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1 MR. FORSTER: I'd like to call to order  
2 the Thursday, October 15, 2020, Lee County  
3 Zoning Board of Appeals.

4 Would you call the role, please?

5 MS. HENKEL: Bruce Forster.

6 MR. FORSTER: Here.

7 MS. HENKEL: Craig Buhrow.

8 MR. BUHROW: Here.

9 MS. HENKEL: Mike Pratt.

10 MR. PRATT: Here.

11 MS. HENKEL: Gene Bothe.

12 MR. BOTHE: Here.

13 MS. HENKEL: Glen Hughes.

14 MR. HUGHES: Here.

15 MS. HENKEL: Rex Meyer.

16 MR. PRATT: He's up there.

17 MR. MEYER: Here.

18 MR. FORSTER: The next order of business  
19 is the approval of the previous minutes, and  
20 that would be the approval of the minutes on  
21 September 1, September 3 and September 23.

22 MR. BOTHE: So moved.

23 MR. FORSTER: Gene makes a motion. Do we  
24 have a second?

1 MR. HUGHES: Second.

2 MR. FORSTER: Is there any discussion?

3 All in favor say aye.

4 (All those simultaneously  
5 responded in the affirmative.)

6 MR. FORSTER: All opposed?

7 Motion carries.

8 Next would be a motion to adjourn pursuant  
9 to the County Board's vote on Petition 20-P-1553  
10 and Petition 20-P-1554.

11 MR. BUHROW: So moved.

12 MR. FORSTER: Craig makes a motion. Do we  
13 have a second?

14 MR. HUGHES: Second.

15 MR. FORSTER: Second by Glen. Any  
16 discussion?

17 All in favor say aye.

18 (All those simultaneously  
19 responded in the affirmative.)

20 MR. FORSTER: All opposed?

21 Motion carries.

22 New business tonight is Petition No.  
23 20-P-1555, the Petitioner, Steward Creek Solar,  
24 LLC, and at this time I would like to have

1           somebody make a motion to turn over the  
2           procedure to retired Judge Tim Slavin as our  
3           facilitator for the duration of this hearing.

4           MR. BOTHE:    So moved.

5           MR. FORSTER:   Gene makes a motion.

6           MR. HUGHES:    Second.

7           MR. FORSTER:   Glen seconds.   All in favor  
8           say aye.

9                                (All those simultaneously  
10                                responded in the affirmative.)

11          MR. FORSTER:   All opposed?

12          Motion carries.

13          Your Honor.

14          JUDGE SLAVIN:   Thank you, Mr. Chairman.

15          Members of the Lee County ZBA, welcome,  
16          and good evening to everyone.   I certainly hope  
17          all are remaining health and safe.

18                My name is Tim Slavin, and I'm a retired  
19                circuit judge engaged as an independent  
20                contractor to what is called facilitate this  
21                hearing.   I have no adjudicatory  
22                responsibilities.   I am not for or against any  
23                particular position.   I am neutral.   I am here  
24                hopefully to add some organization, efficiency,

1 and flow to these proceedings.

2 This is Steward Creek Solar, LLC's,  
3 petition Lee County 20-P-1555 for a Special Use  
4 Permit to develop a proposed solar energy  
5 system, commonly called an SES, in portions of  
6 Alto and Willow Creek Townships here in Lee  
7 County.

8 As shown by certificates of publication,  
9 notice of this hearing was published in the  
10 Ashton Gazette on September 30, 2020; Rochelle  
11 News Reader on September 28, 2020; and the Dixon  
12 Telegraph on September 29, 2020. Notices to  
13 adjoining property owners have also been  
14 provided.

15 First of all, I'm hoping you understand,  
16 all of you, a portion of tonight's Zoning Board  
17 of Appeals session will probably be taken up by  
18 some organizational matters as we set some  
19 ground rules, do some preliminary scheduling,  
20 and quite frankly test out the technical and  
21 practical protocols we have planned to  
22 accommodate everyone but keeping you all  
23 reasonably safe at the same time.

24 Initially, because of the unique

1 circumstances visited upon us by courtesy of  
2 COVID-19 and its recent spike in the positive  
3 testing rate in the nine counties of the  
4 Illinois Region 1 which has resulted in raising  
5 our mitigation tier of the Illinois Department  
6 of Public Health's Restore Illinois Resurgence  
7 Mitigation Plan, this hearing runs a capacity  
8 now limited to 25 total people, and I just  
9 counted 24, which includes 16 necessaries and 9  
10 interested parties. And all in attendance will  
11 be required to wear a mask unless speaking, and  
12 three available spaces have been arranged so  
13 that the seats are at least 6 feet apart.

14 In addition to this former courtroom,  
15 there are socially-distanced spaces in the rear  
16 former jury room which can accommodate 16  
17 people: 15 interested parties, plus our Lee  
18 County IT expert. And finally, the first floor  
19 stairway lobby will safely seat nine more  
20 interested parties, plus Ms. Duffy's assistant,  
21 Becky.

22 Any folks in either the rear jury room and  
23 first floor of the lobby will be able to  
24 participate in these proceedings on the Zoom



1 feed. I hope this all makes everyone feel  
2 medically comfortable, and importantly the  
3 meaningful upshot of all of this is that 51  
4 people can be in this building and still comply  
5 with the upgraded restrictions. Subtracting 18  
6 necessaries, that means 33 interested parties  
7 are able to attend in person, and of course an  
8 unlimited number of folks will be able to  
9 participate on the Zoom platform from more  
10 remote locations like homes or businesses.

11 I'm sure we all appreciate these protocols  
12 developed by the incredibly hard-working Dee  
13 Duffy and the expertise of Lee County's IT  
14 department headed by Mike McBride to allow these  
15 proceedings to even take place, particularly  
16 with so much accommodation given the  
17 circumstances.

18 Now, for a bit more substance, there are  
19 two groups of attendees as far as the Zoning  
20 Board of Appeals moves forward. One, I've  
21 already alluded to necessaries. These are  
22 people who must attend this hearing in person.  
23 They consist of himself, your hard-working and  
24 practically-volunteer Zoning Board of Appeals

1 members, your marvelous Zoning Officer Dee  
2 Duffy, her assistant Becky, your IT expert  
3 staff, Mike McBride and Alice Henkel, your  
4 State's Attorney Charlie Boonstra, a deputy  
5 sheriff, two employees of the Petitioner, its  
6 attorney, Courtney Kennedy, a witness, and  
7 finally but hardly the least, our hard-working  
8 and skilled court reporter, Kylie.

9 The other I will group into what I call  
10 interested parties. These are those of you  
11 folks who are with us in person or remotely on  
12 the Zoom video or teleconferencing platform, or  
13 you may be viewing and listening to the  
14 proceedings on YouTube because you simply want  
15 to observe your county government at work or  
16 beyond that you have a particular interest in  
17 these proceedings.

18 Dee Duffy has gone to extraordinary  
19 lengths to advertise and post the Zoom entry and  
20 YouTube viewing information, but it never hurts  
21 to repeat such things. The Zoom meeting ID  
22 tonight and continuing through all of the  
23 sessions is 915 3923 9154, and the password is  
24 209840. As I said, that meeting ID and password

1 will remain the same throughout the hearing.

2 Accordingly, if you're with us in person  
3 tonight but are not comfortable with the safety  
4 protocols in place, you can always join us  
5 during future sessions by Zoom. The Zoom  
6 platform allows an interested party to actually  
7 participate. It is interactive. One may not  
8 only see and hear what is taking place, but when  
9 the appropriate phase comes one may ask a  
10 witness questions, call a witness, testify or  
11 give a closing comment.

12 Further, in an attempt to be as  
13 transparent and inclusive as possible, we are  
14 also streaming this proceeding on YouTube.  
15 However, YouTube is not an interactive platform.  
16 On it, one can only watch and hear what is being  
17 said during the hearing, not participate. As to  
18 YouTube, on your computer or your cell phone,  
19 use your browser, go to [www.YouTube.com](http://www.YouTube.com). In the  
20 search bar type exactly "Lee County IL," as in  
21 Illinois, I-L, "Zoning Board of Appeals." You  
22 need not be concerned with upper or lower case  
23 letters. This should bring up a list of Lee  
24 County ZBA's YouTube. Input or select the date

1       you want, and voilà, you should be seeing us  
2       here in the hearing room. However, please be  
3       advised the YouTube feed will, because of those  
4       ubiquitous cyberspace things, have a short  
5       realtime delay. In case you are not a techno  
6       geek, like me, for instance, you can call for  
7       assistance at 815.973.3449.

8               The next process I will try to explain is  
9       the methodology for interested parties to  
10       participate whether in person or via Zoom.  
11       Again, I emphasize please, please know that  
12       everyone will have the opportunity to  
13       participate; however, because of the necessary  
14       electronic filtering, my usual process becomes  
15       even more central, and I will flesh out more of  
16       this as I give this presentation and we move  
17       through our time together in the weeks ahead.

18               Accordingly, for everyone's benefit, I  
19       want to provide the opportunity to participate  
20       in a manner that is as orderly and efficient as  
21       possible. There are many possible reasons for  
22       an interested party's appearance this evening  
23       and during subsequent sessions whether in person  
24       or remote. You could be a member of the public

1 who is joining us simply as a citizen and  
2 spectator. You could be a member of the public  
3 who wants to be heard. This does not  
4 necessarily mean someone who is absolutely for  
5 or against the requested Special Use, but  
6 someone who wants to participate. If you are  
7 such a person, you will fall into any one or  
8 more of three categories.

9 Category one, you want to give testimony.  
10 This means that you desire under oath to have  
11 you or a witness of your calling to testify to  
12 facts relevant to the Board's eventual decision.  
13 Such is not the time to describe your feelings  
14 or announce your opinion, but to aver facts, and  
15 you are subject to cross-examination. Everyone  
16 wishing to testify or present a witness will be  
17 given one opportunity to do so.

18 Two, second category, you want to be able  
19 to cross-examine witnesses. But please, that is  
20 just to ask questions of a particular witness,  
21 not to argue with him or her. Everyone so  
22 wishing to cross-examine will be given one  
23 opportunity to cross-examine each and every  
24 witness.

1           The third category is you want to make a  
2 closing statement or a public comment. That is  
3 your opportunity to give a speech, to tell the  
4 Board how you feel, or to give them your opinion  
5 based on facts deduced during the whole hearing  
6 process as to what their decision should be.  
7 During this closing statement or speech stage,  
8 one cannot allege new facts. When you think  
9 about it, the reason for it is simple. The two  
10 most important parts of deducing the truth of  
11 matters at a hearing are missing. One is that  
12 when you give a public comment you are not under  
13 oath nor are you subject to cross-examination.  
14 Everyone so wishing to give a closing statement  
15 will be given one opportunity to do so.

16           For those of you joining us on the Zoom  
17 platform this evening or in the future, that  
18 interactive software allows an interested party  
19 to indicate a desire when the time comes to ask  
20 questions of a witness, to present one's own  
21 witness, to testify one's self or to give a  
22 closing statement or make a public comment. So  
23 when I indicate that the time has come to begin  
24 one of those interested party stages, I will

1 first call on any of the nine interested parties  
2 here in the court room, in the back, or on the  
3 first floor lobby and by a raise of a hand.

4 Then after we move through those folks, I  
5 will ask for participation from the Zoomers,  
6 whether here in the old courthouse or at home or  
7 another more remote location.

8 If one is videoconferencing, one simply  
9 clicks on the icon at the bottom center of the  
10 Zoom screen labeled participants and from the  
11 options that appear, click raise hand. If one  
12 is remotely teleconferencing, while remaining  
13 connected one hits the star or the asterisk  
14 symbol and then the numeral 9 on your phone.  
15 Either way, we should then see any raised hands,  
16 and I will call on each raised hand. However,  
17 unlike previous such hearings, I don't think  
18 we'll be able to do it on a first hand --  
19 first-raised, first-come basis. So calling on  
20 raised hands will probably be more random,  
21 referring to them by name, email address, or  
22 last four digits of a phone number that appears  
23 on our display.

24 Written communication sent in advance of

1 this hearing or any written material intended as  
2 something for the Board to consider is subject  
3 to a Board Rule Article 5, Section 12, that  
4 eight copies be provided. Any communications  
5 received that do not comply with this  
6 requirement may not be considered by the Board  
7 of Appeals.

8 I will now review the chronological  
9 progress of the hearing. I know that the  
10 narration that follows is boring and it's  
11 tedious, but please, reciting it is for everyone  
12 to help you feel comfortable and not to worry  
13 that you will not have a fair and complete  
14 opportunity to participate, but at the same time  
15 to alert you when the three distinct opportunity  
16 forms of participation will present.

17 Stage one, the Applicant has the burden of  
18 initially going forward. Accordingly, its agent  
19 or attorney may make opening remarks. Then the  
20 Applicant presents evidence, one witness, or one  
21 document at time. I will place each witness  
22 under oath or affirmation. After each Applicant  
23 witness, the State's Attorney, the Zoning  
24 Officer, members of the ZBA first, and then



1 interested parties, both onsite and remote, will  
2 have the opportunity to cross-examine that  
3 witness. And, please, again, this is the time  
4 only for questions directed to the witness  
5 testifying.

6 After the Applicant's evidence, the Zoning  
7 Officer has the opportunity to present witnesses  
8 and documents. After each Zoning Officer  
9 witness, the State's Attorney and members of the  
10 ZBA first and then interested parties, both  
11 onsite and remote, have the opportunity to  
12 cross-examine those witnesses. And once again,  
13 please, it's only the time for questions  
14 directed to the witness testifying.

15 After the Applicant and Zoning Officer  
16 have presented their respective evidence, then  
17 interested parties may present evidence, one  
18 witness, including themselves, or document at a  
19 time. I will place each such witness under oath  
20 or affirmation. After each interested party  
21 witness, the Applicant, the State's Attorney,  
22 the zoning Officer, and members of the ZBA, and  
23 then other interested parties have the  
24 opportunity to cross-examine that particular

1 witness.

2 When that concludes, the Applicant may  
3 offer rebuttal witnesses or documents one at a  
4 time. I will place each such witness under oath  
5 or affirmation. Those may then be questioned by  
6 Mr. Boonstra, Ms. Duffy, members of the ZBA, and  
7 then interested parties one at a time. If the  
8 Applicant does present any rebuttal witnesses,  
9 interested parties may present surrebuttal  
10 witnesses one at a time. After any interested  
11 parties' surrebuttal witnesses, the Applicant,  
12 the State's Attorney, the Zoning Officer,  
13 members of the ZBA, and other interested parties  
14 have the opportunity to cross-examine.

15 Finally, first the Applicant is given an  
16 opportunity for closing remarks. And lastly,  
17 any interested parties will be given an  
18 opportunity for closing statements, public  
19 comments, or speeches, whichever term you  
20 prefer. They are all the same thing.

21 There are some sub rules, after which I  
22 promise I will finish boring you any further.  
23 As you may have heard, each session has a time  
24 limit under the Zoning Board Rules of two and

1 one half hours. However, we certainly don't  
2 want to cut off anyone right in the middle of  
3 something, so I certainly will make a reasonable  
4 effort to let someone finish their particular  
5 stage when the time limit has been reached, or  
6 if there's very little time remaining at the end  
7 of the stage, I may simply continue the session  
8 rather than starting on another stage. I also  
9 have, for everyone's benefit, the discretion to  
10 call short recesses.

11 Under the Zoning Board's Rules, I have the  
12 duty to rule on the admissibility of evidence.  
13 While the strict rules of judicial evidence do  
14 not apply, I will exercise some equitable  
15 control of what is being presented with or  
16 without an objection.

17 We do and will continue to have a court  
18 reporter, Kylie, taking down what is said during  
19 the proceedings. I ask all to please be mindful  
20 of her job. She is very skilled, but she cannot  
21 take down two people talking at once, she can't  
22 take down nodding heads or gestures, and there  
23 is a limit to how fast a person can talk,  
24 including me, and expect her to keep up.

1 I do ask for civility and decorum. This  
2 is certainly a public form, but please be  
3 respectful of all who consider it important  
4 enough to be here. I ask you to refrain from  
5 displays of approval or disapproval. And as now  
6 with all public hearings, I ask that you turn  
7 off your cell phones or at least put them on  
8 silent.

9 Lastly, your Zoning Board of Appeals,  
10 these fine, hard-working and practically-  
11 volunteer gentlemen, act as finders of fact in  
12 this proceeding, much akin to a role of a jury.  
13 Their decisions during the last stage of the  
14 proceeding, findings of facts and  
15 recommendation, are based on the sworn  
16 testimony, admitted exhibits, and closing  
17 statements they receive during the hearing  
18 process.

19 They are your friends, your neighbors, and  
20 your fellow citizens of Lee County. So please  
21 appreciate and respect their role as we move  
22 through the days and weeks ahead. I ask you not  
23 to put them in a compromised position by  
24 lobbying them or having extra hearing

1           conversations or correspondence until the  
2           hearing, including their decisions, has been  
3           completed. In fact, they have been instructed  
4           to avoid these appearances of impropriety by  
5           politely telling an interested party something  
6           like, "I'm sorry. I'm not allowed to discuss  
7           the matter until the ZBA's work of finding facts  
8           and making recommendations is complete."

9           Thank you for your understanding in this  
10          regard, and I look forward to our time together.

11          Next order of business, before we forget,  
12          is a little scheduling. Members of the ZBA, if  
13          you want to get out your calendars that you're  
14          taking notes on. Let me find my cheat sheet.  
15          Well, we might have to do this a little a  
16          cappella.

17          Okay. Tonight is the 15th. Well, here we  
18          go. We'll talk about as we go along what the  
19          next nights are, but I want to know if there's  
20          availability on Monday, the 19th.

21          Mr. Forster?

22          MR. FORSTER: Yes.

23          JUDGE SLAVIN: Mr. Pratt?

24          MR. PRATT: Yes.

1 JUDGE SLAVIN: Mr. Buhrow?

2 MR. BUHROW: No.

3 JUDGE SLAVIN: Mr. Hughes?

4 MR. HUGHES: Yes.

5 JUDGE SLAVIN: Mr. Meyer?

6 MR. MEYER: Yes.

7 JUDGE SLAVIN: Mr. Bothe?

8 MR. BOTHE: Yes.

9 JUDGE SLAVIN: Ms. Duffy?

10 MS. DUFFY: Yes.

11 JUDGE SLAVIN: Mr. Boonstra?

12 MR. BOONSTRA: Yes.

13 JUDGE SLAVIN: Ms. Kennedy?

14 MS. KENNEDY: Yes.

15 JUDGE SLAVIN: And, Kylie, I got a note  
16 from your boss that I'm not supposed -- I don't  
17 have to ask that. Between the two of you, you  
18 will make sure there's coverage.

19 Alice?

20 MS. HENKEL: Yes.

21 JUDGE SLAVIN: All right. The 20th.

22 Let's go around the horn again.

23 Mr. Forster?

24 MR. FORSTER: Yes.

1 JUDGE SLAVIN: Mr. Buhrow?  
2 MR. BUHROW: Yes.  
3 JUDGE SLAVIN: Mr. Pratt?  
4 MR. PRATT: Yes.  
5 JUDGE SLAVIN: Mr. Bothe?  
6 MR. BOTHE: Yes.  
7 JUDGE SLAVIN: Mr. Hughes?  
8 MR. HUGHES: Yes, but probably late.  
9 JUDGE SLAVIN: Mr. Meyer?  
10 MR. MEYER: Yes.  
11 JUDGE SLAVIN: Ms. Duffy?  
12 MS. DUFFY: Yes.  
13 JUDGE SLAVIN: Mr. Boonstra?  
14 MR. BOONSTRA: Yes.  
15 JUDGE SLAVIN: Alice?  
16 MS. HENKEL: Yes.  
17 JUDGE SLAVIN: Courtney?  
18 MS. KENNEDY: Yes.  
19 JUDGE SLAVIN: 20. I have skipped the  
20 21st. The 22nd.  
21 Mr. Forster?  
22 MR. FORSTER: Yes.  
23 JUDGE SLAVIN: Mr. Buhrow.  
24 MR. BUHROW: Yes.

1 JUDGE SLAVIN: Mr. Bothe?

2 MR. BOTHE: Yes.

3 JUDGE SLAVIN: Mr. Pratt?

4 MR. PRATT: Yes.

5 JUDGE SLAVIN: Mr. Hughes?

6 MR. HUGHES: Yes.

7 JUDGE SLAVIN: Mr. Meyer?

8 MR. MEYER: No.

9 JUDGE SLAVIN: Ms. Duffy?

10 MS. DUFFY: Yes.

11 JUDGE SLAVIN: Mr. Boonstra?

12 MR. BOONSTRA: Yes.

13 JUDGE SLAVIN: Ms. Kennedy?

14 MS. KENNEDY: Yes.

15 JUDGE SLAVIN: Alice?

16 MS. HENKEL: Yes.

17 JUDGE SLAVIN: Did I catch everybody?

18 Okay. Monday, the 26th.

19 MS. DUFFY: On the 26, the 27, the 28,  
20 there's going to be a tax sale in here, so we  
21 have to block those off.

22 JUDGE SLAVIN: Thank you.

23 MS. DUFFY: Sorry, I just found that out  
24 today, Judge.



1 JUDGE SLAVIN: Okay. Well, that takes  
2 care of the whole week, because I can't do it on  
3 the 29th.

4 All right. Let's move to November. Let's  
5 see, I think you told me before, Ms. Duffy, that  
6 the 2nd is out because that's Planning  
7 Commission; 3rd is election day. So let's go to  
8 the 4th.

9 Mr. Forster, November 4? Mr. Forster?

10 MR. FORSTER: Yes.

11 JUDGE SLAVIN: Mr. Buhrow?

12 MR. BUHROW: Yes.

13 JUDGE SLAVIN: Mr. Bothe?

14 MR. BOTHE: Yes.

15 JUDGE SLAVIN: Mr. Pratt?

16 MR. PRATT: Yes.

17 JUDGE SLAVIN: Mr. Hughes?

18 MR. HUGHES: Yes.

19 JUDGE SLAVIN: Mr. Meyer?

20 MR. MEYER: Yes.

21 JUDGE SLAVIN: Ms. Duffy?

22 MS. DUFFY: Yes.

23 JUDGE SLAVIN: Mr. Boonstra?

24 MR. BOONSTRA: Yes.

1 JUDGE SLAVIN: Ms. Kennedy?  
2 MS. KENNEDY: Yes.  
3 JUDGE SLAVIN: Alice?  
4 MS. HENKEL: Yes.  
5 JUDGE SLAVIN: Okay. That's good.  
6 The 9th, Monday the 9th. Mr. Forster?  
7 MR. FORSTER: Yes.  
8 JUDGE SLAVIN: Mr. Buhrow?  
9 MR. BUHROW: Yes.  
10 JUDGE SLAVIN: Mr. Bothe?  
11 MR. BOTHE: Yes.  
12 JUDGE SLAVIN: Mr. Pratt?  
13 MR. PRATT: Yes.  
14 JUDGE SLAVIN: Mr. Hughes?  
15 MR. HUGHES: Yes, but probably late.  
16 JUDGE SLAVIN: Mr. Meyer?  
17 MR. MEYER: Yes.  
18 JUDGE SLAVIN: Ms. Duffy?  
19 MS. DUFFY: Yes.  
20 JUDGE SLAVIN: Mr. Boonstra?  
21 MR. BOONSTRA: Yes.  
22 JUDGE SLAVIN: Ms. Kennedy?  
23 MS. KENNEDY: Yes.  
24 JUDGE SLAVIN: Alice?

1 MS. HENKEL: Yes.

2 JUDGE SLAVIN: Okay. I did say that was

3 the 9th, yes.

4 Tuesday, the 10th. Mr. Forster?

5 MR. FORSTER: Yes.

6 JUDGE SLAVIN: Mr. Buhrow?

7 MR. BUHROW: Yes.

8 JUDGE SLAVIN: Mr. Bothe?

9 MR. BOTHE: Yes.

10 JUDGE SLAVIN: Mr. Pratt?

11 MR. PRATT: Yes.

12 JUDGE SLAVIN: Mr. Hughes?

13 MR. HUGHES: Yes.

14 JUDGE SLAVIN: Mr. Meyer?

15 MR. MEYER: Yes.

16 JUDGE SLAVIN: Ms. Duffy?

17 MS. DUFFY: Yes.

18 JUDGE SLAVIN: Mr. Boonstra?

19 MR. BOONSTRA: Yes.

20 JUDGE SLAVIN: Ms. Kennedy?

21 MS. KENNEDY: Yes.

22 JUDGE SLAVIN: Alice?

23 MS. HENKEL: Yes.

24 JUDGE SLAVIN: The 10th -- that was the

1 10th?

2 MR. HUGHES: Yes.

3 JUDGE SLAVIN: Not the 11th. Not the  
4 12th.

5 The 16th then. That's a Monday.

6 Mr. Forster?

7 MR. FORSTER: Yes.

8 JUDGE SLAVIN: Mr. Bothe?

9 MR. BOTHE: Yes.

10 JUDGE SLAVIN: Mr. Buhrow?

11 MR. BUHROW: Yes.

12 JUDGE SLAVIN: Mr. Pratt?

13 MR. PRATT: Yes.

14 JUDGE SLAVIN: Mr. Hughes?

15 MR. HUGHES: Yes.

16 JUDGE SLAVIN: Mr. Meyer?

17 MR. MEYER: Yes.

18 JUDGE SLAVIN: Ms. Duffy?

19 MS. DUFFY: Yes.

20 JUDGE SLAVIN: Mr. Boonstra?

21 MR. BOONSTRA: Yes.

22 JUDGE SLAVIN: Ms. Kennedy?

23 MS. KENNEDY: Yes.

24 JUDGE SLAVIN: Alice?

1 MS. HENKEL: Yes.

2 JUDGE SLAVIN: 17th, that's a Tuesday.

3 Mr. Forster?

4 MR. FORSTER: Yes.

5 JUDGE SLAVIN: Mr. Buhrow?

6 MR. BUHROW: Yes.

7 JUDGE SLAVIN: Mr. Bothe?

8 MR. BOTHE: Yes.

9 JUDGE SLAVIN: Mr. Pratt?

10 MR. PRATT: Yes.

11 JUDGE SLAVIN: Mr. Hughes?

12 MR. HUGHES: Yes, probably late.

13 JUDGE SLAVIN: Mr. Meyer? I'm sorry.

14 MR. MEYER: Yes.

15 JUDGE SLAVIN: Ms. Duffy.

16 MS. DUFFY: Yes.

17 JUDGE SLAVIN: Mr. Boonstra?

18 MR. BOONSTRA: Yes.

19 JUDGE SLAVIN: Ms. Kennedy?

20 MS. KENNEDY: Yes.

21 JUDGE SLAVIN: Now, I'm going to say the  
22 18th, then I'm going to quit. 18th, Wednesday.

23 Mr. Forster?

24 MR. FORSTER: Yes.

1 JUDGE SLAVIN: Mr. Buhrow?

2 MR. BUHROW: Yes.

3 JUDGE SLAVIN: Mr. Bothe?

4 MR. BOTHE: Yes.

5 JUDGE SLAVIN: Mr. Pratt?

6 MR. PRATT: Yes.

7 JUDGE SLAVIN: Mr. Hughes?

8 MR. HUGHES: No.

9 JUDGE SLAVIN: Mr. Meyers?

10 MR. MEYER: Yes.

11 JUDGE SLAVIN: Ms. Duffy?

12 MS. DUFFY: Yes.

13 JUDGE SLAVIN: Mr. Boonstra.

14 MR. BOONSTRA: Yes.

15 JUDGE SLAVIN: Ms. Kennedy?

16 MS. KENNEDY: Yes.

17 JUDGE SLAVIN: Alice?

18 MS. HENKEL: Yes.

19 JUDGE SLAVIN: Okay. That's enough for  
20 now. Thank you all.

21 We will then move into the hearing stages.  
22 As I explained, the Applicant has the burden of  
23 proof going forward.

24 So, Ms. Kennedy, you may give an opening

1 statement, should you wish to do so.

2 MS. KENNEDY: Thank you, Judge.

3 Hello, everyone. My name is Courtney  
4 Kennedy, and I'm here on behalf of the  
5 Petitioner, Steward Creek Solar, LLC. With me  
6 tonight on behalf of Steward Creek is Chris  
7 Henkel. He's a consultant for the project, Will  
8 Hantzmon, development manager for Steward Creek,  
9 and then Matt Hantzmon, founder and CEO of  
10 Hexagon Energy, LLC, the parent company of  
11 Steward Creek Solar.

12 At a 50,000-foot view, Steward Creek filed  
13 its petition for Special Use Permit on July 30  
14 of 2020 for the construction and operation of a  
15 600-megawatt solar energy system. This project  
16 as proposed spans approximately 5,000 acres and  
17 involves 24 participating landowners. It is  
18 proposed to be situated in Willow Creek and Alto  
19 Townships here in Lee County.

20 Through its petition, Steward Creek is  
21 requesting first that this Zoning Board of  
22 Appeals recommend the project to the Lee County  
23 Board, and second that the Lee County Board  
24 approve the project as proposed.

In Totidem Verbis, LLC (ITV)  
815.453.2260

In Totidem Verbis, LLC (ITV)

1           Throughout the course of this hearing, you  
2 will hear testimony from each of the following:  
3 first, you'll hear from Matthew Hantzmon, who is  
4 very knowledgeable about the project itself,  
5 renewable energy in general, and the  
6 environmental permitting aspects associated with  
7 the same.

8           Next, you'll hear from Tom Huddleston from  
9 Huddleston McBride to discuss various draining  
10 issues and what the company intends to do to  
11 address these issues.

12           You'll also hear from Michael Lehr from  
13 Leidos Construction and Engineering, LLC, who is  
14 very familiar with the civil engineering and  
15 construction timelines, and who will be able to  
16 address such issues as road use and how Steward  
17 Creek intends to take care of the county and the  
18 township roads that it will be utilizing during  
19 the construction process.

20           You will hear from Andrew Lines from  
21 CohnReznik to discuss the project's impact to  
22 adjacent land values, and Scott Billings from  
23 SCI Engineering, Inc., to discuss environmental  
24 issues and plans relating to the project.



1           Lastly you will hear from Wendy Ryerson,  
2           the Lee County Assessor, to discuss property tax  
3           ramifications associated with the project.

4           At the conclusion of their testimony and  
5           after reviewing all of the evidence presented  
6           before you, it is my hope that you will agree  
7           that not only does the project meet the  
8           requirements set forth in Lee County's Ordinance  
9           for solar energy systems and the criteria for  
10          the issuance of a Special Use Permit, but you  
11          will determine that it has actually gone a  
12          couple steps farther.

13          The company, on its own, has far exceeded  
14          what is required of it. You will hear of the  
15          lengths that the company has gone to evidence  
16          its commitment to not only being a good neighbor  
17          in this community, but also to be a good steward  
18          of the land. Because when you get right down to  
19          it, that's exactly why we're here. The  
20          company's intention is to leave a lasting  
21          positive legacy within this community.

22          And to that end, you'll hear testimony  
23          that the company is granting farther setbacks  
24          than what is required of it in the Ordinance,

1 that it is protectively addressing drainage  
2 concerns and developing a plan to improve this,  
3 that it is developing an environmental plan even  
4 when the EcoCAT consultation with the Illinois  
5 Department of Natural Resources has indicated  
6 that no further follow-ups are necessary.  
7 You'll also hear many more aspects of how this  
8 company has gone above and beyond what is  
9 required of it.

10 Therefore, at the conclusion of this  
11 hearing, Steward Creek Solar, LLC, respectfully  
12 requests that you, the Zoning Board of Appeals,  
13 recommend this project to the Lee County Board.  
14 Thank you.

15 JUDGE SLAVIN: Thank you. You may call  
16 your first witness.

17 MS. KENNEDY: I'd like to call Matt  
18 Hantzmon.

19 JUDGE SLAVIN: Step up somewhere you can  
20 find space there, Mr. Hantzmon. It's like a  
21 maze. Raise your right hand.

22 (Matthew Hantzmon was duly  
23 sworn.)

24 JUDGE SLAVIN: Have a seat.

1 MS. KENNEDY: May I proceed?

2 JUDGE SLAVIN: Yes, you may. I'm sorry.  
3 You may inquire.

4 MATTHEW HANTZMON,  
5 having been previously duly sworn, was examined  
6 and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. KENNEDY:

9 Q. Can state your name for the record.

10 A. Yes. Matthew Hantzmon.

11 Q. Can you recite your educational history for us?

12 JUDGE SLAVIN: Would you spell your last  
13 name for us?

14 THE WITNESS: Sure. The last name is  
15 spelled H-A-N-T-Z-M-O-N.

16 JUDGE SLAVIN: M-O-N?

17 MR. HANTZMON: Correct.

18 MS. DUFFY: Can you put the microphone  
19 closer to your mouth?

20 JUDGE SLAVIN: These microphones are not  
21 very sensitive. You've practically got to  
22 swallow it.

23 THE WITNESS: Got it.

24 Q. (By Ms. Kennedy:) Can you recite your

1 educational history for us?

2 A. Certainly. I have a BA from the University of  
3 Virginia and an MBA from Northwestern  
4 University.

5 Q. What company do you work for?

6 A. I work for Hexagon Energy.

7 Q. What is Hexagon's business address?

8 A. Hexagon's business address is 722 Preston  
9 Avenue, Suite 102, and that's in  
10 Charlottesville, Virginia, 22903.

11 Q. How are you employed?

12 A. I'm the founder, owner, and CEO.

13 Q. And when was Hexagon Energy founded?

14 A. It was founded in 2008.

15 Q. What are your job duties?

16 A. My job duties are general management and  
17 oversight of the company. I do a lot of project  
18 management on development of projects, oversee  
19 tasking and the assignments to the team members,  
20 as well as quality assurance of project  
21 timelines and project tasks. Additionally, I  
22 get involved in a lot of financial and other  
23 operating aspects of the company.

24 Q. And how many megawatts of renewable energy

1 development have you overseen?

2 A. I personally have overseen about a little over  
3 4,000 megawatts, about 1,400 megawatts of solar  
4 and 2,800 megawatts of wind energy.

5 Q. Have you ever overseen the development of a  
6 project similar in size to Steward Creek Solar?

7 A. Yes, several projects. A solar project in  
8 Texas which is a 600-megawatt project which is  
9 under construction now, a 200-megawatt solar  
10 project in southern Illinois that's ready to  
11 begin construction, a 551-megawatt wind project  
12 in Colorado, and a 550- and a 520-megawatt wind  
13 farm in Kansas.

14 Q. So tell us a little bit more about Hexagon  
15 Energy and what it does.

16 A. Sure. Hexagon is an energy development  
17 company. We look throughout the United States  
18 for opportunities where states or communities  
19 need and desire to have renewable energy for  
20 them to purchase or add it to the grid in those  
21 areas. So we will go to a state or a region and  
22 look for areas where the transmission grid is  
23 able to support additional energy being put onto  
24 the grid. We will then look to communities to

1 see what type of zoning and ordinance and  
2 general receptivity they have to a renewable  
3 energy project. And then we will make outreach  
4 to landowners to see if there's any interest in  
5 participating in those types of projects.

6 Q. Sure. What is Hexagon Energy's involvement  
7 with Steward Creek Solar?

8 A. Sure. Hexagon is the 100-percent owner of  
9 Steward Creek Solar. Our job is to go through  
10 all of this process that I just stated from  
11 identifying this region in northern Illinois  
12 that has a need and a desire for renewable  
13 energy generation. We went through the process  
14 of identifying transmission infrastructure that  
15 could support a project of this size. We then  
16 made outreach to landowners -- or prior to that  
17 made outreach and communication to Lee County to  
18 understand what their Zoning Ordinance was and  
19 what familiarity they had with permitting  
20 renewable energy projects. And finally  
21 identified landowners that were approximate to  
22 kind of the high-voltage transmission lines that  
23 have interest in participating.

24 Q. And aside from your experience with Hexagon

1 Energy, do you have any other previous positions  
2 related to this area?

3 A. Certainly. Prior to founding Hexagon Energy, I  
4 was the founder and chief operating officer of  
5 HelioSage Energy, which was another solar energy  
6 development company. Before that, I was a  
7 cofounder and general manager of Green Light  
8 Energy, which was a wind energy development  
9 company. I'm also -- or was also previously on  
10 the board of Apex Clean Energy, which is one of  
11 the largest renewable energy development  
12 companies in the United States, and I'm also a  
13 founder and board member of Columbia Power which  
14 is a wave energy development technology company.

15 Q. With respect to Steward Creek Solar, this  
16 project that we're here about tonight, how long  
17 have you been directly involved with this  
18 project?

19 A. Sure. I've been really involved since the  
20 inception of the project back in 2017.

21 Q. On behalf of the Petitioner, do you agree to be  
22 bound by any and all proposals and  
23 representations contained within the petition?

24 A. Yes.

1 Q. How about for the application?

2 A. Yes.

3 Q. And for your testimony made under oath during  
4 this public hearing?

5 A. Yes.

6 Q. Where is this project located?

7 A. So the project is located -- it's really kind  
8 of bound on the north side by the Ogle County  
9 line; on the west side by Interstate 39; on the  
10 east side by the DeKalb County line; and on the  
11 south side by Highway 30.

12 Q. How many acres are involved with this project?

13 A. 5,000 acres.

14 Q. Is it correct that there are 24 participating  
15 landowners?

16 A. Yes.

17 Q. Why did you choose this location?

18 A. Yeah, it gets back to the combination of the  
19 fact that this area of northern Illinois, which  
20 is actually overseen by a regional transmission  
21 organization called PJM, there's a large and  
22 growing deficit of energy, especially renewable  
23 energy in this area. There's been announced  
24 retirements of two large nuclear facilities and



1 several large coal facilities where the Illinois  
2 Power Authority has recommended to ComEd and  
3 others in this region to start to procure  
4 additional energy, and within that specifically  
5 renewable energy.

6 Q. Is it safe to say that you're familiar with the  
7 Lee County Ordinance for solar energy systems?

8 A. Yes.

9 Q. And you understand that the language of that  
10 Ordinance provides that the Applicant shall only  
11 be required to submit two copies of all  
12 documents proving ownership or interest in the  
13 property for which the Special Use Permit is  
14 requested?

15 A. Yes.

16 Q. Now, I'm going to hold up two binders, if you  
17 can determine them, would that be proof of site  
18 control here?

19 A. Yes.

20 MS. KENNEDY: Judge, I would like the  
21 record to reflect that I'm going to tender these  
22 to the Lee County Zoning Administrator.

23 JUDGE SLAVIN: Done.

24 Q. (By Ms. Kennedy:) Mr. Hantzmon, I'm also going

1 to hold up a rather thick binder. Are you  
2 familiar with this?

3 A. Yes, that is our application.

4 Q. Were you involved in the preparation of this  
5 application?

6 A. Yes.

7 Q. And if I refer to it as the application binder,  
8 you're going to understand that this is what I'm  
9 referring to; is that correct?

10 A. Yes.

11 Q. Would you say that you are generally  
12 knowledgeable about the contents of this  
13 application?

14 A. Yes.

15 Q. Does it contain various details and reports  
16 regarding the project?

17 A. It does.

18 MS. KENNEDY: Judge, at this time I would  
19 like to enter the application binder into  
20 evidence.

21 JUDGE SLAVIN: Fine. Did you mark it?  
22 Give it Petitioner 1.

23 MS. KENNEDY: Okay.

24 (Petitioner's Exhibit Number 1

1 marked for identification.)

2 Q. (By Ms. Kennedy:) Mr. Hantzmon, I'm going to  
3 direct your attention to the portion of the Lee  
4 County Ordinance relating to the issuance of  
5 Special Use Permits. There are six Special Use  
6 Permit standards that are part of the Ordinance  
7 in Section 10-2B-2, D.1.

8 With respect to this first factor, that is  
9 the project's impact generally on the health,  
10 safety, and general welfare. What, if anything,  
11 can you tell me about the project relating to  
12 this?

13 A. Certainly. From a health perspective, the  
14 project is designed, and renewable energy in  
15 general -- really one of the benefits is to  
16 decrease overall air pollution by replacing the  
17 current fossil fuels that pollute the air. It  
18 also should reduce overall water pollution  
19 because of the -- for the same reasons: the  
20 decrease in fossil fuel production. And also it  
21 should have an overall general beneficial impact  
22 for -- on the land through increased beneficial  
23 land use.

24 Q. Are there any safety concerns with respect to

1 the project?

2 A. No, the project itself is -- will be --  
3 consists of a photovoltaic panels which are very  
4 safe. There's a long history of, you know, safe  
5 use. There are no hazardous materials used in  
6 the project, no odors, no noise, sound that will  
7 come from the project. So it's overall very  
8 safe.

9 Q. Will this require any increased funding for  
10 emergency services?

11 A. No. The project, you know -- a solar project  
12 has a very light -- as we call it, a very light  
13 impact on the community. It doesn't really  
14 increase, other than during the construction  
15 period, any road traffic, and the project  
16 should, through increased taxes, also contribute  
17 to the fire and safety and EMS of the community.

18 Q. What, if anything, can you speak to the general  
19 welfare in connection with this proposed  
20 project?

21 A. Sure. I think there are a lot of benefits for  
22 this project to the community. They would  
23 include, first and foremost -- and I'll talk  
24 about this in a little bit more detail, but

1 we're going to set up two not-for-profit funds  
2 that will give community support to the Village  
3 of Lee and the Village of Steward.

4 The project will also be beneficial to the  
5 landowners participating in the project. We've  
6 heard a lot of concern expressed from landowners  
7 about the current situation with agriculture and  
8 crop prices, and this will allow landowners to  
9 have a very long-term, predictable revenue on  
10 their properties, sometimes allowing them to  
11 keep property within the family that they  
12 wouldn't otherwise be able to do.

13 The project will provide pretty  
14 significant tax revenues to the county, and in  
15 addition to fire and EMS, the preponderance of  
16 the taxes will be going to the local school  
17 systems.

18 Q. Are there any long-term benefits, in your  
19 opinion, that will be given to the ground within  
20 the project?

21 A. Certainly. The -- when you look at a solar  
22 project like this, it's really a temporary use,  
23 and it's very harmonious in the agricultural  
24 environment to what we describe as kind of an

1 alternative concept to CRP land, where the land  
2 will be taken out of active agricultural  
3 production for a period of three to five years  
4 during the project life. Over that time period,  
5 the project itself will be seeded with native  
6 grasses with actually a fairly beneficial root  
7 structure that will allow over time the land to  
8 increase the amount of soil retention and  
9 increase overall nutrients. So it's anticipated  
10 that the quality of the ag land during this  
11 35-year period will increase, and then at the  
12 end of the project, the project will be taken  
13 out 100 percent and restored back to  
14 agricultural use.

15 Q. So you mentioned that it could take the  
16 property out of ag use. But what I think you  
17 really mean is that it will take it out of row  
18 crop production; is that a fair statement?

19 A. Exactly.

20 Q. Turning to the next factor. Can you speak to  
21 the project's effects on the character of the  
22 neighborhood and the surrounding region of the  
23 project?

24 A. Sure. When we were looking at the project and

1       trying to select an area, we do look for, in  
2       addition to the county having an Ordinance that  
3       understands how to permit this type of project,  
4       we look at the general characterization and the  
5       character of the area.

6               So it is -- as we've talked about, it's ag  
7       predominantly in row crop, corn, beans and hay  
8       pasture. The project, the way it's cited, also  
9       within the project footprint, there are  
10      pre-existing wind turbines. So there's already  
11      a component of energy production in the site  
12      footprint. There's also a number of very large  
13      high-tension transmission lines in the area, as  
14      well as substations and other energy  
15      infrastructure.

16 Q.   Are there any effects to the surrounding  
17       landowners that you think are relevant for the  
18       Board to take into consideration?

19 A.   No. We've been very careful, and it's kind of  
20       our general practice to look at the impacts of a  
21       project like this to the neighbors and the  
22       surrounding neighbors. We look at glare, and  
23       there's no glare from the project on the houses  
24       within the project or adjacent to the project.

1 We pay attention to noise, odor, traffic, and  
2 other things. So it's a very safe, very quiet  
3 neighbor.

4 Q. Do you believe that the project will have any  
5 effect on local traffic conditions?

6 A. During the construction phase, there will be an  
7 increase in traffic from the construction  
8 activities. The project will enter into a Road  
9 Use Agreement with the County and the townships  
10 in order to really look at the truck traffic  
11 during that time period, as well as make  
12 representations and commitments to repair any  
13 roads during that period.

14 After the project is up and operational,  
15 there should actually be a net decrease in  
16 traffic basically just due to the lack of  
17 seasonal agricultural use of the roads.

18 Q. Will the project have any impact on the local  
19 environment?

20 A. No. Again, we've spent some time running  
21 preliminary studies. We also ran the Illinois  
22 State Department of Natural Resources EcoCAT  
23 study that looks for endangered species. We are  
24 also going to go above and beyond that. And in



1       some of our testimony to come from SCI, we'll  
2       talk about additional environmental studies that  
3       we are going to undertake to ensure that there  
4       are no adverse environmental impacts.

5   Q.   You mentioned this EcoCAT process. Describe to  
6       me the procedure for initiating that  
7       consultation.

8   A.   Sure. The Illinois Department of Natural  
9       Resources has a website that you go to. It has  
10      a series of drop-down menus where you input all  
11      the project attributes: the location, the size,  
12      parcel information in that; and then it kind of  
13      steps you through a series of questions about  
14      the nature of the project.

15               And then at the end of that, the  
16      Department of Natural Resources determines  
17      whether or not there are any concerns that would  
18      require further studies. For this project, the  
19      Department of Natural Resources determined that  
20      there was no requirement for further studies.  
21      Although, as we've stated before, we anticipate  
22      doing further studies just to be kind of -- go  
23      above and beyond regulations.

24   Q.   Are those consultations found in Appendix Q of

1 the application binder?

2 A. Yes.

3 Q. Will the project as proposed comply with all  
4 applicable rules, regulations, and standards?

5 A. Yes.

6 Q. And does the company intend to comply with the  
7 Lee County Ordinance?

8 A. Yes.

9 Q. Does the company intend to comply with all  
10 requirements at a state and federal level?

11 A. Yes.

12 Q. And does the company intend to use industry  
13 best practices in relation to the project?

14 A. Yes.

15 Q. As part of tonight's hearing, there were  
16 several notices that were sent out; is that  
17 correct?

18 A. That's correct.

19 Q. Did the company send any notice on its own?

20 A. Sure. Again, it's part of our, kind of  
21 commitment to go above and beyond the Ordinance  
22 and to be a, you know, good neighbor and good  
23 community participant. We actually sent out two  
24 different letters to landowners within the

1 project footprint and adjacent to the project  
2 footprint: one in July and one in September.

3 And then in addition to that, we have had  
4 two meetings with the Village of Lee, two  
5 meetings with the Village of Steward, two  
6 meetings with the Township of Willow Creek, and  
7 one meeting with the Township of Alto. So at  
8 all of those, we took a lot of questions and  
9 answers and provided information about the  
10 project to the community.

11 Q. So with respect to your meetings with the  
12 Villages of Steward and Lee, what was the  
13 result, if any?

14 A. Certainly, yeah. We asked for a resolution of  
15 no objection to the project, and we obtained  
16 that.

17 Q. What about with Alto Township?

18 A. We presented at Alto Township. After the  
19 presentation, the Board got together after we  
20 had presented and left and decided they did not  
21 want to take action forward against the project.

22 Q. And what about Willow Creek Township?

23 A. Willow Creek, we also obtained a resolution of  
24 no objection to the project.

1 Q. And did you include those resolutions in the  
2 application binder?

3 A. We did.

4 Q. I'm going to take it back a little bit. You  
5 mentioned that the company sent out its own  
6 notices. What was the purpose of sending out  
7 those notices?

8 A. Sure. The way the Ordinance is currently  
9 written, there's a prescribed timeline for  
10 official notices to go out, and it's been our  
11 practice and it's been our -- the history at  
12 Hexagon Energy, we found that in order to really  
13 get appropriate community engagement on a  
14 project, have people ask questions, provide the  
15 ability to follow up on questions, and have  
16 them, you know, fully understand the -- kind of  
17 the plans for the project, that they need more  
18 than a 30-day notice in order to do that. So we  
19 always find it beneficial to engage the  
20 community early to try to educate them and help  
21 them understand the project and our plans.

22 Q. In addition to the notices of the company sent  
23 out, did you arrange for my office to send out  
24 certain legal notices?

1 A. Yes, we did.

2 Q. And was there an issue with the Lee County and  
3 Ogle County GIS system as it related to the City  
4 of Rochelle?

5 A. Yes, the City of Rochelle, which is located  
6 outside of the county, actually had a parcel  
7 that was not picked up that goes into Lee  
8 County. It was not originally picked up by the  
9 County's GIS team to send out notices. We found  
10 that out after the fact and reached out to the  
11 City of Rochelle and asked them to provide a  
12 waiver of notice, which they did.

13 MS. KENNEDY: Judge, may I approach the  
14 witness?

15 JUDGE SLAVIN: Sure, If he doesn't mind.  
16 (Petitioner's Exhibit Number 2  
17 marked for identification.)

18 Q. (By Ms. Kennedy:) I'm going to hand you what  
19 I've just marked as Petitioner's Exhibit 2 for  
20 identification purposes.

21 Are you familiar with this document?

22 A. Yes.

23 Q. And what is it?

24 A. Yeah, this is the waiver, as I mentioned, that

1 the City of Rochelle -- having not been properly  
2 noticed, we had a meeting with the mayor, the  
3 city manager, and others that were, you know,  
4 interested parties. We described the project,  
5 we took them through what our plans were, where  
6 it was located, asked them, you know, if they  
7 had any concerns with the project and our plans,  
8 and at the conclusion of that meeting asked for  
9 them to waive that right of notice.

10 Q. Who is this waiver signed by?

11 A. It is signed by the City of Rochelle city  
12 manager.

13 Q. And is this a true and accurate copy of the  
14 waiver signed by the City of Rochelle and  
15 contemplation of tonight's hearing?

16 A. Yes.

17 MS. KENNEDY: Judge, I would like to put  
18 this into evidence.

19 JUDGE SLAVIN: Admitted.

20 MS. KENNEDY: Thank you.

21 (Petitioner's Exhibit Number 2  
22 admitted into evidence.)

23 Q. (By Ms. Kennedy:) I'm going to hand you  
24 another thick binder and have you take a look at

1           this real quick. Are you familiar with this?

2   A.    Yes, I am.

3   Q.    What is it?

4   A.    This is the notice of public hearing, the  
5           notice that went out to adjacent landowners, as  
6           well as notice that was made in the local  
7           newspapers.

8           JUDGE SLAVIN: Have you marked that, Ms.  
9           Kennedy? We can't just have people saying  
10          "this."

11          MS. KENNEDY: Sure. I can mark it Number  
12          3, if you would like.

13          JUDGE SLAVIN: That would be great. Just  
14          so the record can show what we're referring to.

15                           (Petitioner's Exhibit Number 3  
16                            marked for identification.)

17   Q.    (By Ms. Kennedy:) Mr. Hantzmon, does this  
18           include the certificates of publication for each  
19           of the newspapers?

20   A.    It does.

21          MS. KENNEDY: Judge, I would like the  
22           record to reflect that I am tendering this to  
23           the Lee County Zoning Administrator.

24          JUDGE SLAVIN: Sure.

1 Q. (By Ms. Kennedy:) Mr. Hantzmon, it's my  
2 understanding that you have a PowerPoint  
3 presentation that you would like to go through?

4 A. I would.

5 Q. I'm going to have -- let me back up.

6 Did you personally prepare the PowerPoint  
7 presentation?

8 A. I did.

9 Q. I'm going to have you go ahead and present, and  
10 then I'll have a few follow-up questions for  
11 you.

12 A. Okay.

13 MS. KENNEDY: Judge, I have a printout of  
14 this presentation. I'm going to mark it Number  
15 4.

16 JUDGE SLAVIN: That would be great.

17 (Petitioner's Exhibit Number 4  
18 marked for identification.)

19 Q. (By Ms. Kennedy:) Whenever you're ready.

20 A. Excellent.

21 Can we move to the next slide?

22 Okay. Hexagon Energy is a renewable  
23 energy development company based in  
24 Charlottesville, Virginia. We work with



1 landowners, businesses, and communities across  
2 the country to develop solar energy projects.  
3 Our projects create long-term, reliable tax  
4 revenue for localities and predictable rental  
5 income for property owners while producing clean  
6 energy for local homes.

7 The team's experience at Hexagon exceeds  
8 40 years of energy development experience and  
9 nearly 7,700 megawatts of operating energy  
10 projects across eighteen states. Hexagon Energy  
11 is committed to the community, we are committed  
12 to landowners, and we are committed to the  
13 environment.

14 Next slide.

15 Hexagon Energy is -- our role as developer  
16 is really kind of a coordinator of a lot of  
17 experts and groups that really need to come  
18 together to make a successful project. We are  
19 kind of the general manager or the project  
20 quarterback, bringing all of these experts to  
21 bear to make sure that the project not only  
22 adheres to zoning regulations, local, state and  
23 federal regulations, but also adheres to all of  
24 our commitments to be a good neighbor and a good

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1 partner from an engineering and environmental  
2 perspective.

3 We are working with Huddleston McBride,  
4 which you will hear a little bit later on in  
5 this process, SCI on environmental issues, and  
6 BAM Energy, which helps do a lot of the  
7 interconnection engineering work.

8 We also work with EPC, which is  
9 engineering procurement and construction groups,  
10 to manage the overall construction of the  
11 project.

12 We have engaged Leidos Engineering as the  
13 project's construction manager, and they --  
14 you'll see in parentheses these are large single  
15 -- kind of the largest single project that these  
16 groups have worked on. So we're trying to bring  
17 together a team that's eminently qualified to  
18 work on a project this size. Leidos  
19 Engineering, you'll hear from Mike Lehr later  
20 on. The largest project he's worked on himself  
21 is 412 megawatts.

22 We've also reached out to a handful of the  
23 country's leading renewable energy construction  
24 firms, including Swinger, McCarthy Constructors,

1 Mortenson, and Blattner.

2 We also -- as a developer when the project  
3 has been constructed, we actually will sell the  
4 project, turn it over to long-term ownership to  
5 a -- you know, a large utility or large energy  
6 company.

7 In the past Hexagon has sold projects to  
8 Dominion Resources. And you'll notice in  
9 parentheses, this is kind of the market  
10 capitalization, these companies. So the  
11 companies that are going to run and manage these  
12 projects long term are extraordinarily large and  
13 experienced owner operators of energy assets.

14 So we've done business and sold projects  
15 to Dominion Resources, Southern Company,  
16 RWE/EON, Exelon, and NextEra, all of which have  
17 substantial renewable energy portfolios.

18 Next slide.

19 So from a project summary perspective,  
20 Steward Creek proposed a 600-megawatt facility  
21 in Lee County. The project will provide Lee  
22 County with long-term, reliable tax revenue,  
23 approximately 77.8 million over the life of the  
24 project. A significant portion of that will go

1 to the local school system. There are also  
2 benefits to local owners. It'll boost the local  
3 state economy. It'll provide a source of clean  
4 reliable energy while requiring minimal  
5 resources from the county. The solar array will  
6 produce approximately 1.3 million megawatt hours  
7 of energy every year, which is approximately  
8 enough energy to supply the full needs of  
9 116,000 homes. The system will produce  
10 electricity over its life for 35 years.

11 We anticipate construction beginning on  
12 the project in late 2022 and the construction  
13 timeline for the project will be approximately  
14 20 to 24 months.

15 Next slide.

16 This is a bit of an eye test, and our  
17 construction manager is going to kind of break  
18 this down into three different sections and go  
19 into the project site in a little bit more  
20 detail. But just to orient everybody to where  
21 the project sits. On the northern side, again,  
22 that's the Ogle County line on the west; that's  
23 Highway 39 to the south, Highway 30; and on the  
24 eastern side, that's the DeKalb County line, or

1 County Road.

2 Next slide.

3 So as I stated, it's our intention to meet  
4 certainly all aspects of the Lee County Solar  
5 Ordinance, meet or -- what we're endeavoring to  
6 do is exceed, where we can, those Ordinances,  
7 the County Ordinance Title 10, but specifically  
8 the Solar Ordinance 10-15-20.

9 In addition to just the general Ordinance,  
10 we actually are proposing to increase setbacks  
11 from houses and property lines and roads within  
12 the project footprint. Steward Creek has also  
13 been paying attention to some of the other solar  
14 projects that have come before the ZBA, the  
15 Junction Solar and Eldena Solar, and have kind  
16 of heard questions and concerns from those  
17 projects and are trying to incorporate a lot of  
18 those concerns in our initial project, and that  
19 would include the additional setbacks,  
20 additional landowner outreach, among others.

21 The Steward Creek Project Application, a  
22 large binder that we've referred to several  
23 times, contains all of the maps, plans, and  
24 studies required by the Solar Ordinance.

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1           Next slide, please.

2           The project will also have to enter into  
3 what is known as the Illinois Agricultural  
4 Impact Mitigation Agreement, or AIMA. This is  
5 an agreement between the project and the  
6 Illinois Department of Agriculture. It is above  
7 and beyond. It has to be in place in addition  
8 to the Lee County Solar Ordinance. So it's  
9 actually a belt suspender with the County  
10 Ordinance to make sure that landowner rights  
11 within the project and outside the project are  
12 protected.

13           AIMA addresses a lot of common  
14 construction requirements. It has an emphasis  
15 on maintaining drainage -- that we'll hear about  
16 a little bit later -- preventing erosion and  
17 requiring weed control. The AIMA requires  
18 Steward Creek to provide also financial security  
19 for the decommissioning of the project at the  
20 project's end.

21           Next slide, please.

22           So -- did we skip? Can you skip back one?  
23 Yeah, perfect.

24           So the AIMA has protections for soil and

1 health, drainage, and weed control. Steward  
2 Creek has also conducted a LESA analysis with  
3 the Lee County Soil and Water Conservation  
4 District that has been provided to the Zoning  
5 Board. The analysis has shown that there's an  
6 average crop productivity index of 128, which  
7 puts it into a Class B category.

8 Steward Creek has also submitted as part  
9 of our application a vegetative management plan  
10 as part of the SUP application, which it is our  
11 intention through consultation, as I said  
12 earlier, to increase the soil health over the  
13 duration of the project while also addressing  
14 issues of erosion and water runoff.

15 The project is currently sited. The land  
16 that the project will occupy currently is about  
17 47 percent in corn, 37 percent in beans, and the  
18 other 16 percent is fallow, pasture, hay.

19 Next slide.

20 From an economic development perspective,  
21 in addition to the power that we're going to be  
22 able to provide to this region, enough to power  
23 116,000 homes, we will increase significantly  
24 the tax revenue to the county of Lee. Tax

1 revenue is totaling over \$77.7 million, which is  
2 a \$70 million increase over current taxes on the  
3 property that we'll be utilizing. Of that  
4 increased tax revenue, \$51.5 million will go to  
5 the local school systems, Rochelle, Steward, and  
6 Indian Creek; 8.07 will go to the County for  
7 miscellaneous use; \$6.3 million will go to the  
8 community colleges; \$2.6 million to the towns;  
9 \$4.4 million to fire; \$4.2 million to roads.

10 So the economic development implications  
11 of this project are, we think, significant and  
12 is part of the reason that we think it's a good  
13 neighbor in this region.

14 In addition, there are a lot of jobs and  
15 ancillary benefits to this project. There  
16 should be over 700 construction jobs over the  
17 two years. The project intends to do outreach,  
18 a lot of outreach, in job fairs locally to  
19 obtain as much local hiring as possible. Over  
20 the life of the project, it'll have probably 10  
21 to 20 full-time jobs doing the maintenance and  
22 vegetative maintenance of the projects. And it  
23 has -- a project of this size will have a lot of  
24 additional ancillary benefits to housing,



1 lodging, and suppliers of equipment for  
2 construction.

3 Next slide.

4 This slide takes kind of the overall  
5 numbers that I was discussing, the \$77.7 million  
6 increase, and kind of looks at the first year  
7 impact from the project and how that breaks down  
8 by the various groups that will see increased  
9 revenue. The first year will be close to a  
10 three and a half million dollar increase in  
11 taxes. And as I said, the preponderance of  
12 that, \$2.3 million, will go to the local school  
13 systems.

14 Next slide.

15 In addition in our early outreach, we had  
16 meetings with both the Village of Steward and  
17 the Village of Lee, and we discovered in those  
18 conversations that while there's a lot of  
19 increased taxes that are going to the schools,  
20 the towns, the roads, EMS and fire, none of that  
21 tax revenue is allocated directly to the  
22 villages themselves. What we have committed to  
23 do as a project is to set up two not-for-profit  
24 funds, one for the Village of Lee and one for

1 the Village of Steward. Those not-for-profit  
2 organizations will be set up and funded by the  
3 project annually. The project will -- to each  
4 of Lee and Steward will fund the project \$25,000  
5 a year. But that's the first year. That  
6 \$25,000 will escalate over the life of the  
7 project.

8 So as we set up the village funds, they  
9 will be actually organized and run by village  
10 representatives themselves. The project will  
11 have no say over how that money is spent and no  
12 representation on the Board of the  
13 decision-making process of those funds.

14 Next project -- or next slide.

15 So from a community impact, as I  
16 mentioned, once the project is up and operating,  
17 it should result in lower traffic in this region  
18 just due to the fact that there's very little  
19 personnel or traffic that will go in and out of  
20 the site.

21 We've done a glare analysis that shows  
22 there's no glare that will be coming off the  
23 panels. The panels actually utilize  
24 antireflective coating to capture as much

1 sunlight as possible. There's no pollution,  
2 odor, hazardous materials from the project, low  
3 sound levels that will be inaudible once you're  
4 outside of the fenced-in area of the project,  
5 and low profile from a height perspective,  
6 likely less than 15 feet at its highest but  
7 certainly well below the 30-foot restriction in  
8 the Ordinance.

9 Last slide.

10 So later on you will hear additional  
11 details about many aspects of the project,  
12 including -- I think next up is Tom Huddleston  
13 from Huddleston McBride, and he's going to talk  
14 a lot about how we are going to identify,  
15 repair, replace, and enhance the drain tile in  
16 this area so that we will ensure that the --  
17 there will be no impact from a runoff  
18 perspective from the project.

19 Also, Mike Lehr from Leidos, the project  
20 construction manager, will talk in detail about  
21 the construction of this project, work hours,  
22 truck traffic, management of roads, fencing,  
23 laydown areas, parking, those type of things.

24 Then Scott Billings from SCI Engineering

1 will talk about all the other environmental  
2 work. Even though the EcoCAT suggested that  
3 this project didn't command any further  
4 investigation, as part of our best practices  
5 we're going to go do additional geotechnical  
6 work, environmental work, wetlands delineation,  
7 and others that Scott will talk about in detail.

8 Next, Andrew Lines from CohnReznik is  
9 going to talk about a study that they have done  
10 on the property value impact of this project,  
11 and he will show through his testimony and the  
12 report that we'll be submitting through our  
13 information that there are no impacts to  
14 property values from this project.

15 And finally Wendy Ryerson from the County  
16 Assessment Office will talk about the tax  
17 implications of this project.

18 That's it.

19 Q. Thank you.

20 Mr. Hantzmon, you testified that generally  
21 the equipment is less than 15 foot tall. Is  
22 that at its highest point?

23 A. Yes. We are going to utilize what's referred  
24 to as a single-axis tracker which pivots from

1 east to west throughout the day. It moves at an  
2 extremely slow speed as much as that you  
3 wouldn't actually be able to see it moving with  
4 your naked eye, but it does pivot. And at the  
5 highest tilt, at the highest point of the solar  
6 panels, that would be 15 feet.

7 Q. What is its height at its lowest point?

8 A. About 3 feet.

9 Q. Have you provided a site plan with your  
10 application?

11 A. We have.

12 Q. Is that found here in the application binder?

13 A. It is. In Appendix D.

14 Q. Have you shown the existing public and private  
15 roads and the widths of those roads?

16 A. We have. And that would be in the application  
17 in Appendix E.

18 Q. Does that also include any associated easements  
19 with those roads?

20 A. Yes.

21 Q. Did you provide a contour map showing  
22 topography at least in 2-foot intervals at the  
23 project site?

24 A. Yes, we did. And that's in the binder in

1 Appendix F.

2 Q. What about the existing vegetation?

3 A. In the binder in Appendix G.

4 Q. Have you provided a map that demonstrates or  
5 reflects all the waterways, streams, and rivers?

6 A. Yes, in Appendix H.

7 Q. What about a FEMA FIRM map?

8 A. The map is Appendix I.

9 Q. Did you provide a map showing the soils?

10 A. Yes, in Appendix J.

11 Q. And what about surface water drainage patterns  
12 and field tile lines?

13 A. Yes, Appendix K.

14 Q. Have you provided a solar energy system plan  
15 with a plan to location and spacing of the  
16 panels?

17 A. We have.

18 Q. Is that found in Appendix D?

19 A. That is in the site plan.

20 Q. Have you provided a map showing the plan to  
21 location of access roads and access points?

22 A. Yes. That's in site plan Appendix D, as well  
23 as the public road plan in Appendix E.

24 Q. Have you provided a map in the application that

1 shows the plan to location of lines connecting  
2 the solar energy system to a building substation  
3 or other electric load?

4 A. Yes, in the site plan in Appendix D.

5 Q. Have you provided a map that shows planned new  
6 electrical equipment other than at the existing  
7 building or substation that is to be the  
8 connection point for the solar energy system?

9 A. Yes, again, in the site plan, Appendix D.

10 Q. Have you provided any details within your  
11 application related to the fencing for the  
12 project?

13 A. Yes, again, within the site plan document  
14 Appendix D.

15 Q. And what does the fence look like?

16 A. The fence is currently designed as a 6-foot  
17 chain-link fence with 1 foot of barbed wire on  
18 top, and that's in conformance with engineering  
19 regulations for a facility like this.

20 Q. Is this fence around the boundary of the  
21 project?

22 A. It is, set back from roads and property lines.

23 Q. Did you submit a landscape plan with the  
24 application?

1 A. We did, Appendix L.

2 Q. Did you have this plan reviewed by any entity?

3 A. Yes, we had it reviewed by a consultant that  
4 specializes in grasses and vegetation control in  
5 this area, a group called ENCAP.

6 Q. And did ENCAP provide any suggestions or  
7 recommendations for that plan?

8 A. Yes. Based on our original proposal to them,  
9 we had included several types of grasses that  
10 they felt wouldn't thrive in this area and  
11 suggested replacements. We also paid particular  
12 attention to the root depth that might come off  
13 of the plantings of grass in this area, and  
14 really based on feedback from Huddleston  
15 McBride, we wanted to make sure that that would  
16 not interfere with the existing or future  
17 drainage tile.

18 Q. Have you provided the manufacturer  
19 specifications and the recommended installation  
20 methods?

21 A. Yes, those are included in Appendix M.

22 Q. Have you provided connection and  
23 interconnection details?

24 A. We have. Those are included in Appendix B.



1 Q. You've mentioned that you performed a Solar  
2 Glare Hazard Analysis Tool, or a SGHAT, for the  
3 project. What finding, if any?

4 A. Yes, there's a tool where you put in the  
5 technology utilizing the location as well as  
6 identifying houses within and outside of the  
7 project boundary, and it found that there was no  
8 glare at any point in the project.

9 Q. Is the project located within 500 feet of any  
10 airport or approach zones of an airport?

11 A. No.

12 Q. And how do you know that?

13 A. We did an application with the FAA, again,  
14 putting in the project characteristics,  
15 location, height, and the FAA came back and said  
16 that we did not require a consultation.

17 Q. Did you provide a copy of the notice criteria  
18 tool and the FAA form?

19 A. Yes, in Appendix O.

20 Q. Did you submit a fire protection plan with your  
21 application?

22 A. Yes, we did, in Appendix P. And as we  
23 developed that, we also reached out to the  
24 Steward Fire Commissioner and received feedback

1 on that that we incorporated in the plan.

2 Q. So that plan was reviewed by the Steward Fire  
3 Department?

4 A. Yes.

5 Q. You've mentioned that you initiated a  
6 consultation with the IDNR for the EcoCAT. Is  
7 that report in the application binder?

8 A. That is. That's in Appendix Q.

9 Q. Have you provided a map that reflects any  
10 wetlands within the project area?

11 A. Yes, we have.

12 Q. Would that be found in Appendix H of the  
13 application binder?

14 A. I'm sure it would. Yes, yes, it does. That's  
15 in Appendix H.

16 Q. Do you intend to conduct a formal wetlands  
17 delineation prior to the construction?

18 A. We do, yes.

19 Q. What would be the goal behind that?

20 A. Sure. The preliminary wetlands delineation  
21 looks at existing and known wetlands and  
22 wetlands maps, and we've designed our initial  
23 project design to set back from those. But a  
24 full wetlands delineation will survey all 5,000

1        acres of the property, it will stake the  
2        wetlands so that we know that we set back from  
3        those stakes, and then we will submit a  
4        consultation to the U.S. Army Corps of Engineers  
5        so that they can confirm those results.

6    Q.    And does Hexagon Energy have a corporate policy  
7        or goal related to these environmental issues?

8    A.    Yes. You know, as I said what we're committed  
9        to as a company, the community, the landowners  
10       and the environment, we are in the business of  
11       trying to do the best projects from an  
12       environmental stewardship perspective as  
13       possible. So we tend to go above and beyond  
14       what's required in local state ordinances to  
15       ensure that there are, you know, no problems  
16       with flora or fauna wetlands and other things on  
17       the project site.

18   Q.    Have you identified all routes on county and  
19        township roads that will be used for the  
20        construction and maintenance purposes of the  
21        project?

22   A.    Yes. We've created an initial road map that's  
23        included in the Appendix E which we've reviewed  
24        with both the Willow Creek and Alto Townships.

1 But in addition to that, after we've done the  
2 detailed engineering on the project, we actually  
3 expect to enter into a County Road Use Agreement  
4 which will further delineate responsibilities  
5 that the project has to maintain and repair  
6 roads.

7 Q. You understand that entering into that Road Use  
8 Agreement is the requirement of the Ordinance  
9 here in Lee County?

10 A. Yes.

11 Q. And you intend to enter into that Road Use  
12 Agreement?

13 A. Yes.

14 Q. With respect to the drainage tiles, do you  
15 intend to commit to repairing or restoring all  
16 drainage tiles damaged during the construction  
17 process?

18 A. Yes.

19 Q. And do you commit to restoring them to the same  
20 or better condition as to when construction  
21 began?

22 A. Yes.

23 Q. Do you commit to contacting the local drainage  
24 districts before beginning construction to

1 locate those drainage tiles?

2 A. Yes.

3 Q. Have you executed that solar AIMA agreement?

4 A. The AIMA agreement is going to be executed  
5 prior to construction of the project. It has to  
6 be executed a minimum of 45 days prior to  
7 construction. A lot of the issues that we will  
8 address in the AIMA will be dictated by the  
9 detailed engineering of the project, including  
10 things that we learn when we do studies and  
11 submit the stormwater protection plan for the  
12 project. So the AIMA is a legal requirement for  
13 the project to enter into prior to construction  
14 and will remain in place throughout the project  
15 life.

16 Q. And Illinois law provides when you can enter  
17 into the AIMA agreement; isn't that correct?

18 A. That's correct.

19 Q. And have you provided a boilerplate copy of the  
20 AIMA agreement?

21 A. Yes. The standard AIMA agreement by the  
22 Illinois Department of Agriculture is included  
23 in the application, Appendix U.

24 Q. Do you have a decommissioning plan within the

1 application?

2 A. Yes, we included a decommissioning plan in  
3 Appendix R.

4 Q. And do you intend to carry liability insurance?

5 A. Yes.

6 Q. Is that noted anywhere in the application?

7 A. It should be. It should be.

8 Q. You've mentioned the CPI of the land. Can you  
9 expound on this a little bit more?

10 A. Sure. The crop productivity index is a measure  
11 of the expected productive use of a parcel of  
12 land if that parcel of land is kind of managed  
13 and maintained to optimal output. The various  
14 parcels -- and we have dozens and dozens of  
15 parcels in the project footprint, they will vary  
16 from parcel to parcel. The average crop  
17 productivity index for the project on a whole is  
18 128, which is kind of an average Class B  
19 productivity.

20 Q. It's a fair statement that this is still good  
21 quality soil in Lee County?

22 A. Yes. You know, certainly Class B is, you know,  
23 close -- close to the best crop that you will  
24 get anywhere in the country. But as I said

1 earlier, it's our anticipation and our plan  
2 through the vegetative maintenance plan to  
3 actually, over the life of the project, increase  
4 the average crop productivity index of this  
5 property.

6 Q. Now, let's talk about setbacks. The company  
7 has treated setbacks for adjacent landowners  
8 different than what is required in the  
9 Ordinance?

10 A. Yes, that's correct.

11 Q. And what is the setback for the project?

12 A. Sure. We have -- as the Ordinance stands, it  
13 is required to set back 300 feet from platted  
14 subdivisions and then 50 feet from other  
15 property boundaries. We decided, and we believe  
16 it's fair, that we treat all houses within the  
17 project and adjacent to the project as a platted  
18 subdivision. So we are going to set back a  
19 minimum of 300 feet from all house residences in  
20 the project footprint. In addition, we are  
21 going to set back a minimum of 50 feet from all  
22 front, side, and rear property boundary lines,  
23 and then 50 feet from all roadway easements.

24 Q. So why is the company committing to that?

1 A. We feel like in a rural environment with new  
2 technology like this, that going kind of above  
3 and beyond what the requirements are to be a  
4 good neighbor is the right policy for us. And  
5 so -- and trying to mitigate concerns for  
6 landowners that are adjacent to the property or  
7 inside the property, we felt that it was fair to  
8 set back and treat it as if it were a platted  
9 subdivision.

10 Q. So this election to provide this setback, this  
11 was something that the company did voluntarily  
12 from the onset from the project's design; is  
13 that correct?

14 A. That's correct.

15 Q. Meaning, I didn't recommend this to you?

16 A. No, no.

17 Q. Now, the Lee County Ordinance provides that  
18 Knox boxes and keys shall be provided at locked  
19 entrances for emergency personnel access. Will  
20 this be the case for this project?

21 A. Yes.

22 Q. What can you tell me about the lighting that's  
23 going to be provided at the site?

24 A. Yes, lighting will be located at gate



1           entrances. And inverter locations, the lighting  
2           will be downcast such that at nighttime it will  
3           not cast any lighting beyond the project  
4           footprint itself.

5   Q.    Will there be any security cameras or video  
6           footage around the project fence?

7   A.    There will likely be security cameras at the  
8           gate entrances, and, again, the scope of the  
9           camera will be located such so that it doesn't,  
10          you know, pick up activity beyond the project  
11          footprint.

12   Q.    What can you tell me about the noise level of  
13          the project?

14   A.    Sure. The noise from the project generally  
15          emanates from the inverters and the tracker  
16          motors. The inverter -- the inverter location  
17          is approximately 50 decibels. By the time you  
18          get to the fence line, that probably drops off  
19          to about 20 decibels. So there will be no point  
20          at the property boundary that the noise level  
21          exceeds the County Ordinance.

22   Q.    It's fair to say that the farther away you get  
23          from the fence, the less likely you're going to  
24          hear any noise?

1 A. Yes, exactly, it should at the fence line.  
2 Certainly at anybody's home, it should be  
3 inaudible.

4 Q. Do the solar panels emit any radiation?

5 A. No.

6 Q. Will there be any warning signs provided at the  
7 entrance to the facility and along the perimeter  
8 of the SES?

9 A. Yes, according to the Ordinance.

10 Q. And will the sign at the entrance of the  
11 facility include the facility's 911 address and  
12 a 24-hour emergency contact number?

13 A. Yes.

14 Q. Now, the Ordinance provides that only the  
15 outdoor storage of materials, vehicles, and  
16 equipment that directly support the operation  
17 and maintenance of the solar energy system shall  
18 be allowed. Will that be the case for this  
19 project?

20 A. That is correct.

21 Q. So the Ordinance requires that drainage tiles  
22 have to be identified. Now, you've identified  
23 drainage tiles at the surface through what  
24 company?

1 A. Through a group called Huddleston McBride.

2 Q. Are those -- are those findings included in  
3 Appendix K?

4 A. Correct.

5 Q. Are there any structures or components of this  
6 project that are proposed to be built in the  
7 floodplain?

8 A. No.

9 Q. Will any project components be stored within  
10 the floodplain?

11 A. No.

12 Q. Do you have anything else that you would like  
13 to add?

14 A. I'm sure I can count on some good questions.

15 MS. KENNEDY: I have nothing further, your  
16 Honor.

17 JUDGE SLAVIN: And it's a good time for a  
18 break. I'm going to make it short. Twenty of  
19 we'll be back. Everybody take a break and  
20 stretch.

21 (Whereupon, a recess was taken.)

22 JUDGE SLAVIN: Alrighty. Questions of  
23 Mr. Hantzmon, Mr. Boonstra?

24 MR. BOONSTRA: No, sir.

1 JUDGE SLAVIN: Ms. Duffy?

2 EXAMINATION

3 BY MS. DUFFY:

4 Q. Matt.

5 A. Yes.

6 Q. So you mentioned in the application that you're  
7 forecasting construction to begin in August of  
8 2022, depending on several factors, one being  
9 the PJM interconnection process and another  
10 securing power sales contracts?

11 A. Correct.

12 Q. What other factors may prevent starting  
13 construction by fall of 2022?

14 A. I would say that those are the major factors.  
15 Other things kind of outside of our control,  
16 governmental regulatory, other things that we  
17 can't anticipate. But the major factors would  
18 be the PJM and the status of the power sales.

19 Q. So although the members of the Hexagon team  
20 have worked independently with other companies  
21 to develop renewable energy projects, and at the  
22 moment Hexagon has only small-megawatt-sized  
23 projects they are working on presently, is it  
24 true that this is Hexagon's first attempt at a

1 solar project of this magnitude of 600  
2 megawatts?

3 A. Yes, certainly at the size of 600 megawatts.  
4 Again, personally I've worked on projects of  
5 this size, 600 megawatts, in my previous  
6 companies. Also Hexagon as a company, while we  
7 haven't completed any projects, are currently  
8 working on or have developed a 200-megawatt  
9 solar facility in southern Illinois and 400- to  
10 500-megawatt-plus projects throughout the  
11 country.

12 Q. In your application you state that the project  
13 will produce enough power for approximately  
14 116,300 homes?

15 A. Correct.

16 Q. Is it true that statement does not mean that  
17 the power generated by the project will be going  
18 to Lee County homes specifically?

19 A. Yes. We don't know at this point, depending on  
20 the power sales contract, where the power will  
21 actually flow to and who it'll be delivered to.

22 Q. Do you know what company will be manufacturing  
23 the modules of this project?

24 A. Right now we're specifying modules by a company

1 called Canadian Solar.

2 Q. So they are not located in the U.S.?

3 A. They are not.

4 Q. 2,121,600 panels. The solar panels have very  
5 low failure rates of approximately 1 in 10,000  
6 per year, that would mean approximately 200  
7 panels each year may need to be replaced; is  
8 that true?

9 A. I haven't done the math on that, but that  
10 sounds correct.

11 Q. So when the wind industry -- after the life  
12 term of the turbine, companies are now  
13 repowering old wind farms. If solar panels are  
14 warrantied up to 25 years, is there such  
15 technologies as repowering the panels?

16 A. Right now there's no anticipation that we would  
17 repower the panels. The panels degrade at a  
18 very slow rate of about one-half of 1 percent  
19 per year. So through the 35-year lifespan of  
20 the project, we don't anticipate replacing the  
21 panels.

22 MS. DUFFY: That's all for now. Thank  
23 you.

24 JUDGE SLAVIN: Thank you.



1 as far as battery storage or battery usage?

2 A. Yes. Right now we're going through a study on  
3 the interconnection process of the project with  
4 this organization called PJM. In that process,  
5 they will determine what types of ancillary  
6 engineering we need in order to safely  
7 interconnect this project to the grid. So later  
8 on in the process -- that might be 12 months,  
9 that might be 18 months from now -- they will  
10 come back and tell us what type of battery  
11 support this project might need to safely  
12 interconnect. So at that point, we'll  
13 understand better kind of the number and size of  
14 the battery that we'll need for the project.

15 Q. Do you think that there currently are batteries  
16 that are usable in these types of projects  
17 today?

18 A. Yes, there are a number of large battery  
19 projects that are being implemented now  
20 throughout the United States and really around  
21 the world.

22 Q. You mentioned -- or Ms. -- Courtney mentioned  
23 the wetlands. And is there farmable wetlands in  
24 your project, and do you use those or not?



1 A. Farmable wetlands?

2 Q. Yes.

3 A. That's what we go through. We go through the  
4 wetland delineation process with SCI. They will  
5 actually flag wetlands. A lot of times what are  
6 considered farmable wetlands are actually  
7 flagged as wetlands, and we will set back and  
8 not develop on those.

9 Q. The other issue that was talked about with the  
10 townships, Willow Creek did give you a letter of  
11 recommendation?

12 A. It was basically a letter of no objection.

13 Q. And then the other township did not? Is  
14 anybody on those township boards one of your  
15 participants, if you know them?

16 A. I do not know that.

17 Q. That's okay. I just wondered, based on that.

18 MR. BUHROW: That's all I have for now.

19 Thank you.

20 JUDGE SLAVIN: Okay. Thank you.

21 Mr. Bothe?

22 MR. BOTHE: No, no questions.

23 JUDGE SLAVIN: Mr. Pratt?

24 MR. PRATT: Yes, I have a couple.

EXAMINATION

1  
2 BY MR. PRATT:

3 Q. Let's start with -- let's talk about the --

4 JUDGE SLAVIN: You've got to get closer to  
5 the mic.

6 Q. (By Mr. Pratt:) Let's talk about the big  
7 picture of this. On your map you've made what  
8 looks to me like a concerted effort to stay out  
9 of Dekalb County, correct?

10 A. Correct, yes.

11 JUDGE SLAVIN: I hate to keep bugging you,  
12 but can you put the mic on your notebook maybe  
13 or -- yeah.

14 Q. (By Mr. Pratt:) So -- now I've lost my train  
15 of thought.

16 JUDGE SLAVIN: Sorry. Dekalb County, you  
17 said.

18 Q. (By Mr. Pratt:) So you had a choice between  
19 Dekalb County or Lee County when you started  
20 this project, because the line that you were  
21 using continues into Dekalb County?

22 A. Correct.

23 Q. I would like a few comments on that thought  
24 process.

1 A. Sure. One of the -- one of the thought  
2 processes that I mentioned was that we looked  
3 for a county that had experience, and Dekalb has  
4 experience, but a well-defined Solar Ordinance  
5 so that when we embarked on the project we knew  
6 kind of what the expectations were from the  
7 County, what they wanted to see from a project,  
8 and that makes it easier for us to design a  
9 project from the beginning.

10 And then secondarily, the -- you know, the  
11 lines intersected with Lee County in that case.  
12 And then from that point, look for landowners  
13 that have large sections of land that were  
14 interested in participation.

15 Q. Have you been turned down in other locations on  
16 a project like this or this project in  
17 particular?

18 A. No.

19 Q. Did you attempt anywhere else?

20 A. No. This is the -- for this particular  
21 project, this size and PJM network, this was our  
22 target and our first county we started working  
23 in.

24 Q. So as far as the PJM, in your application I

1 find part of what you submitted to them -- or at  
2 least I assume that's what this is. But it  
3 says, Installed facilities will have a total  
4 capacity of 300 megawatts.

5 A. Yes. In that appendix, you'll see that we have  
6 submitted three different applications to PJM, a  
7 300-, a 200-, and a 100-megawatt application.  
8 The reasoning behind that was it was -- it is  
9 unclear and still is unclear as to whether PJM  
10 will allow the entire 600 megawatts or at what  
11 cost it will allow the 600 megawatts to be  
12 interconnected.

13 Q. That could have a huge impact on the project?

14 A. Yes, it could have a large impact on kind of  
15 the financial liability of the project. The  
16 initial three applications that we've included  
17 in the binder suggest that the project is going  
18 to kind of sit and arrange financial feasibility  
19 from the initial feedback from PJM.

20 Q. But it will have a large impact on the amount  
21 of acres that will end up in the project,  
22 correct?

23 A. Again, based on the initial fees feedback from  
24 PJM, we believe that the full 600 megawatts can

1 be built. So we anticipate utilizing the full  
2 5,000 acres.

3 Q. That's another question then. I've seen  
4 different numbers of 5,000, 5,900, 5,800. Will  
5 we have a hard number? I didn't go through all  
6 the legals. You know, these are a hard numbers  
7 or --

8 A. Yeah, there is a hard number, and it was  
9 submitted in the legals in the package, and it's  
10 very close to 5,000 acres. We've actually  
11 leased close to 6,000 acres. A lot of that  
12 additional acreage is consumed by setbacks from  
13 houses and roads and buffer areas and wetlands.

14 Q. So the petition is covering all of that?

15 A. No, the petition is covering only the 5,000  
16 acres which is within the project fence  
17 boundary. So the outside is not covered.

18 Q. So you're saying everything outside of the  
19 fences is not covered in the petition?

20 A. As far as I understand the Ordinance and the  
21 way it works, that's correct.

22 Q. Okay. We may have to think about that. So the  
23 setbacks then, when you say setback from the  
24 property line or an adjoining property line, is

1 that set back to the fence or is that to the  
2 inverters?

3 A. The setback is to the fence. And then there's  
4 -- basically from the fence to the first array  
5 of panels, there's probably another 20-foot  
6 setback, and then the inverters are located kind  
7 of centrally within the array. So that's many  
8 more feet beyond that.

9 Q. The key is, the setback you're describing is to  
10 the fence?

11 A. Correct.

12 Q. So then also to the inverters you brought up,  
13 you make a statement that there's no noise at  
14 night. Everything shuts down when the sun goes  
15 away. The inverters quit working? The trackers  
16 quit working?

17 A. The trackers stop working when the sun goes  
18 down. The inverters will remain energized and  
19 running throughout the evening. Especially in  
20 hot weather, the internal fans, it'll keep them  
21 cool 24 hours a day.

22 Q. And then you mentioned the lighting on  
23 inverters. Maybe describe that lighting a  
24 little bit.

1 A. Sure. The inverters are in little housing  
2 units that look maybe like a trailer or a  
3 tractor trailer with doors to enter into and get  
4 into where the equipment is. And the lighting  
5 will be above the door, cast down on the door.

6 Q. But you simply said right in here there will be  
7 161 inverters?

8 A. That's correct.

9 Q. So there'll be 161 lighted areas?

10 A. That's correct. The lights generally --

11 JUDGE SLAVIN: Just try to answer  
12 questions. I don't want to be. . .

13 A. Sure. Yeah, the lights generally at the  
14 inverter locations will not be lit all night  
15 long every night. The gate lighting will. But  
16 the inverter lighting is actually, you know, a  
17 light switch if someone needs to go out to an  
18 inverter location. So, you know, day in and day  
19 out at nighttime the inverters at night will not  
20 be lit.

21 Q. Oh, I see.

22 MR. PRATT: Okay. I guess I'll quit  
23 there. That's all. Thank you, sir.

24 JUDGE SLAVIN: Mr. Hughes?

1 MR. HUGHES: Yes, I've got a couple.

2 EXAMINATION

3 BY MR. HUGHES:

4 Q. In the application and also in your earlier  
5 statement, it says all materials are EPA  
6 certified as nonhazardous waste. Could you  
7 clarify that reference, both the EPA certified  
8 and the all materials part? I kind of. . .

9 A. Sure. The solar panels themselves are  
10 basically made up of polysilicon, which is  
11 derived from sand with glass on top framed with  
12 aluminum. When you decommission a project or  
13 get -- dispose of a solar panel, it's our  
14 intention that we would probably, first and  
15 foremost, recycle that because there is valuable  
16 materials within solar panels themselves and  
17 groups that will recycle solar panels.

18 If the solar panel is damaged and needs to  
19 be disposed of in a landfill or waste facility,  
20 the EPA has certified that this is -- can be,  
21 you know, treated like any other  
22 construction-type waste.

23 Q. So generally for the construction, the solar  
24 panels in general, they are considered by the



1 EPA nonhazardous?

2 A. Correct.

3 Q. Okay. Statements have been made that the solar  
4 farms, the SES's are a temporary use of the land  
5 for 30, 35 years and then it's back available  
6 for ag use. Do you plan on not continuing after  
7 a 30-, 35-year period, or do you expect that --  
8 as a little bit of alluding to Ms. Duffy's  
9 question earlier, do you anticipate the SES  
10 being recommissioned or rebuilt or repowered?  
11 Or, in fact, is it just going to be back to land  
12 after 30 to 35 years?

13 A. Yeah. As currently designed and conceived, our  
14 lease is and the project design is for 35 years.  
15 So as we're currently looking at the project  
16 today, that's our expectation, is that at the  
17 end of the 35 years the project will be  
18 decommissioned, removed, and the land will be  
19 put back to whatever the landowner chooses to do  
20 at that time.

21 Q. Where would the subsequent energy sources come  
22 from?

23 A. Usually -- and that's where this PJM  
24 organization comes into play -- they have

1 long-term resource plans that they talk to all  
2 of the generators, and the generators tell them  
3 kind of years in advance kind of when, how, and  
4 how much power is going to be generated and when  
5 they expect to bring projects offline. So this  
6 PJM organization manages those resources to  
7 ensure that new generation capability will be  
8 online when this comes offline.

9 Q. Okay. One more question, and you may not know  
10 the answer to this, but do you have any -- did  
11 Alto Township give you any reason why they chose  
12 not to pass the resolution one way or the other?

13 A. We didn't get any feedback from Alto Township  
14 after that meeting.

15 MR. HUGHES: Okay. I think that's my  
16 questions for now.

17 JUDGE SLAVIN: Mr. Meyers?

18 EXAMINATION

19 BY MR. MEYER:

20 Q. Okay. How much more capacity is available in  
21 the Nelson Electric Junction transmission line  
22 after this 600-megawatt project?

23 A. I don't know that. And that would take a  
24 further study with PJM to determine that.

1 Q. Do you think it's half full?

2 A. Can you repeat that?

3 Q. Do you think it's half full or less?

4 A. I honestly can't hazard a guess.

5 Q. Okay. How many acres will actually be covered  
6 with solar panels out of the 5,000 acres?

7 A. I don't have that calculation off the top of my  
8 head. The rows are designed currently to have  
9 20-foot spacing in between each panel row. The  
10 panels are set back 20 feet from the fence  
11 lines, and there'll be interior roads for  
12 accessing the panels. So I don't know what that  
13 calculation is for land under panel versus  
14 buffer land in between panels.

15 Q. Okay. Is the battery storage system hazardous  
16 or toxic or does it contain hazardous or toxic  
17 materials?

18 A. The batteries that we anticipate using, if  
19 we're required to use battery systems by PJM,  
20 would contain standard lithium ion batteries,  
21 and these are the types of batteries that people  
22 have in their cell phones, that people have in  
23 their laptop computers, or people who are  
24 driving an electric vehicle are powering their

1 cars. So they have some materials in there that  
2 you want to dispose of properly, but the  
3 batteries themselves aren't hazardous.

4 Q. How many acres of Class A soils are there in  
5 the 5,000 acres?

6 A. I don't have that statistic with me, but it is  
7 included in our binder under the analysis of the  
8 soil types.

9 MR. MEYER: I see the maps, but I didn't  
10 catch the total acres.

11 That's all the questions I have. Thank  
12 you.

13 JUDGE SLAVIN: Thank you.

14 Okay. Let's turn to interested parties in  
15 this particular room, by a raise of the hand,  
16 and I'll try and do first-come, first-serve.  
17 Any questions?

18 Lady in the black. Just a minute. Ms.  
19 Duffy, set up two microphones in the middle  
20 rows. If you would pick your row, and you can  
21 stand right there. I think they are on the  
22 second desk. If you can fool with the  
23 microphone to get it close to your mouth, that  
24 would be great.

1 MS. VOITIK: I have a few questions.

2 JUDGE SLAVIN: Actually, ma'am, you've got  
3 to get -- they are not very good microphones.  
4 We know that. If you pick it up and try to get  
5 it as close to your mouth and sort of talk or  
6 look at me. Talk right into it like that.

7 MS. VOITIK: Okay.

8 EXAMINATION

9 BY MS. VOITIK:

10 Q. One of the questions I have is you were  
11 talking --

12 JUDGE SLAVIN: Let's get started with your  
13 name.

14 MS. VOITIK: My name is Terri Voitik.  
15 V-O-I-T-I-K. First name, Terri, T-E-R-R-I.

16 JUDGE SLAVIN: Without telling us your  
17 street address, what community do you live in?

18 MS. VOITIK: I live in Lee, Illinois.

19 JUDGE SLAVIN: Thank you. Go ahead.

20 Q. (By Ms. Voitik:) Okay. One of the questions  
21 is about the native prairie grasses that you've  
22 mentioned over and over that they are not quite  
23 the same as Virginia --

24 JUDGE SLAVIN: You've got to get up to the

1 microphone.

2 Q. (By Ms. Voitik:) Not quite the same as what  
3 you might have in Virginia.

4 Let me try and face you.

5 Because of the inverters and because of  
6 the lithium ion batteries and because there can  
7 be a lightning strike in our prairies in  
8 Illinois about this time of year, the -- they  
9 are brown and they usually are burned, you know,  
10 in prairie management. In the case of all of  
11 this prairie grass that's going to be under the  
12 panels, how are you going to protect? What are  
13 the concerns of fire?

14 A. Sure. As I stated earlier, we are using a  
15 consultant from this area called ENCAP that  
16 specializes in grasses that are native to this  
17 part of Illinois. So we will be selecting those  
18 grasses that will thrive in this area.

19 And kind of counter to maybe the way you  
20 would think about prairie grass out in the great  
21 plains, this is not grass that's going to grow  
22 up 2, 3, 4 feet high and turn brown in the  
23 winter. These are grasses that are low-growing  
24 with other types of flowers and other things.

1 So it should not brown up and be a large fire  
2 hazard for lightning strikes.

3 Q. On Page 1 of your PowerPoint, you have here  
4 that it's going to be -- our projects create  
5 long-term, reliable tax revenue for localities  
6 and predictable rental income for property  
7 owners while producing clean energy for local  
8 homes and businesses.

9 As of now, you do not have a purchaser for  
10 your power; is that correct?

11 A. That's correct.

12 Q. How can you guarantee -- by stating this is  
13 going to be locally -- it's going to be Illinois  
14 power, how are we guaranteed that it's not going  
15 to be sold on the open markets and go across  
16 state lines?

17 A. Yeah. Right now we can't guarantee that. We  
18 are -- the reason we sited the facility in this  
19 area of Illinois were market signals that this  
20 part of northern Illinois was going to have a  
21 substantial amount of generation decommissioned,  
22 coal and nuclear plants, some very close by with  
23 a recommendation that ComEd for this area  
24 purchase renewable energy.

1           So it's our goal and it's our best guess  
2           at this point that it will be purchased and  
3           utilized locally, but that's something we can't  
4           guarantee.

5   Q.    And I think, you know, that I do like renewable  
6           energy and solar and wind, but I'm reading  
7           lately and there's an awful lot --

8           JUDGE SLAVIN:  Let's not tell him things.  
9           Let's ask a question.

10  Q.    (By Ms. Voitik:)  There's a lot of material out  
11           there right now about fusion versus fission and  
12           that that might be the new technology.  How sure  
13           are you and what happens if another technology  
14           suddenly -- that doesn't take the space that  
15           solar takes comes on the scene?  How viable are  
16           you going to remain?

17  A.    We certainly -- again, we monitor the markets,  
18           and the energy markets are pretty dynamic to a  
19           lot of generation types, including traditional  
20           fossil fuels, gas, coal, nuclear, hydro, wind,  
21           solar.  So the project will ultimately be built  
22           and constructed if it, as it is kind of today,  
23           has the ability to produce low-cost electricity  
24           for buyers in the region.



1           If at some point a new technology popped  
2           up and made solar obsolete, we wouldn't go  
3           forward with the project.

4   Q.   My last question is, you said that you're 500  
5           feet away from all aircraft or any kind of -- we  
6           have a lot of crop dusters here. Do we need to  
7           -- are you concerned because of the panels that  
8           there may be an accident?

9   A.   No. Again, one concern is glare, and the glare  
10          analysis shows that it won't produce any  
11          significant aviation glare. And the FAA  
12          monitors runways in the area, and our form  
13          submittal suggested that there aren't any  
14          requirements for FAA.

15                MS. VOITIK: I think that's all I have.  
16                Thank you.

17                JUDGE SLAVIN: Other interested parties,  
18                by raise of the hand?

19                Yes, sir, in the back. Pick one of the  
20                microphones, please.

21                MR. PETERSON: Is it permissible to remove  
22                my mask?

23                JUDGE SLAVIN: I said it's -- everybody is  
24                allowed to remove their mask.

1 MR. PETERSON: My name is Mark Peterson.  
2 I'm a resident of Steward.

3 EXAMINATION

4 BY MR. PETERSON:

5 Q. At the beginning of your PowerPoint proposal,  
6 you talked a lot about blending with the  
7 community and being a good neighbor. How do you  
8 feel -- the density of this project is extreme  
9 for what this area currently has. We've had 150  
10 years of agriculture use, and now we're going  
11 into, in some cases, more than 600 continuous  
12 acres of panels per your map here.

13 Do you feel that that is conducive to  
14 being -- you talked about blending in with the  
15 community. How do you feel that blends in with  
16 the community? I see your setbacks here --

17 JUDGE SLAVIN: Just one question at a  
18 time.

19 MR. PETERSON: I'm sorry.

20 A. Sure. Again, as far as blending in with the  
21 community, one of the overlays that we've looked  
22 at when we looked at Lee County was some energy  
23 and renewable energy infrastructure already in  
24 place, and there's wind turbines in the area.

1 So with wind turbines, substations, high-voltage  
2 lines, this area has kind of exposure and  
3 familiarity with energy production and energy  
4 infrastructure, and so we believe that these  
5 panels will be harmonious in that regard.

6 Q. (By Mr. Peterson:) My next question, you  
7 talked about setbacks in here, but nowhere did  
8 you mention in those setbacks if any of that  
9 land is being used as screening for a visual. A  
10 lot of the pictures you show and all of your  
11 examples show vegetation that's been used to  
12 screen the panel locations or berming. I don't  
13 see anywhere in here where it talks about that.  
14 It's just simply a setback to a fence --

15 JUDGE SLAVIN: I'm not trying to be  
16 difficult, but is that a question?

17 Q. (By Mr. Peterson:) My question is, do you have  
18 plans to introduce any of that around the  
19 residences?

20 JUDGE SLAVIN: There you go.

21 A. At this time we don't have any broad plans for  
22 berming or planting vegetative screening. The  
23 setbacks, when grown in with natural grasses,  
24 will, you know, produce not a visual screen but,

1           you know, kind of a pleasing, clean environment.

2   Q.    (By Mr. Peterson:) And if you could just  
3           clarify. I was listening to you rattle off the  
4           setbacks and how you were treating the  
5           individual homes as a platted subdivision, you  
6           said 300 from the residences. Is that from the  
7           actual structure or from the property of that  
8           structure?

9   A.    That's generally from the property line of the  
10          residence to the fence line.

11   Q.    So it's the property line, not the actual  
12          structure?

13   A.    Right.

14   Q.    Thank you.

15                 The other question I had was, you talked  
16                 about the nonprofit organizations you're setting  
17                 up for the Villages of Lee and Steward. I  
18                 noticed that almost none of the ground that you  
19                 selected here even borders the town proper. I  
20                 think the impact would be more to the  
21                 residential --

22                         JUDGE SLAVIN: I'm not trying to be  
23                         difficult -- there you go.

24   Q.    (By Mr. Peterson:) Do you have any -- I'm just

1 -- do you have any plans to address financial  
2 impacts that the actual property owners that are  
3 adjacent to these might have?

4 A. Yeah. The reason why we set up the specific  
5 funds for the villages were the nature of the  
6 way taxes are allocated out from the project to  
7 the various participants in the community, and  
8 the communities are going to -- the schools are  
9 going to receive the preponderance of the  
10 allocated tax revenues, the local fire and EMS  
11 will receive some, the road commissions for  
12 Willow and Alto will receive them. The  
13 townships themselves will receive some.

14 So the preponderance of the taxes from the  
15 taxes from the project do flow to the local  
16 community. Those tax revenues were not flowing  
17 to either Steward or the Village particularly.  
18 That's why we wanted to do a special set-aside  
19 for them.

20 Q. And then you listed several examples of large  
21 solar projects. Are those projects similar in  
22 density to what you proposed here where there's  
23 continuous areas of -- some of these are  
24 1,000-acre parcels of what you proposed as solid

1 panels. Is that similar to these other projects  
2 that you were referring to earlier in your  
3 testimony?

4 A. Yes, at least that amount of density, sometimes  
5 greater density.

6 MR. PETERSON: That's all I have.

7 JUDGE SLAVIN: Thank you.

8 Other folks in the courtroom, by raising  
9 your hand? Yes, sir.

10 MR. GUASTO: My name is Loren Guasto. I  
11 live in Steward.

12 JUDGE SLAVIN: Okay. Would you do that  
13 again a little slower, and spell your last name,  
14 please?

15 MR. GUASTO: Okay. Loren Guasto,  
16 L-O-R-E-N, G-U-A-S-T-O.

17 EXAMINATION

18 BY MR. GUASTO:

19 Q. Okay. Does Hexagon fund any research groups?

20 A. No.

21 Q. No. Good answer.

22 JUDGE SLAVIN: Let's not editorialize.  
23 Ask questions.

24 Q. (By Mr. Guasto:) Where are these solar panels

1           made that you're bringing in?

2   A.    We are currently specifying Canadian solar  
3           panels that will be made in Canada.

4   Q.    Where are lithium ion batteries made?

5   A.    Likely sources of the lithium ion batteries are  
6           probably South Korea or Japan.

7   Q.    Are there any hazardous byproducts of making  
8           ion batteries?

9   A.    In the manufacturing of them or the use --

10  Q.    Yes.

11  A.    -- of them?

12           I'm not really familiar with the  
13           manufacturing techniques of ion batteries.

14  Q.    How many completed solar projects do you have?

15  A.    I have personally been involved in over 50  
16           completed solar projects.

17  Q.    Are -- these jobs that are provided, are they  
18           all union jobs?

19  A.    Right now those haven't been specified.  We  
20           haven't retained a construction contractor yet.  
21           Our commitment and our direction to the EPC  
22           contractor will be to derive as many local jobs  
23           as possible, and that would entail hosting job  
24           fairs, looking for local vendors for any

1 products possible. But they haven't -- we  
2 haven't made any decisions on prevailing wage or  
3 union labor.

4 Q. All right. Will you amend a lease agreement  
5 with the participating property owner to -- for  
6 a nonparticipating property owner to acquire  
7 more land to get a bigger buffer around their  
8 property?

9 A. Can you ask that question a little more  
10 detailed?

11 Q. Okay. I'm sorry.

12 Will you amend a lease agreement so a  
13 nonparticipating property owner can acquire more  
14 land from a participating property owner?

15 A. So Hexagon, through our lease arrangements, we  
16 don't acquire the property. We don't control  
17 the property. So all dispositions of the  
18 property are in the sole responsibility of the  
19 landowner.

20 Q. But if you two agree on selling property, can  
21 you amend the agreement?

22 A. Yes.

23 Q. Do you know if the Lee County Zoning Board of  
24 Appeals had this project of this size in mind



1 when they made the Ordinance for solar?

2 A. Yes, I'm not aware of the decision-making with  
3 the Lee County Zoning Ordinance.

4 Q. Where does Illinois rank on solar panel  
5 potential comparison by state?

6 A. I don't know the answer to that.

7 Q. That's the one you should know.

8 MR. GUASTO: I'm done.

9 JUDGE SLAVIN: All right. Someone else,  
10 by a raise of your hand, in the courtroom?

11 Okay. Yes, Lady in the black mask. Of  
12 course, there are a couple ladies in black  
13 masks.

14 Can we get started with your name and  
15 community you live in?

16 MS. HUSS: My name is Ali Huss, and I live  
17 in Lee. H-U-S-S. Ali is A-L-I.

18 JUDGE SLAVIN: Thank you. Go ahead.

19 EXAMINATION

20 BY MS. HUSS:

21 Q. You stated that you have overseen 1,400  
22 megawatts on average of renewable energy. Of  
23 those megawatts, how many have been done while  
24 you have been employed by Hexagon specifically?

1 A. I am currently, in addition to the 600  
2 megawatts, probably working on a combined 800 or  
3 900 additional megawatts of solar panels at  
4 Hexagon.

5 Q. Has Hexagon ever proposed a project of this  
6 magnitude?

7 A. No.

8 Q. Have you been the primary person to oversee the  
9 entire project?

10 A. I have been the team leader and the executive  
11 sponsor. So I have been integrally involved in  
12 a lot of the aspects of the project development.

13 Q. Who has been the primary developer of the  
14 project?

15 A. Will Hantzmon.

16 Q. How many projects of solar panels has he  
17 overseen in megawatts?

18 A. Of the development of?

19 Q. Yes.

20 A. Probably in the neighborhood of 5- or 600  
21 megawatts.

22 Q. Has he ever overseen or developed a project of  
23 this size that you are proposing in Lee County?

24 A. No.

1 Q. Of the 24 participating landowners, how many of  
2 those landowners hold primary residences inside  
3 the project?

4 A. I believe approximately three.

5 Q. Have you calculated how many permanent  
6 residences are within the project?

7 A. Yes, I believe so.

8 Q. How many?

9 A. I believe there are approximately 55 permanent  
10 residences inside the project area.

11 Q. So there are only three permanent residences of  
12 participating people out of 55 in the project?

13 A. Correct.

14 Q. You have also mentioned job increases. If  
15 there are only three people who live inside the  
16 project and you're leasing 5,000 acres -- have  
17 you heard of what a tenant farmer is?

18 A. Yes, I'm familiar.

19 Q. Would you go ahead and define that for us?

20 A. Someone that leases land from a property owner  
21 in order to raise crops or do other activity.

22 Q. Have you calculated the job loss due to solar  
23 panel construction on these properties that are  
24 currently leased by tenant farmers?

1 A. Yes. And talking to our current landowners who  
2 have a pretty close relationship with their  
3 tenant farmers, we are told that they are  
4 expecting no job loss resulting in taking this  
5 cropland out of production.

6 Q. Have you specifically asked about a job  
7 reduction based on acreage and therefore income  
8 reduction for the farmers?

9 A. No.

10 Q. You mentioned that there are no chemical  
11 hazards in solar panels?

12 A. Correct.

13 Q. Do you maintain that on all of the components  
14 that you've listed, are those the only  
15 components inside the solar panels?

16 A. I'm not sure I follow the question.

17 Q. What chemicals are contained inside of the  
18 solar panels?

19 A. There are a myriad of chemicals contained in a  
20 solar panel. I can't list them all. But we  
21 have both consulted with many academic articles  
22 that have taken detailed looks at the components  
23 of solar panels, as well as we're ensuring that  
24 all the solar panels are UL and EPA certified.

1           So we are confident that there are no hazardous  
2           materials in --

3   Q.    Of those hazardous materials mentioned, can you  
4           name a few of the top two?

5   A.    I don't think I -- I said that there are no  
6           hazardous materials in the solar panels.

7   Q.    Are you familiar with an article that has been  
8           referenced in your presence stating and citing  
9           hazardous materials inside of the solar panels?

10  A.    You have brought that to my attention in the  
11           past. I did not follow up on that article  
12           because I looked at the general conclusions of  
13           the article that stated there are no hazardous  
14           materials.

15  Q.    Did you or did you not send in an email to  
16           Andrew Huss an article that cited toxic  
17           materials --

18  A.    I believe --

19  Q.    -- In August?

20  A.    It was our intention to send an article that  
21           showed that there were no toxic materials  
22           utilized in the solar panel.

23  Q.    However, it did state that lead and selenium  
24           are used in the solar panels --

1 A. Yes --

2 Q. -- in the con- --

3 JUDGE SLAVIN: That's a statement. You're  
4 not under oath, and you're not subject to cross.  
5 I ask everybody to refrain from just saying  
6 things unless you're under oath and subject to  
7 cross.

8 Q. (By Ms. Huss:) Are you aware that the article  
9 stated that there are many government  
10 regulations, as well as leading developers in  
11 the solar industry who do declare solar panels  
12 to be hazardous waste?

13 A. Again, I think there's conflicting articles on  
14 that. I think the industry has matured --

15 Q. Mr. Hantzmon --

16 MS. KENNEDY: Judge, I'm going to ask that  
17 she let's him finish.

18 JUDGE SLAVIN: Ma'am, if you're going to  
19 ask a question, you've got to let him answer the  
20 question.

21 A. Yes, there's conflicting data. A lot of the  
22 data that shows hazardous materials is pulled  
23 from old generations of technologies. The  
24 current generation of technology that we'll be

1           utilizing, as stated earlier, will not have  
2           hazardous materials.

3   Q.    (By Ms. Huss:)  So all solar panels will be  
4           free of lead?

5   A.    I don't know about all solar panels that --

6   Q.    That you put in this specifically --

7   A.    Yes.

8   Q.    -- it'll be free of lead?

9   A.    There will -- all solar panels through their  
10           manufacturing process have spot welds on the  
11           back that do contain lead.

12   Q.    And what about selenium, will your solar panels  
13           contain those?

14   A.    No.

15   Q.    Do you know what chemical they will be using in  
16           place of that?

17   A.    These panels are going to be polysilicon-based  
18           panels.  And selenium is used in a technology  
19           called thin film, which is not -- we do not  
20           anticipate using thin film technology that  
21           contains selenium.

22   Q.    You mentioned that you will have a substation.  
23           Will that substation be a house for construction  
24           for workers?

1 A. The substation itself will only be electrical  
2 interconnection safety equipment, breakers, and  
3 transformers.

4 Q. So you'll not have an office?

5 A. Not at the substation.

6 Q. Will there be an office facility located within  
7 the plans?

8 A. Likely, yes.

9 Q. Is that noted on the map?

10 A. That hasn't been determined where that's going  
11 to be located.

12 MS. HUSS: Thank you.

13 JUDGE SLAVIN: Thank you. Other folks in  
14 the room, by raising your hand? Yes, sir.

15 MR. PRESTEGAARD: Joel Prestegaard.

16 JUDGE SLAVIN: Would you spell your last  
17 name?

18 MR. PRESTEGAARD: P-R-E-S-T-E-G-A-A-R-D.

19 JUDGE SLAVIN: What community do you live  
20 in?

21 MR. PRESTEGAARD: I live outside Lee.

22 JUDGE SLAVIN: Thank you. Go ahead,  
23 inquire.

24 MR. PRESTEGAARD: I've just got a few



1 quick ones here. I'll make it quick.

2 EXAMINATION

3 BY MR. PRESTEGAARD:

4 Q. You mentioned -- when you first spoke about the  
5 health benefits, you mentioned increased land --  
6 increased beneficial land use was your term.

7 Can you describe that?

8 A. Sure. Based on our work with our consultant,  
9 ENCAP, we are anticipating that once we erect  
10 the solar panels that we're going to plant a  
11 series of grasses, native grasses that will,  
12 over the life of the project, increase the  
13 moisture or retention content and overall health  
14 of the ground.

15 Q. Okay. Not increased over the current  
16 conditions then, or --

17 A. Yeah, it should increase over current  
18 conditions. It should, over a lifetime,  
19 increase the CPI of the land.

20 Q. How many of those acres are classified as HEL,  
21 the acres that you're proposing to put the  
22 building on -- or the solar panels on? Excuse  
23 me.

24 A. I'm not familiar with --

1 Q. I'm sorry. Highly-erodible.

2 A. I'm not sure. I have not seen any of our  
3 studies that show a designation of HEL.

4 Q. I apologize for not knowing the answer to this  
5 myself, but why file for a permit under the  
6 classification of agriculture instead of just  
7 maybe industrial?

8 A. I'm going to try to answer that. I didn't  
9 construct the Zoning Ordinance here, and the  
10 Zoning Board would probably be better. If I go  
11 astray, they'll help me out. But --

12 JUDGE SLAVIN: If you can't answer a  
13 question, if you don't know the answer, just say  
14 you don't know the answer.

15 A. I don't know the answer.

16 Q. (By Mr. Prestegaard:) On the map you mentioned  
17 77.7 million in new tax revenue over 35 years?

18 A. Correct.

19 Q. The first year yielding about three and a half  
20 million dollars, correct?

21 A. Correct.

22 Q. Times that by 35, and that's roughly \$121  
23 million. Can you describe the discrepancy?

24 A. Sure. Over the period of time, the project

1 depreciates, so the asset value decreases. And  
2 so the amount of taxes year after year, you  
3 know, moves down from three and a half, you  
4 know, to something less.

5 Q. What causes the depreciation in the project?

6 A. It's mandated by the State. There are State  
7 tables that say at what rate you need to  
8 depreciate a project like this.

9 Q. Can you name the three participating people  
10 that live within the proposed project area?

11 A. I can't pull their names up off the top of my  
12 head.

13 Q. You mentioned that you'll use best practices in  
14 the building. Can you describe those?

15 A. We are having a construction manager for the  
16 project come and describe in detail. I think  
17 that, you know, answering that might take up a  
18 lot of time, and I don't have the backup  
19 material to get into that in detail.

20 Q. Okay. Thank you.

21 And then you mentioned that you are  
22 committed to the community, committed to the  
23 environment, and committed to the land, correct?

24 A. Correct.

1 Q. The company plans to sell this project at the  
2 end at some point, correct?

3 A. That's correct.

4 MR. PRESTEGAARD: Thank you for your time.

5 JUDGE SLAVIN: Thank you.

6 Other folks in the room? Yes, sir.

7 MR. HUEBER: My name is Jon Hueber, J-O-N,  
8 H-U-E-B-E-R.

9 JUDGE SLAVIN: What community do you  
10 live --

11 MR. HUEBER: Rural Steward.

12 JUDGE SLAVIN: Okay. Thank you. You may  
13 inquire.

14 EXAMINATION

15 BY MR. HUEBER:

16 Q. On the grasses that you planted for these  
17 panels, how will they be maintained and how will  
18 you deal with noxious weeds or the spread of  
19 cockleburrs or anything else that might not want  
20 to be spread in the other fields?

21 A. The grass is selected -- actually are selected  
22 in order to control noxious weeds. But while  
23 the native grasses are being established, and  
24 that's usually over a two- to three-year period,

1 the presence of noxious weeds will be controlled  
2 through herbicide application.

3 Q. How will you spread a herbicide or spray when  
4 the panels are covering an entire 600-acre piece  
5 with no way to get a tractor in? Are you going  
6 to fly it over?

7 A. No. There's access to the solar panels for  
8 vegetative maintenance and other maintenance.  
9 So there's an ability to drive, you know, small  
10 equipment, tractors, Bobcats, pickup trucks,  
11 that can deploy the herbicides.

12 Q. In between the rows of panels?

13 A. Yes.

14 Q. And how often will that be looked at? And how  
15 many people are going to be in charge of looking  
16 at that?

17 JUDGE SLAVIN: Just one question at a  
18 time, please.

19 Q. (By Mr. Heuber:) How many people will be in  
20 charge of checking that much acreage? That's a  
21 lot of acres.

22 A. Yeah, I don't know the number of people.  
23 Again, as the project matures, the native  
24 grasses take hold. It's the early two years

1 that we'll have, you know, kind of a heavy  
2 maintenance to get the base established and the  
3 weeds under control. And the consultants and  
4 the contractors that we use to do that will  
5 deploy as many people as is necessary to keep it  
6 under control.

7 It's one of the requirements of the AIMA  
8 contract that we have with the State of  
9 Illinois. Not only is that to control noxious  
10 weeds on the parcels themselves, but a  
11 requirement to control any weeds that get out of  
12 the parcel onto other people's ground.

13 Q. If it does get on other people's ground, who is  
14 responsible? The landowner or you guys?

15 A. We are.

16 Q. So if a farmer local gets cockleburs, thistles,  
17 all that, they can file a lawsuit against you  
18 guys?

19 A. Or they can just come to us and ask us to take  
20 care of it.

21 Q. By the time it gets on their farm, it's a  
22 little late now.

23 JUDGE SLAVIN: That's a statement. Folks,  
24 I can't emphasize it enough --

1 MR. HUEBER: Sorry about that.

2 JUDGE SLAVIN: It's easy to do. Asking  
3 just questions is hard, there's no doubt about  
4 it.

5 MR. HUEBER: It is a little tough.

6 Q. (By Mr. Hueber:) What will you do to handle --  
7 and I brought this up. I know you're going to  
8 get all the tile fixed and squared away, and  
9 everything is going to be happy, but what --

10 JUDGE SLAVIN: You're going so fast, the  
11 court reporter lost you. Would you ask the  
12 question again?

13 Q. (By Mr. Hueber:) How would you fix tile in the  
14 middle of the solar panel fields?

15 A. Sure. During the design of the project itself  
16 -- and Tom Huddleston from Huddleston McBride is  
17 going to get into this in great detail when he  
18 gets to his testimony.

19 But the tile that is in and around the  
20 posts and the solar panels are going to be  
21 rerouted so that there's access to the drainage  
22 tile, and the tile will be improved and upgraded  
23 from the current baseline.

24 Q. Will the ground that goes under the solar

1 panels, will that be rezoned to Industrial, as  
2 the question before, or is it going to stay  
3 Agricultural?

4 A. It'll stay Agricultural.

5 Q. How can it stay Agricultural when there's no  
6 food created off of a farm? Farm creates food.

7 A. It's the zoning designation.

8 Q. Pardon me?

9 A. It's the zoning designation.

10 Q. Owning a business in numerous different  
11 counties -- and I'm in agribusiness -- I have to  
12 pay Commercial -- Light Industrial Commercial  
13 rates even though I'm an agribusiness.

14 How can solar panels not pay a Commercial  
15 or Light Industrial rate or the landowner? When  
16 you take it out of animal and/or food production  
17 into energy production, it's no longer a farm.

18 A. Sure. The State of Illinois actually taxes the  
19 project as an energy-generating facility, and  
20 they have a special tax rate to do that. And  
21 that's why the tax in the -- over the 35-year  
22 project is actually a \$7 million increase over  
23 the base ag tax rate.

24 Q. But the tax rate is different. But it



1 depreciates. So it's going to lose its original  
2 values and tax rate. As it depreciates, the tax  
3 rates drop for the County, correct?

4 A. It will decrease over the life of the project,  
5 correct.

6 Q. Will it get close to what it was originally as  
7 agricultural land at the end of the project?

8 A. No, it will be nowhere close.

9 MR. HUEBER: I think that's all I've got.

10 JUDGE SLAVIN: Thank you.

11 We've run out of people in the room. But  
12 in case I missed somebody, anybody else with  
13 questions?

14 MS. HUSS: I have one more.

15 JUDGE SLAVIN: No. One, that's it.

16 Otherwise we'll go on forever.

17 Okay. Zoom, people on Zoom?

18 MS. HENKEL: I have one so far. All it's  
19 identified as is "iPhone."

20 JUDGE SLAVIN: Where are you looking?

21 MS. HENKEL: Right underneath Mr. Meyer.

22 JUDGE SLAVIN: Oh, I see it. Someone on  
23 Zoom that's just identified as "iPhone," you  
24 have your hand raised. It's the only person

1 with your hand raised. So whoever has got their  
2 hand raised to ask a question, now is your  
3 chance.

4 If you'd state your name and what  
5 community you live in, please.

6 MS. HENKEL: They are unmuted.

7 MS. ERICKSON: Well, it may be me. That  
8 would be Nancy Erickson, E-R-I-C-K-S-O-N. I  
9 live in Steward.

10 JUDGE SLAVIN: We can hear you. Go ahead  
11 and ask.

12 MS. ERICKSON: Thank you.

13 EXAMINATION

14 BY MS. ERICKSON:

15 Q. I do have a couple of questions. I am curious  
16 about the setback. Mine -- I am going to be  
17 totally surrounded by this, all four sides.

18 JUDGE SLAVIN: You're telling him things  
19 again. Folks, you can testify, But now is the  
20 chance to ask him questions.

21 MS. ERICKSON: Okay. All right.

22 Q. (By Ms. Erickson:) Then where does the setback  
23 start? Does it start at my property edge where  
24 the street is at, the road is at, or does the

1 setback start across the street from me?

2 A. So the setbacks are 300 feet from the property  
3 lines and 300 feet from the roads. If a solar  
4 panel is on an opposite side of the road from  
5 your property, it would start 300 feet likely  
6 from your property line, no more than 300 feet.

7 Q. Okay. Thank you.

8 And I also would like to know, are you  
9 planning on using pesticides? weed killers?  
10 What kind of drift will there be from that?

11 A. In the early growings, there will be the use of  
12 herbicides to control noxious weeds. Over time,  
13 that will greatly decrease. But we'll have to  
14 be utilized on a spot basis if there are any  
15 outbreaks of weeds.

16 Q. Okay. On the Rochelle Board that approved you,  
17 are there any relations to participants on that  
18 board?

19 A. We actually didn't receive any approvals from  
20 Rochelle. We actually worked on a waiver of  
21 notice. They were inadvertently left off an  
22 initial notice, and so we just have to ask them  
23 to waive that notice period, which they did.

24 Q. Okay. Referring to your PowerPoint, which

1 community colleges will benefit from this  
2 financial aid?

3 A. I'm not sure the exact community colleges that  
4 will benefit from that.

5 Q. Okay. All right. Then I think I have one  
6 more. Hold on one second.

7 Road maintenance. The road maintenance  
8 funds will be through Lee County. We have Alto  
9 take care of our roads here. How does that  
10 trickle down to Alto?

11 A. Sure. The Road Use Agreements will be with Lee  
12 and the two townships of Willow Creek and Alto.  
13 So any -- any damage to roads in any of the  
14 townships, repairs will happen through the  
15 consultation of the township road commissioner.

16 Q. And when will we be privy to see your road map  
17 that you have planned for accessing your  
18 project? I would like to see how that falls  
19 into --

20 JUDGE SLAVIN: Just ask a question.

21 I think the question pending, sir, is when  
22 will we be privy to a road map.

23 A. Sure. The initial road map that's included  
24 with the application, I believe the applications

1 are available for review at the courthouse.

2 Q. (By Ms. Erickson:) At the courthouse?

3 A. Yes.

4 MS. ERICKSON: Okay. All right. I think  
5 that that is it. I may come back, though.

6 JUDGE SLAVIN: Thank you.

7 MS. ERICKSON: Thank you.

8 JUDGE SLAVIN: We're still on Zoom. Any  
9 other folks? I'm going to give you --

10 MS. HENKEL: Can you give them  
11 instructions on how raise their hands again?

12 JUDGE SLAVIN: Sure.

13 As I remember, folks, if you are on Zoom  
14 videoconferencing, then at the bottom of your  
15 screen where there's an icon that says  
16 participants, you click on that icon and up  
17 should pop a menu that includes on the menu  
18 raise hand. You click on raise hand, and we  
19 will see it on the screen.

20 If you're teleconferencing, that means  
21 you're just -- you can't see us but you're on  
22 your phone, then you hit -- stay on the phone so  
23 you can hear us, hit the star or the asterisk  
24 button and then the numeral 9.



1 A. I can't remember the final vote for the Willow  
2 Creek Township.

3 Q. Was there any objection?

4 A. As in, do I -- I can't recall the exact vote,  
5 whether it was unanimous or whether there were  
6 any no votes in that.

7 Q. Okay. You also stated you received a vote of  
8 resolution from the Village of Lee. Did that  
9 vote pass on the first vote?

10 A. No. There was some questions about the  
11 setbacks from the project. There was some  
12 discussions and actually some accommodations  
13 that we made to setback further from the Village  
14 of Lee. So on the final vote with the Village  
15 of Lee, it was a unanimous positive vote.

16 Q. So what concessions were made for the vote to  
17 then pass?

18 A. We committed to setback further from the town  
19 border of Lee.

20 Q. Did that second vote follow protocol for the  
21 Village of Lee?

22 A. I don't know what their protocol is.

23 Q. Can you say that one more time?

24 A. I'm not familiar with the Village of Lee's

1 protocol.

2 Q. Okay. Just to be clear, on the first vote it  
3 did not pass, and on the second vote it did?

4 A. Again, it gets into the procedural aspects, but  
5 I believe the first vote never really concluded.  
6 It was going around the horn, then some  
7 questions were raised. We caucused, and they  
8 revoted, at which point was unanimous.

9 MR. HUSS: Okay. No further questions  
10 from me. Thank you.

11 JUDGE SLAVIN: Thank you.

12 Other folks on Zoom? I see a hand raised  
13 under -- I think it says Leif Erickson.

14 MR. ERICKSON: Yes, my name is Leif  
15 Erickson. I am the son of Nancy Erickson. She  
16 was on here asking questions earlier. I'm a  
17 partial landowner through our Trust in our  
18 family. We live just outside of Steward in  
19 Alto.

20 JUDGE SLAVIN: Never mind.

21 EXAMINATION

22 BY MR. ERICKSON:

23 Q. My question is, you were talking about a  
24 nonprofit board that you were going to -- that



1 would be set up and it would be through the  
2 Village of Lee and Steward. But my question is,  
3 wouldn't it make more sense to have it set up  
4 through the township that's affected with the  
5 residents in that township rather than the  
6 village?

7 A. Yeah, the reason we set up the funds for the  
8 two villages was to address what we perceived as  
9 inequality of the distribution of the tax  
10 revenue where the townships were receiving tax  
11 revenue to the fire department, the schools, the  
12 road commissioners of those townships. So there  
13 was ample tax revenue flows to the towns. We  
14 were trying to address specific inequality that  
15 we saw to the villages themselves.

16 MR. ERICKSON: Okay. That's pretty much  
17 the only real question I had on that. I was  
18 just curious how that worked out.

19 JUDGE SLAVIN: All right. Other hands  
20 raised from Zoomers?

21 They are like boomers, but Zoomers.

22 Did anybody else show?

23 MS. HENKEL: There are none up presently.

24 JUDGE SLAVIN: None. I'll give you a few

1 more seconds, folks. Any more Zoomers,  
2 questions, raise the hand?

3 All right. Seeing none, that concludes  
4 the questions of you, sir. You may step down.

5 And obviously that's the end of our  
6 evening. We will -- I will -- excuse me --  
7 continue this session, go into recess until  
8 Monday night at 7:00 o'clock. Monday night,  
9 that will be the 19th.

10 (The hearing was recessed at  
11 9:50 p.m.)

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On this 15th day of October, 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

Kylie Bunke  
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