This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Dallas A. Huntley, Trustee of the Dallas A. Huntley Trust No. 7-02, 1382 N. IL Route 2, Oregon, IL in case #12-18AM. The applicant is requesting a Map Amendment to change the zoning classification from B-1 Business District to R-2 Single Family Residence District on parcel Identification No. 09-33-451-006, a parcel of land located in part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 33, T24N, R10E of the 4th P.M., Rockvale Township, Ogle County, IL and located at 1382 N. IL Route 2.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 2018 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-7G (Report by Zoning Board of Appeals) of the Ogle County Amended Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. The site is located in an area that contains a mixture of residential and commercial uses, and the site is adjoined by R-2 zoning and residential uses. **Standard met.**

2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Residential use of the site will not create a burden on the County of Ogle and other public service providers, as little to no change in the intensity of use is proposed. Standard met.**

3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No adverse impacts or impact on the environment will result from the proposed map amendment, as no additional development of the site is proposed. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. The site is suitable for the R-2 zoning district, as it is currently developed so that the existing building on site may be converted to a dwelling, and the building is served by an existing well and septic system. In addition, the proposed parcel conforms to the minimum lot size and width requirements of the R-2 zoning district. **Standard met.**
5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. The trend of development in the general area is of existing and established residential uses and commercial uses. The proposed zoning classification of R-2 Single Family Residence District is consistent with this trend. Standard met.

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the Ogle County Amendatory Comprehensive Plan. The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, as it will allow residential use of the site that is compatible with surrounding uses; the proposed amendment is also consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the Ogle County Amendatory Zoning Ordinance and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from B-1 Business District to R-2 Single Family Residence District.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken  
Paul Soderholm  
Mark Hayes  
James Reed

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
MR. OCKEN: Mr. Reibel, what's the next order of business?

MR. REIBEL: The next order of business is to consider the request filed October 17th, 2018, of Dallas A. Huntley, Trustee of the Dallas A. Huntley Trust No. 7-02, 1382 North Rockvale Route 2, Oregon, Illinois, for an Amendment to the Zoning District to rezone from B-1 Business District to R-2 Single-Family Residence District on property described as follows and owned by the Petitioner:

Part of the Northwest Quarter of the Southeast Quarter of Section 33 Rockvale Township 24N, R10E of the 4th P.M., Ogle County, Illinois, 3.32 acres, more or less.

On part of Property Identification Number 09-33-451-006.

Common Location: 1382 North Illinois Route 2.

For the record, all adjoining property owners to the petition have been notified by certified mail of the hearing this evening and the specifics of the petition. A legal notice has been published in the November 5th, 2018, edition of the Ogle County Life to notify the public of the hearing this evening and the specifics of the petition, and a sign has been posted along the frontage of the premises to notify the public of the hearing reference the subject property.

Under the Staff Report, which is on file, the Board members have received, I will point out, under General Information, that the site is 3.32 acres in area.

Existing land use is a tree research facility.

As far as surrounding land use and zoning, the site is located within an area that contains a mixture of residential and commercial uses. The easterly parcel that adjoins the site to the south is in commercial service use (a motel) that is zoned B-1; the westerly parcel that adjoins the site to the south is in residential use that is zoned B-1; land to the west is in mature timber and is zoned AG-1; land to the east is in commercial service use (bank) and is zoned B-1; land to the north is in residential

In Totidem Verbis, LLC (ITV)

In Totidem Verbis, LLC (ITV)

815.453.2260
use and is zoned B-1.

Zoning history, the site was placed in its present zoning classification in 1970.

Special Information:

Public utilities, sanitary sewer and water from the City of Oregon are located within the vicinity of the site. The site is currently served by a private, on-site well and septic system.

Transportation, North Illinois Route 2 is a State-maintained highway classified as a principal arterial highway.

Physical characteristics, the site ranges from gently sloping in the eastern portion of the site to sloping in the western portions of the site. The soils on site are well drained and are not subject to ponding or flooding hazards. There are no mapped wetlands or floodplain areas on the site. The soils are rated as being somewhat limited for septic fields due to slow water movement.

I have a letter on file received November 7th, 2018, from the Illinois Department of Transportation that states: In the near future In Totidem Verbis, LLC (ITV)

there are no roadway construction plans for this area that would affect the property in this location or the rezoning request. Consequently, at this time we have no objections.

Signed by Kevin Marchak, P.E., Region 2 Engineer.

At the November 27th, 2018, meeting of the Ogle County Regional Planning Commission, Mr. Nelson moved to recommend approval of the petition, as it fits the Comprehensive Plan and the use fits the area. Seconded by Mr. Smith. The motion carried unanimously by roll call vote.

That's all I have.

MR. OCKEN: Mr. Huntley, please come forward to the podium. Please raise your right hand.

DAVID SMITH and DALLAS HUNTLEY, being first duly sworn, testified as follows:

MR. OCKEN: Please state your names and addresses for the record.

MR. SMITH: My name is David A. Smith.

I'm an attorney here in Oregon. I'm representing Mr. Huntley.

In Totidem Verbis, LLC (ITV)

So we're here only to change the zoning to the building area and not to the rest of the forest for the limited purpose of allowing land to maintain full-time residence there if he so chooses in the future.

MR. OCKEN: And that's the building that's marked as house and office on our plan?

MR. SMITH: That's correct.

MR. OCKEN: So as you're driving in, it's the building right to the -- the large building right to the left?

MR. SMITH: Correct.

MR. OCKEN: And will that be entirely residence or part office, or how will that be divided?

MR. SMITH: It will stay part office as it is now. And the area that was originally constructed to be used for living accommodations will be as it is now used for but in a more permanent possible arrangement than he's had in the past.

MR. OCKEN: And nothing else changes then?

MR. SMITH: Nothing else.

MR. OCKEN: The building is not going to In Totidem Verbis, LLC (ITV)
development.

MR. HAYES: Residential use of the site
will not create a burden on the County of Ogle
and other public service providers, as little to
no change in the intensity of the use is
proposed. I believe the standard is met.
(All those simultaneously
agreed.)

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

MR. REED: No adverse impacts or impact on
the environment will result from the proposed
map amendment, as no additional development at
the site is proposed. I believe the standard
has been met.
(All those simultaneously
agreed.)

MR. REIBEL: 4) That the subject property
is suitable for the proposed zoning
classification.

In Totidem Verbis, LLC (ITV)

either agree or disagree. After the finding of
facts, the Chair will entertain a motion in
regard to this petition.

Mr. Reibel, please read the first
standard.

MR. REIBEL: Amendment Standard 1) That
the proposed amendment will allow development
that is compatible with existing uses and zoning
of nearby property.

MR. SODERHOLM: The site is located in an
area that contains a mixture of residential and
commercial uses, and the site is adjoining by R-2
zoning and residential uses. I believe that
standard is met.
(All those simultaneously
agreed.)

MR. REIBEL: 2) That the County of Ogle
and other service providers will be able to
provide adequate public facilities and services
to the property, including, but not necessarily
limited to, schools, police and fire protection,
roads and highways, water supply and sewage
disposal, while maintaining adequate public
facilities and levels of service to existing

In Totidem Verbis, LLC (ITV)
(All those simultaneously
agreed.)

MR. REEBEL: 6) That the proposed
amendment is consistent with the public interest
and not solely for the interest of the
Applicant, giving due consideration to the
stated purpose and intent of the Amendatory
Zoning Ordinance as set forth in Division I
therein, the Land Evaluation and Site Assessment
findings, if applicable -- in this case they're
not -- and the recommendation of the Ogle County
Regional Planning Commission with respect to the
Ogle County Amendatory Comprehensive Plan.

MR. REED: The proposed amendment is
consistent with the public interest and not
solely for the interest of the Applicant, as it
will allow residential use of the site that is
compatible with surrounding uses; the proposed
amendment is also consistent with the purpose
and intent of the Amendatory Zoning Ordinance.
Zoning Board of Appeals has given due
consideration that the Regional Planning
Commission has recommended approval. I believe
the standard's been met.

In Totidem Verbis, LLC (ITV)

(All those simultaneously
agreed.)

MR. REEBEL: Have the Board members read
and considered the Lasalle Factors as applied to
this petition?

(All those simultaneously
answered in the affirmative.)

MR. OCKEN: All of the standard have been
met. I will entertain a motion to approve this
petition.

MR. HAYES: Mr. Chairman, I will make a
recommendation to approve this Amendment 12-18
for Dallas A. Huntley on the consideration that
all the standards have been met and the Regional
Planning Commission has okayed it.

MR. SODERHOLM: Second.

MR. OCKEN: Mr. Hayes moves. Is there a
second?

MR. SODERHOLM: Yes.

MR. OCKEN: Mr. Soderholm seconds.

Does the Board have any other questions or
comments?

(No verbal response.)

MR. OCKEN: Hearing none, Mr. Reibel,
In Totidem Verbis, LLC (ITV)

Now on this 29th day of November, A.D.,
2018, I do signify that the foregoing testimony
was given before the Ogle County Zoning Board of
Appeals.

Randy Ocken, Chairman

Michael Reibel,
Zoning Administrator

Carrie S. Bodner
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-004489
P.O. Box 381
Dixon, Illinois 61021

In Totidem Verbis, LLC (ITV)
815.453.2260
GENERAL INFORMATION:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Dallas A. Huntley, Trustee of the Dallas A. Huntley Trust No. 7-02, 1382 N. IL Route 2, Oregon, IL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status of Applicant:</td>
<td>Trustee</td>
</tr>
<tr>
<td>Requested Action:</td>
<td>Map Amendment</td>
</tr>
<tr>
<td>Purpose:</td>
<td>Re-zone from B-1 Business District to R-2 Single Family Residence District</td>
</tr>
<tr>
<td>Location:</td>
<td>Part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 33, T24N, R10E of the 4th P.M., Rockvale Township, Ogle County, IL</td>
</tr>
<tr>
<td>Size:</td>
<td>3.32 acres</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Tree research facility.</td>
</tr>
<tr>
<td>Surrounding Land Use and Zoning:</td>
<td>The site is located within an area that contains a mixture of residential and commercial uses. The easterly parcel that adjoins the site to the south is in commercial service use (a motel) that is zoned B-1; the westerly parcel that adjoins the site to the south is in residential use that is zoned B-1; land to the west is in mature timber and is zoned AG-1; land to the east is in commercial service use (bank) and is zoned B-1; land to the north is in residential use and is zoned B-1.</td>
</tr>
</tbody>
</table>
Applicant:  
Dallas A. Huntley, Trustee of the Dallas A. Huntley Trust No. 7-02, 1382 N. IL Route 2, Oregon, IL

Comprehensive Plan:  
The site is located within 1.5 miles of the City of Oregon, which has an adopted comprehensive plan (Oregon Comprehensive Plan Update 2016). Rockvale Township does not have a township planning commission.

The Oregon Comprehensive Plan Update 2016, Future Land Use and Transportation Plan map appears to designate the site for “General Commercial”, which is described as follows: *The Commercial category is intended to provide for retail establishments which offer a wide range of goods and services in locations which abut or front, and have access to, either directly or through frontage roads, heavily traveled major arterial roadways. This category includes commercial complexes and roadside commercial establishments."

The Ogle County Amendatory Comprehensive Plan 2012 Update, General Development Plan Map states as follows: *City, village and/or township comprehensive and land use plans may vary from this map. For land areas that are within 1.5 miles of incorporated cities and villages that have an adopted comprehensive or land use plan, or are within a township with a township planning commission, the appropriate city, village or township planning document should be consulted.*

Zoning History:  
The site was placed in its present zoning classification in 1970.

Applicable Regulations:  
The R-2 zoning district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to provide areas in which the principal use of the land is for single-family dwellings. In this district public water supply and sewer facilities, essential to public health, should be available and/or provided for at the time of development.

Furthermore, it is the intent of this Ordinance that the "R-2" Single-Family Residence District be located within the one and one-half (1.5) mile area surrounding incorporated cities and villages in order that public facilities may be utilized, and on land that is less suitable for agricultural use and better suited for residential use due to factors such as, but not necessarily limited to, the following:

- Suitability of the land for agricultural use (as indicated by the Land Evaluation and Site Assessment [LESA] System);
- Trend(s) of development;
- Need for additional residential land;
- Consistency with County and municipal land use plans;
- Availability of adequate public facilities and infrastructure;
- Impact on existing public facilities and infrastructure.
**SPECIAL INFORMATION:**

<table>
<thead>
<tr>
<th><strong>Public Utilities:</strong></th>
<th>Sanitary sewer and water from the City of Oregon are located within the vicinity of the site. The site is currently served by a private, on-site well and septic system.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation:</strong></td>
<td>N. IL Route 2 is a state-maintained highway classified as a principal arterial highway.</td>
</tr>
<tr>
<td><strong>Physical Characteristics:</strong></td>
<td>The site ranges from being gently sloping in the eastern portion of the site to sloping in the western portions of the site. The soils on site are well drained and are not subject to ponding or flooding hazards. There are no mapped wetlands or floodplain areas on the site. The soils are rated as being somewhat limited for septic fields due slow water movement.</td>
</tr>
</tbody>
</table>
Mr. Reibel stated a letter from Forefront Power was received on November 16, 2018 withdrawing this petition. Mr. Smith made a motion to accept the request for withdrawal. Seconded by Mr. Flanagan. Motion carried via voice vote.

**#12-18 AMENDMENT - Dallas A. Huntley, Trustee of the Dallas A. Huntley Trust No. 7-02, 1382 N. IL Rte. 2, Oregon, IL for an Amendment to the Zoning District to rezone from B-1 Business District to R-2 Single-Family Residence District on property described as follows and owned by the petitioner:**

- Part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 33 Rockvale Township 24N, R10E of the 4th P.M., Ogle County, IL, 3.32 acres, more or less
- Property Identification Number: Part of 09-33-451-006
- Common Location: 1382 N. IL Rte. 2

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. A letter on file from IDOT states as there are no roadway construction plans for this area that would affect the property at this location or the rezoning request, we have no objections. Signed Kevin Marchek, P.E., Region Two Engineer.

Mr. White asked if there was any opposition. There was none. Mr. White asked for discussion. Hearing none, Mr. White asked for a motion. Mr. Nelson stated I make a motion to recommend approval of petition #12-18 Amendment as it fits the comprehensive plan and the use fits the area. Seconded by Mr. Smith. The motion carried unanimously 6-0 via roll call vote.

**#20-18 SPECIAL USE - OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Rte. 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Rte. 64, Oregon, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Bradley J. Bauer, Donna S. Bauer, and Erik P. Bauer, and being leased by OneEnergy Development, LLC:**

- Part of G.L.3 and part of of G.L.4 of the Northeast Fractional Quarter (NE Fr. 1/4) Section 5 of Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 115.29 acres, more or less
- Property Identification Number: 16-05-200-012
- Common Location: 1226 W. Oregon Trail Rd.

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. Mr. Reibel read the NRI cover letter from Soil & Water Conservation District and its recommendations. The EcoCAT natural resource review identified protected resources that may be in the vicinity of the proposed action. The information was evaluated and it was concluded that adverse effects are unlikely and the consultation terminated.

Mr. Nelson asked if the solar farm moratorium has been lifted. Mr. White answered yes at the November meeting of the Ogle County Board going back to September.

Mr. White asked if there were any objectors present to make a brief statement. There were none. Mr. White asked for a motion. Mr. Flanagan made a motion to deny #20-18SU as it does not fit the comprehensive plan or the surrounding area, and could have a
FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of OneEnergy Development, LLC c/o Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Route 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Route 64, Oregon, IL in case #20-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 16-05-200-012, a 115.29-acre parcel located in part of G.L. 3 and part of G.L. 4 of the Northeast Fractional Quarter (NE Fr. 1/4) of Section 5, T23N, R10E of the 4th P.M., Oregon-Nashua Township, Ogle County, IL and located at 1226 W. Oregon Trail Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 2018 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the Ogle County Amenityary Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. The petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. STANDARD MET.

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

a. The location, nature and height of building, structures, walls and fences on the site; and,

b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed solar farm will be enclosed by a security fence, and will be well buffered from near-by residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Oregon Trail Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. The petitioner has adequately demonstrated that the proposed use will not adversely affect development and use other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and, is deemed essential and desirable to preserve and promote the public health, safety and general welfare of Ogle County. STANDARD MET.

6. That the proposed special use complies with all provisions of the applicable district regulations. The proposed special use appears to comply with all provisions of the AG-1 zoning district regulations. STANDARD MET.

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the Ogle County Amendatory Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use in the AG-1 Agricultural District be granted to allow a solar farm subject to the following conditions:

1. General Provisions:

   All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. Development Standards

   The following standards shall apply:

   A. Height: No aspect or component of a solar farm shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

   B. Setbacks: All aspects and components of a solar farm (excluding fences) shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.

   C. Yard Area Requirements: All aspects and components of a solar farm (excluding fences) shall be located a minimum of 50 feet from any interior property line.
D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

F. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

G. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

H. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

I. Zoning Certificate and Occupancy Certificate: Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and
components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A "certificate of inspection" from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

J. Utility Notification: Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. Decommissioning:

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:

a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
b. The land lease ends, expires or is terminated;
c. The solar farm is damaged and will not be repaired or replaced.

This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:

a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant's expense, hire it's own qualified consultant to verify the accuracy of Applicant's estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar farm by natural or man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or
similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.

L. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2) All hazardous materials related to the construction, operation and maintenance of the Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

M. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.

N. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue from a Solar Farm.
3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

O. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least seven (7) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
Mark Hayes
James Reed

Randy Ocken, Chairman

ATTEST:
Michael Reibel, Secretary
MR. OCKEN: Mr. Reibel, what's the next order of business?

MR. REIBEL: The next order of business is to consider the request filed October 19th, 2018, of OneEnergy Development, LLC, care of Travis Brian, Chief Operating Officer, 2003 Western Avenue, Suite 225, Seattle, Washington; Bradley J. and Donna S. Bauer, 1357 West Illinois Route 64, Oregon, Illinois; and Erik P. Bauer, 1305 West Illinois Route 64, Oregon, Illinois, for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Bradley J. Bauer, Donna S. Bauer, and Erik P. Bauer, and being leased by OneEnergy Development, LLC:

- Part of G.L.3 and part of G.L.4 of the Northeast Fractional Quarter Section 5 of Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, Illinois, 115.29 acres, more or less.
- Common Location: 1226 West Oregon Trail Road.

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Existing land use is agriculture, cropland. Surrounding land use and zoning, relative to the parcel upon which the proposed solar farm is located, land to the -- and it would be the entire parcel -- land to the north is zoned AG-1 and is in agricultural use with the exception of land adjacent to the northeast corner of the site, which is owned by the Natural Land Institute and maintained as a natural area; land to the west is zoned AG-1 and is in agricultural use; land to the south is zoned AG-1 and is in agricultural use; land to the east is zoned R-2 single-family residence district and is in agricultural use. There are five dwellings within a quarter mile of the proposed solar farm boundary, and 51 within a half mile (other than dwellings of landowners participating in the proposed solar farm).

No previous zoning history on the site. "Solar farm" is a listed Special Use within the Agricultural District. As far as special information, public utilities, no public utilities are required of a

In Totidem Verbis, LLC (ITV)

solar farm. Transportation, West Oregon Trail Road is a hot-mix surfaced road under the jurisdiction of Oregon-Nashua Township that is functionally classified as a local road. Physical characteristics, the proposed solar farm site is located in an upland side slope with slopes ranging from nearly level to strongly sloping. There are no mapped wetlands or floodplain areas within the proposed solar farm area. According to the Ogle County Digital Soil Survey, the soil types identified within the proposed solar farm area have the following selected characteristics: 88.8 percent are well drained, and 11.2 are somewhat poorly drained; Zero percent are classified as being hydric soils; Zero percent are classified as having a ponding or flooding hazard; 19.8 percent are classified as Prime farmland, and the remainder are Farmland of statewide importance; 11.2 percent have a high risk of corrosion.

In Totidem Verbis, LLC (ITV)

for uncoated steel; 72.6 percent have a moderate risk, and 16.4 percent have a low risk; 88.8 percent have a depth to seasonal water table of greater than 59 inches, and 11.2 percent have a depth to seasonal water table of between 10 and 20 inches. Under the LESA program, the LESA score of 184 indicates a Low rating for protection. Land evaluation being 79.0, site assessment, 105. There are a number of -- several pages of recommended conditions that I will not read. The Board members have had an opportunity to review them.

MR. OCKEN: Agree.

MR. REIBEL: The Illinois Department of Natural Resources reports that the Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the proposed project: brassy minnow and gravel chub, however, the Illinois Department of Natural Resources has evaluated this information and concluded that adverse effects are unlikely, therefore consultation with IDNR is terminated. And in the cover letter to the Resource --

In Totidem Verbis, LLC (ITV)
Limited for unpaved local roads and streets.

An erosion and sediment control plan needs
to be developed, implemented and maintained
prior to and during all construction phases.

A stormwater detention site needs to be
developed to prevent increased surface runoff
from adversely affecting downstream areas.

To prevent erosion, the Ogle County SWCD
recommends seeding the site where there is
hardware and framing to a cool season grass and
legume mixture. This mixture will be short in
height and require very little maintenance. We
also recommend that outside of this area the
land is seeded to warm season grasses and forbs.

This mixture can be planned for a variety of
heights and will require much more maintenance.
As always, we recommend that quality, local
genotype seed be used for these projects. The
Ogle County SWCD can be contacted for help with
a job sheet, seeding plan, and vendor list to
accomplish these goals.

That's all I have.

MR. OCKEN: Would the Petitioners please
come forward to the podium? Please raise your
hand.

MR. OCKEN: State your name and
addresses for the record.

MR. UDENHOFEN: My name is Eric Udelenof, last name is spelled U-D-E-N-O-F.

MR. UDENHOFEN: Can you -- is this --

MR. REIBEL: Is the light on?

MR. UDENHOFEN: No.

Address is 100 South (inaudible) Street,
Suite 3000, Madison, Wisconsin.

MR. GRIFFITH: My name is Steve Griffith.

Last name is spelled G-R-I-P-T-T. And the
address is 2003 West Third Avenue, Suite 225 in
Seattle, Washington. ZIP code is 98121.

MR. OCKEN: And tell us why you're
requesting a Special Use Permit.

MR. UDENHOFEN: We are requesting a
Special Use Permit for the development of a
solar energy project on the subject property,
and --

MR. REIBEL: Go ahead and hit the on
button.

MR. HAYES: Mr. Chairman, while we're
getting ready here, are the owners of this
property, are they here tonight?

MR. REIBEL: Mr. Bauer is.

MR. HAYES: Can we have him at least
acknowledge the fact that these people are
representing him? We normally do that for
other, like, lawyers and so on and so forth like
that.

MR. OCKEN: Go ahead and ask.

MR. HAYES: I think it's appropriate that
we have the owner of the property basically say
that he'd like to be represented by these
people.

MR. BAUER: I'm Brad Bauer.

MR. OCKEN: I'll swear you in.

BRAD BAUER,

being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and
address for the record.

MR. BAUER: Brad Bauer, 1357 West Illinois
Route 64, Oregon, Illinois.

MR. OCKEN: Thank you.

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Those are probably similar sizes to what we're proposing here.
So you can get a look at what some of these projects are like that we have looked at. The photo here -- or the map just shows markets that are active and where we have offices. We have got 13 operating projects in four states. And as I mentioned, we'll have another 12 projects in the Midwest by the end of the year next year.
So, you know, we just, I guess, wanted to emphasize a few things that we think are strong points of solar as a land use. It provides supplemental income for the landowners in a way that is low impact and beneficial to the surrounding agriculture area.
We have committed as part of our -- all of our Illinois projects that we're working on to seed pollinator habitat beneath all the panels. So as shown in the image here, basically that consists of a low-growing mix of foliage and grass species that are local geotype that has been recommended by the SWCD. We're doing that at our Wisconsin project as well.
In Totidem Verbis, LLC (ITV)

You know, that has benefits to the surrounding agricultural area, giving that about three-quarters of food crops are pollinated and rely on pollinators, but also just to hold the soil in place. It -- you know, we believe this acts like a set-aside program that's longer in duration but doesn't require any taxpayer dollars.
These projects contribute to the local labor force by creating jobs both in the development and operation -- and construction and operations long term.
They generate energy close to where it's used. They don't use water.
And, you know, one thing just want to highlight for each one of these 4-megawatt projects, it will generate about 9 million megawatt hours per year, which is about equivalent to 900 average homes, roughly about the size of the consumption of Mt. Morris.
For both these projects that we're presenting, they're community solar. They're proposed as community solar projects. So any resident or business that has -- that pays a
In Totidem Verbis, LLC (ITV)
The ComEd bill will be able to participate in the project. And basically you're able to, you know, go out looking for customers in the area where our projects are located, offering what would represent about a 10 percent savings compared to the current ComEd rate, and then locking that in for the life of the contract.
We typically do not have a lot of difficulty selling shares in these projects. They are very appealing, and we feel very beneficial for the folks that participate.
The projects generate a consistent tax revenue for the local jurisdiction. As I said, Bill 486 passed in August that fixes the rate and levels the playing field across the state. So based on the calculations we have done, it's about $28,000 per project per year, or just shy of a million dollars over the lifespan of the project.
And importantly, the last bullet, one thing I really like about this legislation is, at the end of the project life the property tax of the subject property reverts back to agriculture. So there's no question about at
In Totidem Verbis, LLC (ITV)
thing that we like about it is the area beneath
the panels is not consistently shaded. It's
mixed shade throughout the day. So it's much
easier to get full vegetation established
beneath the panels than if they were fixed tilt.
Another -- you know, they have got about
enough room to get a truck between each row,
just to give you an idea of the scale there.
As far as other basic components, the
photo on the top left is a line tap. So key
elements of these projects, they have got to
have a good location on the ComEd transmission
system to tie into that's cost effective and not
a really expensive place to tie in but also has
sufficient capacity to handle this type of power
output.
It doesn't look anything different than a
line tap for a commercial building. Basically
just three wires come down the pole, go
underground, and come over to where the
transformer pad is within the project area.
The photo on the bottom left is what the
transformer pad looks like. This is the only
cement mix that's proposed within the project
In Totidem Verbis, LLC (ITV)

area. And it's basically a floating concrete
slab, so pre-manufactured, brought to the site,
set in place, very easy to remove at the end of
the project life. The foundation -- there are
no foundations associated with any of the
racking. They're driven piles, screwed in
place, and they're very easy to remove at the
end of the project's life.
I have said that for a long time, but I
have never seen it in practice. But we're
building a project up here in La Crosse,
Wisconsin, that's also a community solar
project, and the surveyor put three of the
stakes in the wrong location. So I was actually
out on site when they were doing this, and the
construction guys had to move those posts and
put them in a different spot. They were
actually able to just put a bolt on top of the
rack, you know, just a simple lift, and put a
slings on that thing and they just pulled them
right out of the ground.
So at the end of the life of this project,
the same technique will be followed. It's very
straightforward to remove the facilities.
In Totidem Verbis, LLC (ITV)

You know, we're obligated under the
Agricultural Impact Mitigation Agreement to
decommission the projects at the end of the
life.
Other basic component is the fence. So,
you know, we are -- for National Electric Code
reasons, we have to fence the project and make
them inaccessible. So we proposed a security
fence around the parameter and then a low-impact
access road to allow construction and
maintenance access. Basically that just goes
right into that transformer inverter pad that I
showed earlier.
During construction we anticipate that the
construction of these projects will take about
three to five months, with at the most
activity in the first month, when we're actually
installing the piles that the racking is built
on top of.
The panels are fixed to the top of that
rack, and then there's underground power lines
that connect those rows to a central point where
the inverter is located. From that inverter
point, as I mentioned, there's an underground
In Totidem Verbis, LLC (ITV)

wire that goes over to the ComEd transmission
line, goes up the tower, and then it's connected
at that point.
During the operations period of the
project, there is an annual maintenance check.
There's mowing three to four times a year. Snow
removal, you know, there's sufficient -- you
know, if there's more than 6 inches of
accumulation, you have to make sure someone can
got in there if they need to, but there's very
little activity. I mean, if you see one person
a month, that would be pretty -- that would be a
lot of traffic. I mean, we anticipate maybe one
person on site every couple months.
They are run remotely. They are monitored
remotely. So if there's an outage even to one
specific panel, we can respond to that outage
and pinpoint exactly where that is and deal with
that issue.
And I'll just mention this, we're
developing several projects throughout Northern
Illinois, and we would anticipate basically
having an operations staff that was dedicated to
maintaining all of these projects.
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<td>1. I’m going to hand it over to Steve at this point.</td>
<td>1. project are our proposed vegetative screening.</td>
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<td>2. MR. GRIFFITH: Okay. So I’m just going to provide a bit of overview about the site plan for the project, which we refer to as the Sauer Solar Project.</td>
<td>2. That’s a double row of evergreens, kind of offset. The double row is intended to mitigate any visual impact on the neighbors on either side.</td>
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<td>3. This is just a context map in which you can generally see where the two projects that we will be discussing tonight are located. So Sauer, you can see is just west of the municipal boundary of the City of Oregon. Here is basically a snapshot of our site plan, which I understand you all have in front of you. So I just want to point out a few things, some of which Eric just kind of walked through. Again, this is a 4-megawatt solar project. Has a footprint of about 40 acres on a parcel that has more than a hundred acres. Is owned by the Bauer family. Again, these are single-access tracker panels. From the outside of the panels is that security fence. And then in green you can see on the eastern and western portions of the In Totidem Verbis, LLC (ITV)</td>
<td>3. Of course, there’s an existing wooded area to the north of the project site that will be proposed to certainly leave as is. There will be an access road, as Eric mentioned. It’s coming off of West Oregon Trail Road. It’s actually an existing agricultural access road at that point. We have had preliminary discussions with the Oregon-Nashua Township Highway Commissioner about that access point preliminarily. It had been approved, but obviously will go through a full access permit process prior to construction of the project. Running south of West Oregon Trail Road, what looks like little dots, those are existing utility poles. That’s the ComEd three-phase distribution line that will be proposed a line tap around the same point as the access road, and then that line connects back to the city of In Totidem Verbis, LLC (ITV)</td>
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<td>4. On the issue of drainage, also part of the Agricultural Impact Mitigation Agreement that we’ll enter into with the Illinois Department of Agriculture -- and a copy of which will be tendered to the County -- we will be contractually obligated to repair any drain tile that might be damaged either during the construction of the project or during the project’s operation. And before that, I should say, we will be sure to do a drain tile survey using a local expert prior to the construction of the project. There will be some trenching, there will be some detailed mapping so we can get as good an idea as possible, to where the drainage tile is. Our first action is basically an attempt to avoid any disruption to that drain tile. Again, in the event there is any disruption to that drain tile, either during construction or operation, we are required to repair that as quickly as possible.</td>
<td></td>
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<td>5. I think just one final note I wanted to make, just to -- about the context of the project site, so, again, this property is owned by the Bauer family. There is a residence inhabited by the Bauer family there on the subject parcel, and the nearest residence outside the parcel is actually -- you can’t see it here, but it is a few hundred feet north of the parcel boundary, and that’s, again, a Bauer-owned property where another family lives there. All the other residences or structures are at or -- at or greater than about a thousand feet from the project site.</td>
<td>6. as possible to the -- the project boundary and any residence or structures that are existing that are not in any way affiliated with the project. In Totidem Verbis, LLC (ITV)</td>
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In Totidem Verbis, LLC (ITV) 815.453.2260
We did get an opportunity to speak with the Natural Land Institute, who owns a series of small properties to the northeast of the project site. Specifically I spoke with Executive Director Carrie Lee. She was generally supportive of the project. She did provide some information that we’re certainly planning to integrate into our project, most of those which we already presented, but using noninvasive species in our pollinator mix, which of course we will do; maintaining the existing drainage as stormwater swales, which of course we will do; and then she also asked that we minimize mowing to the extent feasible, which by using pollinator habitat we basically do.

I think that’s all I want to present. I’m happy to take any questions that you might have.

MR. OCKEN: The land to the north and east of the residence, is that currently in agricultural production?

MR. GRIFFITH: On the subject parcel, is that what you’re referring to?

MR. OCKEN: Yes.

MR. GRIFFITH: Yes, that’s correct.

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Do you want to say anything about the woven wire?

MR. UDELHOFEN: So that’s what we’re using at the project.

I mentioned that’s under construction at La Crosse. It’s basically what you would think of like a deer fence around an orchard. It’s 8-foot tall with wooden posts. That’s been found elsewhere to be consistent with the National Electric Code as well.

MR. OCKEN: And you have read, of course, the recommendations that are attached to this petition, and are you in agreement with all those recommendations?

MR. GRIFFITH: Yes, we are.

MR. OCKEN: Okay. Questions or comments from the Board? Mr. Soderholm.

MR. SODERHOLM: I see you have vegetation barriers around the west and east and part of the southeast portion. How about the -- basically the south side? Why wouldn’t you put a vegetative barrier in front of the screening or the fence?

MR. UDELHOFEN: I guess the -- our initial plan was and what our philosophy is around vegetative buffers generally is to screen the nearest homes, so have a --

MR. SODERHOLM: How about the traffic going by?

MR. UDELHOFEN: We have not proposed -- I mean, that’s not our standard, to propose a buffer along the road.

MR. SODERHOLM: Would you be willing to put vegetation on -- around the entire -- except for the northern boundary is not necessary.

MR. UDELHOFEN: Yeah, I mean, I would say we would be open to it. That would be up to --

I think --

MR. SODERHOLM: Does that mean a yes or no?

MR. UDELHOFEN: Yes, we would be definitely open to it. If you recommend it, we would do it.

MR. SODERHOLM: Okay.

MR. UDELHOFEN: Just maybe some anecdotes from other places where we built projects, once the -- once a pollinator habitat gets established, I think that it looks more like a chain link fence.

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<td>prairie/meadow-type setting, and there are</td>
<td>resource from a stormwater perspective. So to</td>
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<td>definitely people that like that aesthetic.</td>
<td>the extent that we can avoid development in</td>
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<td>So I -- you know, that -- you know,</td>
<td>those areas, that was her recommendation.</td>
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<td>necessarily automatically propose screening</td>
<td>As you can see in this site plan, the</td>
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<td>because there's a road, but certainly, you know,</td>
<td>panels are currently proposed in those drainage</td>
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<td>we have done it before and would be open to that</td>
<td>areas, and we have got a bit of a buffer away</td>
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<td>if it would be recommended.</td>
<td>from them. As Eric mentioned, we can do some</td>
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<td>MR. OCKEN: Any other questions or comments from the Board?</td>
<td>taller plantings in those areas to, you know,</td>
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<td>MR. SODERHOLM: Yeah. Yes.</td>
<td>further provide a stormwater management benefit.</td>
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<td>MR. OCKEN: Mr. Soderholm.</td>
<td>MR. SODERHOLM: Thank you.</td>
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<td>MR. SODERHOLM: You're putting a</td>
<td>MR. GRIFFITH: Just to finish up, close</td>
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<td>pollinator cool season grass mix in the -- in</td>
<td>the loop there, she also just mentioned a desire</td>
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<td>between the panels in the setup there. How</td>
<td>to minimize moving to the extent feasible upon</td>
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<td>about in the open area, would you plant the same</td>
<td>the project site. I don't want to speak too</td>
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<td>type of vegetation in the waterways?</td>
<td>much for her, but my understanding is that there</td>
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<td>MR. UDELHOFEN: Yeah. Generally we -- as</td>
<td>may be some low-flying birds that --</td>
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<td>was recommended, we put a mix in the open areas</td>
<td>MR. UDELHOFEN: I can talk to that.</td>
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<td>that contains some species that grow a little</td>
<td>MR. GRIFFITH: Great.</td>
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<td>bit taller. And what we propose under the</td>
<td>MR. UDELHOFEN: Yeah, so we have a similar</td>
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<td>panels is a different mix that is -- they're</td>
<td>situation with our projects in Wisconsin.</td>
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<td>shorter-stature plants.</td>
<td>We're -- the DNR has requested that long term we</td>
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<tr>
<td>MR. SODERHOLM: So you will be planting</td>
<td>just mow once a year in the fall because ground</td>
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<tr>
<td>the waterways?</td>
<td>nesting birds really like this type of</td>
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<td>In Totidem Verbis, LLC (ITV)</td>
<td>vegetation and they would be nesting in the --</td>
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<td>Page 30</td>
<td>Page 32</td>
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<tr>
<td>MR. UDELHOFEN: Yeah. We would propose</td>
<td>throughout the summer months.</td>
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<td>planting -- basically anything that was</td>
<td>So in order to get this type of setup</td>
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<td>disturbed within the fenced area we would</td>
<td>established, that kind of low-growing grass, we</td>
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<td>propose planting to a perennial and deep-rooted</td>
<td>would plan on mowing it several times in the</td>
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<td>seed mix. Whether it's that -- the mix that's</td>
<td>summer in the first three years to make sure</td>
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<td>short stature or tall stature would depend on</td>
<td>that no annual invasives get established and go</td>
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<tr>
<td>where it was in the project.</td>
<td>to seed and allow the perennial seed get</td>
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<tr>
<td>MR. SODERHOLM: I couldn't hear the full</td>
<td>established, but the long term, the fourth year</td>
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<td>discussion or conversation between Carrie Lee</td>
<td>and beyond, would just be mowed once in the fall.</td>
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<td>and the NLI. What were her concerns? And could</td>
<td>MR. SODERHOLM: Thank you.</td>
</tr>
<tr>
<td>you speak clearly into the mic? I couldn't hear</td>
<td>MR. OCKEN: Any other questions or</td>
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<tr>
<td>you.</td>
<td>comments from the Board?</td>
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<tr>
<td>MR. GRIFFITH: Absolutely. I spoke -- is</td>
<td>MR. HAYES: I have a couple here.</td>
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<td>that better?</td>
<td>MR. OCKEN: Go ahead.</td>
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<tr>
<td>MR. SODERHOLM: Little better.</td>
<td>MR. HAYES: What is your timeline as far</td>
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<td>MR. GRIFFITH: Okay. Yeah, so I spoke</td>
<td>as, like, the entire project timeline? 20</td>
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<td>over the phone with Carrie Lee. She mentioned</td>
<td>18 years? 15 years?</td>
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<td>some concern for invasive species. So, of course, our pollinator mix</td>
<td>MR. UDELHOFEN: So we -- the initial</td>
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<tr>
<td>will avoid invasive species. Specifically she mentioned the crown</td>
<td>period of the lease agreement is a 26-year term;</td>
</tr>
<tr>
<td>vetch, which is apparently a particularly</td>
<td>one year for construction and then 25 years of</td>
</tr>
<tr>
<td>infamous plant that we will be sure to avoid.</td>
<td>operations. We structured the lease that way</td>
</tr>
<tr>
<td>And she also noted that the existing</td>
<td>because the panels come with a 25-year warranty.</td>
</tr>
<tr>
<td>drainage ditches are basically a valuable</td>
<td>But we fully expect the project will still be</td>
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<td>In Totidem Verbis, LLC (ITV)</td>
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In Totidem Verbis, LLC (ITV)
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able to operate after the warranty period. So we structure our leases to have a 10-year extension option at the end of that 25 -- or 26 years so that we would have the option to keep it operating for another 10 years.

I mean, it's like a car with a hundred thousand mile power train warranty, you expect it's going to keep running beyond that, so.

MR. HAYES: And you talked about a line tap. We have heard substation a lot in these meetings. As far as line tap, do you just -- basically you're looking for a tap online? How far away do you have to be from the substation?

That seems to be a concern of other ones, so just asking.

MR. UDELHOFEN: Yeah. Generally speaking, the closer to a substation, the less likely you are to have expensive upgrades on a system in order to allow the project to move forward. We do have projects in common territory that are 20 miles from a substation and they do -- they have come back with favorable results.

So it's not a hard-and-fast rule, but that's, generally speaking, the closer the less likely you are to have cost-prohibitive upgrades.

MR. HAYES: Okay. Thank you very much.

MR. OCKEN: Any other questions from the Board?

(No verbal response.)

MR. OCKEN: Do we have individuals who have filed for appearance?

MR. RIEBEL: I have an appearance entered by Bruce Roe, that's it.

MR. OCKEN: If you would just remain at the podium for a minute now.

At this point we will have an opportunity for individuals who have filed for appearance. I would remind you that this is an opportunity only to question the Petitioners, not to make statements or offer personal testimony. If you wish to make a statement, you will be given an opportunity later in the hearing.

Mr. Roe, you can come forward, please.

Being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and address to the recorder.

In Totidem Verbis, LLC (ITV)

MR. ROE: Bruce Roe, 5719 East Skinner, Stillman Valley.

MR. OCKEN: And your questions?

MR. ROE: I only have one.

Basically, if I'll read your drawing right, you're 9 feet high and 1-1/2 feet off the ground; is that right? Right here.

MR. UDELHOFEN: Yeah, at the -- basically that's --

MR. ROE: That's what it says, 1-1/2.

It's pretty hard to read.

My question is, since I saw 13 inches of snow Monday, and when it slides off your panels it's going to make a pile a heck of a lot higher than that. Do you expect the system to be able to run all winter, or is it just going to be a fair weather thing?

That's the end of my questions.

MR. UDELHOFEN: So the diagram shows the full extent of the rotation of the panels. So when they are fully facing due east, they do have that 1-1/2-foot clearance you mentioned.

So first thing in the morning, that's what the clearance would be. Throughout the day, at noon

In Totidem Verbis, LLC (ITV)

it's more like a tabletop, so the clearance is increased significantly. And then at night, it goes back down to that full extent of 4-1/2 feet.

There is the ability to alter how far that extends if there is significant snow buildup to have the panels not extend fully down all the way in that -- basically they get to 66 degrees at the fullest extent. That's -- when they're a foot and a half off the ground, if there's significant accumulations they can be programmed not to go that far down.

But I will say, one of the advantages of a tracking system is that they do shed snow quite a bit better than the fixed-tilt system.

Certainly with shorter days and snow in the winter, they do produce quite a bit less than they do in the summer, when there's almost twice as many daylight hours, but they do -- you know, any electrical equipment works better in the cold. So they do produce well, especially on a cold, clear winter day.

MR. ROE: Thank you. I will not repeat that when you bring up the other one, but it's

In Totidem Verbis, LLC (ITV)

In Totidem Verbis, LLC (ITV)

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still a question.

MR. OCKEN: You may be seated. Thank you.

Is there anyone here who wishes to speak

in favor of this petition? Please raise your

right hand.

TOM MAHONEY,

being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and

address.

MR. MAHONEY: My name is Tom Mahoney. I'm

the superintendent of the schools in Oregon.

Address is 205 South Tenth Street, Oregon,

Illinois.

As you know, any public body, financially

things have been difficult for a decade or so.

We have now recaptured where we were at in 2007.

Any revenue that can be generated by a

business coming into the community for us is a

positive. That would generate approximately 16-

to 17,000 a year for us, and that's a full-time

side for us to accommodate students. We've been

operating at deficit or near-deficit levels for

almost six years.

So we are in agreement with any revenue

In Totidem Verbis, LLC (ITV)

that would come into the community, provide

jobs, potential educational opportunities for

our students, and also help us as taxing body.

Thanks.

MR. OCKEN: Thank you.

Is there anyone else here who wishes to

speak in favor of this petition?

(No verbal response.)

MR. OCKEN: Is there anyone here who

wishes to speak against this petition?

Please come forward. Please raise your

right hand.

SAM MILLER,

being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and

address.

MR. MILLER: Sam Miller, 9389 Hayrack

Trail, Stillman Valley, Illinois.

Originally I wasn't planning to speak
	onight on this proposal, otherwise I would have

signed up for questioning and this would be more

questions. But since I didn't realize that they

were going to be talking about property taxes,

which really are not relevant to this hearing,

In Totidem Verbis, LLC (ITV)

according to my understanding of the Rules. But

having said that, the Petitioner indicated that

over a million dollars will be generated from

the plant. I have no idea how that calculation

is done, and we have been at hearing after

hearing where we hear these huge numbers and

they don't include the mandatory statutory

depreciation.

And I quickly did a calculation, which I

believe is accurate that -- and unfortunately I

had to use a different tax rate because I don't

know his tax rate, but I do know the tax rate

where I live, and I've got to believe they are

within reason of each other, the different

townships throughout Ogle County. So I do

preface it with that.

And over, I believe he said a 25-year life

$421,000 of property taxes would be generated.

Not over a million. 421,000. And if you don't

deal with big numbers all the time, that sounds

like a lot of money. But if you took the County

budget, you multiply that by 25 years, you're

talking -- I don't know what the County budget

is, I imagine it's 16 to $20 million, you're

In Totidem Verbis, LLC (ITV)

talking a huge number.

So when we put it in perspective -- it's

always nice to compare it to something. So I

compared it -- since it's a 4-megawatt plant, I

compared it to four $218,000 houses, just to

give you some perspective of what the difference

is. Because, again, it has to do with

depreciation. I understand there is a -- now

I'm going to forget the word.

MR. REIBEL: Trending factor.

MR. MILLER: Trending factor. Thank you.

-- a trending factor that applies to the

solar plant, but also there is just general real

estate inflation that applies to all of our

homes that increases the AD.

So when you put all that together and you

compare four homes, because we're talking

8 megawatts, would produce 985,000. So that's

almost a million dollars. So you can kind of

tell, maybe depreciation is being missed in

these calculations.

And it is material. I mean, there's a lot

difference between a million dollars and the

numbers that are really going to be there based

In Totidem Verbis, LLC (ITV)
I am not sure of proper procedure here. I know Mr. Reibel knows what Senate Bill -- is it 482?
MR. REIBEL: Oh, I don't know the number.
MR. MILLER: Whatever number it is.
There is a 4 percent depreciation factor down to 30 percent of the value and then a trending factor.
MR. REIBEL: That's my understanding.
MR. MILLER: And that's what Mr. Harrison said, and so that's clear. And, again, he used 35 years. Well, the lease is only 25.
The point is, there's not the amount of property taxes being generated. We can quibble about different calculations, but the numbers are right.
And if the County -- I would really encourage the County to understand the amount of In Totidem Verbis, LLC (ITV)

confirmed by several other attorneys that have dug into it, that it's basically a fixed amount, it's flat for the life of the project. It is uniformly applied across all projects, and from our standpoint it's a pretty fair and reasonable way to handle property taxes.

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The point is, there's not the amount of property taxes being generated. We can quibble about different calculations, but the numbers are right.
And if the County -- I would really encourage the County to understand the amount of In Totidem Verbis, LLC (ITV)
B) The nature and extent of proposed landscaping and screening on the proposed site.

MR. HAYES: The proposed solar farm will be enclosed by a security fence, and will be buffered -- well buffered from nearby residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. I believe the standard is met.

(All those simultaneously agreed.)

MR. REIBEL: 3) That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

MR. REED: The site is large enough so that adequate off-street parking and loading areas can be provided. I believe the standard's been met.

(All those simultaneously agreed.)

MR. REIBEL: 4) That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. I think that standard is met.

(All those simultaneously agreed.)

MR. REIBEL: 5) That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district, can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area, and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County.

MR. HAYES: The petitioner has adequately demonstrated that the proposed use will not adversely affect development and use of other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and is deemed essential and desirable to preserve and promote the public health, safety and general welfare of Ogle County. The standard is met.

(All those simultaneously agreed.)

MR. REIBEL: 6) That the proposed Special Use Comprehensive with all provisions of the applicable district regulations.

MR. REED: The proposed Special Use appears to comply with all provisions of the AG-1 district regulations. Standard has been met.

(All those simultaneously agreed.)

MR. OCKEN: All of the standards have been met. I will entertain a motion to approve this petition, including the stated recommendations.

MR. SODERHOLM: I move that we approve Petition Number 20-18 SU, Special Use, in light of the fact that all of the standards have been met, and that the vegetation will be maintained as stated in the testimony pursuant to what the NLI requests.

MR. OCKEN: And all of the other

In Totidem Verbis, LLC (ITV)

---

1 recommendations?

2 MR. SODERHOLM: Yes.

3 MR. OCKEN: Mr. Soderholm moves. Is there a second?

5 MR. REED: I'll second.

6 MR. OCKEN: Mr. Reed seconds.

7 Does the Board have any other questions or comments?

9 (No verbal response.)

10 MR. OCKEN: Mr. Reibel, please call the roll.

MR. REIBEL: Hayes?

MR. HAYES: Yes.

MR. REIBEL: Reed?

MR. REED: Yes.

MR. REIBEL: Soderholm?

MR. SODERHOLM: Yes.

MR. REIBEL: Ocken?

MR. OCKEN: Yes.

(By voice vote four ayes.)

MR. REIBEL: Four voted yes.

MR. OCKEN: This motion has been approved by a vote of four-to-zero.

MR. REIBEL: So the petition will go on to

In Totidem Verbis, LLC (ITV)
the Planning and Zoning Committee on December 11th at 10 a.m.; to the Ogle County Board on December 18th.
(The hearing was concluded at
7:09 p.m.)

In Totidem Verbis, LLC (ITV)

Now on this 29th day of November, A.D., 2018, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman

Michael Reibel,
Zoning Administrator

Callio S. Bodmer
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-004489
P.O. Box 381
Dixon, Illinois 61021

In Totidem Verbis, LLC (ITV)

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Mr. Reibel stated a letter from Forefront Power was received on November 16, 2018 withdrawing this petition. Mr. Smith made a motion to accept the request for withdrawal. Seconded by Mr. Flanagan. Motion carried via voice vote.

#12-18 AMENDMENT - Dallas A. Huntley, Trustee of the Dallas A. Huntley Trust No. 7-02, 1382 N. IL Rte. 2, Oregon, IL for an Amendment to the Zoning District to rezone from B-1 Business District to R-2 Single-Family Residence District on property described as follows and owned by the petitioner:
Part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 33 Rockvale Township 24N, R10E of the 4th P.M., Ogle County, IL 3.32 acres, more or less
Property Identification Number: Part of 09-33-451-006
Common Location: 1382 N. IL Rte. 2

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. A letter on file from IDOT states as there are no roadway construction plans for this area that would affect the property at this location or the rezoning request, we have no objections. Signed Kevin Marchek, P.E., Region Two Engineer.

Mr. White asked if there was any opposition. There was none. Mr. White asked for discussion. Hearing none, Mr. White asked for a motion. Mr. Nelson stated I make a motion to recommend approval of petition #12-18 Amendment as it fits the comprehensive plan and the use fits the area. Seconded by Mr. Smith. The motion carried unanimously 6-0 via roll call vote.

#20-18 SPECIAL USE - OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Rte. 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Rte. 64, Oregon, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Bradley J. Bauer, Donna S. Bauer, and Erik P. Bauer, and being leased by OneEnergy Development, LLC:
Part of G.L.3 and part of of G.L.4 of the Northeast Fractional Quarter (NE Fr. 1/4) Section 5 of Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 115.29 acres, more or less
Property Identification Number: 16-05-200-012
Common Location: 1226 W. Oregon Trail Rd.

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. Mr. Reibel read the NRI cover letter from Soil & Water Conservation District and its recommendations. The EcoCAT natural resource review identified protected resources that may be in the vicinity of the proposed action. The information was evaluated and it was concluded that adverse effects are unlikely and the consultation terminated.

Mr. Nelson asked if the solar farm moratorium has been lifted. Mr. White answered yes at the November meeting of the Ogle County Board going back to September.

Mr. White asked if there were any objectors present to make a brief statement. There were none. Mr. White asked for a motion. Mr. Flanagan made a motion to deny #20-18SU as it does not fit the comprehensive plan or the surrounding area, and could have a
negative impact on the value of residences within a quarter mile of the site. Seconded by Mr. Nelson. Mr. White asked for discussion; hearing none, he asked for a roll call vote. Following roll call, the motion to deny carried by a vote of 5 in favor of the motion to deny, and 1 opposed.

#21-18 SPECIAL USE - SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Curtis R. Freeberg Trust and Norma L. Freeberg Trust, and being leased by SolarStone Illinois, LLC:

- Part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S ½) of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, IL, 153.76 acres, more or less
- Property Identification Number(s): 05-33-426-003, 05-34-302-001 and 05-34-376-001
- Common Location: 6400 Block of E. Hales Corner Road

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. The EcoCAT natural resource review identified protected resources that may be in the vicinity of the proposed action. The information was evaluated and it was concluded that adverse effects are unlikely and the consultation terminated. Mr. Reibel read the NRI cover letter from Soil & Water Conservation District and its recommendations.

Mr. White asked if there were any objectors present to make a brief statement.

Judy Foster, 6425 N. Hales Corner Rd., Stillman Valley stated concerns regarding the access to the site, increased road traffic, and effects on property values. Dennis Wiley of Stillman Valley stated he is favorable to solar projects but feels this is not the right location.

Mr. White asked for questions from the Commission members. Hearing none, Mr. White asked for a motion. Mr. Nelson made a motion to deny #21-18SU as it does not fit the comprehensive plan or the surrounding area. Seconded by Mr. Wetzel. Mr. White asked for discussion; hearing none, he asked for a roll call vote. Following the roll call, the motion to deny carried by a vote of 4 in favor of the motion to deny, and 2 opposed.

#22-18 SPECIAL USE - OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Larry Roberts, Linda Powell, and Cindy Stauffer, and being leased by OneEnergy Development, LLC:

- Part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22 Buffalo Township 23N, R8E of the 4th P.M., Ogle County, IL, 75.05 acres, more or less
- Property Identification Number: 14-22-100-006
- Common Location: Southeast corner of W. Judson Rd. & S. Union Rd.
STAFF REPORT

To: Zoning Board of Appeals
Date: November 7, 2018

File #20-18SU
Prepared By: Michael Reibel

GENERAL INFORMATION:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>OneEnergy Development, LLC c/o Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. &amp; Donna S. Bauer, 1357 W. IL Route 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Route 64, Oregon, IL</th>
</tr>
</thead>
</table>
| Status of Applicants: | OneEnergy Development, LLC = Contract lessee
Bradley J. & Donna S. Bauer and Erik P. Bauer = Owners |
| Requested Action: | Special Use in AG-1 Agricultural District |
| Purpose:         | Solar Farm |
| Location:        | Part of G.L. 3 and part of G.L. 4 of the Northeast Fractional Quarter (NE Fr. 1/4) of Section 5, T23N, R10E of the 4th P.M., Oregon-Nashua Township, Ogle County, IL (site is located on the north side of W. Oregon Trail Road, the proposed site entrance being approximately 1.1 mile west of Washington Street [W. IL Route 64] and approximately 0.6 mile east of N. Gale Road). Common location: 1226 W. Oregon Trail Road |
| Size:            | The parcel upon which the proposed solar is located is 115.29 acres in area. The proposed solar farm encompasses an area of 38.44 acres within the proposed fence boundary. |
| Existing Land Use: | Agriculture - crop land. |
| Surrounding Land Use and Zoning: | Relative to the parcel upon which the proposed solar farm is located, land to the north is zoned AG-1 and is in agricultural use with the exception of land adjacent to the northeast corner of the site, which is owned by the Natural Land Institute and maintained as a natural area; land to the west is zoned AG-1 and is in agricultural use; land to the south is zoned AG-1 and is in agricultural use; land to the east is zoned R-2 Single Family Residence District and is in agricultural use. There are 5 dwellings within 1/4 mile of the proposed solar farm boundary, and 51 within ½ mile (other than dwellings of landowners participating in the proposed solar farm). |
**Applicant:** OneEnergy Development, LLC c/o Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Bradley J. & Donna S. Bauer, 1357 W. IL Route 64, Oregon, IL; and Erik P. Bauer, 1305 W. IL Route 64, Oregon, IL

**Comprehensive Plan:** The site is located within 1.5 miles of the City of Oregon, which has an adopted comprehensive plan (Oregon Comprehensive Plan Update 2016). Oregon-Nashua Township does not have a township planning commission.

The Oregon Comprehensive Plan Update 2016, Future Land Use and Transportation Plan map designates the site of the proposed solar farm for “Agriculture/Rural Settlement”, which is described as follows: The Agricultural land use category is intended to encourage the preservation and protection of economically viable agricultural land. This category discourages the premature development of vacant or agricultural lands and is also intended to prevent an incompatible mixture of urban and rural uses. The Agricultural category allows individual rural residential settlements which are compatible with the agricultural use of the land.

The Ogle County Amendatory Comprehensive Plan 2012 Update, General Development Plan Map states as follows: City, village and/or township comprehensive and land use plans may vary from this map. For land areas that are within 1.5 miles of incorporated cities and villages that have an adopted comprehensive or land use plan, or are within a township with a township planning commission, the appropriate city, village or township planning document should be consulted.

**Zoning History:** None.

**Applicable Regulations:** “Solar farm” is a listed Special Use within the AG-1 Agricultural District.
SPECIAL INFORMATION:

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

Transportation: W. Oregon Trail Road is a hot mix surfaced road under the jurisdiction of Oregon-Nashua Township that is functionally classified as a local road.

Physical Characteristics: The proposed solar farm site is located on an upland side slope, with slopes ranging from nearly level to strongly sloping. There are no mapped wetlands or floodplain areas within the proposed solar farm area. According to the Ogle County Digital Soil Survey, the soil types identified within the proposed solar farm area have the following selected characteristics:

- 88.8% are well drained, and 11.2% are somewhat poorly drained;
- 0% are classified as being hydric soils;
- 0% are classified as having a ponding or flooding hazard;
- 19.8% are classified as Prime farmland, and the remainder are Farmland of statewide importance.
- 11.2% have a high risk of corrosion for uncoated steel, 72.6% have a moderate risk, and 16.4% have a low risk.
- 88.8% have a depth to seasonal water table of greater than 59 inches, and 11.2% have a depth to seasonal water table of between 10 and 20 inches.

LESA: The LESA score of 184 indicates a LOW RATING FOR PROTECTION (LE = 79.0; SA = 105).

ATTACHMENTS:

LESA Summary Sheet

RECOMMENDATIONS:

The following are recommended conditions for approval of this Special Use Permit:

1. General Provisions:

   All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. Development Standards

   The following standards shall apply:

   A. Height: No aspect or component of a solar farm shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

   B. Setbacks: All aspects and components of a solar farm (excluding fences) shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.
C. Yard Area Requirements: All aspects and components of a solar farm (excluding fences) shall be located a minimum of 50 feet from any interior property line.

D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

F. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

G. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

H. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.
I. Zoning Certificate and Occupancy Certificate: Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A "certificate of inspection" from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

J. Utility Notification: Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. Decommissioning:

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:
   a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
   b. The land lease ends, expires or is terminated;
   c. The solar farm is damaged and will not be repaired or replaced.

This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:
   a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
   b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
   c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
   d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate not to re-vegetate due to plans for agricultural planting.

3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant's expense, hire it's own qualified consultant to verify the accuracy of Applicant's estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar
farm by natural or man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.

L. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2) All hazardous materials related to the construction, operation and maintenance of the Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

M. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.

N. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response
plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue from a Solar Farm.

3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

O. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least seven (7) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.
<table>
<thead>
<tr>
<th>Site Assessment Factors</th>
<th>Maximum Points per Factor</th>
<th>Score Assigned</th>
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<tbody>
<tr>
<td><strong>Agricultural Land Use</strong></td>
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<td></td>
</tr>
<tr>
<td>1. Percent of land in agriculture within 1.5 mile of site</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>2. Percent of land in agriculture adjacent to site</td>
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<td>16</td>
</tr>
<tr>
<td>3. Percent of site suitable for agricultural use</td>
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<td>16</td>
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<tr>
<td><strong>Zoning</strong></td>
<td></td>
<td></td>
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<tr>
<td>4. Number of non-farm dwellings within 0.5 mile of site</td>
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<tr>
<td>5. Percent of land zoned AG-1 within 1.5 miles of site</td>
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</tr>
<tr>
<td>6. Availability of zoned land for proposed use</td>
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<tr>
<td>7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years</td>
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<td>12</td>
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<td><strong>Compatibility/Impact of Use(s)</strong></td>
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<td>8. Distance from fire/ambulance protection</td>
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<td>9. Distance from school (high school)</td>
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<td>10. Impact on the environment and unique historical/cultural factors</td>
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<td>11. Compatibility with surrounding area</td>
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<td><strong>Urban Infrastructure</strong></td>
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<td>12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate</td>
<td>10</td>
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<td>13. Availability of central sewer</td>
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<tr>
<td>14. Availability of public water</td>
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<td>6</td>
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<td><strong>Land Use Feasibility</strong></td>
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<td>15. Soil suitability for on-site disposal</td>
<td>10</td>
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<td>16. Size of site</td>
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<td>17. Future need for more land</td>
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<td><strong>Adopted Plans</strong></td>
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<td>18. a) Consistency with County &quot;Comprehensive Plan&quot;; or b) consistency with city/village plan if within 1.5 miles of city/village limits</td>
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**SITE ASSESSMENT SUB-TOTAL** 200 105
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<td>74</td>
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<td>7.4</td>
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<td>618c2 (27c2)</td>
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<td>74</td>
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<td>622c2 (22c2)</td>
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<td>74</td>
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<td>466.2</td>
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<td>688b (17B)</td>
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<td>98</td>
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**TOTAL**  

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<th>Total of Column 5</th>
<th>Total of Column 4</th>
<th>Land Evaluation Sub-Total (Maximum 100 points possible)</th>
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<tbody>
<tr>
<td>3040.0</td>
<td>38.5</td>
<td>79.0</td>
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</table>

Site Assessment Sub-Total (Max. 200 pts.) = 105  
Total Points Accrued (Max. 300 pts.) = 184  

(L.E.S.A. Score)

In most cases, the site should be protected for agriculture when the points exceed 200. The following point scale should be observed:

- **0 - 199** = Low rating for protection
- **200 - 210** = Medium rating for protection
- **211 - 300** = High rating for protection

**Petitioner:** Bauer/Lone Energy

**File No.:** 20-1854

**Date:** 11-6-18  
**Prepared By:** MM
FINDINGS OF FACT AND RECOMMENDATION
OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL in case #21-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification Nos. 05-33-426-003, 05-34-302-001 and 05-34-376-001, a 153.76-acre parcel located in part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, IL and located in the 6400 Block of E. Hales Corner Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 2018 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the Ogle County Amended Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. The Zoning Board of Appeals came to no conclusion regarding this standard.

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
   a. The location, nature and height of building, structures, walls and fences on the site; and,
   b. The nature and extent of proposed landscaping and screening on the proposed site.

The Zoning Board of Appeals came to no conclusion regarding this standard.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Hales Corner Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. The Zoning Board of Appeals came to no conclusion regarding this standard.

6. That the proposed special use complies with all provisions of the applicable district regulations. The proposed special use appears to comply with all provisions of the AG-1 zoning district regulations. STANDARD MET.

RECOMMENDATION: After considering all the evidence and testimony presented, Mr. Hayes moved and Mr. Reed seconded to recommend denial of the Petition due to the application not meeting all the standards as found in Section 6-9-8C of the Ogle County Amended Zoning Ordinance.

ROLL CALL VOTE: The roll call vote was 2 members for the motion to recommend denial, 2 opposed.

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
Mark Hayes
James Reed

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
MR. OCKEN: Mr. Reibel, what's the next order of business?

MR. REIBEL: The next order of business is to consider the request filed October 19th, 2018, of SolarStone Illinois, LLC, care of Gordy Simanton, 701 Xenia Avenue South, Suite 300, Minneapolis, Minnesota; and Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. and Norma L. Freeberg, Co-Trustees, 5754 East Illinois Route 72, Byron, Illinois, for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Curtis R. Freeberg Trust and Norma L. Freeberg Trust, and being leased by SolarStone Illinois, LLC:

- Part of the Southeast Quarter of Section 33; part of the South Half of the Northeast Quarter of Section 33; and part of the Southwest Quarter of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, Illinois, 153.76 acres, more or less.
- Property Identification Numbers:
  - 05-33-456-003; 05-54-302-001; and
  - In Totidem Verbis, LLC (ITV)

In Totidem Verbis, LLC (ITV)
815.453.2260
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<td>to the parcel upon which the proposed solar farm is located, land to the north (north of the railroad and Hales Corner Road) is zoned AG-1 and is primarily in rural residential use; land to the west is zoned AG-1 and is in agricultural use with the exception of a residential-use parcel at the southeast corner of Kishwaukee Road and the railroad; land to the south is zoned both AG-1 and R-2, and is in agricultural use and residential use. Due to the configuration of the site, there is no adjacent land to the east. Relative to the actual proposed solar farm fence boundary, there are 11 dwellings within a quarter mile of the proposed solar farm boundary, and 90 within a half a mile (other than the dwelling of landowners participating in the proposed solar farm). No previous zoning history on the site. Applicable regulations, &quot;solar farm&quot; is a listed Special Use within the AG-1 Agricultural District. Special Information: Public utilities, no public utilities are required of a solar farm.</td>
<td>100 percent have a depth to seasonal water table of greater than 79 inches. Under the LESA program, the LESA score of 181.9 indicates a Low rating for protection. Land evaluation, 74.9; site assessment, 107. There are recommended conditions, which I will not read. According to the Illinois Department of Natural Resources, the Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location: the Douglas E. Wade Memorial Prairie INAI site, Rock River Byron INAI site, the Douglas E. Wade Prairie Nature Preserve. The Department has evaluated this information and concluded that adverse effects are unlikely; therefore, consultation with IDNR has been terminated. At the November 27th meeting of the Regional Planning Commission, Mr. Nelson made a motion to deny the petition, as it does not fit the Comprehensive Plan of the surrounding area. Seconded by Mr. Wetzel. Following roll call, the motion to deny carried by a vote of four in favor of the motion to deny and two opposed.</td>
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<td>In Totidem Verbis, LLC (ITV)</td>
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<th>Page 6</th>
<th>Page 8</th>
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<tr>
<td>required of a solar farm. Transportation, East Hales Corner Road is a seal-coat surfaced road under the jurisdiction of Marion Township. It is functionally classified as a local road. Physical characteristics, the proposed solar farm site is located on a stream terrace, with slopes ranging from nearly level to strongly sloping. There are no mapped wetlands or floodplain areas within the proposed solar farm. According to the Ogle County Digital Soil Survey, the soil types identified within the proposed solar farm area have the following selected characteristics. 100 percent are well drained; Zero percent are classified as being hydric soils; Zero percent are classified as having a ponding or flooding hazard; 93.5 percent are classified as Prime farmland, and the remainder are Farmland of statewide importance; 100 percent have a moderate risk of corrosion for uncoated steel; In Totidem Verbis, LLC (ITV)</td>
<td>The Soil and Water Conservation District, in its summary page to its Natural Resources Inventory Report, feels that the following concerns should be noted and addressed for Stillman Valley community solar project: The existing land use for this parcel request is row crop production, agriculture. The surrounding land use for this parcel request is row crop production, agriculture. Land evaluation score of 74.9 out of 100. The weighted relative value of the mapped soils in this parcel request is in line with important soils listed for Ogle County. Most of the soils in the parcel carry a High rating for the corrosion of steel. Most of the soils in the parcel are Very Limited for soil-penetrating and ballast anchor systems. Most of the soils in the parcel are Somewhat Limited for surface water management systems. Most of the soils in the parcel are Very Limited for unpaved local roads and streets. An erosion and sediment control plan needs In Totidem Verbis, LLC (ITV)</td>
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In Totidem Verbis, LLC (ITV)
815.453.2260
to be developed, implemented, and maintained prior to and during all construction phases.

A stormwater detention site needs to be developed to prevent increased surface runoff from adversely affecting downstream areas.

To prevent erosion, the Ogle County SWCD recommends seeding the site where there is hardware and framing to a cool season grass and legume mixture. This mixture will be short in height and require very little maintenance. We also recommend that outside of this area the land is seeded to warm season grasses and forbs.

This mixture can be planned for a variety of heights and will require much more maintenance.

As always, we recommend that quality, local genotype seed be used for these projects. The Ogle County SWCD can be contacted for help with a job sheet, seeding plan, and vendor list to accomplish these goals.

That's all I have.

MR. OCKEN: Petitioners, please come forward to the podium.

MR. REIBEL: I am sorry. I did have one --

In Totidem Verbis, LLC (ITV)

Corner Road but will also hinder the possible trend of development.

The residents who reside in close proximity or own adjacent properties expressed concerns regarding loss of natural habitat in the area. Many stated that once the leaves had fallen, their view would be of the solar panels.

Also, construction along this narrow road and crossing a railroad are both safety concerns.

Of primary concern of the Marion Township Board is that no guidelines or policies have been decided by the Ogle County Board yet. The Township feels better equipped to proceed once these policies are in place.

The Board feels that there are more suitable sites in the township that will not negatively impact the residents who live next to this proposed site.

A roll call vote was taken. The results were three votes against this proposed site, one vote to approve.

Respectfully submitted, Marion Township Board.

That's all.

In Totidem Verbis, LLC (ITV)

MR. OCKEN: Excuse me. Just -- come on up. We have got one more, but come on up.

MR. REIBEL: I do have a letter on file from Marion Township dated September 27th, 2018, which states:

A presentation was made before the Marion Township Board by Allen Oklerander who chaired the Marion Township Planning Commission meeting after Mr. Freeberg recused himself due to conflict of interest. Mr. Oklerander presented the minutes from this hearing due to the fact that no definitive decision was made by the Board. For various personal reasons, the Board members chose not to make a recommendation on this proposal.

After a period of presentation by Mr. and Mrs. Freeberg and discussion among residents attending the meeting, the Marion Township Board reiterated our previous concerns regarding solar plants in this area. This site is along the corridor where multiple other sites have been proposed along Hales Corner Road. The Board feels that solar plants in this area will affect all residents currently residing along Hales Corner Road. In Totidem Verbis, LLC (ITV)

MR. OCKEN: Please raise your right hand.

KAYA TARHAN, DANIEL ENDERTON, GORDY SIMANTO, CURTIS FREEBERG and NORMA FREEBERG, being first duly sworn, testified as follows,

MR. OCKEN: Please state your names and addresses for the reporter.


MR. FREEBERG: Curtis Freeberg, F-R-E-E-B-E-R-G, 5754 East Route 72, Byron, Illinois.

MR. SIMANTO: Gorden Simanton, 3944 Xerxes Avenue, Minneapolis, Minnesota, 55410.

MR. ENDERTON: Daniel Enderton, E-N-D-E-R-T-O-N, same address.


MR. OCKEN: Tell us why you're requesting a Special Use Permit.

MR. SIMANTO: We're requesting a Special Use Permit for a 2-megawatt facility --

MR. OCKEN: Excuse me just a second. I'm sorry. What? Did you have a concern?

In Totidem Verbis, LLC (ITV)
MR. WILEY: Mr. Chairman, I am hearing-impaired and I’m involved with this. Is it a possibility I read lips very well when I can see them. Is there a possibility I can come up there?

MR. OCKEN: Certainly. Wherever it’s appropriate.

MR. WILEY: I didn’t want to invade your space. Thank you very much. Knee replacement.

MR. REIBEL: You can move up here closer to the front.

MR. OCKEN: You can move up here if it’s easier to see these people.

MR. WILEY: That’s fine.

MR. OCKEN: Don’t sit too close to Paul.

MR. WILEY: Thank you very much.

MR. SODERHOLM: We aim to please.

MR. OCKEN: Thank you. You may proceed.

MR. SIMANTON: Good evening, Mr. Chair, Commissioners, Mr. Reibel.

I think maybe if we could, we would like your permission to allow the Freebergs to provide some statements before we start our presentation.

In Totidem Verbis, LLC (ITV)

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1. around them. Their intrusiveness has been a gradual process, and the homeowners may not even be aware they were doing it.
2. When we moved here in 1989, we owned our home property and the farm buildings. Later, after Curt’s father passed away, we bought other parcels of land. Since then, we have noticed that homeowners gradually began using our property to fit their own lifestyle. Let me give you some examples.
3. Curt owned the stone quarry on Kishwaukee Road. We invariably see cars at the quarry taking limestone for their landscaping. Why do these people feel the privilege to trespass?
4. While Curt and I were walking on the roads in [unintelligible] subdivision next to Route 72, we came upon a vacant campsite in the woods. People have camped in our pasture, hiked in our woods, built a tree house in the woods, and let their kids play in the pasture. All of this trespassing and intrusiveness has been without our permission.
5. This intrusive behavior demonstrates the fact that the boundaries between the farmer and In Totidem Verbis, LLC (ITV)

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1. the land -- and homeowners are beginning to gradually blur. They are now wanting to use our property to fit into their lifestyle. This is a continuation of the assertive control of the land beyond their fence line.
2. That is why we are upset, and that is why we are defending the farmers to be able to control their own farmland and their industry, and that is why we are defending the farmers in the township and the county.
3. Now I come to the second reason that we are here. I don't know if you have been watching the fires in California where death tolls keep rising, a loss of homes are rising, and then there's a death -- and then there is the death toll and property loss with Hurricane Michael, Hurricane Florence, Maria and Katrina.

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and never saw the sun. So as far as climate
change and being able to mess up the
environment, we saw it firsthand.
I would like to discuss a little bit about
the site and the area around it, and then
SolarStone can present information about the
solar end of the project.
When I was considering doing this, and I
thought about it for a while. I also thought
that site would be a good spot. And I kind of
thought it was a no-brainer, because I own land
all around it just outside, obviously, a
floodplain. So nobody is ever going to be on
that side, on the north side of the railroad.
This was a project encouraged by the
State, by the Citizens Utility Board, by the
Farm Bureau. Farm magazines are encouraging
farmers to look into wind and solar and cell
towers as alternate income per the economy being
what it is.
So I kind of thought it was a no-brainer
to put it there.
As far as intruding on the neighborhood,
it's the smallest -- it's a 2-megawatt project.
In Totidem Verbis, LLC (ITV)

and now we are 34, according to the Solar Energy
Industry Association.
We have an opportunity here in this county
to do just that, and we have the opportunity as
individual farmers to do just that. I know that
plant -- I know that climate change is on
everyone's list, but it should be at the top of
our list. Because climate changes and the
Illinois Future Energy Jobs Act, we, as farmers
and a county, can do our part to slowly reverse
climate change.
Therefore, Curt and I have a small piece
of property on high ground, surrounded by a
floodplain on three sides, which we own, the
fourth side is a railroad track on Hales Corner
Road. The field is surrounded by wooded area.
Community solar on that site is good and it's a
safe site.
Those are two reasons why we are here. We
need to step up to the plate and do the right
thing for our planet.
Thank you very much.

MR. FREEBERG: Thank you for the pause.
A few years ago I spent two weeks in China
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the year this year because of the extra amount of rainfall.

The railroad goes along there, and Hales Corner Road goes down there. I live down there.

The next two parcels -- I have a petition I will be giving to you, they signed that they support the program.

The next two parcels, about there and there, are objectors. You can see, according to Mike, they're over 1700 feet away from where the actual site is going to be.

Normal setbacks, if you were talking about just on the other side of the property, are about 250 feet. So that's, like, seven times the normal setback.

And you can see, a lot of this area, there's trees down in here. So there's -- sight lines, they have to look through trees. And they will admit that all summer long while there's leaves on the trees they can't even see out there where the solar panels are going to be.

Just -- okay. This is -- to give you an idea, in the summertime, again, where all the
In Totidem Verbis, LLC (ITV)

You can see once you get up here, there's a lot more trees on both sides of the creek than there are behind my house where the previous pictures were taken.

This is a lowland. The floodplain land would run right through here. This area back up in here would be the east field, and you can see there's trees screening that from the south.

I took this picture today from about where the hay feeder is with a telescope lens, so it's magnified. You can see there's a house in there and there's a house in there, but the trees pretty much come up to the roof line. The other houses that are down in there you can't even see.

This is one of those houses -- this is the best one you can see, right through the trees here, and it comes across this pond and up the field.

That is the Williams' house, and they're supporting the program. They have the best view of the site.

The reason I'm showing this picture is it
In Totidem Verbis, LLC (ITV)

trees are, from where they are down here, they have to look through these trees and these trees to even see this parcel, where half the solar things will be. And they can barely see up in here between the branches in the wintertime. They can't see any of it during the summertime. This is a picture taken recently from Kishwaukee Road. The areas up in here behind these trees is a railroad track.

As a point of reference, that's a bale feeder for cattle.

Okay. This is a view from behind my house up in that direction. The [unintelligible] live down and to the right of me. That's the area way back there. The hay feeder is about behind in here somewhere.

That's also from behind my house, looking north to the east upstream. You'll notice these trees in here, that they -- the people up there would have to -- as part of the ones they would have to look through to see the site.

Looking upstream from my backyard, I got two neighbors here that are supporting the program. The people that are objecting live up
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was taken earlier and the water is starting to go down. I want you to keep track about how far out in the field this water is. And the solar things will be up here.

Because we live up on Hales Corner Road, this is the furthest west parcel. This is across the railroad tracks from us. We're kind of up on a hill. You can see, I'm looking down at the fence. But this area here where the trains go by, you can see a little bit of reflection just above the trees there and there. That's that water you saw in the last picture. So anything between the railroad track and that water is already pretty well screened.

This is down the road that had no solar farms sitting down there. You can see a railroad track there, and there's already quite a bit of natural screening there as far as anything you can see.

I think this is my final picture. They're talking about building houses in the area. This is up pretty much right in the middle of where all the objectors are coming from. It's maybe a mile and a half from my house.

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There's even a whole community --
community, the whole town, have influence in the
area, some of these people that have been
showing up and speaking against this are from at
least two and a half or three miles away. So
they're claiming a larger personal impact area
than what you allow in towns.
You can see what happened here, this
development was put in there just before the
whole housing crash happened, and they were
expecting to get pretty good money for it. Now
it's -- now they're pricing, according to this,
for a third of what they started at.
And a realtor told me the reason that's
going on is because housing construction prices
are still pretty high and it costs a lot more to
buy a lot and build a house than it is to buy
one. And there's houses available for sale, so
lots aren't selling.
As far as the taxes go, I don't know what
kind of a tax rate he used. There is a set
formula, trend factor, whether it goes up or
it goes down. He asked us to assume that
they're going to build so many houses, and you
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questions that you have this evening.
This is our Stillman Valley project. Just
a little bit about us, we are a solar-based
development company. We're headquartered in
Minneapolis. We have got about 25 years of
experience in the renewable energy sector in
both domestic and international. We have
developed about 3,000 megawatts of solar and
wind during that time.
The accomplishments up in Minnesota, in
our portfolio we have 15 projects that will be
in production capacity of about 70 megawatts
across 11 counties, we have 12 projects
currently that are delivering power to the grid
at 55 megawatts, and then we have got another
three projects by the end of this year that will
be delivering about 15 megawatts, to round that
out to our 70.
We currently occupy the number two
position in the marketplace in Minnesota as a
solar developer, and we expect at the end of the
year to have about 15 to 20 percent market
share.
Then our development and finance partners
In Totidem Verbis, LLC (ITV)
can't assume that necessarily because -- well,
like, over in Scott Township, for the last two
years there haven't been any built in a rural
area, and in Marion Township there's been ten.
Not up in this area.
But the other thing is, you actually
assume that there's going to be -- the value of
the house always appreciates. Well, we know in
the Great Depression, the housing recession in
Stillman there's a lot of people outside of town
protesting taxes, to get their tax assessment
lowered. So you can't say houses are always
going to increase taxes also.
Thank you. I'll turn it over to
SolarStone now.
MR. SIMANTON: Good evening. I don't
think I answered your question you asked me when
we got interrupted there. But we put our
application in for a 2-megawatt facility on the
Freeberg property for the ability to be able to
build and operate a facility.
So with that, I'm going to go ahead. I
have got a brief presentation here, and then my
colleagues and I would be happy to field any
In Totidem Verbis, LLC (ITV)
is NRG Energy, which is the largest independent
energy producer in the country.
Just a little bit about the Future Energy
Jobs Act here that was signed into by Governor
Rauner in 2016, it is the most significant
renewable energy policy in the State's history.
It's designed to bring community solar here,
which is a shared program that allows residents,
businesses, governmental entities to be able to
participate on it.
There was a legislative mandate that went
along with that to produce 4300 megawatts of
solar and wind by 2030. That primarily, about
98 percent of that, public utilities responsible
for that, are Ameren and ComEd.
At the end of the day, the State is
looking, as part of that 4300, about 800 to 900
megawatts is expected from community solar.
There's also a couple of lotteries. This one,
this program, is requiring a lottery, and
lottery will open up -- it's random, and it will
open up on the 15th. I have got the wrong date
here. That would be 2019.
It's about -- what they're telling us,
In Totidem Verbis, LLC (ITV)

015.453.2260
it's about a 10 to 20 percent chance of a project being selected. The specifics about this project, this is a 2-megawatt facility, not a 4. The majority of our projects are 4 megawatt, but this is a 2-megawatt facility. It's approximately on about 158 acres total, and the footprint that we're looking at for this 2-megawatt facility is about 19.4 acres. That's equivalent to about 12 percent of the area of that land.

We do have a construction period. It's usually 90 to 120 days. We do have some heavy delivery trucks that would be coming on site during that period of time to deliver the solar equipment that we need to build out. There would also be a laydown area for construction trailers and parking for the crews that come in.

And then we would also be using hydraulic equipment to place the steel posts. So that's much more of a vibration. So we're trying to be responsible there from a noise standpoint as well.

Long-term service, you could expect primarily light-duty service trucks that would be coming in a few times a month that would be doing maintenance and service on the facility and also mowing and weed control.

The equipment we're going to be using is tracker equipment, single-access. They have sensor technology on them, so they will follow the sun from the morning until the evening and track across the sky. That way they're about 10 to 12 feet in height. We can work with a grade of up to 10 percent. So if we don't have to move any dirt, it's not in our best interest to do that.

We will also be putting up an 8-foot perimeter cyclone fence for safety and security.

For erosion control, we would work with the County on this, but whatever the native prairie grasses are and pollinator-friendly plantings, we would put in there for both a strong turf and also for stormwater management and habitat.

This is the site itself. I thought it was important that -- well, I should make a full disclosure that we have reviewed the recommended revised Solar Ordinance that I believe is in front of the Board. So we spent some time with that before we came down here.

I am not going to go into details with all of these, but the shortest distance that we measured -- and it's a little bit difficult because this is a little odd-shaped here, but the shortest one is 300 feet from the facility. The longest one would be about 750 feet. Then there are those that are in between.

So I show that here just to show you that we do have a distance buffer from this facility to separate that in addition to Hales Corner Road and the railroad.

The other thing I wanted to point out just from a civil design standpoint, too, is from a drainage standpoint we're projecting that on the north side of Hales Corner Road, from the topo maps that we have, they're averaging about 706 to about 710 feet in elevation. Across -- average across our facility is about 680 to 700 feet. So you can tell from that, we have got about a 10 percent difference in grade there. And we are downhill from the north side of Hales Corner Road.

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I would also add, too, we have gone in and done this already. While we know that there's existing vegetation that exists, we have no -- on the north side of the project, we have no intentions of removing any of that, but we are going to be voluntarily -- and your Ordinance is going to require this anyway from what we saw -- putting conifer trees on the north end of the project there. After reviewing the Ordinance, what we have in here is 4-foot with a 50 percent coverage on that, and we would be adhering to and complying with what the new Ordinance is, which is 5 feet and you're requiring, I think, 50 percent on that as well.

So we would -- and those were double rows, as well. So we would be adhering to that, and we would be willing to put that in -- unless there was some accommodations for us, working with staff, where they would consider taking in the vegetation that already exists there and some percentage of what we would need to do to fill that in. So that would be something we would work with them on as well.

This is just an example of some screening

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options that we have. Again, we would work with
the County to determine what species they would
want, so juniper, vines, conifers, and making
sure we are not putting anything in that's an
invasive species.

The other thing I would point out, and
Mr. Reibel did as well, but your rating scale
for protection on the LESA score is, zero to 199
is low, 200 to 210 is medium, and 211 to 300 is
high. This site came in on the low range from
the LESA scoring. So we came at 181.9 on that.
So we're on the low end of that, which is good.
Also the inverters on the decibel level,
the central inverters, they do emit a low
humming noise. The information that we have got
from the manufacturers on that is that's going
to range somewhere between 60 to 70 decibels.
And I think the example that I have used for
that are -- these are just some common things
you would see in everyday life, but that normal
conversation from 30 feet is about 55 to 65
decibels. So that's what you could probably
expect from these two -- or excuse me, there
would just be one inverter on this for the
In Totidem Verbis, LLC (ITV)

2-megawatt.
Also, we have heard a lot about property
values as well. This is something that we got
from Chisago County, which is a county that's
northeast of the Twin Cities. And their county
assessor did an analysis of this on their behalf
for the County. So it was work that they did,
John Keefe. The property value analysis
conducted comparable home sale prices against
the assessed values from January of 2016 to
March of this year, so almost two and a half
decoupled with that study.
It's interesting, this was a much larger
facility that they put this on. This is a
hundred-megawatt facility, takes up about a
thousand acres. And it is referred to as the
North Star project.
I would also add, too, that Chisago County
has done all by itself during the community
solar program out there, in addition to these
larger solar farms, about 150 megawatts of solar
capacity that they put in since 2015.
They, in this, had 12 test homes in the
study that were directly adjacent to this
In Totidem Verbis, LLC (ITV)

project, and then they had 126 control homes
that were in the general vicinity.
Over the two-plus years in the study, the
median ratio of the sale price versus the
assessed value was 85.3 for the 12 test homes
and 84.5 for the control homes. That's less
than a 1 percent variance, the 12 test homes
versus the control homes.
Further, when I was talking with Mr. Keefe
about this, I asked the question, Well, what
would trip a red flag for a county assessor if
they were looking at the difference between the
assessed value versus the sale price? He said,
Anything more than 5 percent would raise a red
flag.
This just gives you an overview of the size of the magnitude of this facility. Those
yellow arrows are the 12 test homes that they
had in the study. So you can see there are some
that are actually embedded inside of the
gearcase itself and then those that are adjacent
to it.
Solar panels, we do not believe that they
have hazardous materials, and they are not
In Totidem Verbis, LLC (ITV)

considered hazardous. The main components are
silicon, which is a natural byproduct of the
common everyday product of silica, silica sand
that you would find in the environment.
Common materials required for standard PV
panels are silicon solar cells. These are
carved out in wafer form, and then there's an
aluminum frame, glass sheet for casing, standard
12-volt wire, Plexiglass.
There is cadmium telluride that is
embedded between the wafers and encased and
locked in there, and it's a thin semiconductor
layer that's designed to absorb and more
efficiently convert the sunlight into
electricity.
I would just add with this that we don't
see any health risk with that. The only way
that could be perceived is if they were
recycled, and we wouldn't be doing that on the
premise.
The other thing I would add is, this
technology is very prevalent in standard
batteries that everybody uses as well.
The other thing I would just comment, too,
In Totidem Verbis, LLC (ITV)
is just installation locations, common ones that
have been used for quite a while, rooftops, K-12
schools, there's 5500 schools in the U.S. that
have a solar facility in some form or fashion on
their grounds or on their facility itself.
Colleges, industrial/commercial rooftops,
highway departments, parking garages,
aricultural, resorts, military all have -- when
I say agriculture, what I'm talking about there
is facilities.
There's a lot of activity today, because
specifically in the agricultural environment,
those farming facilities that are out at the end
of the distribution lines, they oftentimes have
problems with resiliency and reliability.
So there is some opportunities where
they're actually advocating that they do more on
their part, put their own systems in, to try to
get some more resiliency and being able to
manage their own power and not have to be
worried about that just because they're at the
end of the distribution line.
The next thing I was going to talk to
you -- and I was actually -- noted it when I
In Totidem Verbis, LLC (ITV)

looked and reviewed your new Ordinance that
you're reviewing. You have a -- part of your
policy that's included in there is, you're
expecting the developer to come in and do a
solar glare hazard analysis tool, and that
acronym for that is SGHAT. That is a product
and has services provided by Sandia
International Laboratories, and that is a
research facility. They are commissioned by the
FAA to do this work, and they do it on behalf of
the FAA. They also have taken and allowed
license distribution of their web-based
application to be able to do these glare
analyses.
So that's what we took advantage of here
for the Stillman Valley location. I just want
to take you through that briefly. I also have
reports for you that I can provide you for both
of the property value analyses, in addition to
this analysis as well.
So the first thing, they go in and set up
exactly where the footprint is. This is the
footprint there. That's Kishwaukee Road over to
the left and that's Hales Corner Road to the
In Totidem Verbis, LLC (ITV)

north. So that's in proximity to where the
footprint is that we have on our designs.
Then the next thing is setting the ocular
parameters for where there could be potential
for glare. So what we did was, we pinpointed
those homes, and you can see those 1 through 7
that are listed on there, and those are ocular
points that allow us to be able to determine if
there would be any glare at any point.
Then the other thing we did was, with both
main roads you can also do the routes to also
determine if there would be glare at any point.
I need to emphasize here that when this
report was being done, it is actually taking the
full calendar year, January through December,
and it's on a 24/7 period. So it's taking into
account the movement of the sun, towards the
fall and winter as it starts to drop to the
horizon, then back up to the summer. So this
analysis, when they do this, is taking all those
parameters into consideration.
This is a hazard definition that they use.
No glare would be FAA approved. If you had
anything that showed up with green, that's FAA
approved. If you have got yellow or red on your
study, then you have some severe glare issues
for those ocular points that I pointed out.
This is just -- I just took a snapshot of
this so you could see it. This is the glare
analysis results. That is the summary at the
top. You can see this PV array that we have.
With the green glare, there are no minutes
during anytime that there would be any glare,
and there's also none during the yellow glare
either.
Then if you look at the bottom, that is
the annual glare received by each one of those
receivers there. And both for green and for
yellow, there are all zeros there too. So their
prediction with this, with this analysis, is
that there wouldn't be any glare from this
facility to any of those ocular points that we
put in the study.
So in summary, I think in terms of, I
think, this project qualifying, meeting some of
your standards, it's got a low rating for a LESA
score. It's also utilizing an existing access
point. We also believe that the buffers that we
In Totidem Verbis, LLC (ITV)
have are meeting your 240-foot setback that you
put in place to be passed before you come out of
moratorium. We also have northern separation of
the project by Hales Corner Road and the rail
line. No glare is predicted with the Sandia
Laboratory Study. And we would be utilizing
existing screening vegetation, we wouldn't be
taking that down on the north side, and we would
be adding a row of conifers and meeting with
whatever your new Ordinance is to comply with
that for additional screening.
So that concludes my presentation. I will
field any questions.
MR. OCKEN: Any questions or comments from
the Board?
MR. HAYES: Not at this time.
MR. OCKEN: Okay. We have none at this
time. Thank you.
Next we will be moving on to those who
have filed for an appearance. There are several
people who have filed for an appearance. We
have been going for almost two hours. I
anticipate this will take a little bit of time,
so I'm going to declare a 10-minute recess and
In Totidem Verbis, LLC (ITV)

we'll be back in 10 minutes.
(A recess was taken at 7:54 p.m.
and proceedings resumed at
8:05 p.m.)
MR. OCKEN: We are now back in session,
and we will move on to individuals who have
filed for an appearance. I would remind you,
again, that this is an opportunity only to
question the Petitioners, not to make statements
or offer personal testimony. If you wish to
make a statement, you will be given an
opportunity later in the hearing.
First individual who has filed for an
appearance is Bruce Roe.
MR. ROE: I have no questions.
MR. OCKEN: All right. Deb Maas. Please
raise your right hand.
DEB MAAS,
being first duly sworn, testified as follows:
MR. OCKEN: Please state your name and
address.
MS. MAAS: Deb Maas, 2802 North Meridian
Road, Chana, Illinois, 61015.
MR. OCKEN: Spell your last name, please.
In Totidem Verbis, LLC (ITV)

Q. (By Ms. Maas:) My next question is, will you
be providing an AIMA or signing an AIMA?
A. We will be, absolutely.
In fact, just so you know, with the new
Ordinance that's coming, there are specific
things with decommissioning in addition to
bonding, in addition to the AIMA. So there's
actually three things now in the new Ordinance
that the County has put in place for surety to
that.
Q. My question with regard to the AIMA, Ag Impact
Mitigation Agreement, do you agree that any
citizen in Ogle County shall be allowed to file
a petition or civil action against your company
and/or any assignee or successor-in-interest to
enforce the provisions of the AIMA against you
or your company?
A. (By Mr. Tarhar:) It's a requirement of the
State to comply with the requirements of the
AIMA.
Q. Understood, but enforcement is a different
issue. So do you agree that any citizen in Ogle
County could enforce the AIMA against you?
A. I guess that's a question for the County.
In Totidem Verbis, LLC (ITV)
<table>
<thead>
<tr>
<th>Q</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q</td>
<td>It's a question for you right now. I'm asking if you would agree to that as one of the conditions for your Special Use Permit?</td>
</tr>
<tr>
<td>A</td>
<td>Well, we're going to comply with the County and the County Ordinance. So I guess the answer to that would be yes, that we would comply with the County.</td>
</tr>
<tr>
<td>Q</td>
<td>So you would agree that the County could enforce the AIMA against you and not an individual citizen, not an adjacent landowner or another taxpayer?</td>
</tr>
<tr>
<td>A</td>
<td>That's not an appropriate question.</td>
</tr>
<tr>
<td>MR. HAYES</td>
<td>Mr. Chairman, that's now been answered already.</td>
</tr>
<tr>
<td>Q</td>
<td>(By Ms. Maas:) Do you have a copy of your lease agreement with the Freebergs?</td>
</tr>
<tr>
<td>A</td>
<td>Yes.</td>
</tr>
<tr>
<td>Q</td>
<td>Okay. Do you have it in front of you? I have some questions on it?</td>
</tr>
<tr>
<td>A</td>
<td>I have a copy here.</td>
</tr>
<tr>
<td>Q</td>
<td>Is it correct that pursuant to the lease agreement with Mr. and Ms. Freeberg that any portion of the land on this parcel could be subject to an easement or future solar use?</td>
</tr>
<tr>
<td>In Totidem Verbis, LLC (ITV)</td>
<td>other projects in 11 other counties. Does that 1 million of insurance cover all 15 projects, including this one?</td>
</tr>
<tr>
<td>A</td>
<td>The insurance that we have covers the development of the projects. The projects when they're constructed and developed have their own insurance. So we're covering what's necessary for what it is that we do.</td>
</tr>
<tr>
<td>Q</td>
<td>But it's correct that the liability insurance that you're required under this lease agreement is not only for this project but also for the other 15 projects; is that correct?</td>
</tr>
<tr>
<td>A</td>
<td>(By Mr. Simanton:) The 15 projects that you're referring to are Minnesota.</td>
</tr>
<tr>
<td>A</td>
<td>(By Mr. Tarhan:) Yeah.</td>
</tr>
<tr>
<td>Q</td>
<td>So the 11 other counties are in Minnesota?</td>
</tr>
<tr>
<td>A</td>
<td>(By Mr. Tarhan:) Correct.</td>
</tr>
<tr>
<td>A</td>
<td>(By Mr. Simanton:) Yeah, there's 15 in 11 counties.</td>
</tr>
<tr>
<td>Q</td>
<td>So still does the blanket policy cover Illinois and Minnesota projects?</td>
</tr>
<tr>
<td>A</td>
<td>(By Mr. Tarhan:) Yes. It's typical that insurance policies cover for incidents.</td>
</tr>
<tr>
<td>Q</td>
<td>Page 8, Paragraph 4.6, Removal of Solar In Totidem Verbis, LLC (ITV)</td>
</tr>
<tr>
<td>A</td>
<td>We have agreed with the Freebergs that we would use the area that was described in the presentation for solar. The whole parcel is under the contract. The reason for that is that we have to have ingress and egress for access to the parcel, and we don't know where all of that is when we start the negotiation with the contract discussion with the landowner, and then we have to get power access in and out, where that is also dictated by the utility. So we don't know where that comes in and out.</td>
</tr>
<tr>
<td>Q</td>
<td>So the parcel is under contract. We agree with the landowner where the solar facilities will reside, but it can't be done just anywhere on the site.</td>
</tr>
<tr>
<td>A</td>
<td>So is it your presentation here tonight that the petition as presented for the proposed site, that would not be expanded in the future?</td>
</tr>
<tr>
<td>A</td>
<td>That's correct.</td>
</tr>
<tr>
<td>Q</td>
<td>Okay. Paragraph 4.5, Page 8, Insurance, the lease agreement provides an annual limit of $1 million provided that such amount may be of a blanket policy covering other properties.</td>
</tr>
<tr>
<td>In Totidem Verbis, LLC (ITV)</td>
<td>Facility, isn't it correct that the lease provides that if you fail to remove any solar facility that the facility shall be considered abandoned by you and that the lessor may remove such solar facilities and dispose of them without notice to you; is that correct?</td>
</tr>
<tr>
<td>A</td>
<td>(By Mr. Tarhan:) That would be the case, yes.</td>
</tr>
<tr>
<td>Q</td>
<td>And is it also correct, under Paragraph 5.3, Hazardous Materials, that if at any time hazardous substance, this material or solid waste is determined on the land, lessor shall take all steps necessary to promptly remove such material?</td>
</tr>
<tr>
<td>A</td>
<td>That's the agreement with the lessors, yes.</td>
</tr>
<tr>
<td>Q</td>
<td>Paragraph 7.3, Page 11, that your company has the right at any time to mortgage and/or encumber the entirety of the parcel, and that any lender shall have no obligations under the agreement?</td>
</tr>
<tr>
<td>A</td>
<td>What that means is that our mortgage or the loan on the equipment of the parcel. It has nothing to do with the underlying land itself.</td>
</tr>
<tr>
<td>Q</td>
<td>There's no impact to the landowner.</td>
</tr>
<tr>
<td>A</td>
<td>It's still the right -- the lender has the In Totidem Verbis, LLC (ITV)</td>
</tr>
<tr>
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</tr>
</tbody>
</table>
right to record a lien against the land?
A. Anybody that does any work on your property has
the right to lien your property.
Q. Right. So the lender would have an interest in
the property at that point but no obligations
under the lease, correct?
A. That's correct.
Q. Further, on Page 10, Paragraph 7A and 7B gives
you the unilateral right without a lessor's
consent to assign the facility, correct --
A. That's correct.
Q. -- to another entity?
13. Do you agree that such assignment -- that
you shall file such assignment with the Zoning
Administrator in that instance, as well as any
further assignments, so that the County is
aware?
A. Give notification.
Q. Do you agree to that, to make that part of
your --
A. That is probably a County Ordinance requirement
to give notice, sure.
Q. Not to give notice, but to give a copy of the
assignment itself.
In Totidem Verbis, LLC (ITV)

A. That would be the same thing.
Q. Okay. So you would agree to give a copy --
your final copy of the assignment?
A. Sure.
Q. Do you agree that on Page 13, Paragraph 8.3,
that the lease provides that you shall -- or
your company shall not be liable in the event
that you're unable to perform the terms of the
agreement pursuant to force majeure, which is an
event beyond your control, such as an act of
God?
A. I didn't understand the first part of the
question. Unfortunately, items such as
tornados, things like that, those are out of our
control.
Q. Tornado, fire.
A. What's the question though?
Q. Is it correct that your lease with Mr. and
Ms. Freeberg, as Trustees, provides that you
have no liability to them in the event you're
unable to perform or, you know, pay rent or
operate the facilities, in the event of a
tornado, fire, hail storm, etcetera?
A. Yes, and force majeure, those are extraordinary
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A. Yup.
Q. Okay.
A. There's a -- there's a riser at the end of the
tile up here that catches the water that comes
from the railroad north. And the overflow,
there's a, you know, drainage waterway down
through there. Any overflow, it goes down the
waterway.
Q. Okay. My other question for you, Mr. Freeberg,
is, do you have more than one trust? Do you
have an insurance trust, as well as the Curtis
R. Freeberg Trust?
MR. OCKEN: Ms. Maas, I'm having trouble
finding relevance here to our hearings. What
does this have to do with our hearing here this
evening?
MS. MAAS: The drainage issue?
MR. OCKEN: No. As to whether or not
Mr. Freeberg has more than one trust.
MS. MAAS: I'm not allowed to comment at
this time. So I can ask my questions now and
I'll make my comments later.
MR. OCKEN: No, you can answer my
question. I'm not sure what the relevance is
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here as to why we're proceeding with this.
MR. FREEBERG: Can I ask her a question?
MS. MAAS: For the record, I would assert
that there is a technical legal deficiency with
the petition and the application in that you do
not have sufficient documentation from the
Applicant to verify ownership of the land. You
have a deed in trust that the land is owned by
the Curtis R. Freeberg Trust. They failed to
submit in their application a copy of the actual
trust document itself for the Curtis R. Freeberg
Trust.
MR. OCKEN: And why is that a problem?
MS. MAAS: I don't believe you can proceed
on the petition unless you can verify the
ownership, in fact, by the Trust, which needs to
be verified be the existence of the Trust. You
have to have the actual trust document. You
have some other trust document. You don't have
the one for this land.
MR. OCKEN: Mr. Freeberg, do you want to
respond to that?
MR. FREEBERG: I don't understand the
question.
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MR. OCKEN: Well, I'm not sure I do
either.
MS. MAAS: It wasn't a question. It was
my commentary.
MR. FREEBERG: All I know is, we submitted
all the paperwork that Mike asked for.
Apparently you're a lawyer.
MS. MAAS: Yes.
MR. FREEBERG: Have you ever negotiated an
agreement between a landowner and a solar
company?
MS. MAAS: Not a solar company, no.
MR. FREEBERG: Well, we have a lawyer
that's worked for us for about 15 years and we
trust him, and he's done other solar things. So
we did quite a long period of -- wrapped up some
billing hours to get this lease done. And it's
just like buying stock, maybe we missed
something, but it was looked over pretty
closely. And I am pretty comfortable with our
lawyer, so I don't think I need you to protect
me from my lease.
Just like buying stock. If I happen to
buy a bad one, you know, that's on me. Maybe we
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missed something here, but I'll trust my lawyer.
MS. MAAS: I am worried about protecting
the taxpayers of the county.
MR. FREEBERG: Have you been hired by the
taxpayers of the county, or are you just
self-assigned?
MS. MAAS: I am a taxpayer.
MR. FREEBERG: Huh?
MS. MAAS: I am a taxpayer.
MR. FREEBERG: So you are representing
yourself?
MS. MAAS: Yes.
MR. OCKEN: Okay. Any other questions?
MS. MAAS: No.
MR. OCKEN: Next appearance is by Dennis
Wiley. Please raise your right hand.
DENNIS WILEY,
being first duly sworn, testified as follows:
MR. OCKEN: Please state your name and
address.
MR. WILEY: Dennis Wiley, and I think it's
W-I-L-E-Y.
MR. OCKEN: And your address.
MR. WILEY: 5868 Bradley Road, Byron,
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MR. OCKEN: Proceed with your questions.

MR. WILEY: Thank you.

EXAMINATION

BY MR. WILEY:

Q. This question, I guess, is directed to the solar company. How many panels are you installing and how are they to be cleaned?

A. (By Mr. Tarhan): It depends on the size of the panel itself. They range about 330 watts to 375 watts, so it would be anywhere between.

Q. I think this site specifically calls for Jinko.

A. Uh-huh.

Q. What size panels are you using?

A. Did we have a specific? 330-watt panels? I think it's on the sheet.

Q. Yeah, your -- does 1 meter by 2 meters sound right?

A. Approximately, yes.

Q. So how often do you clean these? I think it was in your presentation, but I --

A. It depends on the -- they start every year and then they do a more close monitoring and then they come up with, like, a cycle due to road

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traffic, gravel.

Q. Does it require more and more cleaning after these things age? For instance, like, our glasses age, they tend to scratch, blah, blah, blah, blah, blah, and we want to lose ability to absorb light. Does it work that way?

A. I don't know if there's a degradation of the cleaning of it but --

Q. Only the surface itself, it becomes necessary to clean more often?

A. Yeah, that's a logical assumption.

Q. Okay. I thank you.

A. (By Mr. Simanton:) I would also add to that too, with the new Ordinance --

Q. Can you -- we have to be closer.

A. With the new Ordinances that will be put in place, there's some pretty stringent requirements the County put in place in terms of how many gallons we're going to use, how often we're going to do that, and getting reports and so forth to them.

Q. It will be monitored?

A. (By Mr. Tarhan): Absolutely.

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A. Yup.

Q. It doesn't come off when you shovel it.

A. Yup.

Q. Okay. This requires some period of time for it to stand in this position?

A. No. It would be in that position. So the snow would fall straight down. So there wouldn't be any snow on the face of it.

Q. Thank you.

A. Yup. Just like a car. Sun hits your car, sheds the snow off of it half the time.

Q. It took four days.

A. And then at the runoff, obviously there's -- any runoff there's drip, you know, and, of course, this would be more. Okay. Is there a collection there?

A. There is not.

Q. There's no collection? So whatever comes out

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of the sky or whatever accumulates at that point, whether it is -- well, whatever it is, airplanes going over, normal dust, et cetera, et cetera, then settles on the ground?

A. Correct.

Q. But snow isn't --

A. Much like it was a cornfield.

Q. Except concentrated in one area; is that correct?

A. Concentrated in one area, but we're taking original condition of being a cornfield and it being dirt, and we're improving the condition.

Q. These panels, how much do they weigh?

A. That I don't know.

Q. How will they be delivered? You said on a heavy truck? Did I see that in a presentation?

A. Semis.

Q. Semis. And the load will be within what? We get a special permit for heavy loads?

A. That would be a County discussion as well, as far as what can be loaded on the road.

Q. So it's further down the road.

And I believe, Curtis, one of your pictures that I almost thought I took that you shared, In Totidem Verbis, LLC (ITV)

but anyway, one of your pictures showed access. Okay. It showed it from a barn area and you showed it going across the road and up. Where the cattle feeder used to be, where your dad got his leg caught and broke his leg -- I don't think you were there at the time.

A. (By Mr. Freeberg.) He got his leg broke in a cattle pen. We're not putting any solar panels in that cattle pen.

Q. I just saw the -- anyway, is the access road only the one on Hales Corner Road?

A. While I was driving I talked to them about that. They could use the one off of Kishwaukee Road.

Q. Okay. So that would be an additional possible entry, although it's a low one? That's wetland area right there?

A. Well, it is, but I mean, every year it dries out for periods and is dry for most of the year.

Q. If they need that, then we would have August weather and --

A. I may point out that before they put Kishwaukee Road up on a levy where that double gate is off Kishwaukee Road --

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A. No need for it.

Q. Are these flatbed trucks or lowboys?

A. Flatbed.

Q. And I'm sure that the axles will be placed in the normal manner to level the road, is that --

A. I mean --

A. Yeah.

Q. Will that include then that they will be moved forward so that there was -- they could be moved forward?

A. I don't know if I understand the question.

Q. Moved forward? They will be unloaded with a forklift.

Q. Okay. You are not familiar with hauling heavy loads on a flatbed and weight distribution? That's a yes-or-no question.

A. I am, yeah.

Q. Okay. Thank you.

Okay. Antiglare, in my opinion -- mind, I can't get it right. So I'm going to ask a couple questions. Reflection -- and I'll ask you this, if you'll just speak to this, it would be okay. What is -- I saw reflection rate, okay, and I couldn't correlate that this

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reflection was positive, negative, if it was different than a lake, if it was -- and, I guess, is it the same or different than our natural environment? Is it exactly the same or different? Let me put that word in. Is it exactly the same or different than our natural environment?

A. (By Mr. Simanton:) You know, my answer to that would be, it's a manmade product. So when you say natural, it's not a natural --

Q. So probably, no, then it's not the same?

A. No.

Q. Okay. But you're prepared at some point to measure that in a way that we could --

A. Well --

Q. Is there quantifiable data?

A. Let me just let you know, within the new Ordinance that's put in place, we would be required in this that if anybody over a period of time complained about glare, that the County would require us to come out and mitigate that issue.

Q. Okay.

A. So there is a policy in place.

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Q. Is that measurable? Quantifiable?

A. No. It would be subjective.

Q. Subjective?

A. Well, if you came and said you had glare, what are you using to measure glare?

Q. How do we do it?

A. Yen. How would you measure?

Q. We have measurements that measure glare, they measure color, they measure texture. I happen to be an automotive -- a nondegree --

A. So you have other instruments that most people don't have.

Q. You betcha.

A. What I want to impart to you is, there is in the new Ordinance specific things. If there is glare and someone calls, there has to be a hotline set up and we have to have somebody man to it. If somebody pulls in and says they experience glare, the County calls us and we have to address that issue.

Q. Please define glare so that I'm -- if I -- you said that's subjective as well. I mean, I would agree a hundred percent that it is subjective.

A. Obviously I'm a property owner.

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A. Sure. Me too.

Q. And I enjoy my backyard and I enjoy my grandkids in the backyard, and blah, blah, blah, blah, blah. Why don't we leave that. I think that could get way out of what it should.

MR. FREEBERG: You say you're a property owner. You're one of the property owners that is three-tenths of a mile away.

MR. WILEY: You know, I'm asking the questions here.

MR. OCKEN: Mr. Freeberg has the opportunity to ask you questions as well.

MR. WILEY: Sure. That's fair, isn't it?

MR. FREEBERG: I just want to point out, you're one of the property owners that is three-tenths of a mile away from the site; is that correct?

MR. WILEY: Our back porch, according to Mr. Reibel helping me out the other day, just took basically a pinpoint, okay, and he did his magic on that computer thing he's got, and it was 900-and.

MR. REIBEL: Cut asked me today and I

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measured. It's a little over 1700 feet from your back corner to the closest.

MR. WILEY: We're Property 18, and we see -- we can see the site. We can also see Hales Corner Road, we can see the lights. I'm a pretty tough guy. I don't like lights, and I see them. So we can see them more than we ever have.

MR. FREEBERG: After you said 900 feet the other night, I thought. That's just three football fields.

MR. WILEY: I'm sorry, what?

MR. FREEBERG: After you said 900 feet, that's just three football fields, and it seems more than that. So I asked him to check it, and he just told you it's 1768 feet to your property, and that's over three-tenths of a mile.

MR. WILEY: I would dispute that.

MR. FREEBERG: The pictures I took with all the trees down there, you could barely see the couple houses, that's what he's talking about.

MR. WILEY: I think that you showed that

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on your film or some of yours. I have pictures.
Anyway, that's enough on glare. I think
we kicked that around a little bit and I have
what I need.
Q. (By Mr. Wiley:) So we generate this
electricity on the Jinko -- is it going to be
Jinko panels?
A. (By Mr. Tarhan:) Yes.
Q. And they come from?
A. China.
Q. China? Portugal?
A. Well I say these are all coming from China?
A. Most panels will be, yes.
Q. Okay. So we generate 330 -- 330 Ps, I think
they are, right? Let's say they are. So 330
means what?
A. 330 watts.
Q. 330 watts. Okay. And that is right at the
panel?
A. Uh-huh.
Q. Now we take that, and we take 8100 panels, I
think it says? Or maybe I came up with that
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number?
A. (By Mr. Simanton:) It's pretty close.
Q. Let's say 8100 panels, and we times that times
330. And then at the other end, how much do we
lose in transmission of electricity? How much
electricity then is dissipated into the air,
like we know happens on all of our lines? I
mean, okay, we know it happens in our house, we
know it happens everywhere. So when we generate
that at that panel, how much gets to the pole?
A. (By Mr. Tarhan:) 2 megawatts.
Q. [Indicating.] 2 megawatts.
Q. We're generating a lot more than that. We have
line losses.
A. We have line loss.
Q. And we have -- what you call a line loss, does
this include this MV?
A. Uh-huh.
Q. And that's underground?
A. From the inverter --
Q. Here?
A. -- to the interconnection point, yes.
Q. So this is underground, and it's called an MV?
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A. Megavolt.
Q. Okay. And so we lose a percentage of
electrons --
A. That's correct.
Q. -- going into --
MR. OCKEN: Mr. Wiley, I'm not sure the
relevance here. I mean, I think we are all
aware there's line loss with electrical
transmission. I'm not sure what that -- how
that relates to our hearing here.
MR. WILEY: I think I'm kind of like an
environment, and I used to -- my father-in-law,
okay, used to go fishing and he would get worms
out of the ground with a crank, okay, and I see
the total loss in our area of worms and
everything. I mean, I see wildlife gone. I see
that as a concern, at least in my environment,
for me, as an issue with a site.
MR. OCKEN: You're worried about stray voltage, is that it?
MR. WILEY: Yeah. Voltage underground.
So you lose this voltage into the ground, and it
is energy that otherwise comes naturally by
sunlight, converts it to -- you convert it to
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electrons and you lose it, and that drives the
animal life -- in my mind, okay, that has the
potential of driving worms, etcetera, etcetera, out of their natural environment. Is
that correct or not?
MR. TARHAN: Not to my knowledge.
MR. WILEY: That's good. I'll drop that.
Thank you.
MR. OCKEN: Thank you.
MR. WILEY: Thanks for letting me go on.
Q. (By Mr. Wiley:) Okay. We talked about glare.
I'd like to ask a couple questions about
lighting. Is this a dark facility so that at
night --
A. (By Mr. Tarhan:) Yes.
Q. -- there would be no lights?
A. It's a dark facility with the exception of
whatever the Ordinance is going to require.
National Electric requirements, sometimes
there's an entrance light that would be casting
down. It wouldn't be emitting lights.
Q. Laterally? It's not a -- somebody mentioned
the possibility of a solar type of light like
you would see at a farm, would light up a farm?
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A. Nothing like that at all.
Q. Okay. That's fine.
I think you said that the construction would never be over 120 days? Or just give a time period?
A. (By Mr. Simanton:) I gave a range.
Q. It gave a range. So what was the upper range?
A. 120.
Q. 120. Is there a -- there something -- will that document hold up that if you don't get it done, which is the way I do contracts when we buy equipment, that there's a penalty?
A. (By Mr. Tarhan:) No. We have to go by Mother Nature, and if she doesn't cooperate it could be longer.
Q. So the upper end then -- for this year, we had a lot of -- I want to establish the length of time that this road may be tied up and we may have construction.
Based on experience of this year, okay, we were delayed -- or I shouldn't say we. My son-in-law and my daughter were delayed approximately 90 days because of rain, et cetera, et cetera, getting in and out of their

map, which is the little, like, indent that goes in, and I will call that 690 on your map, and in the areas around that you will see where the drainage comes across in two spots. Okay. So the elevation in those two areas is, excuse me, but I'll use the word ditch. That's probably not the word, but we'll call it a contour that does this [indicating], and it goes down as low as -- I'm not sure what these contour -- but how low does it go?
Curt, can you tell me how -- each line is what?
MR. OCKEN: What's our relevance here to this issue?
MR. WILEY: Ground water in connection to the proposed steel posts.
MR. OCKEN: In terms of corrosion of the posts?
MR. WILEY: In terms of the -- yes, of the corrosion of the posts, and the fact that water -- or that electricity follows that, but along with that.
MR. OCKEN: Electricity -- I'm sorry.
You're saying electricity is going to follow the

property, which, by the way, is some farmland and they're putting a house in the back, but it does have a big gravel road.
Is that a possibility?
A. Sure.
Q. Okay. Thank you.
So then it could be extended whatever is necessary?
A. Exactly.
Q. Okay. Thank you.
Will the construction and loading hours be in normal hours?
A. Yes.
Q. And normal hours are?
A. (By Mr. Simanton:) The Ordinance requirement, I believe, is 7 a.m. to 7 p.m.
Q. I didn't have the Ordinance. I'm sorry.
Water table depth, can you tell me what the water table depth is at that location?
A. I don't have that information, but we will.
Q. So you're an engineer? Close enough. I'll move on.
So at these locations, I'll call it locations where the border is here, 688 on your

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MR. WILEY: You brought it up. You said the land -- the farmland itself, the soil was suitable for blah, blah, blah. I'm sorry, you didn't say blah, blah, blah, I get it, but you said that --

MR. REIBEL: There's a moderate risk of corrosion for uncoated steel, is that what you're referring to?

MR. WILEY: Yeah, it was something to do with the steel.

MR. REIBEL: The soils have a moderate risk of corrosion.

MR. WILEY: I took it as, don't put steel in the ground on this type of thing. Is that correct?

MR. REIBEL: Uncoated steel, there's a moderate risk of corrosion.

Q. (By Mr. Wiley:) So this is coated, specialized steel?

A. (By Mr. Tarhan:) [Nods head.]

Q. Then if it is specialized steel, does it contain lead, copper, arsenic or any other of the known hazardous materials?

A. Not to my knowledge.

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Q. Okay. So the answer is no, or not to your knowledge?

A. I'm not the one making the steel, so I don't know what's in it.

Q. But it will conform?

A. Yes.

Q. Okay. I'm way ahead of myself. You're lucky.

How many plants do you own and operate in Illinois, own and operate?

A. Zero. They just started, so nobody owns any.

Q. How many plants do you own in Minnesota, own and operate?

A. We own 25 in Minnesota.

Q. So you are not operational people, you are --

A. We got the projects operating and then we sold them to --

Q. And you sell them. Then you -- okay. So you get them operating --

A. Yup.

Q. -- at some point and then you hand them off --

A. That's right.

Q. -- and you sell them. Okay. So you sell them as a brokerage?

A. No, we don't broker them. We work with a

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partner that has the capital-intensive capability to own high-dollar assets.

Q. Thank you.

A. 8-foot fence or 7-foot fence?

Q. (By Mr. Simanton:) 8-foot.

Q. 8-foot fence.

Prairie grass around the perimeter except, I think you just made an exception or an addition that you were going to do something?

A. Oh, additional screening. Additional screening.

Q. Additional screening?

A. Screening, yup.

Q. And that's additional screening, that would be like a wall put up?

A. No, it would be some natural vegetation that we would put up, depending on what we could work with the County on and also the residents.

Q. And the height of that?

A. Well, we had in our plan starting at 4 feet.

Q. How many?

A. 4 feet.

Q. 4 feet?

A. 4 feet, but what the Ordinance is requiring to --

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Q. And these panels are higher than that? Let's just say they're higher. Is that okay? Are they higher than that?

A. They are, to begin with. The panels aren't going to grow, but the trees will.

Q. Yeah.

I wasn't clear on your presentation on the North Star project. And I'm sorry, I really missed that. What was that about? And I'm sorry, gentlemen, I didn't understand.

A. (By Mr. Tarhan:) Solar project in Minnesota, a hundred megawatts in size that the county did a property value assessment on for during and after the project was built and what the property values are worth.

Q. Okay. So -- okay. So this -- I think I saw on the map, it's pretty big, right?

A. (By Mr. Simanton:) A thousand acres.

Q. Yeah, pretty big. And there were properties around them? This went in before or after the properties were there?

MR. OCKEN: Mr. Wiley, do we have a relevance here to our current topic?

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Q. Okay. So going forward is 5 feet.

Q. And these panels are higher than that? Let's just say they're higher. Is that okay? Are they higher than that?

A. They are, to begin with. The panels aren't going to grow, but the trees will.

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MR. OCKEN: Mr. Wiley, do we have a relevance here to our current topic?
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MR. WILEY: Well, I think it does because I'm -- I guess I'm a suspicious person when I see tests done and I don't understand exactly how they're done and why. And it comes from many, many years, I guess, in sales and old age.

MR. OCKEN: And how does that relate to the North Star project?

MR. WILEY: Well, it's a test, and they attested to -- they attested to how the property values weren't affected -- or not more than 5 percent.

Okay. It's a test. Any test, in my world that we do, we must say how we did it so everybody could understand so it isn't swayed one way or the other. So if the property owners, for instance, were in on this and said, Yeah, you guys, go ahead and put this in there, you do the test. And, Oh, by the way, what's in it for me?

So the fact is, were they ever compensated or was there anything done to encourage them to be part of this test financially or otherwise?

MR. TARJAN: No.

Q. (By Mr. Wiley:) Totally voluntarily?

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MR. WILEY: I'll speak to that at a different time. Thank you very much. I appreciate it. Thank you, gentlemen, for you to allow questions.

MR. OCKEN: Next appearance is by Margie Torgersen. Please raise your right hand.

MARGIE TORGERSEN, being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and address.

MS. TORGERSEN: Margie Torgersen, T-O-R-G-E-R-S-E-N, and I live at 5896 East Bradley Road. I'm an adjacent landowner, Number 19.

Give my -- I also have a petition, a signed petition. I don't know when the appropriate time is to submit that.

MR. OCKEN: When you testify, you can present that.

MS. TORGERSEN: Signed by people in our area directly affected.

EXAMINATION

BY MS. TORGERSEN:

Q. I'm not a business person, but I did look up

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A. (By Mr. Tarhan:) Well, the houses were there before the solar project went in around. So the landowners --

Q. And this was in Minnesota?

A. Correct.

Q. You said there were no hazardous -- I believe you said there were no hazardous materials in the panels?

A. Correct.

Q. You want to stand on that statement and say there is none in the Jinko materials?

A. They're all certified by Underwriters Laboratories.

Q. They can be certified. Is there hazardous materials within the panels or not?

A. I'll look at the Underwriters Laboratories and I'll come back to you.

Q. I'm sorry?

A. I said, I'll look at the Underwriters Laboratories results and I'll come back to you.

Q. I want a yes or no here. This is my last chance.

A. I don't have an answer for that. I'm not the one who made the panels.

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that the average number of sunny days in our area are 93 and there are 98 days that are partly sunny, which gives us about 54 percent of the time we get sun here. And I would like to understand the cost effectiveness of this solar plant under those conditions for our area.

A. (By Mr. Tarhan:) That's a good question. We get asked that quite a bit. So a solar project, the way it -- the program the State set up is, they set up a program that works with what the solar resources are in Illinois.

So just to give you an example, we were at a commissioning of one of our projects, and it was a rainy day and it was almost as dark as it is outside right now, in the middle of the afternoon, and the project was still generating about 40 percent capacity. So the project still generates power all throughout the sunlight days. If you see a light or a shadow on a ground, you know, the project is generating electricity.

So that's how they're modeling it, and then it's done over 860 hours -- or 8760 a year over the whole lifetime of the project,

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electricity generation capacity is, and that's
what the project's -- electrons that they're
putting into the grid as to what we get back so
we can get electricity.
Q. How many Special Use Permits do you have in our
county, in Ogle County, right now?
A. (By Mr. Simanton:) None.
Q. I also looked up about EPA, and their position
long ago identified disturbed areas and
contaminated land. I'm assuming, like, talking
maybe land reclaimed for landfills --
A. Oh, repurposed.
Q. -- and quarries and things like that that have
been abandoned.
A. Retired gravel pits.
Q. So if they recommend that, why are we looking
in our community where all these houses are?
Because there are certainly -- some of those
Mr. Freeberg, I believe you said you have
a quarry?
MR. FREEBERG: Used to.
MS. TORGERSEN: Used to. Sorry.
A. (By Mr. Tarhan:) Typically we look for land
that has those attributes. We have actually
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developed a couple of those in Minnesota. You
know, if we come across one, yes, we do that.
But as we're talking with landowners, it ends up
being a discussion between myself and a
landowner that's willing, and that's where the
discussion is.
So if there was an opportunity to do these
on quarries and others, we would entertain
those.
A. (By Mr. Simanton.) Or we'll typically start
where the substation is located and then go out
from there.
MS. TORGERSEN: Okay. Can we go back to
the glare thing, even though he talked about it
a lot?
MR. OCKEN: Briefly, if possible.
Q. (By Ms. Torgersen:) Okay. In your glare study
with the little pins of who -- I'm south.
Nobody studied glare south? Because, all right,
if this is flat, your panel is going to be --
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stop me when I get there. This way? This way?
About here?
A. (By Mr. Simanton:) [Nods head.]
Q. So aren't the people to the south going to get
glare, because it: goes this way?
A. (By Mr. Tarhan:) It goes from east to west.
Q. But at this angle, right?
A. No.
Q. Always at this angle?
A. The rows go north/south.
Q. They go this way?
A. Correct.
Q. So there's no glare coming my way?
A. No.
Q. But if there is glare going my way --
A. Isn't possible.
Q. -- I call them?
A. Can't have glare going south.
Q. But I call them and say, I have glare, and
they --
A. It's coming from somewhere else.
Q. Pardon me?
A. They're coming from somewhere else.
Q. I know exactly where it will be coming from, it
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will be coming from the flooded water from this
property. I know that's where it will be coming
from.
I just wanted to make sure, because it
seemed odd. To me it seemed like it would be
coming south, not north.
A. This is south. The sun's angle would go north,
so that's why trees to the north don't have to
be cut down, because there's no shadowing. If
there's trees to the south, they're going to
block the sun's rays and it will be shadowing
from the south.
Q. Okay. But the trees that we have that
Mr. Freeberg referenced are quite a ways away
from it. So you would not cut down any of those
trees?
A. No. Per Gordy's presentation, we're not going
to cut any trees down.
Q. Okay. Have any studies been done or any impact
been considered on, like, the bat population in
that area or the eagles and the hawks and -- you
know, I know -- isn't there something
electromagnetic that gets generated very low
and --
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runway, but for solar projects we're well
underneath the 500 feet minimum threshold that's
a requirement.

Q. Okay. It doesn't appear that my homeowner's
insurance would cover damage from debris if a
solar panel blew my way, floated my way,
whatever. We did have a little microburst thing
that blew parts of a barn a couple miles. Who
covers -- who is liable if a panel falls or
flies into my yard or floats down in the river?

Who covers that?

A. Typically your homeowner's insurance would
cover that because it would be regardless if it
was a panel or a piece of plywood coming off a
truck. But, again, if something like that were
to happen, that would be, like you said, a
microburst or a tornado event, that's an
insurance event for all parties.

Q. How much wind is the proposed ground-mount
system designed to withstand?

A. Typically they're designed -- there's wind
measurements that are taken, and every region
has a different wind requirement. But typical
standard is you design it to 125 percent of

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where the solution is to move the antenna to a
place that's not impacted by the equipment.

Q. And I'm assuming by moving the antennas, you're
talking about big antennas, not the antenna on
my roof or next to my house?

A. It would be measurable. If -- I'll just offer
this to you, if you had no problems and
once the solar project went in you have TV
antenna problems, let's talk about it and find a
solution, because we will work on a solution on
that.

Q. Okay. And what about -- we're right in a
flight line, only on certain days I think,
though, landing pattern for the Rockford
Airport. Do they get contacted in this?

A. There's no interference for them? Because I
pick up radio signals on my house radio out on
the porch. I can hear when they're talking to
the tower. It's one-sided though. I get that.

So I just was curious.

A. There's an FAA study we have to put in, but
because we're so far out, it's not an issue for
solar projects. If it was a wind project, they
have to be 20,000 linear feet from the end of a

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starts to build up, so periodically throughout the year you have to go out and clean, but we don’t do dust mitigation. We do plant pollinator-friendly grass.

Q. And the pollinator-friendly grasses, this area is primarily wetlands and floodplain. So would that, again, go according to the Ordinance by, like, the Land Institute or whoever from the County to make sure that that plant or plantings that you do are compatible with our environment?

11 A. A hundred percent.

12 A. (By Mr. Enderton:) We work with them on the landscaping plan to ensure that, you know, we’re in compliance with them.

15 Q. And there’s no effect to anybody’s — well, some of the people that are nearest to this area within 500 feet of the installation. There won’t be any damage to their water from groundwater contamination —

20 A. (By Mr. Tarhan:) No.

22 Q. -- at all?

23 And the water -- this area slopes slightly, I know, from looking at it, and so all the water is going to run down beneath the In Totidem Verbis, LLC (ITV)

floodplain, into the wetlands, which are comprised of several ponds, into the snow and creek. Snow and creeks tend to run down to the Rock River.

How will the site runoff be managed? Because I would imagine that there would be some there, some increase in what runs off my house. I think there would be a little more. Some of them talk about the draining around it?

10 A. Two things. There’s a stormwater retention plan that we have to put together. So there’s -- when you start with the original condition of the cornfield or bean field, it’s technically an agricultural desert or canopy. So basically rains come down and wash dirt away. So that’s the original condition.

So the improved condition, when you put solar panels on it, yeah, you have an impervious surface with the panels. So the water does run off, but we’re going to be planting a grass below it that’s going to be absorbing, mitigating stormwater runoff. So there’s going to be significantly less stormwater runoff in the floodplain than there would be even if we In Totidem Verbis, LLC (ITV)
didn’t do a stormwater retention basin, because the way the rules are, we have to do that as well. That’s all part of the stormwater preventive plan that has to go into effect before we can start the project.

Q. In the first presentation -- I don’t know if you guys were here for that. I think you were -- but they talked about nesting birds in your taller grasses and that. Would your mowing plan take into account the possibility of those birds as well? Because we have a lot of birds in that area.

12 A. I think that’s a fair question. Yeah, I mean, if they are nesting then that’s something that we should do, and we will include that in our -- as part of the tracker, as part of the operations and maintenance.

MR. FREEBERG: May I comment?

MS. TORGERSEN: Sure, yes.

MR. FREEBERG: Nesting, if there was corn or beans, there would be no nesting area because they spray that stuff four or five times a summer. So you’ve got to make a comparison to what the alternative is.

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MS. TORGERSEN: Right, but if you’re going to put them there, doesn’t it make sense that if you’re trying to protect the land anyway you should try to protect what comes then?

MR. FREEBERG: I think with the solar panels it would be more likely a nesting area than if it was corn or beans. They would be spraying.

MR. TARHAN: I think you both are saying the same thing.

MS. TORGERSEN: Yeah, I think we’re on the same base there.

Q. (By Ms. Torgeren:) Lubricants, I read about lubricants, and will they be used at this site, and what are they, and are they contaminated, or do they contaminate? Are they handled by someone who is licensed?

A. (By Mr. Tarhan:) Lubricants for what?

Q. Lubricants, I’m assuming, for what makes the tracks move and tilt. Any moving part needs lubricant of some sort, WD-40.

A. Depends on the type of tracker and what the operations and maintenance of it is. We haven’t selected a specific tracker yet, so I don’t know In Totidem Verbis, LLC (ITV)
| Q. Can we talk about the entrance first? The entrance is narrow. You're saying you're going to bring semi trucks in there. You are bound to, because people do, drive on the property across the street.
| Are there any plans to fix that land in the spring when the tires dig in?  
| (By Mr. Tarhan:) So as a part of our construction plan -- and there's a bonding requirement that the County is going to require, tear up any roads, things like that -- we have to repair those to their original condition post-construction, so yeah.
| Specifically that land across the way where it's just natural that as you turn you're going to hit it?  
| Any way that there's a reasonable proximity that can be pointed to that our guys did that, tell us, because we're going to want to know too.
| Okay.

**MR. FREEBERG:** I would just like to point out, the people that farm that have cattle across there.

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| the answer to that. But if there is any lubricants or materials that can be contaminated, it would be a part of their operations health and safety requirements.  
| Q. So would they be housed on site or would they be trucked on site by whoever does the maintenance? They would be trucked in?  
| A. There would be no materials stored at the site.
| Q. And then my last question deals with, again, the nighttime. Because we have a really nice dark sky with no -- I mean, this time you see a couple lights and you do see the traffic lights this type of year, the car traffic coming up and down the hill. So there won't be any lights except for the one light at the entrance and that's a down light --  
| A. Absolutely.
| Q. -- lower wattage that would light up an area?  
| So I would still be able to look from my telescope or from my deck and see meteor showers?  
| A. Yes, absolutely.
| Q. My night will not change?  
| A. Not at all. We have that question quite a bit in Totidem Verbis, LLC (ITV)

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| in Minnesota, and we came up with that solution. But it's a casting-down light, basically illuminating the sign that would be on the fence door saying, Here's the emergency number in the case of an event, and be the beacon or whatever to attract emergency vehicles to where the emergency is. So that would be the only thing. You shouldn't have any problems with that.
| MS. TORGERTSEN: Thank you.
| I have my petition still.
| MR. OCKEN: Later we'll have testimony, and if you want to present that during the testimony part, that would be fine.
| MS. TORGERTSEN: Oh, okay. Thank you.
| MR. OCKEN: Next is Patricia Russ. Please raise your right hand.
| PATRICIA RUSS, being first duly sworn, testified as follows:
| MR. OCKEN: Please state your name and address.
| MS. RUSS: Patricia Russ, R-U-S-S, 5998 East Hales Corner Road.
| EXAMINATION
| BY MS. RUSS:

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| MS. RUSS: Yes.
| MR. FREEBERG: And they have been going in and out of there.
| MS. RUSS: Without any problems, I agree wholeheartedly, but you're getting people who are unfamiliar, and not all truck drivers are great, just like not all car drivers are great.
| So just asking the question, that's all.
| (By Mr. Tarhan:) It's a fair question. I'll tell the whole group here, they're truck drivers and guys come from everywhere in the country, and, you know, if they're coming here in muddy, slippery conditions, I have seen them do lots of dumb things.
| About how many trucks come in during the total phase of construction?  
| A. For 2 megawatts, what's the number that we have had? 40, 50 trucks.
| Q. Total?  
| A. Yeah. Two or three loading at maximum a day.
| So they won't be showing up all at once.
| Q. Correct. You stated earlier that you manage the plants -- or excuse me, you don't manage the plants, you just develop them and then you sell.

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| 1. them. How long between what you consider development to when you hand it off to somebody else -- you sell it to somebody else? Excuse me.  
2. A. Typically it's at the commercial operation phase.  
3. Q. So when it's connected to the grid?  
5. Q. Have you ever deconstructed one of these?  
6. A. They haven't been around long enough.  
7. Q. They haven't been around -- okay. In theory then -- okay. How tall are the posts that you're putting into the ground that hold the panels up?  
8. A. Depends on the soil conditions, and we don't have that analysis yet. So they do a structural analysis as to how many feet they have to go down, one, to hold the panels up, but more importantly to have the control strong enough that -- that high-wind issue that we talked about earlier, a hundred-mile-an-hour wind, to keep that wing that's on top of the post from pulling it out and letting it fly away.  
9. In Totidem Verbis, LLC (ITV) |
|----------|----------|
| 1. Q. How many posts per panel then?  
2. A. I don't know the ratio. It depends on the soil analysis and how many posts that we have to --  
3. Q. Is it reasonable to say one-to-one? Or is there less posts than panels?  
4. A. Right.  
5. MR. OCKEN: What's our relevance here? What are you trying to establish?  
6. MS. RUSS: Well, I haven't got to my point yet. I apologize. They're going to put these in the ground. I want to know if they can really pull them up out of the ground as easily as they say.  
7. MR. OCKEN: They stated that they can be removed.  
8. Q. (By Ms. Russ:) In its entirety? You're not going to have to dig and cut? Other solar panels have said -- I'm glad to hear that.  
9. A. If they can't pull --  
10. Q. Cut down so many feet, is what they said. Anywhere from 36 to 42 inches. I'm glad you're not doing that. That's not returning the land to its proper state.  
11. A. (By Mr. Simanton:) I would also add, too, that In Totidem Verbis, LLC (ITV) |
|----------|----------|
| 1. Q. Can you give me an estimate?  
2. A. Yeah, sure. Anywhere between 8, 9 feet at the minimum, 15 feet embedment at the maximum. Could be more, could be less, it depends.  
3. Q. How many panels are going to be on this site?  
4. A. There's going to be 2 megawatts divided by 331 panels. So anywhere from -- this is 2 megawatts -- 4,000 panels.  
5. Q. 4,000 panels. And how many -- six posts a panel, from what I can tell in the pictures? So each --  
6. A. No.  
7. Q. I got that wrong? How much posts in a panel?  
8. A. We have fixed-tilt where there's more posts because they're fixed. It's going to be -- did you say one post for every six panels?  
9. Q. No. I said six posts for every one panel.  
10. A. I think it's probably the other way around.  
11. Q. So six panels has one post -- oh, I'm talking about an entire thing that tilts. I'm calling that one panel. That's not what you're calling one panel?  
12. A. It's on a rail. Post, post, post, panel, panel, panel.  
13. In Totidem Verbis, LLC (ITV) |
|----------|----------|
| 1. Q. How would that -- would it be mowing? Would it be spraying something?  
2. A. Typically both. Whatever is the least impactful.  
3. Q. Would you be spraying herbicides or pesticides, like Roundup?  
4. A. I don't know. That would be up to them at the point in time when they determine there's an issue.  
5. Q. Will you be cutting down any trees?  
6. A. Not at this site.  
7. Q. Will you, Mr. Freeberg, be cutting down any In Totidem Verbis, LLC (ITV) |

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MR. MILLER: Do I need to be sworn again?
MR. OCKEN: No. You have been sworn in.
SAM MILLER, being previously duly sworn, testified as follows:
MR. MILLER: Thank you, you guys. I'll try and be brief with mine, and probably some of them you may have answered, but I just want to make sure there's clarity to the answers.
And I worry about -- although I appreciate you have read the new Special Use conditions that are being proposed, but those aren't currently binding, and so some of my questions may be repetitive, but they are designed so we have on record that, yes, you will be doing this. I don't have a whole lot, but if you don't mind, I would like to approach it that way.
So with that, you mentioned that construction would be from, it's probably 7 a to 7 p, I think what the standards are going to -- or the conditions are going to say, and there will be something in there for that. But what about Sunday construction? Is this going to be a seven-day -- because I think it takes 90 to a hundred days to construct. Will all the area residents be hearing this for 120 consecutive days or do you get Sundays off?
A. (By Mr. Tarhan:) Normally our construction crews don't work on the weekends, but I know they have certain times just because of weather conditions and they have to get caught up.
But is there a condition in the Ordinance on that?
MR. SIMANTON: No.
Q. (By Mr. Miller:) There's not, okay.
The portion of Hales Corner Road which the construction traffic will likely travel is tar and chip. I'm assuming -- I know you have been on it, I have been on it, and I assume you guys have been on it?
A. (By Mr. Simanton:) Right.
Q. It's probably not in the best of condition.
The question is, I mean, Marion Township is responsible for maintaining it, so forth. If damage is done, will you be reimbursing Marion Township?
A. We will be fixing it.
Q. So it will be repaired?
A. Yeah, absolutely.
Q. I just have one question on the lease, and it's kind of an important one, and it's important to us taxpayers and also it should be important to Mr. Freeberg, because on Page 4 of the lease, where you talk in the lease your rights as a tenant to exit the contract, and it says you're allowed to exit the lease contract at any point in time up until the point it goes live on the grid, whatever phase it's called -- whatever term you use.
   So the question is, whose responsibility is it to -- I don't know if you call it decommissioning at that point. But let's say you're 50 percent complete and something happens, you guys go bankrupt, you can't get financing, who is going to be responsible then? The special conditions don't have that addressed. So who is -- is that Mr. Freeberg's responsibility or is it --
A. (By Mr. Tarhan:) If something like that were to happen, which the way energy projects are, they are financed from the point of defining in Totidem Verbis, LLC (ITV) when we're going to go to construction. So we have got to have financing put in place.
Q. So you have everything put in place before?
A. All of the equipment and then contract and operations goes through a whole, you know, 30-year term. So if the project were to, like, not be completed, if we set out the panels and all the panels were 50 percent there, my advice would be, he should take and decommission it and sell the equipment, because it's worth a lot of money.
Q. Sure. Assuming the panels are there, all the posts are in place.
A. Panels, the posts, they all show up at the same time.
Q. We had this question, but I do just want to ask it again just to make sure there's clarity because people are concerned.
A. Understood.
Q. If there is private property damaged, you'll either -- you'll ensure -- ensure, meaning make sure that it happens -- ensure that it is restored to the condition that it was?
A. Correct. What we do, if it's a negative or in Totidem Verbis, LLC (ITV)
cost to anybody, you know, fence gets knocked down, like the other question that was addressed, you know, run off the roads, it needs to be returned to its original condition, just like you and I would do. You know, if I screw up my neighbor's yard, I would fix it.
Q. Correct.
A. We want to be good neighbors.
Q. Except you're going to sell it when it goes live?
A. Our partners that we sell to have the same sentiments. We want to be good neighbors that do the right thing because, as Ms. Freeberg said, I'm here to do better for the whole planet, not just for this community but for everybody.
Q. Sure.
MR. FREEBERG: I think the question was about restoring ag land to original condition or something. Isn't that part of the state law in ag mitigation?
MR. REIBEL: That's what the intent of the AIMA was.
MR. MILLER: My question was, I believe --
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MR. TARHAN: Damage.
MR. MILLER: -- more specific if he did something with Judy's driveway.
Q. (By Mr. Miller) Because, as you said, the truck driver did something -- and I understand you answered that question, but I just wanted to make sure that it was clear and reflected in the record.
A. (By Mr. Tarhan:) Sure.
Q. I appreciate you answering that.
There's a lot of talk on noise -- a lot of concern, I should say, from those of us who are going to live around these solar plants. There's a question of how many decibels and how many feet away. It is a humming sound, correct, that you hear from the inverter?
A. Yeah, it's like a refrigerator sound.
Q. And so I have not heard -- I have gone to one and I have witnessed the site. But the question I have is, how far is it audible from the perimeter fence?
A. It shouldn't be.
Q. Because I -- the one we visited, which was in Streator, we could easily hear it sitting in our
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| 1 car. We have video that we aren't going to go through right now. It is audible and it sounds to me like fluorescent lights, to a certain extent. So the question is, you don't believe that the sound is going to -- we have a little bit of setback. It shouldn't be heard at any of the residences, the hum?  
A. No, not at that distance. I have done a lot of wind energy development and sound is a big, big question, and that's why wind turbines are placed 1500 feet minimum away from residences. The wind turbine blades make a big wooshing noise.  
Q. Sure. And they do. What is the status of the interconnection agreement that you have or you're working on? I'm not real familiar with it. I know we have to have an agreement to connect to the grid and so forth. In the process I don't -- could you just walk through at a very high level --  
A. We get application, we get original -- or initial study, then have to go to a feasibility study, then it goes to a facility study and In Totidem Verbis, LLC (ITV) |
| 1 typically exposed to this level of traffic. I mean, maybe the farmer's pulling across with a truck or a tractor every once in a while. I assume there's an easement or whatever it's called in railroad technology?  
A. Yup.  
Q. Have you secured that?  
A. No, we have not.  
Q. Is that a difficult process? Obviously you won't be able to do the project if you don't get it. So you believe you will be able to secure that?  
A. Correct, because there's already a crossing there already. The railroad can't block anyone from crossing from one side of the property to another, so they typically have to grant it.  
As far as the health and safety part of it, construction companies are serious when crossing the railroad tracks. Probably put up, like, a temporary barrier that's going to be monitored at intervals so nobody gets hit or killed.  
Q. One question on the drain tile that I was asking for someone that didn't sign in, so I'm asking for someone that didn't sign in, so I'm In Totidem Verbis, LLC (ITV) |
| 1 that's the last study that they are telling you, Here's what it is going to be and upgrades we need to make, et cetera, et cetera, and final cost.  
Q. And where are you at on that?  
A. We're getting up to the facility study.  
Q. Facility study. Okay. And with Exelon, is there -- in the state law is there a maximum number of substations per county that they have to offer connectivity to?  
A. In all of them.  
Q. So if there's a substation and I want to put in something, they have to accept me?  
A. Yes.  
Q. I mean, assuming you meet the conditions and everything. They can't reject me, saying, No, we have too many?  
A. Nope. They have to give you -- you can go make an application, as well as anybody else here as well. If you have a project, they have to go through the process and give you the study just as we are.  
Q. Okay. With the railroad, you have obviously gone across the railroad crossing that's not In Totidem Verbis, LLC (ITV) |
| 1 going to ask on their behalf. So I don't necessarily have a great background.  
My understanding is there's one or more drain tiles that do run under Hales Corner Road that then drain through your land. Is that correct?  
A. (By Mr. Freeberg:) Yeah, there's, I don't know --  
Q. Are those your --  
A. I mean, the railroad has been there a long time. There's a series of, you know, culverts, drainage, periodically along the railroad and on Hales Corner Road to let the water go out. Anytime you go over the road or something like that, it's going to interrupt the water flow. The ditch is a concentrated place and it proceeds on downhill.  
Q. And I'm not real familiar with drain tile. Is it clear when you hit it if you hit with a piling?  
A. (By Mr. Simanton:) Actually, I should just back up for a second. One of the things that we'll be doing is a drain tile survey. I can tell you, it's not in our best interest to want In Totidem Verbis, LLC (ITV) |

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to do that, especially when we're putting the
facility in. The last thing we want to do is
come back and repair something because water is
on the facility. We also don't want to create
issues upstream.
I would also offer up to you that if you
find in the drain tile survey that those tiles
aren't going to last the 30 to 35 years, we will
-- in some cases we have gone in and upgraded
those.

A. (By Mr. Freeberg:) I thought you were talking
about the culverts underneath the railroad.
There is one drain tile that goes all the way up
that waterway, and there's a riser that comes up
just inside the current fence and that picks up
most of the water and takes it down to the
creek. If it overflows more than what that will
take, the riser will take, it goes down that
waterway and actually goes into a -- serves as a
holding pen, and from there it goes to the
creek.

A. (By Mr. Simanton:) The other thing I would add
too, just as a sidebar, which is, there is also
a state law that exists that anyone that does
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A. It's a very difficult thing to do, I guess,
because the revenue from the project is a fixed
amount of revenue. We know what our revenue is
going to be over the next 30 years. All of the
project's economics are based on that. There's
not an extra fund of money that could be set
aside or come from somewhere else to help offset
property signs.
You know, I guess it's a discussion. And
I guess, on the flip side of that discussion,
too, would we be the beneficiary of property
values going up and sharing the increase?
A. If it was tagged to the plant, I would imagine
so, because you would have to tag it to the
plant. But it is interesting that you're
hesitant to do it.
A. Well, we don't have the economics available on
that project, just as somebody wouldn't have --
you know, somebody starting a development shop
or some other type of business next door would
dream that -- the County wouldn't require that as
a --
Q. Sure. The unfortunate -- this will be my final
comment. The unfortunate thing is, I would say
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60 to 80 percent of the folks sitting out here are on a fixed income and they don't have it in their budget either to lose value of their property. Thank you.

Q. I have another answer to that.

A. Oh, I'm sorry.

A. Community solar projects are meant to actually be a way for people to subscribe and save money on their electricity bill. So there is a benefit to residents and landowners being around in addition to their tax benefits to the County. You know, and as they accumulate over time, it's money that comes from somewhere that wasn't available originally. So, you know, the superintendent of the school spoke at the last project. It has meaningful value for schools as well.

Q. I think you were here when I made my comments about the validity of their numbers.

A. I was. We have each of those facts so that you can go back and find them.

Q. I know the facts, sir.

A. But it is a state statute.

Q. Correct.

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A. You're talking the original condition of a cornfield, adding new tax revenue that wouldn't have been there otherwise.

So taking a house valuation, you know, those aren't existing houses. You have to build.

Q. I understand the hypothetical that I came up with. It was to provide context so people understood numbers, which is difficult to verbalize. And the numbers that were presented clearly did not follow state statute. And the comment that I want everyone to understand is that the dollars are not nearly as significant as property tax generation, as was presented.

MR. OCKEN: That concludes the people who filed for an appearance. At this point we'll move on to testimony for those that are for and against the petition.

I want to give everyone the opportunity to testify, we want you to testify, but in the interest of time I am going to limit that to a maximum of five minutes per individual. So when you testify, you'll have five minutes, and I

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will inform you when that five minutes is up.

If you are still testifying, I would ask you to conclude at that point.

So we will begin with anyone here who wishes to speak in favor of this petition.

(No verbal response.)

MR. OCKEN: Anyone who wishes to speak against this petition, come forward, please.

Please raise your right hand.

BENJAMIN METCALF, being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and address.

MR. METCALF: My name is Benjamin Metcal, M-E-T-C-A-L-F. My address is 6290 North Hales Corner Road.

I am directly north of this proposed solar plant. On this handy dandy map, I own Lot Number 7, and I am the party that recently acquired the Robert [inaudible] property, which is Lot Number 6.

I wish I had known about this sooner, honestly. These guys have had months and months of prep time in order to state their case, and

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the people who are against it have had literally two weeks regarding this solar proposal.

A few things that I would like to bring up is that when I moved to Byron - Stillman Valley two years ago, the Byron Township - Byron Comprehensive Plan stated that the land use designates the site of this proposed solar farm for agricultural and natural holding space describes as follows, agriculture should continue to dominate the landscape in the greater Byron area.

This lot is in the greater Byron area.

I'm directly across the street from it. I already get the glare from Stillman Creek in the summertime when the water is up. Just like since September the water has been up in that creek, and I can see the glare.

As was pointed out earlier, the elevation to my house is approximately 10 to 15 feet taller than that elevation of these proposed solar panels. They're proposing an 8-foot tall fence to cover 12-foot tall solar panels, which leaves 4 feet remainder. I also, according to them, am 10 feet above that elevation.

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Therefore, I'm going to have to wait for his 5-foot tall trees to grow about 10 years before those trees actually do any covering to cover these proposed solar panels.

The other thing I would like to mention is that I like -- I am a State-registered safety area directly across the street. I think it's great that they're trying to plant pollinator crops on ground cover. That's awesome.

What I don't like about it is, corn and beans are wind pollinated crops. Bees don't do anything for them. When you mandate that they plant these cover crops, they're actively drawing in pollinators, bees, honey bees, butterflies and such. You also mandate they have to control the noxious weeds by mowing, which these people have already stated that they are going to mow a minimum amount.

Which leaves me to beg the question, how are they going to manage these noxious weeds? Bull thistle, velvet leaf. I can go on and on.

If they plan to use Roundup or 2,4-D to manage these noxious weeds, that's what's been linked to the decimation of the honey bee in the United States and around the world; Roundup, biphosphate, 2,4-D.

So now you're actively luring in these pollinator insects and then poisoning them with toxic chemicals. Kind of defeats the purpose.

That's all I got, unless you guys have any questions for me.

MR. SODERHOLM: If I could say something?

MR. OCKEN: Mr. Soderholm, go ahead.

MR. SODERHOLM: I own a 130-acre land and water reserve. I also have bees. You cannot manage a prairie without a judicious use of chemicals, and I do that, and I got 110 pounds of honey out of one hive situated right next to my prairie.

So I -- you know, I just -- I'm not arguing with you. I'm just making a point that I think is valid.

MR. METCALF: I would beg to differ that the ratio of --

MR. SODERHOLM: I don't want to argue.

MR. METCALF: That's fine. I understand your position.

MR. OCKEN: Petitioners wish to respond?

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We certainly would do studies.

MR. METCALF: Not so much concerned about the glare on the north side. On the other side of that valley, on the other side of Stillman Creek, there is a hill filled with houses. I see them every night. I can see the lights.

Those are the people that are going to be affected by the glare if there is any glare.

And your little PowerPoint presentation did not address the other 40 people in this room who live on that hill or over in that direction.

MR. ENDERTON: No, that's a fair point to point that out. Fortunately, because the sun is in the south -- the southern part of the sky, all of this -- anything that is going to be affected would be to the north, because it hits the panels and reflects northwards. And that's why we focus on the northern part mostly, just due to the proximity.

MR. METCALF: Thank you.

MR. OCKEN: Anyone else who wishes to speak against the petition, come forward, please.

Please raise your right hand.

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MR. SHALBRACK: I will in just a second.
Let me just state that I'm speaking as an
advocate for my client. I'm not sure why I need
to be sworn in, in order to --
MR. OCKEN: If you're going to testify, we
would like to swear in.
MR. SHALBRACK: I'll do so, but I do so
with reservation.
MR. OCKEN: Thank you.
MIKE SHALBRACK,
being first duly sworn, testified as follows:
MR. OCKEN: Please state your name and
address.
MR. SHALBRACK: Sir, gentlemen, my name is
Mike Shalbrack. I am an attorney with
Holmstrom Kennedy, and we have offices in Byron
and in Rockford.
I have spoken to the ZBA before back in
June. I'm going to say the same thing, very
quickly. I won't need five minutes. Easy to
say.
We have got the Hongsermeier property, the
Burandt property, the Bocker property, Pilkin,
Stocking, Bauer, Freeberg, Stauffer, Terhark,
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and we have got all of these properties. Now,
if you look at a map and look where we're
located, the ones that we seem to be improving
are ones that are in rural areas, not where
there are homes.
You have one that is right in an area
where there are homes; it's right on Hales
Corner Road.
My clients, Mark and Dana Wercik, live in
an area where they're going to have 140 acres of
solar panels across the street if it's approved
by the County Board, 40 acres to their immediate
west. They're about a mile away from
Mr. Freeberg's property.
You have got BME down the road, and I know
that they have withdrawn their petition, but
let's be realistic, as soon as you put some
other ones in on Hales Corner Road they're going
to start popping up.
We have got a density issue here on
putting solar panels in that area. This is a
bad fit. It's not the right time. It's not the
right place. If you want to put in, you want to
approve solar farms, you need to do it where
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it's appropriate. This is not the place.
Mr. Freeberg is aware of it. Marion
Township has spoken on several occasions on
Hales Corner Road. Recently they denied it
three-to-one. Mr. Freeberg is aware of that.
Don't put a square peg in a round hole here.
This is a bad fit for this area.
I also want to say briefly and then I'll
step back, you need to ignore any reference that
the Petitioner or the Applicant gave to you
about valuation. The study that was done by the
county assessor for North Star should not even
come into play here. I don't care. They don't
have their expert here tonight. You can't
consider expert testimony coming from a third
party. You can't. Evidentiary-wise, doesn't
apply here. You can't look at it.
But if you're going to consider it, I'm
telling you that in that particular study, it
was done in '17 and '16 -- 2017 and 2016, this
North Star project apparently was built in 2015.
I don't know how the heck you can come up with
any reasonable valuation issues in the span of a
year, year and a half. It's not valid.

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If you're going to consider it -- and I
say you should not because you don't have
experts here testifying to that particular
component. You should ignore it, let it go.
Finally, I will just say, we have got
people here sticking around like you are and
doing your job. This particular application,
Mr. Freeberg's application, is a bad fit for the
area for all reasons, but it gets back to money.
Whether it's going in their pocket or whether
it's coming out of their real estate down the
road, they're not making any money on this
thing.
The County, I have heard three or four
different valuations as to how much tax revenue
this county is going to be receiving as a result
of a 2-megawatt solar farm. It's all
inconsistent. You would think that we should be
able to come up with a hard number, and we
can't. Everything changes over time.
In my speaking with or communicating -- if
I have am at five minutes, I'm at five minutes
-- I have had communication with Jim Harrison.
Mr. Harrison told me he would not give me an

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opinion publically or privately about the assessed value about what he's going to happen in Ogle County. Before he retires, it would be nice to find out what his real thoughts are. He's experienced in this area, but he won't give me an opinion on this. Think about that, folks. I appreciate your time. I appreciate their time coming in and hearing us out. I'm telling you, this is a bad deal. Mr. Freeberg's project should not be going and should not be approved by the ZBA. Thank you.

MR. OCKEN: Thank you.

Anybody else who wishes to speak against this petition? Come forward.

JUDY FOSTER, being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and address.

MS. FOSTER: My name is Judy Foster. My address is 6426 North Hales Corner Road. My property is directly across from the access road.

MR. OCKEN: And spell your last name, please.

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MS. FOSTER: F-O-S-T-E-R.

MR. OCKEN: Thank you.

MS. FOSTER: And my concern is that the road is not strong enough to handle all the equipment that's coming in. It will definitely tear it up. Just as you said, it's just seal-coated.

The drain pipes that are coming from my side of the land going over to the drain pipes underneath the railroad tracks are only pipes.

Those under the railroad tracks may be cement, but those aren't going underneath the road.

They are just regular piping. And how much damage would be done to those underneath the ground with the constant pressure of running back and forth that may not be seen? It may show up in the very near future after this is done.

Also, this is the property -- this is the creek down by Kishwaukee Road. This was at flood stage two years ago. This is what happens when it floods and backs up, and it's been that way this year also.

This, as you see the trees, it looks as

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though somebody has been down my road taking pictures, are the same ones that they are saying about putting up. When they start out, they are just little bitty things, so they would not have time to grow.

This is the road. This is my property right here. As you can see right there, right there would be the access road, and this is my property line across -- this is right in my front yard. This little culvert right here is still on my property. It just goes to the back of the barn.

This is the other side of the bridge on Kishwaukee Road. You can see how it floods. And some more pictures of the road. But this -- it floods. When it's flooding, even on a hard rain even when we don't have the flood waters, this is what the roads look like right now. They would not be able to withstand the constant and heavy weight on it.

And to bring something like this into our community, the solar panels do not work at a hundred percent. They're only at 70 and 80 percent, and as time goes on they go down. The

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cost of utilities will go up.

And this is directly across from my property here. This would be the entrance that we're talking about.

And so as you can see -- right here, this is my mailbox. And as you can see, there's railroad tracks right there with the entrance going in. This is how narrow the road is. I mean, it would be hard bringing in these large trucks and getting them in there.

And as I said, I -- solar, to me, would not be worth it at this time. It's not economical for this part of the region. Also, you have a very natural habitat for all kinds of wildlife that is back there right now. You can't imagine what's in there of different types. It would be just a detriment to everything, just cause much more damage than what it would be. You would lose more of a community. The more you tamper with natural habitats like this, we're losing a lot now. It would be bad to change it at this point.

As far as the road, that's my biggest concern, the damage that might be done to my

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property in the process of this, and the
1 drainage ditches. Because if the damage is done
2 to the drainage ditches, they will not flow
3 freely or fast enough to go through to keep from
4 backing up and flooding crossways to all of us
5 that live down on this side of the road.
6 That's all I have to say.
7 MR. OCKEN: Thank you. Anyone else that
8 wishes to speak against this petition?
9 Did the Petitioners have any questions for
10 that last witness?
11 (No verbal response.)
12 MR. OCKEN: Okay. Anyone else who wishes
13 to speak against this petition.
14 DENNIS WILEY,
15 being previously duly sworn, testified as
16 follows:
17 MR. WILEY: I have about a 30-minute
18 presentation that I put together as best I
19 could. I only got involved after I got an
20 invite to a meeting Monday night.
21 So I believe that in the interest of
22 everything -- in the interest of everything that
23 you asked, that we would limit our time, I would
24 like to leave this run as I speak and then --
25 because that will take me 12 minutes to get
26 through just blabbering.
27 Okay. Ready?
28 Okay. I want to say -- I have written
29 this down, so. I'm not real good at this.
30 Good evening, Board members, ladies and
31 gentlemen, and Mr. Chairman, my name is Dennis
32 Wiley. My wife and I have lived on Site 18 as
33 depicted on the proposed site plan for 42 years
34 this coming February. Our house sits on
35 approximately the same plane or level as the
36 proposed solar plant. The solar plant will be
37 visible from our backyard and main sitting room.
38 Our property includes wetlands common to the
39 proposed solar plant. So we see the same
40 flooding. We see the same going down.
41 We have canoed here and fished here many,
42 many times. We appreciate the fact that we have
43 done that, and many times it's been on
44 Mr. Freeberg's. The kids have fished the
45 creeks, so on and so forth. We have seen a
46 diminishing of wildlife, so on and so forth.
47 But I hit that earlier, so I won't go on.

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We purchased our house in 1977.
Financially it was a stretch; however, the
neighborhood, school system, views and serenity
were so compelling. We applied for and received
a 30-year mortgage from a local vendor.
I will -- yeah, I know where I'm at. I'm
just emotional.
We've spent a lot of good times. So now I
have raised up four children in this wonderful
area. I would like the record to show we are
not against solar power. In fact, I believe
solar power is essential and the right thing to
do given other currently-available forms of
generating electricity.
We have friends of ours that farm and use
solar panels to generate electricity. We
applaud their decisions and placement of these
panels so they blend in with the landscape.
This is the right thing to do because it fits.
Since 1977, I have traveled multiple times
to Germany, Italy, France, Taiwan, Japan and
Korea. These countries use solar to generate
electricity. In fact, some of the leading
generators of electricity. And it moves around
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depending on how they measure it between per
capita, output, whatever, but they're always at
the top of the list.
I have observed their approach in
fostering the development of solar power while
keeping harmony with nature and the population.
This has given me the observed insight
concerning placement of solar panels -- or
plants. I'm sorry.
MR. OCKEN: Mr. Wiley, I'm going to ask
you to conclude as efficiently as you can.
MR. WILEY: The time is up?
MR. OCKEN: Very close.
MR. WILEY: Okay. I'll move forward.
MR. OCKEN: As quickly as possible,
please.
MR. WILEY: Okay. Solar panels basically
are found in those areas and they're in --
trying to keep them in industrial areas, out of
sight of homes and country settings.
I have the PowerPoint that we left run,
and I think that I'll respect your five-minute
time period. Thank you very much.
MR. OCKEN: Thank you. I appreciate that.
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was held at Starved Rock earlier in September, the recommendations coming out of there strongly indicated that solar plants should not be placed in residential areas. Maybe we're not residential because we're three-tenths of a mile away, but it's what we see all day, every day, except maybe heavy June leafing to when the leaves fall off, then maybe we Won't see it so much. And maybe it's because of right now and the beautiful snowfall, that is evident From my main living area, the family room and the porch and the deck at the back of my house. I will look at it all the time for the next 35 years. So I think this location issue is huge.

In addressing Standard Number 2, the project would be of heights varying, I think, from 8 to 12 feet above the ground surface and will be visible by all residents in That area, including the ones up in Nordic Woods, I'm sure, in that subdivision up there. They're a little further away. I guess that means they don't count, but I think probably to them they do count. Again, they're primarily residential, In Totidem Verbis, LLC (ITV)

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utility structures, and other facilities. These
would only further dominate the immediate
neighborhood and destroy the value of the
neighboring properties and the contentment and
wellbeing of the residents.

Standard 5 seems to address mostly the
proposed solar facility and how it's detrimental
to both residential and agricultural use in that
area. In Marion Township, they proposed that
residential areas should remain in residential
settings and not be developed for commercial.

MR. OCKEN: I'll ask you to conclude as
quickly as possible, please.

MS. TORGERSEN: Yes, sir.
In Number 6, I don't even get how I'm
supposed to get that one. There's a lot there.
It seems like you can meet all the regulations
and maybe still not be a benefit to the
community.

So I guess I'll conclude by talking mostly
about my property, because that's what I know
best. I have never been on Mr. Freeberg's land
ever. Never set foot there. I have paddled up
and down the creek. I have watched eagles,
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hawks. I have tried to catch river otters on my
trail cam. The only thing I ever took from
Mr. Freeberg's property was pictures, and
they're beautiful.

But this area is not a good fit. I
strongly urge you not to force this upon us.
It's not a fit for our community. It's not the
direction that we want to go. Solar in general
I think has its proper place. This is not it.

Thank you.

MR. OCKEN: Thank you.
Anyone else?

MR. SODERHOLM: Can I ask her a question?

MR. OCKEN: Yes, go ahead.

MR. SODERHOLM: You live at Site 19,
right?

MS. TORGERSEN: Yes, sir.

MR. SODERHOLM: Is there a bank there
that -- between you and the Stillman Creek?

MS. TORGERSEN: Yes, sir.

MR. SODERHOLM: Is there trees? Are there
trees there between you and the creek?

MS. TORGERSEN: There are a couple there.

Most of them are ash.

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trees?

MS. TORGERSEN: There are trees, but
they're -- it's like looking through this
microphone. I can see her. She's far away.

MR. SODERHOLM: Just asking.

MR. OCKEN: Mr. Miller, go ahead.

SAM MILLER,
being previously duly sworn, testified as
follows:

MR. MILLER: Thank you.
Sam Miller. And I'll try and be quick.
The Petitioners got unlimited time, but I'll try
and honor your request.
I want to first state by, I live probably
two and a half miles from Mr. Freeberg's land,
and you may say, Why am I here? I'm here
because Dennis's daughter painted my house. Judy
goes to our church. We know this people. This
is our community. That's why we're here. We
support each other. We help each other. And
when someone needs help, that's what we do, we
pitch in.
So what I'm trying to do tonight -- I
don't think the Petitioner really did a real
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good job at addressing the standards, and I am
going to try and address the standards. I'm
going to try -- I am not going to try. I am
going to be successful in showing that Standards
1, 2 and 3 are not met.
Before tonight, this application has
worked its way through the township board and
the County Planning Commission. I think it's
important for us to consider the actions of
these Boards when addressing the Zoning Board
standards.
Marion Township took no action -- I'm
sorry. Marion Township Planning Commission, as
previously stated, took no action because
Mr. Freeberg was the chairman. He recused
himself, but they chose, because of potential
conflicts of interest, that they couldn't vote.
Marion Township, the board as a whole,
voted three-to-one to deny it. The Ogle County
Regional Planning Commission voted four-to-two to
deny it. So pretty good record there.
Additionally, the ZBA voted to deny the
Stocking and Pitkin applications, also located
on Hales Corner Road, because the plans were
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located near residential areas.
The Petitioners for BME withdrew their
application. This would have also been located
next to a residential property -- properties.
The Township Commission and this Board,
the ZBA, has properly concluded that solar
plants should not be located near residential
areas.
But please note, there's an interesting
distinction. The ZBA has voted to allow a solar
plant -- or solar plants in nonresidential
areas. You did that tonight with Oregon. I
think that's good judgment. I am not super
familiar with the land, but it sounded like
there weren't any neighbors here complaining,
there was nothing. It was not a residential
area. So I would support that ruling.
Although this proposed site it is not near
a subdivision like the one I live in, it is --
its does neighbor nearby homes. In fact,
according to the Staff Report, there are 11
homes within a quarter mile of the proposed
solar farm and 90 within a half mile. This is a
residential area.
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The site is in Marion Township within one
and a half miles of the City of Byron. And from
my understanding, it is also within one and a
half miles of Stillman Valley, as far as it
relates to a small portion of the land. So it
is near both communities.
So let's look to the Comprehensive Plans
Let's look first at Ogle County. Ogle County,
what does that plan say? It says, the County
defers to the municipalities and township plans.
So what do those plans say? We heard earlier
tonight -- I'll try to be brief -- Byron says
that it should be agricultural land. It's to
continue -- agricultural land to continue to
dominate the landscape in the greater Byron,
maintain significant contiguous areas for
agricultural use, will help secure the areas of
attractiveness, desirability and preserve its
rural character. Sounds a lot like a standard
to me.
The Marion Township plan designates the
site for agricultural use, and that's as far as
it went.
Those studies were from 2003 to 2008, and
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the County's plan is 2012.
From my recollection, the definition of
agriculture back in 2003, 2008, 2012 was beans,
corn, alpha, livestock. You kind of get it.
Solar was not considered agriculture when
these plans were written. If it had been, they
probably would have done something different.
So assuming that these Comprehensive Plans
say it needs to stay agricultural or remain
agricultural, calling it solar is kind of
circumventing the wheel of what those plans
originally meant.
Finally, I would like to address the
impact solar plants have on residential
property. I have thoroughly researched this
topic, and I have found no scientific studies
that directly address the impact solar plants
have on residential properties.
However, I did find one research study in,
and you have to listen carefully on this. It
was a study from the '90s, and it assessed the
impact of perceived eyesores on housing markets.
So if something nearby didn't look good, they
studied that. And this study established
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empirical evidence that the closer the property
is to a perceived eyesore, the more the value of
the property is negatively impacted.

Believe it or not, someone studied that,
and they concluded what you think they would
conclude.

MR. OCKEN: I’m going to ask you to
conclude as quickly as possible, please.

MR. MILLER: I will do that, sir.

MR. OCKEN: Thank you.

MR. MILLER: With that study in mind, I
personally observed the solar plant near
Streator. The screenings around this plant were
not well kept. In fact, tall weeds were growing
in the chain link fences and between the solar
panels.

The solar developer wants to maximize
earnings. We heard that tonight. He was
honest. I agree with him, that's their goal.

Not to maintain the plants around the premises.
The plant was an eyesore that I visited to the
neighbors. And that's what you're hearing that expressed tonight.

We have collected -- Margie submitted some
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Second, I found it disingenuous from the
company representative and without good faith
when he refused to acknowledge the basic fact
that solar panels contain hazardous and toxic
materials.

Third, I agree with the other comments
that this is not an appropriate siting for an
industrial use next to a floodplain area, as
well as the Stillman Creek.

Third, I'm asking -- or, I'm sorry,
fourth, I'm asking that you incorporate the
representation of the company to allow for
enforcement of the AIMA by the County. As I
came to learn in working with wind turbines, as
well as nuclear power, you can have these AIMA
agreements but the Department of Ag -- there's
no one in the State of Illinois to do the
enforcement of those agreements. You have so
you have to have an enforcement mechanism. So I
think it's important that you incorporate that
representation for enforcement of those AIMA
provisions. Without enforcement, they're just
words on paper.

Lastly, the lease provisions do not
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accurately protect the taxpayers. I have set
forth and identified -- I'll just reiterate for
the record -- Page 4, Paragraph 2C, the company
can walk away without notice prior to the
completion of the project and the operation
date. Page 11, Paragraph 7.3, a lender has no
liability and can also walk away. Page 13,
Paragraph 8.3, after completion after the
operation date, again, they can walk away in the
event of an act of God or an abandonment.

This was a concern that, in terms of the
Staff Report and recommendations to be
incorporated with the Special Use Permit under
Paragraph K1, Decommissioning, identifies that
the owner or operator of a solar farm shall
completely decommission the solar farm, dot,
dot, dot. But nowhere does it define owner or
operator of a solar farm.

If you, again, clearly look at those lease
provisions and the agreement between the
landowner and the company, again, there's
inadequate protection, in part because you have
identified owner or operator of a solar farm.
If there's an abandonment, perhaps the bank
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could technically be considered an owner/operator. Again, they have no liability, there's no connection to them to the County. And, again, you have not identified, included in your definition the actual land owner, in this case the Freebergs, as an individual or entity that is also responsible for decommissioning. So I would ask that that language in Paragraph K1 be clarified to identify not only the petitioning company who is the foreseeable operator of the equipment, but also the underlying landowner who is also a petitioner, whether that is an LLC or a Trust.

And my last and final note is, the Stillman School District is, you know, a community. Any referendum for our schools, when our schools need money, our referendums pass. Our taxpayers in our school district take care of our own school district. So we don't need the money from the solar plants to take care of our schools. MR. OCKEN: Anyone else who wishes to speak against this petition?

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PATRICIA RUSS,
being previously duly sworn, testified as follows:
MS. RUSS: Basically I'm going to talk about property values. Buying a home is an emotional journey. No survey and no report that you can give me is going to teach me or tell me otherwise. What works for me doesn't work for you.

This is an eyesore. It affects 90 homes within a half mile. It doesn't belong here. It's just not a good fit. My property depends on my neighbor, whether that's the neighbor next door or it's the neighbor two miles down the road. That's where we get our home value from. So it's important that the whole community is involved in this.

I would love to have questioned the people who did the study that they brought up. They talked about 12 adjacent homes, 126 community homes that sold within two years. I would like to know how big the community was. Couldn't tell me how many adjoining properties there were. Why is -- in Stillman Valley, that's huge. That's 14 percent of the community. So why are people moving?

The North Branch [sic] solar project that they brought up, I don't want you to consider it, but if you're going to, I'm going throw gas on the fire. The Star Tribune reported that Community Energy bought 7 islanded, meaning surrounded by, solar panels. They bought out these seven homeowners because they're surrounded by solar, and they bought them at valid market prices. That's 7 of the 12 that they're considering adjacent homeowners.

If you would like to see the article, we have it on a laptop. There's no connection here, but they brought it up. So if you research online, that's what I discovered just while sitting here this evening.

At Starved Rock, Dan Jane [phonetic] stated at a recent meeting that the solar industry said that solar should not be located near residential. It's as simple as that.

It's very clear that Standards 1, 2 and 5

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were not met. I can even make an argument that 4 was not met. I'm asking to deny the permit because you only need to not meet one.
The burden of proof is on the solar company and the Freebergs, and there's simply enough evidence to say maybe this isn't a good fit here.

Thank you.

MR. OCKEN: Thank you.

Is there anyone else who wishes to speak against this petition?

(No verbal response.)

MR. OCKEN: Okay. Hearing none, it's been two hours and 20 minutes since our last break. I am going to declare a five-minute recess.

When we come back, I'm going to ask if the Petitioners wish to make a five-minute closing statement and if the Objectors would like to choose someone to represent them to make a five-minute closing statement. We will entertain those, and then we will go through the finding of facts. So we will recess for five minutes.

(A recess was taken at 10:24 p.m.)

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and proceedings resumed at 10:32 p.m.

MR. OCKEN: Do the Petitioners wish to make a closing statement? And I will ask that these statements be limited to five minutes.

MR. TARHAN: It will be short.

I wanted to thank the commissioners tonight. We have had a lot of spirited discussion, which I appreciate, too, because we like to provide facts to the people to make the right decisions.

I think the Freebergs' property is a good property for a solar project. It's a hidden site that is on the other side of the railroad tracks, on the other side of the road, on the other side of a screen of trees. In my view, it couldn't be a better location for the solar project and for the Freebergs to be able to get a higher and better use for the land.

At the end of the day, with us, as a solar company and solar developer, we want to do what's right for the community. You know, we think this is a good spot, so that's why we put the extra effort in.

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Again, I appreciate the discussion tonight and previously, because it helps everybody learn and understand how we get to a reasonable conclusion.

And at the end of the day, you know, we have met all of the Ordinance requirements. You know, we're happy to do anything else that the commission thinks is necessary. But with that, I'll leave it there.

Happy to answer any of your questions.

MR. OCKEN: Any questions from the Board?

(No verbal response.)

MR. OCKEN: Okay. Thank you.

MR. TARHAN: Thank you very much.

MR. FREEBERG: Just quickly. I mentioned the Comprehensive Plan is 10 to 15 years old.

None of us were sitting -- I know, as the Chairman of Marion Township, none of us were been sitting around 10, 15 years ago talking about where solar should be or even talking about solar.

It's also -- I mean, everybody is going to stand up and say, I support clean energy. But then they throw a qualifier on it. Basically

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it's, Not in my backyard. As long as it isn't in my township.

We talked about value of houses. I mean, there's all kinds of things that devalue a house. They're talking about houses that are surrounded by solar panels. We're talking about something that is three-tenths of a mile away, across a railroad track and across the road. So I think you're comparing apples to oranges.

When I was out talking to people, obviously they had been lobbied by the other side, and several of them mentioned the odor of manure what wafting over to their property.

Well, welcome to the country. They happened to move into a farm that has livestock on it.

These people that have built a house have to sign an agreement that they're moving into the rural company, but they have trouble making up their mind. First they refer to this as a residential area, then they quote the Comprehensive Plan and say it's an ag area.

As far as her trees, I showed that picture. When you get out in the middle of their houses, there's pretty heavy trees on both sides of the creek, and behind those trees are more trees, crab apple trees and that kind of stuff. So there's a pretty good screen there.

I can almost guarantee you -- because I can't from my house, they can't from their house -- at least the two east solar panel structures, they are never going to see them.

There's too many trees between them. I also doubt that they spend all day sitting on their back porch looking out in that direction.

Thank you.

MR. OCKEN: Thank you.

MR. MILLER: Is it our turn now?

MR. OCKEN: Yes.

MR. MILLER: I'm going to invite up the residents that are friends, but I'm only going to be the one speaking.

MR. OCKEN: Thank you.

MR. MILLER: Thank you for hearing our pleading, our evidence. We do believe -- and I also want to thank you guys for coming and presenting and being gentlemen.

We did have a lively discussion, we did have a good discussion. We believe that we did

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established that the standards aren't met.

Particularly 1, 2 and 5, I believe, are the ones that we really feel are not met, and it is questionable, 4 probably maybe is not met either. But we only need one, and we know that there's three that are not met.

These are the Stillman Valley/Byron people. These are the local people. We didn't jet in. I work in Rockford. I drove down. I left work. I spent hours writing my piece. Judy spent hours writing her piece. We spent our time and our money, and now we have to hear that there's not a budget left. There's not a budget available to worry about our concerns.

That's concerning.

And I'll close with this. A month ago most of you -- I think you were all here, we were sitting here having the same discussion on Big Mound, and I ended up in cross-examination piece with Mr. Simanton, I believe is his name, I said, This is about community solar. And I said, So community solar means community, and here is our community. I said that a month ago and I'm going to say it tonight. This is our

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community. These are our friends, these are our neighbors, these are our relatives. This is our community. And does our community want community solar? Mr. Simanton said, I don't believe so. He said that last month. And I'm going to make -- I'm going to surmise here that he might say it again tonight.

Clearly the people have spoken and said, we do not want community solar in residential neighborhoods. Thank you.

MR. OCKEN: Thank you.

Does the Board have any questions or comments?

(No verbal response.)

MR. OCKEN: Hearing none --

MR. FREEBERG: If I could --

AUDIENCE MEMBER: No, you're done.

MR. OCKEN: Go ahead.

MR. FREEBERG: I forgot I was supposed to do this. I have a petition, too. You can read it. It says, I support and do not oppose. And then I've got a set of pictures that I want to show for the file, and Mike told me I should submit them during this period.

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MR. MILLER: For the record, can I say he has nine names on his? We had plenty more names than nine.

MR. FREEBERG: There's more than nine here.

MR. OCKEN: If there are no questions or comments from Board, I want to thank all of you for your testimony this evening.

The Board will now go through the finding of fact. Mr. Reibel, please read the first standard.

MR. REIBEL: Special Use Standard 1) That the proposed Special Use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large.

MR. SODERHOLM: The Petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. I believe that standard is met.

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MR. OCKEN: I agree.

MR. HAYES: I disagree.

MR. REED: I disagree.

MR. SODERHOLM: Agree.

MR. REIBEL: 2) That the location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the Special Use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood, consideration shall be given to: A) The location, nature and height of building, structures, walls and fences on the site; and, B) The nature and extent of proposed landscaping and screening on the proposed site.

MR. HAYES: The proposed use, due to its nature, location and size, will dominate the immediate neighborhood so as to prevent

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MR. OCKEN: I disagree.
MR. SODERHOLM: Disagree.
MR. REED: I agree.
MR. REIBEL: 6) That the proposed Special Use complies with all provisions of the applicable district regulations.
MR. REED: The proposed Special Use appears to comply with all provisions of the AG-1 district regulations. Standard met.
(All those simultaneously agreed.)
MR. OCKEN: Standards 3, 4 and 6 were approved. Standards 1, 2 and 5 we make no recommendation on.
I will entertain to motion in regard to this petition.
MR. HAYES: Mr. Chairman, I would like to make a motion to --
MR. SODERHOLM: Speak louder.
MR. HAYES: Sorry.
MR. SODERHOLM: I can't even hear you.
MR. HAYES: Mr. Chairman, I would like to make a motion to deny Special Use 21-18, as I do not believe the Petitioners have met all the
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necessary facilities have been or will be provided. That standard is met, I believe.
MR. HAYES: I agree.
MR. OCKEN: I agree.
MR. REED: Agree.
MR. REIBEL: 5) That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district, can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area, and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County.
MR. HAYES: Evidence indicates that the establishment of a solar farm in AG-1 zoning district may be detrimental to existing agricultural administrations and established residential uses in the immediate area. The proposed Special Use is not essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. I believe the standard has not been met.
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on to the Planning and Zoning Committee of the
Ogle County Board.
(The hearing was concluded at
10:44 p.m.)

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Now on this 29th day of November, A.D.,
2018, I do signify that the foregoing testimony
was given before the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman

Michael Reibel,
Zoning Administrator

Callie S. Bodmer
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-004489
P.O. Box 381
Dixon, Illinois 61021

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negative impact on the value of residences within a quarter mile of the site. Seconded by Mr. Nelson. Mr. White asked for discussion; hearing none, he asked for a roll call vote. Following roll call, the motion to deny carried by a vote of 5 in favor of the motion to deny, and 1 opposed.

#21-18 SPECIAL USE - SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Curtis R. Freeberg Trust and Norma L. Freeberg Trust, and being leased by SolarStone Illinois, LLC:

Part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S ½) of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, IL, 153.76 acres, more or less
Property Identification Number(s): 05-33-426-003, 05-34-302-001 and 05-34-376-001
Common Location: 6400 Block of E. Hales Corner Road

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. The EcoCAT natural resource review identified protected resources that may be in the vicinity of the proposed action. The information was evaluated and it was concluded that adverse effects are unlikely and the consultation terminated. Mr. Reibel read the NRI cover letter from Soil & Water Conservation District and its recommendations.

Mr. White asked if there were any objectors present to make a brief statement.

Judy Foster, 6426 N. Hales Corner Rd., Stillman Valley stated concerns regarding the access to the site, increased road traffic, and effects on property values. Dennis Wiley of Stillman Valley stated he is favorable to solar projects but feels this is not the right location.

Mr. White asked for questions from the Commission members. Hearing none, Mr. White asked for a motion. Mr. Nelson made a motion to deny #21-18SU as it does not fit the comprehensive plan or the surrounding area. Seconded by Mr. Wetzel. Mr. White asked for discussion; hearing none, he asked for a roll call vote. Following the roll call, the motion to deny carried by a vote of 4 in favor of the motion to deny, and 2 opposed.

#22-18 SPECIAL USE - OneEnergy Development, LLC,%Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Larry Roberts, Linda Powell, and Cindy Stauffer, and being leased by OneEnergy Development, LLC:

Part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22 Buffalo Township 23N, R8E of the 4th P.M., Ogle County, IL, 75.05 acres, more or less
Property Identification Number: 14-22-100-006
Common Location: Southeast corner of W. Judson Rd. & S. Union Rd.
To: Zoning Board of Appeals
Date: November 19, 2018

FILE #21-18SU

Prepared By: Michael Reibel

Ogle County Planning & Zoning Department

STAFF REPORT

GENERAL INFORMATION:

Applicant: SolarStone Illincis, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL

Status of Applicants: SolarStone Illincis, LLC = Contract lessee
Curtis R. Freeberg Trust and Norma L. Freeberg Trust = Owners

Requested Action: Special Use in AG-1 Agricultural District

Purpose: Solar Farm

Location: Part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion Township, Ogle County, IL, 153.76 acres, more or less
Property Identification Number(s): 05-33-426-003, 05-34-302-001 and 05-34-376-001
Common Location: 6400 Block of E. Hales Corner Road

Size: The parcel upon which the proposed solar is located is 153.76 acres in area. The proposed solar farm encompasses an area of 19.42 acres within the proposed fence boundary.

Existing Land Use: Agriculture.

Surrounding Land Use and Zoning:

Relative to the parcel upon which the proposed solar farm is located, land to the north (north of the railroad and Hales Corner Road) is zoned AG-1 and is primarily in rural residential use; land to the west is zoned AG-1 and is in agricultural use with the exception of a residential-use parcel at the southeast corner of Kishwaukee Road and the railroad; land to the south is zoned both AG-1 and R-2, and is in agricultural use and residential use. Due to the configuration of the site, there is no adjacent land to the east. Relative to the actual proposed solar farm fence boundary, there are 11 dwellings within 1/4 mile of the proposed solar farm boundary, and 90 within ½ mile (other than dwelling of landowners participating in the proposed solar farm).
<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by Curtis R. &amp; Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL</th>
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<tbody>
<tr>
<td><strong>Comprehensive Plan:</strong></td>
<td>The site is located within 1.5 miles of the City of Byron, which has an adopted comprehensive plan (Greater Byron Area Comprehensive Plan, October 2003). Marion Township has a township planning commission and an adopted planning document (Marion Township Comprehensive Plan, July 2008). The Greater Byron Area Comprehensive Plan, Land Use Plan map designates the site of the proposed solar farm for “agricultural/natural open space”, which is described as follows: Agricultural land should continue to dominate the landscape in the Greater Byron Area. Maintaining significant contiguous areas for agricultural use will help secure the area’s attractiveness and desirability and will preserve its rural character. The Marion Township Comprehensive Plan designates the site for agricultural use. No description is provided. The Ogle County Amendatory Comprehensive Plan 2012 Update, General Development Plan Map states as follows: City, village and/or township comprehensive and land use plans may vary from this map. For land areas that are within 1.5 miles of incorporated cities and villages that have an adopted comprehensive or land use plan, or are within a township with a township planning commission, the appropriate city, village or township planning document should be consulted.</td>
</tr>
<tr>
<td><strong>Zoning History:</strong></td>
<td>None.</td>
</tr>
<tr>
<td><strong>Applicable Regulations:</strong></td>
<td>“Solar farm” is a listed Special Use within the AG-1 Agricultural District.</td>
</tr>
</tbody>
</table>
**SPECIAL INFORMATION:**

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

**Transportation:**
E. Hales Corner Road is a seal coat surfaced road under the jurisdiction of Marion Township that is functionally classified as a local road.

**Physical Characteristics:**
The proposed solar farm site is located on a stream terrace, with slopes ranging from nearly level to strongly sloping. There are no mapped wetlands or floodplain areas within the proposed solar farm area. According to the Ogle County Digital Soil Survey, the soil types identified within the proposed solar farm area have the following selected characteristics:

- 100% are well drained;
- 0% are classified as being hydric soils;
- 0% are classified as having a ponding or flooding hazard;
- 93.5% are classified as Prime farmland, and the remainder are Farmland of statewide importance.
- 100% have a moderate risk of corrosion for uncoated steel;
- 100% have a depth to seasonal water table of greater than 79 inches.

**LESA:**
The LESA score of 181.9 indicates a LOW RATING FOR PROTECTION (LE = 74.9; SA = 107).

**ATTACHMENTS:**
LESA Summary Sheet

**RECOMMENDATIONS:**
The following are recommended conditions for approval of this Special Use Permit:

1. **General Provisions:**
   
   All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. **Development Standards**

   The following standards shall apply:

   **A.** Height: No aspect or component of a solar farm shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

   **B.** Setbacks: All aspects and components of a solar farm (excluding fences) shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.
C. Yard Area Requirements: All aspects and components of a solar farm (excluding fences) shall be located a minimum of 50 feet from any interior property line.

D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

F. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

G. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

H. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.
I. **Zoning Certificate and Occupancy Certificate**: Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A "certificate of inspection" from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

J. **Utility Notification**: Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. **Decommissioning**:

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:

   a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
   b. The land lease ends, expires or is terminated;
   c. The solar farm is damaged and will not be repaired or replaced.

   This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:

   a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
   b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
   c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
   d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant's expense, hire it's own qualified consultant to verify the accuracy of Applicant's estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar
farm by natural or man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.

L. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2) All hazardous materials related to the construction, operation and maintenance of the Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

M. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.

N. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response
plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue from a Solar Farm.

3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

O. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least seven (7) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.
<table>
<thead>
<tr>
<th>Site Assessment Factors</th>
<th>Maximum Points per Factor</th>
<th>Score Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Percent of land in agriculture within 1.5 mile of site</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>2. Percent of land in agriculture adjacent to site</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>3. Percent of site suitable for agricultural use</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Number of non-farm dwellings within 0.5 mile of site</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>5. Percent of land zoned AG-1 within 1.5 miles of site</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>6. Availability of zoned land for proposed use</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td><strong>Compatibility/Impact of Use(s)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Distance from fire/ambulance protection</td>
<td>11</td>
<td>5</td>
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<tr>
<td>9. Distance from school (high school)</td>
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</tr>
<tr>
<td>10. Impact on the environment and unique historical/cultural factors</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>11. Compatibility with surrounding area</td>
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<tr>
<td><strong>Urban Infrastructure</strong></td>
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<tr>
<td>12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate</td>
<td>10</td>
<td>4</td>
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<tr>
<td>13. Availability of central sewer</td>
<td>8</td>
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<tr>
<td>14. Availability of public water</td>
<td>8</td>
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<tr>
<td><strong>Land Use Feasibility</strong></td>
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<tr>
<td>15. Soil suitability for on-site disposal</td>
<td>10</td>
<td>0</td>
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<tr>
<td>16. Size of site</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>17. Future need for more land</td>
<td>5</td>
<td>5</td>
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<tr>
<td><strong>Adopted Plans</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. a) Consistency with County &quot;Comprehensive Plan&quot;; or b) consistency with city/village plan if within 1.5 miles of city/village limits</td>
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**SITE ASSESSMENT SUB-TOTAL** 200

107
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<tr>
<th>Soil Type</th>
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<th>4</th>
<th>5</th>
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<td>75</td>
<td>14.7</td>
<td>1,102.5</td>
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<td>570C2</td>
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<td>74</td>
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<td>81.4</td>
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<td>82.5</td>
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<td></td>
<td></td>
<td></td>
<td>18.9</td>
<td>1,266.4</td>
</tr>
</tbody>
</table>

Note:

"Agricultural Group" is obtained from Table 1.
"Relative Value" is obtained from Table 2.
To calculate # acres, use a planimeter or dot grid on a soil survey map or consult with the Ogle county Soil and Water Conservation District or Ogle County Planning & Zoning Department.

\[
\frac{1,266.4}{18.9} = \frac{74.9}{\text{Land Evaluation Sub-Total (Maximum 100 points possible)}}
\]

Site Assessment Sub-Total (Max. 200 pts.) = 107

Total Points Accrued (Max. 300 pts.) = 181.9 (L.E.S.A. Score)

In most cases, the site should be protected for agriculture when the points exceed 200.
The following point scale should be observed:

0 - 199 = Low rating for protection
200 - 210 = Medium rating for protection
211 - 300 = High rating for protection

Petitioner: SolarStone Illinois, LLC and Curtis R. Freeberg Trust/Norma L. Freeberg Trust
File No.: 21-18SU
Date: November 15, 2018
Prepared By: Michael Reibel
General Vicinity

There are 126 "Control" homes that are in the
adjacent to the Northstar Project

The 12 "Test" homes in the study are directly

Project

approximately 1,000 acres called the Northstar

The solar farm is a 100 megawatt facility on

from January 2016 through March 2018

Comparing home sales and assessed values

Property value analysis was conducted

Overview
Further, a significant statistical red flag for any County Assessor would be a difference of more than 5% difference versus the 126 "control" homes versus the 126 "test" homes — less than 1% variance from the 12 "test" homes — 84.5% for the 126 "control" homes — 85.3% for the 12 "test" homes.

Over the 2+ year study period, the median ratio of the sale price versus the assessed value was:

Study Results
Sales Price vs Assessed Valuation

<table>
<thead>
<tr>
<th>Address</th>
<th>Sales Price</th>
<th>Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>123 Main St.</td>
<td>$500,000</td>
<td>$450,000</td>
</tr>
<tr>
<td>456 Oak Ave.</td>
<td>$600,000</td>
<td>$550,000</td>
</tr>
<tr>
<td>789 Pine Dr.</td>
<td>$700,000</td>
<td>$650,000</td>
</tr>
<tr>
<td>101 Maple Ln.</td>
<td>$800,000</td>
<td>$750,000</td>
</tr>
<tr>
<td>234 Cedar St.</td>
<td>$900,000</td>
<td>$850,000</td>
</tr>
<tr>
<td>567 Elm Ave.</td>
<td>$1,000,000</td>
<td>$950,000</td>
</tr>
<tr>
<td>890 Ash Cir.</td>
<td>$1,100,000</td>
<td>$1,050,000</td>
</tr>
<tr>
<td>321 Cherry Rd.</td>
<td>$1,200,000</td>
<td>$1,150,000</td>
</tr>
<tr>
<td>678 Willow Dr.</td>
<td>$1,300,000</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>145 Elm St.</td>
<td>$1,400,000</td>
<td>$1,350,000</td>
</tr>
</tbody>
</table>

Average Price: $905,000
Average Assessed Value: $865,000

Sales Price vs Assessed Value from Jan. 2016 to March 2018

Solar Installation Sales from Jan. 2016 to March 2018
<table>
<thead>
<tr>
<th>PID</th>
<th>Address</th>
<th>Sale Status</th>
<th>Sale date</th>
<th>Sale Price</th>
<th>Sale Adj to Jan 2, 2018</th>
<th>Assessed 2017</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>09.00273.50</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$229,000</td>
<td>$187,000</td>
<td>$241,000</td>
<td>90.3%</td>
</tr>
<tr>
<td>2</td>
<td>09.00272.07</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$205,000</td>
<td>$187,000</td>
<td>$241,000</td>
<td>90.3%</td>
</tr>
<tr>
<td>3</td>
<td>09.00263.00</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$150,000</td>
<td>$122,000</td>
<td>$167,000</td>
<td>75.3%</td>
</tr>
<tr>
<td>4</td>
<td>09.00310.10</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$150,000</td>
<td>$122,000</td>
<td>$167,000</td>
<td>75.3%</td>
</tr>
<tr>
<td>5</td>
<td>09.00570.10</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$280,000</td>
<td>$247,000</td>
<td>$247,000</td>
<td>95.4%</td>
</tr>
<tr>
<td>6</td>
<td>09.0046.00</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$254,000</td>
<td>$202,000</td>
<td>$267,000</td>
<td>85.3%</td>
</tr>
<tr>
<td>7</td>
<td>09.0046.00</td>
<td>sold</td>
<td>04AUG2017</td>
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<td>$202,000</td>
<td>$267,000</td>
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</tr>
<tr>
<td>8</td>
<td>09.0083.06</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$289,000</td>
<td>$247,000</td>
<td>$247,000</td>
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</tr>
<tr>
<td>10</td>
<td>09.0031.00</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$289,000</td>
<td>$247,000</td>
<td>$247,000</td>
<td>95.4%</td>
</tr>
<tr>
<td>11</td>
<td>09.0031.00</td>
<td>sold</td>
<td>04AUG2017</td>
<td>$289,000</td>
<td>$247,000</td>
<td>$247,000</td>
<td>95.4%</td>
</tr>
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</table>

**RURAL DISTRICT SALES OUTSIDE SOLAR INSTALLATION AREAS from Oct. 2016 thru Sept. 2017**

<table>
<thead>
<tr>
<th>PID</th>
<th>Address</th>
<th>Sale Status</th>
<th>Sale date</th>
<th>Sale Price</th>
<th>Sale Adj to Jan 2, 2018</th>
<th>Assessed 2017</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$289,000</td>
<td>$247,000</td>
<td>$247,000</td>
<td>95.4%</td>
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**SUNRISE w/o Solar Sales**

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<th>Address</th>
<th>Sale Status</th>
<th>Sale date</th>
<th>Sale Price</th>
<th>Sale Adj to Jan 2, 2018</th>
<th>Assessed 2017</th>
<th>Ratio</th>
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<td>$247,000</td>
<td>95.4%</td>
</tr>
</tbody>
</table>

**Median:** 9.88%

Prepared by Daniel E. Squyres and John Keefe 4/26/2018
<table>
<thead>
<tr>
<th>Address</th>
<th>Assessed Value</th>
<th>Sales Price</th>
<th>Date of Sale</th>
</tr>
</thead>
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<td>1,234,567</td>
<td>02/02/2024</td>
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<tr>
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<td>03/03/2025</td>
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<td>04/04/2026</td>
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<td>07/07/2029</td>
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Note: The table above shows a comparison between the assessed value of properties and their sales prices. The dates represent the year and month of the sales.
12 Test Home Locations
FORGESOLAR GLARE ANALYSIS

Project: Stillman Valley
4MW Tracker

Site configuration: Stillman Valley-temp-1
Analysis conducted by Gordon Simanton (gordy@solarstonepartners.com) at 15:27 on 23 Nov, 2018.

U.S. FAA 2013 Policy Adherence

The following table summarizes the policy adherence of the glare analysis based on the 2013 U.S. Federal Aviation Administration Interim Policy 78 FR 63276. This policy requires the following criteria be met for solar energy systems on airport property:

- No "yellow" glare (potential for after-image) for any flight path from threshold to 2 miles
- No glare of any kind for Air Traffic Control Tower(s) ("ATCT") at cab height.
- Default analysis and observer characteristics (see list below)

ForgeSolar does not represent or speak officially for the FAA and cannot approve or deny projects. Results are informational only.

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>STATUS</th>
<th>DESCRIPTION</th>
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<td>PASS</td>
<td>Analysis time interval and eye characteristics used are acceptable</td>
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<tr>
<td>Flight path(s)</td>
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<td>No flight paths analyzed</td>
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<td>ATCT(s)</td>
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<td>No ATCT receptors designated</td>
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Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

FAA Policy 78 FR 63276 can be read at https://www.federalregister.gov/d/2013-24729
SITE CONFIGURATION

Analysis Parameters

- **DNI**: peaks at 1,000.0 W/m²
- **Time interval**: 1 min
- **Ocular transmission coefficient**: 0.5
- **Pupil diameter**: 0.002 m
- **Eye focal length**: 3.017 m
- **Sun subtended angle**: 9.3 mrad
- **Site Config ID**: 23954.3969

PV Array(s)

- **Name**: PV array 1
- **Axis tracking**: Single-axis rotation
- **Tracking axis orientation**: 180.0°
- **Tracking axis tilt**: 0.0°
- **Tracking axis panel offset**: 0.0°
- **Max tracking angle**: 52.0°
- **Resting angle**: 52.0°
- **Rated power**: -
- **Panel material**: Smooth glass with AR coating
- **Reflectivity**: Vary with sun
- **Slope error**: correlate with material

<table>
<thead>
<tr>
<th>Vertex</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Ground elevation (ft)</th>
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## Discrete Observation Receptors

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## Route Receptor(s)

**Name:** Route 1  
**Path type:** Two-way  
**Observer view angle:** 50.0°

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Name: Route 2
Path type: Two-way
Observer view angle: 50.0°

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GLARE ANALYSIS RESULTS

Summary of Glare

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<tr>
<th>PV Array Name</th>
<th>Tilt</th>
<th>Orient</th>
<th>&quot;Green&quot; Glare</th>
<th>&quot;Yellow&quot; Glare</th>
<th>Energy kWh</th>
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<td>SA</td>
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Total annual glare received by each receptor

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<th>Receptor</th>
<th>Annual Green Glare (min)</th>
<th>Annual Yellow Glare (min)</th>
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<tr>
<td>OP 1</td>
<td>0</td>
<td>0</td>
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<tr>
<td>OP 2</td>
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<td>OP 7</td>
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</tr>
<tr>
<td>Route 1</td>
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<td>0</td>
</tr>
<tr>
<td>Route 2</td>
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<td>0</td>
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</table>
Results for: PV array 1

<table>
<thead>
<tr>
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<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
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<tbody>
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<td>OP 1</td>
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<tr>
<td>OP 2</td>
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<tr>
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<td>0</td>
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<tr>
<td>OP 7</td>
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<td>0</td>
</tr>
<tr>
<td>Route 1</td>
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<td>0</td>
</tr>
<tr>
<td>Route 2</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

**Point Receptor: OP 1**

0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: OP 2**

0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: OP 3**

0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: OP 4**

0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: OP 5**

0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: OP 6**

0 minutes of yellow glare
0 minutes of green glare
Point Receptor: OP 7
0 minutes of yellow glare
0 minutes of green glare

Route: Route 1
0 minutes of yellow glare
0 minutes of green glare

Route: Route 2
0 minutes of yellow glare
0 minutes of green glare

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.
"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.
Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.
Several calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.
The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size.
Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
Glare vector plots are simplified representations of analysis data. Actual glare emanations and results may differ.
The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual results and glare occurrence may differ.
Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

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#21-18SU Special Use Permit 6400 Block of E. Hales Corner Road

We the undersigned agree that the proposed solar plant on E. Hales Corner Road (#21-18SU) does not fit in a predominantly residential area. We sign this petition because we believe the permit will have a negative impact on the landscape and rural/natural character of our area. We are against small-scale utilities erected near homes and feel there are other suitable sites.

<table>
<thead>
<tr>
<th>Name (printed)</th>
<th>Address</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Melinda Mayer</td>
<td>5870 ASSIGNMENT Av</td>
<td>McGinns Mayer</td>
</tr>
<tr>
<td>2  Robert Torgesen</td>
<td>7311 Oak Drive</td>
<td>Thomas</td>
</tr>
<tr>
<td>3  John Li Cox</td>
<td>1467 W 53rd Road</td>
<td>Julia</td>
</tr>
<tr>
<td>4  Tona Doss</td>
<td>9631 E. Hales Corner Rd</td>
<td>Tonya</td>
</tr>
<tr>
<td>5  Sam Miller</td>
<td>9389 Hayrake Rd</td>
<td>Susan</td>
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<tr>
<td>6  BRUCE ROE</td>
<td>5719 E, SKINNER RD</td>
<td>Bruce Roe</td>
</tr>
<tr>
<td>7  Wally Walter</td>
<td>6125 Hales Corner Rd</td>
<td>Wally Walter</td>
</tr>
<tr>
<td>8  Mary Ann Walter</td>
<td>6842 Hales Corner Rd</td>
<td>Mary Ann Walter</td>
</tr>
<tr>
<td>9  MARK RIKOTO</td>
<td>5077 E. Hales Corner Rd</td>
<td>Mark Rikoto</td>
</tr>
<tr>
<td>10 Dana Wether</td>
<td>23065 Main St</td>
<td>Dana Wether</td>
</tr>
<tr>
<td>11 MARGIE TORGENSEN</td>
<td>3360 WINDING BROOK RO</td>
<td>MARGIE TORGENSEN</td>
</tr>
<tr>
<td>12 Mavis A Miller</td>
<td>5868 Bradley Rd</td>
<td>Mavis A Miller</td>
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<tr>
<td>13 O. S. C.</td>
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<td>O. S. C.</td>
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<td>14 ANGELA DOREN</td>
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</tr>
<tr>
<td>15 Patricia Russell</td>
<td>5789 E. Hales Corner Rd</td>
<td>Patricia Russell</td>
</tr>
</tbody>
</table>

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.

Signature of Circulator: MARGIE TORGENSEN  Printed Name: MARGIE TORGENSEN

Signature of Notary: DEBORAH MEYER  Notary Public, State of Illinois
My Commission Expires: 07/25/20
#21-18SU Special Use Permit  6400 Block of E. Hales Corner Road

We the undersigned agree that the proposed solar plant on E. Hales Corner Road (#21-18SU) does not fit in a predominantly residential area. We sign this petition because we believe the permit will have a negative impact on the landscape and rural/natural character of our area. We are against small-scale utilities erected near homes and feel there are other suitable sites.

<table>
<thead>
<tr>
<th>Name (printed)</th>
<th>Address</th>
<th>Signature</th>
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<tbody>
<tr>
<td>1 Marlene Miller</td>
<td>9389 Hayrack Tr SV, IL 60184</td>
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<td>2 Elizabeth Miller</td>
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<td>3 Chris Dunns</td>
<td>9203 Hayrock Tr SV, IL 60184</td>
<td>Chris</td>
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<tr>
<td>4 Claudia Pindus</td>
<td>11435 E. Big Mound Rd, Elgin</td>
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<tr>
<td>5 Paula Hufford</td>
<td>505 WIlkerson Dr SV, IL 60184</td>
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<td>6 Judith Knittelmay</td>
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<td>7 Harold Knittelmay</td>
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<td>9 Dick Johann</td>
<td>7422 N. Drammon Dr</td>
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<td>10 Shirley Johann</td>
<td>94821 Hepburn Rd</td>
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<td>3447 E. Haise Rd</td>
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<tr>
<td>14 Debra Bonne</td>
<td>7752 E Hales Corner Stillman Valley, IL</td>
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<td>15 Bruce Bonne</td>
<td>7752 E Hales Corner Stillman Valley, IL</td>
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</tbody>
</table>

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.

Signature of Circulator:  
Printed Name:  

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Notary Public, State of Illinois  
My Commission Expires: 07/25/20
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<tr>
<th>Name (printed)</th>
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<td>2  Linda Neseheimer</td>
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<td>Linda Neseheimer</td>
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<tr>
<td>3  Charlene Wiley</td>
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I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.

Signature of Circulator  
Printed Name  
Signature of Notary  
Subscribed to and sworn before me on this date  
Date my notary commission expires  

Page 3 of 4
We the undersigned agree that the proposed solar plant on E. Hales Corner Road (#21-18SU) does not fit in a predominantly residential area. We sign this petition because we believe the permit will have a negative impact on the landscape and rural/natural character of our area. We are against small-scale utilities erected near homes and feel there are other suitable sites.

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<td>1  Nancy Esposito</td>
<td>9622 Verde Bymill</td>
<td>Nancy Esposito</td>
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<td>2  John Curtis Russ</td>
<td>6998 E. Hales Corner Rd</td>
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<td>3  Heather Lacon</td>
<td>7540 N. Kedrowood Dr, SV</td>
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<td>4  Pat McCrindle</td>
<td>8774 E. Hales Corner Rd, SV</td>
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<tr>
<td>5  Joni McCrindle</td>
<td>8774 E. Hales Corner Rd, SV</td>
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<tr>
<td>6  Joni O'Hare</td>
<td>8275 E. Hales Corner Rd, SV</td>
<td>Joni O'Hare</td>
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<tr>
<td>7  Mike O'Hare</td>
<td>6025 E. Hales Corner Rd, SV</td>
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Signature of Circulator: __________________________ Printed Name: __________________________

Signature of Notary: __________________________

Subscribed to and sworn before me on this date: __________________________

Date my notary commission expires: __________________________

Page 4 of 4
#21-18SU Special Use Permit 6400 Block of E. Hales Corner Road

We the undersigned agree that the proposed solar plant on E. Hales Corner Road (#21-18SU) does not fit in a predominantly residential area. We sign this petition because we believe the permit will have a negative impact on the landscape and rural/natural character of our area. We are against small-scale utilities erected near homes and feel there are other suitable sites.

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<td>1</td>
<td>GERALD BLUME</td>
<td>6146 Hales Corner Rd</td>
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<td>2</td>
<td>Colleen Blume</td>
<td>6146 Hales Corner</td>
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I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.

Signature of Circulator ____________________________ Printed Name: JUDY K. FUSIER

Signature of Notary ____________________________

Subscribed to and sworn before me on this date: 11-29-18

Date my notary commission expires: 07/25/20
Petition No. 21-18SU
SolarStone Illinois, LLC, %Gordy Simanton,
701 Xenia Ave. South, Ste. 300, Minneapolis, MN;
and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust by
Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL.
Special Use in AG-1 Agricultural District: Solar Farm
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<tr>
<td>John Doe</td>
<td>123 Main St, Anytown, USA</td>
<td>555-1234</td>
<td><a href="mailto:john.doe@email.com">john.doe@email.com</a></td>
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<tr>
<td>Jane Smith</td>
<td>456 Oak Ave, Somewhere, USA</td>
<td>555-5678</td>
<td><a href="mailto:jane.smith@email.com">jane.smith@email.com</a></td>
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<tr>
<td>Michael Brown</td>
<td>789 Pine Rd, Anywhere, USA</td>
<td>555-9876</td>
<td><a href="mailto:michael.brown@email.com">michael.brown@email.com</a></td>
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Support or do not oppose Curt and Norma Freeberg's proposal for a Special Use Permit for a

**Freeberg CXT #9**
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Community Solar Project identified as Ogle County Zoning #21-18SU
I support or do not oppose Curt and Norma Freedberg's proposal for a Special Use Permit for a
FINDINGS OF FACT AND RECOMMENDATION
OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of OneEnergy Development, LLC, %Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL in case #22-18SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a solar farm on Parcel Identification No. 14-22-100-006, a 75.05-acre parcel located in part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22, T23N, R8E of the 4th P.M., Buffalo Township, Ogle County, IL and located at 3249 S. Union Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 29, 2018 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the Ogle County Amendatory Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. The petitioner has adequately demonstrated that a solar farm will not be unreasonably detrimental to the value of other property in the vicinity, and will not be detrimental to the public health, safety, morals, comfort or general welfare at large. STANDARD MET.

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
   a. The location, nature and height of building, structures, walls and fences on the site; and,
   b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed solar farm will be enclosed by a security fence, and will be well buffered from near-by residential uses. The proposed solar farm will not adversely impact agricultural uses on adjacent properties or other properties in the vicinity. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. The petitioner has adequately demonstrated that adequate utilities, ingress/egress to the site from Union Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. The petitioner has adequately demonstrated that the proposed use will not adversely affect development and use other properties; will not generate noise, odors or traffic; will be visually compatible with the area; and, is deemed essential and desirable to preserve and promote the public health, safety and general welfare of Ogle County. STANDARD MET.

6. That the proposed special use complies with all provisions of the applicable district regulations. The proposed special use appears to comply with all provisions of the AG-1 zoning district regulations. STANDARD MET.

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the Ogle County Amendatory Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use in the AG-1 Agricultural District be granted to allow a solar farm subject to the following conditions:

1. General Provisions:

   All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. Development Standards

   The following standards shall apply:

   A. Height: No aspect or component of a solar farm shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

   B. Setbacks: All aspects and components of a solar farm (excluding fences) shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.

   C. Yard Area Requirements: All aspects and components of a solar farm (excluding fences) shall be located a minimum of 50 feet from any interior property line.
D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (1A, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

F. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

G. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

H. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

I. Zoning Certificate and Occupancy Certificate: Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and
components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A "certificate of inspection" from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

J. Utility Notification: Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. Decommissioning:

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:

   a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
   b. The land lease ends, expires or is terminated;
   c. The solar farm is damaged and will not be repaired or replaced.

This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:

   a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
   b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
   c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
   d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant's expense, hire its own qualified consultant to verify the accuracy of Applicant's estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar farm by natural or man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or
similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.

L. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2) All hazardous materials related to the construction, operation and maintenance of the Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

M. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.

N. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue from a Solar Farm.
3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

O. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least seven (7) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 29th day of November 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
Mark Hayes
James Reed

______________________________
Randy Ocken, Chairman

ATTEST:

______________________________
Michael Reibel, Secretary
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<td>MR. OCKEN: Mr. Reibel, what's the next order of business?</td>
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<td>MR. REIBEL: Okay. So the next order of business is to consider the request filed</td>
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<td>October 19th, 2018, of OneEnergy Development, LLC, care of Travis Bryan, Chief Operating Officer, 2003 Western Avenue, Suite 225, Seattle, Washington; Larry Roberts, 1917 North Brookville Road, Polo, Illinois; Linda Powell, 1333 Long Street, Dixon, Illinois; and Cindy Stauf, 506 South Evergreen Road, Polo, Illinois, for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as follows, owned by Larry Roberts, Linda Powell, and Cindy Stauf, and being leased by OneEnergy Development, LLC: Part of the East Half of the Northwest Quarter of Section 22 Buffalo Township 23N, R8E of the 4th P.M., Ogle County, Illinois, 75.05 acres, more or less. Property Identification Number: 14-22-100-066. Common Location: Southeast corner of West Judson Road and South Union Road. In Totidem Verbis, LLC (ITV)</td>
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<td>For the record, all adjoining property owners to the property have been notified by the certified mail of the hearing this evening of the specifics of the petition. A legal notice was published in the November 5th, 2018, edition of the Ogle County Life to notify the public of the hearing this evening and the specifics of the petition. And a sign has been posted along the frontage of the premises to notify the public of the pending hearing reference the subject property. Under the Staff Report, which is on file, the Board members have received, I will point out that the site is located at the southeast corner of the intersection of West Judson Road and South Union Road. At the common location (unofficial) of 3249 South Union Road. Size, the parcel upon which the proposed solar farm is located is 75.05 acres in area. The proposed solar farm encompasses an area of 41.22 acres within the proposed fence boundary. Surrounding land use and zoning, relative to the parcel upon which the proposed solar farm is located, all surrounding adjacent land is in Totidem Verbis, LLC (ITV)</td>
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**In Totidem Verbis, LLC (ITV)**

815.453.2260
agricultural use. Land to the north and west is zoned R-2 single-family residence district; land to the south and east is zoned AG-1. There are two dwellings within one-quarter mile of the proposed solar farm boundary, and six within one-half mile (other than dwellings of landowners participating in the proposed solar farm).

Zoning history, none.

Applicable regulations, "Solar farm" is a listed Special Use within the AG-1 Agricultural District.

Special Information:
Public utilities, no public utilities are required of a solar farm.

Transportation, West Judson Road and South Union Road are seal-coat surfaced roads under the jurisdiction of Buffalo Township that are functionally classified as local roads.

Physical characteristics, the proposed solar farm site is part of a side slope and drainageway, with slopes ranging from nearly level to sloping. There are no mapped wetlands or floodplain areas within the proposed solar farm.

In Totidem Verbis, LLC (ITV)

a depth to seasonal water table of between 59 and 79 inches.

Under the LESA program, a LESA score of 195.5 indicates a Low rating for protection.

Land evaluation, 82.5; site assessment, 113.

There are a number of recommended conditions that I will not read.

The EcoCAT report from the Illinois DNR indicates that there are – the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, et cetera, in the project location vicinity.

The consultation process with IDNR has been terminated.

At the November 27th, 2018, meeting of the Regional Planning Commission, Mr. Wetzel made a motion to recommend approval of the petition, as it does not affect any other landowners in the area. Seconded by Mr. Reising. The vote was approved by a roll call vote unanimously, six-to-zero.

Soil and Water District, the natural resource inventory report covers letter states that the following concerns should be noted and:

In Totidem Verbis, LLC (ITV)

farm area. According to the Ogle County Digital Soil Survey, the soil types identified within the proposed solar farm area have the following selected characteristics:

50.4 percent are well drained, 39.3 percent are somewhat poorly drained, and 10.3 percent are poorly drained;

10.3 percent are classified as being hydric soils.

A hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part;

Zero percent are classified as having a ponding or flooding hazard;

77.1 percent are classified as Prime farmland, and the remainder are Farmland of statewide importance;

49.6 percent have a high risk of corrosion for uncoated steel, and 50.4 percent have a moderate risk;

10.3 percent have a depth to seasonal water table of between zero and 10 inches, 39.3 percent have a depth to seasonal water table of between 10 and 20 inches, and 50.4 percent have

In Totidem Verbis, LLC (ITV)

addressed by the Lupine Solar Project:

The existing land use is row crop production.

The surrounding land use is row crop production.

Land evaluation score of 88.14 out of a hundred, which indicates the relevant values of the Prime soils.

Majority of the soils in the parcel are listed as Prime, Prime 2 or Prime 3, on the Important Farm Plan Determination list.

All soils carry a High rating for corrosion of steel.

Very limited for soil penetrating and ballast anchor systems.

Very limited for unpaved local roads and streets.

An erosion and sediment control plan needs to be developed, implemented and maintained prior to and during all construction phases.

A stormwater detention site needs to be developed.

And the Soil and Water Conservation District recommends the same seeding mix as we

In Totidem Verbis, LLC (ITV)
heard on the other reports.
That is all I have.

MR. OCKEN: Petitioners, please come forward to the podium.

ERIC UDHELHOFEN and STEVE GRIFFITH, being previously duly sworn, testified as follows:

MR. UDHELHOFEN: Mr. Chairman, Board, appreciate your time here. We will try and keep this very brief.
We would like to refer back to the testimony in our presentation that was provided with the Bauer project.
Would like to, I guess, point out a couple of items before handing it over to Steve to talk about the project specifically.
The one thing I wanted to just clarify from my previous testimony about the property tax, so there is -- the depreciation starts at a hundred percent, declines to 30 percent at the end of 35 years. So that's on average of 2 percent decline per year.
There's an offsetting adjustment for inflation. Over the last hundred years, the In Totidem Verbis, LLC (ITV)

inflation number is about 3 percent.
Our anticipation is that those will basically cancel each other out. That's what I was saying, we anticipate the property tax will be basically flat for the life of the project.
So, you know, we can't control what inflation will be, but I think most people find 3 percent is a fairly reasonable range.

So just wanted to clarify that portion of previous testimony.
Also, there was some talk in the previous testimony about pesticides versus herbicides. I just wanted to point out that we anticipate complying with the pollinator-friendly standards that the Illinois Department of Natural Resources is putting forth for solar projects.
The major component of those surrounding the solar card that they're going to be issuing is that you use no pesticides whatsoever. We fully intend not to use any pesticides whatsoever surrounding this project and any of our other solar projects. I just want to make that clear.

We do -- with our other projects, there's the active [inaudible] in the first 10 to 20 years to make sure weeds don't get established. So the use of herbicide is contemplated. It's not preferred. We try to do as little as possible. But that's a kind of -- that's the way you establish prairie, and that's what we anticipate in this situation.

So I want to hand it over to Steve to talk about this project.

MR. GRIFFITH: So as you can see in the site plan, Lupine Solar looks substantially similar to our Sauger Solar proposed project. A lot of the layouts will look very familiar to you.
We're proposing single-access panels here.
The project will have a security fence around its parameter. We are proposing that same vegetative screening on the north, east and south sides of the project. Similar to the site, we intend to use the existing agricultural access point which comes off South Union Road and comes east into the project site. We intend to improve that access and make it into a suitable gravel road.

In Totidem Verbis, LLC (ITV)

As with our last project proposal, there are no County-mapped wetlands or floodplains on the project site. There are existing, what we identify as existing drainage ditches on the project site that we intend to avoid development on and intend to maintain them as basically soil and water resources.

This project will interconnect into the existing ComEd three-phase distribution line that runs north of West Judson Road. It's about a mile in between this project site and the ComEd-owned substation in the city of Polo.
The closest residence to the project is immediately north of the project site. That is a home owned and inhabited by Larry Roberts, with whom we're working on this solar project.
To the northeast of the project site is Larry's neighbor, owned by an entity called Judson Farm, Inc., and my understanding is Larry has had extensive conversations with Lenny Bryson, who is a co-owner of that project site -- or sorry, of that property north and east of our project site. Lenny has been vetted on the project and to my knowledge has not offered any opposition.

In Totidem Verbis, LLC (ITV)
to the project.
And again, we will have this vegetative
screening the same as our last proposal,
double-row evergreens that will be between the
project and those residences.
One last point that I should have
mentioned on the access road. We have convened
with the Buffalo Township Highway Commissioner,
Huntley Gray, on just preliminary-received
approval for this access point. And we will be
pursuing a full access permit, should we be
granted this discretionary permit.
Then one final point on drainage. Again,
we will conduct a drain tile survey using a
local expert prior to the construction of the
project. Any drainage tile found on the site
will be avoided. Any damage to any drainage
tile, either during construction or the
operation of the project, will be repaired as
quickly as possible.

MR. OCKEN: Thank you.
Questions or comments from the Board?

MR. ODERHOLM: Just to clarify, Lenny
Bryson has no problem with this?

In Totidem Verbis, LLC (ITV)

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MR. GRANTH: I haven’t spoken with Lenny
personally, but I have been assured by our
landowner that that is the case, yes.

MR. OCKEN: If you would just wait there
for a second.

Mr. Roe?

MR. ROE: No questions.

MR. OCKEN: You may be seated. Thank you.
Is there anyone here who wishes to speak
in favor of this petition? Come forward,
please.

PHILLIP FOSSLER,
being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and
address.

MR. FOSSLER: Phillip Fossier,
F-O-S-S-L-E-R, 10653 West Henry Road, Polo,
Illinois, 61064.

I am Buffalo Township Supervisor. At our
last meeting, I passed the packet that
Mr. Reisel sent me around. All of the elected
officials of Buffalo Township were in favor of
this. They see no problem with it. I live a
little less than two miles away. I see no

In Totidem Verbis, LLC (ITV)

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Anyhow, his sentiment is my sentiment.
One of the things that has happened in the last
15 years is, we used to get about 50 percent of
our revenue from the State. Now we get about
30 – 25 from the State. We get 70 percent
local. Polo, we need everything we can to keep
improving our tax base, and this is one way that
will help us, and that’s why we support it.
We talked about it last night at our
school board meeting, and once again, we have
several farmers in the area that support this
project.

Thank you.

MR. OCKEN: Thank you.
Anyone else who wishes to speak in favor
of this petition?

(No verbal response.)

MR. OCKEN: Anyone who wishes to speak
against this petition?

Please raise your right hand.

LORI PECLES,
being first duly sworn, testified as follows:

MR. OCKEN: Please state your name and
address.

In Totidem Verbis, LLC (ITV)
MS. PECLES: Lori, spelled L-O-R-I, A. Pecles, P-E-C-L-E-S, 3599 Golden Prairie Avenue, Rockford, 61109.

I thought it was an interesting question that you asked of the owner -- or of the person that has the house on it, if they were in agreement with this proposal. My family owns the property across the street on Union and Judson Road, and nobody's asked us if we were in favor of this or not. In fact, it's only within a little over two weeks I have had knowledge of this proposal. So I have had basically no time to prepare for it, since we had a major holiday included in there. So my family's owned the property for over 60 years across the street. I believe that a solar farm will change the landscape of the area by being an eyesore and may decrease the property values should area owners decide to sell, build a home, or subdivide that property. The property is very close to town, and it's a highly desirable neighborhood -- or area to potentially subdivide that in the future. The soil on my property is of excellent quality and it's very profitable for farmland. I believe the area should remain farmland or for use of private homes or -- and should not allow a visual disturbance of a solar farm in this highly desirable area.

Thank you.

MR. OCKEN: Where is your property located?

MS. PECLES: I am directly across the street at Judson and Union Road. It's over a hundred acres.

MR. OCKEN: Is that the Wade Wells Trust?

MS. PECLES: No. My mother's Trust is Vivian Eelope Heights. [phonetic.]

MR. OCKEN: Oh, just to the west?

MS. PECLES: Yes. It's approximately a little less than 115 acres at that site.

MR. OCKEN: And that's an uninhabited site? That's just farmland, isn't it?

MS. PECLES: Correct. But should in the future I decide to build there, that would be something that's in my direct eyesight.

MR. OCKEN: Yes. Okay. Any questions or comments from the Board?

In Totidem Verbis, LLC (ITV)
size of the Special Use, the nature and
intensity of the operation involved in or
carried out in connection with it, and the
location of the site with respect to streets
giving access to it are such that the Special
Use will not dominate the immediate neighborhood
so as to prevent development and use of
neighboring property in accordance with the
applicable zoning district regulations. In
determining whether the Special Use will so
dominate the immediate neighborhood,
consideration shall be given to: A) The
location, nature and height of building,
structures, walls and fences on the site; and,
B) The nature and extent of proposed
landscaping and screening on the proposed site.

MR. HAYES: The proposed solar farm will
be enclosed by a security fence, and will be
well buffered from nearby residential uses. The
proposed solar farm will not adversely impact
the agricultural uses on adjacent properties or
other properties in the vicinity. I believe the
standard is met.

(All those simultaneously
agreed.)

In Totidem Verbis, LLC (ITV)

repeat that with Union Road?

MR. REIBEL: Yes.

MR. OCKEN: Do you want to repeat that
with Union Road?

MR. SODERHOLM: The Petitioner has
adequately demonstrated that adequate utilities,
ingress/egress to the site from Union Road,
facilities have been or will be provided. That
standard is met.

(All those simultaneously
agreed.)

MR. REIBEL: 5) That the proposed use can
be operated in a manner that is not detrimental
to the permitted developments and uses in the
zoning district, can be developed and operated
in a manner that is visually compatible with the
protected uses in the surrounding area, and is
deemed essential or desirable to preserve and
promote the public health, safety and general
welfare of Ogle County.

MR. HAYES: Petitioner has adequately
demonstrated that the proposed use will not
adversely affect development and use of other
properties; will not generate noise, odors or
traffic; will be visually compatible with the
area; and is deemed essential and desirable to
preserve and promote the public health, safety,
and general welfare of Ogle County. I believe
the standard is met.

(All those simultaneously
agreed.)

MR. REIBEL: 6) That the proposed Special
Use complies with all provisions of the
applicable district regulations.

MR. REED: The proposed Special Use
appears to comply with all provisions of the
AG-1 district regulations. I believe the
standard has been met.

(All those simultaneously agree.)

MR. OCKEN: All the standards have been
met. I will entertain a motion to approve the
petition, including the recommendations.

MR. SODERHOLM: I move that we approve
Special Use Permit 22-18, in light of the fact
that all the standards have been approved and
that it complies with all the recommendations of
the adjudicating body.

In Totidem Verbis, LLC (ITV)
1. MR. OCKEN: Mr. Soderholm moves. Is there a second?
2. MR. HAYES: I'll second.
3. MR. OCKEN: Mr. Hayes seconds.
4. Any questions or comments from the Board?
5. MR. REIBEL: That meant that you're recommending the conditions that are in the Staff Report?
7. MR. REIBEL: Okay. Just making sure I'm clear on that.
8. MR. SODERHOLM: Tough words.
9. MR. OCKEN: We have a motion.
10. Mr. Reibel, please call the roll.
11. MR. REIBEL: Reed?
12. MR. REED: Yes.
13. MR. REIBEL: Hayes?
14. MR. HAYES: Yes.
15. MR. REIBEL: Soderholm?
16. MR. SODERHOLM: Yes.
17. MR. REIBEL: Ocken?
18. MR. OCKEN: Yes.
19. (By voice vote four ayes.)
20. In Totidem Verbis, LLC (ITV)

1. Now on this 29th day of November, A.D., 2018, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.
2. Randy Ocken, Chairman
3. Michael Reibel,
   Zoning Administrator
4. Callie S. Bodmer
   Certified Shorthand Reporter
   Registered Professional Reporter
5. IL. License No. 084-004489
6. P.O. Box 381
7. Dixon, Illinois 61021
8. In Totidem Verbis, LLC (ITV)

1. MR. REIBEL: Four voted yes.
2. MR. OCKEN: The motion has been approved by a vote of four-to-zero.
3. And that concludes our meeting for this evening.
4. (The hearing was concluded at 11:08 p.m.)

In Totidem Verbis, LLC (ITV)

815.453.2260
negative impact on the value of residences within a quarter mile of the site. Seconded by 
Mr. Nelson. Mr. White asked for discussion; hearing none, he asked for a roll call vote. 
Following roll call, the motion to deny carried by a vote of 5 in favor of the motion to 
deny, and 1 opposed.

#21-18 SPECIAL USE - SolarStone Illinois, LLC, %Gordy Simanton, 701 Xenia Ave. South, 
Ste. 300, Minneapolis, MN; and, Curtis R. Freeberg Trust and Norma L. Freeberg Trust 
by Curtis R. & Norma L. Freeberg, Co-Trustees, 5754 E. IL Rte. 72, Byron, IL for a Special 
Use Permit to allow a solar farm in the AG-1 Agricultural District on property described as 
follows, owned by Curtis R. Freeberg Trust and Norma L. Freeberg Trust, and being leased 
by SolarStone Illinois, LLC:

- Part of the Southeast Quarter (SE 1/4) of Section 33; part of the South Half (S ½) 
of the Northeast Quarter (NE 1/4) of Section 33; and, part of the Southwest 
Quarter (SW 1/4) of Section 34, all in Township 25N, R11E of the 4th P.M., Marion 
Township, Ogle County, IL, 153.76 acres, more or less
- Property Identification Number(s): 05-33-426-003, 05-34-302-001 and 05-34-376-
001
- Common Location: 6400 Block of E. Hales Corner Road

Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if 
there are any questions he will answer them. The EcoCAT natural resource review 
identified protected resources that may be in the vicinity of the proposed action. The 
information was evaluated and it was concluded that adverse effects are unlikely and the 
consultation terminated. Mr. Reibel read the NRI cover letter from Soil & Water 
Conservation District and its recommendations.

Mr. White asked if there were any objectors present to make a brief statement.

Judy Foster, 6426 N. Hales Corner Rd., Stillman Valley stated concerns regarding the access 
to the site, increased road traffic, and effects on property values. Dennis Wiley of Stillman 
Valley stated he is favorable to solar projects but feels this is not the right location.

Mr. White asked for questions from the Commission members. Hearing none, Mr. White 
asked for a motion. Mr. Nelson made a motion to deny #21-18SU as it does not fit the 
comprehensive plan or the surrounding area. Seconded by Mr. Wetzel. Mr. White asked 
for discussion; hearing none, he asked for a roll call vote. Following the roll call, the 
motion to deny carried by a vote of 4 in favor of the motion to deny, and 2 opposed.

#22-18 SPECIAL USE - OneEnergy Development, LLC,%Travis Bryan, Chief Operating 
Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., 
Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen 
Rd., Polo, IL for a Special Use Permit to allow a solar farm in the AG-1 Agricultural District 
on property described as follows, owned by Larry Roberts, Linda Powell, and Cindy 
Stauffer, and being leased by OneEnergy Development, LLC:

- Part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22 
  Buffalo Township 23N, R8E of the 4th P.M., Ogle County, IL, 75.05 acres, more or 
  less
- Property Identification Number: 14-22-100-006
- Common Location: Southeast corner of W. Judson Rd. & S. Union Rd.
Mr. Reibel stated that the Staff Report was provided in advance of the meeting, and if there are any questions he will answer them. The EcoCAT resource report states there are no protected resources in the area and the consultation was terminated. Mr. Reibel read the NRI cover letter from Soil & Water Conservation District and its recommendations.

Mr. White asked if there were any objectors present to make a brief statement. There were none. Mr. White asked for a motion. Mr. Wetzel made a motion to approve #22-18SU as it does not effect any other land owners in the area. Seconded by Mr. Reising. Mr. White asked for discussion; hearing none, he asked for a roll call vote. Following the roll call, the motion to approve carried by a vote of 6 to 0.

5. OTHER BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

Mr. Smith stated the county will be voting on new recommended conditions for solar petitions. We as a committee need to review these and compare it to our current comprehensive plan and make any necessary changes. Discussion ensued.

Mr. Smith thanked Mr. Colson for his time and service.

6. PUBLIC COMMENT

There was no public comment

7. ADJOURN

There being no further business, Chairman White declared the meeting adjourned at 6:32 P.M. The next meeting of the Regional Planning Commission will be on Thursday, December 20, 2018 at 6:00 P.M. in the Old Ogle County Court House, First Floor Conference Room #100, 105 S. Fifth St., Oregon, IL.

Respectfully submitted,

Michael Reibel
Planning & Zoning Administrator
# Staff Report

**To:** Zoning Board of Appeals  
**Date:** November 7, 2018  
**Prepared By:** Michael Reibel  
**File #** 22-18SU

## General Information:

**Applicant:** OneEnergy Development, LLC; Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL

**Status of Applicants:** OneEnergy Development, LLC = Contract lessee  
Larry Roberts, Linda Powell and Cindy Stauffer = Owners

**Requested Action:** Special Use in AG-1 Agricultural District

**Purpose:** Solar Farm

**Location:** Part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 22, T23N, R8E of the 4th P.M., Buffalo Township, Ogle County, IL (the parcel upon which the solar farm is proposed is located at the southeast corner of the intersection of W. Judson Road and S. Union Road).  
Common location: 3249 S. Union Road (unofficially)

**Size:** The parcel upon which the proposed solar is located is 75.05 acres in area. The proposed solar farm encompasses an area of 41.22 acres within the proposed fence boundary.

**Existing Land Use:** Agriculture - crop land.

**Surrounding Land Use and Zoning:** Relative to the parcel upon which the proposed solar farm is located, all surrounding adjacent land is in agricultural use. Land to the north and west is zoned R-2 Single Family Residence District; land to the south and east is zoned AG-1. There are 2 dwellings within 1/4 mile of the proposed solar farm boundary, and 6 within ½ mile (other than dwellings of landowners participating in the proposed solar farm).
**Applicant:** OneEnergy Development, LLC; Travis Bryan, Chief Operating Officer, 2003 Western Ave., Ste. 225, Seattle, WA; Larry Roberts, 1917 N. Brookville Rd., Polo, IL; Linda Powell, 1333 Long St., Dixon, IL; and Cindy Stauffer, 506 S. Evergreen Rd., Polo, IL

**Comprehensive Plan:** The site is located within 1.5 miles of the City of Polo, which has an adopted comprehensive plan (2014-2024 City of Polo, Ogle County, IL Comprehensive Plan Update). Buffalo Township does not have a township planning commission.

The 2014-2024 City of Polo, Ogle County, IL Comprehensive Plan Update, Future Land Use map designates the site of the proposed solar farm for “Agriculture” use.

The Ogle County Amendatory Comprehensive Plan 2012 Update, General Development Plan Map states as follows: City, village and/or township comprehensive and land use plans may vary from this map. For land areas that are within 1.5 miles of incorporated cities and villages that have an adopted comprehensive or land use plan, or are within a township with a township planning commission, the appropriate city, village or township planning document should be consulted.

**Zoning History:** None.

**Applicable Regulations:** “Solar farm” is a listed Special Use within the AG-1 Agricultural District.

**SPECIAL INFORMATION:**
Public Utilities: No public utilities are required of a solar farm.

Transportation: W. Judson Road and S. Union Road are seal coat surfaced roads under the jurisdiction of Buffalo Township that are functionally classified as a local roads.

Physical Characteristics: The proposed solar farm site is part of a side slope and drainageway, with slopes ranging from nearly level to sloping. There are no mapped wetlands or floodplain areas within the proposed solar farm area. According to the Ogle County Digital Soil Survey, the soil types identified within the proposed solar farm area have the following selected characteristics:

- 50.4% are well drained, 39.3% are somewhat poorly drained, and 10.3% are poorly drained;
- 10.3% are classified as being hydric soils. A hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part;
- 0% are classified as having a ponding or flooding hazard;
- 77.1% are classified as Prime farmland, and the remainder are Farmland of statewide importance.
- 49.6% have a high risk of corrosion for uncoated steel, and 50.4% have a moderate risk;
- 10.3% have a depth to seasonal water table of between 0 and 10 inches, 39.3% have a depth to seasonal water table of between 10 and 20 inches, and 50.4% have a depth to seasonal water table of between 59 and 79 inches.

LESA: The LESA score of 195.5 indicates a LOW RATING FOR PROTECTION (LE = 82.5; SA = 113).

ATTACHMENTS:

- LESA Summary Sheet

RECOMMENDATIONS:
The following are recommended conditions for approval of this Special Use Permit:

1. General Provisions:

   All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. Development Standards

   The following standards shall apply:

   A. Height: No aspect or component of a solar farm shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.
B. Setbacks: All aspects and components of a solar farm (excluding fences) shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.

C. Yard Area Requirements: All aspects and components of a solar farm (excluding fences) shall be located a minimum of 50 feet from any interior property line.

D. Residential Buffer:

1) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel of 20 acres or less containing a dwelling, other than a parcel owned by the owner, operator or lessor of the solar farm;

2) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 150 feet from the property line of any parcel zoned for non-farm residential use (IA, R-1, R-2, R-3 or R-4) or determined to be eligible to have a non-farm dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator or lessor of the solar farm.

3) All aspects and components of a solar farm (excluding fences) shall maintain a buffer distance of 200 feet from any dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator or lessor of the solar farm.

E. Approved Solar Components:

1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

2) Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

F. Lighting: Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

G. Stormwater Management: Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. A Drainage Permits will be required to be issued by the Ogle County Engineer for compliance with the Ogle County Stormwater Management Ordinance.

H. Vegetative Cover, Vegetative Maintenance and Weed Control: All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization or other methods approved by the Planning & Zoning Administrator and/or County Engineer.
The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

The required fence surrounding the solar farm shall be maintained to prevent the growth of woody vegetation within and along the fence.

I. Zoning Certificate and Occupancy Certificate: Prior to construction of the solar farm, a Zoning Certificate (permit) shall be issued by the Planning & Zoning Department. All aspects and components of a solar farm shall require engineering certified by a registered engineer or other certified professional. Upon completion of construction of the solar farm and prior to placing into service, an Occupancy Certificate shall be issued by the Planning & Zoning Department. A "certificate of inspection" from a qualified inspector as defined pursuant to 20 ILCS 3105/10.09-1 is required to be submitted before an Occupancy Certificate will be issued.

J. Utility Notification: Unless the applicant is a public utility, no Zoning Certificate to construct a solar farm shall be issued until evidence has been provided to the Planning & Zoning Department that the applicant 1) has entered into a power purchase agreement (PPA) if a utility-scale solar farm or 2) has been approved for utility interconnection if a community solar farm.

K. Decommissioning:

1) The owner or operator of a solar farm shall completely decommission the solar farm within eighteen (18) months if any of the following conditions ("decommissioning triggers") exist:
   a. The solar farm ceases to generate electricity for a continuous period of twelve (12) consecutive months;
   b. The land lease ends, expires or is terminated;
   c. The solar farm is damaged and will not be repaired or replaced.

   This period may be extended by the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

2) Decommissioning shall include:
   a. The removal all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least 42 inches below grade.
   b. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
   c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
   d. Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.
3) As a condition of issuance of a Zoning Certificate authorizing the construction of the Solar Farm, Applicant shall submit to the Ogle County Planning & Zoning Department an estimate of decommissioning costs prepared by a qualified engineer. Ogle County may, at Applicant's expense, hire it's own qualified consultant to verify the accuracy of Applicant's estimate of decommissioning costs.

4) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of the solar farm by natural or man-made causes, the solar farm owner and/or operator shall obtain and deliver to the County of Ogle ("County") a letter of credit or performance bond, or similar financial assurance, in form and substance reasonably satisfactory to the County, securing the solar farm owner and/or operator obligation to remove the solar farm ("Decommissioning Security").

The Decommissioning Security shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator of the solar farm or other termination of the owner and/or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/or operator of the solar farm shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

When any of the identified decommissioning triggers exist, if the owner and/or operator of the solar farm has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission the solar farm, net of any salvage value the County actually realizes.

Decommissioning costs shall be re-valuated once every five (5) years from the date of substantial completion of the solar farm to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Security shall be adjusted accordingly.

L. Materials Handling, Storage and Disposal

1) All solid wastes related to the construction, operation and maintenance of the Solar Farm shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2) All hazardous materials related to the construction, operation and maintenance of the Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

M. Points of Contact

The Solar Farm Owner/Operator shall maintain with the Ogle County Planning & Zoning Department and Sheriff's Department a primary and two (2) secondary points of contact. Any changes shall be reported immediately or as soon as possible.
N. Coordination with Local Fire Protection District(s)

1) The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan.

2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue from a Solar Farm.

3) Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

O. Miscellaneous Provisions:

1) The facility shall provide approval for access points and change in access use from the road authority having jurisdiction.

2) The perimeter of the solar farm shall be secured through the use of security fencing of at least seven (7) feet in height.

3) The owner or operator of the solar farm shall provide for and maintain reasonable means of access for emergency services.

4) The owner of the solar farm shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to commencement of construction of the solar farm.

5) During construction of the solar farm, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 7:00 P.M.
**SITE ASSESSMENT WORK SHEET - OGLE COUNTY, IL “L.E.S.A.”**

<table>
<thead>
<tr>
<th>Site Assessment Factors</th>
<th>Maximum Points per Factor</th>
<th>Score Assigned</th>
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</thead>
<tbody>
<tr>
<td><strong>Agricultural Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Percent of land in agriculture within 1.5 mile of site</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>2. Percent of land in agriculture adjacent to site</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>3. Percent of site suitable for agricultural use</td>
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<td>16</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
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<td></td>
</tr>
<tr>
<td>4. Number of non-farm dwellings within 0.5 mile of site</td>
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<td>10</td>
</tr>
<tr>
<td>5. Percent of land zoned AG-1 within 1.5 miles of site</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>6. Availability of zoned land for proposed use</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>7. Number of similar map amendments and/or special use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>permits approved within 1.5 miles of site within last</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ten years</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Compatibility/Impact of Use(s)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Distance from fire/ambulance protection</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>9. Distance from school (high school)</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>10. Impact on the environment and unique historical/cultural</td>
<td></td>
<td></td>
</tr>
<tr>
<td>factors</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>11. Compatibility with surrounding area</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td><strong>Urban Infrastructure</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Degree to which the affected transportation routes can</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>bear the traffic that the proposed use may generate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Availability of central sewer</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>14. Availability of public water</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td><strong>Land Use Feasibility</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Soil suitability for on-site disposal (% C% 2, % C% 4)</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>16. Size of site</td>
<td>39.7</td>
<td></td>
</tr>
<tr>
<td>17. Future need for more land</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Adopted Plans</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. a) Consistency with County &quot;Comprehensive Plan&quot;;</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>or b) consistency with city/village plan if within 1.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>miles of city/village limits</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SITE ASSESSMENT SUB-TOTAL</strong></td>
<td>200</td>
<td>113</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Soil Type</td>
<td>Agricultural Group</td>
<td>Relative Value</td>
</tr>
<tr>
<td>S1A (941)</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>L8A</td>
<td>3</td>
<td>87</td>
</tr>
<tr>
<td>68B (360)</td>
<td>2</td>
<td>98</td>
</tr>
<tr>
<td>86C2 (3622)</td>
<td>6</td>
<td>74</td>
</tr>
<tr>
<td>3451A (451)</td>
<td>5</td>
<td>75</td>
</tr>
<tr>
<td>TOTAL</td>
<td>-----</td>
<td>-----</td>
</tr>
</tbody>
</table>

Note:
"Agricultural Group" is obtained from Table 1.
"Relative Value" is obtained from Table 2.
To calculate # acres, use a planimeter or dot grid on a soil survey map or consult with the Ogle county Soil and Water Conservation District or Ogle County Planning & Zoning Department.

\[
\frac{3273.3}{39.7} = 82.5
\]

Land Evaluation Sub-Total (Maximum 100 points possible)

Site Assessment Sub-Total (Max. 200 pts.) = 113

Total Points Accrued (Max. 300 pts.) = 195.5 (L.E.S.A. Score)

*In most cases, the site should be protected for agriculture when the points exceed 200. The following point scale should be observed:*

- 0 - 199 = Low rating for protection
- 200 - 210 = Medium rating for protection
- 211 - 300 = High rating for protection

Petitioner: **ONE ENERGY (ROBERTS ET AL (LUPINE))**

File No.: **22-185J**

Date: **11-6-18**; Prepared By: **MM**