

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 1st day
of September, A.D., 2022,
before the Lee County
Zoning Board of Appeals

Present:

Glen Hughes
Rex Meyer
Mike Pratt
Craig Buhrow (via Zoom)
Garrett Schoenholz
Bruce Forster, Chairman

Dee Duffy, Zoning Administrator
Alice Henkel, Alternative Energy Coordinator

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APPEARANCES:

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1 MR. FORSTER: Moving on to New Business,
2 Petition Number 22-P-1595, Petitioner, Meadow
3 Solar, LLC, Permit Parcel Number
4 0702-28-200-004, Dixon Township, requesting a
5 Special Use for the construction of a solar
6 energy system.

7 And with that, we will now convene that
8 public hearing as to the Meadow Solar petition,
9 Special Use.

10 First, however, under our Rules, this body
11 is permitted to engage the services of an
12 independently-contracted facilitator to conduct
13 these proceedings. I will now entertain a
14 motion to engage retired Judge Tim Slavin as the
15 facilitator for the evidentiary, argument and
16 fact-finding phases of this hearing.

17 MR. HUGHES: So moved.

18 MR. PRATT: Second.

19 MR. FORSTER: We have a motion. Do we
20 have a second?

21 MR. PRATT: Second.

22 MR. FORSTER: A motion and a second. All
23 in favor say aye.

24 (All those simultaneously

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responded.)

MR. FORSTER: All opposed.

(No verbal response.)

MR. FORSTER: Now I will turn the hearing over to the Facilitator, Judge Slavin.

JUDGE SLAVIN: Well, thank you very much, Mr. Chairman.

And members of the ZBA, it's wonderful to see all of you again.

And to those of you here in the courtroom and perhaps on Zoom, welcome and good evening.

I hope everyone's healthy and remaining safe. My name is Tim Slavin. I'm a retired circuit judge engaged now -- now engaged as an independent contractor to what is called facilitate this hearing. I have no adjudicatory responsibilities. I am not for or against any particular position. I am neutral. I am here, however, hopefully to add some process, organization, efficiency and flow to these proceedings.

This in, indeed, Meadow Solar, LLC's, petition, Lee County Number 22-P-1595, for a Special Use Permit to develop a proposed solar

1 energy system -- the acronym that we use is
2 SES -- in Dixon Township here in Lee County.

3 As shown by certificates of publication,
4 notice of this hearing was published in the
5 Dixon Telegraph on August 9th, 2022. The same
6 notices were -- the same statutory-required
7 notices were sent by United States First Class
8 Post to owners whose property would adjoin the
9 proposed project boundary.

10 First of all, hoping you all understand, a
11 portion of what remains of tonight's Zoning
12 Board of Appeals session will probably be taken
13 up by organizational matters as we set some
14 ground rules and do some preliminary scheduling.

15 Initially, as opposed to some of the
16 previous hearings over the last couple years,
17 there are no longer any mandated COVID-related
18 masking or social distancing requirements. That
19 does not, however, mean any of us should not be
20 sensitive to possible risks to and fears of our
21 friends, neighbors and fellow attendees. As
22 such, I simply encourage all to wear a mask,
23 maintain social distancing when practical, and
24 certainly be respectful of others' desires to do

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1 so.

2 I hope this all feels -- makes everyone
3 feel comfortable. If not, one can also
4 participate from your home, business or other
5 remote location on the Zoom videoconferencing
6 platform, or, while not being able to
7 participate, one can also watch and listen on
8 YouTube.

9 The Zoom meeting ID is, and will remain
10 throughout this hearing, 915-3923-9154, and the
11 password is 209840. That meeting and ID
12 password will remain the same throughout the
13 hearing.

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

20 Further, in an attempt to be as
21 transparent and inclusive as possible, we are
22 also streaming this proceeding on YouTube.
23 However, YouTube is not an interactive platform.
24 On it one can only watch and hear what is being

1 done and said during the hearing but cannot
2 participate.

3 As to YouTube, on your computer or cell
4 phone, use your browser, go to www.youtube.com.
5 In the search bar, type "Lee County IL," I-L,
6 for Illinois, "Zoning Board of Appeals."

7 There's no need to be concerned with upper- or
8 lowercase letters. This should bring up a list
9 of Lee County Zoning Board of Appeals YouTubes.
10 Input or select the date, presumably, if you
11 want to watch tonight, September 1st, 2022, and
12 whala, you should be seeing us and hearing us
13 here in the hearing room.

14 In case you are not a techno geek, for
15 instance with any of these things, you may call
16 Ms. Duffy's hotline, 815.973.3449.

17 Okay. Now for a bit more substance.
18 There are two general groups of attendees as
19 this Zoning Board of Appeals hearing moves
20 forward. One bunch are referred to as
21 necessaries. These are people who must, as a
22 practical matter, attend this hearing in person.
23 They consist of your hardworking, practically-
24 volunteer Zoning Board of Appeals members;

1 Ms. Duffy, your County's outstanding Zoning
2 Officer; her Alternative Energy Coordinator,
3 known as AEC, Alice Henkel; Petitioner's
4 attorney, Courtney Kennedy; your adroit State's
5 Attorney, Charley Boonstra; and at any given
6 time, of course, a witness; myself; and,
7 finally, but hardly least, our hardworking and
8 skilled court reporter, Callie.

9 The other group of folks I will call
10 Interested Parties. These are those of you
11 folks who are either with us in the building or
12 more remotely on Zoom or YouTube because you
13 simply want to observe your County government at
14 work or, beyond that, you have some particular
15 interest in these proceedings.

16 The next process I will try to explain is
17 the process for these Interested Parties to
18 participate. I emphasize, please, please,
19 everyone will have an opportunity, for
20 everyone's benefit, and I want the opportunity
21 to participate -- and I want everyone to have
22 the opportunity to participate in a manner that
23 is orderly and as efficient as possible.
24 However, because of the necessary electronic

1 filtering, my usual process becomes even more
2 central, and I will try to flesh out more of
3 this further in my presentation.

4 There are many possible reasons for an
5 Interested Party to appear this evening and
6 during subsequent sessions, whether in person or
7 remotely:

8 You could be a member of the public who is
9 joining us simply as a citizen and spectator;

10 You could be a member of the public who
11 wants to be heard. This does not necessarily
12 mean someone who is absolutely for or absolutely
13 against the requested Special Use, but someone
14 who wants to participate. If you are such a
15 person, you will fall into any one or more of
16 three subcategories:

17 One, you want to give testimony. This
18 means you desire, under oath, to have you or a
19 witness of your calling to testify to facts
20 relevant to the Board's eventual decision. Such
21 is not the time to describe your feelings or
22 announce your opinion, but to aver facts, and
23 you are subject to cross-examination. Everyone
24 so wishing to testify will be given one

1 opportunity to do so.

2 Two, you could be here because you want to
3 cross-examine witnesses. But, please, please,
4 that is just the time for questions of a
5 particular witness, not to argue with him or
6 her. Everyone wishing to cross-examine will be
7 given one opportunity to cross-examine each and
8 every witness.

9 The third reason you may appear is because
10 you want to make a closing statement or a public
11 comment. That is your opportunity to give a
12 speech, to tell the Board how you feel or give
13 them your opinion based on the facts adduced
14 during the whole hearing process as to what
15 their decision should be.

16 During this closing statement or speech
17 stage, one can -- a person cannot allege new
18 facts. When you think about it, the reason for
19 that is very simple: the two most important
20 parts of adducing the truth or facts of matters
21 at a hearing are missing in the closing
22 statement stage because a person is not under
23 oath, nor is one subject to cross-examination.
24 Everyone so wishing to give a closing statement

1 will be given one opportunity to do so.

2 For those of us joining -- for those of
3 you joining us on Zoom this evening or in the
4 future, that interactive software allows an
5 Interested Party to indicate a desire, when the
6 time comes, to ask questions, to present one's
7 own witness, to testify oneself or to give a
8 closing argument or closing statement.

9 So when I indicate that the time has come
10 to begin one of those Interested Party stages, I
11 would ask for participation from the Zoomers.
12 If one is videoconferencing, meaning you have
13 got -- you cannot only hear us but see us as
14 well, simply click on the icon at the bottom
15 center of the Zoom screen. That icon is labeled
16 "Participants." Some options will appear.
17 Click "Raise Hand." We then should see your
18 raised hand here on our end.

19 If one is remotely teleconferencing, in
20 other words, just using your phone and not
21 video, while remaining connected you should hit
22 the star, or asterisk symbol, and then the Roman
23 numeral nine on your phone -- I said Roman
24 numeral -- Arabic numeral nine on your phone.

1 You should also then see "Raise hand" under that
2 option as well. However, I won't be able to
3 call on folks on a first-raised, first-come
4 basis because I can't see the screen. So
5 calling on raised hands will probably be by
6 random, referring to people by name, email
7 address or even the last four digits of their
8 phone number that does appear on the display.

9 Also, written communications sent in
10 advance of this hearing are subject to Board
11 Rule Article 5, Section 12, that eight copies be
12 provided in advance. Any communications
13 received that do not comply with this
14 requirement may not be considered by the Board.

15 I will now review the chronological
16 progress of the hearing. I know this narration
17 is really boring and tedious, but, please,
18 reciting it is for everyone, to help you feel
19 comfortable and not worry that you will not have
20 a fair and complete opportunity to participate,
21 but, at the same time, to alert you when three
22 distinct opportunity forms of participation will
23 present.

24 The Applicant, Meadow Solar, LLC, has the

1 burden of initially going forward. Accordingly,
2 its agent or attorney may first make opening
3 remarks.

4 Then the Applicant presents its evidence,
5 one witness or a document at a time. I will
6 place each witness under oath or affirmation.
7 After each Applicant witness, the State's
8 Attorney, the Zoning Officer, the Alternative
9 Energy Coordinator, members of the ZBA first,
10 and then Interested Parties, both onsite and
11 remote, have the opportunity to cross-examine.
12 But, please, please, that is time for questions
13 only, just questions directed to the witness
14 testifying.

15 After the Applicant's evidence, the Zoning
16 Officer has the opportunity to present witnesses
17 and documents. I will place any of her
18 witnesses under oath or affirmation. After the
19 direct examination of any Zoning Officer
20 witness, first the Petitioner, then the State's
21 Attorney, then members of the ZBA, and then
22 Interested Parties, both onsite and remote, have
23 the opportunity to cross-examine. And once
24 again, please, that is just the time for

1 questions directed to the witness testifying.

2 After the Applicant and Zoning Officer
3 have presented their respective evidence, then
4 Interested Parties may present their evidence,
5 one witness, including themselves, or document
6 at a time. I will place each such witness or
7 Interested Party under oath or affirmation.
8 After each Interested Party testifies, the
9 Applicant, the State's Attorney, the Zoning
10 Officer, members of the ZBA, the Alternative
11 Energy Coordinator, and other Interested Parties
12 have the opportunity to cross-examine.

13 Then the Applicant does have the
14 opportunity to offer rebuttal witnesses or
15 documents, one at a time, and we will go through
16 the same process and around the horn again.

17 If, however, the Applicant does not
18 present any rebuttal evidence, then the
19 evidentiary part of the hearing will be
20 concluded.

21 Finally, the Applicant is given the
22 initial opportunity for closing remarks, and
23 then any Interested Parties will also be given
24 the same opportunity for closing statements,

1 public comments or speeches, whichever term you
2 prefer.

3 Please understand, all of this is simply a
4 process designed to give all a chance to be
5 heard but in a thorough, orderly fashion.

6 There are some minor sub-rules, after
7 which I promise I will be finished boring you
8 any further. Each session of the ZBA has a time
9 limit under their Rules of two and a half hours.
10 However, we certainly don't want to cut off
11 anyone right in the middle of something. So I
12 will certainly make a reasonable effort to let
13 someone finish a particular stage when the time
14 limit has been reached; or, if there's very
15 little time remaining at the end of a stage, I
16 may simply continue the session rather than
17 starting on another stage. I also have, for
18 everyone's benefit, including ours, the
19 discretion to call for short recesses throughout
20 the hearing process.

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

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

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

11 I do please ask for civility and decorum.
12 This is certainly a public forum, but please be
13 respectful of all who consider it important
14 enough to be here. I ask to refrain from
15 displays of approval or disapproval. And
16 nowadays, as with all public gatherings, I
17 request you either turn your cell phone off or
18 at least put it on silent.

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

1 recommendations, are based on the sworn
2 testimony, submitted exhibits and statements
3 they receive during the hearing process. These
4 gentlemen are your friends, they're your
5 neighbors, they're your fellow citizens of Lee
6 County. So please appreciate and respect their
7 role as we move through the days ahead. I ask
8 you not to put them in a compromised position by
9 lobbying them or having extra-hearing
10 conversations or correspondence until the entire
11 hearing, including their decision, has been
12 completed.

13 In fact, they have been instructed to
14 avoid the appearance of impropriety by politely
15 telling an Interested Party something like, I am
16 sorry, but I am not allowed to discuss the
17 matter until the ZBA's work of finding of facts
18 and making recommendations is completed.

19 Thank you all for your kind understanding
20 in all of these regards.

21 All right. Now to some of the scheduling
22 stuff. First, I note -- I like to keep a record
23 of the appearance of folks -- the presence, as
24 we have already indicated of ZBA Members

1 Forster, Hughes, Pratt, Meyer. Ms. Duffy is
2 here; Ms. Henkel, the Alternative Energy
3 Coordinator, is here; the State's Attorney,
4 Charley Boonstra, is here; Courtney Kennedy is
5 present in the courtroom, representing her
6 client, Meadow Solar, LLC; along with three of
7 Petitioner's reps; Lee County IT specialist,
8 Jonathan, is present, helping us with all the
9 electronic stuff; the court reporter is present;
10 of course I'm present. That makes 14
11 necessaries in person.

12 I believe I see two Interested Parties in
13 the courtroom, and there are two on Zoom.

14 All right. ZBA members and Ms. Henkel and
15 Ms. Duffy and Ms. Kennedy --

16 MR. HUGHES: Your Honor.

17 JUDGE SLAVIN: Yes.

18 MR. HUGHES: Actually there's three up on
19 Zoom, and one of those I believe is Mr. Buhrow.
20 The phone, I believe, is Mr. Buhrow.

21 JUDGE SLAVIN: All right. Thank you.
22 See, I can't see the screen, but thanks.

23 MR. HUGHES: No, I understand.

24 JUDGE SLAVIN: Okay. Mr. Buhrow is

1 present. So that makes 20, altogether,
2 attendees, including Mr. Buhrow.

3 All right. So, everybody, get out your
4 calendars because you know what's next.

5 (A discussion regarding
6 scheduling was held off the
7 record.)

8 JUDGE SLAVIN: Okay. So, and I always try
9 to phrase it this way, and I hope everybody
10 understands what I mean, these are available
11 dates. They are not necessarily the dates we
12 are going to continue things to, because we
13 don't know how fast we're going to be going and
14 so forth. So the available dates are
15 September 7th, 8th, 9th and 12th.

16 Okay. With that having been covered, I
17 think I will turn to you, Ms. Kennedy, and say,
18 You may proceed.

19 MS. KENNEDY: Thank you, Judge.

20 MS. HENKEL: Mr. Schoenholz, our
21 alternative member, has joined the Board.

22 JUDGE SLAVIN: Oh, he was sitting right in
23 front me.

24 MS. HENKEL: He was sitting in the back

1 and he's moved up front.

2 JUDGE SLAVIN: Well, welcome. Pleasure to
3 meet you.

4 MR. SCHOENHOLZ: Thank you. Nice to meet
5 you.

6 JUDGE SLAVIN: How about you on these
7 dates?

8 (A discussion regarding
9 scheduling was held off the
10 record.)

11 JUDGE SLAVIN: All right.

12 MS. KENNEDY: Thank you, Judge.

13 For those of you who are new or
14 participating virtually by Zoom, my name is
15 Courtney Kennedy, and I serve as local Counsel
16 for the Applicant in this case, Meadow Solar,
17 LLC.

18 As Judge noted, the Applicant has filed a
19 second amended petition for a Special Use Permit
20 and Variance request with the Lee County Zoning
21 Office, asking that it be approved to construct,
22 maintain and operate a 5-megawatt (AC) solar
23 farm on approximately 24 acres of land situated
24 in Dixon Township here in Lee County, Illinois.

1 This project is not a utility-scale
2 project, but rather is a community solar
3 project. So for me, that invites the question,
4 what is a community solar project? Community
5 solar allows residences, small businesses,
6 organizations, municipalities and others to
7 receive credit on their electricity bills for
8 the power produced from their portion of a solar
9 array, offsetting their electricity costs. They
10 are usually 5 megawatts or less of electrical
11 capacity and allow for equal access to the
12 economic and environmental benefits of solar
13 energy generation.

14 This project is brought specifically in
15 partnership with the Dixon Park District at the
16 Meadows Park and would provide various utility
17 bill savings to families and organizations in
18 this area so that those near the project would
19 receive a benefit of being in proximity to the
20 site. In addition, the project would generate
21 rent payments to the Dixon Park District,
22 increased property taxes to the County, which
23 would flow to the Dixon School District, among
24 other entities, and utility bill savings

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1 directly to the Park District.

2 Throughout the course of this hearing,
3 you'll hear from Dustin Elliott, director of
4 legal and corporate affairs and co-developer for
5 this project. Mr. Elliott will provide you with
6 an overview of the project site, the project's
7 adherence to the Lee County Ordinance regulating
8 solar energy systems, the community outreach
9 that Meadow Solar has performed in furtherance
10 of this project, and the Variance requests
11 contained within the second amended petition.

12 You will also hear from Lucas Pauley from
13 the Dixon Park District, who will testify
14 regarding the partnership between the Park
15 District and Meadow Solar, LLC.

16 With respect to its Variance request,
17 Meadow Solar has requested two Variances. The
18 first one relates to the screening requirements
19 as set forth in Section D(1)(k) of the Solar
20 Ordinance.

21 As you will see, the solar project will be
22 located on a uniquely-shaped parcel of land that
23 is comprised of approximately 609 acres. The
24 Solar Ordinance, as written, requires the

1 Applicant to provide a visual screen or, in the
2 alternative, a one-time payment, to any
3 nonparticipating dwellings adjacent to the solar
4 energy system. Because of the size of the
5 proposed project site and the shape of the
6 project parcel, Meadow Solar respectfully
7 requests to provide screening options around the
8 24-acre project site. Through Mr. Elliott's
9 testimony, he will outline the plans for this
10 vegetative screening requirement.

11 To require the Applicant to provide
12 screening options to all adjacent landowners to
13 the project parcel, that whole 609-acre parcel,
14 would present practical difficulties and undue
15 hardship to the Applicant. In addition, we
16 believe that the strict application of the
17 screening requirements as set forth in the Solar
18 Ordinance frustrates the overall intent of the
19 Solar Ordinance itself.

20 The second Variance request relates to the
21 setbacks with the Jack Mabley Development
22 Center. In the current Solar Ordinance, it
23 requires that the solar project be set back a
24 minimum of 400 feet from the foundation of any

1 adjacent nonparticipating primary dwelling.
2 Here the Applicant respectfully requests that
3 the solar project be set back approximately
4 225 feet from the foundation of the center, as
5 the current setback requirement, again, imposes
6 a practical difficulty and undue hardship to the
7 Applicant.

8 In furtherance of its request, Meadow
9 Solar is in the process of obtaining a waiver of
10 the setback requirement from the Center. It's
11 engaged in various discussions with the local
12 representative from the Center and is in the
13 process of obtaining a waiver from the State of
14 Illinois. In furtherance of this request, we
15 would condition that Variance request on
16 obtaining a waiver from the State of Illinois.

17 At the conclusion of this hearing and
18 after careful consideration of all the evidence
19 and testimony presented before you, it is my
20 hope that you will agree with me that the
21 project as proposed meets the requirements as
22 set forth in the Lee County Ordinance for solar
23 energy systems and meets all the general
24 requirements for the issuance of a Special Use

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1 Permit. Therefore, at the conclusion of this
2 hearing, we respectfully request that you
3 recommend this project to the County Board and
4 that you also recommend the two Variance
5 requests.

6 Thank you.

7 JUDGE SLAVIN: Thank you, Ms. Kennedy.

8 I have one quick observation. And before
9 I even say it, the last thing I can do is tell
10 anyone what words to use, how to testify. I'm
11 not putting words in their mouth.

12 But because of the confusion, I'm just
13 suggesting -- nobody's held to it -- that when
14 we talk about the two pieces, the bigger one,
15 what if we call that "the project parcel" and
16 the smaller one "the leasehold area," just so we
17 all don't get sort of -- because obviously I
18 read their application and I understand, but it
19 takes a while to grasp that.

20 MS. KENNEDY: Sure.

21 JUDGE SLAVIN: "Project parcel" and
22 "leasehold area." Just so we all can be talking
23 about the same thing. You don't have to, I'm
24 just suggesting.

1 Okay. You may call your first witness.

2 MS. KENNEDY: Thank you. I'd like to call
3 Dustin Elliott.

4 JUDGE SLAVIN: Mr. Elliott, if you want to
5 raise your right hand.

6 (Dustin Elliott was duly sworn.)

7 JUDGE SLAVIN: Have a seat.

8 MS. KENNEDY: Judge, as a general
9 housekeeping matter, first I'm going to tender a
10 copy of the form notice of public hearing that
11 was sent out by regular mail -- well, by first
12 class certified mail, return receipt requested,
13 to all adjacent landowners to the project
14 parcel. I have also included the certificate of
15 publication in here as well.

16 JUDGE SLAVIN: Okay. We'll call that,
17 what, Petitioner's 1?

18 MS. KENNEDY: That works for me. Thank
19 you.

20 (Petitioner's Exhibit Number 1
21 marked for identification.)

22 JUDGE SLAVIN: Did you give that notice of
23 hearing and certificate of publication --

24 MS. KENNEDY: I did, yes.

1 JUDGE SLAVIN: -- to the pink -- the lady
2 in the pink over there?

3 So what Ms. Kennedy has just handed out,
4 which is entitled "Meadow Solar ZBA
5 Presentation, Lee County, September 2022," I
6 will mark as Exhibit 2.

7 MS. KENNEDY: Thank you, Judge. May I
8 proceed?

9 JUDGE SLAVIN: Please.

10 DUSTIN ELLIOTT,
11 having been duly sworn, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. KENNEDY:

15 Q. Can you please state your name for the record.

16 A. Yes. My name is Dustin Elliott.

17 Q. Could you please spell your last name.

18 A. E-L-L-I-O-T-T.

19 Q. And tell us a little bit about your background,
20 Mr. Elliott.

21 A. So I went to University of Georgia for my
22 bachelor's and master's degree and then went to
23 the University of Virginia School of Law for my
24 law degree, and I have been developing solar

1 projects since then, both as a private practice
2 attorney and now as an inhouse attorney at
3 Trajectory Energy Partners, LLC.

4 Q. And tell us a little bit about Trajectory
5 Energy Partners.

6 A. So Trajectory is an Illinois-based clean energy
7 developer. We have been developing community
8 energy solar projects since 2017, with the
9 initial passage of Illinois' renewable energy
10 legislation. Since then, we have expanded into
11 other types of solar projects, but our bread and
12 butter is still community solar projects.

13 Our emphasis is on developing projects
14 with strong local support and making sure that
15 we have stakeholder involvement at the local
16 level.

17 Q. And can you describe what you do specifically
18 with Trajectory?

19 A. Yes. I am the director of legal and corporate
20 affairs at Trajectory, which means I deal with
21 the day-to-day legal and policy issues of the
22 company, which entails everything from
23 negotiating lease agreements with entities like
24 the Dixon Park District, to putting together

1 permit applications like we're talking about
2 today, to dealing with everything in between
3 that comes up as it relates to legal and policy
4 issues with the company across our various
5 portfolios and markets.

6 Q. And are you familiar with the Applicant in this
7 case, Meadow Solar, LLC?

8 A. Yes. I personally negotiated the site lease
9 agreement with Dixon Park District and put
10 together the Special Use Permit petition that
11 you have before you today.

12 Q. And how does the Applicant, or Meadow Solar,
13 LLC, how does that relate to Trajectory Energy
14 Partners?

15 A. Meadow Solar, LLC, is wholly and indirectly
16 owned by Trajectory Energy Partners, LLC.

17 Q. And with respect to this petition that's
18 pending before this Zoning Board of Appeals,
19 Meadow Solar is acting for and on behalf of
20 itself; is that correct?

21 A. Correct.

22 Q. And aside from this project, do you have any
23 experience developing other solar energy
24 projects?

1 A. Yes. Trajectory has been developing community
2 solar projects, like I said, since 2017.
3 Primarily at that time it was community solar
4 projects. We have since expanded to develop
5 utility-scale projects as well. We now have
6 several projects that are operational. We have
7 several projects that are financed and have
8 revenue contracts in place and we expect to
9 start construction next year.

10 Prior to me joining Trajectory in the
11 spring of 2020, I developed clean energy
12 projects across the U.S. as a private practice
13 energy and environmental attorney.

14 Q. So can you briefly tell us the difference
15 between a community solar project versus a
16 utility-scale project?

17 A. Yes. Community solar projects, they don't have
18 to be, but they're typically smaller than
19 utility-scale projects. So community solar
20 projects, particularly in Illinois, are
21 somewhere between -- usually between 2 megawatts
22 and 5 megawatts. This is, we're proposing the
23 5-megawatt system here. So the size is
24 different.

1 Utility-scale projects, by contrast, are
2 often much larger. They can be hundreds,
3 sometimes thousands, of acres. Hundreds of
4 megawatts sometimes, in terms of the size of the
5 project. So the size of the project typically
6 varies in that regard.

7 The method of interconnection between the
8 two types of project is also different.
9 Community solar projects interconnect to the
10 distribution grid, which is controlled directly
11 by the utility; Ameren or ComEd, depending on
12 the location within the state.

13 Utility-scale projects connect to the much
14 larger, higher voltage transmission lines. So
15 the method of interconnection is also different.

16 The way the power is purchased is also
17 different for community solar projects versus
18 utility-scale projects. As Courtney was
19 explaining in her opening, community solar
20 projects offer opportunities to local residents,
21 businesses, entities to subscribe directly to
22 the power produced by the project -- to
23 subscribe to the project and obtain the
24 electricity bill savings from those projects.

1 Utility-scale projects, it varies from
2 project to project, but they are typically
3 selling their power to larger corporate
4 off-takers or directly to utilities. So that's
5 another method that the projects differ.

6 Q. And this project is situated on the project
7 parcel that is 609 acres in size; is that
8 correct?

9 A. Correct.

10 Q. And how large is the actual leasehold area?

11 A. Approximately 24 acres.

12 Q. And you have touched on this, it's developed in
13 partnership with the Dixon Park District. Can
14 you expound on that a little more?

15 A. Yes. We first started talking to Duane Long,
16 the executive director of the Park District,
17 back in September of 2021, when we were reaching
18 out to park districts across Illinois to gauge
19 interest in community solar projects. Those
20 conversations progressed throughout the winter,
21 on into the spring and summer of this year,
22 2022, when we firmed up our leasehold agreement
23 with the Park District and signed the lease
24 agreement, the memorandum of lease agreement,

1 and the memorandum of understanding with the
2 Park District in the summer of this year.

3 Q. And so tell me generally about this project.
4 What does it look like?

5 A. So we're proposing a community solar project.
6 It would be approximately 24 acres in size,
7 approximately 5 megawatts AC capacity, or
8 megawatt size of the project.

9 It's currently being farmed. So it's
10 agricultural land at its current, existing use.

11 Q. And what type of panels are you proposing for
12 this project?

13 A. Photovoltaic panels, also commonly known as PV
14 panels.

15 Q. And are those on a fixed-mounting system or are
16 they tilted?

17 A. Yeah. So this we're proposing a fixed system,
18 which is unlike what is sometimes referred to as
19 a single-axis tracker system. So the tracker
20 systems move, or tilt, in accordance with the
21 sun over the course of the day. Fixed-tilt
22 systems are exactly what they sound like,
23 they're fixed. We're proposing this to be a
24 fixed-tilt system.

1 Q. And how are they fixed to the earth then?

2 A. So fixed-tilt systems and other types of
3 systems use steel pilings that are driven
4 directly into the ground typically between 8 and
5 12 feet deep. It depends on the geological
6 conditions of the particular site in question.

7 Q. And did the Applicant provide notice of
8 tonight's hearing to adjacent landowners?

9 A. Yes.

10 Q. And were those adjacent landowners to the
11 project parcel?

12 A. Yes.

13 Q. And did the Applicant host a community meeting
14 for this proposed project?

15 A. Yes, on July 18th.

16 Q. And do you recall where that meeting took
17 place?

18 A. Yes. The Wooden Wonderland shelter off of
19 Washington Avenue.

20 Q. And do you recall how many attendees showed up
21 to that meeting?

22 A. Approximately 35 attendees.

23 Q. At that meeting, did you present a site plan of
24 the proposed project?

1 A. Yes, we did.

2 Q. And did the Applicant conduct any community
3 outreach regarding this project?

4 A. Yes. So in addition to the community outreach
5 meeting that we held at the shelter on
6 July 18th, we reached out directly to the City
7 of Dixon and attended a City Council meeting
8 there and explained the specifics of the
9 project, presented about the project, presented
10 about PV solar technology in general, and
11 received confirmation from the City after that
12 that the City does approve of the project moving
13 forward.

14 We also reached out to the Mabley Center
15 to discuss the project, to explain the
16 technology, and to talk specifically about the
17 setback Variance that Courtney mentioned briefly
18 earlier. And so we walked through questions
19 that they had about the project, and received
20 confirmation that they have now initiated the
21 process, the State process, for the State to
22 approve of the waiver required for the setback
23 Variance.

24 MS. KENNEDY: Judge, may I approach the

1 witness?

2 JUDGE SLAVIN: Sure.

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

5 Q. (By Ms. Kennedy:) Mr. Elliott, I have handed
6 you what I have marked as Exhibit 3 for
7 identification purposes.

8 Are you familiar with this?

9 A. Yes.

10 Q. And what is this?

11 A. This is an email sent from Tim Shipman to Jon
12 Carson, who's the managing partner of
13 Trajectory, copying myself, another colleague at
14 Trajectory, and you, Courtney.

15 Q. And Tim Shipman would be the building official
16 or head of zoning at the City of Dixon; is that
17 correct?

18 A. Correct.

19 Q. And could you just read the email that he sent
20 on -- well, let me back up. I'm sorry.

21 When did he send this email?

22 A. He sent this email on August 29th, 2022, at
23 approximately 3:31 p.m. Central Time.

24 Q. And could you just briefly read his email?

1 A. Yes.

2 "Good afternoon. Yes, your statement
3 is correct. I have had email or phone
4 conversations with four of the five
5 council members, and all supported the
6 project as you presented. The fifth
7 member did not respond negatively; we just
8 did not connect.

9 If you would need anything further,
10 let me know. Thanks."

11 Q. Thank you.

12 Could you please describe the work that
13 you performed in connection with this project?

14 A. Yes. So far, we have performed a desktop
15 analysis of the environmental characteristics of
16 the site. We have negotiated and signed a site
17 lease agreement with the Dixon Park District,
18 negotiated and signed a memorandum of
19 understanding with the Dixon Park District
20 whereby Trajectory has agreed to make a
21 financial contribution or donation to the Park
22 District in the event that the project does move
23 forward and becomes operational. This would be
24 in addition to the lease rental payments that we

1 would be paying to the Park District in
2 accordance with the lease agreement itself.

3 Q. And have you, on behalf of the Applicant,
4 submitted an interconnection application with
5 ComEd?

6 A. Yes, we have.

7 Q. And on behalf of the Applicant here tonight, do
8 you agree to be bound by any and all proposals
9 and representations contained within the
10 petition, what I'm going to refer as the
11 application binder, and I'll show you what that
12 is here in a bit, and then any testimony made
13 under oath during this public hearing?

14 A. Yes.

15 Q. And are you familiar with the Applicant's
16 petition for Special Use Permit and Variances?

17 A. Yes.

18 Q. And did you assist in the preparation of that?

19 A. Yes.

20 Q. Are you familiar with Lee County's Ordinance
21 regulating solar energy systems?

22 A. Yes.

23 Q. Now, before I get to those specific Ordinance
24 requirements, I want to turn your attention to

1 the general Lee County requirements regarding
2 the issuance or criteria for the issuance of a
3 Special Use Permit.

4 What, if anything, can you tell me about
5 this project's effect on the character of the
6 neighborhood?

7 A. So we expect this project to be a positive
8 development in the neighborhood. We agree to
9 adhere to all applicable federal, State and
10 local regulations and laws. We agree to keep
11 the project clean and neat. We agree to operate
12 the project in accordance with the Lee County
13 Ordinance as well, and promise overall to be a
14 good neighbor.

15 Q. Now, the leasehold area is actually proposed to
16 be situated on tillable acres; is that correct?

17 A. Correct.

18 Q. And so is it your testimony tonight that if
19 this project is approved or sited, it will not
20 take that land out of agricultural production,
21 it will just take it out of row crop production?

22 A. Correct.

23 Q. What benefits, if any, will this project bring
24 to the local community?

1 A. So we're proposing a community solar project.
2 A community solar project allows local residents
3 to subscribe to the project, participate in
4 clean energy development, and obtain direct
5 benefits, namely through electricity bill
6 savings, and that's exactly what we're proposing
7 here.

8 So Dixon Park District will be able to
9 participate and local residents in and around
10 Lee County will be able to participate.

11 Q. And so is it a fair statement that those in
12 proximity to the project could reap benefits
13 from being in proximity to the project?

14 A. Correct. And Trajectory also agrees to assist
15 in educating the community and surrounding areas
16 about the project and about the many benefits
17 that the project does offer in terms of
18 subscription and potential electricity bill
19 savings.

20 Q. So you mentioned that Trajectory is committed
21 to that, but the Applicant would also commit to
22 that in this case; is that correct?

23 A. Yes, that's correct.

24 Q. What is the project's effect, if any, on the

1 surrounding properties?

2 A. There's no anticipated negative effect on the
3 surrounding properties.

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

6 A. No. During the -- the construction process for
7 a project of this size is typically in the range
8 of 6 to 12 months, and during that period there
9 is a peak construction period. That would be
10 when traffic would be the heaviest.

11 During the actual operation of the
12 project, there is periodic annual maintenance,
13 with a pickup truck typically coming to check on
14 the project and perform maintenance here or
15 there, but it's -- a project like this does not
16 generate a lot of traffic.

17 Q. Do you believe that the project will have any
18 effect, positive or negative, on the local
19 environment?

20 A. No negative or -- no negative effect.

21 Q. Are you familiar with what's known as the
22 EcoCAT consultation?

23 A. Yes.

24 Q. And what is that?

1 A. So the EcoCAT is -- it's testing me to remember
2 exactly what the acronym stands for, but it's a
3 consultation request that was submitted to the
4 Illinois Department of Natural Resources to
5 determine if there are any records of threatened
6 or endangered species on a particular project
7 site that we designate, or wetlands.

8 The IDNR then checks their databases and
9 runs their analysis to see if, in fact, there
10 are any records of that and then they issue a
11 determination. If there are no records
12 indicating that, they will terminate
13 consultation, and that's exactly what happened
14 here.

15 Q. And so you initiated the EcoCAT consultation,
16 but that consultation was terminated?

17 A. Correct.

18 Q. And so just to clarify too, it was terminated
19 because there was no record of threatened or
20 endangered species or protected natural
21 resources within the leasehold area; is that
22 correct?

23 A. Exactly, correct.

24 Q. Now, you testified earlier that the Applicant

1 will comply with all applicable rules, federal,
2 State and local.

3 Does the Applicant intend to comply with
4 the requirements set forth in the Ordinance
5 regulating solar energy systems?

6 A. Yes.

7 Q. And does the Applicant commit or intend to use
8 industry best practices with respect to this
9 project?

10 A. Yes.

11 Q. I'm going to hold up a document. Let me know
12 if you can't see it. It is titled, "Meadow
13 Solar, LLC, 5-megawatt AC Community Solar
14 Project, Lee County, Illinois, Application for
15 Special Use Permit and Variances."

16 Are you familiar with this document?

17 A. Yes.

18 Q. And how so?

19 A. I prepared it.

20 Q. And did you prepare this in anticipation of
21 tonight's hearing?

22 A. Yes.

23 Q. And this is what I'm going to refer to
24 throughout the course of this hearing as the

1 application binder. Is that fair?

2 A. Yes.

3 JUDGE SLAVIN: You can also, if you
4 choose, refer to it as Petitioner's Number 4.

5 MS. KENNEDY: Thank you.

6 (Petitioner's Exhibit Number 4
7 marked for identification.)

8 Q. (By Ms. Kennedy:) Mr. Elliott, did you arrange
9 for 30 copies of this application binder to be
10 delivered to the Zoning Office in advance of
11 tonight's hearing?

12 A. Yes.

13 Q. And is it a fair statement that this
14 application binder contains an introduction of
15 the project site but also how the project meets
16 the Ordinance requirements on solar energy
17 systems?

18 A. Yes.

19 Q. And within this application binder the word
20 "shall" is used frequently throughout, usually
21 indicating that the proposed project meets the
22 Ordinance requirements.

23 In those instances where the word "shall"
24 is used, should that be interpreted as the

1 Applicant pledging and committing to be bound by
2 those specific things?

3 A. Yes.

4 Q. And is there a site plan included within this
5 application binder?

6 A. Yes.

7 Q. Is there an SES plan with the planned location
8 and spacing of panels?

9 A. Yes.

10 Q. Did you include the planned location of the
11 access roads and access points of this project?

12 A. Yes.

13 Q. And are there any access roads?

14 A. Yes.

15 Q. And is that seen on the north end of the site
16 plan?

17 A. Correct.

18 Q. Did you include the planned location, height
19 and fencing materials of all fencing for this
20 project in this application binder?

21 A. Yes.

22 Q. What about the planned location of lines
23 connecting the solar energy system to a
24 building, substation or other electric load?

1 A. Yes. That's also on the north side.

2 Q. What about the planned new electrical
3 equipment, other than at the existing building
4 or substation, that is to be the connection
5 point for the SES?

6 A. Yes, that's on the site plan.

7 Q. And does this application binder include the
8 AIMA weed control requirements?

9 A. Yes.

10 Q. What about landscaping plans?

11 A. Yes.

12 Q. And have you submitted manufacturer's
13 specifications in this application binder?

14 A. Yes.

15 Q. What about a detailed -- have you detailed the
16 connection and interconnection details of this
17 project?

18 A. Yes.

19 Q. Is this project proposed to be located within
20 500 feet of an airport or any approach zones of
21 an airport?

22 A. No.

23 Q. And since that's the case, was there a Solar
24 Glare Hazard Analysis Tool, or SGHAT, required

1 for this application binder?

2 A. No.

3 Q. Have you provided a fire protection plan?

4 A. Yes.

5 Q. Will the project be located, designed,
6 constructed and operated so as to avoid and
7 mitigate any impacts to wildlife?

8 A. Yes.

9 Q. Does the Applicant agree to enter into a road
10 use agreement with the County and any impacted
11 townships, if necessary?

12 A. Yes.

13 Q. Mr. Elliott, are you familiar with the
14 consultation fund requirements in the Ordinance
15 regulating solar energy systems?

16 A. Yes.

17 Q. And you understand that the Lee County
18 engineer, Dave Anderson, sets that amount?

19 A. Yes.

20 Q. And has Mr. Anderson set an amount with respect
21 to this specific project?

22 A. Yes, he has.

23 Q. And what amount would that be?

24 A. \$25,000.

1 Q. And do you agree to post the amount of \$25,000
2 into the consulting fund, as determined by the
3 Lee County engineer?

4 A. Yes.

5 Q. Does the Applicant intend to enter into an
6 Agricultural Impact Mitigation Agreement, or
7 what we refer to as an AIMA, with the State of
8 Illinois concerning this project?

9 A. Yes.

10 Q. And by statute, the Applicant would be required
11 to enter into that at least 45 days prior to the
12 commencement of construction; is that correct?

13 A. Yes.

14 Q. And does the Applicant intend to abide by the
15 terms of that agreement?

16 A. Yes.

17 Q. With respect to the Ordinance provisions
18 governing stormwater management, retention of
19 topsoil and minimized disturbance to prime
20 farmland, does the Applicant agree to abide by
21 all those requirements as set forth in the
22 Ordinance?

23 A. Yes.

24 Q. Does the Applicant commit to repairing and

1 restoring all drainage tiles damaged during
2 construction and deconstruction of the project?

3 A. Yes.

4 Q. Will there be any communication interference
5 associated with the project?

6 A. No.

7 Q. Does the Applicant agree to abide by the
8 operational standard conditions as set forth in
9 the Ordinance?

10 A. Yes.

11 Q. How about the repowering provisions of the
12 Ordinance?

13 A. Yes.

14 Q. And the decommissioning requirements as well?

15 A. Yes.

16 Q. Does the Applicant agree to carry general
17 liability insurance as set forth in the
18 Ordinance?

19 A. Yes.

20 Q. And have you provided any details in the
21 application binder relating to the fencing for
22 the project?

23 A. Yes.

24 Q. And what does that fence look like?

1 A. The fence will be a chain link fence, at least
2 7 feet tall, per National Electrical Code
3 standards.

4 Q. Will the fencing contain appropriate warning
5 signs?

6 A. Yes.

7 Q. And will the fence have appropriate warning
8 signage that is in accordance with OSHA
9 regulations?

10 A. Yes.

11 Q. And will the sign at the entrance of the
12 facility have the facility's 911 address and a
13 24-hour emergency contact number?

14 A. Yes, it will.

15 Q. And does the Applicant intend to maintain the
16 fence so as to prevent the growth of woody
17 vegetation or noxious weeds along the fence?

18 A. Yes.

19 Q. Now, with the exception of the Variance request
20 relating to the Jack Mabley Development Center,
21 does the project adhere to the setback
22 requirements in the Ordinance?

23 A. Yes.

24 Q. Will Knox boxes and keys be provided at locked

1 entrances for emergency personnel access?

2 A. Yes.

3 Q. What is the maximum height of the panels
4 proposed for this project?

5 A. Maximum height of 20 feet.

6 Q. And will all systems, equipment and structures
7 be 20 feet or less?

8 A. Yes.

9 Q. And tell me about any proposed lighting at the
10 site.

11 A. No lighting is anticipated at the project site.

12 Q. And if there's any lighting that should be
13 utilized, will that be shielded and downcast?

14 A. Yes.

15 Q. Will this project generate any noise?

16 A. The inverters and transformers generate a low
17 humming noise that will be in compliance with
18 the applicable noise standards in the Ordinance
19 and elsewhere.

20 Q. Will there be any glare associated with this
21 project?

22 A. No.

23 Q. And will all solar collectors be placed in a
24 manner such that any concentrated solar glare

1 does not project on any nearby structures?

2 A. Yes.

3 Q. Will the solar panels be designed with
4 antireflective coating to minimize glare?

5 A. Yes.

6 Q. Should we expect these panels to generate heat?

7 A. No.

8 Q. And will this affect any weather patterns in
9 the area of this project?

10 A. No.

11 Q. Does this project have any plans for outdoor
12 storage?

13 A. No.

14 Q. Have you submitted a weed and grass management
15 plan with the application binder?

16 A. Yes.

17 Q. What about a construction and operation plan?

18 A. Yes.

19 Q. And have you also submitted a fire protection
20 plan?

21 A. Yes.

22 Q. The Applicant binder provides that construction
23 should or will take place in 2023. How long do
24 you anticipate that process to take?

1 A. For a project of this size, we would anticipate
2 between 6 months to 12 months, depending on
3 weather conditions and supply chain
4 availability.

5 Q. And you anticipate that construction could
6 start as early as 2023, but this depends on a
7 variety of factors; is that correct?

8 A. Exactly. At the very earliest in 2023, but
9 that would depend on interconnection issues
10 lining up, all the other permits required for
11 the project, and, of course, us obtaining a
12 State incentive award. All of those things
13 would need to go on.

14 Q. Are there any particularly-identifiable fire or
15 explosion hazards associated with construction
16 or operation of this project?

17 A. No.

18 Q. And during construction, how will the Applicant
19 intend to gather and dispose of human waste?

20 A. Like many construction projects of this type,
21 it would be portable toilets on the construction
22 site.

23 Q. Will there be any hazardous materials in
24 quantities that trigger any regulatory

1 requirements with respect to emissions or waste?

2 A. No.

3 Q. And does the Applicant commit to repairing or
4 restoring all drainage tiles damaged during
5 construction to the same or better condition as
6 to when construction began?

7 A. Yes.

8 Q. Will the project adhere to the construction
9 times of no earlier than 6 a.m. and no later
10 than 9 p.m.?

11 A. Yes.

12 Q. Let's talk about the two Variance requests.
13 The first, the setback Variance with the Jack
14 Mabley Development Center. Under the current
15 Ordinance, it requires that the project be set
16 back 400 feet from the foundation of an adjacent
17 nonparticipating dwelling.

18 What setback is the Applicant proposing?

19 A. Approximately 225 feet from the foundation of
20 the Mabley Center to the system.

21 Q. And why are you requesting this Variance?

22 A. The size of the project requires that we have a
23 certain number of panels on the project area,
24 and the project area identified by the Park

1 District that they're open to leasing to us was
2 this configuration. So in order for the project
3 to fill out the design required for a project of
4 this size, we would need to locate project
5 panels on that southern finger of the project
6 design.

7 Q. In your words, would this be considered
8 essential to the viability of the project?

9 A. Yes.

10 Q. Have you discussed this Variance request with
11 the Mabley Center?

12 A. Yes, we have.

13 Q. And what result, if any?

14 A. The Mabley Center, they had questions, we
15 answered their questions, and they confirmed
16 that they approve of the project and have
17 initiated the process of having the State issue
18 a waiver in accordance with the setback Variance
19 requirement.

20 Q. And are you requesting asking this Zoning Board
21 of Appeals to condition this zoning request on
22 obtaining that waiver from the State?

23 A. Yes.

24 Q. And directing your attention to the other

1 Variance request that relates to the vegetative
2 screening. Under the language of the Ordinance,
3 the Applicant would have to screen around the
4 entire 609 project parcel area; is that correct?

5 A. Correct.

6 Q. And is that practical?

7 A. No, it's not. The project parcel, as you can
8 see in the overview picture in the application,
9 is quite large, and it's an odd configuration or
10 shape, much of which is wooded and has existing
11 vegetative screening on it already. So, no,
12 it's not practicable.

13 Q. So what vegetative screening is the Applicant
14 proposing? Would you mind going into detail on
15 that?

16 A. Sure. So, and I'll refer you to the site plan
17 in the documents.

18 We are proposing, particularly along the
19 western side of the southern finger --

20 Q. Real quick, Mr. Elliott. Where can they find
21 that site plan?

22 A. So that should be -- yeah, exactly, if you're
23 looking in the short, little deck that will be
24 in the PowerPoint that I'll go through in a

1 moment, the site plan is the same site plan
2 that's in the actual application. It should be
3 on Page 6.

4 So if you look at the southern finger
5 there, the Mabley Center is on the southwest of
6 that. We're proposing to screen that entire
7 corner with vegetative screening, which I'll
8 discuss when we get to my presentation what that
9 will look like.

10 The entire western side of the site design
11 here already has existing trees. It has
12 existing vegetative screening. So that is
13 covered.

14 And then on the east side of the project,
15 that's heavily wooded. So it also has existing
16 vegetative screening.

17 The north side of the project is where the
18 access road is. We're proposing to leave that
19 as is, with the idea that that will actually
20 provide the community a place to look at the
21 project, and it will allow the Park District to
22 show the project off to the public for whatever
23 programs or educational programs that they may
24 decide to have about the project.

1 Q. And have you had a discussion with the Park
2 District relating to the plans on this northern
3 side of this leasehold area?

4 A. Yes. Yes, we have.

5 Q. And what was the Park District's position?

6 A. They supported the idea of allowing it to stay
7 open so that it would be an opportunity for the
8 public to actually see the project and how it
9 works.

10 Q. Would it be cost effective to require the
11 Applicant in this case to provide vegetative
12 screening around the entire project parcel?

13 A. No.

14 Q. And so the purpose of the screening requirement
15 is so that adjacent landowners cannot physically
16 see the project; is that correct?

17 A. Correct.

18 Q. And most landowners adjacent to this project
19 parcel are over a thousand feet away; is that
20 fair?

21 A. Correct.

22 Q. And this would frustrate the purpose of the
23 Ordinance, in your opinion; is that correct?

24 A. Yes.

1 Q. Will there be any electromagnetic fields
2 created by the operation of this project?

3 A. No.

4 Q. And is the Applicant contemplating the use of
5 any battery storage in connection with this
6 project?

7 A. No.

8 Q. Is this project proposed to be located on U.S.
9 Department of Agriculture's prime farmland?

10 A. According to the Soil and Water District's
11 Natural Resource Inventory Report that it
12 released, the Lee County version, a certain
13 portion of it is, yes.

14 Q. And when you say "a certain portion," would
15 that be 25.8 percent of the parcel is comprised
16 of prime farmland soils?

17 A. Yes.

18 Q. And does the Applicant have a plan in place to
19 minimize any disturbance to the prime farmland,
20 including establishing native plant species and
21 ground cover, as recommended by Lee County Soil
22 and Water?

23 A. Yes. We plan to use that, exactly.

24 Q. And will any topsoil be removed from the site

1 of this project?

2 A. We do not anticipate any topsoil to be removed.
3 To the extent it is removed, we will follow the
4 requirements of the Agricultural Impact
5 Mitigation Agreement that we signed with the
6 State Department of Agriculture.

7 Q. Now, you testified earlier that there will not
8 be any communication interference with this
9 proposed project. Do you have any evidence that
10 this project would not cause any communication
11 interference?

12 A. We are not aware of any peer-reviewed or
13 academic studies and reports that show solar
14 projects do cause problems with
15 telecommunication equipment.

16 Q. Now, if there was a complaint of any such
17 interference, does the Applicant commit to
18 responding and mitigating the same, as required
19 by the Lee County Ordinance?

20 A. Yes.

21 Q. And if this petition for Special Use Permit and
22 Variance request, were it approved and the
23 project was constructed and operated, would that
24 have any effect on area employment, in your

1 mind?

2 A. Yes. We anticipate that this project would
3 bring in over \$10 million of investment as a
4 whole, of which \$6 million would be for labor,
5 and we are committed to using Illinois union
6 labor.

7 Q. Would the operation of this project create or
8 cause any vibrations?

9 A. No.

10 Q. What about during construction?

11 A. None anticipated, other than construction
12 trucks actually coming to the site to unload and
13 haul equipment.

14 Q. And when installing the steel pilings, there
15 may be some?

16 A. Yes.

17 Q. But that would be temporary; is that correct?

18 A. Correct, just during the construction period.

19 Q. Would there be any particle emissions from the
20 proposed project?

21 A. No.

22 Q. What about during construction?

23 A. No.

24 Q. Should we expect there to be any odor emanating

1 from this project during operations?

2 A. No.

3 Q. What about during construction?

4 A. No.

5 Q. Would there be any heat created from the
6 operation of this project?

7 A. No.

8 Q. What about during construction?

9 A. No.

10 Q. And would the construction or operation of this
11 project involve the use of any explosive or
12 particularly-flammable materials?

13 A. No.

14 Q. And is it correct that photovoltaics are
15 integral to an SES?

16 A. Yes.

17 Q. And if so, does the process of generation have
18 any side effects on flora or fauna around it?

19 A. No.

20 Q. And to the best of your knowledge, was a land
21 evaluation score provided by the Lee County Soil
22 and Water Conservation District?

23 A. Yes.

24 Q. And was that land evaluation score for the

1 entire project parcel 74?

2 A. Yes.

3 Q. And is there any evidence of how this proposed
4 project would affect property values in its
5 vicinity?

6 A. Yes. We commissioned a property evaluation
7 report from the consultant firm CohnReznick that
8 was a multi-state, multi-project evaluation
9 across -- projects across the U.S., many of
10 which were approximately -- or similar sized to
11 the one that we're proposing here.

12 The conclusion of the report, and this is
13 what Courtney is about to pass out, is that
14 there's no evidence that the development and
15 operation of solar projects has a negative
16 impact on surrounding property values.

17 JUDGE SLAVIN: And that is now -- let me
18 get to my page -- Petitioner's Number 6 -- 5.

19 (Petitioner's Exhibit Number 5
20 marked for identification.)

21 Q. (By Ms. Kennedy:) And, Mr. Elliott, turning
22 your attention to Page 3 of this report, can you
23 tell me what solar farms or the sizes of the
24 solar farms that were studied?

1 A. Yes. A variety of sizes. The first one is 270
2 acres, and then it just goes down in size from
3 there. The second one is 158 acres; the third
4 is 204 acres; 134 acres for the next one; 50
5 acres for the next one; 82 acres for the next
6 one; 56 acres for the next one; 13 acres for the
7 next one; 13 acres for the one after that; and
8 then 28 acres after that.

9 Q. And this report generated by CohnReznick
10 studied a solar farm known as the Grand Ridge
11 Solar Farm in LaSalle County, Illinois; is that
12 correct?

13 A. Correct.

14 Q. I'm going to direct your attention back to the
15 application binder that I showed you earlier.

16 Where are the surface water drainage
17 patterns and subsurface drainage tiles shown?

18 A. So those would be shown on the contour map,
19 also known as the topography map, attached as an
20 exhibit to -- or attached as a sub-exhibit to
21 the exhibit known as the Site Plan of Existing
22 Conditions.

23 Q. Now, under the AIMA you'll be -- you're
24 required to map the drainage patterns with GPS

1 Q. And I believe that's been marked as Exhibit 2
2 for identification purposes.

3 Would you briefly go through that, please?

4 JUDGE SLAVIN: Well, I think now is a good
5 time to break, though.

6 MS. KENNEDY: Okay.

7 JUDGE SLAVIN: So let's pick up again at
8 8:30.

9 (A recess was taken at 8:20 p.m.
10 and proceedings resumed at
11 8:34 p.m.)

12 JUDGE SLAVIN: Okie dokie. That's
13 legalese for "you may continue."

14 THE WITNESS: Okay. Thank you.

15 A. I am going to run through some information,
16 much of which we have talked about already, but
17 it's an overview of the project. So if you flip
18 to Slide 2, it's a little more information about
19 the project.

20 Trajectory is working with the Dixon Park
21 District on a community solar project called
22 Meadow Solar that promises to bring local
23 benefits to both the Park District and the
24 surrounding community. The project is located

1 on 24 acres, on what is a much larger project
2 near Meadows Park. It's currently -- the
3 24-acre area is currently being used for
4 agriculture.

5 This project will provide utility bill
6 savings as a community solar project to families
7 and organizations in the area, and it will
8 provide rent payments and utility bill savings
9 directly to the Dixon Park District. The solar
10 project will also pay additional property taxes
11 to the community.

12 Jumping to Slide 3, a little more about
13 the Illinois Renewable Energy Laws, one of which
14 was passed just this past September. Over the
15 past 20 years, the Illinois State Legislature
16 has passed several laws to encourage and support
17 renewable energy, including solar projects.
18 These laws bring the benefits of a clean energy
19 economy to residents and businesses across
20 Illinois, and will expand access to savings,
21 clean energy and job benefits of solar power to
22 more people.

23 Different types of solar project, which we
24 have talked a little bit about already. So

1 there's Behind the Meter projects. These you
2 will often see as rooftop systems that people
3 put on their houses or their warehouses or their
4 buildings. These typically power the building
5 or the house itself. So there's that direct
6 connection between the power being produced and
7 the power being used.

8 Community solar projects are a little
9 different. They give landowners who, for
10 whatever reason, do not have an opportunity to
11 install a rooftop Behind the Meter system. They
12 give them an opportunity to participate in a
13 solar project by purchasing a subscription and
14 participating in a clean energy project in that
15 way. They are open to homeowners, businesses,
16 organizations that, again, don't have an
17 opportunity to install solar on their roof or on
18 their property.

19 Utility scale solar, again, is the third
20 type. Those are larger systems, like we talked
21 about. Typically larger. They can sometimes
22 cover hundreds, sometimes thousands, of acres
23 and are directly connected to the higher-voltage
24 transmission lines.

1 Flipping to Slide 4, a little more about
2 community solar, which, again, is what we're
3 proposing here for Meadow Solar, LLC. Community
4 solar opens up access to solar energy to
5 residents, non-profits, communities and public
6 sector entities who, for whatever reason, can't
7 install solar on their property or their roof.
8 Those entities can participate in a community
9 solar project and receive community solar credit
10 on their utility bill for the energy produced by
11 their share of the solar installation. So
12 depending on the percentage that they subscribe
13 to, they will benefit in accordance with that
14 percentage. And this works through a --
15 essentially a credit on the utility bill that
16 you receive.

17 Flipping to Slide 5 here. A little more
18 about Trajectory. Again, Trajectory is an
19 Illinois-based company that focuses on bringing
20 together landowners, electricity users,
21 communities to develop solar projects with
22 strong local buy-in and support.

23 We have a deep background in solar
24 development, law, as I talked about, financing,

1 policy, and also community engagement, and we
2 think that's what makes us a strong partner to
3 work in communities like this with partners like
4 the Dixon Park District.

5 Two of our projects that recently became
6 operational. Rockford Solar is depicted here on
7 the bottom left. This is a 2-megawatt project
8 that we developed with the City of Rockford, who
9 owns the property. We also worked with the
10 Rockford Housing Authority and a broad group of
11 community organizations that supported the
12 project and helped that project move along
13 through the development process.

14 Gar Creek Solar is another project in
15 Kankakee, Illinois, that we developed with local
16 community leaders, and it's -- this one is
17 located in a low-income and environmental
18 justice neighborhood, and it promises to bring
19 solar savings to low-income customers.

20 Flipping to Slide 6, this, again, is the
21 Meadow Solar site. A little more detail about
22 this that we haven't necessarily gone over yet.
23 It is approximately 650 feet from Washington
24 Avenue, running north to south on the east side

1 here to the solar system. There is an existing
2 line of vegetative screening running north to
3 south along the western side of the system. On
4 the east side of the project, there is a
5 heavily-forested area running from north to
6 south that also serves as a vegetative screening
7 for that side of the project.

8 The access road is immediately north of
9 the project, running approximately east to west,
10 and that runs along Cemetery Road.

11 The southern finger, which we talked
12 about, is partially adjacent to the Mabley
13 Center. And as we discussed, we're proposing a
14 225-foot setback from the foundation of the
15 Mabley Center to the system.

16 I'll flip to the next slide, Slide 7.
17 There are different types of ground-mounted
18 solar systems. Meadow Solar would be a
19 ground-mount system. There are single-access
20 tracker systems. That's what's featured on the
21 picture to the left. And there are fixed-tilt
22 systems. Fixed tilt systems is what -- that's
23 what Meadow Solar -- we're proposing Meadow
24 Solar to be. Those are exactly what they sound

1 like. They do not tilt or rotate in accordance
2 with the sun. They stay fixed.

3 The picture on the right is a depiction of
4 that. This particular project on the right was
5 located on a type of ground that required a
6 ballast system. Those are the concrete pillars
7 that you see here.

8 Meadow Solar, we're also proposing to
9 include native and pollinator-friendly ground
10 cover, and a picture of that -- a nice picture
11 of that is located on the bottom here, with the
12 wildflowers and stuff around the panels and
13 adjacent to the panels.

14 Flipping to Slide 8. A little more about
15 setbacks and screening. We have covered this in
16 depth, so I'll go through it quickly here. The
17 setbacks, we do follow the Lee County Ordinance,
18 except for the Mabley Center setback Variance,
19 which we have discussed. Outside of that, there
20 are 30-foot setbacks from the solar panels to
21 the parcel lines of adjacent nonresidential
22 parcel lines and then 400-foot setbacks from
23 residential homes.

24 Screening for the project, we discussed

1 that a little earlier as well. We are proposing
2 tall grass prairie in the setback areas that we
3 have proposed.

4 Flipping to Slide 9. A little more detail
5 in pictures about the screening and what that
6 concept looks like. So we're proposing
7 vegetative buffers, which are natural native
8 tall grass prairie species or mixes and
9 sometimes low-growing trees and shrubs, which
10 will create a natural screening area along the
11 fence near the Mabley Center boundary.

12 And, again, there's an existing vegetative
13 screen on the west side of the project running
14 north to south, and then the east side of the
15 project is heavily forested as it is. So those
16 are existing natural screens that the project
17 already has.

18 Next slide, Slide 10. Why is the project
19 located here? So there are a number of reasons,
20 but essentially boils down to four. One, and
21 this is key, the utility lines -- ComEd utility
22 lines are located immediately adjacent to the
23 project area that we're talking about. So not
24 having to build out a long connection to a

1 utility line that's located somewhere else is
2 key to this project working.

3 Land availability. We worked with the
4 Park District, as we discussed, to figure out
5 whether this was going to be land that they were
6 interested in leasing. We worked with them on
7 identifying areas that they were not open to
8 leasing because they wanted to develop those
9 areas for other programs and opportunities, and
10 landed on this project site, which is big enough
11 for what we proposed but also aligns with their
12 future development plans.

13 The third reason is support from the Dixon
14 Park District. Having their support and having
15 their involvement in the community is key to
16 getting a project like this fully developed.
17 And, of course, they are going to be the
18 backbone of the local stakeholder support that
19 we like to utilize when we develop community
20 solar projects.

21 And then the fourth reason is, Lee County
22 does have a Zoning Ordinance that allows solar
23 development, as long as you comply with the
24 Special Use requirements set forth in the

1 Ordinance, and that's exactly what we have been
2 going through here and that's what we proposed.

3 Flipping to Slide 11. A little more
4 detail about the community outreach and just
5 touching on some of those dates. So we started
6 talking with the Park District actually as early
7 as September 2021. Those conversations
8 continued through the spring and summer of 2022,
9 when we signed a lease agreement and a
10 memorandum of understanding and a memorandum of
11 lease with the Park District, and the community
12 engagement continued from there.

13 On July 18th we held an open house where
14 we mailed the 180 neighboring landowners for the
15 entire, what we're calling the project parcel,
16 the larger 600-plus-acre parcel, and including
17 local officials. We also -- or we had over
18 30 -- or approximately 35 attendees at that
19 particular event, where we shared the
20 introductory letter with our contact
21 information, some information about Trajectory,
22 what we do, the type of projects we have worked
23 on in the past.

24 We also shared our Frequently Asked

1 Question document that provides some information
2 about community solar projects, but also the
3 technology behind the projects, including the
4 photovoltaic, or PV, panels.

5 And then we gave an overall presentation
6 about the project itself, including the site
7 plan, proposed screening and proposed setbacks.

8 And then, as I discussed, we also gave a
9 presentation to the Dixon City Council and
10 answered a number of questions they had about
11 the project, and ultimately received a
12 confirmation from the City Council
13 representatives that the City does approve and
14 support the project moving forward in the
15 development process.

16 The next slide here is a little more
17 detailed about community solar benefits and the
18 particular benefits, including economic
19 benefits, that this solar project promises to
20 provide.

21 Under Illinois law, community solar
22 projects contribute to local property taxes even
23 if the land in this -- like in this situation,
24 is owned by a public sector entity. These taxes

1 are paid by the solar project directly.

2 Estimated year one property taxes for this
3 particular project at the site we're proposing,
4 5 megawatts (AC) is approximately \$30,000. Over
5 the life of the solar project, Meadow Solar will
6 pay over \$630,000 to local government entities
7 as part of the property taxes.

8 Utility bill savings is another thing we
9 have talked about that's tied in with community
10 solar benefits. A 5-megawatt (AC) project like
11 this that's fixed-tilt would produce
12 approximately 10 million kilowatt hours of
13 community solar credits per year, which is worth
14 approximately \$200,000 in utility bill savings
15 per year for the Park District and other local
16 subscribers, who, as we discussed, will have an
17 opportunity to subscribe and participate in
18 these electricity bill savings.

19 Trajectory, as I committed to earlier,
20 will work with local -- Trajectory and the
21 Applicant will work with local government and
22 organizations in Dixon to educate folks about
23 this subscription opportunity and make sure that
24 they're aware that they do have an opportunity

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1 to purchase or participate in the subscription
2 process for this particular project.

3 In terms of job creation -- we talked
4 about this as well -- a project of this size in
5 this particular location will include an overall
6 investment of over \$10 million, with over
7 6 million of that in labor costs. And this
8 project, we are committed to building with
9 Illinois union labor.

10 A little more about decommissioning of the
11 solar projects. And I understand the ZBA is
12 pretty familiar with the Agricultural Impact
13 Mitigation Agreement, but I'll give an overview
14 again, just for the record.

15 Under State of Illinois law, community
16 solar projects are required to sign an
17 Agricultural Impact Mitigation Agreement when
18 they're proposing to develop a solar project on
19 what is currently agricultural land in the
20 state. We sign those agreements with the State
21 Department of Agriculture at some point prior to
22 receiving a building permit; as Courtney
23 explained, 45 days prior to starting
24 construction. This will include a detailed

1 final decommissioning plan for the end of the
2 project, and it will require a bond to be placed
3 with Lee County to confirm that there are funds
4 in place to handle the decommissioning of the
5 project.

6 Key steps as part of this decommissioning
7 or deconstruction of the solar project include
8 removal of modules, racking, piles; removal of
9 cabling, trays, electrical equipment. If there
10 are any concrete pads or foundations and debris,
11 that's removed as well.

12 Site stabilization also, including placing
13 soil and reseeded as necessary. And then, of
14 course, the removal and disposal of all
15 materials used, sometimes recycling. And then
16 removal of landscape materials, as applicable.

17 So that's all I have for my presentation.
18 I will pause here and thank you again for the
19 opportunity to speak this evening.

20 JUDGE SLAVIN: Any follow-up?

21 MS. KENNEDY: No, Judge.

22 JUDGE SLAVIN: Okay. Questions of
23 Mr. Elliott. Let's start going around the horn.
24 Mr. Boonstra?

1 STATE'S ATTORNEY BOONSTRA: No, sir.

2 Thank you.

3 JUDGE SLAVIN: Ms. Henkel?

4 MS. HENKEL: No, thank you.

5 JUDGE SLAVIN: Ms. Duffy?

6 MS. DUFFY: No.

7 JUDGE SLAVIN: Mr. Forster?

8 MR. FORSTER: No.

9 JUDGE SLAVIN: Mr. Hughes?

10 MR. HUGHES: Yes, multiple. Let me get
11 closer to this.

12 EXAMINATION

13 BY MR. HUGHES:

14 Q. First one, what's the projected term of the
15 project?

16 A. The projected term?

17 Q. What's the lifespan?

18 A. 25-year initial term, with two optional 5-year
19 renew -- unilateral renewal periods. So a
20 maximum of 35 years.

21 Q. Okay. Relative to the City's position, you got
22 that email from Mr. Shipman; however, it appears
23 the Council has not actually taken any official
24 action on that. He just polled the reaction --

1 am I correct, he just polled the reaction of the
2 officials, but the City has not taken an
3 official position on that, right?

4 A. That's my understanding, correct.

5 Q. Okay. How many residences or businesses will
6 this project, the 5-megawatt project, serve?

7 A. It totally depends on the percentage that a
8 particular resident or business decides to
9 subscribe to. So it's possible that it could be
10 many, many people and many, many businesses if
11 people subscribe to smaller percentages, because
12 that would be more to go around. But, of
13 course, that number starts to shrink as people
14 get higher percentage.

15 Q. How does one determine the percentage on a
16 subscription like that? I mean, how does one
17 get a particular percentage?

18 A. It's a part of the process. When you sign up
19 for the project, you decide -- part of the
20 process is, you provide your utility bill and
21 they look and see how much electricity your
22 house or your building or whatever it is
23 actually uses on a monthly basis and on a yearly
24 basis. And then there are typically several

1 options that they'll give you in terms of the
2 percentage that it would make sense for you to
3 subscribe to.

4 Q. Okay. Setbacks -- and I think this is just a
5 bit of a clarification. Excuse me, I have got
6 to --

7 For the equipment setbacks, and I think
8 you may have clarified this in the slide, but
9 in -- under the Design Standards, Setbacks,
10 Section F, it says -- it indicates a minimum of
11 400 feet from the property line of any platted
12 subdivision.

13 It does not appear in there that there's
14 any indication of primary residences, and maybe
15 every one of the properties is in a platted
16 subdivision that's adjacent to it. But there's
17 also a minimum of 400 feet from the foundation
18 of any nonparticipating primary dwelling.
19 That's not noted in the application.

20 Is -- getting back to my supposition, is
21 that because all the adjacent properties are
22 part of a platted subdivision?

23 A. Not necessarily. To the extent it's not noted
24 in the application, it is noted in the

1 presentation that I just gave --

2 Q. That's --

3 A. -- and that has now been admitted into
4 evidence.

5 So that's the intent, is that we comply
6 with all of the setback requirements required by
7 the Ordinance, except for the setback Variance
8 which we're proposing with respect to the Mabley
9 Center.

10 Q. Okay. And that's what I was saying, I think it
11 was kind of clarified there, but I just wanted
12 to -- because it was omitted from the
13 application part, I just wanted to clarify that.

14 A. Okay.

15 Q. The DNR letter indicates -- let me get to it.

16 It's Exhibit E. Here we go. It
17 indicates: This should not be regarded as a
18 final statement on the site being considered,
19 nor should it be a substitute for detailed site
20 surveys or field surveys required for
21 environmental assessments.

22 Do you plan on doing any additional
23 environmental assessments?

24 A. Yes. At the very least, we will do a wetland

1 delineation prior to moving to the next phase of
2 engineered construction drawings to determine
3 with specificity whether and where any such
4 wetlands would be located.

5 Q. Okay. What about some of the plants, and more
6 particularly some of the birds and animals that
7 were indicated that might be in the area but
8 were not specifically noted, do you intend to do
9 an additional bird and animal assessment?

10 A. To the extent that's something that Lee County
11 requires us to do, yes.

12 Q. Well --

13 A. Or to the extent --

14 Q. I'm just thinking in terms of what the
15 Department of Natural Resources has indicated.

16 A. My understanding is that the EcoCAT is the
17 first threshold to determining whether an
18 additional survey for flora or fauna would be
19 required. If there is an indication that there
20 may be animals out there, that's something that
21 the IDNR will let you know as part of the EcoCAT
22 process. And when they terminate consultation,
23 that's -- one way of interpreting that is,
24 that's their way of saying no additional

1 analysis is necessary. Now, there is that
2 fine-printed language at the end there.

3 Q. Okay. Sure.

4 A. So to the extent the IDNR requests us to do
5 additional surveys or studies of wildlife, then,
6 yes, we will comply with that requirement.

7 Q. Okay. But you're not -- other than the
8 wetlands, you're not planning on doing any
9 additional of your own?

10 A. No.

11 Q. Okay. Any particular reason for going with
12 fixed versus the tracking?

13 A. So tracker systems are typically more
14 productive because they do track the sun over
15 the course of the day, but they also require
16 more space.

17 For a site -- or for a space-constrained
18 site like this, where you have trees on both
19 sides, you have the Mabley Center on the
20 southern side, and you have the access road
21 immediately north, there's only so much room.
22 So our internal design team concluded that the
23 way to optimize productivity, while also making
24 sure that there's enough room for the panels, is

1 to do a fixed-tilt system, and that's where they
2 landed on.

3 Q. Why that finger, as compared to squaring it off
4 a little bit? I think you partially answered it
5 in the presentation because you said that the
6 Dixon Park District recommended this particular
7 land, and yet there is a -- it goes right around
8 a section that would seem appropriate and keep
9 you back from the Mabley Center.

10 A. Exactly. And I was just walking this with a
11 Dixon Park District representative earlier today
12 to look at this specific area.

13 You're right, the area that is excluded
14 from the project design that's currently west of
15 that finger --

16 Q. Yeah.

17 A. -- that is the area that the Dixon Park
18 District is planning to develop as an aquatic
19 center at some point in the future. So that's
20 the area that they said they did not -- they
21 were not open to leasing.

22 Q. Okay.

23 A. Which is why we had to use the southern finger
24 that runs adjacent to the Mabley Center.

1 Q. Okay. Additionally, with the fence, you were
2 talking about in regards to the National
3 Electric Code, and you said it was 7 foot. I
4 know that in previous presentations we have
5 heard that National Electric Code reference
6 6 foot of the cyclone-type fence with another
7 foot of barbed wire on top.

8 I guess my question is, are you just doing
9 the straight -- are you doing strictly 7 foot of
10 cyclone or are you actually putting -- are
11 you -- is that last foot of barbed wire?

12 A. We're not anticipating using barbed wire.

13 Q. Okay. What will be the -- you indicate you're
14 not going to exceed 20 feet. What are you
15 anticipating being the tallest piece of
16 equipment, outside of those connections and the
17 direct connections?

18 A. Outside of the utility poles and the electrical
19 lines, the panels themselves are typically in
20 the range of 13 to 15 feet. We typically use
21 20 foot as a maximum primarily for tracker
22 systems, because when those are maximum tilt
23 they can sometimes be more than 15 feet. So we
24 say 20 feet, just to be conservative.

1 But for a fixed-tilt system, the panels
2 themselves, outside of the utility poles, will
3 be -- the tallest point of that will be the
4 tallest point of the system.

5 Q. And you're figuring probably not more than 13
6 or 15 feet?

7 A. Approximately, yes.

8 Q. Okay.

9 A. It will depend on the exact panels that are
10 selected once you get to the engineering and
11 equipment procurement stage of the project, but
12 we don't anticipate anything more than that.

13 Q. Okay. Based on what you provided as the
14 expected equipment, the height would be 15 feet
15 or less?

16 A. Correct.

17 Q. Okay. And I think I need a little
18 clarification on your concerns on the visual
19 screening. Because as I understand, the
20 vegetative screening is to be on the leased
21 property adjacent to the nonparticipating.

22 JUDGE SLAVIN: Let's try and ask a
23 question.

24 MR. HUGHES: Well, I'm just --

1 JUDGE SLAVIN: "Is that correct?"

2 Q. (By Mr. Hughes:) Okay. Are you just leasing
3 the 24 acres -- you're just leasing the 24
4 acres?

5 A. Correct.

6 Q. So when we're talking about "leased property,"
7 that would just be relative to the 24 acres,
8 correct?

9 A. Correct.

10 Q. Then you shouldn't have a concern about the
11 larger 60-and-some acres -- or why would you
12 have a concern about the larger project size of
13 600-and-some acres?

14 A. To the extent that provision in the Ordinance
15 could be interpreted to require us to provide
16 screening to residences located adjacent to the
17 larger 607 -- or 609-acre parcel, then that's
18 what we would have a problem with. So some of
19 those properties would potentially be across the
20 river.

21 So that's just an example of how we found
22 that to be both impractical and an undue
23 hardship.

24 JUDGE SLAVIN: If I may interrupt. This

1 is the reason I suggested these terms. The Lee
2 County Ordinance describes screening
3 requirements for the project parcel. The parcel
4 on this which 24 acres sits has only got one
5 number, and it's for 610 acres.

6 So if you're really -- if you wanted to
7 interpret it one way, you'd say it's a project
8 parcel of 610 acres but they're only developing
9 24. That's what he's -- that's why I suggested
10 the terms "project parcel" versus "leasehold
11 area."

12 MR. HUGHES: Which is specifically why I
13 was asking the question, because in the Code it
14 says, The visual screen will be installed on the
15 property being leased by the SES immediately
16 adjacent to the property line.

17 JUDGE SLAVIN: It must say somewhere else
18 something about project parcel.

19 MS. KENNEDY: I can answer this later, if
20 you want.

21 MR. HUGHES: I have no problem you
22 answering it right now.

23 JUDGE SLAVIN: Sure.

24 MS. KENNEDY: So that provision is only

1 under Platted Subdivisions.

2 If you look where it says, Adjacent
3 nonparticipating dwellings, it doesn't make that
4 distinction.

5 MR. HUGHES: Yes, it does. The owner of
6 any adjacent nonparticipating dwelling, at its
7 discretion, may request a visual screen be
8 designed, installed, maintained and ultimately
9 removed. And then it goes on to say, If the
10 option is chosen, the visual screen will be
11 installed on the property being leased by the
12 SES immediately adjacent to the property line.

13 It doesn't talk about dealing with the
14 project size. It talks about --

15 JUDGE SLAVIN: Somewhere it talks about
16 project parcel. Honest to God, it does.

17 MS. KENNEDY: I agree.

18 JUDGE SLAVIN: But that's why we encourage
19 the use of the --

20 MR. HUGHES: Okay. That's -- I think
21 that's it then.

22 JUDGE SLAVIN: Okay. In order of
23 seniority, let's see, Mr. Pratt?

24 EXAMINATION

1 BY MR. PRATT:

2 Q. So I got a couple legal questions, to start
3 with. And I'm not a lawyer, by any means, so
4 these are probably stupid questions?

5 Your petition states that it's the
6 seconded amended petition? Explain that.
7 Where's the first one? What's the second one?

8 JUDGE SLAVIN: Well, she's not under oath;
9 he is. We're getting a little loose.

10 MR. PRATT: Well, he's an attorney too.

11 JUDGE SLAVIN: Yeah, you can answer.

12 A. So we amended the petition. If I remember
13 correctly -- I don't recall when we amended the
14 petition, so I'm going to defer to Courtney on
15 that.

16 JUDGE SLAVIN: Well, if you compare the
17 petitions, the second amendment adds Variations.

18 MS. KENNEDY: That's the short answer,
19 yes.

20 MR. PRATT: But we never saw the first
21 one, correct?

22 JUDGE SLAVIN: Correct. Well, I don't
23 know if you did or not, but. . .

24 MR. PRATT: Okay.

1 MS. KENNEDY: Correct. The application
2 provides the most recent one that we filed, the
3 second amended.

4 MR. PRATT: You filed a first amended one?

5 MS. KENNEDY: Correct.

6 MR. PRATT: Okay.

7 Q. (By Mr. Pratt:) So the second one, you're
8 requesting a Variance on the setbacks contingent
9 on the fact that you'll get a waiver from the
10 owner.

11 Why do you need a Variance once you have a
12 waiver?

13 A. My understanding is, that is a component of the
14 Ordinance itself. Actually obtaining the waiver
15 is one option.

16 Q. Right, so why are we giving you a Variance if
17 you're going to obtain a waiver?

18 A. My understanding is that the Lee County
19 Ordinance is structured in a way that still
20 requires the Lee County Zoning Board of Appeals
21 to grant a waiver as a secondary threshold to
22 getting the setback Variance, the first
23 threshold being the waiver itself.

24 I apologize, I know that was a legalese

1 answer. It may have been more confusing.

2 MS. KENNEDY: There it mentions that they
3 can recommend granting the Variance but only if
4 we have a waiver.

5 MR. PRATT: We'll talk about that further.

6 Q. (By Mr. Pratt:) So that's my legal questions.

7 So you talked about, the City hasn't made
8 a determination or voted on this. Will they at
9 some point?

10 A. I don't know what the City's process is, but I
11 know that we have a confirmation from City
12 representatives that they support the
13 development of the project. I don't know if
14 they will take an official vote or not.

15 Q. Have you done a field tile survey?

16 A. Not yet. That's something we would do prior to
17 construction.

18 Q. You stated that construction will commence at
19 6 o'clock and end at -- 6 o'clock in the morning
20 and end at 9 in the evening. You didn't say
21 what days. Every day, Sunday included?

22 A. We will comply with -- it's not for sure at
23 this point, but we will comply with whatever the
24 requirement is. If the requirement is we only

1 work weekdays, then we'll comply with that.

2 Q. So on the soils on this property, I think you
3 stated that 25 percent of it was Class A soils?

4 A. Approximately 25 percent, or it was prime
5 farmland according to the Lee County Soil and
6 Water Natural Resources Inventory Report.

7 Q. Do you know what the productivity index is on
8 it?

9 A. Yes. It's 106.

10 Q. On the 24 acres?

11 A. On the overall project parcel.

12 Q. On the project parcel.

13 Do you know what it is on the leased land?

14 A. I do not, no.

15 Q. I have a pretty good idea what it is.

16 MR. PRATT: Okay. That's my questions.

17 JUDGE SLAVIN: All right. Mr. Meyer?

18 EXAMINATION

19 BY MR. MEYER:

20 Q. My question is on the financing of the
21 community project. Is it completely financed
22 then by the subscriptions?

23 A. No. No, that's only a portion of it.

24 Q. How is the other portion financed?

1 A. It's a renewable energy credit, or certificate
2 award, that comes from the Illinois Power
3 Agency.

4 So as part -- the next step of the
5 process, if we obtain a zoning permit from Lee
6 County, we will -- part of what's required to
7 submit this project to the State to obtain one
8 of those rewards is an SUP permit.

9 So that would be the next stage, is to get
10 the SUP permit, we have to sign a lease, we have
11 an interconnection component we need, and then
12 we'll submit to the Illinois Power Agency, where
13 they will consider our application and a number
14 of other applications and decide which projects
15 get the award and which don't.

16 Q. So it will be almost all financed by the award
17 and by the subscription?

18 A. Most likely, yes. Yes.

19 Q. Would the award be more than half of it -- half
20 of the financing?

21 A. Yes.

22 MR. MEYER: Okay. That's all I have.

23 JUDGE SLAVIN: Mr. Schoenholz, or if
24 you're from Amboy, I understand it's Schoenholz

1 (different pronunciation).

2 MR. SCHOENHOLZ: No. Schoenholz.

3 JUDGE SLAVIN: We were talking before you
4 got here, there apparently is a different
5 pronunciation in Amboy.

6 EXAMINATION

7 BY MR. SCHOENHOLZ:

8 Q. So I was curious about your subscribe- -- like,
9 do you currently have subscribers? And what
10 process do you have to facilitate subscribers?

11 A. We do. So it's not us, necessarily, that has
12 the subscribers. It's the particular project
13 company in question that has the subscribers.

14 So the projects that we develop, we have
15 since sold to other companies that own and
16 operate the projects. Rockford Solar, LLC, is
17 an example. It's an educational process that
18 we -- Trajectory does stay involved in, to
19 explain kind of how community solar works to
20 people in the area, it can be people in the
21 broader area as well, and then just let them
22 know about the opportunity and then explain the
23 sign-up and subscription process and help them
24 kind of get the paperwork started.

1 Q. So Trajectory takes, like, an educational role?

2 A. Yeah, very much so. Depending on the
3 particular project, sometimes we will stay
4 involved in essentially facilitating the
5 subscription sign-up process, if that makes
6 sense.

7 Q. And who actually facilitates your subscribers,
8 maintains, like, the energy credits that go to
9 each subscriber?

10 JUDGE SLAVIN: Mr. Schoenholz, you're
11 brand-new to this. These microphones almost
12 have to be swallowed. They are -- they just --
13 I'm doing it too. They are just -- you got to
14 practically get your lips touching it. It's
15 really hard. In fact, you've probably got to
16 move your laptop.

17 MR. SCHOENHOLZ: Oh, okay.

18 JUDGE SLAVIN: They're that tough to deal
19 with. The problem is, then the people on Zoom
20 can't hear you.

21 THE WITNESS: You can move the mic well.

22 MR. SCHOENHOLZ: Oh, sure.

23 JUDGE SLAVIN: Yeah, you can move it
24 towards you.

1 MR. SCHOENHOLZ: Okay. I'm just checking
2 it.

3 JUDGE SLAVIN: Yeah, there you go.

4 Q. (By Mr. Schoenholz:) So you were explaining
5 who -- how -- my question was: How does -- who
6 facilitates the process of lining up subscribers
7 and facilitating the solar credits that are
8 generated at the site to a subscriber's electric
9 bill?

10 A. That is typically the utility that does that
11 piece of it. So in this instance, this is a
12 ComEd project, that would be ComEd that
13 determines, Okay, this person is -- their meter
14 is running at a certain amount and we see that
15 they have a -- they're subscribed to a certain
16 percentage of the project, so we're going to
17 allocate a certain amount of power that came
18 from Meadow Solar, LLC, as an example, to that
19 person's electricity bill because they have an X
20 percentage of subscription that they have signed
21 up for.

22 Q. Okay. As far as interconnectivity, can you
23 explain a little bit about the process and how
24 you plan to get it connected to the grid? Do

1 you know if the substation needs upgraded before
2 you can get interconnected?

3 A. So --

4 JUDGE SLAVIN: That's two questions. Just
5 ask one at a time.

6 MR. SCHOENHOLZ: Oh, sorry.

7 JUDGE SLAVIN: It's hard to ask questions,
8 it really is.

9 A. So taking the first question, we do know about
10 the interconnection process. So the first step
11 that we typically take is submitting a -- what's
12 called a pre-application report to the given
13 utility, whether it's Ameren or ComEd; here it's
14 ComEd. That identifies the project location,
15 often identifies the particular interconnection
16 infrastructure that we're looking at, so the
17 particular distribution lines that are adjacent
18 to the project site. And then ComEd will take
19 what's essentially a preliminary look at that
20 particular circuit at that location and give us
21 an idea of how much capacity is available on
22 that line, and sometimes the approximate cost
23 that they're anticipating of interconnecting at
24 that line, and then some of the more detailed,

1 technical specific cases of what an
2 interconnection at that line would actually look
3 like. So that's the first piece.

4 If that looks promising enough to us, we
5 will move forward in the interconnection
6 process. Broadly speaking, the next step of
7 which is submitting an interconnection agreement
8 to ComEd. So that's something that we populate
9 with information about the site, about the
10 project company here, being Meadow Solar, LLC,
11 and then send that to the utility. And the
12 utility, of course, would need to countersign
13 that agreement.

14 And there are various obligations
15 associated with that agreement or that come out
16 of that agreement, one of which is, often the
17 utility here, ComEd, agreeing to do a more
18 robust study of the particular project on that
19 particular circuit and determine with
20 specificity and more certainty the potential
21 interconnection cost that we would have to pay
22 to interconnect the project at that particular
23 circuit and, again, what the engineering
24 specifications would look like, the location of

1 the proposed interconnection, whether the
2 utility thinks that our proposed location would
3 work. Sometimes they propose alternative
4 locations. So that's the next step.

5 And then the final step is typically us
6 signing a final interconnection agreement with
7 the utility, saying that we are going to
8 interconnect at a particular location for a
9 particular project for a cost amount that is
10 specified in the agreement.

11 Remind me the second question.

12 Q. (By Mr. Schoenholz:) I think you answered both
13 questions.

14 A. Okay.

15 MR. SCHOENHOLZ: Thank you. That's all I
16 have.

17 JUDGE SLAVIN: Okay. How about you
18 Mr. Buhrow, any questions? Is he still on? I
19 can't see.

20 MR. HUGHES: They have got the --

21 IT SPECIALIST: I believe so.

22 JUDGE SLAVIN: Craig Buhrow, can you hear
23 me? Do you have any questions?

24 MR. HUGHES: He's still muted.

1 JUDGE SLAVIN: Okay. All right.

2 MR. HUGHES: He's got to get unmuted.

3 JUDGE SLAVIN: Craig, can you hear me? If
4 you can hear me and want to ask a question,
5 unmute yourself. Otherwise, you don't have to.

6 MR. HUGHES: Is he muted on his end or
7 this end?

8 IT SPECIALIST: His end.

9 JUDGE SLAVIN: His end.

10 MR. BUHROW: Okay.

11 JUDGE SLAVIN: Questions?

12 MR. BUHROW: I was -- no, Judge.
13 Everything has been answered well. They are
14 doing a good job.

15 JUDGE SLAVIN: All right. Interested
16 Parties in the courtroom, questions of
17 Mr. Elliott?

18 (No verbal response.)

19 JUDGE SLAVIN: Seeing none, how about on
20 Zoom? If you have a question of Mr. Elliott,
21 would you do that thing where you go to
22 "Participants" and then click "Raise Hand"?

23 I can't see, so somebody's got to tell me.

24 IT SPECIALIST: Doesn't look like anybody

1 does.

2 JUDGE SLAVIN: Okay. I have a few. I
3 hope I can make mine concise.

4 EXAMINATION

5 BY JUDGE SLAVIN:

6 Q. Mr. Elliott, is there presently an engineering
7 certificate that the foundation and design of
8 the solar panels is within accepted professional
9 standards?

10 A. No.

11 Q. Will you have that?

12 A. Yes.

13 Q. I think you answered the question, but will
14 Meadow Solar comply with any applicable State
15 and federal regulatory standards?

16 A. Yes.

17 Q. Will security cameras be anywhere on site,
18 either temporarily or permanently?

19 A. We don't anticipate using security cameras,
20 unless required.

21 Q. Will any SES component be within 75 feet of the
22 right-of-way of any State road?

23 A. No.

24 Q. Which brings up another question. Is Cemetery

1 Road -- to your knowledge, if you know, is
2 Cemetery Road a Township road, a municipal road,
3 a State road or a federal road?

4 A. To my knowledge, no.

5 Q. Do you know what form of byway it is?

6 MS. DUFFY: It's a dirt road.

7 MS. KENNEDY: It's private.

8 JUDGE SLAVIN: Let him answer.

9 A. I don't know.

10 Q. (By Judge Slavin:) Okay. Thanks.

11 MR. HUGHES: It's a gravel access for the
12 Dixon Park District.

13 JUDGE SLAVIN: Ah.

14 Q. (By Judge Slavin:) Is the proposed boundary
15 fence within 3 feet of any adjoining
16 nonparticipating property owner's property line?

17 A. No.

18 Q. As to the community meeting on July 18th, did
19 you notify all Lee County Board members, the
20 Dixon Township Board members, and the Zoning
21 Department -- the Lee County Zoning Department
22 staff?

23 A. Yes.

24 Q. Can you help me out and point out where the

1 landscaping plan is in your application, if you
2 can find it real quick?

3 A. So it's a combination of the information that I
4 presented in the slide deck on what the proposed
5 vegetative screening would look like, and then
6 it's also highlighting on the site plan itself
7 where the existing vegetative screening already
8 is on the west side and on the east side of
9 the --

10 Q. Okay. Thank you.

11 A. -- of the leasehold area.

12 Q. Would the EcoCAT -- does the EcoCAT
13 consultation review look for historic sites, as
14 well as National Heritage Database flora and
15 fauna?

16 A. No. My understanding is that the EcoCAT covers
17 threatened and endangered species and wetlands.

18 Q. If you know, was any review done by IDNR --
19 which now takes care of historic sites, by the
20 way -- to locate if there was any historic sites
21 in the leasehold area?

22 A. Not to my knowledge.

23 Q. Has a stormwater management plan been
24 developed?

1 A. Not yet.

2 Q. And will Meadow Solar do so?

3 A. Yes.

4 Q. If there would be drainage tile damage, within
5 what time frame would Meadow Solar repair that
6 damage?

7 A. Within 12 months, per the Agricultural Impact
8 Mitigation Agreement we would sign with the
9 Department of Agriculture.

10 Q. Do you have any evidence that the proposed
11 project would not cause any communication
12 interference?

13 A. We have no evidence showing that it would not,
14 but we're also not aware of any peer-reviewed or
15 academic studies --

16 Q. Oh, you said that.

17 A. -- showing that it would interfere with it.

18 Q. Was the LESA score for the project parcel or
19 the leasehold area?

20 A. Project parcel.

21 Q. And that was 74, you said?

22 A. Yes. My understanding, it was actually the
23 land evaluation. We are still waiting on the
24 site assessment.

1 JUDGE SLAVIN: All right. That's all the
2 questions I have.

3 Any follow-up, Ms. Kennedy?

4 MS. KENNEDY: Just briefly, Judge.

5 CROSS-EXAMINATION

6 BY MS. KENNEDY:

7 Q. With the community meeting, did you also notify
8 all adjacent landowners within a thousand feet
9 of the project parcel?

10 A. Yes.

11 MS. KENNEDY: I have nothing further.

12 JUDGE SLAVIN: You may step down.

13 THE WITNESS: Thanks.

14 JUDGE SLAVIN: All right. Well, unless
15 you think you can get something done in ten
16 minutes.

17 MS. KENNEDY: I think I can get through
18 his testimony.

19 JUDGE SLAVIN: How about going around the
20 horn though? Probably not?

21 MS. KENNEDY: Probably not.

22 JUDGE SLAVIN: Okay. Let's call it an
23 evening then, and let's recess until Wednesday,
24 the 7th, at -- is anybody interested in 6 -- ZBA

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members interested in 6 o'clock or not? I think I asked this once and got almost an insurrection.

MR. PRATT: Ask the new guy.

MR. SCHOENHOLZ: No, no interest here.

JUDGE SLAVIN: Okay. 7 o'clock on the 7th, and we're adjourned -- we are in recess.

(The hearing was recessed at 9:26 p.m.)

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Now on this 1st 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

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