

STATE OF ILLINOIS     )  
  )SS  
COUNTY OF LEE         )

In the Matter of the Petition  
  of  
South Dixon Solar Development  
Lee County, Illinois

Testimony of Witnesses  
Produced, Sworn and  
Examined on this 3rd day  
of December, A.D., 2020,  
before the Lee County  
Zoning Board of Appeals

Present:

Craig Buhrow  
Glen Hughes  
Gene Bothe  
Rex Meyer (via Zoom)  
Bruce Forster, Chairman

Alice Henkel, Secretary  
Dee Duffy, Zoning Enforcement Officer

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

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5 Counsel for the County.

6 ATTORNEY KYLE C. BARRY  
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1 North Old State Capitol Plaza, Suite 410  
Springfield, Illinois 62701

8 Counsel for the Petitioner.

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1 MR. FORSTER: As contemplated by the Lee  
2 County Ordinance and our own Rules of Procedure,  
3 I will now entertain a motion to appoint Retired  
4 Judge Tim Slavin as our Facilitator for the  
5 duration of Petition 20-P-1557 and Petition  
6 20-P-1558.

7 And Glen made the motion.

8 MR. HUGHES: Yup, I made the motion; Craig  
9 seconded.

10 MR. FORSTER: All in favor say aye.

11 (All those simultaneously  
12 responded.)

13 MR. FORSTER: Now we need Judge Slavin.

14 MR. BOONSTRA: He's hoping to take a quick  
15 break.

16 MR. FORSTER: We'll take a five-minute  
17 break and get the next petition moved in with  
18 Judge Slavin. Thank you.

19 (A recess was taken at 7:36 p.m.  
20 and proceedings resumed at  
21 7:44 p.m.)

22 JUDGE SLAVIN: Thank you, Mr. Chair of the  
23 ZBA and members of the Lee County Zoning Board  
24 of Appeals.

1 I understand that people on Zoom have been  
2 worried that somehow they're missing something.  
3 You have not. We took a short recess while we  
4 all changed places or musical chairs and made  
5 sure our Zoom protocol was up and running, and I  
6 think that it now is.

7 Welcome and good evening. I hope everyone  
8 is healthy and remaining safe. As most of you  
9 know, my name is Tim Slavin. I'm a retired  
10 circuit court judge engaged as an independent  
11 contractor to what is called facilitate this  
12 hearing. I have no adjudicatory  
13 responsibilities. I am not for or against any  
14 particular position. I am a neutral. I am  
15 here, however, hopefully to add some  
16 organization, efficiency, and flow to these  
17 proceedings.

18 This is South Dixon Solar, LLC's,  
19 Petition, Lee County Number 20-P-1558 for a  
20 Special Use Permit to develop a proposed solar  
21 energy system -- the acronym you might hear from  
22 time to time is S-E-S, or SES -- in South Dixon  
23 Township here in Lee County.

24 As shown by certificates of publication,

In Totidem Verbis, LLC (ITV)  
815.453.2260

In Totidem Verbis, LLC (ITV)

1 notice of this hearing was published in the  
2 Amboy News and the Dixon Telegraph, both on  
3 November 18th, 2020. Notices to adjoining  
4 property owners have also been provided.

5 First of all, hoping you all understand, a  
6 notable portion of what remains of tonight's  
7 Zoning Board of Appeals session will probably be  
8 taken up by organizational matters as we set  
9 some ground rules, do some preliminary  
10 scheduling, and, quite frankly, test out the  
11 technical and practical protocols we have  
12 planned to accommodate everyone but keeping you  
13 all reasonably safe at the same time.

14 Initially, because of the unique  
15 circumstance visited upon us courtesy of  
16 COVID-19 and its recent spike in the positivity  
17 rating in the nine counties of Illinois Region  
18 1, which has resulted in raising our mitigation  
19 tier of the Illinois Department of Public  
20 Health's Restore Illinois Resurgence Plan, this  
21 hearing room's capacity is now limited to ten  
22 total people, which is entirely taken up by a  
23 reduced number of necessities who are arranged  
24 apart and are required to wear a mask, except

In Totidem Verbis, LLC (ITV)  
815.453.2260

In Totidem Verbis, LLC (ITV)

1 when speaking.

2 In addition to this former courtroom,  
3 there are socially-distanced spaces in the rear  
4 former jury deliberation room which can  
5 accommodate another ten people, and then yet  
6 another ten that can be safely seated in the  
7 first floor stairway lobby. Any folks in either  
8 that rear jury room or the first floor lobby  
9 will be able to participate in these proceedings  
10 on a Zoom feed provided by the County.

11 I certainly hope that this all helps  
12 everyone feel medically comfortable, and,  
13 importantly, the meaningful upshot of all of  
14 that is that 30 people can be in this building  
15 and still comply with the raised restrictions.

16 Then, of course, an unlimited number of  
17 folks will be able to participate on the Zoom  
18 platform or watch and listen on YouTube from  
19 more remote locations, like their homes or  
20 businesses. Accordingly, if you are with us in  
21 person -- in building tonight but are not  
22 comfortable with the safety protocols in place,  
23 you can always join us from much further away  
24 during future sessions.

1           Your Zoning Officer, Dee Duffy, has gone  
2           to extraordinary lengths to advertise and post  
3           the Zoom entry and YouTube viewing information,  
4           but it never hurts to repeat such things. The  
5           Zoom meeting ID is 915-3923-9154, and the  
6           password is 209840. That meeting ID and the  
7           password should -- will remain the same  
8           throughout this hearing process.

9           The Zoom platform allows an Interested  
10          Party to actually participate. It is  
11          interactive. One may not only see and hear what  
12          is taking place, but when the appropriate stage  
13          comes, one may ask a witness questions, call a  
14          witness, testify, or give a closing comment.

15          Further, in an attempt to be as  
16          transparent and inclusive as possible, we are  
17          also streaming this proceeding on YouTube;  
18          however, YouTube is not an interactive platform.  
19          On it, one can only watch and hear what is being  
20          said during the hearing but cannot participate.

21          As to YouTube, on your computer or cell  
22          phone, use your browser and go to  
23          www.youtube.com. In the search bar type, "Lee  
24          County IL" -- short for Illinois, I-L -- "Zoning



1 Board of Appeals," and there's no need to be  
2 concerned with upper or lower case letters.  
3 That should bring up a list of Lee County ZBA  
4 YouTubes. You then input or select the date,  
5 and whala, you should be seeing us here in the  
6 hearing room. However, please be advised that  
7 this YouTube feed will, because of those  
8 ubiquitous cyberspace thingys, have a short  
9 realtime delay.

10 In case you are not a techno geek, for  
11 assistance with any of these machinations, you  
12 may call Dee Duffy's help line, 815.973.3449.

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

20 Now for a bit more substance. As I have  
21 eluded, there are two groupings of attendees as  
22 the Zoning Board of Appeals hearing moves  
23 forward.

24 One I have already eluded to as the

1       necessaries. These are people who must attend  
2       this hearing in person. They consist of your  
3       hardworking, practical-volunteer Zoning Board of  
4       Appeals members; our expert IT technician,  
5       Alice; Petitioner's attorney, Kyle Barry;  
6       himself; and finally, and not least, our  
7       hardworking and skilled court reporter, Callie.  
8       Then, of course, that adds up to nine, and from  
9       time to time there will -- well, not from time  
10      to time -- there will usually be a witness on  
11      the stand. That adds up to ten folks here in  
12      the hearing room.

13             The other group I will call Interested  
14      Parties. These are those of you folks who are  
15      with us either in building or more remotely on  
16      the Zoom video or teleconferencing platform or  
17      viewing and listening to the proceedings on  
18      YouTube because you simply want to observe your  
19      county government at work or, beyond that, you  
20      have a particular interest in these proceedings.

21             The next process I will try to explain is  
22      the process for these Interested Parties to  
23      participate. I emphasize, please, please know  
24      that everyone will have an opportunity for

1 everyone's benefit, and I -- excuse me -- will  
2 have that opportunity for everyone's benefit,  
3 and I want to provide the opportunity to  
4 participate in a manner that is orderly and is  
5 as efficient as possible; however, because of  
6 the necessary electronic filtering, my usual  
7 process becomes even more central, and I will  
8 flesh out more of this further as we move  
9 through our time together in the weeks ahead.

10 There are many possible reasons for an  
11 Interested Party's appearance this evening and  
12 during subsequent sessions, whether in person or  
13 remotely. You could be a member of the public  
14 who is joining us simply as a citizen and  
15 spectator. You could be a member of the public  
16 who wants to be heard.

17 This does not necessarily mean someone who  
18 is absolutely for or against the requested  
19 Special Use, but someone who wants to  
20 participate. If you are such a person, you will  
21 fall into any one or more of three  
22 subcategories:

23 First, you want to give testimony. This  
24 means that you desire, under oath, to have you

1 or a witness of your calling to testify to facts  
2 relevant to the Board's eventual decision. Such  
3 is not the time to describe your feelings or  
4 announce your opinion, but to aver facts, and  
5 you are subject to cross-examination. Everyone  
6 wishing to testify will be given one opportunity  
7 to do so.

8 Secondly, you could -- you want to be able  
9 to cross-examine witnesses, but, please, that is  
10 just the time to ask questions of a particular  
11 witness, not to argue with him or her or not to  
12 announce your own set of facts. Everyone so  
13 wishing to cross-examine will be given one  
14 opportunity to cross-examine each and every  
15 witness.

16 You want to make a closing statement --  
17 third, you want to make a closing statement or a  
18 public comment. This is your opportunity to  
19 give a speech, to tell the Board how you feel or  
20 give them your opinion based on the facts educed  
21 during the whole hearing process as to what  
22 their decision should be.

23 During this closing statement or speech  
24 stage one cannot allege new facts. When you

1 think about it, the reason for this is simple:  
2 the two most important parts of educating the  
3 truth of matters at a hearing are missing at  
4 that point. You are not under oath, nor are you  
5 subject to cross-examination.

6 Everyone wishing to give a closing  
7 statement will be given one opportunity to do  
8 so. For those of you joining us on the Zoom  
9 platform this evening or in the future, that  
10 interactive software allows an Interested Party  
11 to indicate a desire when the time comes to  
12 testify, to ask questions of a witness, or to  
13 give a closing comment or public statement.

14 So when I indicate the time has come to  
15 begin one of those Interested Party stages, I  
16 will ask for participation from the Zoomers --  
17 sort of like Boomers, I guess -- whether here in  
18 the old courthouse, at home, or another remote  
19 location. If one is videoconferencing, one  
20 simply clicks on the icon at the bottom center  
21 of the Zoom screen labeled "Participants," and  
22 from the options that then appear, click "Raise  
23 Hand." If one is remotely teleconferencing,  
24 while remaining connected, still on the call,

1 one should hit the star or asterisk symbol and  
2 then the arabic numeral nine on your phone.

3 Either way, we should then see any raised  
4 hands, and I will call on each raised hand;  
5 however, unlike previous such hearings, I don't  
6 think I will be able to do so on a first-raised,  
7 first-come basis. So calling on the raised  
8 hands will probably be much more random,  
9 referring by name, email address, or the last  
10 four digits of a phone number that appear on our  
11 Zoom display screen.

12 Written communications sent in advance of  
13 this hearing and any written material intended  
14 as something for the Board to consider is  
15 subject to Board Rule Article 5, Section 12,  
16 that eight copies be provided. Any  
17 communications received that do not comply with  
18 this requirement may not be considered by the  
19 Board.

20 I will now review the chronological  
21 progress of the hearing. I know that this  
22 narration that follows is really boring, it's  
23 really tedious, but please, reciting it for  
24 everyone to help you feel more comfortable and

1 not worry that you will not have a fair and  
2 complete opportunity to participate, but at the  
3 same time to alert you when three distinct  
4 opportunity forms of participation will present.

5 The Applicant has the burden of initially  
6 going forward. Accordingly, its agent or  
7 attorney may first make opening remarks. Then  
8 the Applicant presents evidence, one witness or  
9 document at a time. I will place each witness  
10 under oath or affirmation.

11 After each Applicant witness, the State's  
12 Attorney, the Zoning Officer, and members of the  
13 ZBA first, and then interested parties, both  
14 onsite and remote, have the opportunity to  
15 cross-examine. And, please, again, this is just  
16 the time for questions directed to the witness  
17 testifying.

18 After the Applicant's evidence, the Zoning  
19 Officer has the opportunity to present any  
20 witnesses and documents she may desire. After  
21 each Zoning Officer witness, the State's  
22 Attorney, the Zoning Officer, members of the ZBA  
23 first, then Interested Parties and the  
24 Petitioner, both on site and remote, have the

1 opportunity to cross-examine. And once again,  
2 please, this is just the time for questions  
3 directed to that witness testifying.

4 After the Applicant and witness have  
5 presented their respective evidence, then  
6 Interested Parties may present evidence, one  
7 witness, including themselves, or document at a  
8 time. I will place each such witness under oath  
9 or affirmation.

10 After each Interested Party witness, the  
11 Applicant, the State's Attorney, the Zoning  
12 Officer, members of the ZBA, and other  
13 Interested Parties have the opportunity to  
14 cross-examine.

15 Then the Applicant may offer rebuttal  
16 witnesses, one witness or one document at a  
17 time. I will place each of those witnesses  
18 under oath or affirmation. Those, of course,  
19 then may be questioned by Mr. Boonstra, Ms.  
20 Duffy, members of the ZBA, and Interested  
21 Parties, one at a time.

22 If the Applicant does present any rebuttal  
23 witnesses, Interested Parties may present  
24 surrebuttal witnesses one at a time.



1           Finally, first the Applicant is given an  
2           opportunity for closing remarks, and then  
3           Interested Parties may be given the opportunity  
4           for closing statements, public comments, or  
5           speeches, whichever term you prefer; they are  
6           all the same thing.

7           There are some sub rules, after which I  
8           promise I will be finished boring you any  
9           further. As you may or may not have heard, each  
10          session has a time limit under the Zoning Board  
11          Rules of two and a half hours; however, we  
12          certainly don't want to cut off anybody right in  
13          the middle of something, so I'll certainly make  
14          a reasonable effort to let someone finish a  
15          particular stage when the time limit has been  
16          reached. Or, if there's very little time  
17          remaining at the end of a stage, they simply  
18          continue the session rather than starting on  
19          another stage. I also have, for everyone's  
20          benefit, the discretion to call short recesses.

21          Under the Zoning Board Rules, I have the  
22          duty to rule on the admissibility of evidence.  
23          While the strict judicial Rules of Evidence do  
24          not apply, I will exercise some equitable

1 control of what is being presented with or  
2 without an objection.

3 We do and will continue to have a court  
4 reporter here taking down what is said during  
5 the proceedings. I ask all to be mindful of her  
6 job. She cannot take down two people talking at  
7 once. She can't take down nodding heads or  
8 gestures. And while I happen to know she is  
9 very, very skilled, there is a limit to how fast  
10 a person can talk, including me, and expect her  
11 to keep up.

12 I do ask for civility and decorum. This  
13 is certainly a public forum, but please be  
14 respectful of all who consider it important  
15 enough to be here. I ask to refrain from  
16 displays of approval or disapproval.

17 And, as now with all public gatherings, I  
18 request that you either turn your cell phones  
19 off or at least put them on silent.

20 Lastly, your Zoning Board of Appeals,  
21 these fine, hardworking and  
22 practically-volunteer gentlemen, act as finders  
23 of fact, much akin to a jury in a courtroom. In  
24 that role, their decisions during the last stage

1 of the proceeding, findings of fact and  
2 recommendations, are based on the sworn  
3 testimony, admitted exhibits, and closing  
4 statements they receive during the hearing  
5 process.

6 These people are your friends, your  
7 neighbors, your fellow citizens of Lee County,  
8 so please appreciate and respect their role as  
9 we move through the days ahead. I ask you not  
10 to put them in a compromised position by  
11 lobbying them or having extra-hearing  
12 conversations or correspondence until the entire  
13 hearing, including their decisions, have been  
14 completed.

15 In fact, they have been asked to avoid  
16 these appearances of impropriety by politely  
17 telling an Interested Party something like, I'm  
18 sorry, but I'm not allowed to discuss the matter  
19 until the ZBA's work of finding of facts and  
20 making recommendations is completed.

21 The ZBA members taking part in this  
22 proceeding, this South Dixon Solar, LLC's,  
23 Petition, are the Chair, Mr. Forster, Mr. Bothe,  
24 Mr. -- the Vice Chair, Mr. Buhrow, Mr. Hughes,

1 Mr. Meyer. Regular member Mike Pratt, who has  
2 an interest in the project, is -- has chosen not  
3 to take part.

4 Okay. I think that's enough boring stuff.

5 Gentlemen, before I forget and we let it  
6 get away from us, the next bit of administrative  
7 business is to talk about possible hearing days  
8 in the future. I'm starting to call these  
9 available dates. They are not absolutely  
10 written in stone, but I do want to get a feel  
11 for the dates in the foreseeable future that  
12 folks are available.

13 So as soon as I find the right page -- all  
14 right. I'll just go down the list and start  
15 asking yeses and nos.

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

18 JUDGE SLAVIN: At the end of the night, I  
19 think I'll probably pick this Monday, which is  
20 the -- this coming Monday, which is the 7th, but  
21 the rest of them are just available, but it  
22 gives you guys -- everybody notice that they are  
23 possible. All we went through are available  
24 except the 14th.

1 Okay.

2 MS. DUFFY: Did you want to talk about  
3 time?

4 JUDGE SLAVIN: Oh, thank you.

5 There was also a discussion, an  
6 undercurrent discussion, about the possibility  
7 of starting at 6 rather than 7. This was sort  
8 of an idea advanced. And I don't want anybody  
9 to feel like they're feeling -- they're being  
10 compelled.

11 Callie and I are involved in an  
12 alternative energy project in Bureau County that  
13 moved from 7 and is starting at 6, and it really  
14 is a little more amenable to an ordinary life.  
15 But if folks are working until 5:30 and just  
16 don't feel like you want to march and get here  
17 by 6, I understand.

18 What's the consensus? Does everybody like  
19 it or --

20 MR. FORSTER: Is it still at two and a  
21 half hours?

22 JUDGE SLAVIN: Yes. I mean, that's your  
23 Rule.

24 Is that a yes? I mean, everyone is sort

1 of nodding yes.

2 Mr. Barry?

3 MR. BARRY: Yes.

4 JUDGE SLAVIN: Alice?

5 MS. HENKEL: (Nods head.)

6 JUDGE SLAVIN: Callie?

7 COURT REPORTER: Yes.

8 JUDGE SLAVIN: Ms. Duffy?

9 MS. DUFFY: (Nods head.)

10 JUDGE SLAVIN: Okay. Charlie, is it all  
11 right with you?

12 MR. BOONSTRA: Yes.

13 JUDGE SLAVIN: All right. We're going to  
14 try and start at 6, and if it doesn't work out,  
15 we can go back to 7. But I'll remind you when  
16 we finish the session, but we'll start at 6.

17 All right. I think that's all the  
18 administrative stuff.

19 Are all the folks -- I should get into the  
20 substance. Are all the folks on Zoom -- let me  
21 put it this way: anybody on Zoom that cannot  
22 hear, please raise your hand -- cannot hear or  
23 see us, please raise your hand.

24 And, Alice, you'll have to tell me.

1 MS. HENKEL: No, nothing.

2 JUDGE SLAVIN: Okay. Great.

3 All right. That means I will turn the  
4 matter over to you, Mr. Barry, for the beginning  
5 of your case.

6 MR. BARRY: Thank you, Judge Slavin.

7 Mr. Chairman, members of the Zoning Board  
8 of Appeals, thank you for coming out and hosting  
9 us tonight during these trying and unusual  
10 times.

11 As Judge Slavin indicated earlier, my name  
12 is Kyle Barry. I'm an attorney based in  
13 Springfield, Illinois. I have been working on  
14 renewable energy project permitting for probably  
15 over a decade now. That includes wind projects  
16 initially, but over the last couple years as  
17 solar project development has increased in  
18 Illinois, I have gotten involved in more solar  
19 projects, including, I think, two hearings over  
20 the course of the last three or four months in  
21 Central Illinois.

22 My experience includes primarily  
23 representing renewable energy project  
24 developers, but I have also advised counties on

1 zoning and siting issues associated with wind  
2 and solar projects.

3 I'm here tonight representing the  
4 Applicant, South Dixon Solar, LLC, in its filing  
5 of an application seeking a Special Use Permit  
6 to construct and operate a 500-megawatt solar  
7 farm that's located in South Dixon Township in  
8 Lee County.

9 In a few minutes I'm going to present the  
10 project developer of South Dixon Solar Project,  
11 Tyler Coon, as a witness, but before that, I  
12 wanted to kind of give you a road map for where  
13 we intend to go from here. After Tyler is  
14 presented as a witness this evening, he'll be  
15 followed by five other witnesses who are experts  
16 in a variety of different areas, and then that  
17 will probably consist of our -- the total of our  
18 presentations.

19 We may, I suppose, include additional  
20 witnesses, depending on how things go from here,  
21 but I just wanted to give folks, members of the  
22 Board here, a road map for how we intend to  
23 proceed.

24 So with that, I'd like to call Mr. Tyler



1 Coon to the stand.

2 JUDGE SLAVIN: All right. Mr. Coon, if  
3 you want to stand up anywhere in the general  
4 area, or if you want to come around and I'll put  
5 you -- right here, that's great. Your choice.

6 (Tyler Coon was duly sworn.)

7 JUDGE SLAVIN: Have a seat.

8 And you may inquire, Mr. Barry.

9 MR. BARRY: Thank you, Judge Slavin.

10 TYLER COON,  
11 having first been duly sworn, was examined and  
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BARRY:

15 Q. Could you please state your name for the  
16 record.

17 A. Yes. Tyler Coon.

18 Q. And, Mr. Coon, could you please tell us a  
19 little bit about your background?

20 JUDGE SLAVIN: Would you, for my court  
21 reporter, spell your last name, please.

22 THE WITNESS: C-O-O-N.

23 JUDGE SLAVIN: Thank you. Sorry.

24 MR. BARRY: No problem.

1 Q. (By Mr. Barry:) Could you please tell us a  
2 little bit about your background, Mr. Coon?

3 A. Sure. My -- so as far as education goes, I'm  
4 an educated civil engineer. I have got a  
5 master's degree in civil engineering. I also  
6 have a master's degree in business  
7 administration.

8 I've spent my 20-or-so-year career in all  
9 aspects of land management and land development.  
10 I am currently a developer of renewable energy  
11 projects for Duke Energy Renewables, which is  
12 the parent company of South Dixon Solar, LLC,  
13 and I am based in Indianapolis.

14 Q. And what is your position again with Duke  
15 Energy Renewables?

16 A. My position is Business Development Manager II,  
17 and essentially I act as a developer of  
18 renewable projects.

19 Q. And then more specifically, with respect to the  
20 Applicant, what is your position for South Dixon  
21 Solar, LLC?

22 A. I am the project developer for this project.

23 Q. Mr. Coon, do you have experience developing  
24 solar energy projects?

1 A. Yes. Yes, I have developed or am developing  
2 roughly a dozen solar energy projects. I am  
3 currently developing five solar energy projects  
4 in the state of Illinois, four in the state of  
5 Indiana. So that's the bulk of -- that region  
6 consists of the bulk of the development work  
7 involved.

8 Q. Thank you.

9 Mr. Coon, I understand you have a slide  
10 deck to present this evening.

11 MR. BARRY: Judge Slavin, I'd like to  
12 enter into evidence this 12-page slide deck that  
13 has been -- hard copies of which have been  
14 provided to the members of the ZBA, as well as  
15 Your Honor. So I'd like to present -- enter  
16 that into evidence.

17 JUDGE SLAVIN: Thank you. It's done, and  
18 it marked PET, P-E-T, short for Petitioner,  
19 Number 1.

20 (Petitioner's Exhibit Number 1  
21 marked for identification and  
22 admitted into evidence.)

23 Q. (By Mr. Barry:) Mr. Coon, could you please  
24 turn to Page Number 1 in the slide deck and

1 provide us an overview of Duke Energy  
2 Renewables' experience with renewable energy  
3 projects?

4 A. Sure.

5 So in this slide we explain the role of  
6 Duke Energy Renewables and the overall Duke  
7 Energy corporation. So many folks may be aware  
8 that Duke Energy is one of the largest electric  
9 holding companies in the United States, and they  
10 operate regulated utility companies in several  
11 of the states in the eastern United States,  
12 ranging from Florida to Indiana.

13 And so you'll see on this slide, on the  
14 left-hand side of the slide, that's what we call  
15 regulated U.S utility businesses. On the other  
16 side of the line is where my company resides,  
17 and that's Duke Energy Renewables. So we're all  
18 under the same corporate umbrella of the Duke  
19 Energy Corporation, but we are separate  
20 companies from the utility companies.

21 So Duke Energy Renewables is a developer,  
22 owner, operator of renewable energy facilities  
23 across the United States, and most of those  
24 facilities are outside of the Duke Energy

1 utili- -- regulated utility territory.

2 So we are a renewable developer, builder,  
3 owner/operator of renewable facilities. Most of  
4 those are wind and solar projects, as well as  
5 some battery storage projects and some combined  
6 projects.

7 MR. BARRY: Can we please move it to Slide  
8 3?

9 A. Okay. So in our role as an owner/operator of  
10 ut- -- I'm sorry, of renewable projects, our  
11 business model is to develop or acquire those  
12 projects, build, own, and operate the  
13 facilities. So we are a long-term owner of the  
14 facilities that we build.

15 Our focus on the solar side has been  
16 utility-scale projects. We do have a sister  
17 company that develops smaller distributive  
18 energy projects as well. So by "utility scale,"  
19 we're typically talking about projects 20  
20 megawatts and larger.

21 Currently we are operating 61 solar  
22 facilities in the United States, with a total  
23 megawatt capacity of about 1300, and there are  
24 additional projects under development.

1           Importantly, the projects are getting larger and  
2           larger in size.

3           On the wind side of the business, we're  
4           also one of the larger wind owner/operators in  
5           the United States and operate 22 facilities,  
6           totaling almost 3,000 megawatts total capacity,  
7           with more under construction.

8   Q.    (By Mr. Barry:) And I think -- I see we have a  
9           map of the United States on the next slide,  
10          Slide 4. Do you want to take us through that?

11   A.    Sure.

12          Yeah, you can see on this the locations of  
13          the facilities owned by Duke Energy Renewables,  
14          and you'll see that many of the solar facilities  
15          specifically are concentrated in the  
16          southwestern United States, which is where much  
17          of the early development activity has happened  
18          in our country.

19          You'll also notice there are no facilities  
20          in the state of Illinois at this point. But as  
21          mentioned previously, we are developing five  
22          projects at this point in time. So we certainly  
23          hope to color this state blue in the near  
24          future, meaning that it will have renewable

1 energy facilities owned by Duke Energy  
2 Renewables as we move forward.

3 Q. And I believe the next two slides show maps of  
4 the proposed project. Could you please describe  
5 the proposed -- the project's proposed location?

6 A. Yes. This first map shows a county-wide view  
7 and shows where the project is located in Lee  
8 County, generally due south of the city of  
9 Dixon, due east of Rock Falls, and northwest of  
10 Amboy, sitting in South Dixon Township.

11 The next slide, Slide 6, shows a zoomed-in  
12 view of that location. And the slide, as  
13 mentioned, sits in the South Dixon Township,  
14 generally between the Three Mile Branch and the  
15 Five Mile Branch, so those two creeks; although,  
16 a little bit of the land does extend on the  
17 north side of Three Mile Branch.

18 The project is entirely outside of the  
19 incorporated boundaries of the city of Dixon,  
20 but it is, in a portion of the project, adjacent  
21 to those boundaries.

22 Q. Thank you, Mr. Coon.

23 The next slide, Slide 7, provides some  
24 details about the project. Can you please walk

1 us through Slide 7?

2 A. Sure.

3 The South Dixon Solar is proposed to be a  
4 500-megawatt, ground-mounted solar energy  
5 system. We intend to build the most advanced  
6 technology at this time -- the most advanced,  
7 practical technology at this time, which is  
8 bi-facial panels on single-axis trackers. That  
9 means that there will be panels on both the top  
10 and the bottom of these, attracting and  
11 collecting the solar irradiation coming into the  
12 area.

13 So even when there's snow on top of these  
14 panels, they can still be producing energy from  
15 the bottom side and year round. There's always  
16 reflectivity coming off the ground.

17 The single-axis tracker means that those  
18 will be oriented in a north-south direction as  
19 an array, and the solar panels track the  
20 sunlight from east to west each day.

21 The project is located on 3,838 contiguous  
22 acres of leased property across 50 parcels, and  
23 that involves 25 unique landowners. An  
24 important note is that, you know, simply because



1 of the size of this project and the number of  
2 landowners, we have a very strong base of local  
3 support for this project.

4 The existing land use in the area is row  
5 crop agriculture.

6 So this project will produce the  
7 equivalent amount of energy to power about  
8 100,000 homes. So it is a very significant,  
9 large project that will become a major and  
10 important energy source in this portion of  
11 Indiana -- I'm sorry, of Illinois. Let my home  
12 state slip in there.

13 And it will be a clean, sustainable source  
14 of energy to replace -- replace some of the  
15 energy that will be retired from sources such as  
16 coal and nuclear, and to augment and increase  
17 the amount of energy supply by coming into  
18 Northern Illinois.

19 We will connect to the ComEd transmission  
20 system through a new utility switching station,  
21 and that one will be a ComEd-owned utility  
22 switching station built specifically for this  
23 project.

24 We have signed a term sheet at this point

1 in time, and we're negotiating a power purchase  
2 agreement with a single buyer who will buy all  
3 of the energy produced by this project, which is  
4 a -- executing a power purchase agreement is a  
5 major milestone for a project as it's being  
6 developed and is one of the important aspects of  
7 developing a solar project, is making sure you  
8 have the ability to sell the power that it will  
9 generate.

10 And then, finally, construction we  
11 anticipate will begin as early as 2022.

12 Q. All right. Thank you.

13 Let's go to the next slide, please, and  
14 it's entitled Community Benefits. Mr. Coon,  
15 could you please walk us through some of the  
16 proposed benefits of the project?

17 A. Sure. Yeah, these are just some of the  
18 benefits. There's really many benefits to a  
19 project of this nature, and we'll be discussing  
20 some of those as we go through our additional  
21 presentations and witnesses.

22 But one of the primary financial benefits  
23 to a region in that community will be tax  
24 revenue generated from a project of this size

1 and of the capital dollars that will be invested  
2 in this area. So there will be a long-term  
3 boost in revenue via the property taxes for the  
4 local taxing jurisdictions.

5 It's impossible to predict exactly what  
6 the tax revenue will be, but we have run  
7 estimates, and we estimate there will be  
8 approximately \$43 million worth of taxes  
9 generated for the area over the period of 35  
10 years.

11 On the right-hand side, you can see a  
12 breakdown of the taxing jurisdictions and  
13 approximately how much of that \$43 million would  
14 go to each one of those. So the biggest  
15 beneficiary area of this would be the Dixon  
16 School District, and Amboy School District will  
17 also receive a portion of the proceeds, of the  
18 revenue, from this project. Lee County will  
19 benefit, Dixon Fire, and the community college,  
20 as well as the townships.

21 Additional benefits to the community will  
22 be jobs and benefits from the jobs that come  
23 into the area. This will be a major employer  
24 during construction. A very large boost of jobs

1 coming into the area during construction of a  
2 project like this, with hundreds of construction  
3 jobs over an 18- to 24-month period, peaking at  
4 450 jobs at a single point in time in the peak  
5 of the construction on the project.

6 Additionally, this will generate  
7 tremendous economic benefit to the area, the  
8 hotels, the restaurants, and other businesses.  
9 The hardware stores and, you know, many other  
10 businesses will see a strong boost to the  
11 economy during that period.

12 In terms of long-term jobs, there will be  
13 somewhere between five and ten full-time jobs  
14 operating this facility long-term throughout the  
15 life of the project. And during that time,  
16 there will be other needs for ancillary services  
17 for the project, which is typically contracted  
18 out to local companies, such as vegetation  
19 management and other O and M activities -- I'm  
20 sorry, other operation and maintenance-type  
21 activities.

22 And then finally, this project will  
23 provide a steady and supplemental source of  
24 revenue for those participating landowners in

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1 this project. They will see, again, a  
2 consistent source of revenue for the life of the  
3 project.

4 Q. Thank you, Mr. Coon.

5 Could you please turn to the next slide,  
6 Slide 9, and discuss an overview of the  
7 project's compliance with Lee County Solar Farm  
8 Rules?

9 A. Okay. Yes, in the application to the County,  
10 we have demonstrated how we have met, and in  
11 some cases exceeded, the requirements of Lee  
12 County, and I'll list a few of those here, which  
13 will be shared in detail -- or many of these  
14 will be shared in detail by coming witnesses  
15 that we will present.

16 So the first is a glint and glare study  
17 that we have conducted in the area, showing that  
18 there will be no glare impact to the surrounding  
19 residences, the roadways, or the nearby airport.  
20 This project is located about a mile and a half  
21 from the Dixon Municipal Airport.

22 We have also demonstrated the project will  
23 comply with all applicable State and local  
24 regulatory standards pertaining to projects of

1 this nature, as well as the National Electric  
2 Code.

3 We're required to ensure that no project  
4 components outside of the interconnection  
5 infrastructure will exceed 30 feet, and that is  
6 the case. The solar panels themselves will  
7 typically be less than 10 feet in height, and so  
8 only the interconnection infrastructure where it  
9 ties in -- at the point where it ties into the  
10 transmission line will exceed that height.

11 We will meet and exceed all applicable --  
12 meet or exceed all applicable setback  
13 requirements for the property lines and the  
14 residences. I'll go into that in a little bit  
15 more detail in an upcoming slide.

16 There will be a 6-foot fence installed  
17 around the perimeter of the entire site, which  
18 includes a fence at each roadway, and separating  
19 any participating landowners from  
20 nonparticipating landowners.

21 Lighting will be minimal, generally only  
22 around the operation and maintenance facilities,  
23 and that lighting will be downcast to ensure  
24 that we're not broadcast -- or we're not

1 broadcasting light that will affect the  
2 neighbors in the area.

3 The project will also comply with noise  
4 limitations. A solar farm is relatively quiet,  
5 and those components that do create and generate  
6 noise are generally located well within the  
7 security fence. So there's minimal noise that  
8 gets beyond the edge of the project. And we  
9 brought a report that shows that we will meet  
10 and comply with both the local and State noise  
11 ordinances.

12 We have prepared an emergency action plan,  
13 and that will include a fire protection plan for  
14 both during construction and operation, and that  
15 will include involvement and training with the  
16 local emergency response folks, both during  
17 construction and during operations, ensuring  
18 they have access to the facilities at all times  
19 and are trained in how to handle emergencies  
20 that may occur at those facilities.

21 We have committed that we will repair any  
22 drain tile damage during the project, both  
23 during the construction and during the  
24 operations of the facility, and there will be a

1 drain tile and repair plan, and we have  
2 committed to these things both to the landowners  
3 that we have leased land from and the  
4 Agricultural Impact Mitigation Agreement that  
5 we're signing with the State of Illinois.

6 Finally, we have sited and identified the  
7 floodplains and wetlands associated within the  
8 project, and impact to those will be avoided  
9 whenever possible or minimized, if not possible.

10 Q. Mr. Coon, you referred to setback requirements  
11 and you said you were going to return to those.  
12 Could you please advance to Slide Number 10?

13 A. Yes. Before I get to the description of the  
14 setbacks, I wanted to mention that we have -- we  
15 have had an unusual year, as we all know, and  
16 typically by the time we have gotten to this  
17 stage of a project, where we're conducting a  
18 public hearing, we would like to have had  
19 community open houses on this project where we  
20 invite all of the neighbors to come in, view  
21 maps, talk to the experts, address concerns, but  
22 as you know, that was not possible this year.

23 So we have done what we can do to reach  
24 out to the neighboring landowners. We have sent



1 two different sets of letters to those  
2 neighboring landowners; the first one in March  
3 of this year and the second one in November of  
4 this year. In those letters, we included  
5 project details and descriptions, we provided  
6 maps so they could clearly see where the project  
7 facility was located with respect to their home.

8 And as a product of those letters that  
9 were sent out, we have had several phone calls  
10 and in-person meetings with some of the  
11 neighbors around the project. Not all have  
12 responded; many have not. But, you know, under  
13 the circumstances of this year, we feel like we  
14 have done all that we can to reach out to them.

15 And from those meetings that we have had  
16 with those landowners, we have tried to  
17 implement design considerations into the project  
18 that address the concerns that have been  
19 expressed to us from those landowners.

20 So moving on and returning to the  
21 discussion on the setbacks for the project, we  
22 have made sure that we're designing the project  
23 with the neighbors in mind and not simply trying  
24 to meet the Solar Ordinance. So this table at

1 the bottom explains the requirements of the  
2 Solar Ordinance and then also describes what we  
3 are committing to do in this project.

4 So the first setback described is the  
5 setback to nonagricultural-zoned residences. So  
6 this would typically be residences in a  
7 residentially-zoned area. So the Ordinance  
8 requires that we set back the solar energy  
9 system a minimum of 300 feet from the property  
10 line of those residentially-zoned residences.

11 We have agreed to extend that to 500 feet.

12 So -- and I will note that that is a change that  
13 we made from the site plan that was submitted  
14 with the application.

15 So you'll see in that site plan the  
16 300-foot setback. We're in the process of  
17 revising that to show a 500-foot setback from  
18 those residences that are zoned residential.  
19 And just so you know, those -- the only location  
20 where that exists is in the southeastern corner  
21 of the project.

22 Secondly, the second setback would be the  
23 ag-zoned residences. So these -- in the Solar  
24 Ordinance there was no requirement to setback

1 from those homes. We have agreed to set back a  
2 minimum of 100 feet from any residences across  
3 the site. And, again, these are minimums. In  
4 many cases the setback is larger.

5 The setbacks from a residence to an  
6 inverter. An inverter is one of those pieces of  
7 equipment that does generate a little bit of  
8 noise if you're standing right next to it. So  
9 the Solar Ordinance requires that that setback  
10 be 200 feet. We have extended that to 500 feet  
11 and made sure that no inverter would be within  
12 500 feet of a residence.

13 Perhaps the most visually intrusive part  
14 of the project would be the substation, the  
15 interconnection or switching station from our  
16 project facility onto the electric grid,  
17 electrical transmission system.

18 Again, the Solar Ordinance did not require  
19 a setback to that, but we have agreed and  
20 committed that we would set back a minimum of a  
21 thousand feet, and, in fact, the proposed  
22 location of the switching station and substation  
23 for this project is much larger than 1,000 feet.

24 Finally, the setbacks from the property

1 lines, we are 50 feet from the front property  
2 line, 15 feet from the side and rear, and we  
3 will be complying with that solar requirement in  
4 our setbacks on the design of the project.

5 And lastly, this is, I believe, a very  
6 important feature, as we have heard from the  
7 neighbors in the area, is that we provide some  
8 type of vegetative screening to block the view  
9 shed from the residences nearby the project.

10 And so although that is not required in the  
11 Solar Ordinance, we have implemented vegetative  
12 screening. So this would be a tree buffer.  
13 These would be generally evergreen trees.

14 And we'll see more details on this in the  
15 next witness's presentation on the site plan,  
16 and he'll show a schematic of what that might --  
17 what that will look like.

18 But there will be a tree screening to  
19 block the view from all residences within 500  
20 feet of this project.

21 Q. Thank you, Mr. Coon.

22 Slide Number 11 provides an overview of  
23 the status of the project's current milestones.  
24 Could you please discuss the project's current

1 status in terms of its development?

2 A. Sure. If you look right in the middle of this  
3 table, you see the Special Use Permit, which is  
4 what we're going through right now, and so that  
5 one is in progress.

6 Essentially everything before that is the  
7 work that we have done up to this point. So  
8 going back to the beginning, we have conducted a  
9 preliminary wetland delineation, preliminary  
10 resource investigation. So that's looking at  
11 historical or cultural -- culturally-important  
12 occurrences within the project site. So those  
13 studies have been complete.

14 We have conducted preliminary protected  
15 species habitat assessment at this point, and we  
16 are -- we have -- we have submitted the  
17 interconnection request to -- for the -- to give  
18 us the opportunity and the rights to be able to  
19 build this project and interconnect it with the  
20 utility transmission line, and we have received  
21 the feasibility study back for the project.

22 There are additional studies that will  
23 come to the project before that interconnection  
24 study process is complete.

1           The Natural Resources Information and Land  
2           Evaluation Site Assessment are both in progress  
3           and should be complete while this hearing is  
4           still in process and submitted to the Zoning  
5           Board.

6           The Agricultural Impact Mitigation  
7           Agreement has been signed by us, and that is  
8           unmodified from the form that the State has  
9           provided and proposed. So we have signed that.  
10          It's in the hands of the State Department of  
11          Agriculture right now to sign and return to us.

12          So then we get to the Special Use Permit  
13          and what's coming, moving forward. We will  
14          conduct a full drain tile survey on this project  
15          to identify the locations and be able to  
16          minimize impacts to the drain tile across the  
17          site.

18          Road Use Agreements will be put in place.  
19          There will be a drainage permit, driveway access  
20          permit, well -- water well and septic system  
21          permits, any signage permits, and a floodplain  
22          development permit. So all of these permits  
23          will occur and be secured by the project prior  
24          to the issuance of the building permit.

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1 Q. All right. Let's move to the final slide,  
2 Mr. Coon. Now, earlier in my introduction I  
3 referred to other witnesses who will follow you  
4 on behalf of the Applicant. Slide 12 provides a  
5 list of expert witnesses. Can you just briefly  
6 touch upon some of the subjects they are going  
7 to cover?

8 A. Sure.

9 First we'll have Jason Cooper, a licensed  
10 professional engineer from Kimley Horn who will  
11 discuss and present the site plan design for the  
12 project, the decommissioning plan, the noise  
13 study, the glare study, the drainage plan, and  
14 the vegetative plan for the project.

15 Then we'll have Tom Huddleston present,  
16 and he'll discuss drain tiles and the impacts to  
17 the drainage system on the project as a solar  
18 facility is constructed on the land and  
19 operations on the land, and he'll also discuss  
20 the agricultural land impact of having a solar  
21 facility built on it.

22 Then we'll have Jennifer Klingshirn ER --  
23 Energy Renewal Partners, which we commonly call  
24 ERP, and she'll be discussing the wildlife, the

1 environmental soils and cultural resources  
2 associated with the project and its potential  
3 impacts.

4 We'll have my colleague from Duke Energy  
5 Renewables, Patrick Smith, who is the engineer  
6 for the project -- the internal engineer, and  
7 he'll be discussing both health and safety and  
8 general engineering and design characteristics  
9 of the solar energy system.

10 And then finally we'll have Mike MaRous,  
11 and he will be discussing the property value  
12 impact analysis.

13 Q. All right. Thank you, Mr. Coon.

14 MR. BARRY: Judge Slavin, that concludes  
15 Mr. Coon's presentation, and those are all the  
16 questions I have for him this evening.

17 JUDGE SLAVIN: Okay. Great. Thank you.  
18 Let's go around the horn.

19 Mr. Boonstra, can you hear me back there?  
20 Do you have any questions?

21 MR. BOONSTRA: No questions, Judge. Thank  
22 you.

23 JUDGE SLAVIN: Thank you.  
24 How about you, Ms. Duffy?



1 MS. DUFFY: Not at this time.

2 JUDGE SLAVIN: All right. ZBA members.  
3 Mr. Chairman?

4 MR. FORSTER: None at this time.

5 JUDGE SLAVIN: Okay. Mr. Buhrow?

6 MR. BUHROW: Is this the time to discuss  
7 some of the topics he brought up then or  
8 questions?

9 JUDGE SLAVIN: You ask him a question  
10 and --

11 MR. BUHROW: Okay.

12 EXAMINATION

13 BY MR. BUHROW:

14 Q. Bi-facial panels, I don't know that I have  
15 heard that term before. Can you explain that?

16 A. Yes. That means on both sides of the panel --  
17 both sides of the panels will look the same. So  
18 both sides will be able to collect the solar  
19 irradiation that comes both from the sky and  
20 reflecting off of the ground.

21 And by installing bi-facial panels, you  
22 can get something like a 15 percent increase in  
23 energy produced from the same footprint of the  
24 solar energy panels.

1 Q. How long have those type of panels been used?

2 A. I don't know, but when our engineer, Patrick  
3 Smith, testifies, we can have him address that  
4 question.

5 Q. Are you proposing them at some of your other  
6 sites?

7 A. Yes. They are in operation on some of our  
8 facilities currently. So it's not a brand-new  
9 technology. It's a technology that does have  
10 some life and experience and is certainly in use  
11 across the country.

12 Q. You mentioned neighbors. In talking with them,  
13 do you know approximately how many neighbors are  
14 in this project, nonparticipating? Is there a  
15 number there that you have got?

16 A. I don't know the exact number, but it's  
17 approximately 30, you know, in that range.  
18 Let's say 25 to 35, in that area.

19 Q. When you use the term enough electricity for a  
20 hundred thousand homes, is that based on the  
21 daytime production or 24-hour production, or how  
22 do you qualify that with a solar farm?

23 A. Yeah, it's the total production of the  
24 facility. And as you noted, most of the

1 production comes during the daytime on a project  
2 of this nature.

3 Q. Okay. And if we get into discussing batteries,  
4 will that be somebody else's area then?

5 A. We're not currently proposing battery storage  
6 on this project. So that is not a proposed use  
7 on this project.

8 Q. I saw it listed here as your company --

9 A. Our company does provide battery storage at  
10 some of our locations, but we're not proposing  
11 that here.

12 MR. BUHROW: Okay. Thank you.

13 THE WITNESS: Sure.

14 JUDGE SLAVIN: Thank you.

15 Mr. Bothe?

16 MR. BOTHE: No, no questions.

17 JUDGE SLAVIN: Mr. Hughes?

18 MR. HUGHES: Yes.

19 EXAMINATION

20 BY MR. HUGHES:

21 Q. Could you tell me a little bit more about the  
22 five to ten permanent positions that you're --  
23 employment positions? What do those consist of?

24 A. Yes. So those are solar technicians. For the

1 most part, that's what they would be. So these  
2 are trained technicians to know and understand,  
3 be able to troubleshoot maintenance of a solar  
4 facility.

5 An important note is that this facility,  
6 as all of our facilities across the United  
7 States, is monitored remotely. So we have a  
8 control center in Charlotte, North Carolina,  
9 that's observing and monitoring the operation of  
10 this facility, and so they, from the control  
11 center in North Carolina, will know if a certain  
12 panel in one of those arrays is not producing as  
13 it should, and so the solar technicians on site  
14 will be going out and servicing those, as well  
15 as routine maintenance and other operations of  
16 the facility.

17 Q. Okay. What -- for this size of a project --  
18 and you have multiple other solar projects, as  
19 noted. For this size of project, what's your  
20 best estimation of the number of full-time  
21 employees to handle the maintenance, the  
22 technical work?

23 A. Well, you mean between five and ten, where do  
24 we think it will land?

1 Q. Yeah.

2 A. It's a bit of a difficult question primarily  
3 because we have other projects under development  
4 in the state of Illinois, and so some of those  
5 resources will be going back and forth between  
6 sites. That's why we offer such a range.

7 Q. Okay.

8 A. You know, if this were the only one, there  
9 would likely be more operators, closer to ten,  
10 but when we can share some operators with other  
11 sites in other counties, that number may be  
12 closer to five. So it's difficult to quantify,  
13 not knowing exactly how many of these will be  
14 built.

15 Q. I appreciate that clarification.

16 A. Sure.

17 Q. Where does this project rank in terms of size  
18 with the other existing projects that Duke  
19 Energy is operating?

20 A. Good question. This would be the largest  
21 facility. So we have several facilities that  
22 are 200 megawatt in size currently, but this one  
23 is Duke Energy's largest facility.

24 And, quite frankly, it would be the

1 largest facility this side of the Mississippi  
2 currently in the United States. That's not to  
3 say that by the time it's built that it will be  
4 the largest, because there are certainly other  
5 large ones proposed.

6 MR. HUGHES: Okay. Thank you.

7 THE WITNESS: Sure.

8 JUDGE SLAVIN: Mr. Meyer?

9 EXAMINATION

10 BY MR. MEYER:

11 Q. My question is about the PJM agreement. How  
12 much more capacity will be available on the  
13 345 kV transmission line if we approve this  
14 500-megawatt project?

15 A. So we are undergoing the interconnection study  
16 right now that will help answer that question.  
17 We -- as I mentioned, we have the feasibility  
18 study complete, but there are two additional  
19 studies that will be produced and that we'll  
20 receive from PJM.

21 So I don't know the answer to that  
22 question exactly. We do know that we studied  
23 the transmission system, we hired our own  
24 consultants to run the models, and our

1 estimation was that there was more than enough  
2 capacity on this line to construct a 500-  
3 megawatt facility.

4 MR. MEYER: Okay. That's it.

5 JUDGE SLAVIN: I'm sorry, did you mean  
6 that was it for you, Mr. Meyer?

7 MS. HENKEL: Yes.

8 JUDGE SLAVIN: Okay. All right. That  
9 leaves us to Zoomers. Now, if you remember how  
10 I explained to raise your hand if you have a  
11 question. If you're videoconferencing, down at  
12 the bottom there's -- I think there's an icon  
13 that says "Participants." Click on that, and  
14 then click on the menu item that says "Raise  
15 Hand."

16 If you're on telephonic conferencing, in  
17 other words, you're on your cell phone but  
18 cannot see us but can hear us, staying on the  
19 line, hit asterisk, or star, and then numeral  
20 nine. I should see your hand show up, and I'm  
21 going to have to call on you at random.

22 I'm going to go across the top because  
23 those are the hands I see. Jamie -- and if I  
24 mispronounce folks' names, please, I apologize.

1           Jamie -- or Laborers Jamie/Jamie Laborers.  
2           We'll unmute you.

3           MR. LAWSON: Yes, thank you, Judge. I'm  
4           Jamie Lawson. I'm the business manager of the  
5           Laborers here in Dixon.

6           JUDGE SLAVIN: Oh.

7           MR. LAWSON: I kind of wear two hats for  
8           this project, because I'm also a landowner  
9           that's going to be surrounded by this.

10   EXAMINATION

11 BY MR. LAWSON:

12 Q.     So I just wanted to piggyback -- I'm sure I'll  
13         have lots of questions throughout the process,  
14         but my main question would be, to kind of  
15         piggyback on your earlier question, if my math  
16         is correct, I think you said earlier in one of  
17         the slides you have 61 projects with a total of  
18         1335 megawatts, and you're saying this is going  
19         to be a 500-megawatt.

20                 So if my math is correct, the average  
21         project that you do is 21.88 megawatts? That  
22         seems like this is kind of way --

23                 JUDGE SLAVIN: Jamie, is that a question?  
24         Just ask a question.



1 Q. (By Mr. Lawson:) Yeah, I guess that is a  
2 question. Is my math correct? Is that what you  
3 said earlier?

4 A. I'd have to pull out a calculator myself, but I  
5 assume that's correct.

6 Yeah, if you look at the projects -- and  
7 this is generally how solar development has  
8 gone, that the earlier-developed projects are  
9 much smaller and the more recently-developed  
10 projects are much larger. That's -- so Duke  
11 Energy Renewables --

12 Q. My question -- I'm sorry. My question would  
13 be, this is basically 500 times the size of a  
14 project you guys are used to doing.

15 JUDGE SLAVIN: That's not a question. I'm  
16 not trying to be difficult, but he's just here  
17 to answer questions.

18 MR. LAWSON: Okay.

19 JUDGE SLAVIN: That's a statement. If you  
20 have got a question, please ask.

21 Q. (By Mr. Lawson:) Okay. My question would be,  
22 how much larger is this project than stuff that  
23 you typically would do?

24 A. So the largest projects we have built to date,

1 and we have two of them in operations currently,  
2 is 200 megawatts.

3 Q. How many acres would a 200-megawatt cover?

4 A. Between 1500 and 2,000 acres. A good rule of  
5 thumb is ten acres per megawatt.

6 Q. And what state is that in?

7 A. In the state of Texas.

8 MR. LAWSON: Okay. Thank you.

9 THE WITNESS: Sure.

10 MR. LAWSON: Thank you for your time.

11 JUDGE SLAVIN: No, thank you.

12 All right. I'm still staying on top. It  
13 says "Wendy's iPad." We'll unmute you, and ask  
14 away.

15 MS. EISELE: Yes, this is Wendy Eisele. A  
16 few questions.

17 MR. LAWSON: Wendy, could I -- remember,  
18 we have got a court reporter here. Can I ask  
19 you to spell your last name, please?

20 MS. EISELE: Yes. E, as in Edward, I-S,  
21 as in Sam, E-L-E.

22 JUDGE SLAVIN: Okay. And do you live or  
23 reside inside the proposed footprint of the  
24 project?

1 MS. EISELE: No. I do live in Dixon.

2 JUDGE SLAVIN: Do you live in -- well, let  
3 me ask the question.

4 Do you live or reside within a mile and a  
5 half of the proposed project boundaries?

6 MS. EISELE: It would probably be close to  
7 that. I live in Dixon.

8 JUDGE SLAVIN: Do you live within Lee  
9 County?

10 MS. EISELE: Yes.

11 JUDGE SLAVIN: Okay. All right. Ask  
12 away.

13 EXAMINATION

14 BY MS. EISELE:

15 Q. Okay. Question: It showed in your  
16 presentation a steady, supplemental source of  
17 revenue for participating landowners. Does that  
18 include the adjoining homeowners? So if they  
19 don't own the farmland that you're going to  
20 develop but they have a home that is adjacent to  
21 this, are they going to be getting a  
22 supplemental revenue as well --

23 A. No.

24 Q. -- or income, I guess?

1 A. No. The -- no. The revenue is for those who  
2 have leased land for the project.

3 Q. Okay. And is there a reason that the  
4 homeowners are not going to get some kind of  
5 benefit from this?

6 A. I don't know of any reason, no. No, I don't  
7 know of any reason.

8 Q. Okay. Is that a possibility?

9 A. I mean, we -- at this point, we -- it's not  
10 common to see that happen on a solar development  
11 project, but if there are any residential  
12 neighbors that would like to talk to us about  
13 that, we certainly could have that conversation.

14 Q. Okay. Thank you.

15 Have you chosen where the substation is  
16 going to be located?

17 A. Yes, there is a proposed substation location on  
18 the site plan.

19 Q. Okay. Can you provide where that is, just  
20 offhand?

21 A. It's approximately -- if you look at the map,  
22 if you look at the map, the site map on Slide 6,  
23 you'll see the area of the site that's located  
24 in between Highway -- is that Highway 28 that

1 goes directly south out of Dixon?

2 Q. 26.

3 JUDGE SLAVIN: No, you're not here to ask  
4 questions. Don't start that, please.

5 THE WITNESS: Okay.

6 JUDGE SLAVIN: We'll never stop.

7 A. Okay. So it is on the eastern side of the  
8 project in the middle of -- basically right in  
9 the middle of that area. So it's a fairly long  
10 distance away from either of the adjoining  
11 roads, the roads that bound that eastern side of  
12 the project.

13 Q. (By Ms. Eisele:) Okay. And then what about  
14 the inverters, where would they be located?

15 A. Inverters are placed approximately every 15 to  
16 20 acres. So they will be placed all the way  
17 across this site, but none of them will be  
18 placed close to the fence location.

19 We will have a presentation on the site  
20 plan that will show the details of the layout,  
21 and that will be done by Jason Cooper, one of  
22 the witnesses coming up.

23 Q. Okay. And then what made you choose Lee County  
24 for your project?

1 A. So in early development of a project like this,  
2 and what we did in this case, we conducted a  
3 transmission capacity study. So we had a  
4 consultant run a study that looked at all the  
5 transmission lines across -- in this case, we  
6 were looking at PJM, which covers a lot of  
7 Northern Illinois, and identify the transmission  
8 lines that had sufficient capacity -- that have  
9 more capacity to handle a large utility-scale  
10 project.

11 So that is how we zeroed in on this area.  
12 It's rich in transmission lines, and those  
13 transmission lines are what allow a project like  
14 this to both generate, produce, and then deliver  
15 the electricity to the system. So that's how we  
16 chose this area.

17 After looking at the transmission  
18 capacity, we then look at the land use and the  
19 topography and make sure that it's a suitable  
20 place to build.

21 Q. Okay. So the fact that it's really good  
22 farmland didn't enter into the decision at all,  
23 just because it's rich in transmission lines --

24 A. Yeah.

1 Q. -- is that correct?

2 A. Most of Northern Illinois is covered in  
3 farmland, and we do look at soils, but we're not  
4 targeting certain areas because of the soil  
5 types.

6 MS. EISELE: Okay. All right. Thank you  
7 very much.

8 THE WITNESS: Sure.

9 JUDGE SLAVIN: Thank you.

10 Still staying on top, Erich Fulfs.

11 MR. FULFS: Thank you. Hi, this is Erich  
12 Fulfs. Thank you, Judge.

13 JUDGE SLAVIN: Can I ask you, Mr. Fulfs,  
14 do you live inside the footprint of the proposed  
15 project?

16 MR. FULFS: No.

17 JUDGE SLAVIN: Do you live within a mile  
18 and a half of the boundary of the proposed  
19 project?

20 MR. FULFS: No.

21 JUDGE SLAVIN: Do you live or own a  
22 business in Lee County?

23 MR. FULFS: No.

24 JUDGE SLAVIN: Where do you reside?

1 MR. FULFS: Seattle, Washington.

2 JUDGE SLAVIN: Are you Zooming us from  
3 there?

4 MR. FULFS: I am.

5 JUDGE SLAVIN: Okay. Go ahead, ask your  
6 questions.

7 EXAMINATION

8 BY MR. FULFS:

9 Q. Okay. My question is that I see -- I will make  
10 a statement first so that I can address the --

11 JUDGE SLAVIN: No statement, no. Ask a  
12 question or not.

13 Q. (By Mr. Fulfs:) You have addressed noise and  
14 light. What about heat that the panels would  
15 generate? That's my question.

16 JUDGE SLAVIN: That's a real hard  
17 question. Just ask the question. Will the  
18 panels generate heat? Just ask the question.

19 Q. (By Mr. Fulfs:) Yes, will the panels generate  
20 heat that is noticeable by the local residents?

21 A. I don't know the answer to that. I'm not an  
22 expert in heat produced by these panels. I  
23 believe one of our future witnesses could speak  
24 to that topic.



1 MR. FULFS: Great. Thank you. That is  
2 all.

3 THE WITNESS: Sure.

4 JUDGE SLAVIN: Erin Thompson.

5 MS. THOMPSON: Yes, hello.

6 JUDGE SLAVIN: Yes, we can hear you.

7 Erin, your name appears on the screen as  
8 T-H-O-M-P-S-O-N. Is that correct?

9 MS. THOMPSON: Correct.

10 JUDGE SLAVIN: And do you live inside the  
11 proposed project boundary?

12 MS. THOMPSON: Absolutely right in the  
13 middle.

14 JUDGE SLAVIN: All right. You may  
15 inquire.

16 EXAMINATION

17 BY MS. THOMPSON:

18 Q. Okay. So one question is, will the technician  
19 jobs be sourced locally or will they be  
20 outsourced?

21 A. We will be committed to hiring and -- yeah, to  
22 hiring locally to the extent that the skills  
23 exist. So we don't know the answer to that  
24 question yet, but both during construction and

1 during operations, we will advertise locally, we  
2 will train locally, and if there is sufficient  
3 workforce locally to be able to do the jobs that  
4 are needed, then that is certainly what we would  
5 aim to do.

6 Q. Okay. You know, I ask that question because my  
7 partner, you know, we live right in the  
8 middle --

9 JUDGE SLAVIN: Ma'am, this is just the  
10 time for questions. This is not the time for  
11 comments.

12 Q. (By Ms. Thompson:) Okay. The second question  
13 is, exactly how far -- and I guess I perhaps was  
14 misunderstanding or the slides were a little bit  
15 too simple earlier.

16 How far from nonparticipating residents is  
17 going to be the buffer line where the vegetation  
18 will be provided?

19 A. So that line will be a minimum of -- well, the  
20 fence line will be a minimum of 100 feet away  
21 from the property line of the residence and the  
22 tree will be immediately outside of that. So  
23 the trees may be --

24 MR. BOONSTRA: Judge --

1 Q. (By Ms. Thompson:) I'm sorry, that was --

2 JUDGE SLAVIN: Just a minute.

3 MR. BOONSTRA: Can't hear him.

4 JUDGE SLAVIN: You can't hear?

5 MR. FORSTER: Lost his mic.

6 JUDGE SLAVIN: Oh, this happens. Usually  
7 a battery issue.

8 MS. THOMPSON: Did he get my question?

9 JUDGE SLAVIN: Just a minute. We're  
10 having a microphone problem.

11 MS. DUFFY: Everybody's went out.

12 MR. HUGHES: There's three over there.

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

15 JUDGE SLAVIN: All right. Erin, I think  
16 we're back to you. Can you hear me now?

17 MS. THOMPSON: I can hear you.

18 JUDGE SLAVIN: Okay. Absolutely nothing  
19 was done while you were gone. We had a  
20 technical glitch. The microphones started going  
21 one by one and we had to address it. Now  
22 everybody is back online.

23 MS. THOMPSON: Fantastic.

24 JUDGE SLAVIN: So you were asking.

1 Q. (By Ms. Thompson:) I was asking, for  
2 nonparticipating residential property owners,  
3 how far is the line going to be from their  
4 property line to when the vegetation begins,  
5 like the evergreen trees and so forth?

6 A. The trees will be placed immediately outside of  
7 the security fence; so in other words, in  
8 between the home and the security fence. The  
9 security fence will be a hundred feet minimum  
10 away from the property line. So the trees would  
11 be, say, in the 85- to 90-foot range away from  
12 the property line.

13 Q. Okay. And then a final question, I'm wondering  
14 if setbacks will conform to the new Solar  
15 Ordinance that was just approved by the County  
16 Board?

17 A. It will not comply with all of those. I don't  
18 recall if it would comply with some of those.  
19 We did get a copy of that earlier this week and  
20 have reviewed it, but, no, the setbacks will not  
21 comply with all of the requirements in the new  
22 Ordinance.

23 Q. Okay. So will there be another letter sent out  
24 to the residents in South Dixon Township or will

1           there be another hearing, or what is the -- what  
2           will the resolution for that be?

3           JUDGE SLAVIN: I don't think he can answer  
4           that question.

5           I'm not sure what the question is, Erin.  
6           I'm not trying to be difficult, but I'm not sure  
7           I understand the question.

8    Q.    (By Ms. Thompson:) Okay. I guess I'm just  
9           asking, like, what the outcome would be if there  
10          are setbacks?

11          JUDGE SLAVIN: Well, that's what this  
12          Board is deciding. That's one of the reasons  
13          for this hearing.

14          MS. THOMPSON: Okay. Understood.

15          JUDGE SLAVIN: Any other questions?

16          MS. THOMPSON: No. Thank you very much.

17          JUDGE SLAVIN: And you might also note  
18          that the -- there's something called -- well,  
19          the fancy legal word is ipso facto. But if this  
20          Ordinance you're talking about was passed after  
21          the petition was filed, it's not legally  
22          applicable to this project. That having been  
23          said, it's still up to the County -- to the ZBA  
24          to decide what conditions are going to be made.

1 MS. THOMPSON: Certainly. Okay. Thank  
2 you.

3 JUDGE SLAVIN: Okay. Ms. Shippert.

4 MS. HENKEL: She needs to unmute.

5 JUDGE SLAVIN: Ms. Shippert -- there we  
6 go.

7 EXAMINATION

8 BY MS. M. SHIPPERT:

9 Q. I have a question on the size of the project.  
10 I believe it was referenced to be 500 megawatts,  
11 yet the largest -- or the total of the previous  
12 facilities constructed by this company I believe  
13 was 1335 megawatts. So my question is, what is  
14 the largest facility -- highest number of  
15 megawatts that they have built?

16 A. We have built and are operating two  
17 200-megawatt projects. Those would be the  
18 largest two.

19 Q. Okay. So we're more than doubling the size.  
20 Thank you.

21 JUDGE SLAVIN: Well, that's a comment. Do  
22 you have any more questions?

23 MS. M. SHIPPERT: I realized that as soon  
24 as I started to say it. I'm sorry.

1 JUDGE SLAVIN: You are a member of the  
2 County Board here in Lee County; is that  
3 correct?

4 MS. M. SHIPPERT: Yes, I am, and I live  
5 just -- well, no, I don't live adjacent. I used  
6 to live -- I own farmland adjacent to the  
7 property.

8 JUDGE SLAVIN: Okay. Thank you.

9 All right. Any more questions,  
10 Ms. Shippert?

11 MS. M. SHIPPERT: No. No, thank you.

12 JUDGE SLAVIN: Okay. Jennifer Lawson.

13 MS. HENKEL: I can't unmute her.

14 JUDGE SLAVIN: You cannot --

15 Ms. Lawson, can -- will you make sure that  
16 you are unmuted on your end? Just a minute.

17 MS. HENKEL: I don't have a microphone.

18 JUDGE SLAVIN: Do you have a microphone on  
19 your computer, Ms. -- well, you can't answer it,  
20 unless you know how to use the chat function.

21 We're not showing a microphone for you,

22 Ms. Lawson, an available microphone. We're  
23 going to call the -- we'll call help --

24 MS. HENKEL: She is responding that her

1 microphone is not working.

2 IT TECHNICIAN: She has no microphone, so  
3 she can't talk.

4 MS. HENKEL: She's communicating by the  
5 chat function.

6 JUDGE SLAVIN: Ms. Lawson, if you have a  
7 question, I mean, sure, in these times I'm  
8 willing to, you know, give it a try. If you can  
9 ask a question by chat, that would be -- and  
10 we'll relay it to the witness.

11 MR. BARRY: I have no objection to that.

12 MS. HENKEL: Do you want me to put the  
13 chat screen up?

14 JUDGE SLAVIN: Yeah, if you can, that  
15 would be great.

16 MS. HENKEL: She is down here at the  
17 bottom.

18 JUDGE SLAVIN: If you have got a question,  
19 Ms. -- I forgot her name -- Lawson, if you have  
20 got a question, just go ahead and type it into  
21 the chat.

22 How do I know she's typing?

23 MS. HENKEL: Here she is.

24 JUDGE SLAVIN: Okay. Mr. Coon, I think --



1 within the map shown on the slide, the  
2 topography of the land is not level. Will there  
3 be significant dirt work to level those areas?

4 THE WITNESS: There will not be  
5 significant dirt work. The land is -- although  
6 it's not perfectly level, it's level enough for  
7 solar development. Typically if the land is,  
8 say, less than 5 percent slope, we can build  
9 right across that without leveling the land any  
10 further.

11 JUDGE SLAVIN: All right. Any other  
12 questions? Go ahead and type.

13 MS. HENKEL: There you go.

14 JUDGE SLAVIN: Question: What effects  
15 will there be to creeks in the area?

16 THE WITNESS: So I can tell you that our  
17 design is to be minimally impactful to those  
18 creeks, but I will defer a more complete answer  
19 to our expert, Jennifer Klingshirn, who will be  
20 speaking on the wildlife, environmental type of  
21 impacts from the project.

22 JUDGE SLAVIN: All right. Any other  
23 questions, Ms. Lawson? Just tell me yes or no,  
24 and then you can have some time to type.

1           The question has appeared: How tall are  
2 the fences?

3           THE WITNESS: They will be 6-foot tall  
4 chain link with additional rows of barbed wire  
5 on top of that.

6           JUDGE SLAVIN: Okay. Any other questions,  
7 Ms. Lawson? You said one more, but I want to  
8 make sure you don't have another one.

9                           (Whereupon, the typed question on  
10 the Zoom screen read, "When will  
11 the animal expert be  
12 testifying?")

13           JUDGE SLAVIN: I can answer that one for  
14 you. The scheduling, Ms. Lawson, is a function  
15 of a number of things: how much time each  
16 session takes; the availability of the  
17 courtroom; in the winter, what the weather  
18 conditions might be. So, I mean, nobody can  
19 answer that question. My crystal ball is not  
20 that good.

21           Thank you, Ms. Lawson. If you'll please  
22 do me the courtesy of -- I really don't want you  
23 to put your address on the public screen, but  
24 can you describe for me where you live in Lee

1 County? Do you live adjacent to the project?  
2 Do you live within the project? Do you own a  
3 business within the project? Do you own a  
4 business adjacent to it? Just describe your  
5 geographic relation to the project. Don't put  
6 your address, please.

7 Oop, we lost you.

8 MR. HUGHES: She's down in the corner down  
9 there.

10 MR. BARRY: Good eye.

11 MS. HENKEL: I'm sorry.

12 JUDGE SLAVIN: Ms. Reporter, it reads:  
13 I'm along the north edge of the project.

14 Jennifer, does that mean that's where your  
15 residence is or your business is?

16 MR. HUGHES: Residence.

17 JUDGE SLAVIN: Yes, residence.

18 Okay. Thank you very much.

19 All right. Any other questions from  
20 Zoomers?

21 MS. HENKEL: I have one more but she's  
22 already asked. Actually, there are two more.

23 JUDGE SLAVIN: Okay.

24 MS. HENKEL: Erin Thompson has already --

1 JUDGE SLAVIN: I'll ask John first since  
2 he shows up -- the only way I can keep track of  
3 who I have asked is the upper left. So John  
4 Thompson.

5 MR. THOMPSON: Yes, I have a question.

6 JUDGE SLAVIN: Mr. Thompson, before you  
7 start, please, would you tell me, do you live  
8 within the boundary of this proposed project?

9 MR. THOMPSON: No.

10 JUDGE SLAVIN: Do you live or own a  
11 business within one and a half miles of any  
12 boundary edge of the project?

13 MR. THOMPSON: No.

14 JUDGE SLAVIN: Do you live in Lee County?

15 MR. THOMPSON: Yes.

16 JUDGE SLAVIN: Okay. Go ahead.

17 MR. THOMPSON: My question is, will the  
18 slide deck that was presented earlier be posted  
19 maybe in a .pdf form on the County's zoning  
20 website?

21 JUDGE SLAVIN: The slide what?

22 MR. THOMPSON: The slide deck that we saw.

23 JUDGE SLAVIN: Oh, slide deck. I'm sorry.  
24 I don't --

1 Ms. Duffy, are you going to post the  
2 Exhibit Number 1?

3 MS. DUFFY: I can, yes.

4 JUDGE SLAVIN: Your hardworking Zoning  
5 Officer said she will.

6 MR. THOMPSON: Okay. Thank you.

7 JUDGE SLAVIN: Anything else?

8 MR. THOMPSON: Nope, that's it.

9 JUDGE SLAVIN: Okay. Great.

10 Erin Thompson.

11 MS. HENKEL: We have already heard from  
12 her.

13 JUDGE SLAVIN: Oh, we have. Okay.

14 MS. HENKEL: I do have a gentleman named  
15 Steve that is trying to now question -- have  
16 questions by chat. Do you want me to pull it  
17 back up?

18 JUDGE SLAVIN: Yes. Yeah, go ahead.

19 Ms. Thompson, your hand is raised, but you  
20 have already had the opportunity to ask  
21 questions, and as I indicated in my opening,  
22 everyone just gets one chance, otherwise we'll  
23 never end.

24 Okay. We have a chat from someone named

1 Steve. He indicates he's a resident of the  
2 project.

3 But, Steve, I don't care about your post  
4 office address, but would you please tell us  
5 your surname? I can see your first name is  
6 Steve.

7 And it says, Ms. Reporter, Dehart,  
8 D-E-H-A-R-T.

9 All right. Mr. Dehart indicates that he  
10 is a resident on the edge of the project.

11 And his question for you, Mr. Coon, is,  
12 what is the timeframe from start to finish of  
13 project as far as construction goes?

14 THE WITNESS: We anticipate the  
15 construction will be completed in less than two  
16 years. If all goes as planned currently, which  
17 projects don't always do that, but currently the  
18 plan would be to start at the beginning of 2022  
19 and end by the end of 2023.

20 JUDGE SLAVIN: Okay. Mr. Dehart -- and I  
21 apologize if I don't pronounce your name  
22 correctly -- any other questions? Just first  
23 indicate yes or no so I know whether to wait.

24 (Whereupon the typed response

1 "No" appeared on the Zoom  
2 screen.)

3 JUDGE SLAVIN: Okay. Any other hands  
4 raised, Alice?

5 MS. HENKEL: None at this time.

6 JUDGE SLAVIN: All right. Well, thank  
7 you, everyone. That will conclude tonight's  
8 proceedings.

9 COURT REPORTER: The back room.

10 MS. DUFFY: We have some --

11 JUDGE SLAVIN: Oh, I thought they were on  
12 Zoom.

13 MR. BOONSTRA: No, no, no. We have got  
14 live --

15 IT TECHNICIAN: They are viewing the Zoom.

16 JUDGE SLAVIN: Oh, they can't participate  
17 out there?

18 IT TECHNICIAN: They're just viewing that  
19 out there.

20 JUDGE SLAVIN: I thought they were  
21 participating. Okay. Sure.

22 Hi. Would you state your name, please.

23 MS. A. SHIPPERT: Yes. Angela Shippert.

24 JUDGE SLAVIN: And S-H-I-P-P-E-R-T?

1 MS. A. SHIPPERT: Yes, that's correct.

2 JUDGE SLAVIN: And do you live within the  
3 boundaries of the proposed project?

4 MS. A. SHIPPERT: I live adjacent to it.

5 JUDGE SLAVIN: Adjacent to it. Thank you.  
6 Go ahead.

7 EXAMINATION

8 BY MS. A. SHIPPERT:

9 Q. Okay. My question is, has there been a study  
10 done on the loss of revenue to those people that  
11 might be renters of this land over the 35-year  
12 period?

13 A. No.

14 Q. Do you plan to do a study on that particular  
15 topic?

16 A. No.

17 Q. Is there going to be any supplemental income  
18 provided to those people that may be renters of  
19 any of this land?

20 A. No.

21 MS. A. SHIPPERT: Thank you.

22 JUDGE SLAVIN: Thank you. You can ask the  
23 next one to, if they can't hear me, step on up/  
24 step on in.



1 Hi, there. Would you state your name,  
2 please.

3 MR. LUSZ: Adam Lusz.

4 JUDGE SLAVIN: Mr. Lusz, spell your last  
5 name for the court reporter, please.

6 MR. LUSZ: L-U-S-Z.

7 JUDGE SLAVIN: And I know you live in Lee  
8 County. Are you adjacent to or inside this  
9 proposed project boundary?

10 MR. LUSZ: Not directly adjacent to.  
11 Within proximity.

12 JUDGE SLAVIN: Okay. Go ahead, ask your  
13 question.

14 EXAMINATION

15 BY MR. LUSZ:

16 Q. So as it pertains to the taxes, are you seeking  
17 any type of a tax abatement for this project?

18 A. We have not yet done that, but we may.

19 Q. If you were to seek that, what does that mean  
20 to these revenue figures then that you have  
21 given the County or given us as estimates? What  
22 would you expect to happen to those numbers?

23 A. Those numbers do assume a certain amount of tax  
24 abatement. So we've -- in other words, we have

1 projected those numbers conservatively, assuming  
2 that there is tax abatement.

3 Q. And what avenue for abatement would be -- you  
4 be looking to be using?

5 A. I'm not sure I understand the question.

6 Q. Like, how are you eligible for that abatement?

7 A. We would be negotiating with the taxing  
8 jurisdictions to secure that, to secure any  
9 property tax abatements.

10 Q. Is this land within, I believe it's the Quad  
11 City Greater Taxing Abatement Program or  
12 whatever -- is that what this would be in  
13 reference to, would be that?

14 A. So I'm not aware of a tax abatement program  
15 with that name, but --

16 Q. Something close to that, possibly?

17 A. There's a Quad Cities Regional Economic  
18 Development Authority --

19 Q. Yes, thank you.

20 A. -- and, yes, the project is in the process of  
21 joining that, but that authority does not  
22 include property tax abatement authority.

23 Q. You talked about requesting to build in a  
24 floodplain. What part of the flood -- what part

1 of the project actually is within the  
2 floodplain?

3 A. So none of the solar energy system would be  
4 constructed in the floodplain, but we may have  
5 to cross a floodplain with a transmission or  
6 collection line, so that would be the only  
7 portion that would be constructed in the  
8 floodplain.

9 Q. You currently -- does Duke Energy currently own  
10 an energy-generating plant in Lee County?

11 A. No.

12 Q. Is Duke Energy involved with an energy-  
13 generating plant that's in the area of Nachusa?

14 A. I'm not aware of one, but -- I don't know.

15 Q. Have you ever been denied the siting of an SES  
16 anywhere in the country when you have applied  
17 for one?

18 A. I have not personally. Whether the company  
19 has, I'm not certain.

20 Q. Have any of the projects that Duke Energy owns  
21 or manages from an SES standpoint, have they  
22 ever been fined or -- have they ever been fined  
23 for not doing something correctly at any of  
24 their projects across the country?

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

2 Q. Who would have that answer? Is there someone  
3 else that's going to come later presenting?

4 A. None of the experts presenting at this meeting  
5 that we -- we didn't consider that to be  
6 relevant, but there are folks in our company,  
7 I'm sure, that could answer that question.

8 Q. Are you aware of another solar project siting  
9 within proximity of your project that was  
10 approved here in this county?

11 A. I am aware of proposed projects in proximity to  
12 this project -- of this proposed project.

13 Q. Do you see any compounding impacts from having  
14 two large utility-sized solar projects in such  
15 close proximity to each other?

16 A. Not that I'm aware of.

17 Q. You said that the setbacks that you have  
18 offered for some of the residents would not meet  
19 this new Ordinance that was ratified in the  
20 county; is that correct?

21 A. That's correct.

22 Q. Would you consider looking at your project to  
23 make alterations to meet that Ordinance in good  
24 faith?

1 A. We have considered that, and, no, it is not --  
2 we determined it's not feasible to meet those  
3 setback requirements.

4 MR. LUSZ: I think that's all I have for  
5 now. Thank you.

6 JUDGE SLAVIN: Thank you. If there's  
7 someone else out there, would you invite them  
8 in, someone that wants to ask questions?

9 Hi, there. Would you start with your  
10 name, please.

11 MS. JOHANNSEN: Martha Johannsen.

12 JUDGE SLAVIN: Would you spell it for our  
13 court reporter, please.

14 MS. JOHANNSEN: J-O-H-A-N-N-S-E-N.

15 JUDGE SLAVIN: And do you live inside the  
16 project -- proposed project?

17 MS. JOHANNSEN: No.

18 JUDGE SLAVIN: Do you live on the  
19 boundary, on the edge, we'll call it, of the  
20 proposed project?

21 MS. JOHANNSEN: I live within one and a  
22 half miles of the boundary.

23 JUDGE SLAVIN: Okay. Thank you. Go  
24 ahead.

EXAMINATION

1  
2 BY MS. JOHANNSEN:

3 Q. You have mentioned that there would be five to  
4 ten permanent jobs but that some of these people  
5 would also work at other facilities. Does that  
6 mean that they would not be permanent residents  
7 of the Dixon area then?

8 A. We don't know where the residents will  
9 reside -- I'm sorry, where the employees will  
10 reside.

11 Q. So you cannot promise that this will be an  
12 increase of five jobs?

13 A. Well, it will certainly be an increase of five  
14 to ten jobs, yes.

15 Q. But not as a permanent resident?

16 A. We don't dictate where the employees live.

17 Q. You mentioned that there's a 30-foot height  
18 limit for your panels but the solar panels would  
19 be less than 10 feet. Is this in the horizontal  
20 position or in the tilted position?

21 A. Less than 10 feet in the tilted position, so at  
22 their maximum height.

23 Q. Maximum height then is 10 feet in the tilted  
24 position?

1 A. Correct.

2 Q. Will the transmission lines accommodate the  
3 Eldena project, the Steward project, and this  
4 South Dixon project?

5 A. We -- none of us developers know the answer to  
6 that yet because that's a part of the PJM study,  
7 the interconnection study that's ongoing right  
8 now.

9 Q. Will any topsoil be removed while you install  
10 some of the equipment?

11 A. Generally, no. There will -- there may be some  
12 very minor moving of soil, for example, for  
13 drainage features, things like that, but not a  
14 widespread stripping of the topsoil.

15 Q. Would any topsoil be removed during  
16 deconstruction time?

17 A. Again, very minimal. Our intent is to move as  
18 little soil as possible.

19 Q. Instead of a chain link fence, could this be  
20 replaced with a woven wire fence?

21 A. I don't know, but that's a question we could  
22 ask Patrick Smith when he presents as a witness.

23 MS. JOHANNSEN: Okay. Thank you.

24 THE WITNESS: Sure.

1 JUDGE SLAVIN: Thank you.

2 Is there anyone else out there, do you  
3 know, Ms. Johannsen?

4 MS. JOHANNSEN: Yes.

5 JUDGE SLAVIN: Thank you, Mr. Boonstra.

6 Hi, there. Do you want to start with your  
7 name, please.

8 MR. APPLE: Brad Apple.

9 JUDGE SLAVIN: Would you spell your last  
10 name for the court reporter, please.

11 MR. APPLE: A-P-P-L-E.

12 JUDGE SLAVIN: Thank you. And, Mr. Apple,  
13 do you live inside the boundary of the project?

14 MR. APPLE: Directly adjacent.

15 JUDGE SLAVIN: Adjacent. Thank you. All  
16 right. Go ahead.

17 EXAMINATION

18 BY MR. APPLE:

19 Q. Has a productivity study been performed on the  
20 dirt or the land, as in Class A, Class B dirt?

21 A. To my understanding, that is being done as part  
22 of the study by the Lee County Soil and Water  
23 Conservation District.

24 Q. Okay. The pilings or posts that these are



1 erected on, will they be concreted into the  
2 ground?

3 A. No.

4 Q. No concrete at all?

5 A. Not for the posts. There will be small  
6 concrete pads for each inverter that's built on  
7 the project.

8 Q. Okay. You stated that you would repair any  
9 damaged tile. How will you know if you damage  
10 plastic tile?

11 A. Generally the same way that a farmer knows,  
12 with blowouts. So, I mean, obviously if we know  
13 that we damaged something while we're installing  
14 it by visual inspection, then it will be  
15 repaired at that time. If otherwise there are  
16 drainage issues that surface, then it will be  
17 repaired as a method of repairing and improving  
18 the drainage system.

19 Q. Will you be responsible for damage -- for water  
20 if tiles are damaged and water backs up into the  
21 homes or residences of people?

22 A. I don't know. I mean, I don't know the answer  
23 to that legally, whether there is an obligation  
24 for that. I can tell you that as a company we

1 certainly attempt to take care of any problems  
2 that may be caused.

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

4 JUDGE SLAVIN: Thank you. Is there anyone  
5 else out there with a question, do you know,  
6 sir?

7 MR. APPLE: Yes.

8 JUDGE SLAVIN: Okay. Thanks.

9 Can you start with your name, sir, for us,  
10 please.

11 MR. FITTS: Charles Fitts.

12 JUDGE SLAVIN: Can you spell your last  
13 name.

14 MR. FITTS: What did he say?

15 MS. DUFFY: Spell your last name.

16 MR. FITTS: F-I-T-T-S.

17 JUDGE SLAVIN: Thank you. Do you live  
18 inside the project?

19 MR. FITTS: No.

20 JUDGE SLAVIN: Do you live on the edge of  
21 the project?

22 MR. FITTS: I live next door to a neighbor  
23 -- I live next door to a neighbor -- next door  
24 to a neighbor farm downstream from the solar

1 farm.

2 JUDGE SLAVIN: How far downstream?

3 MR. FITTS: The edge of the farm is less  
4 than a -- more than a quarter of a mile at the  
5 end, but I can't see the solar farm from my  
6 house because it's on the other side of a hill.

7 JUDGE SLAVIN: Okay. Question of this  
8 witness?

9 MR. FITTS: What did he say?

10 MS. DUFFY: Do you want to ask a question  
11 now?

12 MR. FITTS: Yeah, I got about three of  
13 them.

14 EXAMINATION

15 BY MR. FITTS:

16 Q. I see on this map that the floodplain on the  
17 Three Mile Branch is not in the solar farm, and  
18 you said you was going to build that 6 fence --  
19 6-foot fence all around the perimeter. Is that  
20 on the -- also the north and the south side of  
21 the solar -- of the Three Mile Branch or is that  
22 just around the edges?

23 A. Generally it will be built on both sides of the  
24 Three Mile Branch.

1 MR. FITTS: The fence will be on both  
2 sides?

3 MS. DUFFY: (Nods head.)

4 THE WITNESS: Yes.

5 Q. (By Mr. Fitts:) Okay. There's three parcels  
6 and three different townships on both sides of  
7 Pump Factory Road south of the tollway, north of  
8 the bridge, and that creek -- the floodplain on  
9 the Three Mile Branch is in the solar farm. How  
10 can that be? Or does -- or does those three  
11 parcels north of the creek have to touch the  
12 rest of the solar farm to qualify to be in the  
13 solar farm?

14 A. So there is some floodplain that is leased in  
15 the project, but that does not mean that  
16 facilities will be built in that floodplain.

17 I'm sorry, I'm not sure of the nature of  
18 your second question.

19 MR. FITTS: What did he say?

20 MS. DUFFY: Say that again.

21 THE WITNESS: There is some floodplain  
22 leased into the project, but that does not mean  
23 the solar facilities will be built in that  
24 floodplain.

1           Was there another question you had?

2           MR. FITTS: I don't understand what he  
3           said. I can't make out -- right there.

4           JUDGE SLAVIN: Mr. Fitts, he said that  
5           just because it's leased does not mean there's  
6           an array -- there's a panel on it.

7           MS. DUFFY: Just because it's leased  
8           doesn't mean that there's a panel on it.

9           MR. FITTS: Oh.

10   Q.    (By Mr. Fitts:) The reason I'm here mainly is  
11           because of your drainage, because we already get  
12           flooded out from the tollway. Before the  
13           tollway went in, that --

14           JUDGE SLAVIN: Mr. Fitts, just the time  
15           for questions. If you want to testify a little  
16           later, in a few more nights, that's great, but  
17           now is just the time for questions.

18           MS. DUFFY: Just a question.

19   Q.    (By Mr. Fitts:) Well, I -- I'm the -- those  
20           blue -- I don't believe they're creeks, but  
21           they're blue, and they must be something or  
22           waterways. On the end of them, are you going to  
23           put in retention ponds to hold some of this  
24           water back, or can you guarantee that -- I know

1 I'm -- when I was a kid, we got --

2 JUDGE SLAVIN: All right. You're telling  
3 him things again. Let's just ask a question at  
4 a time, and I'll help.

5 Are you going to put in retention ponds?

6 THE WITNESS: The stormwater design has  
7 not been completed yet, but we will be doing  
8 stormwater permitting and demonstrate that there  
9 will not be --

10 JUDGE SLAVIN: Please answer my question,  
11 which was this: are you going to put in  
12 retention ponds?

13 THE WITNESS: I don't know the answer to  
14 that.

15 JUDGE SLAVIN: Another question,  
16 Mr. Fitts?

17 MS. DUFFY: Did you hear him?

18 JUDGE SLAVIN: Do you have any other  
19 questions?

20 MR. FITTS: They are not going to? They  
21 are?

22 MS. DUFFY: The answer is?

23 THE WITNESS: We don't know yet.

24 MS. DUFFY: Don't know yet.

1 MR. FITTS: Okay. Because I want to  
2 know -- because I already get flooding --

3 JUDGE SLAVIN: Mr. Fitts, I'm not trying  
4 to be difficult, but you -- now is just the time  
5 for questions.

6 MR. FITTS: Okay. Well -- well, I guess  
7 he isn't going to answer the question so I can  
8 ask -- anyway, I'm concerned about the flooding.

9 JUDGE SLAVIN: All right. You can have  
10 the chance to tell the Board your concerns  
11 later.

12 MR. FITTS: I don't want to have any more  
13 flooding than we already do. There's a number  
14 of sites. It ain't going to get any --

15 JUDGE SLAVIN: All right. Thank you,  
16 Mr. Fitts. Thank you.

17 MR. FITTS: You're welcome.

18 JUDGE SLAVIN: Anybody else out in the  
19 former jury room?

20 MR. BOONSTRA: Yes.

21 JUDGE SLAVIN: Okay.

22 MR. SHIPPERT: Hello. My name is Brad  
23 Shippert.

24 JUDGE SLAVIN: Brad, do you live -- where

1 do you live in relation to the project?

2 MR. SHIPPERT: I live adjacent to.

3 JUDGE SLAVIN: Thank you. All right. Go  
4 ahead.

5 EXAMINATION

6 BY MR. SHIPPERT:

7 Q. The 100-foot buffer from -- let me get to the  
8 page here -- from ag-zoned residences to the  
9 panels, is that based off of property line or  
10 the residence itself?

11 A. That's based off property line.

12 Q. Okay. Who is going to be liable for paying the  
13 property tax on this -- on the properties  
14 participating, the landowners or their  
15 compensation from your company?

16 A. Both will have a responsibility. The  
17 landowners will pay the underlying land taxes  
18 and we will pay the taxes on the improvements to  
19 the land.

20 Q. Okay. On Page 7, you claim 25 separate  
21 landowners. How many of these landowners live  
22 adjacent to or nearby the property area?

23 A. I don't know the answer to that precisely.

24 Q. Your statements showing strong local support,



1           what evidence do you have of the strong local  
2           support that you have?

3   A.       That was in relation to 25 unique landowners  
4           leasing land for the project.  So that shows  
5           some level of strong local support.

6   Q.       Okay.  What kind of electromagnetic discharge  
7           or interruptions should we expect from solar  
8           panels or their ancillary devices?

9   A.       You should not expect any.

10           MR. SHIPPERT:  That's all the questions I  
11           have.

12           THE WITNESS:  Sure.

13           JUDGE SLAVIN:  Thank you.  Would you ask  
14           if there's anyone else out there with questions?

15           MR. BOONSTRA:  I think we're good.

16           JUDGE SLAVIN:  Okay.  Good.

17           Alice, has anybody else showed up on  
18           remote Zoom with a hand raised?

19           MS. HENKEL:  No.

20           JUDGE SLAVIN:  All right.  Very good.  
21           That will conclude tonight's proceedings, and I  
22           will recess.  We'll go into recess until Monday,  
23           that's, like, four days from now.  Monday,  
24           6 o'clock, here on the third floor of the Old

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Lee County Courthouse. Thank you, all.

(The hearing was recessed at

9:39 p.m.)

1           On this 3rd day of December, A.D., 2020, I do  
2 signify that the foregoing testimony was given  
3 before the Lee County Zoning Board of Appeals.  
4  
5  
6  
7

8                           Bruce Forster, Chairman  
9

10  
11  
12                           Dee Duffy,  
13                           Zoning Enforcement Officer  
14

15                           -----  
16                           *Callie S. Bodmer*

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