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1 JUDGE SLAVIN: All righty, everyone. Good
2 evening. Welcome back for our recessed Session
3 Number 5.

4 I will note that all members of the ZBA
5 are present: Mr. Forster, Mr. Buhrow,
6 Mr. Pratt, Mr. Bothe, Mr. Hughes, Mr. Meyer.
7 The fine Zoning Officer, Dee Duffy, is present,
8 as well as her counterpart, Mr. Boonstra, the
9 State's Attorney. Petitioner, Eldena Solar,
10 LLC, is here by its attorney, Ms. Kennedy, and
11 some of its employees. A number of Lee County
12 support staff are present, our court reporter is
13 present, as are a number of interested parties.

14 I say and continue to say, all attendees
15 are wearing masks and are trying their best to
16 maintain social distancing at 6 feet.

17 For those of you who may be trying to get
18 onto Zoom, either tonight or at any of the
19 recessed sessions to come, I'd like to reread
20 that this is a continuing meeting. So that
21 meeting ID remains the same on the Zoom
22 platform, 91539239154, as does the password
23 remain the same, 209840.

24 If you want to watch -- and on Zoom you

1 can participate in the proceedings. Not only
2 can you see and hear what's going on, you can --
3 when it's time, when it's the phase, you can ask
4 cross-examination questions, you can testify
5 yourself, and you can make public comment.

6 If you want to merely observe the
7 proceedings, you are unable to participate in
8 them, but you can go to YouTube,
9 www.youtube.com, type in leecountyil -- I-L --
10 zoningboardofappeals, find the correct date and
11 you will be able to watch the proceedings.

12 I also know that the -- in YouTube, the
13 proceedings are saved for a certain length of
14 time, and I have no idea how long each one is
15 saved. That's up to you to do.

16 All right. When we left off, we thought
17 the evidence had been concluded; however, the
18 first thing is an accommodation to a person I
19 ran into on the elevator coming up this evening,
20 who was just very politely telling me she wanted
21 to -- she was going to make a public comment and
22 then went on to describe part of her public
23 comment, and I had a short conversation with her
24 and said, I think that's much more appropriate

1 that you testify first so you can be
2 cross-examined, and then if you want to have a
3 public comment thereafter, you're entitled to
4 that.

5 And like I have been trying to -- I hope I
6 have been trying to send the message all along,
7 while there's an interest in keeping the
8 proceedings moving, I certainly, within reason,
9 want to give everyone their chance to have their
10 say, whether it's under oath.

11 So that's the lady in the back in the
12 yellow shirt. Why don't you come up, and I'll
13 put you under oath or affirmation.

14 Tonight we have this table set aside, the
15 one right across from the court reporter. If
16 you want to stand anywhere you want, and I'll
17 put you under oath.

18 (Mary Jo Zinke was duly sworn.)

19 MS. ZINKE: So there's a handout.

20 JUDGE SLAVIN: No, have a seat at the
21 table first. We'll get you started.

22 Great. Thank you.

23 MARY JO ZINKE,

24 having been first duly sworn, was examined and

1 testified as follows:

2 JUDGE SLAVIN: I'll help you get started.
3 State your name.

4 MS. ZINKE: Mary Jo Zinke.

5 JUDGE SLAVIN: Kind of fast. Mary Jo.

6 MS. ZINKE: Zinke.

7 JUDGE SLAVIN: Zinke, okay.

8 And where do you live? I don't --

9 MS. ZINKE: I'm from Sublette.

10 JUDGE SLAVIN: Huh?

11 MS. ZINKE: I'm from Sublette.

12 JUDGE SLAVIN: From Sublette?

13 MS. ZINKE: Uh-huh.

14 JUDGE SLAVIN: Okay. And do you farm
15 outside of Sublette?

16 MS. ZINKE: My home farm where I grew up
17 is -- borders some of the solar facility.

18 JUDGE SLAVIN: Oh, okay. Very good.

19 And I understand you have a handout you
20 want to make, and I am going to mark that,
21 everybody, Interested Parties Number 2.

22 (IP Exhibit Number 2 marked for
23 identification.)

24 JUDGE SLAVIN: I would like one, two,

1 three, four, five, six, seven, eight, nine, and
2 you can pass out the others.

3 MR. LUSZ: Is it okay if I help her?

4 JUDGE SLAVIN: Sure. Appreciate the help.

5 MS. ZINKE: Thank you.

6 JUDGE SLAVIN: If you want the -- unless
7 you want to save one for yourself.

8 MR. LUSZ: I'll hand it to him too.

9 MS. ZINKE: Thank you.

10 JUDGE SLAVIN: If you want to keep one for
11 yourself, you can keep one for yourself.

12 MS. ZINKE: I know what it is.

13 JUDGE SLAVIN: Go ahead and hand them out.

14 MR. LUSZ: The other ones?

15 JUDGE SLAVIN: Yeah, I thought that's what
16 she wanted to do.

17 I have got the nine. I assumed she wanted
18 the others just for folks in the audience.

19 Mr. Forster, would you mind handing those
20 out to -- there's one short, but that's because
21 you have only got five. Those are for the
22 Board, just for the Board.

23 Do you have one for Callie? I'll give her
24 mine.

1 MS. KENNEDY: Are you sure?

2 JUDGE SLAVIN: Positive.

3 And, I'm sorry, short memory. What was
4 your first name?

5 MS. ZINKE: Mary Jo.

6 JUDGE SLAVIN: Okay. I'll keep helping
7 you get started, Ms. Zinke, and then you can
8 take it from there.

9 MS. ZINKE: Okay.

10 JUDGE SLAVIN: You have handed out what I
11 have marked IP Number 2, meaning Interested
12 Parties Exhibit Number 2, and it appears to be a
13 satellite map.

14 First of all, from where did you get that?

15 MS. ZINKE: GIS satellite.

16 JUDGE SLAVIN: Thank you.

17 And it is labeled in sort of the middle,
18 "Our Farm 95 Acres." Who is "our farm"?

19 MS. ZINKE: That would be my sister, her
20 husband, and my husband's farm.

21 JUDGE SLAVIN: Okay.

22 MS. ZINKE: Where we grew up.

23 JUDGE SLAVIN: And it's depicted in the
24 lighter color; is that right? Or is it --

1 MS. ZINKE: Yes, I believe it's the
2 lighter color, yes. Yup.

3 JUDGE SLAVIN: Or is it a colored section?

4 MS. ZINKE: Nope, it's the lighter colors.
5 There's another -- across the creek there's
6 another 45, but that's just the way it comes out
7 on the GIS map.

8 JUDGE SLAVIN: Okay. Great.

9 MS. ZINKE: And the solar farm is also on
10 the -- to the left side of my 95 acres. I just
11 didn't tag that, because I'm talking basically
12 about these solar acres behind -- right behind
13 the 95.

14 JUDGE SLAVIN: Okay. You take from there.

15 MS. ZINKE: Okay.

16 JUDGE SLAVIN: And stick to facts, and
17 tell the Board what you want.

18 MS. ZINKE: Okay. Best of my knowledge,
19 from what I have experienced in 20 years of
20 farming this land.

21 Hello, my name is Mary Jo Zinke. Some of
22 you might know me better as Mary Jo Brasky,
23 daughter of Joe and Ethel Brasky, lifelong
24 farmers in the south Dixon area.

1 My father farmed the 95-acre field that is
2 bordered by the field designated area to be of a
3 solar farm for over 30 years. You can see from
4 the handout the piece of land I'm talking about.

5 From 1985 to currently, my husband, son,
6 and myself have farmed this land for another 40
7 years. We have 70-years-plus knowledge
8 concerning the drainage and the conditions that
9 occur when there are storms that produce
10 flooding and runoff into our field and pasture
11 from the field that is going to be part of the
12 solar farm.

13 All the rain runs straight into our 95
14 acres. Sometimes when there is more than 2 to 3
15 inches of rain, there are huge gullies that
16 occur. The water runs down heading north into
17 our pasture and dumps into the creek. To say
18 that this is safe is unconscionable and is an
19 incorrect assessment.

20 First I want to talk about soil erosion
21 that happens. The land that is tagged to be
22 solar farm sits at a slightly higher elevation
23 than the ground. There are several places
24 between the two fields where water comes rushing

1 out of that field into my 95 acres.

2 My concern is that without a row crop
3 holding the water force back, just how much
4 deeper and wider are the gullies going to be in
5 my field? This goes without even mentioning the
6 contamination from the toxic chemicals that
7 could be released or shards of glass that could
8 be dumped in my field by the force of running
9 water.

10 It is not uncommon now that the gullies
11 produced are so wide and deep. They are
12 dangerous to maneuver in my field for the
13 combine and the tractor pulling the auger cart.

14 The rows in the 95-acre field run east to
15 west to combat erosion, but most of the time
16 that is of little help. Many times we have to
17 harvest the field by driving up to the gully as
18 far as we can, back up, turn around, go back to
19 the other end, and harvest going in one
20 direction from the east. Once we get done on
21 the east side of the gully, we go over to the
22 west side and do the same thing. This is a
23 time-consuming process that draws out harvesting
24 of this field by at least one to two days extra.

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1 Farming is all about risks and rewards.
2 We understand this happens all the time and deal
3 with it. But this situation will be much worse
4 by not having some type of cover crop to help
5 with the erosion and the soils in our field. In
6 the spring we always have to use a blade to
7 close up the gullies made to some extent every
8 year.

9 My second concern deals with the pasture
10 and the water source for the 15 to 20 cows we
11 pasture in Dixon every summer.

12 You can see there is approximately 36
13 acres of pasture we have, and the creek runs
14 clear through it heading east. At least once a
15 year the pasture is 50 percent flooded, and the
16 force of the water takes out several fences
17 which have to be repaired to keep our cows in.

18 I'm concerned about glass shards and
19 chemicals dumped into the pasture that my cows
20 could ingest and the quality of the water in the
21 creek from toxins that could be in the runoff
22 water.

23 Not long ago in one year the pasture was
24 flooded five times so badly that fences were

1 taken out each time. This is a lot of runoff to
2 deal with in any given year.

3 The creek is a water source for at least
4 two close neighbors for their cows and goats.
5 So they are affected by the runoff that starts
6 in my pasture.

7 Lastly, there are concerns for the
8 wildlife that come into contact with that creek
9 for many, many miles that it does run. We
10 definitely are not being good caretakers of our
11 environment if all this is not considered.

12 Who is going to be liable and responsible
13 for the excessive damage in my field for gullies
14 and the contamination of water source possible
15 for these animals?

16 Our son is a fourth generation farmer.
17 That isn't a huge number, but hopefully his
18 children might follow on in his father's -- in
19 their father's and grandfather's footsteps.
20 Having this land to pass down to the next
21 generation to farm is important to us. The
22 value of the land can certainly be harmed, but
23 the quality of the land and water source is an
24 immense importance, more than anything else.

1 I hope that you hear the concerns of the
2 people in the community --

3 JUDGE SLAVIN: Now that -- now is the time
4 to stop there.

5 MS. ZINKE: Okay.

6 JUDGE SLAVIN: That's part of the speech
7 that --

8 MS. ZINKE: Right. Right.

9 JUDGE SLAVIN: Okay. Cross-examination as
10 to the facts.

11 Ms. Kennedy?

12 MS. KENNEDY: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. KENNEDY:

15 Q. Ms. Zinke, are you familiar with what's known
16 as the Agricultural Impact Mitigation Agreement?

17 A. No, I'm not. I'm sorry.

18 MS. KENNEDY: I have nothing further, Your
19 Honor.

20 JUDGE SLAVIN: All right. Members of the
21 ZBA.

22 Mr. Forster?

23 MR. FORSTER: No questions.

24 JUDGE SLAVIN: Mr. Buhrow?

EXAMINATION

BY MR. BUHROW:

Q. Is there presently any conservation work done on the neighboring farms to keep the water from --

A. No, I do not believe any confirmation -- conservation was ever done in the field above us. Every time it rains, it gushes into our field.

MR. BUHROW: Okay. Thank you.

JUDGE SLAVIN: Mr. Bothe?

MR. BOTHE: No.

JUDGE SLAVIN: Mr. Pratt?

MR. PRATT: No.

JUDGE SLAVIN: Mr. Hughes?

MR. HUGHES: Yes.

EXAMINATION

BY MR. HUGHES:

Q. Were you aware that as part of the plan for the solar farm there is a vegetation management plan?

A. I heard that. I just want to make sure that that will happen, that it will be good enough to handle the water force that's going to be coming

1 out of that field, because it is significant. I
2 have seen it.

3 MR. HUGHES: No further questions.

4 JUDGE SLAVIN: Mr. Meyer?

5 MR. MEYER: No questions.

6 JUDGE SLAVIN: Mr. Boonstra?

7 MR. BOONSTRA: No questions. Thank you.

8 JUDGE SLAVIN: Ms. Duffy, any questions?

9 MS. DUFFY: No questions.

10 JUDGE SLAVIN: Okay.

11 MS. DUFFY: Thank you.

12 JUDGE SLAVIN: People -- Zoomers --

13 Ms. Zinke, if you would wait just a minute. We
14 haven't had any questions from Zoom, but just a
15 minute.

16 Questions from any people on Zoom?

17 Are they unmuted, Alice, or have you tried
18 to unmute them?

19 UNIDENTIFIED ZOOM SPEAKER: It would be a
20 conflict of interest anyway if they have got a
21 farm that's involved in -- well, they have this
22 one but --

23 MS. HENKEL: I don't think they know
24 they're unmuted.

1 JUDGE SLAVIN: Where is that coming from?

2 Oh, I see.

3 Zoom people, if you have a question,
4 please either make a noise or raise your hand by
5 going down -- taking your cursor down, near the
6 bottom you'll see an icon that says "raise
7 hand," and we'll see it.

8 If you're on audio only on your cell
9 phone, press star nine, or asterisk nine.

10 Folks, cell phones, please. Thank you.

11 Okay. Thank you.

12 MS. DUFFY: Judge?

13 JUDGE SLAVIN: Yeah.

14 (A discussion was held off
15 the record.)

16 JUDGE SLAVIN: Any members of the public
17 have questions of Ms. Zinke? Raise your hand.
18 She can walk back up here.

19 Okay. The rest of the members of the
20 public, I certainly gave -- Ms. Zinke and I just
21 met by pure coincidence in the elevator, and I
22 want to give anyone else the same chance.

23 So you understand that tonight, if you
24 were going to make a public comment, that -- how

1 can I say it -- sort of similar to that which
2 Ms. Zinke made, I'll give you the chance. I
3 don't want to shut anybody off.

4 MR. LUSZ: Can I ask her a question?

5 JUDGE SLAVIN: Sure.

6 MR. LUSZ: I'm sorry.

7 EXAMINATION

8 BY MR. LUSZ:

9 Q. Ms. Zinke, are you --

10 JUDGE SLAVIN: Wait a minute. Nobody is
11 going to be able to hear her.

12 Courtney, could you hand her that
13 microphone?

14 MS. KENNEDY: You bet.

15 JUDGE SLAVIN: It's my fault.

16 Q. (By Mr. Lusz:) Are you familiar with the
17 request for the Variance along your parcel at
18 all?

19 A. I do not believe that my parcel is included in
20 that Variance that's off to the right-hand side
21 of that 95 acres. I don't -- I don't think --
22 from what I understood, it wasn't.

23 JUDGE SLAVIN: Well, Mr. -- asking her the
24 question is fine, but you have got to identify

1 what you're doing, otherwise --

2 MR. LUSZ: I was going to try to offer her
3 the map to see.

4 JUDGE SLAVIN: Well, is it part of the
5 Applicant's --

6 MR. LUSZ: Map, yeah, out of their
7 application.

8 JUDGE SLAVIN: Okay. Then just say, I
9 have Page Number.

10 MR. LUSZ: Uh-oh.

11 JUDGE SLAVIN: Don't talk low. The court
12 reporter can't pick it up. Just don't talk.
13 Don't do that, Mr. Lusz. You have got to --
14 we're making a record. You have got to identify
15 for the record what you're calling her attention
16 to.

17 THE WITNESS: I'm not sure where the
18 Variance is.

19 JUDGE SLAVIN: Don't do it. Please,
20 that's how we get out of control.

21 THE WITNESS: Okay.

22 MR. LUSZ: Okay. I have got, in Appendix
23 C, I have C.100, Overall Site Plan.

24 JUDGE SLAVIN: And I am showing that to

1 Ms. Zinke, correct?

2 MR. LUSZ: And I'm showing that to
3 Ms. Zinke.

4 JUDGE SLAVIN: Now, ask her a question
5 about it.

6 Q. (By Mr. Lusz:) So, Ms. Zinke, can you point to
7 the property that you're --

8 A. The property is right there.

9 JUDGE SLAVIN: She's pointing in the up --
10 all I can see is the upper, very upper middle.

11 MR. LUSZ: Yes.

12 A. And that's the picture that I gave you.

13 JUDGE SLAVIN: Don't -- just answer the
14 question. Now just answer the questions.

15 A. Okay. I do not know where the Variance --

16 JUDGE SLAVIN: Don't -- okay.

17 MR. LUSZ: I don't have any further
18 questions.

19 JUDGE SLAVIN: Are you sure? That got a
20 little out of --

21 MR. LUSZ: It's not -- I don't have any
22 questions.

23 JUDGE SLAVIN: That was real messy. We're
24 not going to be able -- on the record that's not

1 going to show anything.

2 So you pointed in the upper middle, and
3 that's your --

4 Q. (By Mr. Lusz:) That's your property then right
5 there, Ms. Zinke? Right there?

6 A. Correct.

7 MR. LUSZ: Thank you. No further
8 questions.

9 JUDGE SLAVIN: I don't mean to be
10 difficult.

11 MR. LUSZ: Sorry.

12 JUDGE SLAVIN: When you read that little
13 sequence on a piece of paper, you won't know
14 what anybody is talking about until we corrected
15 it, I hope.

16 Once again, folks, last chance to get
17 under oath and testify facts like Ms. Zinke just
18 did.

19 Okay. That closes interested parties'
20 evidence.

21 Under the Board's rules, Ms. Kennedy, you
22 have an opportunity for rebuttal.

23 MS. KENNEDY: I have one witness, Your
24 Honor.

1 JUDGE SLAVIN: Okay. I would like to call
2 Ben Adamich.

3 (Ben Adamich was duly sworn.)

4 JUDGE SLAVIN: Have a seat up here, I
5 guess. Don't fall down.

6 THE WITNESS: That was a little broken.

7 JUDGE SLAVIN: You may inquire.

8 MS. KENNEDY: Thank you, Your Honor.

9 REBUTTAL DIRECT EXAMINATION

10 BY MS. KENNEDY:

11 Q. Mr. Adamich, you previously testified on August
12 6th, 2020; is that correct?

13 A. Yes.

14 Q. And I'm assuming that your qualifications that
15 you testified to still remain tonight?

16 A. They remain the same, correct.

17 Q. Now, there's a rumor going around that the
18 company intends to place a layer of gravel under
19 each of the solar panels. Is this true?

20 A. No, that is not true.

21 Q. Through your discussions regarding the proposed
22 project, have you received any letters of
23 support for the proposed project?

24 A. We have.

1 Q. And do you recall who or what?

2 A. We received a letter of support from the Amboy
3 School District dated August 6th in support of
4 the project.

5 MS. KENNEDY: Judge, I'm handing out -- I
6 forget what number we're on for Petitioner's
7 exhibits.

8 JUDGE SLAVIN: I'll tell you in a minute.
9 I think I'll be able to tell you. 6, P 6, for
10 Petitioner's 6.

11 (Petitioner's Exhibit Number 6
12 marked for identification.)

13 JUDGE SLAVIN: Do you have one, Callie?
14 Off the record.

15 (A discussion was held off the
16 record.)

17 JUDGE SLAVIN: Okay. Back on the record.

18 MS. KENNEDY: Judge, did you say this was
19 Number 6?

20 JUDGE SLAVIN: I did.

21 MS. KENNEDY: Thank you.

22 JUDGE SLAVIN: P Number 6.

23 Q. (By Ms. Kennedy:) And, Mr. Adamich, I just
24 handed you a document that I have now labeled

1 Petitioner's Exhibit Number 6. Is this that
2 resolution that you were just discussing?

3 A. Yes.

4 MS. KENNEDY: Judge, I would like to enter
5 that into evidence.

6 JUDGE SLAVIN: Done.

7 Q. (By Ms. Kennedy:) Now, it's my understanding
8 that after several meetings the company has
9 reached an agreement with some of the interested
10 parties; is that correct?

11 A. Yeah. We have agreed to make some changes to
12 the project, yes.

13 Q. And why have you decided to change or modify
14 the proposed project?

15 A. Well, as a company that owns and operates a
16 project in Lee County, and we'll be here for
17 hopefully some considerable amount of time, and
18 hopefully we'll have other renewable energy
19 projects in the county that, you know, will have
20 a presence here, we did receive a number of
21 neighbors to our proposed Eldena project that
22 had concerns about the project. And so in
23 working with them on their various concerns, you
24 know, we're -- we're willing to make some

1 changes to the project in accordance with those
2 concerns, to address them to the best extent we
3 can.

4 I would say that I think there's still one
5 or two items for us to work out on, but I think
6 for the most part, you know, we're able to make
7 some changes that at least at face value seem to
8 be agreeable to many of the folks living nearby
9 to the project.

10 Q. And does the company intend to be bound by
11 these modifications that you're going to list
12 out verbally?

13 A. Yes, we do. Yup.

14 Q. Could you please go through them?

15 A. Sure.

16 So we are proposing to make the following
17 changes, mainly to our design. So starting out
18 with fencing, we've agreed for fencing along
19 property lines of adjacent parcels to be set
20 back a minimum of 10 feet from the side or rear
21 lot line.

22 We have agreed that vegetation in the
23 whole array area will be maintained for noxious
24 weeds.

1 Q. And, Mr. Adamich, I'm going to ask you to slow
2 down, because I see people are taking notes. So
3 if you can just slow it down a little bit to
4 allow them time, that would be great.

5 JUDGE SLAVIN: Start with the vegetation
6 you just --

7 A. We have agreed that we'll maintain the
8 vegetation on the site such that noxious weeds
9 are controlled.

10 We have agreed to utilize a woven wire
11 fence instead of chain link. This is also
12 typically referred to as an agricultural woven
13 wire fence. We have agreed to plant some visual
14 screening buffers around a few of the
15 residential properties adjacent to our solar
16 project.

17 The screening buffer will contain at least
18 two rows of shrubs, one coniferous-style shrub
19 and one more decorative-style shrub, such as a
20 Cardinal Dogwood, to visually break up the fence
21 line.

22 We are also in agreement to fund a
23 financial surety in the form of letter of
24 credit, cash escrow, or bond in favor of the

1 County equal to 100 percent of the costs to
2 install the vegetation until it has been
3 sufficiently planted or established.

4 We have agreed to ensure that our
5 surveillance system on the site will not be
6 intrusive on people's private property.

7 And then we have agreed that the -- if we
8 do use cameras, they will be set back 300 feet
9 from the property line of home lots, lots with
10 homes on them.

11 And then we have agreed to reinforce our
12 adherence to the Lee County Ordinance with
13 respect to the following sections: the Glare
14 Section for solar energy systems, the Noise
15 Section, and the EMF Section.

16 Further, we have agreed to adhere to the
17 Lee County Code requirements with respect to
18 construction standards, mainly dealing with
19 construction timing throughout the day. As
20 well, we will abide by the Illinois Pollution
21 Control Board standards for construction timing.

22 And then we have been agreeable to impose
23 setbacks to our substation from nonparticipating
24 property lines.

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1 bound to these conditions. How do you intend on
2 being bound to them?

3 A. We're intending to be bound to them by written
4 agreement with, you know, neighboring landowners
5 that we have been dealing with and making these
6 commitments to. Further, we would be in
7 agreement to have conditions placed on our
8 permit, which is the typical course of action
9 for something like this, from my experience.

10 MR. BOONSTRA: Okay. Thank you.

11 JUDGE SLAVIN: Thank you.

12 Ms. Duffy?

13 MS. DUFFY: Nothing.

14 JUDGE SLAVIN: Members of the Board.

15 Mr. Forster?

16 MR. FORSTER: No questions.

17 JUDGE SLAVIN: Mr. Buhrow?

18 EXAMINATION

19 BY MR. BUHROW:

20 Q. Earlier when you testified, I think you -- or
21 someone had talked about the platted sub- -- old
22 platted subdivision. Has anything -- and the
23 300-foot setback. Has anything been negotiated
24 on that or changed?

1 A. We're not proposing any changes to that at this
2 time.

3 MR. BUHROW: Okay. That's all.

4 JUDGE SLAVIN: That's it? Okay.

5 Okay. Mr. Bothe?

6 EXAMINATION

7 BY MR. BOTHE:

8 Q. If there's a change in the fencing, is the
9 fence going to be a foot off the ground or so,
10 or is it going to be tied down so the animals
11 can go under --

12 MR. HUGHES: Gene, talk in to that.

13 THE WITNESS: I heard you, but maybe they
14 didn't.

15 JUDGE SLAVIN: See, that's the problem.
16 Whether you heard him or not is not the issue;
17 it's the Zoom.

18 MR. BOTHE: That close?

19 JUDGE SLAVIN: Yeah, you have got to be
20 pretty close.

21 Q. (By Mr. Bothe:) With the new fencing, are you
22 going to have it a foot off the ground so
23 animals can come under and be in that area?

24 A. No, we're not proposing that. Animals find

1 their way through the fence whether it's off the
2 ground or not, and that would only just make us
3 have to build the fence a bit taller if we were
4 to raise it up off the ground.

5 So in consultation with some of the
6 neighboring landowners, you know, I think we are
7 in agreement that we should try to keep the
8 fence as low as can be for the National Electric
9 Code. So to answer your question, no, we're not
10 proposing to raise the fence off the ground.

11 MR. BOTHE: Okay.

12 JUDGE SLAVIN: Thank you.

13 Mr. Hughes?

14 MR. HUGHES: No questions.

15 JUDGE SLAVIN: Mr. Pratt?

16 MR. PRATT: Yes.

17 EXAMINATION

18 BY MR. PRATT:

19 Q. So Number 6 of your points that you made you
20 talked about funding a financial surety for the
21 cost of the vegetation, correct?

22 A. Yes.

23 Q. Explain what vegetation you're talking about.

24 A. We discussed a visual screening buffer,

1 coniferous and decorative shrubs. The financial
2 guarantee or surety would be for the
3 establishment to simply guarantee the
4 establishment of that buffer that we're
5 committed to doing.

6 Q. So it's not the vegetation of the whole
7 property, the grass under the panel?

8 A. No, the intent was to be specific to the
9 landscaping screening buffer.

10 MR. PRATT: Okay. No further questions.

11 JUDGE SLAVIN: Thank you.

12 Hand it over to Mr. Meyer.

13 MR. MEYER: No questions.

14 JUDGE SLAVIN: Okay. Interested parties,
15 we don't have a runner, but --

16 MR. BOONSTRA: I will.

17 JUDGE SLAVIN: Mr. Boonstra volunteered.

18 State your name before you ask the
19 question please.

20 MR. POPOVICH: Nick Popovich.

21 JUDGE SLAVIN: Thanks. What's your
22 question?

23 EXAMINATION

24 BY MR. POPOVICH:

1 Q. Can I get a copy of the changes and
2 considerations you have been making?

3 JUDGE SLAVIN: The transcript is available
4 every -- I think every second day after a
5 hearing. It's on the website.

6 MR. POPOVICH: Thank you.

7 JUDGE SLAVIN: Sure.

8 EXAMINATION

9 BY MR. LUSZ:

10 Q. Mr. Adamich, can you -- one of the -- I believe
11 it was about the first point that you made was
12 fencing along property lines other than
13 adjacent -- all other adjacent parcels shall be
14 set back a minimum of 10 feet from the side or
15 rear lot line.

16 Could you describe a little more clearly
17 what that means?

18 A. It means we have agreed to have a setback to
19 our fencing from adjacent parcels for that
20 distance specified.

21 Q. Would those be parcels that would be being used
22 more for, like, ag, like tillable ground? Is
23 that what that means?

24 A. It would be the side and rear yard -- we're

1 working on other setbacks, as you are aware,
2 that we have discussed, to try to apply to --
3 specific to residential lots specifically.

4 So the intent of my statement wasn't to
5 imply that I think we have reached an agreement
6 on a setback that can -- that can be appropriate
7 from the residential lot lines. I think what my
8 statement was, was more pertinent to the project
9 as a whole. But I think, as stated, we're still
10 working on the setback from residential lot
11 lines.

12 Q. Residential being, like, AG-1 residential lot
13 lines versus R-1 residential lot lines, like as
14 an example?

15 A. Could you clarify that? Sorry.

16 Q. I can't think of the wording here. I'm sorry.

17 I was trying to ask for better clarity to
18 delineate between the AG-1 and R-1 residential
19 lots versus the rest of the property that would
20 be on the fence line. Does this statement here,
21 the 10-foot setback, this is in reference to
22 nonresidential lots, correct?

23 A. It's to all adjacent parcels.

24 Q. Yeah.

1 A. Yeah.

2 JUDGE SLAVIN: So let me --

3 MR. LUSZ: Yeah, thank you.

4 JUDGE SLAVIN: Is it true that all
5 adjacent parcels will have at least 10 -- the
6 fence will be set back at least 10 feet from
7 their property line?

8 THE WITNESS: Yes.

9 JUDGE SLAVIN: And that you are
10 negotiating with R-1 owners for perhaps more of
11 a setback; is that correct?

12 THE WITNESS: Yes, that's correct. Yup.

13 Q. (By Mr. Lusz:) And AG-1 setbacks? AG-1 and
14 R-1? These residents live on AG-1-zoned
15 property. We're still negotiating?

16 A. Yeah, residential -- lots with residences on
17 them. If that wasn't -- yup.

18 MR. LUSZ: I'm just trying to make sure
19 it's clear. I think I have got it cleared up.

20 JUDGE SLAVIN: I can't hear you, I'm
21 sorry.

22 MR. LUSZ: I think I -- I hope it's
23 cleared up.

24 JUDGE SLAVIN: That's a comment. Do you

1 have any questions, more questions?

2 MR. LUSZ: I think it's okay.

3 JUDGE SLAVIN: Okay. Other questions of
4 this witness?

5 Okay. I saw the gentleman in the green
6 first. Probably looking in that direction,
7 but. . .

8 MR. BRIGHT: Lonnie Bright, Eldena.

9 EXAMINATION

10 BY MR. BRIGHT:

11 Q. Did you make a presentation to the Amboy School
12 Districts, the Board or superintendent of the
13 schools, showing them the proposal and proposed
14 solar system?

15 A. I don't believe we made a full presentation,
16 no.

17 Q. What kind of presentation did you give?

18 JUDGE SLAVIN: Don't -- if you don't know,
19 just say you don't know.

20 A. I don't know.

21 JUDGE SLAVIN: I don't want answers coming
22 from someplace other than you, for obvious
23 reasons.

24 MR. BRIGHT: I'm sorry?

1 JUDGE SLAVIN: I told him, I don't want
2 answers coming from someone other than him, for
3 obvious reasons.

4 Q. (By Mr. Bright:) Do you believe that the
5 proposal that you have that showed the amount of
6 taxes that would be going into the Amboy
7 schools, do you think that they're aware of
8 those type of funds?

9 A. Yes.

10 Q. Okay. In other words, they know about the
11 monetary value that this is bringing to their
12 school system?

13 A. Correct. Yes, that's typically why school
14 districts support most of the stuff we are
15 doing. Yup, that's correct.

16 Q. And what percentage of those residents are
17 going to be living next to these farms and this
18 solar system area? And I'm talking within
19 direct -- within a thousand feet.

20 A. I don't know.

21 Q. So you talk about making changes to the
22 different -- different parts of the -- of your
23 application and ways of EMP, the glare, stuff
24 like that. When residents do have a question

1 regarding those things, what type of mitigation
2 are you putting in place to address their
3 concerns and to be able to come in front of an
4 impartial person and get a ruling as to whether
5 it's justified or not? Is there any system that
6 you're putting in place to allow people to say,
7 Hey, this particular area is causing too much of
8 a glare in my house and I need some help with
9 it? Is there anything you're doing and putting
10 in place to help those people?

11 A. To clarify the first part of your question,
12 what we agreed to was what's spelled out in the
13 Ordinance with respect to requirements on us for
14 those, some of those measures you mentioned.

15 On the second, you know, the rules of the
16 Lee County Ordinance and what conditions are
17 placed on us in our permit, you know, there are
18 complaint procedures spelled out in the Lee
19 County Ordinance that, you know, typically I'm
20 not -- I don't know them word for word like I
21 know the Solar Ordinance, but typically they
22 have a complaint resolution process whereby if
23 you believe, you know, we're out of compliance
24 with their Ordinance or our permit, you're able

1 to, you know, complain to the Zoning
2 Administrator, for instance, in those counties.

3 Again, I'm not speaking word for word to
4 the Lee County Ordinance. That would be a good
5 question for them. But they would have
6 enforcement over their permit, essentially
7 allowing them to -- the land use permit that
8 we're seeking and then also, you know, building
9 permits and such for the project.

10 So I'm pretty sure they have a -- maybe
11 it's more of a question for the County. I don't
12 mean to be answering on their behalf. But there
13 are complaint processes in place for the County
14 if you have issues with how we're complying with
15 the rules.

16 Q. So in the actual Zoning Board of Appeals
17 application that you put in here, you said that
18 you don't anticipate -- you don't anticipate
19 additional -- or adverse glare. How does the
20 Zoning Board protect us as far as that goes?

21 A. Well, I think that question is pointed at the
22 Zoning Board, but I will tell you, in the Solar
23 Ordinance there is a specific rule with respect
24 to glare of solar systems on adjacent properties

1 and mitigative measures to address concerns and
2 issues if they arise.

3 I would say that obviously on behalf of,
4 you know, our project. But there are rules, and
5 it sounds like you have questions for the
6 County, but I'm aware of said rules because we
7 have got to comply with them, right, and so I
8 would point you in that direction.

9 I would say, too, that the solar -- the
10 type of solar technology that we're proposing is
11 photovoltaic. So the point of it is to absorb
12 as much sunlight -- incoming sunlight as
13 possible.

14 There is a type of technology where glare
15 is kind of a concern. That utilizes mirrors.
16 It's called concentrated solar power. So that
17 uses mirrors, you know, to focus light at either
18 a single point or a single area, to heat water
19 and then to produce steam to spin a turbine.

20 With mirrors, obviously you have those
21 types of concerns. With what, you know, we're
22 proposing, it's not typically, you know, really
23 a concern, but there are, should there be any
24 issues, a complaint resolution and rules placed

1 upon us to ensure that that doesn't happen. And
2 even if it does, steps spelled out in the
3 Ordinance that we have got to do, you know, to
4 fix any issues if they should come up.

5 So, yeah, that's a good question.

6 MR. BRIGHT: No further questions, Your
7 Honor.

8 JUDGE SLAVIN: Thank you.

9 Next person. Hand raised. Make it easy
10 on Dee. Back right, blue shirt.

11 MR. BLACKBURN: Hi, Brian Blackburn.

12 EXAMINATION

13 BY MR. BLACKBURN:

14 Q. You mentioned that you changed the fencing
15 around the perimeter from a chain link to a
16 woven fence. Twofold question. Why was the
17 change made? Is it aesthetic reason?

18 JUDGE SLAVIN: Just ask -- he can only
19 answer one question at a time. What's the
20 question?

21 Q. (By Mr. Blackburn:) Why was the change made?

22 A. Aesthetic reasons.

23 Q. Okay.

24 JUDGE SLAVIN: You gave him the answer.

1 Q. (By Mr. Blackburn:) Is there a difference
2 between the two types of fence when it comes to
3 snow drifting?

4 A. Not that I've seen personally. I would imagine
5 they behave about the same way.

6 MR. BLACKBURN: Okay. That's all I have.

7 JUDGE SLAVIN: Thank you.

8 I'll make it easy on Dee.

9 EXAMINATION

10 BY MS. LUSZ:

11 Q. When you talk about being bound by these
12 conditions, can you explain to me how those
13 carry over in circumstances where these projects
14 are built and then sold to another company?
15 Would the things be transferred, all of these
16 sorts of conditions that we're --

17 JUDGE SLAVIN: That's two questions. Just
18 one at a time.

19 Q. (By Ms. Lusz:) Are the conditions transferred
20 to companies when it is sold to them?

21 A. Yeah, I think, again, that's a question for the
22 County, but yes is the answer. The permits run
23 with the land. So essentially any -- since the
24 project is on -- placed upon the property, the

1 permit runs with the property, and any owner,
2 whether it's Geronimo or whoever down the line,
3 has to abide by the conditions on the permit and
4 the rules of the Lee County Ordinance to
5 maintain that permit.

6 Q. Okay. Then my other question, you mentioned
7 that you have agreed to setbacks of the
8 substation. Can you tell us more details about
9 what you have agreed to for that?

10 A. Yeah. We're agreeing to setbacks from
11 nonparticipating property lines, a minimum of
12 2 foot for every 1 foot of height of the
13 structure. Again, this would be applicable to
14 structures as of -- that are owned by the
15 project. Commonwealth Edison currently owns
16 infrastructure there that does not meet that
17 requirement. So by no intention are we making
18 commitments on behalf of ComEd.

19 MS. LUSZ: That's all. Thank you.

20 JUDGE SLAVIN: Would you repeat that,
21 please?

22 THE WITNESS: We are not making
23 commitments on behalf of Commonwealth Edison.

24 JUDGE SLAVIN: No, start from the

1 beginning -- I got it. I'll ask the question.

2 What are the setbacks from the substation?

3 THE WITNESS: Specifically, we are
4 agreeing to, from nonparticipating property
5 lines, a minimum of 2-foot setback from the
6 property line for every foot of height of
7 whatever structure.

8 So, for instance, if a structure was
9 30-feet tall, we would be set back 60 foot from
10 that property line. I just wanted to clarify
11 for an example.

12 JUDGE SLAVIN: Existing property -- okay.

13 Okay. Thank you. Other questions? On
14 the left.

15 MS. SHIPPERT: Marilyn Shippert, rural
16 Dixon.

17 EXAMINATION

18 BY MS. SHIPPERT:

19 Q. You changed the fencing. Is it still going to
20 have the barbed wire on top of the new fencing?

21 A. Yes.

22 Q. How many strands?

23 A. Three.

24 MS. SHIPPERT: Thank you.

1 JUDGE SLAVIN: Anybody else, questions?
2 Now we have got back right, orange -- I
3 think orange blouse.

4 EXAMINATION

5 BY MS. JOHANNSEN:

6 Q. Will this woven wire fence be around the entire
7 parcel or just around the residence portion?

8 A. It -- the intent is, it will be -- the project
9 fence for the solar project area, the solar
10 array area, will utilize the woven wire fence.

11 MS. JOHANNSEN: Okay.

12 COURT REPORTER: Could you have her
13 identify herself?

14 JUDGE SLAVIN: Would you -- I'm sorry, I
15 didn't ask you your name.

16 MS. JOHANNSEN: Martha Johannsen.

17 JUDGE SLAVIN: Other questions? Last
18 chance.

19 Oops, sorry. Didn't see it.

20 MR. RICHARD: My name is James Richard.

21 EXAMINATION

22 BY MR. RICHARD:

23 Q. I wonder if consideration will be given to when
24 and if construction begins that South Eldena

1 Road is a school bus route? As far as traffic
2 control as with the semis, if there will be a
3 confrontation there, those school buses are
4 going to lose. So has any kind of traffic
5 control been thought of there?

6 A. It depends on the road during our construction,
7 you know, what the rules are on the road.

8 The Lee County Ordinance requires that we
9 enter into a Road Use Agreement prior to
10 construction with the -- I think the County and
11 the applicable jurisdictional township are
12 parties to that. So that will likely be --
13 something like that will likely be handled in
14 our Road Use Agreement.

15 So I'm not sure of the particulars of any
16 specific traffic measures that we would take. I
17 think that would be more a question for some of
18 our construction guys. But we have in the past,
19 and we're obligated by Ordinance to work through
20 that type of stuff with the Township and the
21 County.

22 JUDGE SLAVIN: Any other questions?
23 Mr. Richard, any other questions? Apparently
24 not.

1 Over here on the right, Dee. Sweater
2 blouse.

3 EXAMINATION

4 BY MS. GUSSE:

5 Q. Would you please tell us what the panel height
6 is when they're down and then the maximum height
7 that they go up to catch the sun?

8 JUDGE SLAVIN: Before you answer, can I
9 have your name, please?

10 MS. GUSSE: Judy Gusse, from Dixon.

11 JUDGE SLAVIN: Thank you.

12 A. So what is the height of the solar modules or
13 the structure when -- I'll clarify your
14 question -- in stow position, when they're at
15 about 180 degrees from the ground, so flat, and
16 then -- I can't ask you a question, but then
17 what is the height, the max height, of the solar
18 module when it's at its max tilt angle,
19 essentially is what I garnered from those --
20 from your question.

21 For the first part, the Lee County
22 Ordinance stipulates that we must be no higher
23 than 30 feet with that infrastructure. We're
24 proposing something considerably lower.

1 panels or the posts they would be put on was
2 going to be 4 feet?

3 A. 4-feet tall? No, I did not say that.

4 Q. Then it would have been someone else from your
5 company.

6 So you're saying now that they could be --
7 when they're flat, they could possibly be 9 feet
8 tall and flip up to -- and when they're rotating
9 with the sun, the top of them when they're
10 slanted could be up to 17 feet tall?

11 A. That's what I just said, yes.

12 Q. That's what I'm clarifying, yes.

13 MS. RIDDICK: Okay. Thank you.

14 JUDGE SLAVIN: Other questions from people
15 in the room?

16 Ms. Duffy, is there anybody in the old
17 jury room?

18 MS. DUFFY: No.

19 JUDGE SLAVIN: Okay. Zoomers, questions?
20 Thank you, Ms. Duffy, as always.

21 MS. HENKEL: No hands are raised.

22 JUDGE SLAVIN: Folks, I'll give you a few
23 seconds to raise a hand on Zoom. Once again,
24 I'll say, run your cursor over -- if you're on

1 video, run your cursor over the bottom of the
2 screen, you'll see an icon that says "raise
3 hand." Click it.

4 If you're on audio only, like your cell
5 phone, or you don't want to be seen, press star
6 nine.

7 Is that it?

8 MS. HENKEL: (Nods head.)

9 JUDGE SLAVIN: Okay. Very good. I think
10 I went through everyone that time.

11 You may step down.

12 MS. KENNEDY: I have nothing further, Your
13 Honor.

14 JUDGE SLAVIN: Okay. Folks, the
15 Applicant, through Ms. Kennedy, has produced
16 what we call rebuttal evidence. That means that
17 other folks have the opportunity for what's
18 called surrebuttal.

19 Now, let me try and explain it, as best I
20 can, what that means. That means you can
21 produce evidence regarding the things that
22 Mr. Adamich just testified about. In other
23 words, it's like a funnel: original testimony,
24 anything relevant to the subject, and then when

1 there's rebuttal testimony it narrows down to
2 just the subjects he talked about, and the folks
3 in the room have the opportunity to produce
4 evidence that addresses the things he just
5 talked about.

6 So I'm going to let you digest that for a
7 minute. It's a little early for a break, but I
8 think it's only fair. So let's take ten minutes
9 and get it back at ten after.

10 (A recess was taken at 8:00 p.m.
11 and proceedings resumed at
12 8:12 p.m.)

13 JUDGE SLAVIN: All right. Can we work our
14 way toward our sitting places, please.

15 Okay. I believe everybody is back in our
16 places. I broke to give anybody a chance to
17 testify in surrebuttal. Raise your hand if you
18 wish to do so.

19 Seeing none in the room, how about
20 Zoomers? Raise your hand -- use the hand icon
21 or the star nine on Zoom. Give them a few
22 seconds. Run your cursor over the bottom, look
23 for "raise hand."

24 Okay. That then concludes the evidence.

1 We then begin the phase that I described at the
2 beginning of all this, and that is closing
3 arguments or public comment. I remind everyone,
4 including Ms. Kennedy, of course, that arguments
5 have to be confined to the evidence that's been
6 produced. You can't stand up and start telling
7 the Board other facts, because you're not under
8 oath and you haven't had the chance to be
9 cross-examined. So your telling the Board what
10 they should do and why they should do it has to
11 be based on the evidence produced.

12 And, Ms. Kennedy, as Applicant, you may
13 proceed first.

14 MS. KENNEDY: Thank you, Judge.

15 First and foremost, I want to thank
16 everyone for their time during this hearing
17 process.

18 As you know well by now, Eldena Solar,
19 LLC, is requesting the issuance of a Special Use
20 Permit for the construction and operation of a
21 solar energy system and the granting of three
22 Variances within the project area.

23 The first thing I'd like to do is read to
24 you the actual prefatory language at Lee County

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Ordinance on solar energy systems.

It begins with: The purpose of this section is to facilitate the construction, installation, and operation of solar farms in Lee County that promote economic development and ensure the protection of the health, safety, and welfare, while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands.

Moreover, the Ordinance, in Subparagraph D, provides: A solar energy system shall be permitted in the AG-1 district as a Special Use in accordance with the regulations and design standards set forth in the Ordinance.

As you well know by now, with regard to the request for the Special Use Permit, your recommendation to the County Board needs to discern whether the Petitioner, through its application or during this hearing, meets the requirements set forth in the Ordinance.

We believe that the petition and all hearings introduced over the course of these hearings does, in fact, meet all the Ordinance

1 requirements.

2 Moreover, your decision must focus on
3 certain factors in order to be supported by a
4 review of The Court. These eight factors are
5 generally referred to as the LaSalle Factors.

6 The first factor is the existing uses and
7 zoning of nearby property. First, we believe
8 the evidence showed that there will be little or
9 no effects of the proposed Special Use on the
10 character of the neighborhood. The character of
11 this area is predominantly agricultural. The
12 proposed Special Use will not change that.

13 The second factor is the extent to which
14 property values are diminished by the particular
15 zoning restrictions. The Petitioner presented
16 evidence through Andrew Lines from CohnReznick,
17 who compared other solar farms, and we believe
18 that evidence demonstrated that the Eldena Solar
19 Project will not negatively impact land values.

20 The third factor for your consideration is
21 the extent to which the destruction of property
22 values of the Petitioner promotes the health,
23 safety, morals, or general welfare of the
24 public.

1 In this case, again we believe that the
2 evidence demonstrated that there will be no
3 negative impact to property values.

4 We also believe that there will be an
5 increase in value to landowners who are
6 participants in this project.

7 You heard testimony about the many
8 economic benefits that the County, and therefore
9 its residents, will receive in terms of the
10 construction jobs generated, moneys to local
11 school districts and fire protection districts
12 within the project footprint and, the real
13 estate taxes that will be generated by the
14 project. All of these are a significant
15 investment in the county.

16 There are also many indirect benefits that
17 come along with bringing jobs to the area. The
18 local economy will be stimulated through an
19 increase in the amount of consumers in the area.

20 Also, there was no evidence of any
21 threatened or endangered species within the
22 project footprint.

23 The fourth factor is a relative gain to
24 the public as compared to the hardship imposed

1 on one individual property owner. Again, we
2 believe that this goes to the benefits that the
3 community as a whole will enjoy.

4 The fifth factor is the suitability of the
5 project for the zoned purpose. Here the land
6 within the proposed project is zoned as AG-1.
7 As you know, the Lee County Solar Ordinance
8 allows the siting of solar energy systems in
9 AG-1 property. Additionally, as noted
10 throughout the testimony, by allowing the
11 construction and operation of a solar energy
12 system, you are not taking the ground out of ag
13 production; only row crop production.

14 The sixth factor is the length of time the
15 property has been vacant as zoned considered in
16 the context of land development in the area. We
17 believe that this factor is not indicative one
18 way or the other.

19 The seventh factor is the care in which
20 the community has planned its land use
21 development. Here the County has a
22 comprehensive plan which includes the Ordinance
23 that specifically allows for solar energy
24 systems. And, again we, believe the proposed

1 project meets all the requirements set forth in
2 the Ordinance.

3 The eighth factor is the community need
4 for the proposed use. If you look at this
5 factor narrowly, the community, being Lee
6 County, there's a significant increase in value
7 from the property taxes that will benefit the
8 county. If you look at it at a state and/or
9 national basis, clean energy is something that
10 both the state of Illinois and the United States
11 is committed to achieving.

12 Based on the foregoing factors and all
13 evidence presented in this matter, we hope that
14 you will agree that the petition meets all the
15 requirements set forth in the Ordinance, and we
16 hope that you will recommend that the Lee County
17 Board approve the petition for Special Use
18 Permit as presented with the conditions you deem
19 appropriate.

20 With respect to the Variance requests, you
21 have heard testimony regarding the three
22 Variances that the Petitioner is seeking. For
23 each of the Variances, the Petitioner is
24 requesting a Variance to the 300-foot setback

1 from the platted subdivisions.

2 According to the Illinois Municipal Code,
3 Variances are to be granted only when they are
4 in harmony with the general purpose and intent
5 of the regulations and only in cases where there
6 are practical difficulties or particular
7 hardship in the way of carrying out the strict
8 letter of any of those regulations relating to
9 the use, construction, or alteration of
10 buildings or structures or the use of land.

11 Moreover, the Municipal Code provides a
12 three-part test that a Zoning Board of Appeals
13 must apply in determining whether a Variance
14 should be granted. In its consideration of the
15 standards of practical difficulties or
16 particular hardship, the Board of Appeals shall
17 require evidence that, the first factor is: The
18 property in question cannot yield a reasonable
19 return if permitted to be used only under the
20 conditions allowed by the regulations in that
21 zone. Here you heard testimony regarding the
22 practical difficulties if the Variance requests
23 are denied.

24 The second factor is the plight of the

1 owner due to unique circumstances. Here there
2 was testimony that if the Variance requests are
3 denied, there are certain access issues that
4 will arise for the owner of the ground. By
5 issuing the Variance, it will help the owner
6 access the field.

7 The third and final factor for the ZBA to
8 consider is that the Variation, if granted, will
9 not alter the essential character of the
10 locality. With this factor, you heard testimony
11 regarding the character of the ground from which
12 the Variances are sought. Each of them are
13 undeveloped, platted subdivisions and have
14 remained so for some time.

15 In our opinion, and as you heard through
16 Andrew Lines' testimony, the granting of the
17 Variance is not only in good harmony with the
18 neighboring properties, but also will not alter
19 the essential character of the same.

20 To that end, the Petitioner respectfully
21 requests that you approve the Variance requests
22 contained within the petition. Thank you.

23 JUDGE SLAVIN: Thank you.

24 All right. Obviously Zoning Board members

1 don't give to get -- don't get to give a closing
2 argument, nor does Ms. Duffy or Mr. Boonstra.
3 The only two sets are the Applicant and
4 interested parties.

5 So now is the opportunity for interested
6 parties to stand up and give closing arguments
7 based on the evidence that has been heard, your
8 opinion on what the Board should or shouldn't
9 do, and why.

10 Raise your hand. Nobody? I can't
11 tell unless you raise your hand. Mind reading
12 was not my speciality.

13 This gentleman in the first with -- first
14 one I saw raise his hand.

15 MR. GUSSE: David Gusse. I live adjacent
16 to the proposed site.

17 Not very often does anybody have the
18 opportunity to really shape what a county or an
19 area can become. You have that opportunity, if
20 you call it that.

21 This land has been -- I have farmed about
22 450 acres of this property at one point in time.
23 I owned some of it until 1985. And for those of
24 you who are in the ag industry, you know that

1 1985, the whole string of '80s, was a tough
2 time. We survived.

3 The impact that this project is going to
4 have on Lee County I think is not good, but I'm
5 more concerned about what is in the future.
6 Whether you approve this project or not, we have
7 more projects underway apparently. Do we want
8 this county under glass?

9 You made the comment, Ms. Kennedy, about
10 how it's going to improve life here in the
11 county. I would beg to differ. I don't know
12 how you can look out your window and say, Gee
13 whiz, that really looks good, seeing 1288 acres
14 of nothing but glass.

15 I just -- I -- I don't know whether you
16 want to live beside that or not.

17 JUDGE SLAVIN: All right. Let's avoid
18 making this personal and address the Board,
19 please.

20 MR. GUSSE: Okay. But I think it's also
21 valid. Whether it's personal or not, it is as
22 valid as can be. It's as valid as this hearing.

23 One other thing that has really bothered
24 me, Geronimo has been working on this project

1 for, what, a year? 18 months? The first time we
2 heard anything about it -- not even a glimmer --
3 was when that notice finally wound up in the
4 mail. And, quite frankly, I had to go into the
5 post office to get it because we weren't home in
6 the time that it was being delivered. So I
7 was -- that was at least three days afterwards.

8 And all of that was done -- let's see,
9 what was the hearing -- first hearing date?
10 6th, 7th of August?

11 AUDIENCE MEMBER: 6th.

12 MR. GUSSE: Why -- how much -- how much
13 opposition -- how much chance are we to get
14 expert witnesses? Yes, we've got expert
15 witnesses. We had one man who has absolutely
16 dedicated his time to try and find something,
17 and I think Adam has just done a fantastic job,
18 considering we had so much time.

19 Now I'm going to use an illusion that you
20 probably may not like, but there isn't a
21 criminal walking around that isn't given more
22 time than we had to try and figure out how to
23 protect our residences. That's not fair. I
24 don't care what way you slice it, that is not

1 fair, and we really resent it because we're
2 going to be stuck with it.

3 The landowners get all kinds of money, the
4 school district gets all kinds of money, the
5 County gets all kinds of money, and shove it to
6 the people that are adjacent to it. We could
7 care less. Guess what? We do care.

8 They talked about the impact on the
9 environment and the surrounding people. This
10 impact study. Brother.

11 We are people. We walk. You know, we got
12 two legs, a brain, few things like this. Don't
13 tell me that we are insignificant, which is
14 exactly what was on that report. Don't tell me
15 that at all.

16 So you, as members of the Zoning Board,
17 you have a hell of a responsibility. And
18 believe me, I have sat on the County Board, I
19 know what they're looking at, it's called
20 dollars. You know, that little S with the two
21 lines through it.

22 But I think you need to make a statement,
23 what do you want Lee County to look like in five
24 years? Or ten? If you want it glassed over, so

1 be it, but we'll be one strange-looking county.

2 Thank you.

3 JUDGE SLAVIN: Thank you.

4 Next person that wants to make a closing
5 statement, public comment. Right next to him.

6 MR. CARLSON: Randy Carlson, from Dixon.

7 I'd like to kind of add a little bit on
8 what Mary Jo was talking about with the concern
9 in some of the area for this project, and it's
10 mostly from the -- how we handle kind of the
11 precedence we're setting for a special -- you
12 know, a special project like this. We're
13 setting a precedence here on everything we do.

14 The -- so the basic kind of objection to
15 kind of the project, from some of the point of
16 view, is a Special Use Permit that may or may
17 not have any restrictions, we need time to
18 decide if the restrictions would give us some
19 control, and a little bit of the basic
20 restrictions that we would add so that there's
21 some remediation, there's some -- so that any
22 problems that can be handled can be set up.

23 So conditions for a reasonable use to move
24 forward, one thought is still, is there

1 sufficient hydrology studies and runoff, and
2 what danger are we putting basically the Three
3 Mile Branch watershed into? Is it excessive
4 flooding?

5 We did have kind of a statement from an
6 expert that there may be as much as 1.5 percent,
7 or one and a half more times water quickly
8 coming off of this. Depending on how this is
9 handled, vegetation, et cetera, can the Three
10 Mile Branch take that? There's just a very
11 large drainage area into that area that could
12 really quickly inundate the whole watershed.

13 And then again, is there sufficient
14 protection without the -- us putting together
15 guarantees and restrictions for things that
16 could happen during construction? Meaning,
17 contaminations or -- especially down the hill, I
18 guess you could call it. So is -- are there
19 enough protections for wells, surface runoff,
20 wells, and for the watershed? Is there enough
21 damage protection?

22 So things that we haven't really had time
23 to study and investigate the study provided so
24 far, the SWPPP and the additional studies for

1 natural-resource-type studies.

2 So do we need some more time to set up
3 terms and conditions that could help if there
4 are already problems? So that's what we wanted
5 to add for kind of today for us.

6 Thank you.

7 JUDGE SLAVIN: Thank you.

8 Next? I saw the lady in the orange --
9 sort of orange print first.

10 MS. JOHANNSEN: Martha Johannsen, Dixon
11 address, Amboy School District.

12 First and foremost, I am entirely against
13 taking good farmland out of production for a
14 solar power plant. Not a solar farm.

15 You will remember that the crop product
16 activity index for the proposed power plant is
17 118.51 something or other, which rounds to 119.
18 The average for the county is 119. This land is
19 the same productivity on the average that the --
20 all of Lee County has. Bureau County averages
21 about 120; 123 for DeKalb; 121 for Putnam; 111
22 for Whiteside. So we have quite good land here
23 for production.

24 Every farmer would like to have land of

1 132 --

2 JUDGE SLAVIN: Uh-oh. Technical.
3 Technical problem.

4 MS. JOHANNSEN: Every farmer would like to
5 have a CPI index of 132. There is no way that
6 that can be on a farm of 132.

7 This proposed plot is just as good as any
8 average in Lee County. In fact, the
9 northernmost section and the southernmost
10 section is quite green, which is 135 and above,
11 and this good, productive land would be taken
12 out of production.

13 Even after deconstruction, this land
14 cannot be returned to the condition that it
15 is -- that it is in now.

16 Yes, the immediate future of money for the
17 next 20 years sounds great, but what happens
18 after 20 years? 20 to 35? How much money is
19 the County beginning to receive? How much money
20 is the school district going to receive? This
21 plant will be depreciated. Most of us will not
22 be alive at the end of 35 years from now, so we
23 don't know what's happening.

24 Solar power plants are a new entity. We

1 have no idea of the change to the land on the
2 deconstruction. We need to protect our
3 resources. There is no more land to move west
4 like there was in the 1800s. We are now land
5 bound. There is no new land, and we need to
6 protect the good, productive land that we have.

7 We need to think of the productivity of
8 this land so that we do not depend on other
9 nations. We need to think of our grandchildren,
10 great grandchildren, and they will have great-
11 grandchildren and they will want these
12 resources.

13 The setback for adjacent residences I
14 believe should be at 300 feet, the same as a
15 platted subdivision is set at 300 feet. These
16 houses -- these residences have been in
17 existence for over a hundred years, probably
18 closer to 150 years, and they should be regarded
19 as being like a platted piece of ground.

20 I am very disappointed that Geronimo did
21 not give us more time, that we received this
22 certified letter, knowing nothing that was going
23 on. We received no maps, no information.

24 On the first night of the hearing we did

1 get a proposal, but not the complete proposal.
2 I did go in and get it on the Monday morning
3 after the Thursday meeting, and I read through
4 it, and many of the questions that I had said,
5 Refer to Appendix C. I looked for Appendix C,
6 and there was none.

7 So how can we find or think about what's
8 happening here if we don't have the information
9 available?

10 Eventually I did manage to get one of
11 those spiral books, which had much information
12 with nice, foldout maps that one could see,
13 read, and understand. Every one of us, all the
14 adjacent landowners, should have received one of
15 those spiral-bound books ahead of time, before
16 the first hearing even.

17 And one of the reasons that Geronimo gave
18 for wanting this particular piece of property
19 was that there are only a handful of people
20 living adjacent to it. So we don't matter? We
21 are just as important as anyone else. And just
22 because they happened to choose this piece does
23 not mean that we have rights the same as the
24 landowner has rights? We are also landowners

1 and deserve to have those rights too.

2 I am concerned about the water. When the
3 rains come, sometimes we get a nice, gentle rain
4 and other times it comes down in 20 minutes.
5 Sometimes we get 1 inch, sometimes we get
6 3 inches, and the fields cannot handle that
7 water.

8 There is -- on the proposal, there could
9 be chemical control. And as I believe
10 Dr. Heiniger said, that sometimes the power
11 plant puts chemical kill under the panels
12 because it's difficult for them to mow. And if
13 these panels happen to be facing towards the
14 east or the west during the morning, the
15 evening, and we happen to get a quick rainstorm,
16 that water will not have time to be absorbed
17 into the ground even though there is a grass
18 covering. It will produce more runoff.

19 Without a precise measurement, on one of
20 the maps I'd guess that about 40 percent of the
21 proposed parcel is in green, which implies way
22 above 132.

23 And there is wetlands. Berei Road was
24 once called Lake Street, and Lake Street implies

1 that it was rather waterlogged at times. So
2 therefore, this might be not conducive to
3 putting the piers into the ground. They can
4 move.

5 I have here the 2019 Illinois Soybean
6 Production, and Lee County had 59.7 bushels per
7 acre, which is at the top of the production for
8 the state of Illinois. Now, that's not the top
9 county, but it is in the top tier of their
10 legend here.

11 Of the corn yield last year, and you will
12 remember that last year a lot of corn got put in
13 late, like the middle of June, and that
14 production was down slightly to 181.4 bushels
15 per acre. The top layer level is 185 bushels
16 per acre. So it wasn't that far below the
17 average for the state.

18 I would urge you to deny this request.
19 Thank you.

20 JUDGE SLAVIN: Thank you.

21 Next? Middle, purple blouse.

22 MS. LUSZ: Stacy Lusz.

23 JUDGE SLAVIN: Would you give us your
24 name, please.

1 MS. LUSZ: Stacy Lusz.

2 JUDGE SLAVIN: I'm sorry, I didn't --

3 MS. LUSZ: Amboy.

4 JUDGE SLAVIN: Okay. Go ahead.

5 MS. LUSZ: A Zoning Board member asked my
6 husband the other day, Don't you think a person
7 should be able to do whatever they want with
8 their own property? And my husband was asked a
9 similar question the other night by
10 Mrs. Kennedy.

11 I say, Yes, and that freedom extends until
12 it encroaches on the freedom of others. Should
13 this landowner have the right to take a profit
14 off his land at the expense of everyone else
15 that owns land near him at our loss of quality
16 of life, our loss of a safe environment, and our
17 loss of property values?

18 One of the reasons any of us chooses to
19 live in the country rather than in town is the
20 wide-open spaces. Seven-foot barbed wire fences
21 are not part of the rural aesthetics that the
22 families of and near Eldena live in. And
23 certainly having that fence around the property
24 lines, some surrounded on three and four sides

1 of their property, that will most definitely be
2 a loss of quality of life. For most of us, our
3 home is our greatest asset.

4 There are many questions that this
5 proposed project leaves unanswered. There are
6 boxes that are not checked. The AIMA is meant
7 to protect the leasing landowner, not the
8 neighboring landowners. The Soil and Water
9 Report that we have, it recommends additional
10 studies in regard to wetlands and water runoff.
11 That has not been done. A full impartial
12 economic impact study has not been done.

13 And the Lee County Ordinance doesn't have
14 our back either. 15-foot setbacks? 30-foot
15 height allowances? Only a thousand dollars an
16 acre required for decommissioning?

17 In Geronimo's safety plan it states that
18 the workers are to seek shelter if the wind
19 speed exceeds 39 miles per hour. Do you know
20 how many days the wind out where we live exceeds
21 39 miles per hour? A lot.

22 So am I to assume that I should keep my
23 children inside on those days, that they can't
24 be outside playing for fear of danger from our

1 neighboring solar field?

2 What about the substation that's proposed
3 on Parcel C-321?

4 What do we know about these batteries?
5 Has anyone had time to take a good look at the
6 batteries that will be sitting straight out from
7 my front porch? I'm left to wonder, are they
8 safe? Where has this size, type, and amount of
9 batteries been used before? Is it wise to build
10 this substation right on the corner there, where
11 Killmer Road has a sharp curve? Why would we
12 approve this? Because it's most convenient for
13 them to tie in there? Because it saves them
14 money?

15 At the very least this subdivision --
16 sorry, this substation should be moved to a more
17 appropriate location within the project, one
18 that does not cause a threat to the safety and
19 wellbeing, and Parcel C-321 should be denied.

20 As our representatives, you must do your
21 due diligence to make sure we do this right. We
22 all know there are thousands of more acres of
23 solar panels in the works for our county. We
24 must take some time to look at every unchecked

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1 box, every legitimate concern.

2 If you don't know all the answers right
3 now, that's all right. Our neighbors in Ogle
4 County found themselves in a similar position a
5 couple of years ago: solar wanting land,
6 questions unanswered, a Special Use Ordinance
7 with many holes. So they put a moratorium on
8 solar, they put together a committee to dive
9 into it, and they knocked out a pretty agreeable
10 Solar Ordinance for their county.

11 Do that. Why not do that? Solar isn't
12 going anywhere. Our county has the ability to
13 welcome solar in a way that minimizes the impact
14 on its residences, but you must do your due
15 diligence and do it in a responsible way.

16 JUDGE SLAVIN: Thank you.

17 Someone else. Back behind you, Ms. Duffy.
18 Blue shirt.

19 MR. POPOVICH: I would say just like to
20 say that --

21 JUDGE SLAVIN: Would you state your name.

22 MR. POPOVICH: Nick Popovich.

23 JUDGE SLAVIN: Yeah, thank you.

24 MR. POPOVICH: Nick Popovich.

1 I would request that the Board would
2 consider the generations that this is going to
3 affect: your kids, their kids, their kids,
4 potentially their kids. I mean, this is going
5 to be there for a long time. I wouldn't think
6 of this as like a new tire shop going up in
7 town, you know.

8 And this land is making money right now.
9 I mean, the town, it would be different if this
10 was, like, going in in Detroit, where they are
11 completely broke. We have money. We're not in
12 the position where we have to have this.

13 And the things that she brought up that
14 haven't really been checked into, it's -- with
15 the world's growing population, do you want to
16 feed them or do you want to give more on Amazon
17 some cheap electricity?

18 I would just ask you to please think hard
19 about this decision. Thank you.

20 JUDGE SLAVIN: Thank you.

21 Anyone else, by raise of the hand? Over
22 left, the left front pew.

23 MR. RICHARD: My name is James Richard. I
24 live on South Eldena Road, 1196.

1 I have got -- first of all, I hate to see
2 good farmland go to waste when there's plenty of
3 undeveloped land within a mile that could be
4 developed and used and we gain both ways: we
5 maintain agriculture and also have solar power.

6 From a personal point of view, me and my
7 wife, we have been at the place 35 years. We
8 put our hearts and our money into the place. We
9 love it. That's why we're there. That's why we
10 bought it in the first place.

11 We feel that our Constitutional rights to
12 life, liberty, and pursuit of happiness have
13 been infringed. You know, we have been impacted
14 on all four sides by this project. Agree, we
15 have been in some negotiations and made some
16 progress with Geronimo, but, you know, we lost a
17 lot of sleep over this. We have kind of been at
18 each other in a way that we don't normally do
19 because we're on edge. There's a whole lot
20 of -- not a lot, but there are a number of
21 families that are impacted by this in the same
22 way.

23 I urge the Board to consider those kind of
24 things, you know, if it was them and they were

1 in the same position, how would they feel?

2 Granted, it's money. But like I say, why
3 not have both of it, both ways. We can have the
4 farm and we can have solar on undeveloped land,
5 which what I'm speaking of is the Green River
6 Ordnance Plant. There's plenty of land
7 available there that could be used.

8 So I guess that would be all I have to
9 say, I guess.

10 JUDGE SLAVIN: All right. Thank you.

11 Next, by raise of your hand. Blue, middle
12 pew.

13 MS. HALL: Hi, my name is Lisa Hall, and
14 I'm a resident of the Franklin Grove area.

15 To be clear, I am not against solar
16 energy; I am against using tillable farm ground
17 to install the infrastructure.

18 I understand that power grid is a concern
19 when determining a final location. I question,
20 why not use the two vacant salvage yards of the
21 Green River Industrial Park, close as the crow
22 flies?

23 This year alone we have approximately
24 10,000 tillable acres in Lee County involved in

1 solar infrastructure projects. When will enough
2 be enough?

3 I understand that farming can be a
4 challenging profession with weather, stock
5 market prices, and operation expenses. Some may
6 feel it is their way of helping out with the
7 greenfield and the future generations. Many of
8 these farms are generational operations.
9 Children and grandchildren make life choices and
10 decide to get out of farming, I get it. Then
11 you're approached by the solar company with
12 their sweet deals. It's hard to pass up.

13 The world is a big place with a lot of
14 mouths to feed. Taking farmland out of
15 production might not seem like a big deal, but
16 it might be in 25 years. Who knows?

17 I think the Zoning Ordinance should be
18 required land -- require landowners involved to
19 grant permission for the Lee County Soil and
20 Water Conservation and affiliates to perform any
21 tests determining wetlands, et cetera.

22 A meeting notice should be provided to
23 adjacent landowners when a proposal has been
24 submitted to the Zoning Board.

1 Fencing, landscaping, setbacks should be
2 revisited by the Ordinance and Zoning Board.

3 This process and the lack of timely notice
4 has had major health effects and mental health
5 effects on my parents. Many sleepless nights,
6 even every waking moment thinking about their
7 future after the invasion of a solar
8 infrastructure.

9 Thank you.

10 JUDGE SLAVIN: Thank you. Anyone else?
11 Middle desk row, at the end.

12 MS. RIDDICK: Geri Riddick. Adjacent
13 landowner.

14 First of all, I'd like to say that I am
15 greatly disappointed that this whole thing is
16 happening during the COVID-19, and we are not
17 able to have all the people who would like to be
18 of the public here listening to this. They
19 cannot be in attendance. It seems very unfair
20 to me.

21 Second of all, the advertisement by the
22 Zoning Committee or the Appeals Committee,
23 whichever, I understand was in two newspapers.
24 And also the only postings I saw after I got the

1 letters -- the certified letters was at each end
2 of Red Brick Road -- or I shouldn't say each
3 end -- on the south end of Red Brick Road at the
4 intersection of Eldena blacktop and at the north
5 end of -- or Red Brick where it adjoins Route
6 52.

7 Now, we've all been under lockdown because
8 of COVID and supposedly, per the governor, we're
9 all supposed to be staying home. How do you
10 expect the neighbors that are supposed to be
11 staying home, per the governor, to be out riding
12 around to see these posts out on a post along
13 the road?

14 That seems very unfair to me, which goes
15 into the timing that Mr. Gusse and
16 Mrs. Johannsen talked about.

17 Another thing, I know in the immediate
18 Eldena neighborhood approximately 30 years ago
19 if you were going to do something like this or
20 something similar, you would go around and you
21 would talk to the neighbors first and ask them
22 if they had any problems as far as the landowner
23 and what you were going to do. And I know that
24 for a fact because there was a mobile home moved

1 in on the property where I currently live, and
2 out of respect for the neighbors, the person
3 purchasing and placing the mobile home went
4 around and asked if anybody had any problem with
5 it, because it was going to be a temporary home
6 so there was not going to be a foundation
7 underneath of it.

8 And I just -- I don't know, maybe I'm too
9 old-school, but that's the way I was raised.
10 You got neighbors, you respect them, and you
11 should respect that they respect you.

12 And it all comes up in a big certified
13 letter, the first time we heard about it. It's
14 very unfair.

15 Also, the -- to me, ag zoning is for the
16 production of soil -- production from the soil.
17 Solar things are not. With posts in the ground,
18 that's not production from the soil. If you
19 want to zone this, zone it commercial or zone it
20 industrial. It has nothing to do with growing
21 anything in the ground.

22 Also, upon a visit by Mr. Bolin, there was
23 three of us that are sitting on this side of the
24 seats that were told that the solar panels would

1 be about 4 foot tall. Well, I'm sorry, 4 foot
2 is a long ways from 9 foot. I don't appreciate
3 the changes in that when they know they were
4 specifically asked to give information. Could
5 have at least come back and said, Well, I was
6 wrong, or, It was changed.

7 Another thing is, we have got 1288 acres,
8 and I know that belongs to two farmers. I don't
9 begrudge anybody making money and bettering
10 themselves, but like Mrs. Lusz stated, that's
11 all well and good until you start infringing
12 upon someone else.

13 It's just like me, I can't sit here and
14 tell you that you can't do this, but I can ask
15 politely that you consider this and turn it down
16 or you at least consider it and give us
17 constituents out here on this side more time to
18 really figure out what's going on and to
19 understand everything.

20 I appreciate your time.

21 JUDGE SLAVIN: Thank you.

22 Back behind you, Ms. Duffy, in the
23 checkered, looks black-and-white checkered.

24 MS. COERS: Thank you, Your Honor.

1 Good evening. My name is Sue Coers. I
2 live at 1399 Nachusa Road, Dixon.

3 I have been attending these proceedings
4 concerning the Eldena Solar, LLC, and tried to
5 keep an open mind about the effects this project
6 would have on the environment aspects, the
7 physical and health of individuals around the
8 project.

9 While listening to Geronimo Energy
10 representatives, I was thinking to myself, Why
11 are you marketing this to our Zoning Board as a
12 solar project with no ramifications to the
13 people or the environment? I think the word
14 that was used the first evening of testimony was
15 "none."

16 After getting to the computer that evening
17 after the first meeting here at the courthouse,
18 I found documentation after documentation from
19 areas such as North Carolina State University,
20 University of Maryland's College of Agriculture
21 and Natural Resources, University of Arizona,
22 University of Madison-Wisconsin, the Nevada
23 Center of Excellence, and many other sites that
24 many -- and many other sites that have been

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1 studying the effects of solar energy for several
2 years.

3 My findings have been appalling. The
4 information is out there for all of us to learn
5 from. We, the citizens of Lee County, and
6 especially our Zoning Board, along with the Lee
7 County Board members, need to take a look at the
8 devastation that others have incurred by the
9 installation and utilization of solar farms and
10 learn from what others have experienced.
11 Documentation is out there.

12 Let's take an example. A simple question
13 that was asked by Ms. Kennedy the first evening
14 of testimony was that sound, was there going to
15 be a sound associated with the solar project?
16 The answer, none. The second evening of
17 testimony the representative stated there would
18 be some noise, a hum.

19 In my readings, I have found that these
20 motors are audible for several hundred feet away
21 and must be constantly maintained in order to
22 prevent the tracking system from locking and
23 getting stuck. Once they are stuck, the
24 tracking system will continually attempt to

1 correct itself until the motor burns out.

2 Since this project would have thousands of
3 motors running when tracking the sun, the
4 combined sum total of decibel level of noise
5 would be much greater than a hum.

6 Another question posed was about the rise
7 in temperature in and around the area. The
8 response was, there would be -- there would not
9 be any rise in temperature. Yet, according to
10 the University of Maryland researchers, solar
11 heat island effect is caused by large solar
12 power plants.

13 A question was asked if the local airport
14 had been notified of the project so they were
15 aware of possible glare. The response was that
16 there was no glare from these panels because
17 these panels were glass. It has been noted in
18 several articles that I have read this past week
19 that referenced Somerset, Great Britain, the
20 British Aeronautical Association ruled that a
21 case of a fiery plane crash was the result of a
22 pilot being blinded by the reflection of one of
23 UK's largest solar power facilities.

24 Here in the United States, an Indiana

1 farmer stated that anyone can tell you --

2 JUDGE SLAVIN: All right.

3 MS. COERS: -- they reflect --

4 JUDGE SLAVIN: Ms. Coers, you just can't
5 go into new facts. I mean, you can argue about
6 what's been produced, but it's just not fair to
7 start talking about articles, and something
8 happened, and you read this. You could have
9 testified about it, but you can't do it now.
10 You're not subject to cross-examination. It's
11 just not fair.

12 MS. COERS: Some of us may not be on this
13 earth when the solar panels are decommissioned,
14 which would be 15 to 25 years. I have not seen
15 a plan for Lee County to deal with the
16 dismantling of a solar farm. The cost of
17 dismantling a solar power plant is roughly the
18 same as the cost of installing it, which would
19 be in the millions of dollars. And once it's
20 dismantled, there's no place for the solar
21 panels to be disposed of.

22 The comment was made about a landfill.
23 The United States has recommended not to accept
24 solar panels because the high levels of cadmium

1 and lead inside of them. So without the
2 landfill to accept them, there is no process
3 right now available to recycle them.

4 It appears that the solar industry has
5 tried very hard to claim that there is no toxins
6 in solar panels, that there is -- but there is
7 cadmium telluride. Cadmium telluride is the
8 most common agent used in the production of
9 solar panels.

10 This entire project was only brought to
11 our attention only one and a half -- brought to
12 my attention one and a half to two weeks prior
13 to the first meeting that was held August 6th.
14 Public notices were only sent out two weeks
15 prior to the actual meeting, and road notices
16 were posted about the same time. There was no
17 way the citizens of Lee County were provided
18 adequate information, nor time, to formulate an
19 appropriate response and become as prepared as
20 Ms. Kennedy and the Geronimo marketing team
21 were.

22 We have tried our best in such a short
23 period of time to ask appropriate questions,
24 which some of us have failed miserably at, me

1 included, and provide information concerning the
2 negative ramifications of such a project.

3 Currently Lee County does not have a
4 functioning solar farm, so it has not been faced
5 with ramifications or problems associated with a
6 solar farm. We need to look outside our
7 boundaries and learn from others who have had to
8 deal with these situations.

9 The first Comprehensive Plan goal set by
10 the Lee County Comprehensive Plan reads as
11 follows: Maintain the agriculture economy in
12 the county by limiting non-agriculture
13 development on prime farmland.

14 Number 2: Preserve the rural character
15 and farming lifestyle of this county.

16 And Number 3: Preserve and enhance the
17 aesthetic quality of the county.

18 Lee County is not going to receive
19 electricity from Eldena Solar, LLC. It's going
20 to be linked into the national power grid and
21 will be going to other places throughout the
22 United States. Will we be seeing a reduction in
23 our electric bills versus the possible negative
24 impacts it will have on the people of Eldena and

1 the surrounding areas, our soils, our waterways,
2 our ground water?

3 How many members of the Zoning Board are
4 going to be living next to this proposed
5 project? How many Board members are living next
6 to this project? Would you like to site a
7 project along your property line? I think that
8 we all know the answer to this.

9 I know you already pretty much made up
10 your minds as to how you're going to vote on
11 this project, but just one last thought: you
12 are thinking about all the tax money that the
13 county would benefit from going from \$65 per
14 acre for farmland to \$1200 per acre the moment
15 the first bit of energy leaves the solar farm.
16 But what if Eldena Solar, LLC, decides to pull
17 out, they decide not to pay their contractors,
18 their landowners, they don't pay the taxes as
19 they are supposed to be paying? Then what?
20 Taxes become the responsibility then of the
21 landowners, who will be responsible for paying
22 any taxes incurred. And if they do not pay, the
23 land and project will be put up for auction. In
24 the long run, the landowner is now out of

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1 everything.

2 I ask that you deny this request. Thank
3 you very much.

4 JUDGE SLAVIN: Thank you.

5 Next, by of hand.

6 Zoomers? Well, I'm moving on to Zoomers,
7 but I'll come back. Let me give the Zoomers a
8 chance.

9 Alice, anybody?

10 Zoomers, if you want to make public
11 comment, now is the time. Hit the "raise hand"
12 icon or make some kind of motion or a noise.
13 I'm going to give you about ten more seconds and
14 something has got to -- Alice, anyone?

15 MS. HENKEL: Nothing.

16 JUDGE SLAVIN: Okay. Mr. Lusz.

17 MR. LUSZ: Adam Lusz, from Amboy.

18 I find myself at another stage of this
19 process not prepared, unfortunately. There's a
20 lot of strings to this whole process.

21 We were given notice July 16th or 17th
22 through the certified mail that was delivered to
23 us, and I began to wonder probably not until
24 about three or four days later as to what was

1 going on. I got in the car and I started
2 driving around town, driving around the
3 neighborhood, knocking on doors and seeing who
4 knew what. It was pretty disheartening, you
5 know, when nobody in Eldena knows about Eldena
6 Solar that's going to be the new neighbor --

7 Lost the mic. Had a good rhythm going.

8 MS. DUFFY: Sorry about that. Sorry.

9 MR. LUSZ: Can you hear me now?

10 JUDGE SLAVIN: That's pretty good.

11 MR. LUSZ: It's turning yellow.

12 JUDGE SLAVIN: That's not so good. Is the
13 red light on -- off the record, Callie.

14 (A discussion was held off the
15 record.)

16 MR. LUSZ: So after we got the letter,
17 took a couple of days actually to settle in, I
18 guess, as to what was going on, and I jumped in
19 the truck and starting knocking on doors. And,
20 again, nobody in Eldena that I came across knew
21 anything about the project. I mean, it came to
22 be that you realized that unless you were
23 attached to that parcel, you knew nothing about
24 it. That was pretty disheartening, you know.

1 Time's a-clicking, and neighbors need to know so
2 that they can be educated to come and know what
3 impacts they might have on the land near them.

4 When I knocked on some more doors, some
5 more neighbors, really they had letters from
6 Duke Energy, 4,000-acre solar project, they had
7 all kinds of information sent to them about
8 that. And they had concerns, and they had no
9 idea about Eldena Solar on the other side of
10 them.

11 It's hard to say the impact that this
12 project might have without an understanding of
13 whether that one is going to be there or not.
14 If both are there, a lot of these homes that
15 have given testimony, this doesn't help their
16 property value. When there's 4,000 acres on one
17 side of them and there's 1200 acres on the other
18 and they're pinched in the middle, they're
19 stressed. They want to look into it. They want
20 to get online and find out how much worry is
21 there, how much should I have? We don't have
22 time for that. We don't have time for that.
23 The hearings are coming and we have got to get
24 things figured out. You have got to show up, be

1 there.

2 I found out through my research that the
3 school district had already, on the very first
4 day of the hearings -- Thursday was the start of
5 this -- the Amboy School District was going to
6 be voting on approval of the Eldena Solar
7 Project. How could that be? I just found out
8 about it a week or two before, and I'm a
9 landowner adjoining to this project. How could
10 it be on their agenda that they ought to endorse
11 this project?

12 So I did some calling, checked with some
13 people, asked for a pause, not a yes or a no,
14 but a pause. I found out that they were being
15 solicited back in June for -- they were asked
16 for a resolution in June to endorse the Eldena
17 Solar Project that no one knew about that lived
18 near the residence, near the site. Back in
19 June.

20 It's unfortunate, as you go through it,
21 and I don't know that that justifies anything as
22 to whether you would say yes or no. But really?
23 This is the partner that Lee County picked.

24 When I looked into this -- and, boy, I

1 have called. I have called so many people
2 across this country to ask about solar, and I
3 researched solar, and I understand it's coming.
4 I understand that it's our tax dollars that are
5 funding this industry. It wouldn't exist unless
6 it was some of my dollars that they're spending
7 on these panels.

8 I have learned about the efficiency of
9 solar panels. Actually, wind is something like
10 34 percent, panels are only about 20 percent
11 efficient on the land use. In talking to a
12 concerned neighbor, he said, you know, Adam,
13 there's a lot of farmers on the Board here, and
14 sometimes you have to change the understanding
15 of what we're talking about here, the efficiency
16 of the solar panels. Tell each of them that
17 you're selling them a bag of seed and it only
18 had 20 percent germination rate at best. How
19 many of them are going to buy that bag of seed
20 and use it on that land?

21 That's what we bought into though. That's
22 what we're about to do. We're going to put a
23 bag of seed on this land that actually is only
24 effective at doing what it was intended to do

1 for about 20 percent of it.

2 And it's a good use? Because more of our
3 tax dollars went into subsidizing it to make it
4 some sort of a profitable situation. When we
5 look at the tax dollars that maybe the school
6 could get -- heck, they didn't even know what
7 they were even endorsing when they were being
8 asked to endorse it, because nobody else knew.

9 I did some more research, and I looked up
10 our County Ordinance. Thought, boy, let's get
11 an understanding of what we're looking at here,
12 right? More disappointment. Tremendously
13 disappointed. This Ordinance lacks all over the
14 place. That's going to change. I'm not going
15 to stop today. I'll make phone calls. I'll
16 make phone calls to some of you all.

17 15 feet away we can have a structure
18 that's 30 feet tall. I'm asking you to cap it.
19 They don't need it. They said that they don't
20 need it. 15 to 17 feet is all they need.

21 I actually talked to Mr. Henkel, and there
22 could have been maybe an error perhaps in the
23 writing of that. The 30 feet for, like, a
24 transmission line might be acceptable, but it

1 doesn't make sense to me that we would ever need
2 it to be 30 feet.

3 I'm asking you that if you approve it, to
4 make an amendment there. I'm asking you for any
5 other solar array that would come through, that
6 you be looking closely at that.

7 I also, when I look at this Ordinance and
8 I look at the rights of people that live in an
9 R-1 district, and they were granted 300 feet, a
10 good amount of space. And we sit here, in an
11 AG-1 district, and we lose the rights that we
12 thought we would have had in an AG-1 district.

13 As I sit on a farmette, as many of these
14 homes are farmettes, they're not R-1 when you're
15 out in an ag district. Even though it's a
16 farmette and they only own the land, its AG-1.
17 They lost their rights. Why?

18 I don't believe you would have had so many
19 people that have gone through so much stress and
20 heartache if you would have given them some more
21 area around their property. We could have
22 prevented all of this. Much, much of the stress
23 of this whole proposal comes because of the
24 encroachment of the Ordinance and what it

1 allows.

2 We have a fence problem in this Ordinance.
3 The fence is excluded from the setbacks. Why?
4 I don't care where the panels are. They're
5 going to be behind the fence. Move the fence
6 back. Even in an R-1, who wants to live next to
7 a 6-foot chain link fence with barbed wire
8 strands across the top? It doesn't meet the
9 aesthetic. It doesn't meet the ag community.
10 It doesn't meet anything that I have seen in any
11 industry other than industrial. Move it back.
12 I'm asking you, for this or any other project
13 that you look at, the fence needs to be moved
14 back.

15 I'm not prepared for this because we're
16 trying to meet with Geronimo, as residents, to
17 try to help secure things in good faith with
18 them. And they have stepped up, they have
19 began -- we began -- we're in the tenth inning
20 though. I would have liked to have sat here and
21 said that we have that in place. I would have
22 liked to have seen a pause, but here we are.

23 There's other precedences that have been
24 set. Ogle County paused and they looked into

1 this. They looked at their Ordinance. It's not
2 that they have -- I know there's -- they looked
3 at it for the residents. How can we comingle
4 this? If we have to live with solar, right,
5 that's what we're all going to have to figure
6 out that we have to do. How do we deploy it
7 correctly then to meet the aesthetics of the
8 community? We have not met those obligations
9 with the Ordinance.

10 Give some setbacks to where the residents
11 live. The 300-foot setback has a precedence.
12 Put the fence at 250 feet then for
13 nonparticipating residents.

14 Brian Blackburn is back here. I'm glad to
15 see him. I have never met him before, but I
16 talked to him as we had heartache over this.

17 We're going to put chain link fences that
18 are good at catching snow all along the county
19 road lines, right along the ditch. How are you
20 guys going to do at getting snow out there?

21 I talked to Richard Humphrey, the road
22 commissioner. I said, Have you spoken up about
23 any concerns? Do you have any concerns? Yeah,
24 I have a lot of concerns about it. Lake Street,

1 I mean, Berei Road, he said, there's no --

2 JUDGE SLAVIN: Mr. Lusz, now you're
3 testifying what somebody said.

4 MR. LUSZ: Okay. We'll back up.

5 The concerns of the township, as I made my
6 phone calls, didn't seem to have been met.
7 That's another box that's unchecked in this
8 process. They haven't been met, and we're
9 sitting here today in final stages. What are we
10 doing? Why are these boxes unchecked?

11 Why was the township not here, just like
12 they were for the plumbers that came in before
13 the hearing started? Palmyra Township seemed to
14 have an input on that.

15 We have a fence problem. We have
16 neighbors that are going to be impacted from
17 this, from three sides and from four sides. It
18 shouldn't happen. There should have been
19 appropriations for visual impact already. The
20 things that we wrote up and presented to
21 Geronimo, the County should have already had
22 appropriations for that in the Ordinance.

23 The parcel to the north, that whole
24 200-acre parcel, we're asking for individual

1 approval of each individual parcel.

2 When you look at the Carlson family there,
3 Mr. Heiniger testified that their study --
4 they're going to get better papers out there.
5 The calculations aren't completely right with
6 the runoff and what happens when it comes off
7 the solar. There's prob- -- there's a good --
8 you can look at it, look at the diagram and look
9 at how much of that parcel is not even covered
10 with solar panels. It's just set aside in
11 grass. How is it effective? It's already not
12 very effective as far as the panel efficiency,
13 but then we're also -- why is that set aside
14 like that? It's running to the Carlsons' house.
15 It's impactful on somebody.

16 Why approve it? There's a plan that could
17 be approved in here, but why that parcel be part
18 of the plan?

19 It's not an easy position to be in for you
20 all, and I don't envy you. Every step of
21 research and every phone call trying to pull the
22 neighbors together, make sure that we're looking
23 at every little fact. There's so many strings
24 to this that I'm not even beginning to cover in

1 my testimony because, like everything else, I
2 wanted to give a better effort at it, and I
3 can't because I didn't have time.

4 There's over 70 or 80 signatures on this
5 from residences around Eldena. Probably can't
6 even talk about it, but they are not interested
7 in what solar might do to their properties as
8 far as values.

9 Every resident that lives on this site is
10 not a fan of that fence being right encroached
11 around their property, and we're at the mercy of
12 hopefully Geronimo working it out with them.
13 And if that were to not happen, they're looking
14 at you. Their fate to some sort of an
15 acceptable agreement possibly would be in your
16 hands, and I hope you see that. I hope you see
17 what the impact is on them. It's not just that
18 people are saying, No solar in my backyard.

19 It's got real welfare impacts. It has
20 health ramifications to them, if you consider
21 stress of trying to sell your home at the age of
22 80 to downsize to get to town and it sits there
23 on the market, waiting for the right buyer,
24 waiting, and waiting. Too bad for them, I

1 guess.

2 We need to change the Ordinance. We have
3 an opportunity to help mitigate, if we're going
4 to go towards solar, to make this less abrasive
5 on the community and to lessen the stress of
6 everyone that has to be living near this as we
7 learn all together what the ramifications end up
8 being.

9 I fear we're headed towards approval of a
10 lot of different projects around the community,
11 and I guess we're all going to see what that all
12 out might be.

13 I am glad for the opportunity to sit here
14 so that as this moves forward and other projects
15 move forward, I know that I can look back and
16 say, At least I spoke up and I did something. I
17 know that I went out and I drove to help get
18 these people here to give their input as well,
19 and I know there's many more that would have
20 liked to have been here, but with COVID, it
21 makes it pretty tough.

22 There was a lot of unfortunate things that
23 happened with this particular project, and maybe
24 you're used to that, maybe that happens with a

1 lot, I don't know. I wasn't involved with a lot
2 of other things. But it's pretty heartbreaking
3 and heart-wrenching to go through this.

4 It's in your hands. Thank you.

5 JUDGE SLAVIN: Thank you.

6 Lastly, anyone else?

7 Mr. Gusse?

8 MR. GUSSE: Yes.

9 JUDGE SLAVIN: You had your chance, so
10 what's up?

11 MR. GUSSE: Well, I wanted to make kind of
12 a summary.

13 JUDGE SLAVIN: No, you have done that.
14 Everybody gets one chance.

15 MR. GUSSE: Okay.

16 JUDGE SLAVIN: We don't go round and round
17 and round.

18 All right. Anyone else?

19 All right. Last chance for Zoomers.

20 Alice?

21 MS. HENKEL: No one.

22 JUDGE SLAVIN: Okay. All right. Folks,
23 that ends the phase, I'll call it Phase 3, for
24 lack of a better word. The next phase is

1 fact-finding recommendations, which is the sole
2 area of your Zoning Board of Appeals to handle.

3 I'm going to -- and by the way, I heard a
4 couple people say -- refer to the different
5 nights as different hearings. They are not
6 different hearings. If it was a different
7 hearing, every time we would have to have a
8 public notice. All the nights are one hearing,
9 and I have referred to them, each of the
10 evenings, as sessions.

11 So I'm going to recess this session until
12 one week from tonight, the 26th. Wednesday, the
13 26th, 7 o'clock here at the Old Lee County
14 Courthouse. 7 o'clock, Wednesday the 26th of
15 August, 7 o'clock. And we are in recess until
16 then.

17 MS. DUFFY: Judge?

18 JUDGE SLAVIN: Yes, ma'am.

19 MS. DUFFY: I thought we had it for August
20 24th, on a Monday.

21 JUDGE SLAVIN: Well, we did, but there
22 needs time for the Board to muster their facts
23 and for my work on those. It can't happen
24 before then, it just can't. But thanks.

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Okay. 26th, 7 o'clock.

(The hearing was recessed at
9:31 p.m.)

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On this 19th day of August, A.D., 2020, I do
signify that the foregoing testimony was given
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Enforcement Officer

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