.

20 Under the LESA program, a LESA score of
21 186.1 indicates a low rating for protection. Land
22 evaluation of 76.1; site assessment, 110.

23 And, again, there are a number of
24 recommended conditions that I have made in the staff

1 report, which I will not read unless anyone would
2 request that. I'd be glad to any answer questions
3 on those.

4 You'll notice that there is a
5 residential -- an enhanced residential buffer
6 component which is a new addition to the
7 recommendations.

8 I believe that is all I have.

9 CHAIRMAN OCKEN: Would the petitioner step
10 forward, please. You may just highlight the
11 differences between this and the other one. We
12 don't have to go through the whole presentation
13 again.

14 MR. GRISSOM: Yeah. I was going to, you
15 know, being sensitive to everybody's time. As far
16 as the, you know, the presentation is pretty much
17 the same. The site specific details are obviously
18 different, so I can go through those.

19 Like Mr. Reibel said, this parcel is
20 addressed 8248 North Kishwaukee Road, 1.5 miles from
21 the City of Byron.

22 The size is 50 acres. The size is
23 50 acres with the actual project size -- that's the
24 parcel size. The project size is 26 acres.

1 Obviously, this is the AG-1 surrounding --
2 the AG-1 zone surrounding part of the parcel area.
3 The Morris property is 243 feet neighboring to the
4 south. The site is roughly 43 feet from the
5 centerline of the North Kishwaukee Road.

6 This is all, like Mike said, predominantly
7 prime farmland, you know, I kind of went over the
8 last time. The reason we chose this site is because
9 it's flat, and, you know, obviously the proximity to
10 the substation and the three-phase lines.
11 Obviously, Dan Terhark has been good to work with.
12 We have a willing landowner. This also has the
13 single-access tracker where the panels will, you
14 know, go 60 degrees to negative 60. Same type of
15 pad, same type of natural pollinator mix that will
16 be the end product. All of the material, same
17 materials, inert material, antiglare, non-reflective
18 glass. It will be six-by-nine piles that hold up by
19 a steel tracker roughly five feet off the ground and
20 then the panels rotate to a height of around
21 ten feet is the max.

22 We, you know, had the same marketing
23 campaign. We've sent out, you know, forms is
24 preferred, but we have made a concerted effort to

1 particularly work with the Morris family and their
2 legal representation to meet many, many of their
3 concerns. And, you know, I spoke with legal
4 representation prior to this meeting, and she was
5 going to provide me email confirmation that they do
6 not disapprove of this project.

7 Let's see. It's going to be low impact on
8 the roads. We're going to hire local contractors,
9 local long-term O & M.

10 Like I said in the last presentation, our
11 business plan is to be long-term owners of this
12 project, or, you know, this project and all
13 projects. So, you know, we have -- we have a plan
14 to, you know, be a long-term presence here in the
15 community, and, you know, work with the community to
16 be good neighbors and make it as esthetically
17 pleasing a project as we can.

18 This is another project where we
19 instituted a landscape buffer, which I can bring up.
20 It's kind of hard to see. I've got a printout I can
21 pass around, too, but it's the same six-foot -- six-
22 to eight-foot evergreen. The dogwood is the same as
23 the red dogwood.

24 MR. HAYES: Sir, can I have you just kind

1 of go over to the screen and kind of point to those
2 for the audience and for our benefit, where the
3 buffers --

4 MR. GRISSOM: Yeah, the buffer would be
5 right here (indicating).

6 MR. HAYES: All right.

7 MR. GRISSOM: And then it goes in an
8 L-shape around Mr. Morris's property. And there's
9 another one right here (indicating), right there
10 covering this residential property to the east. So
11 it goes, yeah, basically covering that property
12 right there.

13 MR. HAYES: Okay. Thank you.

14 MR. GRISSOM: Yeah. So we've implemented
15 this plan to, you know, work with Mr. Morris on some
16 of his concerns and worked with the representation.

17 Site soil conditions are agriculture.
18 Soil conditions are expected to be conducive to pile
19 driving, and we have no intentions on changing or
20 grading the site at all, changing the topography of
21 the drainage. It's going to be, you know, not
22 disturbed land other than the piles, and, obviously,
23 vegetative.

24 This project is not allowed within a

1 special flood hazard. That's showing the FEMA berm
2 panels. Drain tiles, I think that's kind of a big
3 thing in agriculture. We'll have a drain tile
4 survey prior to starting construction to locate any
5 drain tiles, designer mountain drain tiles, and if
6 we need to, relocate the drain tiles, you know, on
7 our dime.

8 The proposed site access is the same type
9 of gravel road but off of North Kishwaukee Road.

10 O & M, once the commissioning is complete
11 and the site is operational, it typically would be
12 one one-ton truck, you know, and the O & M group
13 that we employ. We have an O & M agreement that we
14 will, you know, have with Ogle County and then we'll
15 be privy to the agreement, and it basically states,
16 you know, the frequency of the maintenance and
17 pretty much anything that is involved from the
18 maintenance of this project.

19 This is -- the panels are roughly 16.04
20 feet apart. Like Brian said in the last
21 presentation, giving ample room for the water to
22 shed off and take, you know -- the drainage is going
23 to be not as -- it's not as affected at all. It's
24 going to basically keep the same drainage pattern

1 that it already has.

2 We -- ForeFront Power is also planning on
3 scheduling a phase, Geotech engineering activities
4 to, you know, as we get into the more detailed
5 permitting process, identify the grading plan and
6 the electrical plan and the structural plan to
7 comply with the building permit requirements.

8 Typical details for the tracking system.
9 You know, that will be determined in the building
10 permit phase as well. The pile installation will
11 take roughly two to three weeks. The racking
12 installation will take roughly two to three weeks as
13 well. And the module installation will take roughly
14 two to three weeks. So the construction schedule is
15 going to be about 12 to 16 weeks total. It's not
16 going to take a long time.

17 We talked about the amount of electricity.
18 This particular sized project would service --
19 basically services 640 homes. Something like that.

20 We talked about the tax, the taxes for the
21 senate bill. Same situation, basically about \$6,000
22 per megawatt per year. And that is, you know,
23 standard, and it's on the governor's desk right now.

24 The safety, that's always an issue. So

1 the inverters are DC. All of the material is inert
2 material. There's nothing toxic, you know.
3 There's -- all the electrical is per NEC Code, and,
4 you know, underground until we get up to the point
5 of the interconnection pole. So there's really
6 nothing onerous or harmful within the -- you know,
7 it's not going to hurt anybody or hurt, you know,
8 the environment.

9 We do plan on implementing, per the
10 ordinance, the decommissioning bond. And the bond
11 now is obviously set by Ogle County, so we'll work
12 to, you know, stay within that. We'll issue a very
13 detailed decommissioning plan, and, you know, stay
14 within that balance of the ordinance.

15 I mean, that's -- everything else is
16 pretty much the same as the past project. I mean,
17 it's the same materials, just different location.
18 The main difference is, you know, our involvement
19 with Mr. Morris, and, you know, the same marketing
20 campaign, we sent out the same pamphlets.

21 In the past presentation we talked about
22 the, you know, not really understanding what the
23 community solar savings is for the electricity bill.
24 We have sent out these pamphlets as far as part of

1 our marketing campaign, Community Solar. It just
2 talks about how the subscriptions work. We work
3 with a third-party consultant, Ameren and ComEd, on,
4 you know, issuing subscriptions to the people within
5 this area. And what this community solar does is,
6 it gives people who don't have the resources or
7 means or rooftop or even want to put solar on their
8 house or property, it gives them kind of a close
9 proximity solar field that, you know, they can
10 subscribe up to 40 percent. And what that does is,
11 that mitigates some of the volatility of the peak
12 pricing of your electric bill. That's what really
13 gets you, obviously -- you know, in the summertime
14 when you get your peak price and it's hot,
15 obviously, that's when you get the most solar power,
16 so, you know, it's providing a mitigated measure to
17 the peak power which in turn saves you. The
18 subscriber gets credits, but even the people that
19 don't subscribe save money because solar power
20 mitigates with that power.

21 So that's really all I have for this
22 particular project, like I said, to save everybody
23 time. I'd love to answer any site specific
24 questions. But, yeah, it's the same material, same

1 fence. This one does not have barbed wire, because
2 we worked that out with Mr. Morris, so, you know, we
3 can do it on the other site, too, but this one does
4 not have barbed wire, but it's the same everything
5 else.

6 CHAIRMAN OCKEN: And where is Mr. Morris's
7 residence?

8 MR. GRISSOM: Mr. Morris's residence --

9 CHAIRMAN OCKEN: Is that the upper
10 left-hand corner?

11 MR. GRISSOM: Yeah. The one right here
12 (indicating).

13 CHAIRMAN OCKEN: Yes. Okay.

14 MR. HAYES: Can you please explain to me
15 how -- let's say this gentleman here gets an
16 electric bill, is it reflected on his electric bill
17 that you get the savings? Is that implied or is
18 that just savings of power?

19 MR. GRISSOM: If you do subscribe, it is
20 reflected. You get credits on your electric bill,
21 basically, you know, money down, or, you know, it
22 gives you a certain percentage off on your electric
23 bill. As far as the people who don't subscribe, I
24 don't honestly know how Ameren or ComEd, you know,

1 issue or deals with that as far as their bill.

2 MR. HAYES: And how do the people go about
3 subscription use?

4 MR. GRISSOM: We will, you know, when and
5 if the projects go through, we work with a
6 third-party consultant on selling subscriptions to
7 the people within the community solar area.

8 MR. HAYES: And how far does that solar
9 community go out?

10 MR. GRISSOM: It really depends upon the
11 field. You know, I'm not really sure, to be honest
12 with you.

13 MR. REIBEL: Anybody in ComEd's service
14 area can purchase credit from this, correct?

15 MR. GRISSOM: Yeah. Yes, I mean --

16 MR. REIBEL: So it can be somebody in
17 Chicago or Byron or Stillman Valley?

18 MR. GRISSOM: I believe so, yeah. I mean,
19 I don't think it's limited to just the people who
20 live around there. And, you know, these -- there's
21 solar fields going all up and around in Illinois, so
22 it would be hard, in my opinion, for ComEd just to,
23 you know, designate the electricity go to certain
24 people. The grid is too complicated for that. But,

1 you know, it's overall ComEd's whole territory, all
2 these solar community fields, you know, combine into
3 your solar developing territory.

4 CHAIRMAN OCKEN: Any other questions or
5 comments from the board?

6 (No response.)

7 CHAIRMAN OCKEN: You may be seated. Thank
8 you.

9 MR. GRISSOM: Thank you.

10 CHAIRMAN OCKEN: We'll now go through the
11 a list of appearances. Again, I will remind you
12 that this is an opportunity only to question the
13 petitioner, not to make statements or offer personal
14 testimony. There will be given a time for personal
15 testimony later. Bruce Roe.

16 MR. ROE: Do I do this again?

17 CHAIRMAN OCKEN: No, I don't think so.

18 MR. ROE: Okay. My question is --

19 CHAIRMAN OCKEN: Mr. Roe, I correct
20 myself. Since this is a different petition, we'll
21 do it again.

22 BRUCE ROE,
23 having been first duly sworn testified as follows:

24 CHAIRMAN OCKEN: State your name and

1 address, please.

2 MR. ROE: My name is Bruce Roe, R-O-E,
3 5719 East Skinner Road, Stillman Valley.

4 My question is, it looks to me like
5 as I come southeast -- southwest on Kishwaukee, I'm
6 able to -- may be able to see a lot of these panels;
7 is that true?

8 MR. GRISSOM: You could just right there.
9 This is all hidden right here. So the only place
10 you would be able to see it would be right there,
11 and, like I said, these landscaping plans are
12 conceptual. If you, you know -- if you have an
13 issue, we would work to, you know, put a buffer in
14 there.

15 MR. ROE: My issue would be at certain
16 times of day, probably from when the sun first rises
17 and the panels are pointed that way, towards the
18 road, is there a possibility that with so many
19 panels, that some subset of them could cause a
20 problem for drivers as they go by?

21 MR. GRISSOM: No, sir. These are
22 antireflective panels.

23 MR. ROE: They aren't perfect.

24 MR. GRISSOM: Well, they're designed --

1 they're designed to be antireflective.

2 MR. ROE: Have you got enough landscaping
3 that that can't happen?

4 MR. GRISSOM: I think right there this is
5 all wooded. This was an old limestone quarry.

6 MR. ROE: Okay. That's my question. Will
7 you have enough stuff in the way that that can never
8 happen?

9 MR. GRISSOM: This looks like the contours
10 on this part of the parcel by the Youngs place I
11 think that is, is pretty steep, so, you know, I
12 would think that you couldn't see it from the road.

13 MR. ROE: All right.

14 MR. GRISSOM: But this part right here,
15 you can only see it in this little stretch, and the
16 rest of it is too wooded.

17 MR. ROE: I'll leave it at this. It needs
18 to be surveyed some more. Thank you.

19 MR. GRISSOM: Yep.

20 CHAIRMAN OCKEN: Next is Ronald Morris.

21 MR. MORRIS: I'm here to make comments, so
22 skip it.

23 CHAIRMAN OCKEN: Okay.

24 MR. MORRIS: They all apply. All the

1 comments apply.

2 CHAIRMAN OCKEN: Okay. Next is Casey
3 Chadwick. Is Casey Chadwick here?

4 MR. GRISSOM: I don't believe she's going
5 to be here when I talked to her prior to the
6 meeting.

7 CHAIRMAN OCKEN: Okay. Is there anyone
8 who wishes to speak in favor of this petition?

9 DAN TERHARK,
10 having been first duly sworn and testified as follows:

11 CHAIRMAN OCKEN: Please state your name
12 and address.

13 MR. TERHARK: Dan Terhark, T-E-R-H-A-R-K,
14 3997 North Pear Road, Polo, IL 61064.

15 I just want to briefly talk, because
16 I've got to go and do chores, but the land itself,
17 the best use for the land, we've moved it around,
18 Site 1 and Site 2, if you look on your map there
19 where it's proposed, the entryway to get into the
20 property for that is right next to a piece of
21 timber, and that is a gravel pit there. So any of
22 the other ground in that area is mostly rock. I've
23 worked with my renter who farms the ground for me,
24 and he -- do you have a letter from the Marion

1 Township Planning Commission that they sent to you?

2 MR. REIBEL: Just the township board.

3 MR. TERHARK: Because they sent a -- I
4 called him the other day, and he sent you a letter
5 also that was the meeting that most of us were there
6 the first time. Craig Hagelbock, he farms the
7 ground for me. He is actually one who seconded the
8 motion in favor of it. He farms the ground. He
9 knows this ground better than anybody else, myself
10 included. It's mostly a rocky area. The -- on a
11 dry year, there is not much of a harvest, unlike
12 this year, there should be some. But the ground, if
13 we're talking being visible from Kishwaukee, only
14 the left side of the gravel pit, that piece, that
15 will be visible from Kishwaukee Road. The rest of
16 it, there's a big hill, and it's over in the valley.
17 So most of that, 90 percent of that won't even be
18 visible from Kishwaukee Road.

19 The substation is a three-phase
20 substation, of course. The wires coming across the
21 property are single phase, so we'll have to add two
22 more wires. Like they're saying, it's a 500 18-mil
23 wire aluminum. That's about the diameter of a hot
24 dog. That's above the ground on a pole. So they'll

1 have to add two of those. Any of the wires coming
2 down going under the ground will be about three feet
3 deep, and those are insulated with high voltage. So
4 that would be like a hot dog with a bun. That's
5 about the diameter of those.

6 So as far as the wires go and any
7 concerns, if people are concerned, most of the
8 people here tonight are concerned about opening a
9 gate and if somebody puts one here, they're going to
10 put more here, and correct me if I'm wrong, any
11 application has to come before this board, is that
12 not correct? So if this was done, too, I mean, I
13 could have applied for like 130 acres which is what
14 I own in that area instead of the 26. So this is a
15 small community solar project that would benefit the
16 area, and I didn't want a larger facility, so that's
17 why I decided on this.

18 Anybody who lives in the area or a
19 mile on the other side of my property, whatever, is
20 concerned about that. That can't happen unless it
21 goes through a board. So I don't know, it was
22 mentioned in the Marion Township Planning Commission
23 meeting was they said that, and I agree, of course,
24 that's why I chose this piece of property out of my

1 own, is that there is hardly any other land that is
2 more conducive for something like this. It's not in
3 a residential area. The only person is Mr. Morris,
4 who has had concerns and concessions made by
5 ForeFront to help with any of it. I did not talk to
6 him personally, no. I did not think it was a
7 concern. I don't know him, because he has solar
8 panels on his own property, so I didn't think that
9 there would be a problem for anything like that as
10 it was. So that's why I decided on this property,
11 and we talked about it, and being in a valley the
12 way it is, people aren't going to see it. There's
13 hardly any neighbors around as it is. It's not very
14 productive ground, so that would be the best use of
15 the ground. I think that's an immediate concern
16 that I'm concerned about and most of the zoning
17 board. And that's why I like it.

18 CHAIRMAN OCKEN: Okay. Thank you.

19 Is there anyone else here that wishes to
20 speak in favor of this petition? Go ahead.

21 MR. GRISSOM: I just wanted to make one
22 more point. You know, like Dan said, you know, I
23 know the concern of, you know, an influx of solar,
24 community solar projects in Ogle County is obviously

1 a concern. I mean, it's, you know, it's a valid
2 concern. But it's important to know that this
3 program has a cap. It's a lottery. It would be low
4 probability that, you know, all these projects were
5 to, you know, even if they were -- even if they
6 were -- to actually be built. So it's the first --
7 the first block is only 158 megawatts, and that's
8 statewide. So I just wanted to point that out.

9 MR. REIBEL: Do you have a binding
10 agreement with Mr. Morris to provide landscaping?

11 MR. GRISSOM: I will soon. Casey Chadwick
12 is working something up and some other agreements as
13 well, you know, like an agreement for the well, not
14 to damage the well, you know, just protective
15 agreements that we're willing to sign to ensure
16 that, you know, his concerns are met.

17 MR. REIBEL: Can you tell us what the
18 landscaping will be?

19 MR. GRISSOM: We haven't really a hundred
20 percent dialed that in yet. He had some -- he
21 had some -- he had -- I'd have to go get it off my
22 last email. He had multiple, you know, suggestions
23 I guess you could say. We first suggested the
24 dogwood and the evergreen, but I'd have to see --

1 would you like me to pull that email up? I
2 certainly can.

3 CHAIRMAN OCKEN: Does the board want to
4 see that? I don't think it's necessary.

5 MR. GRISSOM: To be honest with you, it's
6 pretty new a species that I don't know much about.
7 To be honest with you, our landscape engineer did
8 not suggest because it's not a good buffering plan
9 and after a few years it doesn't seem to do well,
10 but that's what he wants.

11 CHAIRMAN OCKEN: But you are willing to
12 work with Mr. Morris --

13 MR. GRISSOM: Yes, sir.

14 CHAIRMAN OCKEN: -- and work something out
15 to your mutual agreement?

16 MR. GRISSOM: Yes, sir. And, you know,
17 he's got opinions. He's got pretty strong legal
18 representation to get that contractually.

19 MR. REIBEL: You're indicating landscape.
20 You've represented to us here that you're going to
21 provide landscaping around the Wesley Young property
22 to the north and east and along the boundary of the
23 Steven Dreesen property to the north?

24 MR. GRISSOM: Uh-huh. (Affirmative

1 response.)

2 MR. REIBEL: Are you going to provide the
3 same landscaping up along those boundaries as you
4 are with the Ronald Morris property?

5 MR. GRISSOM: We would provide whatever,
6 you know, whatever they suggested. If they didn't
7 suggest anything, we would provide them this is the
8 best buffering and would do probably the best with
9 the soil, you know, that are indigenous to Illinois,
10 so . . .

11 MR. REIBEL: This landscaping plan you
12 presented is pretty vague.

13 MR. GRISSOM: It is conceptual. Nobody
14 has come to us from this property, only the Morris's
15 property. So we got this in here, you know, as a
16 conceptual, you know, insulation, but we could not
17 put it there. Nobody has complained about that
18 area. This is just conceptual.

19 MR. REIBEL: So you're saying you're not
20 committed to putting landscaping along the Dreesen
21 or Wesley Young property?

22 MR. GRISSOM: If they don't want it.

23 MR. REIBEL: Okay.

24 MR. GRISSOM: If they do want it, we will

1 put it.

2 MR. REIBEL: Okay.

3 MR. GRISSOM: It could be their preference
4 to not want to see a dogwood or an evergreen, so,
5 you know, we're -- we do these conceptual plans, you
6 know, to try to screen residential areas, and if
7 they don't want it, we don't have to put it there.
8 We'll do whatever the surrounding residents want,
9 you know.

10 CHAIRMAN OCKEN: Okay. Thank you.

11 MR. GRISSOM: You're welcome.

12 CHAIRMAN OCKEN: Is there anyone else here
13 who wishes to speak in favor of this petition?

14 (No response.)

15 CHAIRMAN OCKEN: Is there anyone who
16 wishes to speak against this petition? Mr. Roe.

17 MR. ROE: Just one thing. On the feed
18 down Kishwaukee, I heard somebody -- something about
19 adding two wires. That feed is only 12 kilovolts,
20 and it's a Y connection. That means one wire is
21 essentially a zero volt, and the other has the 12
22 kilovolts. The three phase is going to be a delta
23 connection. That means no zero volt wire and
24 probably 33 kilovolts, not 12, otherwise the current

1 is going to be way too high. And I'm on that
2 12-kilovolt line, and if that line got so far off, I
3 could not operate at my house. So there's going to
4 have to be a brand-new feed not using any of the
5 current wire there. That, of course, is my opinion,
6 but I do have some experience. Thank you.

7 CHAIRMAN OCKEN: Does anyone wish to
8 respond?

9 MR. GRISSOM: He is a hundred percent
10 correct. That is addressed in our interconnection
11 agreement with ComEd, and that line upgrade is all
12 on our dime. It's a very astute observation, but,
13 yeah, he's a hundred percent correct.

14 CHAIRMAN OCKEN: Is there anyone else here
15 who wishes to speak against this petition?

16 (No response.)

17 CHAIRMAN OCKEN: Hearing none. I'm going
18 to bypass closing statements. I don't think anybody
19 needs to make a closing statement unless somebody
20 wishes to.

21 Are there any questions or comments from
22 the board?

23 MR. HAYES: I have a concern about the
24 border with the dogwood. I think that we should

1 somehow put that in as a, not necessarily a
2 requirement, but a requirement if the residential
3 areas ask for it.

4 MR. REIBEL: They're not here.

5 MR. HAYES: If they're not here, I don't
6 know how to put that really in.

7 MR. REIBEL: They're not here objecting to
8 it.

9 MR. HAYES: Okay. So moved.

10 CHAIRMAN OCKEN: I think they've indicated
11 they're willing to work with them. We'll go on good
12 faith that that will happen.

13 MR. GRISSOM: Yes, sir.

14 CHAIRMAN OCKEN: Hearing no questions or
15 comments, the board will now go through the findings
16 of fact. Mr. Reibel, please read the first
17 standard.

18 MR. REIBEL: Standard 1, That the proposed
19 special use will not be unreasonably detrimental to
20 the value of other property in the neighborhood in
21 which it is to be located or the public health,
22 safety, morals, comfort or general welfare at large.

23 MR. WILLIAMS: The petitioner has
24 adequately demonstrated that a solar farm will not

1 be unreasonably detrimental to the value of other
2 property in the vicinity, and will not be
3 detrimental to the public health, safety, morals,
4 comfort or general welfare at large. I believe the
5 standard is met.

6 CHAIRMAN OCKEN: I agree.

7 MR. SODERHOLM: I agree.

8 MR. HAYES: I agree.

9 MR. REED: I agree.

10 MR. REIBEL: Two, That the location and
11 size of the special use, the nature and intensity of
12 the operation involved in or conducted in connection
13 with it, and the location of the site with respect
14 to streets giving access to it are such that the
15 special use will not dominate the immediate
16 neighborhood so as to prevent development and use of
17 neighboring property in accordance with the
18 applicable zoning district regulations. In
19 determining whether the special use will so dominant
20 the immediate neighborhood, consideration shall be
21 given to:

22 A., the location, nature and height of
23 building, structures, walls and fences on the site;
24 and,

1 B., the nature and extent of proposed
2 landscaping and screening on the proposed site.

3 MR. REED: The proposed solar farm will be
4 enclosed by a security fence and will be well
5 buffered from nearby residential uses. The proposed
6 solar farm will not adversely impact agricultural
7 uses on adjacent properties or other properties in
8 the vicinity. I believe that standard has been met.

9 CHAIRMAN OCKEN: I agree.

10 MR. SODERHOLM: Agree.

11 MR. HAYES: I agree.

12 MR. WILLIAMS: I agree.

13 MR. REIBEL: Three, That off-street
14 parking and loading areas will be provided in
15 accordance with the standards set forth in these
16 regulations.

17 MR. SODERHOLM: The site is large enough
18 so that adequate off-street parking and loading
19 areas can be provided. That standard is met.

20 CHAIRMAN OCKEN: I agree.

21 MR. HAYES: I agree.

22 MR. REED: Agree.

23 MR. WILLIAMS: Agree.

24 MR. REIBEL: Four, That adequate

1 utilities, ingress/egress to the site, access roads,
2 drainage and other such necessary facilities have
3 been or will be provided.

4 MR. HAYES: The petitioner has adequately
5 demonstrated that adequate utilities, ingress/egress
6 to the site from Kishwaukee Road, access roads,
7 drainage and other necessary facilities have been or
8 will be provided. I believe the standard is met.

9 MR. WILLIAMS: I agree.

10 MR. SODERHOLM: Agree.

11 MR. REED: I agree.

12 CHAIRMAN OCKEN: I agree.

13 MR. REIBEL: Five, That the proposed use
14 can be operated in a manner that is not detrimental
15 to the permitted developments and uses in the zoning
16 district; can be developed and operated in a manner
17 that is visually compatible with the permitted uses
18 in the surrounding area; and is deemed essential or
19 desirable to preserve and promote the public health,
20 safety and general welfare of Ogle County.

21 MR. WILLIAMS: The petitioner has
22 adequately demonstrated that the proposed use will
23 not adversely affect development and use other
24 properties; will not generate noise, odors or

1 traffic; will be visually compatible with the area;
2 and, is deemed essential and desirable to preserve
3 and promote the public health, safety and general
4 welfare of Ogle County. I believe the standard is
5 met.

6 CHAIRMAN OCKEN: I agree.

7 MR. HAYES: I agree.

8 MR. SODERHOLM: Agree.

9 MR. REED: I agree.

10 MR. REIBEL: Six, That the proposed
11 special use complies with all provisions of the
12 applicable district regulations.

13 MR. REED: The proposed special use
14 appears to comply with all provisions of the AG-1
15 district regulations. I believe the standard has
16 been met.

17 CHAIRMAN OCKEN: I agree.

18 MR. HAYES: I agree.

19 MR. SODERHOLM: Agree.

20 MR. WILLIAMS: I agree.

21 CHAIRMAN OCKEN: All of the standards have
22 been met. I will entertain a motion to approve this
23 petition which includes the stated recommendations.

24 MR. WILLIAMS: Mr. Chairman, I'll make a

1 motion to approve 7-18 Special Use permit based on
2 all the standards were met with the recommendations
3 of the staff report, and then also with regard to
4 the environmental of the Endangered Species Act,
5 also complying with those.

6 CHAIRMAN OCKEN: Mr. Williams has moved.

7 Is there a second?

8 MR. SODERHOLM: Second.

9 CHAIRMAN OCKEN: Mr. Soderholm seconds.

10 Does the board have any other questions or
11 comments?

12 (No response.)

13 CHAIRMAN OCKEN: Hearing none.

14 Mr. Reibel, please call the roll.

15 MR. REIBEL: Reed?

16 MR. REED: Yes.

17 MR. REIBEL: Hayes?

18 MR. HAYES: Yes.

19 MR. REIBEL: Soderholm?

20 MR. SODERHOLM: Yes.

21 MR. REIBEL: Williams?

22 MR. WILLIAMS: Yes.

23 MR. REIBEL: Ocken?

24 CHAIRMAN OCKEN: Yes.

1 MR. REIBEL: Five voted yes.

2 CHAIRMAN OCKEN: This motion has been
3 approved by a vote of 5 to 0.

4 MR. REIBEL: The petition will go on to
5 the Planning and Zoning Committee of the Ogle County
6 Board on July 10th at 10 a.m. in this room, and to
7 the county board for a decision on July 17th, at
8 5:30 p.m., also in this room.

9 CHAIRMAN OCKEN: Do we have any further
10 business?

11 MR. REIBEL: No further business.

12 CHAIRMAN OCKEN: I call this meeting
13 adjourned at 10:03.

14 (Whereupon, at 10:03 p.m., the
15 meeting was adjourned.)

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1 Now on this 17th day of July, A.D., 2017, I
2 do signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.

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Randy Ocken, Chairman

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Michael Reibel,
Zoning Administrator

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Margaret M. Ciembronowicz
Certified Shorthand Reporter
IL License No. 084-003-833

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1 STATE OF ILLINOIS)
2 COUNTY OF OGLE) SS

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5 In the Matter of the Petition

6 of

7 FFP IL Community Solar, LLC & Pifkin,
8 Marion Township,
9 Ogle County, Illinois

9

10

11

12 Testimony of Witnesses
13 Produced, Sworn and
14 Examined on this 28th day
15 of June, A.D., 2018,
16 before the Ogle County
17 Zoning Board of Appeals

16

17

18 Present:

19 Paul Soderholm
20 Mark Hayes
21 James Reed
22 Dave Williams

22 Randy Ocken, Chairman
23 Michael Reibel, Zoning Administrator

23

24 Margaret M. Ciembronowicz, Court Reporter

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1 CHAIRMAN OCKEN: Mr. Reibel, what's the
2 next order of business?

3 MR. REIBEL: If we could take a couple of
4 minutes to get their presentation set up first.

5 CHAIRMAN OCKEN: Sure. We'll take a brief
6 recess to get set up for the presentation.

7 (A brief recess was had.)

8 CHAIRMAN OCKEN: We are back in session,
9 and we will consider No. 6-18 Special Use Permit.

10 MR. REIBEL: This is to consider the
11 petition filed April 17th, 2018, of FFP IL Community
12 Solar, LLC, in care of Sam Youneszadeh, 100
13 Montgomery Street, Suite 725, San Francisco, CA, and
14 Ronald E. and Carolyn A. Pifkin, 6821 East Hales
15 Corner Road, Stillman Valley, Illinois, for a
16 special use permit to allow a solar farm in AG-1
17 Agricultural District, on the property described as
18 follows:

19 Owned by Ronald E. and Carolyn A. Pifkin,
20 and being leased by FFP IL Community Solar, LLC.

21 Part of the East Half of Government Lot 2
22 of the Northeast Fractional Quarter of Section 3 and
23 part of Government Lot 1 and Government Lot 2 of the
24 NW Fractional 1/4 of Section 2, Marion Township,

1 24N, R11E of the 4th P.M., Ogle County, Illinois,
2 55.3 acres, more or less.

3 Property Identification Nos. 10-03-200-012
4 and 10-02-101-001, commonly located in the 7000
5 block of East Hales Corner Road.

6 And this is a continued public hearing
7 continued from May 31st, 2018. So I do have some
8 additional reports to read into the record. I do
9 have a letter on file from Marion Township, dated
10 May 29th, 2018, which states that the Marion
11 Township Board has taken the following zoning
12 petitions under consideration. The first petition,
13 Ogle No. 6-18 Special Use for a solar farm being
14 farmed by Ron and Carol Pifkin of Stillman Valley.
15 After being presented all pertinent information by
16 the planning commission, the township board
17 expressed the following concerns:

18 Diminished value of the surrounding
19 residential properties, loss of various rural
20 character, attractiveness and desirability, loss of
21 prime farmland from production, not consistent with
22 Stillman Valley and Marion Township development
23 plan, truck traffic during construction, possibly
24 destruction of the seal coated roads and safety

1 concerns regarding traffic in area. Even though the
2 area is not considered a floodplain, there is a
3 history of flooding in the area being adjacent to
4 the Stillman Creek. Residents are concerned that
5 dirt work may make flooding worse.

6 Given the above concerns, the Marion
7 Township Board voted unanimously to oppose this
8 special use request.

9 The letter is respectfully submitted by
10 Marion Township Board.

11 I have a report on file from the Illinois
12 Department of Natural Resources, EcoCat, an
13 ecological compliance assessment tool for endangered
14 species consultation, and the report indicates that
15 the Illinois Natural Heritage Database contains no
16 records of statements of threatened or endangered
17 species. Illinois National Areas Inventory Site
18 indicated Illinois nature preserves are registered
19 land and water reserves in the vicinity of the
20 project location, and the consultation process is
21 terminated.

22 At the June 21st, 2018, meeting of the
23 regional planning commission, the regional planning
24 commission was presented with the revised concept

1 plan for the project, and Mr. White -- I'm sorry --
2 Mr. Wetzel made a motion to recommend approval of
3 Petition 6-18 Special Use subject to the recommended
4 conditions of the staff report as it meets the
5 comprehensive plan for special use in the AG-1
6 Zoning District, as a proposed solar farm will fit
7 with surrounding areas, seconded by Mr. Reising.
8 The roll call vote indicated the motion carried by a
9 vote of three yes to two no.

10 And under the staff report, the revised
11 staff report, which is on file, and the board
12 members have received, I will point out -- and the
13 staff report has a revision date of June 18th, 2018.
14 I will point out that the site is located on the
15 south side of East Hales Corner Road beginning
16 approximately 1/10th of a mile east of North
17 Crestview Road and approximately 8/10ths of a mile
18 west of North Stillman Road in the 7000 block of
19 East Hales Corner Road.

20 Size. The total area of the parcels upon
21 which the special use is proposed is 55.3 acres.
22 The proposed special use area, the area of the
23 proposed solar farm, is 36.23 acres.

24 Existing land use is agriculture row crop

1 production.

2 Surrounding Land and Zoning. The site is
3 within an area that contains a mixture of
4 residential uses and agricultural uses. The site
5 adjoins the Canadian Pacific Railroad right-of-way
6 to the south. Land south of the railroad
7 right-of-way is in agricultural use and is zoned
8 AG-1 in Section 3 and R-2 Single-Family Residence
9 District in Section 2. Land to the west is in
10 residential use zoned AG-1. The northerly
11 approximately 425 feet of the land adjacent to the
12 east is in residential use zoned R-1 Rural Residence
13 District. The remainder of the land adjacent to the
14 east is in agricultural use zoned AG-1. The western
15 approximately 864 feet of the northern boundary is
16 adjoined by residential uses zoned R-1 and by a
17 non-farm residential parcel zoned AG-1. The
18 remainder of the northern boundary is adjoined by
19 agricultural use zoned AG-1.

20 No previous zoning history on the site.

21 Applicable Regulations: "Solar farm" is a
22 listed special use within the AG-1 Agricultural
23 District.

24 Public Utilities: No public utilities are

1 required of a solar farm.

2 Transportation: East Hales Corner Road is
3 a seal coat surfaced local road under the
4 jurisdiction of Marion Township.

5 Physical Characteristics: The site is
6 part of a nearly level to gently sloping stream
7 terrace. There are no mapped wetlands on the site.
8 The extreme southeastern corner of the site is
9 within the mapped Special Flood Hazard Area,
10 floodplain Stillman Creek. The identified soil
11 types within the proposed special use area have the
12 following selected characteristics:

13 2 percent are poorly drained, 11.5 percent
14 are somewhat poorly drained, and 86.5 percent are
15 well drained.

16 2 percent are subject to frequent ponding
17 and flooding for brief durations.

18 One identified soil type on the site 3776A
19 is classified as a hydric soil. A hydric soil is a
20 soil that formed under conditions of saturation,
21 flooding or ponding long enough during the growing
22 season to develop anaerobic conditions in the upper
23 part.

24 100 percent are classified as being prime

1 farmland.

2 98 percent have moderate potential frost
3 action, and 2 percent have high potential frost
4 action.

5 13.5 percent have a high risk of corrosion
6 for uncoated steel, and 86.5 percent have a moderate
7 risk.

8 The depth to seasonal saturation is 0-10
9 inches on 2 percent of the site, 10-20 inches on
10 11.5 percent of the site, and greater than 79 inches
11 on the remainder of the site.

12 Under the LESA program, the LESA score of
13 191.7 indicates a low rating for protection. LE
14 equals 91.7, site assessment 100.

15 And I do have a number of recommended
16 conditions for approval of this special use permit.
17 And unless someone would request that they'd all be
18 read at this time, they are on file and can be made
19 available.

20 CHAIRMAN OCKEN: Okay.

21 MR. REIBEL: I believe that is all I have.

22 CHAIRMAN OCKEN: Would the petitioners
23 please step forward. Please raise your right hand.

24 MR. REIBEL: And if you could turn on the

1 microphone, the button on the right-hand side.

2 JASON GRISSOM, ANDREW LINES, BRIAN HARTWIG
3 having been first duly sworn and testified as follows:

4 CHAIRMAN OCKEN: And if you would please
5 state your name and -- names and addresses for the
6 recorder.

7 MR. GRISSOM: My name is Jason -- my name
8 is Jason Grissom, G-R-I-S-S-O-M. My address is 4415
9 Twisted Tree Drive, Austin, Texas 78735.

10 MR. HARTWIG: I'm Brian Hartwig,
11 H-A-R-T-W-I-G. My address is 230 West Monroe
12 Street, Suite 630, Chicago, Illinois 60606.

13 MR. LINES: I'm Andrew Lines, L-I-N-E-S,
14 200 South Wacker, Chicago, Illinois 60606.

15 CHAIRMAN OCKEN: Go ahead.

16 MR. GRISSOM: Yeah, so as we stated, my
17 name's Jason. I'm with ForeFront Power. This is
18 Andrew and Brian, and we're here to basically
19 suggest the approval of the site that we have, the
20 Pifkin property.

21 I'd like to -- typically we go over a
22 little bit of the company itself and what we're
23 trying do here in Illinois.

24 CHAIRMAN OCKEN: If you could step back

1 just a little bit. It's plenty loud.

2 MR. REIBEL: That microphone picks you up.

3 MR. GRISSOM: Yeah, it's pretty loud to
4 me, too.

5 So, yeah, I'd like to go over ForeFront
6 Power as a company, what we're trying to do here in
7 Illinois, and then, obviously, the site specific
8 details.

9 So as you probably know, in 2017, Illinois
10 passed the Future Energy Jobs Act which created new
11 jobs and programs to support solar in Illinois. So
12 they carved a little part of this program that is
13 for community solar, and that's what these projects
14 are classified as.

15 You know, I know the County has probably
16 started to see a lot of these applications and an
17 influx of these projects, but I think it's important
18 to note that there is a cap on the amount of these
19 projects per the program, the FEJ program. So I
20 just wanted to stress that.

21 Forefront, as a company, our business plan
22 is to own and operate these projects long term. So
23 during the duration of the 20-year PPA, we want to,
24 you know, have a local presence. We want to --

1 we're not going to sell these off. Our business
2 plan is to own and operate them long term. We, as a
3 company, we're based out of San Francisco. We have
4 an office in New York. We have an office in Chicago
5 as well. It's a pretty small company right now,
6 only 50 employees, but expanding greatly.

7 The team itself has a vast amount of solar
8 experience, roughly ten years, on average. Myself,
9 I've got eight years of experience, but the
10 engineers and the sales crew and the rest of the
11 team have quite a bit of experience.

12 Currently, ForeFront has a hundred
13 megawatts, over a hundred megawatts of application
14 in with ComEd or Ameren. So we're really, you know,
15 trying to get our projects out there, you know, with
16 the chance of getting in this lottery.

17 You know, I think that our intention, like
18 I said, is to develop relationships. We have
19 started a marketing campaign pretty much because of
20 the County, this particular campaign's projects,
21 and, you know, some of the concerns that we were
22 seeing, so we started a marketing campaign, and I've
23 got the fliers here. I'd be happy to pass them out,
24 to kind of let the community know about what we're

1 trying to do, the site specific plans, commonly
2 misconstrued, you know, conceptions of solar itself,
3 frequently asked questions. Those all have been
4 sent out, and also some of our landowners,
5 specifically Mr. Pifkin, has been nice enough to
6 pass them out among the community. So we've
7 definitely, you know, done what we can to alleviate
8 any concerns and get ahead of any opposition, so . .
9 . sorry about this. Sorry about that.

10 So I kind of went over the company, the
11 experience of the team. Obviously we're trying to
12 get involved here in Illinois and be long-term
13 owners and operators of the project. I brought
14 some, just for everybody's visuals I guess you could
15 say, some examples of what it would look like, or
16 what these projects look like. This is kind of a
17 side view. This is actually in Oregon, because
18 there's not a lot of projects in Illinois at this
19 point. But this is a project that shows the road,
20 kind of how high the modules sit. Sorry about that.

21 So, yeah, another example shows the fence.
22 That -- our particular fence is going to be six
23 foot, spec'd out at six foot. It had barbed wire.
24 We have worked on with, you know, different

1 landowners on different projects, and we can get rid
2 of the barbed wire if that's an issue. On the next
3 project we actually have -- so that's what the fence
4 looks like. Another view from the side. That kind
5 of shows the growth that we typically like to see
6 and that we need to have to get the building permit
7 closed out. But that will, you know, kind of slow
8 down the erosion and shows, you know, shows how the
9 end product looks. We'll have O & M people, locally
10 hired O & M crew that will come out and maintain the
11 site, weed the site, fix any electrical issues,
12 anything like that.

13 This is another picture that kind of
14 shows the outside road, also a picture kind of close
15 to the residence, but, you know, so we have quite a
16 few projects within, you know, residential areas,
17 but, obviously, they're all within the SUP ordinance
18 regulations.

19 And that's kind of an overhead view,
20 and it's pretty similar in size as far as what
21 you'll see. That's probably around 1 1/2 or 2
22 megawatts.

23 That's a picture of the
24 interconnection path. Typically we would go

1 underground to one of ComEd's poles, and then up the
2 pole over to a re-closer, which is a protective
3 device, and then to our meter, and then ComEd's
4 meter, and then up to the grid.

5 Now, hopefully going to the site
6 specific overview. This is a 4-megawatt site. The
7 site plan is up there. It's kind of hard to read,
8 but a 4-megawatt site. This one is 36.23 acres. It
9 is -- the parcel is at 6821 East Hales Corner Road,
10 Stillman Valley. This is 1.5 miles from the Village
11 of Stillman Valley, currently, like he mentioned,
12 AG-1. The parent parcel owner is Ron Pifkin.

13 You know, we will have an all-weather
14 classified road that is off of East Hales Corner
15 Road. Spacing on the modules is roughly 18.33 feet.
16 The modules themselves are made out of completely
17 inert material, nothing toxic. It's basically
18 glass, aluminum and silicon. And the glass is
19 antireflective. It's not -- I know that the glare
20 is kind of an issue, but the technology has improved
21 to where that the glasses that we have set up or the
22 modules that we have are antiglare, antireflective
23 glass.

24 The site has little to no noise. I

1 mean, we're talking decibel levels of roughly
2 60 decibels for the most -- for the loudest piece of
3 equipment, that's the transformer and switch gear.
4 That is, you know, roughly the same -- the same
5 level as a vacuum cleaner, and that's in the middle
6 of the site. You know, we put these transformers
7 and inverters in the middle of the site. It sits on
8 a little 30-by-30 pad, basically, probably 12 inches
9 thick. And that's the only concrete that we have on
10 the site.

11 The modules sit on a tracker system.
12 We haven't really nailed down the exact tracker that
13 we're going to use, but it basically goes 60 degrees
14 negative, 60 degrees positive. It follows the sun
15 during the day, and at the end of the day, it stows
16 to get ready for the sunset the next day. This is
17 all controlled by our monitoring, Locus Monitoring
18 System.

19 You know, like I said, no toxic
20 material, low impact on the roads. We use a native
21 pollinator mix to minimize runoff. It's basically a
22 type 5 IDOT native mix. Basically what you see on
23 the side of the roads, that will be the final
24 product. Like I said, it's maintained by our O & M

1 group. And it's good as far as reducing runoff,
2 because the vegetation reduces the runoff to what
3 the site is now, you know, dirt, and it also kind
4 of, you know, brings oxygen into the soil, so it
5 kind of lets it rest and then gives nutrients to the
6 soil for after the solar field is through its term.

7 We do have a decommissioning bond per
8 the ordinance, and the substation for this one is a
9 Stillman Valley substation approximately 3500 feet
10 away, something like that. And the utility provider
11 is ComEd.

12 That right there is a picture of the
13 interconnection route and the parcel. So, you know,
14 it's a little bit further then we'd like to go. We
15 pick these sites, obviously, you know, the main
16 reason is proximity to the substation, but also, you
17 know, nice level grounds. We pick it for, you know,
18 access to road, but also, most importantly is the
19 willing landowner, and, you know, that's what we
20 have on this site, and Ron's worked very well with
21 us so far, so we appreciate him.

22 Like I said, we have initiated,
23 pretty much because of these sites, a marketing
24 campaign where we sent out marketing information to

1 get ahead of any, you know, misconceptions or have,
2 you know, anything site specific that the community
3 wants or needs to know about. And that's kind of
4 what our marketing package looks like. I also have
5 one here, and I can share that with the board, if
6 needed.

7 MR. REIBEL: If you'd like to do that,
8 that might be helpful. That's pretty hard to read
9 on the screen.

10 MR. GRISSOM: Yeah, I can do that right
11 now.

12 MR. REIBEL: We'll mark that Petitioners'
13 Exhibit 1.

14 (Petitioners' Exhibit No. 1 was
15 marked.)

16 MR. GRISSOM: So, yeah, like I said, we,
17 you know, we want to reach out. It's not going to
18 work if, you know, there's tension. We're trying
19 our best to be, you know, good neighbors to
20 everybody, and we actually, like Mike said, you
21 know, made a strong effort to redo the site plan to
22 get as far as we could away from surrounding
23 neighbors and also, you know, implement landscape
24 buffers. I also have a plan with the conceptual

1 landscape buffer. I will be happy to share that as
2 well. And, you know, we're making a conscious
3 effort to make sure everybody is happy.

4 The next part of the presentation, you
5 know, sometimes, you know, the land value -- the
6 land value topic comes up, and that's why we have
7 CohnReznick here. I wonder if Andrew could address
8 that.

9 MR. LINES: Good evening. Can you guys
10 hear me back there?

11 (Audience answers
12 affirmatively.)

13 MR. LINES: I know you guys are listening
14 intently. My name is Andrew Lines. I work for a
15 company called CohnReznick. We are 11th on the list
16 of accounting firms. We provide impact and advisory
17 services for a number of different companies. We
18 have a very strong focus in commercial real estate.
19 We work with landowners and developers and building
20 owners in a really wide variety of property types
21 across the country. And I work in the valuation
22 advisory services group.

23 I work specifically with a woman
24 named Patricia McGarr. She's the national director

1 of our valuation group. She's been evaluating
2 properties for over 30 years. She grew up here in
3 Illinois and holds a certified general Illinois
4 commercial appraisal license. She specializes in
5 impact studies, a lot of different kinds of
6 property, judging whether or not a proposed use
7 might have an impact on adjacent property.

8 Last year Governor Rauner appointed
9 her to the State of Illinois Department of Financial
10 and Professional Regulations Real Estate Appraisal
11 Board, and that board serves as a way to maintain
12 the -- uphold the finest standards for appraisals.
13 She does a lot of peer review issues and also writes
14 some of the rules with regards to appraisals
15 themselves here in Illinois. This past year she was
16 elected vice chairman.

17 This next slide is me. I'm not as
18 attractive to look at as Pat, but I'm also a State
19 of Illinois certified general commercial appraiser.
20 I've been appraising here in Illinois for over 16
21 years. I also hold an MAI designation which means
22 member of the appraisal institute. That's a
23 national institute. I'm with another couple of real
24 estate councils, and I'm happy to be here today.

1 So what did we do? We conducted a
2 property value impact study to determine whether or
3 not the proposed solar farms that they were --
4 ForeFront is asking for, are going to be negatively
5 impacting the adjacent property.

6 Now, the State of Illinois hasn't had
7 a large degree of solar development. There's only
8 been about 83 megawatts of solar farms actively
9 erected here in the state. By contrast, the State
10 of Illinois (sic) has had almost 275 megawatts. So
11 far more development. There are other states that
12 also have a lot more development than the State of
13 Illinois has. So while we did our best to study as
14 many erected solar farms here in the state of
15 Illinois, we also used some farms that were over in
16 the state of Indiana. It's also midwest. The areas
17 are fairly agricultural in nature, and we had
18 similar site impacts. So we thought that that would
19 be a good way of starting the process.

20 We looked at probably a total of 18
21 or 19 different solar farms, and what we did is, we
22 tried to find farms that had been around for more
23 than a few years and then identified all of the
24 adjacent property that's contiguous to the solar

1 arrays and find out which ones of those have sold
2 since the solar farm was erected. Once we had
3 identified those sales, we then compared them with a
4 group of very similar property to determine whether
5 or not those sale prices were similar. So a few of
6 the farms that we selected, I'm going to summarize
7 and show them for you.

8 The first was in LaSalle County, the
9 city of Streator, and that was a pretty large
10 project completed in 2012. That was a 20-megawatt
11 project, so I think five times the size of the one
12 that ForeFront is proposing.

13 Some of you are probably aware or
14 have driven by the one just south of the Rockford
15 Airport. We studied that one. It's not really
16 contiguous to any residential property, but we did
17 find some farm parcels that had sold after that was
18 erected. That's a pretty large swatch of land that
19 was supposed to be developed with a pretty huge
20 amount of solar panels. It was 183 acres in total
21 that was supposed to be developed, although only
22 3 megawatts were actually developed on that site.

23 The third one, which was a really
24 great study. It revealed a lot of data that we were

1 able to observe was in -- down by Indianapolis, the
2 Dominion Canon Solar Farm. Again, it's a very large
3 project, 11.9 megawatts, so about three times the
4 size of what ForeFront is proposing.

5 We have a few other ones, some
6 smaller projects, one in Portage, one in Frankton
7 and also one Valparaiso, which I believe were fairly
8 similar areas in terms of the amount of residential
9 development nearby. And then the kind of impact of
10 the trend and development still in fairly rural
11 areas.

12 Overall, we found 17 adjoining
13 property sales to study. We compared those to 70
14 controlled sales. And when I'm talking about test
15 areas and controlled, this comes from a very
16 specific textbook in our industry. It's called *Real*
17 *Estate Damages*. It was written by an MAI, like
18 myself, and also a Ph.D. His name is Randy Bell,
19 and he's considered the grandfather or the godfather
20 of impact studies, stigma, regressive analysis.
21 These are his forte. And so what he talks about is
22 the best ways to do a comparative sales analysis.
23 And this compares potentially impacted properties,
24 as I mentioned, the test areas, with unimpacted

1 properties called controlled areas. So for our
2 purposes here, the test areas are sales located
3 adjacent, immediately adjacent, to solar farms. And
4 our controlled areas are otherwise similar
5 properties that are locationally removed, so far
6 enough away that we don't believe that there's any
7 influence that's caused by the solar panels
8 themselves. And what Randy tells us is that while
9 the legitimate conditions exists, there will likely
10 be a measurable and consistent difference between
11 the two sets of market data. And if not, there will
12 likely be no significant difference between the two
13 sets of data. So we've studied six different sites,
14 and we have a number of different sales to observe.
15 So if there is a negative impact, we should see very
16 similar trends with all six studies. So let's see
17 what the study says.

18 So here's, in Streator, down in
19 LaSalle, Grand Ridge Solar Farm. You can see here,
20 pretty rural area. All neighboring and adjacent
21 farms. There's a couple of small residences nearby
22 and a very large site dominated by solar panels. So
23 we went in and we identified each one of the single
24 parcels that's right around the solar farm and there

1 are a number of neighbors. And since this solar
2 farm was erected, we found one sale. It was No. 12
3 on that site, which happened to be a single-family
4 home. And we compared that one home with five
5 controlled area sales. So five different sales
6 compared to one. And what we noticed was that there
7 really wasn't a large, measurable difference. It
8 was 7 1/2 percent in favor of the house that was
9 immediately adjacent to the solar farm. Now, you
10 say, okay, well, does that mean my house is going to
11 go up by being next to a solar farm? Not
12 necessarily. And so that's why it's important that
13 we study multiple solar arrays to find out whether
14 or not there's a consistent trend. So we'll put
15 this one in the back pocket, and we'll move forward.

16 Here's the one that's very close,
17 here in Winnebago. So the arrows are pointing to
18 the property that we found that sold, which was a
19 collection of farmland. I'll be honest with you,
20 some of the land that's right here that's south of
21 the airport, it's not great land. It's very poor
22 productivity and a lot of wetlands. That's why you
23 see some of these prices per acre being so low. But
24 when we examined these with what we believed were

1 similar farms, we found that there was a really
2 negligible difference between the test area farms
3 that sold and the controlled area sales. We found
4 seven different farms that sold in the general area
5 on having some of the same types of productivity.

6 Here's our third one in Indianapolis.
7 Again, it's really large. You'll see I've got a
8 little box around the property just west of the
9 solar farm. We'll come back to that in a second.
10 So you can see we found a large farm that sold just
11 to the east of the solar farm. It sold for, you
12 know, about \$1800 per acre. When we compared that
13 with four other farms, really a negligible
14 difference of 1 1/2 percent in favor of the farm
15 that was next to the solar farm.

16 If you look back here, there's a big
17 residential subdivision on the north side of the
18 solar farm. And this was great, because this
19 permitted us to view and observe a lot of data
20 pieces of cookie cutter single-family homes that
21 were all in eyeshot, located directly across the
22 street from the solar array. So if any homes or any
23 pieces of property are going to be impacted by this
24 very, very large solar farm, it's going to be these

1 homes.

2 We were able to compare two different
3 sets of homes along that strip, a few that had sold
4 in the 2012 to 2015 range, and then three or four
5 more that sold all in the same year, 2017. We were
6 able to compare that with the same homes from the
7 same homebuilder in the same subdivision but a
8 couple of streets north. No way they would be able
9 to see the solar farm. We also compared them with
10 two other subdivisions made by the same homebuilder
11 located further north and further to the west. And
12 when we compared the test area, group one, with
13 eight different sales of very similar homes by the
14 same homebuilder, we found the statistical
15 difference of 3.4 percent in favor of the homes that
16 were across the street from the solar farm. Again,
17 I'm not suggesting that you should have higher value
18 by being next to the solar farms, but it's clearly
19 not negative, and it clearly doesn't show a very
20 large negative difference that would suggest that
21 there's a consistent trend.

22 Here's that second group. Again, you
23 can see these chosen homes from north of the
24 subdivision as well as the two other subdivisions.

1 Here, again, less than 3 percent, which is
2 statistically insignificant.

3 Now, back to that piece of land and
4 home on the west of the solar farm. So you can see,
5 the solar farm is erected, and it was a long, narrow
6 piece of farmland. Well, after this solar farm was
7 developed, the developer came in and built a very
8 large estate home with a massive in-ground pool, and
9 that property is about 150 feet between the house
10 and the panels themselves. That sold for over
11 \$450,000. There it is. This is a really good piece
12 of market evidence that tells us that the market at
13 large, okay, at large, isn't deterred by the fact
14 that there's an existing solar array.

15 Here's one in Porter County. This is
16 another large estate home that was built within
17 eyeshot and directly adjacent to an existing solar
18 farm. We also found that farm and another house
19 that was located immediately adjacent, and we
20 couldn't find any statistical differences when we
21 tested those particular sales with groups of
22 controlled sales located further away.

23 This one is Frankton. We had two
24 homes here. Again, very little statistical

1 differences when we compared these homes to homes
2 that were located further away. I remember I spoke
3 with the gentleman who owned sale seven immediately
4 next door. He had been living there for about 15 --
5 or not that long. But he told me that he was really
6 concerned when they put in the solar farm that that
7 was going to impact his value. He told me that over
8 time he forgot it was even there. And he told me
9 that it's a really great neighbor that never throws
10 parties. And that's something to consider when
11 you're thinking about living next to a very quiet
12 passive use.

13 Here's Valparaiso. Two homes on the
14 southern edge. Another, we moved a little bit.
15 They've got a little bit of a barrier there, but,
16 again, they're within 4- to 600 feet from the
17 existing solar panels. Again, you can see a
18 noticeable trend in each direction. We had one that
19 was 3 percent positive, and the other that was
20 3 percent in the other direction. Same solar farm.

21 In summary, we looked at six
22 different sites. We studied 70 different sales.
23 The average of all of the differences between the
24 test areas and the control areas was 1.69 percent.

1 Again, statistically insignificant from an
2 appraiser's point of view.

3 Just so you can see, we also listed
4 the feet from panel to lot which was, I think,
5 83 feet was the most severe, and then also from the
6 panel to the house, which we had a minimum of
7 145 feet. So no consistent negative impact has
8 occurred to adjacent property that could be
9 attributed to the proximity to the adjacent solar
10 farm.

11 Now, we didn't just stop there. We
12 also conducted interviews and did as much research
13 as we could for existing studies that are out there.
14 We spoke to each one of the township assessors for
15 each one of the solar fields that we identified that
16 have been around for a few years, and we asked them
17 have you guys noticed any trends that would suggest
18 that the homes next to these solar farms have
19 diminished in value. And all of them said none. In
20 fact, one of the assessors said if there was,
21 somebody would have called me and asked to reduce
22 their assessment, and nobody has done that. We also
23 spoke with a few brokers, and they couldn't identify
24 any diminish based on price or on marketing period,

1 which was another part of our survey.

2 Thank you so much for your time. I'm
3 happy to take any questions that you have. Jason.

4 MR. GRISSOM: Kind of to follow up on the
5 tax land value, basically the financial impact of
6 this solar farm. Illinois states in Bill 486, I
7 believe that's sitting on the governor's desk still,
8 that provides kind of a standardized assessment
9 process for the ground mount in front of the metered
10 commercial solar energy systems. And if you do the
11 math with respect to the fair market value and that
12 is what's assigned electrical components and the --
13 basically all the electrical components in that
14 farm, a fair market value. I believe that comes to
15 around \$230,000, and that's pretty -- that's
16 standard within the bill. This is the Illinois
17 State bill. And what that does, that basically
18 gives the tax revenue for these solar farms at about
19 \$6,000 per megawatt per year. So, you know, that's
20 also a big advantage to where it currently sits now
21 taxwise.

22 Kind of to sum up, you know, we've made a
23 strong effort here to, you know, be compliant with
24 all the ordinance regulations. Obviously, this

1 land, this parcel, is zoned for this use. We've
2 done a lot of redesigning of the site and
3 reconfiguring. We've introduced landscape plans and
4 done everything that we could to be as good as
5 neighbor as possible, because we want this to be a
6 mutually beneficial situation for everybody, and,
7 you know, we want to bring an asset to the community
8 that brings tax dollars, and, also, you know, lower
9 energy prices.

10 So if you have any questions --

11 CHAIRMAN OCKEN: Could you elaborate on
12 the landscape plan, the landscape buffer that you
13 talked about?

14 MR. GRISSOM: Yes, sir. The landscape
15 buffer is, you know, when we initially drew up the
16 site, obviously, it was near some residences that
17 didn't really like it, you know, in their backyard I
18 guess you could say. So we addressed that with our
19 landscape architect -- I'm sorry -- our landscape
20 engineer and came up with this landscape plan for
21 this particular site. Would you like me to share
22 it?

23 CHAIRMAN OCKEN: Yes.

24 MR. GRISSOM: I don't know if I brought

1 enough copies for everyone is the question.

2 MR. REIBEL: Can you display that on the
3 screen, too?

4 MR. GRISSOM: Yeah. I don't have it in
5 the -- I don't have it on this particular computer.

6 MR. REIBEL: I mean, if it's a PowerPoint,
7 you can just open it up and display it on your
8 screen.

9 MR. GRISSOM: Yes, I'll get it off my
10 computer and onto a thumb drive and then onto his
11 computer, but I can do it.

12 CHAIRMAN OCKEN: Yeah, I think that would
13 be --

14 MR. REIBEL: I'll label this as
15 Petitioners' Exhibit 2. Oh, yeah, this is the wrong
16 one.

17 (Petitioners' Exhibit No. 2 was
18 marked.)

19 CHAIRMAN OCKEN: We have both Hales Corner
20 and Kishwaukee Road. That's what we're sorting out.

21 (Whereupon, there was an
22 conversation among the board
23 members.)

24 CHAIRMAN OCKEN: Sir, can I have you come

1 back on up.

2 MR. GRISSOM: This is probably the
3 original, and this one has probably been modified.

4 CHAIRMAN OCKEN: This one shows the buffer
5 all the way --

6 MR. GRISSOM: Yes. Well, we have
7 conceptual multiple options --

8 CHAIRMAN OCKEN: Oh, okay.

9 MR. GRISSOM: -- just to address, you
10 know. We haven't made --

11 MR. REIBEL: We need to have this
12 discussion so everybody can hear.

13 MR. GRISSOM: Sorry about that difficulty.

14 Yeah, so like I said, we've been --
15 because of this, you know, some of the neighbors'
16 concerns, just recently we have worked with our
17 landscape engineer to come up with different options
18 on the landscape plan to try and, you know, give the
19 community different, you know, different options to
20 screen their view. This particular one, you know, I
21 don't know if we'll implement this or not. You
22 know, we also are contractually obligated to
23 implement within the option of the lease certain
24 areas of landscape buffer with Mr. Pifkin. So this

1 one right here, it's got the landscape buffer which
2 is basically about an eight-foot evergreen tree with
3 the -- it's about, I don't know, I think it's
4 anywhere from four- to eight-foot dogwood, and it's
5 red, you know, during the summer, and then it has
6 red branches when it sheds its leaves in the
7 wintertime. So that provides a dense vegetative
8 screening so you really can't see the solar field.

9 CHAIRMAN OCKEN: And are you going to
10 intersperse the arborvitae and the dogwood? Is it
11 two separate rows, or how is it --

12 MR. GRISSOM: No, they sit contiguous, you
13 know. The evergreen would be up against the fence,
14 and then the dogwood would be in front of it.

15 CHAIRMAN OCKEN: In front of it?

16 MR. GRISSOM: Yeah.

17 CHAIRMAN OCKEN: And do you have any idea
18 on the spacing on the arborvitae? How far apart are
19 those -- would those --

20 MR. GRISSOM: I believe it's six feet.

21 CHAIRMAN OCKEN: Six?

22 MR. GRISSOM: Yeah.

23 CHAIRMAN OCKEN: And according to that
24 plan then, it goes all along the northern side and

1 all along the western side and partway along the
2 eastern side; is that correct?

3 MR. GRISSOM: Yes, sir. But to be honest
4 with you, you know, Mr. Pifkin lives along the
5 western side, so, you know, that already has kind of
6 a natural buffer, and I don't know if that's needed
7 there. And, you know, it's his land, so, you know,
8 he obviously isn't opposed to looking at a solar
9 field.

10 CHAIRMAN OCKEN: So if he didn't request
11 that, that'd be his land, that's fine.

12 MR. GRISSOM: Exactly. Exactly. Our
13 conceptual, this is something that we have
14 introduced to alleviate concerns, try to mitigate
15 some of the, you know, just try to be as good of a
16 neighbor as we can and make it as appealing a
17 project as we can.

18 CHAIRMAN OCKEN: Now, on this, it shows
19 the landscape barrier going right along Hales Corner
20 Road, but the fence is actually much closer to the
21 arrays, right?

22 MR. GRISSOM: Yes, sir. We could put
23 the -- we could put the -- we could put the
24 landscape buffer along the fence or along the road.

1 It's what the community really prefers.

2 CHAIRMAN OCKEN: It's just -- it's just
3 some options.

4 MR. GRISSOM: These are just some options,
5 like I said, to try to mitigate concerns.

6 CHAIRMAN OCKEN: I would almost think the
7 buffer would be on that -- along Hales Corner Road,
8 that the buffer would be better back along the fence
9 and have natural vegetation in front of that to the
10 road.

11 MR. GRISSOM: Yeah. Yeah, I mean, that's
12 a good point. I think as far as the landscape
13 engineers go, when they do these landscape plans and
14 landscape buffers, they typically put it closest to,
15 you know, whatever they're trying to buffer,
16 because, you know, the further away it gets, the
17 more you can see over it. So that's -- they kind of
18 keep a, you know, they kind of do it -- they have a
19 methodology, but, like I said, this is conceptual,
20 and, you know, we could put it against the fence, we
21 can, you know, we can put it wherever it sits best
22 and the community wants it.

23 CHAIRMAN OCKEN: Yeah. I'd assume you'd
24 be willing to work with neighbors?

1 MR. GRISSOM: Yes, sir.

2 CHAIRMAN OCKEN: So it will go from the
3 pole and then onto the line to the substation?

4 MR. GRISSOM: Yes, sir. Sometimes
5 they'll -- the utility will put one pole right next
6 to the one that, you know, will take it to the
7 substation. That's just for a meter and a
8 re-closer. Sometimes they put that on the same
9 pole. It just depends on the structural analysis.

10 CHAIRMAN OCKEN: Okay. And I had a
11 question when you were talking about tax revenue --

12 MR. GRISSOM: Yes, sir.

13 CHAIRMAN OCKEN: -- you said that -- you
14 estimated that would be about \$6,000 per megawatt
15 per year. This is a 4-megawatt installation; is
16 that right?

17 MR. GRISSOM: Yes, sir.

18 CHAIRMAN OCKEN: So \$24,000?

19 MR. GRISSOM: Yes, sir.

20 CHAIRMAN OCKEN: And that would be divided
21 among the Stillman Valley School District, the fire
22 protection, Marion Township, that's the total amount
23 of tax revenue for this --

24 MR. GRISSOM: That's what is estimated

1 from the numbers that Ron and I came up with. It's
2 in the -- it's in the bill. Like we, you know, went
3 to the bill on the Internet. It's a standardized
4 assessment of -- 220 or 230?

5 MR. PIFKIN: Like 218.

6 MR. GRISSOM: 218. So, you know, when you
7 do the fair market value appreciation for fair
8 market components, the IRS considers personal
9 property as far as electrical components, you get
10 around \$55,000 per megawatt. And then if you
11 multiply that times the current tax rate, which I
12 guess is .0875, I believe, that's kind of where you
13 get your, you know, 55-, 56,000. I mean, it's not
14 an exact number, but it's in a bill, so it will be
15 somewhere around \$6,000 per megawatt per year.

16 CHAIRMAN OCKEN: And so in this bill, in
17 this State of Illinois bill, this assessment comes
18 from the State. This isn't done at the County
19 level?

20 MR. GRISSOM: That is correct.

21 CHAIRMAN OCKEN: Okay. So they're already
22 assessing these, and the County accepts whatever the
23 State has set that assessment at?

24 MR. GRISSOM: That's correct.

1 MR. REIBEL: The County assessor will
2 assess them based on what the bill says. It's a
3 standardized assessment.

4 CHAIRMAN OCKEN: But he's not going to
5 change what the bill --

6 MR. REIBEL: No, no. It's standardized.
7 So everybody in the state is assessed in the same
8 way.

9 CHAIRMAN OCKEN: Okay.

10 MR. REIBEL: Just like they did with the
11 State wind turbines.

12 CHAIRMAN OCKEN: All right. Did you have
13 anything further?

14 MR. GRISSOM: I did not.

15 CHAIRMAN OCKEN: Okay. Are there any
16 questions or comments from the board?

17 (No response.)

18 CHAIRMAN OCKEN: Okay. We have no
19 questions at this time, so you may be seated. Thank
20 you.

21 We have a list of individuals who have
22 filed for an appearance. I will remind you this is
23 an opportunity only to question the petitioner, not
24 to make statements or offer personal testimony. If

1 you wish to make a statement, you will be given an
2 opportunity later in the hearing. But at this
3 point, this is to ask questions of the petitioner.

4 The first person who has filed for an
5 appearance is Mr. Bruce Roe.

6 MR. ROW: Could we get up the slide that
7 they showed earlier?

8 CHAIRMAN OCKEN: Please raise your right
9 hand.

10 BRUCE ROE,
11 having been first duly sworn and testified as follows:

12 CHAIRMAN OCKEN: Please state your name
13 and address.

14 MR. ROE: Bruce Roe, 5719 East Skinner
15 Road, Stillman Valley. Does that cover it?

16 CHAIRMAN OCKEN: Proceed with your
17 questions.

18 MR. ROE: I would like to see the slide
19 that showed the grassy country road and the one
20 telephone pole and then the statement, "This is what
21 our feed looks like." Can you do that?

22 MR. GRISSOM: Sure.

23 MR. ROE: It was earlier in the
24 presentation. That's it. So my question is, I'm

1 looking at a feed that looks very much like the one
2 feeding my house which is wired for 200 amps. And
3 how much power are you going to run? Enough for 600
4 houses?

5 MR. GRISSOM: It's roughly 320 for a
6 2-megawatt farm. So this would be a 4-megawatt
7 watt, 640.

8 MR. ROE: So wouldn't you expect 330 volt,
9 33-kilovolt, three-phase line? And not only that,
10 are the transformers on your property, do you own
11 those or ComEd owns those?

12 MR. GRISSOM: No, sir, we own them.

13 MR. ROE: You own them?

14 MR. GRISSOM: Yes, sir. We would
15 install -- procure them and install them.

16 MR. ROE: Okay. So you're going to send
17 probably some kind of five-volt MVA across from your
18 transformers to the poles that ComEd owns?

19 MR. GRISSOM: Yes, sir. They would be
20 underground on probably 500 casing mil, medium
21 voltage -- medium voltage lines, obviously,
22 insulated per NEC Code and at a depth per NEC Code.

23 MR. ROE: And you're good to go if
24 ComEd runs -- if ComEd runs aboveground, how do you

1 work underground with that kind of power?

2 MR. GRISSOM: It's not a far run. It's
3 only around a thousand feet.

4 MR. ROE: It's what?

5 MR. GRISSOM: It's not a far run for us,
6 and we situate the size accordingly. It's not --
7 you know, that's just part of the finances of the
8 project for medium-voltage run.

9 MR. ROE: So that's going to be part of
10 the deal, it will be underground, that's your
11 assertion?

12 MR. GRISSOM: Yes, sir.

13 MR. ROE: Okay. And the next question is,
14 given that ComEd is using the type of equipment
15 we're talking that you can't see under the road, as
16 a fence that is 82 inches chain link with barbed
17 wire on top of that, how come you only want to build
18 a 72-inch fence?

19 MR. GRISSOM: Well, we have to -- like I
20 said, we have to stay within NEC Code on the fence
21 height. So our engineers do a lot of due diligence
22 to spec it at a certain height. For security
23 reasons, we can put a barbed wire on it, but it
24 doesn't have to be barbed if we can stay within the

1 NEC Code and if it's a problem with the community,
2 you know, we can --

3 MR. ROE: Well, is your feed that comes
4 underground going to go directly to the transformer
5 box without being exposed?

6 MR. GRISSOM: It will go through --
7 underneath the pad, a concrete pad, 30-by-30 pad and
8 up through the transformer and out of the conduit.

9 MR. ROE: So the answer is it's not
10 exposed?

11 MR. GRISSOM: It's not exposed.

12 MR. ROE: Thank you. I think I'm done.

13 CHAIRMAN OCKEN: The next person is
14 Patricia Russ. Please raise your right hand.

15 PATRICIA RUSS,
16 having been first duly sworn and testified as follows:

17 CHAIRMAN OCKEN: Please state your name
18 and address.

19 MS. RUSS: Patricia Russ, 6998 East
20 Tazwell Road, Stillman Valley.

21 The first question is for the
22 gentleman that did the study. Who funded the study?

23 MR. LINES: We were commissioned by
24 ForeFront.

1 MS. RUSS: Okay. So the people who you're
2 saying, yes, this is good, are the people who paid
3 to analyze the data?

4 MR. LINES: I'm not saying, yes, it's
5 good, but, yes.

6 MS. RUSS: Okay. Can you provide the
7 date -- I'm sorry. I'm just a simple person like
8 you.

9 MR. LINES: Awesome.

10 MS. RUSS: You had done several of these
11 studies. What dates were you using?

12 MR. LINES: So most of the solar farms
13 have been developed after 2011. I think most of
14 them were developed around 2012. So you're talking
15 about rural areas, how many sale transactions do you
16 see within a rural area within five years. And then
17 now you're talking about a very specific location
18 and a few number of parcels. So I wish that there
19 was a lot more data. I think the one in
20 Indianapolis is a great set because you did have,
21 you know, a vast number of sales in just that one
22 row, which was fantastic.

23 MS. RUSS: And that's your opinion. But
24 the way those houses are facing, they're facing the

1 opposite direction. So they're looking back --
2 they're back door essentially to these. They don't
3 access them from the same road. They're accessed on
4 the road on the other side. And, again, I haven't
5 had a chance -- I haven't seen any of the handouts
6 that are here. Nobody has given me anything, so I
7 didn't have a chance to look at any of this.

8 MR. LINES: Sure.

9 MS. RUSS: This is based on what you were
10 saying.

11 MR. LINES: These are good questions.

12 MR. RUSS: The little bits that I can see,
13 it looked like that when people drive in the
14 driveway, they're driving in from the opposite side.

15 What kind of value -- your numbers
16 were very small. What kind of value of homes are we
17 talking about?

18 MR. LINES: That would be dependent from
19 study to study, you know. Let me see. So for that
20 particular one, you're talking about homes that
21 ranged, you know, anywhere from a low of 110,000 to
22 a high of \$300,000 plus. So it just depended on the
23 enclaves in which you're talking about.

24 MS. RUSS: And what's the per capita for

1 these towns that you're studying? Stillman Valley
2 has a very high per capita as far as income goes.
3 Medium income, if you will. What's the -- what kind
4 of income are we talking about in these homes?

5 MR. LINES: That's a great question. The
6 Dominion study which essentially is just a far, far
7 suburb of Indianapolis, I'd say it was fairly
8 strong. It's not, you know, North Shore, Chicago.
9 I wish I had the exact data in front of me, but I do
10 not.

11 MS. RUSS: Things to think about.

12 MR. LINES: Absolutely.

13 MS. RUSS: From 2011, til now, in general,
14 home prices have been going up. We're past the
15 recession.

16 MR. LINES: Correct.

17 MS. RUSS: You know, things are going up
18 in general. You're saying, okay, maybe there's
19 anywhere from 3 to maybe a 7 percent increase. That
20 could be the market rebounding.

21 MR. LINES: We're not talking about
22 appreciation. We're talking about sale price of one
23 house versus the sale price of a group of homes, and
24 the difference between those two. So whether or not

1 the market is trending down or up, you would see --
2 you should see a statistically larger, right, a
3 difference between the homes in the farmland located
4 right around the solar farm if the solar farm was
5 the item that was causing a negative impact to that
6 property.

7 MS. RUSS: A 7 percent increase
8 difference. A 7 percent difference in home value
9 isn't substantial, not even on a \$110,000 home,
10 so --

11 MR. LINES: Exactly.

12 MS. RUSS: -- that could be the difference
13 between --

14 MR. LINES: That's our point.

15 MS. RUSS: But that could be the
16 difference between someone having a brand-new
17 kitchen and not having a brand-new kitchen. It
18 could be the home itself.

19 MR. LINES: Exactly. Thank you so much
20 for saying that.

21 MS. RUSS: No, no, no --

22 MR. LINES: So if we were going to see a
23 major influence of something that was right next
24 door that would impact your property values, then we

1 would see the statistical anomaly being a lot larger
2 than 3 percent or 5 percent. We'd see 10, 15, 20
3 percent. And we'd say, Ah-ha, that's the thing
4 that's doing it. We can't find that. That's the
5 reason for the study.

6 MS. RUSS: How long were the homes on the
7 market?

8 MR. LINES: All of the marketing times
9 that we found through the entire studies were
10 consistent with the test areas and the control
11 areas.

12 MS. RUSS: I don't know what that means.

13 MR. LINES: The marketing time periods
14 were consistent --

15 MS. RUSS: So they were on the market --
16 being on the market and being sold?

17 MR. LINES: Correct.

18 MS. RUSS: And do you know what that
19 time -- well, no, it's not important. I apologize.

20 MR. LINES: That's okay.

21 MS. RUSS: So what you didn't do is, you
22 didn't do an assessment before the -- before the
23 farm went in and after farm went in. It was all
24 done after the sales, correct?

1 MR. LINES: That's correct.

2 MS. RUSS: Did you do any studies -- and I
3 didn't see them -- where -- with the exception of
4 the one where there was one side of all the homes in
5 a row. Did you have anything where there were homes
6 like this site where it's scattered all around? I
7 think there's three sides there's homes scattered
8 all around.

9 MR. LINES: Yeah, I think the other -- I
10 think all of the other impact studies that you saw
11 we had homes that were scattered.

12 MS. RUSS: But there were sales so you
13 couldn't assess the difference?

14 MR. LINES: No, we did.

15 MS. RUSS: Well, you --

16 MR. LINES: Agreed. There were one or two
17 sales. Those are the ones that were immediately
18 adjacent to the solar farms. But each of those
19 sales were compared to a group of homes that were
20 similar in terms of size, dates built, acreage. And
21 what we found is that there wasn't a statistical
22 difference.

23 MS. RUSS: And how far away were the
24 control area homes? You said that they were -- you

1 felt that there was no influence.

2 MR. LINES: That's correct.

3 MS. RUSS: How far away --

4 MR. LINES: Some of them were, you know,
5 in the same school district, right? Maybe located,
6 you know, a mile and a half or two miles down the
7 road. Others were in the next township over. It
8 just -- it depended on a particular study how far
9 we'd go out. You know, you can't make up data. In
10 some of these rural areas, there just aren't a lot
11 of data points. So we did our best.

12 MS. RUSS: Okay. I was taking notes as
13 you were talking.

14 MR. LINES: That's fantastic.

15 MS. RUSS: You had said that the
16 substation was farther away than you wanted. You
17 were going to take the lines and you were going to
18 go farther with lines. Ideally, how far do you want
19 to go when you look for lots?

20 MR. GRISSOM: As close as we can, because
21 when we enter -- what we have to do is, we have to
22 enter into an interconnection agreement with ComEd
23 or Ameren. And we have -- we bear the financial
24 responsibility. So the further away, the more

1 expensive the line upgrade or the connection upgrade
2 is going to be. But that's -- that has nothing to
3 do with like, you know, the community hearing.
4 That's a financial burden that we bear.

5 MS. RUSS: How far would you go before
6 you're like that's not an appropriate lot? Is there
7 a number that you have?

8 MR. GRISSOM: There's really -- we've got
9 some that are 50,000 feet, you know, that we're
10 still pursuing. So, you know, it just depends.
11 There's a lot of different factors as far as the
12 financing of the project.

13 MS. RUSS: Let's talk about landscaping.
14 How big are these trees and dogwood bushes when they
15 go in?

16 MR. GRISSOM: I think the dogwood are like
17 three feet, and the evergreens are eight feet.

18 MS. RUSS: So you're putting in mature
19 trees?

20 MR. GRISSOM: Yes.

21 MS. RUSS: You're not going (inaudible),
22 what it is is what it is?

23 MR. GRISSOM: Yes, that's -- these are,
24 you know, heavily engineered landscape plans for

1 that purpose, not to get too high to shade, not to
2 get too low that you can see.

3 MS. RUSS: And you're going to center
4 every eight feet, from what I saw from the plans,
5 again, first time tonight, every eight feet you're
6 going to put an evergreen and either right in front
7 or was it off center between those two you're going
8 to put the dogwoods?

9 MR. GRISSOM: It will be centered.

10 MS. RUSS: Okay. So every eight feet
11 we're going to have a tree, and in between that or
12 in front of it or staggered?

13 MR. GRISSOM: In front of it. But, you
14 know, we could do it anyway you guys want to do it.
15 I mean, you know, this is blocking your view if you
16 deem it necessary. So we could do it any way. Our
17 intent is to work with the community not only on the
18 spacing, but also the planting.

19 MS. RUSS: You've said that, and we've
20 never seen any -- I haven't seen -- this is a
21 statement. That's not a question. Sorry.

22 MR. GRISSOM: Yeah, I mean, this is all
23 conceptual. I mentioned that as well, you know. We
24 would work with the community. We're working with

1 the community on another project that I'll present
2 later on, you know, different -- different
3 acceptable landscape options.

4 MS. RUSS: Are you confident that the
5 current feed that's used now is going to be able to
6 handle the load that you're going to tap into --

7 MR. GRISSOM: Yes.

8 MS. RUSS: -- or are you planning on doing
9 more construction?

10 MR. GRISSOM: No. We go through a
11 six-month interconnection study, different levels of
12 it with ComEd, and they have their engineers make
13 sure that this load is not going to negatively
14 affect any, you know, equipment, blow up a
15 transformer or anything like that. I mean, it's a
16 very tight grip on their -- on the grid.

17 MS. RUSS: Okay. That's all of my
18 questions right now. If I have things to submit to
19 the board as far as evidence goes, that's for my
20 statement later? Okay. Thank you.

21 CHAIRMAN OCKEN: Next is Dana Werckle.

22 ATTORNEY SHALBRACK: Good evening.

23 Gentlemen, my name is Mike Shalbrack.

24 CHAIRMAN OCKEN: Would you please raise

1 your right hand.

2 MICHAEL SHALBRACK,
3 having been first duly sworn and testified as follows:

4 CHAIRMAN OCKEN: Please state your name
5 and address.

6 ATTORNEY SHALBRACK: My name is Mike
7 Shalbrack. I'm an attorney with the firm of
8 Holmstrom & Kennedy in Rockford, and I represent
9 Dana and Mark Werckle. And I have just a few
10 questions, and then I'll step aside, because I know
11 this will be a long meeting. Can you hear me okay?

12 CHAIRMAN OCKEN: Yes.

13 ATTORNEY SHALBRACK: A couple of questions
14 I have. The first one is for Mr. Grissom.

15 Mr. Grissom, were you involved in the
16 negotiation of the agreement with the Pifkins?

17 MR. GRISSOM: No.

18 ATTORNEY SHALBRACK: You were not?

19 MR. GRISSOM: No.

20 ATTORNEY SHALBRACK: Have you seen that?

21 MR. GRISSOM: Yes.

22 ATTORNEY SHALBRACK: Can you tell the ZBA
23 what the rental is being paid to the Pifkins for
24 this agreement with --

1 MR. GRISSOM: I would rather not comment.

2 ATTORNEY SHALBRACK: I'm asking you a
3 question in an open forum.

4 MR. GRISSOM: I know, and that's
5 proprietary information between me and the client.

6 ATTORNEY SHALBRACK: There's no purpose
7 for that?

8 MR. GRISSOM: There's not a reason for me
9 to share.

10 ATTORNEY SHALBRACK: We can argue
11 relevance, but I'm curious about that information,
12 and I think the ZBA and the rest of the people here
13 are also equally curious.

14 MR. GRISSOM: If you would like, we have a
15 portal on our web site for landowners that gets them
16 in contact with salespeople. You know, we're
17 obviously very heavily involved in Illinois. They
18 can go find out on our web site at any time.

19 ATTORNEY SHALBRACK: But the ZBA is not
20 entitled to know that information?

21 MR. GRISSOM: I don't think so, no.

22 ATTORNEY SHALBRACK: Has a copy of the
23 lease been provided to the ZBA or to the County?

24 MR. GRISSOM: I believe I had the option

1 to give to Mike Reibel.

2 ATTORNEY SHALBRACK: Okay. Can I ask,
3 this is a lease agreement, it's not a purchase
4 contract?

5 MR. GRISSOM: It's an option to lease.

6 ATTORNEY SHALBRACK: What does that mean?

7 MR. GRISSOM: That means we have a period
8 that we're optioning the land with Mr. Pifkin and
9 then we go into a 20-year lease.

10 ATTORNEY SHALBRACK: Again, let me ask the
11 question. Is this a purchase or is it a lease?

12 MR. GRISSOM: Lease.

13 ATTORNEY SHALBRACK: Thank you.

14 With respect to the Marion Township
15 hearing that took place some weeks back, you
16 participated in that?

17 MR. GRISSOM: No, sir.

18 ATTORNEY SHALBRACK: You did not? Who
19 from your office did?

20 MR. GRISSOM: Nobody. I didn't even know
21 it was going on until after -- after the meeting.

22 ATTORNEY SHALBRACK: Did you have the
23 opportunity to read the findings of the Marion
24 Township award?

1 MR. GRISSOM: I did not.

2 ATTORNEY SHALBRACK: Did you hear them
3 being discussed this evening by Mr. Reibel?

4 MR. GRISSOM: I did.

5 ATTORNEY SHALBRACK: You did. Do you
6 agree or disagree with their findings?

7 MR. GRISSOM: I disagree with some of the
8 misconceptions that they had which, you know, based
9 their, you know, approval or disapproval. And I
10 actually talked to Marion Township after and
11 answered questions for them.

12 ATTORNEY SHALBRACK: And which ones do you
13 approve or disapprove of?

14 MR. GRISSOM: A lot of things. The heat
15 coming off the panels was a misconception. They
16 thought it would, you know, fry birds. The height
17 was a misconception. The toxic levels of the
18 components was a misconception. You know, we hadn't
19 introduced landscape buffers yet. So, you know,
20 they weren't privy to that.

21 ATTORNEY SHALBRACK: So the findings were
22 incorrect in your mind?

23 MR. GRISSOM: Yes.

24 ATTORNEY SHALBRACK: Okay. You had talked

1 a lot about the tax benefits for the County. With
2 respect to those tax benefits, when do those kick
3 in?

4 MR. GRISSOM: Whenever the governor signs
5 the bill that's currently on his desk.

6 ATTORNEY SHALBRACK: Has the House signed
7 the bill yet?

8 MR. GRISSOM: To be honest, I'm not sure.
9 Yes, they have.

10 ATTORNEY SHALBRACK: Was that recently?

11 MR. GRISSOM: Yes.

12 ATTORNEY SHALBRACK: Okay. And the bill
13 currently sits on the governor's desk?

14 MR. GRISSOM: Yes.

15 ATTORNEY SHALBRACK: As soon as the bill
16 gets signed, how soon does the County of Ogle
17 receive benefit from a tax?

18 MR. GRISSOM: Yeah, I'm not really -- I
19 would assume after, you know, the same time of the
20 year they would get the taxes from it, you know, on
21 the yearly basis or quarterly basis.

22 ATTORNEY SHALBRACK: When does the
23 assessment start that increases the value to create
24 the tax revenue?

1 MR. GRISSOM: I do not know.

2 ATTORNEY SHALBRACK: Does it start as soon
3 as this passes before the ZBA?

4 MR. GRISSOM: No, I assume it starts when
5 the bill is passed or finalized.

6 ATTORNEY SHALBRACK: Okay. Tax credits
7 benefiting ForeFront. Is the tax credit a certainty
8 to your company? Or you mentioned a lottery
9 earlier. I'm trying to figure out --

10 MR. GRISSOM: It's not -- I mean, the
11 program is not finalized yet, so it's not a
12 certainty.

13 ATTORNEY SHALBRACK: Okay. You mentioned
14 earlier that you've not seen the lease or you have
15 seen lease?

16 MR. GRISSOM: I have seen the lease.

17 ATTORNEY SHALBRACK: You have seen lease.
18 And were you involved in the filing of the permits?

19 MR. GRISSOM: Yes, sir.

20 ATTORNEY SHALBRACK: Okay. With respect
21 to the permits that were filed by your company, FFP,
22 who signed those permit applications?

23 MR. GRISSOM: Sam Youneszadeh. He's our
24 contract --

1 ATTORNEY SHALBRACK: I'm not going to even
2 try to pronounce it.

3 MR. GRISSOM: Yeah, exactly. It's
4 Parisian. But, yeah, he's an officer of our
5 company.

6 ATTORNEY SHALBRACK: Okay. Have you seen
7 a copy of that permit lately? That application for
8 special use permit?

9 MR. GRISSOM: Yeah, I've seen it.

10 ATTORNEY SHALBRACK: Okay.

11 MR. GRISSOM: I mean --

12 ATTORNEY SHALBRACK: If I may. May I show
13 you this for identification? Does that look like
14 that permit application?

15 MR. GRISSOM: Yeah.

16 ATTORNEY SHALBRACK: I have the second
17 page as well. So that would be important. And does
18 that appear to be Sam's signature on that document
19 as well?

20 MR. GRISSOM: Yes.

21 ATTORNEY SHALBRACK: Okay. As you can
22 see, I've highlighted a part of that page. And
23 could you read this first paragraph?

24 MR. GRISSOM: FFP Illinois Community

1 Solar, LLC, Pifkins, represents that he/she, they,
2 are the record owner or record owners and contract
3 purchasers.

4 ATTORNEY SHALBRACK: Yes. That's fine.
5 Thank you.

6 Is this Mr. Youneszadeh, is he a purchaser
7 of this property, a contract purchaser?

8 MR. GRISSOM: He's an officer of our
9 company.

10 ATTORNEY SHALBRACK: Is he a purchaser of
11 this property?

12 MR. GRISSOM: He is -- he is documented as
13 an officer of our company who is the purchaser who
14 can sign off for the purchase.

15 ATTORNEY SHALBRACK: Please understand my
16 confusion that when I ask is this a lease or a
17 purchase agreement --

18 MR. GRISSOM: This is a lease.

19 ATTORNEY SHALBRACK: Okay. So this
20 document is not correct?

21 MR. GRISSOM: No, it's correct. We are
22 the applicant.

23 ATTORNEY SHALBRACK: I'm looking at it,
24 and it says contractor purchasers.

1 MR. GRISSOM: It also, I think Mr. Pifkin
2 signed it as well as the owner, I thought, if I'm
3 correct.

4 ATTORNEY SHALBRACK: I'm going to ask you
5 that question as well. I'm showing you the second
6 document, which is another application.

7 MR. GRISSOM: Uh-huh. (Affirmative
8 response.)

9 CHAIRMAN OCKEN: Can you read that first
10 paragraph?

11 MR. GRISSOM: Now come Ronald E. and
12 Carolyn A. Pifkin and represent that he or she,
13 they, are the record owners -- record owners and
14 contract purchasers of the following.

15 ATTORNEY SHALBRACK: Okay. And does that
16 appear to be Mr. Pifkin's and Mrs. Pifkin's
17 signature on that?

18 MR. GRISSOM: Yes, sir.

19 ATTORNEY SHALBRACK: Did you do a title
20 search on this property?

21 MR. GRISSOM: Yes.

22 ATTORNEY SHALBRACK: And who is the title
23 owner of this property?

24 MR. GRISSOM: I don't know. I didn't do

1 the search on the land. The people who dealt with
2 the Pifkins on --

3 ATTORNEY SHALBRACK: Would you be
4 surprised to know that this property was held in a
5 trust?

6 MR. GRISSOM: No. We have a lot of
7 properties that are held in trusts.

8 ATTORNEY SHALBRACK: I'm going to show you
9 this document. Can you identify what that document
10 is?

11 MR. GRISSOM: The trust.

12 ATTORNEY SHALBRACK: Okay.

13 MR. GRISSOM: Pifkin Family Trust.

14 ATTORNEY SHALBRACK: Okay. So the
15 property is actually held in trust, is it not?

16 MR. GRISSOM: Yes.

17 ATTORNEY SHALBRACK: Thank you.

18 With respect to the documents that have
19 been filed with the County of Ogle, have the
20 documents been filed in the name of the trust or
21 have they been filed --

22 CHAIRMAN OCKEN: Mr. Shalbrack, I'm going
23 to ask for relevance here. I'm not sure where
24 you're going, and in the interest of time, I want to

1 give you ever opportunity to ask questions that you
2 want, but I would like to know what the relevance is
3 here.

4 ATTORNEY SHALBRACK: The relevance here,
5 Mr. Ocken, is, frankly, that we have documents that
6 have been filed with the County, and they've been
7 filed with the wrong owners' name on the property.
8 The title holder is a trust. The documents that
9 I've seen through my Freedom of Information Request,
10 indicate that these documents, applications and the
11 like, have misstatements of fact, and I believe
12 that's relevant for this hearing.

13 CHAIRMAN OCKEN: And what is the
14 misstatement of fact?

15 ATTORNEY SHALBRACK: The misstatement of
16 fact is the title holder's name or the status in
17 which they're buying the property or leasing the
18 property.

19 CHAIRMAN OCKEN: And there's a discrepancy
20 in the names?

21 ATTORNEY SHALBRACK: There's a discrepancy
22 in the title owner's name, and there is a
23 discrepancy in the description of the other party
24 involved in this.

1 CHAIRMAN OCKEN: And what is the -- what
2 is the difference? I'm not following.

3 ATTORNEY SHALBRACK: I can save my
4 statement for later, if you would prefer, and I'll
5 step down, or I can address it now.

6 CHAIRMAN OCKEN: Well, if you want to do
7 that as a statement later, that would be fine. Then
8 we can move ahead with questions. Did you have any
9 other questions then?

10 ATTORNEY SHALBRACK: The only other
11 question I have, or, in fact, I'll save that for the
12 statement as well.

13 Thank you.

14 CHAIRMAN OCKEN: Okay. All right. And do
15 Dana and Mark Werckle have any other questions then?
16 You did file for an appearance. Did you have
17 questions?

18 MARK WERCKLE,
19 having been first duly sworn and testified as follows:

20 CHAIRMAN OCKEN: Please state your name
21 and address.

22 MR. WERCKLE: Mark Werckle, W-E-R-C-K-L-E.
23 Address is 7371 East Hales Corner Road, Stillman
24 Valley.

1 I forget your name with the impact
2 study and survey.

3 MR. GRISSOM: Andrew.

4 MR. WERCKLE: I was wondering, was your
5 study done on any property before solar farms were
6 built compared to the -- all the information you
7 gave on property after they were built. I didn't
8 hear any reference on that, and I do have a copy of
9 your impact study, and I did not hear about any
10 information on that.

11 MR. LINES: No, that's correct. She
12 brought that up before. We didn't do before and
13 after analysis of a particular home before the --
14 before it went in and then after.

15 MR. WERCKLE: So you're saying it's not
16 going to impact my property less than 300 feet away
17 from my home after it's built, you have no
18 information, and this impact study has no
19 information bearing any information --

20 MR. LINES: Sir, you're asking, I think,
21 about two different kinds of studies. The study
22 that uses a comparative analysis examines whether or
23 not a sale that occurs that's immediately adjacent
24 to the solar farm, whether that's consistent with

1 similar homes and properties right around it.
2 You're asking about land appreciation, which is an
3 appreciation rate study. It's a lot more detailed,
4 and there's a little bit more involved. That would
5 require sampling a lot of homes before and after and
6 seeing what the trend of depreciation was between
7 two specific dates. It's a little bit more intense
8 of a study. I know what you're going for, and we do
9 those studies. I've done them on other kinds of
10 properties like quarries, transmission lines,
11 landfills, and I can tell you that this study is
12 pretty darn accurate when it comes to us being able
13 to tell you there isn't any impact that's caused by
14 these solar farms.

15 MR. WERCKLE: Well, you asked if there was
16 tension in the neighborhood, and there is tension in
17 the neighborhood all because we feel this is going
18 to devalue our properties. And you don't have any
19 information stating that it's not going to impact
20 our properties.

21 MR. LINES: I put forth a study which
22 indicates that we don't believe that there's any
23 negative impact --

24 MR. WERCKLE: That's your opinion on that.

1 MR. LINES: -- being adjacent to a solar
2 farm.

3 MR. WERCKLE: That's your opinion,
4 correct?

5 MR. LINES: Correct.

6 MR. WERCKLE: Correct. Thank you.

7 MR. LINES: Thank you.

8 CHAIRMAN OCKEN: Next is Mr. Bruce --

9 MS. WERCKLE: I'd like to --

10 CHAIRMAN OCKEN: Oh, yes. Go ahead. I'm
11 sorry.

12 DANA WERCKLE,
13 having been first duly sworn and testified as follows:

14 CHAIRMAN OCKEN: Please state your name
15 and address.

16 MS. WERCKLE: Dana Werckle, 7371 East
17 Hales Corner Road, Stillman Valley, Illinois.

18 This question is for Jason.

19 MR. GRISSOM: Yes.

20 MS. WERCKLE: Do you know about any other
21 proposed solar plants coming into our area?

22 MR. GRISSOM: Yes, the one that I'm doing
23 right after this case, and there's one more in Ogle
24 County that we're doing.

1 MS. WERCKLE: Where is the one right after
2 this located?

3 MR. GRISSOM: It's closer to Kishwaukee
4 Road. I don't know the address off the top of my
5 head. I can find the address on the computer, if
6 you'd like.

7 MS. WERCKLE: Yeah.

8 MR. GRISSOM: Stillman Road 50 is what
9 I've got. Stillman Road 50.

10 MS. WERCKLE: So this is another proposed
11 one going in and around our neighborhood?

12 MR. GRISSOM: I don't think it's your
13 neighborhood.

14 MS. WERCKLE: Yes, it is.

15 MR. GRISSOM: Is it?

16 MS. WERCKLE: And the homes in Streator
17 that you did the --

18 MR. SODERHOLM: Please talk into the mic.
19 I cannot hear you.

20 MS. WERCKLE: I'm sorry. The homes in
21 Streator that you mentioned in your report --

22 MR. LINES: Sure.

23 MS. WERCKLE: -- that I think was the only
24 one in Illinois you spoke of. Was that 300 feet

1 away from solar panels?

2 MR. LINES: Yeah. I can tell you exactly
3 the distance if you give me a minute. 366 feet.

4 MS. WERCKLE: Okay. Thank you.

5 MR. LINES: Yep.

6 CHAIRMAN OCKEN: Next is Mr. Bruce Bonne.

7 MR. BONNE: I'll get there.

8 CHAIRMAN OCKEN: That's all right.

9 BRUCE BONNE,

10 having been first duly sworn and testified as follows:

11 CHAIRMAN OCKEN: Please state your name
12 and address.

13 MR. BONNE: Bruce Bonne, 7753 East Hales
14 Corner Road, Stillman Valley.

15 CHAIRMAN OCKEN: And your questions.

16 MR. BONNE: Just a couple of easy ones.
17 We just saw tonight that you're going to have some
18 type of screening?

19 MR. GRISSOM: Yes.

20 MR. BONNE: Is the screening proposed
21 guaranteed, or is it I think it's what we're going
22 to do kind of thing?

23 MR. GRISSOM: Well, it's what you all
24 want.

1 MR. BONNE: We can talk about it tonight
2 and then it don't come to pass. Where is it written
3 down that this is --

4 MR. GRISSOM: It's a part of the condition
5 of the approval, is it not?

6 CHAIRMAN OCKEN: (Nodding head.)

7 MR. BONNE: How long has ForeFront been in
8 business?

9 MR. GRISSOM: ForeFront has been in
10 business since February of 2017.

11 MR. BONNE: 2017. And the last one. Do
12 any of you folks for ForeFront, do you live across
13 the road from a solar plant?

14 MR. GRISSOM: No, sir.

15 MR. LINES: (Indicating no.)

16 MR. BONNE: Would you? So you didn't buy
17 your home expecting a solar plant to be there.

18 MR. GRISSOM: No.

19 MR. BONNE: Thank you. I appreciate it.
20 That's all I have.

21 CHAIRMAN OCKEN: Next is Deborah Bonne.

22 MS. BONNE: I don't have any further
23 questions.

24 CHAIRMAN OCKEN: Okay. Brad Koskovich

1 (sp). Is Mr. Koskovich here?

2 AUDIENCE MEMBER: I don't think so.

3 CHAIRMAN OCKEN: Okay. Michael Szczech,
4 if I'm pronouncing that correctly.

5 MR. SZCZECH: I'm here, but I just have a
6 brief statement.

7 CHAIRMAN OCKEN: Okay.

8 MR. SZCZECH: No questions.

9 CHAIRMAN OCKEN: Angela Dobson?

10 MS. DOBSON: No questions.

11 CHAIRMAN OCKEN: Okay. Joseph Malk?

12 MR. MALK: Joseph Malk --

13 CHAIRMAN OCKEN: Let me swear you in
14 first, please.

15 MR. MALK: Okay.

16 JOSEPH MALK,
17 having been first duly sworn and testified as follows:

18 CHAIRMAN OCKEN: Please state your name
19 and address.

20 MR. MALK: Joseph Malk, M-A-L-K, 6689
21 Hales Corner Road, Stillman Valley.

22 Okay. Are you going to be running
23 trucks on Hales Corner Road to construct this thing?

24 MR. GRISSOM: Yes, sir.

1 MR. MALK: The roads are a thin seal coat
2 type road. Won't they damage this road?

3 MR. GRISSOM: I believe it's part of --
4 typically we enter into a road maintenance agreement
5 where we would have to basically take a video of the
6 road prior to the construction, and then, you know,
7 obviously, make sure that road is back to its
8 condition I do believe.

9 MR. MALK: Okay. You mentioned there's
10 going to be a bond set aside to dismantle and
11 dispose of the panels at a later date?

12 MR. GRISSOM: Yes, sir, a decommissioning
13 bond.

14 MR. MALK: Yes. Does this have room for
15 inflation?

16 MR. GRISSOM: I'm not sure, to be honest
17 with you. I don't know. That's kind of set by the
18 County.

19 AUDIENCE MEMBER: Can you ask the question
20 again?

21 MR. MALK: Well, I was asking if they're
22 going to put a bond in, but is there room for
23 inflation in this bond in 20 years?

24 MR. REIBEL: Do you want me to answer

1 that? The bond's based on -- well, the
2 decommissioning cost is based on the engineer's
3 estimate of salvage value, and what it cost to
4 remove it, and it's re-evaluated periodically to
5 make sure that the bond is an appropriate amount for
6 the economic climate.

7 MR. MALK: Okay. I think most of the
8 other questions have been answered earlier.

9 CHAIRMAN OCKEN: Okay. Thank you. Next
10 is Amanda Corrigan (sp). Is Amanda Corrigan here?

11 AUDIENCE MEMBER: No.

12 CHAIRMAN OCKEN: Okay. That concludes the
13 list of everyone who has filed for an appearance.

14 Do the board members have any questions or
15 comments at this time?

16 (No response.)

17 CHAIRMAN OCKEN: Okay. Hearing none.
18 We've been going for almost two hours. At this
19 point I'm going to take a five-minute recess, and
20 then we will reconvene, and at that the point anyone
21 who wishes to speak in favor of or against the
22 petition will have an opportunity to speak. So
23 we'll recess for five minutes.

24 (Whereupon, a brief recess was

1 had.)

2 CHAIRMAN OCKEN: We are back in session.
3 At this point if there's anyone here who wishes to
4 speak in favor of this petition, this is their
5 opportunity. Anyone who wishes to speak in favor of
6 this petition.

7 (No response.)

8 CHAIRMAN OCKEN: Is there anyone who
9 wishes to speak against their petition?
10 Mr. Shalbrack?

11 ATTORNEY SHALBRACK: Thank you so much.
12 I'll be brief. I know it's hard for lawyers to give
13 up the floor. I'll do my best.

14 Gentlemen, thank you for your
15 patience tonight. We appreciate your allowing
16 people to voice their opinions about something very
17 important to them. My clients, the Werckles, are
18 immediately east of where this solar plant, solar
19 facility is going. We can pretty up the language
20 and call it a farm, but that's not the character of
21 this neighborhood. The character of this
22 neighborhood is rural. It is agricultural. It's
23 been that way for years. And while technology is
24 wonderful, it's ill-placed here. It doesn't belong

1 in this neighborhood.

2 Mr. Pifkin sold some of these people,
3 including my clients, their homes. This is hard for
4 them to accept, that they've had this investment in
5 this property and living in this neighborhood, and
6 now it's turning into an industrial setting; steel,
7 glass, solar panels, fences with barbed wire. It is
8 changing the character of the neighborhood.

9 What we haven't heard much about
10 tonight is the possibility of other solar farms
11 going in across the street or just down the road
12 from where this one is going in. This is the test
13 case. This is the slippery slope. As soon as this
14 one goes in, it's going to be, can they bar the door
15 on the next couple in this neighborhood. That's
16 what they're arguing about.

17 There's an issue, I've talked about
18 it earlier, about the technicalities of the
19 application that was filed to permit this particular
20 facility. I urge you to take a look at that. See
21 if I'm correct on that. Ask counsel from the County
22 of Oregon or County of Ogle, Oregon, whether I'm
23 accurate in my portrayal of this. But let's think
24 about it. People get denied permits all the time

1 for technical defects, if you call this a technical
2 defect. I say it's something much more. There's
3 misstatements in their initial document. Now, if
4 you've got a document that's faulty from the very
5 beginning, you have to think twice about everything
6 else you read after the fact.

7 I ask that the ZBA deny this permit.
8 Trust the decisions made by Marion Township. They
9 had very clear findings. Trust the people who are
10 sitting out in this audience. We have 165 names on
11 a petition that says that this is not right for this
12 location. There are plenty of other locations in
13 and around Ogle County. This is a residential area.
14 You know the area. You've seen the homes in the
15 area. My clients' house, a very beautiful home, is
16 now going to have the character and the value
17 change.

18 With regard to the appraisal
19 information, I would simply say this: Very well
20 presented, but Patricia was not here tonight to
21 present, so her background and her thoughts or what
22 everybody thinks about her being great meeting with
23 the governor, doesn't matter. The information
24 presented about the other properties are from

1 Indiana, a couple of from Illinois, and the most --
2 the closest one is the Rockford Airport. It's not
3 comparable. You can't consider it to be the same
4 kind of valuation.

5 I'll let the other people speak from
6 their hearts. I'm telling you from a legal
7 perspective, I believe that this petition or this
8 application for this location is faulty, and I would
9 urge you to take a close look at that, but more
10 importantly, I urge you to deny the permit on this
11 location, and I thank you for your time.

12 CHAIRMAN OCKEN: Does anyone who filed for
13 an appearance have any questions for Mr. Shalbrack?

14 (No response.)

15 CHAIRMAN OCKEN: Thank you.

16 ATTORNEY SHALBRACK: Thank you.

17 CHAIRMAN OCKEN: Anyone else who wishes to
18 speak against this petition? Please raise your
19 right hand.

20 JANICE MALK,
21 having been first duly sworn and testified as follows:

22 CHAIRMAN OCKEN: Please state your name
23 and address.

24 MS. MALK: Janice Malk, M-A-L-K, 6689

1 Hales Corner Road, Stillman Valley.

2 I have no facts and figures to talk
3 about. What I have are emotions. We have lived in
4 our home on Hales Corner Road for 32 years. We
5 think of it as a little slice of heaven. We moved
6 here for the beauty of the area which gave us a
7 sense of peace, a wonderful place to raise our
8 family and to spend our retirement years. The
9 unbelievable stress and chaotic feelings we are
10 experiencing due to the fact that some people want
11 to completely turn our community into an industrial
12 solar area is beyond comprehension. It was bad
13 enough when we were expecting only 50 acres of solar
14 panels, but now to find out that there are two more
15 special use permits of over 200 acres of solar
16 panels on Hales Corner Road, it's just more than we
17 can bear.

18 Our neighbors, along with Joe and I,
19 are running on empty. We are fighting a good fight,
20 but when is enough enough? Who among you on the
21 board would want to live -- sorry -- would want to
22 live on a street that has acre after acre of solar
23 panels as their neighbors? We certainly do not want
24 to. Many of our neighbors are talking about selling

1 out and moving away from homes and properties that
2 they love because the thought of seeing nothing but
3 solar panels is just too much to comprehend. We are
4 talking about people who have lived in their homes
5 for 20 and 30 years and never wanted to leave.

6 I realize that this meeting is just
7 for Mr. and Mrs. Pifkin's special use permit, but we
8 now have information about two more special use
9 permits on Hales Corner Road that are being sought.
10 We believe by granting Mr. and Mrs. Pifkin's permit,
11 you will be opening the door for the passage of all
12 such permits. How much do we have to endure as a
13 community to satisfy the greed of landowners who
14 give no thought to the well-being and comfort of
15 long-standing residents?

16 With the thousands of acres of
17 agricultural property in Ogle County that would not
18 affect local homeowners, why is Hales Corner Road
19 being overrun with special use permits for solar
20 farms? I probably know the answer to that. It is
21 the two ComEd substations on Hales Corner Road which
22 would be a cost-cutting expense for the solar
23 companies but a heartbreaking cost to our community.

24 Please think about our community and

1 what we will lose if this special permit is
2 approved. We need someone to think about us and to
3 understand what we will lose if this permit -- if
4 this special use permit goes through. Obviously the
5 landowners who want large scale solar arrays on
6 their properties do not care for our community. So
7 we need the Ogle County Board to care about us and
8 vote no to this special use permit.

9 Thank you for listening.

10 CHAIRMAN OCKEN: Thank you. Any questions
11 for this witness?

12 (No response.)

13 CHAIRMAN OCKEN: Who else would like to
14 speak against this petition?

15 MR. SZCZECH: I would.

16 MICHAEL SZCZECH,
17 having been first duly sworn and testified as follows:

18 CHAIRMAN OCKEN: Please state your name
19 and address.

20 MR. SZCZECH: My name is Michael Szczech,
21 S-Z-C-Z-E-C-H. Address is 6972 East Hales Corner
22 Road. And I just have a brief statement.

23 My wife Angela and I live on East
24 Hales Corner Road right across from the proposed

1 site. We've been there for about 16 years, and we
2 bought the property from Mr. Pifkin, too, so. We
3 strongly oppose the construction of an industrial
4 scale solar plant at the neighboring Pifkin
5 property. We feel that there should have been
6 communication between -- with the neighbors between
7 the developer, you know, and the property owners,
8 and we didn't get anything like that. We had no
9 meetings or -- all we got was a registered letter
10 that showed a picture, you know, of the proposed
11 plant. We never had any meetings that said, you
12 know, what you're going to do or anything. So they
13 were wrong.

14 MS. MALK: Well, the paper was brought on
15 June 22nd.

16 MR. SZCZECH: I mean, Ron Pifkin brought
17 us paperwork on June 22nd, you know. He doesn't
18 represent you, you know. We didn't have any
19 meetings, that I know of, with LL- -- or ForeFront
20 Property. So I don't know where -- what meetings
21 you had with property owners, but it wasn't one of
22 us. So you don't know what we want as far as, you
23 know, landscaping or a six-foot fence. But let me
24 just continue.

1 The concept plan calls for 38 acres
2 of solar panels, which could reach 12 1/2 feet high
3 with a barbed-wire fence. There was no mention of
4 screening or landscape on the perimeter until
5 tonight. So we never saw anything like that until
6 the pictures tonight. So we would be looking
7 directly at that solar panel. That first picture
8 that they brought up, you know, with the six-foot
9 fence, that's what we would be looking at across the
10 street from our house. It looks like prison to me.
11 So I wouldn't want that.

12 Flooding is a big issue where we
13 live, especially after Tuesday night's rains. Any
14 site work over there or anything I think would
15 disrupt that flow of water that flows through there,
16 especially if you cover that whole area with
17 38 acres of solar panel. That water has got to run
18 somewhere. It's going to run down into Mark's and
19 everybody else's backyard.

20 Driving the steel beams in there, I
21 just -- there's -- I just think that's going to be
22 blocking water. There's no civil plans to move that
23 water away from there, you know, that we've seen.
24 So you probably have this information, but Marion

1 Township's planning commission denied the special
2 use permit. The Marion Township board unanimously
3 voted to deny the permit. So my wife Angela and I
4 ask you to please deny this permit which would
5 negatively impact our property value and destroy the
6 real community character.

7 Thank you.

8 CHAIRMAN OCKEN: Does anyone wish to
9 respond to this witness? Go ahead.

10 MR. HARTWIG: I would like to speak to the
11 runoff question and the flooding issues. In all
12 actuality, the installation of the solar farm after
13 the native grasses have had a chance to take root,
14 it will reduce any type of runoff off of the
15 property, and because of the deep rooted nature of
16 the grasses, it will improve the quality of the
17 soils, and it will allow the soil itself to store
18 more water which would reduce any kind of flooding
19 in the future. It also is beneficial to the fields
20 themselves over the long term of the site. The
21 addition of the roots into the soil will provide for
22 better farmland after the solar farm has been
23 removed.

24 All in all, this project is long-term

1 beneficial from a crop perspective once the farmland
2 is returned back to crop if that's what the owner
3 wishes to do once the solar panels have been
4 removed.

5 MR. SZCZECH: Just after Tuesday night's
6 rain, you know, in our area, I would think that that
7 field with solar panels, it would be puddling like a
8 big parking lot. That water has to go somewhere.

9 MR. HARTWIG: Sure. So the solar panels
10 themselves, the panels themselves are separated, and
11 so if you can imagine like this piece of paper is a
12 solar panel, the rain will hit and fall down, and
13 when it runs, it may not hit the spot directly
14 underneath, but there's a row of panels over here,
15 and that water will run underneath those, and it
16 will be absorbed into the ground the same as if it
17 had just fallen. So the solar panels, the only
18 pervious periods that will be created due to this
19 construction are the concrete pads in which the
20 transformers and inverters are on, which is
21 approximately 30 foot by 30 foot, and then the
22 gravel access road which is a very small road. And
23 both of which would have to be removed as part of
24 the decommissioning plan.

1 AUDIENCE MEMBER: Water is running because
2 it's still running from Tuesday.

3 CHAIRMAN OCKEN: Ma'am. You'll have an
4 opportunity in just a moment, please.

5 MR. HARTWIG: So if the site itself has
6 water issues, this project will not exacerbate them.
7 It will not make any water issues worse than they
8 already are, and it should improve them once the
9 native grasses which would be planted have had a
10 chance to take root.

11 MR. SZCZECH: Thank you.

12 CHAIRMAN OCKEN: Does anyone else wish to
13 speak against this petition?

14 MS. RUSS: I do. I -- when we found out
15 about this, I live directly across the street. My
16 husband and I asked several Realtors to come and
17 give us an opinion about what the house looks like
18 now, and then we said, Hey, by the way, this solar
19 farm is going to go in across the street. What do
20 you think is going to happen to our value?
21 Although, I pushed and pushed, they would never say
22 it's going to be \$8,000, or it's going to be
23 \$20,000, because your property value, like
24 everybody's, is subjective. Somebody can walk in my

1 home and say it's worth, your home, I'll buy it for
2 \$20,000. Or someone could walk in and say I'll buy
3 it for a million. It's that right person walking in
4 the door that will give you your property value.

5 So the thoughts that they had -- I
6 should probably say first, I have a letter from two
7 of the Realtors that came that I'd like to submit
8 into evidence. Pass it out?

9 CHAIRMAN OCKEN: Yes.

10 MR. REIBEL: You have two letters?

11 MS. RUSS: Just one letter. Two people
12 signed it.

13 MR. REIBEL: Okay. So I'll label this
14 Patricia Russ Exhibit 1.

15 (Patricia Russ Exhibit No. 1 was
16 marked.)

17 MS. RUSS: So these are the Realtors that
18 looked at the house. They wrote one joint letter.
19 They had several thoughts. First of all they said
20 very clearly that it has definite potential to have
21 a negative impact. Although, like I said, they
22 wouldn't give me dollars and cents, it does impact
23 my house. It impacts the number of people who will
24 walk in to look at it and even consider buying it.

1 So if I had a group of people that would consider
2 buying my home, you've just cut that. By what that
3 is, I don't know. But we all know when you sell
4 homes, it's the number of people walking through
5 that will make the house get sold.

6 They also read the proposal and had
7 concerns that the developer didn't really seem to
8 want to promote unity within the community. They
9 didn't want to make it look like it was blending in.
10 And unlike other people, the only notice I had from
11 either ForeFront Community or from Ron Pifkin, was
12 the letter from the Ogle County Board. I had no
13 contact with either of them. I got no propoganda
14 handouts. I didn't get any updated anything other
15 than from the Ogle County Board. That's the only
16 source of information that I got asking me my
17 opinion or letting me know what was going on.

18 The Realtor said over and over again,
19 and, again, we hosted more than two that went on
20 record, but they kept saying over again that the
21 area was tranquil, and that if this goes in with all
22 the beams and the glass, it will ruin the
23 tranquility. I can see this from three sides of my
24 house; front, back and side.

1 So we got presented evidence that
2 this would not impact the value of my home. I think
3 that a better way of deciding if this is going to
4 impact me is the appreciation study that the
5 gentleman referred to. It would be more meaningful,
6 because an appraiser can look at dollars and cents
7 and can look at the area around it, but, again,
8 there are several other things that go into the
9 selling of a home. And part of that is your love of
10 what's around you. This is not what we had
11 envisioned, and I'll tell you right now if I had
12 driven past this and it was in my neighborhood, I
13 would have kept driving. I would not have even
14 stopped.

15 The perception of solar farms is not
16 positive. Real or perceived, right or wrong, people
17 don't seem to like them near where they live. There
18 are health concerns, again, real, perceived. There
19 are issues with whether it affects things like your
20 cell phones, whether it affects your health. I have
21 a study that we found from the University of Chicago
22 saying that it does impact your property values up
23 to 80 percent if you're within a half mile. Most of
24 the people you are going to hear tonight are within

1 a half mile.

2 I'd like to pass this out.

3 MR. REIBEL: This is Russ, Patricia Russ
4 Exhibit No. 2.

5 (Patricia Russ Exhibit No. 2 was
6 marked.)

7 MS. RUSS: I just want to read two quotes.
8 One that says anybody within a half mile to 0 miles
9 distance from the plant, could affect up to
10 7.9 percent of property values. The other thing I'm
11 going to point out is that factors affecting the
12 impact of disamenity of or on the property values
13 are mostly related to human perception of the
14 facility's unsightliness, noise, nuisance,
15 undesirability to live in the vicinity, possibility
16 of real or perceived health risks and so on.

17 Again, it's people who want to buy a
18 house which determine the value of your house. And
19 I think we're impacting those people.

20 The standards of professional --

21 CHAIRMAN OCKEN: Excuse me. I was just --
22 this study that you've presented to us --

23 MS. RUSS: Yes.

24 CHAIRMAN OCKEN: -- is this in regard to

1 solar farms?

2 MS. RUSS: Yes.

3 CHAIRMAN OCKEN: I'm not seeing where it
4 mentioned solar farms just briefly looking at it.
5 It talks about power plants, hazardous waste
6 facilities, chemical manufacturing and others, and
7 then it says it's based on a detailed scientific
8 analysis of property value data in the vicinity of
9 an existing 25-megawatt coal fired plant in Wyanet.
10 Does it mention solar farms here specifically?

11 MS. RUSS: I thought that it did.

12 MR. REIBEL: What's the date of the
13 article?

14 MS. RUSS: I don't know.

15 MR. REIBEL: You don't know when this was
16 authored?

17 MS. RUSS: No, I don't.

18 CHAIRMAN OCKEN: I don't see anything in
19 here about solar farms. It's talking about a --

20 MS. RUSS: Okay. You're right. Briefly
21 looking at it again, you're right. I'm not seeing
22 anything specific to solar farms, but it's the
23 perception. This is still a facility having to do
24 with electricity. And it's the perception of that.

1 Can we not take that small leap, the perception of
2 solar farms? We're all here because we have that
3 perception.

4 The special use standard that you
5 referred to talks about public comfort. And the
6 people here aren't comfortable with this project.
7 The Marion Township Board, the Marion Township
8 Planning Commission and the Ogle County Regional
9 Planning Commission all voted no. And they all
10 cited decline in property values. These people
11 aren't Realtors either, but, again, it's their
12 concern.

13 CHAIRMAN OCKEN: This passed the regional
14 planning commission by a 3 to 2 vote.

15 MS. RUSS: I have the Ogle County Regional
16 Planning Commission minutes --

17 MR. REIBEL: Which meeting of Ogle County?

18 MS. RUSS: Where it says -- from May 17th,
19 where it says deny the petition 6/18. Motion
20 denied. Carried 6 to 1. This is on page 5 of the
21 minutes from May 17th, 2018.

22 MR. REIBEL: At the June 21st meeting, the
23 planning commission considered the revised concept
24 plan and recommended approval by a vote of 3 to 2.

1 MS. MALK: Why weren't we included?

2 CHAIRMAN OCKEN: 3 to 2?

3 MR. REIBEL: 3 to 2, yeah, it was.

4 MS. RUSS: How can they revisit something
5 that had already been voted on?

6 MR. REIBEL: It was a revised application,
7 a revised concept plan.

8 MS. MALK: It should have been a public
9 vote then, shouldn't it have been? The same as the
10 first?

11 MR. REIBEL: It was. It was a meeting.

12 MS. MALK: Nobody knew about it.

13 MS. RUSS: Nobody knew about it.

14 MR. REIBEL: The agenda was properly
15 posted.

16 MS. RUSS: Where?

17 MS. MALK: Where?

18 MR. REIBEL: On the County web site, at
19 this building, and at 991 Pines Road.

20 MS. MALK: Oh, so we should come every day
21 to look for the postings on the door?

22 MR. REIBEL: You can look on -- the web
23 site is available.

24 MS. MALK: Well, I looked at your web

1 site, and I didn't notice it. But that's fine.

2 MS. RUSS: If there were a possibility and
3 there are at least, there are, that I know of, there
4 are four possible solar facilities that will be
5 going within two miles of my home. Four. You
6 cannot honestly tell me that that will not impact my
7 home value, because it will. There is not anything
8 in here that tells me it won't. Not only am I going
9 to have a hard time selling it, I will not get the
10 value that would be in this letter.

11 I'm concerned also about the almost
12 mile and a half of fence. They have almost
13 2400 feet of fence along the road. There are
14 animals, nothing endangered. There are regular
15 animals that you see in the country. We've got
16 deer, we've got fox, and coyotes. We have a lot of
17 turkeys in our area. They are going to be --
18 natural paths go through that farmland. We see
19 animals there all the time on a regular basis. They
20 are going to be stopped by this fence, and they're
21 going to be turned around into the roads causing a
22 problem for them and causing a problem for
23 motorists. And there's also fence on the other side
24 where you've got trains.

1 There is water on this land that
2 ponds. I don't know when the staff report that you
3 talked about talks about 11 percent of this ponds,
4 very likely I think is what you said, or likely. I
5 have pictures and video from about two weeks ago, I
6 think it was on the 21st. I have videos -- actually
7 we had a big rain the other night, and I have
8 pictures and videos from yesterday evening. There
9 is still running water in that field, not gushing
10 like it was the night -- I'd be happy to show a
11 video, but it is still running at a good clip as of
12 the time we left for this meeting this afternoon.

13 During heavy rain and during
14 snowmelts, fast snowmelts, it happens. I have seen
15 it worse than it was the other night. This is not
16 record breaking water that we had seen. It's been
17 worse.

18 MR. SODERHOLM: Can I ask a question right
19 here?

20 CHAIRMAN OCKEN: Go ahead.

21 MR. SODERHOLM: There is a major
22 difference, and this is a fact, of the permeability
23 of ag land versus the permeability of grasses and
24 forbs. Forbs will absorb more water than you can

1 imagine, whereas an ag field is going to have major
2 runoff.

3 MS. RUSS: How fast will that -- the
4 grasses grow?

5 MR. SODERHOLM: I'm not going to get into
6 that, but ag land will not hold water real well,
7 corn and soybeans, the water goes, and it goes into
8 the streets. Prairie land, native grasses and forbs
9 will absorb water and add to the atmospheric
10 condition. That's a fact. Case closed. That's all
11 I want to say.

12 MS. RUSS: Thank you.

13 They have not really listed a
14 detailed civil plan as far as I don't imagine that
15 they're going to change the landscape of the land,
16 but it does, like according to the latest plan that
17 I have seen, it looks like they're pushing the water
18 south towards the railroad tracks, and then east
19 down the railroad tracks. So it goes down that
20 direction. And my question, and I don't know the
21 answer is, do they -- are the railroad tracks set up
22 for that? We saw a big tree fall the other day with
23 all the rushing water on the other side of the
24 tracks. Are those railroad tracks set up for that

1 kind of what looks like it's going to be more
2 running water or running water?

3 Give me a second here. Some of these
4 things have already been talked about. I didn't
5 want to rephrase myself.

6 At one point the gentleman who gave
7 the presentation said that glare is an issue on
8 these, and then at another point he said they
9 weren't. These are going to be -- these arrays have
10 been known to burn grass, not because of the heat,
11 but because of the reflection of the sunlight. Even
12 though they're antiglare, it doesn't mean that
13 they're not going to be bright. So look at bright
14 for lawns. Go down to the BMO Harris Center, and
15 look at the antireflective building. On a sunny
16 day, it's bright.

17 In summary, we are the new kids on
18 the block. We have only been in Stillman Valley for
19 13 years. Ron sold us the lot that we live on. We
20 built our home here, and we looked long and hard
21 before we decided where we wanted to live. We
22 looked north. We looked at -- and one of the things
23 we wanted was what we didn't want more than what we
24 wanted. We wanted someplace that was going to stay

1 rural. We're thrilled that we can throw a rock and
2 not hit a neighbor. We're proud of where we live.
3 We like where we live. This project is not
4 something that I envisioned anywhere near my home,
5 let alone four of them near of my home. It takes
6 away from the esthetic value. It doesn't blend into
7 the community that we have chosen, and it's not
8 essential. It's a wonderful opportunity for the
9 Pifkins. It's not beneficial to anybody else in the
10 neighborhood. Just because there are landowners
11 that are willing to put these solar arrays up on
12 their farmland, does not mean that it's an open door
13 to say, okay, it should happen.

14 I thank you, and, please, I urge you
15 to vote no.

16 CHAIRMAN OCKEN: Does anyone who has filed
17 for an appearance wish to respond to this witness?

18 MR. GRISSOM: Yeah, I just want to address
19 a couple of misconceptions. I think that, first of
20 all, I found in this May 16th, 2018, Dickerson
21 Nieman report I think that was put in as evidence
22 for the board, the report states, The Marion
23 Township project definitely has a potential to
24 negatively impact value of the property. The extent

1 of which is dependent on several variables,
2 including the following. And there's listed five
3 bullet points. I was hoping to address those bullet
4 points.

5 No. 1, Are there plans to expand the size
6 of the solar farm beyond the target property? That
7 answer is no.

8 How will the property be maintained? To
9 what extent will traffic be increased? There will
10 be a small increase in traffic. I believe we
11 addressed that with the submittal. We have the
12 traffic plan during construction. Beyond that it
13 will be a maintenance person five times a year. So
14 that's how the property will be maintained. It will
15 be cut, like I said, five times a year to keep it
16 natural pollinator grass roughly 18 inches to 2
17 feet, which was shown in the presentation.

18 What do the day-to-day operations or
19 maintenance entail? There's really not a lot of day
20 to day. Like I said, it's about five times a year
21 unless there is an electrical, you know, issue.
22 But, you know, we have a very, very tight monitoring
23 system called the Locus Monitoring System, and, you
24 know, there's -- technology has gotten to the point

1 where, you know, there's no fires that break out or
2 anything like that. If there are, we have, you
3 know, education, and we have an agreement with the
4 local responders, the fire department, we have
5 training with them, you know. That's how it will be
6 maintained if there is an issue. I'm just talking
7 about the public safety issues associated with the
8 solar farm.

9 Is the owner and developer willing to work
10 with the neighbors to promote esthetic harmony with
11 the surrounding area? I am sensitive to all those
12 concerns. I mean, you know, this is common. I
13 think we've done a lot of work. Financially, these
14 landscape buffers, we don't have them, you know,
15 we're going above and beyond for these landscape
16 buffers to try to make sure everybody is as happy as
17 possible given the nature of the solar farms. So,
18 you know, I think we're doing a lot, both with the
19 Pifkin property and the other part, you know, to
20 make sure -- to make sure everything is as
21 harmonious as possible, so, you know. We're trying
22 our best there.

23 She mentioned the grading or looking like
24 it's pushing water. We're not doing any grading on

1 the site. As Mr. Hartwig presented, it's going to
2 reduce -- it's actually going reduce the amount of
3 runoff, so the train tracks, you know, for
4 whatever -- whatever the issue is with the train
5 tracks now, it will be negated.

6 She also mentioned the antiglare and
7 burning grass. I have the spec sheets on these
8 modules. We have the spec sheets. They are
9 antiglare. We have heat studies that I can present
10 to you all, you know. I don't have them with me,
11 but I can email them. That is a big misconception.
12 They're antiglare, no glare. I don't know where,
13 she mentioned these things, if there is glare, I
14 don't --

15 MS. RUSS: You said the glare is an issue.
16 I wrote it right after you said it. The glare is an
17 issue on these.

18 MR. GRISSOM: The glare is an issue?

19 MS. RUSS: That the glare is an issue on
20 these.

21 MR. GRISSOM: Okay. Well, the glare is
22 not an issue. These are antireflective. Every
23 county, these are spec'd to be antireflective, no
24 glare panels. There are thin film panels that are

1 made with a different type of glass. These are not
2 this type of panel. These are multi crystalline
3 antiglare panels. So that one I can't sit back on.
4 That is a misconception.

5 MS. RUSS: You also have plans to expand,
6 not at this site, but there are plans to expand down
7 the road for your company.

8 MR. GRISSOM: That has nothing to do with
9 this project or this --

10 MS. RUSS: But that's -- but that's what
11 the Realtors are calling out is, great, so if that
12 goes in, does it open up the door for other things?
13 Is it going to be beyond just what --

14 MR. GRISSOM: It says the size of the
15 solar farm.

16 MS. RUSS: Because at the time we were
17 only talking about one, and now we're not anymore.
18 There are others around --

19 MR. GRISSOM: I'm talking about the Pifkin
20 project. That's what we're here for right now at
21 this point.

22 MS. RUSS: And the fact that you're
23 putting up 8-foot trees to try to cover up 12-foot
24 arrays, you're saying that you're bending over

1 backwards. I could have an argument with you.

2 That's a matter of perception.

3 MR. GRISSOM: That's exactly it. You know
4 what? First of all, I don't know where the 12 foot
5 came from.

6 MS. RUSS: You say your arrays are 12 feet
7 on the signs.

8 MR. GRISSOM: They're not 12 feet.

9 MR. HARTWIG: Jason, I can speak to that.

10 MS. RUSS: Your arrays aren't 12 feet?

11 MR. HARTWIG: So the 12 foot comes from
12 the maximum allowable height under the special use
13 permit application. The actual solar panels
14 themselves typically have a maximum height of around
15 ten feet at maximum tilt which occurs at the highest
16 point of the day, one edge. So that is --

17 MS. RUSS: That was my statement, and as
18 heartfelt as it is, there are differing opinions.

19 MR. GRISSOM: I understand. I am
20 sensitive to that. I just wanted to state some of
21 the misconceptions that I felt were framing us in
22 the wrong light.

23 CHAIRMAN OCKEN: Is there anyone else here
24 who wishes to speak against this petition?

1 MR. RUSS: Yes.

2 CURT RUSS,

3 having been first duly sworn and testified as follows:

4 CHAIRMAN OCKEN: Please state your name
5 and address.

6 MR. RUSS: My name is Curt Russ. Last
7 name, R-U-S-S. I'm at 6998 East Hales Corner Road,
8 Stillman Valley 61084.

9 CHAIRMAN OCKEN: Go ahead.

10 MR. RUSS: A couple of things that we're
11 looking at is, again, my wife told you we just moved
12 in recently, and I will tell you that if I saw those
13 there, I would not have bought the land. So that
14 tells you, you know. I'm a person who wants more
15 country. I actually want even more land, you know,
16 just to get away. I wanted to get out of the city
17 for a reason. She's come out of Glenview, moved to
18 Rockford, which is a little more country to her.
19 And I came from Rockford, moved to New Milford, and
20 then we came to Stillman Valley because we thought
21 that was a great place to retire, build our last
22 home. I built the home myself. I am a builder, and
23 some things I'm going to come across, some things he
24 mentioned earlier.

1 We're talking about them doing
2 studies on homes that are in front of the solar
3 plant and some that are away from the plant. As
4 anybody knows with a Realtor, what a Realtor will
5 tell you to do, you want to sell this home, you need
6 to build it, do something great. You have to put a
7 new kitchen in, you have to put a new bathroom in, a
8 better deck, better siding. You got this behind
9 you, you want the value of your home, you have to
10 add on. We don't know what the other houses look
11 like on their inside that they did studies on. They
12 could, you know, have some cracks in the drywall.
13 There could have been terrible kitchens. So you
14 can't really focus on that unless you actually go in
15 and do a real study on home per home. Are they
16 really equal? So that study doesn't really bounce
17 with me, all right? So that's one thing.

18 Flooding. I agree with them on the
19 corn, it does not hold. And you're correct about
20 that. But let me ask you, let's look at alfalfa and
21 grass. That should be pretty good stable ground.
22 I'll tell you right now, I had a huge river in my
23 alfalfa fields, because when you get too much water,
24 eventually it's going to runoff. And that's what

1 we've been having the last few years. We've been
2 having so much water, that even my alfalfa field
3 couldn't hold it. It's flattened now. My grass
4 can't hold it. It's just too saturated, and that's
5 what it's been the last few years. And everybody's
6 told me they've never seen it since I've moved in.
7 I had, at one point in my background, an eight-foot
8 river that was about a foot-and-a-half deep. It's
9 what's happening now. Times are changing, weather's
10 changing. Everybody is noticing it. As a
11 contractor, I know how grade works. So my only
12 question is, do you have an architectural civil that
13 shows any water runoff?

14 MR. HARTWIG: So at this point in time,
15 the civil plans are -- the civil plans are a part of
16 the permitting application once a special use permit
17 has been provided, but there will be construction,
18 plans to construct and approved by the County as
19 well for anything to ever be built. So right now we
20 are asking only for the opportunity to continue for
21 planning, and the plan presented puts boundaries on
22 what we can do. But the actual civil set will be
23 constructed and pulled together at the time -- at a
24 time when and if the community approves this

1 project.

2 MR. RUSS: So that's one of our big
3 questions, we don't see the civil plan. So when you
4 don't see that, that's why you worry about the
5 railroad tracks, all right? I'm also a retired
6 Cherry Valley Fire, and I've had two incidences of
7 railroad tracks having to deal with washout. So
8 that's what I worry about it, and I worry -- too
9 much of a washout is what led to derailment. So
10 that's why we'd like to see that. I would like to
11 see a civil plan to see what their plans are, and
12 make sure that this water, when we have this kind of
13 rain, doesn't affect our railroad tracks or other
14 people's homes and property.

15 So that's all I have to say. Thank
16 you.

17 CHAIRMAN OCKEN: Is there anyone else here
18 who wishes to speak against this petition?

19 MR. LINES: I wanted to reply to some of
20 the comments. The Russes have been really great.
21 They've asked great questions. And so you mentioned
22 the equal homes, right? Homes being equal? And I
23 was thinking, yeah, I think he's bringing up a great
24 point about buyer preference about certain things.

1 And so we took that away from being an issue.
2 Instead of having to worry about picking the very
3 wonderful most best and completely comparable home,
4 we did a group of homes, because that represents the
5 market. So it's whether or not your house sells
6 consistent with the market.

7 Secondly, in the study that we did in
8 Indianapolis, we looked at homes within the same
9 subdivision, homes that were right up against the
10 solar farm, and then homes that were in the north
11 part of the subdivision that were very far away.
12 Those were the same style homes. They were the same
13 homebuilder and the same division. So I think,
14 again, I think that answers both of those.

15 MS. RUSS: How about somebody who wouldn't
16 buy one that backed up to it, would he buy one in
17 the same division? I wouldn't be in the whole
18 subdivision.

19 MR. RUSS: With that, again, as I said,
20 you're correct, but it also depends on what you do.
21 As a builder, I'm telling you, it's what you do to
22 the house that helps it sell. So depending on the
23 guy who sold it next to the solar panels, depending
24 on the guy who sold it away, he may not have done as

1 much to his house that this guy did. So there is a
2 value you've got to look at right there.

3 MR. LINES: No, because, I mean, the study
4 itself, there are rural homes that have a dispersion
5 of sale prices among a certain amount. And then we
6 looked at homes, not only within that subdivision,
7 but also similar homes located in different
8 subdivisions, and they had the same type of
9 dispersion of sale prices. So it was the same range
10 for those homes.

11 MR. RUSS: Let's just agree we both
12 disagree on this.

13 MR. LINES: All right.

14 MR. RUSS: All right.

15 CHAIRMAN OCKEN: And your name again, sir?

16 MR. WERCKLE: Mark Werckle. I'll try to
17 keep this brief. I know it's running on here, but
18 our number one concern, my wife and I, Dana, we live
19 to the east of this. Our house is going to be less
20 than 300 feet. Our kids' sandbox, or grandkids'
21 sandbox and swing set is less than 250 feet away
22 from this. We're really concerned about the
23 property value and the saleability of our property.
24 We don't feel that it fits the rural nature of the

1 area. It's an industrial project. You're trying to
2 compare it in your impact study to the one up at the
3 Rockford Airport. There's no houses close. You're
4 not comparing apples to apples. Boone County
5 presented one on an old landfill. I'm sure there's
6 no houses close to that. Perfect use of old ground
7 that's not going to be used for anything else
8 instead of sticking a bunch next to residential
9 houses that are probably going to lose value.

10 Stillman Valley's comprehensive plan
11 doesn't agree with this. Marion Township's
12 comprehensive plan doesn't agree with this. The
13 regional planning committee voted it down the first
14 time. We came down on May 31st, and this meeting
15 got continued. We came down the next day to the
16 zoning office, received this sheet with dates on it
17 for the updated meetings, and no date was put in the
18 box for the regional planning commission. So we
19 assumed there was no more meeting. Now you're
20 telling us tonight there was a meeting. We came
21 down and tried to get notified. Here's the
22 paperwork from your office. We were not informed
23 about that meeting. And now you say it's approved,
24 voted 3 to 2, because they moved a fence line back a

1 hundred feet or something? They didn't change
2 anything else on the whole plan. It's a hundred
3 feet more from Pifkins' house, and it's a hundred
4 feet more from our house. That's all that changed
5 in the whole plan. And all of a sudden your
6 committee decides it's going to approve this.
7 That's not a big enough buffer for me.

8 ForeFront has never once came out and
9 talked to the community around their solar project.
10 Ron Pifkin went around, talked to you on the phone,
11 talked to you face to face if he saw you. And from
12 day one he told us there was going to be screening
13 on this. There is no screening proposed. I've had
14 three concept plans, no screening was proposed on
15 any concept plans until we got to this meeting
16 tonight. Nobody in this audience can review of any
17 of it to even know how to react about it. We don't
18 know if it's good, bad or otherwise. They throw it
19 on the table tonight. We had no preparation for
20 that at all. They had three opportunities, and the
21 first concept plan said right in it, no screening.
22 What they're trying to do tonight, they think they
23 might not get their permits, so now they're going to
24 put the screening on the table. It's going to cost

1 them money. They don't want to spend it. If they
2 would have talked to us from the getgo, we probably
3 could have helped out on that, because we would have
4 all told them we wanted screening from the getgo.
5 And that's what Ron was selling when he walked
6 around and told everybody what was going on with his
7 solar farm.

8 I guess that's all I have. Any
9 questions for me?

10 CHAIRMAN OCKEN: Does anyone wish to
11 respond?

12 (No response.)

13 CHAIRMAN OCKEN: Is there anyone else here
14 who wishes to speak against this petition?

15 DEBORAH BONNE,
16 having been first duly sworn and testified as follows:

17 CHAIRMAN OCKEN: Please state your name
18 and address.

19 MS. BONNE: My name is Deborah Bonne. I
20 live at 7752 East Hales Corner Road, Stillman
21 Valley, and I've lived in Marion Township all my
22 life, as have my parents and grandparents. I call
23 this home. We built our house on Hales Corner Road
24 in 1986 because we liked the character and the

1 nature of the area, and we really hope that it will
2 stay that way.

3 I'm not against solar power, but I'm
4 opposed to the construction of an industrial scale
5 solar plant at the neighboring Pifkin property.
6 There's residential homes on three sides of the
7 property and up and down Hales Corner. It doesn't
8 fit on this road. And I know they've got studies
9 that show it won't impact our property values at
10 all, but these studies don't include anything of
11 your property before the plant came in. I had an
12 appraisal recently. Will you guarantee me that with
13 factors for inflation stuff, that my house will be
14 worth the same after the solar plant is put in? I
15 don't think you can do that. And ForeFront Power
16 paid for this analysis, so you can choose which
17 properties you want to use that prove your point.
18 And there's not many solar plants in Illinois, even
19 less in residential areas to analyze. So they've
20 taken property values outside of the state. I don't
21 take a lot of stock in that. And I know they won't
22 change the property values of the farmland next
23 door, so those, to me, those analyses don't mean a
24 lot to me because my house is next door.

1 I'd also ask you board members, would
2 you want a solar plant next to your home? Would you
3 want to look out your front window to that solar
4 plant? Would you even consider buying a house next
5 to it? I wouldn't. And I know you have notes that
6 everybody has mentioned to you that the Marion
7 Township planning commission denied it, and so did
8 the Marion Township board.

9 I've read their concept plan, and it
10 seems to change a lot. It's very vague. It uses
11 phrases such as "approximately," "most likely," "not
12 expected," "unlikely." There seems to be a lot of
13 unknowns and not many specifics.

14 ForeFront Power has only been in
15 business 17 months, not a real long track record.
16 Do we really have enough information to approve this
17 special use permit? I, along with our neighbors
18 back here, urge you to vote against it tonight.

19 Thank you.

20 CHAIRMAN OCKEN: Does anyone wish to
21 respond?

22 (No response.)

23 CHAIRMAN OCKEN: Is there anyone else here
24 who wishes to speak against this petition?

1 MS. WERCKLE: I don't have any studies, no
2 fancy numbers, no technical background for my proof,
3 but I can tell you, if this does not go in next to
4 me, it will a hundred percent not change my property
5 value. If it goes in, I don't know. I'm not a
6 specialist in that department.

7 I also have a petition with 165
8 signatures of surrounding community members that
9 have signed against this that I'd like to give to
10 you.

11 MR. REIBEL: I'll mark that Dana Werckle
12 Exhibit 1.

13 (Dana Werckle Exhibit No. 1 was
14 marked.)

15 MS. WERCKLE: And just one more thing. I
16 have said I'm not an expert on any of this, but I am
17 an expert on sitting on my front porch and looking
18 around at the beautiful surroundings of the house,
19 and on my patio and looking around in the evenings,
20 and I don't want to look to the west every night and
21 watch the sun set over 40 acres of solar panels. So
22 I urge you to vote no against this special use
23 permit.

24 Thank you.

1 CHAIRMAN OCKEN: Anyone wish to respond?

2 (No response.)

3 CHAIRMAN OCKEN: Is there anyone else here
4 who wishes to speak against this petition?

5 (No response.)

6 CHAIRMAN OCKEN: Hearing none. At this
7 point I will offer the petitioners an opportunity to
8 make a closing statement, and I will offer the
9 opposition the opportunity to make a closing
10 statement. For purposes of time consideration, I
11 would ask that the opposition choose one person to
12 make that statement, and I'll just recess very
13 briefly if you would like to decide who you'd like
14 to make that statement. So we will be in recess for
15 just a few minutes.

16 (A brief recess was had.)

17 CHAIRMAN OCKEN: Does the petitioner wish
18 to make a closing statement?

19 MR. GRISSOM: I just wanted to address,
20 obviously, you know, kind of sum up everything you
21 have addressed, some of the items that were just
22 recently presented to the board. I wanted to kind
23 of go into, you know, they were talking about
24 ForeFront being only 17 months old. That is because

1 we were formed by a company that has a global energy
2 background and has 50 years of experience and is
3 trying to expand it, you know, in the United States.

4 I also wanted to address the fact that,
5 you know, none of the members were reached out to by
6 ForeFront. Mr. Pifkin offered to pass out our
7 marketing campaign as more of a personal touch, and
8 I kind of wanted just to stress that. I mean, we
9 want to -- we want to appease the community. We
10 want to work together. We'll do whatever we can.
11 That is why there's been changes to the site plan to
12 try to, you know, appease members of the community
13 and get away from the residents, and, you know,
14 institute a landscaping plan. This was just, you
15 know, recent, and we'll -- this is the conceptual.
16 We'll work with the community for the, you know, to
17 get something that is as esthetically pleasing as
18 possible.

19 You know, I think as far as the industrial
20 perception of this, I mean, this -- this seems to me
21 like one of the least offensive uses for this land.
22 I mean, you know, we could be a bunch of brutes.
23 Mr. Pifkin could want to, you know, subdivide this
24 and try to do that. So, you know, I think it's a

1 pretty innocuous use of the land, especially when
2 it's all said and done and the landscape buffer is
3 up.

4 I'd also like to stress that, you know,
5 we've worked really hard to stay within the
6 ordinance. We are within the ordinance. I've
7 worked with Mike for a couple of months now, and,
8 you know, I urge you all to vote, you know, per the
9 ordinance. And I also want to stress that this
10 construction plan, it has to be approved, obviously,
11 to get the building permit. We'll have more
12 detailed stamped civil drawings, electrical
13 drawings, structural drawings. I mean, that all has
14 to go through you all to get final approval. So,
15 you know, that's going to be, you know, that's going
16 to be another step if we get -- you know, if and
17 when we get past this step. So I want to stress
18 that.

19 I also want to stress that, you know, I
20 think that -- I think that, you know, we are trying
21 as hard as we can, and the value of this is to the
22 community as far as lower electricity and higher tax
23 dollars, you know, they've got to see the positives
24 of this, too. I mean, we're not bringing in any

1 strain on the economy, no new, you know, no new
2 taxes, I'm sorry. We're trying to -- we're trying
3 to work with it, with the community, and, you know,
4 there's definitely benefits financially to the
5 County, so . . .

6 That's all I have.

7 CHAIRMAN OCKEN: Thank you. Does the
8 opposition wish to make a closing statement? And
9 your name again?

10 MR. RUSS: I'm Curt Russ, R-U-S-S.

11 CHAIRMAN OCKEN: Thank you.

12 MR. RUSS: I'm going to try and counteract
13 some of what he has said to me. I understand that
14 you said that you tried contacting the Pifkin,
15 that's true. I was never contacted directly by
16 Pifkin. So I'm one person that can tell you that.
17 So it would have been nice, as you say, you want to
18 work with the community. I've seen, not solar
19 plants, but other issues of people trying to bring
20 something to the community. They bring the
21 community to a meeting and we discuss and we
22 describe what we're going to do. I believe they did
23 that with the fuel plant that they were going to put
24 in Stillman Valley. They actually brought the

1 community together and showed them this is what we
2 are going to do for you, all right? And then the
3 community still voted it down, and they went way
4 overkill with trees and trying to hide certain
5 things. And they really made it look like the
6 forest, and the people didn't want that in here at
7 the moment. But they did really work hard with the
8 community, coming in and trying to get our opinions,
9 verbally, voices, me/you talking. Not here in a
10 room together where we can come to an agreement and
11 say, Okay, I like this, I don't like this. That's
12 how you work with the community. You don't do it
13 the way that we're doing it now by handing out
14 pamphlets and walk away, because we still can't
15 discuss nothing with you and you agree with that.

16 MR. GRISSOM: I think that that can work
17 both ways, though. That can have a negative impact.

18 MR. RUSS: It could have a negative
19 impact.

20 MR. GRISSOM: It could be like opening
21 Pandora's box of, you know, guys attacking us.

22 MR. RUSS: But it could have a positive
23 affect, too.

24 MR. GRISSOM: Trust me, we've weighed the

1 options, yes.

2 MR. RUSS: We've also got to look at the
3 lease again. I think you really need to look at
4 that, the legal. I'm not the lawyer, so I don't
5 know all that, what's in effect there. The
6 construction plans, you say you have to get it
7 approved, and I think it would be a very, very
8 negative here, and I hate to do this, but I built my
9 home here, and I've seen how the system worked here
10 when it comes to do inspections. Yes, you look at
11 the plans, you approved them. Just on my land
12 alone, I had an inspector come out and look at my
13 land and say, it's great for you, what you're
14 puttin' in, I'm here on your land right now. And
15 I'm sitting there, that's nice, where are you,
16 because I'm on my land. He never stepped foot on
17 the land when he did his inspection to make sure we
18 were doing everything that we were supposed to do.
19 So how can I trust that that's not what's going to
20 happen here? So I have a fear in me when I've seen
21 that.

22 Also, when the final inspection came
23 through, all they did was come in. They never
24 checked my codes. They have never come in and did

1 any building inspection. The only people that came
2 in were the plumber, plumbing inspection. And this
3 is in multi homes. This is how they've done it, and
4 it helps keep the prices down because the guys don't
5 follow the codes. I'm the type of person, I follow
6 the codes. There's a reason why codes are made.
7 They're made to make places safe and healthy. So I
8 want to make sure if they do get the building or get
9 it approved, that that inspector is there and he's
10 checking every little thing. So I'm just bringing
11 this to your attention that this is something that
12 we need to work on throughout the community. But
13 it'd be nice that I know that this is being
14 inspected. Does that make sense?

15 Lower the electricity. I don't know
16 how that affects me really. I can't really talk on
17 that. I don't see what I'm getting out this.
18 You're talking tax breaks, you're talking about
19 money going towards the community school district.
20 I have no children at this moment, so it doesn't
21 affect me at that moment, and that's not a good
22 argument on my part of it.

23 We're also looking at the safety of
24 the water quality. And I know I'm bringing this up,

1 the board?

2 MR. SODERHOLM: Correct me if I'm wrong,
3 but I believe basically what I'm hearing tonight is
4 the site's an issue, correct?

5 (Whereupon, audience members
6 answered affirmatively.)

7 MR. SODERHOLM: We're not talking about
8 odor pollution, we're not talking about noise
9 pollution or any other form of pollution, we're
10 talking about what is perceived as a site pollution.
11 And I know you can't see this, but you know your
12 property, you've got Hales Corner Road here, you've
13 got the railroad track down here. Just ask yourself
14 what would it be -- what would be your objection if
15 this plan was south of the railroad track?

16 AUDIENCE MEMBER: We couldn't see it.

17 MR. SODERHOLM: Well, you couldn't see it,
18 could you?

19 AUDIENCE MEMBER: No.

20 MR. SODERHOLM: Would that bother -- would
21 that affect your decision tonight?

22 MS. MALK: If it were across --

23 MR. SODERHOLM: If it were across there,
24 out of sight, out of the mind, south of the railroad

1 tracks?

2 MS. MALK: Then no --

3 MR. SODERHOLM: I think the answer is, no,
4 it wouldn't affect it. You wouldn't -- that
5 wouldn't bother you so much. Let me just -- let me
6 just -- let me develop my point. If it's a site
7 issue, keep the program here, but you can bulldoze
8 out a little bit of a berm, and if you plant your
9 eight- to ten-foot arborvitaes -- I've got
10 arborvitaes in my place that are 15-feet tall. I
11 bought 'em when I could put 'em in my truck.
12 Arborvitae and a dogwood in front of that thing, out
13 of sight.

14 MR. WERCKLE: What' does a berm do when it
15 floods? How do you stop that from stopping the
16 water?

17 MR. SODERHOLM: Okay. Don't put the berm
18 out there. Put up a visual barrier. Okay. I'm
19 just bringing a point up. Just think about it.

20 CHAIRMAN OCKEN: Any other questions or
21 comments from the board?

22 (No response.)

23 CHAIRMAN OCKEN: Hearing none. The board
24 will now go through finding of fact. For each of

1 the six standards, we have two prepared statements,
2 one in support of this petition, and one in
3 opposition. A board member will read the statement
4 which he believes is most applicable in this
5 situation. The board members will either agree or
6 disagree. After the finding of fact, I will
7 entertain a motion in regards to this petition.

8 Mr. Reibel, please read the first
9 standard.

10 MR. REIBEL: One, That the proposed
11 special use will not be unreasonably detrimental to
12 the value of other property in the neighborhood in
13 which it is to be located or the public health,
14 safety, morals, comfort or general welfare at large.

15 MR. HAYES: Based on the evidence
16 presented, it appears that a solar farm may be
17 unreasonably detrimental to the value of other
18 properties in the neighborhood, and to the public
19 health, safety, morals, comfort and general welfare
20 at large. I believe the standard has not been met.

21 CHAIRMAN OCKEN: I disagree.

22 MR. SODERHOLM: I disagree.

23 MR. WILLIAMS: I agree.

24 MR. REED: I agree.

1 MR. REIBEL: Three the standard is not
2 met; two the standard's met.

3 CHAIRMAN OCKEN: Three to two.

4 MR. REIBEL: Two, That the location and
5 size of the special use, the nature and intensity of
6 the operation involved in or conducted in connection
7 with it, and the location of the site with respect
8 to streets giving access to it are such that the
9 special use will not dominant the immediate
10 neighborhood so as to prevent development and use of
11 neighboring property in accordance with the
12 applicable zoning district regulations. In
13 determining whether the special use will so dominate
14 the immediate neighborhood, consideration shall be
15 given to:

16 A. The location, nature and height of
17 building, structures, walls and fences on the site;
18 and,

19 B. The nature and extent of proposed
20 landscaping and screening on the proposed site.

21 MR. REED: The proposed use, due to its
22 proximity to residential uses and the residential
23 character of the surrounding area, will dominate the
24 immediate neighborhood so as to prevent development

1 and use of neighboring property. I believe the
2 standard has not been met.

3 CHAIRMAN OCKEN: I disagree.

4 MR. SODERHOLM: I disagree.

5 MR. HAYES: I agree.

6 MR. WILLIAMS: I agree.

7 MR. REIBEL: Three, That off-street
8 parking and loading areas will be provided in
9 accordance with the standards set forth in these
10 regulations.

11 MR. WILLIAMS: The site is large enough so
12 that adequate off-street parking and loading areas
13 can be provided. I believe the standard is met.

14 CHAIRMAN OCKEN: I agree.

15 MR. HAYES: I agree.

16 MR. SODERHOLM: I agree.

17 MR. REED: I agree.

18 MR. REIBEL: Four, That adequate
19 utilities, ingress/egress to the site, access roads,
20 drainage and other such necessary facilities have
21 been or will be provided.

22 MR. SODERHOLM: The petitioner has
23 adequately demonstrated that utilities,
24 ingress/egress to the site from Hales Corner Road,

1 access roads, drainage and other such necessary
2 facilities have been or will be provided. I believe
3 that standard is met.

4 CHAIRMAN OCKEN: I agree.

5 MR. WILLIAMS: I agree.

6 MR. REED: I agree.

7 MR. HAYES: I agree.

8 MR. REIBEL: Five, That the proposed use
9 can be operated in a manner that is not detrimental
10 to the permitted developments and uses in the zoning
11 district; can be developed and operated in a manner
12 that is visually compatible with the permitted uses
13 in the surrounding area; and is deemed essential or
14 desirable to preserve and promote the public health,
15 safety and general welfare of Ogle County.

16 MR. WILLIAMS: Evidence indicates that the
17 establishment of a solar farm in the AG-1 zoning
18 district may be detrimental to existing agricultural
19 operations and established residential uses in the
20 immediate area. The proposed special use is not
21 essential or desirable to preserve and promote the
22 public health, safety and general welfare of Ogle
23 County. I believe the standard has not been met.

24 CHAIRMAN OCKEN: I disagree.

1 MR. SODERHOLM: I disagree.

2 MR. HAYES: I agree.

3 MR. REED: I agree.

4 MR. REIBEL: Do you want to say that one
5 at a time?

6 MR. SODERHOLM: Disagree.

7 MR. REIBEL: Mark?

8 MR. HAYES: I agree.

9 MR. REIBEL: Randy?

10 CHAIRMAN OCKEN: Disagree.

11 MR. REIBEL: James?

12 MR. REED: I agree.

13 MR. REIBEL: Six, That the proposed
14 special use complies with all provisions of the
15 applicable district regulations.

16 MR. REED: The proposed special use
17 appears to comply with all provisions of the AG-1
18 district regulations. The standard has been met.

19 CHAIRMAN OCKEN: I agree.

20 MR. SODERHOLM: I agree.

21 MR. HAYES: I agree.

22 MR. WILLIAMS: I agree.

23 CHAIRMAN OCKEN: Standards 1, 2 and 5 have
24 not been met. I will entertain a motion to deny

1 this petition.

2 MR. HAYES: Mr. Chairman, I will move to
3 deny this application due to the standards have not
4 been met on these that you have listed in File
5 6-18SU.

6 CHAIRMAN OCKEN: Mr. Hayes moves. Is
7 there a second?

8 MR. REED: I second the move.

9 CHAIRMAN OCKEN: Mr. Reed seconds.

10 Does the board have any other questions or
11 comments?

12 (No response.)

13 CHAIRMAN OCKEN: Mr. Reibel, please call
14 the roll.

15 MR. REIBEL: Soderholm?

16 MR. SODERHOLM: No.

17 MR. REIBEL: Williams?

18 MR. WILLIAMS: Yes.

19 MR. REIBEL: Reed?

20 MR. REED: Yes.

21 MR. REIBEL: Hayes?

22 MR. HAYES: Yes.

23 MR. REIBEL: Ocken?

24 CHAIRMAN OCKEN: No.

1 Now on this 16th day of July, A.D., 2017, I
2 do signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.

4

5

6

Randy Ocken, Chairman

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Michael Reibel,
Zoning Administrator

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Margaret M. Ciembronowicz
Certified Shorthand Reporter
IL License No. 084-003-833

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