

STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

**SPECIAL USE PERMIT APPLICATION
FOR
PROSPERITY WIND**

09/05/2023
5:30 P.M. - 8:53 P.M.

PIATT COUNTY ZONING OFFICER:
Keri Nusbaum

HEARING FACILITATOR:
Scott Kains, Esq.

PIATT COUNTY ZONING BOARD MEMBERS:
Loyd Wax - Chairman
William Chambers
Jim Harrington

PIATT COUNTY BOARD MEMBERS:
Jerry Edwards
Gail Jones
Paul Foran
Michael Beem
Todd Henricks
Kathleen Piatt

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APPLICANT - APEX CLEAN ENERGY:
Alan Moore, Senior Project Manager

COURT REPORTER: Holly Wingstrom, CSR, RPR, CRR

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1 HEARING OFFICER: We will call roll,
2 please.

3 MS. NUSBAUM: Mr. Harrington?

4 MR. HARRINGTON: Here.

5 MS. NUSBAUM: Mr. Lovin?

6 Mr. Wax?

7 MR. WAX: Here.

8 MS. NUSBAUM: Mr. Chambers?

9 MR. CHAMBERS: Here.

10 MS. NUSBAUM: State's Attorney Perry?

11 MR. WAX: County Board?

12 MS. NUSBAUM: Mr. Henricks?

13 Mr. Edwards?

14 MR. EDWARDS: Here.

15 MS. NUSBAUM: Mr. Beem?

16 MR. BEEM: Here.

17 MS. NUSBAUM: Mr. Foran?

18 MR. FORAN: Here.

19 MS. NUSBAUM: Ms. Jones?

20 MS. JONES: Here.

21 MR. WAX: Thank you.

22 HEARING OFFICER: Thank you, Chairman Wax.

23 And good evening, folks. I hope everyone
24 had a nice three-day weekend and four days away from

1 this particular meeting room.

2 When we last left off we had heard from
3 those in favor of the application from the general
4 public and those opposed. There were no folks who
5 were signed in as neutral, and then we at that time
6 accepted and read into the record written comments
7 from the public, written public comments from the
8 public to the ZBA.

9 Because there were a number of people who
10 were not available to be here last Thursday when
11 last we met, we carried over, in the schedule of
12 progression, points 8, 9, 10, and 11, again, the
13 testimony from persons in favor of, opposed to,
14 neutral on and the different comments.

15 So we are going back to the list. Last
16 time we called for those in support of the special
17 use permit application, and there were two gentlemen
18 who were on the list that were not here last week
19 when they were called. I will call them again.

20 In support of the application, Mr. Dan
21 Smith? Dan Smith of Farmer City?

22 MR. SMITH: I am right here, but I
23 apologize. I must have gotten on the wrong sheet.
24 I'm opposed to the application.

1 HEARING OFFICER: Very good. I will put
2 you on that list. Thank you, Mr. Smith.

3 And the other person I have on the list of
4 those in support was Mr. Phillip Hult from Mahomet.

5 Is Phillip Hult here?

6 Very good.

7 And we have one other person who has
8 signed up in support, Amanda Pankau. I hope that is
9 right. I messed it up last hearing, too, didn't I?

10 MS. PANKAU: Yeah.

11 HEARING OFFICER: If you could, Amanda,
12 you will stand at the podium.

13 Amanda, I am very sorry. I jumped way
14 ahead of things. If you could, just be seated for a
15 second. We'll call you up in just a second.

16 Mr. Hess just caught my eye. He had some
17 preliminary matters we have to take up
18 preliminarily, matters before testimony.

19 Mr. Hess, I am sorry.

20 And, Amanda, I am sorry. You'll be up in
21 just a minute.

22 Mr. Hess, you have the floor.

23 MR. HESS: Thank you, Mr. Kains.

24 Good evening. This will be very brief. I

1 just have three pieces of housekeeping items to take
2 up.

3 First, Prosperity Wind is in receipt of
4 five public comments. These are five letters in
5 support of the project. I would ask permission to
6 hand these up and ask that these be made part of the
7 record.

8 HEARING OFFICER: Yes, you may.

9 MR. HESS: Second, I have two documents
10 that I would like to tender as exhibits and then
11 proffer.

12 So the first is an updated decommissioning
13 plan. Mr. Minder made three recommendations to the
14 Prosperity Wind decommissioning plan. I have here
15 what I believe is Exhibit 20. Mr. Keyt can correct
16 me if I am wrong. This would be an updated
17 decommissioning update to Appendix E7 that now
18 includes each of the three recommendations that
19 Mr. Minder made Thursday evening, and I'll briefly
20 state those for the record.

21 The first was to add a 2.5 percent
22 administrative cost to the cost of decommissioning.

23 The second was to add the cost of
24 removing, hauling, and disposing of the foundation

1 for the transmission line towers.

2 And the third was to add a disposal cost
3 for the gravel at the substation.

4 Each of those three recommendations have
5 now been included in the decommissioning costs table
6 that is Attachment A to this plan.

7 At this time I would proffer/introduce
8 this as I believe it is Exhibit 20.

9 HEARING OFFICER: Mr. Keyt?

10 MR. KEYT: Do you have letters in support
11 that are you marking those as exhibits?

12 MR. HESS: I don't think that would be
13 appropriate because they are public comment.

14 HEARING OFFICER: Yeah. We are not going
15 to mark them.

16 MR. HESS: They are just public comments?

17 HEARING OFFICER: They are just public
18 comments.

19 Exhibit 20, counsel may have just a moment
20 to review this.

21 Will counsel correct me if I am wrong?
22 The estimates have been revised in Attachment A,
23 Decommissioning Estimate; is that correct?

24 MR. HESS: That is correct.

1 HEARING OFFICER: Mr. Hess, where
2 specifically are the amendments located on this cost
3 estimate?

4 MR. HESS: I am doing this from memory
5 since I gave up my two copies, but I believe the
6 first change is in the bottom of the page in the
7 table. If you see a section called electric or
8 electrician lines, you'll see there are now three
9 new rows, one for removal of foundations, and then
10 immediately after that hauling of foundations, and
11 then disposal of foundations. These are the three
12 rows that Mr. Minder recommended be added to that
13 section.

14 HEARING OFFICER: Very good. It appears
15 that removal of underground collector system cables
16 is 23,600. If you need this to refresh your memory,
17 the hauling underground collector system cables
18 would be 2,262, and the third one was --

19 MR. HESS: So, specifically, Mr. Minder's
20 recommendation was to add to the foundations. We
21 already had the cable removal. But if you see the
22 foundation removal, that is what was not in there.
23 That is correct. It was not in the original
24 decommissioning plan. That's what we have now

1 added.

2 HEARING OFFICER: So, correct me if I am
3 wrong. You have added to your decommissioning cost
4 estimate all of the recommendations made the other
5 night by Mr. Minder?

6 MR. HESS: Yes, sir.

7 HEARING OFFICER: Very good.

8 Mr. Keyt, do you have any questions?

9 MR. KEYT: I do not.

10 HEARING OFFICER: All right. The amended
11 decommissioning plan will be admitted into evidence
12 as Applicant's Exhibit 20.

13 Go ahead, Mr. Hess.

14 (APPLICANT'S EXHIBIT 20 - AMENDED
15 DECOMMISSIONING PLAN.)

16 MR. HESS: Thank you, Mr. Kains. The last
17 proffer I have is a revised landscaping plan. The
18 landscaping plan is Appendix E1 to our application.
19 Mr. Minder correctly pointed out that, while it has
20 a scale, and while it has dimensions for the one
21 building on the landscaping plan, it did not have
22 decommissioning for the two concrete driveways or
23 the gravel parking lot. We have now added those
24 dimensions to make that explicit.

1 So, Mr. Kains, with your permission on
2 that proffer, I would like to offer this and move to
3 admit as Exhibit 21.

4 HEARING OFFICER: Yes. You may approach
5 with that.

6 MR. HESS: And I do apologize. The only
7 printer we have in our office here is 8.5" x 11".
8 So, I do apologize. It's hard to read, but we
9 didn't want to change everything else on the
10 landscaping plan. But I will proffer the dimensions
11 on the parking lot and the two driveways are what's
12 new and what you would not find in the originally
13 filed Appendix D1.

14 HEARING OFFICER: And these amendments
15 were made pursuant to wanting to comply with
16 Mr. Minder's recommendations; is that right?

17 MR. HESS: Yes, sir.

18 HEARING OFFICER: Very good.

19 Mr. Keyt, any questions?

20 MR. KEYT: I assume this is Number 21?

21 MR. HESS: Yes, sir.

22 HEARING OFFICER: All right. It will be
23 admitted as Applicant's 21.

24 (APPLICANT'S EXHIBIT 21 - AMENDED)

1 LANDSCAPING PLAN.)

2 MR. HESS: Thank you, Mr. Kains.

3 HEARING OFFICER: Anything further?

4 MR. HESS: No, sir.

5 HEARING OFFICER: Very good.

6 Now, Amanda, come on up.

7 **AMANDA PANKAU,**

8 a witness herein, after having been first duly sworn, was
9 examined, and testified as follows:

10 HEARING OFFICER: Please state your name,
11 spelling your first and last names for the record.

12 MS. PANKAU: Amanda Pankau, A-m-a-n-d-a
13 P-a-n-k-a-u.

14 HEARING OFFICER: Okay. You may go ahead.

15 MS. PANKAU: Great. Thank you.

16 So, as I said, my name is Amanda Pankau.

17 I am a resident of rural Piatt County. Specifically
18 I live in rural Sangamon Township.

19 Thank you so much for the opportunity to
20 share remarks tonight in support of the Prosperity
21 Wind Project.

22 So, I grew up in Piatt County. I grew up
23 here, again, today, having moved back in 2017.

24 I work professionally for the Illinois

1 Environmental Nonprofit Prairie Rivers Network. We
2 are a nonprofit with a mission to protect water,
3 heal land, and inspire change, and specifically work
4 on issues related to energy and climate.

5 Before working at Prairie Rivers, I worked
6 in the coal industry in southern Illinois on
7 environmental issues, so I have a cumulative of
8 20 years of experience working in the energy sector
9 in Illinois. I have been to nearly every active
10 coal mine in the state and coal-fired power plant,
11 and I've seen firsthand the pollution impacts that
12 the fossil fuel generation has on the water, land,
13 people, and our communities.

14 So I support wind energy in Piatt County
15 because I am excited for our county, my home, to be
16 part of the future where we can produce energy in a
17 way that is renewable and a way that is clean.

18 So I think we often think these words
19 clean and removal are just like buzzwords and don't
20 actually have meaning, but they do.

21 So wind energy is clean energy. It's free
22 of toxic emissions that pollute the air that we
23 breathe and the water that we drink. It's free of
24 waste streams that produce toxic, hazardous, or

1 radioactive waste. Wind energy is clean energy.

2 So, in particular, I do often hear people
3 say, well, there is ways to associate it with wind;
4 and, of course, there is. No form of energy
5 production is without waste.

6 But just to put numbers into perspective a
7 little bit: So, they modeled this. It's something
8 we considered, or scientists have considered, not
9 me, but I've looked at the research. It's predicted
10 that in the United States, by 2050, there will be
11 2.2 million tons of wind turbine waste. 2.2 million
12 tons. That's a lot, and when you read those
13 numbers, those are scary numbers. That is not going
14 to really be a problem for another 20 years.

15 Within the US, government industry and
16 other governments in other countries are looking at
17 this problem now.

18 So remember, I said 2.2 million tons of
19 waste cumulative in the US by 2050.

20 In 2019 alone, the United States produced
21 88.7 million tons of coal ash. So, in one year,
22 88.7 million tons of coal ash. That is toxic waste
23 that is not technically defined as toxic waste
24 simply because there is too much of it. If the

1 United States defined it as toxic waste, we would
2 have an insurmountable problem. But it leaches
3 arsenic, lead, and other heavy metals into the
4 waters in East Central Illinois. So 88.7 million
5 tons of coal ash in one year. 2.2 million tons of
6 wind turbine waste cumulatively by 2015.

7 So, yes, we have a waste problem in the
8 wind industry, but we have to take that in to
9 compare it to other industries. And, again, we are
10 talking about it now, 20 years before it is a
11 problem. We waited to talk about the coal ash
12 problem until coal fire plants are retiring in this
13 country and companies were going to pack up and
14 leave town.

15 So let's see. Where was I?

16 So wind energy is clean energy. We don't
17 pollute the air here in Piatt County when we have a
18 wind resource that we can capitalize on.

19 Wind energy is also renewable energy. It
20 goes without saying that harvesting the wind is
21 something that we can continue to do forever, and it
22 won't run out. Wind and solar are now the cheapest
23 ways to produce electricity. So, again, we have
24 this resource in our county. It's not something

1 that we are going to decide someday we don't want to
2 produce energy with wind. This is the future of
3 energy production.

4 Even so much so that Thomas Edison, who
5 invented the light bulb, in 1880, he did the light
6 bulb, he himself had a wind turbine at his house,
7 and he's quoted as saying, "We are like tenant
8 farmers chopping down the fence around our house for
9 fuel when we should be using nature's exhaustible
10 sources of energy, sun, wind, and tide."

11 So just to say that again: We've known
12 for a long time that wind energy is clean. It's
13 renewable. It's not going away. We have that
14 resource in Piatt County. I really hope that I can
15 see us utilize it, and we have a project here
16 proposed to do that.

17 One of the -- again, you know, it's clean.
18 It's renewable. It's also a huge opportunity to
19 bring revenue and jobs to our community.

20 I am an ecologist. That's what brought me
21 to energy, but what brought me back to Piatt County
22 is this is my home. This is where I wanted to raise
23 my family. And I have been a long supporter of
24 rural local economies and local resilience through

1 both my work at Prairie Rivers Network as well as my
2 work on food systems, and I am the manager of the
3 Monticello Farmers Market. So I, you know, really
4 want our local communities to thrive and look for
5 new, sustainable, environmentally friendly ways that
6 our community can do that. That is one of the
7 reasons I am also excited about clean energy here in
8 Piatt County. We can produce energy here. We can
9 create jobs here, and we can bring that economic
10 opportunity here.

11 So, in particular, I picked up the giant
12 stack, the permit, from Kari, the other day. I did
13 not look at all 3,000-plus pages, but I did review
14 in detail the portions related to threatened or
15 endangered species and land use, so I was really
16 pleased to see that the project proposes to
17 implement the recommendations of the Illinois
18 Department of Natural Resources when it comes to
19 dealing with protected areas and threatened and
20 endangered species and particularly setbacks for
21 stream corridors, mitigation measures to avoid
22 impacts to bats as well as post construction
23 monitoring plans for birds and bats.

24 So, in particular, they are going to -- I

1 have some of the -- I didn't bring the full giant
2 stack, but I brought some of the information here
3 about one of the -- the operational measures that
4 they are going to employ to avoid impacts to bats is
5 by curtailment of the turbines during certain wind
6 conditions and certain seasons when we know that
7 bats are active and then pair that with post
8 construction monitoring to determine that those
9 measures are working or not.

10 If they are not, they are required to work
11 with the Department of Natural Resources on
12 incidental take permits, and through that process
13 they will be required to do other mitigation
14 measures if this isn't working and if they find that
15 they are impacting threatened and endangered bat
16 species.

17 So I'd just close by saying that: Thank
18 you to all of our community leaders, our elected
19 board members as well as those of you serving on the
20 zoning board, and I know this has been a harrowing
21 long effort on everyone's part, and I appreciate
22 being able to make comments tonight. Thank you.

23 HEARING OFFICER: Thank you.

24 Are there questions for Ms. Pankau from

1 the members of the Piatt County Zoning Board of
2 Appeals?

3 All right. Questions for this witness
4 from members of units of local government, including
5 school districts?

6 Questions from interested parties
7 represented by licensed attorneys?

8 Mr. Hess?

9 MR. HESS: No, sir.

10 Thank you for your statement, ma'am.

11 HEARING OFFICER: Questions from other
12 interested parties, members of the public opposed to
13 the application or neutral on the application?

14 Any questions for Ms. Pankau?

15 Questions from Piatt County staff and
16 consultants?

17 And final questions come from the board.

18 All right. Very good. Thank you, ma'am
19 for your testimony.

20 There are no other persons on the sign-up
21 sheets speaking in support of the special use permit
22 application.

23 Now we will go to the sign-up sheets for
24 those speaking in opposition.

1 Mr. Craig Burton is not here. Mr. Burton
2 has submitted an e-mail to Keri. Thank you.

3 Then Bruce Paulsrud? Mr. Paulsrud?

4 Next is Katherine Burton.

5 Go right over here. Yes, ma'am.

6 **CATHERINE BURTON,**

7 a witness herein, after having been first duly sworn, was
8 examined, and testified as follows:

9 HEARING OFFICER: All right. Ma'am, if
10 you could, please state your name, spelling your
11 first and last names for the record.

12 MS. BURTON: Catherine Burton,
13 C-a-t-h-e-r-i-n-e, Burton B-u-r-t-o-n.

14 HEARING OFFICER: And, Ms. Burton, the
15 sign-in sheet indicates you are from Farmer City.

16 MS. BURTON: My address is Farmer City,
17 but I am out in the country. Yes.

18 HEARING OFFICER: In which county does
19 your property lie?

20 MS. BURTON: Piatt.

21 HEARING OFFICER: Piatt County. Very
22 good. Then you have 30 minutes, if you so choose,
23 and you may begin telling the board whatever you
24 would like to tell them. Okay.

1 MS. BURTON: Okay. The first question
2 that I have is, on Monday night of last week, my
3 husband and I were here for the meeting, and I
4 believe Claudia Coil asked a question, and I don't
5 know if it has been answered.

6 The percentage of residents in this wind
7 farm area versus landowners, has that question been
8 answered?

9 HEARING OFFICER: I don't recall that it
10 has.

11 MS. BURTON: Okay. So that is one thing I
12 was wondering as well, the percentage of residents
13 that are in this proposed wind farm area versus just
14 strictly landowners, but I will just go on to my
15 statement.

16 I apologize. I am not an expert on
17 anything. I am just speaking from the heart
18 tonight. I don't have any notes, but we have been
19 watching the process of everything going on with
20 this proposed wind farm, and I will just say that
21 the reason why I'm opposed is, first of all, because
22 I own one acre of land in the middle of this
23 proposed wind farm. The landowners that have agreed
24 to put a wind turbine on their property do not

1 reside in this county. They are just landowners.
2 One is out of Chicago. I don't know where the other
3 one is from.

4 But because of their decision, I am now
5 going to have literally two wind turbines in my
6 backyard, and I can't say no. I don't want this.

7 And when the Apex representative came to
8 my door asking me if I wanted to sign paperwork to
9 allow, you know, a closer turbine to my property,
10 the way that he phrased it was --

11 You know, I said, "Is this going to
12 happen? Like, what if I don't want this to happen?
13 You know, what if I don't want a wind turbine in my
14 backyard?"

15 And he said to me, "It's gonna happen."

16 Just like that. And I was shocked. Like
17 it was a done deal.

18 And I was really wondering how the vote
19 was going to go. The vote that we had, was it
20 five months ago? It was put on the ballot for Piatt
21 County voters. Do you want this wind farm?
22 Seventy percent said no.

23 That speaks a lot to me. That speaks to
24 me that, you know, we don't want this wind farm.

1 And my perspective as a landowner is that it's
2 really sad that I can't just say no even if, you
3 know, I don't want it. My voice -- my opinion
4 doesn't matter. It's just going to happen.

5 I have kind of done a little count in my
6 mind of my neighbors, and I believe that there are
7 ten neighbors that I can see from where I live, and
8 not a single one of them has agreed to this, and yet
9 we are stuck with these wind turbines coming into
10 our backyard.

11 Another perspective is, they talked about
12 it's only going to be 39 acres of land that are
13 going to be affected by these wind turbines. I am
14 going to give you miles.

15 The wind farm that is located in
16 Bellflower, which I believe is called Sapphire Sky,
17 it's 13 miles from where I live. And yet, when I
18 look out my bedroom window at night, all I see are
19 strobe lights, constant strobe lights every single
20 night. I can't even open my bedroom window outside
21 and just see sky. Strobe lights affect me
22 physically. They give me headaches. They make me
23 dizzy. And so I just can't even look out my bedroom
24 window anymore. That is 13 miles away.

1 So this is not just something that is
2 going to affect me in my backyard or affect my
3 neighbors in my backyard, but it's going to affect
4 people that live far away from where I live.

5 We talk about a 30-year plan, but my
6 understanding is that it could be 30 years
7 initially, but it could also go another ten and
8 another ten after that.

9 My daughter is 13 years old. So let's do
10 simple math. Thirty years from now she is going to
11 be 43, 44. She is the one that is going to have to
12 deal with all of this. A lot of us that are in this
13 room, I hate to say, but in 30 years we might not be
14 here. How are we going to remember?

15 You know, but she is the one that is going
16 to have to remember. She is the one that is going
17 to have to deal with this.

18 And I just think it's unfortunate that
19 this is still being pushed upon us even though the
20 voters of this county have said no.

21 So I really would like to know the answer
22 to that question of the percentage of residents
23 versus landowners.

24 I think that's all that I have to say.

1 HEARING OFFICER: All right.

2 MS. BURTON: Thank you for your time. I
3 appreciate it.

4 HEARING OFFICER: Very good. Thank you,
5 Ms. Burton.

6 Are there questions for Ms. Burton from
7 members of the Piatt County Zoning Board of Appeals?

8 Mr. Harrington?

9 EXAMINATION

10 BY MR. HARRINGTON:

11 Q. Ms. Burton, thank you for your comments.

12 Could you possibly maybe explain more
13 about what your encounter with the Apex rep was?
14 What exactly was he asking for? I can take a guess,
15 but maybe it's best if you tell me.

16 **A. When he came to my door?**

17 Q. Yes. I believe that is what you are
18 referencing.

19 **A. He came multiple times, but he was wanting**
20 **us to sign an agreement that would allow them to**
21 **place a turbine closer to our property.**

22 **And at that time -- there's two different**
23 **landowners, one of them is -- we are on one acre**
24 **that's part of a huge cornfield. So that landowner**

1 is in Chicago and at that point in time had agreed
2 to one wind turbine. And he told me, if I/if we
3 signed this agreement, that they would possibly put
4 two wind turbines. And then there was another
5 landowner on the opposite side of the road, which
6 was another factor, and if I had signed that
7 agreement, they would have put two in that field as
8 well.

9 But at this point in time, on the map,
10 there is just one and then one.

11 Q. All right. I hear what you are saying.
12 It sounds like they were asking you to waive your
13 setback right.

14 A. It's been a little while since I looked at
15 the paperwork, but that is probably. Yeah.

16 Q. Very good. Very good. Was there any -- I
17 don't know how far you even got into it -- but
18 consideration of, you know -- the previous speaker
19 mentioned curtailment for bats. Did they speak of
20 anything about that?

21 A. No.

22 Q. Thank you very much.

23 A. You're welcome.

24 MR. HARRINGTON: Thanks.

1 HEARING OFFICER: Any other questions from
2 the board for Ms. Burton?

3 Okay. Very good.

4 Questions for Ms. Burton from members of
5 units of local government, including school
6 districts?

7 Questions from interested parties
8 represented by licensed attorneys?

9 Mr. Hess?

10 MR. HESS: No, sir.

11 Thank you for your statement, ma'am.

12 HEARING OFFICER: Thank you.

13 Questions from other interested parties?
14 That would be members of the public in support of
15 the application or neutral on the application.

16 Questions for Ms. Burton from Piatt County
17 staff and consultants?

18 Any final questions from the ZBA?

19 Very good.

20 Thank you, Ms. Burton, for your testimony.

21 You may step down.

22 MS. BURTON: Thank you.

23 HEARING OFFICER: The next person in
24 opposition who wishes to speak is Pat Ryan.

1 Good evening, Mr. Ryan.

2 **PATRICK RYAN,**

3 a witness herein, after having been first duly sworn, was
4 examined, and testified as follows:

5 HEARING OFFICER: Mr. Ryan, could you
6 please state your name, spelling first and last
7 names for the record?

8 MR. RYAN: Patrick Ryan, P-a-t-r-i-c-k
9 R-y-a-n.

10 HEARING OFFICER: And the sign-in sheet
11 that you signed in on the other night says you are
12 from Farmer City, DeWitt County?

13 MR. RYAN: DeWitt.

14 HEARING OFFICER: And, in fact, I believe
15 I recall you're a DeWitt County Board member; is
16 that correct?

17 MR. RYAN: I was going to read that off my
18 script.

19 HEARING OFFICER: All right. Very good.

20 By rule, as a non-Piatt County resident,
21 you have ten minutes to speak, so you may begin.
22 Thank you, sir.

23 MR. RYAN: First I want to say a little
24 bit about my background. I spent my career at the

1 Clinton Power Station in operations. I was a shift
2 manager, ran the plant, put electricity in butt
3 loads on the grid; but more pertinently, later in my
4 career, I was Operation Support Manager, and in that
5 role I was the point of contact for Ameren and MISO
6 when there were grid conditions that Clinton needed
7 to be aware of, mitigate, or whatever, just be aware
8 of. So that was like a weekly call with MISO.

9 I bring that up because it's pertinent to
10 the things I am going to mention later on, but it
11 gave me an understanding of grid operation.

12 So, as already mentioned, I served on the
13 ZBA for a while, until I got elected to the board.
14 I got elected to the board last November. I have
15 not yet had the experience that you are going
16 through dealing with a wind project. You are the
17 first one out of the shoot it looks like, and I am
18 sure you recognize county boards all over the state
19 are watching with interest what happens here. I
20 know I am.

21 Moving on, Jen Walling -- I want to
22 mention her. She is a lobbyist and Executive
23 Director of the Illinois Environmental Council,
24 which is an advocacy group that backed the new state

1 law.

2 She was quoted in the Illinois Times in
3 July. Some of the things she said, the industry is
4 clamoring to come to central Illinois and southern
5 Illinois.

6 And she went on to say that the law still
7 allows counties to say no to projects.

8 And she said she expects lawsuits to be
9 filed by counties and green energy companies to
10 clarify questions surrounding the law.

11 So there is a lot more to her resume than
12 that, but I am confident that she was instrumental
13 in drafting this law.

14 So moving on, it's easy for me to say,
15 standing here on this side of the table, but when
16 the time comes in DeWitt County to vote on a similar
17 project, I will vote according to our ordinance
18 which will have the LaSalle factors in it. I am not
19 going to necessarily vote the way I have been told
20 to vote.

21 And in addition to the LaSalle standards,
22 there are some technical and policy reasons for
23 rejecting this project. That's kind of why I went
24 into my career background.

1 There's numerous other renewable energy
2 projects in the queue to be studied and approved at
3 MISO, PJM, and other regional grid authorities.

4 And according to the energy policy driving
5 these projects, this will continue until fossil fuel
6 electric generation is eliminated and the electric
7 grid is supplied only by intermittent wind and solar
8 and backed up by batteries.

9 Anyone who has worked in the field of grid
10 operations, whose view isn't compromised by the vast
11 amount of money being passed out in the form of
12 subsidies and grants, will tell you that electric
13 grid supplied only by these intermittent,
14 inverter-based sources is a delusion.

15 Instead of eliminating fossil electric
16 generation, this policy creates the requirement that
17 these base-load, dispatchable, fast-ramping, gas
18 turbines stay online.

19 The current energy policy fails at what it
20 sets out to do.

21 The percentage of wind and solar sources
22 in the fuel mix supplying the MISO region on a given
23 day is way over ten percent, and we can see what
24 that looks like.

1 right?

2 **A. Yes.**

3 Q. Is that an acronym, I assume?

4 **A. Mid-American Independent System Operator,**
5 **I believe it is. It's -- they are the regional grid**
6 **authority.**

7 Q. Correct me if I am wrong. If you look
8 that up, you can see, at any given point, what
9 percentage is coming from each?

10 **A. If you go to MISOEnergy.org, there is an**
11 **operations page, and it has got a pie chart.**

12 Q. But very interesting, if I recall.

13 **A. Yeah. Pretty telling.**

14 MR. HARRINGTON: Thank you, sir.

15 HEARING OFFICER: Any other questions for
16 Mr. Ryan from members of the board?

17 EXAMINATION

18 BY MR. CHAMBERS:

19 Q. Just a clarification. You are a current
20 ZBA member or a former ZBA member?

21 **A. Former ZBA member. Current county board**
22 **member.**

23 MR. CHAMBERS: Thank you.

24 HEARING OFFICER: All right. Questions

1 for Mr. Ryan from members of units of local
2 government, including school districts?

3 Questions from interested parties
4 represented by licensed attorneys?

5 Mr. Hess?

6 MR. HESS: No, sir.

7 Thank you for your statement.

8 HEARING OFFICER: Thank you.

9 Questions from other interested parties,
10 members of the public in support of the application
11 or neutral on the application?

12 I believe you are -- oh, yeah. You are in
13 support of. Okay. Come on up. I always try to
14 remember who is on which team.

15 Mr. Ehrat, if you could, please just go
16 ahead and state and spell your last name for the
17 court reporter.

18 MR. EHRAT: Braden Ehrat, B-r-a-d-e-n
19 E-h-r-a-t.

20 HEARING OFFICER: Any questions,
21 Mr. Ehrat, for Mr. Ryan about his testimony?

22 MR. EHRAT: Yeah. Thanks.

23 EXAMINATION

24 BY MR. EHRAT:

1 Q. So I am just personally, in an amateur
2 way, interested in grid operations; I happen to be.

3 I am just curious. I believe that you
4 mentioned inverter-based sources?

5 **A. Correct.**

6 Q. If we assume there is 100 percent of power
7 generation on grid power by those and they worked --
8 you also mentioned the combination of renewable
9 batteries in the future.

10 Can you expand a little bit on what and
11 why you were saying it won't work?

12 Is that inverters specifically or
13 inverters plus batteries?

14 **A. The current grid is largely supplied by**
15 **large spinning masses, permanent generators. They**
16 **provide a dampening effect to transients that are**
17 **going on in the grid all the time. Invertors don't.**
18 **Wind and batteries and solar -- I guess wind has**
19 **some amount of inertia, but batteries and solar have**
20 **none.**

21 **So the technology to make those devices**
22 **respond to grid transients without just going**
23 **"bling" does not yet exist. It's all in the**
24 **research phase.**

1 Q. It's my understanding that a converter
2 backed by battery could actually basically bring up
3 instantly; is that understanding wrong?

4 **A. I am sorry. Can you repeat it?**

5 Q. Sorry. It's my understanding that an
6 inverter-based power generator backed by battery, if
7 they have it and it's available, could ramp up just
8 about instantly. Is that wrong or is that right?

9 **A. Well, that's kind of a problem because**
10 **there is no -- there's no time delay. When it sees**
11 **a transient on frequency or voltage, the technology**
12 **needs to exist to make it wait just a little bit so**
13 **they are not fighting each other and causing what**
14 **they call a frequency excursion, which will bring**
15 **the grid down right away. So it's a -- it's not a**
16 **fully backed technology yet, and that concerns me**
17 **that we're plunging forward with this policy, with**
18 **this energy policy, without all the pieces being in**
19 **place.**

20 MR. EHRAT: Great. Thanks. That is all
21 the questions that I have.

22 HEARING OFFICER: Very good. Thank you,
23 Mr. Ehrat.

24 Any other questions from the general

1 public folks in support of the application or
2 neutral on the application?

3 Questions from those folks for Mr. Ryan?

4 Very good.

5 Questions from Piatt County staff and
6 consultants?

7 And final questions come from the ZBA.
8 Anything based upon Mr. Ehrat's questions of the
9 testimony of Mr. Ryan?

10 Mr. Ryan, you may step down.

11 The next person in the seat to the
12 opposition of the special use application,
13 Mr. Steven Gantz.

14 **STEVEN GANTZ,**

15 a witness herein, after having been first duly sworn, was
16 examined, and testified as follows:

17 HEARING OFFICER: Good evening, sir.

18 Could you please state your name, spelling your
19 first and last names for the record?

20 MR. GANTZ: Steven -- S-t-e-v-e-n --
21 Gantz -- G-a-n-t-z.

22 HEARING OFFICER: And then in what
23 community do you reside -- or what community do you
24 reside?

1 MR. GANTZ: DeLand, Piatt County.

2 HEARING OFFICER: In Piatt County. Very
3 good. Under rule, you have 30 minutes to speak.
4 Say whatever you want subject to cross-examination,
5 but you may begin your presentation to the board.

6 MR. GANTZ: I have three major concerns
7 regarding the Apex Prosperity Wind Project that
8 directly affects our residents.

9 The first concern is all of the noise
10 affecting our health. I was told by Apex that in
11 our case much of this noise will come from the
12 substation that is one half mile west of our house.
13 The legal upper limit for noise is 45 decibels.

14 At the meeting on August 30, I was told by
15 Eddie Duncan, Apex's sound expert, that, with the
16 fans running on the transformers at the substation,
17 the noise level at our residence will be right at
18 the limit of 45 decibels. Kent Dowdy was present
19 during this conversation.

20 Some people have had to leave their homes
21 to get away from noise at this level. One of those
22 people is Ted Hartke. He eventually had to sell his
23 house, according to a News-Gazette article dated
24 March 15, 2018. Mr. Hartke's house had a noise

1 level of 45 decibels, the same as my house.

2 Mr. Hartke stated in the News-Gazette,
3 "The noise level really needs to be 39 decibels."

4 He stated, "I paid for buzzing or humming
5 noises to be in my yard all day."

6 I'll second that sentiment.

7 The second major concern I had has to do
8 with a different kind of sound called infrasound
9 that is made by the turbines.

10 According to a Ph.D. audiologist,
11 infrasound is an inaudible type of sound that can
12 affect ten percent of the population. It can affect
13 people in many different ways. Irritability,
14 headaches, motion sickness, and an inability to
15 sleep are just a few of the symptoms.

16 He also states that we live in close
17 enough proximity to the turbines to be affected by
18 this if we are susceptible.

19 Are we susceptible? There is no way of
20 knowing until we live with a wind farm, and by then
21 it will be too late.

22 We just built our house five years ago.
23 We do not want to move. We want to live right where
24 we are.

1 But I'll ask Apex right now: If we find
2 noise, either audible or infrasound, to be
3 intolerable, will Apex reimburse us for what we have
4 invested in our house so we can move?

5 The third major concern we have is a
6 lowered value of our home. A well-respected real
7 estate agent states that homes on one- to five-acre
8 lots decrease in value 24 to 29 percent if they are
9 within one mile of a wind turbine.

10 Our home certainly qualifies in this
11 category. Using a ruler and carefully measuring the
12 Apex map, I found that turbine J50 is slightly less
13 than seven tenths mile southwest of our home.
14 Turbine J05 is also slightly less than seven tenths
15 mile straight north of our home. Turbine J34 is
16 approximately eight tenths mile almost straight
17 south of our home. Turbine F26 is just slightly
18 over one mile southeast of our home. And Turbine
19 H40 is approximately one mile northwest of our
20 house.

21 Because of our close proximity to the Apex
22 wind turbines, our home's value will certainly drop.
23 This fact is in direct violation of Piatt County
24 Zoning Ordinance Number 2 which states: The special

1 use will not substantially diminish property values
2 within the neighborhood.

3 Is this drop in values of homes even
4 addressed in the new state legislation? I don't
5 know, but I ask the Piatt County Zoning Board and
6 the county board to still take it into
7 consideration.

8 In the last general election, the question
9 of the desirability of a wind farm in Piatt County
10 was posed and voted on. The vast majority of voters
11 in Piatt County voted no. They did not want wind
12 turbines in Piatt County.

13 I asked Piatt County Zoning Board and
14 Piatt County Board to honor the wishes of the
15 citizens of Piatt County, their electoral, and again
16 deny Apex Energy its special use permit.

17 I wish all of this money and manpower was
18 being used to build new, modern, nuclear reactors
19 instead of inefficient windmills.

20 After all, Clinton Nuclear Power Plant has
21 produced consistent electricity, wind or no wind,
22 rain or shine, for years.

23 Bill Gates seems to think that nuclear
24 power is a viable option. He's invested in the new

1 Natrium nuclear power plant in Wyoming. He states,
2 "Nuclear energy, if we do it right, will help us
3 solve our climate goals."

4 That is get rid of the greenhouse gas
5 emissions without making the electrical system far
6 more expensive or less reliable.

7 In summary, there are three things I would
8 like to know from Apex, and I would like their
9 answers, if possible, to be in the public records in
10 the days to come.

11 The first is: Why can't the substation be
12 moved farther south?

13 No one lives on Road 700 until you get one
14 half mile south of Route 10. This would help reduce
15 noise from the substation at my residence.

16 The second question is: Has Apex ever
17 bought someone's home if they found the noise levels
18 either audible or infrasound intolerable?

19 If you have purchased people's homes, how
20 many homes have you purchased?

21 The third question is: If we find the
22 noise levels intolerable, will Apex pay us what we
23 have invested in our home so that we can move?

24 Thank you.

1 HEARING OFFICER: Very good. Thank you,
2 Mr. Gantz, for your testimony.

3 Questions for Mr. Gantz from members of
4 the Piatt County Zoning Board of Appeals?

5 Very good.

6 Questions for Mr. Gantz from members of
7 units of local government, including school
8 districts?

9 Questions from interested parties
10 represented by licensed attorneys?

11 Mr. Hess?

12 MR. HESS: No, sir.

13 Thank you for your statement, Mr. Gantz.

14 HEARING OFFICER: Questions from Piatt
15 County staff and consultants?

16 And final questions from the ZBA?

17 Very good. Thank you.

18 Our next witness to speak in opposition of
19 the special use permit is Colleen Kidd.

20 Good evening, Ms. Kidd.

21 **COLLEEN KIDD,**

22 a witness herein, after having been first duly sworn, was
23 examined, and testified as follows:

24 MS. KIDD: Actually, I was just going to

1 make a statement not really be a witness.

2 HEARING OFFICER: You may. What we would
3 like you to do is take the microphone and move it
4 down towards you. There you go. All right.

5 Ms. Kidd, if you could, please just state
6 your name, spelling your first and last names for
7 the record.

8 MS. KIDD: Colleen, C-o-l-l-e-e-n; last
9 name is Kidd, K-i-d-d.

10 HEARING OFFICER: And you live in DeLand?

11 MS. KIDD: I do.

12 HEARING OFFICER: And is that in Piatt
13 County?

14 MS. KIDD: Yes, it is.

15 HEARING OFFICER: Very good. Then you may
16 not use your whole half hour, but because you are a
17 Piatt County resident you get a half hour to say
18 what you want to say.

19 MS. KIDD: I just want to make a
20 statement.

21 First of all, I want to thank the zoning
22 board for going through all this again, and the
23 county board also for listening.

24 And once again, you know, you've spent a

1 lot of time with this hearing, and I just want to go
2 on for the record to say that I object to this
3 special use permit. I do not object to wind farms
4 per se. I object to wind farms on Piatt County
5 prime farmland. Once those wind farms go in, and
6 that concrete goes into that ground, the production
7 is not going to be there when they are gone.

8 I also resent the fact that the State of
9 Illinois has taken away the county's rights to
10 object to these wind farms, and I think that -- I
11 feel that this needs to be changed, and I hope the
12 zoning board and the county board will go through
13 that.

14 I don't feel that Prospect Wind has really
15 made much effort to talk to the drainage
16 commissioners or the fire protection districts.

17 I know that our Fire Chief in DeLand has
18 not been notified by them. I have heard that
19 anyway.

20 So I am just asking you, please vote no on
21 this special use permit.

22 HEARING OFFICER: Thank you, Ms. Kidd.

23 Questions for Mr. Kidd from members of the
24 Piatt County Zoning Board of Appeals?

1 MR. SMITH: First name Dan, D-a-n. Second
2 name Smith, S-m-i-t-h.

3 HEARING OFFICER: And you are a resident
4 of Farmer City; is that correct?

5 MR. SMITH: That is correct.

6 HEARING OFFICER: And in which county is
7 your property located?

8 MR. SMITH: McLean County.

9 HEARING OFFICER: McLean County. Then, by
10 rule, you have a ten-minute presentation for the
11 board.

12 MR. SMITH: I just sent my tax bill off to
13 Piatt County. I am trying to be funny.

14 HEARING OFFICER: Oh, okay. If you own
15 property in Piatt County, then you can have a half
16 hour.

17 MR. SMITH: Okay. I am not going to take
18 that, but I am pretty sure ten minutes will be fine;
19 but I do live in McLean County.

20 HEARING OFFICER: McLean County. Do you
21 own in Piatt County?

22 MR. SMITH: Yes.

23 HEARING OFFICER: Okay. You have half an
24 hour.

1 MR. SMITH: Okay. I won't take that much.

2 HEARING OFFICER: Okay.

3 MR. SMITH: Members of the board, thank
4 you very much for listening today.

5 I want to start out with, you know,
6 telling you a little bit about myself and why maybe
7 you should listen to me. I own Piatt County farm
8 ground. It was purchased by my great-grandfather in
9 1872, so this property is very near and dear to my
10 heart.

11 The second thing: I met with the
12 salesperson from Apex. I heard his pitch. I live
13 in the footprint of the Sapphire Sky Industrial Wind
14 Generation. I don't like to call it a farm because
15 it is not a farm. I live in the footprint, and I
16 also sell communications equipment to utilities, so
17 on a daily basis I am interacting and talking to the
18 people that work to keep the grid energized and keep
19 everybody's power on. So that gives me a little bit
20 of insight in talking to these people.

21 So I want to quote what I see on Apex's
22 website. They say: Capable of producing 300
23 megawatts of clean, homegrown energy, enough to
24 power 99,000 US homes each year.

1 So could I get a show of hands here? Who
2 lives in these homes that only has power when the
3 wind is blowing? Anybody? Okay.

4 So right off the bat, that's kind of a
5 fallacy.

6 So when the wind is not blowing, where
7 does this energy come from? It's got to come from
8 coal fire plants that provide base load. It has got
9 to come from hydro in some places. It's got to come
10 from nuclear plants. Wind energy has to be 100
11 percent backed up.

12 One of the first hearings that I attended
13 here, I noticed that the air-conditioner was running
14 full blast the entire time and there wasn't a breath
15 of wind outside.

16 I see the wind turbines. They are right
17 near my house, and at certain times they are just
18 completely stopped when they are not generating
19 electricity.

20 Electricity is what they consider critical
21 infrastructure. If you want to talk to me about the
22 Nertz cyber security requirements, because it is
23 critical infrastructure for their communications
24 network, that is kind of my wheelhouse.

1 People die when the electricity is off for
2 extended periods of time. The grid needs to be
3 energized all the time. So, there is no place on
4 the grid for intermittent energy.

5 Now, here is kind of how the grid works:
6 We've got these big generators, coal plants, hydro
7 plants, nuclear plants. They generate large amounts
8 of electricity that is carried over transmission
9 lines and then it's distributed. This is called the
10 base load.

11 On occasion we get these really hot
12 summers where everybody's running their
13 air-conditioning, and it exceeds what the base load
14 can do.

15 So there's two things you can do there.
16 You can have dispatchable energy, peaker plants.
17 Those are good things, but understand the peaker
18 plant is not a substitute for the entire grid. It
19 only shaves off and takes care of that peak. So, if
20 the wind turbines are not operating, the peaker
21 plants are not going to carry the entire load of the
22 grid.

23 The other thing that's done -- and I work
24 with some of these people very closely -- is, when

1 there is high demand on the grid, there's some
2 methods to shed load from the grid. So if you have
3 a hospital with a large generator, you ask them for
4 a couple of hours in an afternoon when it's really
5 hot to turn on your generators and take the load off
6 the grid. These are fantastic things.

7 Where does the wind energy come in? You
8 can't reliably tell that there is going to be wind
9 when those peak loads are going to be.

10 I understand that Apex is planning on
11 putting Vestas wind turbines in Piatt County, and to
12 me that is just so wrong. Vestas is a Danish
13 company. We have a company right here in the United
14 States, General Electric, that builds wind turbines.
15 If we are going to be taking our electricity rates
16 and we are going to be taking our tax subsidy
17 dollars, shouldn't we be spending it with a company
18 that is based here in the United States rather than
19 the Danish company? To me that makes absolutely no
20 sense.

21 I am going to read something that I got
22 from the Institute of Electrical and Electronics
23 Engineers. It's called the IEEE, a very well
24 respected organization, so this isn't some

1 conspiracy website:

2 Wind turbines are the most visible
3 symbols of the quest for renewable energy
4 generation. And yet, although they exploit the
5 wind, which is free and green as energy can be, the
6 machines themselves are pure embodiments of fossil
7 fuels.

8 Large trucks bring steel and other raw
9 materials to the site, earth-moving equipment beats
10 a path the site, large cranes erect the structure,
11 and all of these machines burn diesel fuel.

12 Where I drive to go to work, I go right
13 through the heart of the Sapphire Sky all last
14 summer, and I saw this, and it was an incredible
15 amount of fossil fuels they were burning.

16 For a five-megawatt turbine, the steel
17 alone averages 150 metric tons for the reinforced
18 concrete foundations, 250 metric tons for the rotor
19 hubs and nacelles which house the gearbox and
20 generator, and 500 metric tons for the towers.

21 So if you are really concerned about
22 carbon and you are really concerned about the
23 environment, wouldn't it make sense to leave those
24 where they are rather than expend all this

1 How close are you to the turbine where you
2 are having the sleep problems?

3 **A. I haven't measured it exactly. I would**
4 **estimate three quarters of a mile.**

5 MR. WAX: Okay. Thank you.

6 HEARING OFFICER: Any other questions from
7 the zoning board for this witness?

8 Very good.

9 Questions for Mr. Smith from members of
10 units of local government, including school
11 districts?

12 Questions from interested parties
13 represented by licensed attorneys?

14 Mr. Hess?

15 MR. HESS: No, sir.

16 Thank you for your statement.

17 HEARING OFFICER: Questions from other
18 interested parties or members of the public in
19 support of the application or neutral on the
20 application?

21 Questions from Piatt County staff and
22 consultants?

23 And final questions again from the Zoning
24 Board of Appeals?

1 Very good. Mr. Smith, thank you. You may
2 step down.

3 The final witness is Cassie Reeser.

4 Good evening, Ms. Reeser. If you could,
5 please raise your right hand.

6 **CASSIE REESER,**

7 a witness herein, after having been first duly sworn, was
8 examined, and testified as follows:

9 HEARING OFFICER: State your name,
10 spelling your first and last name for the record.

11 MS. REESER: Cassie Reeser, C-a-s-s-i-e
12 R-e-e-s-e-r.

13 HEARING OFFICER: And, Ms. Reeser, it says
14 on the sign-in sheet that you are a resident of
15 Farmer City. Is that in Piatt County?

16 MS. REESER: It's DeWitt.

17 HEARING OFFICER: It's in DeWitt County.
18 Then, by rule, you have ten minutes. You may go
19 right ahead.

20 MS. REESER: As I stated, my name is
21 Cassie Reeser, and I live on a third-generation
22 family farm in the area of the proposed -- where the
23 windmills are proposed.

24 I want to thank you, the zoning board, and

1 the members, for your time and opportunity to share
2 my thoughts.

3 I have to be honest; it feels like we are
4 struck in Groundhog Day. The zoning board has shot
5 this down. The county board has shot this down.
6 And if that was not clear enough, the Piatt County
7 residents voted against it 70 to 30 in a public
8 ballot.

9 I think it's pretty clear, but I'll state
10 the obvious once again. We do not want this. My
11 circumstances and opinion have not changed after
12 sitting here night after night of these
13 presentations.

14 This area, these farms are our homes and
15 our legacies. We live here for the lifestyle and
16 the peacefulness that comes with rural life, and we
17 want to continue to pass on those opportunities to
18 the next generation. No amount of posturing by Apex
19 changes that.

20 They didn't listen when we said no the
21 first time. How are we supposed to believe they
22 would be good partners to the county and its
23 residents if they can't even listen and respect our
24 decisions?

1 All that aside, I ask you to think about
2 whether you would want these proposed windmills to
3 be passed in your own backyard, and to continue to
4 listen to what the community is saying and represent
5 those voices.

6 I ask you to once again vote no to the
7 proposed windmills.

8 HEARING OFFICER: Thank you, Ms. Reeser.

9 Questions for Ms. Reeser from members of
10 the Zoning Board of Appeals?

11 Questions for Ms. Reeser from members of
12 the units of local government, including school
13 districts?

14 Questions for Ms. Reeser from interested
15 parties represented by licensed attorneys?

16 Mr. Hess?

17 MR. HESS: No, sir.

18 Thank you for your statement, ma'am.

19 HEARING OFFICER: Thank you.

20 Questions from other interested parties,
21 members of the public in support of the application
22 or neutral on the application?

23 Questions from Piatt County staff and
24 consultants?

1 And final questions come from the ZBA.

2 Ms. Reeser, thank you for your testimony.

3 You may step down.

4 That concludes testimony from witnesses.

5 We have no persons on any sign-in sheet who stated
6 they would testify as neutral.

7 There still will be time for folks to
8 speak during the public comment period that will
9 come later this evening.

10 Time now again. We took up, on last
11 Thursday night, a handful of letters and e-mails
12 addressed to the Zoning Board of Appeals.

13 Oh, Mr. Hartke is approaching.

14 MR. HARTKE: Here is a copy for everyone.
15 I delivered a copy today to your office.

16 MS. NUSBAUM: Okay.

17 HEARING OFFICER: Mr. Hess,
18 Ms. Antonioli, if you will approach, one of you,
19 here's Mr. Hartke's written statement.

20 Mr. Keyt, for you.

21 Holly, we are going to go off the record
22 for just a minute.

23 (DISCUSSION OFF THE RECORD.)

24 HEARING OFFICER: All right. It is time

1 for written public comment. We will have oral
2 public comment a little later on. It is time for
3 written comments. I have five letters that have
4 been submitted to the Zoning Administrator,
5 Ms. Nusbaum, in support, and I have two letters and
6 three e-mails submitted to the Zoning Administrator
7 to go to the board from folks in opposition. So
8 five and five.

9 Here we go: This is a letter in support.
10 These first five will be letters in support.

11 From a Mr. Matthew -- M-a-t-t-h-e-w --
12 Kitzmiller -- K-i-t-z-m-i-l-l-e-r. He states he's a
13 Piatt County resident.

14 To the Piatt County Board and ZBA:

15 I am writing to you as a resident of Piatt
16 County and as someone who supports wind energy
17 development.

18 Not only is this reliable, locally
19 generated electricity that we need, but it brings
20 jobs, investments, and tax revenue to our county,
21 which we can use all three.

22 One thing I want to talk about is the
23 concern about birds being killed by wind turbines.
24 Yes, it happens on occasion, just like birds being

1 killed colliding into buildings or with cars. It's
2 not nearly as many as the millions which are killed
3 by pet cats. It is not anywhere near the danger
4 caused to bird populations by pollution and climate
5 change.

6 The Audubon Society, one of the nation's
7 biggest supporters and conservators of birds
8 "strongly supports wind power" while recognizing
9 that it can be dangerous for some birds. That is
10 why they have been working with wind energy
11 companies to set up guidelines that help protect
12 birds as much as possible.

13 In my conversation with Apex, I have
14 learned that they meet or exceed every one of those
15 guidelines.

16 Apex spent two years using professionals
17 to map bird migration routes, count bat population
18 in the area, and look for things like raptor or bird
19 nests. They completed multiple studies on multiple
20 bird populations and where they live. They have
21 even agreed with the Illinois DNR in mitigation that
22 includes curtailing turbines at certain times of
23 year at certain wind speeds when there's a potential
24 danger to bats.

1 I know the members of this board have a
2 lot of concerns about the environment, about
3 wildlife, and about making sure that diversity among
4 bird species is important.

5 Wind energy is far more advantageous to
6 those goals than it is detrimental. I encourage you
7 to support Prosperity Wind and approve their permit.

8 Matthew Kitzmiller, Piatt County Resident.

9 A letter dated today, September 5, 2023,
10 from a Mr. Tom Scott, Jr., of Monticello, Illinois:

11 Zoning Board of Appeals and County Board:
12 I have lived in Monticello since October 1997, and I
13 have been associated with the Piatt County area for
14 much longer. My family and I have been volunteers
15 of Monticello Railway Museum since it located in
16 Monticello back in 1969.

17 I was disappointed to learn the ZBA
18 decided not to recommend the special use permit for
19 Goose Creek Wind to the county board.

20 According to what it said in the Journal
21 Republican, the ZBA claimed no one would be hurt
22 economically if the wind farm was not constructed.

23 I don't know what they were thinking when
24 they said that. The statement would be laughable if

1 it weren't so sad. I really don't know how they
2 reached that conclusion.

3 Construction/operation of the Goose Creek
4 Wind Farm and now this project, Prosperity wind,
5 would be an economic boon to the county both in
6 money spent locally and in tax revenue when the farm
7 becomes operational. The tax revenues alone would
8 benefit all citizens of the county.

9 As I understand it, more people pulling
10 the "tax wagon" the lower the tax burden on
11 everyone. The property taxes paid by a commercial
12 development like Apex helps the county.

13 Apex has already benefited the area in a
14 number of ways, including their community grant
15 program, the Champaign, Havana & Western Small
16 Railroad Historical Group, of which I am president.
17 We've worked with Heartland Pathways to clear and
18 maintain hiking trails between Seymour and White
19 Heath and most recently between White Heath and
20 Lodge. At CH&W, we got a \$3,500 community grant
21 from Apex last fall and used it to have a local
22 forester clear out a little over a mile railroad
23 grade, XICRR, for Lodge to Shady Rest Road. This
24 was a real boon to our efforts to get the White

1 Heath to Lodge railroad grade open for use of the
2 trail. Cleaning brush and trees out on this section
3 would have taken our group a year with chainsaws and
4 forging through thick poison ivy. No fun.

5 With the grant, we were able to hire a
6 forester to do it with a machine, and the task was
7 accomplished in a day. Best of all, no one got
8 head-to-toe poison ivy rash.

9 I hope you see the benefits of having the
10 Prosperity Wind farm in our county.

11 Thanks. Thomas Scott, Jr., of Monticello.

12 A letter dated today, September 5, 2023,
13 from Ross Warsaw of Mansfield, Illinois:

14 Chairman Wax, Zoning Board of Appeals, and
15 Piatt County Members, Piatt County Board members:

16 As a long-time resident and taxpayer of
17 Piatt County, I write to express my support of
18 Prosperity Wind proposed by Apex Clean Wind Energy.

19 I am participating in the project and
20 leasing my land, and I am thankful for this
21 opportunity and am proud to participate in the
22 project. I've lived in Piatt County, specifically
23 Mansfield, for a long time. I've raised my three
24 sons here in the house I still live in; and, in

1 fact, one of my sons still lives in Mansfield and
2 another son lives in Ford County. My family owns a
3 small farm. I was a trucker for 40 years and am
4 thankful for my three sons, six granddaughters, and
5 four great-grandchildren. There is a lot to be
6 grateful for, and I am happy to see my farm go to my
7 boys one day.

8 However, social security is not what it
9 used to be, and I can't rely on it as much as I
10 would like to for a retirement fund. Signing up for
11 this wind farm, with the consistent revenue it will
12 bring, allows me to diversify my income streams. It
13 also increases the reliability of my finances. This
14 security gives me peace as I grow older and think
15 about the legacy I leave for my family.

16 I continue to live in Piatt County and
17 invest in this community that I care about. The
18 Prosperity Wind Project supports my family and the
19 many generations it now has.

20 As you consider the Special Use Permit
21 Application submitted by Apex Clean Energy for
22 Prosperity Wind, I ask that you keep in mind the
23 many individuals who are counting on this project
24 for a stable source of income and providing for

1 their families. I support Prosperity Wind Project.

2 Kind regards, Ross Warsaw of Mansfield,
3 Illinois.

4 A letter dated today, September 5, 2023,
5 from Tracy Wood of Sycamore, Illinois:

6 Attorney Wax and Zoning Board of Appeals
7 and Piatt County Board:

8 My name is Tracy Wood, a daughter of a
9 landowner participating in the Prosperity Wind
10 Project. I am writing to express my support of
11 Prosperity Wind proposed by Apex Clean Energy. I am
12 proud to participate in the project.

13 The land in Piatt County owned by my mom
14 that is participating in the project has been in my
15 family for 15 years. My mom has Parkinson's
16 disease. Parkinson's is a chronic, perpetual
17 disease that slowly robs your loved one of the
18 ability to walk, write, feed themselves, and talk.
19 It was devastating when my mom was diagnosed. My
20 mom lives alone, and I can't always be there to take
21 care of her. We've hired a nursing service that
22 allows her to stay in the home that she loves and
23 get peace of mind for our family.

24 In recent years, we have had to sell

1 ground to pay for the nursing service for my mom.
2 The additional revenue to participate in Prosperity
3 Wind on top of the rent we already receive in
4 farming helps immensely to maintain these services
5 for my mom.

6 If we were to get a turbine, the turbine
7 and access road would only take less than one acre
8 out of production out of the close to 1000 acres we
9 farm. The tenant farmer will still be able to farm
10 around the turbine, allowing the ground to continue
11 to be used as always and receive consistent
12 additional revenue. This financial security helps
13 pay for my mom's medical needs and will allow my
14 sister and I to keep the land intact when my mom
15 ultimately passes the property to us.

16 Keeping the ground in Piatt County not
17 only continues my mother's legacy of love for the
18 country but also the legacy of agricultural
19 communities in general.

20 One of the things my mom has passed down
21 to me is a love for horses. I own Grand Woods
22 Stable. I own a horseback riding center in
23 Sycamore, Illinois. My daughters love to take care
24 of the horses and ride them, too.

1 Because of participating in Prosperity
2 Wind, my family and I get to continue our passions
3 for riding horses, living in the country, and
4 promoting values for farming families and
5 communities. My hope is that the legacy of my mom
6 and her values will continue for future generations.

7 As you consider the permit application
8 submitted by Apex Clean Energy for Prosperity Wind,
9 I ask that you keep in mind the many individuals who
10 are counting on this project for a stable source of
11 income and the continuation of the legacies of
12 farming families.

13 Sincerely, Tracy Wood, Sycamore, Illinois.

14 And the final letter in support that we
15 have to read into the record tonight is dated today,
16 September 5, 2023, from a Mr. Geoffrey Beazly,
17 B-e-a-z-l-y, of Urbana, Illinois:

18 Piatt County Zoning Board of Appeals,
19 Chairman Wax, Zoning Board, and Piatt County Board
20 Members: I write today to express my support for
21 the Prosperity Wind project proposed by Apex Clean
22 Energy.

23 I grew up in Piatt County and still have
24 family living in the county, such as my grandma.

1 These family members are participants in Prosperity
2 Wind.

3 I currently work for the seed department
4 at the University of Illinois. This work brought me
5 recently to live in Urbana, but I still consider
6 Piatt County home. I studied ag business in
7 college. We discussed wind and energy in a few of
8 my classes, and my fascination for the advancement
9 of clean energy was stimulated. There are a lot of
10 neat types of clean energy, one of them being wind
11 energy, that are seeing advancements all the time.
12 Even so, wind energy is proven technology to
13 generate electricity.

14 I am thankful for the revenue that my
15 family will receive from the Prosperity Wind Project
16 as participating landowners, and maybe even more
17 excited for how this utility-scale project will make
18 clean energy more public. More people need to know
19 about the benefits of wind energy.

20 As you consider the permit application
21 from Apex for Prosperity Wind, I ask you to approve
22 it so that local families and economies can benefit
23 and more people learn about the benefits of wind
24 energy.

1 Sincerely, Geoffrey Beazly, Urbana,
2 Illinois.

3 That concludes letters and written public
4 comments from those in support.

5 We have five in opposition. We begin
6 first with one dated Friday, September 1, 2023, from
7 Alexis, A-L-E-X-I-S, Godbee, G-o-d-b-e-e:

8 Hello. I am writing to you to urge you to
9 stand up for the residents of Piatt County and vote
10 no for the wind farm yet again being brought back to
11 us by Apex.

12 Please do not forget the petitions that
13 have been turned in and all of the letters that have
14 been written in opposition over the last four-plus
15 years.

16 Apex is clearly trying to "prosper" by
17 their newly branded Prosperity Wind Project, but
18 just as they are prospering in hopes of bullying
19 everyone into approving, the residents and you,
20 members and representatives of the county board, can
21 also stand strong with us in opposition of the
22 project.

23 Despite what Apex may say, there are way
24 more people against the project than for it that

1 actually live in this area. Most of the
2 leaseholders do not actually live in Piatt County
3 and will not have to deal with the negative effects,
4 but they will benefit monetarily from its passing.

5 How is that fair?

6 And think, if last year Apex was offering
7 Piatt County \$5 million if we approve the project by
8 the end of the year, how much do you think -- how
9 much do you actually think they stand to make profit
10 wise off of our land for the length of the project?

11 They do not have to stick around and deal
12 with the deteriorating roads from heavy machinery or
13 the flicker and noise pollution from the turbines.

14 If it was really about the environment and
15 reducing the use of fossil fuels and the impact on
16 the grid, why don't they offer every house a mini
17 turbine approximately 30 feet in the backyard that
18 could be controlled by the landowner?

19 Because then they wouldn't profit as much
20 off those because the energy would actually be
21 staying locally and going to the landowner.
22 Otherwise, all the energy made from this project is
23 going to another town, state, or country.

24 Also, do not forget about the vote that

1 was put on the ballot with an overwhelming amount of
2 residents voting no to wanting any industrial wind
3 turbines in our area. If memory serves me
4 correctly, I believe the no votes were at least
5 72 percent for Piatt County.

6 I love country living, peaceful nights,
7 peaceful night skies, uninterrupted sunrise and
8 sunset views, and small town living.

9 Please do not allow Apex or their union
10 workers to bring large, obtrusive, industrial wind
11 turbines into our precious soil farmland for many
12 years to come. Please stand strong with us in
13 preserving Piatt County.

14 Thank you for reading.

15 Alexis Godbee.

16 I have a letter received by the Zoning
17 Administrator on September 5, 2023, from Kayla
18 Gallagher:

19 Piatt County Zoning Board, thanks again
20 for taking the time away from your families to
21 attend these hearings and hear testimony from the
22 public on this issue.

23 My opinion has not changed since the last
24 time you heard testimony on this issue. I am still

1 adamantly opposed to industrial wind development in
2 Piatt County. Piatt County residents in opposition
3 to this project still have legal counsel and have
4 been advised that, although Apex claims counties
5 can't apply the LaSalle factors, the state statute
6 did not, in fact, overrule case law on this issue.

7 As you know, Piatt County constituents
8 voted by an overwhelming majority after the governor
9 signed the amendment to the Illinois Counties Code
10 signaling that we want you to continue to stand up
11 for the people who actually reside in Piatt County
12 and have to deal with short- and long-term
13 implications of siting of a wind farm here.

14 Kayla Gallagher.

15 An e-mail dated today, September 5, 2023,
16 from Mr. Craig Burton:

17 To whom it may concern:

18 I am sending this e-mail in order to
19 submit a written statement to be read aloud tonight
20 at the ZBA wind farm meeting. I'm opposed to this
21 project. The first section is to be addressed to
22 Apex, and the second section is to be addressed to
23 the Piatt County Board and the Zoning Board of
24 Appeals.

1 The following section is to be addressed
2 to Apex with the section in quotes being read with
3 drama and conviction in your voice similar to
4 Abraham Lincoln's famous Gettysburg address.

5 I met Mr. Burton the other night. He is a
6 very nice gentleman. I am not going to add a whole
7 lot of drama and conviction. I am sorry to
8 Mr. Lincoln and others.

9 "Fourscore and five months ago,
10 our forefathers voted
11 that we want you to go.
12 What part of "no"
13 don't you understand?
14 We don't want you
15 to proceed as planned."

16 In all seriousness, I can't fathom what
17 kind of country we now live in where "We the People"
18 no longer have a voice. Seventy percent of people
19 who voted in this county specifically voted that we
20 don't want a wind farm. That is not just a
21 majority. That is well over supermajority, but Apex
22 doesn't seem to care about trivial things such as
23 what the residents of the county actually want.
24 They, obviously, only care about their pet project

1 and the money it will make them. If Apex had any
2 actual dignity, they would honor the will of the
3 people in this county and the will of the county
4 board who voted this project down.

5 This isn't complicated. We live in
6 America where the will of the people is supposed to
7 matter. It is companies like Apex that do America
8 great shame by subverting the will of the people and
9 using big government to get what they want instead.
10 Shame.

11 I also want to address the statement made
12 on the first slide show of the first meeting last
13 week, on August 28, 2023. It was stated that this
14 project would not affect property values. Apex has
15 absolutely no way of predicting a future of property
16 values for each individual homeowner, which makes
17 that particular statement presumptuous and false.
18 It should be stricken from the record.

19 This next section is to be addressed to
20 the Piatt County Board and also the Zoning Board of
21 Appeals.

22 The Piatt County Board, and also the
23 voters of this fine county, voted that we don't want
24 this project polluting our landscape. I don't care

1 what the governor says. We the people of this
2 county expect for our elected board members to
3 continue to honor the will of the people and vote
4 this project down once again.

5 We thank you for listening to us the first
6 time around. We only ask that you please continue
7 listening to us.

8 Thank you so much.

9 Craig Burton.

10 An e-mail from Mr. Chris Stillabower dated
11 today, September 5, 2023, consisting of three
12 printed pages, although it's multiple spaced.
13 Please read into the record:

14 Dear Zoning Board, my name is Chris
15 Stillabower, S-t-i-l-l-a-b-o-w-e-r. I have been a
16 resident of Piatt County for almost four decades and
17 am proud to call this place my home. We may not
18 have beaches or mountains here, but we still have a
19 beautiful place that needs to be protected.

20 Thank you to the Zoning Board and County
21 Board for your due diligence in vetting the wind
22 farm application and to the citizens for speaking up
23 about their concerns.

24 I am opposed to the wind farm for several

1 reasons: Flashing lights, decommissioning costs,
2 blades that can't be recycled, future road repairs,
3 noise, including both audible noise and infrasound,
4 shadow flicker, loss of scenic vistas, future
5 expansion with additional turbines.

6 I am still left with many unanswered
7 questions. We were told by the applicant that there
8 is certainty in the project, yet I still see great
9 uncertainty.

10 While the applicant has said they will
11 listen to our complaints and offer us a hotline,
12 they haven't seemed to notice the zoning board and
13 county board voted down the project along with the
14 citizens on the ballot.

15 If our complaints aren't heard now, then
16 why would they become better listeners in the
17 future?

18 We had several people speak out in the
19 spring about reasons not to approve the wind farms.
20 Many had issues with what I've mentioned, but others
21 mentioned the cost would be increased for aerial
22 spraying for farmers.

23 Not all of these people came back this
24 session, but I still think we should still consider

1 people who spoke at the Goose Creek hearings. While
2 the applicant may say that the two projects are
3 different, in reality the name was changed, a few
4 turbines and buildings moved, fire suppression
5 systems added, but we haven't seen many other
6 differences.

7 They aren't sure how well the ADLS will
8 work even though they could have asked the FAA how
9 often the lights would be illuminated based on
10 flight patterns.

11 My understanding is that, with 50 turbines
12 of these sizes, two lights per tower would be
13 required, thus we would start the project day one
14 with 100 blinking lights.

15 The blades still can't be recycled, and we
16 need to ensure we have a place lined up with an
17 agreement signed to dispose of them before the time
18 comes.

19 Are the road repairs included in the
20 future decommissioning costs as they would likely be
21 damaged again?

22 Will the audible noise and infrasound
23 cause anyone to have wind-turbine-related sickness?

24 Who will investigate if the audible sound

1 exceeds the allowable limits when the Illinois
2 Pollution Control Board says they refer complaints
3 to the Illinois Environmental Protection Agency;
4 however, the IPCB website said IEPA no longer runs a
5 noise program and to report noise concerns to local
6 police or health department?

7 Shadow flicker may be limited to 30 hours
8 on a residence, but I don't believe there is any
9 limit to the amount of flicker on a field or
10 roadway.

11 Once 50 turbines are approved, it will
12 likely only be a matter of time before more are
13 requested and more approved.

14 Our scenic views will never be the same.
15 Currently, the largest objects in rural Illinois are
16 our grain elevators and water towers, and that is
17 often how we can identify towns here. Now our view
18 of the quiet, peaceful, countryside is subject to
19 change.

20 I hope the county holds its stance on not
21 approving this project.

22 As a lifelong resident of Piatt County, I
23 plan to retire here one day and am hopeful that our
24 county's beauty can be preserved so we aren't losing

1 our sunsets and night skies to large spinning fans.

2 Sincerely, Chris Stillabower, Mansfield,
3 Illinois.

4 I just noticed as I turned the page over
5 on Mr. Burton's e-mail, after he signed his name, I
6 turned it over, and Mr. Burton has his address and
7 notes with asterisk: Our property is located in the
8 middle of this proposed wind farm project.

9 I just wanted to add that to Mr. Burton's
10 statement and include that as part of the record at
11 least as far the written public comment is
12 concerned.

13 And the final letter is from Mr. Theodore
14 E. Hartke, PE, PLS, of Sidney, Illinois.

15 It's titled: Hartke written statement to
16 Piatt County regarding Apex wind energy project, and
17 it is dated September 5, 2023.

18 Dear Piatt County Zoning Board, Piatt
19 County Board Members, Apex Wind Company staff and
20 representatives and especially the citizens of Piatt
21 County:

22 My name is Ted Hartke. I have attended
23 many of the Piatt County zoning meetings regarding
24 wind energy these past few years. My family

1 abandoned our Vermilion County home due to sleep
2 deprivation from wind turbine noise. Many of you
3 have heard my testimony regarding my personal
4 experiences.

5 I have reviewed the Piatt County Apex Wind
6 Energy Project Application and have found it to be
7 insufficient and noncompliant with the requirements
8 set forth in Illinois law and also against the
9 United States Constitution.

10 The very important parts of this letter
11 are in red, bold font, underlined text.

12 As I get to those, I will state red,
13 bold-font. How is that?

14 Apex's Clean Energy's wind turbine
15 application does not -- in red, bold font -- not
16 meet the minimal -- minimum technical requirements
17 for approval in any county in Illinois because it
18 does not meet the standards or codes or rules
19 established by the Illinois Pollution Control Board,
20 IPCB, outlined in Section F of the Public Act, of
21 Public Act 102-11123, signed by J. B. Pritzker on
22 January 23rd as follows:

23 (f) A county may not set a sound
24 limitation for wind towers in commercial wind energy

1 facilities or any components in commercial solar
2 energy facilities that is more restrictive than the
3 sound limitations established by the Illinois
4 Pollution Control Board under 35 Illinois
5 Administrative Code -- and this is bolded in red --
6 parts 900, 901, and 910.

7 Section 900.102 Prohibition of Noise
8 Pollution: A person must not cause or allow the
9 emission of sound beyond the -- red, bold font and
10 underlined -- beyond the boundaries of that person's
11 property, as defined in Section 25 of the
12 Environmental Protection Act, 415 ILCS 5/25, that
13 causes noise pollution in Illinois or violates any
14 provision of this chapter. (Source: Amended at 42
15 Illinois Register 20432, effective November 1,
16 2018.)

17 There are two parts to the IPCB noise
18 pollution law, both are exceeded with Apex's current
19 wind project application. The first part is
20 "nuisance noise" and can be established without
21 sound pressure level measurements. The nuisance
22 noise portion is more difficult to quantitatively
23 prove except through true-life experience.

24 My experience is that the noise levels

1 predicted by Apex for this Piatt County project, 45
2 dBA, will result in severe sleep deprivation for
3 residents. The US EPA states its sleep disturbances
4 begin at 40 dBA.

5 This highlighted section is the source and
6 text of the first part being "nuisance noise."

7 The next part that I would read is
8 highlighted in yellow in Mr. Hartke's letter:

9 35 Illinois Administrative Code
10 Section 910.104. Current through Register Volume
11 47, Number 25, June 23, 2023.

12 A violation of 35 Illinois Administrative
13 Code 900.102 (nuisance noise) can be established
14 without sound pressure level measurement. However,
15 sound pressure level measurements may be introduced
16 as corroborating evidence when alleging a violation
17 of 35 Illinois Administrative Code 900.102 if
18 measurements are collected in compliance with the
19 manufacturer's instructions for the sound measuring
20 equipment. The sound measuring techniques in 35
21 Illinois Administrative Code 910.105 may be used as
22 guidance in gathering data. Amended at 42 Illinois
23 Register 20487, effective 11/1/2018.

24 That concludes that section of the yellow

1 highlight.

2 The second part of the IPCB noise level
3 exceedance is the numerical measured quantitative
4 sound pressure level measurement. The first step to
5 determine noise compliance is to set up the
6 instrument within the boundaries of the receiving
7 land at least 25 feet from the property-line noise
8 source. In the case of wind turbines, they are more
9 than 25 feet from property lines. Unleased lands
10 are also contiguous and share a common border to the
11 property containing the wind turbine.

12 In red, bold font, Mr. Hartke writes:

13 The measurement location shall be a
14 property line as it says in this highlighted
15 section:

16 There is a highlighted in yellow section
17 that I will read:

18 35 Illinois Administrative Code
19 Section 910.105. Current through Register Volume
20 47, Number 25, June 23, 2023.

21 To determine a noise source's compliance
22 with 35 Illinois Administrative Code 901, sound
23 pressure level measurements are obtained using the
24 following measurement techniques:

1 (a) Site Selection.

2 (1) One or more outdoor microphone
3 positions may be chosen -- and then in red, bold
4 font is written -- within the boundaries -- end of
5 red, bold font -- within the boundaries of the
6 receiving land, as long as the positions are at
7 least 25 feet (7.6 meters (m)), from the -- red, bold
8 font -- property-line noise source -- end of red,
9 bold font. The 25-foot setback distance is from the
10 noise source and not the -- in red, bold font -- the
11 property line -- end of red, bold font -- unless the
12 noise source is contiguous to the -- in red, bold
13 font -- property line -- end of red, bold font.

14 Apex representatives and their attorneys
15 insist on noise levels for the residential use area,
16 "residential use area" being the homes and nearest
17 surrounding perimeter of the homes. I asked the
18 same question in various sentence structures to
19 figure out why they insist on ignoring the property
20 line measurement requirement.

21 Private "unleased" land should never, ever
22 be part of an easement or legalized abatement for
23 any pollution caused by neighbors. The United
24 States Constitution exists to protect freedoms which

1 includes property ownership rights. There are four
2 parts to private property rights:

- 3 1.) Rights to possession.
- 4 2.) Right to control.
- 5 3.) Right to use and quiet enjoyment.
- 6 4.) Right to allow others a right to use
7 (licenses and leases).

8 Any allowance to let Apex use part of
9 non-participating properties as a noise abatement
10 zone is against the IPCB rules and against the
11 protections of the United States Constitution. None
12 of the elected or appointed officials of Piatt
13 County have a right to hand over any portion of
14 those four private property ownership rights.

15 Apex obviously knows there are ways to
16 still construct their wind farm. The "good neighbor
17 agreement" is an instrument available to them to
18 gain a license or lease to encroach with noise or
19 any other impediment the neighbors agree upon. The
20 "ultimate" waiver would be the one Apex recently
21 used in Vermilion County where the entire
22 residential property was purchased from three
23 different homeowners.

24 The Piatt County Zoning Board of Appeals

1 and the Piatt County Board should never give
2 authorization for illegal, uncompensated taking of
3 land for any purpose. Even though there is such a
4 thing as "imminent domain" for public taking of
5 land, those proceedings are not pursued. Without
6 just compensation, citizens should never be forced
7 upon by unconstitutional taking of any portion of
8 their land.

9 In summary, the entire noise debate is
10 about the health impacts turbines may have. Perhaps
11 Apex can give better assurances that these turbines
12 will not cause problems.

13 Ask them to sign this contract:

14 And this is bolded, again, red font:

15 "Sleep deprivation is wrong in the form of torture,
16 therefore, authorized agent of Apex Clean Energy
17 hereby signs below stating: "Wind turbines will not
18 cause sleep issues as a form of torture for children
19 inside their homes in the Piatt County Prosperity
20 Wind Energy Project." Signed and dated.

21 That concludes that segment of bolded, red
22 font.

23 For those citizens who are contemplating
24 signing a "good neighbor agreement with Apex," he

1 asks that they sign this:

2 "I am fully aware Apex's good neighbor
3 agreement includes noise easements over my property.
4 It might cause problems for me and my children, but
5 I am okay with sleep issues that may result." And
6 again a signature line and a dated line.

7 For the county board elected and appointed
8 officials agreeing to allow sleep deprivation for
9 illegal, uncompensated use of private land of Piatt
10 County residents, Mr. Hartke writes the following
11 contractual agreement:

12 "I am ignoring the oath of office which
13 includes upholding the US Constitution and approving
14 uncompensated use of private land as noise abatement
15 zones to a private corporation for their profitable
16 production of electricity and also ignoring the fact
17 that Apex noise levels failed to be measured at
18 property lines required in the IPCB rules." And
19 there is a signature line and a line to date.

20 Remember that the smallest minority is the
21 individual. In the United States of America,
22 individual rights are paramount. Any society that
23 marginalizes a sector of our population who is
24 deemed to suffer or have less rights in favor of

1 "the common good" is a communist society. Luckily,
2 we are not a communist country as long as we can
3 keep and defend the guaranteed freedoms and rights
4 incorporated into the Constitution of the United
5 States of America.

6 Finally, in bold, red print: In
7 conclusion, the Apex Prosperity Wind Energy Project
8 does not meet the Illinois requirements and shall be
9 denied -- concluding the red, bolded print -- shall
10 be denied on the basis of my presentation and this
11 written letter.

12 Thank you for your hard work and time
13 spent on this matter.

14 Best regards, Theodore P. Hartke, PE, PLS,
15 of Sidney, Illinois.

16 That concludes the written public comment
17 in writings, both letter form and electronic form
18 that have been printed for us.

19 Those written comments will be accepted
20 into the record, made part of the public record,
21 will be copied for each Zoning Board of Appeals
22 member, and they will be copied for each county
23 board member as well and become part of the record.

24 Next step in our schedule of progression:

1 Presentation of any Piatt County staff reports or
2 comments.

3 Ms. Nusbaum, do you have any report?

4 MS. NUSBAUM: I do not.

5 HEARING OFFICER: Mr. Keyt, do you have
6 anything?

7 MR. KEYT: No. Not at this time.

8 HEARING OFFICER: Not at this time. Very
9 good. I understand there is one issue that we are
10 going to discuss toward the end of the session
11 tonight.

12 All right. Rebuttal evidence from the
13 applicant?

14 Mr. Hess, do you have any witnesses you
15 wish to call in rebuttal?

16 MR. HESS: Yes, sir, Mr. Kains. We would
17 briefly like to recall Mr. Moore. I would
18 anticipate it to be about five minutes of direct
19 testimony, so I don't know if the ZBA wants to take
20 a break now or after Mr. Moore.

21 HEARING OFFICER: I wanted to find out how
22 many witnesses you have. You just have one witness,
23 Mr. Moore?

24 MR. HESS: Yes, sir.

1 HEARING OFFICER: It is time to take a
2 break, don't you think, Holly?

3 COURT REPORTER: I agree.

4 HEARING OFFICER: Very good. It is 7:17.
5 The board is in recess. We will reconvene here at
6 7:30. Thank you.

7 (RECESS TAKEN.)

8 HEARING OFFICER: Because the applicant
9 has the burden of going forward with their
10 application, they have the opportunity to present a
11 rebuttal witness.

12 And Mr. Hess?

13 MR. HESS: Thank you, Mr. Kains.

14 Prosperity Wind calls Mr. Alan Moore back
15 to the stand.

16 HEARING OFFICER: Very good.

17 Mr. Moore, could you please raise your
18 right hand to be sworn?

19 **ALAN MOORE,**

20 a witness herein, called by the applicant, after having
21 been first duly sworn, was examined, and testified as
22 follows:

23 HEARING OFFICER: Sir, state your name
24 please and spell first and last name for the record.

1 MR. MOORE: Alan Moore, A-l-a-n M-o-o-r-e.

2 HEARING OFFICER: Very good. Mr. Hess,
3 your witness.

4 Thank you, Mr. Kains.

5 REBUTTAL EXAMINATION

6 BY MR. HESS:

7 Q. Mr. Moore, I would begin by asking you to
8 identify a document.

9 MR. HESS: May I approach the witness,
10 please?

11 HEARING OFFICER: Yes, you may.

12 MR. HESS: Thank you.

13 MR. MOORE: That is the Natural Resource
14 Impact Assessment that Prosperity Wind put together.

15 BY MR. HESS:

16 Q. Did you receive this document from
17 Ms. Brianne Gates of the Piatt County Soil and Water
18 Conservation District?

19 **A. Actually, excuse me. Let me restate that.**
20 **This is the -- it looks like the Natural Resource**
21 **Information Report prepared for the zoning board by**
22 **the Piatt County Soil and Water Conservation**
23 **District.**

24 Q. Did you receive this document from

1 Ms. Brianne Gates on August 25?

2 **A. I did.**

3 Q. To your knowledge, who is Ms. Gates and
4 who does she work for?

5 **A. She works for the Piatt County Soil and
6 Water Conservation District.**

7 Q. In looking at the title page of this
8 document, it is an NRI report parcel ID PIN
9 Number 040219005003-00. Do you recognize that
10 particular parcel ID number?

11 **A. I do.**

12 Q. Is that the parcel that will host the
13 substation and O&M building for Prosperity Wind?

14 **A. It is.**

15 Q. Just flip to page 7 of this report. Does
16 this report purport to give a land evaluation site
17 assessment score?

18 **A. It does.**

19 Q. And does it have a scoring range of 0 to
20 200 as low, 200 to 225 as medium, 225 to 250 as
21 high, and 250 to 300 as very high?

22 **A. Yes, it does.**

23 Q. And according to this report, this parcel
24 is scored at 220.83, which is a medium rating; is

1 that correct?

2 **A. That is correct.**

3 MR. HESS: At this point, Mr. Kains, we
4 would move to admit I believe it's Applicant's
5 Exhibit Number 22.

6 HEARING OFFICER: Mr. Keyt, do you have
7 any questions?

8 MR. KEYT: I do not have any questions.

9 HEARING OFFICER: Very good. The NRI
10 report, with respect to the substation parcel, will
11 be admitted as Applicant's Exhibit 22.

12 (APPLICANT'S EXHIBIT 22 - NRI REPORT.)

13 MR. HESS: Thank you, Mr. Kains.

14 BY MR. HESS:

15 Q. Mr. Moore, let's back up and explain how
16 we got here. You testified last week that you have
17 been working in Piatt County for several years now;
18 is that right?

19 **A. Yes, it is.**

20 Q. As part of that work, have you been
21 involved in Piatt County's revisions to its wind
22 ordinance?

23 **A. I have.**

24 Q. So is it fair to say you are familiar with

1 the current version of the Piatt County wind
2 ordinance?

3 **A. I am.**

4 Q. Are you familiar with Section V(b) of that
5 ordinance that lays out the type of information that
6 must be included with a special use permit
7 application?

8 **A. Yes.**

9 Q. Are you familiar with V(b)(10) of that
10 ordinance that requires an application to include
11 "any other information normally required by the
12 county as part of its zoning ordinance, including
13 NRI/LESA reports for each affected parcel"?

14 **A. Yes.**

15 Q. Piatt County revised its ordinance in May
16 of this year. Are you familiar with the last
17 version of the Piatt County Wind Ordinance?

18 **A. I am.**

19 Q. To your knowledge, did the previous
20 version of the Piatt County Wind Ordinance, the one
21 that would have been in effect until May of this
22 year, include this requirement that we now see in
23 V(b)(10)?

24 **A. It did not.**

1 Q. Did the previous version of the Piatt
2 County Wind Ordinance require an NRI/LESA report at
3 all?

4 **A. It did not.**

5 Q. Were you the developer for the Goose Creek
6 Wind Project here in Piatt County?

7 **A. Yes, I was.**

8 Q. As developer of the Goose Creek Wind
9 Project, did you submit a special use permit
10 application to Piatt County in September of 2022?

11 **A. Yes.**

12 Q. Did the Goose Creek Wind Special Use
13 Permit Application include an "NRI/LESA" report?

14 **A. It did not.**

15 Q. Were you present for the Goose Creek Wind
16 Special Use Permit public hearing before this ZBA?

17 **A. I was.**

18 Q. Did that hearing span multiple nights?

19 **A. It did.**

20 Q. Did anyone at any time during the Goose
21 Creek Wind public hearing bring up an NRI/LESA
22 report for the Goose Creek Wind Project?

23 **A. They did not.**

24 Q. Did anyone in Piatt County, to your

1 knowledge, state that the Goose Creek Wind
2 Application needed an NRI/LESA report?

3 MR. KEYT: I would object to the
4 relevance. We are not here on the Goose Creek
5 Project. We are here on the Prosperity Wind
6 Project.

7 MR. HESS: May I respond, Mr. Kains?

8 HEARING OFFICER: Yes.

9 MR. HESS: First of all, we've compared
10 Goose Creek and Prosperity Wind quite a bit
11 throughout this hearing, so that would be my first
12 response.

13 Second, it goes to whether we've complied
14 with a lawful requirement. As we put in our written
15 objection, one of the reasons why the requirement is
16 unlawful is it's arbitrary and capricious.

17 Now, at the end of this I hope to revise
18 that objection so I don't think it needs to be ruled
19 on here today, but I do think Prosperity Wind needs
20 to make a record that the only other time Piatt
21 County has considered a wind application it did not
22 impose this requirement. It is a new requirement
23 that would support if we needed it in this record.
24 It's an arbitrary and capricious claim. That is the

1 relevance.

2 HEARING OFFICER: I am going to overrule
3 it, but let's get through Goose Creek, and let's
4 talk about this one.

5 MR. HESS: Yes, sir, Mr. Kains.

6 BY MR. HESS:

7 Q. When you first saw the language in the
8 current ordinance about V(b)(10), requiring an
9 NRI/LESA report, did you go out and research what
10 those reports are?

11 **A. I did.**

12 Q. Based on that research, is it your
13 understanding that this is the type of report that
14 would be typically prepared by a private developer
15 like Apex or a government agency like the Soil and
16 Water Conservation District?

17 **A. The latter, a government agency.**

18 Q. Did you conduct research and review
19 guidance documents from the US Department of
20 Agricultural and other sources to understand what
21 type of information typically goes into these types
22 of reports?

23 **A. Yes.**

24 Q. Are you familiar with Appendix C3 of the

1 Prosperity Wind Special Use Permit Application, a
2 document entitled the Natural Resource Impact
3 Assessment?

4 **A. Yes, I am.**

5 Q. Is this a 1,360-page document?

6 **A. It is.**

7 Q. Based on your research and understanding
8 of the information that typically goes into an NRI
9 report, did Prosperity Wind include the same type of
10 information in this Natural Resource Impact
11 Assessment?

12 **A. Yes.**

13 Q. So, for example, an NRI report typically
14 includes an evaluation of the GIS data related to ag
15 land, wetlands and soil use.

16 Is the same type of data included as
17 Exhibit A of the Prosperity Wind Assessment which is
18 a soil and farmland impact analysis?

19 **A. It is.**

20 Q. And Exhibit B to the Natural Resource
21 Impact Assessment is the AIMA between Prosperity
22 Wind and the Illinois Department of Agriculture; is
23 that right?

24 **A. Correct.**

1 Q. And Exhibit C to that assessment is the
2 hydrology study by Barr Engineering that has been
3 discussed several times in this hearing?

4 **A. Yes.**

5 Q. And Exhibit D is the Farmland Drainage
6 Plan that has also been discussed in this hearing;
7 is that right?

8 **A. Yes.**

9 Q. And Exhibit E would be engineering plans
10 for the Prosperity Wind turbine foundations; is that
11 right?

12 **A. Correct.**

13 Q. Finally, Exhibit F, is the culvert study
14 by HLR that analyzes the condition and flow rate of
15 every culvert within the project footprint; is that
16 right?

17 **A. Yes.**

18 Q. Now, the very first page of the Prosperity
19 Wind and Natural Resource Impact Assessment has a
20 date of June 18, 2023. To your knowledge, is that
21 about when that assessment was finalized?

22 **A. Yes.**

23 Q. Did you submit the Natural Resource Impact
24 Assessment to the Piatt County Soil and Water

1 Conservation District?

2 **A. I did.**

3 Q. When did you submit that?

4 **A. A few days after the 18th.**

5 Q. So sometime in mid to late June?

6 **A. Correct.**

7 Q. When you submitted the Prosperity Wind
8 Natural Resource Impact Assessment to the Piatt
9 County Soil and Water Conservation District, did you
10 request it be added to the agenda of the next Soil
11 and Water Conservation District Board meeting?

12 **A. I did.**

13 Q. Why did you do that?

14 **A. We wanted to, you know -- we understood
15 that there was concern in the community around where
16 our facilities would be located and what the impact
17 would be. There were two things the Soil and Water
18 Conservation District would be concerned with, so we
19 wanted to come before then and provide detail about
20 them.**

21 Q. Was Prosperity Wind added to the agenda of
22 the next Soil and Water Conservation District board
23 meeting?

24 **A. Yes, it was.**

1 Q. And that would have been the June 21,
2 2023, Water and Soil Conservation board meeting?

3 **A. Correct.**

4 Q. Then what happened?

5 **A. So that meeting, unfortunately, was**
6 **canceled. I do not believe they had a quorum, so**
7 **the meeting was canceled. We heard about it the day**
8 **of or shortly before, the evening before the**
9 **meeting.**

10 Q. Did you subsequently offer to meet with
11 the Soil and Water Conservation Board?

12 **A. Sure. Yeah. We submitted the Natural**
13 **Resource Impact Assessment, confirmed that it had**
14 **been distributed to board members, and offered to**
15 **meet or address any questions or concerns that were**
16 **raised.**

17 Q. Did you provide a courtesy copy of the
18 complete Prosperity Wind Special Use Permit
19 Application to the Piatt County Soil and Water
20 Conservation District?

21 **A. We did. Yes.**

22 Q. Do you recall when you did that?

23 **A. It was a little bit after our application**
24 **went in because I wasn't sure if they had it or not.**

1 **So I wanted to make sure they had a full copy.**

2 Q. On August 9, 2023, did you receive an
3 e-mail from Ms. Brianne Gates of the Piatt County
4 Water and Soil Conservation District?

5 **A. Yes.**

6 Q. Did she represent herself as the newly
7 hired Resource Conservationist for the Water and
8 Soil Conversation District?

9 **A. She did. Yeah.**

10 Q. In her e-mail, did she say she was going
11 to mail you an application for an NRI report?

12 **A. She did. Yes.**

13 Q. And did she request that you fill out the
14 application?

15 **A. She did request that we fill it out.**

16 Q. Did you then have several phone calls with
17 Ms. Gates?

18 **A. I did. Yes.**

19 Q. And through your conversations with
20 Ms. Gates, was she and the Soil and Water
21 Conservation District requesting one application at
22 that time or multiple applications?

23 **A. She requested one application at that
24 time.**

1 Q. And did you eventually agree with
2 Ms. Gates to give her one application for the most
3 impacted parcel within the Prosperity Wind Project?

4 **A. Sure. Yeah. We talked several times**
5 **about what she was looking for, and we decided that**
6 **the most impacted made more sense.**

7 Q. Is the parcel that you provided her the
8 parcel with the same PIN number that we now see on
9 the first page of the NRI report?

10 **A. Correct. Yes.**

11 Q. When you submitted the application for
12 this parcel, did that submission include electronic
13 information, what is commonly known as a shapefile?

14 **A. Yes.**

15 Q. After submitting this information, did
16 Ms. Gates ask for shapefiles for every other parcel?

17 **A. She did after that, yes, ask for every**
18 **other parcel where our facilities would be.**

19 Q. Did you provide shapefiles for every other
20 parcel?

21 **A. Yes.**

22 Q. To date, has Ms. Gates asked you to fill
23 out any other application?

24 **A. No.**

1 Q. To date, has Ms. Gates asked you for any
2 other information?

3 **A. No.**

4 Q. Has Prosperity Wind answered every
5 question and provided all of the information asked
6 or requested by Ms. Gates?

7 **A. To my knowledge, yes.**

8 MR. HESS: Thank you, Mr. Moore.

9 At this time, Mr. Kains, I have no further
10 questions.

11 At some point, if it pleases the ZBA, I
12 would like to be heard on modifying or narrowing a
13 prior objection.

14 HEARING OFFICER: Let's take that up at
15 the end of the evening.

16 MR. HESS: Yes, sir.

17 HEARING OFFICER: Remind me. Would you
18 please?

19 MR. HESS: Yes, sir.

20 HEARING OFFICER: All right. Questions
21 for Mr. Moore regarding his testimony from members
22 of the Zoning Board of Appeals?

23 Mr. Keyt, do you have questions?

24 MR. KEYT: Not at this time.

1 HEARING OFFICER: Very good.

2 Other interested parties?

3 Members of the public, opposed to the
4 application or neutral on the application, questions
5 for Mr. Moore?

6 Mr. Gantz?

7 Mr. Gantz, if you could, come to the
8 microphone right here.

9 For the record, you are Steven Gantz?

10 MR. GANTZ: Yes.

11 HEARING OFFICER: You may ask questions of
12 Mr. Moore.

13 EXAMINATION

14 BY MR. GANTZ:

15 Q. I don't know, Alan, if you can answer
16 these right now or not. I guess I'll ask them --

17 **A. Sure.**

18 Q. -- and we can see.

19 Like I said in my speech, I guess my first
20 question is: Why can't the substation be moved
21 farther to the south on Road 700?

22 MR. HESS: Mr. Gantz, I am sorry to
23 interrupt.

24 Respectfully, I would object. This is

1 beyond the scope of his direct testimony. We called
2 him up for one and only one topic. So with all due
3 respect to Mr. Gantz's question, I do object.

4 HEARING OFFICER: You are correct. I am
5 going to sustain the objection.

6 Mr. Gantz, I am sorry. I know you want
7 questions answered, but it is appropriate under the
8 law to only have questions regarding his testimony
9 with respect to the Natural Resource Information
10 Report.

11 MR. GANTZ: All right.

12 HEARING OFFICER: Thank you, sir.

13 Are there any other questions from the
14 public, those opposed or neutral on this
15 application, with respect to the NRI/LESA score?

16 Yes, Mr. Edwards.

17 Mr. Edwards, if you could, for the record,
18 state your name, spelling first and last.

19 MR. EDWARDS: Jerry Edwards, J-e-r-r-y
20 E-d-w-a-r-d-s.

21 HEARING OFFICER: All right. Go ahead
22 with questions on this issue for Mr. Moore.

23 EXAMINATION

24 BY MR. EDWARDS:

1 Q. To state fact, I am the chairman of the
2 Piatt County Soil and Water Conservation District.

3 I would like to ask the question: He says
4 -- he said that, after the one board meeting was
5 canceled because we did not have a quorum, that he
6 submitted a request to meet again. I, being the
7 chairman, that goes through me, and I never received
8 such a request.

9 **A. Sure. Yeah. I mean, just for clarity's**
10 **sake, I communicated with Julie, who I believe is**
11 **the admin for the Soil and Water Conservation**
12 **District. She is the one who I chatted with about**
13 **getting on the agenda the first time.**

14 When it was canceled, I understood that it
15 was canceled because of quorum. I followed up with
16 an e-mail to confirm she received our information
17 that we had submitted and offered at that time to
18 her via e-mail to be happy to come back for another
19 meeting or be happy to set up individual time to
20 discuss anything related to with the board or staff,
21 and I didn't hear anything back from her, so...

22 Q. Are you not aware that, being a public
23 body, that meetings are open to the public the third
24 Wednesday of every month?

1 What is the holdup?

2 Why don't you?

3 Or are you in disagreement with it?

4 **A. To be clear, we've submitted all the**
5 **information that they would need to do the**
6 **assessment and to do it independent. So we've**
7 **supplied them with whatever request made of us.**

8 Q. Right. But I think they have a protocol
9 of their own, don't they? Isn't that the topic?
10 Right?

11 **A. Sure. And, again, I am not the expert on**
12 **sort of the legality of all these things, especially**
13 **as it relates to the new state siting law. So there**
14 **are certainly considerations as it relates to that.**

15 **But my specific relationship in this has**
16 **been to help put together some materials and to**
17 **coordinate directly with Brie at the Soil and Water**
18 **Conservation District to make sure that they had**
19 **everything they needed to do the assessment.**

20 **So, to my knowledge, she has everything**
21 **that she would need to do an assessment of where our**
22 **facilities are with respect to the project.**

23 Q. Sure. No. I understand they have the
24 data needed. I don't know if that's being

1 questioned so much as the timeline is.

2 A. Sure. Yeah. Again, I am not a lawyer,
3 right? I don't even try to pretend to be one.

4 But, you know, there are things in there
5 that I don't necessarily understand that I think
6 that Mr. Keyt and our attorneys and others can speak
7 more eloquently about.

8 I think, from my perspective, you know,
9 Brie reached out and has been, you know, good to
10 communicate with. She is, obviously, working on the
11 Soil and Water Conservation's behalf. She has
12 requests of us. We have done what we can to supply
13 her with anything she would need to do the
14 assessment.

15 MR. HARRINGTON: I understand.

16 HEARING OFFICER: Any other questions from
17 the board?

18 Very good.

19 Thank you, Mr. Moore. You may step down.

20 Any further evidence in rebuttal,

21 Mr. Hess?

22 MR. HESS: No, sir. Thank you.

23 HEARING OFFICER: All right. Mr. Hess,

24 Ms. Antonioli, do you have any other exhibits that

1 you've referenced that are not in?

2 MS. ANTONIOLLI: Nothing.

3 MR. HESS: I don't believe so. No, sir.

4 HEARING OFFICER: All right. Very good.

5 Then it is time for a closing statement.

6 Ms. Antoniolli, are you ready?

7 MS. ANTONIOLLI: Yes.

8 HEARING OFFICER: Very good. You may

9 proceed.

10 By way of information for the public,
11 Ms. Antoniolli will give a closing statement on
12 behalf of Prosperity Wind, LLC, and then we will
13 open the floor up for public comment, and it will be
14 three minutes per person.

15 I am just going to call rows and sections,
16 as there is no sign-in, but we will get through
17 public comment.

18 And then, after public comment, Counsel
19 may make a rebuttal closing statement, if necessary,
20 and then we will be close to being done for the
21 evening.

22 Ms. Antoniolli, you may proceed.

23 APPLICANT'S CLOSING STATEMENT

24 MS. ANTONIOLLI: Thank you.

1 I would like to start by saying thank you.
2 It has been said several times, but I can't restate
3 it enough. Thank you to Chairman Wax and the Zoning
4 Board of Appeals members who have been here night
5 after night to listen to our presentation on
6 Prosperity Wind and all of the public comments.

7 Thank you to Zoning Administrator Nusbaum
8 for getting the public notice out in the paper
9 timely and all the behind-the-scenes details that
10 led up to the hearing tonight.

11 And thank you also to Mr. Keyt for
12 collaborating on issues related to the hearing.

13 And also, Mr. Kains, thank you for running
14 a fair and efficient hearing and also for sprinkling
15 your Dad jokes in when the time was right.

16 So we thank you for the opportunity to
17 present on the Prosperity Wind application and
18 present evidence to show that it meets all of the
19 applicable requirements.

20 What really came through over the past
21 week of hearings and what we are really proud of as
22 well is that the Prosperity Wind team, including
23 Mr. Moore, Mr. Carlson, Mr. Conley, and
24 Ms. Anderson, listened closely to the community

1 during the Goose Creek hearings and worked really
2 hard to provide you a new and improved application.

3 It's a project that brings more certainty,
4 more protection, and more financial assurance as
5 well as a reduced project footprint.

6 We heard from Mr. Moore, supported by
7 testimony from Dr. Loomis, that this project is a
8 rare economic opportunity for the county. It's
9 going to provide a stable source of income for many
10 years to come, and the project will provide
11 significant additional revenue to local taxing
12 districts, including local schools.

13 We also heard from Mr. Carlson, supported
14 by testimony from Mr. Seibring, your county
15 engineer, that the road use agreement is ready for
16 signature. It's going to bring millions of dollars
17 of road upgrades in the county and put millions of
18 dollars in the county's hands to perform the surface
19 road repair work in the way that the county sees
20 fit.

21 Mr. Conley, supported by testimony from
22 Mr. Carlson, explained how safety is one of Apex's
23 core principal values and the project will be
24 installed with state-of-the-art fire-suppression

1 technology, taking the fire safety component to a
2 whole new level beyond industry standards.

3 Ms. Anderson walked us through how the
4 application meets or exceeds in many cases each of
5 the Piatt County requirements. She walked us
6 through the ordinance from top to bottom with more
7 certainty in this application than she has ever seen
8 at this stage of development for any other project,
9 and you can be sure that the improvements are
10 noteworthy.

11 For example, no waivers are needed for
12 sound or shadow flicker, and the assumptions in the
13 decommissioning plan have been revised to provide
14 more than a million dollars in additional financial
15 security for the county if needed.

16 The next step for the ZBA is to make a
17 recommendation to the county on whether to approve
18 or deny the application.

19 At the Goose Creek hearings, at this
20 stage, when you were about to go into deliberations,
21 you were told to consider the seven hearing factors
22 in the Piatt County WECS Ordinance, also known
23 sometimes as the LaSalle factors, but there has been
24 a notable change in the law and that fundamentally

1 changes what a county may consider in deciding
2 whether to grant a special use permit application
3 for a wind farm.

4 Now, we've heard some consternation about
5 this new change in state law, and we hear you; but
6 the fact is county governments have only the zoning
7 authority given to them by statute, and that statute
8 with respect to zoning wind farms has changed.

9 Now the ZBA, in making its
10 recommendations, and the county board, when voting
11 on the application, must consider whether the
12 application meets the wind-specific provisions of
13 the county's code, the county's WECS ordinance
14 adopted consistent with that code, and all other
15 applicable state and federal regulations; and if it
16 does, the county shall approve the application.

17 And your expert, Mr. Minder, has done a
18 substantive review of the application and found that
19 it meets these requirements.

20 Now, the ZBA has a vital role to play in
21 this determination. As a ZBA, you have the
22 privilege of receiving and weighing evidence. You
23 have in the record before you the Prosperity Wind
24 Application in addition to everything that you've

1 heard under oath and that's been admitted into the
2 record, and you must now use your knowledge and
3 expertise to review that evidence to determine if
4 the application presented meets the standards.

5 The seven hearing factors are now a
6 secondary consideration. They only come into play
7 if evidence presented clearly does not satisfy the
8 factors. The hearing factors and the purposes of
9 the robust WECS ordinance that Piatt County has
10 adopted are to assure that any wind farm built in
11 Piatt County is safe, that it minimizes risks, and
12 it facilitates economic opportunities for local
13 residents.

14 The project fulfills the hearing factors
15 because it meets and in many cases exceeds the
16 Illinois state and federal requirements and all the
17 standards in your WECS ordinance. It includes the
18 setback requirements, sound and shadow flicker, and
19 safety protocols. And it establishes, for example,
20 in response to Mr. Gantz's concern about sound, a
21 robust, complete resolution process.

22 Under this complaint resolution process,
23 Apex will take every complaint very seriously. It
24 will investigate the underlying cause and reach a

1 resolution with the landowner on a case-by-case
2 basis, and that resolution will look different in
3 every instance where there is a complaint, but you
4 can rest assured that Apex takes every complaint
5 very seriously.

6 The application at pages 46 to 51 and
7 evidence presented throughout the past week of
8 hearings shows that the project satisfies the
9 hearing factors, and having fulfilled those means
10 that the ordinance's purposes have been fulfilled
11 related to public health, safety, moral, and general
12 welfare, and no evidence has been presented in this
13 hearing to the contrary.

14 It is on behalf of Prosperity Wind that we
15 respectfully request that the ZBA recommends
16 approving the project. Thank you.

17 HEARING OFFICER: Thank you, Counsel.

18 It is time now for public comment. We
19 will have public comment first from any members of
20 units of local government, including school
21 districts.

22 Anyone here from local government who
23 wishes to make a public comment?

24 Any county board members who wish to

1 address the zoning board?

2 Interested parties represented by licensed
3 attorneys, do you have any folks who wish to address
4 the board in public comment?

5 Mr. Hess?

6 Ms. Antoniolli?

7 MR. HESS: No, sir.

8 HEARING OFFICER: Okay. Very good. Thank
9 you.

10 Now we are going to open the floor to
11 members of the public who are in support of the
12 application.

13 May I see hands in the air, please, if you
14 are in support of the application and you wish to
15 address the board in a three-minute public comment?

16 I see Ms. Miner, I see Mr. Ehrat, and I
17 see Ms. Pankau.

18 Is that right? "Pankau"?

19 MS. PANKAU: Yes.

20 HEARING OFFICER: Okay. Anybody else in
21 support of the application?

22 All right. We'll begin with Meg Miner.
23 You'll have three minutes from the time I say go.

24 I feel like Guy Fieri on Guy's Grocery

1 Games. Nobody is a fan? All right.

2 Meg Miner?

3 COURT REPORTER: Spell your name for me.

4 MS. MINER: M-e-g M-i-n-e-r.

5 HEARING OFFICER: All right. Ms. Miner,
6 you have three minutes, and you may begin.

7 CLOSING COMMENTS IN SUPPORT OF APPLICATION

8 MS. MINER: Just briefly responding to
9 some things that came up in other people's comments,
10 the recycling question, I was really astonished at
11 the comparison between the blade recycling or the
12 waste that is expected over the next 50 years
13 compared to what we currently do, but I'll also
14 point out that I can't recycle anything in my
15 community. I have to go to other communities to
16 recycle anything at all, and nobody takes glass. I
17 mean how long has glass been around?

18 So, you know, it doesn't really shock me
19 that maybe the industry's -- the profit margins
20 haven't come up to make fiberglass recycling
21 profitable when we can't even do stuff that we've
22 had for ages.

23 The other comment that I had was on the
24 voter turnout. Yeah, it was a landslide vote

1 against this proposition after all our governing
2 bodies voted on it, but it was also a pretty low
3 voting turnout as I recall. I think it was around
4 20 percent of people in Piatt County showed up to
5 vote during that election. So, you know, it's the
6 way the ratios played out.

7 I don't think anyone has claimed to be
8 solely relying on wind to go into our grid. The
9 grid is really fascinating. If anybody hasn't
10 looked it up, it's really kind of an amazing
11 consortium or cooperatives, if you want to think of
12 it that way.

13 I think what we are talking about here is
14 diversifying, right? Diversify everything. We are
15 not supposed to put all of our eggs in one basket,
16 and I don't think anybody is saying wind is going to
17 be the solution to everything, every single problem
18 you have. We have to take baby steps to get us
19 somewhere because the direction we are going right
20 now is not good.

21 I'll just close by saying it is
22 all-hands-on-deck time. We need to do everything
23 that everyone can possibly do in our personal and
24 business relationships to get on the environmental

1 bandwagon. So, thanks for your time.

2 HEARING OFFICER: Thank you, Ms. Miner.

3 Mr. Ehrat? And, again, could you state
4 your name, spelling first and last?

5 MR. EHRAT: Braden B-r-a-d-e-n E-h-r-a-t.

6 HEARING OFFICER: Mr. Ehrat, you have
7 three minutes. Go right ahead.

8 MR. EHRAT: Yes. Thank you.

9 As Meg said, like, I don't think wind
10 energy is the absolutely -- and it's definitely not
11 -- the only solution. We need many other things
12 that have been prosed here. You know, we need
13 hydropower, although there is a limit. And we need,
14 you know, nuclear power development, all that stuff.

15 But I want to sustain our way of life
16 indefinitely for generations to come. By
17 definition, that means we must develop sustainable
18 energy, and wind turbines are a proven way that
19 works today.

20 And, you know, I think, like, the future
21 is here. My house is completely electric. We have
22 electric heating, electric cars, electric lawn
23 mowers, and so I really would actually like to see
24 wind turbines from my front porch powering all of

1 these things.

2 You know, yes, I wish they didn't require
3 diesel construction equipment to construct, but
4 nothing is free. Nothing has zero concerns, but the
5 benefits outweigh those concerns.

6 I did, however -- when I usually do
7 construction equipment at my house -- I built an
8 electric excavator. It's probably not big enough,
9 if you want to borrow it. Just so you know.

10 I look at MISO's website actually quite
11 often for my own interest. And yes, unfortunately,
12 the wind is intermittent, but that is why I have
13 programmed my electric car to charge at night or
14 whenever there happens to be the most wind or solar,
15 and that's possible today.

16 I have installed solar panels on my own
17 house and am installing them on my new house.

18 I want to point out that, you know, I
19 believe somebody pointed out why don't we just
20 install 30-foot wind turbines at all of our houses.
21 And I have looked into that and would really like do
22 it, but unfortunately the wind doesn't blow as much
23 farther down, and so you need height and scale. And
24 so that is why I support this large-scale wind

1 energy and also support panels on roofs.

2 How much time do I have?

3 HEARING OFFICER: You have about
4 40 seconds.

5 MR. EHRAT: Yep. Thanks.

6 I was also curious about -- let me know if
7 this is any improper research or whatever, but I was
8 also curious about impacts to agriculture and
9 yields. And according to a research study by the
10 Iowa State University, wind turbines do have a
11 measurable increase in crop yields, and this is due
12 to the fact that they create -- they kind of mix the
13 air a little bit, and that makes air interact with
14 the crops at the ground more, contributing to more
15 exchange of CO2 and other things in the air. So I
16 just thought that was interesting.

17 HEARING OFFICER: Mr. Ehrat, I am sorry,
18 but I am going to have to cut you off.

19 MR. EHRAT: Thank you.

20 HEARING OFFICER: Thank you for your
21 comments. We appreciate it.

22 And, Ms. Pankau, you may begin.

23 MS. PANKAU: So I am actually going to
24 touch a little bit on what we just heard and based

1 on what I heard from a couple of the other folks
2 that spoke tonight that created some uncertainty in
3 the role that wind and solar can and should play in
4 our future.

5 So we've heard this word MISO or MISO.
6 People say it different ways. So just to clarify,
7 it's actually the Midcontinent Independent System
8 Operator. So this is an independent, nonprofit,
9 member-based organization, and it manages those
10 three things. It manages the flow of electricity
11 across 15 US states. It facilitates one of the
12 world's largest energy markets. And (3) it plans
13 the grid of the future.

14 So, again, we heard this uncertainty. Do
15 wind and solar even have a place in our energy
16 future?

17 So I just wanted to say a few things about
18 what Illinois plans. You know, I work for
19 environmental nonprofit. You know, it sounds like
20 we are made out to be people who are picky about
21 these things.

22 Illinois actually has very reasonable
23 goals. Right now we have a state renewable
24 portfolio standard to try to get to 50 percent

1 renewable energy by 2040.

2 The state of Iowa already has 62 percent
3 of their electricity generation coming from wind.
4 Illinois sits at about 12. So we have a long ways
5 to go before we need to worry about reliability and
6 capacity and things like that. We are not making
7 these changes overnight. Fifty percent by 2040.

8 And then, according to MISO, in their 2022
9 regional resource assessment, they project that wind
10 and solar generation will serve 60 percent of MISO's
11 annual load by 2041.

12 So Illinois' goal is very consistent with
13 what MISO is planning for in its grid of the future.
14 Wind and solar certainly have a place to play in all
15 of the above approach of how we produce electricity
16 in our community and our state and our nation.

17 I think I'll just leave it at that. Thank
18 you.

19 HEARING OFFICER: Thank you, Ms. Pankau.

20 All right. This side of the room over
21 here, may I see a row of hands who would like to
22 make public comment?

23 Okay. I see. What's your name, ma'am?

24 MS. HOWELL: Vicki Howell.

1 HEARING OFFICER: Vicki Howell, okay. And
2 then Mr. Smith, Mr. Hartke, Mr. Reed.

3 Okay. In the first three or four rows,
4 anybody else that wants to raise your hand to talk?

5 Okay. Then, oh golly, the row that
6 Ms. Coil is seated in?

7 Ms. Coil, Ms. Ryan.

8 Okay. Anybody else on this side of the
9 room who I haven't written down?

10 I better write these down.

11 Ms. Coil and Ms. Ryan, okay.

12 Now on this side of the room, those
13 opposed, hands up if you want to make a three-minute
14 public comment.

15 All right. I have the following folks who
16 will be going in this order: Vicki Howell, Dan
17 Smith, Ted Hartke, Jim Reed, Ms. Coil, and Ms. Ryan.

18 Anybody else who wishes to speak in
19 opposition?

20 Okay. First of all, Ms. Howell?

21 Okay. If you could, please state your
22 name and spell your first and last names.

23 MS. HOWELL: Vicki Howell, V-i-c-k-i
24 H-o-w-e-l-l.

1 HEARING OFFICER: Okay. And you have
2 three minutes to say what you would like to say to
3 the board.

4 MS. HOWELL: Thank you. This is the first
5 time I've ever been at anything like this. It has
6 been an eye opener.

7 I do live right in the smack middle of the
8 new proposed project, and everywhere I look I am
9 going to see nothing but wind turbines, and now we
10 have a really nice view out there. So, please vote
11 no.

12 But the wind farms that are about 15 miles
13 from me that are on 136, there is nothing but
14 blinking lights when we look that direction, and
15 they look like they are right on top of us, so I
16 can't imagine what it's going to be when I have a
17 wind turbine a half a mile from my house.

18 And I would like to ask you guys:

19 Do you have any wind turbines next to you?

20 Would you like to live in a house with it
21 half a mile from your house looming over your house?

22 No. Not if you live in the country like
23 we do. You probably live in town with lots of
24 buildings around, and that's not what we like. So

1 we would like the peace and quiet and just the views
2 that we have, so please vote no.

3 HEARING OFFICER: All right. Thank you
4 very much, Ms. Howell.

5 Dan Smith. Mr. Smith, go right ahead.
6 Three minutes now starting.

7 MR. SMITH: Okay. You'll have to excuse
8 me if I mispronounce your name, Ms. Antoniulli.

9 MS. ANTONIOLLI: Very good.

10 MR. SMITH: Okay. So I am hearing from
11 you assurance that Apex is going to be there if
12 there is ever any problems, any issues, you are
13 going to be responsive, you are going to be -- you
14 are going to be listening.

15 My family and I met with Danny Jordan. He
16 was the salesperson that came around and giving us
17 the contract, having us to look at it and
18 encouraging us to do it.

19 He indicated that the wind farm, once it
20 was developed, would be sold. I don't know if he
21 was supposed to say that or what, so maybe you could
22 comment on that.

23 The other second point I want to make, and
24 I'll make this really brief. If anybody has ever

1 driven on Route 47, north of Gibson City, right
2 south of Dwight, there is a wind farm up there, and
3 probably every other turbine is leaking oil right
4 down the blades, and it's just terrible. You know,
5 I know this expensive synthetic oil they use in wind
6 turbines, you could see where it's dripping around
7 the blades. It's black around the nacelle.

8 So I don't know. I am getting the sense
9 that probably the people that signed those contracts
10 too were told that, hey, if there is any problems;
11 but those exist. Every time -- I go up to the
12 Chicago area quite a bit, and I see those all the
13 time. It looks to me like a wind farm was
14 developed, somebody purchased it, and they are just
15 not maintaining it.

16 So thank you very much for listening to my
17 comments.

18 HEARING OFFICER: Thank you, Mr. Smith.

19 Mr. Hartke?

20 MR. HARTKE: Greetings. My name is Ted
21 Hartke. I was happy to testify as much as you let
22 me testify. I had a lot more to say, and I don't
23 want anyone in Piatt County to go through what I
24 have gone through. I don't want anybody in Piatt

1 County to feel like they are in a position that
2 there is very few people that can go help the next
3 community along.

4 I think when bad things happen, you see
5 something, you say something, and I think that that
6 is an important thing to go by. We are all here
7 looking out for our neighbors.

8 I don't live in Piatt County, but I have
9 an employee who does. I think our neighbors are not
10 just next door; our neighbors are in the next county
11 over. I just don't and can't imagine not attempting
12 to help.

13 I think the burden we have been forced
14 into here is something. It's called regulatory
15 capture when people are making decisions that are
16 not going to be liable or have to live with the
17 outcome. Those folks are so disconnected; and if
18 you are disconnected from your bad decision, you'll
19 never pay a consequence for that. And I think that
20 is what we have happened here, is the State of
21 Illinois, northern Illinois legislators will never,
22 ever have to face up to our neighbor problem that we
23 are going to have.

24 For this board, I want to remind you that

1 regulatory capture, being forced to go along with
2 something because it's pushed upon us, that doesn't
3 trump human rights. The regulatory capture doesn't
4 trump constitutional rights. And regulatory capture
5 doesn't trump just simply doing the right thing.

6 I think that doing the right thing all the
7 time is -- and my fear of doing the wrong thing --
8 you know, folks are driven by positive things,
9 success, and reward.

10 HEARING OFFICER: Mr. Hartke, you have
11 30 seconds.

12 MR. HARTKE: Thank you.

13 HEARING OFFICER: Thank you.

14 MR. HARTKE: Other folks are driven by a
15 fear of failure to disappoint, to let down your
16 family, and let others down. I think that doing the
17 right thing will be looked upon kindly upon your
18 entry into heaven. Thank you.

19 HEARING OFFICER: Thank you, Mr. Hartke.

20 Mr. Jim Reed?

21 Holly, do you have the spelling of his
22 name?

23 COURT REPORTER: I do, from the first
24 night.

1 HEARING OFFICER: Very good.

2 Mr. Reed, your time.

3 MR. REED: Thank you.

4 Thank you, zoning board members, county
5 board members, everyone that has been involved in
6 the hearing process for giving us an opportunity to
7 be heard and express our views.

8 We've heard a lot of interesting things
9 here. One of the ones that I think is perhaps the
10 most challenging to me is that we heard statements
11 this needs to be for the public good. I do not
12 think this is for the good of any public that is
13 going to live anywhere near it. The sights, the
14 sounds, the noise.

15 When we went through the first round of
16 hearings, I signed up as neutral because I wanted to
17 hear the evidence and upon hearing that evidence
18 determined that it was not a good deal and formed my
19 opinion this time to be opposed to it.

20 I do compliment Apex on their some
21 modifications they have made. The fire suppression
22 issue is huge. I compliment them on that. The
23 question is: Has it gone far enough?

24 And I still do not believe the burden has

1 been made. We have heard recently about, you know,
2 is there part of a road agreement that covers the
3 decommissioning because that is going to be another
4 uproar of our community, would they tear everything
5 out and haul it out the roads.

6 We heard some of what I think is really
7 kind of incomplete data about recycling and the
8 materials, about tonnage of waste that comes out of
9 different projects; but if you notice through that
10 there was no consideration of the waste that goes
11 into the ground during construction. There are
12 thousands of tons of concrete and steel that are
13 land filled underneath our soil and on top of our
14 aquifer during the construction phase, but they
15 don't include that in any of their data, but that is
16 still waste that will remain long after these
17 structures are torn down and hauled away. What
18 happens to that going forward into the next many
19 decades, I don't know.

20 Our family is sustainable. We have been
21 here on the ground since 1888. That is far longer
22 than any of these projects have or ever will be in
23 operation.

24 So I challenge you to take the longer view

1 of what you are going to do here for our community.
2 The vast majority of people that have testified or
3 made comments in support of this are people that are
4 being paid or compensated or rewarded in some
5 fashion by the applicant. You need to consider that
6 as part of your decision.

7 I think that the application should be
8 denied because they are going to base this on
9 technical; but I think someone not being able to
10 sleep or enjoy the property they live in, or their
11 house, or their health, that is a technical
12 consideration that is far beyond this nuts and bolts
13 and measurements and math. So, I would ask you to
14 deny that application on behalf of the citizens you
15 represent. Thank you.

16 HEARING OFFICER: Thank you very much,
17 Mr. Reed.

18 Ms. Claudia Coil?

19 All right, Ms. Coil, whenever you are
20 ready, you may begin.

21 MS. COIL: Okay. The decision that the
22 boards make is not based just on a yes or no vote.
23 The decision needs to be really based on how
24 comfortable are each of you with disrupting people's

1 lives. How much collateral damage is acceptable?

2 Tonight we heard from Vicki Howell the
3 burdens, Gantzes, Mr. Smith, on their concerns for
4 health and sound and property rights.

5 How many potential health issues are
6 acceptable?

7 Apex still, and all the wind companies,
8 still avoid discussing or measuring possible effects
9 of low-density sound waves.

10 How much potential devaluation of houses
11 is acceptable?

12 How much loss of potential buyers/loss of
13 buyers is acceptable?

14 How much altering of the environment in
15 general is acceptable?

16 It seems that to the wind industry and the
17 state all collateral damage is acceptable.

18 Taking away the people's voice and vote of
19 the people and the boards also was acceptable
20 to them.

21 What will the state and cooperations take
22 away next?

23 Do not lose your heritage and your legacy.
24 Once it is gone, you will never have it back.

1 Thank you.

2 HEARING OFFICER: Thank you, Ms. Coil.

3 And Ms. Ryan, Susan Ryan?

4 Ms. Ryan, whenever you are ready, you may
5 begin.

6 COURT REPORTER: I don't have the
7 spelling.

8 MS. RYAN: Susan Ryan, S-u-s-a-n R-y-a-n.

9 HEARING OFFICER: Whenever you are ready,
10 go ahead.

11 MS. RYAN: So I am three miles north of
12 Farmer City and DeWitt County, just right close to
13 the McLean County line, and we attended the DeWitt
14 County hearings when they were starting the wind
15 towers, and it's very similar to this and actually
16 have the same people coming in. The property and
17 economic value estimators, they are the same ones
18 that came to DeWitt County's, and they also used
19 White Construction.

20 There was some talk about curtailment. I
21 guess I didn't catch the curtailment information
22 before regarding bats and maybe more, but there is
23 supposed to be -- just from my experience, there is
24 supposed to be curtailment in DeWitt County for the

1 wind towers during severe thunderstorm warnings, and
2 that has never happened. Since the plant started up
3 -- plant -- wind towers/complex, they actually were
4 fined \$5,000 because that is all we had was a \$5,000
5 fine if they did not fulfill that curtailment during
6 a severe thunderstorm warning, and apparently -- so
7 that was the end of June. They were charged by this
8 current board who is not the same board that
9 approved the wind towers in DeWitt County, and all
10 they could do was fine \$5,000 for each time they did
11 not curtail. Not per wind tower, just incident.

12 So at the end of June, they did not
13 curtail, and they paid a \$5,000 fine. And then, in
14 August, we had another severe thunderstorm warning
15 in DeWitt County and there's videos of them
16 definitely not curtailing.

17 So I think with these big companies, we
18 might be paying a lot of it with subsidies, but it's
19 more profitable, it appears, to just pay the little
20 \$5,000 fine and not do what they said they were
21 going to do in the agreement and then to continue
22 on. That seems to be the process so far in DeWitt
23 County.

24 The ADLS that was promised, it's still not

1 running in DeWitt County.

2 HEARING OFFICER: Ms. Ryan, you have 30
3 seconds.

4 MS. RYAN: Thank you for all of the time
5 that you have put into this. And I just want to
6 say, for the common good of our area, please vote
7 no. Thank you.

8 HEARING OFFICER: Thank you, Ms. Ryan.
9 Were there any other hands up that I
10 missed?

11 That concludes the public comment period.

12 Now there is an opportunity for a rebuttal
13 closing statement by the applicant.

14 Counsel, do you wish to address the board?

15 REBUTTAL CLOSING STATEMENT ON BEHALF OF THE APPLICANT

16 MS. ANTONIOLLI: Thank you. Just a brief
17 one.

18 We heard a few comments tonight about
19 issues, what will the company do if there is an
20 issue, will the company be sold, and I can say that
21 the business model is to own and operate this
22 project. But even if this project is sold at some
23 future time, for whatever reason, the WECS -- you
24 already have put a very robust ordinance in place

1 that requires a complaint resolution process, and
2 many times an issue like this is made part of the
3 ordinance that approves a project like this and has
4 made a condition that would pass on to a future
5 owner, if that was the case.

6 So that's all I have in addition. Thank
7 you.

8 HEARING OFFICER: Very good. Thank you,
9 Counsel.

10 All right. As I understand it we have two
11 issues to address before we take a recess. The
12 first is the issue of the NRI/LESA, and the other is
13 scheduling a night for the board's deliberations,
14 discussion, and vote on its recommendation to the
15 Piatt County Board.

16 Mr. Keyt, can you illuminate us on
17 discussions, if you want, discussions you've had
18 with Mr. Hess and Ms. Antonioli?

19 MR. KEYT: I think, with the zoning board,
20 the first zoning board, they do want to have at
21 least a sampling of wind turbine sites in arriving
22 at the scores. My understanding is that it would
23 take probably a week for each one of those to be
24 returned, and that the likelihood is that we'll be

1 able to reconvene and consider those in late
2 September or early October. I believe that is what
3 the board would like, is to at least have those
4 samplings, if it could.

5 HEARING OFFICER: Counsel, are you in
6 agreement on the sampling sites?

7 MR. HESS: Yes, sir. We are in agreement
8 with that, but we like late September a lot better
9 than early October to begin.

10 If I may respond, I think I'll try to
11 directly answer your question.

12 HEARING OFFICER: Yes.

13 MR. HESS: We are in general agreement
14 with what Mr. Keyt just said.

15 HEARING OFFICER: Okay. Do you have any
16 other response with respect to this issue?

17 MR. HESS: Yes, sir. Thank you,
18 Mr. Kains, and I can be brief.

19 At the beginning of this hearing we filed
20 a prehearing objection with regard to the NRI. I am
21 just going to call it the NRI issue. That
22 objection, just to remind everyone, since it was a
23 while, basically had two subparts. First was an
24 objection to this ZBA even making a finding

1 regarding the NRI issue because -- remember? -- at
2 that point we did not have an NRI report from the
3 Soil and Water Conservation District.

4 The second part of that objection was to
5 whether Piatt County could base a permitting
6 decision on an NRI report because our argument is
7 that violates state law.

8 Based on the evidence that was presented
9 tonight, and with what I think I understood Mr. Keyt
10 with what he's proposing, Prosperity Wind is willing
11 to withdraw the objection as to a finding. So it's
12 willing to narrow the objection. So we have no
13 objection to the ZBA considering an NRI report to
14 the Soil and Water Conversation District taking a
15 little bit more time to provide a supplemental
16 report. I don't mind proffering that we have
17 provided additional information this evening to
18 Ms. Gates so that she can do that.

19 What I would suggest, and what Prosperity
20 Wind would wholeheartedly agree with, I believe the
21 second issue that the ZBA is about to take up is a
22 date to come back for deliberations, and our
23 proposal would be that tonight the ZBA closes the
24 evidence in this hearing except for the limited

1 purpose of giving leave for the Soil and Water
2 Conservation District, if it wants to, to submit
3 supplemental or multiple supplemental reports. We
4 would have no objection to that, and we would not
5 raise objections about missing statutory deadlines
6 or whatever so long as it does not become a delay in
7 this process and so long as the second part of our
8 objection, about whether a permitting decision can
9 be made based on an NRI report that was preserved is
10 made part of the record. I don't think it needs to
11 be ruled upon in this hearing. It is really about a
12 final permitting decision. So long as that
13 objection is preserved, we think this is a workable
14 path forward. We would have no objection to that
15 type of question.

16 HEARING OFFICER: Mr. Keyt?

17 MR. KEYT: That is fine. I think, if
18 there is to be an argument on whether or not the
19 NRI/LESA score could be a basis of the decision,
20 that is an argument for a different day.

21 My understanding is the ZBA is okay with
22 the sampling that we've discussed. I believe the
23 ZBA is, based on my discussions with them.

24 HEARING OFFICER: Is that correct,

1 Chairman?

2 Mr. Harrington?

3 MR. HARRINGTON: Just for our refresher,
4 how many sites are you sampling?

5 MR. KEYT: I think there would be five
6 turbine sites in addition to a substation and a
7 lay-down yard.

8 HEARING OFFICER: Are you okay with that?

9 MR. CHAMBERS: Well, yeah. I am okay with
10 that.

11 MR. HARRINGTON: Yeah. We can go with
12 that.

13 HEARING OFFICER: All right.

14 MR. KEYT: Can I pause there for just a
15 second?

16 HEARING OFFICER: Yes.

17 MR. CHAMBERS: Would that be evenly
18 spaced?

19 MR. KEYT: It would be a sampling from
20 around the project as opposed to a concentrated
21 area.

22 In addition to the NRI/LESA issue, we need
23 to get the transcripts from the court reporter back.
24 The board needs all the documents or any evidence

1 because not every ZBA member has been here every
2 night, so we need to make sure that they have time
3 to read them.

4 HEARING OFFICER: Very good.

5 Yes. For the public's information, before
6 a board member can vote on this application, this
7 whole issue, they have to have been here for each
8 hearing. And if they were not here -- Mr. Chambers
9 missed one meeting, and Mr. Harrington missed one
10 meeting -- they will read the transcripts of those
11 of that particular session of the public hearing.
12 Mr. Larson and Mr. Lovin have not been here at any
13 of the sessions, any of the five nights. If they
14 are to cast a vote, they will have -- they will be
15 required to have read all five nights of transcripts
16 because, if you are going to vote on something, you
17 got to know what it is you are voting on.

18 Okay. All right. With that said,
19 Mr. Wax?

20 MR. WAX: I would like to ask Mr. Keyt
21 here: What is the scenario in terms of a particular
22 date, a best estimation, that we think will happen?

23 But we don't have the transcripts
24 completed, and the NRI/LESA evaluations are not

1 quite completed yet. What then?

2 MR. KEYT: Well, for sure they need to
3 have the transcripts, so we would have to address
4 that issue if and when it is proposed.

5 HEARING OFFICER: All right. Counsel,
6 with your consent, I am going to close the evidence,
7 as suggested by Mr. Hess, with the limited exception
8 of the submission of the NRI/LESA reports by Soil
9 and Water Conservation, okay?

10 Those will be the only documents that will
11 be allowed to come into evidence from this point
12 forward with respect to this particular public
13 hearing. Would that be correct?

14 MS. ANTONIOLLI: Yes. No objection.

15 MR. HESS: No objection.

16 HEARING OFFICER: Okay. Mr. Keyt?

17 MR. KEYT: I do not have an objection.

18 HEARING OFFICER: No objection, okay.

19 So the evidence is closed now. Everything
20 that has been said, everything, written
21 documentation, that has been submitted by way of
22 exhibits or written public comment, they are in the
23 record, and they will be considered by the Zoning
24 Board of Appeals when the voting occurs, and they

1 will also be sent on to the Piatt County Board for
2 its consideration.

3 The evidence is closed with the limited
4 exception of the NRI/LESA reports from the Soil and
5 Water Conservation District.

6 The next step is for the zoning board to
7 deliberate, discuss, and vote on the application.
8 You've heard that that, obviously, can't happen
9 tonight because the board will need transcripts to
10 review, and the Soil and Water Conservation District
11 will need to get their reports submitted.

12 Now, we'll open it up to a discussion,
13 first among board members, for -- well, first of
14 all, Mr. Chairman, we are going to need a motion, a
15 second, and a vote to cancel the remaining scheduled
16 dates of this hearing. That would be a motion that
17 we would need, Mr. Chairman, to cancel September 6,
18 September 7, September 8, and September 11.

19 MR. WAX: All right. Group, we need a
20 motion to cancel the dates 6, 7, 8, and 11. Do I
21 hear a motion?

22 MR. CHAMBERS: I'll make that motion.

23 MR. HARRINGTON: Second.

24 MR. WAX: We have a motion and second to

1 cancel the dates in September. Any discussion?

2 MR. HARRINGTON: No.

3 MR. WAX: Okay. Roll call, please.

4 MS. NUSBAUM: Mr. Harrington?

5 MR. HARRINGTON: Yes.

6 MS. NUSBAUM: Mr. Chambers?

7 MR. CHAMBERS: Yes.

8 MS. NUSBAUM: Mr. Wax?

9 MR. WAX: Yes.

10 HEARING OFFICER: All right. Now we need
11 to move on to discussion and a motion. First a
12 discussion probably for a motion to be made with
13 respect to dates in late September, early October.

14 Mr. Chairman?

15 MR. WAX: Let's open this up. Jim and
16 Will, what days are you -- what do you have
17 available in early October?

18 MR. CHAMBERS: So a question maybe for
19 Andy first before we get into that is: What was our
20 expected reasonable timeframe to expect the reports
21 to be done?

22 MR. KEYT: I think it's about a month,
23 roughly.

24 MR. CHAMBERS: And then the county board

1 meeting was the --

2 MR. KEYT: I believe it is scheduled for
3 the 11th.

4 MS. NUSBAUM: It is the second Wednesday.

5 MR. CHAMBERS: Which would be the 11th.
6 Okay. So, just looking at a calendar here, I would
7 lean toward the first week of October, which would
8 be Monday would be the 2nd and Tuesday would be the
9 3rd. Just looking at a calendar and how we would
10 run the schedule on these hearings, I would be
11 looking at the 3rd.

12 Anybody else have any thoughts?

13 MR. WAX: Taking your suggestion, the 3rd
14 is a possibility.

15 MR. HARRINGTON: That is as good as
16 anything.

17 MR. CHAMBERS: And then we would probably
18 have the 4th as a possible backup day if needed, and
19 then there would still be, you know, a week from
20 that date to the county board meeting.

21 MR. WAX: Sounds like a reasonable idea to
22 have a date and a possible backup date at that point
23 in time.

24 MR. HARRINGTON: As long as Andy is good

1 with that.

2 MR. KETY: Yeah. Those two dates are fine
3 with me, first of all.

4 Second of all, I would suggest we have the
5 3rd with a potential backup date for if we have to,
6 if for some reason, we can't finish the 3rd, if you
7 want to finish on the 4th.

8 MR. WAX: Makes sense. If you are roughly
9 okay with this, let's have a motion then to have the
10 3rd as a primary date with a possible backup date of
11 the 4th.

12 MR. HARRINGTON: I make a motion.

13 HEARING OFFICER: Got a motion?

14 MR. CHAMBERS: Second.

15 MR. WAX: Any more discussion?

16 HEARING OFFICER: Mr. Chairman, if I could
17 interject just a question for Ms. Antoniolli and
18 Mr. Hess.

19 October 3rd or 4th, are they -- are you
20 available?

21 MS. ANTONIOLLI: Both dates work. Thank
22 you.

23 HEARING OFFICER: Okay. Very good.

24 MR. WAX: You are available. We are

1 available.

2 Roll call, please?

3 MS. NUSBAUM: Mr. Chambers?

4 MR. CHAMBERS: Yes.

5 MS. NUSBAUM: Mr. Harrington?

6 MR. HARRINGTON: Yes.

7 MS. NUSBAUM: Mr. Wax?

8 MR. WAX: Yes.

9 HEARING OFFICER: Very good. That motion
10 carries.

11 So the discussion, deliberations, vote on
12 conditions for the permit, would it be approved, and
13 the discussion, deliberations, and vote on findings
14 of facts will be heard on October 3, 5:30 p.m.

15 Is this room available?

16 MS. NUSBAUM: I am waiting to hear back,
17 but it will probably be either here or upstairs.
18 Christopher is on his way to look at the book.

19 HEARING OFFICER: If we are all available
20 and ready to go, and we don't have a room, we'll be
21 like DeWitt County and do it in the park or what
22 have you.

23 We will have a vote on this application on
24 -- we are going to schedule a session of this public

1 hearing 5:30 p.m. to approximately 9:30 p.m., on
2 October 3, 2023, and we also will have a session on
3 October 4, 2023, also at 5:30 p.m. So those are the
4 two dates to continue this public hearing; is that
5 correct, Mr. Chairman?

6 MR. WAX: That would be correct.

7 HEARING OFFICER: All right. Very good.

8 Then, rather than adjourning, because we
9 can't adjourn a meeting that is going to continue
10 on, the board will --

11 Anything further from Counsel?

12 MR. HESS: No, sir.

13 HEARING OFFICER: Anything further,
14 Mr. Keyt?

15 MR. KEYT: No, sir.

16 HEARING OFFICER: Anything further,
17 Mr. Chairman?

18 MR. WAX: No, sir.

19 HEARING OFFICER: The board is in recess
20 until October 3, 2023, at 5:30 p.m., in this room.

21 MS. NUSBAUM: He just told me it is open.

22 HEARING OFFICER: In this very room.
23 Isn't technology great?

24 Thank you. We'll see you October 3rd.

CERTIFICATE OF REPORTER

I, Holly Wingstrom, CSR #84-003888, reported in machine shorthand the proceedings had in the above-entitled cause and transcribed the same by computer-aided transcription, which I hereby certify to be a true and accurate transcript of the proceedings had.


Holly Wingstrom, CSR #84-003888
Official Court Reporter

Dated: 9/17/2023

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