

STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

GOOSE CREEK WIND, LLC
APPLICATION FOR A SPECIAL USE PERMIT

12/14/2022
6:06 P.M. - 9:14 P.M.

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Jim Harrington
Kyle Lovin

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1 MR. WAX: Call the meeting to order,
2 please.

3 First order of business would be I would
4 ask you to join me in the Pledge of Allegiance to
5 the Flag.

6 (PLEDGE OF ALLEGIANCE.)

7 MR. WAX: Could we have a rollcall,
8 please?

9 MS. NUSBAUM: Mr. Larson?
10 Mr. Harrington?

11 MR. HARRINGTON: Here.

12 MS. NUSBAUM: Mr. Lovin?

13 MR. LOVIN: Here.

14 MS. NUSBAUM: Mr. Wax?

15 MR. WAX: Here.

16 MS. NUSBAUM: Mr. Chambers?

17 MR. CHAMBERS: Here.

18 MS. NUSBAUM: Mr. Foran?

19 MR. FORAN: Here.

20 MR. KAINS: Thank you. Call the roll for
21 the county board, please.

22 MS. NUSBAUM: Mr. Henricks?

23 MR. HENRICKS: Here.

24 MS. NUSBAUM: Mr. Edwards?

1 MR. EDWARDS: Here.

2 MS. NUSBAUM: Ms. Jones?

3 Mr. Beem?

4 MR. BEEM: Present.

5 MS. NUSBAUM: Ms. Piatt?

6 Mr. Shumard?

7 Thank you.

8 MR. KAINS: Okay. Good evening, ladies
9 and gentlemen.

10 When last we met, the general public in
11 support of the special use permit application
12 testified, and we are now ready for the opposition,
13 those in opposition to testify. Initially,
14 Mr. Luetkehans will present his case. And once he
15 has presented witnesses and they have been cross
16 examined, then there will be an opportunity, perhaps
17 tonight, perhaps tomorrow night, definitely next
18 Monday night for individuals in opposition to the
19 special use permit application to testify.

20 With that said, Mr. Gershon, do you have
21 any preliminary matters before we begin?

22 MR. GERSHON: No. Thank you very much.

23 MR. KAINS: Good. Thank you.

24 Mr. Luetkehans, anything preliminarily?

1 MR. LUETKEHANS: No, sir. Thank you.

2 MR. KAINS: Mr. Luetkehans, you may call
3 your first witness.

4 MR. LUETKEHANS: We would call Kurt
5 Kielisch, K-i-e-l-i-s-c-h, who I think is available
6 remotely, and you can see on the screen. Sorry for
7 some of you having to turn around to look at him,
8 but it's the best place we could find.

9 Mr. Kielisch, could you please state your
10 full name and spell it for the record?

11 We can't hear you. One second.

12 MR. KAINS: Mr. Kielisch, good evening
13 could you please raise your right hand and be sworn
14 by the court reporter?

15 **KURT KIELISCH,**
16 a witness herein, called by the opponents, after having
17 been first duly sworn, was examined and testified as
18 follows:

19 MR. KAINS: Very good. Mr. Luetkehans,
20 you may examine your witness.

21 DIRECT EXAMINATION

22 BY MR. LUETKEHANS:

23 Q. Mr. Kielisch, could you please state your
24 name and spell your last name for the record?

1 **A. Yes. My name is Kurt -- K-u-r-t --**
2 **Carl -- C-a-r-l -- Kielisch -- K-i-e-l-i-s-c-h.**

3 Q. What is your profession?

4 **A. My profession is appraiser, and I**
5 **specialize in what is called forensic appraisals,**
6 **forensic appraisal being appraisal work that has a**
7 **potential of litigation. Not always does it fall**
8 **into that, but it has that potential. So, I do not**
9 **do mortgage work or work for banks or things of that**
10 **sort.**

11 Q. Have you done impact analysis regarding
12 wind farms in the past?

13 **A. Could you repeat that?**

14 Q. Yeah. Have you prepared impact analyses
15 regarding wind farms previous to this case?

16 **A. Yes, I have.**

17 Q. Do you know how many times approximately?

18 **A. Oh, probably about at least a dozen. A**
19 **dozen to -- yeah, 12 to 20 times.**

20 Q. And in what states?

21 **A. In what?**

22 Q. What states?

23 **A. Oh, sorry. That would be states of**
24 **Wisconsin, Michigan, Illinois, Oregon, Texas, Iowa**

1 **and Indiana.**

2 Q. Okay. Could you give us a quick summary
3 of your education and work background?

4 A. Sure. I have three college degrees, two
5 bachelor's, one master's, the professional student
6 who I didn't know where he wanted to go.

7 I have been in the business for over
8 38 years, inter-estate appraisal.

9 I have accumulated, because of the work I
10 do, I have a number of licensings at different
11 times. I have been licensed in well over about 14
12 or 15 states already to do appraisal work there.

13 I am a certified general appraiser for the
14 state of Wisconsin and, also, currently the state of
15 Tennessee.

16 I am an ASA Senior designated with the
17 American Society of Appraisers.

18 I am also an RW -- what is that? RW or an
19 SRWA, which is a senior right-of-way designation
20 with the International Right-of-Way Association, and
21 also I am a right-of-way certified appraiser called
22 RWAC with that same organization.

23 I have given -- I am also a teacher. I
24 have taught appraisals for several years. I have

1 **been on a bit of a hiatus in the last couple of**
2 **years, but I speak also at public events as well as**
3 **seminars, some of them being the National Eminent**
4 **Domain Conference that's put on for eminent domain**
5 **attorneys, and several times I have been a guest**
6 **lecturer at that as well as the International**
7 **Right-of-Way Association.**

8 MR. KAINS: Mr. Gershon, do you have any
9 objection to this witness testifying as an expert?

10 MR. GERSHON: As an expert on appraisal,
11 no.

12 MR. KAINS: Very good. You may proceed.

13 BY MR. LUETKEHANS:

14 Q. Mr. Kielisch, did you do an impact
15 analysis as it relates to Piatt County?

16 A. Okay. Yes, I did. You know what? I
17 **think I am going to put my headphones on here. I'm**
18 **getting a little reverb, and maybe that will clear**
19 **it up a little for me.**

20 MR. KAINS: It's kind of hard to hear.

21 (KATHLEEN PIATT JOINED HEARING.)

22 BY MR. LUETKEHANS:

23 Q. Go ahead.

24 A. Why don't you try that question again?

1 Q. Did you do an impact analysis of the Goose
2 Creek Wind Farm as it related to Piatt County?

3 **A. Yes, I did.**

4 Q. Okay. We have submitted to the board
5 Objectors' Exhibit 2 for the record. That is your
6 impact analysis. I am starting on page 177 of that
7 report. Does that start with your curriculum vitae?

8 **A. Yes, it is.**

9 Q. Okay. Could you -- there is no PowerPoint
10 and, obviously, they are not seeing on the screen
11 what you are looking at, but could you provide us a
12 summary of your report and your analysis as it
13 relates to Objectors' Exhibit 2?

14 And if you are referring to a page,
15 specific page number, if you could say that so the
16 board can review it and be looking along with you?

17 **A. Sure. I would be happy to.**

18 **My conclusion with the look at the Goose**
19 **Creek wind project and the research that I have**
20 **applied to it is that my conclusion is that there is**
21 **a definite immeasurable loss of value to residential**
22 **property value within a proximity to the wind**
23 **turbines and this proximity would be defined as**
24 **being within a one-mile footprint of the wind**

1 turbines and that there is an agricultural loss as
2 well and within the same footprint.

3 On page 10, I made my summary of my
4 report, and that is:

5 Properties within the wind farm footprint
6 itself would be 35 percent diminution. This is
7 residential properties.

8 Properties one mile outside of the wind
9 farm footprint would be a 22 percent diminution.

10 Agricultural properties that are within
11 the wind farm footprint would be an 8.5 percent
12 diminution.

13 I also was instructed to review
14 Mr. MaRous's PowerPoint presentation and develop an
15 opinion to that PowerPoint presentation, and my
16 conclusions on that were that his match pairs that
17 he utilized, he had three match pairs that he
18 presented in the PowerPoint. All three had
19 inaccurate data and that they were not useful to
20 come up with an analysis on an impact.

21 The other problem with that is that his
22 match pair was comparing dollars per square foot
23 analysis, taking the wholesale price dividing it by
24 the square foot of the residence, and that is not

1 the way that you do a match pair. That is not the
2 way that you compare properties to each other. You
3 have to adjust for those things which are different,
4 and then the concluding values would indicate if
5 there is an impact.

6 And then, lastly, is studies that he
7 cited. Two of those studies he cited. I cited in
8 my report, and I critiqued it in my report as well.
9 His other three studies I believe he cited had both
10 a picture of sales analysis and sometimes assessment
11 analysis, but they are all urban oriented, which is
12 not what this Goose Creek wind farm is. It's not an
13 urban setting. It is a rural setting. So, I felt
14 that those studies that were submitted were also not
15 very useful, useful nominally at best, to come up
16 with an opinion of whether there is an impact to the
17 residences due to a presence of a wind turbine.

18 Q. Let's go back to your original -- your
19 conclusion. What did you rely upon and how did you
20 come to your conclusion as to the diminution of
21 value?

22 A. Sure. What I relied upon was a
23 three-point test, and the first was a literature
24 review. I do my literature review differently than

1 some other appraisers would. What I do for a
2 literature review is I review what the buying public
3 is looking at and comments that are being made in
4 publications that a buying public and an informed
5 buyer would have access to and with the belief that
6 perception equals value, and we develop our
7 perception by what we view, what we hear, what we
8 read. So, I did a literature review on that.

9 I also did a review of the what's called a
10 quantitative analysis. Quantitative is what
11 Mr. MaRous did in the match pair analysis. That is
12 a quantitative analysis. So, we did a number of
13 quantitative analyses, both ones that we completed
14 ourselves and ones that were also completed and
15 published, and then looked to see how they would
16 measure up to the Goose Creek Wind Farm.

17 Q. And you said it was a three-part test?

18 A. Okay. Yeah. So, we did what is called a
19 qualitative analysis, and that would be the
20 literature study and looking at other studies that
21 dealt with the literature.

22 And then a qualitative analysis, and that
23 dealt with the actual comparison of values of a
24 property sold that could be impacted by a wind

1 turbine versus as property that would not.

2 Q. You want to go into detail starting with
3 your literature review?

4 A. Sure. Well, I have quite extensive
5 literature. So, what I would like to do is just
6 highlight a few points on page 12 of the report.

7 The first thing I would like to
8 highlight -- and this theme comes through in the
9 literature study as well, and that is perception
10 equals value in real estate. So, it's what a buyer
11 perceives the value of the real estate. The
12 perception is developed on how they can use the
13 property, how much enjoyment they are going to get
14 on the property. If you are an investor for which
15 you receive your income or cash flow could be on the
16 property or possibly what your resale value would
17 be, if you are a buyer to flip a property.

18 So, that perception, how do we get the
19 perception?

20 As an appraiser, I am very interested in
21 how does a buyer get this perception. They are not
22 scientific. They are not engineering about it such
23 as in the high-income property where you would
24 actually hire an engineer to look at various

1 components of the structure and things of that sort.

2 A particular buyer of residential property
3 is less sophisticated than that. So, what they do
4 is they develop a perception to educate themselves,
5 and this comes from what you hear, what you read and
6 what you view. For instance, maybe in a podcast or
7 a film clip or something like this, what you view
8 out in the market itself, when you are looking for a
9 property as well as what you read about it in the
10 potential impact.

11 So, overall, the first point I would like
12 to make is that the overall perception of a wind
13 turbine within proximity to a residence is not a
14 positive. It's not an enhancement to value. At
15 best, it's neutral; but very typically it's negative
16 to value. It's considered a negative point in the
17 viewshed.

18 One thing I can point out is that, for
19 instance, in MLS listings, MLS listings always try
20 to list and show in pictures the best of the
21 residence. I have yet to find an MLS listing that
22 says view of wind turbine. Okay? So you already
23 know the realtors know that is not going to be a big
24 selling point.

1 Now, there are many issues that potential
2 buyers are looking at and learning about health
3 issues. I believe you would have an expert dealing
4 with health and noise issues, so I won't belabor
5 those points.

6 But a lot of that comes up in the
7 literature concerns about the health, the noise is
8 mainly is a factor. There is a flicker factor that
9 some people very much can be impacted negatively
10 with.

11 Flickering, if you are on -- for instance,
12 let's say your home is facing a wind turbine to the
13 west, and as the sun sets it will flicker in the bay
14 window of your living room, for instance, and give
15 that type of pattern.

16 These things have been brought up under
17 health issues and health solutions to that. That is
18 a big part of the discussion.

19 There is a small discussion on wind
20 turbine hazards themselves and conservation
21 concerns. These conservation concerns are really
22 looking at the conservation of wildlife,
23 particularly bats and birds.

24 There is also the area of safety factors.

1 Probably one of the biggest issues there is what can
2 happen to a turbine where there is a thing called
3 "throw ice" on it, which, obviously, a blade that
4 spins and gets iced up can throw ice. I know that
5 the wind turbine companies try to avoid all of this,
6 and they try to do it with engineering and other
7 factors, but the fact is it still does exist.

8 There is also the fact that wind turbines
9 can catch on fire, either by lightening or by
10 functional malfunction. That is true. I have
11 witnessed that myself in Illinois.

12 But the biggest issue that comes up in the
13 literature research deals with property concerns.
14 There is a lot of conversation over whether or not a
15 wind turbine can impact a property value.

16 Again, as a summary of that, there's a lot
17 of citations on different committees, such as what
18 we are dealing with here today, committees and
19 hearings and citations of experts as well as
20 committee members themselves, some in Illinois, some
21 in Wisconsin, some in Michigan, who have taken it
22 upon themselves to do their own research.

23 Generally, they have found that there is a
24 negative impact to property value due to the

1 presence of a wind turbine.

2 As a matter of fact, one of the
3 conclusions of the Michigan board was that it was
4 their conclusion it would be counterintuitive to
5 believe that a wind turbine would have a positive or
6 a neutral effect on a residence in close proximity.
7 It just won't make sense and be logical.

8 So, my literature study goes through and
9 makes a lot of citations that a potential buyer
10 would be finding when they would be looking to just
11 gain, if you will, a good background if they are
12 looking at purchasing a property that is going to be
13 in the proximity of a wind turbine.

14 In summary, my summary is found on
15 page 39. My summary is that the media generally,
16 generally portrays the impact of wind turbines on
17 residential property as negative.

18 There are some citations where there are
19 some conclusions of neutral. There is a citation
20 two are positive, but generally that is considered
21 negative.

22 I conclude with the town of Centerville
23 Township, and that is Michigan officials saying that
24 it is totally counterintuitive to suggest anything

1 else.

2 I reviewed the impact study. So, that is
3 a qualitative analysis. Now, keep in mind, you
4 know, appraisal qualitative analysis is really
5 designed to kind of give the appraiser a tool in his
6 tool belt, but it's really, really a yes/no tool.
7 Okay? It's not a quantitative tool. It's more to
8 answer yes, no, maybe, okay? And that conclusion,
9 my conclusion is, yes, it does have a negative
10 impact.

11 But to get to the how much answer, that is
12 where quantitative studies come in. On page 41, I
13 list one, two, three, four, five, six, seven, eight,
14 nine. I list nine quantitative studies. Actually,
15 there are eight quantitative opinions, so you call
16 that a qualitative -- a qualitative study.

17 So, I have eight quantitative ones. The
18 first is one that is cited often. As a matter of
19 fact, this is the first one or the second one that
20 Mr. MaRous cited, and that was what is commonly
21 known as the Berkeley National Laboratory Report.

22 Their report was entitled The Impact of
23 Wind Power Projects and Residential Property Values
24 in the United States. I am very intimately aware of

1 this study. As a matter of fact, Ben Hoen, who is
2 the author of this study, he had interviewed me when
3 he was doing this study. That is how I got to know
4 Ben, and I have since had some contacts with him off
5 and on. Particularly about this study, I believe I
6 had at least three, if not possibly a few more phone
7 conferences with him about this study in itself and
8 clarifying things for myself and just trying to
9 understand really what they did.

10 But the big point of this study -- now,
11 this study was originally done in 2009 and then it
12 was updated a little later, a few years after that,
13 in 2013. One of the reasons it was updated is there
14 was a critique on the study that there were no real
15 estate valuation experts as part of the study, and
16 Ben physically admitted that. He himself is a
17 statistician. All the other people on that were
18 involved in this study, whether they are doctors or
19 what have you, their expertise was not in real
20 estate valuation, nor did they any have practical
21 experience or any licensing thereof.

22 So, due to that critique, they went back,
23 and they hired at least one, if not I think two,
24 certified general appraisers, one of them being

1 Mr. Thomas Jackson, and Thomas Jackson is based in
2 Texas. He's no longer practicing as an appraiser,
3 but he had published a number of studies himself.
4 He is a recognized appraiser in the state of Texas,
5 and he's a recognized expert. He typically is an
6 expert for the large corporations. So, that is
7 where I met Tom.

8 Mr. Jackson is that -- he and I were on
9 opposite sides in a number of cases in Wisconsin,
10 but Mr. Jackson, later on, joined the study and put
11 his rubber stamp on it that he believed it was a
12 valid and good study.

13 The major critique of this study is the
14 selection of comparable sales, and I don't want to
15 get way down in the weeds. Maybe in cross
16 examination those questions will come up and I'll
17 deal with those.

18 But the real problem is that they had few,
19 if any, properties that were in close proximity to a
20 wind turbine, and for the most part they were
21 comparing a rural property, which would make sense
22 because wind turbines and wind farms are typically
23 in rural properties, and they are comparing those to
24 urban properties sometimes up to 20 miles away, 9 to

1 20 miles away. That is a real problem. If I'm
2 giving an assignment to look for a comparable of a
3 rural agricultural residence, I do not go to the
4 city to find a comparable. That's just -- that's
5 just a poor practice, but they did. And one of the
6 reasons they did is they were using a regression
7 analysis tool and that statisticians allow lots of
8 what they called inputs; whereas, if they would
9 restrict themselves to rural only, there would be
10 very few sales inputs which could create a number of
11 issues in the statistical analysis.

12 So, the first and the biggest critique of
13 that one is their comparable selection that they
14 utilized. I start my critique in the report on
15 page 42, them not being experts in the area of
16 valuation. They use very few variables to compare
17 land, for instance. Typically, in the real estate
18 field, if you are doing a raw land analysis, you
19 would utilize at least 12 factors. They did not.
20 They utilized -- I believe it was -- I think they
21 only utilized three factors, three or four factors.

22 When you are looking at improved property,
23 there are 25 variables; and, again, they did not
24 address the 25 variables. They only did 9

1 variables. This in itself creates a real problem
2 with the study. Anyone who is involved in
3 valuations would see that this could easily be
4 misconstrued.

5 The interesting thing, since it had so few
6 that actually were in the proximity or close
7 proximity to wind turbines as we are talking today,
8 meaning within 1000 to a mile and a half or a 2-mile
9 proximity, one of the problems is they did not end
10 up with what is called significantly or
11 statistically significantly -- wait -- significance.
12 I think is how it is stated. I am not purporting to
13 be a statistician here.

14 And when you have so few variables, you
15 are going to have a real hard time getting a
16 statistically sufficient result according to
17 statistics.

18 However, as an appraiser, some of the
19 statistics that they are showing that variables that
20 ended up showing no difference would, as an
21 appraiser, show a loss of up to 10 percent of
22 property value. Well, that is statistically
23 significant in the real world.

24 They had -- they took this study from all

1 over the United States, one area being in Wisconsin,
2 which I was very familiar with, and in Wisconsin
3 they took -- it was up in Kewaunee County. They
4 took a statistical analysis there. The problem with
5 that is the properties that they say that were
6 within the footprint of the wind farm, the wind farm
7 developer ended up buying and couldn't sell them, so
8 he had to raise them, and he sold the land. Well,
9 that should tell you something right there. Now,
10 unfortunately, that information was not in the
11 study, and it would certainly have made some impact.

12 Interestingly, Mr. Hoen did look at other
13 studies that found negative impact -- this is on
14 page 46 -- and he rightly identified those and
15 stated that, yeah, their study was one of the few
16 that didn't find an impact. There is a number that
17 did. Interestingly, one of them was our study that
18 we'll talk about in a little while.

19 So, the interesting fact is that, if you
20 look at the studies that did not find an impact, a
21 number of those are supported by the utility
22 companies or the wind farm companies or some issue
23 like that. Whereas, those that did find an impact,
24 most of those were done by appraisers and not

1 statisticians or financial people.

2 So, my general conclusion and critique is
3 on page 47, that, overwhelmingly, the comps that
4 they used were in urban areas. Urban is not
5 representative of agricultural. When they did have
6 an error margin of looking at comparables, they
7 actually did find losses; however, because of the
8 way they set their model up, it ended up being
9 statistically not significant as far as a
10 statistical analysis would go, but they would have
11 been significant to an appraiser, say, in the tunes
12 of about 10 percent diminution.

13 On page 48, I talk about another study,
14 and this was the study known as the MPAC -- M-P-A-C,
15 a study which was done in Ontario, Canada.
16 Mr. MaRous also cited this study. This was the
17 first he studied. This is the Municipal Property
18 Assessment Corporation. That is what MPAC stands
19 for. It was in Canada.

20 The very first thing they did is they
21 identified the wind turbine area, and then they went
22 to what is called a measurement of accuracy of
23 assessment, and what that really means is --
24 assessors have, and by law they can be 5 percent

1 over or 5 percent under or have what is called a 95
2 to a 105 percent acceptance of valuation. So, if
3 they are 5 percent or 10 percent off on your
4 valuation, that is considered acceptable according
5 to their model, and understand they are doing mass
6 appraisal.

7 The problem with that is that, if you're
8 -- let's say you came up with a property that fit
9 within that 95 to 105 ratio but it was at the 105,
10 which meant you were 10 percent off, by the way,
11 that would have shown the 10 percent loss, but yet
12 according to the model it showed that it was within
13 the acceptable parameters. That is not acceptable
14 in real estate appraisal.

15 The other problem is they were checking
16 assessment values within proximity versus assessed
17 values outside proximity, but they had no study nor
18 notation of whether those assessed values within the
19 proximity were already lowered in anticipation of
20 the impacts of the wind turbines; and proof of that
21 was that the values that were within the proximity
22 were substantially lower than the values, assessed
23 values, that were outside, and that itself may
24 suggest that the assessors had already made that

1 adjustment. So, what they are really doing is
2 testing to see how accurate they are in assessments.

3 The second part of that study then looked
4 at actual sales. Now, the problem with that is that
5 they had very few sales to work with. When they did
6 do a sales analysis, they were showing losses of
7 value as well. These losses are on page 48, and
8 they were showing some losses there as well.

9 Again, these losses were found within
10 their acceptable realm of that 10 percent range;
11 therefore, they were not considered significant. I
12 also repeat that, in the real estate world, a
13 10 percent difference in value is significant to a
14 buyer.

15 My conclusion on that is on page 49. I
16 talk about the first test and the second test on why
17 I felt neither of those tests were really
18 significant in their findings. You have to
19 understand how they did them and what they were
20 doing with them, and in particular they weren't
21 really that significant for rural properties.

22 Now, another was a case study, another
23 Canadian one, on page 50, the Case Study Diminution
24 in Value Wind Turbine Analysis, a 2012 study. This

1 one was done by a certified appraiser in Canada. He
2 also had several designations to his name. It was
3 done in Ontario.

4 What he did here was something
5 interesting. We call this a before-and-after
6 analysis. There is no better indicator of value of
7 impact than the actual sale itself in its before
8 condition and after, before meaning before that
9 variable existed, and the after is now the variable
10 exists.

11 To give you an example, before the wind
12 turbines were even announced and then after the wind
13 turbine farm has been built. Same property, so two
14 different times. Again, that is what we call the
15 perfect match pair because they are identical to
16 each other.

17 So, what he did is he found five of these
18 sales. Now, just to get a little background in
19 this, in Canada, on this particular development, the
20 wind farm developer was requested to purchase the
21 properties that were within the proximity of the
22 turbines. The developers purchased the property at
23 full market value with no consideration given to the
24 wind turbines or the farm announcement. This was

1 done by two appraisers and a board to review market
2 value.

3 So, what he did is he visited all five of
4 those properties. He examined those five
5 properties. He looked at their before valuation,
6 the MLS on the after valuation. He confirmed all of
7 the data, and then he did analysis of the sale price
8 before and the sale price after.

9 The typical distance was about 1900 feet
10 away, although there was one that was only 600 feet
11 or 664 feet away from a turbine. But, generally,
12 what he came up with is using a market trend method
13 with that, meaning that if these properties were
14 substantially the same, that the only difference
15 would be the difference in the market, if the market
16 trended up or down.

17 He did a market trend analysis for each
18 property, and then he applied that market trend to
19 what the value should have been when it sold. Under
20 that basis, he came up with an average loss of being
21 38 percent.

22 And then, if you looked at the market
23 trend analysis for having less than 10 acres, it was
24 at 34 percent diminution in value. These

1 conclusions are found on page 51.

2 I'll skip page 52 because that is really
3 an opinion. That is a qualitative analysis, and we
4 already passed qualitative. This was an agent who
5 was based in Wyoming in dealing with the Chevron
6 wind tower facility.

7 I'll get to our first study that we did,
8 on page 53, and that is the Appraisal Group One
9 study in Wisconsin. This was done in the fall
10 of 2009. This was done in a county, the counties of
11 Fond du Lac and Dodge County. Pretty much central
12 Wisconsin, a very rural area. With the exception of
13 the city, Fond du Lac is urban, but the other towns
14 and cities are classic Midwestern small towns.

15 What he did is there is a project -- there
16 are two projects, two wind turbine projects that
17 we'll discuss in a minute. But the first thing we
18 did is we did a survey of realtors, and what we did
19 is we took the experienced realtors only. We went
20 to their office individually and gave them, by
21 paper, a survey. We did pay them for that, by the
22 way. I think we paid them \$5 for a survey or
23 something like that. But they did a survey, and
24 this survey asked several questions about their

1 opinion and their experience in their dealing with
2 wind turbines and property value. The outline of
3 that survey is given on page 53 and 54.

4 And what we did there is we collected --
5 there were 36 realtors, and these are realtors from
6 that area, Fond du Lac and Dodge County. We gave
7 them three options, one was called ordering
8 proximity that was defined as within 600 feet of a
9 wind turbine, close proximity defined as 1000 feet
10 within a wind turbine, and then near proximity
11 defined as one half mile within a wind turbine.

12 In conclusion, which I have on page 54, it
13 was observed in all cases on 1- to 5-acre
14 residential properties, whether vacant or improved,
15 that there was a negative impact to property value.

16 Now, with 1- to 5-acre properties, the
17 negative impact of the bordering proximity, that is
18 within 600 feet, was 39 to 43 percent, on those that
19 were in close proximity, that is within 1000 feet,
20 was 33 to 36 percent, and those that were in near
21 proximity, that is within a mile, that it dropped to
22 24 to 29 percent. And that is pretty predictable.
23 The further away you get from a negative impact in
24 viewshed the less of the impact. That is true in

1 real estate, and it would seem logical to most
2 observers.

3 Now, there was some discrepancies in the
4 larger parcels, being the 10-acre ones. There the
5 impacts were considered less, and some of the
6 realtors felt that there really wouldn't be much of
7 an impact. Those conclusions are on page 54.

8 Then we did a sales study, and that begins
9 on page 56. What we did is we looked at two wind
10 turbine developments, one was called the WE Energies
11 - Blue Sky Green Field Wind Farm that is located in
12 the northeast section of Fond du Lac County and then
13 Invenenergy - Forward Wind Project, and that is in the
14 southwest part of Fond du Lac.

15 On page 56, I have a graph of what
16 resulted in the analysis. And just to explain the
17 analysis, these are all vacant land, residential
18 vacant land adjusted for time using trend analysis,
19 but that was the only adjustments made, and then
20 they were plotted on what is called a raw regression
21 analysis graph. That is what shows up on page 56.

22 The blue dots or the blue squares on 56
23 are all the residential properties that were outside
24 of proximity, meaning they had no view or vision of

1 the wind turbines. Then, the red boxes were the
2 properties that had a view or a vision. And then,
3 they were plotted according to the acreage and their
4 sale price, what they sold for, on a per acre basis.

5 We had a total of 68 of these sales.

6 Sixty-two of those were located outside of
7 proximity. Six were located within proximity.

8 And then, on the graph, you will see that
9 we did what is called a trendline, a regression
10 trendline, for those properties that were not
11 impacted or outside of proximity.

12 We did an R-squared analysis, which is
13 what is called a bent analysis. Anything over a 50,
14 a .50, is considered good. This was a .855. So, it
15 was considered very good, very predictive of what
16 values would be.

17 And then we plotted the impacted or the
18 proximity properties on this graph and then measured
19 their distance to their trendline. That indicated
20 that the impacts were ranging between 19 percent and
21 40 percent, and these were for parcels that were
22 ranging between 27 and 3 acres, residential
23 properties.

24 Then, on page 56, we looked at the

1 Invenergy Forward Wind Project. Now, this project
2 had -- we utilized 34 vacant land sales. Six of
3 those were within the influencers or within
4 proximity of the wind turbines, and 28 were outside
5 of it.

6 Again, we did the same type of analysis
7 with this, plotted the property values with just
8 time consideration or time adjustments given to
9 them, plotted an R-squared line for that, and then
10 we plotted the properties, the six properties that
11 were in proximity at a potential of impact, and they
12 showed a significant of a 12 to 47 percent impact.
13 And, again, these were acres from approximately
14 3 acres to 6- to 7-acre parcels. We plotted the
15 differences between the two lines and made the
16 calculation there. And, again, it's 12 -- to put in
17 a more modest analysis we concluded that the range
18 was between 12 and 47 percent, the average being at
19 30 percent.

20 So, in conclusion, it was obvious that yes
21 there was a negative impact due to the presence of
22 the wind turbines. This was predicted by the real
23 estate progressive agents' survey as well as the
24 quantitative analysis.

1 On page 58, we looked at the Clarkson
2 University Study. This is known as the Heintzelman
3 & Tuttle Study. This was a published study. What
4 Heintzelman and Tuttle did is they went to New York,
5 upper New York area, very rural. There was a large
6 wind farm up in that area. They looked at both
7 improved and vacant land sales. They utilized
8 repression analysis. The study was published by the
9 university. Tuttle was a -- I believe she was a
10 master's degree student working for her master's and
11 Heintzelman was her Ph.D. senior and instructor in
12 this.

13 They looked at the differences between
14 values, and they concluded that the wind turbine
15 within 1 to 3 miles away impacted property values
16 between 15 and 31 percent with a high degree of
17 significance. That is on page 58.

18 We did another study in Coral Springs
19 Development. This was done by our firm, Forensic
20 Appraisal Group. This was in Wyoming. This is a
21 rather interesting study that there was the Hermosa
22 West Wind Energy Project announced, and there was a
23 subdivision -- understanding in Wisconsin what a
24 subdivision is in lots, in Wisconsin, lots are 48

1 acres and greater, a lot of land.

2 So, this subdivision was actually on the
3 side of a mountain, and it had a beautiful view of
4 the valley, and the valley is where they were
5 proposing to put this wind farm in.

6 There are very few sales on this property.
7 The one sale that we were able to get and to isolate
8 ended up showing a 42 percent diminution between the
9 value before any knowledge of this wind farm and
10 after its announcement.

11 Just as a sidenote or footnote, this wind
12 farm was never developed.

13 So, the potential there was a range of 25
14 to 44 percent diminution.

15 On page 61, we looked at the McCann Value
16 Impact Study. Mr. McCann, well known in Illinois,
17 certified general appraiser, often testified on
18 behalf of property owners at hearings such as this.

19 Mr. McCann did a study in the Mendota Wind
20 farm, and he came up with a conclusion that
21 properties located within two miles of the wind farm
22 suffered a 25 percent diminution in value.

23 And then we go to the next one, which is
24 another study that we did. That was called the Big

1 Sky Wind Project -- this is in Illinois -- and the
2 Big Sky Wind Farm.

3 We used two different techniques here. We
4 used a match pair technique, and then we also used a
5 regression analysis for the agricultural land, I
6 believe.

7 This is located in Lee and Bureau Counties
8 around Ohio, Illinois. It's a 22,400-acre project
9 with 80 -- I am sorry -- with 114 80-meter tall wind
10 turbines.

11 That study starts on page 62. We go
12 through our scope of work, what we did. We go
13 through all of the match pair analysis that we did.

14 And then, on page 69, we came to a
15 conclusion that the first -- it was interesting to
16 note that within the footprint of the wind farm,
17 there were no sales to be found at all. Part of
18 that was due to the size of the area. You only had
19 11,000 acres, so you don't have all that many
20 properties there. But we did look at a four-year
21 time period, and there was not one sale in that
22 whole area, which is found to be unusual. Might be
23 instructive.

24 But what our five match pairs indicated

1 that were outside of the actual wind farm within the
2 mile or so range, that came to a 12 to 25 percent
3 diminution of the whole property value, and these
4 were distance of wind farms were measured from
5 .32 miles to 1.72 miles.

6 And then the last study that we looked at,
7 it was another one that we did called Twin Groves II
8 Wind Farm. This was to isolate the impact of
9 improved residential property located within and
10 outside the Twin Groves Wind Farm. This one also
11 looked at, if I am not mistaken I think we guessed,
12 this one we also did a regression analysis. I stand
13 corrected; on the one previous, we did not. This is
14 where we also did an aggression analysis on
15 agricultural land.

16 On this one, the wind farm was selected.
17 The details of that wind farm is on page 70.

18 I would like to point out that the turbine
19 height of that wind farm including the rotors was
20 397 feet.

21 I want to make a point. I want to stop
22 here and make a point. The point I want to make is
23 that wind farms today are much bigger than the wind
24 farms of these studies. Wind farms of these

1 studies, almost all the turbines were 400 feet or
2 less, some were only 300 feet, 295 feet, 397 feet.

3 When I looked over the application for the
4 Goose Creek, it said that -- although, the specifics
5 of the wind turbine itself, the actual specifics,
6 the unit, the model numbers all that, had yet to be
7 finalized, but they did say it would be about
8 610 feet tip to ground. That's quite a bit bigger
9 when you do the calculation. 400 feet to 600 feet,
10 that's nearly about a 35-40 percent increase in
11 height.

12 So, the question is and the thing I wanted
13 to point out is none of these studies looked at what
14 is called large or more common today, the large 500
15 or 600-foot tall wind turbines. They are all about
16 400 feet and under.

17 With that said, I'll continue. This area
18 had 120 wind farms, 11,000 acres of area.

19 On page 71, we did a graphic analysis
20 looking at the footprint, outlining the footprint,
21 and then concentric lines outside of the footprint
22 at further distances that we were going to measure
23 sales.

24 Then we did a conclusion here right off

1 the bat, on page 72, of these match pairs. We had
2 nine match pairs, and all of these match pairs
3 indicated a loss of value in this. On the chart I
4 have on page 72, I indicate the distance to the
5 property and what type of residence it was and the
6 impact, and the impact range from 8.5 percent on the
7 low end to 46 percent on the top end. It was really
8 averaging more in the midland area.

9 This was then also projected to see, well,
10 what is the relationship between distance and
11 impact, and that is also found on page 72 on the
12 graph analysis plotting the actual sales and their
13 conclusions to impact to the distance from the wind
14 turbines itself.

15 And as you would expect, with a few
16 outliers, that as you progress further away from the
17 wind turbines the impacts would diminish.

18 I have a summary of this study along with
19 each one of the match pairs, and with the match
20 pairs we also did cost analysis to help in the match
21 pairs. There is analysis of distance factors and
22 site lines, that on each one of these that the
23 reader look at as you page through it.

24 What this study really showed us more than

1 anything else is that, yes, wind turbines in the
2 proximity site line of a residence does have an
3 impact. That impact varies between 8 upwards to
4 40-some percent with the typical range being more in
5 the mid-teens impact.

6 And then, on the last part of that study,
7 is the regression analysis. The regression analysis
8 starts on page 159. We did a regression analysis on
9 agricultural land because we did have enough
10 variables. We had 38 agricultural land sales, which
11 are enough to do a limited regression study. Eight
12 of those are found to be within the wind farm
13 itself, 30 were located outside of the wind farm in
14 zones 1 through 5.

15 So, to make a clarity point on that, eight
16 were within the footprint, and then the balance were
17 found in zones 1 through 5.

18 The study concluded that it was an 8.5
19 percent diminution in value to properties that were
20 within the footprint of the wind turbine itself.

21 Now, keep in mind that often these are
22 sold, these properties that are within the
23 footprint, are sold without the wind turbine
24 easement. The owner of the land tends to like to

1 hold the wind turbine easement itself, whatever
2 payment that is, and so the agricultural land
3 outside of that.

4 And then, lastly, on page 166, I have the
5 summary of all the studies and their impacts in a
6 quantitative analysis from Twin Grove down to
7 McCann. I plotted those on a graph again to look at
8 the distance factors and the impacts, and you can
9 see they level out a little bit. Distance factors,
10 of course, increase the closer you are to a wind
11 turbine and decrease the further you are away;
12 however, even up to two miles away, you are at about
13 a 22 percent or so impact. When you are at
14 one mile, about a 25. When you are at a half mile,
15 it goes up to about a 28 percent, which would be --
16 that would sound logical to most people when you
17 look again at something that is considered a
18 negative in your viewshed. So that concludes all
19 the studies that we did and a brief critique of each
20 one.

21 And then the last part, the last part that
22 I was asked to do is to review the methodology of
23 the PowerPoint that was created by Mr. Michael
24 MaRous.

1 Now, I will say flat out, I do not like
2 critiquing other appraisers, so I am not going to
3 critique Mr. MaRous. I do not know Mr. MaRous. I
4 have never met him.

5 I am simply going to critique the data
6 that is here and whether or not this data was viable
7 and useful to come to a conclusion.

8 So, on page 169, I start with his first
9 match pair. I copied the match pair from the
10 PowerPoint, and then in red I put those things we
11 found to be incorrect. For instance, on page 169,
12 the first match pair, that the building size of 2A,
13 2A's, which one is in proximate distance of a wind
14 turbine. The 2B is not proximate. So, he used a
15 pattern of A proximate, B not proximate in his match
16 pair, just for clarity's sake.

17 We have a building size differential. He
18 had 3908 square feet for 2A. The MLS was
19 3283 square feet. He had as a 5-acre parcel. The
20 county deed's office has it as a 10-acre parcel for
21 that sale. He had it at a 3.1 bath. The MLS -- and
22 these are several MLS listings -- had it at a 2.5
23 bath.

24 And then, 2B, the one that was not

1 proximate, interestingly, he had the sale as May 10,
2 2021. Now, I'll give him credit. He may have done
3 this, you know, this report, prior to the resale of
4 this property. This property did resale
5 November 21, rather recently, of 2022, for a higher
6 amount of 307,000.

7 But the area that is of concern is the
8 square footage. Again, building area, he had at
9 3,600 square feet. The MLS listing had the gross
10 living area above ground of 2422 square feet and no
11 improvements in the basement, and that was confirmed
12 with the assessor's card.

13 And then he had, under the other area, he
14 had a machine shed and two-car garage, pole barn,
15 porch, patio and pool. MLS listed that as a
16 two-plus detached garage which is heated and a pole
17 barn which is 30 by 60, pretty good sized, built in
18 2016 with gas in the pole barn, which increases its
19 cost, and very possibly it's contribution value.

20 My first critique is, when you look at the
21 sale price per square foot, number 1, that sale
22 price would be incorrect because he's based it off
23 the square footage and those square footages are
24 found to be inconsistent with what he is purporting

1 them to be. So, there would be a big question mark
2 there.

3 But the other thing is that he's using
4 that adjustment of dollar per building area. Again,
5 just to point out, that doesn't give any
6 consideration to street appeal, site improvements,
7 how many barns, how many outbuildings, what was
8 their condition, what was the landscaping like in
9 this case.

10 Both properties had pools. What was the
11 pool site? How big were those pools? In his
12 analysis, one was a ten-acre lot. The other was a
13 five-acre lot. Doesn't break that out either.

14 To use a dollar per square foot, other
15 individuals use this. My critique has always been
16 the same, it's a very poor way of doing a comparison
17 analysis unless you have something like condos or
18 town homes which are identical to each other. Other
19 than that, it's a very poor way to do an analysis.

20 My biggest concern with these two
21 properties is their quality difference, and I wanted
22 to make that as an -- to point that out. So, on
23 pages 170 and going on to page 171, I took the
24 pictures that the MLS had listed, and you can see a

1 decisive difference between these two properties.
2 One is considered good to very good quality. The
3 other, average. And you see it all the way through.
4 In the foyer on page 170, you see a dynamic foyer of
5 the one that was in proximity, that being the
6 proximity of the wind farm, with ceramic tile floor,
7 upgraded trim, oak trim, with a sweeping staircase
8 that is angled and an open area above. That
9 compared to the one that was outside of proximity;
10 basically, a farmhouse with a staircase, and that
11 was it.

12 That is one example of the pictures,
13 really, I think that show the viewer these two
14 properties are not even close to each other.

15 The other thing that I thought was very
16 interesting was the listing history of the proximity
17 one, that would be 2A.

18 If you look on page 170, up above, the
19 listing history starts in June of 2020 listed at
20 \$499,999, or to make it easier for all of us,
21 \$500,000. Then it went through some listing
22 removals, relisting, listing removals, relisting and
23 eventually sold September 17, 2021, about a year and
24 a half later for 400,000. Well, that is a

1 20 percent difference in value.

2 Now, I pointed that out. I am not going
3 to say that the listing was accurate because, you
4 know, realtors, I don't know how they listed it, and
5 I don't know what the motivations were, but I am
6 pointing it out that that is an interesting listing
7 activity that should be known when looking at these
8 two in comparison.

9 On page 172, that is his second match
10 pair. Again, we have a difference in dollar per
11 square foot mainly because the building sizes were
12 different. These came from direct assessor's cards.
13 I double checked these. I can see where he made
14 that error because the MLS has the 4621 square feet
15 in 3A and then the 4548 square feet in 3B, but the
16 assessors had it at 2376 square feet in 3A and 2274
17 square foot in 3B, and in both cases the basements
18 were not improved. So, there's a real problem
19 there.

20 Did the realtors at MLS make mistakes?

21 Yes. Yes, they did.

22 You also have a comparison of a two-story
23 to a one-story. When you are desperate as an
24 appraiser, I suppose you could do that if everything

1 else was pretty much the same, but these are two
2 different types of buyers.

3 Two-story versus one-story, I'm not going
4 to critique that real seriously.

5 But down below I was very concerned that
6 the MLS, under the other category, the MLS describes
7 a complete and extreme remodeling of the residence.
8 That is for 3A. That is the one in proximity to the
9 wind turbine.

10 Whereas 3B, it was only basically
11 repainted. That was the total modeling -- remodel
12 extent.

13 I gave some proof and showed the assessing
14 data on these properties for the square footage
15 concepts as well as a description on page 173 of the
16 MLS comments on the extensive remodeling of the one
17 in proximity.

18 Again, if you look at the one that was in
19 proximity, even if they were similar in square foot,
20 which actually, once corrected they were, but that
21 one had a complete remodeling top to bottom. It was
22 quite beautiful when you really looked at it in all
23 the pictures compared the other one which was
24 basically repainted.

1 There is really some question about, you
2 know, the comparability of that and wouldn't the
3 remodeling greatly enhance the value of the first
4 one that is in proximity, and the answer is yes, of
5 course it does. So, was it a loss? And I think the
6 answer would be, yes, it was.

7 Tazwell would be the next one, which is on
8 page 174. This one I made a notation that Tazwell
9 sold -- this is 2A -- it sold for \$206,000, sold in
10 June of '21. But I made a notation and showed a
11 history down below where this sold actually for
12 202,000 in 2013. It only increased \$4,000 between
13 2013 and 2021, approximately an eight-year time
14 period. That is rather disturbing. This property
15 should have been appreciating along with all the
16 other properties at the typical appreciation rate.

17 We also had a comparison of a 1946
18 property. That's the one in proximity to a 1911
19 property. We had comparison of 1500 -- about
20 1500 square feet -- that perhaps would be the 2A1 --
21 to 2100 square feet. If you are doing a dollar per
22 square foot analysis, the larger the square foot the
23 lower the dollar per square foot would be. So, to
24 make these a good comparison, they should have been

1 very close to each other, say within 100 square
2 feet.

3 And then, again, the 2A, the one in
4 proximity, the MLS listed that it was upgraded with
5 new floors in the dining room, kitchen, refinished
6 floors throughout, tile in the laundry room and
7 upgraded cabinets and very large outbuildings.

8 And, again, that property sold for a
9 little -- for more, as you would expect, than the
10 one outside of the proximity. But my argument is I
11 don't really feel the two were comparable to each
12 other; and if they were, adjustments should have
13 been made for those things which were different.

14 And then, lastly, on page 175, I have
15 concluded observations for the match pair. I just
16 did that verbally with you.

17 The other part was a literature review.
18 The first two that Mr. MaRous has, I have already
19 spoken about; that was the Berkeley Lab and the
20 MPACD study.

21 And the other studies that he noted there
22 were either based off of assessment value, comparing
23 assessment values, which I think everyone in the
24 room would agree that assessments are not an

1 accurate portrayal of market value, therefore should
2 not be used for market value analysis, or they were
3 based in urban centers. Urban centers is not what
4 we are talking about here with the Goose Creek area,
5 a very rural area, kind of Midwest small town.

6 Therefore, I didn't think the studies that
7 he presented were the very best nor were they very
8 useful to the reader to come to the conclusion of
9 the impact of transmission -- I am sorry -- wind
10 turbines to rural residential area in the Goose
11 Creek Wind Farm.

12 That concludes my review.

13 Q. Mr. Kielisch, a couple follow-up
14 questions. You mentioned that Mr. MaRous did not
15 use certain factors in his match pair analysis on
16 page 169, a number of factors that you would use?

17 A. That is correct. He did not. If you look
18 at the match pairs that I did, for instance, our
19 company did, when we were looking and did the match
20 pair analysis on impacts, you can see how detailed
21 those are, and adjustments are made for things like
22 a covered porch, maybe a pool, maybe larger square
23 footage, some large outbuildings versus small
24 outbuildings, aesthetics, age, condition, all of

1 those things. That's how you do a true match pair.

2 And if you don't take those things into
3 consideration and you lump it all into one stew pot,
4 which is what was being done here, and you simply
5 just take the sales price and you divide that by the
6 gross living area and compare that for sale 1 and
7 sale 2, that is not a match pair analysis. Realtors
8 do that sometimes, but they use properties that are
9 relatively close to each other to come to some
10 general range of value that they may want to list
11 your property at or something like this, but that is
12 not a match pair.

13 A real match pair match takes those things
14 which are different or what is considered unique,
15 makes adjustments accordingly to those things that
16 are unique, plus or minus, at the conclusion of the
17 match pair comes with an indicated value of the
18 property, and then it compares that to the property
19 that you are matching it to, and the difference
20 between the two would be the difference of the
21 isolated variable, in this case the presence of a
22 wind turbine.

23 MR. LUETKEHANS: Thank you, Mr. Kielisch.

24 I have nothing further of this witness.

1 MR. KAINS: Very good. Thank you,
2 Mr. Luetkehans.

3 Mr. Kielisch, don't go anywhere. There is
4 going to be plenty of questions for you; however,
5 the board is going to be in recess for about
6 15 minutes.

7 There is 170-plus pages of this exhibit
8 for the board to digest, so it will be able to take
9 some time and then have questions for Mr. Kielisch
10 after a recess.

11 It is currently 7:09. We will be in
12 recess for 15 minutes. Let's reconvene at 7:24.
13 Thank you.

14 (BREAK TAKEN.)

15 MR. KAINS: Mr. Kielisch, can you hear us?

16 THE WITNESS: I can, yes.

17 MR. KAINS: Sir, I just want you to
18 acknowledge that you are still under oath. Do you
19 understand that?

20 THE WITNESS: I do.

21 MR. KAINS: Very good. Now it is time for
22 questions for this witness, Mr. Kurt Kielisch, from
23 members of the Piatt County Zoning Board of Appeals.

24 Any questions from the Zoning Board of

1 Appeals?

2 Mr. Harrington?

3 EXAMINATION

4 BY MR. HARRINGTON:

5 Q. Mr. Kielisch, thank you for your
6 presentation.

7 Just as a general observation, in your
8 years of appraisals, as you have studied these wind
9 farms as they age, so by that I mean 15 to 30 years,
10 can you tell me any observations you've made in
11 appraisal values or frequency of property selling in
12 that period of time as the wind farm progresses?

13 A. Sure. There is a theory that is put out
14 there, and that is when something is negative but
15 it's there for a long period of time, it has lesser
16 impact.

17 My position is that may be true to the
18 people who are being exposed to it daily, in this
19 case, say the property owner; but that is not true
20 to the market. The market itself looks at it brand
21 new.

22 I would like to use a coined expression
23 that, "Each one of us can get used to ugly, but that
24 doesn't mean ugly doesn't exist," and when a power

1 line -- I am sorry -- when a wind turbine farm is
2 there, that if you are living within the farm, I
3 would say that my experience is eventually you kind
4 of get used to it.

5 But, you know, you get used to a lot of
6 things. But that is not what we are doing here.
7 That is not what we are talking about as far as
8 impact. Impact is what the market does.

9 And the question is: Does the market get
10 used to it? My experience has been no.

11 MR. KAINS: Very good. So, there has also
12 been topics of when these wind farms or this
13 particular one comes to its expiration of 30-odd
14 years, there could possibly be an option or a choice
15 to re-power it.

16 Do you have any experience as to how that
17 affects the market value or the data once that
18 happens?

19 A. Yes. This has held true in Wisconsin.
20 It's one of the citations in the Berkeley
21 Laboratory, the one that is up in the Kewaunee
22 County. Now, that wind farm has failed, and that
23 has been since taken out, and people -- obviously,
24 it's not there anymore, other than the footprints.

1 **Obviously, the concrete footprints are still there.**
2 **But for the most part, the site view is not there**
3 **anymore; therefore, the property values have been**
4 **returned to normal.**

5 MR. HARRINGTON: Very good.

6 MR. KAINS: Any other questions?

7 Mr. Chambers?

8 EXAMINATION

9 BY MR. CHAMBERS:

10 Q. So, you talked a bit about the perception
11 equals value and then talked a little bit about
12 realtors and the surveys and stuff there.

13 The question I have is: Do you see it as
14 common practice for realtors, as an advertiser
15 listing/creator listing, to attempt to exclude or,
16 you know, kind of frame out the presence of turbines
17 because they see it as a determinant to value?

18 A. **Yes. Absolutely. A realtor's job is to**
19 **sell the property. They are, you know, serving**
20 **their people that they are listing, and so their job**
21 **is to put and present the property in its very best**
22 **light. There are other things that maybe the**
23 **property has, it may be cracks in the walls, bad**
24 **flooring, things of that sort. You don't take**

1 pictures and highlight that or put that in your
2 listing. So, things that would have a negative
3 impact, a realtor would, at least in the listing,
4 not include that. Of course, the person, when they
5 arrive at the property, would see it.

6 Q. And on statistical significance, you were
7 talking a little bit about, as I understand it, that
8 five percent in either direction, where anything
9 less than that five percent is excluded from an
10 analysis for not meeting statistical significance.

11 So, you talked about a ten percent swing.
12 Is that what you are referring to is the difference
13 between negative five percent and positive
14 five percent in the data there?

15 A. Correct. This would be with assessment
16 only, keep in mind. Assessors have a 95 percent to
17 105 percent gap, and anything that is sold within
18 that gap is considered accurate. So, you could look
19 at it that, if it sold at the -- let's use 100,000
20 as an easy math. So, if it sold for 95,000 but it
21 was assessed at 100,000 or 105, that still meets the
22 criteria. If it sold for 94,000, you know, it would
23 be outside of that criterion. So, you could have
24 something sell at 95,000, and it was assessed at

1 105, it would be 10,000 under the market, which
2 would be about a nine percent differential at this
3 point, but according to the assessment guidelines it
4 fit the model and, therefore, is not significant.

5 Q. And in the charts and the data that you
6 use, do you follow that same rule where, if a
7 difference was less than five percent, it's not
8 included in those charts?

9 A. No. When I do my analysis, it's what it
10 is. You know, when we did the match pairs, it is
11 whatever that number was. When we did the
12 regression, it is whatever that number was.

13 So, we don't use that guideline. That's
14 only assessors. I am not an assessor. I am an
15 appraiser, and appraising property is different than
16 assessing. Assessing is mass model.

17 Previously I did do that once in my past,
18 so I have some knowledge of how that is done and how
19 the computerized mass analysis is done, but that 95
20 to 105 that is purely an assessment only. I do not
21 do any qualitative analysis using assessment.

22 Q. All right. Thank you. On the Coral
23 Springs, on page 59, you mentioned on that that that
24 one was under development but was never built; is

1 that correct?

2 **A. That is correct.**

3 Q. So, on this one you have the data on the
4 declines in value there, which I see here. Do you
5 have any data after the project was not built to
6 show, you know, if those values came back up to a
7 certain level after the project was not built?

8 **A. Okay. You cut out a little bit there, but**
9 **I am pretty sure I got the gist of the question.**
10 **The gist of the question -- and let me just**
11 **reiterate -- the analysis was done at the**
12 **announcement and the application of the wind farm,**
13 **so everyone knew it, and in Wisconsin -- I am sorry**
14 **-- Wyoming, you would have to disclose that to any**
15 **potential buyer and anybody in that area knew this**
16 **was happening.**

17 The fact that it didn't happen about a
18 year, year and a half later, I was not on that
19 project anymore, so I did not do a follow-up on it.
20 **I think that was your question.**

21 Q. Yes. Yes. So, you don't have any
22 knowledge of any data post the non-construction?

23 **A. No, I do not. But I did have -- this**
24 **project was right next to another project that I was**

1 **valuing there. We did have before and after sales**
2 **in the sense to -- not after sales, but we had a**
3 **trend analysis that was going on and the market**
4 **trending stayed fairly stable in that area.**

5 **So, like I said, I never went back there**
6 **to look at that. It would probably have been a year**
7 **and a half after I did the analysis that I believe**
8 **they ceded the project.**

9 Q. Okay. Last question, and this one will be
10 kind of open-ended probably, but in your critique of
11 Mr. MaRous and the numbers you have and the studies
12 we went over here, my question would be: If
13 everybody is looking at similar studies, similar
14 data, how is it that we could have such vast
15 differences in the conclusions drawn between you and
16 Mr. MaRous? Where do you see the major differences
17 there?

18 A. Well, okay. I really didn't catch that.
19 The audio has got a lot of feedback going on, so I
20 am getting a garbled message of what you were
21 saying. I could kind of figure out what you were
22 saying. It was about Mr. MaRous. I believe you
23 were talking about his studies; was that correct?
24 The studies he cited.

1 Q. Right. The short version of my question
2 would be: How can we have such a big difference in
3 the conclusions between your study and Mr. MaRous,
4 his study, when you're using what appears to be some
5 of the same studies and data?

6 A. Why there would be such a difference
7 between opinion, I think is what you are saying,
8 correct?

9 Q. Yes.

10 A. Okay. That is not unusual. A part of it
11 is how you model. If you're doing a study, how is
12 the model structured; that is one issue.

13 If the model is structured poorly, which
14 would be my critique of Berkeley Lab, and the [sic]
15 MAPC, that was a poorly structured model, and I
16 indicated in my critique why that was so.

17 That will give you different results as
18 opposed to one that is much more detailed. Keep in
19 mind, when you try to do a lot of properties, which
20 is what these studies like to do, due to statistics,
21 and statisticians love more numbers, what you end up
22 is an economic necessity that you cannot look at
23 each property individually and break them all down
24 and do each analysis. It would take absolutely

1 **forever to do something like that.**

2 **So, when you look at something very**
3 **different, very uniquely and very succinctly, you**
4 **will get very different results if you look at it**
5 **very generally. That may be the best answer I can**
6 **give you.**

7 MR. CHAMBERS: All right. Thank you.

8 MR. KAINS: Very good. Thank you,
9 Mr. Chambers.

10 Are there any other questions for
11 Mr. Kielisch from members of the zoning board?

12 Very good. Questions for this witness
13 from members of units of local government, including
14 school districts?

15 Questions from interested parties
16 represented by licensed attorneys?

17 Mr. Gershon?

18 EXAMINATION

19 BY MR. GERSHON:

20 Q. Thank you. Mr. Kielisch, good to see you
21 again.

22 A. **I can't see you.**

23 Q. That's fair.

24 A. **Okay. I guess we did see each other**

1 **before. I am not aware of that.**

2 MR. GERSHON: I am going to try and go
3 through a number of the items here. Obviously, like
4 the zoning board, we received this 173-page report
5 earlier today and have not had adequate time to
6 fully review it.

7 We request that we have the right to
8 recall Mr. Kielisch should our review of this report
9 raise any additional issues we can't address today.

10 MR. KAINS: Mr. Luetkehans, any response?

11 MR. LUETKEHANS: I guess I would like to
12 see where this goes. This is a report that
13 Mr. Gershon has seen almost all previously in other
14 cases, as has Mr. MaRous, other than, obviously, the
15 critique of his analysis. So, I think I would like
16 to just take that as it comes and see where we go,
17 if that is acceptable at this point.

18 MR. KAINS: What I am going to do is, just
19 in the case where Mr. Luetkehans did not have ample
20 time to review an exhibit from an expert witness, he
21 has the right to recall that witness, I am going to
22 allow Mr. Gershon the right to recall Mr. Kielisch
23 should it become necessary. However, you've had
24 several hours or at least a couple of hours to go

1 over this with Mr. MaRous, so let's get to this.

2 You will have the right to recall him, if
3 necessary, but we're going to start to run out of
4 time.

5 So, go right ahead with questions for this
6 witness, Mr. Gershon.

7 MR. GERSHON: Absolutely. Thank you.

8 BY MR. GERSON:

9 Q. Mr. Kielisch, are you familiar with the
10 Uniform Standards of Professional Appraisal Practice
11 or USPAP?

12 A. Yes.

13 Q. Did you comply with those requirements in
14 preparing this report?

15 A. USPAP does not deal with consulting
16 reports.

17 Q. Then it is your argument that you did not
18 provide this report based on your experience as an
19 appraiser?

20 A. Could you repeat that?

21 Q. Is it your argument that you did not
22 provide this report as a professional real estate
23 appraiser?

24 A. Oh, no. I certainly did. Yes.

1 Q. And doesn't USPAP address provision of
2 reports identifying value by appraisers?

3 A. **It does in the value of appraisers. There**
4 **are several sections of USPAP. The section dealing**
5 **with consulting reports was removed several years**
6 **back due to confusion and due to the fact that it**
7 **just didn't use USPAP.**

8 **Being an appraiser, you always hold to the**
9 **very basics of what the USPAP rules would be, and**
10 **the general rule is that you don't present something**
11 **misleading, you don't present something biased or**
12 **things of that sort, and to that I definitely**
13 **adhered.**

14 Q. On page 10 of your report, you identified
15 an opinion of value that properties can lose 25 to
16 30 percent of value; is that correct?

17 A. **That would be an opinion, a consulting**
18 **opinion of what the impact would be. I did not**
19 **value any properties whatsoever nor did I have any**
20 **property values in my analysis to a work file.**

21 Q. So, then no one should rely on your report
22 as identifying the impact of this property on value
23 or on value of properties?

24 A. **No. That would be incorrect. What this**

1 report did is said, okay, let's look at the project
2 as it is presented, and is there any market evidence
3 to an impact of wind turbines such as where it's
4 presented, and a wind farm as presented to
5 residential or agricultural property value, whether
6 the impact is positive, negative or neutral, and
7 that is what my assignment was.

8 And then my conclusion was, according to
9 the data that I had, I would project that there
10 would be an impact according to the proximity of the
11 improvements due to this proposed wind farm, but I
12 did not do a valuation of actual value.

13 Q. So, then I want to make sure because I am
14 clearly confused. If you've identified a 25 to
15 30 percent loss for properties based on being near a
16 wind farm, if someone in this county has a \$300,000
17 home, what would you presume the loss in value would
18 be if there were a wind farm here?

19 A. Well, depending on the proximity. If it
20 was in the proximity of which I had identified, then
21 it would be approximately 25 percent, and there are
22 varying factors to that, but it would be
23 approximately at a 25 percent impact.

24 Q. Which would result in how much, how many

1 dollars from that property?

2 **A. I'm not going to do that analysis because**
3 **that would be a valuation, which would move me to an**
4 **appraisal, and this is a consulting report giving an**
5 **opinion on impact to property value.**

6 **Q. So, you have identified the percentage**
7 **loss, but you are not prepared to identify how that**
8 **would actually impact a home?**

9 **A. Well, certainly, the reader can make that**
10 **calculation on their own. My job was simply to**
11 **identify is there a loss, is there not a loss, is it**
12 **neutral, and if it's within of those three, what**
13 **would be the general impact according to different**
14 **proximities in what I generated proximities.**

15 **Q. I'll get back to this in a little bit.**

16 Can you tell us, for some background, when
17 you were retained by Mr. Luetkehans and his clients?

18 **A. I believe I was retained -- I don't have**
19 **that file with me, but I think it was a few weeks**
20 **back, but I wasn't given what the date was going to**
21 **be for the hearing. I thought it was going to be in**
22 **another week or so or possibly end of the month.**

23 So, he did contact me -- I believe it was
24 late last week -- and gave me the date and the time.

1 Of course, my office is very busy, and actually
2 today was an extraordinarily busy day because I am
3 actually right now at a different location in Warsaw
4 helping my daughter, who has sold her house, helping
5 her move and take care of the grandchildren, and so
6 that was part of the project today. So, I didn't
7 get the report done until yesterday at about 4:15.
8 It seemed to be a glitch in sending the report. I
9 used Adobe to send it out. There seemed to be a
10 glitch on that. Mr. Luetkehans had not received it
11 until I believe it was 9:00 the next day, today.

12 Q. How long did you -- of that time, how long
13 did you spend reviewing the properties in Piatt
14 County that are part of this project?

15 A. I didn't spend any time reviewing those
16 properties. That wasn't my job. My job was to
17 review the project and my opinion of the general
18 impact according to the studies and the other things
19 we had.

20 Q. So then, am I correct to assume that you
21 have not inspected the properties in Piatt County
22 that are part of this project?

23 A. Correct.

24 Q. Under USPAP, which you identified you

1 tried to follow the procedures of, did you provide
2 the required USPAP certification as part of why your
3 report showing no conflicts, saying if you inspected
4 the property and when and if you are certified to
5 provide this report?

6 **A. Again, that is a -- that would be a**
7 **standard, and USPAP does not deal with consulting**
8 **reports and standards.**

9 Q. Are you licensed as an MAI appraiser in
10 Illinois?

11 **A. You do not have to be licensed as an**
12 **appraiser in --**

13 Q. I didn't ask if you needed to be.

14 MR. LUETKEHANS: You know what? Can he
15 please let him finish the answer? And he can ask
16 again if he wishes.

17 MR. KAINS: I am going to direct the
18 witness to answer the question and then, after that,
19 Mr. Gershon, you can ask the next question.

20 THE WITNESS: Okay. The question was what
21 again?

22 BY MR. GERSHON:

23 Q. The question was: Are you a licensed
24 appraiser in Illinois?

1 **A. I am not a licensed appraiser in Illinois,**
2 **nor do you have to be for a consulting report.**

3 Q. And you confirmed that -- do you have a
4 letter of confirmation from Brian Weaver with the
5 State of Illinois' State Appraiser Administrator
6 granting you a waiver to undertake an appraiser
7 report and provide testimony in Illinois?

8 **A. No, because I had already contacted the**
9 **appraisal board about that, and the basic premise**
10 **is, as long as you are not valuing property, which I**
11 **am not -- I am giving opinion of an impact to**
12 **property due to, in this case, the wind farm -- as**
13 **long as you are not valuing the property, that you**
14 **are not in the licensing.**

15 Now, just as a footnote, I have been
16 **licensed in Illinois, and I let that licensing**
17 **expire this year.**

18 Q. I would like to move to some of your
19 reports that you identify. Of the reports on -- you
20 identified six reports initially. Am I correct that
21 three of those reports were done by you or your
22 firm?

23 **A. By reports, you are meaning studies?**

24 Q. Yeah, three of the studies.

1 Again, I apologize. If I had more time, I
2 would have had all the necessary page numbers down
3 pat.

4 **A. Oh, that's fine. I mean, yes. The**
5 **studies, which show up on page 41?**

6 Q. That's correct.

7 **A. Okay. Of those studies, one, two, three,**
8 **four, five, six -- of the nine that are listed**
9 **there, four of the nine we did.**

10 Q. Four of the nine were your studies?

11 **A. Correct.**

12 Q. And you mentioned extensively the study by
13 Mr. McCann; is that correct?

14 **A. Yes. I didn't do it extensively. I just**
15 **give a summary of his. Yes.**

16 Q. And are you aware that Mr. McCann had to
17 turn in his license as an appraiser?

18 MR. LUETKEHANS: Objection.

19 First of all, I don't think it's true.

20 Second of all, it's irrelevant. At the
21 time he did this he was an appraiser for sure. And
22 Mr. McCann is now dead.

23 MR. KAINS: I am going to sustain the
24 objection. Ask another question.

1 THE WITNESS: So, the question was?

2 MR. KAINS: Mr. Kielisch, there is no
3 question pending. We are waiting for Mr. Gershon.
4 He will ask you another question.

5 Mr. Gershon, feel free to take your time.

6 BY MR. GERSHON:

7 Q. You identified having previously testified
8 at ZBA or zoning authority hearings; is that
9 correct?

10 A. I have testified in hearings such as this
11 in the past. Yes.

12 Q. On how many occasions?

13 A. Oh, at least a half a dozen or more.

14 Q. How many of those times have you been
15 retained by opposition to wind farms?

16 A. All of the time. One hundred percent.

17 Q. And on your website, you identify that
18 groups against wind farms say that large property --
19 large wind turbines impact their property values; is
20 that correct?

21 A. I believe I do.

22 Q. Do you also indicate that those groups
23 have something to be gained by saying so?

24 A. I do not.

1 Q. I would like to submit as what I believe
2 is Exhibit 33, a copy of your forensic appraiser
3 group's website.

4 While I can't hand this to you, I assume
5 you can pull up your website. On the first page of
6 the document I've just submitted, your site
7 specifically says but they -- in speaking about
8 groups against wind turbines and wind farmers, it
9 says: But they also have something to be gained by
10 saying so -- I apologize. I'll start with the
11 sentence above.

12 They site noise, blinking lights at night
13 and other factors as proof, but they also have
14 something to be gained by saying so. Maybe they
15 just don't like change or maybe they are just rebels
16 looking for a cause.

17 Am I properly quoting your website?

18 **A. I guess you are.**

19 Q. You also suggest in your website that
20 people should trust you because your opinion is
21 unbiased?

22 **A. That is correct.**

23 Q. And, again, your clients on such projects
24 have always been those opposed to wind farms?

1 **A. Yes. That is also correct.**

2 Q. Thank you. Are you familiar with the
3 survey of assessors conducted by Mr. MaRous and
4 summarized in his market analysis?

5 **A. Could you repeat that question? And I am**
6 **having -- there we go.**

7 Q. Are you familiar --

8 **A. I am trying to get -- I am trying to get**
9 **back on in this website.**

10 Q. Okay. Good.

11 **A. The question was?**

12 Q. Sorry. Are you familiar with the survey
13 of assessors conducted by Mr. MaRous and summarized
14 in his market analysis?

15 **A. No. I am not.**

16 Q. Did you review Mr. MaRous's market
17 analysis?

18 **A. His market analysis? I only reviewed what**
19 **he presented in his PowerPoints.**

20 Q. So, you have not actually reviewed the
21 report that he submitted?

22 **A. That's correct.**

23 Q. Would you be surprised to know that
24 Mr. MaRous contacted every Illinois assessor that

1 had wind energy projects in the assessor's county
2 and the assessors confirmed that no property value
3 impacts were found and that there were no successful
4 tax appeals?

5 **A. Well, I would not be surprised by that.**
6 **Like I said, I did work in assessment for a while.**
7 **I know that assessors do not change assessments**
8 **unless they are challenged to, and often they don't**
9 **even do it then.**

10 **So, to ask assessors and to use that as a**
11 **market type of analysis I think would be suspect to**
12 **its degree of accuracy of thoroughness. I believe a**
13 **realtor review would be much more accurate.**

14 Q. Have you ever done a tax appeal appraisal
15 in Illinois?

16 **A. Did I ever attack a what?**

17 Q. Have you done a tax appeal appraisal in
18 Illinois?

19 **A. No. I have not.**

20 Q. You've indicated that assessors, as I
21 understand -- and I want to make sure I understand
22 what you said -- that assessors do not allow for, if
23 not identified, changes in value. I am not quite
24 sure I understand the reason why you think they

1 wouldn't be truthful about that.

2 MR. KAINS: Let's go off the record for a
3 moment.

4 (BREAK TAKEN TO RECONNECT WITH WITNESS.)

5 MR. KAINS: Okay, folks, we are going to
6 go back on the record.

7 Mr. Kielisch is back through the magic of
8 technology.

9 Mr. Gershon, you were questioning
10 Mr. Kielisch.

11 Mr. Kielisch, again, a reminder: You are
12 still under oath. Do you understand?

13 THE WITNESS: Yes.

14 MR. KAINS: Very good. Thank you.

15 Mr. Gershon, you may proceed.

16 MR. GERSHON: I am going to ask Holly if
17 she wouldn't mind reading back the last question.

18 (LAST QUESTION READ BACK.)

19 MR. GERSHON: I am happy to re-summarize
20 the question, unless you think you can answer.

21 MR. LUETKEHANS: There is no way he could
22 hear that. Mr. Gershon, if you would repeat it, I
23 think it would be helpful.

24 BY MR. GERSHON:

1 Q. So, you have indicated that you don't feel
2 it's reliable to ask assessors for whether or not
3 properties had impact on value; is that correct?

4 A. I don't put a whole lot of credence in the
5 assessment to use assessments as an analysis nor do
6 I also have knowledge that assessments really assess
7 or don't go all willy-nilly and change things on
8 their own. If there is a negative impact, and a
9 property owner has that belief, they have to come to
10 them and they have to argue that. If the assessor
11 disagrees, that goes forward to either appeal or
12 hearing of some kind.

13 And then my experience has been -- and I
14 have done tax challenges in Wisconsin. I had one
15 big one in a credit union that took about half a
16 year. We won the argument, which was a decisive
17 loss -- not loss, a change in value, millions, by
18 the way, and the very next year the assessor moved
19 it right back to where it was before because, by
20 law, they only had to do it for that year.

21 So, my general opinion is, if you really
22 want to grasp the impact, the value impact on
23 something, you should really be looking at the
24 people who are valuing those properties as in

1 **succinctness and not in mass appraisal or buying and**
2 **selling properties like a realtor.**

3 Q. So, then you should be relying on someone
4 like Mr. MaRous who is an assessor and provide an
5 assessment report?

6 **A. Yes.**

7 Q. I think you may have answered this
8 question, but I'm not sure of when you froze up on
9 this. Have you ever done a tax appeal in Illinois?

10 **A. No.**

11 Q. Okay. And I am assuming, from your
12 statements about the assessors in Illinois, that you
13 have never done a study of assessors to determine
14 whether they have been reducing assessments due to
15 proximity of wind turbines. Is that correct?

16 **A. That is correct.**

17 Q. I would like to segue into the Fond du Lac
18 study that you provided. Am I correct that to
19 measure perception you conducted a survey of
20 realtors in the Fond du Lac and Dodge County study?

21 **A. That is correct.**

22 Q. And this study was completed in 2009?

23 **A. Yes.**

24 Q. How many realtors did you survey as part

1 of that study?

2 **A. That data is right here in this study. It**
3 **was on page 53. I believe it was 36 realtors. Last**
4 **line on the bottom of page 53.**

5 Q. And what was their experience?

6 **A. About 13 years, on the average.**

7 Q. So, I assume that meant some realtors had
8 significantly less than 13.5 years of experience?

9 **A. That is correct.**

10 Q. What was the lowest number of years of
11 experience that any one of the 36 realtors had?

12 **A. I do not recall.**

13 Q. Do you recall if any of them had as little
14 as one year of experience?

15 **A. It's a possibility, but I don't recall.**

16 Q. So, we do not know as part of that study
17 what level of experience the average -- each of the
18 realtors had; is that correct?

19 **A. Well, you do in the sense that the average**
20 **is 13, and so that would mean that there would have**
21 **to be a significant number over and significant**
22 **number under that. So, if there was one that had**
23 **one year, I am sure there is one that had 20 to**
24 **counter it.**

1 Q. So, how many years of experience does a
2 realtor need, in your opinion, before that realtor
3 can accurately predict the market to such a degree
4 that you feel comfortable relying on that realtor to
5 be one of only 36 respondents in the study that
6 you've now been presenting for 13 years?

7 A. Well, first off, most realtors come from
8 different backgrounds. So, you would have to know
9 that. If a realtor was in for one year as a
10 realtor, they might have been an incredibly active
11 realtor for that year with many properties under
12 their belt, and they might have come from the real
13 estate field, possibly valuation, possibly assisting
14 another realtor for several years. That part of the
15 work experience you don't know, neither do I. I
16 didn't ask that question.

17 Q. So, since you don't know the experience,
18 you really have no way to know whether or not these
19 realtors had the experience that you, yourself, have
20 just indicated would be necessary for that study?

21 A. Well, you know, we didn't make that a
22 parameter in our filter. We wanted to make sure
23 that they were licensed, that they were part of the
24 realtor group, and that they were of that area.

1 **You mentioned only 36. Well, there aren't**
2 **that many realtors in that area that deal with rural**
3 **property.**

4 Q. Do you consider the basis of your
5 reporting of your analysis, which is based on real
6 estate brokers' opinions, to be at issue for use --
7 for the use you do for it?

8 I apologize. Let me restate that.

9 **A. Yeah.**

10 Q. Your testimony is based on real estate
11 brokers' opinions, correct?

12 **A. Partly. Yes.**

13 Q. And is that generally accepted or not
14 accepted in the industry for determining value and
15 impact on value?

16 **A. Yes. It's accepted quite a bit, as a**
17 **matter of fact. There's a number of studies that**
18 **have used realtors' opinions as well as appraisers.**
19 **We often call realtors for confirmation of sales,**
20 **for getting us opinion of condition and market**
21 **conditions and trends.**

22 Q. Do you recall the case of Mountain Valley
23 Pipeline, LLC, versus 1.23 acres of Land Owned by
24 Eagles Nest Ministries, Inc., in the Federal

1 District Court of Virginia, around 2019?

2 **A. Yes. Yes, I do.**

3 Q. And just for the benefit of the crowd,
4 that was a condemnation case regarding natural gas
5 pipeline, and you provided an opinion for the
6 landowners, correct?

7 **A. That is correct.**

8 Q. And, again, in that case you analyzed the
9 lease of a potential buyer by providing an opinion
10 survey to real estate agents as you have potentially
11 done here?

12 **A. Correct.**

13 Q. You also interviewed four local real
14 estate brokers on their opinions regarding the
15 impact of the pipeline on the property's values?

16 **A. Correct.**

17 Q. From those interviews, did you conclude
18 that the professionals in the local real estate
19 market perceive natural gas pipelines as having a
20 negative impact on property value?

21 **A. Well, not just that. I mean, that**
22 **supported that position. Yes.**

23 Q. Isn't it true that your testimony, based
24 on those real estate brokers' opinions, was excluded

1 by the court?

2 **A. Was excluded by the court? It never went**
3 **to the court. I mean I was never in the hearing.**

4 MR. GERSHON: Can you pull Exhibit 107?

5 (TENDERING EXHIBIT.)

6 BY MR. GERSHON:

7 Q. Exhibit 107 is the case we just
8 referenced, Mountain Valley Pipeline, LLC, versus
9 1.23 Acres of Land Owned by Eagle Nest Ministries,
10 Inc. That is Exhibit 34. And it is your argument
11 that this case does not exclude the testimony of the
12 real estate brokers as being unfounded?

13 **A. My testimony is that all that I did for**
14 **that was a deposition. I never ended up in court.**
15 **There was a settlement that my client was pleased**
16 **with, and so it never did go to court. Now, what**
17 **happened between my deposition and the settlement, I**
18 **have no idea.**

19 Q. I would like, since you are not aware of
20 what the court did with your testimony, I would like
21 to read into the record: The court found that you
22 failed to provide any detailed information about the
23 real estate brokers who provided their opinions
24 about the potential impact that a natural gas

1 pipeline would have on property values.

2 Specifically, and I quote, there is no
3 information about the brokers themselves and their
4 experience, the number of clients with whom the
5 brokers have discussed the issue or if their
6 opinions of the diminution in value percentage is
7 based on anything other than rank speculation.

8 By only providing limited information in
9 this regard, Kielisch has not adequately established
10 a causal link.

11 Further, Kielisch has not provided any
12 evidence that the clients referenced by Giles County
13 Real Estate Brokers are potential purchasers of the
14 property, rather they only generally reference their
15 clientele and those clients' general beliefs about
16 natural gas pipelines.

17 They concluded: Your reliance on articles
18 of accidents outside of Virginia, unrelated similar
19 pipelines, do not pertain to the specific
20 marketplace opinion surveys pertained to Wisconsin
21 real estate, and the opinion of Giles County Real
22 Estate Brokers for whom he has provided only limited
23 information are altogether insufficient to establish
24 a causal link between any evidence of the public's

1 fear or hesitation about natural gas pipelines on a
2 negative impact in value of Eagles Nest and Sizemore
3 Properties.

4 Are you indicating that you are not aware
5 of the court's ruling on the basis of your study?

6 **A. No. That is correct. And when we did**
7 **those interviews, we did those as phone interviews.**
8 **They were conversational interviews.**

9 **The interviews that I did here in this**
10 **analysis was done in person, and they had a regular**
11 **written survey that they took and that they**
12 **completed and signed at the end. So, that is very**
13 **different than what you are talking about in**
14 **Virginia.**

15 Q. I'll leave that for my closing so that I
16 don't testify on that issue.

17 I want to talk a little bit about some of
18 your testimony. You testified about health and
19 safety concerns. Are you a medical doctor?

20 **A. No.**

21 Q. Are you an audiologist?

22 **A. No.**

23 Q. Are you a neurologist?

24 **A. No.**

1 Q. Are you a sleep specialist?

2 A. No.

3 Q. So then do you have any ability to testify
4 as to the medical impact of wind turbines?

5 A. My ability is to represent what the market
6 is talking about and their concerns.

7 You don't need to have a medical degree to
8 recognize that, and that is part of the
9 establishment of perception of value.

10 Q. And what causes that perception?

11 A. What causes that perception is a learning
12 -- how do you say it? -- a learning experience that
13 each one of us have. When we want to learn about
14 something and be knowledgeable, we are going to
15 investigate. We are going to listen to what other
16 people have to say about it. That can be a podcast,
17 audio, internet, what have you. It could be at a
18 meeting like this. You know, so going to search on
19 the Internet for information dealing with your
20 question that you want to help developing opinion,
21 possibly articles written in magazines, newspapers,
22 things of that sort, things heard on the radio,
23 things seen in news clips or, you know, possibly a
24 video or something of that degree, and then, of

1 course, your own personal experience in talking with
2 individuals, neighbors, realtors, maybe even
3 appraisers, people like that, you develop an opinion
4 from all of those and that becomes your perception
5 of what something is.

6 Do you have to be a medical doctor to have
7 a perception that maybe there is a problem with
8 noise, if I am close by?

9 And the appraiser's job is to try to --
10 our job really is to try to mirror what the market
11 is going to do in regards to a property or how the
12 market will behave generally or how, if they are
13 looking at something positively, negatively or
14 neutral.

15 Q. You've indicated that this perception is
16 caused by media. Is there also media that discusses
17 the positive impacts of wind farms?

18 A. Yes, there is, and I indicated that in my
19 analysis as well. There were several articles and
20 some studies that said there was no impact. As a
21 matter of fact, there was a study, or maybe it was
22 more of an opinion piece. I am not sure which it
23 was right now, but it said that wind turbines and
24 wind farms increased value of residential property.

1 **That, of course, would be very challenging to**
2 **believe. And in the field for 38 years and seeing**
3 **how impacts of view site has, I sincerely doubt that**
4 **that would actually happen, but I don't know how**
5 **they came to that analysis, but I did put that in**
6 **there as well.**

7 Q. I would like to refer to the free copy of
8 the anti-wind farm presentation that you have for
9 download on your marketing website. You stated in
10 the last page of that presentation that, quote:
11 Media has reported on negative health issues and
12 values issues influencing a negative perception.

13 In what respect would you consider that to
14 be unbiased?

15 **A. Where is this?**

16 Q. This is on your website. I'll submit it.
17 It's Exhibit 35. Exhibit 35.

18 **A. And, again, can you verbally tell me, what**
19 **does it say before and after as well, please? Not**
20 **to take it out of context.**

21 Q. So, again, Exhibit 35 is titled Wind
22 Turbines and Property Value, a Presentation by Kurt
23 Kielisch, President and Senior Appraiser of
24 Appraisal Group One.

1 **A. Right, and those are conclusions to values**
2 **that I have come to through my research. That**
3 **doesn't mean they are biased. I am presenting an**
4 **opinion on a topic.**

5 Q. On the last page of the PowerPoint
6 presentation titled Conclusion of Perceptions of
7 Wind Turbines' Impact to Property Value, you state:
8 Media has reported on negative health issues and
9 values issues influencing a negative perception.

10 **A. That is correct.**

11 Q. And why on your report do you not identify
12 media reports about positive health issues, positive
13 values, improvements by wind farms?

14 **A. I do. In my literature review, I do. I**
15 **do mention.**

16 Q. I am not asking on literature review. I
17 am talking about the PowerPoint document that is
18 your summary on your website. You mention only the
19 negative connotations in media.

20 Again, your website says that you provide
21 a biased opinion -- an unbiased opinion -- I
22 apologize. I am trying to confirm you feel that is
23 the case.

24 **A. All right. Very good. PowerPoints are**

1 given in a presentation. That is a verbal
2 presentation. PowerPoints are just points through
3 that conversation. You do not know what that
4 conversation was, and when I give these
5 presentations, I always tell people that there is
6 definitely another side to the story, and the other
7 side of the story is there is no impact, there is no
8 this, there is no that. That is all given verbally.

9 But the PowerPoint -- but my conclusions
10 would be on the PowerPoint. So, you know,
11 PowerPoints are not all inclusive of everything you
12 have said or presented.

13 Q. I agree with that, which is admittedly why
14 I was somewhat surprised you had not read Michael
15 MaRous's actual report and only his PowerPoint, but
16 in this case your --

17 MR. LUETKEHANS: Is there a question there
18 or is this closing argument?

19 MR. KAINS: Let's ask a question.

20 BY MR. GERSHON:

21 Q. At this point, I just want to make sure
22 you understand that your document, not mine, yours,
23 say these are your conclusions of perceptions of
24 wind turbine impacts to property value. There is

1 nothing on there that is unclear; do you agree?

2 These are your conclusions?

3 **A. Again, from a verbal presentation, these**
4 **are the summary conclusions.**

5 Q. I'll move on from there.

6 Have you reviewed the Piatt County zoning
7 ordinance?

8 **A. No. I have not.**

9 Q. Have you reviewed the standards that the
10 county has placed or controls they have placed on
11 wind project development in the county?

12 **A. No. I have not.**

13 Q. Have you reviewed the application that
14 Goose Creek Wind has filed in the matter for special
15 use permit?

16 **A. Yes. Briefly, I reviewed the application**
17 **by the Goose Creek Wind Farm.**

18 Q. So, if you have read the application, then
19 you are aware of the actual setbacks identified for
20 this project?

21 **A. No. Don't misrepresent that. I said I**
22 **briefly looked through it, and I was specifically**
23 **looking for definitions of what the wind turbines**
24 **would look like, what the wind farm map was, and, of**

1 **course, in my report I have a copy of that from the**
2 **Goose Creek Wind Farm, and basically trying to**
3 **understand, well, generally what is this looking at.**
4 **My job was not to the zoning regulations.**

5 Q. All right. I can understand that then
6 better why you have presented some of these reports.
7 Just to confirm on --

8 MR. LUETKEHANS: Objection. I mean let's
9 ask a question. I don't -- we don't need the
10 commentary before the question.

11 MR. GERSHON: Your clients have given
12 20-minute statements before asking questions.

13 MR. LUETKEHANS: They are not my clients,
14 and I am not the person doing it.

15 MR. KAINS: Folks, you can ask a question
16 on cross examination. As we all know, they can be
17 somewhat lengthy.

18 But, Mr. Gershon, one or two prefatory
19 statements before asking a question would be
20 appropriate. So let's get to the point of the
21 question, please. Go right ahead.

22 MR. GERSHON: Thank you.

23 BY MR. GERSHON:

24 Q. Are you familiar with the real estate

1 depression of 2008 to 2011?

2 **A. Yes. Of course I am.**

3 Q. And are you familiar that most studies
4 indicate that there is between a 20 and 30 percent
5 loss of value of real estate during that depression?

6 **A. Yes. There are several studies, and I**
7 **would say in some cases it was more and in other**
8 **cases it was slightly less.**

9 Q. Thank you. I would like to walk through a
10 number of your reports. The Appraiser Group One
11 study in Wisconsin. To be clear, the study is
12 identified as being in the year 2009; is that
13 correct? This is page 53 of your report.

14 **A. Okay. Hold on here. Yes. That is**
15 **correct. 2009. Uh-huh.**

16 Q. And 2009 would be during the real estate
17 depression of 2008 to 2011?

18 **A. That's when the report was done, was in**
19 **2009.**

20 Q. And on this page, in the second paragraph,
21 you identify locations of the turbines in question.
22 To confirm, it says that those bordering proximity
23 were defined as 600 feet from the turbine and in
24 close proximity were defined as 1000 feet from the

1 turbine; is that correct?

2 **A. That is correct.**

3 Q. And are you aware that our closest turbine
4 would be within 1650 feet to a turbine?

5 **A. (Inaudible.)**

6 Q. I am sorry. I didn't get that.

7 **A. No. I said I am not.**

8 Q. So, just to be clear, essentially more
9 than 1000 feet further than the bordering proximity
10 items identified in this report of more 650 -- or
11 650 feet more than those identified as being in
12 close proximity?

13 **A. That is correct, and keep in mind these**
14 **wind turbines were small. They are all under**
15 **400 feet, whereas yours are presented to be over**
16 **600.**

17 Q. And what was the density of turbines in
18 this project?

19 **A. The density? I don't believe I have the**
20 **density in here.**

21 Q. Do you know what the megawatts of these
22 turbines were?

23 **A. They were 1 megawatt each per turbine.**

24 Q. And do you know what the megawatts of the

1 turbines proposed on this project are?

2 **A. I do not. I know that you are going to**
3 **have, I believe it's 300. It's projected to be**
4 **300-megawatts total of the 50 turbines.**

5 Q. So, would you be surprised to know that
6 the turbines proposed for this project are
7 6-megawatt turbines versus the 1-megawatt turbines
8 done in this study?

9 **A. Well, they are newer. Newer, bigger, more**
10 **advanced. It wouldn't be a surprise.**

11 Q. Are you also aware that typically wind
12 farms using higher megawatt turbines also means that
13 you have less density because fewer turbines are
14 necessary to generate the same number of megawatts?

15 **A. That would be logical.**

16 Q. Are you familiar with ADLS?

17 **A. With what? Excuse me.**

18 Q. ADLS?

19 **A. ADLS?**

20 Q. Aircraft detection lighting systems?

21 **A. Oh, yes. Yeah. Right. I am.**

22 Q. Was ADLS part of the Group One study in
23 Wisconsin?

24 **A. It was not.**

1 Q. And are you aware of what ADLS does for
2 wind projects?

3 A. **Yes. Instead of the constant flashing on**
4 **and off, robotic-like behavior the older wind farms**
5 **had, that system is it lights up when it recognizes**
6 **that there is an aircraft in proximity.**

7 Q. Are you aware that Piatt County requires
8 all projects to use ADLS technology for turbine
9 lightning?

10 A. **That's good.**

11 Q. Are you aware of any project in Illinois
12 that has been constructed and is operating with
13 ADLS?

14 A. **Do I have? Did I do? I am sorry. I**
15 **don't understand that.**

16 Q. Are you aware -- you've talked about
17 reviewing a number of wind farms and what their
18 impact is. Are you aware of any project in
19 Illinois, any wind farm, that has been constructed
20 with ADLS and is up and operational?

21 A. **Yeah. I believe there was -- I think I**
22 **gave testimony maybe about a year or so ago on a**
23 **project relatively close to where you are that was**
24 **having that technology.**

1 Q. And is that project constructed and
2 operating?

3 **A. Well, when I gave testimony, it wasn't**
4 **there. It was a project that was proposed.**

5 Q. The reason for the question is just I want
6 to make sure that we are all aware. Have you ever
7 studied the impact on property values of a wind farm
8 that is utilizing ADLS technology?

9 **A. Isolating that one variable, is that what**
10 **you are asking?**

11 Q. No. Have you ever studied a wind farm
12 that utilizes ADLS technology?

13 **A. No.**

14 Q. Let's move on to page 50 of your report.
15 Again, this report talks about properties that were
16 sold from 2005 to 2007; is that correct?

17 **A. In Canada, yes. Ontario, Canada.**

18 Q. Did Canada have the same strong real
19 estate market in 2005 to 2007 that existed in the
20 United States?

21 **A. I do not know. The appraiser took that,**
22 **Mr. Ben Lansink, he took that into consideration**
23 **when he did his valuation.**

24 Q. Are you aware that the resale of the

1 properties at this project occurred between 2009 and
2 2012?

3 **A. Yes, I am.**

4 Q. And, again, did that occur during the real
5 estate market crash that began in 2008 and continued
6 through 2011?

7 **A. Well, the crash was in the United States.**
8 **I am sure it impacted many other properties.**
9 **However, I want to emphasize that the appraiser did**
10 **a market trend analysis which would recognize**
11 **trending values going up or down, and he did that**
12 **analysis. So, that was already taken into**
13 **consideration.**

14 Q. Are any of the studies you submitted --
15 because I want to save time for the board rather
16 than going through every one of them -- do any of
17 them identify sales that occurred at times other
18 than during the real estate depression?

19 **A. Oh, yeah. I am sure there are. Sure.**
20 **The ones that we did.**

21 Q. The ones that you cite?

22 **A. The Big Sky Wind Farm and the Twin Groves**
23 **Wind Farm. We are taking all that into**
24 **consideration, and then we gave market analysis and**

1 **market trend analysis on all of it.**

2 **So, keep in mind, even though you can have**
3 **appreciating and depreciating markets, when an**
4 **appraiser does a trending analysis correctly, he**
5 **identifies that and makes the adjustment**
6 **accordingly.**

7 Q. All of the reports that you identified,
8 other than yours, appear to be from for sales during
9 the real estate depression; is that correct?

10 I am happy to walk through each one. I
11 would just rather not have to do that.

12 A. **No. Not the Tuttle. The Tuttle was in**
13 **2011. That was after.**

14 **Coral Springs was before. That was mine.**

15 **Big Sky was 2015. That was after 2011.**

16 **Mendota Hills was after.**

17 **The hedonic study, that was done by**
18 **Berkeley Lab in 2009.**

19 **So, if you want to make an issue there --**
20 **I trust that, you know, that the market trending was**
21 **recognized. That is what a professional would do.**

22 Q. Let's go to your Coral Springs Development
23 Study that you cite, page 59 of your study. Again,
24 it shows an initial sale in 2007, its purchase, and

1 the sale was June 13, 2010; is that correct?

2 A. That is correct. That was in Wyoming, and
3 we already looked at the market in Wyoming and what
4 the market trending was doing there because we did
5 an extensive study on a neighboring property that
6 had many, many properties very upscale.

7 Q. But, again, during the real estate
8 depression?

9 A. Excuse me. What I am trying to tell you
10 is, though, you are trying to make a point that
11 everything in the United States was negatively and
12 severely negatively impacted during the 2008 crisis,
13 that is not necessarily true.

14 Agricultural -- by the way, agricultural
15 did not suppress at all. It went up considerably,
16 and there are different pockets throughout the
17 United States. So, you can't make that general
18 assumption. You do have to look at each market and
19 trend it to see how that market is doing, and that
20 is what we did.

21 Q. Aren't most of these studies sales of
22 homes not sales -- just sales of agricultural land?

23 A. They are sales of homes, did you say?

24 Q. Correct.

1 **A. No. This Coral Springs was vacant land.**

2 **Most of our studies are vacant land.**

3 Q. In Coral Springs Development Study, were
4 these sales of residential lots?

5 **A. Yes. Well, yeah. They are. They are**
6 **40-ache-plus lots considered residential in Wyoming.**
7 **Yes, but they were not improved.**

8 Q. I want to go to Mr. MaRous's study. On
9 page 137 of his study, he talks about the Municipal
10 Property Assessment Corporation Impact Study that
11 you discussed. This study was conducted in 2008 and
12 was updated in 2012 and 2016; is that correct?

13 **A. What page are you on?**

14 Q. Page 137 of Mr. MaRous's study.

15 **A. Page 137 of Mr. MaRous's study?**

16 Q. Yes.

17 **A. I wouldn't know.**

18 MR. LUETKEHANS: Objection. He has
19 already said he has never reviewed it. I don't know
20 how you can ask him a question about it.

21 MR. KAINS: All right. I am going to
22 overrule it to the extent, Mr. Kielisch, do you have
23 Mr. MaRous's study, his report, in front of you?

24 THE WITNESS: No. I only have his

1 PowerPoint. That is it. That is all I received.

2 BY MR. GERSHON:

3 Q. Thank you. I apologize. You indicated
4 that you briefly reviewed our application, correct?

5 A. **Just very briefly. Yes.**

6 Q. So, then you are indicating you did not
7 review Mr. MaRous's study which was included within
8 the application?

9 A. **Apparently, since I didn't know it was**
10 **there. Yes, apparently so.**

11 Q. We will cite to all the studies you did
12 then later rather than ask you a question on them.

13 A. **I just -- I didn't understand what you**
14 **just said. It was all mumbled. What was that?**

15 Q. I said I agree with Phil. I will not ask
16 you to discuss Mr. Rouse's studies since, clearly,
17 you are not familiar with it.

18 A. **Yes. That is fair.**

19 MR. KAINS: Ask a question.

20 MR. GERSHON: Yes.

21 BY MR. GERSHON:

22 Q. You critiqued two or three of Mike
23 MaRous's match pairs; is that correct?

24 A. **Yes. I dealt with all three of them that**

1 **he presented as a PowerPoint.**

2 Q. So, then you have not reviewed the 42
3 match pairs that he actually identified from his
4 presentation?

5 **A. That is correct, only the PowerPoint.**

6 Q. Okay. You've talked about quality of life
7 in your report. Do you believe that --

8 **A. I talked about what? Excuse me. Could**
9 **you repeat that?**

10 Q. Yes. Am I correct that you discussed
11 quality of life in your report?

12 **A. Quality of life? Yes.**

13 Q. Thank you. Do quality schools, medical
14 facilities, quality community benefits, police and
15 fire all impact quality of life?

16 **A. Yes.**

17 Q. Did you review Dr. Loomis's study on the
18 revenues generated by the project to each of the
19 taxing districts that provide for schools, medical
20 facilities and other county approvals --
21 improvements? Sorry.

22 **A. No. That was not my assignment.**

23 Q. In your experience as an appraiser, is
24 significant positive tax revenues a benefit for a

1 county?

2 **A. Well, of course. Why wouldn't it be?**

3 **That doesn't necessarily mean the property values go**
4 **up. I can tell you that but --**

5 Q. Not the question I asked. Are you
6 familiar with McLean County, which is adjacent to
7 Piatt County?

8 **A. Am I adjacent to what? I am sorry.**

9 Q. McLean County which is adjacent to Piatt
10 County.

11 **A. Yes. What is the question?**

12 Q. Are you aware that \$9,400,000 in taxes
13 were paid to the county in 2022 with an estimate of
14 over \$60,100,000 to the school districts from wind
15 farms?

16 **A. No. But, again, that wasn't my**
17 **assignment.**

18 MR. GERSHON: I would like to submit as
19 our Exhibit 36 an Energy Policy article from April
20 of 2022.

21 THE WITNESS: What was the question?

22 MR. KAINS: There is no question. There
23 is there no question pending. Mr. Gershon is
24 wanting to introduce an exhibit. Hang on.

1 THE WITNESS: Okay. Good.

2 BY MR. GERSHON:

3 Q. Are you familiar with the Energy Policy
4 Journal?

5 A. **Am I familiar with the Energy Policy of**
6 **what?**

7 Q. No. Energy Policy as in an international,
8 peer-reviewed journal. Are you familiar with it?

9 A. **No. I am not.**

10 MR. GERSHON: Okay. I would like to
11 submit as Exhibit 37 an article from the Energy
12 Policy Journal dated April 2022.

13 MR. KAINS: Mr. Keyt, are we on 36 or 37?

14 (DISCUSSION OFF THE RECORD.)

15 MR. KAINS: The Energy Policy article that
16 has been presented to the board and Mr. Luetkehans,
17 Energy Policy will be Exhibit 36.

18 BY MR. GERSHON:

19 Q. The Energy Policy Journal, which has now
20 been submitted -- and I apologize, since you're not
21 here, I can't hand this to you -- on page 6 states
22 the following: Home values, on the other hand, only
23 increase after a wind energy installation has begun
24 operating. Given that our finding stands in

1 contrast with existing work described above, it
2 defines no impact of wind energy values on property
3 values in the United States. These results merit
4 slight elaboration.

5 First note, we are estimating the impact
6 of wind energy production on countywide home values
7 not the impact of specific turbines on specific
8 homes located near a turbine, which is the focus of
9 the previous work.

10 **A. So, the question is what?**

11 Q. I am trying to read the quote to you since
12 you don't have it. I would like to know whether you
13 agree with the findings of the authors of this
14 article.

15 **A. No. That would be very counterintuitive,**
16 **as I mentioned before. A study done like that,**
17 **again, there are different publications. I assume**
18 **this is a trade publication, obviously, for the**
19 **energy company would be my assumption. Certainly,**
20 **they are going to be publishing things that benefit**
21 **their client base.**

22 Q. I appreciate your assumption, but the
23 assumption is incorrect. Energy Policy Journal --

24 MR. LUETKEHANS: I don't think we need

1 Mr. Gershon to testify. If he wants to have someone
2 testify to this, that is up to him, but this not the
3 gentleman.

4 MR. GERSHON: This is why we objected to
5 having him on Zoom, because he can't review the
6 journal.

7 MR. LUETKEHANS: It has nothing do with
8 him reviewing it. He has never seen it.

9 MR. KAINS: The objection is sustained.
10 This witness has already testified he is not
11 familiar with this journal. He is not familiar with
12 this article, and so I don't know that any questions
13 you can ask him would be fruitful.

14 However, if you want to take a specific
15 sentence or two or three and ask if him if he thinks
16 that is a fair assumption, then that would be
17 permissible. Go right ahead, Mr. Gershon.

18 MR. GERSHON: I believe, as to his last
19 response, he does disagree with the journal, and
20 we'll identify the authors of the journal as part of
21 our additional evidence. That's fine.

22 MR. KAINS: Very good. Any other
23 questions for Mr. Kielisch, Mr. Gershon?

24 BY MR. GERSHON:

1 Q. Did you prepare an appraisal in Michigan
2 for Donald and Arvilla Schumann?

3 **A. I don't know. Last time I was in Michigan**
4 **was several years ago. I can't remember all of my**
5 **clients.**

6 Q. We can submit this as an additional
7 exhibit. Since I know you wouldn't have a copy of
8 it, I'll continue to ask the questions for the day,
9 but we'll mark that as Exhibit 37.

10 On page 19 of your report, under your
11 highest and best use section of the report, you said
12 the following regarding the property which is a
13 146-acre farmland parcel: This parcel is not in the
14 wind energy designation zone per se nor does it have
15 a wind development lease; however, lands to the east
16 are in such a zone and a number of wind turbines are
17 being constructed. The township participates in the
18 area county wind development ordinance which does
19 not restrict wind farm development; therefore, there
20 is good potential that such a development may
21 benefit the subject property.

22 Do you remember making these statements?

23 **A. I do not, but if it was written and it's a**
24 **copy of my appraisal, I am sure it's accurate.**

1 Q. Let me quote another statement you made on
2 page --

3 MR. LUETKEHANS: Could we get a copy of
4 that since you're quoting it? It would be nice for
5 all of us to be able to read it.

6 MR. KAINS: Let's get 37 in. Thank you.

7 BY MR. GERSHON:

8 Q. On page 19 of this exhibit, you state:
9 The best use of this parcel is for agricultural use
10 with a good potential of participating in the wind
11 energy overlay area.

12 Do you remember stating that?

13 A. **Not really, but again, we do hundreds of**
14 **reports a year. I can't remember everything that I**
15 **put in a report. If it's in writing, if it's black**
16 **and white and there's a copy, then I said that.**

17 Q. So, your report related to the taking of
18 this land for transmission line, do you remember
19 indicating in your conclusion that the transmission
20 line was going to have a negative impact on the
21 value of the property in part because it would
22 impact the ability to participate in the wind energy
23 project?

24 A. **Yes, correct. I mean I believe that was**

1 true. And, again, keep in mind we are dealing with
2 best use, and for that property, to be capturing the
3 wind assessment, if I recall correctly, I believe
4 Michigan paid everybody that was within the
5 footprint of the wind farm. Those who actually had
6 towers got an extra payment. I'm not too sure what
7 it was but probably over 10,000 a year, and those
8 who were not in the footprint, they got another
9 payment. It was thousands of dollars per year on an
10 acreage basis. And those who had power lines either
11 put underground, they also got another payment.

12 So, there is that potential to profit
13 there for the property owner but, again, those
14 easements are unique to the property owner, and the
15 property owner has the right to hold those easements
16 independent of the property if they sell it.

17 Q. Do you remember that your conclusions in
18 your appraisal report stated, quote: It is included
19 that the highest and best use is for the
20 continuation of agricultural land use with the
21 potential of future wind energy development?

22 MR. LUETKEHANS: Objection. Asked and
23 answered. He answered it three minutes ago. Exact
24 same quote.

1 MR. KAINS: I am going to sustain the
2 objection. It was asked and answer.

3 Any further questions, Mr. Gershon?

4 MR. GERSHON: There are actually two
5 quotes from different places in the article.

6 MR. LUETKEHANS: You actually quoted the
7 same place twice. You might have meant to quote two
8 different ones, but you quoted the exact same one.

9 MR. GERSHON: No further questions. Thank
10 you.

11 MR. KAINS: Very good. Thank you.

12 Questions for Mr. Kielisch from any other
13 licensed attorneys in the room?

14 Questions from other interested parties?

15 Now, again, only persons neutral on the
16 application and those opposed to the position of the
17 witness will be allowed to conduct cross
18 examination. In other words, if you are on the same
19 side of the issue as the witness, you will not be
20 allowed to question them. This type of questioning
21 is known, in legal terms, as bolstering and is not
22 true adversarial testing of a witness's testimony;
23 therefore, only persons who are neutral and on the
24 opposite side of a particular witness will be

1 allowed to question that witness.

2 So, are there questions from interested
3 parties? That would be members of the public either
4 in support of the application or neutral on the
5 application?

6 Are there any questions from members of
7 the public?

8 Yes, sir. All right. Can we go off the
9 record for just a second.

10 (DISCUSSION OFF THE RECORD.)

11 MR. KAINS: Sir, if you would, please go
12 over to the podium.

13 Mr. Kielisch, we are having members of the
14 public now afforded the opportunity to ask you
15 questions.

16 THE WITNESS: Okay.

17 MR. KAINS: Fine. Sir, if you could,
18 please state your name spelling your first and last
19 names for the record.

20 MR. JORDAN: John Jordan. J-o-h-n
21 J-o-r-d-a-n.

22 MR. KAINS: All right. Mr. Jordan, you
23 may question Mr. Kielisch on his testimony.

24 EXAMINATION

1 BY MR. JORDAN:

2 Q. Do you know where McLean County is?

3 A. **Generally, yes. It's in central Illinois.**

4 Q. This is the question that I have: McLean
5 County has more wind farms than any other county in
6 the state of Illinois. Why is it that with McLean
7 County housing going up and it's higher priced to
8 live there now? It's not going down like you said
9 it would.

10 A. **Well, generally, I mean I don't know. I**
11 **didn't do any analysis for that county. I mean we**
12 **did have an appreciation since 2018 and a greater**
13 **appreciation of property values. Whether it**
14 **approached at the same rate or not, I do not know**
15 **that.**

16 **There are many other factors that can**
17 **contribute to property value, but I did not do any**
18 **analyses in McLean County on whether or not, well,**
19 **why is that, why did their property values go up and**
20 **yours did not.**

21 Q. I'll ask you another question. Value of
22 farmland where there is a turbine, does it go up?

23 A. **Excuse me? The value of farms? Where?**

24 Q. Well, the value of farmland, 160 acres.

1 You put a turbine on it. Does it go up in value?

2 **A. If that farm with 160 acres, with a wind**
3 **turbine, with a wind turbine lease, if that farm is**
4 **sold with the wind turbine lease, chances are yes,**
5 **depending on the wind turbine lease and how much**
6 **that is contributing. If it's sold without the wind**
7 **turbine lease, chances are no.**

8 Q. Well, I am telling you it's going up.

9 Do you have any idea what kind of
10 percentage it is?

11 **A. Yes. Our studies that we did in that area**
12 **indicated that farmland that is sold without the**
13 **wind lease sells for about 8.5 percent less if it's**
14 **within the confines of the wind farm itself.**

15 Q. Less?

16 **A. Less, yes. That is without the wind**
17 **turbine or any participation.**

18 Q. I can prove that if you want me to.

19 MR. KAINS: Ask a question, please.

20 BY MR. JORDAN:

21 Q. I got another question. In Canada, where
22 these turbines was or were or are, do they live
23 there year-round?

24 **A. Do they have what?**

1 Q. Do they live there year-round?

2 I meant the weather is pretty cold up
3 there. Do some of them move to town and the house
4 just sits?

5 **A. I don't know if individuals live there**
6 **year-round.**

7 Q. I think they do sit there. They do in
8 Kansas. I don't know about Canada for sure.

9 MR. KAINS: Mr. Jordan, would you please
10 just ask questions rather than comments.

11 THE WITNESS: I am just telling. I am
12 just telling him the answer.

13 BY MR. JORDAN:

14 Q. With tall turbines, would they have less
15 turbines than a wind farm?

16 **A. Do the tall turbines have what?**

17 Q. Less turbines. I meant are there more or
18 less when you put these 600-foot turbines that we
19 are talking about, towers?

20 **A. I think we already established that, at**
21 **least the proposed density of this project, it is**
22 **they are less.**

23 MR. JORDAN: That will do for now.

24 MR. KAINS: Very good. Thank you,

1 Mr. Jordan. We appreciate your questions.

2 Are there any other questions from folks
3 in support of or neutral on the application?

4 Mr. Taubel, you've asked questions. Where
5 are you?

6 MR. TAUBEL: Neutral.

7 MR. KAINS: You are neutral?

8 THE WITNESS: Yes.

9 MR. KAINS: Okay. Sir, just go ahead and
10 state and spell your first and last name.

11 MR. TAUBEL: C-a-l-v-i-n. Last name
12 T-a-u-b-e-l.

13 MR. KAINS: Go ahead, Mr. Taubel.

14 EXAMINATION

15 BY MR. TAUBEL:

16 Q. Thanks for what you shared.

17 Question on the dates: Of all that was
18 mentioned, it seems the last several years there was
19 not as much as 10, 15 years ago from the analysis
20 and testimony that you provided.

21 With the ADLS system and newer provisions
22 that county boards and ZBAs are adjusting to, have
23 you seen a change in your findings that the land
24 value prices have less of an effect with more

1 stringent requirements?

2 **A. We do not use that as a filter, so I would**
3 **have no opinion on that.**

4 **Q. From what you've seen, in your experience,**
5 **do you believe that there would be stringent enough**
6 **parameters and requirements that would mute all**
7 **negative impact?**

8 **A. No. It would not mute all impact. I**
9 **don't think that is possible. If you have a**
10 **60-story tall building, you are not going to, unless**
11 **you legislated in such a way that the distance is**
12 **you don't even see them or hear them or have the**
13 **flicker. I don't think that is possible.**

14 **You can dampen the impact by distance**
15 **restrictions, for instance. You can dampen the**
16 **impact by maybe positioning that they can't be on**
17 **the east/west for the flicker issue. There are**
18 **other things that legislation could do.**

19 **Something I spoke of in my literature**
20 **review is that there was a number of communities**
21 **that had the wind farm developer buy out any person**
22 **at market value that so desires to, and part of that**
23 **was on a basis that, if there was not any impact,**
24 **there would be no risk to the wind farm to buy out**

1 **the property at full market value and then to put it**
2 **right back up on the market and to recapture their**
3 **purchase.**

4 Q. So, when you say that there is no way to
5 mute, are you saying that there is no way to mute
6 the aesthetic perception or are you saying of the
7 actual dollar exchanges on prices?

8 I am not sure in your answer which of the
9 two of you are answering with.

10 A. Well, I understand. I focus on impact to
11 property value, and so I interpret your question as
12 there is some type of way of wind ordinances or
13 something like this or restrictiveness in ordinances
14 that could diminish the impact that I perceive to
15 the wind farm to the point that the diminishment
16 equals zero, in other words, there is no impact
17 left. And my response to that is: I don't see how
18 that could possibly happen unless you have, of
19 course, had the restriction that the distance was so
20 great that you wouldn't see, hear or anything of the
21 wind turbine itself, which would be impractical.

22 MR. TAUBEL: Thank you.

23 MR. KAINS: Very good. Thank you,

24 Mr. Taubel.

1 Anybody else?

2 Ms. Miner, are you in support of, in
3 opposition to or neutral on this?

4 MS. MINER: I am in support of the
5 project.

6 UNIDENTIFIED VOICE: She changed.

7 MS. MINER: I am in opposition to the
8 testimony that has been given. Did I get that
9 backwards?

10 MR. GERSHON: Yes.

11 MR. KAINS: I know you were up here asking
12 questions of other witnesses. I didn't know if you
13 had jumped the fence, but go right ahead.

14 MS. MINER: I asked one question from a
15 medical guy, but I was neutral. I am not neutral
16 now. Sorry. I know. You guys are keeping up with
17 an awful lot.

18 MR. KAINS: There are just rules that we
19 have to follow.

20 Ma'am, state your name, spelling first and
21 last names for the record.

22 MS. MINER: Meg Miner. M-e-g M-i-n-e-r.

23 EXAMINATION

24 BY MS. MINER:

1 Q. It's a previous question. I was having a
2 very hard time following all of the dates and the
3 studies that you referenced. Can you tell us what
4 the most recent study is that you've conducted and
5 what time period of values I guess that covered?

6 A. Sure. I can, if you will just give me a
7 moment to address that. I am trying to find the
8 page where I summarized the studies. That would be
9 the fastest way there, and I have to do this
10 one-handed because the other hand has to hold the
11 phone. There we go.

12 The latest and most contemporary study
13 that we did was Big Sky Wind and that was a match
14 pair analysis, and that was completed in 2015.

15 MS. MINER: Thank you.

16 MR. KAINS: Thank you, Ms. Miner.

17 Any other questions for Mr. Kielisch from
18 the general public?

19 Questions from Piatt County staff and
20 consultants?

21 Mr. Luetkehans, your opportunity --

22 Oh, sir, are you --

23 MR. BURTON: I am for the wind farm. So,
24 I can ask a question? I am in opposition.

1 MR. KAINS: Yeah. What is your name?

2 MR. BURTON: My name is Brendan Burton.

3 MR. KAINS: Is he a client?

4 MR. LUETKEHANS: No.

5 MR. KAINS: Go right ahead, Mr. Burton.

6 MR. LUETKEHANS: I don't believe so.

7 MR. KAINS: It's been a long night. I
8 would have to look at the list.

9 Mr. Burton, if you could, please spell
10 your first and last name for the record.

11 MR. BURTON: First name is Brendan,
12 B-r-e-n-d-a-n, and last name is Burton, B-u-r-t-o-n.

13 MR. KAINS: Go right ahead, Mr. Burton.

14 EXAMINATION

15 BY MR. BURTON:

16 Q. You just talked about Big Sky Country and
17 you -- I don't know if the word is "assessed" it in
18 2015 -- correct? -- or Big Sky, the wind farm,
19 correct?

20 A. Yeah. Big Sky Wind Farm, that is when we
21 did the study, was in 2015.

22 Q. And is it not correct that it has been
23 re-powered and has changed?

24 A. I wouldn't know.

1 MR. BURTON: It has been re-powered. No
2 further questions.

3 THE WITNESS: Yeah, I mean that --

4 MR. KAINS: There is no question pending,
5 Mr. Kielisch.

6 Thank you, Mr. Burton.

7 Anybody else in support of the wind
8 project? How about that?

9 Or neutral?

10 All right. Very good. We have no
11 questions from Piatt County staff and consultants.

12 Mr. Luetkehans, approximately how long do
13 you think you are going to have for redirect?

14 MR. LUETKEHANS: About five minutes --

15 MR. KAINS: All right. You may proceed.

16 MR. LUETKEHANS: -- I hope.

17 FURTHER EXAMINATION

18 BY MR. LUETKEHANS:

19 Q. The Schumann appraisal you were asked
20 about, it looks like that was, just by looking at
21 it, it was a before-and-after analysis. You were
22 trying to determine value before and after the take.
23 Does that sound familiar?

24 A. **Yes. That is a before-and-after analysis.**

1 **Yes.**

2 Q. If real estate taxes went up in these
3 Illinois counties that you analyzed, that would have
4 been -- that -- any effect of those real estate
5 taxes being increased would have also shown up in
6 your studies, correct?

7 The ultimate effect of those, of any real
8 estate tax, if it increased the property values, it
9 would show up in the studies you did?

10 **A. Yes. Yes. That would have.**

11 Q. It would be both in the close proximity
12 and the far proximity; they would both be affected?

13 **A. Yes, correct.**

14 Q. So that would be taken into account in
15 your study?

16 **A. Yes.**

17 Q. Okay. If both sales took place during
18 what we've talked or heard was this great
19 depression, both would have been affected by the
20 same market, correct?

21 **A. That's correct.**

22 Q. The 2009 LBNT study, which you talked
23 about Hoen, H-o-e-n, that study found a loss,
24 correct?

1 **A. Correct.**

2 Q. It's just they decided it was below the
3 statistical significance number, though?

4 **A. Yes. That is correct.**

5 Q. Okay. Would it surprise you if Mike
6 MaRous admitted he did not comply with USPAP either
7 on his study?

8 **A. Not really because, again, it's a**
9 **consulting report, and studies themselves are not**
10 **under USPAP.**

11 Q. Perfect. Yes. Assessed values, you've
12 done eminent domain cases, correct?

13 **A. Yes.**

14 Q. Assessed values are not allowed in most
15 eminent domain cases as actual evidence, are they?

16 **A. That is correct.**

17 Q. And I can tell you that is the same in
18 Illinois.

19 Mountain Valley, the realtor opinion that
20 you heard about, a couple things: One is that is
21 not the full basis of your opinion in this case --
22 correct? -- the realtor USPAP survey?

23 **A. That is correct. That is just a very**
24 **small part of it.**

1 Q. I am going to read a part of the same
2 Mountain Valley Pipeline opinion that Mr. --

3 **A. Can --**

4 Q. And I know it -- go ahead.

5 **A. Can I take one break? I drank a lot of**
6 **water.**

7 MR. KAINS: Yes, you may, Mr. Kielisch.
8 Why don't we go off the record.

9 (BREAK TAKEN.)

10 MR. KAINS: Mr. Kielisch, just to admonish
11 you again: You are still under oath. You
12 understand that?

13 THE WITNESS: I do.

14 MR. KAINS: Okay. Very good.

15 BY MR. LUETKEHANS:

16 Q. I know you don't recall this opinion, but
17 I do want to read one sentence out of the opinion of
18 Petitioner's Exhibit 34 since others were read to
19 you.

20 On the -- about three pages from the back,
21 under the heading, parent sales analysis and impact
22 studies, the opinion also says: For this reason,
23 MVP's motion to exclude Kielisch's testimony
24 regarding a paired sales analysis as Kielisch

1 referred to impact study will be denied.

2 I know you don't know that because you
3 never got involved in it afterwards, but I did want
4 to read that remainder part into the record.

5 Your opinions of diminution of value, they
6 are not based upon the application itself; they are
7 based upon distance from wind turbines in general,
8 correct?

9 **A. That's correct.**

10 Q. Okay. And let's -- we heard about the one
11 study group, the appraisal group One Study. Do you
12 recall that?

13 **A. Yes.**

14 Q. And you were asked about the definition of
15 near proximity?

16 **A. Yes. That is 1000 feet.**

17 Q. Okay. Or actually you were asked about
18 the definition of bordering proximity and close
19 proximity, correct?

20 **A. Correct. Yes.**

21 Q. If I am reading your summary correct, near
22 proximity is defined as one half mile from the wind
23 turbines, correct?

24 **A. That's correct.**

1 Q. And you found that near proximity, which
2 is a half mile from the wind turbines, at 29 percent
3 loss; is that correct?

4 **A. That's correct.**

5 Q. For one- to five-acre vacant parcels,
6 correct?

7 **A. Yes.**

8 Q. And 24 percent loss for improved
9 properties, correct?

10 **A. Correct.**

11 MR. LUETKEHANS: Nothing further. Thank
12 you.

13 MR. KAINS: Very good.

14 Mr. Gershon, do you have any questions for
15 clarification based upon the questions from
16 Mr. Luetkehans?

17 And from the bored?

18 No further questions. Very good. All
19 right.

20 Final questions for the witness come from
21 members of the Zoning Board of Appeals. Any
22 questions for Mr. Kielisch from the board?

23 Very good, Mr. Kielisch. Thank you. You
24 are excused, but keep in mind you are subject to

1 potential recall if the zoning board wants to hear
2 from you or if Mr. Gershon has some urgent questions
3 that he did not already pose to you. So, you are
4 excused, and we thank you.

5 THE WITNESS: Thank you. Bye-bye.

6 MR. KAINS: Thank you. All right.

7 Mr. Luetkehans, tomorrow you have
8 Mr. Bauer.

9 MR. LUETKEHANS: We will start with
10 Dr. Punch and then we have a Mr. Bauer who is an
11 aerial applicator.

12 MR. KAINS: Very good. Should we get
13 through those two --

14 MR. LUETKEHANS: We will have residents
15 who are testifying about their particular property.

16 MR. KAINS: Very good. That will be
17 tomorrow night. And then we will continue next
18 Monday with testimony from folks in opposition.

19 Anything further, Mr. Luetkehans?

20 MR. LUETKEHANS: No, sir.

21 MR. KAINS: Mr. Gershon?

22 MR. GERSHON: Can we get the full name for
23 the new witness.

24 MR. LUETKEHANS: Ryan Bauer. R-y-a-n

1 B-a-u-e-r.

2 MR. KAINS: And the names of other
3 witnesses that will be called?

4 MR. LUETKEHANS: Those are still to be
5 determined.

6 MR. KAINS: It's Dr. Punch and then it
7 will be for these folks here, who have been here,
8 and I think we know most of them.

9 Anything further, Mr. Gershon?

10 MR. GERSHON: No.

11 MR. KAINS: Thank you. We are in recess
12 until tomorrow night at 6:00 p.m. in this room.

13 (END OF PROCEEDINGS.)

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CERTIFICATE OF REPORTER

I, Holly Wingstrom, CSR #84-003888, reported in machine shorthand the proceedings had in the above-entitled cause and transcribed the same by computer-aided transcription, which I hereby certify to be a true and accurate transcript of the proceedings had.


Holly Wingstrom, CSR #84-003888
Official Court Reporter

Dated: 12/17/2022

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