

STATE OF ILLINOIS)
)
COUNTY OF BUREAU)

In the Matter of the Petition
 of

Providence Heights Wind, LLC

Indiantown Township and Milo Township
Bureau County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 16th day
of December, A.D., 2024,
before the Bureau County
Zoning Board of Appeals

Present:

Mike Stutzke
Shirley Ann Smith
Bill Jensen
Troy Quest
Barry Welbers, Chairman

Samantha Holt, Secretary
Kristine Donarski, Zoning Administrator

Judge Timothy Slavin, Facilitator

1 JUDGE SLAVIN: All right. Everyone, good
2 evening. I call out of recess Bureau County
3 Zoning Board of Appeals hearing on Petitions
4 Number 24-24-09-03-1C, sequentially through
5 24-09-03-39C, Providence Heights Wind, LLC's,
6 applications for Conditional Use Permits to
7 retrofit and operate a wind energy conversion
8 system in the county.

9 I note, as far as attendance goes, the
10 presence of Mr. Welbers, the Chair; Vice Chair,
11 Mr. Quest; Mr. Jensen is here; Mrs. Smith is
12 here; Mr. Stutzke is here; Ms. Donarski is here,
13 as is her able assistant; Mike Massie -- or
14 Chris Massie, behind me.

15 MR. C. MASSIE: Yup.

16 JUDGE SLAVIN: But not Mike.

17 MR. C. MASSIE: Not Mike.

18 JUDGE SLAVIN: Okay. Two Petitioner's
19 reps I hear behind me. Our able court reporter,
20 and, of course, yours truly.

21 There appears to be one Interested Party
22 who is joining us this evening -- two. Thank
23 you.

24 All right. We have finished the stages of

1 evidence; and we finished the stages of public
2 comment, closing arguments; and we are now in
3 the third stage, which is the Zoning Board of
4 Appeals' opportunity to -- obligation, actually,
5 to find facts, make recommendations in
6 accordance with the Bureau County Ordinance.

7 The protocol tonight will be just a tad
8 different than my former format, and that is
9 that I am going to read a proposed motion. I am
10 not making the motion, but I will do the
11 reading. And then if any Board member wishes to
12 make what I have read and is -- I should say,
13 it's also displayed here on a board in the
14 courtroom -- a screen in the courtroom, in very
15 large letters so everyone can see and follow
16 along. Then it will be up to the Board, any one
17 or more Board members, to move to adopt what I
18 have read. I'll call for a second, and then
19 there will be any discussion, and at the end of
20 that we'll go to the making motions.

21 So without further ado, I move that the
22 Bureau County Zoning Board of Appeals
23 (hereinafter ZBA) finds that:

24 On September 23, 2024, Providence Heights

1 Wind, LLC, (hereinafter "Providence Heights,"
2 the "Applicant," the "Developer" or the
3 "Facility Owner"), a subsidiary of Avangrid
4 Renewables, LLC, (hereinafter "Avangrid"),
5 headquartered in Portland, Oregon, filed 39
6 Applications with the Bureau County Zoning
7 Office requesting Conditional Use Permits and
8 Variances to "retrofit" the existing Providence
9 Heights WECS Development (hereinafter
10 "Development," "Facility," "Project"
11 or "Retrofit," "Wind Farm" or "WECS");

12 Following the submission of the
13 application, proper "Notice(s) of Public
14 Hearing" for both the Applications and
15 Variations -- Variation was published in the
16 Bureau County Republican newspaper on September
17 28, 2024. Mailings of the same Notices were
18 sent those owning property within the footprint
19 of the existing Providence Heights wind farm and
20 within a quarter mile of any boundary thereof by
21 U.S. Postal Service first class mail;

22 The first session of that Hearing was held
23 on October 17, 2024, at the Bureau County
24 Courthouse, 700 South Main South, Princeton,

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In Totidem Verbis, LLC (ITV)

1 Illinois, under the direction of Chairman Barry
2 Welbers;

3 The ZBA, under the authority provided by
4 its own rules, then appointed Tim Slavin, a
5 retired circuit judge, as the Facilitator for
6 the proceedings;

7 The first stage of the Public Hearing was
8 for the Bureau County Zoning Board of Appeals
9 ("ZBA") to accept testimony, hear arguments, and
10 receive public comments;

11 The initial session began at approximately
12 7:45 p.m. and subsequent ones at 6:00 p.m., and
13 all were held at the Princeton Moose Lodge,
14 1339 North Euclid Avenue, Princeton, Illinois;

15 The subsequent first stage sessions were
16 recessed and consecutively reconvened over the
17 course of tow more evenings on the following
18 dates in 2024: October 22nd and November 13th,
19 and the totality of these sessions consumed
20 approximately four and a half hours of hearing
21 time;

22 Over the course of the first stage, taking
23 evidence and listening to closing arguments
24 public comments -- I'm going to put an "or" in

1 there.

2 For those that care, the reason for the
3 red highlighting is so that I can see the
4 corrections I need to make on the draft that I
5 have already begun for the County Board.

6 -- everyone, the Applicant and members of
7 the public, were given a complete and fair
8 opportunity to be heard. Each was given the
9 chance to present evidence, including their own
10 testimony, other witnesses and exhibits,
11 cross-examine the witnesses of others and to
12 present a closing argument or public comment;

13 The entirety of the proceedings was taken
14 by a certified shorthand reporter and
15 subsequently transcribed, were available for
16 public inspection either in person at the Bureau
17 County Zoning Office or online at the Bureau
18 County Zoning website, as soon as they were made
19 available;

20 Collectively, we, the members of the
21 Bureau County Zoning Board of Appeals, heard all
22 of the testimony, reviewed the material
23 contained in the Applicant's voluminous and
24 mid-hearing Facilitator sanctioned supplemented

1 three-ring binder (which, in whole, is
2 considered throughout as the "Application"),
3 examined the exhibits admitted by the
4 Facilitator, and that our Findings of Fact and
5 Recommendations recited within the pages
6 following come from the culmination thereof.

7 Do I hear a Board member wishing to make
8 that a motion?

9 MR. WELBERS: Yes, you do.

10 JUDGE SLAVIN: Mr. Welbers.

11 Do I hear a second?

12 MR. STUTZKE: Second.

13 JUDGE SLAVIN: Hearing a second, I'll open
14 if for discussion.

15 It's your motion, Mr. Welbers. Anything
16 you care to say about the motion, your motion?

17 MR. WELBERS: No, no discussion needed.

18 JUDGE SLAVIN: Any other Board member, by
19 raise of the hand? It's easier for me to see
20 raised hands.

21 So seeing none --

22 MS. DONARSKI: There's a -- oh, you fixed
23 it on there. "Application" -- it's on there.
24 Never mind. It's not fixed on mine. We got it.

1 JUDGE SLAVIN: I said I'm putting in red
2 what I fixed.

3 MS. DONARSKI: I know.

4 JUDGE SLAVIN: Did I see somebody's hand
5 raised?

6 Bill, did I see your hand raised? I'm
7 sorry, Mr. Jensen.

8 MR. JENSEN: Yeah.

9 JUDGE SLAVIN: Okay. No discussion, I
10 will put the question. The vote on the motion
11 will be by voice. Carrying the motion requires
12 a vote by the majority. All those in favor
13 indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Chair finds it to be
19 unanimous. The motion is adopted.

20 Moving on. The Bureau County ZBA finds
21 that, cumulatively, eight different people were
22 placed under oath, took the witness stand and
23 testified as to various alleged facts. Some
24 testified once and for only a short time and

1 some on more than one occasion, for a lengthy
2 time. Those witnesses, in order of their first
3 appearance, were as follows:

4 Mr. Derek Bus, Senior Regional Manager for
5 Avangrid Renewables, LLC, testified that he is
6 the "Lead Developer" of the Providence Heights
7 retrofit project. He began his presentation by
8 painting the bigger picture of Avangrid's
9 business throughout the U.S. and, more
10 particularly, in the state of Illinois. Then,
11 focusing on the Providence Heights facility, he
12 gave an overview of its history since its
13 inception in 2008, noting that it has been
14 providing sufficient electricity to power some
15 18,000 homes annually.

16 Mr. Bus then explained that the decision
17 to attempt the retrofitting of between 32 and 35
18 of the existing 36 Wind Turbine Generators
19 (hereinafter "WTG") under consideration was
20 driven by financially viable technological
21 advances in the wind power industry. He
22 emphasized that, in retrofitting each WTG, the
23 alterations made would be confined to
24 substituting new Vestas (a Danish company with a

1 manufacturing facility in Colorado) rotors
2 (blades and hubs) and nacelles, enhancing the
3 foundations and adding the new Aircraft
4 Detection Lighting System (ADLS) to the top of
5 the towers, which structures would not be
6 replaced, and, in so doing, provided the new
7 resulting dimensions. He also noted there would
8 be a need for up to four temporary "laydown
9 yards" and gave the reasons the eight requested
10 Variances would be needed.

11 This witness also observed that, in
12 conformity with the Bureau County Ordinance, an
13 anticipatory Agricultural Impact Mitigation
14 Agreement had been executed, highlighted how his
15 company had met certain selected Ordinance
16 provisions, and celebrated what would be the
17 economic benefits to the Bureau County community
18 (real estate tax receipts, jobs and the lease
19 payments to landowners).

20 Subsequently, he answered questions to
21 fill in details of the Application that may have
22 been missing or were unclear.

23 Lastly, Mr. Bus testified that the
24 Developer agreed to be bound by all

1 representations made in its Application
2 materials and statements made under oath by any
3 of its witnesses, and promised to defend,
4 indemnify and hold harmless the County and its
5 appointed and elected officials, employees,
6 volunteers, attorneys and agents (collectively
7 and individually, the "Indemnified Parties")
8 from and against any and all claims, demands,
9 losses, suits, causes of action, damages,
10 injuries, costs, expenses and liabilities of any
11 kind, including reasonable attorney's fees,
12 except for the intentional acts of such
13 Indemnified Parties arising out of or relating
14 to the acts or omissions of the Facility Owner
15 and/or its respective contractors, employees, or
16 agents in the selection, construction,
17 operation, and removal of the Facility and
18 affiliated equipment, including, without
19 limitation, any liability for property damage or
20 personal injury (including illness or death),
21 whether the liability is premised on contract or
22 on tort.

23 Mr. Jeff Reinkemeyer, Avangrid's Senior
24 Director of Renewable Development for the

1 Midwest Region, testified that, in addition to
2 his management duties, he is an Illinois
3 licensed engineer. He first described the
4 proposed dimensions and enhancements to the
5 proposed 32 to 35 WTG foundations. He then
6 allowed that he recognized that the existing
7 towers were discolored from leaking hydraulic
8 fluid, and that there had not been a resolution
9 of the issue for an approximate 6-year period it
10 had been occurring, but he did not believe any
11 had been absorbed to the surrounding soil, as
12 the foundations would act as a barrier thereto.

13 In addressing this issue, Mr. Reinkemeyer
14 asserted that, due the technology of the
15 proposed new Vestas equipment, there would be no
16 such leakage from the proposed retrofit, and
17 that once the rotor and blades were removed
18 during the retrofit construction, the Developer
19 would scrub the entire repurposed and remaining
20 towers with cleaning fluid, which would not be
21 allowed to reach the ground.

22 Subsequently, he answered questions to
23 fill in details of the Application that may have
24 been missing or were unclear.

1 Mr. Mark Bastasch, an acoustical engineer
2 with Jacobs Solutions, Inc, an engineering
3 services entity, laid a foundation for his
4 expertise by giving an overview of his
5 education, professional certifications and
6 25-year work experience. He then generally
7 explained his methods and conservative
8 assumptions in analyzing the data he received to
9 prepare two reports (one for a 32 WTG retrofit
10 and the other for a 35 WTG retrofit), opining
11 that no IPCB noise standards would be exceeded
12 in either scenario.

13 Mr. Ted Guerton, an air quality
14 meteorologist with Tetra Tech, Inc., a
15 consulting and engineering firm, laid a
16 foundation for his expertise by giving an
17 overview of his education and 35-year work
18 experience in his field. He then generally
19 explained his methods and conservative
20 assumptions in analyzing the data he received to
21 prepare two reports (one for a 32 WTG retrofit
22 and the other for a 35 WTG retrofit), opining
23 that, depending on the retrofit scenario, 10 or
24 11 receptors (residences) would receive more

1 than 30 hours of annual shadow flicker, but with
2 a specific curtailment program no receptor would
3 receive more than 30 hours.

4 Mr. Rhett Good, with Western EcoSystem
5 Technology, Inc., an environmental and
6 statistical consulting company, laid a
7 foundation for his expertise by giving an
8 overview of his education and 27-year work
9 experience (all with "Western"). He then opined
10 that he could find no evidence that any
11 endangered or threatened animal kingdom species
12 suffered any fatalities within the proposed
13 retrofit development, and that the environment
14 of the proposed Project was not suitable for any
15 threatened or endangered plant species. He
16 noted that the Illinois Department of Natural
17 Resources (IDNR) had made a WTG curtailment
18 program to protect certain avian species, but
19 that the Developer was reticent to comply unless
20 there was subsequent evidence of fatality.

21 Mr. Mike Marous, a real estate appraiser
22 and consultant, laid a foundation for his
23 expertise by giving an overview of his
24 education, work experience and various

1 certifications, including the highest
2 designation available, an invitation-only
3 Counselor of Real Estate. He then outlined the
4 multiple steps he undertook and factors he used
5 to prepare his Market Impact Analysis, and
6 opined that the proposed retrofit Project would
7 have no impact on residential and agricultural
8 real estate values on the area surrounding the
9 proposed Developments.

10 Ms. Connie Stetson, an Interested Party,
11 introduced an exhibit depicting what she
12 described as oil on turbine towers and blades
13 and language from other wind development leases
14 that address the tenant-project owner's
15 obligations regarding "hazardous materials."
16 Ms. Stetson went on to say that she lives about
17 five miles from one or more existing Providence
18 Heights WTGs and that the "look" of oil on them
19 is "terrible," that the problem has been ongoing
20 for about six years, and that she is worried
21 about that oil being thrown off the blades and
22 soaking into the ground below. When questioned,
23 she acknowledged she was unaware of any local
24 agri-business concerns.

1 Ms. Kristine Donarski, Bureau County's
2 Zoning Officer, generally described the many
3 varied duties of her office and then laid the
4 foundation for the admissibility of 55 exhibits,
5 including such things as Bureau County Planning
6 Commission documents regarding the proposed
7 retrofittings, evidentiary support for
8 publication and mailings giving notice of the
9 ZBA Hearing, public officials, and Bureau County
10 Soil and Water Conservation District's (SWCD)
11 input on the proposed retrofitted WTGs, her
12 written qualification approvals of three
13 Applicant experts, correspondence from Bureau
14 Emergency Communications (BuECOMM), and
15 Interested Parties' letters in support of the
16 Applications.

17 Do I hear a motion?

18 MR. QUEST: So moved.

19 JUDGE SLAVIN: I heard Mr. Quest first.

20 Anything -- do I hear a second?

21 MS. SMITH: I'll second.

22 JUDGE SLAVIN: I hear a second.

23 Mr. Quest, your motion. Anything you want
24 to say about it?

1 MR. QUEST: Well-written. I would say
2 it's all as it happened.

3 JUDGE SLAVIN: All those in favor indicate
4 by saying aye.

5 (All those simultaneously
6 responded.)

7 JUDGE SLAVIN: Opposed.

8 (No verbal response.)

9 JUDGE SLAVIN: Motion is adopted.

10 The Bureau County ZBA finds that following
11 the close of the testimonial phase, the Board
12 heard what could be characterized as either
13 closing arguments or public comment from the
14 following:

15 Mr. Mike Massie, an attorney on behalf of
16 the Applicant; and

17 Ms. Connie Stetson, an Interested Party.

18 Do I hear a motion?

19 MR. STUTZKE: So moved.

20 JUDGE SLAVIN: And that was who?

21 MR. STUTZKE: Stutzke.

22 MR. WELBERS: Michael Stutzke.

23 JUDGE SLAVIN: Thank you, Mr. Stutzke.

24 Any second?

1 MS. SMITH: I'll second.

2 JUDGE SLAVIN: Any discussion on your
3 motion, Mr. Stutzke?

4 MR. STUTZKE: No, sir.

5 JUDGE SLAVIN: Any other Board member, by
6 raise of the hand?

7 (No indication.)

8 JUDGE SLAVIN: I will put the question.
9 The question being put is on the adoption of the
10 motion that I read and is made by Mr. Stutzke.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: That one is unanimously
19 adopted as well.

20 The Bureau County Board -- Bureau County
21 -- excuse me while I type this one out. Well,
22 I'm going to shorten that.

23 MS. DONARSKI: The others you said "Bureau
24 County ZBA."

1 JUDGE SLAVIN: Yup, that's what I'm doing.

2 MS. DONARSKI: Okay.

3 JUDGE SLAVIN: Thank you.

4 All right. The Bureau County ZBA finds
5 that the following exhibits were admitted into
6 evidence by the Facilitator and considered by
7 the Board:

8 Applicant Exhibits:

9 PET 1, 3-ring binder containing
10 Application documents;

11 PET 2, Supplemental Assessment of
12 Predicted Sound Levels incorporated by the
13 Facilitator into the Application by the
14 Facilitator at request of Applicant;

15 PET 3, Supplemental Shadow Flicker
16 Analysis incorporated by the Facilitator into
17 the Application by the Facilitator at request of
18 Applicant;

19 PET 4, Revised Decommissioning Plan
20 incorporated by the Facilitator into the
21 Application by the Facilitator at request of
22 Applicant;

23 PET 5, A design specification sheet for
24 the proposed enhanced WTG foundations

1 incorporated by the Facilitator into the
2 Application by the Facilitator at request of
3 Applicant;

4 PET 6, A hard copy of the Derek Bus Power
5 Point presentation;

6 PET 7, Site Plan, mapped detail
7 incorporated by the Facilitator into the
8 Application by the Facilitator at request of
9 Applicant;

10 PET A, Some 180-plus pages of substituted
11 or supplement pages incorporated by the
12 Facilitator into the Application at the request
13 of the Applicant.

14 Interested Parties' Exhibits:

15 IP 1, Recent photos of Providence Heights
16 WTGs and portions of lease provisions from other
17 WECS developments.

18 Zoning Officer Exhibits:

19 SW-1, An email from Rebecca Taylor of the
20 Bureau County Soil and Water District
21 summarizing the findings of her reports
22 concerning wetland and drainage issues at the
23 extended site of 21 proposed retrofitted
24 turbines;

1 SW-2, "Natural Resources Information
2 Report" as to T1 and T-3;
3 SW-3, "Natural Resources Information
4 Report" as to T46 and T2;
5 SW-4, "Natural Resources Information
6 Report" as to T4 and T5;
7 SW-5, "Natural Resources Information
8 Report" as to T7;
9 SW-6, "Natural Resources Information
10 Report" as to T9;
11 SW-7, "Natural Resources Information
12 Report" as to T11;
13 SW-8, "Natural Resources Information
14 Report" as to T13, T14, T15 and T16;
15 SW-9, "Natural Resources Information
16 Report" as to T17;
17 SW-10, "Natural Resources Information
18 Report" as to T18 and 19;
19 SW-11, "Natural Resources Information
20 Report" as to T20;
21 SW-12, "Natural Resources Information
22 Report" as to T21;
23 SW-13, "Natural Resources Information
24 Report" as to T22;

1 SW-14, "Natural Resources Information
2 Report" as to T23 and 25;

3 SW-15, "Natural Resources Information
4 Report" as to T24;

5 SW-16, "Natural Resources Information
6 Report" as to T26 and T27;

7 SW-17, "Natural Resources Information
8 Report" as to T28 and T30;

9 SW-18, "Natural Resources Information
10 Report" as to T31;

11 SW-19, "Natural Resources Information
12 Report" as to T34;

13 SW-20, "Natural Resources Information
14 Report" as to T39;

15 SW-21, "Natural Resources Information
16 Report" as to T32, T33 and T36;

17 SW-22, "Natural Resources Information
18 Report" as to T35 and T37;

19 SW-23, "Natural Resources Information
20 Report" as to T42;

21 SW-24, "Natural Resources Information
22 Report" as to T43;

23 SW-25, "Natural Resources Information
24 Report" as to Laydown Yard, North Option 1;

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1 SW-26, "Natural Resources Information
2 Report" as to Laydown Yard, North Option;
3 SW-27, "Natural Resources Information
4 Report" as to Laydown Yard, South Option 1;
5 SW-28, "Natural Resources Information
6 Report" as to Laydown Yard, South Option 2;
7 ZO Group A, Bureau County Planning
8 Commission correspondence to Applicant regarding
9 its findings and recommended Conditions for each
10 proposed WTG to be retrofitted;
11 ZO Group B, Bureau County Planning
12 Commission individual WTG Analyses for Zoning
13 Decisions;
14 ZO Group C, Bureau County Planning
15 Commission mirror ZO A correspondence to ZBA and
16 County Board;
17 ZO Group D, Communications from Bureau
18 County Engineer John Gross expressing no
19 objection to some nine proposed retrofitted WTGs
20 within his purview;
21 ZO Group E, Communications from Indiantown
22 Township Supervisor Rex Elmore expressing no
23 objection to some 15 proposed retrofitted WTGs
24 within his purview;

1 ZO Group F, Communications from Indiantown
2 Township Road Commissioner Aaron Sears
3 expressing no objection to some 13 proposed
4 retrofitted WTGs within his purview;

5 ZO Group G, Communications from Milo
6 Township Supervisor Thomas Ashby expressing no
7 objection to some 21 proposed retrofitted WTGs
8 within his purview;

9 ZO Group H, Communications from Milo
10 Township Road Commissioner Daniel Wright
11 expressing no objection to some 19 proposed
12 retrofitted WTGs within his purview;

13 ZO Group I, Communications from Princeton
14 Elementary School District Number 115
15 Superintendent J.D. Orwig expressing no
16 objection to some 32 (sic) proposed retrofitted
17 WTGs within his purview;

18 ZO Group J, Communications from Princeton
19 High School District Number 500 Superintendent
20 Kirk Haring expressing no objection to some 16
21 proposed retrofitted WTGs within his purview;

22 ZO Group K, Communications from Bradford
23 CUSD Number 1 Superintendent Chad Gripp
24 expressing no objection to some 23 proposed

1 retrofitted WTGs within his purview;

2 ZO GEN A, Correspondence dated 9/19/24
3 from ZO Donarski to Applicant advising of
4 hearing dates;

5 ZO GEN C, Bureau County Republican
6 Certificate of Publication for a September 28,
7 2024, Notice of the Bureau County Zoning Board
8 of Appeals Public Hearing to be held on October
9 17, 2024, the Applicant's Petitions for
10 Conditional Uses;

11 ZO GEN D, Bureau County Republican
12 Certificate of Publication for a September 28,
13 2024, Notice of the Bureau County Zoning Board
14 of Appeals Public Hearing to be held on October
15 17, 2024, addressing the Applicant's Petitions
16 for Variations;

17 ZO GEN E, ZO Donarski's Certificate of
18 Mailing a Notice to Adjoining Property Owners of
19 the Bureau County Zoning Board of Appeals Public
20 Hearing to be held on October 17, 2024,
21 addressing the Applicant's Petitions for
22 Conditional Uses;

23 ZO GEN F, ZO Donarski's Certificate of
24 Mailing a Notice to Adjoining Property Owners of

1 the Bureau County Zoning Board of Appeals Public
2 Hearing to be held on October 17, 2024, the
3 Applicant's Petitions for Variances;

4 ZO GEN G, Copy of ZO GEN E's referenced
5 Notice to Adjoining Property Owners of the
6 Bureau County ZBA hearing in regards to
7 Applicant's Conditional Use applications;

8 ZO GEN H, Copy of ZO GEN F's referenced
9 Notice to Adjoining Property Owners of the
10 Bureau County ZBA hearing in regards to
11 Applicant's Variation applications;

12 ZO GEN I, Copy of list of adjacent
13 property owners to whom the Notices referred to
14 in ZO GEN E, GEN ZO F, GEN ZO G and GEN ZO H
15 were sent;

16 ZO GEN J, Copy of Illinois Department of
17 Natural Resources (IDNR) EcoCAT Review dated
18 April 30, 2024;

19 ZO GEN K, Copy of ZO Donarski letter
20 approving expert qualifications of Mark
21 Bastasch, PE, INCE, Jacobs, to conduct an
22 initial modeling and noise impact analysis of
23 the proposed retrofit project;

24 ZO GEN L, Copy of ZO Donarski letter

1 approving expert qualifications of Ted W.
2 Guertin, Tetra Tech, to conduct an initial
3 modeling and shadow flicker analysis of the
4 proposed retrofit project;

5 Z0 GEN M, Copy of Z0 Donarski letter
6 approving expert qualifications of Lucinda
7 Hutter Cavell, Capitol Airspace Group, to
8 conduct a baseline reading and analysis of
9 television reception conditions and analyses
10 that reception of E911 and other County
11 communication receptions would not be negatively
12 impacted by the proposed retrofit project;

13 Z0 GEN N, Letter to ZBA from Sara Short,
14 Director of BuEComm, asking for a "conditional
15 clause" part of the Conditional Use permits;

16 Z0 GEN O, Letter of support for project
17 from participating property owners, Merle Sears
18 and Loretta Sears;

19 Z0 GEN P, Letter of support for project
20 from participating property owner, Farrell Lord;

21 Z0 GEN Q, Letter of support for project
22 from participating property owner and employee,
23 Scott Jensen.

24 Do I hear anyone make a motion?

1 MR. WELBERS: Yes, you do.

2 JUDGE SLAVIN: A motion, Mr. Welbers.
3 Do I hear a second?

4 MR. STUTZKE: Second.

5 JUDGE SLAVIN: Hearing a second, anything
6 you want to say about your motion, Mr. Welbers?

7 MR. WELBERS: No, there is not.

8 MS. DONARSKI: Can I say something?

9 JUDGE SLAVIN: Yes.

10 MS. DONARSKI: Under ZO GEN N --

11 JUDGE SLAVIN: Well, let's give the Board
12 members first.

13 MS. DONARSKI: Okay.

14 JUDGE SLAVIN: Any other Board members
15 other -- Mr. Quest?

16 MR. QUEST: I'm probably going to say the
17 same thing. Under ZO Group I, it states 19
18 proposed retrofitted and you read 32. Just want
19 to clarify.

20 JUDGE SLAVIN: Okay. If I misread, okay,
21 thank you.

22 Any other Board member?

23 (No verbal response.)

24 JUDGE SLAVIN: Okay. Ms. Donarski?

1 MS. DONARSKI: On ZO GEN M, if you look at
2 the last part of the sentence, "and other County
3 communications receptions would not be
4 negatively impacted by the of the proposed."

5 JUDGE SLAVIN: Thank you.

6 MS. DONARSKI: Thank you.

7 JUDGE SLAVIN: Very good.

8 Okay. All right. Hearing no other
9 discussion, I will put the question. The
10 question being put is on the adoption of the
11 rather long, tedious motion that's on the floor
12 made by Mr. Welbers, seconded, and a discussion
13 having ended.

14 Adoption of the motion requires a vote by
15 the majority. The vote will be by voice. All
16 those in favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: All those opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: That motion is behind you
22 all.

23 Okay. All right. Next.

24 The Bureau County ZBA finds that, in

1 retrofitting, the Applicant promised that it
2 would use the existing towers remaining in the
3 same location and would be replacing or
4 enhancing the rotors (hub and blades), the
5 nacelle and its interior elements, the
6 generators, the foundations and sections of
7 collection lines of up to 35 of the 36 existing
8 and operating three-blade Gamesa model G87-2,0
9 MW Wind Turbine Generators (WTG) in the existing
10 Providence Heights development with three-blade
11 Vestas model V110-2.2 MW WTGs for which the
12 dimensional profile would be as follows:

13 The existing towers would remain the same,
14 so the hub heights would remain at 256 feet; and
15 1-foot widened foundations with 4.5-foot
16 expanded reinforced pedestals (the especially
17 torque resistant area within the foundation);
18 and

19 A total rotor diameter of 361 feet, an
20 increase of 76 feet; and

21 A total tip height of 437 feet, an
22 increase of 38 feet; and

23 Any removed components would be handled,
24 processed, treated, stored, reused, disposed of

1 or recycled in accordance with all applicable
2 regulations; and

3 Any WTG not retrofitted would remain
4 operational in its present state.

5 Do I hear a motion?

6 MS. SMITH: So moved.

7 MR. QUEST: So moved.

8 JUDGE SLAVIN: I heard two. I heard
9 Mrs. Smith.

10 Do I hear a second?

11 MR. STUTZKE: Second.

12 JUDGE SLAVIN: Hearing a second, anything
13 you want to say about your motion, Mrs. Smith?

14 MS. SMITH: No, thank you.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, seeing none,
18 I will put the question. The question being put
19 is on the adoption of the motion made by
20 Ms. Smith.

21 Adoption of the motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: That motion is adopted.

The Bureau County ZBA finds that, in retrofitting, the Applicant specified in its Application that it would not be changing the existing substation, operations and maintenance building (O & M) or transmission lines.

Do I hear a motion?

MR. JENSEN: I'll make that motion.

JUDGE SLAVIN: I hear Mr. Jensen.

Do I hear a second?

MR. WELBERS: Yes.

JUDGE SLAVIN: Hearing a second, anything you want to say about your own motion, Mr. Jensen?

MR. JENSEN: No.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none, I'll put the question. The question being put is on the motion made by Mr. Jensen and displayed on the board here in the hearing room.

1 Adoption of the motion requires a vote by
2 the majority. The vote will be by voice. All
3 those in favor indicate by saying aye.

4 (All those simultaneously
5 responded.)

6 JUDGE SLAVIN: Opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: Motion is unanimously
9 adopted.

10 The Bureau County ZBA finds that the
11 Applicant posits that, if its Applications are
12 approved, there may be some new sections of
13 collection cables placed within the existing
14 easements at a depth of 5 feet below grade and;

15 Any new such section would be, at most,
16 1 mile long; with --

17 You go over this and think you read it for
18 editing and your eyes play tricks.

19 A combined section's total length of not
20 more than 3 miles; and

21 The then-unused sections of old collection
22 cabling would be left in place.

23 Do I hear anyone making that motion?

24 MR. QUEST: So moved.

1 JUDGE SLAVIN: Mr. Quest.

2 Any second?

3 MR. JENSEN: I'll second that.

4 JUDGE SLAVIN: I hear a second.

5 Mr. Quest, your motion. Anything you want
6 to say about your own motion?

7 MR. QUEST: Nope. I'm done.

8 JUDGE SLAVIN: Okay. Any other Board
9 member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I'll put the question. The question being put
13 is on the adoption of the motion made by
14 Mr. Quest.

15 Adoption of the motion requires a vote by
16 the majority. The vote will be by voice. All
17 those in favor indicate by saying aye.

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: Opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: Motion is adopted.

23 Moving on. The Bureau County ZBA finds
24 that, between its Application and testimony, the

1 Applicant indicated that, if any one or more of
2 the Conditional Uses are approved, it may be
3 necessary to extend and collar the existing WTG
4 foundations.

5 Do I hear a motion?

6 MR. STUTZKE: So moved.

7 JUDGE SLAVIN: Was that Mr. Stutzke?

8 MR. WELBERS: Yes, it is.

9 MR. QUEST: Yes.

10 JUDGE SLAVIN: Do I hear a second?

11 MR. JENSEN: I'll second that.

12 JUDGE SLAVIN: I hear a second.

13 Mr. Stutzke, anything you want to say
14 about your own motion?

15 MR. STUTZKE: No, sir.

16 JUDGE SLAVIN: Any other Board member?

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing none, seeing none,
19 I will put the question. The question being put
20 is on the adoption of the motion made by
21 Mr. Stutzke.

22 Adoption of the motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

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(All those simultaneously
responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: The motion is adopted.

The Bureau County ZBA finds that the
Applicant has indicated that, if any one or more
of the Conditional Uses are approved:

Permitted existing access roads may be
temporarily upgraded, including the addition of
expanded turning radii; and

There would be up to four temporary
10-acre "laydown" yards (Applications
24-09-03-36C, 24-09-03-37C, 24-09-03-38C,
24-09-03-39C) which could be fenced, graded,
compacted and covered with gravel on which to
place personal and construction vehicles and
trailers, construction equipment, the retrofit
and replaced components; and

At the end of construction, any graded
areas would be de-compacted and recontoured to
return any disturbed soils to pre-construction
condition.

Do I hear a motion?

1 MS. SMITH: So moved.

2 JUDGE SLAVIN: I hear Mrs. Smith.

3 Do I hear a second?

4 MR. JENSEN: I'll second that.

5 JUDGE SLAVIN: I got a second.

6 Anything you want to say about your own
7 motion, Mrs. Smith?

8 MS. SMITH: No, thank you.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I'll put the question. The question being put
13 is on the adoption of Mrs. Smith's motion.

14 Adoption of the motion requires a vote by
15 the majority. The vote will be by voice. All
16 those in favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: Opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: That motion is another
22 unanimous adoption.

23 The Bureau County ZBA finds that the
24 Applicant has suggested that the retrofit

1 project would take 9 to 18 months to complete
2 and would begin as early as sometime in 2025,
3 but, more realistically, in 2026, with planned
4 in-service in 2027.

5 Do I hear a motion?

6 MR. STUTZKE: So moved.

7 JUDGE SLAVIN: Mr. Stutzke.

8 Do I hear a second?

9 MR. WELBERS: Yes.

10 JUDGE SLAVIN: Hearing that, I will put
11 the question -- excuse me.

12 Anything you want to say about your own
13 motion, Mr. Stutzke?

14 MR. STUTZKE: No, sir.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, seeing none,
18 I'll put the question. The question being put
19 is on the adoption of the motion as made by
20 Mr. Stutzke.

21 Adoption of the motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: That's another one in the winner's circle.

All right. I don't know if I mentioned, I will not be reading the Ordinances. The Ordinances were there for your, and the County Board's, reference when you're dealing with each one of these motions, but I won't be reading them.

The Bureau County ZBA finds that the proposed retrofitted WECS development would be located on land that is zoned Agricultural, of which 92.7 percent is cultivated cropland, and is, therefore, amenable to a Conditional Use for a Commercial Wind Energy Facility.

Do I hear a motion?

MR. JENSEN: I'll make that motion.

JUDGE SLAVIN: Mr. Jensen makes the motion.

Any second?

MR. WELBERS: Sure, yes.

JUDGE SLAVIN: Okay. Got a second.

1 Anything you want to say about your own
2 motion, Mr. Jensen?

3 MR. JENSEN: No.

4 JUDGE SLAVIN: Any other Board member?

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I'll put the question. The question being put
8 is on the adoption of the motion being made by
9 Mr. Jensen.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: That motion is adopted as
18 well.

19 The Bureau County ZBA finds that the
20 Applicant has indicated and promised in its
21 Application:

22 That the proposed retrofit project would
23 meet all County standards and all State and
24 federal regulatory requirements; and

1 That the proposed retrofit project
2 equipment would meet all applicable industry
3 codes and standards, such as those enunciated by
4 the Institute of Electrical and Electronic
5 Engineers, the National Electrical Safety Code,
6 the National Electrical Safety Code and the
7 American National Standards Institute; and

8 That any solid waste created by the
9 proposed project will be promptly disposed in
10 accordance with federal, state and local laws,
11 including the use of port-a-potties for human
12 waste.

13 Do I hear a motion?

14 MS. SMITH: So moved.

15 JUDGE SLAVIN: Got it.

16 Second?

17 MR. QUEST: I'll second.

18 JUDGE SLAVIN: Done.

19 Anything you want to say, Mrs. Smith?

20 MS. SMITH: No, thank you.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, seeing none,
24 I'll put the question. The question being put

1 is on the adoption of the motion.

2 Adoption of the motion requires a vote by
3 the majority. The vote will be by voice. All
4 those in favor indicate by saying yes.

5 (All those simultaneously
6 responded.)

7 JUDGE SLAVIN: All those opposed by no.
8 (No verbal response.)

9 JUDGE SLAVIN: Motion is adopted.
10 Got to throw it in once in a while to keep
11 the --

12 MS. SMITH: Make sure we're paying
13 attention.

14 JUDGE SLAVIN: Yeah.

15 The Bureau County ZBA finds that the
16 Applicant has indicated that it will submit
17 certificates of design compliance along with its
18 request for a building permit.

19 Do I hear a motion?

20 MR. WELBERS: So moved.

21 JUDGE SLAVIN: I got it from Mr. Welbers.
22 Second?

23 MR. JENSEN: I'll second that.

24 JUDGE SLAVIN: Got it.

1 Mr. Welbers, anything you want to say
2 about your motion?

3 MR. WELBERS: No.

4 JUDGE SLAVIN: All right. Adoption of the
5 motion requires a vote by the majority -- excuse
6 me.

7 Any other Board member?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, I will put
10 the question. The question being put is on the
11 adoption of the motion.

12 Adoption of the motion requires a vote by
13 the majority. The vote will be by voice. All
14 those in favor indicate by saying aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Motion is a winner.

20 The Bureau County ZBA finds that:

21 The Applicant did include a legal
22 description of each of the proposed retrofitted
23 towers; and

24 The Applicant did include a legal

1 description by Parcel Index Number (PIN) of the
2 already-existing and not-to-be-altered
3 substation; and

4 The Applicant did show the location of
5 property lines of adjoining property owners; and

6 The Applicant did show or describe the
7 number and capacity of Wind Towers, height and
8 diameter of turbine rotors and turbine color;
9 and

10 The Applicant did describe that the
11 proposed rotor direction of the WTGs is dictated
12 by the prevailing wind at any given point in
13 time; and

14 While the Applicant did indicate that all
15 of the retrofitted equipment would be new, but
16 due to the nature of the retrofit described, the
17 equipment not being subject to any retrofitting
18 would, of course, be already used; and

19 The Application verbiage reads that the
20 proposed retrofit would be similarly equipped to
21 the existing braking and control systems which
22 have:

23 A redundant braking; and

24 Aerodynamic over-speed; and

1 Mechanical brakes.

2 Do I hear a motion?

3 MR. JENSEN: I'll make that motion.

4 JUDGE SLAVIN: Got it from Mr. Jensen.

5 Any second?

6 MR. WELBERS: Yes.

7 JUDGE SLAVIN: Okay. Anything you want to
8 say about your motion, Mr. Jensen?

9 MR. JENSEN: No.

10 JUDGE SLAVIN: Any other Board member?

11 (No verbal response.)

12 JUDGE SLAVIN: Hearing none, seeing none,
13 I'll put the question. The question being put
14 is on the adoption of the motion.

15 Adoption of the motion requires a vote by
16 the majority. The vote will be by voice. All
17 those in favor indicate by saying aye.

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: Opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: That motion is declared
23 adopted.

24 The Bureau County ZBA finds that the

1 Application contains, in composite, a Site plan
2 that:

3 Does show the project area boundary; and

4 Does show the location of the wind towers
5 (WTGs); and

6 Does show the location of area roads; and

7 Does show the location of the
8 transformers; and

9 Does show the location of the power lines;
10 and

11 Does show the location of the
12 interconnection point; and

13 Does show the location of the proposed
14 temporary laydown yards; and

15 Does show the location of the O & M
16 building; and

17 Does sufficiently detail the required
18 setbacks.

19 Do I hear anyone making that motion?

20 MS. SMITH: So moved.

21 JUDGE SLAVIN: Mrs. Smith makes the
22 motion.

23 Any second?

24 MR. QUEST: I'll second.

1 MR. STUTZKE: Second.

2 JUDGE SLAVIN: I got lots of seconds.

3 Anything you want to say about your
4 motion, Mrs. Smith?

5 MS. SMITH: No.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I'll put the question. The question being put
10 is on the adoption of the motion.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Motion is adopted.

19 The Bureau County ZBA finds that the
20 Application does contain a topographical --
21 topographic map of the Project area.

22 Do I hear a motion?

23 MR. JENSEN: I'll make that motion.

24 JUDGE SLAVIN: Got Mr. Jensen making it.

1 A second?

2 MS. SMITH: I'll second.

3 JUDGE SLAVIN: Mrs. Smith.

4 Anything you want to say, Mr. Jensen?

5 MR. JENSEN: No.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I'll put the question. The question being put
10 is on the adoption of Mrs. Smith's motion.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: The motion is a winner.

19 The Bureau County ZBA finds that:

20 Given a tip height of 437 feet and an
21 Ordinance multiplier of 2.1, the Applicant has
22 affirmed that there are no properties in
23 following described categories within 918 feet
24 of any WTG which is proposed to be retrofitted:

1 Occupied community buildings;
2 Participating residences;
3 Non-participating residences;
4 Fish and Wildlife Areas and Illinois
5 Nature Preserve Commission Protect Lands; and
6 Given a tip height of 437 feet and an
7 Ordinance multiplier of 1.1, the Applicant has
8 affirmed that there are no properties in
9 following described categories within 480 feet
10 of any WTG which is proposed to be
11 retrofitted:

12 Public roads rights-of-way;
13 Overhead communication and electric
14 transmission and distribution facilities; and

15 The Applicant has affirmed that there are
16 no municipality boundaries within 1.5 miles of
17 any WTG which is proposed to be retrofitted; and

18 Given a tip height of 437 feet and an
19 Ordinance multiplier of 1.1, the Applicant has
20 indicated that there are four nonparticipating
21 properties' boundary lines for which the center
22 of the base of the tower would be inside the
23 480-foot setback for a WTG which is proposed to
24 be retrofitted, to wit:

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 Application 24-09-03-6CV for Parcel ID
2 Numbers 21-17-100-004 and 21-17-100-006 would be
3 473.4 feet, so the requested Variance is
4 6.6 feet; and

5 Application 24-09-03-17CV for Parcel ID
6 Numbers 25-10-200-002 and 25-10-200-003 would be
7 472.2 feet, so the requested Variance is
8 7.8 feet; and

9 Application 24-09-03-23CV for Parcel ID
10 Numbers 25-15-100-009 and 25-15-100-008 would be
11 466.8 feet, so the requested Variance is
12 13.2 feet; and

13 Application 24-09-03-35CV for Parcel ID
14 Numbers 21-08-300-005 and 21-08-300-008 would be
15 438.9 feet, so the requested Variance is
16 41.1 feet; and

17 Given the presently-existing setback of
18 2,640 feet, the Applicant has indicated that the
19 boundary of the unincorporated platted community
20 of Providence lays inside that distance from the
21 center of the base of five WTGs which are
22 proposed to be retrofitted, to wit:

23 Application 24-09-03-4CV for Parcel ID
24 Numbers 21-17-100-005 and 21-17-100-006 is

1 2,452.9 feet, so the requested Variance is
2 187.1 feet; and

3 Application 24-09-03-5CV for Parcel ID
4 Numbers 21-17-200-009 and 21-17-100-006 is
5 1,704 feet, so the requested Variance is
6 936 feet; and

7 Application 24-09-03-6CV for Parcel ID
8 Numbers 21-17-100-004 and 21-17-100-006 is
9 2,334.5 feet, so the requested Variance is
10 305.5 feet; and

11 Application 24-09-03-7CV for Parcel ID
12 Numbers 21-17-301-007 and 21-17-301-004 is
13 862.9 feet, so the requested Variance is
14 1,771.1 feet; and

15 Application 24-09-03-8CV for Parcel ID
16 Numbers 21-20-251-003 and 21-20-251-004 is
17 1,362.6 feet, so the requested Variance is
18 1,277.4 feet.

19 Do I hear a motion?

20 MR. JENSEN: I'll make that motion.

21 JUDGE SLAVIN: Thank you, Mr. Jensen.

22 Any second?

23 MR. STUTZKE: Second.

24 JUDGE SLAVIN: Got it.

1 Anything you want to say about your
2 motion, Mr. Jensen?

3 MR. JENSEN: No.

4 JUDGE SLAVIN: Any other Board member?

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I'll put the question. The question being put
8 is on the adoption of the motion made by
9 Mr. Jensen.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: That motion is adopted.

18 The Bureau County ZBA finds that there
19 were no waivers introduced during the hearing,
20 but, recognizing the use of the words "may be
21 granted," the Ordinance provision relating to
22 granting a variance with a waiver is only
23 permissive and not mandatory.

24 Do I hear a motion?

1 MR. WELBERS: Yes.

2 JUDGE SLAVIN: Mr. Welbers.

3 Any second?

4 MR. STUTZKE: Second.

5 JUDGE SLAVIN: Got a second.

6 Mr. Welbers, anything you want to say
7 about that motion?

8 MR. WELBERS: No.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I will put the question. The question being put
13 is on the adoption of the motion made by
14 Mr. Stutzke -- was that right? Or Mr. Welbers?

15 MR. WELBERS: I made the motion.

16 JUDGE SLAVIN: Adoption of the motion made
17 by Mr. Welbers.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: Opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: Motion is adopted.

2 The Bureau County ZBA finds that an
3 executed copy of such an AIMA was provided in
4 its Application material.

5 Do I hear a motion?

6 MS. SMITH: So moved.

7 JUDGE SLAVIN: Got it, Mrs. Smith.

8 Second?

9 MR. QUEST: I'll second.

10 JUDGE SLAVIN: Got it.

11 Mrs. Smith, anything you want to say about
12 your motion?

13 MS. SMITH: No, thank you.

14 JUDGE SLAVIN: Any other Board member?

15 (No verbal response.)

16 JUDGE SLAVIN: Hearing none, seeing none,
17 I'll put the question. The question being put
18 is on the motion made by Mrs. Smith.

19 Adoption of the motion requires a vote by
20 the majority. The vote will be by voice. All
21 those in favor indicate by saying aye.

22 (Multiple Board members
23 simultaneously responded.)

24 JUDGE SLAVIN: I only hear two.

1 All those in favor, by aye.

2 (All those simultaneously
3 responded.)

4 JUDGE SLAVIN: Opposed.

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, I will find
7 that the motion is adopted.

8 The Bureau County ZBA finds:

9 As part of its Application, the Developer
10 included a response from IDNR as a result of its
11 submission of an EcoCAT which response
12 included:

13 That the following State threatened or
14 endangered species "may be in the vicinity of
15 the project location":

16 Black-billed Cuckoo;

17 Indiana Bat;

18 Northern Long-eared Bat;

19 Upland Sandpiper.

20 The recommendation that, in order to
21 create unlikely impacts to these protected
22 resources, "the County require the project
23 proponent to curtail wind turbine operations
24 below wind speeds of 6.9 meters/second (while

1 also) feather(ing) rotations"; and

2 As part of its Application, the Developer
3 included an Information for Planning and
4 Consulting (IPaC) review from the U.S. Fish and
5 Wildlife Service (USFWS), which review included
6 the following species and their conservation
7 status as being "potentially affected by
8 activities in the (Project) location," Protected
9 Species likely to be present in the Project area
10 and the presence of certain "facilities":

11 Mammals:

12 Indiana Bat (Endangered) and its critical
13 habitat;

14 Northern Long-eared Bat (Endangered);

15 Tricolored Bat (Proposed Endangered);

16 Birds;

17 Whooping Crane (Endangered);

18 Bald Eagles (Protected);

19 Henslow's Sparrow (Protected);

20 Lesser Yellowlegs (Protected);

21 Red-headed Woodpecker (Protected).

22 Insects:

23 Monarch Butterfly (Candidate).

24 Flowering Plants:

1 Decurrent False Aster (Threatened);
2 Eastern Prairie Fringed Orchid
3 (Threatened).

4 Facilities:

5 National Wildlife Refuge lands, none in
6 the Project location.

7 Fish Hatcheries, none in the Project
8 location.

9 National Wetlands Inventory, unknown, as
10 such information was "officially" unavailable.

11 Do I hear a motion in that regard?

12 MR. JENSEN: I'll make that motion.

13 JUDGE SLAVIN: Mr. Jensen.

14 Any second?

15 MR. QUEST: I'll second.

16 JUDGE SLAVIN: Got it.

17 Anything you want to say about your own
18 motion, Mr. Jensen?

19 MR. JENSEN: No.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

22 JUDGE SLAVIN: Hearing none, seeing none,
23 I'll put the question. The question being put
24 is on the adoption of the motion.

1 Adoption of the motion requires a vote by
2 the majority. The vote will be by voice. All
3 those in favor indicate by saying aye.

4 (All those simultaneously
5 responded.)

6 JUDGE SLAVIN: Opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: The motion is adopted.

9 The Bureau County ZBA finds that in its
10 Application, Providence Heights requested "to
11 work with the County (sic) through the CUP
12 process to adopt reasonable Conditional Use
13 conditions consistent with IDNR's
14 recommendations and adherence to state laws, but
15 also reflect the nature of the Retrofit
16 Project...and the 16-year history of the
17 Existing Project operating without significant
18 wildlife impacts, including (to) endangered
19 species."

20 Do I hear a motion reflecting that?

21 MR. STUTZKE: So moved.

22 JUDGE SLAVIN: Was that Mr. Quest?

23 MR. QUEST: Stutzke.

24 JUDGE SLAVIN: Sorry, I was coughing at

1 the time.

2 Mr. Stutzke.

3 Any second?

4 MR. WELBERS: Sure, yes.

5 JUDGE SLAVIN: Got it.

6 Mr. Stutzke, anything you want to say
7 about your motion?

8 MR. STUTZKE: No, thank you.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I'll put the question. The question being put
13 is on the adoption of Mr. Stutzke's motion.

14 Adoption of the motion requires a vote by
15 the majority. The vote will be by voice. All
16 those in favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: Opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: Motion is adopted.

22 The Bureau County ZBA finds that IDNR did
23 not identify any protected lands with the
24 purview of the Project area.

1 Do I hear a motion?

2 MS. SMITH: So moved.

3 JUDGE SLAVIN: Mrs. Smith.

4 A second?

5 MR. JENSEN: I'll second that.

6 JUDGE SLAVIN: Got it.

7 Mrs. Smith, anything you want to say about
8 your own motion?

9 MS. SMITH: No, thanks.

10 JUDGE SLAVIN: Any other Board member?

11 (No verbal response.)

12 JUDGE SLAVIN: Hearing none, seeing none,
13 I'll put the question. The question being put
14 is on the adoption of the motion as made by
15 Mrs. Smith.

16 Adoption of the motion requires a vote by
17 the majority. The vote will be by voice. All
18 those in favor indicate by saying aye.

19 (All those simultaneously
20 responded.)

21 JUDGE SLAVIN: Opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: Motion is adopted.

24 The Bureau County ZBA finds that, in its

1 Application, the Developer included a document
2 from the Illinois State Historic Preservation
3 Office (SHPO) indicating that the Project Area
4 has no known historic properties and is not
5 located within an area of high probability for
6 archeological resources.

7 Do I hear a motion?

8 MR. WELBERS: Yes.

9 JUDGE SLAVIN: Mr. Welbers.

10 Any second?

11 MS. SMITH: I'll second that.

12 JUDGE SLAVIN: Got it.

13 Anything you want to say about your own
14 motion, Mr. Welbers?

15 MR. WELBERS: No, there's not.

16 JUDGE SLAVIN: Any other Board member?

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing none, seeing none,
19 I'll put the question. The question being put
20 is on the adoption of the motion made by
21 Mr. Welbers.

22 Adoption of the motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

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(All those simultaneously
responded.)

JUDGE SLAVIN: All those opposed by no.
(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

The Bureau County ZBA finds that, in its
Application, the Developer included 36
"Determination of No Hazards to Air Navigation"
reports from the Federal Aviation Administration
(FAA) for 36 of the proposed retrofitted WTGs,
those being Providence Heights numbered: 1, 2,
3, 4, 5, 7, 9, 11, 13, 14, 15, 16, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32,
33, 34, 35, 36, 37, 39, 42, 43 and 46.

Do I hear a motion?

MR. STUTZKE: So moved.

JUDGE SLAVIN: I got it from, I think,
Mr. Quest -- or Mr. Stutzke it was.

Second?

MR. QUEST: I'll second.

JUDGE SLAVIN: Got it.

Mr. Stutzke, anything you want to say
about your motion?

MR. STUTZKE: No, thank you.

1 JUDGE SLAVIN: Any other Board member?

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, seeing
4 none, I'll put the question. The question being
5 put is on the adoption of the motion made by
6 Mr. Stutzke.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Motion is adopted.

15 The Bureau County ZBA finds that each of
16 the "Determination of No Hazards to Air
17 Navigation" reports were conditioned on:

18 The structure being marked in accordance
19 with FAA lighting standards; and

20 An immediate report of any malfunction
21 lasting more than 30 minutes; and

22 The filing of a particular FAA form:

23 At least 10 days prior to the start of the
24 project construction; and

1 Within five days after the construction
2 reaches its greatest height; and

3 Any time the project is abandoned.

4 How about a motion?

5 MS. SMITH: So moved.

6 JUDGE SLAVIN: Mrs. Smith.

7 Any second?

8 MR. STUTZKE: Second.

9 JUDGE SLAVIN: Got it.

10 Anything you want to say, Mrs. Smith?

11 MS. SMITH: No.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I'll put the question. The question being put
16 is on the adoption of the motion as made by
17 Mrs. Smith.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: That motion is adopted.

24 The Bureau County ZBA finds that, while

1 the SWCD Exhibits SW-2 sequentially through
2 SW-28 are not strictly entitled a "Conservation
3 Practices Impact Mitigation" (but, instead, a
4 "Natural Resource Information Report") document
5 it should be treated as such.

6 Anybody want to make that motion?

7 MR. WELBERS: Sure. I'll move it.

8 JUDGE SLAVIN: That was Mr. Welbers.

9 Do I hear a second?

10 MR. STUTZKE: Second.

11 JUDGE SLAVIN: Got it.

12 Anything you want to say about your own
13 motion, Mr. Welbers?

14 MR. WELBERS: No.

15 JUDGE SLAVIN: Excuse me?

16 MR. WELBERS: No.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, seeing none,
20 I'll put the question. The question being put
21 is on the adoption of the motion as suggested --
22 as made by Mr. Welbers.

23 Adoption of the motion requires a vote by
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously
3 responded.)

4 JUDGE SLAVIN: Opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: The motion is adopted.

7 The Bureau County ZBA finds that:

8 Indeed, the executed AIMA, requires the
9 Applicant to repair and pay for drainage system
10 construction damages; and

11 The Applicant further explicitly
12 recognized the importance of drainage systems,
13 and, in so doing, promised to meet and discuss
14 the continuing integrity of those drainage
15 systems with participating agricultural
16 landowners for the benefit of all lands; and

17 Its agent testified that it does not
18 anticipate construction or operation impacting
19 any surface waters but, if such occurred, it
20 would work with the appropriate agencies to
21 permit such an occasion.

22 Do I hear a motion?

23 MR. QUEST: So moved.

24 JUDGE SLAVIN: Mr. Quest.

1 Any second?

2 MR. JENSEN: I'll second that.

3 JUDGE SLAVIN: Got a second.

4 Anything you want to say about it,
5 Mr. Quest?

6 MR. QUEST: I have none.

7 JUDGE SLAVIN: Any other Board member?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I'll put the question. The question being put
11 is on the adoption of the motion as made by
12 Mr. Quest.

13 Adoption of the motion requires a vote by
14 the majority. The vote will be by voice. All
15 those in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: Opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: Motion is a winner.

21 All right. I can't -- I'm done for a
22 short while. How about a 10-minute -- we'll
23 make it until 25 after. That's 12 minutes.

24 MS. DONARSKI: Can you hit the save

1 button, in case something happens?

2 JUDGE SLAVIN: I was going to do that,
3 Kris, but thank you.

4 MS. DONARSKI: Just checking.

5 JUDGE SLAVIN: You don't want to go over
6 it again?

7 MS. DONARSKI: No.

8 (A recess was taken at 7:12 p.m.
9 and proceedings resumed at
10 7:25 p.m.)

11 JUDGE SLAVIN: All righty, folks. Here we
12 go.

13 The Bureau County ZBA finds that, in its
14 Application:

15 The Developer noted that it has been
16 coordinating with the Tiskilwa, Bradford and
17 Providence Fire Departments since the Project
18 was constructed in 2008 and will continue to
19 work with them; and

20 Included emergency response and site plans
21 provided to the fire protection districts and
22 ambulance services.

23 MR. QUEST: So moved.

24 JUDGE SLAVIN: Mr. Quest.

1 Any second?

2 MS. SMITH: Second.

3 JUDGE SLAVIN: Got it.

4 Anything you want to say, Mr. Quest?

5 MR. QUEST: Nope. It's as written.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I'll put the question. The question being put
10 is on the motion made by Mr. Quest.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Consistently, it's adopted.

19 The Bureau County ZBA finds that:

20 In one paragraph, the Bureau County
21 Ordinance provides that sound levels be measured
22 at the property line of an adjoining residence,
23 but, in another paragraph, it mandates the use
24 of the Illinois Pollution Control Board (IPCB)

1 sound limitations which regulations, by
2 extrapolation, measure those sound limits "at
3 the residence." Accordingly, the Bureau County
4 ZBA finds that the appropriate point at which to
5 assess the sound limitations under the Ordinance
6 is at the residence; and

7 Bureau County Zoning Officer, Kris
8 Donarski, approved Mark Bastasch of Jacobs
9 Engineering Group to analyze the potential noise
10 impact of the Providence Heights proposed
11 retrofit on nearby properties; and

12 His resulting modeling scenarios in two
13 separate reports (one for an array of 32 Vestas
14 V110 WTGs and four Gamesa G87 WTGs, and the
15 other for 35 Vestas V110 WTGs and one Gamesa G87
16 WTGs) were included in the Developer's
17 Application; and

18 In conducting his analyses and generating
19 his reports, Mr. Bastasch used standard
20 acoustical engineering methods and made the
21 following assumptions:

22 The WTGs sound power levels supplied by
23 the manufacturer based on the International
24 Electrotechnical Commission data plus 2 decibels

1 (dB) and IPCB sanctioned prominent discrete tone
2 levels;

3 For 32 or 35 of the Vestas model WTGs
4 operating in the low noise mode at night; and

5 For 1 or 4 the Gamesa model WTGs not
6 operating at night; and

7 The substation transformer at theoretical
8 elevation of 15 feet;

9 Using the IPCB sound limits at nine
10 different octave band center frequencies (Hz)
11 during both daytime and nighttime;

12 From the most restrictive sound limit
13 scenario of a Class C emitting source to a Class
14 A receiving source at eight participating
15 residences and 84 nonparticipating residences;

16 Over a mixed ground condition at
17 50 degrees Fahrenheit and 70 percent humidity;
18 and

19 The results of the analyses showed
20 that:

21 The IPCB prominent discrete tone levels
22 were never exceeded at any residence; and

23 In all 1656 possible sound level
24 scenarios, the IPCB levels were never exceeded

1 at any residence.

2 Do I hear a motion as such?

3 MS. SMITH: So moved.

4 JUDGE SLAVIN: Mrs. Smith.

5 Any second?

6 MR. STUTZKE: Second.

7 JUDGE SLAVIN: Hearing a second, anything
8 you want to say about your motion, Mrs. Smith?

9 MS. SMITH: No, thank you.

10 JUDGE SLAVIN: Any other Board member?

11 (No verbal response.)

12 JUDGE SLAVIN: Hearing none, seeing none,
13 I'll put the question. The question being put
14 is on the adoption of the motion made by
15 Mrs. Smith.

16 Adoption of the motion requires a vote by
17 the majority. The vote will be by voice. All
18 those in favor indicate by saying aye.

19 (All those simultaneously
20 responded.)

21 JUDGE SLAVIN: Opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: Motion is adopted.

24 The Bureau County ZBA finds that:

1 Bureau County Zoning Officer, Kris
2 Donarski, approved Ted Guertin of Tetra Tech to
3 analyze the potential shadow flicker impact of
4 the Providence Heights proposed retrofit on
5 community buildings and nonparticipating
6 residences; and

7 His resulting modeling scenarios in two
8 separate reports (one for an array of 32 Vestas
9 V110 WTGs and four Gamesa G87 WTGs and the other
10 for 35 Vestas V110 WTGs and one Gamesa G87 WTGs)
11 were included in the Developer's Application;
12 and

13 In conducting its analyses and generating
14 its reports, Tetra Tech used the Wind Pro
15 software package, the industry gold standard for
16 such investigations and made the following
17 assumptions:

18 Shadow flicker does not occur when the sun
19 is obscured, fog, clouds, a sun horizon angle of
20 less than 3 degrees or at night, which
21 historical sunshine availability is tracked by
22 the National Climactic Data Center;

23 90 identified residential and community
24 receptors were input as polygon shaped

1 structures;

2 Both the proposed new Vestas WTGs and the
3 existing Gamesa WTGs were modeled at the longer
4 Vestas possible casted a shadow of 4977 feet;

5 Sunshine obstacles such as trees and other
6 visual obstructions were not used as minimizing
7 factors;

8 A curtailment program covering 15 proposed
9 WTGs over 723 different times ranging from a low
10 of almost 7 minutes to a high of almost 20
11 minutes on given days; and

12 The results of the analysis showed
13 that:

14 Given the aforementioned assumptions,
15 under each scenario, a low of 10 and a high of
16 11 of the identified receptors would receive
17 more than 30 hours of annual shadow flicker; but

18 With the assumed, above-described
19 curtailment program, the models showed there
20 would be no receptors receiving more than 30
21 hours of annual shadow flicker.

22 Do I hear a motion?

23 MR. STUTZKE: So moved.

24 JUDGE SLAVIN: Mr. Stutzke.

1 Second?

2 MS. SMITH: Second.

3 JUDGE SLAVIN: Mr. Stutzke, anything you
4 want to say about your motion?

5 MR. STUTZKE: No, thank you.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I'll put the question. The question being put
10 is on the adoption of the motion as made by
11 Mr. Stutzke.

12 Adoption of the motion requires a vote by
13 the majority. The vote will be by voice. All
14 those in favor indicate by saying aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Motion is carried.

20 The Bureau County ZBA finds that:

21 Bureau County Zoning Officer, Kris
22 Donarski, approved Lucinda Hutter Cavell of
23 Capitol Airspace Group to analyze potential
24 impact of the Providence Heights proposed

1 retrofit on communication systems, including
2 television reception; and

3 Her resulting analysis report was included
4 in the Developer's Application; and

5 The report read that:

6 Television transmission interference from
7 WTGs could occur for any TV station transmitting
8 within 1-1/4 miles of a WTG; and

9 A WTG could cause reception interference
10 caused by reflections and multi-path effects,
11 especially on a weak signal; but

12 After conducting its investigation, which
13 included plotting the location of the proposed
14 retrofit and remaining WTGs, Capitol Airspace
15 Group concluded that:

16 The nearest TV transmission station is
17 nearly 28 miles away, so there should not be any
18 television transmission interference caused by
19 the Project; but

20 "(T)here are 15 TV signal contours that
21 overlap, or come within 1-1/2 miles of the
22 project boundary which could impact the
23 reception of those TV signals"; and

24 The report noted that common mitigation

1 techniques for such reception issues were
2 antenna position adjustment or alternate
3 receiving methods, such as cable, satellite or
4 internet based.

5 Do I hear a motion in that regard?

6 MR. JENSEN: I'll make that motion.

7 JUDGE SLAVIN: Mr. Jensen.

8 A second?

9 MR. WELBERS: Yes.

10 JUDGE SLAVIN: Got it.

11 Mr. Jensen, anything you want to say about
12 your own motion?

13 MR. JENSEN: No.

14 JUDGE SLAVIN: Any other Board member?

15 (No verbal response.)

16 JUDGE SLAVIN: Hearing none, seeing none,
17 I'll put the question. The question being put
18 is on the adoption of the motion Mr. Jensen just
19 proposed.

20 Adoption of the motion requires a vote by
21 the majority. The vote will be by voice. All
22 those in favor indicate by saying aye.

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: How about nay?

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, motion is
4 adopted.

5 The Bureau County ZBA finds:

6 Bureau County Zoning Officer, Kris
7 Donarski, approved Lucinda Hutter Cavell of
8 Capitol Airspace Group to analyze potential
9 impact of the Providence Heights proposed
10 retrofit on communication systems, the physical
11 obstruction of a signal path or electromagnetic
12 wave interference (EMI) with AM radio, FM radio,
13 Land Mobile Radio (LMR) and other
14 communications; and

15 Her resulting analysis report was included
16 in the Developer's Application; and

17 The report read that:

18 As there are no AM radio station
19 transmitters within 3-3/4 miles of the project
20 area, so there should be no adverse effect on
21 any AM radio transmissions within it;

22 There is one licensed FM transmitter
23 facility within 0.68 miles of the Project, but,
24 for that particular FCC license's frequency and

1 antenna length, "the greatest calculated far
2 field begins at about 375 feet, (and) (t)he
3 distance to the nearest (WTG) is some 3650
4 feet," so there should not be an adverse effect
5 on any FM radio station;

6 While there are 12 LMR base stations
7 located within 0.62 miles of the Project
8 boundary, there are none within 500 feet
9 thereof, so there should not be any adverse
10 impacts on transmissions from a LMR base
11 station;

12 While there are five communication towers
13 located within 0.62 miles of the Project
14 boundary, the closest one is about 1250 feet
15 from the nearest WTG, so there should not be any
16 adverse impact on cellular or E911
17 communications.

18 Do I hear a motion in that regard?

19 MS. SMITH: So moved.

20 JUDGE SLAVIN: Got it from Mrs. Smith.

21 Any -- second?

22 MR. JENSEN: I'll second that.

23 JUDGE SLAVIN: Mrs. Smith, anything you
24 want to say about that?

1 MS. SMITH: None.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I'll put the question. The question being put
6 is on the adoption of the motion as made by
7 Mrs. Smith.

8 Adoption of the motion requires a vote by
9 the majority. The vote will be by voice. All
10 those in favor indicate by saying aye.

11 (All those simultaneously
12 responded.)

13 JUDGE SLAVIN: All those opposed by nay.

14 (No verbal response.)

15 JUDGE SLAVIN: The Bureau County ZBA finds
16 that the Application reads, and testimonial
17 evidence heard, that the collection lines were
18 or would be buried underground.

19 Do I hear a motion?

20 MR. QUEST: So moved.

21 JUDGE SLAVIN: Mr. Quest.

22 Any second?

23 MR. JENSEN: I'll second that.

24 MR. STUTZKE: Second.

1 JUDGE SLAVIN: Got a couple.

2 Mr. Quest, anything you want to say about
3 your motion?

4 MR. QUEST: Pretty simple. No.

5 JUDGE SLAVIN: Any other Board member?

6 (No verbal response.)

7 JUDGE SLAVIN: Hearing none, seeing none,
8 I'll put the question. The question being put
9 is on the adoption of the motion as made by
10 Mr. Quest.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Motion is adopted.

19 The Bureau County ZBA finds that the
20 Developer assured that there would be no changes
21 to the existing O & M facility containing the
22 only sewer and water service in the existing
23 project, which meets the public health
24 requirements by virtue of a previously-obtained

1 Sewage and Disposal Permit.

2 Do I hear a motion?

3 MR. JENSEN: I'll make that motion.

4 JUDGE SLAVIN: Got Mr. Jensen making the
5 motion.

6 Do I have a second?

7 MS. SMITH: I'll second.

8 JUDGE SLAVIN: Hearing a second, anything
9 you want to say about your own motion,
10 Mr. Jensen?

11 MR. JENSEN: No.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I'll put the question. The question being put
16 is on the adoption of the motion as suggested --
17 as made by Mr. Jensen.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: Opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: It carries.

2 The Bureau County ZBA finds that the
3 Applicant claims in its Application that the
4 existing towers, which will be unchanged by the
5 proposed retrofit, are unclimbable by virtue of
6 their tubular design and a locked door at the
7 base.

8 Do I hear a motion?

9 MS. SMITH: So moved.

10 JUDGE SLAVIN: Mrs. Smith.

11 Do I hear a second?

12 MR. STUTZKE: Second.

13 JUDGE SLAVIN: Anything you want to say,
14 Mrs. Smith?

15 MS. SMITH: No.

16 JUDGE SLAVIN: Any other Board member?

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing none, seeing none,
19 I'll put the question. The question being put
20 is on the adoption of the motion as made by
21 Mrs. Smith.

22 Adoption of the motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

1 (All those simultaneously
2 responded.)

3 JUDGE SLAVIN: Opposed by nay.

4 (No verbal response.)

5 JUDGE SLAVIN: It is unanimous and
6 adopted.

7 The Bureau County ZBA finds that the
8 Applicant asserted in its Application that "a
9 reasonably visible warning sign concerning
10 electrical hazards are currently placed...at
11 substations and wind towers" and that such are
12 "consistent with applicable regulatory
13 requirements and industry standards."

14 MR. QUEST: So moved.

15 JUDGE SLAVIN: Got it from Mr. Quest.

16 How about any --

17 MR. STUTZKE: Second.

18 JUDGE SLAVIN: Second, thank you.

19 Anything you want to say, Mr. Quest?

20 MR. QUEST: No, thank you.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, seeing none,
24 I'll put the question. The question being put

1 is on the adoption of the motion made by
2 Mr. Quest.

3 Adoption of the motion requires a vote by
4 the majority. The vote will be by voice. All
5 those in favor indicate by saying aye.

6 (All those simultaneously
7 responded.)

8 JUDGE SLAVIN: Opposed by nay.

9 (No verbal response.)

10 JUDGE SLAVIN: Motion is adopted.

11 The Bureau County ZBA finds that, in its
12 Application, the Developer promised the
13 retrofitted blades and existing towers would be
14 of a nonreflective white color.

15 Do I hear a motion?

16 MS. SMITH: So moved.

17 JUDGE SLAVIN: Mrs. Smith.

18 Any second from anyone?

19 MR. JENSEN: I'll second that.

20 JUDGE SLAVIN: Got a second.

21 Anything you want to say about your
22 motion, Mrs. Smith?

23 MS. SMITH: No.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none, I'll put the question. The question being put is on the adoption of that motion made by Mrs. Smith.

Adoption of the motion requires a vote by the majority. The vote will be by voice. All those in favor indicate by saying aye.

(All those simultaneously responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is declared adopted.

The Bureau County ZBA finds that, in its Application, the Developer promised the proposed retrofitted Project's signage "will comply with the County ordinances pertaining to signage."

Do I hear a motion?

MR. WELBERS: Yes.

JUDGE SLAVIN: Got it from Mr. Welbers. Any second?

MR. QUEST: I'll second.

JUDGE SLAVIN: Anything you want to say, Mr. Welbers?

1 MR. WELBERS: No.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I'll put the question again. The question being
6 put is on the adoption of the motion made by
7 Mr. Welbers.

8 Adoption of the motion requires a vote by
9 the majority. The vote will be by voice. All
10 those in favor indicate by saying aye.

11 (All those simultaneously
12 responded.)

13 JUDGE SLAVIN: Opposed by nay.

14 (No verbal response.)

15 JUDGE SLAVIN: Motion is adopted.

16 The Bureau County ZBA finds that, in its
17 Application, supplemented by its testimony, the
18 Developer promised that the "new components are
19 anticipated to remain consistent with the
20 (e)xisting (p)roject design, size" and color,
21 and during the testimony it produced that its
22 blades would rotate in the same direction with
23 nearby WTGs.

24 Adoption of this motion requires a vote by

1 the majority. The vote will be by voice. All
2 those -- no, it doesn't. Nobody made the
3 motion.

4 MS. SMITH: So moved.

5 JUDGE SLAVIN: Thank you for saving me.

6 MR. QUEST: I'll second.

7 JUDGE SLAVIN: How about that second?

8 MR. QUEST: I'll second.

9 JUDGE SLAVIN: Anything you want to say,
10 Mrs. Smith?

11 MS. SMITH: No, thank you. Wake up.

12 JUDGE SLAVIN: Yeah.

13 Any other Board member want to say
14 anything?

15 (No verbal response.)

16 JUDGE SLAVIN: Hearing none, seeing none,
17 I'll put the question now. The question being
18 put is on the adoption of the motion made by
19 Mrs. Smith.

20 Adoption of the motion requires a vote by
21 the majority. The vote will be by voice. All
22 those in favor indicate by saying aye.

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: Opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: The motion is adopted.

4 The Bureau County ZBA finds that, in its
5 Application, the Developer promised that it
6 would use "lighting that is compliant with
7 applicable FAA regulations, and, (i)f approved
8 would install Aircraft Detection Lighting
9 Systems...to reduce light pollution and visual
10 impacts."

11 Do I hear a motion to that effect?

12 MR. STUTZKE: So moved.

13 JUDGE SLAVIN: Mr. Stutzke.

14 Second by anybody?

15 MR. Welbers: Yes.

16 JUDGE SLAVIN: Anything you want to say
17 about your own motion, Mr. Stutzke?

18 MR. STUTZKE: No, thank you.

19 JUDGE SLAVIN: Any other Board member?

20 (No verbal response.)

21 JUDGE SLAVIN: Hearing none, seeing none,
22 I will put the question. The question being put
23 is on the motion proposed by Mr. Stutzke.

24 Adoption of the motion requires a vote by

1 the majority. The vote will be by voice. All
2 those in favor indicate by saying aye.

3 (All those simultaneously
4 responded.)

5 JUDGE SLAVIN: Opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: The motion is adopted
8 unanimously.

9 The Bureau County ZBA finds that:

10 The Developer did not submit an engineer's
11 certificate as part of its Application as
12 required; but

13 Instead, impliedly requested a deferment
14 of that requirement by indicating it would do so
15 at the time of its request for a building
16 permit.

17 Do I hear anybody that wants to make that
18 motion?

19 MR. JENSEN: I'll make that motion.

20 JUDGE SLAVIN: Mr. Jensen.

21 Any other -- second?

22 MR. STUTZKE: Second.

23 JUDGE SLAVIN: Got it.

24 Anything you want to say, Mr. Jensen?

1 MR. JENSEN: No.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I'll put the question. The question being put
6 is on the adoption of that motion made by
7 Mr. Jensen.

8 Adoption of the motion requires a vote by
9 the majority. The vote will be by voice. All
10 those in favor indicate by saying aye.

11 (All those simultaneously
12 responded.)

13 JUDGE SLAVIN: Opposed by nay.

14 (No verbal response.)

15 JUDGE SLAVIN: Motion is adopted.

16 The Bureau County ZBA finds that, within
17 its Application, the Developer included a
18 "Providence Heights Decommissioning Plan."

19 Do I hear a --

20 MS. SMITH: So moved.

21 JUDGE SLAVIN: Thank you. A motion made
22 by Mrs. Smith.

23 Second?

24 MR. STUTZKE: Second.

1 JUDGE SLAVIN: Got it.

2 Anything you want to say, Mrs. Smith?

3 MS. SMITH: No.

4 JUDGE SLAVIN: Any other Board member?

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I'll put the question. The question being put
8 is on the adoption of the motion made by
9 Mrs. Smith.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: That's another with the
18 olive wreath.

19 The Bureau County ZBA finds that the
20 revised and then included Decommissioning Plan:

21 Indicates that it was prepared by a
22 professional engineer; and

23 Contains the maximum number of WTGs and
24 related items making up the Facility; but

1 Does not recite the original construction
2 cost of the proposed Facility but that is
3 understandable because that amount would be
4 unknown until a proposed "retrofit" is
5 completed; and

6 Does recite the size and capacity of the
7 proposed WTGs; and

8 Does adequately provide the salvage values
9 of the Facility; and

10 Adequately describes the construction
11 methods and techniques for the WTGs and related
12 Facility items; and

13 Reads that the Facility Owner plans to pay
14 for the Facility's deconstruction by
15 "prepar(ing) a written Letter of Credit or
16 Surety Bond establishing conditions upon which
17 the funds will be disbursed (in accordance with)
18 the...AIMA language..."

19 Do I hear a motion in that regard?

20 MR. QUEST: So moved.

21 JUDGE SLAVIN: Mr. Quest.

22 Second?

23 MR. JENSEN: I'll second that.

24 JUDGE SLAVIN: Got it.

1 Anything you want to say about your own
2 motion, Mr. Quest?

3 MR. QUEST: Nothing further.

4 JUDGE SLAVIN: Any other Board member?

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I'll put the question. The question being put
8 is on the adoption of the motion made by
9 Mr. Quest.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: The motion is a winner,
18 just like Notre Dame is going to win on Friday
19 night.

20 I didn't hear a lot of applause.

21 The Bureau County ZBA finds that the
22 submitted Decommissioning Plan often refers to
23 both a depth of 5 feet and a window of 18
24 months.

1 Do I hear a motion in that regard?

2 MR. JENSEN: I'll make that motion.

3 JUDGE SLAVIN: That was Mr. Jensen.

4 Any second?

5 MR. QUEST: Second.

6 JUDGE SLAVIN: Got it.

7 Anything you want to say about your own
8 motion, Mr. Jensen?

9 MR. JENSEN: No.

10 JUDGE SLAVIN: Any other Board member?

11 (No verbal response.)

12 JUDGE SLAVIN: Okay. Hearing none, seeing
13 none, I'll put the question. The question being
14 put is on the adoption of the motion just made
15 by Mr. Jensen.

16 Adoption of the motion requires a vote by
17 the majority. The vote will be by voice. All
18 those in favor indicate by saying aye.

19 (All those simultaneously
20 responded.)

21 JUDGE SLAVIN: Opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: It's a winner.

24 The Bureau County ZBA finds that the

1 Decommissioning Plan includes provisions of
2 decommissioning triggers and the language
3 mandated in this Ordinance subsection.

4 Do I hear a motion?

5 MS. SMITH: So moved.

6 JUDGE SLAVIN: By Mrs. Smith.

7 Do I hear a second?

8 MR. STUTZKE: Second.

9 JUDGE SLAVIN: Got it.

10 Anything you want to say about your own
11 motion, Mrs. Smith?

12 MS. SMITH: No.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: Hearing none, seeing none,
16 I'll put the question. The question being put
17 is on the adoption of the motion made by
18 Mrs. Smith.

19 Once again, adoption of the motion
20 requires a vote by the majority. The vote will
21 be by voice. All those in favor indicate by
22 saying aye.

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: Opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: Motion is adopted.

4 The Bureau County ZBA finds that the
5 Decommissioning Plan:

6 Does not include any agreement for an
7 Ordinance-mandated cash escrow account; but

8 That Ordinance requirement is in conflict
9 with the controlling Illinois statutory AIMA
10 provision which permissibly provides for "a
11 reclamation bond or other commercially available
12 financial assurance that is acceptable to the
13 County with the County as primary beneficiary
14 and the Landowners as secondary beneficiaries";
15 and

16 The Decommissioning Plan does include
17 provisions for, alternatively, "a Letter of
18 Credit or a Surety Bond."

19 Anybody want to make that motion?

20 MR. STUTZKE: So moved.

21 JUDGE SLAVIN: Okay. Got it.

22 Do I hear a second to Mr. Stutzke?

23 MR. JENSEN: I'll second that.

24 JUDGE SLAVIN: Hearing a second, anything

1 you want to say about your own motion,
2 Mr. Stutzke?

3 MR. STUTZKE: No.

4 JUDGE SLAVIN: Any other Board member?

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I'll put the question. The question being put
8 is on the adoption of the motion made by
9 Mr. Stutzke.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: Motion is unanimous.

18 The Bureau County ZBA finds that the
19 Decommissioning Plan does recognize the County's
20 rights to entry, injunctive relief, complete
21 decommissioning and reimbursement mandated by
22 this Ordinance subsection.

23 Do I hear a motion?

24 MS. SMITH: So moved.

1 JUDGE SLAVIN: Got it.

2 Mrs. Smith, any -- second?

3 MR. JENSEN: I'll second that.

4 JUDGE SLAVIN: Anything you want to say
5 about your own motion, Mrs. Smith?

6 MS. SMITH: No.

7 JUDGE SLAVIN: Any other Board member?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I'll put the question. The question being put
11 is on the adoption of this motion made by
12 Mrs. Smith.

13 Adoption of the motion requires a vote by
14 the majority. The vote will be by voice. All
15 those in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: All those opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, that motion
21 is adopted.

22 The Bureau County ZBA finds that, both in
23 its Application and during the testimony it
24 produced, it promised -- I'm going to call it

1 the Applicant -- the Applicant promised to
2 comply in whole with this Ordinance
3 indemnification mandate.

4 Do I hear a motion in that regard?

5 MR. WELBERS: Yes.

6 JUDGE SLAVIN: Mr. Welbers.

7 Any second?

8 MR. STUTZKE: Second.

9 JUDGE SLAVIN: Anything you want to say
10 about your own motion, Mr. Welbers?

11 MR. WELBERS: No, there is not.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I'll put the question. The question being put
16 is on the adoption of the motion made by
17 Mr. Welbers.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: Opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: That one also gets the gold
2 medal.

3 The Bureau County ZBA finds that the cited
4 statute defines "technical submissions," in
5 part, as been prepared in the course of "the
6 practice of professional engineering." The
7 Application submissions that appeared prima
8 facie to invoke this section are as follows:

9 The "Decommissioning Plan," which did
10 contain a Professional Engineer's
11 "certification" and seal; and

12 The design specification sheet for the
13 proposed enhanced WTG foundations, which did
14 bear a Professional Engineer's seal; and

15 The "Assessment of Predicted Sound
16 Levels," which did bear a Professional
17 Engineer's seal.

18 Do I hear a motion in that regard?

19 MS. SMITH: So moved.

20 JUDGE SLAVIN: Second?

21 MR. JENSEN: I'll second that.

22 JUDGE SLAVIN: Anything you want to say
23 about your own motion, Mrs. Smith?

24 MS. SMITH: No.

1 JUDGE SLAVIN: Any other Board member?

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, seeing none,
4 I'll put the question. The question being put
5 is on the adoption of the motion made by
6 Mrs. Smith.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: That motion is adopted as
15 well.

16 The Bureau County ZBA finds that:

17 In its Application, the Developer
18 acknowledged the existence of this requirement;
19 but

20 Indicated it was coordinating with
21 participating landowners for waivers of the
22 same.

23 Do I hear a motion?

24 MR. JENSEN: I'll make that motion.

1 JUDGE SLAVIN: Got it from Mr. Jensen.

2 Any second?

3 MR. STUTZKE: Second.

4 JUDGE SLAVIN: Got it.

5 Mr. Jensen, anything you want to say about
6 your motion?

7 MR. JENSEN: No.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none, seeing none,
11 I'll put the question. The question being put
12 is on the adoption of the motion as made by
13 Mr. Jensen.

14 Adoption of the motion requires a vote by
15 the majority. The vote will be by voice. All
16 those in favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: Opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: Motion is adopted.

22 The Bureau County ZBA finds that an agent
23 of the Applicant testified that there would not
24 be any materials or products that decompose by

1 detonation involved during the construction or
2 operational phases of this proposed retrofit
3 project.

4 Do I hear a motion?

5 MS. SMITH: So moved.

6 JUDGE SLAVIN: Go it from Mrs. Smith.

7 Any second?

8 MR. WELBERS: Second.

9 JUDGE SLAVIN: Got it.

10 Anything you want to say, Mrs. Smith?

11 MS. SMITH: No.

12 JUDGE SLAVIN: Hearing none, seeing none,
13 I'll put the question. The question being put
14 is on the adoption of the motion as made.

15 Adoption of the motion requires a vote by
16 the majority. The vote will be by voice. All
17 those in favor indicate by saying aye.

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: Motion is adopted.

21 The Bureau County ZBA finds that an agent
22 of the Applicant testified that there would not
23 be any new permanent or temporary septic tanks
24 or sewage treatment within the project area

1 during the construction or operational phases of
2 this proposed retrofit project, to wit: The
3 only sewer and water service would be within the
4 already existing O & M building (see Section
5 IV.B. herein) and any other human waste needs
6 would be met by continuously serviced
7 port-a-potties (see Section III.B.3.b. herein).

8 Do I hear anybody wanting to make that
9 motion?

10 MR. STUTZKE: So moved.

11 JUDGE SLAVIN: Mr. Stutzke makes the waste
12 motion.

13 Any second?

14 MR. QUEST: I'll second.

15 JUDGE SLAVIN: Anything you want to say,
16 Mr. Stutzke?

17 MR. STUTZKE: No.

18 JUDGE SLAVIN: Anybody else?

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, seeing none,
21 I will put the question. The question being put
22 is on the adoption of the motion made by
23 Mr. Stutzke.

24 Adoption of the motion requires a vote by

1 the majority. The vote will be by voice. All
2 those in favor indicate by saying aye.

3 (All those simultaneously
4 responded.)

5 JUDGE SLAVIN: Opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: Motion is adopted.

8 The Bureau County ZBA is clearly convinced
9 that an agent of the Applicant testified that
10 there would not be any hazardous or toxic
11 substances released during the construction or
12 operational phases of this proposed retrofit
13 project.

14 Do I hear a motion in that regard?

15 MR. JENSEN: I'll make that motion.

16 JUDGE SLAVIN: Got it from Mr. Jensen.

17 Second?

18 MS. SMITH: I'll second.

19 JUDGE SLAVIN: Got it.

20 Mr. Jensen, anything you want to say?

21 MR. JENSEN: No.

22 JUDGE SLAVIN: Any other Board member?

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, seeing none,

1 I'll put the question. The question being put
2 is on the adoption of the motion made by
3 Mr. Jensen.

4 Adoption of the motion requires a vote by
5 the majority. The vote will be by voice. All
6 those in favor indicate by saying aye.

7 (All those simultaneously
8 responded.)

9 JUDGE SLAVIN: Opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: Motion is adopted.

12 The Bureau County ZBA finds that an agent
13 of the Applicant testified that there would not
14 be, other than, perhaps during construction, any
15 glare or heat produced during the construction
16 or operational phases of this proposed retrofit
17 project.

18 Do I hear a motion?

19 MR. QUEST: So moved.

20 JUDGE SLAVIN: Got it from Mr. Quest.

21 Any second?

22 MR. STUTZKE: Second.

23 JUDGE SLAVIN: Anything you want to say,
24 Mr. Quest?

1 MR. QUEST: No. As written.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I'll put the question. The question being put
6 is on the adoption of Mr. Quest's motion.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: That motion is adopted.

15 The Bureau County ZBA finds that an agent
16 of the Applicant testified that, other than
17 during construction and the operational lighting
18 required by the FAA, any lighting would be
19 directed downward onto the project property and
20 would not be of an intensity, type, or color
21 which does not create a nuisance or glare and
22 has a minimum of sky glow -- yeah, that's right
23 -- which does not create a nuisance or glare and
24 has a minimum of sky glow.

1 Do I hear a motion?

2 MR. WELBERS: Yes.

3 JUDGE SLAVIN: Do I hear a second?

4 MR. JENSEN: I'll make that second.

5 JUDGE SLAVIN: Got it.

6 Anything you want to say, Mr. Welbers,
7 about your own motion?

8 MR. WELBERS: No, there isn't.

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I put the question on the motion proposed by
11 Mr. Welbers.

12 Adoption of the motion requires a vote by
13 the majority. The vote will be by voice. All
14 those in favor indicate by saying aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: The motion is adopted.

20 The Bureau County ZBA finds that, in its
21 Application, the Developer stated that there
22 would be no changes to the existing
23 meteorological tower which has no guy wires.

24 Do I hear a motion in that regard?

1 MS. SMITH: So moved.

2 JUDGE SLAVIN: Got it from Mrs. Smith.
3 Second?

4 MR. STUTZKE: Second.

5 JUDGE SLAVIN: Anything you want to say
6 about your own motion, Mrs. Smith?

7 MS. SMITH: No.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none, seeing none,
11 I'll put the question. The question being put
12 is on the adoption of this short motion proposed
13 by Mrs. Smith. The vote will be by voice.

14 Adoption of the motion requires a vote by
15 the majority. The vote will be by voice. All
16 those in favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: All opposed.

20 (No verbal response.)

21 JUDGE SLAVIN: The motion is adopted.

22 The Bureau County ZBA finds that:

23 The Applicant engaged the services of

24 Marous & Company to analyze "...the impact, if

1 any, on the market value of surrounding
2 residential and agricultural properties due to
3 the retrofit development of the existing wind
4 farm"; and

5 In making the analysis, the Marous &
6 Company report assumed the following:

7 The development will meet or exceed all of
8 the required development and operating
9 standards; and

10 Controls will remain in place to ensure
11 ongoing compliance with the same; and

12 The report's conclusion is valid that
13 "...there is no market data indicating the
14 project will have a negative impact on either
15 rural residential or agricultural property
16 values in the surround (sic) area," and
17 "agricultural properties that host
18 turbines...may increase the value and
19 marketability of those properties" based or
20 supported on the following credible information
21 and reasons advanced;

22 There are significant financial benefits
23 to the local economy and local taxing bodies
24 from the operation of the wind farm;

1 The project creates well-paid jobs in the
2 area that benefit overall market demand;

3 An analysis of recent residential sales
4 within five times the turbine tip height and of
5 agricultural land values in the area of the
6 Providence Heights wind farm did not support a
7 finding that proximity to a WTG had any impact
8 on property values;

9 The overall opinion of consulted local
10 brokers is that there is no evidence of a
11 negative impact to value due to the presence of
12 WTGs;

13 A survey of 20 Illinois, 8 South Dakota,
14 41 Iowa, 11 Minnesota, 5 Indiana, 7 Michigan,
15 3 Ohio, 6 New York, 21 Kansas and 5 West
16 Virginia County Assessors where wind farms are
17 located determined that there was no market
18 evidence to support a conclusion that there was
19 a negative impact on residential property values
20 or assessed valuations due to proximity to a
21 wind farm;

22 An analysis of 19 matched pairs in
23 Illinois (including 2 in Bureau County), 7 in
24 Iowa, 3 in Minnesota, 2 in Indiana, 3 in

1 Michigan, 7 in South Dakota, 4 in Ohio and 3 in
2 Kansas.

3 Do I hear a motion made in that regard?

4 MR. STUTZKE: So moved.

5 JUDGE SLAVIN: That's Mr. Stutzke.

6 Do I hear a second?

7 MR. JENSEN: I'll second that.

8 JUDGE SLAVIN: Mr. Stutzke, anything you
9 want to say?

10 MR. STUTZKE: No.

11 JUDGE SLAVIN: Any other Board member?

12 (No verbal response.)

13 MS. DONARSKI: I have one thing, sir.

14 The word -- I think it should be
15 "surrounding" and it just says "surround." If
16 you go back up, up a little bit more, it's on
17 the end. "The surrounding area."

18 JUDGE SLAVIN: Where are we?

19 MS. DONARSKI: "The report's conclusion."

20 JUDGE SLAVIN: Got it.

21 MS. DONARSKI: "In the surround area."

22 JUDGE SLAVIN: Got it. Thank you.

23 MS. DONARSKI: Yup.

24 JUDGE SLAVIN: Okay. I forgot where I

1 was. Did anyone make that motion yet?

2 MS. DONARSKI: Yes.

3 JUDGE SLAVIN: Were there no comments?

4 I'll put the question then. The question
5 being put is on the adoption of the motion
6 pending.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Guess what? The motion is
15 adopted.

16 The Bureau County ZBA finds that an agent
17 of the Applicant testified that, other than,
18 perhaps, during construction, there would not be
19 any odor associated with this proposed retrofit
20 project.

21 Do I hear a motion?

22 MS. SMITH: So moved.

23 JUDGE SLAVIN: Mrs. Smith.

24 Any second?

1 MR. JENSEN: I'll second that.

2 JUDGE SLAVIN: Got a second.

3 Anything you want to say about your own
4 motion, Mrs. Smith?

5 MS. SMITH: No.

6 JUDGE SLAVIN: Any other comments from
7 Board members?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I will put the question. The question being put
11 is on the adoption of the motion made by
12 Mrs. Smith.

13 Adoption of the motion requires a vote by
14 the majority. The vote will be by voice. All
15 those in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: Opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: I think, let me check, but
21 we have reached the point where the motions
22 become more conclusions and really you're --
23 they're not just fact-finding, they are more
24 than that, and I would like this to be the

1 cutoff point. We have only got like six more
2 pages to go.

3 We can't go -- we can't conclude it
4 because we can't send it to the County Board
5 before 30 days inside a County Board meeting.
6 We can't make the January one, so it's got to be
7 the February one. So we're kind of -- we're
8 just kind of stuck.

9 I would like you all to -- at this point
10 I'm not going to be reading the motions, I mean
11 when we reconvene, because I think these are
12 yours to make, whether you recommend or do not
13 recommend, so forth.

14 So from 58 through whatever it is, 70-
15 something, I would suggest you give them a read.
16 Yeah, 58 through 78.

17 MR. WELBERS: So when do you propose to
18 meet again?

19 JUDGE SLAVIN: Well, we're going to take a
20 chance, because we don't have good choices. I'd
21 like -- unless -- let's make sure everybody is
22 available.

23 I'm proposing January 13th, of course here
24 at the Moose Lodge, of course 6 o'clock.

1 MR. WELBERS: You're proposing January
2 13th?

3 JUDGE SLAVIN: I am.

4 MR. WELBERS: To make the February County
5 Board meeting?

6 JUDGE SLAVIN: Now, the issue with that is
7 that if there's some snow event at the County
8 Board meeting, then we're going to be -- they'll
9 have to continue it further out and we'll be
10 beyond 30 days. But what else are you going to
11 do?

12 One of the dates we had the Moose Lodge is
13 no longer available; one of the dates we had we
14 didn't recognize was a national holiday; and one
15 of the dates Mike Stutzke can't be here. So
16 that's the best of the alternatives.

17 So is that okay with you, Mr. Welbers, the
18 13th?

19 MR. WELBERS: I can be here that day. You
20 know, you have about two days to play with here.

21 JUDGE SLAVIN: I know. The choices aren't
22 good.

23 MR. WELBERS: I understand.

24 JUDGE SLAVIN: How about you, Mr. Quest?

1 MR. QUEST: I'm good.

2 JUDGE SLAVIN: How about you, Mr. Jensen?

3 MR. JENSEN: Yes.

4 JUDGE SLAVIN: Mrs. Smith?

5 MS. SMITH: Yes.

6 JUDGE SLAVIN: Mr. Stutzke?

7 MR. STUTZKE: Yes.

8 JUDGE SLAVIN: Ms. Donarski?

9 MS. DONARSKI: Yes.

10 JUDGE SLAVIN: Callie?

11 COURT REPORTER: Yes.

12 JUDGE SLAVIN: I am too.

13 MS. SMITH: I have a question. So are the
14 15th, the 20th and the 22nd moot? I mean,
15 they're done? We don't need to keep them, or we
16 do need to keep them?

17 JUDGE SLAVIN: Well, the 15th, there's no
18 Moose Lodge. So you can just cross that off.

19 MS. SMITH: Okay.

20 JUDGE SLAVIN: The 20th is a national
21 holiday. So you can cross that off.

22 MS. SMITH: Okay.

23 JUDGE SLAVIN: That leaves, I think the
24 only other one we investigated was the --

1 MS. SMITH: 22nd.

2 JUDGE SLAVIN: 22nd, and Mike couldn't be
3 here. If push comes to shove, we have a
4 snowstorm on the 13th, we're going to have to
5 use that date.

6 MS. SMITH: Okay.

7 JUDGE SLAVIN: If none of that works,
8 we're going to have to wait until the March
9 County Board meeting, and then we'll have to
10 extend this into February. But we'll deal with
11 that in the unlikely event that occurs.

12 It's a stupid statute. I'll say it on the
13 record all the time, in case somebody listens.
14 Well, why have it "inside 30 days"? It ought to
15 be "between 30 and 90" or something like that.

16 MR. WELBERS: Would you like to discuss
17 other stupid statutes?

18 JUDGE SLAVIN: No.

19 So I recess this proceeding until January
20 13th, that's a Monday as well, 6:00 p.m., here
21 at the Princeton Moose Lodge on Euclid Avenue.

22 (The hearing was concluded at
23 8:12 p.m.)

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Now on this 16th day of December, A.D., 2024, I
do signify that the foregoing testimony was given
before the Bureau County Zoning Board of Appeals.

Barry Welbers, Chairman

Kristine Donarski,
Zoning Enforcement Officer

Callie S. Bodmer

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