

STATE OF ILLINOIS     )  
  )SS  
COUNTY OF BUREAU     )

In the Matter of the Petition  
  of

Cherry Solar 1, LLC  
Westfield Township  
Bureau County, Illinois

Testimony of Witnesses  
Produced, Sworn and  
Examined on this 18th day  
of April, A.D., 2024,  
before the Bureau County  
Zoning Board of Appeals

Present:

Troy Quest  
Shirley Ann Smith  
Bill Jensen  
Mike Stutzke  
Barry Welbers, Chairman

Kristine Donarski, Zoning Enforcement Officer

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

## INDEX

| Witness                        | Examination |
|--------------------------------|-------------|
| Troy Snyder . . . . .          | 4           |
| Witness                        | Examination |
| Andrew Lines . . . . .         | 13          |
| By Kristine Donarski . . . . . | 21          |
| By Connie Stetson . . . . .    | 25          |
| By John Romanelli . . . . .    | 29          |
| By Cynthia Shevokas . . . . .  | 30          |
| By Colette Sutton . . . . .    | 31          |
| By Nanette Gillan . . . . .    | 34          |
| By Devin Soldati . . . . .     | 36          |
| Witness                        | Examination |
| Tad Hardy . . . . .            | 37          |
| By Ben Jacobi . . . . .        | 42          |
| By Kristine Donarski . . . . . | 47          |
| By Ben Jacobi . . . . .        | 49          |
| By Neil Gillan . . . . .       | 50          |
| By Connie Stetson . . . . .    | 51          |
| By Ben Jacobi . . . . .        | 55          |
| By Nanette Gillan . . . . .    | 56          |
| By Colette Sutton . . . . .    | 56          |
| By Ben Jacobi . . . . .        | 58          |

## EXHIBITS

| Exhibit                    | Marked |
|----------------------------|--------|
| Exhibit Number 1 . . . . . | 9      |
| Exhibit Number 2 . . . . . | 9      |
| Exhibit Number 3 . . . . . | 10     |
| Exhibit Number 4 . . . . . | 10     |
| Exhibit Number 5 . . . . . | 11     |
| Exhibit Number 6 . . . . . | 12     |
| Exhibit Number 7 . . . . . | 12     |
| End . . . . .              | 65     |

1 MR. WELBERS: Okay. This is not -- we  
2 don't start from the beginning on this one. We  
3 have already done that. We have heard this  
4 case, and our Board moved it on to the County  
5 Board nonrecommended because of loose ends,  
6 things that we just felt were unanswered  
7 questions. The County Board said, Well, ask  
8 them to answer the questions. And, you know, I  
9 have to say that that probably was a reasonable  
10 thing for them to say to do.

11 So what we're going to do, we have the  
12 Applicant here and some expert witnesses that  
13 are going to submit evidence, I would hope,  
14 first of all on the impacts to property values,  
15 on the general health and safety, on the noise  
16 and sound effects on neighbors, and on the  
17 potential impacts to a neighboring child who has  
18 autism. So those are the four subjects we're  
19 going to cover tonight.

20 So I won't be reading all that into the  
21 record. That's already done, that I did. You  
22 know, I won't be doing all that. That's already  
23 done.

24 And the Applicant will come with their

1 witnesses and hopefully answer these questions.  
2 And of course then those witnesses will be  
3 subject to cross-examination from all of you  
4 here and -- but only on those four topics.

5 Go ahead, sir.

6 TROY SNYDER,  
7 being first duly sworn, testified as follows:

8 COURT REPORTER: If I could have you state  
9 your name and address and state your last name.

10 MR. SNYDER: Troy Snyder, S-N-Y-D-E-R.  
11 Address is 3519 Northeast 15th, Portland,  
12 Oregon, 97212.

13 MR. WELBERS: Go ahead, sir.

14 MR. SNYDER: Thank you for having us back  
15 again. Happy to be back here to present  
16 additional testimony on the four items you  
17 listed. We have a few people with us tonight to  
18 answer most of your questions.

19 Unfortunately, one person who was going to  
20 be here to testify about health impacts on  
21 autism, she got ill, herself, and was not -- or  
22 is not able to be here. She could be here by  
23 phone, but we understand she can't be  
24 cross-examined by phone.

1           So unfortunately, we will present our  
2           evidence, those of us who are here will testify,  
3           but we are also going to have to ask for a  
4           continuance for one more month.

5           MR. WELBERS: Understand. We'll take care  
6           of it. We have got to do as we're asked and get  
7           those questions asked.

8           MR. SNYDER: We'll keep narrowing those  
9           open items.

10          MR. WELBERS: Let's do it, sir.

11          MR. SNYDER: I'm going to hand it over to  
12          our Counsel, Ben Jacobi, with Polsinelli.

13          MR. JACOBI: Thank you, Troy.

14          Ben Jacobi, J-A-C-O-B-I.

15          Good evening, everyone. As Troy  
16          mentioned, I'm an attorney for the project  
17          company. I actually used to represent counties  
18          and ZBAs for around 15 years before I started  
19          representing developers, and I represented  
20          Bureau County -- not the ZBA, but I represented  
21          Bureau County in liability claims defense  
22          probably 15 years ago.

23          So I'm happy to be back in this capacity,  
24          not explaining your exposure, but instead

1 hopefully bringing a project that is beneficial  
2 to the community and that everybody can get  
3 behind.

4 This is a remand, as you mentioned,  
5 Mr. Chairman, not a redo. So we have the four  
6 very specific topics. I'm just going to kick us  
7 off and introduce the witnesses that we have  
8 brought here to testify to the Board.

9 It was our observation, as you noted at  
10 the ZBA hearing on February 15th, that there  
11 were a couple of topics for which the Board  
12 needed more information, and the County Board  
13 granted us this opportunity to come back and  
14 present some additional evidence to you. So we  
15 have taken that opportunity.

16 Today we have two live witnesses for you.  
17 One is Andrew Lines. He's from CohnReznick,  
18 which you just heard introduced. So we have the  
19 witness to present on that topic. CohnReznick  
20 did a very thorough study, generally in the  
21 state, around the country, and then project  
22 specific here. So Andrew will talk about that  
23 more and present his findings. I have his  
24 report that I'll enter into the record in a

1 moment. I'll do all the exhibits at once.

2 We also have Tad Hardy. He is from  
3 Kimley-Horn, an engineering firm. He is a civil  
4 engineer, and he's going to present on sound,  
5 which was one of the other topics. His company  
6 has done a sound study to demonstrate not only  
7 that we're in compliance with the IPCB  
8 regulations but also that the sounds will not  
9 emanate to a level that's audible beyond the  
10 property lines so long as we're a certain number  
11 of feet back, that equipment is set back further  
12 than what is actually the State regulations. So  
13 effectively, the project equipment will not be  
14 audible beyond the property lines. That will be  
15 his testimony. I don't want to bury the lede  
16 here. That's what he's going to tell you.

17 Not to cut Andrew Lines short, but he's  
18 also going to explain that the project won't  
19 impact property values negatively. So that's  
20 what you're going to hear from him, just to give  
21 you a little road map.

22 MR. WELBERS: Okay. Let's do it.

23 MR. JACOBI: I did want to mention for the  
24 record, we had an additional witness that was

1       supposed to be here tonight, Monica Walls.  
2       She's a psychiatric nurse practitioner. She  
3       works with children with autism, children who  
4       are on the autism spectrum. She was prepared to  
5       testify that, you know, relying in part on the  
6       Kimley-Horn study, that sound does not emanate  
7       past the boundaries of the property, that it  
8       would be her opinion to a professional -- to a  
9       reasonable degree of professional certainty that  
10      the project's sound here would not negatively  
11      impact the neighboring child with autism or the  
12      health or safety of the neighbors.

13             And that child lives, according to my  
14      notes, approximately 450 feet from the project.  
15      With the equipment then centrally located, she  
16      would be able to testify on the health impacts  
17      and would testify that there are none. You'll  
18      hear more from her. But, again, that's what's  
19      coming.

20             She was also going to testify on the  
21      impacts of the EMF radiation from the project  
22      equipment. Again, not to bury the lede, but she  
23      would testify that the EMF from a project like  
24      this is essentially dissipated to zero by



1 property boundaries and is negligible,  
2 especially when you get to the residents'  
3 setback, and again would have no impact on the  
4 health and safety.

5 I want to enter our exhibits into the  
6 record so that they are in front of you so that  
7 we have a clean record on that, and then I'll  
8 turn it over to our witnesses. So if you'll  
9 just give me a moment.

10 Andrew Lines is going to go first. So  
11 I'll enter his exhibits first.

12 (Exhibit Number 1 marked for  
13 identification.)

14 MR. JACOBI: And the first one is titled  
15 "Real Estate Adjacent Property Value Impact  
16 Report Site Specific."

17 (Exhibit Number 2 marked for  
18 identification.)

19 MR. JACOBI: And the second one is titled  
20 "Real Estate Adjacent Property Value Report."  
21 And this is an Academic and Peer Authored  
22 Property Value Impact Studies, Research and  
23 Analysis of Existing Solar Facilities, and  
24 Market Participant and Assessor Interviews.

1 MS. DONARSKI: If you could bring those  
2 over and we'll put the stickers on them right  
3 away.

4 Which one is the first one? This one  
5 here?

6 MR. JACOBI: The top one will be the first  
7 one. I have copies for everybody.

8 (Exhibit Number 3 marked for  
9 identification.)

10 MR. JACOBI: The third exhibit that I'm  
11 going to introduce into the record is the report  
12 from Kimley-Horn prepared by Tad Hardy, dated  
13 April 16th, 2024.

14 (Exhibit Number 4 marked for  
15 identification.)

16 MR. JACOBI: The fourth document I'm going  
17 to enter into the record tonight is an article  
18 from the Journal of Occupational and  
19 Environmental Hygiene, peer-reviewed literature,  
20 titled "Electromagnetic Fields Associated with  
21 Commercial Solar Photovoltaic Electric Power  
22 Generating Facilities."

23 Those are the exhibits that will be  
24 relevant to the witnesses tonight.

1           What we also have that I would like to  
2           enter the record, although I do know we are  
3           coming back for Ms. Wells to testify, but we  
4           have prepared a verified direct testimony of Ms.  
5           Walls that I would like to enter into the  
6           record. I know she'll come back for  
7           cross-examination, but this will be a starting  
8           point, anyway, and you will be able to see her  
9           opinions and develop questions if you have them  
10          ahead of time. So it might be a good way to  
11          move the ball. We also have her CV and a  
12          background crib sheet here with her sources on  
13          it.

14                Kris, could we enter these as one group  
15                exhibit, or would you like them each identified  
16                separately?

17                MS. DONARSKI: How many documents do you  
18                have from her?

19                MR. JACOBI: Three.

20                MS. DONARSKI: Let's just do them  
21                separately, so if we refer to them we know which  
22                section.

23                MR. JACOBI: Sure thing.

24                                (Exhibit Number 5 marked for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

identification.)

MR. JACOBI: First we'll do her CV.

(Exhibit Number 6 marked for  
identification.)

MR. JACOBI: Second we'll do her  
background sheet.

(Exhibit Number 7 marked for  
identification.)

MR. JACOBI: Third we will do her written  
direct testimony that is, again, verified under  
oath.

This is top to bottom.

You know, I'll take the Board's direction.  
We had originally thought to read her direct  
testimony into the record, it's about six pages  
long, for the record to -- really for the public  
to hear it tonight.

I'm -- I don't know if that's a good use  
of time.

MR. WELBERS: What I would like for you to  
do is, your two witnesses that you have here --  
you have already indicated you know you have got  
to come back. Let's try to get these people's  
testimony in and the questions answered so that

1 you don't have to bring them back if we can  
2 possibly get it done.

3 MR. JACOBI: Okay. We'll do that then.  
4 Let's start with Andrew.

5 Kris, I'm not sure -- I planned on sitting  
6 here, and that way if I have questions for my  
7 witness --

8 MS. DONARSKI: That's fine.

9 MR. JACOBI: Okay. Andrew.

10 ANDREW LINES,  
11 being first duly sworn, testified as follows:

12 MR. LINES: My name is Andrew Lines,  
13 L-I-N-E-S.

14 I'm so happy to be here tonight. I am a  
15 certified general commercial real estate  
16 appraiser, and I have been practicing here in  
17 Illinois for about 20 years. I also hold that  
18 same certification in 12 other states. I have  
19 an MAI designation, which is hard to get and  
20 took a long time. That means I'm a full member  
21 of the Appraisal Institute. Then this year I  
22 was also accepted as a Counselor of Real Estate,  
23 which is by invitation only.

24 I have appraised everything from small

1 houses up to the Sears Tower. I have done a lot  
2 of farmland. I have done a lot of residences.  
3 I have also prepared a lot of impact studies. I  
4 have measured whether there's any kind of  
5 impact, negative impact, on homes that are next  
6 to big box retail, next to landfills, next to  
7 quarries, next to slaughter houses, next to  
8 truck terminals, and seven years ago was asked  
9 to do my first solar farm.

10 So seven years later, myself and my group  
11 have put together a lot of data on the subject.  
12 We have looked at very small solar farms that  
13 are only half a megawatt big. We have also  
14 measured sales of homes that are adjacent to  
15 240-megawatt projects, some of which can stretch  
16 up to 10,000. So this is a relatively small  
17 project that's in front of you tonight.

18 So thinking back to what was said in the  
19 previous part of this hearing tonight, we do  
20 have a study from LaSalle County and we also  
21 have a study from Stephenson County. We have a  
22 separate study from Winnebago County, but it's  
23 Winnebago County, Minnesota, not Illinois.

24 Overall we have studied and have great

1 data from about 40 solar facilities, most of  
2 them being here in the Midwest. In addition to  
3 the studies that we have prepared, we have also  
4 analyzed and discussed with the authors four  
5 different academic studies. Two of them -- one  
6 of them was noted earlier, the Berkeley National  
7 Lab study.

8 But there are a couple other ones that we  
9 also looked at that we think are important. One  
10 is the study by University of Texas, which  
11 interviewed or sent an email out to 400  
12 assessors. They got responses back from 36 of  
13 them, and 35 of the 36 said that they had no  
14 evidence that there was any negative impact  
15 that's caused by being proximate to a solar  
16 farm. Then that study also recommended that a  
17 real estate expert be hired to do more data  
18 work, which is what I have done.

19 Another study is done by the University of  
20 Rhode Island, Corey Lang, and that measured  
21 about a hundred thousand homes in Massachusetts  
22 and Rhode Island that were a mile away from a  
23 solar facility. What Corey Lang identified was  
24 that any home that was in an area with less than

1 850 persons per square mile -- which he defined  
2 as rural, which is an extremely high density for  
3 that rural designation -- but he found there was  
4 zero impact for any homes that were in an area  
5 with less than 850 people per square mile. This  
6 is obviously one of those areas.

7 Then there was a study done in North  
8 Carolina looking at farmland and agriculture  
9 itself, which also did not identify any negative  
10 impact to surrounding acres and surrounding  
11 farms.

12 So those are the academic studies that are  
13 out there that were done here in the United  
14 States.

15 I have got my 40 solar facilities. The  
16 report that you have in front of you has a  
17 collection of ten of them. They tend to be some  
18 of the smaller ones. This is a smaller proposed  
19 project, so we thought that it was applicable.

20 What we do is, we look at a home that's  
21 immediately adjacent to the solar facility. So  
22 we look at GIS, and we go around and we see  
23 which home it is, and then we make sure that  
24 that particular sale was an earnest third-party



1 transaction, defined as market value. Meaning  
2 that the buyer and solar weren't atypically  
3 motivated, they weren't related to each other,  
4 it wasn't a sheriff's sale, wasn't a trustee  
5 sale, wasn't a divorce. Honest-to-goodness  
6 sale. If it is, then we use it.

7 What we do is, we use that one and then we  
8 find a group of similar homes. So we make sure  
9 that we find homes in an area that aren't next  
10 to the solar farm that are generally in the same  
11 community. We look at the prices per square  
12 foot. So that helps right size for how big they  
13 are. We make sure that the group fits the home,  
14 in terms of its age, in terms of how much land  
15 is selling, in terms of its style.

16 And when we look at all those factors, we  
17 look at the difference in the percentage. The  
18 assumption here is that if you look at this sale  
19 and compare it to the group, if solar facilities  
20 do negatively impact these homes, then you would  
21 tend to see it being negative and see that that  
22 price per square foot would tend to be more  
23 negative in terms of its juxtaposition to the  
24 whole group.

1           That's a really important part because, as  
2           defined in the Appraisal Institute, there's a  
3           book called Real Estate Damages. It was done by  
4           a PhD and an MAI named Andy Bell. He talks  
5           about -- and this is labeled in my report. He  
6           talks about, you have to see a measurable  
7           difference and you have to see it often and  
8           again and again. You can't just see it one time  
9           and say that there's an impact.

10           So we have done it a number of times. We  
11           have done it 40 times. We are not finding that  
12           that would be negative.

13           We are also looking at marketing times.  
14           We'll look at the marketing times of the test  
15           sales and we'll compare that to the marketing  
16           times of the control sales, which are the homes  
17           located away from the solar farm, and the  
18           marketing periods are the same.

19           We have gone a couple steps further. We  
20           also talk to the real estate brokers that handle  
21           these transactions, and we ask them, Do you  
22           think that there was any influence by the solar  
23           facility? And they tell us no, that these homes  
24           sold for market value.

1           Then we did another step further. We  
2           started calling county assessors. So we have  
3           several county assessors here in the state of  
4           Illinois who have solar in their backyards, who  
5           are familiar with trends of residential homes  
6           around these sort of things, and they also tell  
7           us they don't see a negative impact.

8           Not only that, but we also ask them, Has  
9           anybody come back to the County to reduce their  
10          taxes because they now live next to a solar  
11          facility? And nobody has done that either.

12          I'll tell you, as an MAI, there are things  
13          out there which really harm other properties.  
14          And usually you see it because it's a physical  
15          encroachment: You have an odor that's wafting  
16          over your house, or the ground shakes because  
17          trucks are driving by it so much that your  
18          leaves are falling.

19          Those are serious impacts that are  
20          physical in nature and may require somebody to  
21          leave their house right away. So they might  
22          take a lower sales price for it.

23          That's not what we're finding with solar  
24          facilities. These are quiet, and you're not

1 adding any people to the local area.

2 You know, one of the things that people  
3 always ask me when I start talking about my  
4 studies is, you know, where do you see a  
5 positive impact? You know, what causes good  
6 market value creation? And most people know  
7 this, I think you know this, but strong school  
8 districts clearly create market value for people  
9 and everyone.

10 So here's a solar facility that's going to  
11 go in. It's not going to add any undue  
12 penalties on your own civil services, you're not  
13 adding more kids to the school, there's no more  
14 mouths to feed, there's no more water that needs  
15 to be brought to the site. You're just getting  
16 extra tax revenue right to your school  
17 districts. So be that as it is.

18 So that's the -- I'm happy to talk about  
19 any of them. Usually I'll have a PowerPoint  
20 presentation and I'll take you through pictures  
21 and show you what the homes look like and  
22 exactly what they sold for and the percentage  
23 differences.

24 They are contained within the report, and

1 I'm happy to answer any questions. I have  
2 probably talked enough.

3 MR. WELBERS: Let's see what questions  
4 there are. Kris?

5 EXAMINATION

6 BY MS. DONARSKI:

7 Q. One of my questions -- and I have not read the  
8 report because -- you know, but my question is,  
9 is the distance from -- what was the distance  
10 from the solar farm that -- was that an impact,  
11 whether it was right next to it or a quarter of  
12 a mile or a half a mile? Was there, like,  
13 parameters like that?

14 A. That's a good question.

15 So first I would say that the closest we  
16 have seen between a solar facility and a house  
17 itself, the narrowest margin I have seen is  
18 80 feet, 80 linear feet. So we have examined  
19 homes that have sold within 80 feet of the solar  
20 farm.

21 I have got a great example in northern  
22 Indiana of a house that was built with a really  
23 big swimming pool. It was a doctor that moved  
24 into the neighborhood. But he built his house

1 150 feet from an existing 8-megawatt solar  
2 facility; 150 feet.

3 And most of the studies that are contained  
4 in the report, I would like to say that the  
5 median distance between panels and home was  
6 about just under 300 feet; 300 linear feet.

7 I would say that, generally speaking, if  
8 you're outside of 750 to 800 feet that you're  
9 pretty far away and it probably isn't an issue.

10 There's also more opportunities to put  
11 trees, screening and things if someone doesn't  
12 want to look at the view, which I understand.  
13 It's just that when you're thinking about all  
14 the things that you want in a home, it's not  
15 just view. There are a lot of other things that  
16 are also priorities when you're buying a home.  
17 So it may not have as much of an impact on value  
18 as one might think.

19 Q. So when you talked to the realtors, they --  
20 that study was based on market value and actual  
21 sales?

22 A. That's correct.

23 Q. Okay. Then when you talked to the assessors,  
24 was that also market value and sales or was that

1           assessed valuation?

2   A.    Great question.

3           So assessors get to see the data of sale  
4           transactions before anybody else.  So they get  
5           to see -- usually before appraisers they can see  
6           what's happening.  So they know if there's a  
7           trend, Okay, this is something I have got to  
8           file away.  So they are just used to seeing a  
9           lot of transactions.  In their job they do mass  
10          appraisals for taxation for assessments.  That's  
11          their role.  They are supposed to be conducting  
12          themselves in a manner that's befitting a real  
13          estate appraiser.

14   Q.    So in the bottom line, are you saying it is  
15          market value for the --

16   A.    I can't speak upon the assessor, but they are  
17          supposed to be basing their market value  
18          assessment on actual transactions.

19   Q.    On actual transactions, okay.

20           Okay.  And then what -- when you were  
21          saying the population density was 850 feet per  
22          square mile --

23   A.    Correct.

24   Q.    -- what about rural areas like we have?  We

1 have a population -- we have 868 square miles  
2 and a population of under 35,000 people. Have  
3 you done any studies in a rural area like ours?

4 A. Yes.

5 Q. Okay. And where were those areas at?

6 A. So the LaSalle County area is very -- it's  
7 pretty rural. With the Grand Solar Farm, that's  
8 an assembly solar farm in Michigan, it's in a  
9 rural area outside of Lansing.

10 General speaking -- my client is not going  
11 to want me to say this, but solar farms tend to  
12 be built in areas where they can get the cheaper  
13 land, and so that tends to be more rural areas.  
14 So you're finding some of the larger solar farms  
15 now being built are all in exceptionally rural  
16 locations.

17 I would say this location is a little less  
18 rural than, say, Pulaski County, where I was a  
19 couple weeks ago. That's way more rural.

20 MS. DONARSKI: Okay. Those are my  
21 questions. Thank you.

22 MR. WELBERS: Now, for all of you here,  
23 you'll all get a chance to ask questions again  
24 of this witness who's testifying on the real



1 estate values. Please ask your questions. Time  
2 is a little short. We would like to get both  
3 these witnesses in, if we can, but please ask  
4 your questions.

5 If you have your opinions, which I suspect  
6 many do, we're going to have to continue this  
7 until the next time anyway and you'll all get  
8 your chance to express that. So please try to  
9 limit to a question of this witness on his real  
10 estate expertise.

11 Who would like to be first?

12 Go ahead, Connie.

13 MS. STETSON: Connie Stetson.

14 EXAMINATION

15 BY MS. STETSON:

16 Q. You're talking, like, a solar farm, say, on one  
17 side of a home?

18 A. No. So in some of our studies we have measured  
19 data of homes that are surrounded by solar on  
20 all four sides.

21 Q. Like, how close on all four sides?

22 A. Within a couple hundred feet. Not just to the  
23 house, but around the property.

24 Q. In a house that had no -- there was no less

1 selling price on that home?

2 A. No. In fact, there's one in Minnesota, one I  
3 mentioned earlier, the Winnebago County,  
4 Minnesota, there are four homes that are right  
5 next to each other, they are all on nice 10-acre  
6 lots, and there's no screening around these four  
7 10-acre parcels, and they have got solar on all  
8 four sides. It's a 100-megawatt facility. And  
9 one of the homes set a record for price per  
10 square foot for its style home in the entire  
11 county.

12 Q. So how close were they, like you say?

13 A. I mean, they're 10 acres, right. So they were  
14 along 10 acres, you know, all four of them  
15 within -- within 7- to 800 feet.

16 Q. So you're not talking, like, a house surrounded  
17 by 50 feet or maybe a hundred feet?

18 A. Again, I have seen --

19 Q. That house --

20 A. -- one at 80 linear feet --

21 Q. On one side.

22 A. -- is what I said a little bit earlier, on one  
23 side. I have never seen one where it's, like,  
24 80 feet on all four sides, no.

1 Q. What would you think about a house like that?  
2 What would you say about that house?

3 A. I don't know. I would have to look at the  
4 data. I don't make decisions based on what I  
5 think; I take a look at the data.

6 Q. So you go for 80 feet, and that's more or less  
7 just a one-sided solar?

8 A. That could be -- again, with different solar  
9 facilities there's different amounts of  
10 screening between the homes. Sometimes, as you  
11 heard earlier, people can take the money and  
12 build their own screening, or sometimes  
13 ordinances in municipalities require certain  
14 amounts of screening and arbor vitae in between  
15 the fences themselves and where there might be  
16 some locations where people could do it.

17 Q. So, you know, there's a lot of internet things  
18 out there that say that there's a loss of up to  
19 7 percent on the property values. So what do  
20 you say to that study?

21 A. I say one of the hardest jobs I have is  
22 unringing a bell. It's hard. Because I'm  
23 looking at the data I have been looking at for  
24 seven years and have had all these conversations

1 with different county assessors and different  
2 real estate brokers. I can only tell you what I  
3 offer and put in my report.

4 Q. I have just heard that, you know, people pull  
5 in and say, Oh, there's solar, and they pull  
6 out. They don't even want to go look at the  
7 house.

8 A. Again, I can only track it based on  
9 transactions. So someone could list their house  
10 but they could be listing it way above what  
11 market value really is. So you're just not  
12 sure.

13 But we're pretty definite about it because  
14 we're measuring marketing times. The fact that  
15 these homes are selling next to solar, with  
16 clear views of solar, and they're selling at  
17 marketing periods that are consistent with the  
18 controlled data indicates and suggests that the  
19 market is going to buy them and not just wait  
20 until they're the last house available for sale.

21 MR. WELBERS: Next? Who else?

22 Yes, sir. Please identify yourself.

23 MR. ROMANELLI: John Romanelli.

24 EXAMINATION

1 BY MR. ROMANELLI:

2 Q. You go home at night and set in your chair and  
3 have the window right in front of you. 150 feet  
4 out you're going to have a solar farm.

5 I used to watch corn grow, and watch it  
6 grow up, watch it get harvested, watch it get  
7 tilled. Now I'm going to watch a solar farm the  
8 rest of my life out my window. I'm 150 feet  
9 from it.

10 A. Is that a question?

11 MR. WELBERS: John, that's -- do you have  
12 a question for this man's expertise? That's  
13 sort of like testifying, which you'll be able --

14 Q. (By Mr. Romanelli:) You want to watch a solar  
15 farm your whole life?

16 MR. WELBERS: Say that question once more.  
17 You asked him if he wanted a solar farm?

18 Q. (By Mr. Romanelli:) Do you want to watch a --  
19 look out a window and see a solar farm all the  
20 time?

21 A. I am not here for my personal opinion.

22 Q. You don't want to give your personal opinion?

23 MR. WELBERS: He's an expert witness on  
24 real estate values who has said what he's said

1 based on studies that he's made. If you have  
2 questions relating to that, that's what you  
3 would ask. Your opinion and your thoughts are  
4 going to be welcome, but let's get this man's  
5 testimony behind us.

6 Anything else? Anyone else with a  
7 question of this man?

8 State your name.

9 MS. SHEVOKAS: Cynthia Shevokas.

10 EXAMINATION

11 BY MS. SHEVOKAS:

12 Q. My question would be, when these homes sell,  
13 what is the longevity of the residents past that  
14 point? Do they buy and then leave or do they  
15 buy and stay?

16 A. So first let me tell you, I can't look at every  
17 single solar farm and every transaction all the  
18 time. It's just not feasible.

19 But we do go back every now and then and  
20 take a look at studies that we have done to see  
21 if these home have sold or resold, and I haven't  
22 seen any of these homes that have sold flip  
23 right away after a year.

24 We have a few that we have been able to

1 measure appreciation rates. So we do have a  
2 couple that have sold a couple of times, and  
3 this is over, like, an 8- to 10-year period.

4 We have also done before-and-after  
5 studies, where we have looked at homes that sold  
6 before the construction of the solar and then  
7 after and looked at their appreciation rates,  
8 compared them with the FHFA Federal Home Index  
9 to see if they were appreciating in line with  
10 the market. And in every case where we looked  
11 at it, they were either completely within the  
12 market or they were a little bit ahead.

13 MR. WELBERS: Does that answer your  
14 question?

15 Next question, please. State your name  
16 again, please.

17 MS. SUTTON: Colette Sutton.

18 EXAMINATION

19 BY MS. SUTTON

20 Q. Just a couple of things, and I don't want to  
21 buttonhole you, but have you had an opportunity  
22 to review land value, not residential values?

23 An article published by Farm Progress, The  
24 Farmer, September 12th, 2022, in that article

1 they actually relate that farm value, land  
2 values, could go up 10 percent but, the caveat,  
3 they could go down 25 percent and then --

4 MR. WELBERS: Do you have a question for  
5 him?

6 MS. SUTTON: I had asked him if he had an  
7 opportunity to --

8 MR. WELBERS: You asked if he read this  
9 article. Okay. Go ahead.

10 A. I'm not remembering that article, but I do --

11 Q. (By Ms. Sutton:) And I'm not trying to  
12 buttonhole you. I am just saying that that was  
13 an article that I read.

14 A. Well, I only let my wife buttonhole me.

15 Let me see here. So in my report, we  
16 quoted Donald Fisher, ARA, which is the American  
17 Rural Appraisers Association, who served for six  
18 years as Chair of the American Society of Farm  
19 Managers and Rural Appraisers, and prepared  
20 several market studies examining the impact of  
21 solar residential values, was quoted in the  
22 press, dated February 15th, 2021, stating: Most  
23 of the locations were either in suburban or  
24 rural areas, and all of these studies found



1           either a neutral impact or, ironically, a  
2           positive impact where values on properties after  
3           the installations of solar farms went up higher  
4           than the time trends.

5           So that's the person who is in the rural  
6           association who we quoted saying that. So I'm  
7           not a hundred percent familiar with that  
8           article, but I have written it down and I  
9           promise to take a look at it tomorrow.

10           MS. SUTTON: May I ask a second question?

11           MR. WELBERS: Yes, please.

12 Q.       (By Ms. Sutton:) You mentioned the footage of  
13           750 feet to 800 feet, and I didn't quite catch  
14           what portion of what sale you were referring to.

15 A.       So these are a collection of four homes that  
16           are surrounded by solar on four sides at the  
17           North Star solar facility in Winnebago County,  
18           Minnesota. It's about 40 minutes north of the  
19           Twin Cities.

20 Q.       So these solar farms then are up to 750 feet to  
21           800 feet away from the home; is that correct?

22 A.       One of the homes, I would say, yeah, it might  
23           be 350 feet on one side and then 7- or 800 feet  
24           on the other side, but definitely within a

1 thousand feet.

2 Q. So comparably, quite a large expanse compared  
3 to what in Illinois is required for setbacks for  
4 solar farms here; is that correct? I don't  
5 know. Maybe I didn't ask the question  
6 correctly.

7 A. I think I understand what you're -- I think I  
8 understand what you're getting at. That was  
9 that one particular one, in terms of the  
10 distances. I would have to go back and look at  
11 that.

12 I would say I have measured homes that are  
13 in that 150-foot distance and shorter, fewer  
14 linear feet. But again, most of the data that  
15 we have for most of the solar farms, I would say  
16 the average is about 300 linear feet away.

17 MS. SUTTON: Thank you.

18 MR. WELBERS: Other questions of this  
19 witness?

20 Please state your name.

21 MS. GILLAN: Nanette Gillan.

22 EXAMINATION

23 BY MS. GILLAN:

24 Q. I'm wondering, how often are you brought into

1           hearings like this?

2   A.     I mean, it's my business.

3   Q.     So how many? Weekly? Monthly? All over the  
4           country?

5   A.     I have testified in 15 different states on this  
6           topic over the last seven years.

7   Q.     Okay. Can you tell me why they didn't bring  
8           you in at the original meeting when they  
9           presented their application?

10  A.     Everybody is trying to save money.

11  Q.     So you are being paid to be here?

12  A.     This is my business.

13  Q.     Obviously?

14  A.     Absolutely.

15  Q.     Are you on a retainer with them to do this all  
16           the time with their company?

17  A.     Nope. So I am an appraiser that's available to  
18           help different people for different reasons.

19  Q.     Okay.

20  A.     I worked for residents that were around  
21           Northwestern's stadium and were concerned about  
22           the new stadium built. I have worked with Cya  
23           when they were developing a truck terminal. So  
24           I have worked with a lot of different companies

1 for different reasons.

2 Q. Can you tell me approximately how times you  
3 have worked with GreenKey?

4 A. This is time number one.

5 MR. WELBERS: Any other questions?

6 Yes, sir, way in the back. State your  
7 name, too, please.

8 MR. SOLDATI: Devin Soldati.

9 EXAMINATION

10 BY MR. SOLDATI:

11 Q. I was just wondering if you have come across  
12 any data in your studies that would caution home  
13 buyers, developers, landowners or builders from  
14 buying or selling near solar farms or in areas  
15 where solar farms could be being built?

16 A. No.

17 Q. Nothing?

18 A. No.

19 MR. SOLDATI: Thank you, sir.

20 MR. WELBERS: Any other questions of this  
21 witness?

22 (No verbal response.)

23 MR. WELBERS: Does our Board have any  
24 questions?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

(No verbal response.)

MR. WELBERS: Attorney Jacobi, has he covered what you would like?

MR. JACOBI: Yes. Thank you.

MR. WELBERS: Thank you, sir.

MR. LINES: Thank you, sir.

MR. JACOBI: I'm going to cut him loose, if that's okay?

MR. WELBERS: What's that?

MR. JACOBI: I'm going to cut him loose, if that's okay?

MR. WELBERS: Yes, he's good. We're done.

MR. JACOBI: So we are going to ask Tad Hardy to come up next. He's an engineer from Kimley-Horn. He will be testifying on engineering and a little on EMF.

If you don't mind, I'm actually going to move back to my seat so I can confer with my client.

MR. WELBERS: That's fine.

TAD HARDY,  
being first duly sworn, testified as follows:

COURT REPORTER: Go ahead and state your name, address, and spell your last name.

1 MR. HARDY: My name is Tad Hardy,  
2 H-A-R-D-Y. I'm at 200 South Tryon Street,  
3 Charlotte, North Carolina, 28202.

4 Good evening, everyone. I was asked by  
5 GreenKey to take a look at the potential  
6 operational noise levels that may be associated  
7 with the inverter and transformer equipment that  
8 would likely be placed on site for the operation  
9 of the solar farm.

10 Based on manufacturer's specified data for  
11 noise level emissions, both with the string  
12 inverters -- which I have got one of their  
13 cooling fans. It's a string inverter, so they  
14 are really small. They are not big boxes. They  
15 are about the size of a carryon suitcase. So,  
16 you know, multiple inverters of that size are  
17 needed to then help the sun's energy get  
18 converted into energy that goes back into the  
19 grid.

20 But I used manufacturer's specified data  
21 both for that and then as well as NEMA, so the  
22 National Electrical Manufacturers' Association,  
23 rated emissions data for transformers, and then  
24 utilized the County Zoning Ordinance, which then

In Totidem Verbis, LLC (ITV)  
815.453.2260

In Totidem Verbis, LLC (ITV)

1 specifies the need to be in compliance with the  
2 Illinois Pollution Control Board's noise  
3 regulations.

4 Those are broken down based on individual  
5 octave band frequency limits that then end up  
6 having a cumulative noise level that we try to  
7 compare against just to make sure that the  
8 noise-generating equipment, being the inverters  
9 and transformers, is not near what's called a  
10 Class A land use -- so residents in this case --  
11 and just making sure that the equipment wouldn't  
12 be within a proximity that would be deemed, you  
13 know, out of compliance.

14 So in general, for daytime noise level  
15 limits, approximately 60 decibels is what the  
16 IPCB regulations end up being, you know, a  
17 cumulative, I guess, total, too. So going  
18 through and looking at the manufacturer's  
19 specified noise emission levels, as well as the  
20 total quantity of both the transformers, as well  
21 as the inverters that are likely needed for the  
22 operation of this site, we determined that the  
23 string inverters need to be at least 40 feet  
24 from a Class A land use for daytime compliance,

1 and then at least 80 feet for nighttime  
2 compliance.

3 Good news is, this equipment does not  
4 operate at night. Because without the sun, you  
5 can't have power generated -- converted and  
6 generated from the site.

7 So each of the little inverters that have  
8 this cooling fan running are generally estimated  
9 to emit approximately a 65-decibel noise level  
10 at a distance of 3 feet. So that would just be  
11 like any of us having a conversation. That's  
12 the approximate noise level associated with  
13 general speech between, you know, us,  
14 individuals.

15 Then the NEMA rated noise emission level  
16 for transformers is just about the same. It's a  
17 touch under. It's about 63 decibels at 3 feet.

18 All that being said, the limits -- or the  
19 distances that we had recommended the equipment  
20 be located at are easily achieved based on the  
21 fact that the closest residence, there is one  
22 approximately 150 feet to the south of the  
23 project boundary and there's another one that's  
24 approximately 450 feet to the east.



1           The residence to the east is the one where  
2           the grandson, the autistic grandson, resides.  
3           And so knowing those distances and then the  
4           recommended distances for the equipment for, you  
5           know, location purposes, that the noise that  
6           would be, I guess, dealt with at any of these  
7           residential properties would be negligible  
8           and/or inaudible because of the fact that they  
9           are already far enough away and outside of the  
10          distances that are recommended based on the  
11          study that we have completed.

12          Then on top of that, inside of the project  
13          boundary there's an additional 50-foot setback  
14          for the fencing that will be positioned on the  
15          site and then an additional, I believe, 20-ish  
16          feet before any panels could be constructed for  
17          clearance purposes. And then the intent is to  
18          then locate this operational equipment even  
19          further towards the center of the site.

20          So in general, the operational noise  
21          levels that are going to be emitted from this  
22          equipment, the transformers and the inverters,  
23          is anticipated to be, once again, inaudible at  
24          the adjacent residences, to a point where it

1 would blend in with background noise that you  
2 get from wind and crops, birds, insects, cars  
3 driving down the road.

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

6 MR. HARDY: Is there anything else I need  
7 to say? Did I cover it?

8 EXAMINATION

9 BY MR. JACOBI:

10 Q. Well, maybe we can -- maybe you can provide a  
11 little information on your background, Tad.  
12 Just let people know what your resume looks  
13 like?

14 A. Yes, so sorry.

15 So I work with Kimley-Horn and Associates,  
16 and I have been doing noise-related studies in  
17 various capacities for approximately 12 years,  
18 anything ranging from traffic noise to  
19 solar/renewable noise, residential, industrial.  
20 I mean, you name it, I have probably touched it  
21 in some capacity.

22 Q. Thanks, Tad.

23 Also, just for the Board's help, Figure 3  
24 in your report, which is on Page 5 -- nope.

1 A. 6.

2 Q. 6, thank you.

3 So figure 3 in the report demonstrates  
4 that string inverters will be below 45 dBA,  
5 decibels A weighted, at approximately 70 feet;  
6 is that accurate?

7 A. 80. Approximately 80 feet, yeah.

8 Q. And that's for the string inverters.

9 And then Figure 4 on the next page is for  
10 transformers. Transformers will be below 45 dBA  
11 at 50 feet?

12 A. Approximately.

13 Q. Approximately, okay.

14 And if the Board then looks -- and it  
15 looks like -- so the inverters will hit 45 at  
16 approximately 80 feet, and they keep going down  
17 from there, right?

18 A. Yes. So noise reduces logarithmically, so  
19 there's not a straight line reduction. Usually  
20 the rule of thumb is, every doubling of distance  
21 you get approximately a 5 to 6 decibel  
22 reduction. So eventually you see it plateau  
23 out, where it then meets with what we would be  
24 deeming the background ambient noise.

1 Q. Okay. And sort of similarly then, for  
2 transformers you'll hit 45 dBA at approximately  
3 50 feet and then it will keep going down from  
4 there, right?

5 A. (Nods head.)

6 Q. Is that correct? You have to say it out loud.

7 A. Yes, that's correct.

8 Q. And if the Board -- and so I think conclusion  
9 one is, easily with those sound measurements the  
10 project will comply with the Illinois Pollution  
11 Control Board regulations. Is that your  
12 conclusion there?

13 A. Yes, that is my conclusion.

14 Q. And then sort of separately we wanted to look  
15 at what, if any, sounds will actually be heard.  
16 So setting the Pollution Control Board  
17 regulations aside, the concern is making sure  
18 that there's essentially effective, zero sound,  
19 at 450 feet, where the child with autism lives.

20 And so if the Board were to look at  
21 Figure 2, we see -- we see, you know, a  
22 comparison chart, some demonstrative evidence  
23 here, of what 45 dBA actually is. Right here  
24 it's marked "quiet, like the sound of a

1 refrigerator." Is that correct?

2 A. That's correct, yeah.

3 Q. As you go down, 40 to 30, it's essentially a  
4 whisper.

5 Tad, can you say to a reasonable degree of  
6 professional certainty that if the string  
7 inverters or the transformers are placed  
8 150 feet away from a residence -- well, strike  
9 that.

10 Let's say, can you say to a reasonable  
11 degree of professional certainty that if the  
12 transformers and string inverters are placed  
13 450 -- approximately 450 feet away from a  
14 residence that the sound generated from the  
15 equipment will be effectively inaudible,  
16 especially when considering ambient noise?

17 A. Yes, that is correct. And on top of that, the  
18 potential blockage you get from the panels that  
19 would be in place between the equipment and the  
20 receptor, in this case.

21 Q. Got it.

22 So, you know, I wanted to use those  
23 numbers because that -- I understand a concern  
24 at the last hearing, and we wanted to make sure

1 that was addressed very specifically here.

2 But even going one step further, 150 feet,  
3 which is the setback to any residence required  
4 by the State, if you were to set back the  
5 transformer and string inverters 150 feet from  
6 the nearest corner of a residence, given the  
7 projected sound and especially particularly  
8 considering the ambient noise of a rural  
9 community, is it your opinion to a reasonable  
10 degree of professional certainty that that  
11 distance would be effectively inaudible?

12 A. Yeah, 150 feet wouldn't generally produce  
13 enough -- or allow enough distance for the noise  
14 to dissipate down to background levels. Because  
15 most of the time rural communities experience  
16 noise levels anywhere from the mid-40s, as we're  
17 comparing to, up to mid-50s during the daytime,  
18 depending on proximity to other land uses; you  
19 know, agricultural in this case, highways and  
20 stuff.

21 So it varies, but usually based on  
22 measured data that we have throughout the state  
23 of Illinois and other counties -- or not  
24 counties, other states in this part of the

1 country, 45 to 55 is a really reasonable range  
2 to expect with existing noise levels.

3 MR. HARDY: Thank you.

4 MR. WELBERS: You're good?

5 MR. JACOBI: I'm good.

6 MR. WELBERS: Kris, questions?

7 EXAMINATION

8 BY MS. DONARSKI:

9 Q. I have a question for you about the string  
10 inverters. I think this is the first I recall  
11 the testimony about -- do they plan to use  
12 string inverters at this Cherry Solar 1 Project?

13 A. Yes. I was informed that up to approximately  
14 40 string inverters may be needed.

15 Q. So there will be no, like ground-mounted  
16 inverter on the concrete slab? These are, what,  
17 up underneath the panels? Can you expound a  
18 little bit? Or how does that work?

19 A. It varies. The applications that I have seen  
20 them installed in, you have an equipment pad,  
21 but usually the string inverters are elevated  
22 above the ground and set up in kind of a linear  
23 manner. Depending on the total quantity needed,  
24 it could end up being a grid similar to how we

1 analyzed the noise in our report.

2 Q. Are they more into the center of the project  
3 and away from the perimeter edges of it then?

4 A. Yeah. That will vary, too, based on a few  
5 things, depending on access and stuff, but most  
6 of the time the operational equipment is  
7 centralized just because it's easier to connect  
8 to the actual solar panels.

9 Q. And does landscaping or trees or vegetative,  
10 even cornfields between, does that reduce the  
11 sound coming from it, from the inverters?

12 A. If it's thick enough. A lot of studies that I  
13 have been involved with and research that I have  
14 either done and/or read, doesn't deem a row of  
15 trees. Like, so if we were to say a row of  
16 Leyland cypresses gets planted, that provides  
17 more of a psychological noise reduction effect  
18 because it's out of sight, out of mind, but  
19 usually vegetative buffers have to be at least a  
20 hundred feet thick of really dense vegetation,  
21 to where you can't see through it, to really  
22 provide a noticeable reduction of noise.

23 MS. DONARSKI: Okay. Thank you very much.

24 MR. WELBERS: Okay.



1 MR. JACOBI: Mr. Chair, just one more.

2 MR. WELBERS: Go ahead.

3 EXAMINATION

4 BY MR. JACOBI:

5 Q. Tad, could you hold up that fan again?

6 A. Yes.

7 Q. I think you mentioned this, but I just want to  
8 be clear. Is that the only piece of equipment  
9 that generates sound, from a string inverter?

10 A. This is probably the loudest piece of equipment  
11 or, I guess, part of the string inverter because  
12 it's bringing air in and/or sucking it out. But  
13 there are some electrical components within the  
14 string inverters that might have a bit of a hum  
15 to them, but this is usually the loudest part of  
16 the string inverter.

17 Q. And there's how many of those on each string  
18 inverter?

19 A. I'm not a hundred percent sure of the exact  
20 total based on the one, but I believe it is  
21 three -- three or -- yeah, three.

22 Q. Okay. And it's just a plastic fan?

23 A. Yup. It's just like a fan you would see on the  
24 back of your computer.

1 MR. JACOBI: Okay. Thank you.

2 MR. WELBERS: Questions of this witness?

3 MR. GILLAN: Neil Gillan.

4 EXAMINATION

5 BY MR. GILLAN:

6 Q. So when the panels pivot, there will be no  
7 noise from that? No squeaking? Is it metal on  
8 metal? Is it bearings?

9 A. No. The trackers -- or the axis trackers that  
10 are used to have the panels to follow the sun,  
11 based on manufacturer's specified data that I  
12 have received over the years for various, you  
13 know, folks that design and implement these, are  
14 almost negligible and inaudible in comparison to  
15 the background noise.

16 I think, if I recall correctly, I'd have  
17 to go back and look exactly, but I want to say  
18 that they were in the, like, 30s from an  
19 emissions standpoint at the actual, like, motor  
20 parts pivots. I mean, they are very, very  
21 quiet. And we have done studies that looked at  
22 thousands of them as a just-in-case. Didn't  
23 even contribute.

24 MR. WELBERS: Connie.

1 MS. STETSON: Connie Stetson.

2 EXAMINATION

3 BY MS. STETSON:

4 Q. I'm just going by, you said 60 decibels -- and  
5 this is just for my need to figure it out in  
6 future things -- but you said 40 feet and  
7 80 feet at night; 40 feet during the day and  
8 80 feet. Is that from the foundation of the  
9 home, is what you are talking about?

10 A. No. We looked at how far away from this  
11 equipment would you need to be in compliance  
12 with the IPCB regulations. We determined that  
13 based on the emission levels of the string  
14 inverters and the total quantity likely needed,  
15 80 feet would be the distance away you would  
16 need to be in order to be in compliance. Not  
17 saying that they are going to be within 80 feet  
18 of a residence. That's not what we're saying at  
19 all.

20 MR. JACOBI: At night.

21 MR. HARDY: Yeah, at night.

22 MS. STETSON: I said that.

23 MR. HARDY: Yeah, she did.

24 Q. (By Ms. Stetson:) So you're saying 80 feet,

1 the equipment has to be 80 feet from the home?

2 A. No.

3 Q. From the --

4 A. You, as a receiver of sound, would need to be  
5 80 feet away --

6 Q. Right.

7 A. -- to be able to be in -- to have noise levels  
8 be in compliance with the IPCB regulations.

9 Q. Okay. But my home -- and I am standing outside  
10 my home, say by the foundation. Is that -- it  
11 needs to be 80 feet away from my home?

12 A. I mean, that -- yeah, that would be the  
13 distance, I guess, that we recommend as a  
14 minimum.

15 Q. That's where they -- okay. That's what I want  
16 to know for future --

17 A. We provided recommendations about minimum  
18 distances that the equipment -- the operational  
19 equipment needs to be away from any Class A land  
20 use and structure. And based on the distances  
21 that the current project boundaries are from the  
22 surrounding Class A land uses, they are exceeded  
23 already.

24 Q. Well, I'm just going to tell you some of the

1 current legislation that's --

2 MR. WELBERS: Now, Connie.

3 MS. STETSON: I'm going to ask him a  
4 question.

5 MR. WELBERS: Then ask the question.

6 MS. STETSON: I will.

7 MR. WELBERS: I know you'll have a closing  
8 argument here next month, but just please ask  
9 the question so these -- so we can get this man  
10 done. He's coming from North Carolina. We  
11 don't want to have to have him come back.

12 Q. (By Ms. Stetson:) Are you aware --

13 MS. STETSON: I understand.

14 Q. (By Ms. Stetson:) Are you aware there's a  
15 50-foot distance now from the home for the State  
16 law? Are you aware of that law?

17 A. I'm not a hundred percent sure which one you're  
18 referring to, no.

19 Q. Well, that's what it states, that the home --  
20 provides the County may require the commercial  
21 solar is usually 50 feet from the home.

22 That's too close; is that correct?

23 Wouldn't you say that, if it's --

24 A. From a --

1 Q. -- 80 feet from a Class A and the State law  
2 says it's 50?

3 MR. JACOBI: I'm sorry, I don't want to  
4 interrupt, but --

5 MS. STETSON: I'm just --

6 MR. JACOBI: -- it's 50 feet from the  
7 property boundaries and it's 150 feet from the  
8 home, is the State law.

9 MS. STETSON: Okay.

10 MR. JACOBI: So I just want to be clear on  
11 that.

12 MS. STETSON: 50 feet, okay. All right.  
13 Because there's legislation going through now --

14 MR. HARDY: Are we talking about equipment  
15 setbacks? Is that what we're referring to?

16 MR. JACOBI: The setback in the State  
17 Statute is, yeah, 150 feet, fence line -- or how  
18 the County has applied the State Statute, and  
19 I'm sure I'll be told if I'm wrong --

20 MR. WELBERS: You're correct.

21 MR. JACOBI: -- is 50 feet from the fence  
22 line to a property boundary and 150 feet from  
23 the fence line to the house or occupied  
24 structure.

1 MR. HARDY: Gotcha, okay.

2 MS. STETSON: Well, there's legislation  
3 going through that is going to hopefully get --  
4 it's bipartisan. 500 feet is what they're  
5 pushing for. So I just -- you know, I'm just  
6 trying to get things in my head correct  
7 before -- for everything in the future too.

8 MR. HARDY: Understood.

9 EXAMINATION

10 BY MR. JACOBI:

11 Q. I'll ask a follow-up question just on -- I just  
12 want to be crystal clear. Do these emit any  
13 noise or sound whatsoever at night?

14 A. No.

15 Q. Okay. So the 80 feet we're talking about at  
16 night really is irrelevant. What we need to  
17 make sure is that during the daytime we're  
18 meeting the daytime IPCB regulations?

19 A. Uh-huh, which based on the setbacks is easily  
20 achievable.

21 MR. JACOBI: Thank you.

22 MR. WELBERS: Other questions. Nanette,  
23 go ahead. Nanette, in the back.

24 EXAMINATION

1 BY MS. GILLAN:

2 Q. How many inverters are going to be on this  
3 project?

4 A. Up to 40.

5 Q. Are you aware of any lawsuits that have been  
6 filed against solar companies because of the  
7 noise?

8 A. Not any that I have worked on, no.

9 MR. WELBERS: Anything else?

10 MS. GILLAN: No.

11 EXAMINATION

12 BY MS. SUTTON:

13 Q. Just a subsequent question for the access  
14 tracker questions that Ms. Gillan asked. You  
15 said that the noise by the access trackers  
16 moving was in the 30s; is that correct?

17 A. I think so. I would have to verify  
18 manufacturer data that I have.

19 Q. So do they all move at the same time?

20 A. Generally, yes, but very -- once again, very  
21 slowly, and it's based on a bunch of different  
22 factors. Some panels are a little higher than  
23 others based on ground elevation, they might  
24 track at a different rate of speed than others



1           that are lower, but it varies.

2   Q.    So I guess the question I'm asking is, if these  
3           are generally moving at the same time, then that  
4           30s would be specific to each panel, correct?

5   A.    It depends on how many access tracker motors  
6           there are.

7   Q.    Can you provide us with any guesstimate about  
8           that?

9   A.    No, ma'am, I cannot.

10   Q.    Because in the application form from GreenKey,  
11           it said they were going to put in 12,000-  
12           something, round figures, I don't have it in my  
13           head, and then in the testimony offered in  
14           February it was 17,000.  So I don't know if  
15           these are tracking at the same time, the  
16           cumulative sound that's produced from these, or  
17           relatively the same time, if it's mathematically  
18           possible to figure that out?

19   A.    It is, but I'm not aware of how many of these  
20           motors are going to be implemented, no.

21                 MS. SUTTON:  Okay.  Thank you.

22                 MR. WELBERS:  Other questions of this  
23           witness?

24   EXAMINATION

1 BY MR. JACOBI:

2 Q. Tad, each panel doesn't have its own motor,  
3 right?

4 A. Not to my knowledge. Usually it's a grouping.  
5 That's why I'm saying, I just don't know exactly  
6 how many are needed for this one at all.

7 But I have looked at a hundred megawatt  
8 solar farms that have thousands of them, and the  
9 amount of noise that they contributed to the  
10 overall project, like the operations, were  
11 almost negligible.

12 MR. WELBERS: Anything else?

13 MR. JACOBI: I don't think so.

14 MR. WELBERS: Board, any questions?

15 (No verbal response.)

16 MR. WELBERS: Sir, you can sit down.

17 MR. HARDY: Awesome. Thank you, all.

18 MR. WELBERS: Do you have anything else  
19 you would like to do in the next 15 minutes or  
20 so?

21 MS. DONARSKI: I think it's time for us  
22 to --

23 MR. WELBERS: I understand.

24 MR. JACOBI: Yeah, I think we're --

1 MR. WELBERS: For now, we'll get the third  
2 witness who will be coming back. We would be  
3 introducing -- I would be introducing a motion  
4 to table this.

5 MR. JACOBI: So, yeah, I think our request  
6 is to then continue for the health and safety --  
7 or health expert that we had lined up.  
8 Hopefully she's back to health. So we will have  
9 a health expert at the next hearing.

10 I suppose, you know, similarly how this  
11 hearing was streamlined to the relevant topics  
12 at hand, we're going to streamline that  
13 testimony then to that relevant topic at hand,  
14 and we would hope not to expand the hearing to  
15 other topics.

16 MR. WELBERS: We will not expand the  
17 hearing to other topics. The four topics at  
18 hand are the only things that we are instructed  
19 and directed by our County Board to address.  
20 Those were the questions that needed to be  
21 answered.

22 And again, for all of you that are here,  
23 it's late and I know that many of you have  
24 things that you would like to lay into the

1 record, and I want you to come back and do that,  
2 but again, it would be -- anything that you do  
3 put in the record that you want to testify to  
4 would be having to do with the impacts of  
5 property values, general health and safety,  
6 noise and sound effects, and the impacts on the  
7 Gillan grandchild or the Gillans' son that's  
8 autistic.

9 So those are the subjects we've talked on.  
10 And again, any one of you here, after the expert  
11 witness on the health side states, you'll all be  
12 able to ask questions of her as well, but then  
13 we'll turn it over to all of you and you can add  
14 your thoughts into the record. This is a public  
15 hearing, and that's what we are to do. And we  
16 have Callie here to record it, and then that all  
17 goes before the County Board for their decision.  
18 This is ultimately their decision. It is a  
19 Conditional Use.

20 MR. JACOBI: So we'll be -- we anticipate  
21 then bringing the health expert next time, and  
22 all of these experts I think are overlapping on  
23 the potential impacts to the child with autism.  
24 You know, the sound expert that you just

1 heard --

2 MR. WELBERS: I understand.

3 MR. JACOBI: -- is part of that.

4 So I just, yeah, want to make sure our  
5 expectations are all lined.

6 MR. WELBERS: You're an attorney, and  
7 again we're charged --

8 MR. JACOBI: I am wearing the tie, so they  
9 make me talk and say these things in public.

10 MR. WELBERS: I know that you are going to  
11 make certain that you have provided the best  
12 answers that you can.

13 MR. JACOBI: Yes, sir.

14 MR. WELBERS: So that's what we'll do.

15 MR. JACOBI: Yes.

16 MR. WELBERS: So that would be the case,  
17 folks. Thanks for coming.

18 MS. DONARSKI: Oh, you have got to --

19 MR. WELBERS: I'm going to make a motion.  
20 I'm not going to let you go just yet.

21 I am going to move that we table this --  
22 table is the word, right?

23 MR. JACOBI: Continue.

24 MR. WELBERS: Table the case until the

1 May --

2 Tell me the date.

3 MS. DONARSKI: 16th.

4 MR. WELBERS: -- 16th meeting, again, here  
5 at the Bureau County Courthouse, in this room,  
6 beginning sometime 7 p.m. or after.

7 MS. SMITH: Retention.

8 MS. DONARSKI: We are going to get to  
9 that.

10 MR. WELBERS: Yes, that will be a quick  
11 one here in our next ten minutes.

12 Anyway, would anyone second such a motion?

13 MR. STUTZKE: Second.

14 MR. WELBERS: Michael.

15 And all are in favor of the continuation  
16 as has been requested?

17 (All those simultaneously  
18 responded.)

19 MR. WELBERS: Folks, you can all go home  
20 tonight. See you in May, and hopefully we can  
21 conclude this.

22 MS. DONARSKI: The next item on the agenda  
23 is that I have been approached by Providence  
24 Heights, and they are going to want to repower

1 their facility, and they wish to hire Judge  
2 Slavin.

3 So I do have before the Bureau County  
4 Board's Zoning Committee and they took it to the  
5 Bureau County Board, and the Bureau County Board  
6 approved it, and so it's now up to this Board.  
7 So I need a motion to hire Judge Slavin as  
8 facilitator for those specific hearings. I  
9 don't have any dates or anything like that, it  
10 will be whenever we get it, but we have to hire  
11 him first and then we find dates he's available  
12 and then we kind of back into the project.

13 So we would need a motion to retain Tim  
14 Slavin as facilitator for the Providence Heights  
15 repowering hearings.

16 MR. STUTZKE: So moved.

17 MS. DONARSKI: Okay.

18 MR. QUEST: I'll second.

19 MS. DONARSKI: Okay.

20 MR. WELBERS: All in favor.

21 (All those simultaneously  
22 responded.)

23 MR. WELBERS: Any opposed.

24 (No verbal response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

MR. WELBERS: None.

Motion to adjourn next.

MS. DONARSKI: That's next.

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

MS. SMITH: Second.

MR. WELBERS: All in favor.

(All those simultaneously  
responded.)

(The hearing was concluded at  
9:53 p.m.)



1 Now on this 18th day of April, A.D., 2024, I do  
2 signify that the foregoing testimony was given  
3 before the Bureau County Zoning Board of Appeals.  
4  
5  
6  
7

8 Barry Welbers, Chairman  
9

10  
11  
12 Kristine Donarski,  
13 Zoning Enforcement Officer  
14

15  
16 -----  
17 *Callie S. Bodmer*

18 Callie S. Bodmer  
19 Certified Shorthand Reporter  
20 Registered Professional Reporter  
21 IL License No. 084-004489  
22 P.O. Box 381  
23 Dixon, Illinois 61021  
24