

1 IROQUOIS COUNTY, ILLINOIS

2 ZONING BOARD OF APPEALS

3 01/28/2026

4 6:00 p.m.

5 ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

6 LOUIS CREEK SOLAR, LLC

7  
8  
9 ZONING BOARD OF APPEALS MEMBERS PRESENT:

10 Wayne Wagner, Chairman  
11 Steve Anderson  
12 Jerry Bennett  
13 Steven R. Rapp

14 Also present:

15 Julie Feller, Zoning Administrator

16 COUNSEL FOR ZONING BOARD OF APPEALS:

17 Mr. Andrew Keyt  
18 Ms. Alex Rives  
19 Mr. Brian Tuck  
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1           ZBA CHAIRMAN WAYNE WAGNER: It's six o'clock. I'll  
2 call this meeting to order. Show roll call for the Zoning  
3 Board of Appeals Officers.

4           JULIE FELLER: Steve Anderson?

5           ZBA MEMBER STEVE ANDERSON: Here.

6           JULIE FELLER: Jerry Bennett?

7           ZBA MEMBER JERRY BENNETT: Here.

8           JULIE FELLER: Steve Rapp?

9           ZBA MEMBER STEVEN R. RAPP: Yes.

10          JULIE FELLER: Wayne Wagner?

11          ZBA CHAIRMAN WAYNE WAGNER: Here. If we could all rise  
12 and say the Pledge of Allegiance to the Flag of our  
13 Nation.

14          (PLEDGE OF ALLEGIANCE.)

15  
16          ZBA CHAIRMAN WAYNE WAGNER: Approval of our meeting  
17 from the minutes from the previous meeting?

18          ZBA MEMBER STEVEN R. RAPP: I'll make a motion to  
19 approve.

20          ZBA MEMBER JERRY BENNETT: Second.

21          ZBA CHAIRMAN WAYNE WAGNER: Others all say aye?

22          ZBA MEMBER STEVE ANDERSON: Aye.

23          ZBA MEMBER STEVEN R. RAPP: Aye.

24          ZBA CHAIRMAN WAYNE WAGNER: The Facilitator for this

1 evening is Andrew Keyt.

2 MR. ANDREW KEYT: Thanks, Chairman. My name's Andy  
3 Keyt, for those of you who are unfamiliar. I'm the Hearing  
4 Facilitator that the County uses, and represent the County  
5 in relation to the renewable energy projects. For those  
6 of you who are uninitiated to the process, I know I see a  
7 lot of familiar faces, but I'm just going to quickly run  
8 through just a 10,000-foot view of the process that we do.

9 There are six hearings up on tonight's agenda. There  
10 are three conditional use hearings and three variances.  
11 Each one has a variance associated with it. We take each  
12 case one at a time. The first on the agenda is the Louis  
13 Creek Project. The process will look the same for each of  
14 them, and what will occur is, the Applicant will be able  
15 to present testimony. They do that under oath. So  
16 anybody's whose wishing to provide testimony, you do so  
17 under oath. There is a Court Reporter here that's taking  
18 everything down. Every witness from the Applicant or from  
19 the public who wishes he's to testify, you do so under  
20 oath. That means you're subject to cross-examination.  
21 Members from the Zoning Board of Appeals may ask  
22 questions. County Staff may ask questions. People from  
23 the public can ask questions of the Applicant and vice  
24 versa.

1           We will go through that process for each hearing at a  
2 time. They don't get mixed together. Louis Creek will go  
3 first. There's a conditional use permit application that  
4 is actually coming back from the Zoning Board, and it's  
5 going to be on specific issues. I'll explain that when we  
6 get to that and open that case.

7           Once the Applicant has gone, anybody from the public  
8 who wishes to provide testimony or documents will have an  
9 opportunity to do so. So it will be very clear when I ask  
10 you for any information from the public if anybody wants  
11 to provide any testimony, documentary or verbally, you can  
12 do so. You get sworn in by the Court Reporter. The same  
13 process takes place for each hearing. Once we get through  
14 that hearing process, the evidentiary part of it, the  
15 Zoning Board of Appeals will then close and deliberate on  
16 the issues.

17           Just so everybody understands, the Court Reporter is  
18 taking down everything that gets said. It is important  
19 that you -- there's no heckling, we're not talking at the  
20 same time. You have to keep noise in the audience to a  
21 minimum because she has to be able to hear what the  
22 witness is saying, and she also has to be able to hear  
23 whoever is asking that person questions. They have to be  
24 able to hear what that person's saying. So it's important

1 for the Court Reporter's sake just to keep any  
2 communications or side conversations, just take them out  
3 in the hall so you're not disturbing the process. There's  
4 no heckling, there's no cheering, there's no clapping,  
5 there's none of that. It's an orderly process. I guarantee  
6 if you have a question about when it will be your  
7 opportunity to ask a question or present your own evidence  
8 or testimony, I guarantee you will know because I will  
9 call you out one at a time, people can raise their hands,  
10 and you'll come up and provide whatever information or  
11 questions you want to provide.

12 There are a number of hearings up. We'll ask everybody  
13 to just be as efficient as you can when we're going  
14 through everything. Anything that's redundant, we may  
15 limit that, but...

16 To that extent, does anybody either from the Zoning  
17 Board or from the public or for an Applicant have any  
18 questions from me before we start? Going once, going  
19 twice. Okay.

20 JULIE FELLER: The only housekeeping I have is that  
21 whoever comes up to testify, they enter on this side  
22 (indicating) so that we don't disturb the Transcriber.

23 MR. ANDREW KEYT: Okay. One thing I'm going to explain  
24 is about public comment. There's actually two

1 opportunities for public comment. The first opportunity  
2 for public comment is going to come up here in a second.  
3 Public comment in the first one is related to anything  
4 that's not related to what's on the agenda. So if you want  
5 to say something about a specific project, if you want to  
6 say something about the Louis Creek or any of the US Solar  
7 Projects, you'll have an opportunity for public comment  
8 when those specific hearings come up, but in the mean time  
9 if anybody has any public comment they wish to make  
10 unrelated to the projects, now would be the time to do so.  
11 Is there anybody here that wants to make public comment,  
12 unrelated to the projects, not testimony, just public  
13 comment about anything? It could be how great the Hearing  
14 Moderator is --

15 (Laughter in the room.)

16 MR. ANDREW KEYT: Okay. Going once, twice. Hearing  
17 none. Okay, we're going to jump into the first hearing. I  
18 think Julie, do you have a read-in for that specific  
19 hearing?

20 JULIE FELLER: Yes.

21 *PLEASE TAKE NOTICE: Public Notice is hereby*  
22 *given that on Wednesday January 28, 2026, commencing at*  
23 *6:00 p.m., Iroquois County Zoning Board of Appeals will*  
24 *hold a public hearing at the Clifford Bury Administrative*

1 Center, 1001 East Grant Street, Watseka, Illinois to  
2 consider the Application of Louis Creek Solar zoning case  
3 #25-ZBA-005, which seeks a Conditional Use Permit to  
4 construct and operate a commercial solar energy facility  
5 with Battery Storage on 380 acres of land and an  
6 approximate nameplate capacity of 50 MW (ac.) and 10 MW of  
7 Battery Storage. In addition, the Applicant seeks a  
8 variance from Section VII.K.3, the Iroquois County  
9 Commercial Solar Energy Facility Ordinance to allow for an  
10 alternative buffer to the required living buffer.

11 The hearing is supplemental to any and all prior  
12 hearing(s) on the proposals and is limited in scope to the  
13 following issues and only evidence related to these  
14 matters will be considered by the Zoning Board of Appeals:

15 1. Surface and subsurface drainage of the site,  
16 including but not limited to:

17 a. Identification of parcels and number of acres  
18 draining to any of the Project's participating  
19 parcels;

20 b. The identification of parcels and number of  
21 acres draining to the Project's participating parcels  
22 through the subsurface draining features, including  
23 drain tiles;

24 c. Identification of parcels and number of acres

1       drained by the surface drainage of any of the  
2       Project's participating parcels;

3             d. Identification of drain tile within the  
4       proposed Battery Energy Storage System and potential  
5       alternative location(s);

6             e. Current elevation of the proposed Battery  
7       Energy Storage System;

8             f. The potential drainage impacts of the Project  
9       and potential design alternatives to mitigate or  
10       eliminate drainage impacts;

11       2. Additional information regarding specific  
12       materials planned to be used for the chain link visual  
13       barrier in lieu of the living vegetative buffer;

14       3. Additional information regarding the specific  
15       component manufacturers of the solar panels, racking  
16       system and Battery Storage System; and

17       4. Such other matters reasonably related to items 1-3  
18       above.

19       The location of the proposal is in Artesia Township,  
20       Parcel #'s 29-14-200-009, 29-14-200-008, 29-14-400-003,  
21       29-11-300-004, 29-11-400-001, 29-11-400-003, 29-12-300-001  
22       and 29-14-300-003, Section 11 and 14 Township 25 N Range  
23       10E. There are multiple addresses for the parcels involved  
24       but the primary is 1009 N 500 East Road Buckley, Illinois.

1     *The parcels are owned by Carroll Hubler Trustee, Earl &*  
2     *Eloise Rust and Myron & Belinda Rust.*

3             *The Applicant is Louis Creek, LLC a limited liability*  
4     *company. Louis Creek Solar, LLC's registered place of*  
5     *business is 233 South Wacker Drive, Suite 9450, Chicago,*  
6     *Illinois. Louis Creek Solar, LLC owned by Allium Renewable*  
7     *Energy, LLC (formally PNE), located at 233 South Wacker*  
8     *Drive, Suite 9450, Chicago, Illinois. The officer and*  
9     *managing partner is Lotus Infrastructure Partners of 5*  
10    *Greenwich Office Park 2nd Floor, Greenwich, Connecticut.*  
11    *The Applicant is not operating under an assumed name.*

12            *The legal descriptions for participating parcels are*  
13    *as follows: 33.82 @ NE4; 27.54 @ NE4 EX RR; E2 W2 SE4 & W*  
14    *of RR E2 SE4 EX 1 @ NE Cor & EX 5.63 N; 40.10 @ E of ROW*  
15    *#57 SW4; NE4 SE4; NW SE4 & S2 SE4 W RR EX 2.79 @ W RR W2*  
16    *SW4 and E 106.67 @ W 200 @ S2. All persons wishing to be*  
17    *heard in support of or opposition of the proposed*  
18    *conditional use shall be afforded such an opportunity and*  
19    *may submit their statement orally, in writing, or both.*

20  
21            MR. ANDREW KEYT: Okay. Thanks, Julie. Is the  
22    Applicant here? Is someone for the Applicant here? Okay.  
23    Why don't you step forward. As a reminder both to the  
24    Applicant and anybody from the public, this is a hearing

1 that is on a remand back from the County Board. It has  
2 already gone through a Special Use Permit hearing process.  
3 The only items that are back here for consideration are  
4 the items related to drainage, surface and subsurface  
5 drainage that Julie has already mentioned, and then any  
6 information regarding component manufacturers of the  
7 panels, racking system, battery storage, and additional  
8 information regarding the planned chain link visual  
9 barrier in lieu of the living buffer which is the variance  
10 portion. That is the only evidence or testimony that can  
11 be related to this particular hearing tonight. All right.  
12 With that, I think you can you swear in Mr. Griscom.

13 DAVID GRISCOM: One at a time?

14 MR. ANDREW KEYT: Yes, one at a time.

15 (Witness sworn.)

16 **DAVID GRISCOM,**

17 called as a witness in the above matter, having been first  
18 sworn, was examined and testified as follows:

19  
20 MR. ANDREW KEYT: Mr. Griscom, state your name and  
21 spell it for the record, please, and then also provide  
22 your address.

23 DAVID GRISCOM: David Griscom. Last name is spelled  
24 G-R-I-S-C-O-M. Address is 233 South Wacker, Suite 9450,

1 Chicago, Illinois, 60606.

2 MR. ANDREW KEYT: Okay. Thank you. You can proceed  
3 with your testimony.

4  
5 DAVID GRISCOM: Thank you, Members of the Zoning Board  
6 and to the public for showing up tonight. We appreciate  
7 your time and attention to this matter. We have been  
8 before -- can you guys hear me all right? We have been  
9 before this Board twice before, in July and August of  
10 2025, and as Mr. Keyt noted, we were requested to address  
11 several items that are on the agenda. We are only going to  
12 address those items on the agenda. So we're not going to  
13 go into a lot of detail about our Company. We have a  
14 presentation that's very brief for you. We're going to  
15 hand it out. My colleague Jesse is going to hand out the  
16 presentation, as well as the hand-outs for each Member  
17 here. While he's doing that, I'll introduce my Team.

18 So again, I'm David Griscom. I'm the Director of  
19 Development for Allium Renewable Energy.

20 Jesse Hopkins-Hoel is our Chief Development Officer.

21 Jeffrey Carroll is our Director of Permitting.

22 Kelsey Bosn is our Director of Construction.

23 And then we've got Ryan Green Pinion Global, our drain  
24 tile Contractor.

1 MR. ANDREW KEYT: Before you keep going, David, it  
2 looks like two documents are being handed out, and are you  
3 wishing to add these to the evidentiary record?

4 DAVID GRISCOM: Yes.

5 MR. ANDREW KEYT: Okay. Let's identify them for the  
6 record. The first one, on the cover sheet, it says: *Louis*  
7 *Creek Solar, LLC, Public Hearing - Zoning Board of Appeal,*  
8 *January 28, 2026.* Kind of looks like the slide deck of a  
9 power point presentation perhaps?

10 DAVID GRISCOM: Correct. That's our slide document.

11 MR. ANDREW KEYT: We'll mark that as -- I think there  
12 are a couple others. How about Supplemental Hearing  
13 Exhibit G, and I'll just mark it as Power Point 128. Is  
14 there anyone that has an objection to the power point  
15 presentation coming into evidence? Going once, twice?  
16 Hearing none, that will be admitted into the record.

17 Second one is, looks like a Memorandum from Westwood  
18 dated November 4, 2025.

19 DAVID GRISCOM: That is our hand-out packet. It does  
20 include the Memorandum from Westwood, but it includes  
21 other documents as well. So it's our hand-out.

22 MR. ANDREW KEYT: That will be marked as Supplemental  
23 Hearing Exhibit F, Drainage Memo. Does anyone from an  
24 objection to that memorandum? Going once, twice. Hearing

1 none, it will be marked and admitted into the record. Okay  
2 you can proceed.

3 DAVID GRISCOM: Thank you. I would also like to  
4 acknowledge Savanna Barlow from Polsinelli, Legal Counsel  
5 representing us. So again, we've been before this  
6 Committee before. We received a five-zero vote in favor  
7 of recommending approval to the County Board for our  
8 Project. We're happy to address the items that the Board  
9 suggested we address, and that is the sole intent of  
10 tonight's meeting.

11 So on this power point presentation that each of  
12 you have, this is what I'll be speaking off of. So if you  
13 can turn to page 4. We always like to start out with just  
14 a really quick introduction to our Company. We have core  
15 values in our Company. We include those core values in  
16 every slide, at the bottom of every slide. We live by  
17 those values. We stand by those values.

18 Integrity & Accountability. Community-Centered.  
19 Sustainable Value. Innovation with Purpose. Safety &  
20 Stewardship.

21 Page 5. A little bit about our experience, super  
22 brief. We've been around since 2008, here in Chicago. We  
23 have roughly 1 GW of projects in various stages of  
24 development in our pipeline in various States across the

1 Country.

2 We are an independent power producer which means that  
3 we design, build and operate our facilities.

4 So switching to page 6. A little bit about the  
5 Project itself. Again, we went into quite a bit of detail  
6 back in July and August about our Project, so we'll be  
7 very brief today. This is approximately 380 to 383 acres.  
8 It's north of Buckley, just two miles north of Buckley.  
9 We've done a number of environmental studies on the site  
10 itself including what you list -- what we list there in  
11 the bullets: A Critical Issues Analysis, which is -- we  
12 call it a CIA, but that's a high level desktop analysis of  
13 looking at the cultural elements, looking at the current  
14 use of the land and looking at any potential environmental  
15 issues related to it.

16 We've done a phase one ESA.

17 We've done an EcoCAT. It's the Ecological Compliance  
18 Assessment Tool.

19 We've done a Cultural Resources Study independent from  
20 the CIA.

21 We've done a Wetland Delineation.

22 We've done a Stormwater Assessment including drain  
23 tile surveys and on-site tile verification. We'll go into  
24 more detail about those items as we get into the specific

1 items that the Board asked us to discuss.

2 We've also signed what's called and AIMA, Agricultural  
3 Impact Mitigation Agreement that's required by the State,  
4 with the State of Illinois Department of Agriculture, and  
5 we have done a Natural Resource Inventory with Iroquois  
6 County Soil & Water Conservation District. The findings?  
7 It's a clean site, and we're very pleased with that. There  
8 are no jurisdictional wetlands. We are outside of the  
9 FEMA hundred-year flood plain. There are no threatened and  
10 endangered species and there are no cultural resources.

11 So if you can turn to page 7, that is Site Overview.  
12 You can see on the right-hand side there's US Highway 45.  
13 There's the transmission line in red, the red dotted line  
14 there. We list our proposed substation. Our proposed  
15 Battery Energy Storage System in the upper right. The dark  
16 black boundary is the boundary of the site, and then the  
17 black hash lines north/south hash lines are the solar  
18 arrays. We also have depicted this in -- we have a series  
19 of visuals here, but we have depicted this in these two  
20 foam core boards here.

21 So turning to page 8, now we get into what the Board  
22 asked us to address. I'm going to invite my colleague  
23 Jeffrey up here to address the items 1 through 3 that the  
24 Board asked us to address.

1 MR. ANDREW KEYT: Hold on a second.

2 DAVID GRISCOM: And I will say -- he needs to be sworn  
3 in?

4 MR. ANDREW KEYT: No, no. Hold on. Are you done with  
5 your testimony?

6 DAVID GRISCOM: I am done with my testimony, and I do  
7 want to make one other comment before I'm done. It's very  
8 important to us that we be responsive to any issues  
9 related to development of this Project. We are entering  
10 into an agreement with the Drainage District, Artesia are  
11 Mutual Drainage District Number 1. That is in process, and  
12 we look forward to finalizing that. So with that, I'm  
13 done.

14 MR. ANDREW KEYT: Understood. Okay. So, Zoning Board  
15 of Appeals, do you have any questions or additional  
16 questions for Mr. Griscom? If I'm understanding it,  
17 Mr. Griscom, you're largely referring the issues related  
18 to drainage to your colleague Jeffrey; is that correct?

19 DAVID GRISCOM: He is going to speak to, yes, items 1  
20 through 3.

21 MR. ANDREW KEYT: Okay. Any questions then based on  
22 just what he's testified to so far from the Zoning Board  
23 of Appeals, understanding we're probably going to hear  
24 more information from the next person it sounds like.

1 County Staff, any questions? Is there anybody from the  
2 public who has questions for Mr. Griscom? Going once,  
3 going twice. Okay. Hearing none. You're excused,  
4 Mr. Griscom. You can call the next witness.

5 (Witness sworn.)

6

7 MR. ANDREW KEYT: Your name is Jeffrey, I take it?

8 JEFFREY CARROLL: Yes.

9 MR. ANDREW KEYT: State and spell your name for the  
10 record, please, including your first and last name, and  
11 then give us your address.

12 JEFFREY CARROLL: It's Jeffrey Carroll. J-E-F-F-R-E-Y.  
13 C-A-R-R-O-L-L. Address is 233 South Wacker Drive, Suite  
14 9450, Chicago, Illinois, 60606.

15 MR. ANDREW KEYT: Okay you can proceed.

16

17

**JEFFREY CARROLL,**

18 called as a witness in the above matter, having been first  
19 sworn, was examined and testified as follows:

20

21 JEFFREY CARROLL: Good evening everyone. My name is  
22 Jeffrey Carroll. I am the Director of Permitting and  
23 Environmental Diligence for Allium Renewable Energy. David  
24 introduced some of the topics that I'm going to be going

1 through here. I'm going to run through 1(a) through (f)  
2 and then 2 and 3, and if there are any points when I need  
3 to stop just let me know.

4 So I want to start off just appreciating and  
5 acknowledging some of the work that some of the folks have  
6 assisted us with. In response to the last hearing I know  
7 we've worked pretty closely with some outside third  
8 parties. We've received quite a bit of assistance from  
9 County Contract Engineer Scott as well as the  
10 Representative for the drainage district, Don. So we want  
11 to, you know, make sure that that's acknowledged. There  
12 were several issues for drain tiles that we weren't  
13 encompassing as part of our Project Plan that we're happy  
14 to say that we are now pulling that in as part of our Site  
15 Plan and some of the things that we're planning for on  
16 this Project in the future. Since then we've contracted  
17 three separate firms to provide some of the details that  
18 you have in front of you there. We've contracted Pinion to  
19 perform drain tile surveys, so the entire site has a  
20 perimeter drain tile survey that identified any drain  
21 tiles that we maybe weren't aware of or that were  
22 questionable to being used. We've contracted Huddleston  
23 McBride to perform a full true-to-ground tile survey for  
24 the District facilities, and then you'll find that there

1 is a Westwood Memo that goes through some of the surface  
2 and subsurface drainage divides for the Project. All three  
3 have provided us with really great products that we're  
4 proud to stand behind. I'm going to walk through some of  
5 those as they're applicable to the items that we have at  
6 hand.

7 Number 1 went into surface and subsurface drainage.

8 1(a) was an identification of the parcels that were  
9 draining into our Project, surface drainage. So the  
10 Westwood Memo that you'll find has details that there are  
11 a total of 685 acres of drainage that discharge into the  
12 site. You'll find other information within there related  
13 to the drainage that occurs with native vegetation and  
14 some other information about acreage totals, 685 acres is  
15 the total drainage that we found after doing a drainage  
16 divide map and stormwater memo.

17 1(b). Same information, is located within that  
18 Westwood Memo. We're looking at subsurface drainage of  
19 the same parcels. So it is 685 acres of total drainage,  
20 both surface and subsurface. That is detailed in the  
21 Westwood Memo that you'll find there, but there's also  
22 information that you will find in some of the other pieces  
23 of the hand-out. As I mentioned, we have drain tile  
24 surveys and we had some other work from Huddleston McBride

1 going through the details of the exact drainage flowing  
2 into the site.

3 On section 1(c), you have an identification of how  
4 much water is coming from our site, leaving the site and  
5 going onto non-participating parcels. So that's identified  
6 in three sections that total 383 acres throughout the site  
7 -- or going off of the site from our Project area. You'll  
8 note there's a north -- a small middle section of the  
9 Project that drains, and then the southern portion of the  
10 Project. All three are separated, I believe, on Exhibit 4  
11 of the Westwood Memo, and that provides a little bit of  
12 information related to actual drainage moving through the  
13 site.

14 I do also want to note for both of those, we do have  
15 actual maps up here that I think provide some really good  
16 information that we wanted to blow up so we can show you  
17 some of the work we've done, and more than just in a  
18 hand-out form. So this drainage tile map that we have  
19 blown up behind us is actually the location of every  
20 surveyed tile throughout the Project area, and these are  
21 lateral tiles as well as interior. So we do have our main  
22 drain tile, the District tile, that runs through the  
23 Project, but every yellow point that we have that's  
24 identified throughout the Project is a drain tile that was

1 discovered, I believe mid last month by our contractor  
2 Pinion, and there is a -- in your files we also provided a  
3 spread sheet for all of those details, condition of tile,  
4 what the material of the tile is made out of, and you  
5 know, any notes as well as GPS location points for each  
6 drain tile coming in and out of the site, and we're happy  
7 to talk through that a little bit more if there's any  
8 questions on that was well.

9 MR. ANDREW KEYT: Hold on one second, Mr. Carroll.  
10 We're referring to a few documents or poster boards that  
11 aren't identified for the record, so let's get them  
12 identified and figure out where they belong.

13 JEFFREY CARROLL: Sure thing.

14 MR. ANDREW KEYT: One of them that you've identified on  
15 those poster boards is, I think, a drainage tile map, and  
16 one's perhaps an infrastructure map. Does that sound  
17 correct?

18 JEFFREY CARROLL: Correct. So we have three maps in  
19 total that we're referencing. One of them, I think, is in  
20 the hand-out, but we blew this up so you could see it. We  
21 have the District drain tile map. We have an  
22 infrastructure map, and then we have a drainage tile map.

23 MR. ANDREW KEYT: Okay. Just taking them one at a time.  
24 The Huddleston survey map, I think the date is September

1 12, 2025; is that correct?

2 JEFFREY CARROLL: Yes, it is.

3 MR. ANDREW KEYT: Why don't we mark that for the record  
4 as Supplemental Hearing Exhibit C. Yeah, I know. Then  
5 there is January 21, 2026, drainage tile map. Why don't  
6 we mark that as Supplemental Hearing Exhibit D, and then  
7 the 11/13/2025 infrastructure map, why don't we mark that  
8 as Supplemental Hearing Exhibit E. Does anyone have any  
9 objection to those three exhibits coming into the record?  
10 Going once, twice. Okay, we'll show those admitted into  
11 the record. Okay, please proceed.

12 JEFFREY CARROLL: Thank you. One other point for drain  
13 tiles, and I'll reference the infrastructure map, 1(d)  
14 asked us to identify drain tiles within our BESS facility  
15 as well as explore alternate locations in which this can  
16 be placed. We're happy to say we've surveyed the area,  
17 we've shifted our BESS location outside, I believe it's  
18 three hundred or more feet away from drainage district  
19 facilities. So the tile that runs through there, you know,  
20 we're about three hundred feet south of that, and we have  
21 that full perimeter survey, so we know that there are no  
22 tiles, either known or surveyed within our BESS  
23 facilities. So we've actually moved that in our  
24 infrastructure plan. It can be noted that there are no --

1 there should be no concerns with drain tile underneath  
2 that BESS facility at this point.

3 Similarly 1(e) requests the elevation of that.  
4 We've mapped it out to 670 feet. We've noted that in the  
5 Westwood Memo. We have the location of the substation  
6 noted on there with its elevation. It's on here. We don't  
7 have the elevations on our blown-up maps here, but we can  
8 confirm that that is the correct elevation for the BESS  
9 facility.

10 Then finally, under number 1, we have 1(f), which  
11 asked us to, you know, identify some of the drainage  
12 impacts and explore some of the potential alternatives,  
13 and I'm pretty happy to show we have actually our  
14 alternative that's on the map up here, and it will be in  
15 your hand-out. That might be difficult to read, so I  
16 would definitely reference this larger print-out here.  
17 What we've done is we have removed all of our solar  
18 battery storage as well as inverter infrastructure off of  
19 those drainage facilities. They are out -- they're no  
20 longer going over or on top of that District tile, as well  
21 as there are -- there is access over the tile that we have  
22 here as well. Sorry, I keep getting away from here, and I  
23 think we're -- what we have up here, I don't know the  
24 exact distance because I don't have it in front of me, but

1 we're happy to share that this alternative removed all of  
2 that infrastructure off of the tile. So, we're hoping that  
3 that alone, because it was a pretty big step in trying to  
4 reduce some of the impacts. Additionally, you know, we  
5 feel this will also solve some of the questions around  
6 surface drainage. There is a swale which is located there.  
7 We're happy now that because we removed facilities off of  
8 there that we will allow drainage to be maintained through  
9 this area and also to allow access and remove any concern  
10 about the infrastructure being placed on top of those  
11 facilities.

12 So with that I'm wrapped up on number 1. I'm going to  
13 go ahead and move into number 2, which was the question  
14 about information on the materials that we plan to use for  
15 fencing in lieu of the vegetative buffer. So originally,  
16 we had proposed a chain link with green slats. I think we  
17 brought in some photos, and we had introduced what that  
18 was going to look like. What we're currently proposing now  
19 is a woven wire fence to go around the entirety of the  
20 Project without slats and for us to install a security  
21 chain link fence around both the Battery Energy Storage  
22 System and the substation. So we're proposing two  
23 different fences. Woven wire fence would be the  
24 eight-foot fence still, but it is a fence that will not

1 have the slats. It would hopefully solve some of the  
2 concerns around the chain link, and we are happy if we  
3 would like to go into looking at some of the visuals  
4 around that, we're happy to show that. We do have  
5 representation of what it would look like with both types  
6 of fences. We're happy to go into further detail on that.

7 Finally number 3. So there was a question about the  
8 equipment that we were planning to use for the Project. In  
9 the very last page of your hand-out, there is actually an  
10 excel spread sheet that has a detail on the actual  
11 equipment that we plan to use, and you know, this is  
12 representative equipment, what we would call potential.  
13 These are some manufacturers that we plan to engage with.  
14 We don't have final equipment planned for yet, but those  
15 are representative of what we would plan to use. We also  
16 have, you know, if there are any questions about, you  
17 know, what do these look like, what's the representation  
18 there, we brought a couple of representative photos.  
19 We're again happy to share if we want to introduce those  
20 and take a look at those at any point.

21 I think that covers it for all three of those. I  
22 appreciate it. I'm happy to wrap that up.

23 MR. ANDREW KEYT: Thank you, Mr. Carroll. Stay there.  
24 Any questions from the Zoning Board of Appeals regarding

1 the testimony provided by the witness? Going once. We  
2 can come back to you. Questions from Staff regarding any  
3 of the issues from this witness? All right. Then  
4 finally, anybody from the public have any questions? The  
5 gentleman here in the suit? Mr. Wauthier? Why don't you  
6 -- is there a microphone over there somewhere? Why don't  
7 you just take one of those seats. Mr. Wauthier, before  
8 we start, am I saying your last name correctly?

9 DONALD WAUTHIER: Wauthier.

10 MR. ANDREW KEYT: Okay. State and spell your name for  
11 the record, please. You don't have to provide your  
12 address or being sworn in yet, but once you've done that  
13 then you can ask your questions.

14

15 DONALD WAUTHIER: Don Wauthier, and it's  
16 W-A-U-T-H-I-E-R. I'm an Engineer with Burns, Clancy and  
17 Associates Engineers, and I just have a couple of  
18 clarifying questions. One question is: What mutual  
19 lateral tiles did you find in the investigation for the  
20 tile? Can you kind of point out where those were located  
21 and with the map?

22 JEFFREY CARROLL: Absolutely. Yeah, happy to. So,  
23 within our map, we've got yellow pinpoints of every mutual  
24 tile, being tile on the exterior of the Project that were

1 located. So, you know, there's a lot of them, so it's  
2 difficult to pinpoint exactly which ones are there, you  
3 know, if you're referencing specific ones.

4 DONALD WAUTHIER: Well, I'm trying to -- are you  
5 saying that every place that there's a yellow dot is a  
6 mutual tile and not a prior tile? Mutual tiles under  
7 Illinois law would be ones that extend off site and  
8 provide service to somebody else, in addition to the  
9 Project site. So is that what your testimony is?

10 JEFFREY CARROLL: Correct. Now not all of these tiles  
11 are active. If you'll note, we've actually got a detailed  
12 excel spread sheet with every tile that was found with  
13 details. So some of the facilities that you'll note on  
14 here are inactive tiles that were old, full of sediment  
15 and no longer in use, but did extend beyond the perimeter  
16 of our Project area. So every yellow dot, and I would have  
17 to find the exact number of maybe sixty tile or so, that  
18 are listed on this map, were tile that our third party  
19 Pinion found during their perimeter surveys.

20 DONALD WAUTHIER: Okay. So what is the plan then --  
21 and I'm just trying to clarify, because I think I know,  
22 but I want to make sure it gets in the record. So what is  
23 the plan then for you to keep those lines active and in  
24 service? Certainly you've identified the Drainage District

1 tile as you've pulled those solar panels away from them,  
2 but that's not necessarily the case with all of these  
3 mutual tile lines. So, what is the plan for dealing with  
4 those?

5 JEFFREY CARROLL: Well, I don't think there is a set  
6 plan for all of them. I think we take a bit of a hybrid  
7 approach that where it makes sense for us to replace and  
8 re-route tiles we'll have to, and where it makes sense for  
9 us to repair and leave tiles in place, that may be the  
10 strategy. We did bring a representative of our third  
11 party Pinion here with us, and at some point I would be  
12 happy to discuss that further and introduce him. But,  
13 yeah, I think that's the exact answer. For a lot of these,  
14 we recognize that the AIMA requires us to maintain  
15 drainage from mutual tiles, and we recognize that in our  
16 agreement that we have signed and executed. So, you know,  
17 for some of these perimeter tiles it makes sense for us to  
18 re-route flow completely around the Project, and for some  
19 of these it doesn't make sense for that to take place, but  
20 we recognize that we cannot restrict flow on any tile that  
21 is a mutual tile that goes through our Project area, and  
22 that we can't, you know, adversely impact that in a way to  
23 restrict flow or to impact water quality.

24 DONALD WAUTHIER: So your testimony then is that a

1 full design is not determined yet, but the intent is that  
2 all of those mutual tile lines will be connected to the  
3 system and maintenance of drainage will continue? That's  
4 really where I was going.

5 JEFFREY CARROLL: Absolutely, yes. That is one  
6 hundred percent of our plan. As I stated, that's what  
7 we're required to do under AIMA, is that we cannot impact  
8 any mutual tiles, you know, cut off drainage that may  
9 impact someone off-site, and we've recognized that. I  
10 think what we can't speak to is that we can't tell you  
11 that we would, you know, completely replace every tile,  
12 you know. If it makes sense for a tile to remain, and you  
13 know, then we are confident we wouldn't impact that tile,  
14 I don't know that we would, but I do know that we're  
15 committed to making sure that none of these mutual tiles  
16 are impacted in a way that would adversely affect the  
17 drainage of an off-site neighboring property.

18 DONALD WAUTHIER: Another question relates to surface  
19 drainage. So the surface, the very shallow surface  
20 waterway that is currently present, is the intent of the  
21 design to perhaps modify that to facilitate its capability  
22 to provide drainage for not only the on-site, but the  
23 off-site areas, like re-grade it, so to speak?

24 JEFFREY CARROLL: Potentially, you know, our engineers

1 are going to look at this and they're going to find a way  
2 to make sure that water that is conveyed across the  
3 surface of this Project remains and discharges into -- in  
4 a manner that is consistent with the way it occurred pre  
5 project. So if there is surface drainage that our engineer  
6 finds is useful to drain through there, and we're not  
7 putting any Project facilities over that, then it would  
8 make sense, you know, I can't commit to exact design, you  
9 know, design elements of that because we are kind of in  
10 the early stages of the thirty percent designs. As we  
11 advance through that, you know, that is something that is  
12 possible. If there is significant surface drainage and we  
13 aren't building facilities over that, you know, there is  
14 potential that they actually could leave that as a surface  
15 drainage-way for water to convey that does not make it in  
16 the tile.

17 DONALD WAUTHIER: Well, there will be lots of water  
18 that doesn't make it into the tile.

19 JEFFREY CARROLL: Correct. Yeah.

20 DONALD WAUTHIER: What I'm saying -- what I'm asking  
21 again, and I recognize that nothing's designed yet, but  
22 again I'm hoping to get into the record that what you're  
23 saying is that the intent is to provide a functional  
24 surface drainage system that handles the water shed, that

1 600 acres that drains into that, you know, into that water  
2 shed.

3 JEFFREY CARROLL: That's the intent. That is  
4 absolutely the intent, you know, and I understand, you  
5 know, the question, but what I can't say is that there's  
6 an exact detail for that drainage soil that may take  
7 place. What I think what you're suggesting is a  
8 recommendation that we would, you know, normally agree  
9 with if there's an existing drainage pattern and we're not  
10 going to be placing infrastructure on top of that, our  
11 engineers are likely to understand that at, you know, a  
12 later phase of involvement on the plans, but I think  
13 that's absolutely something that we're interested in  
14 maintaining because we recognize how tricky, you know,  
15 drainage can get and if you already have an existing  
16 feature that you can utilize, you know, it's actually  
17 easier for us to design around that. Did that answer your  
18 question?

19 DONALD WAUTHIER: Yes. Again, I'm just -- I recognize  
20 where you're at in the design process and all that.  
21 Another question I have related to the Westwood analysis  
22 for the drainage, and that relates to the methodologies  
23 that they used to determine rates of surface flow, and  
24 what those, you know, what those values are, and so --

1 well, you know, we've got some acreages and proposed  
2 acreages, but there's no real analysis of what do you  
3 expect the flow to be during a two-year storm or a  
4 ten-year storm or whatever. Again, is that something  
5 that's intended to be handled and dealt with during the  
6 design process?

7 JEFFREY CARROLL: It is. So some of the information  
8 in that Memo you'll find is a little bit outside of where,  
9 you know, our intent was with that, and just, you know,  
10 strictly providing recommendations from our engineer on,  
11 you know, what do drainage patterns look like with  
12 different kinds of vegetative cover. So, you know, it's  
13 not a full detail about drainage design in that response,  
14 so, you know, this isn't going to contain a lot of those  
15 details. A lot of what we're looking at is, you know, what  
16 areas off-site are draining to our site, a little bit of  
17 supplemental information in table 1 and table 2. Also  
18 looking at pre-existing conditions at the site to  
19 understand, you know, is there anything that, you know, we  
20 can understand about the changes that might happen to the  
21 site, and I think what we pulled from that was that it was  
22 clear from the information they provided that the drainage  
23 patterns with native vegetation are likely to be a little  
24 bit slower and a little bit better than row crop.

1 DONALD WAUTHIER: Okay. That's all I have.

2 MR. ANDREW KEYT: Okay. Any other questions? Miss  
3 Richert? Why don't you come up. Mr. Wauthier chose an  
4 uncomfortable seat, but if you want to, there's a more  
5 comfortable seat on this side.

6 ANITA RICHERT: This works.

7 MR. ANDREW KEYT: Okay. For the record, just state and  
8 spell your name for the record, please.

9 ANITA RICHERT: Anita Richert, A-N-I-T-A,  
10 R-I-C-H-E-R-T.

11 MR. ANDREW KEYT: Okay. Go ahead.

12

13 ANITA RICHERT: My first question is: You said that  
14 you've been talking about the drainage and the District  
15 with Don? Who have you been discussing the District  
16 drainage with?

17 JEFFREY CARROLL: Don Wauthier.

18 ANITA RICHERT: I heard D-A-W-N.

19 JEFFREY CARROLL: I apologize.

20 ANITA RICHERT: Who is Dawn? Okay. Thank you. Then  
21 Mr. Griscom said about the ditch crossing agreement, and  
22 I'm aware of that. I got an e-mail on 2/30, and they said  
23 we're going to have a meeting at four, be there. I didn't  
24 get the e-mail until that next day. So, I would like to

1 work this out, but I can't just drop everything and run,  
2 okay? So I don't want to be disrespected. My time is  
3 valuable and your time is valuable.

4 On the -- you said there's sixty mutual tile lines? Is  
5 that what I heard?

6 JEFFREY CARROLL: It is sixty total tile that were  
7 surveyed and located. That doesn't include inactive tile.

8 ANITA RICHERT: Are those mutual, or are those just  
9 tile that go through the field itself? Because we have  
10 tiling that's in the solar array, you know, that whole  
11 piece, the Rusts have pattern tiled it, and then we also  
12 have tile coming in from outside. So are these sixty  
13 points of outside tile coming in, or are these just sixty  
14 points of tile that you found.

15 JEFFREY CARROLL: These are sixty points of tile that  
16 we found coming into the site. So everything that you see  
17 here, as I mentioned, we contracted with Pinion to  
18 basically say, you know, we want to know where are these  
19 mutual tiles, and, you know, that helps us develop you our  
20 plan about how we address impacts to those tiles. So the  
21 65, I believe is the exact number, 63 or 65, number of  
22 tile that you'll see, these are tiles that they identified  
23 and field verified with trenching around the Project area.  
24 So every one of these tiles has field verification, GPS

1 points, and we have photos associated with each one.

2 ANITA RICHERT: So these dots, these yellow dots that  
3 are in the middle of the Project itself, you're calling  
4 that mutual tile?

5 JEFFREY CARROLL: I don't believe that we have any in  
6 the middle of the Project itself. They're all along the  
7 perimeter -- (comment interrupted by next question.)

8 ANITA RICHERT: I must not be seeing the right map  
9 then because I don't see -- can I come up there? Is that  
10 okay?

11 MR. ANDREW KEYT: Yeah, just so when you're referring  
12 to an exhibit, make sure you're referring to what document  
13 you're referring to. You don't have to necessarily name  
14 the exhibit number, but I think at the bottom left has the  
15 identification as it's identified right now.

16 ANITA RICHERT: I still didn't see sixty tile, but if  
17 we want to make sure that we -- I was at the Illinois  
18 Association of Drainage Districts conference, and they  
19 talked a lot about renewable drainage, and they said that  
20 you run a perimeter tile to pick up everything coming in,  
21 and then you put that in to the main tile, because one of  
22 the big reasons why District drains fail is because it  
23 brings silt in from the Project, because these posts are  
24 being pounded in to support the solar panels and you might

1 not know that the tile has been hit, but it's going to  
2 start sucking dirt in, but if you run around the  
3 perimeter, you're going to catch those before it goes into  
4 the field itself of solar panels. Is that something that  
5 you would entertain?

6 JEFFREY CARROLL: I definitely think it's something  
7 that we would entertain. I think again that goes back to  
8 the point of if we can identify that there are tile here  
9 that are active, and we can be certain that, you know, by  
10 running a new tile -- a new line down the perimeter that  
11 ties into the District tile, you know, if that solves the  
12 issue of potential siltation and damage to the District  
13 facilities, I definitely think that's an option that we  
14 can -- (comment interrupted by next question.)

15 ANITA RICHERT: So will you run a perimeter tile  
16 around the outside of your solar before it comes into the  
17 arrays, and bring that water in and not come through the  
18 solar at all? Because then we don't have to worry about  
19 any posts and we don't have to worry about any repairs.  
20 It goes around the perimeter and it brings it directly to  
21 the main. Will you do that?

22 JEFFREY CARROLL: Well I can't say that to the entire  
23 site. I think that's appropriate of certain locations. So  
24 I don't want to say no. We wouldn't do that for the entire

1 site, because that doesn't make sense -- (Comment  
2 interrupted with next question.)

3 ANITA RICHERT: There are solar -- I learned -- I met  
4 a lot of Commissioners at this conference, and there are  
5 solar outfits that are doing that very thing, and they  
6 said that is the gold star standard of doing it. That way  
7 we don't have any missed tiles. It's not that much. I mean  
8 you're going to be making millions an acre on your  
9 electricity, run a tile around, it's done, and you don't  
10 have any liability for bringing dirt into our line. So  
11 would you run a line around the perimeter to catch those  
12 mutual lines?

13 JEFFREY CARROLL: I think where appropriate, that  
14 makes sense, and I absolutely -- what I want to be clear  
15 on is on our drainage tile exhibit there are areas where  
16 perimeter tile is not appropriate, and I want to be clear  
17 that there are locations that have very few perimeter or  
18 um, mutual tiles that exist that are not appropriate for  
19 that approach. But I do want to be clear is in the areas  
20 that drain directly into the District, the main tile, I  
21 think that's actually a very reasonable approach, and I  
22 think that's something that we are more than happy to  
23 consider for most of the Project I want to say.

24 ANITA RICHERT: Okay. I want to be very clear.

1 Anything coming in from the outside running through your  
2 solar is going to bring dirt. There's no way that even if  
3 it's just one or two and we don't want to bother running  
4 five hundred feet of tile along here (indicating) because  
5 we're only going to pick up one, you're not protecting our  
6 main by letting that run through your panels, because if  
7 that would get damaged we're still going to have to come  
8 in with a backhoe and we're going to be rooting around in  
9 your panels to fix that mutual line. It's in your best  
10 interests and our best interests to put a perimeter tile  
11 around the whole thing, and I know it's possible and I  
12 know there are solar outfits out there that are doing that  
13 very thing. So I'm not asking something that's above and  
14 beyond and outrageous. This is like the standard of care.

15 JEFFREY CARROLL: Yeah, absolutely, and I think what  
16 you're saying is completely reasonable. I don't want to,  
17 you know, say that what you're asking for or what you're  
18 suggesting isn't something that we want to consider, but  
19 you know, but I want to be clear that we are willing to  
20 run, you know, entirely new tile where it makes sense not  
21 to impact any of the District facilities whatsoever, with  
22 siltation or, you know, any kind of impacts to flow. I  
23 want to be clear on that, and I hope that that can  
24 provide, you know, some clarity about what we're willing

1 to do, because there are portions of this project, I think  
2 we're committed to that, and I think that there's some  
3 nuance to, you know, and I'm happy to provide this in  
4 greater detail, you know, to anyone who would like to look  
5 at this map and understand what we're proposing, but we're  
6 definitely willing to work in partnership with the  
7 Drainage District to, you know -- I don't want to say like  
8 a best management practice, but best approach that would  
9 make the most sense, incorporating some of what you're  
10 saying within our Project area.

11 ANITA RICHERT: Okay. Did you say how many feet off  
12 of the main tile that you are keeping? How many feet away  
13 from the main District tile, did you mention how many feet  
14 you're staying off?

15 JEFFREY RICHERT: I don't think that we did, again,  
16 because we're still not -- we're in the early stages of  
17 design. I think right now, I think fifteen feet is the  
18 shortest distance from one side. The BESS facility, which  
19 I'm not sure if that's what your referencing, is over  
20 three hundred feet outside of that. So that's completely  
21 outside. I know that maybe -- I don't know if that was  
22 your concern --

23 ANITA RICHERT: No that wasn't. That's --  
24 (Individuals speaking at the same time.)

1           JEFFREY CARROLL: Okay. So are you talking --

2           (Individuals speaking at the same time.)

3           ANITA RICHERT: -- different --

4           (Individuals speaking at the same time.)

5           JEFFREY CARROLL: Okay. So if we -- are you talking  
6 panels, like the actual array --

7           ANITA RICHERT: -- I'm talking if I have a 24-inch  
8 tile and it's thirteen feet deep, the backhoe that I have  
9 to bring in to fix that tile is going to make a huge mound  
10 of dirt. If you take a trench that's two feet wide, plus,  
11 because you can't just have it be two feet wide, fifteen  
12 feet is not even going to be enough to get our backhoe in,  
13 even if you double that and make it thirty, that's not  
14 going to be enough to get our backhoe in.

15          JEFFREY CARROLL: So I think we have actually have  
16 close to fifty feet of clearance if that's your question.

17          ANITA RICHERT: Fifty feet would be better than fifteen  
18 --

19          (Multiple people speaking at the same time.)

20          JEFFREY CARROLL: And I --

21          (Multiple people speaking at the same time.)

22          MR. ANDREW KEYT: Hold on. One at a time. The Court  
23 Reporter has to be able to take you down. Do you have a  
24 question?

1           ANITA RICHERT: Fifty feet, I can -- is more  
2 reasonable.

3           JEFFREY CARROLL: I want to say that that's um, from  
4 panel to panel. So, you know, on our infrastructure map,  
5 you'll see that as the drain tile goes up we have panels  
6 kind of staggered and you have rows at different  
7 distances. So the total area across, I believe we've  
8 allowed between forty and fifty feet at a minimum, you  
9 know, again, I don't have the specifications of exactly  
10 how many feet. When I say fifteen feet, that's fifteen  
11 feet from one side of the drain tile to a panel, and any  
12 of those that are close we've allowed additional distance  
13 on the other side to make sure that the minimum clearance  
14 is enough to allow any kind of maintenance or inspection,  
15 if you do have heavy equipment that needs to be located.

16          ANITA RICHERT: Understood, but please -- we can't  
17 zigzag a backhoe, you know. We need a straight line. So,  
18 you know, fifteen feet is not going to work. Twenty-five  
19 feet on each side of our line would be something that  
20 would be more reasonable, just while we're sharing  
21 information. You said about the woven wire fence being  
22 eight feet?

23          JEFFREY CARROLL: It is, yes.

24          ANITA RICHERT: And the Two Roads gave their

1 presentation, and they're doing the living fence. What if  
2 the Landowner would want a living fence in between your  
3 Project and their field?

4 JEFFREY CARROLL: Well, I think there's, you know, a  
5 couple of challenges that we've faced when we're looking  
6 at like the fences, you know, the two different styles  
7 that we've provided, one visual barrier so it's chain link  
8 with slats. So really not a lot of the Project is visible.  
9 I think we've gotten away from that for a couple of  
10 reasons; one, you recognize that impacts to drain tile  
11 here are significant, and, you know, the first thing that  
12 we recognize and, you know, in talking with Landowners  
13 and, you know, people adjacent to our Project is  
14 installation of evergreen or woody vegetation, really  
15 heavy roots, really difficult to maintain drainage in and  
16 around those plants, as well as the maintenance for a lot  
17 of those. We recognize that the installation of those is  
18 not a one-size-fits-all in this area. So it's both  
19 drainage impact as well as the ability to keep, you know,  
20 an evergreen screen going in an area like that, you know,  
21 that is extremely difficult, and especially in this, you  
22 know, for our Project specifically a Landowner is asking  
23 us to not to move forward with these because of the  
24 potential impacts to, you know, farmland and, you know,

1 property in the future when this Project may not be there.

2 ANITA RICHERT: Okay, understood, but the landlord  
3 knew what the Ordinance was, okay, when they signed it.  
4 So, landlord wanted it, landlord doesn't want it, the  
5 landlord knew that the living fence was an Ordinance when  
6 they signed the contract. You can't put it over a tile,  
7 understood, but there's a boarder where the water is not  
8 going across it. Trees provide a lot of, if you're talking  
9 about pollinator habitat and wildlife, trees are a much  
10 better provider for those than an eight-foot woven wire  
11 fence. So if the living fence is not too much trouble for  
12 the Two Roads Project, so I don't see why a line of a  
13 living fence would be too much problem for your Project. I  
14 would like to see a living fence along the south border.

15 Then you say the potential equipment. We don't have  
16 access to the hand-outs. Is the thin film one of the  
17 panel options?

18 JEFFREY CARROLL: No.

19 ANITA RICHERT: Okay.

20 JEFFREY CARROLL: If you're referencing, you know, the  
21 type of solar panels -- (Comment interrupted by the next  
22 question.)

23 ANITA RICHERT: Yes.

24 JEFFREY CARROLL: -- themselves. Then no. I'm happy

1 to also read, you know, some of those if you have any  
2 questions about what those look like, I'm happy to discuss  
3 what some of the potential equipment, you know,  
4 manufacturer or types are, but no if you're referencing  
5 the very thin solar panels, no, we are not using any of  
6 that kind of material here.

7 ANITA RICHERT: That was my question. And the  
8 patterned tiles that go -- that aren't mutual, that are  
9 just in the Project itself that drop into the District  
10 line, what's the plan for them?

11 JEFFREY CARROLL: I think it's the same approach, that  
12 some of them it makes sense to completely cap. So, you  
13 know, for ones that run through the area that would  
14 normally drain directly into that District tile, some of  
15 them it makes sense to completely cap those tiles all  
16 together, whereas some of them it makes sense to, you  
17 know, maintain and tie in, so you know, maybe we have  
18 something that's not necessarily off-site, but maybe it's  
19 a long run tile that does feed back into the District  
20 facility, that maybe makes sense to maybe re-route that or  
21 build around it.

22 ANITA RICHERT: Okay. What I've learned at my  
23 conference, is that they're capping off the existing tile  
24 and they're running new lines down the panels so they

1 don't get pierced, because dirt is one of the big reasons  
2 why mains fail. We don't want the main to fail. You won't  
3 be here. We won't be here. It'll be a swamp again. So  
4 that's capping off at the line would be the preferred way,  
5 so those patterned tiles, you're going to puncture them  
6 because of the style. You're not going to know. I know  
7 that IMA or AIMA, whatever it is, the mitigation contract,  
8 will repair any damage that we know of. It's four feet  
9 under and your post is fifteen feet down. You're not going  
10 to know of it. It's just going to bring in dirt. So you're  
11 fine with capping off the patterned tile and putting fresh  
12 lines in that you know won't be bringing in dirt; is that  
13 correct?

14 JEFFREY CARROLL: Any that have the potential for us to  
15 impact and introduce silt into a tile would either be  
16 re-routed or capped. So I mean -- I'm not sure if that  
17 answers your question, but again, I want to note that, you  
18 know, as is seen on the infrastructure map there is a lot  
19 of patterned tile out there, some of which may no longer  
20 be of service to some of these laterals, and so again I  
21 don't want to sit here and say we will commit to, you  
22 know, capping every single tile, but I think your approach  
23 is totally reasonable again, and I think it's one we have  
24 already discussed with our third parties about what's our

1 best approach here, and I think again, our approach, you  
2 know, after discussions with third parties and, you know,  
3 some of the, you know, experts in this field, you know, we  
4 have to take a hybrid approach here, that where it makes  
5 sense we need to replace systems, cap systems, and make  
6 sure that, you know, any tile that we're concerned about  
7 impacting or introducing siltation into, you know, active  
8 tile, we have to take that responsibility of, you know,  
9 either replacing, capping or re-routing. So I know that,  
10 you know, is a bit tricky but I want to say I agree with  
11 what you're saying for the most part on capping and  
12 re-routing those tile, and I think we're probably more  
13 aligned on this than expected when it comes to some of the  
14 drainage here.

15 MR. ANDREW KEYT: Okay is there anybody else that has  
16 questions for Mr. Carroll from the public? Going once,  
17 going twice. Questions for Mr. Carroll? Seeing none, I do  
18 have a few, Mr. Carroll.

19

20

EXAMINATION BY

21

MR. ANDREW KEYT:

22

23

24

Q. The main drainage tile line that goes through, is  
that the tile that's depicted on the Huddleston Survey?

1           **A.**    So, it's actually depicted on all three of these  
2 maps. The Huddleston Survey, it does detail out just the  
3 District tile, the depths of the tile that was surveyed,  
4 as well as, you know, a little bit more information, but I  
5 will note that that tile is also located on both the  
6 infrastructure map and the Drainage tile map. I think it's  
7 purple in all three.

8           **Q.**    Okay, understood. If I understand it correctly,  
9 you're in discussions with the Artesia Mutual Drainage  
10 District to come up with some agreement related to how  
11 you're going to maintain the tiles and protect the tiles;  
12 is that correct?

13          **A.**    We have drafted a voluntary agreement that we  
14 would like to, you know, use as a partnership with the  
15 District. So we have drafted that. I recognize that we  
16 have, you know, just been on that this year, so there  
17 hasn't been a lot of time for the District to review and  
18 comment on our most recent draft, but they do have a draft  
19 that we are willing to execute as of right now.

20          **Q.**    Okay. When did Louis Creek become aware of the  
21 Drainage Tile District?

22          **A.**    I believe last hearing. So --

23          **DAVID GRISCOM:** Can I answer the question?

24          **MR. ANDREW KEYT:** No.

1           **A.**    So Louis Creek was aware of some of the issues  
2 about the drainage. I think the District itself, and the  
3 understanding around the District, was July or -- July of  
4 last year. So July of 2025.

5           **Q.**    The agreement itself at this point, is it in the  
6 Mutual Drainage District's hands to review and get back to  
7 Louis Creek, or what stage is it in?

8           **A.**    That is correct.

9           **Q.**    Is it the intention that that agreement would be  
10 executed before you begin construction of the Project?

11          **A.**    We would like to execute it as soon as possible.  
12 We don't have a set date for execution. We would prefer to  
13 execute it, you know, in the next couple of weeks if  
14 possible, but again, I think that is a little bit more  
15 challenging than said sometimes.

16          **Q.**    Is it Louis Creek's preference to have the  
17 agreement in place before the Building Permit process, or  
18 the construction process begins?

19          **A.**    I think that's difficult to say. I think it would  
20 be our goal to, you know...

21          **Q.**    Did you say that's your goal? I'm sorry.

22          **A.**    Our goal would be to have it before then, yes.  
23 But again, we don't have total control over that. I can't  
24 say that we will have it, but that would be our goal.

1           **Q.** All right. You mentioned a few times that you  
2 have to take a hybrid approach to the drain tile  
3 protection, I guess, between collecting lines at the  
4 perimeter and keeping some of those lines just going into  
5 the Project area itself. Am I understanding that  
6 correctly?

7           **A.** That is correct.

8           **Q.** Why is it you have to have a hybrid approach?

9           **A.** Because some of the tiles that are located in  
10 this area, it doesn't necessarily, you know, either they  
11 aren't impacted or it doesn't make sense to completely  
12 replace those. So that way we have, you know, similar  
13 drainage patterns as what's currently there. For some of  
14 these it doesn't make sense to completely cut them off and  
15 tie them into another. That's why I think a complete  
16 hybrid approach makes sense with, you know, an assessment  
17 by, you know, a third party that we're currently working  
18 with.

19           **Q.** Why does it not make sense? That's what my  
20 question is.

21           **A.** I'm sorry?

22           **Q.** Why does it not make sense to just do a perimeter  
23 of them?

24           **A.** To do a full perimeter of the site?

1           **Q.**    Correct.

2           **A.**    Because some of these areas do not have mutual  
3 tiles in some of the areas on the perimeter, and then some  
4 of these areas have tile that actually discharge in a  
5 different direction than it would be to the District tile.  
6 So, for example, you have a creek that is running to the  
7 east. Some tile from our Project actually still discharges  
8 to the east. So, for us, it doesn't make sense for us to  
9 cut off that tile and to perimeter that in. That makes  
10 sense to maintain that tile and then maintain surface  
11 drainage where appropriate.

12           **Q.**    Okay. Are you saying that from the perspective of  
13 if you do all of it as a perimeter it might impact the  
14 actual drainage negatively on the site area?

15           **A.**    Correct.

16           **Q.**    Is that what you're saying?

17           **A.**    Correct. In some areas, it does not make sense  
18 for us to just, you know, one size fits all approach.

19           **Q.**    Okay. In looking at the opinion provided by  
20 Pinion (laughter in the room.) DIGS Associates is what  
21 I'm referring to. It is contained within the November 4th  
22 2025 Memorandum from Westwood. It indicates that at the  
23 beginning of that drain tile survey and report, the first  
24 paragraph, it indicates that a comprehensive remediation

1 strategy to either re-route or replace effected tiles --  
2 tile lines would be required. What do you interpret that  
3 to mean as comprehensive remediation strategy?

4 A. I think that takes in our site layout and that  
5 takes in the entire infrastructure of the site, existing  
6 tile, and existing mutual tile as well as any internal  
7 lines, and addressing which tiles we feel will be  
8 impacted, and then coming up with a strategy about how are  
9 we going to re-route or replace these tiles. So, I think  
10 there is an expectation that we would have a plan written  
11 up ready to go to show how are we going to reduce impacts  
12 to drainage infrastructure.

13 Q. At this point in time, Louis Creek does not have  
14 a plan as identified at least so far by Pinion; is that  
15 correct?

16 A. We have not produced a plan yet. We are in the  
17 early stages of working on that plan based off of our  
18 design. Again, as that progresses we would have a draft  
19 plan that we would be happy to, you know, submit or work  
20 through.

21 Q. Okay. I'm going to refer you to the purposes for  
22 which the Project was referred back to the Zoning Board.  
23 One of them was to identify the potential drainage impacts  
24 of the Project and potential design alternatives to

1 mitigate or eliminate drainage impacts. At this point in  
2 time, do you have the potential design alternatives to  
3 mitigate or eliminate drainage impacts?

4 A. We do. Our Project Alternative is shown in the  
5 infrastructure map exhibit that we've shown here. This is  
6 a different alternative from what we proposed in the  
7 original that does reduce the impacts to overall surface  
8 and subsurface drainage within the facilities.

9 Q. Okay, and is that the infrastructure map that  
10 you're referring to?

11 A. It is.

12 Q. Okay. The infrastructure map, has that been  
13 signed and sealed by a professional engineer licensed in  
14 Illinois?

15 A. So this is not at that design stage yet.

16 Q. So is the answer to my question, no?

17 A. That's correct. No.

18 Q. Then there's also a drain tile map that's been  
19 provided in your supplemental materials. Has the drain  
20 tile map that's been provided been signed and sealed by a  
21 professional engineer licensed in the State of Illinois?

22 A. No, it has not.

23 Q. All right. I've got a few questions in relation  
24 to the vegetative buffer. In relation to one of the

1 requirements I think that you're aware of, I assume, is  
2 that there is a vegetative buffer requirement that is  
3 listed in Iroquois County Commercial Solar Energy Facility  
4 Zoning Ordinance. Are you aware of that?

5 A. Yes.

6 Q. All right. The requirement is that there be a  
7 living buffer, and if I understand it correctly, if I  
8 understand it correctly you're seeking to do one of two  
9 alternatives. One is a chain link fence, and then the  
10 other that you've introduced here tonight is an  
11 agricultural woven wire fence; is that correct?

12 A. That is correct.

13 Q. Is it that you're seeking one of the other of  
14 those two fence options, a chain link fence with slatting,  
15 or are you seeking one of the other at this point?

16 A. We're seeking one of the other. So we presented  
17 the original, and I believe that the resolution asks us to  
18 explore alternatives and provide additional information.  
19 So the woven wire fence is a good alternative that we  
20 would consider, but I will be clear that there would still  
21 be chain link fence for security purposes. So it's two  
22 fences, a chain link fence around the substation and the  
23 BESS facilities, and the woven wire fence around the  
24 entire Project array.

1           **Q.**    The woven wire fence, do you have any visual  
2 depictions of the woven wire fence?

3           **A.**    We do.

4           **Q.**    Okay. Have you provided those -- are those the  
5 poster board that you have indicated here?

6           **A.**    That is correct. I have several that show -- I  
7 have an example that shows both fence types that we are  
8 happy to introduce as exhibits.

9           **Q.**    Do you have a non-oversized version of those?

10          **A.**    We do not, no.

11          **Q.**    Can you get us a copy of the non-oversized  
12 version of those?

13          **A.**    Absolutely.

14          **Q.**    So we're not carrying around giant poster boards  
15 for the rest of our lives? Okay. Do you know what  
16 non-participating residences are within the area that  
17 would be able to see the Solar Project from their home?

18          **A.**    I don't know if we have every resident. We  
19 actually have a visual simulation of the Project that is  
20 in large poster board format. So, several key observation  
21 points throughout the Project, or outside of our Project  
22 area, are noted on the visual simulation that we've  
23 provided.

24          **Q.**    Okay, understood. In relation to the

1 non-participating residences that are near by, have you  
2 talked or spoken with any of them about what screening  
3 they may want, or if they have a preference of either  
4 screening or no screening?

5 A. So we have had those discussions. I would lean on  
6 my colleague David to probably answer that question more  
7 closely. I think David can answer that question probably  
8 better than I could. So...

9 Q. Okay. We'll come back to Mr. Griscom. In relation  
10 to the request for either a chain link with slats or an  
11 agricultural woven wire fence, what is the reason that  
12 you're seeking that variance?

13 A. Well, we went through it a little bit earlier.  
14 First is a request from landowner to not include that in  
15 the fields. Second is damage to drainage tile and other  
16 infrastructure. So we know that the roots of some of  
17 these, you know, evergreens can reach out, you know, fifty  
18 or more feet latterly, not to even mention what they're  
19 reaching out in depth. So we recognize that for an area  
20 that has a significant subsurface drainage installation,  
21 things like evergreens or deep-rooted woody vegetation is  
22 not a -- not really an option that we want to consider at  
23 this point.

24 Q. So have you considered an arborvitae-type of a

1 vegetative screen?

2       **A.** So those are a low, for the most part, a low  
3 growing evergreen, that again would still introduce some  
4 impacts, you know, subsurface. They do not carry, you  
5 know, the same kind of root structure that you would have  
6 with, you know, larger junipers or pine species, but they  
7 do still carry the subsurface drainage impacts that we'd  
8 likely see, and then additionally we also discussed that  
9 it's an impact on, you know, some of the maintenance of  
10 these as well, that is likely to use significant water  
11 resources as well. I'm not sure of the exact number we  
12 would look at maintenance-wise over the life of the  
13 Project, but I can speak in my experience with, you know,  
14 solar facilities that have utilized and that have not  
15 utilized screening, that the amount of water that is used  
16 over the first five years just for propping up and  
17 maintaining some non-native evergreens is significant.

18       **Q.** In terms -- well, let me ask you this. Are you  
19 aware of the requirements in relation to obtaining a  
20 variance in relation to, frankly any variance request, off  
21 of a zoning code?

22       **A.** Yes.

23       **Q.** Can you tell me what they are?

24       **A.** In relation to the variance that we've requested?

1           **Q.**    No. I'm asking do you know the standards for  
2 obtaining a variance in relation to a zoning variance?

3           **A.**    Well, you know, to speak generally is that we  
4 propose adequate alternatives.

5           **Q.**    Okay. One of the requirements, I'll just go  
6 through, one of the requirements is that you have to show  
7 a difficulty or hardship has not been created by any  
8 person presently having an interest in the property or any  
9 person through whom the Applicant claims title. Are you  
10 aware of that requirement?

11          **A.**    I wasn't aware of the requirement.

12          **Q.**    So what is the hardship that has not been created  
13 by either Louis Creek or the Landowner that is related to  
14 the vegetative screening request?

15          **A.**    So as mentioned, both economic and resource  
16 allocation that we would be putting towards this, and I  
17 don't mean resource allocation as in costs for  
18 implementation. It's resource allocation for maintenance  
19 and installation. So as mentioned before, significant  
20 water resources that we would rather not have to invest  
21 in, you know, five to ten years of long-term irrigation  
22 for any of these, you know, woody, whether it be arbor  
23 vitae or it be some kind of other screen-type of  
24 evergreen species, and then additionally as I noted, it's

1 been requested by the Landowner that to reduce impacts and  
2 to retain both the landscape and the layout of the current  
3 property, vegetation-wise that we do not install any, you  
4 know, large growth evergreens.

5 Q. But those are hardships that are created by the  
6 person having an interest in the property or persons with  
7 whom the Applicant claims title; is that correct?

8 A. Yes.

9 Q. Those individuals, and if you don't know the  
10 answer to this question you can defer it to somebody else,  
11 but those individuals who are the neighboring residences,  
12 what has been the nature of the conversation with those  
13 people regarding the vegetative screen?

14 A. Yeah, I think I would defer that again to  
15 Mr. Griscom.

16 Q. Okay, sir, that's all the questions I have.  
17 Zoning Board of Appeals, do you have any questions for Mr.  
18 -- I'm sorry, Mr. Carroll?

19 ZBA MEMBER STEVEN R. RAPP: Yeah, I do. Either I'm not  
20 understanding this, and I don't think that's the case,  
21 when you're referring -- when the District main is being  
22 referred to, and that map is lateral tiles, correct?

23 JEFFREY CARROLL: We're talking about the drainage,  
24 this is map right here (indicating)?

1 ZBA MEMBER STEVEN R. RAPP: Yeah.

2 JEFFREY CARROLL: It is.

3 ZBA MEMBER STEVEN R. RAPP: So all the blue lines are  
4 lateral tiles?

5 JEFFREY CARROLL: No. All the blue lines are internal  
6 patterned tile.

7 ZBA MEMBER STEVEN R. RAPP: Yeah.

8 JEFFREY CARROLL: Correct. So every yellow dot that is  
9 noted on here, those are lateral tiles, the mutual tiles.

10 ZBA MEMBER STEVEN R. RAPP: Well, but the blue is  
11 patterned tile which is a lateral tile. I mean in my world  
12 that's lateral tile. But the blue lines are all tiles?

13 JEFFREY CARROLL: That is correct. The blue lines are  
14 all tiles within the Project area.

15 ZBA MEMBER STEVEN R. RAPP: It looks to me like, at  
16 least on the north, I can't speak of -- I'm trying to  
17 trace it down, but the north section of this solar farm,  
18 all of those laterals go into that District main.

19 JEFFREY CARROLL: A large portion of the laterals that  
20 do occur there do go into that main; that is correct, and  
21 those are the tiles that we would consider for either the  
22 re-route, capping or working around. More than likely,  
23 re-routing and capping are necessary for the ones that tie  
24 in directly to the District facilities.

1           ZBA MEMBER STEVEN R. RAPP: I guess I'm not following.  
2 If you re-route those, and you've got this whole area full  
3 of solar panels, and you don't really know where the solar  
4 panels have gone through those tiles, what good is  
5 re-routing those tiles going to do?

6           JEFFREY CARROLL: Well for the tile that would be  
7 impacted, they would be capped.

8           ZBA MEMBER STEVEN R. RAPP: But you're going to know  
9 every tile that you impact?

10          JEFFREY CARROLL: Well, we do have a good location and  
11 understanding of the tiles that occur within the Project  
12 area, and we've worked closely with our Landowner to have  
13 a very detailed map to which we've ground through a  
14 significant amount of, you know, for our surveys, we -- I  
15 would say almost all of the tile that we noted as being  
16 there was presented to us by our Landowner. So we're very  
17 --

18          ZBA MEMBER STEVEN R. RAPP: So that's off his tile  
19 then?

20          JEFFREY CARROLL: Some of this is, yes. So we've  
21 integrated both what our third-party Pinion has presented,  
22 and I'm also happy if there's questions to allow, you know  
23 our Representative from Pinion, our drain tile survey  
24 company, to come up here, you know, present a little bit

1 about what they did and, you know, provide opportunities  
2 for you to ask some questions if that's helpful as well.

3 ZBA MEMBER STEVEN R. RAPP: And what method did they  
4 use to locate these?

5 JEFFREY CARROLL: They ground -- they trenched every  
6 single one of those perimeter tiles.

7 ZBA MEMBER STEVEN R. RAPP: They did trench?

8 JEFFREY CARROLL: They did trench. They trenched each  
9 one with, I believe it was, a backhoe attachment, and every  
10 tile they hit when they were digging and located, they  
11 repaired and then back filled. But again, I think if there  
12 are more detailed questions, it may actually be helpful  
13 for me to introduce Ryan Green, and allow him to maybe  
14 speak a little bit more because he is the subject matter  
15 expert on that.

16 ZBA MEMBER STEVEN R. RAPP: I just -- I guess, just my  
17 opinion from the District, to protect that District main  
18 looks to me like almost impossible.

19 ZBA MEMBER STEVE ANDERSON: What?

20 ZBA MEMBER STEVEN R. RAPP: To protect that District  
21 main in this Project with that many lateral patterned  
22 tiles is almost impossible.

23 ZBA MEMBER STEVE ANDERSON: Impossible. Thank you.

24 ZBA MEMBER STEVEN R. RAPP: That's my opinion. I'm

1 done.

2 MR. ANDREW KEYT: Okay. Any other questions from any  
3 other Members of the Zoning Board of Appeals for  
4 Mr. Carroll? Going once, going twice. Okay. Mr. Carroll,  
5 you're excused. Who is the next witness here for --

6 DAVID GRISCOM: Can we introduce Ryan Green from  
7 Pinion?

8 MR. ANDREW KEYT: Sure. Okay. What's your name?

9 RYAN GREEN: Ryan.

10 MR. ANDREW KEYT: What's your last name?

11 RYAN GREEN: Green.

12 MR. ANDREW KEYT: Can you spell that for the Court  
13 Reporter, and then you'll have to provide your address.

14 RYAN GREEN: R-Y-A-N, G-R-E-E-N.

15 (Witness sworn.)

16

17

**RYAN GREEN,**

18 called as a witness in the above matter, having been  
19 previously sworn, was examined and testified as follows:

20

21 MR. ANDREW KEYT: And can you give your address, Mr.  
22 Green?

23 RYAN GREEN: Business or personal?

24 MR. ANDREW KEYT: Business is fine, but you need to

1 speak into the mic.

2 RYAN GREEN: 2700 N. Main Street, Moweaqua, Illinois,  
3 62550.

4 MR. ANDREW KEYT: Who's your employer, Mr. Green?

5 RYAN GREEN: Pinion.

6 MR. ANDREW KEYT: Can you spell Pinion for the record?

7 RYAN GREEN: P-I-N-I-O-N.

8 MR. ANDREW KEYT: Okay. Mr. Pinion -- I'm sorry  
9 (laughter in the room.) Mr. Green, please provide  
10 whatever testimony you'd like to provide. I think the  
11 thought was you could describe the methodology which you  
12 came up with the mapping?

13

14 RYAN GREEN: Yeah, sure. So I think Jeffrey explained  
15 it pretty well, but what our method is is to reach out to  
16 the Landowner, collect his tile map. So that's what you  
17 see in blue on these exhibits, and I apologize I don't  
18 know what the exhibits are called, but that's what the  
19 blue map says. Those are the files that we obtained from  
20 the Landowner. With that information we look at  
21 topography, and that's how we develop our exploratory  
22 plan. So that's where we're going to get out there and  
23 trench and discover that tile. With that trenching plan,  
24 we trench, we take a picture of the exposed tile, we make

1 sure it's repaired, we take a picture of the repaired  
2 tile. We document size, slope, condition, whether it's  
3 full of silt, whether it's not, and then direction of  
4 flow. So all of the -- is there an exhibit -- oh, yeah.  
5 So all of the dots here (indicating), those are the  
6 locations that we performed the exploratory trenching. So  
7 that's the information we gather with both the GPS files  
8 and the mapping that the Landowner provided us and  
9 trenching to kind of fill in the blanks and figure out  
10 where tiles is coming into the site. That's the plan that  
11 you're looking at here.

12 MR. ANDREW KEYT: Okay. Does that complete your  
13 testimony at least so far?

14 RYAN GREEN: I think so.

15 MR. ANDREW KEYT: Okay. Zoning Board of Appeals, any  
16 questions for Mr. Green?

17 RYAN GREEN: I can elaborate on anything that you  
18 asked earlier.

19 ZBA MEMBER STEVEN R. RAPP: I just -- I mean, that's a  
20 lot of tile going into that main, and it isn't going to  
21 take very many of them to be missed to mess up that main.  
22 Agreed?

23 MR. ANDREW KEYT: Any other questions from the Zoning  
24 Board of Appeals? Any questions from staff? Okay.

1 Members of the public, any questions? Miss Richert?

2

3 ANITA RICHERT: So how did you decide where to trench  
4 on the perimeter, because I'm pretty sure I have a parcel  
5 owner here that has known of his coming in and it's not on  
6 that map. And you didn't do a complete trench all the way  
7 around, correct?

8 RYAN GREEN: No.

9 ANITA RICHERT: And I think that's what our engineer  
10 suggested would be the way to find it, would be to do a  
11 trench all the way around.

12 RYAN GREEN: Okay.

13 ANITA RICHERT: So how did you decide where to do your  
14 trial trenches?

15 RYAN GREEN: So the way we determine where we're going  
16 to trench is based on the mapping that we received from  
17 the Landowner. So everywhere where you see blue lines,  
18 that's the existing tile from the map we received from the  
19 Landowner here.

20 ANITA RICHERT: Okay.

21 RYAN GREEN: We overlay that with topography, and then  
22 if there's anything missing there we use topography and  
23 internal tools that we have in-house, predictive  
24 analytics, and that tells us where we should go out and

1 trench, usually in lower areas or areas where we're  
2 lacking mapping information.

3 ANITA RICHERT: Right, because all of the trenches  
4 were in like the low areas?

5 RYAN GREEN: Yes.

6 ANITA RICHERT: Are you -- can you say with confidence  
7 that you have identified every main -- every mutual line  
8 coming in with a hundred percent certainty?

9 RYAN GREEN: So when you say mutual line, can you  
10 define that for me?

11 ANITA RICHERT: It's outside of the solar Project and  
12 it's coming into the solar Project. That's a mutual.  
13 It's coming in from somebody else's property to land that  
14 they don't own.

15 RYAN GREEN: Okay. That's what I -- a mutual tile to  
16 me is a mutual tile -- a tile shared by multiple  
17 Landowners. A tile just outside the fence line of the  
18 Project but still on the Landowner's property, I would  
19 consider that a private tile, but to answer your question,  
20 no I cannot say in full confidence that we've discovered  
21 every single tile out there. I can say through the  
22 trenching that we did do that we discovered much more tile  
23 out there than what this map shows in blue. There was a  
24 lot of older clay tile out there, but we did our best

1 effort to identify everything that we could.

2 ANITA RICHERT: And I have seen farmers' maps and  
3 sometimes it's a piece of lined paper and pencil  
4 (indicating). How accurate do you feel those blue lines  
5 are on a GPS point? Like I could put that on Google Earth  
6 and look at where that blue line is and put a -- stick a  
7 tile probe in and find it?

8 RYAN GREEN: So, no. So that's exactly what it --  
9 (Multiple persons speaking at the same time.)

10 ANITA RICHERT: Did you say no?

11 RYAN GREEN: So that's exactly what it is. It's an  
12 export out of whatever drainage system that contractor was  
13 using to a KML, so it is a KML. A KML is a geo reference  
14 file. So that drain tile is going to be within feet of  
15 where it actually is.

16 ANITA RICHERT: Feet? Okay.

17 RYAN GREEN: The only way that you can actually know  
18 exactly where that is to the sub-inch, is if you go out  
19 and try to locate it on the same bench mark that it was  
20 installed on.

21 ANITA RICHERT: Did you put a tile probe in the ground  
22 to find any of these lines?

23 RYAN GREEN: No. We only did the exploratory  
24 trenching.

1 ANITA RICHERT: Okay. So you did a desktop study for  
2 the rest?

3 RYAN GREEN: Yeah, the desktop study is what educates  
4 where we go out and dig.

5 ANITA RICHERT: So all those blue lines in the middle,  
6 you didn't stick any probe in to find like that is where  
7 it's at?

8 RYAN GREEN: To the sub-inch, no.

9 ANITA RICHERT: How did you repair the ones that you  
10 hit?

11 RYAN GREEN: How did we repair them?

12 ANITA RICHERT: Yeah.

13 RYAN GREEN: Like what fittings did we use?

14 ANITA RICHERT: Yeah.

15 RYAN GREEN: Whatever size the tile was, that's the  
16 type of fitting that we used to repair it.

17 ANITA RICHERT: Was it clay tile that you found?

18 RYAN GREEN: Both clay and plastic, yes.

19 ANITA RICHERT: And how did -- what -- the ones that  
20 you hit, what did you -- did you repair clay with clay and  
21 plastic with plastic?

22 RYAN GREEN: No. So we used clay adaptors which is  
23 plastic mold to repair the clay tile. In my experience  
24 you don't use clay to repair clay tile. You use clay

1     adaptors which are made of plastic and rubber, and then  
2     the plastic tile you use couplers.

3           ANITA RICHERT:   Okay.  The clay tile, is it ridged on  
4     the inside?

5           RYAN GREEN:    No.  It's a smooth wall.

6           ANITA RICHERT:   Okay.  So just to be clear, that map  
7     is your best guess, and it can be within feet?

8           RYAN GREEN:    I would say that's correct.

9           ANITA RICHERT:   That's correct?  Okay.

10          MR. ANDREW KEYT:  Okay, any other questions for  
11     Mr. Green from members of the public.  Going once, going  
12     twice.

13          Okay.

14

15          GLENN WILKEN:   I have a question.

16          MR. ANDREW KEYT:  Yes, sir.  You have to state your  
17     name and spell it.

18          GLENN WILKEN:   Glenn Wilken.

19          MR. ANDREW KEYT:  How do you spell your last name, Mr.  
20     Wilken?

21          GLENN WILKEN:   W-I-L-K-E-N.

22          MR. ANDREW KEYT:  And you have a question for  
23     Mr. Green?

24          GLENN WILKEN:   Yes.

1 MR. ANDREW KEYT: Please proceed.

2 GLENN WILKEN: We farm across the interstate from the  
3 north part of this solar Project. We have that farm shaped  
4 like an arrow. We know there's two mains coming out of  
5 that farm, one I think you found. The other one comes out  
6 of that pond, and Mr. Rust told me there's a third one  
7 somewhere. Those drain ninety some acres across the  
8 interstate. So, it's adamant that those aren't damaged.  
9 How you go about it, it's up to the Board, but it will be  
10 on you if you don't.

11 MR. ANDREW KEYT: Mr. Wilken, is your question for him,  
12 how are you going to identify and protect those lines?

13 GLENN WILKEN: He's got to find that third one and the  
14 north one. He only found the south one.

15 MR. ANDREW KEYT: Understood. Can you answer that  
16 question or provide comment on it?

17 RYAN GREEN: Yeah. I don't know if I can answer it. I  
18 can point to we did discover a tile here (indicating) that  
19 was coming from across the interstate. We did discover a  
20 tile here that was coming from across the interstate.

21 GLENN WILKEN: I can't see that from here.

22 RYAN GREEN: Sorry. There's two locations, one  
23 directly east of the pond where we did perform an  
24 exploratory trench and identify a tile. I don't know what

1 tile. I would have to look at the report.

2 GLENN WILKEN: Okay.

3 RYAN GREEN: And then south of that we did discover  
4 another tile that was also coming from the west. But those  
5 were the only ones that we discovered. So I guess my  
6 answer would be if you know of a third, is that  
7 information that you can provide?

8 GLENN WILKEN: I don't know of the third. Mr. Rust  
9 told me they found a third one when they tiled.

10 RYAN GREEN: Okay. Do you know what they did with it?  
11 Did they hook it into the new system?

12 GLENN WILKEN: Well, they couldn't unhook it because  
13 it's --

14 (Multiple people speaking at the same time.)

15 GLENN WILKEN: -- into the main, the mutual main.

16 MR. ANDREW KEYT: Okay. Is that -- it sounds like  
17 Mr. Wilken, you're concerned if I'm understanding  
18 correctly, there's a third line that maybe has not been  
19 identified?

20 GLENN WILKEN: Correct.

21 MR. ANDREW KEYT: Correct? All right. I think maybe  
22 Mr. Wilken's question is how do you protect to make sure  
23 that there is this potential third line?

24 RYAN GREEN: So, I guess as a third-party contractor,

1 I can't commit Allium to doing anything, but my  
2 recommendation or what I would do is work with you and  
3 Mr. Rust to figure out where that third drain tile is that  
4 we might have missed, or get back out there and trench  
5 that entire west boundary. In my opinion that's extremely  
6 inefficient. If we can work with you and Mr. Rust to talk  
7 about how that drain tile was installed, where he thought  
8 he saw it, look at topography, look at predictive  
9 analytics maybe we can try to locate that third tile.

10 GLENN WILKEN: Okay.

11 RYAN GREEN: I'm happy to give you my card before I  
12 leave.

13 MR. ANDREW KEYT: Okay. Any other questions from  
14 members of the public? You've already had a shot here,  
15 Ms. Richert. (Laughter in the room.)

16 Any other questions from members of the public?  
17 You get one shot to ask questions from each witness.  
18 Going once, going twice. Zoning Board, any additional  
19 questions? I'm sorry. Yeah, come on up, ma'am.

20

21 DIANN MATTER: Is there a proper way --

22 MR. ANDREW KEYT: Hold on, ma'am. I think your last  
23 name is Matter. You've got to give us your name and spell  
24 it.

1           DIANN MATTER: DiAnn Matter, and it's spelled  
2 D-I-A-N-N, M-A-T-T-E-R.

3           MR. ANDREW KEYT: Okay. Please proceed.

4           DIANN MATTER: Is there a proper way that you can --  
5 to measure all around the perimeter to make sure that that  
6 tile can go in around the perimeter of that property that  
7 we're talking about?

8           RYAN GREEN: Um, is there a proper way to measure  
9 around the perimeter of the entire Project?

10          DIANN MATTER: Just to find all the tiles in the  
11 Project, because we're all farmers here. We all know that  
12 there's drains and pipes and tiles all over our farm  
13 ground. Um, I just want to know what, you know, so you go  
14 in and you start digging this, what's going to happen when  
15 you dig it and you happen to run into a tile? What's  
16 going to happen then? Are you going to flood the place? I  
17 mean who's going to be responsible to fix that?

18          RYAN GREEN: So --

19 (Response interrupted with next comment.)

20          DIANN MATTER: Is it going to be the solar company or  
21 is it going to be the poor farmer that let you come into  
22 their property to do this, and then you as a company did  
23 not do your proper homework to have this done? So who's  
24 going to be at fault when this happens or when it happens?

1 It's just a matter of time probably before a whole lot of  
2 --

3 MR. ANDREW KEYT: Hold on, ma'am. We have a question, I  
4 believe. Did you understand her question?

5 RYAN GREEN: I don't think so, but I'm going to defer  
6 the answer to David.

7 MR. ANDREW KEYT: Okay, understood. Do you have any  
8 other questions, ma'am?

9 DIANN MATTER: Not right now.

10 MR. ANDREW KEYT: Any other questions from members of  
11 the public? I'm just trying to make sure I understand  
12 here.

13 EXAMINATION BY

14 MR. ANDREW KEYT:

15  
16 Q. So you performed what you're referring to, is it  
17 -- would you call this a drain tile survey, or what do you  
18 call it?

19 A. Yeah, I think that's a fair name for it.

20 Q. If I understand it correctly, you're still  
21 uncertain, I think your words were, you can't state with  
22 full confidence that you've identified all the tile. Is  
23 that fair?

24 A. That's fair.

1           **Q.** My question is, if a tile is hit that is draining  
2 into one of the mutual Drainage District tiles, the main  
3 tile, and you're not aware of it, which could happen, is  
4 that fair?

5           **A.** So the question is, if a drain tile is hit during  
6 the construction activities of the solar site?

7           **Q.** Let me re-phrase it. Fair to say if you hit a  
8 drain tile during the construction process, you may not  
9 know it right away. Is that fair?

10          **A.** As a third-party contractor that is in charge of  
11 drain tile and not performing construction activities, I  
12 can't answer that definitively.

13          **Q.** Okay, but that occurs; is that correct?

14          **A.** It could, I believe.

15          **Q.** What's the consequence then, I guess, let's say  
16 it's one of the lines that's running from underneath the  
17 interstate and it becomes clogged, what is the consequence  
18 if that line becomes clogged and you're not draining off  
19 of one line off of the west of the interstate that would  
20 then be flowing underneath the interstate to the east  
21 side?

22          **A.** So if a tile's disrupted within the Project  
23 boundary on the east side of the interstate, what could  
24 happen?

1 Q. Correct. That is draining from the west side of  
2 the interstate, what is the consequence of that?

3 A. If it's struck and it's plugged with dirt, it  
4 would back up drainage to the west.

5 Q. All right. And then what potentially would  
6 happen from that backed-up drainage to the west?

7 A. It can cause saturation, cause ponding, cause  
8 failed tiles.

9 Q. Would it cause erosion near the interstate?

10 A. I can't answer that.

11 Q. Could it cause erosion near the interstate?

12 A. I can't definitively say that.

13 Q. This particular property, is there a large number  
14 of drain tiles on that property in comparison to other  
15 properties you've surveyed?

16 A. On this Project site?

17 Q. Yes.

18 A. Yes.

19 Q. How would you characterize it? Let's say a scale  
20 of one to ten, with ten being the most you've seen, one  
21 being the least you've seen?

22 A. Six.

23 MR. ANDREW KEYT: All right. That's all the questions  
24 I have. Any other questions from the Zoning Board of

1 Appeals? Hearing none, Mr. Green, you're excused. Louis  
2 Creek, is there another witness?

3 DAVID GRISCOM: No. No other witnesses.

4 MR. ANDREW KEYT: I think, Mr. Griscom, a few  
5 questions were deferred to you. Can you come up and  
6 address those? Mr. Griscom, you don't need to be re-sworn  
7 in, but you understand you're still under oath; is that  
8 right?

9 DAVID GRISCOM: Yes.

10

11

**DAVID GRISCOM,**

12

recalled as a witness in the above matter, having been

13

previously sworn, was examined and testified as follows:

14

15

**FURTHER EXAMINATION BY**

16

**MR. ANDREW KEYT:**

17

18

**Q.** Mr. Griscom, there was one question at least in

19

relation to the conversations with any adjacent

20

non-participating property owners or residences, let's

21

say, do you know which properties nearby are

22

non-participating residences?

23

DAVID GRISCOM: Yes, I do.

24

**Q.** How many are there?

1           A.    Three.

2           Q.    Have you had conversations with those three about  
3 what potential vegetative screening they would like to see  
4 or fencing, et cetera?

5           A.    Yes, I have.

6           Q.    And what is the nature of those conversations?

7           You can go on.

8           A.    The primary concern, we had originally proposed a  
9 chain link fence with green slats. The primary concern was  
10 the visual impact of the chain link fence with green  
11 slats, and so we are proposing an alternative to that  
12 which is the woven wire fence.

13          Q.    All right. Was it all three Landowners or  
14 non-participating residences that expressed that concern?

15          A.    No, it was just one Landowner.

16          Q.    Did you make them aware that they would have --  
17 they could have a vegetative screening?

18          A.    Uh, we did not discuss potential vegetative  
19 screen. It's something that we would be more than willing  
20 to consider in terms of specific areas on the Project  
21 site. As my colleague Jeffrey has noted, we don't want to  
22 plant trees around the entire site. We can't irrigate  
23 those trees. There's an issue with the roots penetrating  
24 the drain tile, but we're more than willing to work with

1 this one Landowner to explore what type of fence or  
2 screening he would prefer.

3 Q. Well I guess my question, in talking to those  
4 non-participating residences, did you have conversations  
5 about you are entitled to a vegetative screening under the  
6 Ordinance? Did you have that conversation with them?

7 A. We've always proposed a fence as the alternative  
8 to the vegetative screening.

9 Q. Is the answer to my question yes or no?

10 A. No.

11 Q. In having those conversations with those  
12 Landowners, did any of them express requests for a  
13 vegetative screening?

14 A. I believe it came up in the first Zoning Board  
15 meeting in terms of screening along the interstate, and we  
16 expressed concern with that in terms of potential fire  
17 hazard. In fact, someone from the fire department came and  
18 expressed concern about that being a fire hazard as well.

19 Q. Okay, my question is in relation to the  
20 non-participating residences that are there, it sounds  
21 like the conversation with them was do you want a chain  
22 link fence with slatting or do you want a woven wire  
23 fence.

24 A. That is correct.

1           **Q.** All right. And at any point in time did you ask  
2 them hey, do you want a vegetative screening here as is  
3 required by the Ordinance?

4           **A.** No.

5           **MR. ANDREW KEYT:** I don't have any more questions. Any  
6 questions from the ZBA?

7           **ZBA MEMBER JERRY BENNETT:** Just a little off kilter  
8 here. At the last meeting you guys had, I believe it was,  
9 seven solar farms going, and only one was in service in  
10 Hawaii?

11          **A.** Correct.

12          **Q.** How many do you have in service now?

13          **A.** Same one in Hawaii.

14          **MR. ANDREW KEYT:** Any other questions from the Zoning  
15 Board of Appeals for Mr. Griscom? Okay. Questions from  
16 staff? Any follow-up? Any questions from the public?  
17 Miss Richert?

18

19          **ANITA RICHERT:** You said there's three neighboring  
20 properties? I'm a neighboring property, and nobody ever  
21 talked to me. So my question is: Who are the neighboring  
22 properties, I guess. I'm one, my sister's one, my mom and  
23 dad are one. So there's three of us. Have you been talked  
24 to?

1 UNIDENTIFIED SPEAKER: No.

2 ANITA RICHERT: None of us have been talked to? So  
3 I'm not sure who the neighboring properties are that you  
4 talked to, and I'm not sure how there's just three.

5 DAVID GRISCOM: So I believe the question was, which  
6 neighboring -- what neighboring non-participating  
7 properties have you spoken with, and I've spoken with  
8 three.

9 ANITA RICHERT: And we have -- I know of three  
10 personally, and you haven't spoken with any of us. So  
11 there can't be just three.

12 DAVID GRISCOM: I'm just saying I've spoken with the  
13 three neighboring participating -- non-participating  
14 properties around the Project site. I recognize your land  
15 is on the west side of I-57.

16 ANITA RICHERT: And south side.

17 DAVID GRISCOM: And south side. I'm saying I have  
18 spoken with the three non-participating Landowners  
19 immediately adjacent to our Project site.

20 ANITA RICHERT: I'm immediately adjacent to your  
21 Project site.

22 DAVID GRISCOM: I'm drawing a distinction between I-57  
23 non-participating --

24 (Multiple people speaking at the same time.)

1 ANITA RICHERT: I am on the east side of --

2 DAVID GRISCOM: -- I understand --

3 ANITA RICHERT: -- I-57.

4 MR. ANDREW KEYT: Hold on one second. I think the  
5 point's been made. It sounds like there's maybe some folks  
6 nearby who have not been talked to, if I understand  
7 correctly. Mr. Griscom, I think one of the questions was  
8 what would be the consequence if a tile was hit, and  
9 feasible, of course, that that could happen and Louis  
10 Creek may not know that a tile is hit when it occurs; is  
11 that fair?

12 DAVID GRISCOM: That is fair.

13 MR. ANDREW KEYT: What's the consequence, given the  
14 level of tile here, if that tile is hit and it backs up  
15 the mutual drainage line that goes through?

16 DAVID GRISCOM: If silt gets into the main drain, then  
17 there's potential for ponding and flooding in surrounding  
18 acreage.

19 MR. ANDREW KEYT: Meaning the neighboring acreage that  
20 is non-participating could be impacted by flooding if that  
21 occurs; is that correct?

22 DAVID GRISCOM: Correct.

23 MR. ANDREW KEYT: All right. That's all the questions  
24 I have. Any follow-up questions from the Zoning Board of

1 Appeals?

2 ZBA CHAIRMAN WAYNE WAGNER: The company would then fix  
3 those tiles, right, as stated earlier?

4 DAVID GRISCOM: Yes. It is in our best interests to  
5 maintain the proper drainage of all water on our site.

6 MR. ANDREW KEYT: Any other questions from the Zoning  
7 Board?

8 ZBA MEMBER STEVEN R. RAPP: Refresh what -- how many  
9 years is that agreement for fixing tile? Is it the  
10 duration of the solar farm?

11 DAVID GRISCOM: Duration of the Project site, the  
12 Project time frame which is, I believe it's a thirty-year  
13 contract.

14 MR. ANDREW KEYT: Any other questions from the Zoning  
15 Board of Appeals? All right. Mr. Griscom, you're  
16 excused. Any other witnesses that Louis Creek plans to  
17 call?

18 DAVID GRISCOM: No. That is it.

19 MR. ANDREW KEYT: We've been going for longer than I  
20 thought. Why don't we recess until 8:00 --

21 (Discussion between Ms. Rivers and Mr. Keyt out of the  
22 hearing of the Court Reporter.)

23 MR. ANDREW KEYT: How many people from the public have  
24 testimony they wish to provide in relation to this

1 Project, just this Project? Mr. Wauthier. Miss Matter,  
2 do you have your hand up? I can't quite tell. One, two,  
3 three, four. And Mr. Wilken? We'll recess, we'll come  
4 back and start with the public. We'll try and -- we'll  
5 move through this as efficiently as possible so we can get  
6 to the US Solar ones, and we'll just keep moving here, but  
7 we'll come back at eight o'clock. So we'll stand in  
8 recess until 8:00.

9 (Recess taken and proceedings resumed.)

10

11 MR. ANDREW KEYT: We're going to get started again.  
12 Okay, we left off where we were about to turn to the  
13 public for any testimony from the public, either  
14 documentary or verbal testimony. I know there was a show  
15 of hands. I know Miss Richert probably has documents and  
16 information to provide. Why don't we start with Miss  
17 Richert, and then we'll proceed from there. Julie, looks  
18 like she's going to say something.

19 JULIE FELLER: No.

20 MR. ANDREW KEYT: Okay.

21 ANITA RICHERT: What do I need to do?

22 MR. ANDREW KEYT: You'll need to -- your voice is  
23 fairly loud. I don't mean that in a bad way. It carries  
24 well. Miss Richert, you're going to have to raise your

1 right hand and be sworn.

2 (Witness sworn.)

3

4 **ANITA RICHERT,**

5 called as a witness in the above matter, having been first  
6 sworn, was examined and testified as follows:

7

8 MR. ANDREW KEYT: I'm sorry. Miss Richert, can you  
9 state and spell your name and give us your address, and  
10 then you can start your testimony.

11 ANITA RICHERT: Okay. Anita Richert, A-N-I-T-A.  
12 R-I-C-H-E-R-T. I live -- I work at 917 Rural Route Number  
13 1, in my mind (laughter), north 400 East Road. So, 917 N.  
14 400 E. in Buckley.

15 MR. ANDREW KEYT: Okay, understood. You can proceed.

16 ANITA RICHERT: So a lot of my points I feel like I  
17 don't need to hash over again, and I do have some -- I'm  
18 just going to do the introduction.

19 One hundred years ago our community of farmers  
20 made an investment. This investment of \$11,763.59, we  
21 have the blueprint still of all the fees and all the tile  
22 and all the depths. If they would have taken that money in  
23 1926 when they put this line in and invested it in the  
24 stock market, it would be worth two hundred and thirty-six

1 million dollars. Okay? So this was a big investment in  
2 1926 to make for us to be able to farm five generations,  
3 six generations later. They didn't buy more land. Think  
4 didn't put it in the stock market. They put it in tiles so  
5 they could farm. They improved the land they farmed, and  
6 none of us would be here today if they did not do this,  
7 because draining the land has made it farmable and has  
8 made it able to put solar farms on. So we both benefit  
9 from getting this drainage right. We need to preserve the  
10 Artesia Mutual Drainage District not just for us as the  
11 farmers in the neighboring properties on all sides, but  
12 for the solar panel people also. This Project can be done  
13 or it can be done right. I know for a fact that doing the  
14 Project right is in everybody's best interests.

15 So there are a lot of -- everything in my  
16 hand-out is facts, and I mentioned I attended the Illinois  
17 Association of Drainage Districts Conference in  
18 Bloomington, and that's where I learned that there are a  
19 lot of renewable energy projects going in, and they're  
20 doing it right. They're putting a perimeter tile around to  
21 catch all the lines coming in. They're not just scratching  
22 a little here where it's low and scratching a little there  
23 where it's low and looking maybe over here where the  
24 farmer has some tile coming in on his hand-drawn map from

1 fifty years ago. They're doing a perimeter and they're  
2 catching all that water that comes in, and they're safely  
3 taking it to the main. I don't want any lines going  
4 through that solar field that will affect the main,  
5 because one of the seminars that I went to was how and why  
6 do mains fail. Silt is a big reason why mains fail, and an  
7 even bigger reason that they fail is too much water.  
8 So my -- our goal is to work together with Allium and to  
9 protect our Drainage District tiles during the  
10 construction and to allow our easement to inspect, repair,  
11 update the tile lines that are going through our District  
12 to make sure they are operational.

13 So all the little blue lines that have solar panels  
14 going over it, those need to be capped at the edge of our  
15 easement. There is no way they're going to find that  
16 they're only within three feet of accuracy unless you go  
17 out and find each one with a tile probe, and that would be  
18 a heck of a job. The easiest solution is to cap it at our  
19 easement edge, and to run fresh lines down. What they want  
20 to do with their leased ground that they have put the  
21 panels on, that's their business. If they just want to cap  
22 it and be done, I'm fine with that. That's their ground.  
23 They can do what they want, but they're not going to fill  
24 up our main that's draining all the ground around it by

1 running these lines from the panels into our District  
2 line. So we need, all the way around, we need to cap off  
3 what's in the panels. If they want to run clean lines in  
4 I'm fine with that. If they don't want to run new clean  
5 lines in, I don't want their dirty tiles coming in to our  
6 District main.

7 So this Westwood Memorandum, I didn't get to see the  
8 full thing, but I did get a copy of the Memorandum itself.  
9 Solar arrays make more run-off. It's science. That's it.  
10 They hired Westwood, who's a consulting firm that's wholly  
11 owned by Blackstone Energy Transition Partners, which is a  
12 private equity group like Lotus is a private equity group  
13 that's behind all this money, and Blackstone's focus is  
14 the growth on renewable energy and infrastructure sectors.  
15 So when I read the Westwood memo, I don't exactly take it  
16 as gospel truth because they have a slant. They say about  
17 meadow grass is going to absorb more water than the farm  
18 as its farmed now. And they call -- in the memo they  
19 actually said corn and soybeans are shallow rooted. I  
20 don't know if we have any farmers here tonight, but corn  
21 and soybeans are the last thing I would call shallow  
22 rooted, because corn can grow roots that are six feet  
23 plus. If you stand in corn it's fifteen feet tall. What  
24 you see above ground is also under ground. If you want to

1 see -- Beck's has a really good web site on roots -- corn  
2 roots where they put -- I think I have a picture in there  
3 of the corn root system. It's massive. It's absolutely  
4 massive. Soybeans too can grow four to eight feet. You  
5 don't have to be an agronomist to know they are very  
6 heavily rooted. So I don't know what Westwood was using  
7 for their numbers to pull on the water absorption rates  
8 but it can't be a plant that has eight-foot roots.

9 So they also said that the property -- they analyzed  
10 it as bare ground for most of the year. Well, I know  
11 Mr. Rust strip-tilled and that does not disturb the soil.  
12 All that leaf fodder from the year before, he does a  
13 little strip, drops his fertilizer in, it's just a  
14 three-inch -- is it three-inch or four-inch? On the strip  
15 till. Okay.

16 UNIDENTIFIED SPEAKER: (Inaudible) eight-inch.

17 ANITA RICHERT: Okay. The majority of the ground is  
18 not bare ground, and the plants are growing in of course  
19 during the summer and in the fall. When they harvest,  
20 they've got the cover, it's mulch. So the Westwood numbers  
21 they're using bare ground as a factor, I have a problem  
22 with that.

23 They also talk about the pollution and Nitrogen  
24 run-off. I don't know if anybody's aware, but farming's

1 pretty tough right now. Pretty much every dollar that  
2 comes in goes out in resources. So, we're not going to  
3 put more fertilizer and more chemicals on than the crop is  
4 going to use. You know that massive root system that I  
5 was talking about it? It pulls those nutrients out.  
6 We're not going to over fertilize. The only way we're  
7 going to get run-off is if we have wet conditions in the  
8 soil and the surface water carries it away before it can  
9 get drained, and of course golf courses are a big polluter  
10 and suburbia is a big polluter. But it's not farmers'  
11 fields. I'm really tired of being thrown under the bus as  
12 a farmer for pollution when the majority of it comes from  
13 suburbia. I went to a seminar and they showed about where  
14 the pollution is in the Great Lakes and the Mississippi  
15 and the Gulf. The largest phosphorus polluter in the  
16 Mississippi River is the City of Chicago according to the  
17 USGS, fact, it's science.

18 MR. ANDREW KEYT: Miss Richert, we're kind of off  
19 topic here a little bit.

20 ANITA RICHERT: Well, this is all just -- this is the  
21 Westwood Memo. They presented Westwood Memo into  
22 evidence, and I'm saying that the Westwood Memo needs to  
23 be taken with a grain of salt.

24 MR. ANDREW KEYT: Okay.

1 ANITA RICHERT: Because if we don't have good  
2 drainage, we don't have good roots and we have more water  
3 and we have more run-off.

4 MR. ANDREW KEYT: Okay.

5 ANITA RICHERT: So I wanted to get the facts out there  
6 about what they presented as facts. Solar panels create  
7 more run-off. That was another thing that they said, solar  
8 panels would not create more run-off. It's a fact, if you  
9 put rain over a 10 x 10 area, and it's all vegetation, it  
10 soaks in. If you put it over a 10 x 10 area that has  
11 panels, it all gets pushed down into a channel and that is  
12 more than the ground can soak up. You've got underneath  
13 the panels not getting soaked up, and you've got at the  
14 edge of the panel it's deluged, it's inundated with water,  
15 and that water's going to run across the surface because  
16 it cannot soak in.

17 The other thing is the liability aspect and this comes  
18 back to drainage because we have a battery storage system.  
19 I know it's not on our tile any more, but it's the next  
20 stop to our tile. If we get -- the battery storage melts  
21 down, there's no containment system around these battery  
22 storages that I can see on the plan, it will soak into the  
23 ground. It will go into our tile. We're going to be on the  
24 hook liability-wise, and Kankakee is going to be drinking

1 the contaminated water. So I don't know what the answer is  
2 to that, because I know that the Louis Creek -- I know  
3 it's not in the hundred-year flood, but I have pictures of  
4 it flooding. If the battery burns, we're going to get  
5 contaminants. We can't, as the District, this is one  
6 thing I learned at the conference, we can buy insurance,  
7 liability insurance, but we can't buy pollution insurance.  
8 So if we're going to be covered on the pollution, it's  
9 going to have to be through Allium.

10 While construction is going, we need them to stay off  
11 our easement. They're going to be in a race to get this  
12 built. It's not going to matter -- I had a neighbor who's  
13 not a farmer say, well what's the difference between a big  
14 tractor versus construction equipment going over the  
15 easement. I'm like a tractor is only going to go over the  
16 ground if it's fit. They're not going to go over if it's  
17 water logged. So we need to just keep them off the  
18 easement because if it's wet and they're out there,  
19 they're going to damage our structure.

20 On the repairs, I have a problem with -- Huddleston  
21 had a how they repair. I don't know if this is a repair  
22 that they made or if this is a repair that they said that  
23 they would do. What I learned at the conference is that if  
24 you're going to repair it, you cannot use corrugated for

1 the same size tile line. So if this is an example of them  
2 repairing something, this needs to be fixed because  
3 they're showing that they -- it's a smaller -- they used  
4 connection and instead of going on the outside of the  
5 line, they went on the inside of the line. That's going  
6 to slow the water down, and what is the number one reason  
7 mains fail is because of overloaded on the water.

8 The other thing is the electrical lines. Do you have  
9 any electrical lines that will be crossing our District?

10 MR. ANDREW KEYT: Hold on, Miss Richert. Now is not  
11 the time for questions.

12 ANITA RICHERT: I can't? Okay. If there are, we need  
13 them to be five feet under our District, because when we  
14 go in, if we're coming in with a backhoe, we can't take a  
15 risk of hitting these electrical lines. We need to have  
16 access to be able to fix it, and we need to know exactly  
17 where anything crosses, and it needs to be in a conduit  
18 five feet below.

19 Sorry. I'm trying to hurry because everybody wants to  
20 get out of here. Is there anything I missed? Okay,  
21 thanks. I think that's pretty much the gist of what I  
22 wanted to get across, that we need a perimeter tile and we  
23 need to block off everything coming in. If they want to  
24 run fresh lines, we're okay with that. We can't have silt

1 and we can't have an overload, and the battery storage is  
2 scaring me without being contained. There's no  
3 containment. We're on the hook for liability for possibly  
4 drinking water in Kankakee which is a drainage issue.

5 MR. ANDREW KEYT: Okay. Any other testimony you wish  
6 to provide?

7 ANITA RICHERT: No.

8 MR. ANDREW KEYT: Zoning Board of Appeals Members, any  
9 questions for Miss Richert? Going once, going twice.  
10 Staff, any questions for Miss Richert? Applicant, any  
11 questions for Miss Richert? Going once, going twice.  
12 Anybody from the public that is in support of the Project  
13 that has questions for Miss Richert? Going once, going  
14 twice. Miss Richert, I just have one question. Are you a  
15 Commissioner of the Drainage District?

16 ANITA RICHERT: No. I'm a Member of the District.

17 MR. ANDREW KEYT: Okay. Understood. If I understand it  
18 correctly, it's Artesia Mutual Drainage District?

19 ANITA RICHERT: Number 1.

20 MR. ANDREW KEYT: Number 1? Okay. Then you had a  
21 couple of exhibits that you handed out. We just need to  
22 mark them for the record. As I understand it, you handed  
23 out, is it one exhibit or more than one?

24 ANITA RICHERT: There's two. There's my presentation

1 with the pictures, and then there's a summary that a  
2 member submitted.

3 MR. ANDREW KEYT: Okay. I am going to mark the  
4 summary, and I assume that's this page?

5 ANITA RICHERT: That's correct.

6 MR. ANDREW KEYT: I'm going to mark that as Richert  
7 Exhibit Number 1. All right?

8 ANITA RICHERT: Okay.

9 MR. ANDREW KEYT: And then this document, which is  
10 multiple pages, I'm going to mark as Richert Exhibit  
11 Number 2. I'm a lawyer, but I got to 1 and 2. I got that  
12 far.

13 (Laughter in the room.)

14 MR. ANDREW KEYT: Miss Richert, you're excused.  
15 Anybody else from the public wish to provide testimony?  
16 Going once, going twice. Mr. Wauthier?

17

18 (Witness sworn.)

19

**DONALD WAUTHIER,**

20 called as a witness in the above matter, having been first  
21 sworn, was examined and testified as follows:

22 DONALD WAUTHIER: I want to thank the Board for the  
23 opportunity to provide evidence today. My name's Don  
24 Wauthier, as mentioned when I was doing some questioning.

1 I'm the Engineer retained by the Drainage District to help  
2 them with some of their technical issues related to this  
3 case. I have a background -- I'm actually an Agricultural  
4 and Biological Engineer. This is my 16th solar farm,  
5 either helping with the design, or more normally helping  
6 either a Drainage District or County with review of the  
7 documents. So I have a bit of background in these  
8 projects.

9 It may feel like it, but I want to make sure that the  
10 Board understands that my personal belief is that the  
11 Drainage District is not opposed to this Project. They are  
12 asking questions to protect their drainage, but they are  
13 not opposed, per say, to the Project. I want to make sure  
14 that that's clear in case that didn't come out. So, you  
15 know, the issue really is about protecting the drainage.

16 The Applicant has done, compared to what was here in  
17 July/August of last year to now, the Applicant has made  
18 huge steps forward in investigating and attempting to  
19 locate and find the drain tiles. I would characterize the  
20 situation last when they were first here as, they probably  
21 didn't know what they didn't know about tile and drainage  
22 here in east central Illinois. So, you know, that's a good  
23 thing. I think that based upon my understanding of things,  
24 there's probably some more investigation that needs to be

1 done. I know of existing mutual tile lines that are not  
2 identified on their exhibits right now that are, quite  
3 frankly, easily visible with, you know, with inlet's on  
4 the line. So I suppose maybe they were hidden by high tall  
5 grass or something, but they're out there. You can touch  
6 them. So I want to make sure that we understand that  
7 that's something that needs to continue.

8 I also understand and agree with the Applicant  
9 generally, that at this point in time they have not had --  
10 they've not designed their system. They're still in the  
11 25% stage of design, and so until they get much farther  
12 along, they can't necessarily say with certainty what  
13 they're going to do to solve the problem or impact, and  
14 that they, you know, the important thing is that they  
15 commit to solving the problem, not that they identify  
16 today necessarily, what they're going to do to address any  
17 sort of problem or issue. I think that's important. And I  
18 think one of the most important things is, from an overall  
19 standpoint, is the development agreement that they have  
20 proposed to enter into with the Drainage District, where  
21 those processes during the design can be identified and  
22 agreed to in a contract that is now enforceable, so that  
23 the situation that has happened in other cases in the past  
24 has been the solar folks come to a ZBA meeting and promise

1 the earth and the stars and the moon, but when the  
2 contractor gets out there it doesn't get done. So it was  
3 all promises, but it didn't actually get done. So it's  
4 important that we have that, I think, that development  
5 agreement and contract in place. I will say, I have been  
6 pleasantly surprised and impressed with their ability to  
7 react to and try and deal with some of these drainage  
8 issues. That's not something that I normally see from many  
9 solar companies. So that's important.

10 The Westwood study that Anita mentioned is a very  
11 preliminary study. It is possible that, depending on the  
12 various factors involved, that the solar panels with the  
13 right vegetation and the right spacing between them, could  
14 result in no net increase in stormwater run-off, or they  
15 could cause an increase in stormwater run-off. Until you  
16 do the actual design analysis, you won't know that, and  
17 that's something that obviously would need to be addressed  
18 as you went along.

19 So that's something important to understand. So, kind  
20 of in summary, I guess, I wanted to also provide some  
21 suggested conditions that could be adopted as part of the  
22 approval of the Conditional Use Permit. Under zoning in  
23 Illinois, it's called a Conditional Use Permit. Why is  
24 that? Because you, you the Board, can place conditions on

1 the approval. It's approved subject to these conditions.  
2 Most approvals for conditional uses for, you know,  
3 conditional use for something minor, doesn't really need  
4 conditions, and maybe that's not something that you've  
5 normally done --

6 MR. ANDREW KEYT: Mr. Wauthier, I'm not trying to  
7 interrupt you. They're aware of what the conditions are  
8 and how they work and so is the County Board. If you  
9 could, just get to where you're going on the conditions  
10 part and what you think it should be.

11 DONALD WAUTHIER: Okay. So I have put together -- I  
12 have put together some additional conditions for you to  
13 adopt, seven different ones. I believe I've passed them  
14 out to Board Members. There's other copies if you would  
15 like them.

16 MR. ANDREW KEYT: Mr. Wauthier, can you provide us a  
17 copy?

18 DONALD WAUTHIER: Yes.

19 MR. ANDREW KEYT: Can you give me a copy, and then is  
20 your plan to just read from the document?

21 DONALD WAUTHIER: I wasn't planning on reading at all.  
22 I was going to summarize it.

23 MR. ANDREW KEYT: Okay. Just so we're aware, the ZBA's  
24 probably not going to take up additional conditions here.

1 That's up to the County Board if they want to. There is a  
2 set of conditions that's been proposed previously.

3 DONALD WAUTHIER: So basically one of the conditions  
4 would be that the Development Agreement be executed and be  
5 made part of the farmland drainage plan required by the  
6 State law, so that it is part and parcel of the  
7 Conditional Use. Also, that the Agricultural Mitigation --  
8 Impact Mitigation Agreement be made part and parcel to the  
9 construction drawings that are approved by the County. The  
10 reason for that is that as they are set up by the Illinois  
11 Department of Agriculture, the only person or entity that  
12 can enforce that Agreement is the Illinois Attorney  
13 General. In the 25 years since we've had those agreements  
14 for solar, wind, gas pipelines and so on, the Illinois  
15 Attorney General has never once prosecuted any Applicant  
16 for failure to comply with that Agreement. So having the  
17 ability for the local entity to also insist upon that  
18 compliance is an important aspect.

19 I think that we believe that surface drainage is  
20 an important issue here, and that a surface drainage  
21 system needs to be developed as part of this. As it is  
22 now, the area already experiences some surface flooding.

23 We think that the Stormwater Pollution Prevention Plan  
24 should be a part of the -- that is approved by the

1 Illinois EPA, the part of the documents that the County is  
2 able to enforce. Again, it's -- that's the kind of thing  
3 that it's not the current Applicant that you have to be  
4 concerned about, it's the contractor, and unfortunately,  
5 those kinds of things the contractor tends to want to sort  
6 of shuffle off to the side and ignore. So, they tend to  
7 cause problems. Getting the Illinois EPA to enforce that  
8 also is extremely difficult.

9 We also are suggesting that the Drainage District main  
10 tile, and if we have any significant lateral, mutual  
11 lateral tiles that they be television-inspected upon the  
12 completion of construction. It was suggested that the  
13 contractor will be hopefully prohibited from running  
14 machinery across that tile; however, again, it's -- and  
15 this is nothing adverse about the solar folks at all, but  
16 the guy on the end -- the guy on the bulldozer who decides  
17 he's going to cross no matter what he's been told is going  
18 to cross. In five minutes you've got a problem, and you  
19 didn't need to, but there it is. So that's something  
20 that's important.

21 I think that pretty much covers the possible expected  
22 conditions. That pretty much concludes what I have, other  
23 than one of the Landowners has given me a map drawing that  
24 shows where he knows of two mutual lateral tile lines that

1 were not located on the map that he knows exist. So, I  
2 want to put that into the record as well, so that the  
3 Applicant has a chance to go and find those.

4 MR. ANDREW KEYT: Okay. Thank you, Mr. Wauthier with  
5 -- is that the only copy you have?

6 DONALD WAUTHIER: That's the only copy, yes, but I'm  
7 happy to provide it for the record.

8 JULIE FELLER: I can make a copy.

9 MR. ANDREW KEYT: Yeah, can you make a copy? Is that  
10 possible? Let's handle a couple of exhibits here because  
11 there's been a few. The document that is the Suggested  
12 Conditions from you, Mr. Wauthier, I'm going to mark that  
13 as Wauthier Supplemental Hearing Exhibit Number 1. Any  
14 objection to that exhibit coming into the record? Going  
15 once, going twice. Okay.

16 The Drain Tile Survey you provide, is it a  
17 survey, or is it just a drawing?

18 DONALD WAUTHIER: It's just a drawing --

19 MR. ANDREW KEYT: Okay.

20 DONALD WAUTHIER: -- by the Landowners. Here's two  
21 locations of tile that cross under the interstate that we  
22 know, neither of which are depicted on the drawings  
23 currently.

24 MR. ANDREW KEYT: I'm going to mark that as Wauthier

1 Supplemental Hearing Exhibit Number 2. Does anyone have  
2 any objection to that. Going once, going twice. We'll  
3 mark that as admitted.

4 There were two exhibits from Miss Richert,  
5 Supplemental Hearing Exhibit Number 1 and Supplemental  
6 Hearing Exhibit Number 2. I think I think forgot to ask  
7 if anybody has an objection. Does anybody have an  
8 objection to those exhibits coming into the record? Going  
9 once, going twice. Hearing none, those will be admitted  
10 into the record.

11 Zoning Board of Appeals, any questions for  
12 Mr. Wauthier? Any questions from staff for Mr. Wauthier?  
13 Members of the public or Applicant -- members of the  
14 public that are in support, or the Applicant, any  
15 questions for Mr. Wauthier? Going once -- Okay. Yes,  
16 sir. State your name and spell it for the record.

17  
18 JESSE HOPKINS-HOEL: Jesse Hopkins-Hoel, J-E-S-S-E,  
19 H-O-P-K-I-N-S hyphen H-O-E-L, Allium Renewable Energy.  
20 Mr. Wauthier, thank you again for working with us through  
21 this process. One of the questions that I have, on these  
22 conditions -- Proposed Conditions, aside from number one  
23 because it's obviously the Agreement itself, are 2 through  
24 7 conditions that the District will be willing to execute

1 the Agreement, but provided the fulfillment of 2 through  
2 7?

3 DONALD WAUTHIER: I can't speak for my client, but that  
4 would certainly be something that I would recommend. They  
5 are conditions that have been similarly used in the past  
6 with other agreements with other Districts and solar  
7 projects.

8 JESSE HOPKINS-HOEL: Thank you.

9  
10 MR. ANDREW KEYT: Any other questions for Mr. Wauthier?  
11 Okay.

12 EXAMINATION BY

13 MR. ANDREW KEYT:

14  
15 Q. Mr. Wauthier, I just want to make sure I  
16 understand. Mr. Wauthier, you are the Engineer  
17 representing the Artesia Draining District Number 1,  
18 right?

19 A. That is correct.

20 Q. Are you a licensed Engineer in the State of  
21 Illinois?

22 A. Yes.

23 Q. How long have you been an Engineer?

24 A. I graduated undergraduate in 1978.

1           Q.   If I understand your testimony, your testimony is  
2 that, so far at least, the drainage investigation on these  
3 -- for this Project has not yet been adequate. Is that  
4 fair? Is that what I'm understanding?

5           A.   It has been comprehensive, but with any  
6 investigation of tile lines like this, it is hit and miss,  
7 and so since we know of some things that were missed, yeah  
8 more work needs to be done. Maybe not a lot more work, but  
9 some work needs to be done.

10          MR. ANDREW KEYT: Is it your testimony, to a reasonable  
11 degree of Professional Engineering, that more work is  
12 necessary to determine the location of all of the drainage  
13 tile?

14          A.   Yes, if you were going to determine the location  
15 of all of the drainage tile. I've been focused on the  
16 mutual lateral tile lines that drain other property.  
17 Certainly there needs to be also consideration for how the  
18 existing tile that are going to be underneath the solar  
19 panels will be handled, and that's a design element that  
20 -- that so long as it's dealt with properly in the  
21 documentation, that's a design element for the future,  
22 needs to be a condition or, you know, put in the  
23 Development Agreement, or in some manner.

24          Q.   If I understand, when you say dealt with

1 properly, do you mean in the suggested conditions would  
2 satisfy dealing with it properly? Is that what you mean?

3 A. Yes, I believe so, because that then commits the  
4 Applicant to taking those design steps needed to properly  
5 address the issues and present the County with the  
6 appropriate plan of attack, and plan for construction that  
7 would be part of the Building Permit review process, that  
8 the County would get a chance to review and approve.

9 Q. Okay. Gotcha. And some of this is already  
10 incorporated into the conditions that already exist, but  
11 gotcha.

12 A. Yeah.

13 MR. ANDREW KEYT: ZBA, any other questions that you  
14 might have for the witness? Hearing none, Mr. Wauthier,  
15 you're excused. Who's next? Anybody from the public  
16 opposed to the Project or anybody from the public  
17 generally want to provide any more testimony in relation  
18 to this particular Project? Going once, going -- Miss  
19 Matter? Come on up. You have to state and spell your name  
20 for the record and provide your address. You'll have to be  
21 sworn in first.

22 (Witness sworn.)

23

24

**DIANN MATTER,**

1 called as a witness in the above matter, having first  
2 sworn, was examined and testified as follows:

3

4 DIANN MATTER: My name is DiAnn Matter, and I reside  
5 in Joliet. I'm a home owner in Iroquois County -- or a  
6 Landowner in Iroquois County.

7 MR. ANDREW KEYT: How do you spell your last name,  
8 Miss Matter?

9 DIANN MATTER: M-A-T-T-E-R.

10 MR. ANDREW KEYT: What is your home address?

11 DIANN MATTER: 1316 New Lenox Road, Joliet, Illinois,  
12 60433.

13 MR. ANDREW KEYT: Okay. You can proceed.

14 DIANN MATTER: Good evening, Council Members and  
15 fellow farmers. My name is DiAnn Matter and I'm a  
16 Landowner in Iroquois County. I'm here tonight to thank  
17 you guys for all showing up to oppose the solar panel  
18 Project. Solar panel projects are invading our community  
19 and we want to ensure you that as experts of the land  
20 this Project will ultimately destroy our community and  
21 precious value. Think of it as like playing the slot  
22 machine - you put money in hoping to win big but often  
23 lose. Solar projects are the same. Promises of big money,  
24 but is it really? Will the company sell or go bankrupt

1 within two years? It's a gamble. Key reasons for  
2 failure: Economic liability, operational inefficiency,  
3 environmental impact, operational shutdown, regulatory --

4 MR. ANDREW KEYT: Miss Matter, hold on a sec. This  
5 issue, this hearing has been remanded back from the County  
6 Board for very specific issues which we went through at  
7 the beginning, and we're kind of off that topic right now.  
8 Okay? So, do you have testimony that you wish to provide  
9 as to surface or subsurface drainage on the site, which  
10 includes identification of parcels, number of acres  
11 draining to the Project's participating parcels;  
12 identification of parcels and number of acres draining to  
13 the Project's participating parcels through the subsurface  
14 drainage features including drain tiles; identification of  
15 parcels and number of acres drained by the surface  
16 drainage of any of the Project's participating parcels;  
17 identification of drain tile within the proposed Battery  
18 Energy Storage System and potential alternate location(s);  
19 current elevation of the proposed Battery Energy Storage  
20 System; potential drainage impacts of the Project, and  
21 potential design alternatives to mitigate or eliminate  
22 drainage impacts; additional information regarding  
23 specific materials planned to be used for the chain link  
24 visual barrier in lieu of the living vegetative buffer, or

1 additional information regarding the specific component  
2 manufacturers of the solar panels racking system and  
3 battery storage systems; or such other matters as related  
4 to those?

5 DIANN MATTER: Yes.

6 MR. ANDREW KEYT: Okay.

7 DIANN MATTER: All right. Here ya go. Solar energy  
8 is a green energy. It's been stealing our food chain,  
9 contaminating rivers and streams and leaving metal shards  
10 of glass in the ground. Restoring farmable ground can take  
11 seven to thirty years. Solar project panels with one  
12 gillawatt [sic] utility-scale lithium-ion battery system  
13 is equivalent to the explosive potential of nearly nine  
14 hundred tons of TNT --

15 (Multiple people speaking at the same time.)

16 MR. ANDREW KEYT: Miss Matter, we're not on the topic.

17 DIANN MATTER: -- well, you just said battery stuff,  
18 so that's why I was like the battery --

19 MR. ANDREW KEYT: You're talking about shards of glass  
20 here. So --

21 DIANN MATTER: Well, I'm getting to the battery right  
22 here. One Solar project with one gillawatt [sic]  
23 utility-scale lithium-ion battery system is equivalent to  
24 explosive potential of nearly nine hundred tons of TNT.

1 MR. ANDREW KEYT: Okay, but we have to stick to -- are  
2 you talking about current elevation of a battery system,  
3 identification of tile -- drain tile within the energy  
4 storage system or potential alternate location?

5 DIANN MATTER: I might be wasting your time. I'll  
6 just present this (indicating).

7 MR. ANDREW KEYT: You can provide it here. Do you have  
8 copies?

9 DIANN MATTER: This is like -- yeah, I do. It's just  
10 talking about the batteries, and I thought that you said  
11 we're saying that the batteries, that I could go on the  
12 with batteries and how bad they are for the environment,  
13 but that's okay. Thank you.

14 MR. ANDREW KEYT: All right. Any other testimony  
15 anybody wishes to provide from the public? Going once,  
16 going twice. Mr. Wilken, did you want to provide  
17 testimony? Okay. I believe we are completed with any  
18 testimony from the public, if I understand it correctly.

19 Zoning Board of Appeals, we can probably do these  
20 Findings of Fact in relatively short order because they  
21 are supplementary to the ones we've done before. There's  
22 two issues to take up. There is the Conditional Use  
23 Permit Application, Supplemental Findings and a  
24 Recommendation, and then the Variance Supplemental

1 Findings and a Recommendation.

2 I'm going to mark as an exhibit, Matter Supplemental  
3 Hearing Exhibit Number 1. Does anybody have an objection  
4 to the exhibit? I'll hand you a copy. It's the only copy  
5 I have, so I need it back.

6 MS. SAVANNA BARLOW: We would just object based on  
7 that it doesn't cover an items on the agenda.

8 MR. ANDREW KEYT: The objection is noted. Any other  
9 objections to the Exhibit? We will admit the Exhibit, but  
10 the relevance of the Exhibit may go to the weight that the  
11 ZBA may give it. It largely speaks to lithium-ion  
12 batteries. It doesn't appear any of the information  
13 relates specifically to drainage, fencing, or the matters  
14 that are on the ZBA record, but I'll just note that, but  
15 the Exhibit will be admitted.

16 Our first matter that we probably need to take up  
17 is, I'll start with this, on the Conditional Use Permit,  
18 is there a motion to close the evidence for the  
19 supplemental hearing?

20 ZBA MEMBER STEVEN R. RAPP: So move.

21 ZBA MEMBER JERRY BENNETT: Second.

22 MR. ANDREW KEYT: Is there a roll call?

23 ZBA MEMBER STEVE ANDERSON: This is probably out of  
24 order, but can I ask a question?

1 MR. ANDREW KEYT: Yeah.

2 ZBA MEMBER STEVE ANDERSON: We're going to be voting  
3 on a couple of conditional permits, correct? Does this  
4 come back to us at some point, or is this our final part?

5 MR. ANDREW KEYT: This is the final part, unless for  
6 some reason the County Board would send it back to you.

7 ZBA MEMBER STEVE ANDERSON: Okay. So they will -- when  
8 they receive it from us, they will deal with the things  
9 that we've discussed tonight and make a final decision?

10 MR. ANDREW KEYT: Correct.

11 ZBA MEMBER STEVE ANDERSON: Thank you.

12 JULIE FELLER: We're good. Steve Anderson?

13 ZBA MEMBER STEVE ANDERSON: Yes.

14 JULIE FELLER: Jerry Bennett?

15 ZBA MEMBER JERRY BENNETT: No.

16 ZBA MEMBER STEVE ANDERSON: Can I change my vote?

17 JULIE FELLER: This is just that we are closing, right?

18 MR. ANDREW KEYT: Yes. The only motion on the table  
19 right now is to close the evidence.

20 ZBA MEMBER STEVE ANDERSON: Close the evidence.

21 MR. ANDREW KEYT: Yeah, that's it.

22 JULIE FELLER: Yes. That's all that we're voting on  
23 is to close the evidence.

24 ZBA MEMBER STEVE ANDERSON: Yes. Thank you.

1 MR. ANDREW KEYT: I'm going to go through -- I think  
2 you guys have a copy --

3 (Multiple people speaking at the same time.)

4 JULIE FELLER: I'm not through with the roll call.

5 MR. ANDREW KEYT: I'm sorry.

6 JULIE FELLER: Steve Rapp?

7 ZBA MEMBER STEVEN R. RAPP: Yes.

8 JULIE FELLER: Wayne Wagner?

9 ZBA CHAIRMAN WAYNE WAGNER: Yes.

10 JULIE FELLER: Motion carries.

11 MR. ANDREW KEYT: Here is what I would suggest we do:  
12 I think you have a copy of the original findings in front  
13 of you. I'm just going to go through what's supplemented  
14 here tonight. It just is including then the testimony that  
15 was provided that we've heard tonight. So, I'm going to  
16 start with the Conditional Use Permit, because there's a  
17 Conditional Use Permit and there's also a Variance, and  
18 we'll get to the Variance here in just a moment. In terms  
19 of supplementation, there is some general hearing process  
20 that I would suggest we include in those supplemental  
21 findings which are thing like, we've heard from various  
22 witnesses that we need to include here, some of them are  
23 testifying again. We'll denote that in red print, like  
24 who is -- who the new witnesses are and what the new

1 exhibits are. I presume everybody's good with that. And  
2 then I'm going to go into the specific sections that I  
3 would suggest supplementation on, and I'm just going to  
4 point it out by page number. So if I go to page number  
5 five of the draft or the original findings, I would  
6 suggest under portion number two, which starts on page  
7 number four, it talks about the Project summary and  
8 equipment manufacturers, the Developer, the Applicant  
9 seeks to utilize manufacturer as so listed on supplemental  
10 hearings, Exhibit F. That was provided. That was part of  
11 the power point that they provided. They had a list of  
12 manufacturers included. I would propose that that be  
13 included into the findings. Any objection to that being  
14 included within the findings? Okay. Hearing none.

15 I'm going to then go down to page ten. If I go  
16 down to page number ten, it's beginning with factor number  
17 (d) that's listed there, adequate public utilities, access  
18 roads, drainage and/or necessary facilities have been or  
19 will be provided.

20 First part. I'm just going to read, at the end of  
21 paragraph number one, I would suggest adding in red font,  
22 during the remanded hearing on January 28th, 2026,  
23 Applicant proposed the utilization of a woven wire fence  
24 as opposed to a chain link fence as originally proposed.

1 Any suggested changes? Or do you want that provision  
2 included? I'm going to take silence as acceptance here for  
3 that.

4 ZBA MEMBER JERRY BENNETT: Yes.

5 ZBA MEMBER STEVE ANDERSON: Yes.

6 MR. ANDREW KEYT: Then we go down to the bottom page  
7 number ten. There's a sentence that says: There are  
8 concerns regarding the location of drain tile on the site.  
9 The CUP Application was referred back to the ZBA for the  
10 purposes of addressing those various issues listed above.  
11 Then I'm going to suggest the following red print as  
12 supplement to the original. So bear with me. I've got a  
13 number of items here, but I think it's a summary of the  
14 testimony we heard tonight.

15 January 28, 2026, Applicant provided supplemental  
16 drain tile reports and studies including mapping the  
17 District tile using on-site geo location technology and  
18 locations for tile from adjoining parcels connected into  
19 the Project area. Additionally Applicant adjusted the  
20 locations of the Battery Energy Storage System and  
21 substation to move them further south away from the  
22 District tile. Applicant also provided a report showing  
23 surface water drainage and flow which highlights the  
24 surface water drainage is reduced as a result of the solar

1 array.

2 Witness Carroll provided testimony and a power point  
3 presentation which indicated the participating parcels  
4 drain 685 acres from non-participating parcels onto  
5 participating parcels, approximately 383 drain from  
6 participating parcels. There are no known drain tile  
7 within the Battery Energy Storage area. The current  
8 elevation of the Battery Energy Storage area is 670 feet.  
9 The Applicant revised the Project layout and removed the  
10 infrastructure from around the area of the Drainage  
11 District tile. The infrastructure map and drain tile map  
12 were not signed or sealed pursuant to the Illinois  
13 Professional Engineering Practice Act.

14 Mr. Carroll testified that the infrastructure may get  
15 within fifteen feet of the main tile, though noted that if  
16 it was closer on one side, then they would provide greater  
17 distance on the other.

18 Witness Green testified that he did not perform a  
19 complete perimeter trenching to identify drain tiles  
20 coming into the property.

21 Mr. Wilken indicated that there were two mains  
22 possibly three that crossed the interstate from the west  
23 that Mr. Wilken noted and Mr. Green was not aware.  
24 Mr. Green admitted that he cannot state in full confidence

1 that he has identified all tile in the Project area. He  
2 admitted unknowingly striking a tile would potentially  
3 cause flooding, ponding on adjacent non-participating  
4 parcels.

5 Anita Richert testified that the Mutual Drainage  
6 District needs to be preserved. She added that she has  
7 heard that some of the solar companies are doing perimeter  
8 of tile to catch the lines coming into the property. The  
9 concern is there are a large number of lines draining into  
10 the main, and striking one could result in dirt, debris  
11 draining into the main Drainage District line running  
12 through the property. Miss Richert is also concerned about  
13 liability, pollution materials -- if pollution occurs, the  
14 Drainage District cannot purchase pollution insurance.  
15 According to Miss Richert, the easement area needs to be  
16 kept clear so the Drainage District can access.

17 Mr. Wauthier testified that he is a Professional  
18 Engineer and that the drain tile survey provided is  
19 insufficient. He did recommend a number of conditions  
20 which were submitted as Wauthier Exhibit Number 2.

21 Okay. Anything that the ZBA wants to add, remove from  
22 that supplemental portion? And again, it's just the  
23 supplement that we would be adding there.

24 ZBA MEMBER STEVEN R. RAPP: If we vote to approve this,

1 it would be the second line subject to the conditions,  
2 correct?

3 MR. ANDREW KEYT: They would be subject -- your  
4 recommend -- we're getting to the recommendation next.  
5 Right now, we're just talking about the supplemental  
6 findings.

7 ZBA MEMBER STEVEN R. RAPP: Right.

8 MR. ANDREW KEYT: If the ZBA chose to, their choices  
9 are recommend approval, recommend denial or recommend  
10 approval subject to conditions, which the conditions are  
11 within the purview of the County Board. I think last time  
12 we made a recommendation on conditions, those are still  
13 out there. The County Board can adjust, amend or revise  
14 those or add additional conditions if they want to.

15 ZBA MEMBER STEVEN R. RAPP: So we don't have to do  
16 anything like that?

17 MR. ANDREW KEYT: You don't have to do anything with  
18 the conditions. So I think at this juncture, anything you  
19 wish to add to the supplemental findings that I read?  
20 Going once, going twice. Okay. Is there a motion to  
21 approve the supplemental findings as provided?

22 ZBA MEMBER JERRY BENNETT: Yeah, I make a motion.

23 MR. ANDREW KEYT: Motion to approve the supplemental  
24 findings as read through. Is there a second?

1 ZBA CHAIRMAN WAYNE WAGNER: Yes, second.

2 MR. ANDREW KEYT: Okay. Any further discussion, and  
3 again we're just voting on the findings itself. We'll  
4 vote on a recommendation here in a second.

5 ZBA MEMBER JERRY BENNETT: Okay.

6 MR. ANDREW KEYT: Any other discussion? All right.  
7 Hearing none, I think you can roll call.

8 JULIE FELLER: Wayne Wagner?

9 ZBA CHAIRMAN WAYNE WAGNER: Yes.

10 JULIE FELLER: Steve Rapp?

11 ZBA MEMBER STEVEN R. RAPP: Yes.

12 JULIE FELLER: Jerry Bennett?

13 ZBA MEMBER JERRY BENNETT: Yes.

14 JULIE FELLER: Steve Anderson?

15 ZBA MEMBER STEVE ANDERSON: Yes.

16 JULIE FELLER: Motion carries.

17 MR. ANDREW KEYT: Okay. Then on to an actual  
18 recommendation in relation to the Conditional Use Permit  
19 to the County Board. Again, the recommendation of the  
20 Zoning Board goes to the County Board for their decision.  
21 The choices that the Zoning Board of Appeals has in this  
22 regard is recommend approval, recommend approval subject  
23 to conditions, which have already been provided, or  
24 recommend denial. So if someone has a motion in that

1 regard, you can do so.

2 ZBA MEMBER STEVE ANDERSON: I'm going to move that we  
3 approve this subject to conditions that we dealt with a  
4 few minutes ago.

5 MR. ANDREW KEYT: Okay.

6 ZBA MEMBER STEVEN R. RAPP: I'll second that.

7 MR. ANDREW KEYT: Just in terms of -- is there --  
8 number one, is there any further discussion? In terms  
9 just for clarity, the conditions you mention, are you  
10 referring to the conditions that Mr. Wauthier provided?  
11 Or are you just referring to the conditions that we  
12 previously had done at the last hearing?

13 ZBA MEMBER STEVE ANDERSON: No. The ones that he  
14 provided.

15 MR. ANDREW KEYT: Okay. Those are out there and can be  
16 considered by the County Board. I don't think you need to  
17 do anything specific in relation to the conditions. I  
18 think the motion is a motion to approve subject to the  
19 recommended conditions previous --

20 ZBA MEMBER STEVE ANDERSON: As presented this evening.

21 MR. ANDREW KEYT: -- yeah, to be considered by the  
22 County Board.

23 ZBA MEMBER STEVE ANDERSON: Uh-huh.

24 MR. ANDREW KEYT: Correct?

1 ZBA MEMBER JERRY BENNETT: Right.

2 MR. ANDREW KEYT: Okay. There's a second to that  
3 motion. I think you can roll call that motion, or if you  
4 want to make any clarification.

5 JULIE FELLER: Jerry Bennett?

6 ZBA MEMBER JERRY BENNETT: Yes.

7 JULIE FELLER: Steve Rapp?

8 ZBA MEMBER STEVEN R. RAPP: Yes.

9 JULIE FELLER: Wayne Wagner?

10 ZBA CHAIRMAN WAYNE WAGNER: Yes.

11 JULIE FELLER: Steve Anderson?

12 ZBA MEMBER STEVE ANDERSON: Yes.

13 JULIE FELLER: Motion carries.

14 MR. ANDREW KEYT: That concludes the Conditional Use  
15 Permit hearing. What I would suggest, we've heard  
16 testimony in the Conditional Use Permit hearing that all  
17 related to the fencing. They provided all of that  
18 testimony. Everybody had an opportunity to cross-examine  
19 in relation to that issue. What I would suggest is a  
20 motion to incorporate all of the hearing testimony in  
21 relation to the Conditional Use Permit as part and parcel  
22 of the variance request to excuse the vegetative buffer  
23 that the Applicant also has.

24 ZBA MEMBER STEVEN R. RAPP: I'll make that motion.

1 MR. ANDREW KEYT: There 'ya go.

2 ZBA MEMBER STEVE ANDERSON: I'll second it.

3 MR. ANDREW KEYT: Any other discussion? All right.

4 Roll call?

5 JULIE FELLER: Okay. Hang on just one second. I need  
6 exactly how was that motion worded? I'm sorry.

7 MR. ANDREW KEYT: You're fine. I think the motion,  
8 which I think was adopted from what I said was, a motion  
9 to include all of the testimony from the Conditional Use  
10 Permit hearing into evidence to be included as to the  
11 variance request.

12 JULIE FELLER: Steve Rapp made that motion, and Steve  
13 Anderson seconded?

14 ZBA MEMBER STEVE ANDERSON: Yes.

15 JULIE FELLER: I apologize. Steve Rapp?

16 ZBA MEMBER STEVEN R. RAPP: Yes.

17 JULIE FELLER: Wayne Wagner?

18 ZBA CHAIRMAN WAYNE WAGNER: Yes.

19 JULIE FELLER: Steve Anderson?

20 ZBA MEMBER STEVE ANDERSON: Yes.

21 JULIE FELLER: Jerry Bennett?

22 ZBA MEMBER JERRY BENNETT: Yes.

23 JULIE FELLER: Motion carries.

24 MR. ANDREW KEYT: I'm going to go through the same

1 process here, but the supplemental findings in relation to  
2 the variance request. Same thing, update information as to  
3 who testified and what information was provided.

4 Substantively, I would suggest in relation to page number  
5 three, on the Findings of Fact as to the Variance, that  
6 the additional information be provided. It's two

7 paragraphs, so it's not too long. Right above the

8 recommendation area, I would suggest that it read as: On

9 supplemental hearing on January 28th, 2026, the evidence

10 and findings provided in relation to the Conditional Use

11 Permit Application are incorporated herein. In addition,

12 the Applicant admitted that the owner, or Louis Creek,

13 created the hardship related to the variance request.

14 Paragraph two, I would add: Mr. Griscom further added

15 that he has talked to three adjacent non-participating

16 residences. He did not advise them that the commercial

17 solar energy facility ordinance requirement of a

18 vegetative screen, but instead only talked with them

19 regarding the potential fencing options, a chain link

20 fence with green slatting or an agricultural woven wire

21 fence.

22 Any other evidence that we heard tonight that you

23 would wish to include within that provision? Hearing

24 none, is there a motion to supplement the Findings of Fact

1 with the information that I just provided?

2 ZBA CHAIRMAN WAYNE WAGNER: I'll make a motion to that  
3 effect.

4 ZBA MEMBER JERRY BENNETT: I'll second it.

5 THE COURT: Any further discussion? Hearing none, roll  
6 call?

7 JULIE FELLER: Wayne Wagner?

8 ZBA CHAIRMAN WAYNE WAGNER: Yes.

9 JULIE FELLER: Steve Anderson?

10 ZBA MEMBER STEVE ANDERSON: Yes.

11 JULIE FELLER: Jerry Bennett?

12 ZBA MEMBER JERRY BENNETT: Yes.

13 JULIE FELLER: Steve Rapp?

14 ZBA MEMBER STEVEN R. RAPP: Yes.

15 JULIE FELLER: Motion carries.

16 MR. ANDREW KEYT: Finally a variance, you make a motion  
17 to the County Board on the variance. Same process as  
18 before. Is there a motion on a recommendation to the  
19 County Board? Your choices are recommend approval,  
20 recommend approval subject to conditions, or recommend  
21 denial?

22 ZBA CHAIRMAN WAYNE WAGNER: I make a motion that we  
23 recommend with conditions.

24 ZBA MEMBER STEVEN R. RAPP: I'll second that.

1 MR. ANDREW KEYT: Any further discussion? Hearing  
2 none, roll call?

3 JULIE FELLER: Jerry Bennett?

4 ZBA MEMBER JERRY BENNETT: Yes.

5 JULIE FELLER: Steve Rapp?

6 ZBA MEMBER STEVEN R. RAPP: Yes.

7 JULIE FELLER: Wayne Wagner?

8 ZBA CHAIRMAN WAYNE WAGNER: Yes.

9 JULIE FELLER: Steve Anderson?

10 ZBA MEMBER STEVE ANDERSON: Yes.

11 JULIE FELLER: Motion carries.

12 MR. ANDREW KEYT: That concludes the hearing on the  
13 Louis Creek matters which is the Conditional Use Permit of  
14 the Variance, the supplemental hearing in relation to  
15 that. Why don't we recess for about ten minutes -- why  
16 don't we recess for about. We'll will give Louis Creek an  
17 opportunity to get these materials out because I don't  
18 think they need to stick around unless they want to, of  
19 course, for the US Solar hearing. I'm going to probably  
20 want to talk to somebody from US Solar in the recess time.  
21 Then I'll talk to you. Just so everyone knows, the Louis  
22 Creek items -- do we happen to know the date for -- the  
23 Committee's February 3rd and the County Board is February  
24 10th?

1 JULIE FELLER: February 10th is County Board, yes. The  
2 3rd is the Zoning.

3 MR. ANDREW KEYT: Both of the Louis Creek items will go  
4 to the County Board on February 3rd is Committee, February  
5 10th it goes to the County Board, 9:00 a.m. this room.

6 (Proceedings this date concluded.)  
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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT 129  
PIATT COUNTY, ILLINOIS

I, Jamie J. Mumm, an Official Court Reporter and  
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Date: February 2, 2026



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