

**MINUTES OF THE  
LEE COUNTY ZONING BOARD OF APPEALS**

**Special Meetings  
20-P-1557**

**County Board Room**  
Old Lee County Courthouse, Dixon, Illinois

**Zoom Video- & Tele-conferencing**  
Meeting ID: 91539239154  
Password: 209840

**Wednesday, December 16, 2020, at 7:00 p.m.**  
<https://www.youtube.com/watch?v=zZE4ulAra0Y>

**Monday, January 4, 2021, at 6:00 p.m.**  
<https://www.youtube.com/watch?v=Ph4q6NIcdtg>

**Tuesday, January 5, 2021, at 6:00 p.m.**  
<https://www.youtube.com/watch?v=G3QAbczEs5U>

Board Members

Bruce Forster, Chair  
Craig Buhrow, Vice Chair  
Mike Pratt, Member  
Gene Bothe, Member  
Glen Hughes, Member  
Rex Meyer, Alternate Member

Staff

Dee Duffy, Zoning Administrator  
Charles Boonstra, Lee County State's Attorney  
Alice Henkel, Clerk

At 7:05 p.m., Chair Bruce Forster called the meeting to order and asked the Clerk to call the roll:

Members present: Forster, Buhrow, Pratt, Bothe, Hughes  
Members absent: None

The first order of business was approval of the minutes for the December 3, 2020 meeting. Gene Bothe made a motion to approve the minutes. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. The motion passed.

There was no old business.

The next order of new business was Petition No. 20-P-1557 by Petitioner BSW DevCo, LLC. The parcel identification numbers can be found in the petition. The parcels are located in East Grove and May Townships, and are zoned Ag-1, Agricultural District. Petitioner desires a Special Use Permit in an Ag-1, Agricultural District for the purpose of a wind farm repower.

Craig Buhrow made a motion to engage the services of Retired Judge Tim Slavin as facilitator for this hearing. A second was discerned and there was no debate. A vote was taken and the ayes prevailed, 5-0. The motion passed.

Judge Slavin gave a brief introduction and explained the procedures and rules for this hearing, including public participation via Zoom and public observation via YouTube due to the restrictions of the COVID-19 pandemic.

Possible future meeting dates were discussed.

David Streicker, attorney for Petitioner BSW DevCo, LLC gave brief opening statement. He explained the proposed repowering would replace existing turbines with newer, more efficient models. The newer models will be so efficient; they will be able to reduce the number of turbines by 17. Additionally, the 10 years of depreciation on property tax will go away and will restart as if it were a new project.

This repowering was actually already approved by Lee County in 2019; however, after the approval, the proposed turbines became unavailable. The project will now be using 2.7 MW GE turbines that have the same rotor diameter as the 2.3 MW GE model and the 2.5 MW GE model.

The Petitioner plans to reuse the wiring, as well as the turbine towers.

Attorney Streicker called his first witness. Jim Kutey of 3<sup>rd</sup> Planet Windpower was sworn in. He is the lead developer for the Big Sky repower project.

At 7:53 p.m., a brief recess was called. At 8:03 p.m., the hearing resumed.

Mr. Kutey resumed his testimony, which included a PowerPoint presentation.

At 9:10 p.m., Judge Slavin called for recess until January 4, 2021, at 6:00 p.m.

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On January 4, 2021, at 6:00 p.m., Judge Slavin called the meeting out of recess for continued hearing on Petition No. 20-P-1557 by Petitioner BSW DevCo, LLC.

Judge Slavin noted the following Members as present: Forster, Buhrow, Pratt (via Zoom), Bothe, and Hughes.

He also noted that State's Attorney Charles Boonstra and Zoning Administrator Dee Duffy were present, as well as Petitioner's counsel, David Streicker and Jim Kutey, a representative for the Petitioner.

The hearing proceeded with resuming the testimony of Jim Kutey.

Following Mr. Kutey's testimony, the following persons cross-examined Mr. Kutey, either in person or via Zoom:

- Dee Duffy, Zoning Administrator;

- Craig Buhrow, Board Member;
- Gene Bothe, Board Member;
- Glen Hughes, Board Member;
- Mike Pratt, Board Member;
- Jamie Lawson – Interested Party; and
- Marty Montavon – Interested Party.

Mr. Kutey was excused as a witness.

Attorney Streicker called his next witness, Terry VanDeWalle, and he was sworn in. He provided testimony related to the environmental impacts, or lack of, to the proposed repowering.

Following his testimony, the following persons cross-examined Mr. VanDeWalle, either in person or via Zoom:

- Marty Montavon – Interested Party.

Mr. VanDeWalle was excused as a witness.

At 8:28 p.m., Judge Slavin called for recess until January 5, 2021, at 6:00 p.m.

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On January 5, 2021, at 6:00 p.m., Judge Slavin called the meeting out of recess for continued hearing on Petition No. 20-P-1557 by Petitioner BSW DevCo, LLC.

Judge Slavin noted the following Members as present: Forster, Buhrow, Pratt (via Zoom), Bothe, and Hughes.

He also noted that State’s Attorney Charles Boonstra and Zoning Administrator Dee Duffy were present, as well as Petitioner’s counsel, David Streicker and Jim Kutey, a representative for the Petitioner.

The hearing proceeded with Attorney Streicker calling his next witness. Chris Howell of BurnsMcDonnell was sworn. Mr. Howell provided testimony regarding the sound impact study for this project.

Following Mr. Howell’s testimony, the following persons cross-examined Mr. Howell, either in person or via Zoom:

- Craig Buhrow – Board Member.

Mr. Howell was excused as a witness.

Attorney Streicker called Aaron Anderson of BurnsMcDonnell to testify and he was sworn in. Mr. Anderson provided testimony regarding shadow flicker.

Following Mr. Anderson’s testimony, the following persons cross-examined Mr. Anderson, either in person or via Zoom:

- Craig Buhrow – Board Member; and
- Mike Pratt – Board Member.

Mr. Anderson was excused as a witness.

Attorney Streicker had no other witnesses available that evening.

At 7:10 p.m., Judge Slavin called for recess until January 27, 2021, at 6:00 p.m.

Respectfully submitted,

/s/ \_\_\_\_\_  
Alice Henkel