RENO&ZAHM LLP
ATTORNEYS AND COUNSELORS

MICHAEL G. SCHULTZ
MGS@RENOZAHM.COM

September 22, 2020

Poplar Grove Planning and Zoning Commission
200 N. Hill Street
Poplar Grove IL 61065

Re: Cases 2020-05 and 2020-06
Poplar Grove Solar, 4324 IL Rt. 173

Dear Commissioners:

This firm represents Don and Karen Lindberg who own three parcels of property adjacent to the proposed solar projects. One adjacent parcel (03-15-400-010) includes two residences, including Don and Karen's home on the southeast corner of the parcel closest to the proposed solar power facility. The Lindbergs have lived and farmed this property for generations (over 100 years). When this project was originally proposed (and approved) in 2018, the Lindbergs raised a number of concerns relating to drainage, setbacks and decommissioning. The Lindbergs feel comfortable with the conditions imposed on the previous special use (and request those same conditions be imposed), with one exception.

Condition number five (5) reads: "An agricultural drainage tile system survey shall be completed prior to commencement of the project. All identified drain tile shall be protected and repaired if damaged." We are concerned that this condition leaves ambiguity both in terms of the extent/definition of an "agricultural drainage tile system survey" and the time period during which the applicant must protect and repair damaged tile or the drainage system. We believe the protection and repair condition should apply to the entire period of the special use.

On September 20, 2020, the Boone County Soil & Water Conservation District sent the Village a letter of concern (attached for your ease of reference). The BCSWCD recommended certain conditions. Based on the recommended conditions from the BCSWCD, we request the Village adopt the following condition to replace condition number five (5) for both applications:

> "A subsurface agricultural investigation and survey shall be performed to accurately locate, map, and protect tiles, prior to any construction activity. The drainage system shall be protected and repaired or replaced, as necessary, during

the term of the Special Use to avoid any issues with the Illinois Drainage Law and any unforeseen flooding or impact to drainage that could negatively impact this project or any adjacent landowners."

We believe the above language closes any ambiguities, complies with Illinois drainage law, and ensures the BCSWCD's concerns are addressed. We also do not believe the condition imposes any undue burden or expense on the applicant. Rather the condition ensures the status quo and enables the Lindbergs to continue farming their adjacent property.

We appreciate your consideration.

Sincerely,

Michael G. Schultz

MGS:smc
Enclosure
cc: Don and Karen Lindberg
Gina DelRose, Zoning/Planning (gdelrose@ci.belvidere.il.us)
Aaron Szeto, Village Attorney (aaron@sosnowskiszeto.com)
Owen Costanza, Village President (president@villageofpoplargrove.com)
Trajectory Energy Partners, LLC, Applicant (jcarson@trajectoryenergy.com)

Boone County
Soil & Water
Conservation District

211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 x3

September 20, 2020

Village of Poplar Grove
200 S. Hill St.
Poplar Grove, Il 60165

Planning Officials of Poplar Grove:

Mr. Donald Lindberg contacted our office last week regarding concern for agricultural drainage tile on his farmland, adjacent and upslope to a proposed site for solar development on Illinois Route 173 within the Village of Poplar Grove jurisdiction. I would like to highlight a couple comments and emphasize the utilization of our natural resource's information report #1594, which was completed on August 17, 2018. Within this report on page 40 there is the proposed conceptual solar array plan. Based on site inspections and discussions with the adjacent landowner, Mr. Lindberg, there is an agricultural tile that goes through an area of proposed development (a tile riser is found on the southside of Illinois Route 173 that also supports this).

To protect this agricultural tile, it is ***highly recommended*** a subsurface agricultural investigation shall be performed to accurately locate, map, and protect tiles, prior to any construction activity. The system shall be protected during the term of the Special Use and to avoid any issues with the Illinois Drainage Law and any unforeseen flooding that could negatively impact this project, as well as the adjacent landowner upslope of the proposed project. A potential to protect both adjacent upslope landowner and project area, could include installation of an agricultural inspection riser; which would allow easier access to visually monitor water leaving the Lindberg property and entering the proposed project area. Here is it also emphasized to remind the applicant to abide by the Illinois Department of Agriculture's (IDOA) Agricultural Impact Mitigation Agreement (AIMA) where if tile is compromised it should be replaced to better or like kind.

Sincerely:

Jennifer Becker

Jennifer Becker
Administrative Coordinator/ Resource Analyst
Boone County SWCD