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1 MR. WELBERS: Okay. That brings us to  
2 this case, where there's some things to read.  
3 So let's begin.

4 The name of the Applicant is Cherry Solar  
5 1, LLC.

6 The legal description of the property is  
7 Bureau County Parcel Numbers 12-21-200-017 and  
8 12-21-200-016.

9 The common location is the southeast  
10 corner of the intersection of Illinois Route 89  
11 and Township Road 2100 N Avenue.

12 The property is presently zoned as  
13 Agriculture.

14 This is an application first for a  
15 Conditional Use. The Conditional Use is to  
16 build and operate a 4.99-megawatt AC commercial  
17 solar energy facility for the purpose of  
18 generating electrical power on a portion of the  
19 subject property. The project will consist of  
20 solar panels, racking, foundation piles,  
21 inverters and overhead poles and lines. The  
22 commercial solar energy facility will be  
23 enclosed by a perimeter fence.

24 It's also a request for a Variation. The

1 Bureau County Zoning Ordinance, as amended on  
2 May 9th, 2023, requires a commercial solar  
3 energy facility to be set back by 1.5 miles from  
4 a municipality's corporate boundary line, and  
5 2,640 feet from a platted rural subdivision.  
6 Requesting a setback Variation to construct and  
7 operate the proposed small solar facility within  
8 1.5 miles from the Village of Cherry, and within  
9 1.5 miles from the Village of Arlington, and  
10 within 2,640 feet from a platted rural  
11 subdivision.

12 The present use is farmland for annual  
13 grain crops, with one metal pole building.

14 Okay. From the Village of Arlington  
15 Mayor, Richard Koch: Our municipality has no  
16 objection to the above application.

17 The Bureau County Regional Planning  
18 Commission found that the application for  
19 Conditional Use as listed above was consistent  
20 with the applicable goals, objectives and  
21 policies of the comprehensive plan, and was  
22 recommended for approval with the attached  
23 stipulations to the Board of Appeals and the  
24 Bureau County Board.

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1           And those stipulations we would read  
2           later?

3           MS. DONARSKI:   Yes.

4           MR. WELBERS:   Dimmick Community  
5           Consolidated School District Number 175:   Our  
6           School District has no objection to the above  
7           application.

8           Westfield Township Supervisor:   Our  
9           Township has no objection to the above  
10          application.

11          Westfield Township Road Commissioner:   Our  
12          Road District has no objection to the above  
13          application.

14          From the Village of Cherry Mayor, Robert  
15          McCook:   Our municipality has no objection to  
16          the above application.

17          Hall High School District Number 502:   Our  
18          School District has no objection to the above  
19          application.

20          From the Bureau County Soil and Water  
21          Conservation District:

22                  The Cultural Resource Information.

23                  Upon review of the historic 1822 plat map,  
24                  we found no historic sites on the

1 property.

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

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

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1 project site.

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

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

21 Soil Health Assessment. A site visit  
22 was conducted on October 17th, 2023, to  
23 further evaluate potential natural  
24 resource concerns for the zoning request.

1 Current soil health conditions are  
2 considered moderate based on the field  
3 indicators that were tested on the site.  
4 A pollinator planting with the solar  
5 project would help to maintain and  
6 possibly improve the soil health on the  
7 site.

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

23 And the certificate of publication is  
24 here.

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1           And our Applicant is here as well. So if  
2           you would like to come forward, sir.

3                           TROY SNYDER,  
4           being first duly sworn, testified as follows:

5           MS. DONARSKI: Please state your name and  
6           address for the record.

7           MR. SNYDER: Troy Snyder, 3519 NE 15th,  
8           Portland, Oregon, 97212.

9           MS. DONARSKI: How are you related to this  
10          project, Troy?

11          MR. SNYDER: I work for GreenKey Solar,  
12          which is the developer of Cherry Solar 1.

13          MS. DONARSKI: Thank you.

14          MR. WELBERS: Mr. Snyder, go ahead and  
15          begin your presentation as you think fit, and  
16          I'm sure there will be some questions to clarify  
17          things.

18          MR. SNYDER: Thank you for having me back.  
19          As you're aware, we were here in late November.  
20          At that time, you guys had paused the request on  
21          the Variation due to notice. So we --  
22          subsequent to that, we withdrew our application,  
23          resubmitted it, and I believe all proper notice  
24          has been given this time.

1           So we are developing a 4.99-megawatt AC  
2 solar project. The project is -- will be  
3 single-access trackers, with racking that is  
4 steel piles that are put in the ground. Racking  
5 sits on top of that, under the crossbeams, and  
6 then the modules, they'll track the sun  
7 throughout the day. Those are wired together  
8 into inverters that convert the electricity from  
9 AC to -- or from DC to AC, which then goes  
10 through the transformer and the meter, and ties  
11 into the existing electrical grid.

12           We're interconnecting the project right on  
13 Illinois 89. The location is suitable. It's  
14 near an existing substation. The substation is  
15 about halfway between the project site and the  
16 Village of Cherry.

17           Our project doesn't -- once it's built,  
18 it's pretty benign. It's unmanned. Noise is  
19 minimal. It can't be heard outside -- once you  
20 get outside the fence. There's no toxic  
21 materials.

22           I'll leave it at that for now. I'm sure  
23 there will be plenty of questions.

24           MR. WELBERS: Okay.

1 MS. DONARSKI: Thank you.

2 EXAMINATION

3 BY MS. DONARSKI:

4 Q. We have a member here who didn't -- who wasn't  
5 here at your previous meeting. So I'm going to  
6 ask some other questions so that we have that in  
7 the record and everybody has all of the things.

8 So how long has GreenKey Solar been in  
9 business, Troy?

10 A. GreenKey Solar has been in business seven,  
11 eight years.

12 Q. Okay. And then how many solar arrays have you  
13 built and operated in the state of Illinois?

14 A. In the state of Illinois, that have been built  
15 that were developed by GreenKey Solar, I know  
16 there's, yeah, at least one that's been built.

17 Q. Okay. And then if this is granted, will  
18 GreenKey be building and operating the proposed  
19 solar farm, or do you just kind of develop it  
20 and then sell it to other companies to build and  
21 operate?

22 A. We have not fully made that decision yet.

23 Q. Okay.

24 A. We do retain ownership of some projects, and

1           then we do sell some as well.

2   Q.    Okay.  Now, is there a power purchase agreement  
3           in place with the electrical provider?

4   A.    There is not a PPA in place at this time with  
5           an electrical provider.  This project will be a  
6           community solar project and --

7   Q.    It will be a what?

8   A.    A community solar project.

9   Q.    Oh, okay.  And what does that mean exactly?

10  A.    That means that individuals, businesses,  
11           counties could subscribe to receive part of  
12           their power from this project.  They would  
13           receive a credit on the bill for the portion of  
14           the power that they're buying.

15  Q.    Okay.  So it's different than one that's just  
16           produced to go into the grid?  This is actually  
17           to people who subscribe to it --

18  A.    Correct.

19  Q.    -- in the area?

20  A.    Correct.

21  Q.    Okay.  Thank you.

22           And then how many solar panels will be  
23           needed to construct a project of this size?

24  A.    I would need to confirm.  Offhand I want to

1 say -- depends on the final size of the panels  
2 we use, but --

3 Q. Well, approximately.

4 A. Yeah, I want to say about 7,000, but I could --  
5 I'll get you a better number. We'll call it  
6 7,000 for now.

7 Q. Okay. So what is the average life expectancy  
8 for solar panels proposed for this site.

9 A. Generally 35 to 40 years. The panels  
10 themselves have a warranty of 25 years, and  
11 everybody expects the modules to continue to  
12 produce well after the warranty.

13 Q. Okay. And then when this -- when they are  
14 built, what is done with, like, the construction  
15 waste, racking or components or things -- like,  
16 during construction, what do you do with that?

17 A. Any construction waste is hauled off and  
18 properly disposed of.

19 Q. So it's not, like, collected in a pile on the  
20 site or anything like that?

21 A. No. There should be a dumpster on site during  
22 construction to collect any waste that's  
23 accumulated.

24 Q. Okay. Then that racking system, is it, like,

1 driven into the ground or augered? Or how does  
2 that work?

3 A. This will be hydraulically pounded into the  
4 ground.

5 Q. Okay.

6 A. The steel posts will be -- they are generally a  
7 depth of 6 to 8 feet, depending upon the exact  
8 soil conditions.

9 Q. Okay. And then what are the panels made out of  
10 actually?

11 A. They are -- the panels that will be used on  
12 this project are polysilicon, which is  
13 effectively really refined sand, an aluminum  
14 frame, and then glass on top.

15 Q. Is it nonreflective or is this reflective? Do  
16 we have to worry about glare?

17 A. The panels, the glass has a nonreflective  
18 coating on it.

19 Q. Okay. Now, the Soil and Water had talked about  
20 some erosion, they were concerned about erosion  
21 control. What plans do you have in place during  
22 construction to minimize erosion?

23 A. Yeah, during construction the contractor will  
24 be putting specific erosion controls in place.

1 You know, and that's -- the specific erosion  
2 controls are still being determined based upon  
3 the contractor. But I imagine there will be a  
4 silt fence, at the very least, around it.

5 Long-term, the best thing that is done for  
6 erosion control is reseeding the site  
7 afterwards. And we do have a vegetation  
8 management plan that was submitted. And, you  
9 know, that is twofold, that plan. But, one, the  
10 purpose is to prevent any erosion on an ongoing  
11 basis.

12 Q. So do you plan to use a pollinator mix then?

13 A. We do plan to use a pollinator mix.

14 Q. Okay. So what are your plans for addressing,  
15 like, broken field tiles or things like that  
16 during construction and installation?

17 A. Yeah, that is addressed in the AIMA, the  
18 Agricultural Impact Mitigation Agreement, and we  
19 will follow that. That agreement does require  
20 us to locate field tiling and repair any field  
21 tiling that is damaged during construction.

22 Q. Does it give a time frame of doing that?

23 A. I would need to review it, but I believe it is,  
24 like, as soon as we know it's damaged, we need

1 to repair it. And even then a year afterwards  
2 we still need to monitor it, just to make sure.

3 Q. Okay. Do you -- now, what do you do about,  
4 like, a search for pipelines or buried  
5 electrical, gas lines, drainage tile, how do you  
6 make sure that that's not going to be in the way  
7 before you construct your --

8 A. We have already had our surveyor out to the  
9 site to conduct a survey.

10 Q. So that's already been located?

11 A. Uh-huh.

12 Q. Okay. So how long does it typically take to  
13 install a solar project of this size?

14 A. Of this size, generally six to nine months.

15 Q. Okay. And then where will the entrance be?

16 A. The entrance on this would be on Highway 89.

17 Q. Okay. And have you applied to the State for an  
18 entrance permit for that?

19 A. We have not applied to the State, because they  
20 want our project to be, more or less, fully  
21 engineered. But we have been in communication  
22 with them, and they have no issue with the  
23 location of our proposed driveway.

24 Q. It's sort of the chicken and egg, which thing



1 comes first, right?

2 A. Sure.

3 Q. Okay. So, now, is the electric cabling -- you  
4 had said that everything is all wired together.  
5 Is that above ground or below ground, or how  
6 does that work?

7 A. The electric cabling, there's two components of  
8 it. One, the DC cabling. So you wire all the  
9 panels together, those -- before it goes into  
10 the inverter. I believe on this we're intending  
11 to put those underground. And then once it goes  
12 to the inverter, then the transformer. So from  
13 the transformer, it goes to five or six poles  
14 that are owned by Ameren, those are obviously  
15 underground, and that's Ameren's required  
16 package.

17 Q. Okay. Now, when this is -- completely is done,  
18 will the site be lighted?

19 A. There will be no lighting.

20 Q. Okay. And then will there be any grading done  
21 in construction -- you know, in conjunction with  
22 the construction of this facility?

23 A. We do not intend for there to be any grading.

24 Q. Okay. And then the natural drainage, the slope

1 of the land is in what direction?

2 A. It slopes west, and I think there's -- from the  
3 east side of the site to the west, I think it's  
4 about a 20- to 25-foot drop.

5 Q. So do you envision that this will change the  
6 drainage at all or increase --

7 A. I don't envision it will change the drainage.

8 Q. Okay. Thank you.

9 So why was this site selected for the  
10 construction of a solar array?

11 A. So, one, it's in Ameren's territory, is how  
12 we -- the community solar program that we're  
13 going to be selling power under, we need to be  
14 within their territory.

15 Two, it was near an existing substation,  
16 so between the project and the Village of  
17 Cherry.

18 Three, it was free of other environmental  
19 issues. No wetlands, not in a floodplain, et  
20 cetera.

21 Four, there's a willing landowner.

22 Q. Okay. And then what height and type of  
23 perimeter fence are you planning on installing  
24 on this project?

1 A. So the height is dictated by the National  
2 Electric Code. It would be 7 feet. So we  
3 intend to have a 7-foot fence, and it's going to  
4 be a woven wire.

5 Q. Okay. And will all parts of the proposed  
6 project, including the perimeter fencing, be at  
7 least 50 feet from the nearest edge of the road  
8 right-of-ways and the nearest point on the  
9 nonparticipating properties?

10 A. Correct.

11 Q. Will all parts of the project, including the  
12 perimeter fencing, be at least 150 feet from the  
13 outside wall of the occupied community buildings  
14 and dwellings on nonparticipating properties?

15 A. Yes.

16 Q. Okay. Now, moving on to, like, fire and safety  
17 kind of questions.

18 What would be potential fire and safety  
19 hazards typical for a solar farm of this type?

20 A. So there's very little, if no, combustible  
21 material on site. So between proper vegetation  
22 management and operation management, like, the  
23 fire hazard is minimal. I won't say nonexistent  
24 because that's never a thing.

1           If not installed properly, not according  
2           to the National Electric Code, then  
3           theoretically there could be arc flashing, but I  
4           have not seen that on a project that's properly  
5           installed and signed off on.

6 Q.       So does Ameren check on that then, like  
7           double-check that, or do you hire -- how do they  
8           ensure that it's properly wired?

9 A.       I'm not a contractor, so I don't know what the  
10          building permit requires in this county, but  
11          there might be a component there; Ameren does  
12          require some; and then just the contractor's own  
13          QC/QA process.

14 Q.       Okay. Now, do you plan to have any kind of  
15          battery energy storage system, or a BESS, on  
16          site as part of this project?

17 A.       We do not.

18 Q.       Okay. Now, once the project has been  
19          constructed, how is the operation of this  
20          monitored?

21 A.       It's monitored remotely. There will be visits  
22          on site by -- I don't want to use the term  
23          frequently, but could be once a month or every  
24          few months there could be somebody on site to

1 check on things.

2 Q. Okay. And then, now, would there be someone  
3 local that would have access to the site in case  
4 of an emergency or to address complaints?

5 A. Yes. We will be contracting with a maintenance  
6 provider who will have a local presence.

7 Q. Then do they come out periodically and mow, or  
8 how is that -- how is that fence maintained and  
9 all that?

10 A. Yeah, it will be mowed. You know, along the  
11 fence, have to spray. Be hard to mow there.

12 Q. Okay. Now, do you have standard operating  
13 guidelines and standard operating procedures for  
14 our local first responders?

15 A. I believe those will be provided to the first  
16 responders prior to construction.

17 Q. Okay. Now, what will the use of the balance of  
18 land outside the fenced area be? Will it be  
19 cropland?

20 A. It can continue to be used as cropland.

21 Q. Okay. So you said earlier in your testimony  
22 that you would have -- the gate or the entrance  
23 would be off of Route 89. When there are  
24 vehicles entering and exiting this, will there

1 be sufficient room for them to pull off the  
2 roadway so they don't cause an obstruction on  
3 the highway, you know, vehicles entering --

4 A. Yes.

5 Q. -- exiting?

6 Okay. Tell me a little bit about your  
7 decommissioning plan.

8 A. We do have a decommissioning plan that was  
9 submitted as part of the application. So the  
10 decommissioning is driven by the plan, plus the  
11 AIMA. It more or less requires us to return the  
12 land as we found it, in ag land, including any  
13 soil decompaction or removal of rocks.

14 Q. Okay. Have you or anyone associated with this  
15 project met with or spoken to any of the  
16 adjoining property owners?

17 A. I personally have not.

18 Q. Do you know if anyone --

19 A. I can't tell you if somebody else on my team  
20 has.

21 Q. Okay. A little bit about the operation of a  
22 solar farm. Will there be any type of noise or  
23 sound emitted from the inverters, transformers  
24 or other electrical equipment to be used for the

1 project?

2 A. There will be some sound emitted from both the  
3 inverters and the transformers. Generally once  
4 you get outside the fence, it's not audible  
5 above the ambient sound.

6 Q. And are those noise-producing elements usually  
7 put toward the center of the array so it's not  
8 by the edge?

9 A. Generally, yeah.

10 Q. Is there any electromagnetic fields, or EMFs,  
11 emitted from the inverters, transformers or  
12 electrical equipment that could pose potential  
13 health hazards to individuals living in close  
14 proximity to the project?

15 A. No, there's no EMFs emitted more than a couple  
16 feet from the equipment.

17 Q. Okay. Is this a speculative project based on  
18 being selected for receiving grant funding?

19 A. No.

20 Q. What are the land uses in the vicinity around  
21 this project?

22 A. It's generally ag land. There's a few  
23 single-family homes. I believe the closest one  
24 is 450 or 500 feet from the project.

1 Q. Okay. And then what fire district is this  
2 located in?

3 A. I want to say it's Arlington. I have to  
4 confirm. I'm 90 percent confident it's  
5 Arlington.

6 Q. How about the school district, do you know?

7 A. I believe you read that earlier.

8 MR. WELBERS: The grade school is Dimmick  
9 and the high school is Hall.

10 And you are correct, it is Arlington Fire,  
11 but I'm not testifying.

12 Q. (By Ms. Donarski:) Okay. If this is granted,  
13 what is your time frame for construction for  
14 this project?

15 A. I think with -- there's a chance some  
16 construction might happen before winter, but the  
17 bulk of it will be probably starting next spring  
18 at this point.

19 Q. So maybe the spring of '25?

20 A. Uh-huh.

21 Q. Okay. And then will -- talking about -- will  
22 any part of the proposed project, including the  
23 perimeter fence, be constructed within the  
24 50-foot sight triangle at the intersection of



1 2100 North Avenue and Illinois Route 89?

2 A. No.

3 MS. DONARSKI: That is my list of  
4 questions. Thank you.

5 MR. WELBERS: Just one question that I'll  
6 have for you, and then we'll ask the audience.

7 EXAMINATION

8 BY MR. WELBERS:

9 Q. Since the entrance is going to be off of 89,  
10 have you talked to the Illinois Department of --  
11 the Highway Department on whether they approve  
12 such a thing? Because there's no entrance now.

13 A. There is no entrance now. I do have an email  
14 from them. Hold on a minute.

15 Yes, we have spoken with Brett Gross.  
16 He's an Access Permit Technician at the Illinois  
17 Department of Transportation. And his last  
18 email to my colleague, Rueben: Yes, your  
19 location for the entrance is okay.

20 MR. WELBERS: All right.

21 Questions, Neil?

22 MR. N. GILLAN: Yeah.

23 MR. WELBERS: Would you just, for the  
24 court reporter, state your name.

1 MR. N. GILLAN: Neil Gillan, 32944 - 2100  
2 North Avenue, Arlington, Illinois.

3 EXAMINATION

4 BY MR. N. GILLAN:

5 Q. Does the landowner that you're in agreement  
6 with, does he have any other land that you  
7 looked at to put one of these arrays on?

8 A. We did look at other land that the landowner  
9 owns, yes.

10 Q. And what do you look for as far as power lines?  
11 I know you look to be close to a substation.

12 A. Uh-huh.

13 Q. I mean, do you look for three-phase power, or  
14 what?

15 A. Yeah, at a minimum it needs to be three-phase,  
16 but it goes a lot further than that. It's  
17 everything from the voltage of the lines, how  
18 much load is there existing on that substation,  
19 do the lines -- even if they're three-phase,  
20 that doesn't mean that they have enough  
21 conductor to hold the power that's generated.  
22 So there's a number of factors that go beyond  
23 just substation and three-phase lines.

24 Q. Okay. So the power lines that you would be

1           trying into, would they be very similar to the  
2           ones that run through Cherry, the town?

3   A.    I am not familiar with the ones that run  
4           through Cherry.

5   Q.    I mean, they come from that substation and they  
6           run through town toward Ladd.

7   A.    Yeah, I have -- they might be, but substations  
8           often have different feeders and different  
9           lines.  And even one set of line, it doesn't  
10          mean it's the same conductor size from even  
11          between the substation and our project.  It can  
12          actually have multiple, different conductor  
13          sizes.

14   Q.    Okay.  I mean, these would be the main power  
15          poles that run --

16   A.    Yeah, again, I'm not familiar with those poles  
17          that go through the town of Cherry.

18   Q.    What I'm getting at is, on South Avenue there's  
19          a farm there that they own.  Was that looked at,  
20          by their home --

21   A.    I can't tell you --

22   Q.    -- for a solar site?

23   A.    -- specifically.  I personally did not.  I  
24          can't tell you if one of my colleagues did.

1 Q. Well, I just -- I guess my thing is, is it --  
2 why is it okay to be by my house but it can't be  
3 by theirs? You know, can that site be looked at  
4 to see if it would be suitable for it?

5 A. I am not familiar with that site, so I can't  
6 tell you if it's suitable or not.

7 Q. Okay. I guess what I'm saying is, if I am  
8 supposed to live by it, why can't they?

9 A. I can't answer that question.

10 Q. And then I guess another question, how are you  
11 going to know when you hit these tiles when  
12 you're driving these pilings?

13 A. One, it will be -- they will be mapped ahead of  
14 time. The AIMA requires us to map them. So  
15 avoidance is number one.

16 And then, two, you know, ideally we -- a  
17 person driving the piles would know when they  
18 hit it.

19 I realize they may not, but, three, we  
20 still monitor after the fact, because there's a  
21 chance that we may not know until a rainy  
22 season.

23 Q. Okay. And that fence is going to be off the  
24 right-of-way?

1 A. Uh-huh.

2 Q. The 50 feet?

3 A. Uh-huh.

4 Q. Okay. And the site is going to be mowed?

5 A. The vegetation will be managed, and it will be  
6 mowed periodically.

7 MR. N. GILLAN: Okay.

8 MR. WELBERS: Are those all the questions  
9 right now?

10 MR. N. GILLAN: For right now.

11 MR. WELBERS: Mr. Gillan, is there  
12 anything you would like to clarify?

13 MR. W. GILLAN: Well, I could just talk a  
14 little bit.

15 MR. WELBERS: No, no. Right now I just  
16 asked if there's any questions that you -- did  
17 he clarify anything you think -- is there  
18 something you want him to clarify?

19 MS. DONARSKI: This is just questions for  
20 him.

21 MR. WELBERS: Yeah, do you have any  
22 questions you want him to clarify? If you would  
23 like to speak, we'll do that next. But are  
24 there any questions you have of him?

1 MR. W. GILLAN: No.

2 MR. WELBERS: Any other members? John,  
3 anything?

4 MS. SMITH: I have one.

5 MR. WELBERS: Okay. Go ahead, Shirley.

6 EXAMINATION

7 BY MS. SMITH:

8 Q. Previously when you were here there was an  
9 interested party that had asked the question  
10 about how this might affect an autistic child.  
11 And at that time it was stated that a  
12 professional engineer would be hired to complete  
13 a study on how that would affect the children.

14 Has that been accomplished?

15 A. I don't believe -- I can look back at the  
16 transcript, but I don't recall saying a  
17 professional engineer would be conducted to do  
18 that study.

19 MS. SMITH: Do we have the minutes?

20 A. I'm not sure if that thing -- if such a study  
21 exists, and I don't know if that is also in the  
22 purview of an engineer. I don't know how much  
23 an engineer is knowledgeable about autism.

24 Q. (By Ms. Smith:) Okay. And then in July there

1 was a letter from the Illinois Historic  
2 Preservation Office recommending an  
3 archaeological survey, as well as an  
4 architectural and history survey of the entire  
5 area for potential effects.

6 Has that been accomplished or will it be?

7 A. It has.

8 Q. That has been. All right.

9 And then, thirdly, when a project is  
10 decommissioned, how do you remove or do you  
11 remove the entire piling?

12 A. Ideally they are pulled up, but if they can't  
13 be pulled up or if they break, then they have to  
14 be dug out.

15 Q. They aren't going to be cut off and left in  
16 the --

17 A. No, and the AIMA addresses this.

18 MS. SMITH: Thank you.

19 MR. WELBERS: Any other questions?

20 (No verbal response.)

21 MR. WELBERS: You can sit down.

22 Mr. Gillan, if you'll come forward, the  
23 court reporter will swear you in and you can say  
24 what you would like.

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WES GILLAN,

being first duly sworn, testified as follows:

MS. DONARSKI: Please state your name and address for the record.

MR. SNYDER: Wes Gillan, 33386 - 1900 North Avenue, Arlington, Illinois.

MS. DONARSKI: Thank you.

MR. W. GILLAN: Appreciate the time with you people.

I have got a few things to say about this project. That it's something new. Everybody thinks something new is bad.

As I understand it, that a system like this will produce more energy, three to four times as much energy as a field of corn, without involving any fossil fuels to produce it. For one thing.

And I have heard where people said something about the noise. I visited one down by Granville, and I didn't hear anything. I'm not the best hearer either, but anyhow.

I -- everybody's got air conditioners, grain bins with fans on them, so. Make way more noise than you'd imagine.



1           And, well, I don't know whether they still  
2 do or not, but one of our neighbors used to  
3 spread some, or still does, spread human waste,  
4 and that runs through our field and runs into  
5 the creek. When these people get done, with all  
6 the grass and stuff, erosion is going to be  
7 absolutely nil, as nil as you could get it. It  
8 will be like prairie land, I guess.

9           And produce a lot of taxes, especially for  
10 our schools, towns too.

11           And then the last reason, we like to make  
12 a buck.

13           MR. WELBERS: Do you want to ask him  
14 anything?

15           Mr. Gillan, just one --

16           MS. DONARSKI: Everybody gets to ask you  
17 questions, so we need you to stay there.

18           MR. W. GILLAN: Oh, okay. I'm sorry, I  
19 forgot that. You got me nervous.

20           MR. WELBERS: Go ahead.

21                                   EXAMINATION

22 BY MR. N. GILLAN:

23 Q.    So you said there would be no fossil fuels used  
24 to, you know, construct this. Are they not

1 going to use equipment to drive these pilings?

2 A. Well, after it's built there wouldn't be any  
3 fossil fuels used, except for maybe a guy with a  
4 mower out there mowing or somebody driving  
5 around with a pickup truck, checking on it.

6 I'm talking about, you know, they aren't  
7 going to use natural gas or coal or whatever to  
8 make this electricity. If you're going to raise  
9 corn on it for -- which is a good fuel, ethanol,  
10 you've got to have the tractors out there,  
11 burning fuel.

12 And you got to burn fuel to make it. That  
13 guy up there with the sun does it for nothing.  
14 So these guys are going to give us some money  
15 for using our land. Like I said, I want to make  
16 a buck.

17 Q. Did you show them the property around your  
18 home?

19 A. I have no comment on that.

20 MR. WELBERS: Is that it, Neil?

21 (No verbal response.)

22 MR. WELBERS: Any other questions from  
23 anyone of Mr. Gillan?

24 (No verbal response.)

1 MR. WELBERS: You can sit down.

2 MR. W. GILLAN: I'm sorry I got away from  
3 you.

4 MR. WELBERS: You're fine. Go ahead and  
5 sit down, sir.

6 Okay. We do have a letter to be read into  
7 the record that I think it would be appropriate  
8 to do now. And here it is.

9 MS. DONARSKI: I am going to hand out a  
10 copy to everybody.

11 MR. WELBERS: We'll hand everybody that,  
12 and then I'll read it once you have done that.

13 Okay. The letter is to the Bureau County  
14 Zoning Board of Appeals:

15 "My name is Nanette Gillan, and I am  
16 the owner of the farm ground immediately  
17 to the east of the proposed solar farm. I  
18 respectfully ask that this Board deny the  
19 application and all Variations that have  
20 been submitted by the Applicant for Cherry  
21 Solar 1, LLC.

22 My late husband and I purchased our  
23 farm in 1981 and then built the home we  
24 raised our seven children in, in 1991. We

1 worked hard to pay for our farm so that  
2 some day it would be handed down to our  
3 children and hopefully our grandchildren  
4 some day. As our family grew up and  
5 expanded, Dennis would plan "plowing days"  
6 and "tillage days." On those days, our  
7 sons, along with their children and some  
8 of our other grandchildren, would spend  
9 the day learning how to drive Papa's  
10 tractors and working the ground. It was  
11 with great pride that he taught the third  
12 generation of our family. He instilled in  
13 them to work hard. He would be  
14 disheartened to think that the farm he  
15 worked hard for was now going to decrease  
16 in value because a solar farm might be  
17 built adjacent to it.

18 A couple articles I found reference  
19 how land prices can decrease anywhere from  
20 1.7 percent to 7 percent, depending on how  
21 close these solar farms are being built to  
22 them.

23 I personally have great concern over  
24 the potential health dangers that come

1 with a solar farm. My son and his family  
2 live in the home Dennis and I built just  
3 east of the proposed solar farm. I submit  
4 an article that states that the solar  
5 farms should not be built less than 1.2  
6 miles from a home due to potential health  
7 risks.

8 Our grandson, who is six and on the  
9 spectrum for autism, lives in the home.  
10 He has had issues with his ears since he  
11 was very young. Further, he is very  
12 sensitive to any type of noise to the  
13 extent that he wears headphones to block  
14 out sounds.

15 I spoke with an autism expert,  
16 Dr. German, in regards to how a solar farm  
17 could affect Mavrick. She expressed  
18 concern that he could very well suffer  
19 sleep, hearing and other issues due to a  
20 solar farm being too close to their home.  
21 I have submitted her reply.

22 The companies that build and operate  
23 solar farms have been found to be  
24 negligent when excavating, resulting in

1 broken tiles, erosion issues and  
2 contamination of water sources. The U.S.  
3 EPA recently awarded more than a million  
4 dollars in penalties against companies for  
5 polluting local waterways on solar farms  
6 in Illinois, Alabama and Idaho. There is  
7 a tile on our farm that runs to the west  
8 in the area of the proposed solar farm.  
9 If it is damaged, how will they know and  
10 who will fix it?

11 Further, I am quite surprised that  
12 there is not great concern that the well  
13 that supplies water to the Village of  
14 Cherry is located across the road from the  
15 proposed solar farm. It seems obvious  
16 that these companies are not known for  
17 taking responsibility for their  
18 negligence.

19 There is also concern that a solar  
20 farm would create issues in the winter  
21 with drifting snow that could cause  
22 problems for school buses to travel the  
23 road and also any emergency vehicles.

24 Lastly, it seems odd that if

In Totidem Verbis, LLC (ITV)  
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In Totidem Verbis, LLC (ITV)

1           supposedly having a solar farm built close  
2           to a home is not of concern for the  
3           occupants' health, or that it would not  
4           hurt property values, or cause erosion,  
5           then why didn't the landowners that are  
6           entering into the agreement with GreenKey  
7           Development offer the land that is next to  
8           the homes that they or their relatives  
9           live in for this project?

10           Please vote to deny the Conditional  
11           Use application and the requests for  
12           Variation, if for no other reason for the  
13           health and safety of my family."

14           And she has submitted some other  
15           supporting documents.

16           The documents I have handed out, I don't  
17           need to read them; is that correct?

18           MS. DONARSKI: No. That's just  
19           attachments.

20           MR. WELBERS: Since Nanette is not here,  
21           we can't cross-examine her.

22           Neil, would you like to come up.

23           MR. N. GILLAN: I'll answer questions on  
24           her behalf, if I can do that.

1 MR. WELBERS: Well, come up and express  
2 your point of view. Then we'll see what  
3 questions develop. We'll ask them of you. It  
4 wouldn't be proper for you to answer for her,  
5 but you can answer for you.

6 MR. N. GILLAN: All right.

7 NEIL GILLAN,  
8 being first duly sworn, testified as follows:

9 MS. DONARSKI: Please state your name and  
10 address for the record.

11 MR. N. GILLAN: Neil Gillan, 32944 - 2100  
12 North Avenue, Arlington, Illinois.

13 MS. DONARSKI: Thank you.

14 MR. WELBERS: Go ahead, say what you would  
15 like to, and we'll see what questions develop.

16 MR. N. GILLAN: Obviously my questions  
17 were more or less what I was trying to get at.  
18 I don't really have a whole lot to say.

19 I'd rather not see this by my home because  
20 of, obviously, I mean, values going down. I  
21 mean, the farming and stuff like that, it  
22 doesn't bother me. You know, being down there,  
23 this is something that I'm going to -- it's  
24 going to be an eyesore. I have looked at



1 multiple of them, and I'd just really rather not  
2 have it by my home.

3 MR. WELBERS: This is your son that your  
4 mother talked about?

5 MR. N. GILLAN: Yeah, my son, Mavrick.

6 MR. WELBERS: How old is Mavrick?

7 MR. N. GILLAN: Six.

8 MR. WELBERS: Tell us a little bit about  
9 his special needs and how you think that this  
10 solar farm would affect those.

11 MR. N. GILLAN: He's had -- since he was  
12 young, he's had hearing issues. He's had tubes  
13 put in his ears. He is -- he's on the spectrum  
14 for autism. He is -- he does have ADHD, which  
15 makes it -- if you met him, if I brought him  
16 here, you'd understand my concern. He's kind of  
17 a free -- he likes to roam. I'd hate for him to  
18 ever, you know, have the opportunity to get into  
19 something that he shouldn't, with the solar  
20 panels being down there, the fence, any of that  
21 stuff.

22 I mean, I know he shouldn't be on that  
23 property, but kids will be kids. I was one at  
24 one time. And I just don't want to see him

1 suffer from this.

2 MR. WELBERS: Okay. Anyone have questions  
3 of Neil?

4 MS. DONARSKI: I have one.

5 EXAMINATION

6 BY MS. DONARSKI:

7 Q. Neil, from your home, like your yard area  
8 around your home, how far would it be to the  
9 property where the solar farm is?

10 A. It's probably -- I don't know if -- have you  
11 moved plans? Like, where is the --

12 Q. I can find a site plan.

13 A. -- edge of the -- I haven't seen a site plan.

14 Q. Okay. Let's get one.

15 MR. SNYDER: It assumes 50 feet off of the  
16 property line is the fence.

17 MR. N. GILLAN: The fence, and then  
18 50 feet inside of that would be the first panel?

19 MR. SNYDER: Another 20 feet.

20 MR. N. GILLAN: 20.

21 A. So it would probably be -- I'd have to wheel it  
22 off, but probably 350 feet, you know, from home  
23 to property line.

24 MS. DONARSKI: Okay. Thank you. That's

1 all I have. Thank you.

2 MR. WELBERS: Anyone else have any  
3 questions?

4 MS. SMITH: I have a couple comments I  
5 need to make.

6 MR. WELBERS: Go ahead, Shirley.

7 MS. SMITH: Just to clarify -- I'm sorry.  
8 This isn't for him. This is for the --

9 MR. WELBERS: Okay. Go ahead.

10 MS. SMITH: It was asked how many modules  
11 were going to be put on that property.  
12 According to the documents that have been  
13 submitted by them, it's 12,480, not 10,000.

14 And then the next item is, Troy testified  
15 that he didn't remember saying anything about  
16 checking on the autism. And according to our  
17 reports that I'm looking at here, the notes said  
18 Troy testified that GreenKey had not completed a  
19 study and stated that they would hire a  
20 professional engineer to do so in the future.

21 I just wanted to make a clarification that  
22 I found those comments.

23 MR. WELBERS: Are those notes that you  
24 made from the last time?

1 MS. SMITH: These are from our reporter.

2 MR. WELBERS: From the court reporter.

3 MS. SMITH: Court reporter, our  
4 secretary's notes.

5 MR. WELBERS: From the public record.

6 MS. SMITH: Yes, the public record.

7 And the amount of modules is from  
8 Mr. Snyder's documents that he presented to  
9 those.

10 Just wanted to clarify those two things.

11 MR. WELBERS: Is there anyone else that  
12 has questions of Neil?

13 MR. JENSEN: I have one.

14 MR. WELBERS: Go ahead, Bill.

15 EXAMINATION

16 BY MR. JENSEN:

17 Q. Beings you live so close, would it be an option  
18 to plant trees to hide -- not you, but them --  
19 to plant trees to hide this project so you don't  
20 have to look at it?

21 A. I mean, it's definitely an option on their  
22 part. I have a windbreak, and I have another  
23 set, another windbreak, planted behind that, you  
24 know, as my backup, if you will.

1 Q. Right.

2 A. It's just, I don't --

3 Q. I mean, it's just an idea.

4 A. No, no, I understand.

5 I mean, the fence is going to be ugly.  
6 The panels are going to be ugly. That's --  
7 yeah.

8 Q. I mean, I know that they can't totally hide it.

9 A. There's no beautification of them.

10 Q. I mean, if you already have trees planted, then  
11 even if they put more in, maybe something that  
12 would be taller, I mean, definitely so if you're  
13 out in your backyard or your side yard or  
14 whatever you don't have to look at them. I  
15 mean, I didn't -- trees can be a -- I mean, if  
16 you're worried about sound or whatever, I mean,  
17 trees can be a bit of a buffer on that part too.

18 But just an idea. I didn't know if that  
19 would persuade you in any different form.

20 A. I just prefer not at all.

21 MR. WELBERS: Pass that down to Bill. Of  
22 course, you know, it's winter, so we don't have  
23 leaves. But that's the field, and Neil's house  
24 is on the other side of the trees that he

1 already has there.

2 I don't know how to enter my phone into  
3 evidence, Kris.

4 MS. DONARSKI: What I'll have you do is,  
5 I'll have you email that picture and then I'll  
6 print it out.

7 MR. WELBERS: Okay. I'll do that.

8 MS. DONARSKI: Okay.

9 MR. WELBERS: So there are -- you do have  
10 some trees already.

11 MR. N. GILLAN: Yeah. The ones are  
12 looking pretty shabby.

13 MR. WELBERS: I wasn't spying on you.

14 MR. N. GILLAN: Yeah, no, it's all right.

15 MR. WELBERS: I was sent there to do an  
16 inspection.

17 Anything else for Neil? Any other  
18 questions, anyone, for Neil, or can he sit down?

19 (No verbal response.)

20 MR. WELBERS: You can sit down.

21 Would you like to read those stipulations  
22 before I start talking?

23 MR. SNYDER: Do I have an opportunity to  
24 rebut?

1 MS. DONARSKI: Yeah.

2 MR. WELBERS: Yeah, absolutely. Go ahead,  
3 come on up.

4 MR. SNYDER: Thank you.

5 All right. Thank you for having me back  
6 up here.

7 In regards to property values, can I enter  
8 something into the record?

9 MR. WELBERS: Yes.

10 MR. SNYDER: It just discusses property  
11 values as it relates to --

12 MR. WELBERS: A one-page exhibit.

13 MR. SNYDER: -- being adjacent to a solar  
14 field.

15 In regards to correcting me, thank you for  
16 the number of panels.

17 MS. SMITH: You're welcome.

18 MR. SNYDER: After hearing that quote, I  
19 do recall in reference what it was. We were  
20 talking about a sound engineer, once the project  
21 is built, to measure the sound to make sure  
22 we're compliant in regards to the State sound  
23 laws or noise laws. That's my current  
24 recollection after hearing that quote. I think

1           that makes sense.

2           A couple other things, just to -- quickly  
3           looking through the material that was submitted.  
4           The pages aren't numbered, but, I don't know,  
5           probably three-quarters of the way through,  
6           "What are the Health Risks of Living Near Solar  
7           Farms"?

8           It says, "All electronic devices and  
9           infrastructure, including solar panels and their  
10          associated equipment, can emit some  
11          electromagnetic radiation. However, the EMF  
12          levels emitted by solar installations are  
13          typically low and are comparable to those  
14          emitted by household appliances."

15          It talks about noise. "Inverters and  
16          transformers at solar farms can produce low  
17          humming noise." As I stated previously.

18          "These are generally minor and can be  
19          mitigated with proper placement and barriers."  
20          So that's why we put them interior to the  
21          project.

22          I would also say that we've developed and  
23          built projects on top of schools that also have  
24          inverters that hang on the side of a school



1 building. Lots of individual homes have solar  
2 panels which also have inverters. Transformers  
3 are found, you know, just about everywhere as  
4 you go out in a built environment.

5 You know, what is a safe distance to live  
6 from a solar facility? 1.2 miles was mentioned.  
7 If that was the case, I'm not sure if any solar  
8 facilities would actually ever get built.

9 But reading in that same paragraph, it  
10 says, "According to the World Health  
11 Organization, despite extensive research,  
12 there's no evidence that low-level EMF exposure  
13 from facilities like solar farms harms human  
14 health." So that's in the same paragraph as the  
15 1.2 miles.

16 MR. WELBERS: So that's -- the source of  
17 what you're reading, what is the source of that?

18 MR. SNYDER: This is what was submitted.  
19 The title on this is, it looks like from Irish  
20 Solar, "What Is a Safe Distance to Live From a  
21 Solar Farm," from the irish.solar website.

22 In terms of, like, water, again, same  
23 thing. Solar farms, by design, do not pollute  
24 water.

1 I can continue, but I'm just reading what  
2 was submitted into the record.

3 MR. WELBERS: Okay. Anyone have any  
4 questions?

5 MS. DONARSKI: I just wanted to clarify  
6 for the record. The information you're reading  
7 was in with the information that Nanette Gillan  
8 submitted? This is not what you're submitting?

9 MR. SNYDER: Correct. She submitted, and  
10 I was just reading what was submitted.

11 MS. DONARSKI: Thank you. I just wanted  
12 that to be clear that that wasn't something  
13 that you had. Okay. Thank you.

14 MR. SNYDER: No other questions?

15 MR. WELBERS: Any other questions?

16 (No verbal response.)

17 MR. WELBERS: I guess you can sit down.  
18 You can read the stipulations whenever  
19 you're ready.

20 MS. DONARSKI: Sure.

21 These are same stipulations, our standard  
22 stipulations, and these are the ones that were  
23 approved by the Planning Commission last week.

24 The Conditional Uses, including the

1 placement of all components of the proposed  
2 Cherry Solar 1, LLC, electric generating  
3 facility approved by Bureau County, shall be  
4 constructed as set forth in the applications  
5 filed with Bureau County on January 18, 2024,  
6 and shall comply with all requirements of the  
7 Bureau County Zoning Ordinance.

8 2, All conservation practices, (such as  
9 grassed waterways, filter strips, terraces,  
10 grasslands) which are damaged by construction of  
11 the proposed solar power facility, including but  
12 not limited to access road construction,  
13 underground transmission cable installation, and  
14 heavy equipment shall be restored by the owner  
15 of the solar power facility to their  
16 pre-construction condition using original design  
17 specifications and vegetative cover. Care  
18 should be taken to try to maintain the integrity  
19 of these practices for erosion control, flood  
20 control, and water quality.

21 3, The owner of the solar power facility  
22 shall implement erosion control standards for  
23 all excavation activities to maintain water  
24 quality and minimize erosion impacts.

1           4, The owner of the solar power facility  
2 shall enter into a Road Use Agreement with the  
3 governing road authority, unless the road  
4 authority provides a written waiver of this  
5 requirement.

6           5, The owner of the solar power facility  
7 shall enter into a decommissioning plan with the  
8 County to ensure that the facility is properly  
9 decommissioned upon end of project life or  
10 facility abandonment.

11           6, The solar power facility shall be in  
12 compliance with all applicable county, state,  
13 and federal regulatory standards (including  
14 applicable building codes and electrical codes),  
15 FAA requirements, EPA regulations (hazardous  
16 waste, construction, stormwater, et cetera).

17           7, The location of all proposed access  
18 points shall be identified and approved by the  
19 governing road authority prior to the granting  
20 of a building permit to accommodate road and/or  
21 drainage improvements within the existing and/or  
22 future right-of-way.

23           8, The Petitioner, Owner and/or Operator  
24 of the solar power facility shall construct said

1 solar power facility in substantial accordance  
2 with submitted Conditional Use Permit  
3 applications and all accompanying documents.

4 Nothing contained herein shall be deemed  
5 to preclude the agricultural use of the balance  
6 of the subject property not occupied by the  
7 solar power facility. Said agricultural use  
8 will be considered as being the principal use of  
9 the subject property notwithstanding adoption of  
10 a Conditional Use Ordinance and the construction  
11 and operation of a solar power facility on a  
12 given lot or parcel of land, at locations  
13 approved by the County Board pursuant to  
14 Conditional Use approval on a Site Plan Map.

15 9, Solid Waste. All solid waste, whether  
16 generated from supplies, equipment, parts,  
17 packaging, or operation or maintenance of the  
18 facility, including old parts and equipment,  
19 shall be removed from the site immediately and  
20 disposed of in accordance with all federal,  
21 state and local laws.

22 10, The owner of the solar power facility  
23 shall submit to the Bureau County Zoning  
24 Enforcement Officer, the jurisdictional fire

1 district and the jurisdictional ambulance  
2 service, a copy of the solar power facility's  
3 site plan, Standard Operating Procedures and  
4 Standard Operating Guidelines for the solar  
5 power facility so that the local fire protection  
6 district and rescue units that have jurisdiction  
7 over the site may evaluate and coordinate their  
8 emergency response plans with the owner and/or  
9 operator of the solar power facility. In  
10 addition, the owner of the solar power facility  
11 shall provide training for, and the necessary  
12 equipment to, local emergency response  
13 authorities and their personnel so that they can  
14 properly respond to a potential emergency at the  
15 solar project. Nothing in this section shall  
16 alleviate the need to comply with all other  
17 applicable fire, life safety and/or emergency  
18 response laws and regulations.

19 Additional Terms and Conditions.

20 A, Technical submissions as defined in the  
21 Professional Engineering Practice Act of 1989  
22 and contained in the application filed for  
23 Conditional Use shall bear the seal of an  
24 Illinois professional engineer for the relevant

1 discipline.

2 The Conditional Use Permit granted to the  
3 Applicant shall bind and inure to the benefit of  
4 the Applicant, its successors and assigns. If  
5 any provision of this Ordinance is held invalid,  
6 such invalidity shall not affect any other  
7 provision of this Ordinance that can be given  
8 effect without the invalid provision and, to  
9 this end, the provisions in this Ordinance are  
10 severable.

11 C, A violation of the terms and conditions  
12 herein shall constitute a violation of the  
13 Conditional Use granted herein and shall be  
14 grounds for revocation of the Conditional Use by  
15 the Zoning Enforcement Officer.

16 D, The owner of the solar power facility  
17 shall supply written proof of an approved  
18 entrance, from the appropriate governing road  
19 authority to the Zoning Enforcement Officer  
20 prior to the issuance of any building permits  
21 for the proposed solar power facility.

22 E, The owner of the solar power facility  
23 shall, at the owner's expense and in  
24 coordination with the County, develop a system

1 for logging and investigating complaints related  
2 to the solar power facility. The owner of the  
3 solar power facility shall resolve such  
4 complaints on a case-by-case basis and shall  
5 provide written confirmation to the Bureau  
6 County Zoning Office.

7 12, Floodplain Ordinance Compliance. All  
8 parts of the solar power facility shall be in  
9 compliance with all requirements of the Bureau  
10 County Flood Damage Prevention Ordinance  
11 (Floodplain Ordinance).

12 13, All components of the proposed solar  
13 facility, including the perimeter fencing, shall  
14 meet the setback requirements as stated in  
15 Article 3.41-4 v.3 of the Bureau County Zoning  
16 Ordinance.

17 MR. WELBERS: So those are the  
18 stipulations.

19 MS. DONARSKI: Yes.

20 MR. WELBERS: Anything else we need to  
21 cover?

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

23 MR. WELBERS: Well, as you see from my  
24 phone, I'm the one that goes to that area too.



1 I don't live that far from it; familiar with it.

2 And I have some concerns too. First of  
3 all, the field is very sloping; higher on the  
4 east toward where Neil lives and then it goes  
5 down and away.

6 Neil does, indeed, have a tree barrier  
7 there. And they are meeting the required  
8 setbacks from neighboring property owners. So a  
9 lot of the solar array isn't necessarily going  
10 to be seen from his house, as far as the  
11 visibility of it. Certainly is different than  
12 what he's used to for a lifestyle.

13 Now, when it comes to what Nanette has  
14 submitted on all these documents, and then what  
15 you have submitted regarding real estate values,  
16 they are just documents that can't be cross-  
17 examined. There's no expert here to say whether  
18 it affects the property values or whether it  
19 doesn't affect the property values. And so in  
20 that regard, we just don't know as we're here.

21 The other issue in order to grant a  
22 Conditional Use, our first standard is the  
23 establishment, maintenance of an operation, the  
24 Conditional Use will not be detrimental or

1           endanger the public health, safety, moral,  
2           comfort or general welfare.

3           So it has been suggested by Nanette Gillan  
4           and Neil Gillan that they have a special needs  
5           child that they think could be adversely  
6           affected by this. And it was touched on on the  
7           application before, which Shirley Ann has  
8           pointed out, that it would be addressed in some  
9           expert way, and it hasn't been. We just don't  
10          know.

11          You know, I -- when I am near a solar  
12          array, I don't hear anything. But I am not  
13          young anymore, and some of those hearing tones  
14          just aren't there. So I don't hear anything.  
15          They seem very quiet and not all that much of a  
16          nuisance in that regard. But we don't know  
17          about Mavrick, the special needs child. We just  
18          don't know.

19          So there's two issues to discuss here.  
20          There's a request for a Conditional Use, which  
21          is the decision of the Bureau County Board.  
22          That's why John is here, to listen firsthand to  
23          the testimony and relay it on.

24          You're on the committee, actually, the

1 Zoning Committee on the County Board; is that  
2 correct, John?

3 So they'll relay it to the committee as  
4 they formulate what they would like to do and  
5 then advance it to the full Board in March. So  
6 it's really ultimately their decision.

7 A couple approaches that we could take.  
8 One is, we could table this and say, Well,  
9 answer these questions. Or another thing we  
10 could do is just move to recommend it, not  
11 recommend it, whatever the Board decides, and  
12 move the case on to the County Board on the  
13 assumption that no further testimony or evidence  
14 intends to be placed into the record.

15 When it comes to the Variation, that is  
16 our decision here on this Board. And, again,  
17 the only reason that a Variation is needed --  
18 they are meeting the setbacks from the  
19 neighboring property owners for this  
20 development. The only reason that a Variation  
21 is needed is because it's within the mile and a  
22 half that -- the statute -- State statutes says  
23 that a municipality, like Cherry or the Village  
24 of Arlington, can say, I don't want that that

1 mile and a half, you keep it from our place.  
2 But neither community did that. Each community  
3 said, We don't care; go ahead.

4 So we have two decisions to make. One is  
5 not a decision, a recommendation, you know, as  
6 to what we want to do. And customarily it's the  
7 person who inspects the property that introduces  
8 the first motion. It doesn't mean it would get  
9 a second. It doesn't mean if it gets a second  
10 that it would be approved. If there's not, then  
11 we go back to another motion.

12 But, again, the Conditional Use is  
13 ultimately up to the County Board. If we make a  
14 motion -- approve a motion in one direction or  
15 the other, it moves the case on to them.

16 And so I am inclined to do just that, and  
17 I'll introduce a motion and we'll see what our  
18 fellow Board members think on the motion. I'll  
19 introduce a motion that for the Conditional Use  
20 that we recommend that the Bureau County Board  
21 not approve the Conditional Use to build and  
22 operate a 4.99-megawatt commercial solar energy  
23 facility for the purpose of generating electric  
24 power on a portion of the subject property. The

1 project will -- would consist of solar panels,  
2 racking, foundation piles, inverters, overhead  
3 poles and lines, and would be enclosed by a  
4 perimeter fence.

5 Anyway, I have made a motion to recommend  
6 the County Board not do that. Is there a second  
7 to such a motion?

8 MR. JENSEN: I will second that.

9 MS. SMITH: I'll second.

10 MR. WELBERS: Was that Bill?

11 MS. DONARSKI: Yeah, Bill.

12 MS. SMITH: He beat me.

13 MR. WELBERS: Bill is the second.

14 Kris, if you would please call the roll on  
15 our recommendation.

16 MS. DONARSKI: Got to give me --  
17 So the motion is to recommend denial?

18 MR. WELBERS: It is.

19 MS. DONARSKI: Okay.

20 MR. WELBERS: For reasons that I just  
21 talked about.

22 MS. DONARSKI: Okay. Just make sure I'm  
23 clear.

24 Mr. Stutzke?

1 MR. STUTZKE: No.

2 MS. DONARSKI: Mr. Jensen?

3 MR. JENSEN: If I vote yes, then I am in  
4 favor of the motion?

5 MS. DONARSKI: Right.

6 MR. JENSEN: Yes.

7 MS. DONARSKI: Mrs. Smith?

8 MS. SMITH: Yes.

9 MS. DONARSKI: Mr. Quest?

10 MR. QUEST: Yes.

11 MS. DONARSKI: Mr. Welbers?

12 MR. WELBERS: Yes.

13 (By voice vote four ayes, one  
14 nay.)

15 MR. WELBERS: So what that means, by a  
16 vote of four-to-one we advance this case to the  
17 County Board with the evidence that we have  
18 collected here from tonight's public hearing  
19 with our recommendation that they not do it. It  
20 is ultimately their decision, and we know that.

21 So I'll make a motion on the Variation. I  
22 would move -- and, again, they are separate  
23 issues. Just because we recommended denial  
24 here -- you know, this is a separate issue. We

1 have to look at it separate.

2 So I would recommend that the -- I move to  
3 approve the Variation request -- well, I'll just  
4 read the whole line. Based on the Bureau County  
5 Zoning Ordinance, as amended on 5/9/2023, they  
6 require a solar facility to be set back  
7 1.5 miles from a municipality's corporate  
8 boundary line and 2,640 feet from a platted  
9 rural subdivision.

10 And, again, we -- I recommend we approve  
11 the Variation to vary from these requirements,  
12 the Setback Variation, to construct and operate  
13 the proposed solar facility within 1.5 miles of  
14 the Village of Cherry and 1.5 miles of the  
15 Village of Arlington and within 2,640 feet from  
16 a platted rural subdivision. I recommend we  
17 approve that Variation for the reasons that the  
18 communities involved have asked us to.

19 That's my motion. Let's see if there's a  
20 second on that.

21 MS. SMITH: I'll second that.

22 MR. WELBERS: Okay. There's a second.

23 Please call the roll.

24 MS. DONARSKI: Okay. Mr. Stutzke?

1 MR. STUTZKE: Yes.

2 MS. DONARSKI: Mr. Jensen?

3 MR. JENSEN: Yes.

4 MS. DONARSKI: Mrs. Smith?

5 MS. SMITH: Yes.

6 MS. DONARSKI: Mr. Quest?

7 MR. QUEST: Yes.

8 MS. DONARSKI: Mr. Welbers?

9 MR. WELBERS: Yes.

10 (By voice vote five ayes.)

11 MR. WELBERS: So the Variation is  
12 approved. Should the County Board approve the  
13 Conditional Use, the Variation to build it is  
14 approved.

15 So do we have anything else for tonight?

16 MS. DONARSKI: Nope, that is all we have.

17 Motion to --

18 MR. WELBERS: Adjourn.

19 MR. QUEST: I'll make a motion to adjourn.

20 MS. SMITH: I'll second that motion.

21 MR. WELBERS: All in favor.

22 (All those simultaneously  
23 responded.)

24 MR. WELBERS: We adjourn for tonight.



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Thank you.

(The hearing was concluded at  
8:26 p.m.)

1 Now on this 15th day of February, A.D., 2024, I  
2 do signify that the foregoing testimony was given  
3 before the Bureau County Zoning Board of Appeals.  
4  
5  
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7

8 Barry Welbers, Chairman  
9  
10  
11

12 Kristine Donarski,  
13 Zoning Enforcement Officer  
14  
15

16 -----  
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