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1 JUDGE SLAVIN: All right. Ladies and
2 gentlemen, it's 6 o'clock. Under the Open
3 Meetings Act, we can now begin.

4 I call out of recess the Bureau County
5 Zoning Board of Appeals hearing on Petitions
6 Number 24-24-09-03-1C sequentially through
7 24-09-03-39C, Providence Heights Wind, LLC's,
8 application for Conditional Use Permits and
9 Variances to retrofit and operate a wind energy
10 conversion system in the county.

11 First order of business is taking roll.
12 Mr. Welbers is here; Mr. Quest is here;
13 Mr. Jensen is here; Ms. Smith is here;
14 Mr. Stutzke is here. Ms. Donarski is here.
15 Ms. Donarski's assistant is here. Attorney Mike
16 Massie is here. One, two, three -- three
17 Petitioner's reps are here. Our honorable court
18 reporter is here, as am I. I see two Interested
19 Parties in attendance.

20 All right. Very good. There's some other
21 mechanical things to take care of tonight, but I
22 think where we left off, Petitioner's evidence
23 had concluded, Interested Parties' evidence had
24 been concluded, and we're at Ms. Donarski's

1 opportunity to present any evidence she might
2 have.

3 And you may, Ms. Donarski. Stand anywhere
4 you choose and raise your right, hand, please.

5 MS. DONARSKI: Okay. I'll go over here.

6 JUDGE SLAVIN: Okay.

7 KRISTINE DONARSKI,
8 being first duly sworn, testified as follows:

9 JUDGE SLAVIN: Please have a seat.

10 I'm sure a lot of ZBA members have wanted
11 to get you under oath from time to time.

12 EXAMINATION

13 BY JUDGE SLAVIN:

14 Q. So what's your name and occupation?

15 A. My name is Kristine Donarski, and I am the
16 Zoning Officer for Bureau County.

17 Q. Just generally speaking in the big picture,
18 what are your duties as zoning officer for
19 Bureau County?

20 A. Well, I do a lot of varied things, from
21 reviewing and issuing building permits to
22 working with developers and processing
23 applications and subdivisions. I do zoning
24 inspections. A lot of different varied duties.

1 Q. Okay.

2 A. And in relation to this application, I
3 developed a schedule and worked with the
4 Applicant to ensure that the proper paperwork
5 was filed in a timely manner, and reviewed the
6 legal notice and ensured it was published in
7 accordance with statutory requirements. I
8 noticed the Township, the school districts,
9 adjoining property owners, road commissioners,
10 the County engineer, municipalities, things like
11 that I notice. And then I prepare mailings, put
12 on the postage and send those out, and set up
13 all the hearings.

14 Q. And you undoubtedly keep records of all of
15 this; is that correct?

16 A. Yes.

17 Q. Calling your attention to this particular
18 subject matter, if you recall, on what date did
19 Providence Heights file their application for
20 Conditional Use Permits and Variances?

21 A. That would be September 3rd, 2024.

22 Q. In that capacity, did you mail notices of the
23 application for Conditional Uses and Variances
24 and the pending ZBA hearing? Did you mail

1 notices?

2 A. Yes, I did.

3 Q. And to whom?

4 A. Notices were mailed to property owners within
5 the footprint and up to and within a quarter
6 mile from the footprint of the Providence
7 Heights project.

8 Q. And by what postal method did you use?

9 A. We do First Class Mail with the U.S. Postal
10 Service.

11 Q. And on what date did you mail those notices?

12 A. We mailed the notices on September 26th.

13 Q. Of 2024?

14 A. 2024, yeah.

15 Q. Do you have any documents you want to introduce
16 in support of that testimony?

17 A. Yes, I do.

18 Q. And what's that?

19 A. Well, is it okay if I just go in the order of
20 my Zoning Officer exhibits? Or do you want me
21 to tell about the mailings?

22 Q. Sure. No, go ahead. Yeah, go ahead, what
23 order you -- whatever order you choose, yes,
24 that's fine.

1 MS. DONARSKI: Okay. Well, I have a box
2 full of these for each one of you to take home.
3 So they're sitting on the back table. So if you
4 need help getting them to your car, then we'll
5 get those for each of the ZBA members.

6 I have also provided a copy to Judge
7 Slavin, a copy to the Applicants, and I have a
8 copy for Callie.

9 So we'll review those.

10 (SW Exhibit Number 1 marked for
11 identification.)

12 MS. DONARSKI: Okay. So first of all I
13 have an email which is basically a cover letter
14 from Rebecca Taylor of the Bureau County Soil
15 and Water Conservation District, and this is to
16 summarize her findings of these reports
17 regarding issues found to exist on the proposed
18 tower sites.

19 So each of those reports is in your file.
20 Each one is individually numbered as an exhibit,
21 but I'm just going -- instead of reading all
22 those reports into the record, I'm just going to
23 read this summary. You can read the reports on
24 your own later.

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"Hi, Kris.

Here is a list of the turbines that I was concerned about, and the concerns I had for them:

T5 - riverine wetland is crossed by the access road;

T7 - riverine wetland is crossed by the access road;

T11 - proximity of access road and turbine to riverine wetland;

T13 - proximity of access road to riverine wetland;

T14 - riverine wetland is crossed by the access road;

T16 - proximity of turbine to riverine wetland;

T18 - proximity of turbine to pond;

T21 - proximity of access road to riverine wetland (wetland runs along access road which is also a conservation practice;

T22 - proximity of access road to riverine wetland;

T24 and T27 - riverine wetland is crossed

1 by the access road;
2 T28 - proximity of access road to the
3 riverine wetland, very limited with
4 shallow excavation;
5 T30 and T31 - very limited with shallow
6 excavation;
7 T34 - at severe risk of erosion;
8 T35 - very limited with shallow
9 excavation;
10 T36 - riverine wetland is crossed by the
11 access road;
12 T37 - very limited with shallow
13 excavation;
14 T39 - riverine wetland is crossed by the
15 access road, somewhat poorly draining,
16 very limited with shallow excavation;
17 T42 and T43 - very limited with shallow
18 excavation."

19 Now, in your packet these are all color
20 coordinated. So I'm going to try to describe
21 that the best as I can when we go through this.

22 "For the concerns having anything to
23 do with wetlands, which is highlighted in
24 dark green, they should be mindful of the

1 wetland location, and they might need to
2 contact the Army Corps. I'm not familiar
3 with drainage laws enough to know for
4 sure, but it wouldn't hurt for them to
5 check. Also, some of the wetlands might
6 be in a Conservation practice, and they
7 should take care to be aware of any
8 contracts and trying not to damage the
9 practices. There is a blurb in each
10 report about Conservation practices and
11 restoring them should they be damaged.

12 For the riverine wetlands that are
13 crossed by access roads, which are
14 highlighted in yellow, everything above
15 applies, but also making sure that the
16 crossing isn't damaged while accessing the
17 turbine and repairing it if it is so that
18 the water flow isn't impeded.

19 For very limited soils, which is
20 highlighted in blue, if there is
21 foundation work for those turbines, this
22 could cause issues and should be
23 considered when making engineering plans.

24 For the hot pink color, which is

1 poorly draining soils, there is only one
2 that was on somewhat poorly draining
3 soils, so care should be taken when
4 accessing that turbine after heavy rains,
5 as the water will be more likely to pond.

6 Then the gray. Severe risk of
7 erosion. There was only one turbine on
8 soils at severe risk of erosion. So
9 erosion control measures might be needed
10 here, depending on how they are working
11 around the site.

12 T21's access road runs along a
13 riverine wetland. So the whole access
14 road should be used with the same care as
15 if it was just a cross section.

16 Overall there were no major concerns,
17 besides being wary of the wetlands and
18 damaging the wetlands or conservation
19 practices.

20 I hope this was helpful.

21 Rebecca Taylor, Resource
22 Conservationist for Bureau County Soil and
23 Water Conservation District."

24 (ZO Group Exhibit A marked for

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identification.)

MS. DONARSKI: The next group exhibit, which is ZO, Zoning Office, Group Exhibit A. This is a letter from the Planning Commission to the Applicant stating their recommendation to the County Board. All of the applications were recommended favorably, recommended for approval, with the attached stipulations.

So I have a copy of each of those letters and the attached stipulations, and that's for 39 applications. So that is a Group Exhibit A, Planning Commission letters to the Applicant.

(ZO Group Exhibit B marked for identification.)

MS. DONARSKI: My next group exhibit is Planning Commission Analysis for Zoning Decisions. This is ZO Group B. And so this is the actual Analysis for Zoning Decisions for the Conditional Use that each of the members of the Planning Commission filled out for all 39 applications. So that is ZO Group B.

(ZO Group Exhibit C marked for identification.)

MS. DONARSKI: ZO Group C are a group of

1 39 documents, one again for each of the
2 applications, and this is the letter from the
3 Planning Commission to the Board of Appeals and
4 to the County Board telling what they voted.
5 And again, they recommended approval for all 39,
6 with the attached stipulations. Each one of
7 those is in the file for you to review. Again,
8 ZO Group C.

9 (ZO Group Exhibit D marked for
10 identification.)

11 MS. DONARSKI: The next group is ZO
12 Group D. These are communications I received
13 from Bureau County Engineer John Gross. And for
14 all of the applications that the entrance was on
15 a county road, Mr. Gross sent me this response
16 in response to the letter I sent to him, and it
17 says: Our Road District has no objection to the
18 above applications.

19 Again, that's ZO Group D.

20 (ZO Group Exhibit E marked for
21 identification.)

22 MS. DONARSKI: ZO Group E, again, this one
23 is communications I received from the Indiantown
24 Township Supervisor Rex Elmore.

1 So when I send out the notices to the
2 Townships, they fill these out for all of the
3 applications for repowering and for their
4 laydown yards that would be in Indiantown
5 Township. And the supervisor, Rex Elmore,
6 signed them, and it says: Our Township has no
7 objection to the above application.

8 (ZO Group Exhibit F marked for
9 identification.)

10 MS. DONARSKI: The next group is from ZO
11 Group F. This is communications I received from
12 Indiantown Township Road Commissioner Aaron
13 Sears. And for all of the applications that the
14 entrance was onto an Indiantown Township road, I
15 have a form signed by Mr. Sears that says: Our
16 Road District has no objections to the above
17 application.

18 And again, that's ZO Group F.

19 (ZO Group Exhibit G marked for
20 identification.)

21 MS. DONARSKI: ZO Group G, these are
22 communications I received from the Milo Township
23 Supervisor, Thomas Ashby. So this would be in
24 response to all the applications that will be

1 located for turbines and laydown areas in Milo
2 Township, I received one of these forms signed
3 by Township Supervisor Thomas Ashby, and they
4 all say: Our Township has no objection to the
5 above application.

6 (ZO Group Exhibit H marked for
7 identification.)

8 MS. DONARSKI: The next group exhibit is
9 from -- is ZO Group H. These are communications
10 from the Milo Township Road Commissioner Daniel
11 Wright. So for all of the applications for
12 turbines and laydown yards where the entrance
13 would involve Milo Township roads, I have one of
14 these signed forms by Dan Wright, the highway
15 commissioner, and they all say: Our Road
16 District has no objection to the above
17 application.

18 (ZO Group Exhibit Number I marked
19 for identification.)

20 MS. DONARSKI: The next one I have is ZO
21 Group I. These are communications I received
22 back from Princeton Elementary School District
23 Number 115, Superintendent J.D. Orwig. So for
24 all the turbine locations and laydown yards in

1 the Princeton Elementary School District, I have
2 a signed form from J.D. Orwig stating: Our
3 School District has no objection to the above
4 application.

5 (ZO Group Exhibit J marked for
6 identification.)

7 MS. DONARSKI: The next group is ZO Group
8 J. These are communications I received back
9 from Princeton High School District Number 500,
10 Superintendent Kirk Haring. Again, for all of
11 the turbine locations, laydown yards in the
12 Princeton High School District, I have a signed
13 form from Kirk Haring stating that: The School
14 District has no objection to the above
15 applications.

16 (ZO Group Exhibit K marked for
17 identification.)

18 MS. DONARSKI: The next group exhibit I
19 have is ZO Group K. These are communications I
20 received from Bradford Community Unit School
21 District Number 1, Superintendent Chad Gripp.
22 For all of the applications for wind turbines or
23 laydown yards in that Bradford School District,
24 I have a signed form from Superintendent Chad

1 Gripp stating that their School District has no
2 objection to the above application.

3 So that is the end of my group exhibits,
4 with all of those communications.

5 The next set is what I have labeled as ZO
6 GEN, which is a general communication that I
7 have that would apply to the group as a whole.
8 On the ones I have read, they are for each
9 individual turbine. This next set applies to
10 the project as a whole.

11 (ZO GEN Exhibit A marked for
12 identification.)

13 MS. DONARSKI: So my first exhibit there
14 is ZO GEN A. This is a letter from myself to
15 Providence Heights, dated September 19th,
16 telling them when the Planning Commission and
17 the Zoning Board of Appeals hearings would be
18 for the hearing and then the legal description
19 for each of the locations.

20 (ZO GEN Exhibit B marked for
21 identification.)

22 MS. DONARSKI: ZO GEN B, this is a
23 duplicate of the email I had previously read
24 into the record. It's an incoming

1 correspondence, the summary letter from Becca
2 Taylor from Soil and Water to myself. I'm not
3 going to read that again.

4 (ZO GEN Exhibit C marked for
5 identification.)

6 MS. DONARSKI: The next one is ZO GEN C.
7 This is the certificate of publication for
8 Conditional Use for -- it ran one time, on
9 September 28th, 2024, in the Bureau County
10 Republican, and this would have covered the
11 Conditional Use for the wind turbines being
12 repowered and for the laydown yards.

13 (ZO GEN Exhibit D marked for
14 identification.)

15 MS. DONARSKI: The next exhibit I have is
16 ZO GEN D. Again, from the Bureau County
17 Republican, the Certificate of Publication for
18 Variation for the Zoning Board of Appeals
19 hearings. This ran one time in the Bureau
20 County Republican, on September 28th, and this
21 is for all the Variations for the project.

22 (ZO GEN Exhibit E marked for
23 identification.)

24 MS. DONARSKI: My next exhibit is ZO GEN

1 E, which is a Certificate of Mailing from the
2 Conditional Uses that I sent out with each of
3 the notices, and it certified that I placed each
4 of those in the mail by 4:00 p.m. on
5 September 26th, 2024.

6 (ZO GEN Number F marked for
7 identification.)

8 MS. DONARSKI: The next one is the ZO GEN
9 D. Again, this is -- excuse me, ZO GEN F. This
10 is the Certificate of Mailing for Providence
11 Heights' Applications for Variations. Again, I
12 mailed this out by 4:00 p.m. on September 26th.
13 And I mailed out the notice again for the
14 Conditional Use and the Variations to all the
15 property owners within the footprint and within
16 a quarter mile of the outside of the footprint
17 of the proposed project.

18 (ZO GEN Exhibit G marked for
19 identification.)

20 MS. DONARSKI: Then I have ZO GEN G. This
21 is the notice to the adjoining property owners
22 of the Bureau County Zoning Board of Appeals
23 hearing in regards to the Conditional Use
24 applications for Providence Heights Retrofit.

1 (ZO GEN Exhibit H marked for
2 identification.)

3 MS. DONARSKI: Next I have ZO GEN H.
4 Again, this is the notice to adjoining property
5 owners that I sent out again to everybody within
6 the footprint and within a quarter mile of the
7 outside in regards to the Variations requested
8 for the Providence Heights Retrofit.

9 (ZO GEN Exhibit I marked for
10 identification.)

11 MS. DONARSKI: ZO GEN I. This is a copy
12 of the mailing list. It's a copy of the actual
13 labels that we put on and we sent out to all
14 those people that I said before that we noticed
15 within the footprint, within a quarter mile
16 outside the footprint, then the Township
17 Supervisor, the Road Districts, the School
18 Districts and that sort of thing.

19 (ZO GEN Exhibit J marked for
20 identification.)

21 MS. DONARSKI: ZO GEN J. This is a copy
22 of the letter. This is the EcoCAT review. It's
23 dated April 30th of 2024. And I would -- it's
24 not real long, but I would like to read that

1 into the record. April 30th. It's addressed to
2 myself. In regards to Providence Heights Wind
3 Consultation Program, EcoCAT Review 2413388:

4 "Dear Kris,

5 The Department has received your
6 submission for this project for the
7 purposes of consultation pursuant to the
8 Illinois Endangered Species Protection
9 Act, the Illinois Natural Areas
10 Preservation Act, and Title 17 Illinois
11 Administrative Code Part 1075.

12 The proposed action consists of
13 Providence Heights Wind, LLC, (or
14 Providence Heights Wind), a subsidiary of
15 Avangrid Renewables, LLC, currently
16 operate an existing 72-megawatt wind
17 energy generation facility located in
18 Bureau County, Illinois. The project
19 began commercial operation in 2009 and
20 consists of 36 Gamesa G87 wind turbines.

21 The Illinois Natural Heritage
22 Database shows the following protected
23 resources may be in the vicinity of the
24 project location:

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1 State-Threatened or Endangered
2 Species: Black-billed Cuckoo; Indiana
3 Bat; Northern Long-eared Bat; Upland
4 Sandpiper."

5 Now, it also lists their technical name,
6 but I'm not going to try to say that. I'm just
7 using the common part of it.

8 "Due to the project scope and
9 proximity to protected resources, the
10 Department offers the following comments
11 and recommends the following actions be
12 taken to avoid adversely impacting listed
13 species in the vicinity of the project:

14 Black-billed Cuckoo, Indiana Bat,
15 Northern Long-eared Bat and Upland
16 Sandpiper. The Department recommends that
17 the County require the project proponent
18 to curtail wind turbine operations below
19 wind speeds of 6.9 meters per second from
20 sunset to sunrise between July 15th and
21 October 15th, to avoid the unlawful take
22 of State-listed bats and birds and to
23 minimize mortality of all bat species.
24 Wind turbines should be feathered (minimal

1 rotations) during these curtailment
2 events.

3 If the above recommendations cannot
4 be implemented, the Department has
5 determined adverse impacts are likely, and
6 thus recommends the project proponent seek
7 an Incidental Take Authorization (ITA)
8 pursuant to Part 1080 and Section 5.5 of
9 the Illinois Endangered Species Protection
10 Act for the Northern Long-eared Bat,
11 Indiana bat, Black-billed Cuckoo, and
12 Upland Sandpiper.

13 Please note that due to the federal
14 status of the Indiana Bat and the Northern
15 Long-eared Bat, and their potential
16 occurrence in the project area,
17 coordination with the U.S. Fish and
18 Wildlife Service may be necessary and is
19 separate from this consultation and
20 Illinois State regulations.

21 Given the above recommendations are
22 adopted, the Department has determined
23 that impacts to these protected resources
24 are unlikely. The Department has

1 determined impacts to other protected
2 resources in the vicinity of the project
3 location are also unlikely. If the
4 recommended ITA is pursued and issued,
5 that authorization and associated permits
6 provide legal protection should the
7 project take a listed species.

8 In accordance with 17 Ill. Adm. Code
9 1075.40(h), please notify the Department
10 of your decision regarding these
11 recommendations.

12 Consultation on the part of the
13 Department is closed, unless the Applicant
14 desires additional information or advice
15 related to this proposal. Consultation
16 for Part 1075 is valid for two years
17 unless new information becomes available
18 which was not previously considered; the
19 proposed action is modified; or additional
20 species, essential habitat, or Natural
21 Areas are identified in the vicinity. If
22 the action has not been implemented within
23 two years of the date of this letter, or
24 any above-listed conditions develop, a new

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1 consultation is necessary.

2 The natural resource review reflects
3 the information existing in the Illinois
4 Natural Heritage Database at the time of
5 the project submittal and should not be
6 regarded as a final statement on the
7 project being considered, nor should it be
8 a substitute for detailed site surveys or
9 field surveys required for environmental
10 assessments. If additional protected
11 resources are unexpectedly encountered
12 during the project's implementation, the
13 Applicant must comply with applicable
14 statutes and regulations.

15 This letter does not serve as
16 permission to take any listed or
17 endangered species. As a reminder, no
18 take of an endangered species is permitted
19 without an Incidental Take Authorization
20 or the required permits. Anyone who takes
21 a listed or endangered species without an
22 Incidental Take Authorization or required
23 permit may be subject to criminal and/or
24 civil penalties pursuant to the Illinois

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1 Endangered Species Act, the Fish and
2 Aquatic Life Act, the Wildlife Code and
3 other applicable authority.

4 The Department also offers the
5 following conservation measures be
6 considered to help protect native wildlife
7 and enhance natural areas in the project
8 area:

9 Where industry standards allow,
10 required night lighting should follow
11 International Dark-Sky Association (IDA)
12 guidance to minimize the effects of light
13 pollution on wildlife, including shielding
14 fixtures so no light travels upward, using
15 "warm-white" or filtered LEDs to minimize
16 blue light emission, and avoid over-
17 lighting.

18 Demand-controlled night marking,
19 which switch off the permanent nighttime
20 lighting and only activate it when an
21 approaching flying object is near, should
22 be implemented to minimize impacts on
23 native bats and birds.

24 Soil erosion and sediment control

1 BMPs should be implemented and properly
2 maintained. If erosion control blanket is
3 to be used, wildlife-friendly plastic-free
4 blankets should be used to prevent the
5 entanglement of native wildlife.

6 The Applicant should consider
7 implementing smart curtailment technology,
8 such as the Turbine-Integrated Mortality
9 Reduction (TIMR) System, or other relevant
10 best available technologies, to further
11 minimize impacts to bats.

12 The Applicant should consider
13 contributing Post-Construction Mortality
14 (PCM) data to the American Wind Wildlife
15 Information Center (AWWIC). For more
16 information, visit the AWWIC Data
17 Contributor Guide - Renewable Energy
18 Wildlife Institute (rewi.org).

19 To avoid and minimize potential
20 impacts to aquatic life in perennial
21 streams and wildlife in stream riparian
22 zones, forested areas and CREP-enrolled
23 properties, the Department suggests the
24 following setbacks be implemented:

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1 300 linear feet from any perennial
2 stream;

3 1,000 foot linear from any forested
4 riparian corridor;

5 1,000 foot linear from any 5-acre
6 forested block;

7 1,000 foot linear from any CREP-
8 enrolled property.

9 Please contact me with any questions
10 about this review.

11 Sincerely, Bradley Hayes, Manager of
12 the Impact Assessment Section, Division of
13 Real Estate Services and Consultation,
14 Office of Realty and Capital Planning,
15 Illinois Department of Natural Resources.
16 One Natural Resources Way, Springfield,
17 Illinois.

18 (ZO GEN Exhibit K marked for
19 identification.)

20 MS. DONARSKI: Okay. My next Zoning
21 Officer exhibit is ZO GEN K. This is a copy of
22 a letter that I sent to Jessica Setter from
23 Providence Heights Wind, and this would be
24 approving the expert qualifications of Mark

1 Bastasch, PE.

2 "Jessica,

3 Based on the resume and relevant work
4 experience you have provided, Mark
5 Bastasch, PE, INCE, Board Certified, with
6 Jacobs, appears qualified to conduct the
7 initial modeling and analysis of the noise
8 impact to nearby properties and to provide
9 the County with a report showing the
10 results of said analysis and compliance
11 with IPCB regulatory limits for the
12 Providence Heights Wind, LLC, Retrofit
13 Project as required in Section 3.41-4s14
14 of the Bureau County Zoning Ordinance.

15 Sincerely,

16 Kristine Donarski."

17 (ZO GEN Exhibit L marked for
18 identification.)

19 MS. DONARSKI: ZO GEN L. Again, this is a
20 letter to Jessica Setter to Providence Heights
21 Wind from myself, resume of third-party
22 qualified professional.

23 "Based on the resume and relevant
24 work experience you have provided, Ted W.

1 Guertin, Senior Air Quality Meteorologist
2 with Tetra Tech, appears qualified to
3 conduct the initial shadow flicker
4 modeling and analysis and to provide the
5 County with a report showing the results
6 of said analysis for the Providence
7 Heights Wind, LLC, Retrofit Project as
8 required in Section 3.41-4s15) of the
9 Bureau County Zoning Ordinance.

10 Sincerely,

11 Kristine Donarski."

12 (ZO GEN Exhibit M marked for
13 identification.)

14 MS. DONARSKI: Then I have ZO GEN M. This
15 is a letter again that I sent to Jessica Setter
16 from Providence Heights Wind.

17 "Jessica,

18 Based on the resume and relevant work
19 experience you have provided, Lucinda
20 Hutter Cavell with Capitol Airspace Group,
21 LLC, appears qualified to conduct the
22 baseline reading and analysis of
23 television reception conditions and to
24 provide the County with a report showing

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815.453.2260

In Totidem Verbis, LLC (ITV)

1 the results of said analysis for
2 television stations that are received
3 within one and a half miles of the
4 footprint of the Providence Heights Wind,
5 LLC, Retrofit Project as required in
6 Section 3.41-4s16) of the Bureau County
7 Zoning Ordinance.

8 Lucinda also appears to be qualified
9 to conduct a communications analysis that
10 indicates that the E-911 communications,
11 emergency communications or official
12 County communications reception shall not
13 be negatively impacted or influenced by
14 the proposed Retrofit Project.

15 Sincerely,

16 Kristine Donarski."

17 (ZO GEN Exhibit N marked for
18 identification.)

19 MS. DONARSKI: The next correspondence I
20 have, which is ZO GEN N, this is addressed to
21 the Board of Appeals, in regards to Evans
22 Engineering Solutions.

23 "With regards to the Providence
24 Heights Wind, LLC, Retrofit Project and

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815.453.2260

In Totidem Verbis, LLC (ITV)

1 potential impact to E-911 Communications,
2 I have some concerns.

3 There are many high and low points in
4 Bureau County that 911 does have issues
5 with the Sheriff's Office deputies and
6 some of the volunteer fire departments,
7 with loss of communications at
8 intermittent times.

9 Because of the concern that we could
10 have a further breakdown of E911
11 communications, we reached out to Chris
12 Kindlespire of Grundy County.
13 Mr. Kindlespire is the APCO (Association
14 of Public Communication Officials)
15 Northern Region Frequency advisor and
16 someone who is extremely versed in radio,
17 tower and frequency information and
18 issues.

19 While Mr. Kindlespire could not state
20 that he had ever heard whether or not
21 there could be an impact from the
22 turbines, he did recommend that we ask the
23 ZBA to instill a conditional clause in the
24 Providence Heights Wind, LLC, retrofit

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1 contract that there should be a benchmark
2 of the area set prior to the repowering of
3 the wind farm. He suggested that we ask
4 for a baseline reading to be performed
5 before the construction begins and again
6 after the construction is completed, in
7 mutually-agreed upon points in the area,
8 and if there is a degradation of signal
9 causing communication issues, that
10 Providence Heights Wind, LLC, would be
11 responsible for bringing those
12 communications back to the point they were
13 at before construction, at their cost.

14 As the Bureau County 911 Director and
15 the ETSB representative, I believe this
16 would be a matter of public safety and
17 would ask that the ZBA make this
18 conditional clause a part of the agreement
19 with Providence Heights Wind, LLC,
20 Conditional Use Permits to protect the
21 safety of the citizens of Bureau County
22 and the public safety responders.

23 Sincerely,

24 Sara Short, Director of BuEComm."

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1 (ZO GEN Exhibit O marked for
2 identification.)

3 MS. DONARSKI: My next exhibit is a letter
4 of support for the project from participating
5 property owners, Merle Sears and Loretta Sears.
6 This is ZO GEN O.

7 "To Whom it May Concern,

8 We would like to express the impact
9 that having two wind turbines on our
10 property has had on our farm business.
11 Besides being a good fit with farming, as
12 turbines can be located rurally, the
13 financial benefits are crucial some years
14 to help our small family farm to continue
15 to thrive. During years when grain prices
16 fall and cost to plant and harvest a crop
17 remains high, having a lease payment
18 income has helped our farm continue to
19 operate on a level that brings us peace of
20 mind.

21 We also appreciate the benefits that
22 the real estate taxes bring to our local
23 community and to our county.

24 We welcome the opportunity for the

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1 retrofit of the turbines on our property.
2 We feel that Avangrid has served us well
3 in the first phase of the project and will
4 continue to, as well, in the retrofit of
5 the project.

6 Thank you,

7 Merle Sears and Loretta Sears."

8 (ZO GEN Exhibit P marked for
9 identification.)

10 MS. DONARSKI: The next correspondence I
11 received is ZO GEN P. Again, this is a letter
12 of support for the project from participating
13 property owner Farrell Lord to the Bureau County
14 Board of Appeals.

15 "For the Board,

16 Recently I learned that the
17 Providence Heights Wind Farm is in the
18 process of obtaining permits to retrofit
19 the project. This somewhat surprised me,
20 as I assumed when permits were issued
21 almost 20 years ago, retrofitting would
22 naturally be permitted for the 40-year
23 duration of the contract.

24 In 2005, I was appointed chairman of

1 the landowner's committee. I had recently
2 retired and moved from Pennsylvania back
3 to my Milo Township home roots. Quite
4 frankly, I and other landowners had deep
5 misgivings of wind farms after researching
6 what limited amount of information was
7 available at that time. The committee
8 spent many, many hours with our attorney
9 developing the contractual agreement. We
10 eventually reached an agreement, then
11 waited and watched. I can only say the
12 committee and landowners were hoping what
13 had been committed by the developer was,
14 in fact, going to happen.

15 Construction began. I spent a great
16 deal of time at multiple tower locations.
17 The experience working with developer was
18 interesting, enlightening and positive.
19 Each time an issue arose, it was discussed
20 in a very positive manner and resolved.
21 That has proved to be true up to present
22 day.

23 Most positive have been the results
24 of benefits to all involved. Township

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1 roads are outstanding (I am Township
2 Supervisor of a Township that does not
3 have wind tower revenue), the towers have
4 not been a hindrance in any manner and are
5 very compatible with farming operations.
6 Landowners have been well compensated on
7 time. Perhaps best of all are the
8 financial benefits for small, rural school
9 districts that typically have very limited
10 resources.

11 Overall, the Providence Heights Wind
12 farm has been a blessing with few
13 negatives for the community and citizens.

14 I urge you to move forward in
15 permitting Providence Heights Wind farm.

16 Thank you,

17 Farrell Lord, 294 Santa Fe Trail,
18 Metamora, Illinois."

19 (ZO GEN Exhibit Q marked for
20 identification.)

21 MS. DONARSKI: And last but not least, ZO
22 GEN Q. This is a letter of support from
23 participating property owner and employee Scott
24 Jensen.

1 "To Whom it May Concern,
2 My name is Scott Jensen. I am the
3 plant manager for Crescent Ridge and Lone
4 Tree Wind for Leeward Renewable Energy and
5 have been in the wind industry since 2004.
6 I am also a participating landowner in
7 Avangrid's Providence Heights wind farm.

8 Avangrid has been very good to
9 communicate with, work with, and I am
10 looking forward to working with them in
11 the future. This repower project Avangrid
12 is doing is upgrading the turbines for
13 more efficiency and better technology.

14 I believe Avangrid Providence Heights
15 Wind Farm is a good thing for Bureau
16 County because it supplies local good
17 paying jobs and pays a lot of property
18 taxes.

19 Thank you,
20 Scott Jensen."

21 And those are all my exhibits.

22 Q. (By Judge Slavin:) All right. In conjunction
23 with this ongoing hearing, down the table from
24 you is our wonderful court reporter. When she

1 prepares a transcript of these proceedings,
2 what, as zoning officer, do you do with that
3 transcript?

4 A. When I receive the transcript, I save it on my
5 computer and then I post it online on our
6 website for our department.

7 Q. Okay. If you know, is there any person or
8 group of people who are legally entitled to act
9 on behalf of the property owners within the
10 rural platted sub -- community of Providence in
11 Bureau County?

12 A. I don't know of any.

13 Q. Let's call your attention back to a couple
14 exhibits real quick, 19 and 20. Both have to do
15 with a notice of property owners, one of
16 Conditional Use and one of Variations -- of the
17 request for Conditional Use and Variation.

18 Were those -- both those sets of notices
19 sent to all residences within the proposed
20 footprint of the development and within a
21 quarter mile of the boundary -- the outside
22 boundary of that footprint?

23 A. Yes.

24 Q. You said, on ZO GEN 1, it was a list or -- a

1 copy of notices -- that were sent notices. Is
2 that both sets of notices, both of the
3 Conditional Use and Variance?

4 A. Yes. They were all sent together in one
5 envelope.

6 JUDGE SLAVIN: Okay. Thank you. That's
7 all my questions.

8 How about members of the ZBA?
9 Mr. Welbers?

10 MR. WELBERS: No questions.

11 JUDGE SLAVIN: Mr. Quest?

12 MR. QUEST: I have none.

13 JUDGE SLAVIN: Mr. Jensen?

14 MR. JENSEN: No questions.

15 JUDGE SLAVIN: Mrs. Smith?

16 MS. SMITH: I have none.

17 JUDGE SLAVIN: Mr. Stutzke?

18 MR. STUTZKE: I have none.

19 JUDGE SLAVIN: How about you, Mr. Massie?

20 MR. MASSIE: We have none.

21 JUDGE SLAVIN: Any Interested Parties,
22 questions of Ms. Donarski? Raise your hand. I
23 can't guess unless you show me you have a
24 question.

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(No verbal response.)

JUDGE SLAVIN: All right. You may step down. Thank you.

MS. DONARSKI: Thank you.

JUDGE SLAVIN: Ms. Donarski, do you have any witnesses other than yourself you wish to call?

MS. DONARSKI: I do not.

JUDGE SLAVIN: Okay. And you're providing some expert help to help people carry these boxes to their car?

MS. DONARSKI: Yes.

JUDGE SLAVIN: All right. We have gone through the Petitioner's evidence, we have gone through the Interested Parties' evidence, we have gone through the Zoning Officer's evidence, and that concludes the evidence.

Next step would be any closing remarks/ public comments. Let's take a break before we do that, if you don't mind. Let's say ten minutes and -- let's say 7 o'clock.

(A recess was taken at 6:48 p.m.
and proceedings resumed at
7:00 p.m.)

1 JUDGE SLAVIN: Well, let's come back to
2 order.

3 We have now reached the stage where we can
4 hear closing arguments, public comments, call it
5 what you may.

6 And as the Petitioner has the burden of
7 proof, you may go first, Mr. Massie. I think
8 there was something else, some housekeeping
9 matter, you wanted to take care of too, as well.

10 MR. MASSIE: There is, Your Honor.

11 Mr. Chair, members of the ZBA, my name is
12 Mike Massie. I am the senior member of the
13 Massie Firm. You heard from son, Chris,
14 earlier.

15 Before we get started, I would like to
16 supplement the record with the material that you
17 have here. What this basically is, is the same
18 material, the reports that you had a chance to
19 review and you heard testimony on, but it has
20 the addition of some sales, things of that sort
21 as well.

22 So you'll see in there some directions
23 where you can just replace what you had before
24 and put these in place. We'd be glad to help

1 with that.

2 So we would offer what has been marked as
3 Petitioner's Exhibit A, Your Honor, and would
4 ask it be admitted.

5 JUDGE SLAVIN: All right. You said
6 supplement the record. Really you filed an
7 application, it was a three-ring binder with
8 hundreds of pages. So this merely is a
9 supplement and substitution of what you already
10 filed; is that correct?

11 MR. MASSIE: That is correct.

12 JUDGE SLAVIN: Okay.

13 MR. MASSIE: Thank you.

14 JUDGE SLAVIN: Done.

15 And for folks who -- I have one.

16 MR. MASSIE: You have an exhibit. Thank
17 you.

18 JUDGE SLAVIN: For folks who have their
19 own binder, whether Interested Parties or ZBA
20 members, if you want this updated application
21 material, please just ask Ms. Donarski and she
22 will make sure that you receive it.

23 All right. You may pontificate.

24 MR. MASSIE: Again, my name is Mike

1 Massie. I am kind of the senior member of the
2 law firm. Our office is in Galva, Illinois.

3 Normally the same Counsel that gave your
4 opening argument would be -- or opening
5 statement would be providing the closing
6 argument. I want you all to be aware that son,
7 Chris, who made the opening, provided for us our
8 12th grandchild last Thursday and returned to
9 his home -- to their home yesterday as well. I
10 want you all to be aware, as well, that the
11 baby, the mother, the father and the grandfather
12 are all doing well. So that's where we are.

13 In the opening that Chris gave, we hoped
14 that we would provide to you both an efficient
15 and thorough input in terms of the Zoning Board
16 of Appeals hearing. We believe that's happened.
17 It's been efficient, it's been thorough, and we
18 believe that what you will find from the facts
19 is that the proof of the pudding here is that
20 the action taken by the County Board in 2008 to
21 grant Conditional Use Permits was correctly
22 done, was the right job, and that with the
23 evidence that's before you, granting additional
24 Conditional Use Permits now in 2024, it merits

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1 those recommendations as well.

2 In terms of the efficient aspect of this,
3 what we would say to you is that I -- in the
4 context of all of these things, I have had the
5 honor and privilege of working for Avangrid for
6 a number of years, including on parts of this
7 project when it began back in 2008.

8 We, like you, have gone through some long,
9 contentious hearings, adversarial hearings
10 during this process that took many, many days.
11 The difference in terms of -- those were all new
12 projects. The difference in that is that's a
13 retrofit. So what you have before you, and the
14 reason we can be much more efficient, is that
15 the site, the locations, basically most of the
16 infrastructure and the turbines, which you
17 already have addressed and looked at with
18 previous projects you found to be appropriate,
19 all of those are in place, which helps minimize
20 the need to go through a lot of that detail. So
21 we think it's very efficient.

22 We would also like you to know though that
23 a lot of the efficiency is due to the efforts
24 and working with both your Zoning Officer and

1 with your Hearing Officer. They have been open
2 in communication in terms of making sure that we
3 were getting all of that to be in there. And
4 because of that assistance and they're very
5 transparent, the willingness to communicate and
6 accessibility, we think we have made this much
7 -- we have helped make this much more efficient.

8 So some of that credit of that efficiency
9 goes to the staff that you have here. But in
10 addition to being efficient, we need to be very
11 thorough. For the record -- and that is the
12 most important thing. For the record, we
13 believe that the written application, the oral
14 testimony that you have heard, and the other
15 evidence that's been presented, including the
16 evidence that Kris Donarski just went through
17 with those letters of recommendation, among many
18 other things, do help establish that, in fact,
19 all of the requirements for compliance in your
20 Zoning Ordinance and the State of Illinois have
21 been provided to you in this process.

22 Avangrid has fine staff and consults
23 through qualified professionals that provides
24 you, for your consideration, the application and

1 testimony that should allow you to make, through
2 your findings of fact and recommendations, lead
3 into, we believe, a favorable report to the
4 County Board.

5 Again though, the thoroughness of the
6 staff and Hearing Officer have been a key
7 element of that as well. Your staff and the
8 Zoning Officer have, in fact -- the Zoning
9 Officer and Hearing Commissioner -- Hearing
10 Officer, have, in fact, made sure that we were
11 dotting our I's and crossing our T's.

12 It's clear to us that -- not necessarily
13 the case in other locations where we have been
14 -- that both Ms. Donarski and Judge Slavin have
15 looked at this record in great detail and have
16 studied it and have made sure again that we have
17 provided to you, in the process of this
18 application, all the things that need to be
19 done.

20 Finally, I think, again, in terms of, just
21 kind of in conclusion, we just want to make it
22 very quick, the proof is in the pudding I think.
23 What you have heard is, again, that that action
24 by the County Board in 2008 approving this

1 Conditional Use Permit has led to a project that
2 has both been operated well and supported by the
3 community.

4 You have heard from the community that's
5 within the footprint, in fact, the landowners
6 and others, of the benefits and the operational
7 dynamics and the process going forward. I think
8 that gives you then -- and it's always
9 interesting to me, in terms of going through
10 these processes and projects when we talk about
11 compliance, we're talking about future actions.

12 But you have the benefit in this case of
13 not only the benefit of the compliance, things
14 that are here, but also what has happened in the
15 past. You have heard from landowners that
16 Avangrid and the team here has been good to work
17 with. It doesn't mean there haven't been
18 challenges, but in fact it has been a good
19 process and one that you continue.

20 And you also asked questions about what
21 impact, if any, did it have for those within
22 that footprint, the landowners, things of that
23 sort. Those are the right questions. So what
24 you have the benefit here, we believe, is not

1 only, again, the past conduct, the proof of the
2 pudding, as well as a very thorough kind of
3 process and application that includes all the
4 things that the Zoning Ordinance requires and
5 that the State of Illinois Act does as well.

6 So with that conclusion and with that kind
7 of premise, we would ask that you would -- we
8 hope that you'll look favorably upon our
9 application. We appreciate the time you have
10 spent. You have a lot of material there. It
11 also maybe helps with weightlifting.

12 So again, thank you for your time and
13 consideration.

14 JUDGE SLAVIN: Thank you, Mr. Massie.

15 Interested Parties, anybody have a -- come
16 on up.

17 Why don't you help us with starting with
18 your name and -- you don't have to give your
19 address, but where you live in proximity to the
20 proposed Retrofit Project.

21 MS. STETSON: I'm Connie Stetson. I live
22 approximately five to six miles away from this.

23 My concern is the oil on these turbines.
24 You know, the guy, I don't remember his name,

1 said there was no significant amount, but there
2 was no facts to back that up. He had no facts
3 to show that there was no soil damage. There
4 was no facts showing that at all.

5 And I believe that -- I'm not saying all
6 these turbines, because they're not all that
7 bad, but there are some that look like -- and
8 you have pictures that looks like the oil has
9 been spewing out for quite a while. And he did
10 say six years, approximately six years.

11 So I'm just saying that I do believe some
12 of these turbines need to have some soil
13 checked. Because I believe it's supposed to be
14 for the good of the environment, and if you have
15 bad soil, that's not good for the environment.

16 That's all I have.

17 JUDGE SLAVIN: Thank you.

18 Any other Interested Parties? Raise your
19 hand or forever hold your peace.

20 All right. Seeing no hands, the last bit
21 of business I have is that I am about to admit
22 Petitioner's Exhibits 1 through 8 -- 1 through
23 7, plus A; Zoning Officer Exhibits 1 through 29,
24 with the exception of 14, which is a duplicate.

1 I'm just not going to add another few pages; and
2 an Interested Party's exhibit that I think I
3 already admitted, but I will say Interested
4 Parties Exhibit Number 1.

5 That having been said, now unfortunately
6 we have to go back to the drawing board and
7 schedule. This is a tortuous process. This is
8 probably -- I'm not whining, but it's the worst
9 time of the year to try to organize this because
10 of the holidays. We all think of Thanksgiving
11 and Christmas as one holiday. Well, it's not.
12 There's all sorts of things happening, going on,
13 times you shouldn't expect people to come to
14 find facts and make recommendations.

15 In addition to which, the County Board
16 Committee and -- the County Board meetings and
17 committee meetings sort of get skewed a little
18 bit because of the holidays. And the last layer
19 is that State statute which requires that the
20 last session at which findings of fact and
21 recommendations are made has to occur within
22 30 days of the County Board meeting at which
23 they're presented. Not more than 30 days;
24 within 30 days. Which means each -- and

1 Ms. Donarski has to get to it our County Board
2 Committee, which usually meets a week ahead of
3 the County Board meeting. So each month gets
4 squeezed into a couple weeks, layered on top of
5 the things I have already explained.

6 I think that the -- from the sketch I
7 have, I think findings of fact and
8 recommendations will take two evenings. On top
9 of the other scheduling things, I need about a
10 week to prepare motions for the ZBA to consider,
11 and then I need time to prepare the final report
12 to get it for signatures.

13 So I have six possible dates, and here we
14 go.

15 (A discussion was held off
16 the record, where scheduling was
17 discussed.)

18 JUDGE SLAVIN: This is what I would like
19 to do, I would like to pick one of the December
20 dates, and I think maybe we ought to go with, I
21 guess, the first one, December 16th. And then
22 we're going to hop to January. Now, the reason
23 I asked for six is because this is also the time
24 of year weather can be a factor. We can get a

1 snowstorm and block out some days.

2 Let's, for now, say that I will recess
3 this until Monday, December 16th, at 6 o'clock,
4 here at the Moose Lodge, and we will go from
5 there. 6 o'clock here, Moose Lodge.

6 Everybody have a wonderful Thanksgiving
7 time with your family. See you on December
8 16th.

9 (The hearing was recessed at
10 7:17 p.m.)

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1 Now on this 13th day of November, A.D., 2024, I
2 do signify that the foregoing testimony was given
3 before the Bureau County Zoning Board of Appeals.
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8 Barry Welbers, Chairman
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12 Kristine Donarski,
13 Zoning Administrator
14

15
16 -----
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