

STATE OF ILLINOIS)
) 22-P-1595
COUNTY OF LEE)

In the Matter of the Petition
 of
Meadow Solar, LLC
Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 7th day
of September, A.D., 2022,
before the Lee County
Zoning Board of Appeals

Present:

Rex Meyer
Mike Pratt
Craig Buhrow
Garrett Schoenholz
Bruce Forster, Chairman

Dee Duffy, Zoning Administrator
Alice Henkel, Alternative Energy Coordinator

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

2 LEE COUNTY STATE'S ATTORNEY CHARLES BOONSTRA
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4 Dixon, Illinois 61021

5 Counsel for the County.

6 ATTORNEY COURTNEY KENNEDY
of the firm of Ehrmann Gehlbach Badger &
7 Considine, LLC
114 East Everett Street, Suite 300
8 Dixon, Illinois 61021

9 Counsel for the Applicant.

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1 JUDGE SLAVIN: All right. Ladies and
2 gentlemen, good evening.

3 I call out of recess Lee County Zoning
4 Board of Appeals hearing on Petition Number
5 22-P-1595, Meadow Solar, LLC's, request for a
6 Special Use Permit to construct a solar energy
7 system in Dixon Township.

8 For those of you who are now listening but
9 can't find the information but want to be on
10 Zoom, the ID is 915-3923-9154 and the password,
11 as always, is 209840.

12 If you don't want to be on Zoom but you
13 want the pleasure of watching us and listening
14 to us, on your computer you can go to the -- or
15 cell phone, use your browser, go to
16 www.youtube.com. In the search bar, type "Lee
17 County IL," short for Illinois, "Zoning Board of
18 Appeals." Don't worry about upper- or lowercase
19 letters. Select the date you want, and you
20 should be able to see and hear us.

21 If you need technical assistance, you may
22 call Ms. Duffy's assistance hotline,
23 815.973.3449.

24 All right. Just housekeeping stuff. I

1 will note for the record the presence of Board
2 Members Forster, Buhrow, Pratt, Meyer,
3 Schoenholz. Ms. Duffy's present, as is her able
4 Alternative Energy Coordinator, Ms. Henkel.
5 State's Attorney Charley Boonstra is present, as
6 is the attorney for the Petitioner, Ms. Kennedy.

7 I see one, I think one, of Petitioner's
8 reps present. Lee County's IT specialist,
9 Jonathan, is present. The court reporter is
10 present, as is himself. That makes one, two,
11 three, four, five -- 13 necessaries in person.

12 I see one, two, three Interested Parties
13 in person here in the courtroom, including two
14 august members of the Lee County Board. That
15 makes, in the courtroom, 16 bodies.

16 How are we doing on Zoom, Jonathan?

17 IT SPECIALIST: One person. Josh.

18 JUDGE SLAVIN: Okay. One person on Zoom.
19 So that makes it a total attendance of 17.

20 All right. I guess I'll save that --
21 remind me, please, don't let me forget at the
22 end of this evening, which I don't think will be
23 too long, let's talk about next dates for
24 factfinding and recommendations.

1 Before I forget, I failed to remember to
2 admit Exhibits -- Petitioner's Exhibits 1, 2, 3,
3 4 and 5.

4 (Petitioner's Exhibits Number 1,
5 2, 3, 4 and 5 admitted into
6 evidence.)

7 JUDGE SLAVIN: I think that's it.

8 Ms. Kennedy, the floor is yours.

9 MS. KENNEDY: Thank you, Judge.

10 I'd like to call a witness by Zoom,
11 Mr. Josh Bushinsky.

12 JUDGE SLAVIN: Can you hear us?

13 THE WITNESS: I can hear you. Can you
14 hear me?

15 JUDGE SLAVIN: Can you see everybody, but
16 the back of my head?

17 THE WITNESS: Yes, I can see everyone, but
18 the back of your head.

19 JUDGE SLAVIN: Okay. Very good. You may
20 inquire, Counselor.

21 MS. KENNEDY: Thank you. Can you hear me
22 okay?

23 THE WITNESS: I can hear you just fine.
24 Thank you.

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JOSH BUSHINSKY,

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. KENNEDY:

Q. Can you please state your name and spell it for the record.

A. Joshua Bushinsky, J-O-S-H-U-A, last name Bushinsky, B-, as in boy, U-S-H-I-N-S-K-Y.

Q. Thank you. And could you give us a brief overview of your educational history?

A. Sure. BS, Stanford University; MS, Stanford University; JD, University of Chicago.

Q. And how are you presently employed?

A. I'm a partner at Trajectory Energy Partners.

Q. And what job duties are associated with that position?

A. So I oversee financing, operations, and have previously been responsible for all of our zoning operations as well.

Q. Are you familiar with the proposed Meadow Solar Project here in Lee County, Illinois?

A. I am.

Q. And have you had an opportunity to review the

1 second amended petition for Special Use Permit
2 and Variances?

3 A. Yes, I have.

4 Q. And have you reviewed the application submitted
5 on behalf of Meadow Solar?

6 A. I have.

7 Q. Can you tell us what a solar garden is?

8 A. Sure. Solar garden, it's an informal term for
9 a community solar project, which is a project
10 that creates energy from the sun and shares the
11 savings benefits from the solar-generated
12 electricity with subscribers to the project.

13 Q. And Mr. Elliott testified earlier about the
14 savings and benefits through a subscription
15 process. Can you expound on that a little
16 further; more specifically, how that exactly
17 works?

18 A. Sure. Yeah, so for Meadow Solar, we'll work
19 directly with community members to subscribe
20 them to the project. Each subscriber will see
21 savings in proportion to the electricity
22 generated by the project for which they have
23 subscribed. So every month the project will
24 generate electricity, ComEd will tally the

1 amount of electricity generated. They will
2 allocate the generated electricity to each
3 subscriber based on their percentage
4 subscription to the project. And on each
5 subscriber's bill, they will see a credit that
6 is proportional to the amount of electricity
7 generated by their portion of the solar project.

8 Q. And so is there a subscription fee that the
9 consumer will pay to subscribe to this project?

10 A. No, there's no upfront fee.

11 Q. And will the consumer ever receive a bill from
12 Meadow Solar for subscribing to the project?

13 A. No. All that they will see is savings that
14 will be credited against their utility bill.

15 Q. And do you know, is this project located in a
16 ComEd territory?

17 A. Yes.

18 Q. Okay. And so does that consumer have to be a
19 customer of ComEd in order to subscribe to this
20 project, if it's sited?

21 A. Yes. Community solar projects that are in
22 ComEd territory can only be subscribed to by
23 subscribers within ComEd territory.

24 Q. If there aren't enough subscribers to this

1 project, who benefits from the extra power
2 that's generated?

3 A. So the project is only able to provide savings
4 to customers who subscribe. The project doesn't
5 receive credit for power that is generated
6 without a subscription associated with it. For
7 that reason, we work really hard to make sure
8 that there are subscribers for these projects.

9 And in general, community solar projects
10 in Illinois have wait lists associated with them
11 of subscribers who would like to, but aren't yet
12 able to, subscribe to a project.

13 Q. And so to generate subscribers, would Meadow
14 Solar be performing some type of outreach to
15 local landowners in proximity to the project?

16 A. Yeah, we really focus on making sure that
17 members of the community in which Meadow Solar
18 will be located will have the opportunity to
19 subscribe, and that's both residential and
20 commercial customers are able to subscribe to
21 the project.

22 Q. What are the dimensions of the proposed panels
23 for this project?

24 A. They're approximately 6 feet by 3 feet.

1 Q. And do you know how many panels there will be
2 for this project?

3 A. This project would have on the order of about
4 15,000 panels, but the final number would be
5 determined in its final engineering and design.

6 Q. Sure. And how are the panels connected to one
7 another?

8 A. So the panels are installed on metal racking.
9 In this case, as Mr. Elliott described last
10 week, they're on a fixed-tilt system; meaning
11 that they are oriented in the most favorable
12 location to generate energy from the sun. And
13 then they are wired together and then to the
14 project's inverters.

15 Q. Will there be any communication lines utilized?

16 A. Yes, there will be communication lines that
17 will be utilized for ComEd purposes.

18 Q. And would those be buried underground?

19 A. The communication lines will either be buried
20 underground, if there's existing communication
21 infrastructure, or be on the existing utility
22 lines.

23 Q. And how many inverters are estimated to be used
24 for this project?

1 A. We estimate this project will require 40
2 inverters.

3 Q. And how many transformers are estimated?

4 A. Two.

5 Q. And Mr. Elliott indicated on the record in his
6 testimony that the project will likely be using
7 union labor. Will this be local union labor?

8 A. Yeah. This project committed to using
9 Illinois-based union labor for construction.

10 Q. How far is the ComEd transmission line to which
11 the project would connect?

12 A. So as Mr. Elliott indicated, one of the reasons
13 that this project location is favorable is that
14 there is a ComEd line that can accommodate the
15 project directly north across Cemetery Road; in
16 fact, on the same side as the premises of the
17 project.

18 So roughly 30 or 40 feet.

19 Q. And are you familiar with what's known as the
20 Agricultural Impact Mitigation Agreement?

21 A. Yes.

22 Q. And is that an agreement that is signed with
23 the Illinois Department of Agriculture?

24 A. Yes.

1 Q. And for this project specifically, is there an
2 executed AIMA?

3 A. No. The Agricultural Impact Mitigation
4 Agreement is typically signed as the project is
5 submitting building permits once we finalize
6 some of the design elements that are necessary
7 for the building permit.

8 To answer shortly, the AIMA has not been
9 executed for this project yet.

10 Q. And on behalf of the Applicant, Meadow Solar,
11 in this case do you commit to providing a copy
12 of that executed AIMA agreement to the Lee
13 County Zoning Office as soon as it's executed?

14 A. Yes, that is part of the process of executing
15 the agreement.

16 MS. KENNEDY: I don't have any further
17 questions, Judge. Thank you.

18 JUDGE SLAVIN: All right. How about you,
19 Mr. Boonstra?

20 STATE'S ATTORNEY BOONSTRA: No, sir.
21 Thank you.

22 JUDGE SLAVIN: Ms. Duffy?

23 MS. DUFFY: Nothing. Thank you.

24 JUDGE SLAVIN: Ms. Henkel?

1 MS. HENKEL: None. Thank you.

2 JUDGE SLAVIN: Board members.

3 Mr. Forster?

4 MR. FORSTER: Nothing at this time.

5 JUDGE SLAVIN: Mr. Buhrow?

6 MR. BUHROW: Yes.

7 EXAMINATION

8 BY MR. BUHROW:

9 Q. In reference to the ComEd power lines, what's
10 the power outage? In other words, certain solar
11 gardens can be, in different places, based on
12 what the ComEd lines are in that situation. Is
13 that a three-phase line or a 440, or what's the
14 situation on why it works in this situation?

15 A. So that is a three-phase line. And as
16 Mr. Elliott indicated, we have submitted an
17 interconnection application and we're moving
18 through that process. The preliminary
19 assessment -- our preliminary assessment is that
20 that will be a very favorable location for the
21 project.

22 MR. BUHROW: Okay. Thank you.

23 JUDGE SLAVIN: Mr. Pratt?

24 MR. PRATT: No questions.

1 JUDGE SLAVIN: Mr. Meyer?

2 EXAMINATION

3 BY MR. MEYER:

4 Q. On the subscriber being a customer of ComEd,
5 they have to both buy their electricity from
6 ComEd and be delivered by ComEd to be a
7 subscriber; is that right? Or can they be
8 buying from a third party and then still get the
9 subscription?

10 A. It is possible to, for instance, be an area
11 subscriber in some instances. The
12 recommendation we typically make is that our
13 customers for this type of project be ComEd
14 customers, but there are other situations in
15 which it is possible to be a subscriber on the
16 project.

17 The only requirement that I was referring
18 to earlier, from a territory perspective, is
19 that one must be in ComEd territory.

20 MR. MEYER: That's all. Thank you.

21 JUDGE SLAVIN: Mr. Schoenholz?

22 MR. SCHOENHOLZ: Nothing at this time.

23 JUDGE SLAVIN: Thank you.

24 I'm going to ask a couple questions here,

1 just for housekeeping.

2 EXAMINATION

3 BY JUDGE SLAVIN:

4 Q. Mr. Bushinsky, is that how you say it?

5 A. That's exactly right.

6 Q. What's your job title, as opposed to your
7 duties?

8 A. Partner.

9 Q. Just partner. Not "just," but. . .

10 A. Very simple. Yes, simply partner.

11 Q. So back to this stuff about benefitting if you
12 don't have full subscribers. So hypothetically
13 speaking, if you did not get enough subscribers
14 to use up -- I'm sure there's a better word for
15 it, but use all the electricity generated by
16 Meadow Solar, Trajectory Energy Partners or
17 Meadow Solar does not benefit from the excess
18 power produced?

19 A. So Meadow Solar enters into a contract. That
20 -- the contract is defined by the Illinois Power
21 Agency, and that contract provides the renewable
22 energy credits, which Mr. Elliott referred to
23 last week. We do not -- we do not receive
24 benefit under that agreement if we do not have a

1 subscriber for the power generated.

2 The idea is to encourage the acquisition
3 of subscribers to be able to provide the
4 benefits of solar savings to those subscribers.
5 And it's also useful to think about it as on an
6 ongoing basis. If, in a given quarter, the
7 project did not have a hundred percent
8 subscription, it would only be for that quarter
9 that it would not see the benefit and be able to
10 pass along the benefits of full generation. And
11 that's why, as I mentioned, because it's an
12 attractive offering, most of these projects do
13 have a wait list.

14 Q. So your financial benefit goes from selling the
15 tax credits then?

16 A. They're the renewable energy credits. So
17 essentially, the contract is that we sell the
18 energy, as well as its attributes as renewable
19 energy, and that's how we're able to provide
20 savings to the subscribers.

21 Q. Okay. Thank you.

22 You said the dimensions of the panels were
23 6 feet long, 3 feet wide. How thick?

24 A. They are -- let me refer to my cut sheet before

1 I tell you something.

2 Q. Sure.

3 A. They are approximately 1 inch thick.

4 Q. Thank you.

5 I know you said it, I just wasn't sure
6 exactly what you said. Did you say plus or
7 minus 15,000 panels? I just didn't quite
8 understand.

9 A. Yes.

10 Q. Okay.

11 A. And -- but I would put significant brackets
12 over that, for the following reasons --

13 Q. I understand, you said plus or minus.

14 A. Yeah.

15 Q. I just didn't know if you said 1500 or 15,000.
16 I just couldn't hear, that's all.

17 The lines that run from the panels to the
18 inverters to the transformers, are they on racks
19 under the panels, or do they go directly into
20 the ground and then run to the inverter and then
21 the transformer?

22 A. With the caveat that I am not an engineer,
23 the -- typically the lines between the various
24 rows of panels would be buried underground.

1 Q. Are those -- I was trying to think of the word
2 and it just dawned on me. Those are called
3 collection lines, right?

4 A. Yeah, and so they would be running from each of
5 these banks of panels ultimately to the
6 inverters and transformers.

7 Q. Okay. Thank you.

8 Again, I think it's just a communication
9 glitch, but first you said local union labor and
10 then you said Illinois union labor. Are you
11 making an effort to ensure that the union labor
12 comes from the greater Dixon area, the greater
13 Lee County area, the greater Northwest Illinois
14 area, or just the whole state?

15 A. So typically our commitment, and in this case,
16 is to Illinois-based union labor. Not because
17 we don't prioritize local union labor; we do,
18 but as you may be aware, there is quite a bit of
19 demand for the type of labor that is able to
20 construct these projects.

21 We do prioritize local union labor, but
22 the commitment that we're able to make here is
23 to use Illinois-based union labor, and we do
24 always try to work with local partners as

1 possible.

2 JUDGE SLAVIN: Okay. Thank you. I don't
3 have any other questions.

4 How about Interested Parties. Either of
5 the august Board members?

6 (No verbal response.)

7 JUDGE SLAVIN: Anybody else, questions of
8 this witness?

9 (No verbal response.)

10 JUDGE SLAVIN: Is there anybody new on
11 Zoom besides Mr. Bushinsky?

12 IT SPECIALIST: No.

13 JUDGE SLAVIN: Okay. Thank you very much.

14 THE WITNESS: Thank you.

15 JUDGE SLAVIN: You may continue.

16 MS. KENNEDY: Thank you. Judge, I would
17 like to call Mr. Duane Long to testify.

18 JUDGE SLAVIN: Mr. Long, do you want to
19 raise your right hand, please.

20 (Duane Long was duly sworn.)

21 JUDGE SLAVIN: Have a seat.

22 MS. KENNEDY: May I proceed?

23 JUDGE SLAVIN: Please.

24 DUANE LONG,

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

3 DIRECT EXAMINATION

4 BY MS. KENNEDY:

5 Q. Can you please state your name and spell it for
6 the record.

7 A. Duane Long, D-U-A-N-E, L-O-N-G.

8 Q. And, Mr. Long, you're currently the executive
9 director of the Dixon Park District; is that
10 correct?

11 A. That is correct.

12 Q. And can you tell me what the position entails?

13 A. A lot of work. So I'm in charge of the
14 \$2 million budget at the Park District, all
15 staff, 17 staff members total, 23 parks, and
16 over 1100 acres of parks to take care of and
17 grounds.

18 Q. And do you oversee the Dixon Park District's
19 initiatives or goals?

20 A. Yes, absolutely.

21 Q. And are you familiar with the proposed Meadow
22 Solar Project --

23 A. Yes.

24 Q. -- here in Lee County, Illinois?

1 And are you familiar with Trajectory
2 Energy Partners?

3 A. Yes.

4 Q. And how so?

5 A. We vetted five different companies to see if we
6 could find a good partner for this project, and
7 we come down to a decision to go with this
8 company.

9 Q. And where specifically is this proposed project
10 to be located?

11 A. In the Meadows property, we own 600 acres of
12 property out there. So this would be on 24
13 acres of the 600 acres.

14 Q. So you mentioned vetting five different
15 companies, but why Meadow Solar?

16 A. First of all, relationship. The relationship
17 that we developed with Jon himself. He was very
18 willing to work with us. He is very educated,
19 and he educated us in the process. And also the
20 lease agreement was one of the higher lease
21 agreements among the five.

22 Q. So you mentioned an individual named Jon.
23 Would that be Jon Carson?

24 A. Correct.

1 Q. And who is he from Meadow Solar, LLC?

2 A. He's the owner.

3 Q. And so in your opinion, this project is brought
4 in partnership with Meadow Solar, LLC, the
5 Applicant in this case; is that correct?

6 A. Yes.

7 Q. And could you tell us a little bit more about
8 this partnership?

9 A. Yes. So the partnership became that the Park
10 District was looking for extra income and trying
11 to help out the community also with their own
12 electric bills. So we came up with this. And
13 we don't want to raise taxes, so this is
14 thinking out of the box, as a Park District, to
15 utilize the land that we have. It is currently
16 being used to farm, and we want to make more
17 income off of it so we can keep our rates low
18 for the use of the town.

19 Q. So in your opinion, would this provide some
20 benefit to the Dixon Park District?

21 A. Absolutely, several benefits, and also to the
22 community, and the Park District itself will
23 receive a 10 or 15 percent decrease in our
24 electricity bill, which we spend about \$24,000 a

1 year on electricity alone, and that's without
2 the new facility we just built.

3 Q. What community outreach, if any, has the Park
4 District undertaken in furtherance of this
5 project?

6 A. So we attended the meeting that Jon had at the
7 shelter. Our marketing director has been on
8 social media drumming up education for this, and
9 also we are going to be doing some signs around
10 the solar array to educate people as they walk
11 by. And we have partnered up, which we are
12 going to create to help market the whole
13 community solar thing. So it's partially the
14 Park District's responsibility to market, and
15 that's part of our agreement.

16 Q. So the meeting that you referenced, would that
17 be the community meeting that was held?

18 A. That is correct, yes.

19 Q. And have you had any communications with the
20 City of Dixon regarding this project?

21 A. Yes, I have had thorough communication with
22 them.

23 Q. And it's my understanding that the City of
24 Dixon has not undertaken any official action

1 with respect to this project, but what was the
2 -- you know, the outcome of your discussions
3 with the City?

4 A. So I met with the City early on in the process,
5 and since the City has never done a solar, you
6 know, zoning process, they recommended that we
7 do go through the zoning process here. They
8 were very aware of the project from the very
9 beginning, we presented that to them very early,
10 and they fully supported it at that point in
11 time.

12 MS. KENNEDY: I have nothing further.

13 JUDGE SLAVIN: Okay. Let's go around the
14 horn again.

15 Mr. Boonstra?

16 STATE'S ATTORNEY BOONSTRA: No, sir.

17 Thank you.

18 JUDGE SLAVIN: Ms. Duffy?

19 MS. DUFFY: Nothing.

20 JUDGE SLAVIN: Ms. Henkel?

21 MS. HENKEL: None. Thank you.

22 JUDGE SLAVIN: Mr. Forster?

23 MR. FORSTER: No questions.

24 JUDGE SLAVIN: Mr. Buhrow?

1 MR. BUHROW: Yes.

2 EXAMINATION

3 BY MR. BUHROW:

4 Q. Mr. Long, what's all the aspects then that the
5 Park District will be getting? They'll get
6 credit for electricity, income -- or some
7 reduced fees, and then is there a lease payment
8 on top of that then?

9 A. Yes, there is. So the lease payment is \$1500
10 an acre, on a 3 percent increase every year, and
11 also a donation of \$150,000 once the project is
12 totally up and running. And that \$150,000
13 donation can be incremented by the year or all
14 at once, whatever the Park District chooses at
15 that time.

16 Q. How long is the lease agreement stated for?

17 A. I'll have to refer to Courtney on that. I
18 believe it's 25 years.

19 Q. Okay.

20 A. With the option -- there's options after that,
21 yes.

22 MR. BUHROW: Okay. Thank you.

23 JUDGE SLAVIN: Mr. Pratt?

24 EXAMINATION

1 BY MR. PRATT:

2 Q. So how was the decision made to sign this
3 lease?

4 A. So the decision was made by our Board. Our
5 Board voted on it, with a recommendation from
6 me. And we looked at all of the other contracts
7 at the Board meeting in executive session, and
8 then we came out of executive session and
9 decided to go with this company.

10 Q. So your Board took a vote to sign with this
11 company?

12 A. They actually signed the agreement. My
13 president actually signed the agreement, not me,
14 yes.

15 Q. So the City doesn't have any input in the
16 decision?

17 A. No. It's the Park District, and the Park
18 District property. We're a separate tax base.

19 MR. PRATT: Okay. No further questions.

20 JUDGE SLAVIN: Mr. Meyer?

21 EXAMINATION

22 BY MR. MEYER:

23 Q. Is the project in the City limits?

24 A. It is not.

1 MR. MEYER: No other questions.

2 JUDGE SLAVIN: Mr. Schoenholz?

3 MR. SCHOENHOLZ: No questions.

4 JUDGE SLAVIN: Okay. How about Interested
5 Parties? Just raise your hand and I'll call on
6 you.

7 (No verbal response.)

8 JUDGE SLAVIN: Anybody yet on Zoom,
9 Jonathan?

10 IT SPECIALIST: No, sir.

11 JUDGE SLAVIN: All right. You may step
12 down. Thank you.

13 THE WITNESS: Thank you, sir. Appreciate
14 your time.

15 JUDGE SLAVIN: Appreciate your time.
16 Off the record.

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

19 MS. KENNEDY: I have no further witnesses,
20 Judge.

21 JUDGE SLAVIN: All right. That concludes
22 the Petitioner's evidence.

23 How about your desire to produce any
24 evidence, Mrs. Duffy?

1 MS. DUFFY: I don't.

2 JUDGE SLAVIN: Does Ms. Henkel?

3 MS. HENKEL: The only thing we have to
4 admit is the Lee County Soil and Water
5 Conservation District's Natural Resources
6 Information Report.

7 JUDGE SLAVIN: Thank you.

8 MS. HENKEL: Dated August 22nd, 2022.

9 JUDGE SLAVIN: Any objection, Ms. Kennedy?

10 MS. KENNEDY: None.

11 JUDGE SLAVIN: We'll call that ZO 1 -- A.
12 We'll make it different. ZO A.

13 (ZO Exhibit A marked for
14 identification.)

15 JUDGE SLAVIN: All right. Anything else,
16 Ms. Henkel?

17 MS. HENKEL: Nothing further.

18 JUDGE SLAVIN: Okay. Interested Parties,
19 does anyone want to present either their own
20 testimony or the testimony of a witness that you
21 have? Show me by a raise of the hand.

22 (No verbal response.)

23 JUDGE SLAVIN: Okay. Anybody yet on Zoom?

24 IT SPECIALIST: No, sir.

1 JUDGE SLAVIN: Okay. Well, that's easy.
2 That concludes the production of evidence.

3 The next stage would be any closing
4 comments, closing arguments, closing statements,
5 call it what you will.

6 Ms. Kennedy, do you want to break to
7 gather or are you ready?

8 MS. KENNEDY: I'm ready, Judge, but. . .

9 JUDGE SLAVIN: Go ahead.

10 MS. KENNEDY: Thank you.

11 First and foremost, I want to thank
12 everyone for tuning into this hearing and
13 bearing with us during this process.

14 Turning your attention to the requirements
15 under the Lee County Zoning Ordinance for the
16 issuance of a Special Use Permit. Under
17 Title 10, it sets forth certain factors that the
18 ZBA has to consider in determining whether or
19 not to recommend the issuance of a Special Use
20 Permit, and I'd like to go through each one of
21 those factors and discuss the evidence and
22 testimony presented.

23 The first one is the effect of such
24 proposed Special Use upon the character of the

1 neighborhood. Here there was testimony from
2 Mr. Elliott that the solar project fits in with
3 the agricultural use of the property according
4 to the Ordinance. He did specifically touch on
5 that the project will take the land out of row
6 crop production but will not take it out of
7 agricultural production.

8 He testified to the many benefits of the
9 project, the fact that adjacent landowners and
10 those situated in close proximity to the project
11 stand to benefit from their utility savings if
12 they become subscribers to the project, the rent
13 payments to the Dixon Park District, as Mr. Long
14 testified to, and the increased real estate
15 taxes.

16 Again, noting that this would be a
17 temporary use, the project will be removed and
18 decommissioned consistent with the Ordinance
19 governing solar energy systems.

20 The second factor is the effect on
21 surrounding properties. Mr. Elliott testified
22 that there will not be any loud noise or
23 vibrations once the project is operational.
24 There may be some noise and vibrations during

1 the construction process, but this would be
2 temporary. The project will not generate any
3 odor or shadow flicker. There will be no
4 hazardous materials affecting neighboring
5 properties. There is not any electromagnetic
6 radiation expected for this project, no glare.

7 Mr. Elliott submitted the report
8 commissioned by CohnReznick regarding land
9 values, which opined that there would be no
10 negative impact to surrounding land values.

11 Mr. Elliott also testified to the
12 ancillary benefits to the local economy, the
13 fact that union labor would be utilized,
14 bringing people to the area; that many
15 businesses, restaurants, hotels would benefit
16 during this process -- or during the
17 construction process, excuse me.

18 The third factor is impact to traffic
19 conditions. Again, Mr. Elliott spoke to this
20 factor and said that there may be some traffic
21 expected during the construction period;
22 however, this would be temporary and what he
23 considered to be minimal. Once the project is
24 operational, less traffic is actually expected,

1 again, once, the project is operational.

2 The fourth factor relates to public
3 utility facilities. Here there's no new
4 infrastructure that would be required for this
5 project.

6 The fifth factor is environmental
7 concerns. Here Mr. Elliott testified to the
8 EcoCAT consultation that was initiated and
9 terminated, as there was no threatened or
10 endangered species in the leasehold area.
11 Again, the consultation requirement that's
12 included in the State statute is considered to
13 be terminated by the Department of Natural
14 Resources.

15 The sixth factor is the compliance with
16 the rules, regulations and standards set forth
17 in the Ordinance. Here you heard from
18 Mr. Elliott that the Applicant intends to comply
19 with all local State and federal requirements,
20 as well as industry best practices.

21 You further heard from Mr. Elliott that
22 the project meets the requirements set forth in
23 the Ordinance governing solar energy systems.

24 The seventh factor is other matters

1 pertaining to the public health, safety or
2 general welfare. Under this factor, we believe
3 that the community, as a whole, stands to
4 benefit from the siting of this community solar
5 project. You have heard as to how the
6 subscription works, that those in close
7 proximity stand to benefit.

8 You also heard from Mr. Long as to the
9 various benefits that the Park District itself
10 will reap from the siting of this project.

11 So to this end, I believe there's been
12 ample testimony and undisputed evidence
13 presented from the Applicant that the Applicant
14 meets all seven factors required for the
15 issuance of a Special Use Permit. Therefore,
16 it's my hope that the ZBA would recommend this
17 Special Use Permit to the Lee County Board.

18 Turning your attention to the Variance
19 request contained within the application -- or
20 excuse me, the petition. Under the Lee County
21 Ordinance, where a property owner shows that a
22 strict application of the terms of the title
23 impose a practical difficulty or particular
24 hardship, then the Zoning Board of Appeals may

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1 make a Variation if that Variation is deemed to
2 be in harmony with the general purpose and
3 intent of the Ordinance when the Zoning Board of
4 Appeals is satisfied that the Variation will not
5 merely serve as a convenience to the Applicant
6 but is necessary to alleviate some demonstrable
7 hardship so great as to warrant said Variation.

8 There are two Variation requests that you
9 have heard about contained within the petition.
10 The first relates to the screening requirement.
11 You have heard testimony regarding the unique
12 size and shape of the project parcel and the
13 topography and natural landscaping. You have
14 been provided with a site plan showing the
15 existing screening that is currently in place,
16 and Mr. Elliott further testified as to what the
17 Applicant is willing to provide as far as
18 screening options.

19 Under a strict reading of the Ordinance,
20 the Applicant would be required to screen around
21 the entire project parcel. It's ambiguous, I
22 would argue, at best. So we included this
23 Variance request in here to request that the
24 Applicant only be required to screen around the

1 actual leasehold area, rather than that project
2 parcel.

3 We believe that there has been ample
4 evidence showing that the -- to require the
5 Applicant to screen around the entire project
6 parcel is unnecessary due to the topography,
7 current screening and river, would be unduly
8 burdensome and costly to the Applicant, and that
9 the strict application would frustrate the
10 overall purpose and intent of the Ordinance,
11 which is to shield those situated similar to the
12 actual sited solar project.

13 So we would request that the Applicant be
14 granted a Variance screening around the actual
15 leasehold area rather than that project parcel.

16 The second Variance request relates to the
17 setback with the Jack Mabley Development Center.
18 Under the strict reading of the Ordinance, it
19 allows for a Variance for a setback but only if
20 the adjacent landowner signs a waiver to that
21 effect.

22 You have heard specifically from
23 Mr. Elliott regarding the communications with
24 the Jack Mabley Development Center, especially

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1 with the local folks, and they have given all
2 indication that they have no issue with that
3 setback request. However, the actual State of
4 Illinois has to sign that waiver, which is going
5 to take some time.

6 You have heard from Mr. Elliott that we're
7 willing to condition that setback Variance on
8 obtaining a waiver from the State of Illinois.

9 We believe this request to be in harmony
10 with this provision, as the Ordinance strictly
11 reads that a setback Variance can be granted if
12 a waiver is obtained.

13 We believe both Variance requests to be
14 reasonable and in harmony with the general
15 purpose and intent of the Ordinance governing
16 solar energy systems. We believe that these
17 requests are not mere inconveniences to the
18 Applicant but rather present actual and
19 practical difficulties that warrant such
20 Variations.

21 In conclusion, we request that the ZBA
22 recommend both Variances to the Lee County
23 Board. Thank you.

24 JUDGE SLAVIN: Thank you.

1 All right. Any Interested Parties want to
2 give a closing statement, closing -- yes, sir.

3 MR. SAUNDERS: Can I do it right here?

4 JUDGE SLAVIN: If Callie can hear you,
5 that's fine. But you're going to have to use
6 the microphone and you're going to have to, as
7 we have all learned, practically swallow it.

8 MR. SAUNDERS: I can just come up here.

9 JUDGE SLAVIN: You need a mic. She needs
10 to be able to hear you.

11 MR. SAUNDERS: I'll just do it here.

12 JUDGE SLAVIN: It won't pick up on Zoom.

13 MR. FORSTER: And you have to pull it
14 right into you.

15 JUDGE SLAVIN: I'll help you get started.
16 State your name.

17 MR. SAUNDERS: Is that clear?

18 JUDGE SLAVIN: And would you spell your
19 last name.

20 MR. SAUNDERS: It's Len Saunders,
21 S-A-U-N-D-E-R-S, and I'm a representative with
22 the Mid-America Carpenters Regional Council.

23 And I just wanted to say --

24 JUDGE SLAVIN: Just a minute. Hold on.

1 MR. SAUNDERS: Sorry.

2 JUDGE SLAVIN: I went to sleep. So would
3 you spell your name again, please.

4 MR. SAUNDERS: S-A-U- --

5 JUDGE SLAVIN: S-A-U.

6 MR. SAUNDERS: -- N-D-E-R-S.

7 JUDGE SLAVIN: And first name?

8 MR. SAUNDERS: Len, L-E-N.

9 JUDGE SLAVIN: Okay. And do you live in
10 Dixon Township?

11 MR. SAUNDERS: I do not.

12 JUDGE SLAVIN: Do you work in Dixon
13 Township?

14 MR. SAUNDERS: Yes.

15 JUDGE SLAVIN: Do you -- okay. Thank you.
16 Go ahead.

17 MR. SAUNDERS: And I represent 300-plus
18 UBC members that live in Lee County. So on
19 their behalf and other carpenters within the
20 several counties around here, we do support this
21 project.

22 As Trajectory has stated, you know,
23 they're committed to using Illinois union labor,
24 which I have already talked to Jon Carson and I

1 know he will be relying on us locally to supply
2 people to work on that project. So that's not
3 an issue.

4 I was also at the public meeting when this
5 first came out up at the park --

6 JUDGE SLAVIN: Well, now you're
7 testifying. You can't -- you can only argue
8 from the evidence presented.

9 MR. SAUNDERS: Okay. We support this
10 project.

11 JUDGE SLAVIN: Fine. Got it.

12 What was your position with the UBC?

13 MR. SAUNDERS: I'm a representative.

14 JUDGE SLAVIN: Okay. Thank you very much.

15 All right. Any other Interested Parties?

16 (No verbal response.)

17 JUDGE SLAVIN: All right. Anybody still
18 -- any extras on Zoom?

19 IT SPECIALIST: Nope.

20 JUDGE SLAVIN: Okay. Well, that closes
21 the hearing of all the evidentiary and argument
22 portion of the hearing altogether.

23 The next step, as we know, is factfinding
24 and recommendation by the ZBA. And I actually

1 remembered that we need to address some dates.
2 Never fear, I have no -- really had not much of
3 a desire to do Friday. I thought I'd hear more
4 squealing than I did, but I didn't. I need
5 time, as you know, to put together, based on the
6 evidence we have heard, some motions that you
7 may or may not consider. In order to give me
8 that time, I am looking at -- and we might be
9 able to do this in one night. I wouldn't -- I'm
10 not going to sit here and tell you that I know
11 we could, but we might. But let's pick two
12 dates.

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

16 JUDGE SLAVIN: Okay. So I can now say
17 that we will continue the next session -- take a
18 recess of this session until 7 o'clock on
19 Wednesday (sic), September 13th.

20 COURT REPORTER: It's Tuesday.

21 JUDGE SLAVIN: It's Tuesday. Callie's
22 right, it's Tuesday, September 13th, here at the
23 Old -- the Third Floor of the Old Lee County
24 Courthouse. See you then.

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(The hearing was recessed at
7:47 p.m.)

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Now on this 7th day of September, A.D.,
2022, I do signify that the foregoing testimony
was given before the Lee County Zoning Board of
Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Administrator

Callie S. Bodmer

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