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1 MR. WELBERS: We're back in session,
2 recess having ended, and I'm going to read some
3 information into the record.

4 The name of the Applicant is Zearing Solar
5 2, LLC. Parcel Number 11-13-300-012. The
6 common location the northwest corner of the
7 intersection of 2100 North Avenue and
8 2950 E Street.

9 Property is presently zoned as
10 Agriculture.

11 It's a request for a Conditional Use to
12 build and operate a 4.5-megawatt AC commercial
13 solar energy facility for the purpose of
14 generating electrical power on a portion of the
15 subject property. The property will consist of
16 solar panels, racking, foundation piles,
17 inverters, overhead poles and lines, and
18 perimeter fencing.

19 The present use is farmland for annual
20 grain crops with no buildings.

21 The Bureau County Planning and Zoning
22 Department, the Bureau County Regional Planning
23 Commission specifically:

24 Based on information that was here

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 and heard, the Bureau County Regional
2 Planning Commission found that the
3 application for a Conditional Use as
4 listed above was consistent with the
5 applicable goals, objectives and policies
6 of the Comprehensive Plan, and was
7 recommended for approval with the attached
8 stipulations to the Board of Appeals and
9 the Bureau County Board for the following
10 reasons --

11 Not "reasons." It just was.

12 Okay. Berlin Township Road Commissioner:
13 The Road District objects to the above
14 application for the following reasons: A
15 written Road Use Agreement needs to be in place
16 first before a building permit is issued by
17 Bureau County.

18 The Berlin Township Supervisor: We defer
19 to the Road Commissioner's objections. A Road
20 Agreement needs to be in place.

21 Malden Grade School District Number 84:
22 Our School District has no objection to the
23 above application.

24 Princeton High School District Number 500:

1 Our School District has no objection to the
2 above application.

3 From the Bureau County Soil and Water
4 Conservation District:

5 It is the opinion of the District
6 Board of Directors that this report as
7 summarized on this page is pertinent to
8 the zoning request:

9 Cultural Resource Information. Upon
10 review of the historic 1822 plat map, we
11 found no historic sites on the property.

12 Biological Resources. Historically
13 the site was prairie landscape. We
14 recommend planting a pollinator mix for
15 the ground cover around and underneath the
16 solar array panels to improve the
17 biological resources on the site and to
18 protect the soil. Common management of
19 the pollinator plantings at solar sites is
20 routine mowing and occasional
21 inter-seeding. Our office can provide
22 seed mixes and a management plan upon
23 request.

24 Wetland and Floodplain Information.

1 The site is within the area of a minimal
2 floodplain hazard, Zone X. Consultation
3 with the Illinois Department of Natural
4 Resources Floodplain Permit Program should
5 happen before finalization of work plans
6 to see if any permitting will be required.
7 The site does not contain wetland areas
8 within the footprint of the construction
9 site. Please contact the U.S. Army Corps
10 of Engineers to determine your
11 responsibilities going forward with this
12 project site.

13 Erosion Control. The building site
14 is located on gently to moderate sloping
15 ground. Care should be taken to cover
16 bare soil during construction whenever
17 possible. Grading should be kept to a
18 minimum. The landowner and Zearing 2,
19 LLC, should agree upon a reasonable method
20 to control erosion on the landowner's
21 property.

22 Soils Information. All acres of the
23 soil site is considered Prime Farmland or
24 Prime, if Drained, by the USDA. All the

1 soils on the site are highly suitable for
2 agricultural production. Some soils are
3 not suitable for shallow excavation due to
4 the depth of saturation zone or ponding.
5 Additional building and engineering
6 considerations may be needed in these
7 locations.

8 Soil Health Assessment. A site visit
9 was conducted on October 17, 2023, to
10 further evaluate potential natural
11 resource concerns of the zoning request.
12 The current soil health conditions are
13 considered good to moderate based on the
14 field indicators that were tested on the
15 site. A pollinator planting with the
16 solar project would help maintain and
17 possibly improve the soil health on the
18 site.

19 AIMA. Refer to the specifications
20 outlined in the Agricultural Impact
21 Mitigation Agreement with the Illinois
22 Department of Agriculture for the
23 minimum standards applied to all
24 construction or deconstruction activities.

1 We emphasize that construction activities
2 should not occur when normal farming
3 operations such as plowing, disking,
4 planting, or harvesting cannot take place
5 due to weather conditions. If an AIMA is
6 still needed, appropriate forms can be
7 found on the Illinois Department of
8 Agriculture website.

9 And the certificate of publication is
10 here.

11 With that, so is the witness. You can
12 come forward. We'll give you a new oath.

13 TROY SNYDER,
14 being first duly sworn, testified as follows:

15 MS. BEATTIE: What's your name and
16 address, for the record?

17 MR. SNYDER: Troy Snyder, 3519 NE 15th,
18 Portland, Oregon.

19 MR. WELBERS: Go ahead, sir.

20 MR. SNYDER: All right. As we heard, we
21 have applied for a Conditional Use Permit for a
22 25-acre solar facility. It will consist of
23 racking, which is steel piles in the ground. We
24 intend for these to track the sun throughout the

1 day.

2 On top of the racking will be solar
3 panels. Those will be wired together into an
4 inverter, transformer, and then connected to the
5 Ameren grid.

6 We do plan to take care of the ground,
7 reseed with the pollinator mix. And it looks
8 like we did consult with a nursery in Ottawa
9 about the specific seed mix that we should be
10 using for the area.

11 MS. DONARSKI: Could you speak a little
12 louder? I think people in the back are having a
13 hard time hearing. Thank you.

14 MR. SNYDER: I'll keep it at that.

15 MR. WELBERS: Questions, Kris?

16 EXAMINATION

17 BY MS. DONARSKI:

18 Q. Troy, is this, in essence, the same materials
19 that you testified about in the previous
20 hearing?

21 A. More or less it's substantially the same.

22 Q. Okay. Would both the Zearing Solar 1 and
23 Zearing Solar 2 be constructed at the same time,
24 or how does that work? How would that work?

1 A. That's still a TBD question. Some of it --
2 since they are two separate projects, some of
3 it -- or, actually, the primary crux of that is
4 Ameren, will they be done with everything they
5 need to on the second project so we can
6 construct them at the same time.

7 Q. Okay. So it's unknown at this time?

8 A. Yes.

9 Q. Okay. And then why, again, is there two
10 separate solar farms on one property?

11 A. We're limited to -- how we're selling our
12 power, we're limited to 5 megawatts on a single
13 project.

14 Q. Okay.

15 A. So we are doing two projects.

16 Q. Okay. Is that unusual?

17 A. No.

18 Q. Okay. Are you aware of any pipelines, buried
19 electrical or gas lines, drainage tile or any
20 other type of buried utilities in the vicinity
21 of the proposed solar project?

22 A. We have had a survey completed by a licensed
23 professional surveyor, and I don't believe that
24 there was anything shown on that.

1 Q. Okay. And then how many -- typically how many
2 solar panels would be involved in a project of
3 this size?

4 A. I believe this would be about 12,000 solar
5 panels.

6 Q. How many?

7 A. About 12,000 panels.

8 Q. 12,000 solar panels, okay.

9 Now, and you would -- you say that you
10 would install the racking system with a
11 hydraulic pile driver. Is that --

12 A. Correct.

13 Q. Okay. Now, does the vibration of that when
14 you're pounding the piles repeatedly, does that
15 have an effect on neighboring properties, such
16 as water wells or things like that, the
17 vibration in the earth through repetitive
18 pounding?

19 A. Not that I'm aware of.

20 Q. Has any studies been done in that regard?

21 A. I would have to inquire. I'm sure there has
22 been.

23 Q. Okay. So you don't know that then?

24 A. Not that I'm aware of.

1 Q. Okay. Are the panels of a nonreflective nature
2 here then?

3 A. They do have a nonreflective coating on them.

4 Q. Okay. Now, about the erosion control plan, is
5 this field flat? Is it any different, like, the
6 lay of the land, than the previous one in
7 Zearing Solar 1?

8 A. It's similar, considering it's the same parcel
9 of land.

10 Q. Okay. And then the height and type of
11 perimeter fence you're planning on installing?

12 A. We are installing a woven wire fence; 7 feet.

13 Q. Okay. And are you proposing a battery energy
14 storage system, or a BESS, at this site?

15 A. No.

16 Q. Okay. Will the electric field cabling be
17 aboveground or below ground?

18 A. Primarily underground.

19 Q. Okay. Will the site be lighted?

20 A. No.

21 Q. Okay. So were you planning on doing a
22 pollinator mix inside the fenced area?

23 A. Correct.

24 Q. Okay. And, again, is it your testimony that

1 you will meet with and come up with an approved
2 entrance and a Road Use Agreement with the
3 Berlin Township Road Commissioner?

4 A. Yes, prior to the construction permits.

5 Q. Okay. Is it also your testimony that you will
6 enter into a decommissioning plan with Bureau
7 County prior to a building permit?

8 A. Correct.

9 Q. Okay. Do you have an AIMA agreement?

10 A. We do.

11 Q. Okay. Have you or anyone associated with this
12 project met with or spoken to any of the
13 adjoining property owners and asked for their
14 input or addressed questions and concerns with
15 this project?

16 A. I personally have not. I am not aware if my
17 team has, but I can't speak for them.

18 Q. Okay. Will there be any type of noise or sound
19 emitted from the inverters, transformers or
20 other electrical equipment used for this
21 project?

22 A. Yes, the inverters and transformers do emit a
23 little bit of noise during the daylight hours
24 when they're operating. That dissipates as you

1 get further from them. Once you get outside the
2 fence, it's generally inaudible.

3 Q. And so is it your testimony that you'll meet
4 all the Illinois Pollution Control Board
5 standards for the noise emitted?

6 A. Correct.

7 Q. Okay. How about any -- are there any
8 electromagnetic fields, or EMFs, emitted from
9 the inverters, transformers or other electrical
10 equipment that can pose potential health hazards
11 to individuals living close by or to animals in
12 the close proximity to this project?

13 A. No. Any EMFs don't emit more than a couple
14 feet and are no more than electronics that we
15 all carry around.

16 Q. Okay. And then what are the other existing
17 land uses in the vicinity around this project,
18 do you know?

19 A. Generally agricultural and rural residential.

20 Q. Okay. And fire district?

21 A. Is -- I just had it, give me a minute --
22 Malden.

23 Q. Okay. And then what would be the time frame
24 for construction of this proposed array, if it

1 were approved?

2 A. It would either -- if it can be built with the
3 other facility, and that's pending a number of
4 factors, could start as early as next summer.
5 If not, construction would most likely begin the
6 following spring.

7 Q. Okay. And do you plan to dispose of the
8 construction debris in an approved manner during
9 and after construction?

10 A. Yes.

11 Q. You won't let it accumulate into piles? That's
12 our concern.

13 A. No.

14 Q. Okay. I have a question for you about your
15 site plan, the zoning site plan, that you
16 submitted. It's on the page -- the third page
17 of it. Are you ready?

18 A. Yes.

19 Q. Okay. Now, I see that in the center of the
20 array that there is -- which is -- would be the
21 Kiests' property, that there are some circles
22 around the corners and around some structures.
23 Can you tell us what that means?

24 A. Yeah. As noted, circles around the corners

1 indicate the property corners, and then the
2 circle around the structure is 150 feet from the
3 nearest outside wall.

4 Q. Okay. And so the setback minimum you're going
5 to meet from the property lines at the four
6 corners and from the side of the home would be
7 at least 150 feet?

8 A. 150 feet from the home, 50 feet from the
9 property lines.

10 Q. Okay. And how about the house that's across
11 the street directly to the south of the array?
12 I see no circles around that house or around any
13 of the buildings or anything like that.

14 A. That -- inadvertently there's no circle here,
15 but yeah, happy to make sure the facility is at
16 least 150 feet away from any outside wall.

17 Q. Okay. And on the side toward the railroad,
18 what are the setbacks over on that side?

19 A. 50 feet from the property line.

20 MS. DONARSKI: Okay. That's all I have
21 right now.

22 MR. WELBERS: Okay. Mr. Kiest, you had
23 questions specific to this application. I would
24 like you to go first.

1 MR. Kiest: Yes, I do.

2 EXAMINATION

3 BY MR. Kiest:

4 Q. Is it just the house? I got other
5 outbuildings. Is it 150 feet from them too?

6 A. I believe it's dwellings.

7 Q. It is a dwelling. It's a corn crib, a machine
8 shed. Is it 150 feet away from the corner of
9 them?

10 A. My understanding is, the Code says 150 feet
11 from the outside wall of a dwelling.

12 MS. Kiest: Just the house, he's telling
13 you.

14 Q. (By Mr. Kiest:) Are you telling me just the
15 house?

16 A. I am not sure what the corn shed is used for
17 beyond corn.

18 Q. And the fence is going to be right on the
19 property line?

20 A. That is our understanding of what's allowed
21 under the Code.

22 Q. I have lived there 22 years and I never wanted
23 to build a fence, and I sure in hell don't want
24 one now.

1 MR. WELBERS: Now, you can testify to that
2 in a little bit, but ask this man questions
3 while he's here. Are you good with your
4 questions?

5 Q. (By Mr. Kiest:) And I wanted to ask about
6 the -- you said there's no temperature change.

7 A. Not once you get more than, like --

8 Q. I have seen reports otherwise, that it's up to
9 10 degrees warmer. As close as I'm going to be
10 to them --

11 MR. WELBERS: Sir, again you're
12 testifying. You can do that, but he answered.
13 The question you asked him was, is it warmer,
14 and he said no.

15 That's what I understand, right?

16 MR. SNYDER: Once you get more than a foot
17 or two away from the panels.

18 MR. WELBERS: You're welcome to come up
19 and say those things, but right now it's
20 questions of this witness.

21 MR. SNYDER: There has been a study on
22 that from the University of Arizona.

23 Q. (By Mr. Kiest:) I'll say one more thing. If
24 this goes go through, my property will be up for

1 sale. Maybe you want to buy it.

2 A. I might take a look.

3 MR. WELBERS: Connie, do you have anything
4 for this Applicant in this case?

5 MS. STETSON: The same questions from the
6 last I think would pertain to this.

7 MR. WELBERS: Go ahead and ask them, just
8 to be sure.

9 EXAMINATION

10 BY MS. STETSON:

11 Q. The PTC credit, are you going to use the PTC
12 credit?

13 A. At this time we're not planning on using the
14 PTC credit.

15 Q. So you're going to run the facility then -- you
16 said something about an incentive?

17 A. The only incentive or tax credit we're
18 contemplating at this time is the Investment Tax
19 Credit.

20 Q. Okay. And then you are going to put things in
21 the public records to make sure that the public
22 is aware what's going on?

23 A. At some point prior to construction, a
24 memorandum of our lease will be recorded on the

1 deed on the title of the property.

2 Q. And would you live on this property?

3 A. Potentially. I would need to look at the house
4 further.

5 MR. WELBERS: Are you good?

6 MS. STETSON: Uh-huh.

7 MR. WELBERS: Do you have questions?

8 None?

9 Commissioner, you would probably ask the
10 same questions, since it's the same thing, and
11 then I'll presume you'll come up and tell us
12 something similar. But any questions in this
13 regard?

14 MR. STANLEY: I'll ask about the fencing
15 and about the road -- the runoff. And let me
16 clarify this down to one question.

17 MR. WELBERS: Okay.

18 EXAMINATION

19 BY MR. STANLEY:

20 Q. I think we talked about the runoff --

21 MR. WELBERS: You did in the previous
22 application, yes.

23 MR. STANLEY: I asked about the runoff.

24 MR. WELBERS: Yes. Ask whatever your

1 questions are, sir.

2 Q. (By Mr. Stanley:) Are there any kind of runoff
3 problems --

4 A. On projects --

5 Q. -- with 12,000 --

6 A. On projects where we have done erosion control
7 and runoff issues and had our civil engineer
8 involved, at that stage, like when we have our
9 construction plans, there have not been any
10 runoff issues.

11 MR. STANLEY: I know I have more
12 questions. I'm drawing a blank about what they
13 were.

14 MR. WELBERS: Do you want to think for a
15 minute? I'll move on. You think for a minute.

16 Mr. Kiest?

17 MR. KIEST: Can I ask one more?

18 MR. WELBERS: Yes.

19 EXAMINATION

20 BY MR. KIEST:

21 Q. You said you're going to plant foliage
22 underneath it. Is that going to be all the way
23 in the field or just underneath the solar field?

24 A. Everywhere where we don't have access roads.

1 Q. Who's going to take care of the fence line of
2 the property?

3 A. If it's on our property that we're leasing,
4 then we will take care of that.

5 MR. WELBERS: Go ahead, sir.

6 EXAMINATION

7 BY MR. STANLEY:

8 Q. I see in your Solar 2 you have the entranceway
9 and gateway on 2100, just east of Darrel's
10 house?

11 A. Yup.

12 Q. Which would be the main entrance coming and
13 going, obviously construction-wise and
14 permit-wise?

15 A. That is how it's currently depicted, but we are
16 happy to have a condition of approval where we
17 have to have a Road Use Agreement that also
18 addresses access.

19 Q. Okay. I'm just reiterating for the court
20 record the fact that every conversation I had
21 with Reuben was 2950 is usable and we'd
22 cooperate on 2950, but 2100 is absolutely not
23 suitable for any kind of traffic or construction
24 whatsoever. It's suitable for the low volume of

1 traffic that is on it currently, but if you try
2 to put a complex audit in, traffic audit, it
3 will not hold up. I have always portrayed that
4 in the conversations with Reuben in the
5 beginning, so.

6 But this plan states different, that the
7 gateway and entranceway for Solar 2 plans on
8 being on 2100.

9 A. I wasn't privy to those conversations with
10 Reuben, but as I mentioned, happy to have a
11 condition of approval addressing road use
12 concerns.

13 MR. STANLEY: I guess that's it.

14 MR. WELBERS: Good for now?

15 MR. STANLEY: Everything else is already
16 in the court records.

17 MR. WELBERS: All of your envelopes that
18 you gave us, would you need this -- you want
19 this resubmitted as an exhibit in this
20 application as well?

21 MS. FETZER: Yes. Could I do that?

22 MR. WELBERS: Yes. And you came and read
23 it into the record. I don't think we would need
24 to require that again, as long as you --

1 basically what you said is your testimony in
2 this case.

3 MS. FETZER: It is. It's the same thing.
4 It's across from our house.

5 MR. WELBERS: This, what we call
6 Interested Party Number 1, is submitted on the
7 same basis for this application.

8 MS. FETZER: Perfect.

9 MR. WELBERS: I'll clarify that with
10 Teresa when she returns.

11 Are there any other questions from the
12 audience?

13 (No verbal response.)

14 MR. WELBERS: Does our Board have any
15 questions?

16 MS. DONARSKI: I have a couple of extra
17 question.

18 MR. WELBERS: Go ahead.

19 EXAMINATION

20 BY MS. DONARSKI:

21 Q. So is it your testimony that you intend to
22 build the fence on the Kiest property line, even
23 though your site plan shows a great big gap
24 where there's nothing there?

1 A. I would need to look closer at this, but. . .

2 Q. Do you need to look at my copy here? There's a
3 big white space all the way around the Kiest
4 property.

5 A. Yup.

6 Q. A big white gap.

7 A. I believe that's the 50-foot setback that's
8 required.

9 Q. Yes. And that 50-foot setback is to the fence?

10 A. On this site plan, I believe the fence is
11 within that.

12 Q. Would meet the 50 feet?

13 A. I don't believe that's how it's depicted on the
14 site plan, but. . .

15 Q. Well, there's no fence drawn in any other
16 location separate from the array that you
17 provided us.

18 A. I would need to look further.

19 Q. Okay.

20 A. Our fence would be on our property surrounding
21 the array.

22 Q. Would it be 50 feet away from the Kiests' home?

23 A. Our interpretation of the Code is that the
24 fence can be up to the property line.

1 Q. Why would you -- so how close would the array
2 be then to the property line?

3 A. The array would be 50 feet.

4 Q. So what would you do with the 50-foot gap
5 between the array and the fence? What's the
6 purpose of that 50-foot gap?

7 A. The 50-foot gap is there because it's required
8 by Code and we need to maintain it.

9 Q. So you're saying it's okay to put their fence
10 on the line, according to the Ordinance, because
11 you know better than what our Ordinance says,
12 but you got to keep the array away from their
13 line?

14 A. Our understanding is, the Ordinance addresses
15 the facility, which the fence is not part of.

16 Q. I'm going to read the setback requirements into
17 the record.

18 Setback Description: Occupied community
19 buildings and dwellings on nonparticipating
20 properties, 150 feet from the nearest point on
21 the outside wall of the structure.

22 Do you agree with that?

23 A. I would have to read it myself, but I assume
24 that's exactly what the Code says, so.

1 Q. Boundary lines of nonparticipating properties,
2 50 feet to the nearest point on the property
3 line of the nonparticipating property.

4 Do you agree to that?

5 A. If that's what it says, that's what it says.

6 Q. Okay. Having the location of the fence, would
7 that cause a visual impairment for people
8 exiting the property and not being able to see
9 around the fence as they pull forward to drive
10 out or back out onto the highway, on the
11 Township road?

12 A. I don't believe so. As evidenced by a picture
13 of a fence that's similar to what we are going
14 to be using that was entered into the record,
15 you can see through the fence pretty easily.

16 MS. DONARSKI: Okay. Thank you.

17 MR. WELBERS: Any questions, sir?

18 MR. GILLAN: Neil Gillan, 32944 - 2100
19 North Avenue, Arlington, Illinois.

20 EXAMINATION

21 BY MR. GILLAN:

22 Q. What happens when that grows up in weeds in
23 that fence?

24 A. We have to take care of it.

1 Q. Well, I have seen other ones, maybe they're not
2 yours, but by Granville --

3 A. Yup.

4 Q. -- the weeds are up in the fence.

5 A. Yup.

6 Q. There's no way you're going to see through
7 that.

8 A. Yeah, then that's an issue that our O and M
9 operator would need to address.

10 Q. Is it going to be mowed regularly?

11 A. It does -- these facilities do get mowed, yup.
12 And, you know, we generally have to spray along
13 the fence.

14 MS. GILLAN: I have a question in regards
15 to that. Nanette Gillan, 39256 - 2100 North
16 Avenue, Arlington, Illinois.

17 EXAMINATION

18 BY MS. GILLAN:

19 Q. You said it would be up to you to take care of
20 that. Are you going to give all these
21 homeowners your personal cell phone number so we
22 can call you then? Because we'll see it way
23 before you will.

24 A. Happy to provide the contact information of the

1 group we contract with.

2 Q. And we can expect an immediate turnaround on
3 them coming out and taking care of it then?

4 A. A reasonable turnaround, yes.

5 Q. What's reasonable?

6 A. Depends on the issue.

7 Q. Depends on if it's an issue for us or you?

8 A. No.

9 MR. WELBERS: Yes?

10 MS. FETZER: I have a question. Melissa
11 Fetzer, 29300 - 2100 North.

12 EXAMINATION

13 BY MS. FETZER:

14 Q. I thought you had said before, didn't you, that
15 nobody will be at this place. How often do you
16 come look at it? I mean, who's going to see
17 this fence? It could go two months. I thought,
18 if I understood right, that nobody's going to be
19 regularly at this site.

20 A. Yeah, generally people will come by at least
21 once a month and check on the facility.

22 Q. Generally? Where do they come from?

23 A. We will contract with a group here in Illinois
24 that's within --

1 Q. Do you know how much it could grow in a month?

2 A. I'm aware.

3 Q. And you're okay with that?

4 (No verbal response.)

5 MR. WELBERS: Yes, Mr. Kieser.

6 EXAMINATION

7 BY MR. KIESER:

8 Q. The fence is going to be built on my property
9 line. Will I have any damage to my property
10 when you put the fence in?

11 A. We will be purely on the property that we're
12 leasing. Any property that is damaged of yours,
13 we would be purely responsible for. But there
14 shouldn't be property damage of yours because we
15 should not be on your property.

16 MR. WELBERS: Any other questions?

17 (No verbal response.)

18 MR. WELBERS: I think you can step down
19 for a bit.

20 Teresa, you laid out this testimony
21 earlier, and rather than make you go through it
22 again, it would be my -- I would be willing, to
23 the extent that I have any jurisdiction, to say
24 that if you just say, I want to reiterate my

1 testimony into the case, it remains the same.

2 MS. KIEST: Yes, sir.

3 MR. WELBERS: And you are here subject --
4 you're willing to accept cross-examination, if
5 someone wants to. No one did before. But
6 you're here, right?

7 MS. KIEST: Yes, sir.

8 MR. WELBERS: No one cares to
9 cross-examine Teresa?

10 (No verbal response.)

11 MR. WELBERS: And the same holds to you.
12 I asked you that earlier. You are resubmitting
13 this as your testimony.

14 MS. FETZER: Yes.

15 MR. WELBERS: And you would take
16 cross-examination?

17 MS. FETZER: Of course.

18 MR. WELBERS: Is there any --

19 MS. DONARSKI: I would like to ask Teresa
20 some questions.

21 MR. WELBERS: You would like to --

22 MS. DONARSKI: Ask Teresa some questions
23 about her testimony.

24 MR. WELBERS: You may certainly do that.

1 She's here for cross-examination. Would you
2 like her to come forward?

3 MS. DONARSKI: Yeah. Do you mind coming
4 up one more time, Teresa?

5 TERESA Kiest,
6 being first duly sworn, testified as follows:

7 MS. BEATTIE: Would you please state your
8 name and address for the record.

9 MS. Kiest: Teresa Lynn Kiest,
10 3107 Arlington Drive, Princeton, Illinois.

11 EXAMINATION

12 BY MS. DONARSKI:

13 Q. And I had a question. You had testified
14 previously and in your letter that you go out
15 there and you have, like, a practice range, a
16 gun range. Do you have an established place
17 that you do that?

18 A. We do have -- on my father's property, he has
19 what was the orchard and what was the hog house,
20 and we have a little distance there where -- my
21 son's ex-military as well. So when he comes, we
22 have our larger range guns that we like to play
23 with. So we go out a little bit past the hog
24 house and shoot towards a berm that is --

1 there's the corncrib, burn pile, the berm we
2 shoot at, and then the field.

3 Q. So you have a berm that you --

4 A. We do -- yes, ma'am, we do have a dirt berm
5 that we shoot at.

6 Q. Okay. So you have designed this in accordance
7 with all the safety guidance that you can so
8 that there's no stray bullets going onto the
9 neighboring properties; is that correct?

10 A. Yes, ma'am.

11 Q. And how often do you go out and use your range?

12 A. That my dad knows? I have gone out there a
13 couple times when I knew Dad and Mom were not
14 home.

15 Q. Yeah.

16 A. I try --

17 Q. Is it, like, once a year? once a month?

18 A. Let's say, I probably go out there and shoot
19 seven to eight times a year.

20 Sorry, Dad.

21 Yeah, seven -- seven to eight times a year
22 I go out there and shoot. When the kids are
23 home, I tend to go more. They were just here
24 for Thanksgiving, but unfortunately we didn't

1 have the time to go out there.

2 Q. Okay. So my other question is about the
3 other -- you were saying the other buildings out
4 there, I mean, do you have -- do your folks have
5 animals out there at all, any kind of livestock
6 or anything like that?

7 A. Not currently, no.

8 Q. Okay.

9 A. In the past we have.

10 MS. DONARSKI: Okay. That's all my
11 questions. Thank you very much.

12 MR. WELBERS: Any other questions?

13 (No verbal response.)

14 MR. WELBERS: You're free to go.

15 Commissioner, come on up and let's redo
16 what you're -- you know, because the same things
17 apply, restate your concerns over the road,
18 anything else you would like to add, and then --

19 MR. STANLEY: You can't just read all that
20 back into --

21 MR. WELBERS: At least tell us that
22 everything you said before, you still feel the
23 same way. The court reporter would have that.

24 MR. STANLEY: Do you need to swear me in?

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COURT REPORTER: I do.

CALVIN STANLEY,

being first duly sworn, testified as follows:

MS. BEATTIE: Would you please state your name and address.

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

And I would like to have everything put back in the record that I attested to earlier.

MR. WELBERS: Everything you attested to in Zearing 1 you want applied equally to Zearing 2?

MR. STANLEY: Correct.

MR. WELBERS: Anything else you would like to say?

MR. STANLEY: No. That would work for me.

MR. WELBERS: Let's see if anyone has any questions for you, sir.

Any questions for the road commissioner?

EXAMINATION

BY MS. DONARSKI:

Q. So it's your testimony that you would like to have a Road Use Agreement and an approved entrance in place prior to the issuance of any

1 building permits for this project?

2 A. Correct.

3 That was in my previous testimony, I
4 believe. We were concerned about the fence and
5 all. So that was the main thing, about the
6 fence.

7 I did read later on that this had chain
8 link -- chain link security fence on it, which I
9 presume that picture -- when he stated that it
10 was different fencing, that he was going to
11 comply to, if memory serves.

12 MS. DONARSKI: That's all I have.

13 MR. WELBERS: Anyone else have any
14 questions for the Road Commissioner?

15 (No verbal response.)

16 MR. WELBERS: You can sit down.

17 MR. STANLEY: Thank you.

18 MR. WELBERS: Is there anyone else that
19 would like to testify on this matter tonight?

20 (No verbal response.)

21 MR. WELBERS: I think we have touched on
22 everyone who has testified before. Is there
23 anyone else that would like to testify,
24 something they would like to lay into the

1 record?

2 MS. DONARSKI: Can I ask a question of
3 Mrs. Fetzer?

4 MR. WELBERS: Yes, you may. I bet she
5 would be willing to answer. She said she would
6 be.

7 MS. DONARSKI: You have to come up and be
8 sworn in.

9 MELISSA FETZER,
10 being first duly sworn, testified as follows:

11 MS. BEATTIE: Would you please state your
12 name and address for the record.

13 MS. FETZER: Melissa Fetzer, 29370 -
14 2100 North Avenue, Arlington.

15 MS. BEATTIE: Thank you.

16 EXAMINATION

17 BY MS. DONARSKI:

18 Q. My question is -- for you is, for the location
19 of your home, have you measured from the front
20 of your home to the edge of the right-of-way of
21 the road in front of your home?

22 A. No. We measured from our home to the field,
23 edge of the field, and that was the 102 feet.

24 So to be 150, they would have to go almost

1 the 50 feet in.

2 Q. Okay. So it's your testimony that it's
3 102 feet from the front of your home to the edge
4 of the field --

5 A. The dirt.

6 Q. -- on the opposite side of the road?

7 A. On the opposite side.

8 Q. Okay. And where is your primary -- like, your
9 windows looking out? Will you be looking out at
10 this out the front of your house?

11 A. Oh, we would so be looking out at this. The
12 two big picture windows that we have -- and we
13 have -- what we added on is, our main living
14 area is one big room that has our living room,
15 dining room table and kitchen, and our view. In
16 fact, our grandkids' entertainment is watching
17 the trains, which they won't see.

18 But, no, that is what we will see where we
19 live.

20 MS. DONARSKI: That's all I have. Thank
21 you.

22 MS. FETZER: Actually, even the bedroom
23 looks out that way.

24 MR. WELBERS: Does anyone else have any

1 questions for Mrs. Fetzner before she sits down?

2 (No verbal response.)

3 MR. WELBERS: Okay. Thank you.

4 Well, this would, of course, be subject to
5 the same conditions that you read into the
6 record before?

7 MS. DONARSKI: Yes, and I have another
8 copy. It's exact same thing. I am not going to
9 read it again. But the only thing that's
10 different is the name of the solar array and the
11 day it was filed.

12 MR. WELBERS: Okay. You're submitting
13 that.

14 And, of course, you read the Conditional
15 Use requirements and they still apply here as
16 well. No reason to read them twice. We have
17 all heard them.

18 Is there anything else you believe we need
19 to cover?

20 MS. DONARSKI: I don't have anything else.

21 MR. WELBERS: Well, again, it's the same
22 as last time. It was my area to go past and
23 inspect. Easy to do; it was all the same big
24 field.

1 And I feel the same way that I did on the
2 Zearing Solar 1. I do not believe the Applicant
3 has met the standards.

4 So I would move to recommend that the
5 County Board deny the Conditional Use to build
6 and operate a 4.5-megawatt AC commercial energy
7 facility for the purpose of generating
8 electrical power on a portion of the subject
9 property. The project will consist of solar
10 panels, racking, foundation piles, inverters,
11 overhead poles and lines, and perimeter fencing.

12 Is there a second to that motion.

13 MR. STUTZKE: Second.

14 MR. WELBERS: Mike Stutzke, I think.

15 Please call the roll.

16 MS. BEATTIE: Mr. Jensen?

17 MR. JENSEN: Yes.

18 MS. BEATTIE: Mr. Bickett?

19 MR. BICKETT: Yes.

20 MS. BEATTIE: Mr. Stutzke?

21 MR. STUTZKE: Yes.

22 MS. BEATTIE: Mrs. Smith?

23 MS. SMITH: Yes.

24 MS. BEATTIE: Mr. Welbers?

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MR. WELBERS: Yes.

(By voice vote five ayes.)

MR. WELBERS: Again, this moves on to the County Board. We created the public record, and it will be up to them to decide this based on the record that we have created today. It goes nonrecommended by us, but that doesn't necessarily mean it won't be done.

(The hearing was concluded at 8:56 p.m.)

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Now on this 27th day of November, A.D., 2023, I
do signify that the foregoing testimony was given
before the Bureau County Zoning Board of Appeals.

Barry Welbers, Chairman

Kristine Donarski,
Zoning Enforcement Officer

Callie S. Bodmer

Callie S. Bodmer
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-004489
P.O. Box 381
Dixon, Illinois 61021