

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

June 2, 2015

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1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
 2 CASE SU-7-14
 3 PLEASANT RIDGE WIND ENERGY PROJECT
 4 June 2, 2015
 5 6:30 PM
 6 Pontiac Township High School
 7 1100 East Indiana Avenue
 8 Pontiac, Illinois

9 BOARD MEMBERS
 10 Michael Cornale, Acting Chair
 11 John Vitzthum
 12 Richard Kiefer
 13 Howard Zimmerman
 14 Diana Iverson
 15 Joan Huisman
 16 Tom Blakeman, Attorney for Zoning Board of Appeals

17 Charles T. Schopp, Administrator
 18 Livingston County Regional Planning Commission
 19 112 W. Madison Street
 20 Pontiac, IL 61764

21 James R. Griffin
 22 Attorney for Livingston County
 23 Schain, Banks, Kenny & Schwartz
 24 70 W. Madison Street, Suite 5300
 Chicago, IL 60602
 312.345.5700

25 Appearing For Applicant/Invenergy:
 26 Michael S. Blazer
 27 Attorney at Law
 28 Jeep & Blazer, LLC
 29 24 North Hillside Avenue, Suite A
 30 Hillside, IL 60162
 31 708.236.0830
 32 mblazer@enviroatty.com

33 Appearing for United Citizens of Livingston County:
 34 Phillip A. Luetkehans
 35 Attorney at Law
 36 Schirott, Luetkehans & Garner, LLC
 37 105 E. Irving Park Road
 38 Itasca, IL 60143
 39 630.760.4601

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1 MR. KIEFER: Here.
 2 MR. SCHOPP: Diana Iverson.
 3 MS. IVERSON: Here.
 4 MR. SCHOPP: Howard Zimmerman.
 5 MR. ZIMMERMAN: Here.
 6 MR. SCHOPP: Joan Huisman.
 7 MS. HUISMAN: Here.
 8 MR. SCHOPP: And Gibs Nielsen.
 9 CHAIRMAN CORNALE: All right. With that,
 10 I'm going to turn the microphone over to Mr.
 11 Blakeman. He has a few comments he would like to
 12 make about the process that we're about to begin.
 13 MR. BLAKEMAN: Thank you, Mr. Acting
 14 Chairman. Can everybody hear me? You have all been
 15 previously provided with a memorandum that is a
 16 summary of the applicable zoning law standards and
 17 guidelines.
 18 The law provides that the ZBA shall
 19 conduct a hearing and thereafter report to the
 20 county board a finding of fact and advisory
 21 recommendation as to whether the county board should
 22 deny, grant or grant subject to special use
 23 conditions the proposed application. The ZBA cannot
 24 make a recommendation to deny the application, but

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1 (Commencing at 6:30 p.m.)
 2 CHAIRMAN CORNALE: All right, if we can go
 3 ahead and make our way to our seats, we'll go ahead
 4 and get going. Chuck, roll call please.
 5 MR. SCHOPP: First thing I wanted to do
 6 before you resume your seats, at our last meeting on
 7 May 21st at the hearing in Fairbury, there was a
 8 black electronic notebook in its case left
 9 underneath the chair. It was on the west side of
 10 the hall in there. If it's anybody's, we have it up
 11 here. Please come and claim it. It's -- we have it
 12 up here, so -- and if it's not yours and you know
 13 whose it is, can ask people whose it is, please do
 14 so. I'll keep it in my office until somebody claims
 15 it, okay? Thank you.
 16 This is the June 2nd, 2015, continuation
 17 hearing of the Livingston County Zoning Board of
 18 Appeals review of the Livingston County Zoning Case
 19 SU-7-14, Pleasant Ridge Energy, LLC, Pleasant Ridge
 20 Wind Energy Project. Michael Cornale.
 21 CHAIRMAN CORNALE: Here.
 22 MR. SCHOPP: John Vitzthum.
 23 MR. VITZTHUM: Here.
 24 MR. SCHOPP: Richard Kiefer.

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1 in the event that the county board chooses to
 2 approve the application, as a contingency, also
 3 submit a set of special use conditions and a
 4 contingent recommendation as to the project. Nor
 5 can the ZBA simply defer the matter to the county
 6 board for determination without a finding of fact
 7 and recommendation. The ZBA must make a finding of
 8 fact and a recommendation.
 9 After receiving the report of the ZBA, the
 10 county board may by ordinance, without further
 11 public hearings, deny, grant or grant subject to
 12 special use conditions the proposed application, or
 13 the county board may refer the proposal back to the
 14 ZBA for further consideration. The county board is
 15 not bound by the recommendation of the ZBA.
 16 In determining what recommendation to
 17 make, the ZBA should consider the standards of
 18 special use found in Section 56-692B of the
 19 Livingston County code. The standards are as
 20 follows:
 21 Whether the proposed special use is to be
 22 located in a zoning district wherein such use may be
 23 permitted; number 2, whether the requirements set
 24 forth in the zoning district and the article for

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1 such special use will be met; and number 3, whether
 2 the special use is consistent with the spirit,
 3 purpose and intent of the regulations, will not
 4 substantially and permanently injure the appropriate
 5 use of neighboring property, and will not be
 6 detrimental to the public convenience and welfare.
 7 The third standard that I just mentioned
 8 for special use contains three subparts, and in the
 9 past, these three subparts have been separately
 10 answered. To grant the application requires an
 11 affirmative finding as to each of these standards.
 12 In addition to the standards for special use, there
 13 are eight guidelines to consider. The guidelines
 14 are as follows:
 15 The special use is consistent with all
 16 aspects of the Livingston County Comprehensive Plan
 17 and Code of Ordinances or the applicable articles of
 18 the Code of Ordinances. The special use will not be
 19 detrimental to or endanger public health, safety,
 20 morals, comfort or general welfare. The special use
 21 is located in a zoning district where such use is
 22 permitted. Number 4, the special use complies with
 23 the requirements set forth in the zoning district
 24 where it is to be located and all requirements as

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1 specified in Article 10, special uses of the Code of
 2 Ordinances, except in each instance as such
 3 regulations may be modified by the ZBA. Number 5,
 4 the special use will not be injurious to the use and
 5 enjoyment of other property in the immediate
 6 vicinity for the uses already permitted or
 7 substantially reduce the value of neighboring
 8 property. Number 6, will not impede orderly growth,
 9 development and improvement of surrounding
 10 properties for those uses permitted in the zoning
 11 district. Number 7, is provided or will be provided
 12 with adequate utilities, access roads, drainage and
 13 necessary facilities. Number 8, is provided with
 14 ingress and egress and so designated as to minimize
 15 traffic congestion in the public streets.
 16 Now, with regard to procedures, the ZBA
 17 has listened to thousands of pages of testimony and
 18 considered hundreds of exhibits presented by the
 19 applicant and other interested parties, and you have
 20 listened to lengthy and detailed closing arguments.
 21 It is not necessary or required that you go into
 22 great detail to discuss the testimony and exhibits.
 23 It is for each of you on the ZBA to
 24 consider what has been presented and admitted in the

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1 record and make a determination as to whether the
 2 standards and guidelines have been met, in other
 3 words, evaluate the evidence and make a
 4 determination. You are not required to make an
 5 explanation of your decision and you should not
 6 consider any testimony or exhibits for which there
 7 has been an objection raised and was sustained.
 8 Now, going on to the first standard,
 9 whether the proposed standard use is to be located
 10 in a zoning district wherein such use may be
 11 permitted, my suggestion is you make a determination
 12 as to whether the application meets or does not meet
 13 the standard as a special use. Now, as an aside,
 14 for this one, I think there's no question, it's been
 15 admitted even by opponents, that this special use
 16 does apply. That's not the case for the others.
 17 The special use standard rather.
 18 Whether the requirements set forth in the
 19 zoning district and the article for special use will
 20 be met, the suggestion is that the requirements for
 21 special use were or were not satisfied depending on
 22 what your decision is.
 23 Now, with regard to number 3, that is
 24 broken down into three parts. The first part by way

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1 of example, the special use is consistent with the
 2 spirit, purpose and intent of the regulations. The
 3 suggestion is you decide whether the project does or
 4 does not meet all the requirements of Chapter 56
 5 zoning of the Livingston County code to ensure that
 6 the project is safe and will not harm the public
 7 welfare. A similar way of handling the other two
 8 subparts of standard number 3.
 9 Then with regard to the eight guidelines,
 10 my suggestion is that you go down each one of those
 11 and decide whether it's a yes or no kind of answer.
 12 In other words, we're not looking for lots of
 13 detail. It's a determination that you make.
 14 And then once you have completed that
 15 process, then you can make your decision as to
 16 whether to deny, grant or grant subject to special
 17 use. If your decision is to grant subject to
 18 special use conditions, then it will be necessary to
 19 discuss and consider these conditions. You are
 20 all -- you have all been through this before and
 21 you're familiar with special use conditions from
 22 prior hearings.
 23 Now, does anybody have any questions?
 24 **CHAIRMAN CORNALE:** All right. With that,

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1 we'll begin as a board to go through each one of
 2 these separately. We'll discuss them as we see fit.
 3 I do ask from the audience that we -- at this point,
 4 you guys are here to watch us, as much fun as that
 5 can be. Please don't interject or add comments as
 6 we're going through. And we're going to sort
 7 through these as best as we can and try to at least
 8 get our recommendations of fact or findings of facts
 9 sorted out.

10 So I guess with that, as I look on our
 11 memorandum here, the first condition, whether the
 12 special use is to be located in a zoning district
 13 wherein such use may be permitted. Do we have any
 14 discussion regarding that? What's everybody's
 15 feelings on that? I -- go ahead, Joan.

16 **MS. HUISMAN:** I don't have an issue with
 17 the first one. This is part of our zoning
 18 ordinance. It's a special use that's allowed in the
 19 district that we're looking at, so --

20 **CHAIRMAN CORNALE:** All right, I would
 21 agree with that. Does everybody feel pretty
 22 affirmatively on that one?

23 **ALL MEMBERS:** (Nods head).

24 **CHAIRMAN CORNALE:** All right, I believe we

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1 have determined that, in fact, the WECS ordinance
 2 allows this particular type of special use in the
 3 zoning district.

4 All right, our second condition, whether
 5 the requirement set forth in the zoning district and
 6 the article for such special use will be met.

7 **MS. HUISMAN:** Maybe I should have asked a
 8 question here --

9 **CHAIRMAN CORNALE:** Yes.

10 **MS. HUISMAN:** -- but these seem to
 11 overlap. I mean if I read this, I think this is we
 12 should be looking at whether or not the application
 13 meets the requirements in the ordinance, but maybe
 14 that's a later point? That's a later point.

15 **MR. BLAKEMAN:** No, it's proper to consider
 16 that.

17 **MS. HUISMAN:** Consider it here as number
 18 2?

19 **CHAIRMAN CORNALE:** Sure.

20 **MS. HUISMAN:** Okay.

21 **CHAIRMAN CORNALE:** I guess the whole
 22 application is a special use in its entirety, so --
 23 and the article for such special use will be met or
 24 will not be met.

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1 **MS. HUISMAN:** The article being -- or,
 2 well, I have eight in my zoning ordinance.

3 **MR. BLAKEMAN:** Right.

4 **MS. HUISMAN:** Wind energy, okay.

5 **CHAIRMAN CORNALE:** And it's this entire
 6 WECS, the WECS ordinance portion thereof. Where --
 7 do we want to talk about 2 and 3 together and --

8 **MS. HUISMAN:** Well, that's why I said do
 9 these overlap because I think --

10 **CHAIRMAN CORNALE:** Okay.

11 **MS. HUISMAN:** -- when Mr. Blakeman went
 12 through the explanation, that sounds like the first
 13 point we need to look at in number 3 kind of gets at
 14 whether or not the application meets the ordinance
 15 requirement, so --

16 **CHAIRMAN CORNALE:** Okay, all right. It's
 17 our -- it's our deal to do how we see fit. We just
 18 kind of have to have an answer for 1, 2, 3, and then
 19 these eight.

20 **MS. HUISMAN:** All right. With that
 21 regard, I'm concerned about the financial assurance,
 22 so we're looking at the -- our zoning ordinance
 23 requiring financial assurance shall be provided so
 24 that the project can be developed as proposed. The

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1 only financial assurance that I saw was a letter
 2 from CoBank.

3 **CHAIRMAN CORNALE:** Okay.

4 **MS. HUISMAN:** In my opinion, it does not
 5 meet our zoning ordinance.

6 **CHAIRMAN CORNALE:** All right. Anybody
 7 else have feelings regarding that?

8 **MS. IVERSON:** I agree with Joan.

9 **CHAIRMAN CORNALE:** Okay, all right.
 10 Legally, and I turn to the two attorneys on each
 11 side, is what they've provided, the element that the
 12 WECS ordinance requires, have they -- have they
 13 fulfilled that portion?

14 **MR. BLAKEMAN:** That's for you to decide
 15 based upon the evidence that you've heard during the
 16 hearings. It's not my position to provide my
 17 opinion in these proceedings. That's what you're
 18 supposed to do.

19 **CHAIRMAN CORNALE:** All right.

20 **MR. GRIFFIN:** I would agree.

21 **CHAIRMAN CORNALE:** Mr. Griffin would agree
 22 with that answer. All right. Let's dig into the
 23 WECS ordinance a little bit deeper and find out
 24 exactly what it specifies.

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1 As we're searching for that, I do -- I do
 2 remember the CoBank letter. It was more of a letter
 3 that they have in the past provided some
 4 financial --
 5 **MS. HUISMAN:** I've got it here, Mike, if
 6 you want to look at it.
 7 **CHAIRMAN CORNALE:** Yeah, yeah. What is
 8 the language --
 9 **MS. HUISMAN:** Let me read it.
 10 **CHAIRMAN CORNALE:** -- that it states?
 11 **MS. HUISMAN:** You want me to read it to
 12 you guys?
 13 **CHAIRMAN CORNALE:** Yes, go ahead, read it.
 14 **MS. HUISMAN:** All right. This letter is
 15 being provided -- this was to Mr. Schopp. "This
 16 letter is being provided in connection with an
 17 application for a special use permit being submitted
 18 by an affiliate of Invenergy, LLC, for the Pleasant
 19 Ridge Wind Project, the 250 megawatt wind project
 20 being developed in Livingston County, Illinois.
 21 CoBank ACB has maintained an active
 22 project financing relationship with Invenergy since
 23 2004 during which time it has financed numerous
 24 renewable and thermal energy projects representing

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1 more than \$250 million in aggregate financing
 2 commitments from our institution.
 3 It is our view that Invenergy is a
 4 top-tier developer for wind and other clean energy
 5 projects. As such, we have an active interest in
 6 financing future projects that Invenergy would be
 7 presenting to the project financing market. While
 8 we have not formally reviewed the Pleasant Ridge
 9 Wind Project, we would expect to be interested in a
 10 financing role for this project assuming the project
 11 possesses similar attributes as seen in prior
 12 Invenergy projects that we have financed.
 13 This letter does not represent a
 14 commitment on behalf of CoBank or any of its
 15 affiliates to provide financing for the Pleasant
 16 Ridge Wind Energy project. Any commitment to lend
 17 must be evidenced in a separate writing and will be
 18 wholly contingent upon the satisfactory completion
 19 of due diligence and internal credit approvals."
 20 Signed by Mr. William Gallagher, vice-president of
 21 CoBank.
 22 **CHAIRMAN CORNALE:** All right. Condition 6
 23 in the WECS ordinance states: Financial assurance
 24 shall be provided that the project can be developed

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1 as proposed. As we look at that letter and consider
 2 that statement, do we feel that that letter fulfills
 3 that requirement?
 4 **MR. KIEFER:** Can you repeat that? I
 5 missed it. I'm a little slow.
 6 **CHAIRMAN CORNALE:** Okay, that's all right.
 7 That's fine. Financial assurance shall be provided
 8 that the project can be developed as proposed. That
 9 is clearly in the WECS ordinance.
 10 **MR. KIEFER:** So we're just talking about
 11 the financing --
 12 **CHAIRMAN CORNALE:** So --
 13 **MR. KIEFER:** -- of the project not a
 14 letter of credit for --
 15 **CHAIRMAN CORNALE:** Decommissioning.
 16 **MR. KIEFER:** -- decommissioning.
 17 **CHAIRMAN CORNALE:** That is correct. This
 18 is simply the --
 19 **MR. KIEFER:** This is just they had the
 20 financial ability --
 21 **CHAIRMAN CORNALE:** Project conception,
 22 right.
 23 **MS. HUISMAN:** And I guess why I looked at
 24 this, Rich, is because we've asked multiple

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1 questions about their financials. Since it's a
 2 privately-held company, we don't have public -- we
 3 don't have public documents to look at. And they
 4 weren't willing to share any of their financials, so
 5 we don't have any dollars to look at. We have
 6 dollars we heard; we don't have any dollars to look
 7 at.
 8 And this letter specifically says I
 9 haven't reviewed this project but if they -- if
 10 given the opportunity, they would be interested in
 11 looking at it. That to me is not a letter of
 12 credit. There's no -- they haven't committed any
 13 backing.
 14 **MR. KIEFER:** But we don't need a letter of
 15 credit for this part of the application, right? I
 16 mean a letter of credit, my understanding is, what
 17 we've always talked about, is for decommissioning
 18 not for whether or not they can get financing or
 19 not.
 20 **MS. HUISMAN:** There's two. There's
 21 another requirement for financial assurances in the
 22 decommissioning section of our WECS ordinance.
 23 **CHAIRMAN CORNALE:** That is correct.
 24 **MR. KIEFER:** Okay. So you want to

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1 determine by this letter, you're saying that you're
 2 not comfortable with this letter as being --
 3 **MS. HUISMAN:** I don't think it meets our
 4 ordinance requirement.
 5 **MR. VITZTHUM:** They don't guarantee in
 6 other words. There's no guarantee they're going to
 7 back it there, right?
 8 **MS. HUISMAN:** Not as I read it. I don't
 9 read it as --
 10 **MR. VITZTHUM:** That's the way I interpret
 11 it, that they're not guaranteeing right now that
 12 they'll back it. Like they have other projects,
 13 they haven't looked at this to say, yeah, we will do
 14 this. And it says, it flat out says that it's not a
 15 -- wherever that was.
 16 **MS. HUISMAN:** It does not represent a
 17 commitment on behalf of CoBank.
 18 **MR. VITZTHUM:** Right, uh-huh.
 19 **CHAIRMAN CORNALE:** All right. Howard, do
 20 you have anything?
 21 **MR. ZIMMERMAN:** (Shakes head).
 22 **CHAIRMAN CORNALE:** Okay. Diana, your
 23 feelings are?
 24 **MS. IVERSON:** That it's not a commitment

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1 of finance.
 2 **CHAIRMAN CORNALE:** Okay. Since there
 3 clearly states in that letter there is no commitment
 4 or guarantee, you guys -- would the consensus be
 5 that we feel that that particular portion has not
 6 been met?
 7 **MR. VITZTHUM:** I would.
 8 **MS. IVERSON:** I would.
 9 **CHAIRMAN CORNALE:** Okay.
 10 **MR. ZIMMERMAN:** Yeah.
 11 **CHAIRMAN CORNALE:** All right. All right,
 12 are there other points that we need to -- I'm sure
 13 there are. Go ahead and just keep going through
 14 them. I think that was a good tactic that we had
 15 there. We'll keep rolling and --
 16 **MS. HUISMAN:** The only other issue I had
 17 was regarding the noise section of our ordinance,
 18 the noise levels, and if I understood the testimony
 19 correctly, I think there's -- there are maybe just a
 20 handful of receptors that do not as predicted meet
 21 the Illinois Pollution Control Board standards which
 22 I think would be in violation of our own ordinance.
 23 **CHAIRMAN CORNALE:** All right. Anybody
 24 else have any comments regarding that? We've heard

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1 a lot about noise. Made a lot of noise about noise.
 2 What do we have to say about it?
 3 One of my -- one of my problems, I guess,
 4 I see in the whole thing is when we're splitting
 5 hairs on a tenth of a decibel. I mean if we're 40.9
 6 and that's acceptable and 41 is pollution, which is
 7 always right there, I don't know that that -- is
 8 that ever the intent of the ordinance and the --
 9 **MS. HUISMAN:** According to the Illinois
 10 Pollution Control Board, yeah.
 11 **CHAIRMAN CORNALE:** Right, so 40.9 you have
 12 to just live with it forever and 41 you can do
 13 something about it? I don't know. What your guys'
 14 thoughts or feelings or --
 15 **MR. KIEFER:** You got to draw a line in the
 16 sand somewhere.
 17 **CHAIRMAN CORNALE:** Right, right, and
 18 then --
 19 **MR. KIEFER:** You got to pick a number --
 20 **CHAIRMAN CORNALE:** Sure, sure.
 21 **MR. KIEFER:** -- so that's the number we're
 22 working with --
 23 **CHAIRMAN CORNALE:** Right, right.
 24 **MR. KIEFER:** -- as far as I'm concerned.

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1 It's just whether or not you think some of the
 2 receptors are, in fact, going to be in violation.
 3 **CHAIRMAN CORNALE:** Right.
 4 **MS. HUISMAN:** And if you guys heard it
 5 differently, I mean correct me if I -- I mean we sat
 6 through a lot of hours.
 7 **CHAIRMAN CORNALE:** We did a lot.
 8 **MS. HUISMAN:** I'm not sitting here saying
 9 that I'm an expert on any of this stuff and that I
 10 have memorized verbatim what we were told or that I
 11 even got to read every piece of paper that we were
 12 handed. I might have read the front cover, but I
 13 didn't get through all of them.
 14 **CHAIRMAN CORNALE:** Absolutely.
 15 **MS. HUISMAN:** So if you disagree --
 16 **MR. KIEFER:** To correct that, some of
 17 those receptors that are marginal, what do we do
 18 about it? You can change setbacks a little further
 19 away and then that would change the noise?
 20 **MS. HUISMAN:** I guess so. That's one
 21 option.
 22 **CHAIRMAN CORNALE:** And ultimately we're
 23 here to somewhat determine --
 24 **MR. KIEFER:** We can't or is that what --

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1 are we supposed to come up with a special condition
 2 saying we want to have a setback another 500 from
 3 the property line if we think there's going to be a
 4 noise issue? That's what I'm asking.
 5 **CHAIRMAN CORNALE:** I guess wholistically
 6 we could propose a further setback for the entire
 7 project as a special use condition. I -- I don't
 8 know.
 9 **MR. KIEFER:** If that would solve the
 10 problem of the receptors that are in violation or
 11 nearly in violation.
 12 **CHAIRMAN CORNALE:** Right. It may
 13 significantly reduce the quantity of turbines by --
 14 **MS. HUISMAN:** Right.
 15 **CHAIRMAN CORNALE:** -- if we said nothing
 16 closer than 2,000 feet to a home or property.
 17 **MR. KIEFER:** That would change -- that
 18 would change the scope of the project as far as how
 19 many towers were built --
 20 **CHAIRMAN CORNALE:** Oh --
 21 **MR. KIEFER:** -- is that what you're
 22 saying?
 23 **CHAIRMAN CORNALE:** -- significantly.
 24 **MS. HUISMAN:** I don't even know if it's

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1 feasible for them to move the towers that then --
 2 you know, the handful of houses, and I'll just keep
 3 throwing out that term, handful of houses that I
 4 kept looking at where they -- you know, Mr. Hankard
 5 said they measured at the middle of the residence.
 6 There wasn't that many. But can they move the
 7 tower? I mean can we get away far enough to get
 8 that edge of the house then instead of center of the
 9 house at 41? I don't know if that's even feasible
 10 based on the rest of their layout.
 11 **CHAIRMAN CORNALE:** And then we waver on
 12 the point. Are we -- are we saying the noise level
 13 from the house or the noise level from the property
 14 line? And there's case law out there for certain
 15 property line.
 16 **MR. KIEFER:** But what does the Pollution
 17 Board say? Is it from the house or is it from the
 18 property line?
 19 **CHAIRMAN CORNALE:** This is the most
 20 interesting language I've ever seen. I handed it to
 21 both attorneys on each side and they both told me
 22 different things but kind of the same, so --
 23 **MS. HUISMAN:** I guess giving it the
 24 fairest reading to the applicant, you go to the edge

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1 of the house, I mean at the foundation of the house.
 2 So measuring in the middle of the house leaves those
 3 few that by the time you get to the edge, I know
 4 we're talking about a tenth of a decibel, but still
 5 over the -- it's still over the Illinois Pollution
 6 Control Board standards. So then we're saying it's
 7 okay and that's even though our ordinance says
 8 otherwise. I guess that's where my hang-up is. I
 9 don't want to violate our own ordinance.
 10 I hadn't thought about, though, making a
 11 special condition to even move those few turbines or
 12 remove them.
 13 **MR. KIEFER:** It's an option.
 14 **MS. HUISMAN:** To make all the Class A
 15 property within the limits. So those are my two
 16 issues with regard to our ordinance.
 17 **CHAIRMAN CORNALE:** Okay.
 18 **MS. HUISMAN:** Everything else that I
 19 heard, that I think I heard, that I think I saw
 20 seems to meet the ordinance otherwise. And I just
 21 read it today to see if there was anything else I
 22 was missing, but those are the two issues that I had
 23 regarding our own ordinance and does the application
 24 meet the requirements.

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1 **CHAIRMAN CORNALE:** Okay.
 2 **MS. HUISMAN:** I don't know if anyone has
 3 any other --
 4 **CHAIRMAN CORNALE:** John, do you have
 5 anything?
 6 **MS. HUISMAN:** -- concerns?
 7 **CHAIRMAN CORNALE:** Diana, do you have
 8 anything?
 9 **MS. IVERSON:** (Shakes head).
 10 **CHAIRMAN CORNALE:** All right.
 11 **MS. HUISMAN:** Do we want to keep going
 12 through the other, what, eight points or --
 13 **CHAIRMAN CORNALE:** We can continue through
 14 those, we can --
 15 **MS. HUISMAN:** We can continue.
 16 **CHAIRMAN CORNALE:** This is -- like I say,
 17 this is ours to discuss however we see fit. I guess
 18 we can tie those eight points back into the third,
 19 the third bullet, and discuss that. So these eight
 20 points, is this project consistent in all respects
 21 to the Livingston County Comprehensive Plan in
 22 Section 56-1, Code of Ordinances, Livingston County,
 23 Illinois, including Article 8, wind energy, formerly
 24 known as the Livingston County ordinance. So do we

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1 feel this is -- is consistent with the Livingston
 2 County Comprehensive Plan? I think we can -- we can
 3 say that it's consistent to the particular WECS
 4 ordinance with the exception certainly of we
 5 validated that the point -- that the sixth
 6 condition, the financial assurance, was not met.
 7 **MS. HUISMAN:** Right, I agree.
 8 **CHAIRMAN CORNALE:** Okay, but the project
 9 is of the type of a wind energy convergent system --
 10 **MS. HUISMAN:** Which one are you on, Mike?
 11 **CHAIRMAN CORNALE:** 1. I'm on 1 of the
 12 guidelines.
 13 **MS. HUISMAN:** All right. Yeah, this is of
 14 the type that the wind energy convergent system
 15 ordinance covers.
 16 **CHAIRMAN CORNALE:** All right. The -- just
 17 to put this out there as a reminder, the Planning
 18 Commission, as they analyzed it in relation to the
 19 Comprehensive Plan, they did not feel that it met
 20 the conditions of the Comprehensive Plan. Not to
 21 say particularly the WECS ordinance but rather the
 22 Comprehensive Plan.
 23 Okay, so considering both sides of that,
 24 how do we determine whether we feel 1 has been met?

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1 We have other governing bodies or other entities
 2 that have looked at it and feel that it didn't meet
 3 a portion thereof.
 4 **MR. KIEFER:** So what basis was the -- did
 5 they give specifics?
 6 **CHAIRMAN CORNALE:** I was not at the
 7 meeting.
 8 **MR. KIEFER:** Chuck, can you help us?
 9 **CHAIRMAN CORNALE:** At this point, yeah, we
 10 can ask Chuck.
 11 **MR. SCHOPP:** They did not give specifics.
 12 I mean they gave me a copy of their minutes and
 13 their motion and that's what there was was the
 14 minutes and the motion. The motion was extremely
 15 basic. It was just we do not believe it meets the
 16 Comprehensive Plan.
 17 **CHAIRMAN CORNALE:** All right.
 18 **MS. HUISMAN:** I have to defer to the
 19 Planning Commission because I didn't read the
 20 Comprehensive Plan in detail.
 21 **CHAIRMAN CORNALE:** Right, right, and I
 22 would -- I would agree with that. Howard, do you
 23 have any thoughts on that?
 24 **MR. ZIMMERMAN:** (Shakes head).

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1 **CHAIRMAN CORNALE:** All right. Diana?
 2 John, have any thoughts on --
 3 **MS. IVERSON:** (Shakes head).
 4 **CHAIRMAN CORNALE:** Just so that I can
 5 better understand this, Mr. Blakeman, would we need
 6 to act -- would we need to concur in its entirety on
 7 1 or can we split that? Obviously we value the
 8 opinion of the Planning Commission and their portion
 9 thereof, but at the same time, were they only
 10 considering the Comprehensive Plan and possibly not
 11 the wind energy ordinance?
 12 **MR. BLAKEMAN:** Again, let me preface my
 13 comments, and I will make some comments, that it is
 14 for you ultimately to decide. It's a separate
 15 determination for you as to whether or not this has
 16 been met. But if you -- what I'm recommending that
 17 you do is the answer to the question is either yes
 18 or no, either it does or it doesn't. And if you
 19 feel that the Planning Commission opinion is
 20 determinative or useful, then you can follow that.
 21 But you don't have to. It's still your call.
 22 **CHAIRMAN CORNALE:** All right, Mr. Blakeman
 23 wants to reiterate that it is, in fact, still our
 24 call on that. So I guess at this point, not being

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1 able to split it, and valuing the opinion of those
 2 others, my thought would be no.
 3 **MS. IVERSON:** No.
 4 **MR. VITZTHUM:** That what now?
 5 **CHAIRMAN CORNALE:** That it does not meet
 6 1, is consistent in all respects with Livingston
 7 County Comprehensive Plan.
 8 **MR. VITZTHUM:** Oh, right. It does not,
 9 right.
 10 **MS. HUISMAN:** Well, and our ordinances,
 11 which we just covered.
 12 **CHAIRMAN CORNALE:** Okay. Due to that
 13 financial assurance, we've discounted it entirely
 14 and thrown it out and say that it does not meet the
 15 Comprehensive Plan and it does not meet the WECS
 16 ordinance.
 17 **MS. HUISMAN:** Correct.
 18 **MR. VITZTHUM:** Correct.
 19 **CHAIRMAN CORNALE:** All right, so I've got
 20 noes. What's your guys' feelings on this?
 21 **MR. KIEFER:** So it's a yes or no.
 22 **CHAIRMAN CORNALE:** Mr. Blakeman has
 23 advised me --
 24 **MR. KIEFER:** With no considerations.

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1 **CHAIRMAN CORNALE:** There is a line in the
2 sand, remember?
3 **MR. VITZTHUM:** Comes back to haunt you.
4 **MR. KIEFER:** Those lines do get you, don't
5 they.
6 **CHAIRMAN CORNALE:** They do.
7 **MS. HUISMAN:** What are you thinking?
8 What, what -- I mean --
9 **MR. KIEFER:** Well, there's a lot of
10 conditions that we're looking at and there's a lot
11 of standards. There's more than one.
12 **CHAIRMAN CORNALE:** We're only doing the
13 first one, number 1 --
14 **MS. HUISMAN:** Right, number 1.
15 **CHAIRMAN CORNALE:** -- is consistent with
16 the comprehensive, county Comprehensive Plan.
17 **MR. KIEFER:** I agree. I think we need to
18 follow the recommendation that we were given.
19 **CHAIRMAN CORNALE:** Okay, all right.
20 Howard?
21 **MR. ZIMMERMAN:** Same.
22 **CHAIRMAN CORNALE:** Same? All right, the
23 recommendation that was previously given to us was a
24 no. I believe it is the opinion of this board that

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1 that condition is no.
2 All right. Moving along, number 2, will
3 not be detrimental to or endanger the public health,
4 safety, morals, comfort or general welfare. This
5 particular point has been discussed a lot as well.
6 I think the noise definitely plays in on this.
7 **MS. HUISMAN:** I'd have to say I don't
8 know. I don't feel like I'm an expert on any of
9 this stuff, even after listening to all the
10 testimony and reading everything we read.
11 **MR. VITZTHUM:** Well, but that's a hard one
12 to answer. That's a hard question to answer because
13 no two people are the same, and them windmills are
14 going to affect you differently than they did me,
15 you know. And you can't tell me out of 2,000 people
16 that there's not a chance that it could affect one
17 or two of them. To me, that is pretty -- to give a
18 yes or no, that's a pretty tough question to do.
19 **CHAIRMAN CORNALE:** Sure, sure. You know,
20 with this one, one piece of evidence stuck out in my
21 mind throughout this whole proceeding and it was --
22 it was submitted by Mr. Hayes. And it was a piece
23 of evidence that Ellenbogen himself, Ellenbogen, the
24 gentleman from Harvard, very renowned, and I

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1 remember giving kudos to him, and I thought it was
2 very interesting, we had a speaker from Harvard
3 talking to us, but then he penned the article about
4 the wind turbines and the proximity to rural
5 hospitals. And I really thought that, you know, he
6 -- he really was passionate about telling us that
7 there wasn't any problems, but at the same time he
8 did, in fact, allude to problems in that particular
9 article. I think that evidence was -- you know, I
10 felt the credibility of Ellenbogen was very high,
11 and when that evidence come in, I really thought
12 that was somewhat hurtful to the process. I --
13 that's just my thoughts.
14 **MS. HUISMAN:** I agree. I -- I liked what
15 Dr. Ellenbogen had to say when he was here and when
16 he spoke and -- but his follow-up article, like you
17 said, even though that wasn't the whole point of his
18 article, wasn't about wind turbines and that, it was
19 there was some other conclusion he was making, but
20 an added point in there being there is a concern
21 that there needs to be more study gives a little
22 more credence to the concerns that, well, the people
23 that have had problems and people that are concerned
24 about having problems down the road.

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1 **CHAIRMAN CORNALE:** Sure, and I guess that
2 gets back to the public health portion certainly of
3 that particular bullet, and public health and
4 general welfare, comfort or general welfare. You
5 guys have any thoughts about this particular
6 section? Howard, you're just dying to say
7 something.
8 **MR. KIEFER:** It's on.
9 **MR. ZIMMERMAN:** Everybody's different, and
10 if you talk to enough, everybody -- somebody is not
11 going to like something. Now, have we talked enough
12 that there's enough people against or to overrule
13 the positive parts of the project? And there -- you
14 know, that's a question I think we've got to find an
15 answer to or make an answer to individually.
16 **CHAIRMAN CORNALE:** Okay. And I would
17 agree with that. I think more, to get to our
18 bullet, do we feel this project will or will not be
19 detrimental to or endanger the public health,
20 safety, morals, comfort or general welfare?
21 Regardless of 3,000 signatures on a document that's
22 given to us, discounting all that, not even
23 considering that, do we feel evidence that's given
24 to us has -- based on that evidence, will the

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1 project be detrimental to or endanger the public
 2 health, safety, morals, comfort or general welfare?
 3 That's where we're at. I mean we have to break it
 4 down. Whether your decision's made based on people
 5 picketing out front or whatever the case is, that
 6 isn't necessarily going to answer the questions,
 7 these particular questions.
 8 **MR. KIEFER:** My thought on this.
 9 **CHAIRMAN CORNALE:** Yes.
 10 **MR. KIEFER:** Based on the evidence,
 11 there's a question on it. We could have two more
 12 years of evidence and have completely other
 13 testimony and come up with maybe a completely
 14 different conclusion, but based on the evidence in
 15 this case, to me, there is a question mark.
 16 **CHAIRMAN CORNALE:** All right. And I'm
 17 going to throw the line in the sand back at you.
 18 **MR. KIEFER:** Tell me where the line is,
 19 Mike.
 20 **CHAIRMAN CORNALE:** It's a yes or it's a
 21 no.
 22 **MS. HUISMAN:** I'm a firm I don't know on
 23 this. Why don't we skip this one and come back?
 24 **CHAIRMAN CORNALE:** All right, we can do

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1 that. We can do that.
 2 **MR. VITZTHUM:** It ain't going to go away.
 3 **CHAIRMAN CORNALE:** Maybe as we talk about
 4 some other things --
 5 **MS. HUISMAN:** Yeah, as we talk about other
 6 points --
 7 **CHAIRMAN CORNALE:** Yeah, that's good.
 8 **MS. HUISMAN:** -- we might clarify our
 9 thoughts on that.
 10 **CHAIRMAN CORNALE:** All right, we'll like
 11 this one. 3, is located in a zoning district where
 12 such use is permitted.
 13 **MS. HUISMAN:** Yes.
 14 **MR. KIEFER:** Yes.
 15 **MS. IVERSON:** Yes.
 16 **CHAIRMAN CORNALE:** Wow. Yes. All right.
 17 4, complies with the requirements set forth in the
 18 zoning district where it is to be located and all
 19 requirements as specified in Article 10, Special
 20 Uses Section 56-684 through Section 56-692, Code of
 21 Ordinances, Livingston County, Illinois, except in
 22 each instance as such regulations may be modified by
 23 the ZBA.
 24 **MS. HUISMAN:** All right, I didn't look at

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1 these sections, but I got it here. Did you guys
 2 look at them?
 3 **MR. VITZTHUM:** The line in the sand,
 4 buddy.
 5 **MS. HUISMAN:** Well, I guess we could look
 6 at it and see which ones apply.
 7 **CHAIRMAN CORNALE:** Yeah, let's look at
 8 them. That will be -- that will be the most -- the
 9 three standards back at -- okay, so this now reverts
 10 backwards to our 1, 2, 3.
 11 **MS. HUISMAN:** So if we said no earlier, we
 12 can just then -- a no applies here, is that what you
 13 mean by reverting back?
 14 **MR. BLAKEMAN:** Well, Section 56-692, the
 15 procedures for special use hearing, and that's the
 16 one where the standards, the three standards, were
 17 set forth, including number 3 with the three parts.
 18 **MS. HUISMAN:** Okay, so the other sections,
 19 where are we at, 684 through --
 20 **MR. BLAKEMAN:** That's the entire article.
 21 **MS. HUISMAN:** -- 691.
 22 **MR. BLAKEMAN:** That's the entire article.
 23 It's Article 10 I believe.
 24 **MS. HUISMAN:** Okay.

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1 **CHAIRMAN CORNALE:** All right, so let me
 2 understand this. If we -- as we go through 1, 2, 3,
 3 if we determine that any point of 1, 2, 3 is a no,
 4 then this has to be a no. If we determine that 1,
 5 2, 3 is a yes, then by default it automatically is
 6 yes. So this one will answer itself. Right?
 7 **MR. VITZTHUM:** Seems like it should.
 8 **CHAIRMAN CORNALE:** If any portion of the
 9 1, 2, 3 -- 1, 2, 3 through 8 -- wait, if any portion
 10 of the 1, 2, 3 on the first page is a no, then 4 has
 11 to be a no.
 12 **MS. IVERSON:** Correct.
 13 **CHAIRMAN CORNALE:** If 1, 2, 3 on the first
 14 page -- got a phone out there acting like. If 1, 2,
 15 3 on the first page is all three yes, then this
 16 automatically answers itself as yes.
 17 **MS. HUISMAN:** Okay, so 4 is a no. Because
 18 we said number 2 -- in our first three questions, we
 19 said number 2 is a no.
 20 **CHAIRMAN CORNALE:** All right. All right,
 21 so that one answered itself. All right. 5, will
 22 not be injurious to the use and enjoyment of other
 23 property in the immediate vicinity for the uses
 24 already permitted or substantially reduce the value

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1 of neighboring property. Thoughts on that?
 2 **MS. HUISMAN:** Well, I think we heard a lot
 3 of testimony from folks that don't want it, and so
 4 it would do just that, injure their use and
 5 enjoyment of their property in the immediate
 6 vicinity of the turbines for the uses already
 7 permitted. That's what I took out of the months and
 8 months of testimony that we sat and listened to.
 9 **CHAIRMAN CORNALE:** Okay, so you feel their
 10 enjoyment of the property is at -- at risk at this
 11 point.
 12 **MS. HUISMAN:** That's the message I got.
 13 **CHAIRMAN CORNALE:** All right.
 14 **MR. VITZTHUM:** Whether it be by view or by
 15 sound or value.
 16 **CHAIRMAN CORNALE:** All right.
 17 **MS. IVERSON:** Or aggravation.
 18 **CHAIRMAN CORNALE:** Or application, all
 19 right.
 20 **MS. IVERSON:** Aggravation.
 21 **CHAIRMAN CORNALE:** Aggravation,
 22 aggravation, okay. John, you alluded to some value.
 23 The evidence given, the evidence presented
 24 throughout these hearings, you feel that there could

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1 be some value issues?
 2 **MR. VITZTHUM:** I do, yes.
 3 **CHAIRMAN CORNALE:** Okay. All right.
 4 These value -- these value issues, I believe Mr.
 5 Parzyck towards the end of the hearings presented
 6 some property value guarantees. Those you didn't
 7 feel could mitigate adequately the potential loss or
 8 potential -- potential difference in values?
 9 **MR. VITZTHUM:** His findings?
 10 **CHAIRMAN CORNALE:** His -- the evidence
 11 that he presented.
 12 **MR. VITZTHUM:** No, I didn't agree with his
 13 findings.
 14 **CHAIRMAN CORNALE:** You didn't, okay.
 15 Okay, all right. All right, you guys have anything
 16 on this?
 17 **MR. KIEFER:** If I'm not mistaken, John, I
 18 think he's talking about the property guarantee, the
 19 documents that the applicant gave at the end of the
 20 hearing.
 21 **CHAIRMAN CORNALE:** Mr. Parzyck, maybe it
 22 was even in closing -- it was -- had presented some
 23 additional property value guarantee, their proposed
 24 property value guarantee.

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1 **MR. VITZTHUM:** Proposed property --
 2 **CHAIRMAN CORNALE:** Yeah, it had some -- I
 3 think we discussed, was there some time -- there
 4 were maybe some time constraints on it, maybe five
 5 years if memory serves me, something having to do
 6 with some appraisers trying to get a value, some
 7 time on the market --
 8 **MR. VITZTHUM:** But still that --
 9 **CHAIRMAN CORNALE:** -- conversation.
 10 **MR. VITZTHUM:** But to me, that still has
 11 to affect the value of your property. You know, if
 12 -- if -- it still has to affect the value of your
 13 property. Whether you're selling or buying, you got
 14 to go through all that crap to do that. It has to
 15 affect it somewhat. Whether it's at 90 percent or
 16 10 percent or 2 percent, it has to affect it somehow
 17 I think.
 18 **CHAIRMAN CORNALE:** Okay. All right.
 19 **MR. VITZTHUM:** And to me, the value of the
 20 property also goes into the -- and some of the
 21 people said their enjoyment of living out in the
 22 country with -- in the quiet or wide open spaces,
 23 you know, that -- that all takes effect in that.
 24 You know, that's a value to yourself and how do you

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1 put a price on that?
 2 **CHAIRMAN CORNALE:** Okay. All right, so
 3 that's -- basically you've looked at two points
 4 within there, property value and enjoyment, and you
 5 feel that this potential -- this proposed project
 6 could affect that negatively.
 7 **MR. VITZTHUM:** I think so, yes.
 8 **CHAIRMAN CORNALE:** Okay, okay.
 9 **MR. VITZTHUM:** In dumb farmer terms, yes.
 10 **CHAIRMAN CORNALE:** That's fine. We -- you
 11 guys, Rich, Howard, anything?
 12 **MR. ZIMMERMAN:** I'll muddy the waters.
 13 The value of the property in a community is 10
 14 square miles? 30? 40 square miles? I don't know
 15 the answer. But if you take the total value of that
 16 amount of property, when farmland sells for an
 17 additional \$5,000 an acre for 300 acres, that's a
 18 substantial amount of money, of value. And I think
 19 that has been recorded because wind farms have the
 20 ability to generate money to the landowner.
 21 Now, I'm not saying anything other than we
 22 have to make sure we're calling apples to apples and
 23 not peaches to plums. But being a farmer, being a
 24 property owner with acres, and I don't own that

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1 much, but that would be a substantial amount of
 2 money if I could sell all my ground for 3 to 5,000
 3 an acre more than without windmills. But that --
 4 you know, I don't think that has been addressed by
 5 anybody when they -- when you were talking about
 6 property values.
 7 **CHAIRMAN CORNALE:** All right, so you
 8 believe the offset in farmland should be considered
 9 versus the value that is potentially affected in
 10 residential homes.
 11 **MR. ZIMMERMAN:** Depends on how many sets
 12 of buildings there are on per square mile.
 13 **CHAIRMAN CORNALE:** Okay, all right. And I
 14 do believe, and it is -- it is available and it has
 15 been submitted and I don't want to misquote this,
 16 but there was -- there was evidence placed in this
 17 hearing, Illinois farm value land-based something,
 18 having to do with that, and I -- was it 2500 an
 19 acre? I think was the general synopsis in this. It
 20 broke the state up into areas. I think we were area
 21 six. And the only reason this sticks out in my mind
 22 is the president of this organization that put this
 23 out works at the bank in Dwight, so I remembered it
 24 from that.

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1 But it actually has been in there and we
 2 probably should -- either we can -- I don't know. I
 3 know it's available in evidence somewhere.
 4 **MR. KIEFER:** My feelings on this, on the
 5 property guarantee or the values, I think the
 6 company has somewhat addressed that. Whether or not
 7 it's to everybody's liking, whether or not it's a
 8 fair property guarantee, quote, unquote, to
 9 nonparticipants, but I think it's somewhat in my
 10 mind been addressed by the applicant with their last
 11 piece of testimony.
 12 **MR. VITZTHUM:** But it's ours to talk about
 13 the ag, the farm part of it. If you look at the
 14 value of the property, of the house, there's a lot
 15 of things get entered into that if you want to pick
 16 it apart. If Joe Blow lives in this house, he's got
 17 ten kids and he don't like it and he moves out,
 18 what's that do to the school district if he goes?
 19 You know, maybe you lose ten kids in your school
 20 district. The value of that house is sold at less,
 21 lose the tax rate there. So, you know, is it always
 22 necessarily a wash?
 23 **MR. KIEFER:** Well, you can debate it.
 24 **MR. VITZTHUM:** Yeah, I mean that's what --

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1 we can sit here all night and debate that, but --
 2 and you talk about in the same way a house or the
 3 ground, either one, you got to have two guys bidding
 4 on it, you know, and who's to say that what it will
 5 bring, you know.
 6 **MR. KIEFER:** Property values go up and
 7 down regardless.
 8 **MR. VITZTHUM:** Right.
 9 **MR. KIEFER:** It doesn't matter if there's
 10 a wind farm --
 11 **MR. VITZTHUM:** Right.
 12 **MR. KIEFER:** -- being built or not.
 13 **MR. VITZTHUM:** Correct.
 14 **MR. KIEFER:** And who do we blame that on?
 15 **MR. VITZTHUM:** But that's --
 16 **MR. KIEFER:** But they did give a pretty --
 17 in my opinion, a pretty good offer to
 18 nonparticipating homeowners to guarantee their
 19 value.
 20 **MR. VITZTHUM:** If they want to take it,
 21 you know.
 22 **MR. KIEFER:** Right.
 23 **MR. VITZTHUM:** Right, if --
 24 **MS. IVERSON:** Well, they have to take one

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1 or the other. They either took the good neighbor
 2 agreement or they took the property value. They
 3 couldn't take the money.
 4 **MR. KIEFER:** But it's a financial gain one
 5 way or the other.
 6 **CHAIRMAN CORNALE:** Yes and no. Be careful
 7 with this, because the property had to transfer.
 8 **MR. KIEFER:** Right.
 9 **CHAIRMAN CORNALE:** So they had to leave
 10 their home in order to actually reap the benefits of
 11 the property value guarantee.
 12 **MR. KIEFER:** We really don't have no basis
 13 to judge that because we don't have anything in our
 14 ordinance to address that. There's no line in the
 15 sand, so to speak, so we've got to look -- we've got
 16 to look at this, the evidence in the application on
 17 that. I guess that's not an issue for me. There
 18 was two other points, wasn't there?
 19 **CHAIRMAN CORNALE:** Okay, so let's look at
 20 5 again and just say -- unfortunately it's going to
 21 be the all or none. Do we feel that this is
 22 injurious to the use and enjoyment of the property
 23 in the vicinity and -- and/or is there a
 24 substantial -- substantially reduces the value of

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1 neighboring property? So if either condition is --
 2 if either portion of that is in question, then we're
 3 back to no. That's the way I read it. Is that --
 4 **MS. HUISMAN:** I agree.
 5 **MR. KIEFER:** So --
 6 **CHAIRMAN CORNALE:** What's your feelings on
 7 it?
 8 **MR. KIEFER:** So what are we considering?
 9 I mean are we considering property value is taken
 10 care of, so now we're going to look at what?
 11 **CHAIRMAN CORNALE:** Enjoyment.
 12 **MR. KIEFER:** Enjoyment.
 13 **CHAIRMAN CORNALE:** Yes.
 14 **MR. KIEFER:** How do you determine that?
 15 **CHAIRMAN CORNALE:** You live on a farm.
 16 **MR. KIEFER:** Uh-huh.
 17 **MR. VITZTHUM:** They're talking about the
 18 neighboring property not necessarily the property
 19 that's owned. Am I reading that right?
 20 **MS. HUISMAN:** John was saying we're
 21 talking about neighboring property not the property
 22 that the turbine's on.
 23 **MR. KIEFER:** Right, I --
 24 **MS. HUISMAN:** You got that?

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1 **MR. KIEFER:** Yes, correct.
 2 **MS. HUISMAN:** So I guess my two cents on
 3 that is I agree with what you said, Rich, about the
 4 property value, the company is trying to find some
 5 happy medium and threw out some suggestions. They
 6 may not be good enough in some people's eyes, but
 7 it's an attempt. But we listened to months of
 8 testimony from people that just don't want them
 9 because it's going to affect their quiet use and
 10 enjoyment of the property, just simply because they
 11 don't want to look at them or hear them.
 12 **MR. KIEFER:** I look at towers where I
 13 live. They're four or five miles away, but I do
 14 look at them, I mean I can see them. So I mean I'm
 15 not making a judgment one way or the other, but --
 16 **CHAIRMAN CORNALE:** Right.
 17 **MR. KIEFER:** -- does it bother me? No, it
 18 don't, but that's me. I could probably ask a couple
 19 other neighbors that don't feel the same way, but
 20 it's any -- it's anything you want to debate in
 21 life, it's going to be there's two sides of every
 22 issue. So whether or not is that a -- is that an
 23 infringement on someone's enjoyment?
 24 **CHAIRMAN CORNALE:** What's everybody's

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1 thoughts?
 2 **MR. VITZTHUM:** Well, the closer you're
 3 going to be to the tower, the more it's going to be
 4 injurious to you, you know. The guy that's less
 5 than a mile away is going to be more than you at
 6 four miles away.
 7 **MR. KIEFER:** Sure.
 8 **MR. VITZTHUM:** You know.
 9 **MR. KIEFER:** Sure.
 10 **MR. VITZTHUM:** And a lot of these people
 11 are -- a lot of these people are closer than three,
 12 four miles. You know, most of the people that
 13 was --
 14 **MR. KIEFER:** I understand that.
 15 **MR. VITZTHUM:** You know, to me it's a
 16 no-brainer that it's going to influence the way --
 17 you know, their enjoyment of their own property.
 18 **CHAIRMAN CORNALE:** The housing density in
 19 this particular project is very high.
 20 **MR. VITZTHUM:** Correct.
 21 **CHAIRMAN CORNALE:** And I think that really
 22 is --
 23 **MR. KIEFER:** That does make a difference
 24 in the --

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1 **CHAIRMAN CORNALE:** I think that really
 2 is -- has been a consideration both before for us
 3 and now. When you have so many houses within the
 4 proximity, it's obviously certainly brought a lot of
 5 people out with concern. So what do we think on
 6 that one?
 7 I think we have several that agree with
 8 enjoyment. I always have been and will always
 9 continue to be, after hours of testimony from
 10 everyone, questioning property value. Statistics
 11 don't provide me with valuable property value
 12 guarantee -- property value conclusions. It just
 13 doesn't work. Home sales are the only thing that I
 14 feel are good indicators of property value.
 15 So on the property -- on the value side, I
 16 say no, that's a portion thereof, and that's my two
 17 cents on that particular bullet.
 18 **MS. HUISMAN:** You say no, it will not be
 19 injurious --
 20 **CHAIRMAN CORNALE:** I say --
 21 **MS. HUISMAN:** -- or not substantiate --
 22 **CHAIRMAN CORNALE:** I say to the point 5,
 23 because I feel that property value could potentially
 24 be affected, my feeling is it does not meet, so no

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1 on that.
 2 **MS. IVERSON:** I agree, no.
 3 **MR. VITZTHUM:** I agree, no.
 4 **MR. KIEFER:** You all agree no on the
 5 property value, is that what you're talking about?
 6 **CHAIRMAN CORNALE:** Well, I -- it can be
 7 either/or on this.
 8 **MR. KIEFER:** A no vote on --
 9 **MR. VITZTHUM:** Not just necessarily the
 10 property value but the --
 11 **MS. IVERSON:** The whole thing.
 12 **MR. VITZTHUM:** -- the enjoyment of life
 13 and everything.
 14 **CHAIRMAN CORNALE:** We can't break it up.
 15 We can't say yes to the enjoyment and no to the
 16 value.
 17 **MR. VITZTHUM:** Correct.
 18 **CHAIRMAN CORNALE:** Or no to -- yes to the
 19 value and no to -- it's a yea or a nay.
 20 **MR. ZIMMERMAN:** It's where an individual
 21 comes from, because if they increase, it would not
 22 bother me. And I think there's another individual
 23 in this group that is wavering because we're looking
 24 at the agricultural value and that is the area that

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1 this ground is zoned by the county. And we have
 2 lost things by the county board that I value because
 3 there's -- the agricultural way of life is not
 4 necessarily what it was 30 years ago, 50 years ago.
 5 And that's the way it is, but that's where I
 6 personally come from.
 7 If I'm voting where I think the people in
 8 the Fairbury area where the project is intended for,
 9 I would probably vote different than my personal
 10 preference. But if the vote is not a tie or --
 11 that's where my feelings are coming from.
 12 **CHAIRMAN CORNALE:** All right. I guess,
 13 Howard, to that, I want to iterate the importance of
 14 voting to the facts presented. And if -- if
 15 opinions -- don't be wavered by opinions. If you
 16 feel the facts are the facts, whatever what
 17 direction it is, that's the way you need to vote. I
 18 mean really I would encourage that. And I think to
 19 all of us, we need to vote the way the facts were
 20 laid out. Opinions in every -- no matter what,
 21 somebody in this room isn't going to be happy with
 22 your decisions. I want to remind you of that.
 23 So vote -- vote how you feel that the
 24 facts have been presented to you and how they've

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1 affected you. I -- I don't want to purport anything
 2 onto you and I don't think anybody else here wants
 3 to purport our opinion onto you. Vote how you feel
 4 you need to vote.
 5 **MR. KIEFER:** It's a majority, let's move
 6 on.
 7 **CHAIRMAN CORNALE:** All right.
 8 **MR. KIEFER:** Four of them, four votes.
 9 **CHAIRMAN CORNALE:** So you guys are passing
 10 on that.
 11 **MR. KIEFER:** Abstaining.
 12 **CHAIRMAN CORNALE:** All right.
 13 **MS. HUISMAN:** Well, I'll just add on that
 14 one, I take a lot of pride in how we review our
 15 cases, and every time we have people come in and
 16 there's always two sides, one's happy, one's not
 17 happy or they're both not happy, and we try to find
 18 a happy medium. To me, that's where number 5 is at.
 19 Who's -- you know, will it be injurious to the use
 20 and enjoyment of other property and how will the
 21 neighbors -- can we let property owner A do what he
 22 wants to do on his property because property owner B
 23 has to look across the street at it and not like it.
 24 And, you know, whether we tell them to put up a

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1 fence or whatever we try to do, we've always tried
 2 to find the happy medium.
 3 And that's what this gives out for me and
 4 that's -- I'm the only one of us that lives in the
 5 footprint of this wind farm. I'm going to have
 6 people on both sides that are going to be mad no
 7 matter which way I vote. And I know there's a lot
 8 of folks here that will never buy my house because
 9 it will be -- if it's in the footprint of this wind
 10 farm. But I don't know, I'm not sold that they're
 11 going to reduce our property values, but I think it
 12 will -- it's highly likely that it could do that.
 13 But we've listened to months of testimony of people
 14 that it's going to bother them to have these around
 15 them, that it impacts their use and enjoyment of
 16 their property. And that's where I struggled with
 17 all these months.
 18 I don't think I'll mind wind turbines. I
 19 don't. I don't know how they're going to affect me
 20 if I live next to one, but I'm trying not to let my
 21 personal opinion cloud my thinking on how the facts
 22 have been presented to us. And I mean I think this
 23 is a very subjective question that is very hard for
 24 us to answer, especially a board like us that

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1 considers people, the residents of our county, and
 2 what they want to live with or not live with.
 3 **CHAIRMAN CORNALE:** True. Let's take ten
 4 minutes. We'll take a ten minute break. I've
 5 got -- what time have I got here? 7:39. So let's
 6 get going again at 7:49. We've got some cookies up
 7 here, too, on the tables if you guys want to come on
 8 up here.
 9 (Recess at 7:39 p.m. to 7:50 p.m.)
 10 **CHAIRMAN CORNALE:** If we can go ahead and
 11 try to make our way to our seats, we'll get going
 12 again.
 13 All right. Want to take this opportunity
 14 certainly to thank the audience. You guys did an
 15 excellent job that first hour. I know it's not the
 16 most fun and engaging thing that you can take part
 17 in, but I didn't hear anything from you guys, no
 18 outbursts or anything, so we appreciate that. Helps
 19 us get through this a lot quicker. And with that,
 20 let's go ahead and continue.
 21 Number 6, will not impede orderly growth,
 22 development and improvement of surrounding
 23 properties for those uses permitted in the zoning
 24 district. Anybody have any feelings regarding that?

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1 **MS. HUISMAN:** I don't really have an
 2 opinion. This is a first.
 3 **CHAIRMAN CORNALE:** All right. Certainly
 4 we can agree that most of the land is agricultural,
 5 so farmland in my eyes is farmland before or after
 6 towers. I think Howard would agree with that.
 7 **MR. ZIMMERMAN:** We will adapt. Farmers
 8 are pretty good at adapting to the situation at
 9 hand, and that's what's going to have to take place
 10 so the airplanes can dodge the towers.
 11 **CHAIRMAN CORNALE:** All right. We did
 12 hear, if memory serves me -- this is 34 nights of
 13 testimony that we've heard. I'm kind of digging
 14 deep. There was some evidence out there and I think
 15 it was spoke about once briefly. Somebody had some
 16 farmland they were possibly going to build a house
 17 on, there was maybe some reservation, but I don't
 18 know, I think that was a very localized issue. I
 19 don't know.
 20 I guess in general my thought is it
 21 wouldn't necessarily impede the growth for the uses
 22 in a regular agricultural district. I mean maybe
 23 for a subdivision.
 24 **MR. VITZTHUM:** The only place it would is

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1 where Forrest, the city of Forrest. That's the only
 2 place.
 3 **CHAIRMAN CORNALE:** Right.
 4 **MR. VITZTHUM:** And they made that
 5 decision.
 6 **CHAIRMAN CORNALE:** And Forrest, in fact,
 7 did make that decision that they were all right with
 8 it. So to the constituents of Forrest, their
 9 elected officials made that for them. So I guess to
 10 that one, my thought would be, yes, it is -- it is
 11 okay.
 12 **MR. KIEFER:** Yes.
 13 **CHAIRMAN CORNALE:** All right. What do you
 14 guys think?
 15 **MS. HUISMAN:** Do you have a thought?
 16 **CHAIRMAN CORNALE:** Howard is going to tell
 17 us, but go ahead.
 18 **MS. HUISMAN:** I'm going to say yes with
 19 this one.
 20 **CHAIRMAN CORNALE:** Okay.
 21 **MR. VITZTHUM:** I would probably say yes.
 22 **CHAIRMAN CORNALE:** Okay.
 23 **MS. IVERSON:** You have your vote. Four
 24 yeses. So no, I didn't say yes.

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1 **CHAIRMAN CORNALE:** All right, moving on to
 2 number 7, is provided or will be provided with
 3 adequate utilities, access roads, drainage and
 4 necessary facilities. This is certainly a lot
 5 different than a commercial high-rise going up as
 6 far as the need for utilities. I think this
 7 particular entity is willing to bring -- their whole
 8 business revolves around utilities. I think there
 9 have been accommodations made for access roads. I
 10 think they've spelled out a lot in that regard.
 11 Drainage, they discussed drainage and the
 12 possibility if there was some farm tile damage and
 13 the necessary repairs. Necessary facilities, I --
 14 there was some conversation and it was brief about
 15 their staging area in a potential shop, but I don't
 16 know that the shop would necessarily be in our
 17 zoning -- I think, isn't it in Forrest or their
 18 potential building or --
 19 **MR. VITZTHUM:** Outside the city limits.
 20 **CHAIRMAN CORNALE:** It is outside -- it's
 21 outside of Forrest?
 22 **MR. VITZTHUM:** I think it was.
 23 **CHAIRMAN CORNALE:** Okay. Regardless, what
 24 is your guys' feelings on this? Do you think that

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1 the project, the proposed project has all those
 2 entities?
 3 **MR. KIEFER:** (Nods head).
 4 **CHAIRMAN CORNALE:** Rich is a yes.
 5 **MR. KIEFER:** Yes.
 6 **MR. ZIMMERMAN:** Yes.
 7 **CHAIRMAN CORNALE:** Yes.
 8 **MS. HUISMAN:** Yes.
 9 **CHAIRMAN CORNALE:** All right. John, do
 10 you feel --
 11 **MR. VITZTHUM:** I guess the only one I have
 12 any questions about is the drainage, but then that's
 13 -- then they said they would have to deal with that,
 14 and that's pretty hard to -- that's going to be kind
 15 of an ongoing thing.
 16 **CHAIRMAN CORNALE:** I agree. I think that
 17 we all can agree and certainly the farmers of the
 18 group can attest to ongoing drainage issues, but I
 19 think they have attempted to put some language out
 20 there to correct any issues.
 21 Now, you know, the enforcement of those
 22 issues probably herein lie with the county zoning
 23 administrator. Sorry, Chuck, but --
 24 **MR. VITZTHUM:** As long as it ain't

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1 overtime.
 2 **CHAIRMAN CORNALE:** Right. Access roads.
 3 Access roads. We have heard counsel for the
 4 township indicate that they had been in conversation
 5 with them. I can't remember his name.
 6 **MS. IVERSON:** Bob Lenz.
 7 **CHAIRMAN CORNALE:** Bob Lenz, yes, that's
 8 it. Okay, so --
 9 **MR. BLAKEMAN:** The township attorney was
 10 Tom Brucker.
 11 **CHAIRMAN CORNALE:** Tom Brucker, okay.
 12 **MR. VITZTHUM:** He was the --
 13 **MS. IVERSON:** Well, Bob Lenz is the one
 14 representing the concrete --
 15 **MR. VITZTHUM:** Brucker was the drainage
 16 district, wasn't he? Wasn't Brucker drainage
 17 district?
 18 **CHAIRMAN CORNALE:** All right, what's your
 19 guys' feelings on 7?
 20 **MS. IVERSON:** Yes.
 21 **CHAIRMAN CORNALE:** Yes? Okay. All right.
 22 Yes? All right, it is provided with ingress and
 23 egress and so designed as to minimize traffic
 24 congestion in the public streets. Rich, your

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1 feeling is --
 2 **MR. KIEFER:** Yeah, I think it's all right.
 3 **CHAIRMAN CORNALE:** Okay, all right. There
 4 was some conversation with a representative from
 5 Prairie Central School District that was concerned
 6 about it. I believe the applicant indicated that
 7 they would be in talks with the Prairie Central
 8 School District to minimize any potential impacts
 9 they may have on traffic flow around -- was it the
 10 middle school? That would be in Forrest?
 11 **MS. HUISMAN:** Yeah, Forrest.
 12 **CHAIRMAN CORNALE:** Okay.
 13 **MS. HUISMAN:** Yeah, the junior high.
 14 **CHAIRMAN CORNALE:** All right, the junior
 15 high/middle school. All right, so are we
 16 comfortable with 8, as a yes on 8?
 17 **MS. HUISMAN:** I am.
 18 **CHAIRMAN CORNALE:** Okay, Joan is.
 19 **MR. KIEFER:** (Nods head).
 20 **MR. ZIMMERMAN:** (Nods head).
 21 **CHAIRMAN CORNALE:** Rich is indicating with
 22 a nod yes. Howard is indicating with a nod yes.
 23 All right. John?
 24 **MR. VITZTHUM:** (Nods head).

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1 **CHAIRMAN CORNALE:** Nod yes. All right.
 2 **MS. IVERSON:** Yes.
 3 **CHAIRMAN CORNALE:** All right. Yes, okay.
 4 All right. That leads us back to the one we
 5 skipped. Joan, it's coming back. Will not be
 6 detrimental to or endanger the public health,
 7 safety, morals, comfort or general welfare. And
 8 this really -- I mean this does get down to the crux
 9 of this whole process. Do we feel -- and each one
 10 of us may differ on this. Do we feel that it could
 11 be injurious to any of these or detrimental to?
 12 **MS. HUISMAN:** Well, I think what we said
 13 earlier was everybody -- each individual can react
 14 differently. I can't say it will not be with
 15 absolutely certainty. Like I said before, I don't
 16 think I'm qualified to answer this question, but
 17 based on what I listened to, if there's even just
 18 one person, it's detrimental to someone's public
 19 health, health or comfort. That's the only way I
 20 can -- conclusion I can come to.
 21 **CHAIRMAN CORNALE:** All right.
 22 **MR. VITZTHUM:** With that line in the sand,
 23 you say no.
 24 **MS. HUISMAN:** So with the line in the

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1 sand, he says no.
 2 **CHAIRMAN CORNALE:** All right.
 3 **MR. VITZTHUM:** I'll say no.
 4 **CHAIRMAN CORNALE:** All right.
 5 **MS. IVERSON:** No.
 6 **CHAIRMAN CORNALE:** All right. You guys
 7 have anything?
 8 **MR. KIEFER:** You first.
 9 **CHAIRMAN CORNALE:** Wow. Thanks, Rich.
 10 You guys have anything to add to this, to the
 11 conversation, or any thoughts or feelings about this
 12 or anything that you've seen in the testimony, the
 13 evidence presented, that should be considered either
 14 way?
 15 **MR. KIEFER:** It's a tough, it's a tough --
 16 **CHAIRMAN CORNALE:** Very subjective.
 17 **MR. KIEFER:** Yes, it's a personal or --
 18 shouldn't be personal, but I mean it's a person by
 19 person perspective. So I can't make -- I can't make
 20 a yes or no out of it.
 21 **MR. VITZTHUM:** Pass the buck.
 22 **CHAIRMAN CORNALE:** No?
 23 **MR. ZIMMERMAN:** (Shrugs shoulders).
 24 **CHAIRMAN CORNALE:** No. No for me. All

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1 right. All right, so we've looked at all eight. I
 2 like these that answer themselves. Does that leave
 3 three to -- three from the front page, whether the
 4 special use is consistent with the spirit, purpose
 5 and intent of these regulations, will not
 6 substantially and permanently injure the appropriate
 7 use of neighboring property and will not be
 8 detrimental to the public convenience and welfare.
 9 So as we answered those, does this answer itself?
 10 One line in here that really I do struggle
 11 with is permanently. That is a hard one to throw
 12 around because there's a shelf life on the project.
 13 The project has a shelf life of 30 years or whatever
 14 it may be.
 15 **MR. VITZTHUM:** Well, that would depend,
 16 wouldn't it?
 17 **CHAIRMAN CORNALE:** Right.
 18 **MR. VITZTHUM:** That's not to say they
 19 couldn't come in and --
 20 **CHAIRMAN CORNALE:** Re-power.
 21 **MR. VITZTHUM:** Re-power, right.
 22 **CHAIRMAN CORNALE:** Right.
 23 **MR. VITZTHUM:** That's the proposed life
 24 span.

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1 **CHAIRMAN CORNALE:** All right, but do we
 2 feel that -- as I muddy the water, do we feel that
 3 if there were any noes in the 1 through 8, then that
 4 question answered itself?
 5 **MS. IVERSON:** I think so.
 6 **MR. VITZTHUM:** I would think so.
 7 **CHAIRMAN CORNALE:** Diana, you feel that it
 8 would have?
 9 **MS. IVERSON:** (Nods head).
 10 **CHAIRMAN CORNALE:** Okay. John?
 11 **MR. VITZTHUM:** I think so.
 12 **CHAIRMAN CORNALE:** Okay.
 13 **MS. HUISMAN:** Yeah, I would agree with
 14 that --
 15 **CHAIRMAN CORNALE:** Okay.
 16 **MS. HUISMAN:** -- as well.
 17 **CHAIRMAN CORNALE:** Gentlemen?
 18 **MR. VITZTHUM:** The mark in the sand is to
 19 you.
 20 **MR. KIEFER:** I guess we don't know. Logic
 21 would say yes.
 22 **CHAIRMAN CORNALE:** Logic would say that,
 23 yes, if there's a no, then the question answered
 24 itself.

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1 **MR. KIEFER:** Right.
 2 **CHAIRMAN CORNALE:** All right. With that,
 3 3 is a no. All right, okay. Let's further break
 4 that up to the subparts. All right, let me figure
 5 out the subparts of this particular statement.
 6 Okay. So as we consider 3, let's consider
 7 the three subparts, whether the special use is
 8 consistent with the spirit, purpose and intent of
 9 these regulations, and the regulations are -- that
 10 goes back to the special use regulations.
 11 I guess my feeling is it is consistent
 12 with the spirit, purpose and intent of special use
 13 regulations. It doesn't -- it doesn't meet all the
 14 requirements, but it is -- it is consistent to that.
 15 Are you guys --
 16 **MS. IVERSON:** That part is yes.
 17 **CHAIRMAN CORNALE:** Okay, and that's what
 18 we'll do. We'll individually break this apart and
 19 discuss each subpart so that it is correctly
 20 indicated in our findings of facts.
 21 So that subpart, whether the special use
 22 is consistent with the spirit, purpose and intent of
 23 these regulations, do you feel that the application
 24 for special use is consistent with the spirit,

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1 purpose and intent of an allowable special use?
 2 **MR. KIEFER:** Yes.
 3 **CHAIRMAN CORNALE:** What do you think,
 4 Howard?
 5 **MR. ZIMMERMAN:** The use of neighboring
 6 property is what --
 7 **CHAIRMAN CORNALE:** Okay, we're not looking
 8 at that line.
 9 **MR. ZIMMERMAN:** Huh?
 10 **CHAIRMAN CORNALE:** We're only discussing
 11 whether the special use is consistent with the
 12 spirit, purpose and intent of these regulations.
 13 Right up to the comma. Do we feel that the special
 14 use application is, in fact, consistent with that?
 15 Joan, what do you think?
 16 **MS. HUISMAN:** Yeah, if we're talking about
 17 it being consistent, I read this the first time and
 18 I thought does it meet our requirements in our
 19 ordinance --
 20 **CHAIRMAN CORNALE:** Right.
 21 **MS. HUISMAN:** -- for the special uses? I
 22 would say yes, it's consistent --
 23 **CHAIRMAN CORNALE:** Okay.
 24 **MS. HUISMAN:** -- with our regulations.

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1 **CHAIRMAN CORNALE:** John, consistent?
 2 **MR. VITZTHUM:** Yes.
 3 **CHAIRMAN CORNALE:** Diana?
 4 **MS. IVERSON:** Yes.
 5 **CHAIRMAN CORNALE:** Okay. Howard, you
 6 don't have to make a decision. Got you out of that
 7 one, didn't I?
 8 All right. Will not substantially and
 9 permanently injure the appropriate use of
 10 neighboring properties. Thoughts, feelings,
 11 questions, concerns, ideas?
 12 **MS. IVERSON:** I think we already answered
 13 no to that in a couple of these others. It does not
 14 meet.
 15 **MR. VITZTHUM:** I would say it would be a
 16 no.
 17 **MS. IVERSON:** It does not.
 18 **MR. KIEFER:** Number 2?
 19 **MS. IVERSON:** The second part of number 3,
 20 it does not meet.
 21 **CHAIRMAN CORNALE:** All right. Do we have
 22 a consensus on that?
 23 **MR. VITZTHUM:** I say it don't.
 24 **CHAIRMAN CORNALE:** Does not, okay.

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1 **MS. HUISMAN:** Does not.
 2 **CHAIRMAN CORNALE:** Does not. Gentlemen,
 3 do you guys have a thought on that?
 4 **MR. KIEFER:** Well, based on how we went
 5 through the individual --
 6 **CHAIRMAN CORNALE:** By default.
 7 **MR. KIEFER:** -- guidelines, default.
 8 **CHAIRMAN CORNALE:** All right. By default,
 9 that portion thereof is no. All right, the last
 10 portion, and will not be detrimental to the public
 11 convenience and welfare. And this is a -- this is
 12 kind of a two part and this is an interesting two
 13 part because it really discusses public convenience
 14 and then welfare. This is really -- I mean there
 15 were -- I think our previous discussions have had
 16 some problems with welfare issues. I think the
 17 public convenience, we've all agreed we were
 18 comfortable with Mr. Parzyck's conversation with
 19 Prairie Central School Board, we thought that was
 20 good, but is the welfare going to be a sticking
 21 point on that particular one?
 22 **MR. VITZTHUM:** What do you mean by public
 23 convenience though?
 24 **MS. IVERSON:** Right.

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1 **CHAIRMAN CORNALE:** I guess public
 2 convenience to me would be the ability to move about
 3 the community, roads are still open, accessible,
 4 possibly better.
 5 **MS. IVERSON:** Well, there will be a big
 6 inconvenience to the farmers if this goes through in
 7 harvest, bringing all those trucks in with all those
 8 big pieces of turbines, all the rock hauling. It
 9 could be an inconvenience to school buses, the
 10 public getting around out in the rural areas.
 11 **CHAIRMAN CORNALE:** Okay, I never really
 12 looked at that, but certainly in the harvest season
 13 you're absolutely right. You know, I guess with
 14 that, you kind of look at the trade-off of how much
 15 traffic is there. You know, I see -- I see
 16 certainly a large quantity of rock hauling on 47
 17 being a problem, but maybe down a county road where
 18 there's not a terrible lot of -- you know, I don't
 19 know, but that's just my thought.
 20 Do you guys have anything on how you guys
 21 feel if the project would or would not be
 22 detrimental to the public convenience and welfare?
 23 **MR. KIEFER:** I think any time something
 24 changes our habits it's an inconvenience, but common

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1 sense and logic thinking should come through on this
 2 one. I think it's -- it meets it, yes.
 3 **CHAIRMAN CORNALE:** All right. Howard,
 4 nothing?
 5 **MR. ZIMMERMAN:** No, no.
 6 **CHAIRMAN CORNALE:** Okay, okay. You guys
 7 with regard to public convenience and welfare?
 8 **MS. IVERSON:** I'm going to say no.
 9 **CHAIRMAN CORNALE:** Okay.
 10 **MR. VITZTHUM:** I have to say no.
 11 **CHAIRMAN CORNALE:** John's a no.
 12 **MS. HUISMAN:** I guess I'd have to say no
 13 as well. I don't like combining public convenience
 14 and welfare together, but it's there.
 15 **CHAIRMAN CORNALE:** Right, that's my
 16 sticking point. I would say to public convenience,
 17 it's perfectly fine.
 18 **MS. HUISMAN:** I agree.
 19 **CHAIRMAN CORNALE:** But as you add the
 20 welfare, I'm afraid that it's -- my thought is no.
 21 **MR. KIEFER:** What's the welfare?
 22 **MS. HUISMAN:** We're kind of the same as
 23 number 2 at the bottom, at the very bottom of that
 24 page.

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1 **CHAIRMAN CORNALE:** Yeah, would not be
 2 detrimental to or endanger the public health,
 3 safety, morals, comfort or general welfare, and we
 4 said no on that. See, but they've added -- but
 5 they've added the public convenience. And I -- your
 6 opinion certainly is well taken in that the public
 7 convenience is something we can live with, we can
 8 work through, we can get past, and at the end of the
 9 project, is there really any inconvenience? And the
 10 answer to that would probably be there wouldn't be,
 11 so -- but because they tied the two together, we
 12 have to, I guess, act on it. I voted no, so no.
 13 All right. Mr. Blakeman, you can confirm
 14 for me that we have, in fact, answered all portions
 15 of the subsets and the three conditions with an
 16 affirmative yes or no?
 17 **MR. BLAKEMAN:** That's correct.
 18 **CHAIRMAN CORNALE:** All right. I guess
 19 with that, we can -- are we prepared to possibly
 20 open the floor up for a motion to act on this?
 21 **MS. HUISMAN:** Well, do we have to do a
 22 motion? I think we talked about this earlier and we
 23 don't have to do a motion before we discuss some
 24 issues. I know we have already been discussing.

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1 **CHAIRMAN CORNALE:** Right, right, okay.
 2 And we can -- that is correct, we can continue a
 3 discussion about any issues that have been raised,
 4 anything -- we've answered the questions. Now it's
 5 just our time to freely discuss amongst the group.
 6 **MS. HUISMAN:** Okay, so if we're going to
 7 -- I guess to get to how we're going to vote, if we
 8 were going to vote to not grant the special use,
 9 then is there any purpose in us going through the
 10 exercise of thinking through special conditions?
 11 **MR. ZIMMERMAN:** To me, the Roberts Rules
 12 of Order say the motion has to be positive, so it
 13 has to be a motion to approve the special use, and
 14 we can vote it down or we can vote to accept.
 15 **CHAIRMAN CORNALE:** That is correct. To
 16 Joan's point, this particular -- at this particular
 17 time, we're not bound to the Roberts Rules of Order,
 18 so our discussion can be prior to any motion that we
 19 make. So if there's more that we need to discuss,
 20 we're free to do that. I mean we can make the
 21 motion and discuss if you guys are more comfortable
 22 with that.
 23 Nowhere in our specific hearing procedure
 24 guidelines does it say that at this point in time we

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1 have to adhere to that Roberts Rules of Order, and
 2 in the past we have not. We did not make the motion
 3 previous to discussion. So at our normal meetings,
 4 we do. In this particular situation, we're okay to
 5 discuss.
 6 **MS. HUISMAN:** Well, if I was going to vote
 7 to approve it or grant the special use, I would want
 8 special conditions or conditions attached like we've
 9 done at our other wind farm hearings, and it takes
 10 time to think those through and word them and come
 11 up with them. And I'm game for doing that, but if
 12 we're going to vote not to grant it, then that's --
 13 we're just -- it would be a waste of time, so --
 14 **CHAIRMAN CORNALE:** Right. I guess --
 15 **MS. HUISMAN:** And I'm asking because I
 16 typically --
 17 **CHAIRMAN CORNALE:** Right.
 18 **MS. HUISMAN:** -- make the motion and
 19 verbalize the special conditions, and like I said,
 20 I'm game for doing that, but that's going to take
 21 some time.
 22 **CHAIRMAN CORNALE:** Sure. I guess my
 23 thought, based on previous situations that we've
 24 been through, we have exhausted a lot of time,

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1 effort, resources, et cetera, et cetera, et cetera,
 2 for those to possibly not be considered at all. Do
 3 we expend the effort? I don't know. What's your
 4 guys' thoughts? We all know where we've been and
 5 what we've done and what's happened with them.
 6 **MR. KIEFER:** Make a motion.
 7 **CHAIRMAN CORNALE:** Before you make a
 8 motion -- all right, okay. Certainly at this time I
 9 want to thank everyone throughout this process.
 10 It's been a long process, 34 nights, 35 nights.
 11 Certainly thank the applicant. They've done a great
 12 job presenting everything. Mr. Luetkehans has done
 13 a great job. The audience has been excellent
 14 throughout this whole proceeding. Really, hats off.
 15 You guys have really been there night after night
 16 coming out for this. This is -- this is your
 17 government at work for you. We've struggled up here
 18 a little bit, but I think we've made it through the
 19 process.
 20 I certainly want to recognize the five
 21 board members sitting in front of me here. They've
 22 been here just as much as I have. And they've spent
 23 a lot of hours and time and effort in this. And I
 24 certainly -- at this point, I certainly would like

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1 to hear a round of applause for them. They've done
 2 an awesome job.
 3 (Applause.)
 4 **CHAIRMAN CORNALE:** Thank you. Thank you,
 5 each of you, for the time you've spent. Chuck,
 6 you've been great during this whole process. He's
 7 been there, he's had everything that we've asked
 8 for. Mr. Blakeman, Mr. Griffin, they've been here.
 9 Mr. Griffin, he doesn't say much, but he's always
 10 thinking. Tom's always giving me everything
 11 necessary to keep the meetings moving along.
 12 Certainly just want to thank everybody again. Our
 13 court reporter, I know there's been nights that
 14 she'd like to strangle me. We worked through it.
 15 I guess with that, just what we promised
 16 at the beginning, a very open and clear, I think my
 17 words were transparent -- Mr. Blazer might quote me
 18 on that, but I believe I said a transparent hearing
 19 process, and I believe that we truly have given that
 20 to all you individuals. You know, there was some
 21 conversation about possibly having some findings of
 22 facts and decisions. I said no, we don't want them.
 23 We -- there's nothing preemptive in this process.
 24 So know that -- know that we have given everybody

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1 out there what they deserve.
 2 Whatever the decision is, I ask that you
 3 guys in the audience let us leave and go home in our
 4 merry ways, and when we see each other on the
 5 street, you can still smile and greet everybody just
 6 the same as if the decision went for you or went for
 7 the other side.
 8 So with that, I believe Joan may be ready
 9 to make a motion.
 10 **MS. HUISMAN:** All right, I'll make a
 11 motion to approve Livingston County Zoning Case No.
 12 SU-7-14.
 13 **CHAIRMAN CORNALE:** All right. So that we
 14 can be clear, your motion is to approve SU-7-14 as
 15 presented, all evidence presented, any ancillary
 16 documents that may have been presented at a later
 17 date regarding property value guarantee, good
 18 neighbor plan, et cetera, et cetera, et cetera.
 19 Those are to be all inclusive.
 20 **MS. HUISMAN:** What if I just say all
 21 exhibits accepted into the record?
 22 **CHAIRMAN CORNALE:** Sounds good. All
 23 right. Do we -- would we like to expend any effort
 24 on special use conditions at this time?

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1 All right. Before we -- can I get a
 2 second for that and then we'll possibly talk about
 3 special use conditions.
 4 **MR. KIEFER:** Second.
 5 **CHAIRMAN CORNALE:** All right, the motion
 6 has been seconded by Kiefer. All right. Would we
 7 like to discuss -- would we like to discuss special
 8 use conditions?
 9 **MR. VITZTHUM:** Call for the question.
 10 **CHAIRMAN CORNALE:** Call for the question.
 11 **MR. SCHOPP:** Michael Cornale.
 12 **CHAIRMAN CORNALE:** No.
 13 **MR. SCHOPP:** John Vitzthum.
 14 **MR. VITZTHUM:** No.
 15 **MR. SCHOPP:** Richard Kiefer.
 16 **MR. KIEFER:** No.
 17 **MR. SCHOPP:** Diana Iverson.
 18 **MS. IVERSON:** No.
 19 **MR. SCHOPP:** Howard Zimmerman.
 20 **MR. ZIMMERMAN:** No.
 21 **MR. SCHOPP:** And Joan Huisman.
 22 **MS. HUISMAN:** No.
 23 **CHAIRMAN CORNALE:** All right. With that,
 24 our recommendation to the county board will be to

1 not approve Special Use 7-14. The basis of our
2 decision will be executed in findings of fact. They
3 will be presented. We will -- we will have another
4 meeting. Counsel is working this out behind me
5 here. Mr. Blakeman, I'm correct in saying that we
6 will have another meeting Thursday, 6:30. Location?

7 **MR. SCHOPP:** At this point in time, it's
8 planned to be at the historic courthouse.

9 **CHAIRMAN CORNALE:** All right, at the
10 courthouse. What will happen at that particular
11 meeting, there will be a -- it will be, I guess,
12 preemptive. A motion will be made to have me as the
13 acting chairperson sign the findings of facts which
14 we have deliberated through this evening. The
15 findings of facts will adequately represent each of
16 the points that we have discussed this evening and
17 will answer each of them in a yes or no fashion as
18 discussed.

19 So with that, is there anything else that
20 we need to add at this time?

21 **MR. SCHOPP:** Just regards to the Thursday
22 meeting, I just want to make sure that Mr. Cornale
23 and you three are going to plan on being there
24 Thursday night?

1 STATE OF ILLINOIS)
2 COUNTY OF FORD)SS
3)

4 I, June Haeme, a Notary Public in and for
5 the County of Ford, State of Illinois, do hereby
6 certify that the following Livingston County Zoning
7 Board of Appeals Case SU-7-14 hearing was taken at
8 the Pontiac Township High School, 1100 East Indiana
9 Avenue, Pontiac, Illinois, on June 2, 2015.

10 That the said testimony was taken down in
11 stenograph notes and afterwards reduced to
12 typewriting under my instruction and that the
13 transcript is a true record of the testimony given.

14 I do further certify that I am a
15 disinterested person in this cause of action; that I
16 am not a relative, or otherwise interested in the
17 event of this action, and am not in the employ of
18 the attorneys for either party.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and affixed my notarial seal this 15th day of
21 June, 2015.

22 JUNE HAEME, CSR
23 NOTARY PUBLIC

24 "OFFICIAL SEAL"
June Haeme
Notary Public, State of Illinois
My Commission Expires:
September 27, 2016

1 **MS. HUISMAN:** (Nods head).

2 **MR. SCHOPP:** Okay. Just making sure we
3 have a quorum.

4 **CHAIRMAN CORNALE:** Okay, we will have a
5 quorum for Thursday? Okay. All right. So a motion
6 will be made for me to sign those findings of fact
7 and that will conclude everything. Should be a
8 short meeting. There again, it's open to the public
9 to attend, but no public comment at that particular
10 hearing.

11 So I need a motion -- we can't adjourn
12 yet. We need a motion to recess still.

13 **MR. VITZTHUM:** I'll make a motion to
14 recess.

15 **CHAIRMAN CORNALE:** All right, Vitzthum
16 with a motion to recess.

17 **MS. IVERSON:** (Raises hand).

18 **CHAIRMAN CORNALE:** All right, Iverson
19 seconds. All in favor?

20 **ALL MEMBERS:** Aye.

21 **CHAIRMAN CORNALE:** Opposed? All right.
22 Thank you, everyone.

23 (Adjourned at 8:29 p.m.)
24

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