

1 MR. WELBERS: That moves us to Zearing
2 Solar 1, LLC. The attached Parcel Number,
3 11-13-300-012.

4 The common location is the northwest
5 corner of the intersection of 2100 N Avenue and
6 2950 E Street.

7 The property is presently zoned as
8 Agriculture.

9 This is for a Conditional Use to build and
10 operate a 4.5-megawatt AC commercial solar
11 energy facility for the purpose of generating
12 electrical power on a portion of the subject
13 property. The project will consist of solar
14 panels, racking, foundation piles, inverters,
15 overhead poles line, and perimeter fencing.

16 The present use is farmland for annual
17 grain crops, with no buildings.

18 Based on information that was heard, the
19 Bureau County Regional Planning Commission found
20 that the application for Conditional Use as
21 listed above was consistent with the applicable
22 goals, objectives and policies of the
23 Comprehensive Plan and recommended for approval
24 with the attached stipulations to the Bureau

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1 County Board of Appeals.

2 Berlin Township Road Commissioner: Our
3 Road District objects to the application for the
4 following reasons: The written Road Use
5 Agreement needs to be in place first before a
6 building permit is issued by Bureau County.

7 Of course, which would be customary.

8 Berlin Township Supervisor: They object
9 for the same reasons that the road commissioner
10 mentions, that a Road Agreement needs to be in
11 place.

12 Which, of course it needs to be or a
13 building permit would not be issued.

14 Malden District Number 84: Our School
15 District has no objection.

16 Princeton High School District Number 500:
17 Our School District has no objections.

18 And the Bureau County Soil and Water
19 Conservation District:

20 It is the opinion of the District
21 that this report summarized on this page
22 is pertinent to the zoning request:

23 Cultural Resource Information. Upon
24 review of the historic 1822 plat map, we

1 found no historic sites on the property.

2 Biological Resources. Historically,
3 the site was a prairie landscape. We
4 recommend planting a pollinator mix for
5 the ground cover around and underneath the
6 solar panel arrays to improve the
7 biological resources on the site and to
8 protect the soil. Common management of
9 the pollinator plantings at solar sites is
10 routine mowing and occasional
11 inter-seeding. Our office can provide
12 seed mixes and a management plan upon
13 request.

14 Wetland and Floodplain Information.
15 The site is within the area of a minimal
16 flood hazard, Zone X. Consultation with
17 the Illinois Department of Natural
18 Resources Floodplain Permit Program should
19 happen before finalization of work plans
20 to see if any permitting will be required.
21 The site does not contain wetland areas
22 within the footprint of the site. Please
23 contact the U.S. Army Corps of Engineers
24 to determine your responsibilities

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1 going forward with this project site.

2 Erosion Control. The building site
3 is located on gently to moderate sloping
4 ground. Care should be taken to cover
5 bare soil during construction whenever
6 possible. Grading should be kept to a
7 minimum. The landowner and Zearing Solar
8 1, LLC, should agree upon a reasonable
9 method to control erosion on the
10 landowner's property.

11 Soils Information. All acres of the
12 soil on the site is considered Prime
13 Farmland or Prime if drained by the
14 USDA. All of the soils on the site are
15 highly suitable for agricultural
16 production. Some soils are not suitable
17 for shallow excavation due to the depth of
18 the saturation zone or ponding.
19 Additional building and engineering
20 considerations may be needed in these
21 locations.

22 Soil Health Assessment. A site visit
23 was conducted on October 17th, 2023, to
24 further evaluate potential natural

1 resource concerns of the zoning request.
2 Current soil health conditions are
3 considered good based upon the field
4 indicators that were tested on the site.
5 A pollinator planting within the solar
6 project would help maintain and possibly
7 improve the soil health on the site.

8 AIMA. Refer to the specifications
9 outlined in the Agricultural Impact
10 Mitigation Agreement with the Illinois
11 Department of Agriculture for the
12 minimum standards applied to all
13 construction or deconstruction activities.
14 We emphasize that construction activities
15 should not occur when normal farming
16 operations such as plowing, disking,
17 planting, or harvesting cannot take place
18 due to weather conditions. If an AIMA is
19 still needed, appropriate forms can be
20 found on the Illinois Department of
21 Agriculture website.

22 And the notice of publication is here.

23 And so is the witness. You can come back
24 again.

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1 MR. GRANDON: Thank you.

2 REUBEN GRANDON,

3 being first duly sworn, testified as follows:

4 MS. BEATTIE: Could you please state your
5 name and address for the record.

6 MR. GRANDON: Yes. Reuben Grandon,
7 R-E-U-B-E-N, G-R-A-N-D-O-N, GreenKey,
8 3519 NE 15th Avenue, Number 106, Portland,
9 Oregon, 97212.

10 MS. BEATTIE: Thank you.

11 MR. GRANDON: Yes, ma'am. Thank you.

12 MR. WELBERS: Go ahead, sir.

13 MR. GRANDON: Thank you.

14 This is Zearing Solar 1, LLC. It is a
15 4.5-megawatt project. Approximately 25 acres of
16 land is required.

17 And in terms of the property owner, it's
18 Wesley Gillan and his family. We're leasing
19 this land from him. It's located northeast of
20 Zearing, at the corner of 2100 North Avenue and
21 2950 E Street.

22 It's surrounded by -- the parcel itself is
23 zoned Agriculture, and all of the parcels
24 surrounding the property are also zoned

1 Agriculture.

2 In terms of some of the specifics, we
3 intend to access the site off of 2950 East. I
4 had a conversation with Cal Stanley, the
5 township road commissioner, and I anticipate
6 that we will need to enter into a Road Use
7 Agreement for this facility. He also indicated
8 he might like to see some studies prior to us
9 pulling the building permit, which we're happy
10 to provide.

11 So we do ask the ZBA if you'll give us the
12 same condition of approval as has been presented
13 to the other application and the opportunity to
14 put a RUA in place prior to pulling the building
15 permit.

16 Access on that east side is preferred
17 compared to the south side, per a conversation
18 with Cal, just based on the conditions of the
19 roads, the two different roads.

20 In terms of emergency personnel, I reached
21 out to Malden Fire Chief Travis Rossler. This
22 would be the Malden Fire Department. Have not
23 made contact yet, but I'm sure we will. He's
24 pretty busy.

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1 And then in terms of emergency personnel,
2 I had spoke with Fire Chief Scott Etheridge
3 today, and he was very interested, I think, in
4 having an orientation or otherwise having us
5 welcome them to the site when we start
6 construction or after it's complete.

7 So just like the other ones, we fully
8 intend to have an orientation of the fire and
9 emergency personnel. We'll provide the standard
10 operating procedures, operating guidelines, and
11 otherwise support them as emergency and fire and
12 first responders. I know that sometimes they're
13 updating their emergency plans as well.

14 Let's see. The fence that we're proposing
15 is predominantly the same as the other fences
16 that we have talked about. So, again, it will
17 be an agricultural wire woven fence. It won't
18 be a chain link. It will be 7 feet tall, per
19 National Electric Code, and it will be around
20 the facility itself.

21 This project does not call for any battery
22 energy storage. The anticipated timeline for
23 this particular project is fall of 2024. Again,
24 it's hard to say for sure because there are many

1 variables that are outside of our control
2 between now and then, but that's the goal that
3 we're all working towards.

4 In terms of access to the site, there will
5 be a gate. It will have, per NEC, a
6 high-voltage and danger signs on it, as
7 described on the zoning site plan.

8 Like the other sites, we will use the same
9 nursery out of Ottawa for seed pollinator-
10 friendly species after construction. That both
11 helps with erosion but also makes it an Illinois
12 pollinator-friendly site, which our goal is to
13 achieve that.

14 With the application, we have submitted a
15 signed Agricultural Impact Mitigation Agreement
16 with the Illinois Department of Agriculture. We
17 have also submitted a decommissioning and
18 deconstruction plan, as required by the AIMA and
19 the Bureau County Ordinance. The
20 decommissioning plan was prepared by a licensed
21 professional engineer in the state of Illinois.
22 And we also submitted the State Historical
23 Preservation Office letter from a third-party
24 consultant, a vegetation management plan, as

1 well as other supporting documentation that I'm
2 sure the ZBA has received, like the other ones.

3 With that, I would like to request the
4 ZBA's approval for this Conditional Use Permit
5 for Zearing Solar 1, LLC. As supported by the
6 testimony and the application materials that
7 were submitted, it's in full compliance with the
8 State Statutes that were passed by HB4412 and as
9 implemented by the Bureau County Ordinance that
10 was passed in May of 2023. We believe that all
11 of the criteria have been satisfied, and we
12 request your approval.

13 With that, I'm open for any questions.
14 And I did my best, Kris, to think of some that
15 you might ask me ahead of time.

16 EXAMINATION

17 BY MS. DONARSKI:

18 Q. So this will be the same type of systems that
19 you have described at the other two, like, the
20 racking and the array? Is it going to be
21 tracking or stationary or you don't know yet on
22 that one as well?

23 A. Yeah, materially the same. Yeah, we have not
24 determined if it will be tracking or stationary

1 for the project.

2 Q. And do you have any kind of a drainage tile map
3 for this farm field at all?

4 A. Yeah, I don't remember off the top of my head
5 if we have it.

6 Q. Okay.

7 A. But I can say for sure that we will be in full
8 compliance with the AIMA with regards to
9 drainage tile, as well as -- sorry, as well as
10 other agreements that we have with the
11 landowner.

12 Q. And then you work out -- you look for
13 pipelines, buried electrical, gas lines, all
14 that sort of thing as well?

15 A. Yes. Like the other one, we'll have an ALTA
16 survey completed for this property that will
17 identify any easements or pipelines, and we'll
18 do the JULIE survey before we do any digging or
19 start construction.

20 Q. Now, you had said on another project that you
21 had made it larger and then you would scale it
22 down. Is that also the case on this project?

23 A. This one is relatively land-constrained, just
24 because there's not a lot of extra land based on

1 the size that we have an agreement with Ameren
2 for; however, I'm not sure if the fences are
3 accurately reflected on the site plan itself.
4 We intend to put them either as close to the
5 property line as possible or as close to the
6 right-of-way as possible for this project.

7 Q. And you don't plan to follow the Zoning
8 Ordinance regulation that all parts of it are
9 going to be at least 50 feet from the
10 right-of-way of the road?

11 A. No, we do, yeah. The 50-foot setback
12 requirement that's in the Bureau County
13 Ordinance applies to the facility itself. So
14 the solar array will be at least 50 feet back
15 from either the property line or the
16 right-of-way, like you said.

17 Q. What about the fence?

18 A. The fence itself is not part of the solar
19 facility. That can be placed right on the
20 property line or adjacent to the right-of-way.

21 Q. Are you aware what the Bureau County Zoning
22 Ordinance, which this is taken straight from the
23 State Statute, under Section 16, the Fencing, it
24 says: The facility site shall be sited so the

1 facility's perimeter is enclosed by the fence
2 having a height of at least 6 feet and no more
3 than 25 feet. A Variation to the fence
4 requirement may be granted subject to the
5 written consent to the owner of each affected
6 nonparticipating property.

7 The fencing regulation is in the
8 requirement that the fencing will meet the
9 requirements of the setback requirement. The
10 fencing for the farm is not different outside of
11 the Conditional Use for the solar array itself.

12 A. Okay. Yeah, I'm aware of that Section, and my
13 reading and our understanding and interpretation
14 of that Subsection 16 of the Bureau County Solar
15 Ordinance is that the perimeter fencing is
16 separate from the facility.

17 Q. Okay.

18 A. So if you focus in on the phrase inside the
19 quote that you read, it has, Shall be sited so
20 that -- excuse me, so the facility's,
21 apostrophe S, perimeter is enclosed by fencing
22 having a height of, dot, dot, dot.

23 So my interpretation is, because it's
24 saying the facility's perimeter fencing, that's

1 suggesting to me that the perimeter fencing is
2 separate from the facility. I think a strict
3 interpretation of this, if you were to apply the
4 interpretation I think you might have conveyed,
5 would be that our facility itself would need to
6 have a fence, but then we would need to have a
7 fence around the facility, which I think that
8 would mean there would be two fences. I don't
9 think that's the intention of the Code.

10 I would also point out, as you did, the
11 State Statute 55 ILCS 5-1202, Subsection E,
12 which has several things underneath, a County
13 may require, and Subsection 4 says: A
14 commercial solar energy facility to be sited so
15 that the facility's perimeter is enclosed by
16 fencing having a height of at least 6 feet and
17 no more than 25 feet.

18 And then it has facility, apostrophe S,
19 which to me implies, or directly in the plain
20 language, that the perimeter fence is separate
21 from the facility itself.

22 Q. So if the facility fence is separate from the
23 facility itself, why did the State Statute list
24 the facility -- or list the fence as part of the

1 facility? Why -- it didn't say anything about
2 an inverter. Are we going to say that's not
3 part of the facility? It doesn't say anything
4 about power poles. Is that not part of the
5 facility?

6 I think you're making rules that aren't
7 really what the intent of this is. The intent
8 of the 50-foot setback, which is also in our
9 Zoning Ordinance, showing at the intersection of
10 two lots, there is a 50-foot sight triangle.
11 And that is for safety of these people, these
12 traveling public, at an intersection where you
13 don't want any blind corners or things blocked
14 by fences, inverters, solar panels.

15 We don't let people build barns or
16 anything else in that 50-foot sight triangle
17 because of sight safety, right? It's these
18 people's lives. This is all of our lives.

19 You're just quoting statutes to try to
20 give numbers. These are our lives. I don't
21 want to hear of any of these people getting in
22 an accident at a corner because there's
23 something built in the 50-foot sight triangle.
24 That's my point.

1 A. Okay. Yeah, point well taken, and we
2 absolutely want to build the facility to make
3 sure that it is safe.

4 So I think in terms of the fencing itself,
5 it won't be blocking visibility. It's of such a
6 nature that the wire meshing is wide so you'll
7 be able to see right through it, and of course
8 we don't want to obstruct any vision on an
9 intersection.

10 Q. We're going to have to talk about that. But I
11 very much disagree that the fence is not part of
12 it, because the fence is specifically called out
13 in the Ordinance as part of that facility, and
14 we were required to put that in because it is
15 part of that facility. That language was never
16 in our Ordinance before until we were required
17 to put that in there.

18 So your fence is part of the facility as
19 much as any other part of it. A rack, a solar
20 panel, a wire, an inverter, whatever it is, it's
21 all part of your facility, and it's going to
22 meet those setback requirements.

23 A. Okay. I think my understanding, again, is that
24 it's not a part of the facility. It's separated

1 from the facility. If the State Statute was
2 including the fence as part of the facility,
3 then it wouldn't have written it in such a way
4 that says the facility's perimeter fence. It
5 would say "the facility" and not include the
6 word "the perimeter fence" because the facility
7 would also already include the perimeter fence.
8 So to me, the plain language of the Ordinance
9 implemented by Bureau County and the State
10 Statute is that it's different.

11 And, you know, my experience working in
12 agricultural districts is, there's no limitation
13 on fencing on property lines or on right-of-way
14 lines.

15 Q. These people here, they are not going to put a
16 10-foot fence or a 25-foot fence on their
17 property line to block vision at a corner. They
18 have more sense than that.

19 A. I think for us, we're adhering very strictly to
20 the Illinois Statute.

21 Q. Well, I'm adhering to the Statute and the
22 Bureau County Zoning Ordinance.

23 A. Okay. Yes, ma'am.

24 I would say in terms of the Bureau County

1 Zoning Ordinance, we did not find anything that
2 regulates fencing.

3 Q. It's right there in the Ordinance, in the
4 section on there. That's the Fencing Ordinance,
5 and it's part of that facility project. That's
6 part of that, just like we have certain things
7 for wind farms that apply to them. It's not
8 anywhere else in the Ordinance, and that was
9 added in for solar, required for us to add it
10 in. We didn't want to. They made us do that.
11 And so it is part of it.

12 A. Okay. I understand.

13 Yeah, outside of the Solar Ordinance
14 itself, we did not see anything in the Zoning
15 Code, and I'm not aware of anything in the
16 Zoning Code, that requires regulations about
17 fencing in the Agricultural Zone. I did see
18 things in the Industrial Zone and the
19 Manufacturing Zone and the Residential Zone, but
20 I think the Code is silent on the Agricultural
21 Zone. So for that reason, that's why we have
22 proposed the fence the way it is. It's in order
23 to meet the requirements that are on the books,
24 both at the State and at the County level.

1 You know, if the facility includes the
2 fence and the facility's perimeter must be
3 enclosed by a fence, then to me that reads as
4 two fences. So I understand that we have a
5 different interpretation, and we can agree to
6 disagree, but I just want to be clear that
7 that's our interpretation.

8 Q. Well, why do you think that we were required to
9 put in there about the fence if it didn't apply?

10 A. I don't quite know how to answer that question.

11 Q. Yeah.

12 A. Why do we think --

13 Q. Why would we put a regulation in our Ordinance
14 that wouldn't apply to a solar farm in the Solar
15 Farm Ordinance?

16 A. So I understand that the Bureau County
17 implemented the State Statute in Subsection 16.
18 My interpretation of that is that the facility
19 itself is separate from the fence. So I think
20 we can agree to disagree. But at the same time,
21 we are not trying to block anybody's vision, and
22 I believe at the building permit process we'll
23 be able to address this to make sure that it's
24 not a danger to public safety or to anybody

1 turning there.

2 You know, and your condition of approval
3 that you have as part of the standard conditions
4 is written in such a way that gives the County
5 authority to maneuver with that. So before
6 we're pulling a building permit, I would imagine
7 we would need to be in adherence with that.

8 MR. WELBERS: Anything else?

9 MS. DONARSKI: I have nothing else.

10 MR. WELBERS: Anyone in our audience?

11 State your name once more.

12 MR. RENWICK: Bruce Renwick.

13 EXAMINATION

14 BY MR. RENWICK:

15 Q. You said this is going to be a 4.5-megawatt
16 facility. Earlier you gave us a rule of thumb
17 that it's 6 acres per megawatt. Okay. That's
18 27 -- yeah, 27 acres. And how big is the
19 facility?

20 A. It's approximately 25 acres.

21 Q. So it's 2 acres smaller than your estimate?

22 A. 2 acres smaller than is ideal, yup. Yes,
23 right.

24 Q. So will you jam the panels closer together, put

1 them on top of each other, or how will you make
2 up the difference?

3 A. No, we won't put them on top of each other.

4 Q. Okay.

5 A. The row spacing could be shrunk a little bit.
6 But really it's a concept of production density,
7 so we won't have as high production density on
8 this project.

9 Q. When you wrote the budget for this job, did you
10 plan on a fence for the facility?

11 A. Yeah, by State Statute we're required to have a
12 perimeter fence.

13 Q. Oh, okay.

14 A. And by the National Electric Code we're
15 required to have a perimeter fence.

16 Q. But it's some sort of loosey-goosey fence that
17 can go just about anywhere, I take it?

18 A. That's not totally true.

19 Q. Oh, okay. Well, I just listened to the debate
20 here. That's the way it left me, that there was
21 really -- you know, you didn't have a good feel
22 for this.

23 A. Yeah, no, there's standards per the National
24 Electric Code that require the distance that we

1 can put the fence to the perimeter, and as well
2 as standards by the Illinois Statutes and the
3 Bureau County Ordinance.

4 Q. Well, would you say you're packing 6 pounds in
5 a 5-pound bag?

6 A. I don't get the question, sir.

7 Q. Do you think your facility is big enough for
8 4.5 megawatts?

9 A. Yes, I do. Yeah.

10 MR. RENWICK: Okay.

11 MR. WELBERS: Go ahead, Connie.

12 EXAMINATION

13 BY MS. STETSON:

14 Q. So it's big enough that the fence goes where
15 you want it? Where "you" want it?

16 A. Yeah, it's a large enough footprint.

17 Q. But --

18 A. Go ahead.

19 Q. If the rules were changed, you would change
20 yours? Because the fence needs to go -- maybe
21 the State's Attorney needs to look at that to
22 make sure.

23 A. Okay. Can you rephrase the question? I didn't
24 quite understand the question.

1 Q. Would you shrink it if the fence had to be
2 50 feet?

3 A. Would we shrink the physical footprint of the
4 solar facility?

5 Q. Yeah.

6 A. If it was determined that that was the State
7 Statute and that's what we had to do, then I
8 think we would be left with no other option but
9 to shrink it.

10 MR. WELBERS: Other questions from our
11 people here?

12 Go ahead, state your name.

13 MR. STANLEY: Calvin Stanley, Berlin
14 Township Road Commissioner.

15 EXAMINATION

16 BY MR. STANLEY:

17 Q. It's your intention to put the fence on the
18 property lines?

19 A. Yeah, that's our goal, is to put the fence as
20 close to the property line as we can.

21 Q. So landowners and road districts have to deal
22 with the fall-out of snow and any kind of
23 conflict with the fence bordering their
24 property?

1 A. Yeah, absolutely, I mean, I think that would be
2 part of our discussion about a driveway permit
3 and the Road Use Agreement.

4 Q. That's one thing -- but that's not my question.
5 The exact location where the fence is going to
6 go is more my concern.

7 A. Yeah, right now I'd say the site plan that we
8 provided right now is to propose to put them on
9 the property line. So on the north side, it's
10 railroad tracks; we'll go all the way to that
11 right-of-way.

12 On the east side is 4950, I believe; we'll
13 go all the way east there and all the way on the
14 south as far as we can. We're accessing the
15 site, and where the corner is, as it comes into
16 a public safety issue for access, then yeah, we
17 need to absolutely work in good faith with you
18 to make sure that that's safe, yeah.

19 Q. My concern is, out there I have seen the snow
20 stop Amtrak. So the snow removal people have to
21 deal with -- even that kind of fence can cause
22 snow problems.

23 A. Yeah.

24 AUDIENCE MEMBER: It's essentially a snow

1 fence.

2 Q. (By Mr. Stanley:) I really didn't think about
3 the fence. Kris brought it up.

4 A. Personally I appreciate that feedback. And I
5 think, you know, if you're concerned about that
6 creating an issue, that's something we need to
7 address as part of the driveway permit.

8 MS. DONARSKI: So, Reuben, I don't know if
9 you understand what he's saying. Putting the
10 fence close to the right-of-way like that causes
11 the roads to drift shut and is going to make it
12 so people have a hard time getting in and out
13 there. We have had our Amtrak stuck out in
14 drifts in rural areas.

15 So he's saying that putting the fence
16 close can cause a problem with drifting. Do you
17 understand that?

18 MR. GRANDON: I do, yeah, and my response
19 was intending to take that to heart and say,
20 Hey, as we talk about the driveway permit, we
21 would like to iron that out to make sure that
22 it's not going to be a safety issue.

23 MS. DONARSKI: Okay. Thank you.

24 MR. WELBERS: Done with questions?

1 MR. FETZER: I had a comment.

2 MR. WELBERS: It's questions. Comments,
3 you'll come up like he is.

4 MR. FETZER: I'm coming up there.

5 MR. WELBERS: Okay. Are you done, sir,
6 with your questions right now?

7 MR. STANLEY: For that question, yes.

8 MR. WELBERS: Okay. There was one --
9 okay. Go ahead, state your name and address.

10 MR. FETZER: Derek Fetzer, 2325 Timber
11 Ridge Drive, Princeton, Illinois, 61356.

12 EXAMINATION

13 BY MR. FETZER:

14 Q. I just had a question on this project and all
15 the other projects you represented. You talked
16 about the decommissioning dollar amount and the
17 determination of that. How was that number
18 determined? I guess, is there an inflation
19 adjustment based on, you know, 20 years down the
20 road?

21 A. Yeah, that's a good question. So our
22 decommissioning plan is prepared by a licensed
23 professional engineer. And the State of
24 Illinois -- I'm not quite sure if there's an

1 inflationary adjustment for that, although it
2 does bring to mind that per part of the AIMA
3 there is a mechanism that the County can
4 reevaluate the bond amount periodically if the
5 County chooses to exercise that.

6 Q. So have you also provided financials for
7 GreenKey to the Board then to determine if
8 you're creditworthy?

9 A. I believe that's part of the building permit
10 process. So this decommissioning plan that we
11 submitted today satisfies the requirement of the
12 Conditional Use Permit application, but I
13 believe there's a more thorough process prior to
14 the building permit or site development permit.
15 But, yeah, the County holds the money for that
16 bond.

17 Q. It's over, like, an 11-year period, correct?
18 Because you're not paying it all upfront.

19 A. That's correct. Yeah.

20 Q. My question was -- I don't know if this is a
21 question for the Board, but my question for the
22 Board is how do you determine if they are
23 creditworthy for that? And, I guess, what's the
24 reason of not requiring it all upfront instead

1 of an 11-year period? What happens in year five
2 if you declare bankruptcy or something?

3 MR. STANLEY: That's a good question.

4 Q. (By Mr. Fetzner:) I guess that's the risk --
5 it's not really a question for you, I guess.

6 A. I can try to answer it. I would say what this
7 is, is to satisfy the requirements of the
8 Conditional Use Permit, and it's really driven
9 by the AIMA in terms of the financial assurance
10 and the bond, and we're beholden to whatever it
11 says in the AIMA.

12 So how the County implements the AIMA or
13 wants to govern the decommissioning bond, you
14 know, that's up to the County.

15 MR. WELBERS: Are there other questions of
16 this witness?

17 (No verbal response.)

18 MR. WELBERS: Does our Board have
19 questions of this witness right now?

20 MS. SMITH: I just have one question.

21 MR. WELBERS: Go ahead.

22 EXAMINATION

23 BY MS. SMITH:

24 Q. Nothing's been mentioned about -- I read in

1 this report that the golden eagles are known to
2 be in the project area and bald eagles and all.

3 What happens when birds land on these? Do
4 they -- I mean, tell us about that.

5 A. You said what happens if birds land on the
6 solar panels?

7 Q. Yeah. Does it have a negative effect to them?

8 A. No, no big issues with birds or wildlife or
9 anything.

10 Q. Okay.

11 A. No harm to passing-by wildlife.

12 Q. So if a bird lands on it or sits on it or makes
13 a nest on them, doesn't affect them?

14 A. No, it won't.

15 MS. SMITH: That's all I have. I was just
16 curious.

17 A. With that report you're referencing, we do need
18 to be very smart about how we do our
19 construction so we're not on their habitats.

20 Q. (By Ms. Smith:) You're working with your
21 consultants on that?

22 A. Yeah.

23 Q. On all of them?

24 A. Yeah, for all the projects, right.

1 MR. WELBERS: Any other questions from our
2 Board?

3 (No verbal response.)

4 MR. WELBERS: I think you can sit down.
5 So you would like to testify, you said.
6 Please come up and do so.

7 MELISSA FETZER,
8 being first duly sworn, testified as follows:

9 MS. BEATTIE: Could you please state your
10 name and address for the record.

11 MS. FETZER: Melissa Fetzer. It's a long
12 address. 29300 - 2100 North Avenue, Arlington.

13 I did have some of these, if I could give
14 them to you?

15 MS. BEATTIE: Sure.

16 MS. FETZER: Sorry, I thought there were
17 only six of you. I'm sorry, I didn't have the
18 picture.

19 MS. DONARSKI: That's fine. Thank you.

20 MS. FETZER: It's not that we're against
21 solar farms, but literally this is in our front
22 yard. He didn't mention anything about the
23 neighbors. We measured, and we're 102 feet --
24 or 105 feet from the front of our house to the

1 dirt of this field. And I'm a visual person, so
2 that basically in a football field's 35 yard
3 line to the end zone.

4 This house -- it's not just us though.
5 It's sitting in the middle of three houses,
6 three residents. The Dye property is right
7 across the road to the east, we are right across
8 the road to the south, and then Darrel's
9 property is going to be surrounded by this.

10 We know this is prime farmland, you know,
11 which we're losing all the time, but besides
12 that, it's an eyesore. This is what we're going
13 to be looking at.

14 The picture on there I gave you, that was
15 from inside our house. I wasn't even at the
16 window. That was the guy testing the soil
17 samples. So that is what we're going to be
18 seeing all the time.

19 I didn't even think about the noise. That
20 is going to be a problem. We probably will hear
21 it because we are all right there.

22 I didn't even think about the safety issue
23 for the access road. If you're on 2950, people
24 come over that tracks fast, and it's up a hill

1 and then it comes down, and I think that's even
2 a bigger safety hazard. But our road is just a
3 county road -- not a County, a Township road.
4 It's not probably wide enough for you to go in.

5 And our biggest concern is -- I'm not a
6 good speaker. Our biggest concern is our
7 property decreasing. It's going to decrease
8 with this. This is what we're seeing. It's
9 right across there. Nobody is going to want to
10 buy that property unless it's hugely discounted.

11 I know that solar farms are new. There's
12 not a lot of data. But from what we're seeing,
13 I know most of the solar farms are not right in
14 the middle of three houses.

15 And I haven't figured out why this is a
16 good idea. I know the landowner wants to put it
17 here, but he's going to make a lot of money and
18 he doesn't live here, you know.

19 But if you look on the second sheet of
20 that, I did the plot thing. He owns the other
21 half of the farm, which is right across the
22 tracks. You know, if he really wants a farm in
23 our area, that would be a better location
24 because there's no houses bordering it. Here

1 you're putting this, like I said, right in the
2 middle of three us. And it doesn't make a lot
3 of sense to us, and of course we're against it.

4 So that's all I have.

5 MR. WELBERS: Let's see if anyone wants to
6 ask you any questions.

7 Is there anyone who wants to ask?

8 MS. DONARSKI: I do.

9 EXAMINATION

10 BY MS. DONARSKI:

11 Q. How long have you owned your property?

12 A. We have owned it, it was the Grant -- Raymond
13 Huss's grandparents and then his parents. Ron,
14 when his parents died --

15 AUDIENCE MEMBER: Our house we live in was
16 built in 1950.

17 A. And it's always been our family. That property
18 has always been our farm, and then we own part
19 by us too. We do have across the road and to
20 the east.

21 The Dye property is on 2950, right across
22 the road on the east side. We're on the south
23 side, right across the road. Darrel is right in
24 the middle of it.

1 Q. (By Ms. Donarski:) Okay. So --

2 A. They actually have to do 50 feet back. I don't
3 see how he's going to get those -- that many
4 panels in there because you -- I assume
5 50 feet from the track, 50 feet from the road,
6 50 feet from us. My map showed both these two
7 parcels together. When you split that and you
8 get down to a point, it doesn't make sense
9 either.

10 Q. So it's your testimony then, your land has been
11 in your family for three generations?

12 A. Oh, at least.

13 AUDIENCE MEMBER: At least.

14 Q. (By Ms. Donarski:) At least three generations,
15 okay.

16 A. Yeah, prob- -- it has. It's always been there.
17 And the house we live in, which was right to the
18 south, was his grandparents' house and then we
19 added on. So we have two big front windows, and
20 that picture was from one of them, which it's
21 like you're right there.

22 The house to the east, the Dye one, that's
23 been in their family too at least three
24 generations, that farm.

1 Q. And what was that measurement you said from the
2 front of the house?

3 A. Actually, from the front of our house it's
4 105 feet to the dirt. So that was -- to the
5 road, it's a narrower road, it's a country road,
6 I think I had that for 18 feet. The ditch on
7 the other side was another 15 feet. And then we
8 had the dirt that you see, and it totaled
9 105 feet.

10 MS. DONARSKI: Okay. Thank you.

11 MR. WELBERS: Any other questions of this
12 witness?

13 Go ahead, sir.

14 MR. GRANDON: I would like to respond, but
15 I don't necessarily need to ask any questions.
16 Is there a process for that?

17 MR. WELBERS: We'll ask if there are any
18 questions. Then if you have got something to
19 follow up on, we'll let you do it.

20 Any other questions?

21 (No verbal response.)

22 MR. WELBERS: Would anyone else like to
23 speak?

24 Go ahead, sir. Come on up.

1 We're not finishing this one tonight. I
2 have a feeling we're going to have to continue.
3 I'm sorry for that, because you have come a long
4 ways.

5 MR. GRANDON: That's okay. I like coming
6 back.

7 DARREL Kiest,
8 being first duly sworn, testified as follows:

9 MS. BEATTIE: Could you please state your
10 name and address for the record.

11 MR. GRANDON: Darrel Kiest, K-I-E-S-T,
12 29221 - 2100 North Avenue, Arlington, 61312.

13 I just had a couple, few questions here
14 for Reuben.

15 And Melissa caught on it once. I have
16 lived there 22 years, and I know my property
17 value is going to drop like a rock. I don't --
18 you know, there's no way you can get around
19 that. I have talked to people that's been
20 around it.

21 And another question I wanted to ask you
22 that kind of concerns me, because I'm an
23 American, truehearted American, where are these
24 panels made? Where?

1 MR. WELBERS: Where are the panels made is
2 his question, if you know.

3 MR. GRANDON: We haven't procured the
4 panels yet, so we're not sure exactly which.

5 MR. Kiest: Does America make panels?

6 MR. GRANDON: The industry is ramping up,
7 especially in Ohio.

8 MR. Kiest: I suggest you buy them from
9 America.

10 MR. GRANDON: We haven't committed to the
11 contracts to buy them.

12 MR. Kiest: Commit to it, if it comes to
13 it.

14 Where does the power go?

15 MR. GRANDON: Is this the cross --

16 MR. Kiest: I would like you to show me.

17 MR. WELBERS: I guess go ahead and answer
18 his questions.

19 MR. Kiest: Okay.

20 MR. WELBERS: The power, you said, goes to
21 Ameren and goes into the grid.

22 I don't mean to answer it. Let him show
23 us.

24 MR. Kiest: This is my property. I'm

1 surrounded.

2 MR. WELBERS: You're one of the houses?

3 MR. GRANDON: This is a different solar
4 project.

5 MR. WELBERS: I understand that's the
6 neighboring one.

7 MR. GRANDON: This is the one we haven't
8 gotten to yet.

9 MR. WELBERS: I understand.

10 MR. Kiest: That's my property. And like
11 I said, I have lived there for 22 years, and I
12 have got things that I like to do and I can no
13 longer do it if the solar field is there. I'm
14 an avid shooter and I do fireworks. So if that
15 solar field is put there, my life's changed, and
16 I don't like that.

17 And are them going to be tilt panels?

18 MR. GRANDON: We're not sure yet. We
19 haven't decided if we're going to do tilt panels
20 or if we're going to do fixed tilt.

21 MR. Kiest: And I don't quite
22 understand -- can I show you?

23 MR. GRANDON: Yeah, sure.

24 MR. Kiest: It says from a building you

1 have to be 150 feet but from a property line
2 you're only 50 feet.

3 MR. GRANDON: Yeah, that's correct.

4 MR. Kiest: That's the fence?

5 MR. GRANDON: That's the array itself, the
6 facility.

7 MR. Kiest: That ain't the fence?

8 MR. GRANDON: No, that's not the fence.

9 MR. Kiest: How much closer is the fence
10 going to be?

11 MR. GRANDON: The fence can be on the
12 property line.

13 MR. Kiest: On my property line?

14 MR. GRANDON: On our landowner's property
15 line.

16 MR. WELBERS: Which is a bone of
17 contention here.

18 MR. GRANDON: Correct, yes.

19 MR. WELBERS: We would like you to stay
20 closer so people can hear as you speak.

21 MS. DONARSKI: So, Mr. Kiest, the
22 property -- the project that wraps around your
23 home, that's called Zearing Solar 2. Okay. The
24 one we're talking about right now is called

1 Zearing Solar 1. So that's the project more to
2 the east.

3 MR. Kiest: To the east, yeah.

4 MS. DONARSKI: So if you have questions on
5 Zearing Solar 2 things, we're going to have you
6 come up and talk at the next hearing when we're
7 talking about Zearing Solar 2.

8 MR. Kiest: Well, they're both -- as far
9 as I'm concerned, they both affect me.

10 MS. DONARSKI: Right. But I'm saying
11 right now we're talking about the one clear on
12 the east, and then you'll have an opportunity to
13 come up again to talk about the one around your
14 home when we're on Zearing Solar 2. Okay?

15 MR. Kiest: Okay.

16 MS. DONARSKI: Did you have anything else
17 about Zearing Solar 1, the one down on the
18 corner?

19 MR. Kiest: Huh-uh.

20 MS. DONARSKI: No?

21 MR. Kiest: I don't like it.

22 MS. DONARSKI: Thank you.

23 MR. WELBERS: Mr. Stanley, would you like
24 to talk to us just a little bit?

1 MR. STANLEY: Sure, if you would like me
2 to.

3 MR. WELBERS: Tell me what you expect in
4 your capacity as road commissioner, and then
5 we're going to have to continue this.

6 CALVIN STANLEY,
7 being first duly sworn, testified as follows:

8 MR. STANLEY: Calvin Stanley, 28382 - 2050
9 North Avenue, Malden, Illinois.

10 We filled this paperwork out, if that's
11 what we're wanting to talk about, here to --
12 Reuben, is that it?

13 MR. GRANDON: Yes.

14 MR. STANLEY: Until we have that Road
15 Agreement in place, we're going to say no to
16 any -- we object to this until the building
17 permit is issued for that, and that was long
18 before the fence issue come up. That seems to
19 be a little bit of a problem. Because that is a
20 real narrow road on 2100, very narrow.

21 I think Melissa might have did us some
22 favors as far as the width.

23 MR. BICKETT: I think it was 18 feet.

24 MR. GRANDON: The road is 18 feet.

1 MR. STANLEY: I don't --

2 MR. BICKETT: How wide is a combine?

3 MR. STANLEY: Well, no, with a head or
4 without a head?

5 But anyway, it's a very narrow road, 2100.
6 And in our conversations earlier, 2100 is going
7 to be a very tough road. And it's just one coat
8 of seal coat and our -- which is not related to
9 the residents of the area. The Road Use
10 Agreement definitely has to be in place before a
11 building permit, and 2100 is just going to be
12 pretty well non-accessible because it just will
13 not hold up.

14 And I know you don't want to tear up the
15 road or be responsible for tearing up the road,
16 and I really don't want to fix it.

17 So that just -- you know, as road
18 commissioner, the feelings on the use of 2100 --
19 and in our conversation we talked about
20 frequency and access to 2950, because there is a
21 north end of 2950, this is LaMoille Road
22 Commissioner also. It's a very small amount of
23 road, but it's still his jurisdiction, and I
24 can't speak for him.

1 And to access 2950 from the north, we do
2 have jurisdiction over a small section of 2400
3 off State Route 34, but that also is a single,
4 seal-coat road; may not hold up to traffic.

5 We're not sitting here to be unworkable.
6 But I feel, for the landowners' proximity to
7 their backyard, with that fencing, it's a whole
8 new issue.

9 MR. WELBERS: What are your thoughts about
10 snow and drifting?

11 MR. STANLEY: Like I say, we have seen it
12 brrrp [sound], stop the Amtrak.

13 MR. WELBERS: Is there a way you can
14 record that?

15 MS. DONARSKI: Mr. Chairman, I would like
16 to ask when we recess that we would like to call
17 Mr. Stanley back to finish, because of the late
18 hour, and there's a lot of questions.

19 But when we recess, I would like also to
20 ask the Board members to all go and take a look
21 at this site before we meet again so they can
22 have a better idea in their mind.

23 MR. WELBERS: Mr. Stanley, the projected
24 -- we talked about this, thinking through that

1 we would not get through it all, would be
2 Monday, November 27th.

3 Are you able to come back then?

4 MR. STANLEY: I guess, yes.

5 MR. WELBERS: The other thing that I'll
6 express to you, for the other members that will
7 go out, I mean, that was my -- I'm from south of
8 you, and that was my area to go find. Your road
9 signs need repaired, sir. It's not easy to find
10 that, because one road sign is laying down,
11 bleached away, you can't read it.

12 MR. STANLEY: Correct. When we work on
13 the funding on that, we'll get them fixed.

14 MR. WELBERS: I understand.

15 Go ahead.

16 MR. GRANDON: Mr. Chairman, may I address
17 the room before we wrap up? I'll try to keep it
18 really brief.

19 MS. DONARSKI: We're going to continue
20 this. We're just recessing because of the
21 late -- so you'll have an opportunity to come
22 back, Reuben.

23 MR. GRANDON: If I may, Mr. Chairman. I
24 feel like there are quite a bit of things just

1 kind of hanging out right now, and I feel like
2 it would be great if I can address it. I'll try
3 and keep it brief.

4 MR. WELBERS: We don't want our deputy
5 downstairs -- she's tough. We have to leave at
6 10 o'clock.

7 MR. GRANDON: So the first thing I want to
8 say is, I think, you know, I have explained that
9 my interpretation and our interpretation of the
10 fencing requirement around the facility is
11 different than the interpretation we heard
12 tonight. Our understanding, based on the Code,
13 is that it can be on the right-of-way line or on
14 the property line. But we're willing to concede
15 on that point and back the fence up by 30 feet
16 from the property line or from the road line.

17 So I just wanted to put that into the
18 record, that we are agreeable to backing up the
19 fence by 30 feet, especially on the southeast
20 corner. But we can do it in other areas as
21 well, noting that this is just Zearing Solar 1.

22 I would say, Cal, I intend to work in good
23 faith with you to make sure that all of that is
24 up to snuff and ask the Board for the

1 opportunity to cure that deficiency, Cal's
2 recommendation prior to the building permit, as
3 is the standard condition of approval.

4 As far as proximity to neighbors, this is
5 Zearing Solar 1, so it's not the one that is
6 closer to Darrel's house. It's the one on the
7 east side. And our setbacks, per State Statute,
8 are 150 feet from the outside wall of any
9 dwelling. So we're 150 feet back from the house
10 to the northeast and the house to the south, and
11 the fence now will be even further back from
12 your house, ma'am.

13 If we're not in compliance with that
14 150-foot setback, then we're in violation of the
15 State Statute. So we definitely will be in
16 compliance. And we anticipate that to be
17 required prior to pulling the building permit.

18 In terms of the property values, there are
19 lots of assessor studies out there from
20 appraisals that have shown that property values
21 are not affected up or down by solar farms. I'm
22 happy to bring that with me, if that would be
23 helpful.

24 You know, in terms of site selection, we

1 have worked with the Gillan family, and, you
2 know, we identified an opportunity for solar on
3 the substation and on the lines that are near
4 that property, and we worked with the Gillans to
5 identify this piece of the property.

6 So with that, I just want to say, we want
7 to be a good neighbor. To the reasonable extent
8 that we can, I hope that the concession of
9 moving the fence back by 30 feet is a step in
10 the right direction. I appreciate all your
11 time. Thank you.

12 MR. WELBERS: We would like to continue
13 this case to --

14 MS. DONARSKI: Recess.

15 MS. BEATTIE: Recess.

16 MR. WELBERS: We would like to recess --
17 all these words are important, you know -- this
18 case, which is the continuation of this
19 application, Zearing 1. That also leaves
20 Zearing 2 and it leaves Cherry 1. Anyway, we
21 would like to recess until November 27th, 7 p.m.

22 MS. DONARSKI: Can we do 6 p.m.? Is
23 everybody good with 6 p.m.? So we have plenty
24 of time to get through, let's do 6 p.m.

1 MR. WELBERS: So it's now 6 p.m., here in
2 the same room in the Bureau County Courthouse.

3 MS. DONARSKI: We are going to meet here
4 on Monday the 27th, at 6 p.m., right here.

5 MR. WELBERS: And continue.

6 MR. BICKETT: Make a motion to recess.

7 MR. STUTZKE: Second.

8 MR. WELBERS: Everybody approve?

9 (All those simultaneously
10 responded.)

11 MR. WELBERS: The vote is to recess until
12 then.

13 (The hearing was recessed at
14 10:08 p.m.)

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1 Now on this 16th day of November, A.D., 2023, I
2 do signify that the foregoing testimony was given
3 before the Bureau County Zoning Board of Appeals.
4
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6
7

8 Barry Welbers, Chairman
9
10
11

12 Kristine Donarski,
13 Zoning Enforcement Officer
14
15

16 -----
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