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1 JUDGE SLAVIN: Good evening, ladies and
2 gentlemen. Welcome back. There must be some
3 folks that aren't interested in the debate and
4 have come here for the other debate --

5 IT STAFF MEMBER: We are not live yet on
6 YouTube, so you know. I'll give you the
7 go-ahead in a moment.

8 JUDGE SLAVIN: Okay. As I was saying
9 before we were live on YouTube, we were going to
10 pipe in the presidential debate tonight but we
11 decided we'll just hold our own drama.

12 I call out of recess the Lee County Zoning
13 Board of Appeals hearing on Petition Number
14 20 P 1555, Steward Creek Solar, LLC's, petition
15 for a Special Use Permit to construct a solar
16 energy system in portions of Alto and Willow
17 Creek Townships here in Lee County.

18 I note that we have the presence of -- the
19 in-person presence of all five zoning members of
20 the Board of Appeals: Mr. Forster, Mr. Buhrow,
21 Mr. Bothe, Mr. Pratt, and Mr. Hughes.

22 I didn't look to see if Mr. Meyer -- no?

23 MS. DUFFY: No.

24 JUDGE SLAVIN: Okay. Mr. Meyers is not on

1 Zoom.

2 The wonderful Zoning Officer, Dee Duffy,
3 is present, as is the astute State's Attorney,
4 Mr. Boonstra. Ms. Kennedy is here representing
5 the Petitioner, along with, I think there's
6 three of her representatives in the space today.

7 A representative of the Lee County IT is
8 present, and we thank them for their ongoing
9 expertise, allowing lots of folks to participate
10 remotely. Alice Henkel, running the system, is
11 present. Our ever-suffering court reporter is
12 present. Interested parties, let's see, I count
13 one, two, three, four, five -- six, I think.
14 Six interested parties are present.

15 So we meet the minimum -- the maximum
16 requirements. We have one, two, three, four,
17 five, six, seven, eight, nine -- we have 21
18 people present.

19 There are no persons in the rear jury room
20 or on the first floor lobby; is that correct,
21 Ms. Duffy?

22 MS. DUFFY: (Nods head.)

23 JUDGE SLAVIN: Okay. Thank you.

24 The -- as I repeat at the beginning of

1 each session, the Zoom Meeting ID is
2 91539239154. The password is 209840.

3 If you wish to view the proceedings --
4 listen and view to the proceedings on YouTube,
5 you can go to www.youtube.com, type in Lee
6 County IL, as in I-L for Illinois, Zoning Board
7 of Appeals. No need to be concerned with upper
8 or lower case letters. There will be a search
9 bar appearing, asking you to input the session
10 date. If that's today, it's obviously
11 10/22/2020. And whala, you should be able to
12 see and hear us.

13 If you have difficulties with any of these
14 things, you may certainly call Ms. Duffy's
15 technical assistance line, 815.973.3449.

16 At this point before we begin, I ask
17 everyone to turn their cell phones off or at
18 least to silence them during the duration of the
19 proceedings.

20 The last thing I have to say is
21 unscripted, and it will affect the proceedings
22 going forward, and we all know -- we all don't
23 know for how long obviously. The governor of
24 the state of Illinois has raised in our area,

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 Region 1, the restriction levels. Starting
2 Sunday gatherings can be no larger than ten
3 people. We will be struggling over the next --
4 our next session is not scheduled until -- well,
5 we will schedule it for November 4th.

6 During the interim, we'll be working on
7 trying to figure out how to keep the attendance
8 in this room down to ten and if we're going to
9 utilize -- obviously we'll utilize Zoom and
10 YouTube outside of this Old Lee County
11 Courthouse. Whether we're able to utilize it in
12 other rooms in here, we'll be discussing.

13 But I just want to advise everybody that.
14 I'm quite sure that we'll -- that ten necessary
15 parties will take up any available spaces in
16 here. So any other spaces will have to be
17 remote, hopefully maybe some in the Old
18 Courthouse, but a lot will be at home or your
19 businesses or your friends' houses.

20 Okay. Enough chatter. When we left off,
21 you were in the middle of producing your
22 evidence, Ms. Kennedy, and you may continue.

23 MS. KENNEDY: Thank you, Judge. I'd like
24 to call Wendy Ryerson.

1 JUDGE SLAVIN: Okay. Ms. Ryerson, want to
2 step up and raise your right hand, please? Just
3 find a space you feel comfortable.

4 (Wendy Ryerson was duly sworn.)

5 JUDGE SLAVIN: Right up next to me, and
6 I'll move away from you, if that makes you feel
7 more comfortable.

8 THE WITNESS: It's really about dodging
9 all the stuff to get here.

10 JUDGE SLAVIN: And, Ms. Kennedy, you may
11 inquire.

12 MS. KENNEDY: Thank you, Judge.

13 WENDY RYERSON,
14 having previously been duly sworn, was examined
15 and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. KENNEDY:

18 Q. Could you please state your name and spell it
19 for the record.

20 A. Wendy Ryerson. Last name is spelled
21 R-Y-E-R-S-O-N. First name, W-E-N-D-Y.

22 Q. Thank you.

23 And could you tell us a little bit about
24 your educational background?

1 A. Specific to my role here tonight and my job
2 responsibilities, I have the Certified Illinois
3 Assessing Official Designation.

4 Q. And how are you presently employed?

5 A. I am the chief county assessment officer, which
6 abbreviated is the county assessor.

7 Q. And how long have you been in that position?

8 A. Twenty years.

9 Q. And what are your job duties?

10 A. I oversee one of the three parts for the
11 property tax cycle, being the assessment or
12 valuation portion of the property tax cycle.

13 Q. And are you familiar with solar energy systems?

14 A. I am.

15 Q. And how so?

16 A. I served on a statewide committee with my
17 colleagues. We developed and proposed the
18 current statewide standards for the solar energy
19 in the state of Illinois, and of course I field
20 the occasional phone call with regard to how to
21 apply that statewide standard and what the
22 impact of that statewide standard would be to
23 taxing districts or taxpayers.

24 Q. And are you familiar with Steward Creek Solar,

1 LLC?

2 A. I am.

3 Q. And are you aware that it is a 6- -- it's a
4 proposed 600-megawatt solar farm on roughly
5 5,000 acres?

6 A. That's my understanding, correct.

7 Q. Did the company provide you with certain
8 information regarding this project?

9 A. They did. They specifically provided me with
10 an Excel file with the estimate of the taxes --
11 projected taxes and asked that I would review
12 that for accuracy.

13 Q. And have you had an opportunity to review that
14 information and run your own calculations?

15 A. I did.

16 Q. Over the 35-year period that the solar farm
17 will be in operation, according to your figures,
18 how much will be generated in property taxes?

19 A. Between 80 and \$81 million over the 35-year
20 course.

21 Q. And with certain development that comes into
22 the county, specifically solar energy systems,
23 is there a concern about what's called a
24 shifting burden?

1 A. Yes, I have been fielding some questions
2 regarding what is being referred to as a
3 shifting burden. To clarify, the shifting
4 burden is -- the concept is, anytime that a
5 single property or a class of property shifts
6 burden from that single property, that class of
7 property, to another class or individual
8 property payer.

9 Q. And how does that happen?

10 A. Well, to give you an example of that, on a very
11 high, broad level, if the General Assembly,
12 State of Illinois said, "You know what, we're
13 going to reduce farmland assessments by 50
14 percent," on a very high level, I think
15 everybody can understand that if farmers
16 suddenly pay 50 percent less, who is going to
17 pick up the remainder of that tax burden?
18 Because taxing districts still need the same
19 amount of money to operate. So who would pick
20 that burden up?

21 Well, it would be shifted to the other
22 property taxpayers and the other classes of
23 property, such as residential, commercial, or
24 industrial property.

1 Q. And with respect to this project, the Steward
2 Creek Solar Project, do you, in your position as
3 the Lee County Assessor, have any concerns about
4 there being a shifting burden to the taxpayers
5 of Lee County?

6 A. Not in this particular case, not based on my
7 analysis. The shifting burden mechanically or
8 mathematically happens when, in the example I
9 gave you a minute ago, the farmland is reduced.
10 When farmland or a class of property goes down,
11 what happens? The tax rate goes up to capture
12 the same amount of money.

13 And in this particular case, the tax --
14 the two school districts that will receive the
15 primary amount of money, or the primary
16 benefactor from this particular proposed
17 project, would be Steward Elementary and
18 Rochelle High School. Both of those taxing
19 districts are at their already-statutory maximum
20 rate limits. So, again, mechanically or
21 mathematically, the way that burden gets shifted
22 is, the tax rate goes up. But in this case,
23 with these two school districts, they are
24 already at the statutory rate cap.

1 So in this particular case, what's going
2 to happen here is, as Steward Creek, the
3 project, is depreciated over time, which is what
4 happens with solar energy, instead of shifting
5 the burden to other taxpayers by increasing the
6 rate, this rate can't increase because it's
7 already at its maximum. So what's going to
8 happen is, these school districts are just going
9 to end up taking in less money from year over
10 year because of the depreciation. So it can't
11 be shifting to the others, because that rate is
12 already at its maximum rate.

13 Q. Ms. Ryerson, is the company paying you to be
14 here tonight to testify?

15 A. No.

16 MS. KENNEDY: I have nothing further, Your
17 Honor.

18 JUDGE SLAVIN: All right. Questions of
19 Ms. Ryerson. Mr. Boonstra?

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

22 JUDGE SLAVIN: Thank you.

23 Ms. Duffy?

24 MS. DUFFY: None. Thanks.

1 JUDGE SLAVIN: Okay. Members of the
2 Board. Mr. Hughes?

3 MR. HUGHES: Yes.

4 EXAMINATION

5 BY MR. HUGHES:

6 Q. Ms. Ryerson, what is -- I believe that there is
7 a base depreciation; even though it's extended
8 over the 35 years, the depreciation can only go
9 down to a certain level and then is maintained
10 from tax purposes. What's that base level?

11 A. I'm going to take that just a little bit
12 broader than your specific question.

13 Q. Okay.

14 A. So the formula, the statewide standard that was
15 adopted, calls for a depreciation based on the
16 Consumer Price Index to be applied each year,
17 and, yes, a depreciation based on 4 percent per
18 year. That same statewide standard said that
19 depreciation will only go down to a floor of 30
20 percent.

21 After that period of time -- it takes us,
22 by the way, 4 percent per year is going to take
23 us about 17 and a half years to get to the
24 floor. After that period of time, the

1 appreciation is going to continue to get
2 applied, but the depreciation will not be any
3 more applicable, remaining at the maximum level
4 of 70 percent, floor of 30 percent.

5 MR. HUGHES: That's all I have.

6 JUDGE SLAVIN: Thank you.

7 Mr. Forster?

8 MR. FORSTER: No questions.

9 JUDGE SLAVIN: Mr. Buhrow?

10 EXAMINATION

11 BY MR. BUHROW:

12 Q. Ms. Ryerson, can you briefly explain --

13 MS. DUFFY: Microphone.

14 JUDGE SLAVIN: Mic.

15 MR. HUGHES: You need the mic.

16 Q. (By Mr. Buhrow:) Can you briefly explain the
17 difference in the process or what -- between
18 the wind energy systems and the solar and why
19 they were differentiated?

20 A. Actually, the process, the statewide standard,
21 is almost identical between wind energy and
22 solar energy. Wind also has a 4 percent
23 depreciation per year with that floor of 30
24 percent. It also has an appreciation factor

1 that gets applied each year.

2 So there's -- the only difference is the
3 base per-megawatt-price for solar started at
4 218,000 and wind started out at 360,000. Of
5 course, each year appreciation has been added on
6 to that, but that was the base.

7 MR. BUHROW: Thank you.

8 JUDGE SLAVIN: Thank you.

9 Mr. Bothe?

10 MR. BOTHE: No, no questions.

11 JUDGE SLAVIN: Mr. Pratt?

12 MR. PRATT: Yes, I've got a couple here.

13 EXAMINATION

14 BY MR. PRATT:

15 Q. So these two school districts, they are going
16 to get an increase in revenue when this goes
17 online?

18 A. Correct.

19 Q. So they could lower the tax rate to the rest of
20 the residents?

21 A. They could. That's a choice that's left up to
22 the school district, but yeah.

23 Q. That's a shifting burden, correct?

24 A. Clarify. I'm not sure I'm following you.

1 Q. They're shifting the burden from the local
2 people to the asset?

3 A. That's correct. In that particular case, if
4 they reduced the request that they made, it
5 would shift the burden onto the project and away
6 from other property owners. Is that what
7 you're --

8 Q. Correct.

9 A. All right. I wasn't following you at first.

10 Q. Right.

11 So -- well, I can't make an opinion, I
12 guess.

13 MR. PRATT: No further questions, Judge.

14 JUDGE SLAVIN: Okay. Thank you.

15 Mr. Meyer is still not on? Okay.

16 All right. Interested parties, first in
17 the room, by raise of your hand, questions of
18 Ms. Ryerson?

19 Mr. Lusz, go ahead and find one of the
20 microphones in the middle aisle. And it's a new
21 night, so please state your name and your
22 community.

23 MR. LUSZ: Yes. Adam Lusz, from near
24 Eldena.

EXAMINATION

1
2 BY MR. LUSZ:

3 Q. Thank you for being here. I appreciate it. I
4 have got a few questions.

5 As it pertains to assessing a home, when
6 you assess the home, does view shed play a role
7 in the assessed rate of the home potentially?

8 A. Because in the assessment world we need to
9 value a lot of properties in a short amount of
10 time, we use a software program to do that. And
11 so in the initial wave, that software program
12 isn't looking at view shed, because that would
13 take an individual standing out in front of a
14 house and saying, What's this view versus the
15 next view?

16 Where it does come into play or could come
17 into play is that if a property owner were to
18 file an appeal. So we have done the assessment,
19 we have sent out assessment notices, someone
20 were to file an appeal and say, I'm looking at
21 this and I believe it affects my property
22 values, then it might be a topic of conversation
23 or consideration to be looked at.

24 Q. Does industrial-zoned land impact residential

1 home values? If an industrial zoning was
2 expanded towards residential areas, how in your
3 professional opinion does that --

4 JUDGE SLAVIN: That's two questions.

5 MR. LUSZ: Sorry.

6 JUDGE SLAVIN: Again, I just always
7 explain, she didn't know which one to answer.
8 Your first question was, does it affect -- does
9 industrial affect home -- residential property
10 values? That's just a yes or no.

11 THE WITNESS: That's easy for --

12 Q. (By Mr. Lusz:) Answer how you wish, if you
13 would like to elaborate.

14 THE WITNESS: I was going to say, that's
15 easy for you to say.

16 Industrial land -- talking about just
17 vacant land or improved property or --

18 JUDGE SLAVIN: See, he's not here to
19 answer your question. That's why I said, just
20 yes or no or you don't know. We'll get --
21 Mr. Lusz will get there.

22 Q. (By Mr. Lusz:) Land that would be zoned for
23 commercial or industrial use, does that affect
24 residential home values?

1 A. It's possible. I would need more information.

2 Q. So as industrial- or commercial-zoned land
3 moves out into residential areas, how does that
4 impact those residential areas when that does
5 happen?

6 A. How does it impact value?

7 Q. The values, yes, of those -- the assessed value
8 of -- the perceived assessed value of those
9 homes?

10 A. Again, I think it would depend upon which type
11 of industrial property you're talking about,
12 because you have got everything from a landfill
13 to any other type of industrial property. So I
14 don't know that I can give you an opinion on
15 that.

16 Q. Have you specifically studied the impacts of
17 what industrial-sized solar projects have on
18 residential land near them?

19 A. I have not.

20 Q. Does Lee County have a land use plan, that
21 you're aware of?

22 A. A comprehensive land use plan? Yes.

23 Q. Does this county have a necessity to preserve
24 prime farmland in the county?

1 A. You're kind of getting outside the scope of my
2 experience, quite honestly, but yes, in the
3 purview, it's my understanding that that's the
4 basis for the land -- Comprehensive Land Use
5 Plan.

6 Q. Can you explain a little bit of what PTELL, the
7 acronym PTELL, stands for as it relates to the
8 taxing of school districts?

9 A. The acronym stands for the Property Tax
10 Extension Limitation Law. You can see why we
11 call it PTELL.

12 Q. And how does that impact how a school district
13 may tax as it relates to an SES -- I don't know
14 how to phrase this question. I'm not going in
15 the right direction. Bear with me here.

16 So if these school districts in this case
17 were in the PTELL, how would this conversation
18 go with the shifting of burden? Is that when it
19 plays a part, the shifting of burden plays a
20 part?

21 A. Yes, but it's not so much the PTELL district as
22 it is, is the taxing district at its statutory
23 maximum rate limit? That's what determines the
24 shifting burden or not. Because if they're at

1 the statutory rate limit, as the example I spoke
2 of earlier, you can't shift that burden onto
3 other property taxpayers because they're already
4 paying the maximum rate.

5 PTELL districts, if they are not at their
6 maximum rate limits, it is possible that that
7 can have that shifting burden impact. But to
8 quantify that, a lot of other things need to go
9 into that conversation, that formula.

10 MR. LUSZ: Okay. I think that's all I
11 have. Thank you.

12 THE WITNESS: Thank you.

13 JUDGE SLAVIN: Thank you. Other
14 interested parties, by a raise of the hand?

15 Yes, sir. Pick a mic in the middle row
16 and start with your name and what community
17 you're from and we'll go from there.

18 MR. HERRMANN: My name is Brian Herrmann.
19 That's Brian with an I, Herrmann with two Rs,
20 two Ns. Alto Township.

21 EXAMINATION

22 BY MR. HERRMANN:

23 Q. You stated that the initial tax base between a
24 wind farm and the solar was different. Why?

1 Why are they so different?

2 A. Well, to be perfectly honest, the committee
3 that I served on didn't think that it should be,
4 but legislators thought different. So it really
5 came down to what the legislators put on it.

6 MR. HERRMANN: That's all I have for now.
7 Thank you.

8 JUDGE SLAVIN: Thank you.

9 Any other folks in the room, by raise of
10 hand?

11 Okay. We'll turn to Zoomers. Zoom
12 people, if you have a question, on your video
13 conferencing, go to the bottom of your screen,
14 you'll see an icon for "participants." Click on
15 that for your arrow, up should pop a few
16 options; one of them is "raise hand." Hit
17 "raise hand," and we'll see your hand on the
18 screen here in the Old Lee County Courthouse.

19 You're teleconferencing, in other words
20 you're just listening to us on the phone -- I
21 suppose you're probably videoconferencing on the
22 telephone. Probably the same thing applies --
23 go to your key pad and hit Star 9, and that will
24 raise your hand and we'll see that.

1 Give you ten seconds here to wind your way
2 through that.

3 All right. I don't see any hands. You
4 may step down, Ms. Ryerson.

5 MS. KENNEDY: Judge, we would rest at this
6 time.

7 JUDGE SLAVIN: Okay. The Petitioner is
8 indicating they are finished producing their
9 evidence. That brings us to other parties
10 wishing to produce evidence. First would be --
11 let's see, Mr. Boonstra, you're the lawyer for
12 the ZBA, so you don't have any position to
13 produce evidence; however, Ms. Duffy, you do.

14 Do you have any witnesses?

15 MS. DUFFY: I have no witnesses.

16 JUDGE SLAVIN: Okay.

17 MS. DUFFY: But I'd like to enter an
18 exhibit.

19 JUDGE SLAVIN: That you received in your
20 office?

21 MS. DUFFY: That I did receive in my
22 office.

23 JUDGE SLAVIN: Okay. Go ahead and hand it
24 out, and --

1 MS. DUFFY: Actually, it's the Lee County
2 Soil and Water Report.

3 JUDGE SLAVIN: Ahh, and it's a few hundred
4 pages, I'll bet.

5 MS. DUFFY: (Indicating.)

6 JUDGE SLAVIN: Yes, we'll leave it right
7 on your desk there.

8 And, ZBA members, should you wish to take
9 a look at it, I'm sure you're free during
10 business hours to come up to Ms. -- or anybody
11 else, I'm sure you're free to come up to
12 Ms. Duffy's office and take a look-see. If you
13 want a copy of it, you can figure out a way to
14 pay Ms. Duffy for it and to run hundreds of
15 pages through the copy machine.

16 (ZO Exhibit Number 11 marked for
17 identification and admitted into
18 evidence.)

19 JUDGE SLAVIN: I'll mark that, Ms. Duffy,
20 ZO Number 11, and it is admitted.

21 Anything else, Ms. Duffy?

22 MS. DUFFY: No.

23 JUDGE SLAVIN: Okay. ZBA, you're not
24 allowed to produce any evidence. So that turns

1 us to interested parties.

2 Are there any interested parties in the
3 room who have witnesses other than themselves?
4 Raise your hand. Other than yourself, other
5 than him or herself?

6 Okay. How about on Zoom, any folks have a
7 witness other than yourself? Raise your hand,
8 just indicate that you do. Give you ten seconds
9 again to wind your way through the technology.

10 All right. Seeing none, now we'll turn to
11 folks, interested parties, who want to testify
12 themselves in the room.

13 Sounds like Hamilton, doesn't it? "In the
14 room where it happened."

15 Folks wishing to testify themselves, if
16 you'd raise your hand, please.

17 Okay. Terri, want to step up and raise
18 your right hand, please. Find a comfortable
19 place to raise your right hand. That's fine.

20 (Terri Voitik was duly sworn.)

21 JUDGE SLAVIN: Have a seat up here next to
22 me, and I'll help you get started. Watch your
23 step.

24 TERRI VOITIK,

1 having been previously duly sworn, was examined
2 and testified as follows:

3 JUDGE SLAVIN: All right. Like I said,
4 I'll help you get started.

5 State your name.

6 MS. VOITIK: My name is Terri Voitik, V,
7 as in Victor, O-I-T-I-K.

8 JUDGE SLAVIN: I'm going to give you a
9 hint. Because of the technology in here, you've
10 almost got to swallow the microphone and you
11 have got to get your lips right up next to it.

12 IT STAFF MEMBER: You don't. If you're
13 about a foot away, it will work fine. I'll
14 double-check that cable and --

15 JUDGE SLAVIN: I want people in here to be
16 able to hear her. They can't hear her.

17 MS. VOITIK: I'll do the best I can.

18 JUDGE SLAVIN: You have to get -- there we
19 go.

20 MS. VOITIK: I don't want to get too many
21 germs either.

22 JUDGE SLAVIN: I understand. I
23 understand. Nobody's been on that microphone
24 for 48 hours.

1 Which community do you live in?

2 MS. VOITIK: I live in Lee, the Village of
3 Lee.

4 JUDGE SLAVIN: Okay. All right.

5 MS. VOITIK: My address is 390 --

6 JUDGE SLAVIN: You don't have to tell your
7 address, if you don't want to.

8 MS. VOITIK: I don't mind.

9 -- Erickson Gate, Lee, Illinois, 60530.

10 I'm basically --

11 JUDGE SLAVIN: Would you spell your --

12 wait. Let me help you out here.

13 Would you spell your last name.

14 MS. VOITIK: V, as in, Victor, O-I-T-I-K.

15 JUDGE SLAVIN: Thank you.

16 And what's your background generally?

17 What occupation do you have or did you have?

18 MS. VOITIK: Well, I am a retired RN. I
19 specialized in a lot of different things. I
20 specialized in cardiac, hospice, pediatrics,
21 medically-fragile infants. I worked for
22 Hartford, I worked for Cigna as a well nurse,
23 which was prevention of illness, and a myriad of
24 other things. I was a liaison for Medicare

1 rehab admissions.

2 My real interest though -- and I also
3 have -- I also served fine dining at
4 (inaudible). They have a restaurant there.
5 That's my post-retirement job, and -- but my
6 biggest passion is actually the environment, and
7 I have served on many, many boards, and I'll
8 just go through some of them.

9 I was appointed by the mayor of Aurora to
10 the Mayor's Sustainability Committee. I am a
11 member of the Big Woods -- I was a member of the
12 Big Woods-Marmion Group, which was sponsored by
13 the City. Again, it's another citizens'
14 advocate group. And I was the Environmental and
15 Quality Vice Chair.

16 I have been president of my homeowners'
17 association, 144 units, for eight years, and --
18 where I turned a community that was almost
19 bankrupt into a balanced budget, plus we created
20 a green community.

21 I was the steward for the DuPage --
22 actually, I volunteered for the DuPage County
23 Forest Preserve for 40 years; however, the last
24 eight or nine years I was the steward for the

1 Big Woods Forest Preserve. So I managed a
2 500-acre forest preserve and did woodland
3 restoration, bird restoration.

4 I, until I moved here, was with the Valley
5 of the Fox Group. We -- I guess this is a
6 different group, and I have only been here 120
7 days, so I have not connected yet. But at that
8 time, I was a past chair, past lobby chairman,
9 and also the past political chair.

10 I served on the Fermilab Citizens
11 Internation- -- on the International Linear
12 Collided Citizens Task Force, and I also served
13 several years with the Citizens Advisory Board
14 for Fermilab, and I think that's about it.

15 JUDGE SLAVIN: Okay. Thank you. And do
16 you have some particular facts you want to
17 relate to the --

18 MS. VOITIK: I do.

19 JUDGE SLAVIN: Let me finish.

20 -- to the ZBA? And let's stick to facts,
21 and you'll have an answer for closing when that
22 time comes.

23 MS. VOITIK: My main concern is the
24 environment, but I also am concerned about the

1 physical sustainability of the company.

2 I did some investigation, and I have some
3 facts. The business is -- you know, Hexagon has
4 only been there since 2016, really, and their
5 projects have been very small up to date. This
6 one is one of the largest in the state of
7 Illinois and -- or in the United States, I'm
8 sorry, and I'm just a little concerned about
9 that.

10 JUDGE SLAVIN: Well, you can tell the
11 Board your concerns later. Let's stick to
12 facts.

13 MS. VOITIK: My second fact that I would
14 like to put out there to the Zoning Board of
15 Appeals and to the other interested parties is,
16 I reviewed part of the agreement, and I
17 understand the setback per the Ordinance. I
18 also am aware that the Ordinance was written not
19 with a 25-square-mile solar farm in mind but
20 basically about smaller solar farms and home
21 solar. So the 300-foot setback that they're
22 granting is really, to me -- okay. So --

23 JUDGE SLAVIN: See, that's the difference.
24 Let's stick to facts.

1 MS. VOITIK: Yeah, I'll stick to the
2 facts.

3 Okay. The setback, as agreed, is 300
4 feet. I also reviewed the document, and it did
5 not bring into consideration the carveout that
6 was agreed to with the Village of Lee.

7 So my next fact that I have to bring
8 forward is, we have no do-overs on this once
9 it's done. This is prime farmland, this is some
10 of the most beautiful land that I have seen. I
11 moved here because I did want the cornstalks and
12 things like that for my neighbors.

13 So I went out and I found that we do not,
14 in the United States, have best practices for
15 solar farms; however, the United Kingdom, the
16 UK, does have them. And I am going to go ahead
17 and give their -- just a list of -- I have a
18 fact sheet for the entire Board; however, I
19 would like to just give the facts of what the
20 commitments are, and if they would kindly review
21 them when they see the fact sheet and also go on
22 and find the rest of the document.

23 But the Commitment 1 will be: We will
24 focus on nonagricultural land or land which is

1 of lowered agricultural value.

2 Commitment 2: We will be sensitive to
3 nationally- and locally-protected landscapes and
4 nature conservation areas.

5 Fact Number 3 in best practices will be:
6 We will minimize visual impact when possible and
7 maintain appropriate screening throughout the
8 lifetime of the project managed through land
9 management or ecology plan.

10 Commitment 4: We will engage with the
11 community in advance of submitting a planning
12 application.

13 Commitment 5: We will encourage land
14 diversification by proposing continued
15 agricultural use or incorporating biodiversity
16 measures within our projects.

17 Commitment 6 would be to do as much buying
18 and employing locally as possible.

19 Commitment 7 is: We will act considerably
20 during construction and demonstrate solar
21 stewardship of the land.

22 Commitment 8: We will seek the support of
23 the local community and listen to their views
24 and suggestions.

1 We commit to -- Commitment 9: We commit
2 to using the solar farm as an educational
3 opportunity where appropriate where children can
4 come and learn about alternative renewable
5 energy.

6 Commitment 10: At the end of the project
7 life, we will return the land to its former use.

8 The lay of the land, I don't know how many
9 of you know, but the panels are really tall. We
10 have -- Lee has some of the most beautiful
11 agricultural land, and it's -- our elevation
12 compared is 938 feet compared to the surrounding
13 areas. Berms and landscapes may not effectively
14 shield the panels. For comparison, note that
15 Sublette is at 927; Steward is 823; Nachusa is
16 791; Dixon is 712 feet above sea level; Aurora
17 is 600 feet; and Chicago is 597.

18 So this is some of -- I'll stick to the
19 facts.

20 Per the commitments, I feel the best
21 practice is really not advisable to put solar
22 fields on hillsides where you see them for miles
23 around. It is much more advisable to choose
24 flat sites that are screened by hedges and

1 other --

2 JUDGE SLAVIN: That's a speech, which you
3 can do, but remember, this is --

4 MS. VOITIK: I am trying.

5 JUDGE SLAVIN: I know.

6 MS. VOITIK: I have never done this before
7 with a -- in this format.

8 JUDGE SLAVIN: That still doesn't --

9 MS. VOITIK: No, no, I -- please, you
10 know, just --

11 JUDGE SLAVIN: Got it.

12 MS. VOITIK: Aviation, I know that the --
13 I'll stick to the -- we have crop dusters, as
14 well as student pilots, that are frequently
15 flying over our fields. And according to the
16 FAA, they are -- solar panels can cause a
17 potential hazard in the form of glare.

18 Also per some of the things that I have
19 found out regarding wildlife, there is a
20 particular solar panel that does have a pattern
21 in it that does not confuse water fowl.

22 Lighting, there is -- and I believe that
23 we have already discussed this with Mr. -- with
24 Hexagon, is that all lighting should be focused

1 down but should also be -- there is a
2 certification called international dark sky
3 approved lighting, and if you go online, you can
4 see that outdoor lighting fixtures should be
5 sky-friendly. Again, I cite that in my fact
6 sheet for you.

7 The 25,000 that is to be given to the
8 Village of Lee, when I looked to see what the
9 average solar farm makes according to what --
10 the facts that I found or the information that I
11 found, 155,000 is -- 155 million is what a --
12 and I may be wrong -- is what a solar farm can
13 expect to make in gross profits. So the -- so
14 \$25,000, I'm concerned about whether or not
15 that's a fair amount.

16 That's it for me. I hope that I gave you
17 some information.

18 JUDGE SLAVIN: Is that the end of your
19 testimony then?

20 MS. VOITIK: Yeah, that's all.

21 JUDGE SLAVIN: You may inquire,
22 Ms. Kennedy.

23 MS. KENNEDY: Thank you, Judge.

24 EXAMINATION

1 BY MS. KENNEDY:

2 Q. Ms. Voitik, you testified that you performed an
3 investigation of the company's financials. Can
4 you go into detail of what that investigation
5 was?

6 A. I can tell you that they have not been in
7 business very long. It concerns me that most of
8 the projects have not even been completed yet.
9 They have a lot of 2 and 4 megawatts. There
10 hasn't been -- I don't even think there is a
11 600-megawatt in the United States. I might be
12 wrong.

13 But it certainly would make sense that
14 they would start out smaller. And my concern is
15 their financial stability, as well as the
16 business acumen.

17 Q. So the company -- let me back up.

18 So the company did not ever provide to you
19 a balance sheet of assets?

20 A. No. No.

21 Q. Did you analyze any other financial statement
22 from the company or --

23 A. No.

24 Q. -- related to the company?

1 A. No. My fin- -- I did go to my financial
2 advisor and asked him to check and look. And
3 whether it's publicly traded, I don't think so.
4 But he said there was very little out there
5 because it was relatively -- these are the words
6 he used, it's a relatively new company.

7 Q. And do you believe that because it's a new
8 company, or at least newer in your mind, it
9 should not be allowed to site a solar energy
10 system in Lee County?

11 A. No, that's not true, because I do believe that
12 they should be able to. I believe that they
13 should be able to do it and prove that they are
14 stable in small stages and then build the
15 entire.

16 Q. You mentioned a Village of Lee meeting. What
17 meeting was that?

18 A. It was the meeting of September 12th. It was
19 the Village Council, the monthly meeting.

20 Q. And were you present at that meeting?

21 A. I was.

22 Q. And at that meeting the company agreed to
23 provide a setback of more than 300 feet --

24 A. Yes.

1 Q. -- to the Village?

2 A. Yes. It was a verbal agreement, and there was
3 a vote on the original resolution which was
4 written by Hexagon, and the first vote did not
5 go through. As a matter of fact, I was the one
6 who said, Let's not throw this thing away. Why
7 don't you guys go back to the -- you know, kind
8 of the drawing table and start over? And the
9 Board got up and they went and spoke with
10 Mr. Hantzmon and our Board president, and they
11 came up with a compromise that would have
12 additional setbacks.

13 Q. And that compromise was that the company would
14 set back more than 300 feet --

15 A. Yes.

16 Q. -- from the Village?

17 A. Yes.

18 Q. Are you aware that the map in Appendix D
19 provides a 600-foot setback to the Village of
20 Lee?

21 A. What the Village of Lee was hoping for --

22 JUDGE SLAVIN: Just answer the question.

23 A. No, there was no specification as to how many
24 feet.

1 Q. (By Ms. Kennedy:) But are you aware that the
2 company, or the project, has proposed setbacks
3 600 feet from the Village of Lee?

4 A. No.

5 Q. Are you aware that the company performed a
6 SGHAT, or what's known as the solar glare hazard
7 analysis, for the proposed project?

8 A. Yes.

9 Q. And are you aware that that analysis returned
10 that no glare was recorded?

11 A. What it does is, it's in conflict with what the
12 FAA has on their document.

13 Q. I'm just asking yes or no.

14 A. No.

15 MS. KENNEDY: I have nothing further.

16 JUDGE SLAVIN: All right. Members of the
17 ZBA. Mr. Hughes?

18 MR. HUGHES: No questions.

19 JUDGE SLAVIN: Mr. Forster?

20 MR. FORSTER: No questions.

21 JUDGE SLAVIN: Mr. Buhrow.

22 EXAMINATION

23 BY MR. BUHROW:

24 Q. Did I understand you right, you live in the

1 Village of Lee?

2 A. I just moved here 120 days ago.

3 Q. And you're in the city limits of the Village?

4 A. Yes.

5 Q. Okay.

6 A. Village limits.

7 MR. BUHROW: Okay. Thank you.

8 JUDGE SLAVIN: Mr. Bothe?

9 MR. BOTHE: No.

10 JUDGE SLAVIN: Mr. Pratt?

11 MR. PRATT: No.

12 JUDGE SLAVIN: Okay. Mr. Boonstra?

13 MR. BOONSTRA: No, sir, thank you.

14 JUDGE SLAVIN: Ms. Duffy?

15 MS. DUFFY: No.

16 JUDGE SLAVIN: Interested parties in the
17 room, questions of Ms. Voitik, by raise of your
18 hand?

19 Seeing none, I'll turn to the Zoomers.
20 Again, if you're videoconferencing, go to
21 "participant," click "raise hand," and we'll see
22 it. Teleconferencing, Star 9, we'll see it.

23 All right. Seeing none, you may step
24 down.

1 MS. VOITIK: Thank you.

2 JUDGE SLAVIN: Thank you.

3 MS. DUFFY: Judge, did she hand out
4 something?

5 MS. VOITIK: I do have something.

6 JUDGE SLAVIN: Here we go, let me mark
7 them.

8 MS. VOITIK: They are on -- I'll get them
9 for you.

10 JUDGE SLAVIN: Sure.

11 Thank you, Ms. Duffy. I forgot.

12 Thank you. And I'll mark these, for the
13 record, at the top right corner IP, which stands
14 for Interested Party, Number 1.

15 (IP Exhibit Number 1 marked for
16 identification.)

17 JUDGE SLAVIN: I'll keep one, and if
18 you'll give one to yourself, Callie, and the
19 Board members, and Courtney. I think we have
20 got enough.

21 IP 1 is admitted.

22 (IP Exhibit Number 1 admitted
23 into evidence.)

24 JUDGE SLAVIN: And I think out of fairness

1 to everyone, we'll -- any other -- no, we have
2 gone through that.

3 All right. We have reached the conclusion
4 of the evidence. The next stage is arguments.
5 Out of fairness to everyone, I'll give a --
6 we'll give a break and --

7 MR. PRATT: You don't have to ask anybody
8 on Zoom to testify?

9 JUDGE SLAVIN: I did. Does anybody on
10 Zoom want to -- didn't I? I think I did.

11 COURT REPORTER: You asked if they wanted
12 to ask questions.

13 JUDGE SLAVIN: Okay, if they had
14 questions.

15 All right. Anybody on Zoom -- I'll make
16 sure, because I forgot. Anybody on Zoom want to
17 testify -- and I apologize if I didn't ask this
18 before -- raise your hand. I won't go through
19 the litany again. I'll just give you ten
20 seconds.

21 I don't see any. Do you, Alice?

22 MS. HENKEL: (Shakes head.)

23 JUDGE SLAVIN: Okay. But, thank you. If
24 I didn't say that before, thank you.

1 All right. Out of fairness to everyone,
2 we will take a break. So we can start the next
3 stage, which is closing arguments, public
4 comment, closing statements, call it what you
5 will.

6 So we'll be back here real time -- don't
7 pay that clock on the courtroom wall --
8 8 o'clock. Look at your cell phone. 8 o'clock.
9 Okay.

10 (A recess was taken at 7:48 p.m.
11 and proceedings resumed at
12 8:01 p.m.)

13 JUDGE SLAVIN: All right. Everybody
14 resume your positions, please.

15 As I have indicated, we have reached the
16 next stage, which is closing arguments, public
17 comment, closing statements.

18 With the burden, you may go first,
19 Ms. Kennedy.

20 MS. KENNEDY: Thank you, Judge.

21 First and foremost, I want to say thank
22 you to all of the ZBA members, all
23 representatives of the County, and interested
24 parties for your attention and for sticking with

1 us through these last few nights of testimony.

2 I think it's obvious that we -- "we,"
3 meaning Steward Creek Solar -- wouldn't be here
4 if we didn't believe that this project is going
5 to be great for Lee County and this community.
6 We believe that it's going to be a significant
7 investment in Lee County and the community in a
8 couple of different ways:

9 First, through the jobs brought to the
10 area.

11 Next, through indirect, or what I like to
12 call, secondary benefits that flow to the local
13 economy as a result of bringing more people to
14 this area.

15 Increased property tax revenues that the
16 area and regions will enjoy and benefit from,
17 especially the schools, from having this
18 project.

19 And also the charitable organizations that
20 the company has pledged to set up and donate to
21 each year.

22 It's my hope that through this hearing
23 process you have discerned that the real
24 overarching goal of the company is to be a good

1 neighbor and to be a good citizen of Lee County.
2 And I believe that with a project of this
3 magnitude, you can't be anything but a good
4 citizen and resident of Lee County.

5 I hope that this commitment is reflected
6 in the fact that not only did the company,
7 through its project, meet the Ordinance
8 requirements, but it also took those a few steps
9 further. This is reflected in the fact that the
10 company's commitment to reroute and reconfigure
11 drainage tiles under the panels to decrease the
12 likelihood that the drain tiles will be struck
13 during construction; its commitment to replace
14 damaged or weak drain tiles at the very onset of
15 this project so that drain tiles can withstand
16 the next 35 years; its commitment to improving
17 the drain tile systems for both participating
18 landowners, which also will, in turn, benefit
19 adjacent nonparticipating landowners; the fact
20 that the company engaged with SCI Engineering to
21 discuss the project's impact to wildlife and
22 wetlands and water bodies; and its voluntarily
23 setting back from those wetlands and wildlife
24 corridors so as to minimize any impacts to those

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1 areas; and lastly, the company's commitment to
2 provide setbacks that far exceed those noted in
3 the Ordinance for solar energy systems.

4 Throughout the last few evenings of
5 testimony, hopefully you have gotten a good idea
6 of who Hexagon is as a company, about how much
7 work we have put into this project in preparing
8 this petition and application that are before
9 you, and hopefully you'll see or have seen that
10 we have taken the time to consult with top-tier
11 consultants to prepare the needed reports and
12 input for our application.

13 To summarize briefly, you've heard from
14 Matt Hantzmon, founder and CEO of Hexagon
15 Energy, LLC, who talked about who Hexagon is,
16 why it's interested in Lee County, the multiple
17 occasions where the company, on its own, sent
18 notices to adjacent landowners to generate
19 discussion about this project, the numerous
20 meetings hosted with the Villages, Townships,
21 and schools that stand to benefit from the
22 project itself, how it ensured that the
23 appropriate legal notices were provided, and
24 most importantly, what the Steward Creek Solar

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1 Project looks like.

2 You then heard from Tom Huddleston
3 regarding the extensive measures that the
4 company intends to take to preserve the existing
5 drain tiles, improve broken, damaged, or weak
6 drain tiles found, and how to reroute the drain
7 tiles around the solar panels so as not to have
8 any issues while the project is in operation.

9 Mr. Huddleston also noted that he believes
10 that the citing of a solar energy system on this
11 farm ground will actually preserve and better
12 our great farm ground here in Lee County.

13 You next heard from Mike Lehr, who
14 described what construction for this project
15 looks like and the precautions that will be
16 taken by the company. He also testified as to
17 the AIMA requirements and the company's
18 commitment to adhere to those requirements set
19 forth in that AIMA.

20 You next heard from Scott Billings from
21 SCI, who testified that despite the EcoCAT
22 consultation having been terminated with the
23 Illinois Department of Natural Resources, the
24 company retained SCI to evaluate the project

1 site and to make certain recommendations and
2 suggestions so that the -- to the project so
3 that the project could reduce its impact to the
4 environment.

5 You then heard from Andrew Lines from
6 CohnReznick, who conducted a paired sales
7 analysis and looked at other solar farms
8 situated in similar areas as Lee County. And
9 while Mr. Lines noted that while there are no
10 solar farms of this magnitude in areas similarly
11 situated to Lee County, based upon the solar
12 farms that he has studied and in his experience,
13 he concluded that there will not be any negative
14 impact to land values of the surrounding
15 properties.

16 And lastly, you have heard from Wendy
17 Ryerson, who tonight testified as to the
18 property taxes to be generated by the project
19 and who also dispelled certain fears about the
20 concept of the shifting burden on taxpayers.

21 Now we are at the point where we turn this
22 process over to you, the ZBA, where you have the
23 opportunity to take into account all the
24 evidence that's been presented either by way of

1 oral testimony or through exhibits. I know that
2 in your consideration you will apply the
3 requirements of Section 10-2B-2, D of the Lee
4 County Ordinance. Those are the seven criteria
5 that are applicable to all Special Uses such as
6 this one that's before you presently.

7 I'd like to briefly go through each of
8 them and discuss what evidence was presented
9 that addresses each of these factors.

10 The first factor is the effect the
11 proposed Special Use will have on the character
12 of the neighborhood. Here you heard testimony
13 that the project fits in with the ag use of the
14 property, and as you know, the Lee County
15 Ordinance for solar energy systems allows the
16 siting of solar energy systems on agricultural
17 land.

18 I think it's important to note that the
19 siting of an SES on agricultural land doesn't
20 make it commercial or industrial; it remains
21 agricultural.

22 You have heard that there's existing
23 turbines in the area, and we believe, from the
24 testimony heard from the company and its

1 experts, that the project will not have any
2 negative impact on the character of the land.

3 The next factor is the effect the proposed
4 Special Use will have on the surrounding
5 properties. Here again, we maintain that there
6 will not -- that the project will not negatively
7 impact surrounding properties. It does not
8 threaten or encroach on any endangered or
9 threatened species. The project will provide a
10 better drainage system for both participating
11 and nonparticipating landowners, it will provide
12 a steady source of income for participating
13 landowners, especially when crop prices, as we
14 know, tend to rise and fall based upon factors
15 that are out of control of most, if not all.

16 The third factor is the effect the
17 proposed Special Use will have on traffic
18 conditions. You have heard testimony that the
19 company will enter into a Road Use Agreement, as
20 required, with Lee County and the affected
21 townships.

22 You have heard what will go on during
23 construction, which will certainly have some
24 impact on traffic. Surely for a short period of

1 time there will be truck traffic related to this
2 project; however, there will be no long-term
3 traffic impact. In fact, we believe that
4 traffic will actually decrease once the project
5 is operational.

6 The fourth factor is the effect the
7 proposed Special Use will have on public utility
8 facilities. Here I believe that there has not
9 been any evidence presented before you that
10 there will not be any effect on public
11 utilities. You have heard testimony from
12 Matthew Hantzmon that when this project goes
13 online, it will be a coordinated effort with PJM
14 to prevent any sort of brownout that could
15 potentially occur.

16 So we would maintain that this project
17 would not impact any public utility facility.

18 The fifth factor is the effect the
19 proposed Special Use will have upon any regional
20 or environmental concerns. And, again, you were
21 presented with oral testimony and the report
22 showing that the EcoCAT came back with no
23 further consultations required by the IDNR.

24 The company still engaged with SCI

1 Engineering because it wanted to be a good
2 neighbor, and you heard testimony from SCI that
3 the company is going to set back from
4 wildlife -- or from wildlife corridors and
5 wetlands.

6 The sixth factor is, will the Special Use
7 be completed in compliance with the rules,
8 regulations, and standards that in this case
9 would be applicable to solar energy systems?
10 First and foremost in our mind is ensuring that
11 we comply with federal, state, and local
12 construction, deconstruction, decommissioning,
13 and environmental criteria, and that's why so
14 much work went into preparing the petition and
15 application before you. The company and in my
16 office ensured that not only are these boxes
17 checked, so-to-speak, but that we went above and
18 beyond those requirements.

19 Lastly, looking to the requirements set
20 forth in the Lee County Ordinance for solar
21 energy systems, we meet each and every
22 requirement. You have heard this through
23 testimony, and if you look to the language of
24 the application itself, you will see that the

1 company has addressed each requirement line by
2 line in how we meet it.

3 The seventh and final factor for your
4 consideration relates to other matters
5 pertaining to the public health, safety, and
6 general welfare. Here you heard from SCI, who
7 testified about the great lengths the company
8 went to for environmental issues. Again you
9 heard from Tom Huddleston reaffirming that the
10 company is taking the extra steps to ensure
11 proper drainage and also to improve the
12 drainage. You also heard from Mr. Huddleston
13 that the soil health and integrity will be
14 improved over time because the soil is allowed
15 to rest. Here, in my mind, we're taking great
16 Lee County soil and we're making it even better.

17 You have heard testimony as to the
18 setbacks that the company is voluntarily
19 undertaking. You have heard about the economic
20 impacts to the county's participating landowners
21 and community benefits. You have also heard
22 testimony that we don't believe that there will
23 be any interference with television and radio
24 stations.

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1 To that end, after considering the
2 evidence and testimony presented to each of
3 these aforementioned factors, it is my hope that
4 you, the Zoning Board of Appeals, will recommend
5 this petition and the project to the Lee County
6 Board.

7 Thank you.

8 JUDGE SLAVIN: Thank you.

9 Now interested parties, by -- let's start
10 with the room. Anyone in the room want to give
11 a closing argument, public comment, by raise of
12 your hand?

13 Okay. Ms. Voitik, if you will do me the
14 favor, please, there's two microphones in the
15 middle aisle back there. If you'll just pick
16 one, and you can start --

17 MS. VOITIK: I'm pretty loud. Are you
18 sure you want me on a microphone? I'm loud.

19 JUDGE SLAVIN: Oh, yeah. You don't
20 understand, the microphone feeds into the Zoom,
21 and there's people that are harder of hearing
22 than others, and I won't identify them, but we
23 all know who we are.

24 MS. VOITIK: Can you hear me?

1 JUDGE SLAVIN: No. A little closer.

2 MS. VOITIK: Can you hear me now?

3 JUDGE SLAVIN: Yes, that's great.

4 MS. VOITIK: I feel like I'm on a
5 commercial.

6 JUDGE SLAVIN: Sort of feels like it.

7 MS. VOITIK: It does sort of.

8 JUDGE SLAVIN: And you are Terri Voitik?

9 MS. VOITIK: Yes.

10 JUDGE SLAVIN: And you live in?

11 MS. VOITIK: Lee, Illinois.

12 JUDGE SLAVIN: Thank you. All right. Go
13 ahead.

14 MS. VOITIK: And basically, to end this
15 whole thing, you know, I'm not opposed to -- as
16 a matter of fact, I mentioned that I was a lobby
17 chair for the CR Club and Valley of the Fox. I
18 did lobby for your clean energy. I saw my
19 senators and my representatives. I visited them
20 every year.

21 So I'm not opposed at all to your project.
22 The size of it does scare me. One of the things
23 that scares me is that I moved out here, I have
24 only been here 120 days, and I look up at the

1 night sky and I cannot believe what I can see.

2 And I do appreciate --

3 Can I address the two also and also to the
4 Board? I do appreciate --

5 JUDGE SLAVIN: Well, you're addressing the
6 Board right now.

7 MS. VOITIK: Okay. And I do appreciate
8 that Hexagon is going to focus their lights
9 downward; however, in your -- as you do the
10 agreement or the approval, if you can have the
11 following conditions, one of them would be that
12 they -- the lights are actually international
13 dark sky approved and not -- not just LEDs that
14 flash down.

15 Was there -- can I ask Mr. Hantzmon a
16 question --

17 JUDGE SLAVIN: No.

18 MS. VOITIK: -- at all?

19 Okay. I don't --

20 JUDGE SLAVIN: Sorry. That time is over.

21 MS. VOITIK: Well, I couldn't hear the day
22 the environmental person was here, so I missed
23 that question about an ESI.

24 Okay. I just want to make sure I ask the

1 right questions, because -- so the wildlife
2 corridors, I do want to say that the wildlife
3 corridors are very important and that they do
4 stick with the plan and the commitment to
5 preserve the wetlands and the wildlife.

6 My -- another one that I would like to
7 really ask for on this -- from the Board to make
8 as a condition would be that I know that the
9 panels are being made in Canada, that's my
10 understanding, and there is a special panel that
11 the water fowl that migrate, no matter how
12 nonreflective the panel is, if it doesn't have a
13 certain pattern in it, they will mistake it for
14 water and they will land, and the problem is,
15 they can't get off the ground because they need
16 that running start across the water.

17 So if you would request that they actually
18 do use that pattern panel that the water fowl
19 can navigate without mistaking for water.

20 Of course, Matt and his company are aware,
21 I believe that we have talked about this, the
22 ten commitments for best solar practices. I
23 think they are making good effort. If we can
24 get berms or some sort of native shrubs that

1 would shield the panels from the homes that are
2 going to be impacted, that's one of the things
3 that I would like to ask for.

4 Another one would be if we -- the money
5 that's going to the City of -- the Village of
6 Lee and the Village of -- is Steward a village
7 or a city?

8 AUDIENCE MEMBER: It's a village.

9 MS. VOITIK: Okay. If we can up that just
10 a little bit more, based on what the profits
11 will be -- not that they are not entitled to
12 make profit, but if they can give a bit of a
13 fairer amount. They are going to impact our
14 traffic, our -- there's going to be dust,
15 there's going to be noise, there's going to
16 be -- I do think even though we are not
17 direct- -- it's not in the Village of Lee or in
18 the Village of Steward, I think those villages
19 need more money. I'm proposing that you ask for
20 a hundred thousand for the foundation per
21 Village.

22 The setbacks, setbacks should be just a
23 little bit more. I know that you talked about
24 the 300 feet. That 300 feet is actually

1 specific to the smaller farms. There was
2 never -- I don't think when that -- when the
3 Ordinance was made/created that at any time did
4 they ever think that there would be a
5 25-square-mile solar farm.

6 The setbacks, I don't think it's fair to
7 come into a community and surround the
8 farmhouses by -- on all four sides with solar
9 panels and not think that you need to have a
10 larger setback. I personally think a thousand
11 feet is more appropriate, but whatever it is, if
12 you can -- if you can ask for the appropriate
13 shielding: berms, native shrubs, whatever you
14 can get that would -- that would stop the visual
15 impact.

16 I think that's all I have.

17 JUDGE SLAVIN: Okay. Thank you.

18 Any other folks in the room?

19 MS. VOITIK: May I end with something?

20 JUDGE SLAVIN: I thought you said that's
21 all you had. Sure, go ahead.

22 MS. VOITIK: Okay. I just want to say
23 that when I moved -- I moved here from Aurora.
24 I lived near the outlet mall, and the

1 development was just out of control, and so I
2 looked for the most empty spot on the planet,
3 which was Lee, Illinois. I don't know if
4 anybody has been to Lee, but it is vacant and
5 it's wonderful, and I would go out and have my
6 coffee in the morning and it was so quiet.

7 And I came across a quote and I kind of
8 enhanced it, and I just want you to all think
9 about this: To love the stars, the sky and the
10 ocean, to love anyone is only a problem if you
11 know that love is in danger. And right now some
12 of that love is in danger: the dark skies, the
13 wildlife.

14 That's all I have. Thank you.

15 JUDGE SLAVIN: Thank you.

16 Please, let's refrain from approvals or
17 disapprovals. You know that.

18 Sir, come on up. Pick a microphone.

19 MR. GUASTO: Loren Guasto, Steward.

20 I'm not a good speaker, so bear with me.

21 I moved to this community seven years ago.
22 I found this nice piece of property. It's only
23 one acre, but when I looked at this property, I
24 sat on the back -- my back porch before I bought

1 it and I can see for miles, and I love it here.
2 That's the reason I bought this. It's not
3 because of the house.

4 I grew up in Boone County, northern Boone
5 County, which is rural. I grew up there as a
6 kid. And over the years, the residents starting
7 moving in and it just changed everything. This
8 isn't the same, but, you know, it -- this is
9 going to definitely change the way the back of
10 my -- you know, the view is. It's, you know,
11 unfortunate.

12 I talked to several -- several people in
13 the area. I'd say I talked to over 40 people in
14 this area. They do not want this thing. You
15 know, and it's a hot potato issue. You know, if
16 you put it here, these people don't want it; if
17 you put it here, these people don't want it.

18 You know, I don't know what to do. You
19 have got -- you have already got the wind
20 turbines, and here comes the solar panels to
21 feed Chicago's hunger for electricity. And what
22 do they do? They come and they dump their trash
23 out here, you know, and that's what's going on.
24 Big industry taking over.

1 You know, also this Andrew R. Lines for
2 CohnReznick, I don't think he really met the
3 burden of, you know, land values. You know, a
4 project of this size, they are basically out in
5 California in the desert. You know, the other
6 thing is, there's no shortage of farmers wanting
7 to farm this land. You know, I don't think
8 there's any shortage of farmers wanting to buy
9 this farmland.

10 You know, I want to thank Matthew and
11 Will. They did approach me and asked me if I
12 had any concerns, and, you know, I think they
13 realize that this zoning -- this zoning thing
14 for these solar farms, this whatever you call
15 it, is inadequate. So they did work with us and
16 give us more.

17 And I thank you guys for that, so.

18 I'm pretty much done.

19 JUDGE SLAVIN: All right. Thank you.

20 Any other folks in the room? Yes, sir.

21 MR. HERRMANN: My name is Brian Herrmann,
22 with Alto Township.

23 I'm actually on the Board of Trustees
24 there. We turned down three-to-one, with the

1 supervisor abstaining.

2 I have lived in my house 25 years. If I
3 wanted to wake up in the morning and see
4 windows, I'd live in the city.

5 I don't think that anybody's thought about
6 5,000 acres under glass. And the water they're
7 talking about running, if they wanted to build a
8 300-acre parking lot, there would have to be a
9 whole change in the retaining ponds and all of
10 that. That water coming off those solar panels
11 isn't going to soak in in places. When it's in
12 a hill, it all comes off. If it lines up, it's
13 going to run down, it's going to cut a rut, it's
14 going to wash, it's going to erode. I don't
15 care what kind of grass you put there.

16 My father grew up, born and raised a mile
17 south of where I live. I just -- I understand
18 the whole tax base, but when the school
19 districts, most of it, is in a different county.
20 So, yeah, they're going to be all for it,
21 whatever, because they're going to get the
22 money, don't have any of the repercussions.

23 Steward school system itself is in the
24 black. It's not in the red, in dire need of

1 running out. I'm not saying it can't use the
2 money, that's not what I'm saying, but I --

3 Nobody has any resources to tell us what a
4 600-megawatt farm is going to do because there's
5 only one or two out there and they're in the
6 desert. They don't get 30 inches of rain.
7 There's nobody around them. This is all new to
8 everybody.

9 We have already got 5,000 acres that's
10 going to be under glass in the county already,
11 but it's not built, so we don't have any
12 statistics. We don't know.

13 Nothing personal against solar farms.
14 I -- in certain areas, yeah. How much would you
15 have made this last two weeks? Not very much.
16 Not much sun. I just don't think this is the
17 proper area for it.

18 I know I had some more, but I was running
19 late and left my notes at home. Thank you for
20 your time.

21 JUDGE SLAVIN: Thank you.

22 Anybody else in the room? Mr. Lusz.

23 MR. LUSZ: It is amazing, with your
24 comment, that a tremendous amount of the taxes

1 are going to be exported, based on the use of
2 our land in our county, and they're going to
3 shift it over to Ogle County. It's amazing.
4 It's amazing, Lee County, what we're doing.

5 Everyone's concern is ultimately that
6 solar does not meet the aesthetic of
7 agriculture. We're supposed to be approving
8 things that would attempt to meet the aesthetic,
9 and there's nothing about it that does.

10 There's a 6-foot chain link fence and
11 barbed wire around the whole, entire perimeter
12 of 5,000 acres. There's not one person that's
13 going to drive down I-39 and see that and say,
14 Geez, I want to go live there. I want to go buy
15 a house next to that.

16 As we cover more of the county, more
17 segments, people are going to drive by and it's
18 going to be neat, it's going to be like, Wow,
19 look what they did. Unbelievable. Glad I'm
20 driving by. Glad I'm driving through. Neat to
21 see. I'm out.

22 Everyone has talked about, including this
23 company, that the Ordinance is inadequate in
24 this county. I went to one of the meetings here

1 in the county a month ago, and I believe that
2 fell on perhaps all your shoulders, and I
3 hope -- we shouldn't be sitting here with the
4 inadequate Ordinance that we have right now. We
5 should have paused, and we should have corrected
6 the Ordinance, and we should have put more
7 thought into it.

8 We should be looking at neutral sources to
9 look at the stormwater runoff, to really do a
10 thorough environmental impact study, not just a
11 tabletop version of it. We'll check all of
12 these boxes later. I mean, I sort of coined
13 that phrase. We didn't really see anything that
14 was really done leading up to this. We're just
15 going to approve it and hope that everything
16 gets done later before the building permits.

17 There's no visual impact study. All these
18 residents that are here, there's nothing shrub-
19 wise that was presented to be around these
20 homes. They did improve setbacks, which is
21 remarkable on this project when we came through
22 what we just did.

23 People come out to the county, like the
24 gentleman over here, he bought the house not

1 because of the house but because of his view.
2 When people like that are coming to our county,
3 and CohnReznick sits there and tells me that
4 there's no impact on residential property
5 values, he would not be here, and I bet there's
6 thousands more like him.

7 CohnReznick's study does not apply. It
8 should be scribbled up and thrown in the
9 garbage. There are people that have refuted it,
10 and there's documents that I can get my hands
11 on, but that study should be continued longer.
12 He should look at larger solar and bring that.
13 To say that there's no impact is ridiculous.

14 2,900 acres of Grade A farmland. Top,
15 best of the best. We can look at this project
16 as a whole and say, Oh, it's Class B. I'm okay.

17 Right, Mr. Pratt? I'm okay with Class B,
18 but Class A I've held on in protecting that.

19 2,900 acres of Class A. It barely goes
20 below Class A as a whole.

21 It should be voted down. We should find
22 better places for it. We should be wiser, as a
23 human race, and find better places to deploy
24 solar. It's not agricultural use.

1 It's the exact same as the Byron Nuclear
2 Plant. It's the exact same as a coal plant.
3 It's energy production. It's industrial land
4 use. It's commercial.

5 The fact that this industry has lobbied
6 and said -- and I have heard it clarified time
7 and time again -- that it is agriculture. It
8 has nothing to do with agriculture. We should
9 find better places for it, and we should.

10 I understand, energy is needed.
11 Electricity, we need a lot more generation, but
12 we should think smarter about how we're
13 deploying the technology. It's a complete
14 different use of the land. The wind, we still
15 are able to use the land. With solar, we're
16 done. It just sits idle.

17 Maybe not on this one, maybe not on the
18 next one, but with the fifth one, the sixth one,
19 the seventh one, when are we going to finally
20 recognize when we add these acres up, when I
21 tell you every project of Class A soil that
22 we're taking out of production, when do we start
23 actually taking heed in that? When do we start
24 taking it seriously?

1 Thank you.

2 JUDGE SLAVIN: Thank you.

3 Anybody else? I think we have run through
4 the interested parties in the room.

5 MS. VOITIK: I forgot one thing, if I may?

6 JUDGE SLAVIN: No, I'm sorry. We do this
7 -- you get one chance, like I announced at the
8 beginning.

9 All right. Zoomers, who would like to
10 give a closing statement, public comment? Raise
11 your hand. I'll give you time to get your mouse
12 and your fingers, if you're a touch pad person.

13 I can't quite crane my neck enough.
14 Alice, do you see somebody?

15 MS. HENKEL: No.

16 JUDGE SLAVIN: Give you a few more
17 seconds, folks.

18 All right. That concludes the public
19 comment, closing arguments, closing statements,
20 and that is the end of public participation in
21 the process.

22 I will, therefore, recess this hearing
23 until Wednesday, November 4th, here at the Old
24 Lee County Courthouse, 7 o'clock, at which time

1 the ZBA will begin its fact-finding and
2 recommendation process.

3 There will be, because of the COVID spike
4 and the governor's restrictions, a little
5 change. I'm sure you all suspect, I think there
6 won't be -- we won't be able to have any
7 interested parties in this room, and we'll work
8 on the rest of it. Thank heavens Lee County has
9 got such a good IT department that we'll be able
10 to -- people will be at least able to view it on
11 YouTube, if not otherwise.

12 All right. Everybody have a good one.
13 Keep the snow away for a while. Not the
14 moisture, right, but the snow. All right. Be
15 safe, be healthy.

16 (The hearing was recessed at
17 8:33 p.m.)

1 On this 22nd day of October, A.D., 2020, I do
2 signify that the foregoing testimony was given
3 before the Lee County Zoning Board of Appeals.
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7

8 Bruce Forster, Chairman
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12 Dee Duffy,
13 Zoning Enforcement Officer
14

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