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21
22
23
24

INDEX

Witness: KAREN McINNIS

Examination Page

By Ms. McInnis.	7
Attorney Kennedy (Cross).	19
By Mr. Buhrow	23
By Mr. Pratt.	25

CLOSING STATEMENTS

Attorney Kennedy.	27
Ms. McInnis	33

Certificate of Shorthand Reporter	36
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1 JUDGE SLAVIN: Good evening, ladies and
2 gentlemen. Welcome to the fourth continued
3 session of Lee County Petition, Zoning Board of
4 Appeals Petition 20 P 1552, filed by Shady Oaks
5 Wind 2, LLC, requesting Special Uses for -- 28
6 Special Uses on 24 different parcels of land
7 here in Lee County.

8 For those of you who are joining us
9 remotely because of the COVID-19 crisis, I
10 repeat again, if you're having trouble joining
11 us either by Zoom or by YouTube, the number to
12 call for technical assistance in Ms. Duffy's
13 office is 815.288.3643.

14 Tonight's meeting is videoconferenced and
15 teleconferenced by the Zoom platform. It is the
16 same meeting ID and password as the last two
17 nights.

18 If you're joining us by YouTube, the link
19 to the YouTube site was posted on the notice.
20 If you're joining us on YouTube, you can see and
21 hear us, but you can't participate because it's
22 only the one-way platform.

23 All right. I'll note that one, two,
24 three, four -- one, two, three, four, five --

1 five members of the Zoning Board of Appeals are
2 present with us. Mr. Hughes is here or not
3 here -- not -- Mr. Hughes is not present. All
4 right. So there are five members of the Zoning
5 Board of Appeals joining us: Mr. Forster,
6 Mr. Buhrow, Mr. Pratt, Mr. Bothe, and Mr. Meyer.

7 For the Petitioner, Courtney Kennedy
8 appears as their attorney. Your fine Zoning
9 Officer Dee Duffy, is present. Your fine
10 State's Attorney, Charlie Boonstra, is present,
11 as is our IT staff, Alice Henkel and Mike
12 McBride.

13 All right. When we left off, you sort of
14 gave an indication, Ms. Kennedy, but do you have
15 any further evidence?

16 MS. KENNEDY: We do not, Judge.

17 JUDGE SLAVIN: And you rest?

18 MS. KENNEDY: Yes.

19 JUDGE SLAVIN: All right. That means
20 we'll follow -- or move to the next substage,
21 which is the evidence -- any evidence presented
22 by interested parties.

23 Folks, if you're an interested party and
24 you are either present down on the first floor

1 lobby personally or if you're joining us
2 teleconference by Zoom or videoconference by
3 Zoom, we would like to know if you do want to
4 present evidence.

5 The way to do that on Zoom, if you are
6 videoconferencing, is to click "participant" at
7 the bottom part of the screen, and then some
8 options should appear and one of the options is
9 "raise hand." I can also see folks -- well,
10 actually, the only person I can see is
11 Ms. McInnis. If I can see you, just raising
12 your hand will be sufficient.

13 If you're teleconferencing by Zoom and you
14 want to present evidence, if you stay on the
15 line and then hit asterisk, or star, nine, we
16 should see a hand raised on our screen here and
17 I will call on you in due course. I guess
18 that's it.

19 So addressing the people who are with us
20 remotely, either on the first floor or by Zoom,
21 whether video or teleconferencing, by a show of
22 hands, who wants to testify? Ms. McInnis. And
23 let me wait a minute to see if there are any
24 other raised hands.

1 Seeing none, Ms. McInnis, you may be the
2 only witness for the evening, but it is your
3 turn, and we'll unmute you. Can you hear me?

4 MS. McINNIS: I can.

5 JUDGE SLAVIN: And I can hear you.

6 Do you have any witnesses other than
7 yourself?

8 MS. McINNIS: No.

9 JUDGE SLAVIN: Do you want to raise your
10 right hand, please.

11 KAREN McINNIS,
12 being first duly sworn, testified as follows:

13 JUDGE SLAVIN: Just hopefully to help,
14 remember, this is -- you're under oath. This is
15 the time to testify about facts. If you want to
16 tell the Board your opinions about things and so
17 forth, that time will come, and it looks like
18 that will be tonight too.

19 But when you give an ending speech or a
20 public comment, you're not under oath, that's
21 the time to tell the Board, oh, how you feel,
22 what you think they should do, what your
23 opinions about the whole matter is.

24 When you testify, I know it's difficult,

1 but try and stick to facts. And I'll help you
2 get started.

3 MS. McINNIS: Okay.

4 JUDGE SLAVIN: State your name.

5 MS. McINNIS: Karen McInnis.

6 JUDGE SLAVIN: And, Karen, you spell your
7 last name M-C-I-N-N-I-S; is that correct?

8 MS. McINNIS: Correct.

9 JUDGE SLAVIN: In what city or rural part
10 of Lee County do you live?

11 MS. McINNIS: I live within the Village of
12 Compton.

13 JUDGE SLAVIN: And in your estimation, how
14 far away is your residence from the nearest
15 boundary of the footprint of the -- of this
16 proposed Shady Oaks 2, LLC, development?

17 MS. McINNIS: 2.6 miles.

18 JUDGE SLAVIN: Better than an estimate.
19 Somebody has measured.

20 All right. Why don't you take it from
21 there, and sticking to facts tell the Zoning
22 Board what you would like them to know about
23 facts.

24 MS. McINNIS: Can I clarify, what are

1 facts? Are facts things that I have experienced
2 personally?

3 JUDGE SLAVIN: Yes.

4 MS. McINNIS: Okay. I don't have many
5 notes in terms of when this was discussed
6 concerning flicker. It was with -- I forget who
7 the flicker guy was, I'm sorry. But I
8 frequently travel south of Compton on Illinois
9 Route 251.

10 When the Shady Oaks 1 turbines were
11 completed in 2012, the first few times that I
12 passed one of the turbines located close to the
13 east side of Illinois Route 251 during early,
14 sunny mornings, I was shocked when a shadow came
15 across the road, a single blade's shadow, and
16 then it was gone. The early morning sun falls
17 on the left side of the driver when they're
18 going south.

19 Is it a fact, Judge, that I thought
20 something was falling on me?

21 JUDGE SLAVIN: It's a fact if that's what
22 you believe.

23 MS. McINNIS: That is what I experienced,
24 yes.

1 It took about five or six times of passing
2 that particular turbine at the same time of the
3 morning to brace myself for the shadow.

4 This relates to the seven or eight times
5 that the individual that talked about flicker
6 said something might go over -- there might be
7 some flicker over U.S. 39. I'm talking in terms
8 of safety for the truckers and the other cars
9 who are not used to turbine blade flicker.

10 Do you want me to continue on another
11 item?

12 JUDGE SLAVIN: You take it and I'll --
13 we'll --

14 MS. McINNIS: Okay.

15 JUDGE SLAVIN: If things get out of
16 bounds, I'll let you know.

17 MS. McINNIS: Okay. When Mendota Hills
18 Repower was attempting to put their 29 new
19 turbines in the grid, it was during the summer,
20 we experienced in our small machine shop about
21 30 minutes of electrical brownout that caused us
22 to quickly turn off our three-phase machines in
23 our business; otherwise, they could be harmed.

24 After about ten minutes, I called ComEd.

1 They said that they had no indication of any
2 problem on the line. They asked if there was
3 anything going on close to us, and we looked out
4 and there were about 20 trucks and cranes and
5 lights and everything.

6 The wind turbine rotor would turn a little
7 bit and stop, and that's when we had brownout;
8 turn again and stop, and that's when we would
9 have brownout. That was our experience.

10 Is testimony clarifying a fact, Judge? Is
11 testimony clarifying a fact that was not
12 addressed in previous testimony?

13 JUDGE SLAVIN: Well, you go ahead. I'm
14 not going to -- you know.

15 MS. McINNIS: Okay. Mr. MaRous, the real
16 estate appraiser, had matched pair appraisals
17 that he submitted during his testimony. He had
18 listed two homes within one mile of a turbine.
19 During his testimony he did not name the wind
20 farm in place at the time of the sale in 2017.
21 Both the sales on the map that he showed us are
22 located north of Compton. In 2017, the only
23 wind turbines north of Compton were Mendota
24 Hills 2003, since decommissioned, that were 214

1 feet tall.

2 He cited four other studies that conclude
3 that post-construction sales within one mile of
4 a turbine found no statistically-significant
5 evidence that turbines affect sale prices.
6 Mr. MaRous did not list any sales of homes
7 within the Village limits of Compton, which were
8 closer to the SO 2 footprint. Many have
9 occurred.

10 He never said which home sales did he
11 determine not relevant.

12 May I ask Dee Duffy if she was able to
13 print out any papers for me?

14 MS. DUFFY: I have them ready.

15 JUDGE SLAVIN: She's in the other room,
16 but she says she has them ready.

17 Do you have an exhibit, do you?

18 MS. McINNIS: Well, I do. I don't know
19 how to share my screen.

20 JUDGE SLAVIN: Understood. Do you want us
21 to look -- do you want these folks to look at
22 them now?

23 MS. McINNIS: Please. I don't know how
24 the remote people can view them.

1 JUDGE SLAVIN: Well, unfortunately we have
2 our limits to our technology ability.

3 MS. McINNIS: Ms. Duffy, I would like to
4 first have the map of Compton with the crude
5 circle around it.

6 MS. DUFFY: They have them all.

7 JUDGE SLAVIN: Let me take them one step
8 at a time. I want to make sure everybody has
9 got the same thing.

10 I have got two single sheets of paper, one
11 with a pink circle, a gray circle, a light blue
12 circle, and a darker sort of blue circle.

13 Then I have got another piece of paper
14 with a pink circle with a much smaller sort of
15 slate blue circle.

16 MS. McINNIS: Yes.

17 JUDGE SLAVIN: Then I have, I don't know
18 how many pieces stapled together, looks like
19 about three stapled together. Says at the top,
20 Prepared by Karen McInnis.

21 Is that the extent of your exhibits?

22 MS. McINNIS: It is.

23 JUDGE SLAVIN: I will mark the three-page
24 Group Exhibit IP Number 1. Stands for

1 Interested Party.

2 I will mark the one that has the big pink
3 circle intersected down at the bottom by a
4 smaller slate blue circle as IP Number 2.

5 And I will mark the third one, which has
6 got four circles on it of decreasing sizes going
7 from left to right, IP Number 3.

8 (IP Exhibits Number 1 through 3
9 marked for identification.)

10 JUDGE SLAVIN: So if you'll make note of
11 that so when you're testifying you can refer to
12 them by number, that will help these gentlemen.

13 MS. McINNIS: I did not copy them down.
14 I'm sorry.

15 JUDGE SLAVIN: I'll say it again.

16 MS. McINNIS: Yes.

17 JUDGE SLAVIN: The three pages stapled
18 together are IP Number 1.

19 MS. McINNIS: Okay.

20 JUDGE SLAVIN: The pink circle with the
21 intersecting blue smaller circle down at the
22 bottom is IP Number 2, and the page with the
23 four circles separately in descending size left
24 to right is IP Number 3.

1 MS. McINNIS: Okay.

2 Going to IP 1, Page 1 shows a diagram of
3 the Shady Oaks 2 and Shady Oaks 1 turbines, as
4 well as the hub height rotor and total tip
5 height. This information was supplied to me by
6 Mr. Brett Manzara.

7 Below that is the Mendota Hills Repower
8 for MH 2. Same information. That information
9 was submitted to me by Dee Duffy in meters, and
10 I did change it into feet.

11 I was able to find the data on Mendota
12 Hills 2003 online somewhere. I could not get
13 all of the information. So that is the source
14 of this data.

15 What we see here, that from 2003, when
16 Mendota Hills, or MH 1, was first constructed,
17 the total turbine height was 214 feet. Going to
18 Shady Oaks 2, the larger turbine, the total
19 height is now 590 feet. If you go to the right,
20 that is 2.8 times larger than the first turbines
21 here in Illinois. They have gotten a lot
22 taller.

23 The second page, I calculated what the
24 total setback was in feet and miles for the 1.1

1 times setback and the 3.5 times setback. I did
2 not do it for Mendota Hills 2003. I did not
3 know what the setbacks were back in 2003.

4 Going to Page 3, this -- I apologize for
5 the crudely-drawn circle. I did not have time
6 to do a nice presentation. This circle
7 represents the turbines that are within one
8 mile, one -- first of the center of Compton.
9 These are the ones that are in circles. I count
10 12 within one mile of the center of Compton.

11 If you include from the edge of Compton,
12 the closest edge to the turbines on all sides,
13 we have an additional seven. Those are shown as
14 squares. The first 12 are shown as circles.

15 I would like the Lee County Zoning Board
16 to look at where the turbines are sited around
17 our Village of Compton, that has gone through
18 four -- this is the fifth wind farm Zoning Board
19 meeting, all around Compton. The first one was
20 in 2003, Mendota Hills, MH 1. The second one,
21 GS Wind, which is about five -- three to five
22 miles from Compton. It's close to our southern
23 county line. Next we have Shady Acres 1 (sic).
24 Those turbines are within one mile. They are

1 located on the south edge of Compton, as well as
2 the west edge and the southwest edge. The
3 fourth wind farm was the Mendota Hills Repower.
4 Those are located north and northeast of
5 Compton.

6 Currently, within a 5-mile radius we have
7 139 turbines. The only points of a compass --
8 if you break a compass into eight points, the
9 only compass points where we do not see turbines
10 are to the northwest and the southeast, which is
11 where SO 2 intends or proposed to put their
12 turbines, leaving us with only the northeast --
13 or the northwest area around the Village of
14 Compton where there are no turbines.

15 Going to the diagram with the four
16 circles.

17 JUDGE SLAVIN: That would be IP 3.

18 MS. McINNIS: IP 3.

19 What happened? I lost my video.

20 MS. HENKEL: We can still see her.

21 JUDGE SLAVIN: We can still see you and we
22 can hear you.

23 MS. McINNIS: Well, I'll go ahead. I
24 can't see you, so.

1 JUDGE SLAVIN: We're nothing to look at
2 anyway, so.

3 MS. McINNIS: I haven't seen a photo of
4 you, Judge.

5 It's often difficult to visualize how tall
6 turbines are and how long their rotors are. I
7 attempted to do as accurate a comparison between
8 the 216-foot Mendota Hills 2003 turbine -- looks
9 kind of puny -- and the Shady Oaks 1, 413-foot
10 overall height. If you note, the rotor radius
11 is only slightly larger than the Mendota Hills.

12 Next we have the Mendota Hills Repower at
13 482 feet, and notice that there's not as much
14 space at the bottom of the hub because the rotor
15 is much larger. The rotor of 207 feet is as
16 long as two widths of a property in Compton.

17 Shady Oaks 2 is even bigger, 490 feet
18 (sic). Its radius is even bigger. Even though
19 the nearest Shady Oaks 2 turbine will be -- or
20 would be situated as close as 2.6 miles from
21 Compton, it looms over a hundred feet taller
22 than Mendota Hills Repower that is located about
23 half a mile north of Compton, within the
24 regulations of Lee County Zoning Board.

1 When you look at IP 2, this places the
2 first wind farm turbine, Mendota Hills 2003, at
3 a height of 216 feet. Right on top of the
4 taller of the two, Shady Oaks 2 turbine at 590
5 feet, and it certainly dwarfs it.

6 In the Village of Compton we can see the
7 Mendota Hills Repower turbine from half a mile
8 away. It looms high. We can see that turbine
9 turning high above our mature trees.

10 That's my testimony, Judge.

11 JUDGE SLAVIN: All right. Thank you.

12 Cross examination, Ms. Kennedy?

13 MS. KENNEDY: Thank you, Judge.

14 Ms. McInnis, can you hear me all right?

15 MS. McINNIS: I can. I can't see you. I
16 apologize.

17 MS. KENNEDY: No, that's all right.

18 CROSS-EXAMINATION

19 BY MS. KENNEDY:

20 Q. I'm looking at IP 2 and IP 3 respectfully. Can
21 you tell me how you prepared these drawings
22 specifically?

23 A. They were done in a CorelDRAW application,
24 which is a graphic design program. They were

1 based on the data that I gave you copies of in
2 IP 1. The scale was 1 millimeter equals 5.9
3 feet. We calculated 590 divided by 5.9 feet is
4 how many millimeters.

5 This particular graphic program allows you
6 to put that number in and it will change the
7 dimension of either the hub height or the rotor
8 radius. It's accurate to within -- it should be
9 accurate within 1 millimeter.

10 Q. And did anyone assist you in the preparation of
11 these specks?

12 A. Not surprised, my husband did.

13 Q. And you might have mentioned this already, but
14 just to clarify, how close is the -- to the
15 Village of Compton is the nearest Mendota Hills
16 turbine?

17 A. I have calculated that it is about a half
18 mile --

19 Q. And --

20 A. -- and that is within --

21 Q. Go ahead. I'm sorry.

22 A. That is within the Lee County Zoning Board
23 regulations.

24 Q. And the nearest Shady Oaks 2 turbine is 2.6

1 miles away?

2 A. Correct.

3 Q. Ms. McInnis, would you agree with this
4 statement: that as time passes, technology
5 improves and that turbine designs change as a
6 result of those technology advancements?

7 A. Of course.

8 Q. And when you were telling us about the incident
9 as you were driving on 251, do you recall how
10 close that turbine was to that highway?

11 A. Ms. Kennedy, I do not know if it was a Shady
12 Oaks or a GS Wind turbine.

13 Q. Okay.

14 A. Because the two farms are very close, one to
15 the other.

16 I know that there is a farmhouse that is a
17 participating owner, the rotor is about 134 --
18 well, let's see. I'm looking at my map here.
19 It likely could be, looking at IP 1, Page 3, the
20 turbine, as you are on the left-hand side, as
21 you are coming around what we call Brooklyn
22 Curve, there are two turbines that are close. I
23 do not know how close they are to the road.

24 Q. And is it a fair statement that of the three

1 projects -- of Mendota Hills, Shady Oaks 1, and
2 the proposed Shady Oaks 2 -- that the Shady Oaks
3 2 turbines are the farthest away from the
4 Village of Compton?

5 A. That is true.

6 MS. KENNEDY: I have nothing further, Your
7 Honor.

8 JUDGE SLAVIN: All right.

9 Cross-examination, Mr. Boonstra?

10 MR. BOONSTRA: No questions, Your Honor.
11 Thank you.

12 JUDGE SLAVIN: Ms. Duffy?

13 MS. DUFFY: Nothing. Thank you.

14 JUDGE SLAVIN: Interested -- other
15 interested parties have a chance to ask
16 Ms. McInnis questions. I will wait for --

17 Mr. Henkel, anybody downstairs?

18 MR. HENKEL: Nobody.

19 JUDGE SLAVIN: I will wait for folks to
20 raise their hand. One more time, if you're on
21 videoconferencing or teleconferencing Zoom,
22 videoconferencing, click "participant," click
23 "raise hand," and we'll see it.
24 Teleconferencing, click star nine and we'll see

1 your hand raised.

2 If you're on YouTube, you're going to have
3 to come to the courthouse.

4 I'm waiting, waiting, and I see no hands.
5 So thank you, Ms. McInnis.

6 Oh, Board members. I'm so sorry. Board
7 members have a chance to ask you questions.

8 Mr. Forster?

9 Thank you, Callie.

10 MR. FORSTER: No questions.

11 JUDGE SLAVIN: Mr. Buhrow?

12 MR. BUHROW: Would it be proper to ask her
13 if other people in the community in the Compton
14 area are also concerned?

15 JUDGE SLAVIN: Sure.

16 EXAMINATION

17 BY MR. BUHROW:

18 Q. Ms. McInnis, living in the Compton area, I
19 assume for a while, are there any other people
20 in that area concerned about the number of
21 turbines there?

22 MS. HENKEL: I'm having trouble getting
23 her unmuted again.

24 JUDGE SLAVIN: Just a minute. You're on

1 mute. Don't -- I think it's on our end.

2 MS. HENKEL: I am not sure what's going
3 on. I'm clicking the button and nothing is
4 happening.

5 JUDGE SLAVIN: Karen, did you happen to
6 turn your own microphone off? I can't hear you.
7 Mike McBride?

8 There we go.

9 MS. McINNIS: Okay. I just rebooted. I'm
10 sorry for that. I have a question to answer?

11 JUDGE SLAVIN: Yes. Mr. Buhrow, go ahead.
12 Thanks, Mike. It just came on.

13 MR. McBRIDE: Yeah, no problem. I could
14 tell she was muted.

15 Q. (By Mr. Buhrow:) Ms. McInnis --

16 JUDGE SLAVIN: We knew that. We couldn't
17 get her unmuted.

18 Q. (By Mr. Buhrow:) -- in our previous hearings
19 from your area when they were the normal-type
20 hearings, we usually had five, ten people travel
21 to Dixon for the hearings. And this being a
22 different situation, we do not have very many
23 people as interested parties.

24 Are you hearing from any of the neighbors

1 any concerns about adding more wind turbines?

2 A. I hear often from other villagers here in
3 Compton. They feel that the -- they have told
4 me that the Mendota Hills turbines are too close
5 to the Village limits, that there are too many
6 turbines all around, that Lee County does not
7 listen to us, even though we don't talk to them;
8 nobody goes to Dixon.

9 I can make a statement about Shady Oaks 1.
10 May I proceed?

11 JUDGE SLAVIN: No. We're not dealing with
12 Shady Oaks 1. We're only dealing with Shady
13 Oaks 2.

14 MS. McINNIS: Okay. It ties in with how
15 Compton gets its news.

16 JUDGE SLAVIN: No, we'll leave that. Now
17 we're getting attenuated.

18 MS. McINNIS: Okay.

19 JUDGE SLAVIN: Any other questions,
20 Mr. Buhrow?

21 MR. BUHROW: No. Thank you.

22 JUDGE SLAVIN: Mr. Pratt?

23 EXAMINATION

24 BY MR. PRATT:

1 Q. Do you realize that we have been given a letter
2 of support from the Compton Fire Department?

3 A. Yes, I do.

4 MR. PRATT: No further questions.

5 JUDGE SLAVIN: Mr. Bothe?

6 MR. BOTHE: No questions.

7 JUDGE SLAVIN: Mr. Meyer?

8 MR. MEYER: No questions.

9 JUDGE SLAVIN: I apologize, gentlemen, for
10 skipping you before.

11 All right. That should do it for your
12 testimony, Ms. McInnis.

13 MS. McINNIS: Thank you.

14 JUDGE SLAVIN: And I will -- because I
15 made that mistake, I will give folks another 15
16 seconds to raise their hand. I won't go through
17 again how to do it.

18 I'm looking at our big screen, looking for
19 any hands raised.

20 All right. Seeing none, that concludes
21 the interested parties' presentation of
22 evidence.

23 Do you have any surrebuttal, Ms. Kennedy?

24 MS. KENNEDY: I do not, Judge.

1 JUDGE SLAVIN: Would you like to give a
2 closing statement, closing argument?

3 MS. KENNEDY: Yeah, absolutely.

4 JUDGE SLAVIN: Okay. You may.

5 MS. KENNEDY: Thank you.

6 JUDGE SLAVIN: I think I will remind the
7 Board at this point that closing statements,
8 closing arguments, public comments really should
9 be confined to the evidence and to reasonable
10 inferences thereof.

11 This is a public hearing, there's a little
12 leeway, but really you're going to decide facts
13 first, and arguments should be confined to the
14 facts and opinions that one could conclude from
15 those facts.

16 You may.

17 MS. KENNEDY: Thank you, Judge, and thank
18 you to the members of the Zoning Board. On
19 behalf of Shady Oaks 2, we appreciate your time
20 and your participation throughout this hearing
21 process.

22 It would be remiss if I didn't thank those
23 in the technology aspect of things. As we have
24 seen along the way, there's been little hiccups.

1 So thank you to Mike McBride and Alice and
2 everyone else involved in conducting this
3 meeting.

4 As you probably know by now, your
5 recommendation to the County Board needs to
6 focus on certain factors, and these eight
7 factors are generally termed as the LaSalle
8 Factors.

9 The first factor to take into
10 consideration is the existing uses and zoning of
11 nearby property, and we believe to this first
12 point that the evidence shows that there will be
13 little or no effect of the proposed Special Use
14 on the character of the neighborhood. The
15 character of this area is predominately
16 agriculture. The proposed Special Uses won't
17 change that. And once construction is complete,
18 everything surrounding these turbines will still
19 be predominately ag.

20 Next, as you know and as we have
21 reiterated throughout the course of these
22 hearings, this is an extension of an existing
23 project. The nearby property is zoned ag with
24 certain Special Uses for the existing turbines

1 of the Shady Oaks 1 Project.

2 The second factor to be taken into
3 consideration is the extent to which property
4 values are diminished by the particular zoning
5 restrictions. The Petitioner had our subject
6 matter expert, Mike MaRous, testify after his
7 investigation that the Shady Oaks 2 Project will
8 not negatively impact property values.

9 The third factor for you to take into
10 consideration is the extent to which the
11 destruction of property values of the Petitioner
12 promotes the health, safety, morals, or general
13 welfare of the public. In this case, again, we
14 believe that the evidence shows that there is no
15 negative impact to property values, but rather
16 there is an increase in value to landowners who
17 are participating in the project.

18 And additionally, you have heard testimony
19 throughout these hearings about the many
20 economic benefits that the County, and therefore
21 its residents, will receive in terms of the
22 local construction jobs created, moneys to local
23 school districts and fire protection districts
24 within the project footprint, and the real

1 estate taxes that will be generated by this
2 project. All of these are a significant
3 investment in Lee County.

4 Even applying the most conservative
5 factors, the noise of the proposed project
6 complies with State law and, therefore, the
7 County Ordinance. Based upon same, we hope that
8 you would agree that the evidence shows that
9 this does not threaten the health and safety of
10 the general public.

11 Additionally, you heard testimony
12 regarding the shadow flicker of the proposed
13 project. And while five residences exceed the
14 industry standards of 30 hours per year, you've
15 also heard additional testimony from the company
16 regarding its willingness to work with the
17 landowner to mitigate this aspect. The company
18 has also committed itself to working with
19 landowners between the 10- and 30-hour-per-year
20 limit to also mitigate those effects.

21 In addition to this factor, you have heard
22 evidence that there isn't any evidence of any
23 threatened or endangered species within the
24 project footprint.

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1 The fourth factor for you to consider is
2 the relative gain to the public as compared to
3 the hardship imposed upon one individual
4 property owner. Again, we believe that this
5 factor goes to the benefits that the community
6 as a whole will enjoy. And, again, we believe
7 that there has been more than adequate testimony
8 to this.

9 The fifth factor for you to consider is
10 the suitability of the property for the zoned
11 use. Here, as you all know, as we have
12 reiterated, this property is an extension to the
13 already-existing Shady Oaks 1 Project. So we
14 believe this factor also cuts in our favor.

15 The sixth factor for you to consider is
16 the length of time the property has been vacant
17 as zoned, considered in the context of land
18 development in the area. And we believe that
19 this factor is not indicative either way.

20 The seventh factor is the care with which
21 a community has planned its land use
22 development. Here Lee County has a
23 Comprehensive Plan. We believe that the
24 proposed project and that the evidence presented

1 fits with this plan and meets all requirements
2 set forth in the Ordinance and conditions
3 imposed upon previous wind farms.

4 The eighth and final factor for you to
5 consider is the community need for the proposed
6 use. And if you look at this narrowly, the
7 community, being Lee County, there's a
8 significant increase in value from the property
9 taxes that will benefit the County. If you look
10 at this on a national basis, we know that clean
11 energy is something that the U.S. desires.

12 Based on the foregoing factors and all the
13 evidence presented in this matter, we hope that
14 you will agree that the petition meets all the
15 requirements set forth in the Ordinance and
16 previous conditions imposed on prior wind farms.
17 We hope that you will recommend that the County
18 approve the petition as presented with the
19 conditions that you deem appropriate. Thank
20 you.

21 JUDGE SLAVIN: Thank you, Ms. Kennedy.

22 All right. Interested parties now have
23 the opportunity to give some closing argument or
24 public comment.

1 Again I can only see Ms. McInnis. The
2 rest of you will have to indicate whether you
3 want to do so by, on Zoom, clicking on
4 "participant" and "raise hand," and I will
5 recognize that. On video -- or teleconference,
6 star nine, and your hand should appear.

7 Anybody want to give a closing argument or
8 closing public comment?

9 Ms. McInnis, you may. Hopefully we can
10 get you -- there.

11 MS. McINNIS: Okay. I'm getting a low
12 battery on my speaker, so I won't be able to
13 talk for long, thankfully for you.

14 If Lee County Zoning Board and Lee County
15 Board does approve of this fifth wind farm
16 around our Village of Compton, it will mean that
17 we will have, in a 5-mile radius, 169 turbines,
18 some of them 600-feet tall.

19 We would ask that Lee County not allow
20 future wind turbines in our 5-mile area.

21 That's all.

22 JUDGE SLAVIN: Thank you.

23 All right. Gentlemen, there's one more
24 interested party, Mr. Jack -- I'm not sure how

1 to pronounce it, I think probably Baraneik, has
2 submitted documents.

3 And, Ms. Duffy, he submitted the required
4 number of copies, correct? Or you have the
5 required number of copies?

6 MS. DUFFY: I do.

7 JUDGE SLAVIN: All right. I have
8 marked -- I debated whether Mr. Baraneik's
9 submission -- written submission -- and your
10 Board Rules allow for written submission. I
11 debated whether his is in terms of evidence or
12 argument. But it's really not evidence, because
13 he wasn't available for cross-examination, he
14 wasn't under oath. So I am asking you to
15 consider it as closing argument or public
16 comment.

17 He does make some statements of fact in
18 there. I just want you to remember when you
19 read that, again, he was not subject to
20 cross-examination by Ms. Kennedy or anyone else
21 and he was not under oath.

22 But Ms. Duffy will provide you with that
23 submission. It consists of two group exhibits,
24 one stapled three pages and one clipped,

1 probably roughly 15 pages. And we'll get you
2 those.

3 Ms. Kennedy, any rebuttal argument?

4 MS. KENNEDY: No, Judge.

5 JUDGE SLAVIN: Okay. I'm taking one more
6 gander at the board to make sure no hands are
7 raised, and I see none.

8 So I will call the evidentiary part of
9 this hearing terminated. The next stage is
10 solely for the Zoning Board of Appeals. It's
11 fact-finding and recommendations. We need time
12 to prepare that -- to prepare some proposals,
13 the Board members need some time to maybe come
14 up with their own motions.

15 So, we sort of talked in advance. This
16 petition, this application, is therefore
17 recessed until next Wednesday, one week from
18 today, the 17th, 7 o'clock, here at the Old Lee
19 County Courthouse.

20 Unless there's something else, gentlemen,
21 we'll see you then.

22 It's a continuing meeting now. So on the
23 17th, you can use the same meeting ID and the
24 same password; for technical assistance, the

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same phone number. Okay. Thanks.

(The hearing was recessed at
7:50 p.m.)

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Now on this 10th day of June, A.D., 2020, I do signify that the foregoing testimony was given before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Enforcement Officer

Callie S. Bodmer

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