

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

**Special Meeting
20-P-1558**

County Board Room
Old Lee County Courthouse, Dixon, Illinois

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

Tuesday, January 26, 2021, at 6:00 p.m.
<https://www.youtube.com/watch?v=lpImmaykgmg&t=5903s>

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

On January 26, at 6:00 p.m., Judge Slavin called the meeting out of recess for continued hearing on Petition No. 20-P-1558 by Petitioner South Dixon Solar, LLC, who is requesting a Special Use Permit in an Ag-1, Agricultural District, for the purpose of a solar energy system.

Judge Slavin noted the following Members as present: Forster, Buhrow, Bothe, and Hughes. Alternate Member Meyer was also present. Mr. Forster was present but did not participate in making findings or voting on motions.

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

Attorney Barry noted that there was a calculation error in the Soil and Water Report. The report that was submitted as an exhibit stated the weighted average of the productivity index for the project is 139; however, that is not correct. He stated the correct weighted average for the productivity index is 113.

Attorney Barry made a motion to provide a correction to the report. Judge Slavin denied Attorney Barry's motion because the evidentiary portion of the hearing was previously concluded and no new evidence can be submitted.

The Board proceeded with the finding of fact portion of the hearing.

Glen Hughes made a motion that the Lee County Zoning Board of Appeals (hereinafter "ZBA" or "Zoning Board") finds that, on November 2, 2020, South Dixon Solar, LLC, (hereinafter the "Petitioner," the "Developer" or "Duke") a wholly owned subsidiary of Duke Energy Renewables Solar, LLC, filed a Petition with the Lee County Zoning Administration Office, which is numbered 20-P-1558, requesting a Special Use Permit to construct and operate a 500 MW_{AC} Solar Energy System (hereinafter "SES," "solar farm," "Project" or "Development") - all on 50 parcels of real estate totaling 3838 acres, owned by 25 landowners and zoned AG-1 within South Dixon Township – generally bounded on the north by Interstate 88, the east by Red Brick Road, the south by U.S. Route 30 and on the west by Hoyle Road. Portions of the Project are within 1 ½ mile radius of the limits of the City of Dixon.

A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that following the submission of the Application, proper notice was published in the *Dixon Telegraph* on November 18, 2020.

1. Furthermore, certified mailings of the notice were sent to property owners who would be within 1½ miles of the proposed Project's boundary.
2. In addition, Zoning Officer Dee Duffy went to extraordinary lengths to publish continually updated notices on her department's pages of the Lee County website and post the same throughout the area in which the proposed development would be located.

A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that prior to initiating the hearing, the Board finds, under the authority provided by its own rules, it engaged the services of Tim Slavin, a retired circuit court judge, as the Facilitator for the proceedings.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that the first stage of the public hearing regarding the Petition for Special Use Permit was for your Lee County ZBA to accept testimony, hear arguments and receive public comments. The evidentiary portion of the hearing began on December 3, 2020 and concluded on December 9, 2020, consisting of 4 total sessions – the initial one beginning at 7:00 p.m., and subsequent ones at 6:00 p.m. All those sessions took place in the former “main courtroom” on the third floor of the Old Lee County Courthouse. The totality of these sessions of the first stage comprised, in total, approximately 13 hours of hearing time.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that throughout the hearing process, the proceedings adhered to the applicable State of Illinois’ COVID-19 guidelines for public gatherings: during the time period of the aforementioned sessions, the guidelines provided for gatherings of no more than 10 people, so no more than that number were allowed to be in the hearing room at any given time; but within the building, accommodations were made for 10

Interested Parties to occupy the contiguous former jury deliberation room and 10 more in the first-floor stairwell lobby area – thus making room for 20 potential attendees who could participate by ZOOM from those spaces where Ms. Duffy and Lee County’s IT Department head, Mr. Mike McBride, had the equipment ready to be used. However, there were never enough spillover attendees at any one session to make use of the 1st Floor lobby and there were never more than 6 attendees in the former jury deliberation room; and both within the hearing room and in the former jury deliberation room, all attendees were required to wear masks except when speaking, and social distancing was maintained by using a seating protocol that kept all Participants at least six feet apart. Additionally, Interested Parties were also given the opportunity to remotely and virtually participate in the process by: a) videoconferencing on the ZOOM platform through the use of a computer at a location of their choosing; or b) teleconferencing on the ZOOM platform through the use of a cell phone at a location of their choosing. Furthermore, Interested Parties could remotely view and listen to the proceedings in real time, or late in the recorded mode, on a YouTube feed – also courtesy of Mr. McBride and Ms. Duffy. Lastly the entirety of the proceedings was taken down by a certified shorthand reporter and subsequently transcribed. Those transcripts of all testimony, arguments, public comments and ZBA debate were, and continue to be, available, on the Zoning and Planning web pages within the Lee County web site.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that over the course of the first stage – the Petitioner and Interested Parties, were given a complete and fair opportunity to be heard. Each was given the chance to present evidence, including witnesses and exhibits, cross-examine the witnesses of others and to present a closing argument, statement or public comment – either orally or in writing.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that we, the members of the Lee County Zoning Board of Appeals find that we heard all of the evidence produced and examined each of the exhibits.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that nine people took the witness stand, were placed under oath or affirmation and testified. Those witnesses, in order of their appearance, with a very brief summary of what they had to say, included as follows:

1. Mr. Tyler Coon, offered by the Petitioner, is the Project Developer for South Dixon Solar, LLC. He gave an overview of the proposed SES, including ways it intended to comply with the various requirements of the Lee County Ordinances and any other applicable statutes, rules, regulations and standards, including setbacks, a general outline of the operation of the project, its equipment and components, health, safety and environmental matters and some parties possibly effected, and his view as to the benefits to the community – whether by construction or operation.
2. Mr. Jason Cooper, offered by the Petitioner, is a licensed Civil Engineer, employed by Kimley-Horn, a planning and engineering consultant firm hired by the Petitioner. Mr. Cooper testified

that he developed the South Dixon Solar, LLC site plan and he touched on a number of subject areas regarding his work – including the strategy to try to avoid flood plains and wetlands, vegetative screening, storm water run-off, drainage tile repair, the analysis of any glare and glint hazards, anticipated noise levels, an overview of the decommissioning plan and boundary fence setback.

3. Mr. Tom Huddleston, offered by the Petitioner, has an interest in four drainage businesses, including Huddleston-McBride Drainage Company. He testified about many drainage issues – both theoretical and practical, regarding the proposed project and a recognition of the AIMA obligation to repair damaged tile.
4. Ms. Jennifer Klingshirn of Energy Renewable Partners, LLC testified about her due diligence review of the proposed Project’s environmental site studies including details about wetlands and waterways, potentially protected wildlife, the Developer’s proposed Weed/Grass Control and Landscape and Stormwater Pollution Prevention Plans and the AIMA. She also related the values of the area’s LESA score, weighted average of the Productivity Index and percentage of the proposed site’s farmland soil use.
5. Mr. Mike Marous of Marous & Company rendered his opinion, based on the “matched pairs” analysis he conducted, on the impact the proposed development would have on nearby property values.
6. Mr. Patrick Smith, offered by the Petitioner, is a licensed civil engineer, employed by Duke Energy. He testified about various technical aspects of the proposed Development including some solar panel and transformer specification, the planned project site “panel ratio,” the intention, before applying for a building permit to perform a wind load analysis, the possible temporary top soil disturbance and area vehicular traffic logistics.
7. Ms. Jennifer Lawson, living near the northern edge of the proposed Project, testified that two species of IDNR listed turtles had been found within the last 1 ½ years in Threemile Branch.
8. Mr. Jim Schielein, a Lee County Board member and participating landowner residing in the project, described various agricultural and local economics factors and benefits that would be associated with the proposed Development.
9. Ms. Angie Shippert, living on the very boundary of the proposed Project, testified as to her research into the harmful effects of lead in children and adults.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the following exhibits were admitted into evidence by the Facilitator and considered by the Board:

1. Petitioner’s Exhibits:
 - a. Pet #1: hard copy summary of witness, Tyler Coon’s, presentation;
 - b. Pet #2: hard copy summary of witness, Jason Cooper’s, presentation;
 - c. Pet #3: a Kimley-Horn “memo” with a detailed analysis of the transformer and inverter noise frequency emissions compared to the Illinois Pollution Control Board’s prohibited exceedance levels on Class A land;
 - d. Pet #4: hard copy summary of witness, Jennifer Klingshirn’s, presentation;
 - e. Pet #5: hard copy summary of witness, Mike Marous’s, presentation;
 - f. Pet #6: hard copy of witness, Patrick Smith’s, demonstrative photo representations.
2. Zoning and Planning Officer Exhibits:
 - a. ZO #1: The Lee County Soil and Water Conservation District’s voluminous Report on soils within the proposed Development.

- b. ZO #2: hard copies of 14 emails and correspondence addressing the proposed South Dixon Solar, LLC's SES Development – of which 12 expressed support and 2 indicated opposition.

A second was discerned and debate was held. Mr. Buhrow confirmed that 14 is the correct total number. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County Zoning Board of Appeals finds that following the close of the testimonial phase, the Board heard what could be characterized as closing arguments or public comment, from the following eight people:

1. Mr. Kyle Barry, Attorney for Petitioner, who advanced the reasons shown during the hearing as to why the Lee County ZBA should recommend to the Lee County Board that South Dixon Solar, LLC's Petition should be approved, and the Special Use Permit issued.
2. Ms. Angie Shippert, an Interested Party, opined reasons why the Lee County ZBA should recommend to the Lee County Board not to grant South Dixon Solar, LLC's Petition for a Special Use.
3. Mr. Brad Shippert, and Interested Party, opined reasons why the Lee county ZBA should recommend to the Lee County Board not to grant South Dixon Solar, LLC's Petition for a Special Use.
4. Ms. Martha Johannsen, an Interested Party, opined reasons why the Lee County ZBA should recommend to the Lee County Board not to grant South Dixon Solar, LLC's Petition for a Special Use.
5. Ms. Jennifer Lawson, an Interested Party, opined reasons why the Lee County ZBA should recommend to the Lee County Board not to grant South Dixon Solar, LLC's Petition for a Special Use.
6. Mr. Adam Lusz, an Interested Party, opined reasons why the Lee County ZBA should recommend to the Lee County Board not to grant South Dixon Solar, LLC's Petition for a Special Use.
7. Mr. Jim Schielein, an Interested Party, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
8. Mr. Brad Apple, an Interested Party, opined reasons why the Lee County ZBA should recommend to the Lee County Board not to grant South Dixon Solar, LLC's Petition for a Special use.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the ZBA finds that it is being proposed that the aforementioned Special Use Permit would be for the following structures:

1. bi-facial solar modules (panels) approximately 6 $\frac{3}{4}$ feet long, 3 $\frac{1}{3}$ feet wide and about 1 $\frac{1}{4}$ inch thick; and a chain link or other commercially reasonable boundary fence which would be six (6) feet high topped by 1 foot of barbed wire; and
2. a ground mounted racking system on which the panels would be placed supported by galvanized steel pilings driven into the ground which would not need concrete to be stabilized; and

3. approximately 200 inverters throughout the solar arrays which would convert solar panel collected DC current into AC current; and
4. collection cables either
 - a. when site conditions allow, buried 5 to 6 feet underground; or
 - b. when site conditions would not allow, run through above ground conduit;
5. a new South Dixon Solar, LLC owned substation including 3 transformers; and
6. a ComEd owned interconnection switching station; and
7. an operations and maintenance (hereinafter “O&M”) building the size of a single wide trailer; and
8. perhaps one (1) temporary construction outdoor storage area (“lay down yard”).

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that:

1. The Developer is under negotiations for a Power Purchase Agreement with a single buyer; and
2. If approved, the proposed SES would produce electricity sufficient to power 100,000 homes; and
3. The construction is presently intended to begin in 2022; and
4. Would take 18 to 24 months to complete; and
5. When operations begin, the Development would have a useful life expectancy of 35 years.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner promised that, if its Petition for SUP is granted, any final site plans would be approved and certified by a professional engineer. The ZBA was not presented with such a certification at this time.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner promised that it would comply with applicable local, state and federal regulatory standards pertaining to electricity generation and transmission and the National Electric Code.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner at one point, stated that it was the intent that all the power and communication lines that would run between the banks of solar panels would be buried underground except from the Project owned substation and the utility owned switching station, but then, at another point, that the lines connecting solar panel blocks might be above ground depending on site conditions.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that, as represented by the Petitioner, no lot on which the proposed SES is to be erected is less than two (2) acres.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application and testimony, the Petitioner represented that no Project infrastructure components would exceed 30 feet in height except at the interconnection infrastructure.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that in the highest tilt position, the anticipated solar panels of the proposed Development would be 10 feet or less in height.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has promised that:

1. no facility structure would be within 50 feet from the front property lines or within 15 feet from the sides and rear of any participating landowner property lines; and
2. no solar panel would be within 100 feet of any residence in an AG-1 Zone; and
3. no project structure would be within 500 feet of any non-participating owner's residence; and
4. no inverters or transformers would be within 500 feet from any residence; and
5. no sub or switching station would be within 1000 feet of any residence.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner has promised that "Knox Boxes" would be provided at locked entrances for emergency personnel access.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA that the Petitioner has promised in its Application and testimony that any lighting in the proposed SES development would be shielded and downcast.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application, the Petitioner submitted a commissioned noise analysis by Kimley-Horn, supplemented by expert testimony produced, which concluded that no noise at the proposed development's property line would exceed fifty (5) decibels during daylight operating hours except during construction.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner:

1. asserted in testimony and its Application that, since the proposed Project is more than 1 ½ miles from an airport, there was no consultation required by the Federal Aviation Administration, but
2. in its Application included a “Solar Glare Hazard Report” that concluded there would be no annual glare impacting any nearby airports, associated runways, adjoining residences or roadways.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has promised that appropriate warning signs, including the facility’s 9-1-1 address and a 24-hour emergency contact number, would be provided at the entrance to the SES development and along its perimeter.

A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has indicated an understanding that no outdoor storage of materials, vehicles and equipment that do not directly support the operation and maintenance of the SES is allowed, but that, during construction, there would be a temporary laydown yard for outdoor storage and upon completion of construction, all construction equipment would be removed from the SES facility.

A second was discerned and there was debate. Mr. Hughes wanted to clarify what would occur post-construction. A vote was taken and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner has submitted in its Application a site plan for the proposed South Dixon SES with existing conditions showing, or that includes, the following of, or for, the proposed Development property:

1. existing property lines from the exterior boundaries including the names of adjacent property owners and the current use of those properties; and
2. existing public and private roads, showing widths and any associated easements; and
3. a contour map showing the topography at two-foot (2’) intervals; and
4. existing vegetation (listing type and coverage percentage) which is comprised of:
 - a. 90.9% row crops;
 - b. 4.6% grassland;
 - c. 1.4% forested;
 - d. 2.9% developed;
 - e. 0.1% open water; and
5. waterways, streams and rivers; and
6. a copy of the most current FEMA FIRM map; and
7. mapped soils according to the Lee County Soil Survey; and
8. surface drainage patterns.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has submitted an SES Plan in its Application and, to some degree, its testimony, that shows or explains the following for the proposed Development property:

1. the planned location and spacing of the proposed solar panels; and
2. the planned location of access roads and access points; and
3. the planned location of lines connecting the SES to the Point of Interconnection; and
4. other than at the existing building or substation that is to be the connection point for the proposed SES, the proposed development's planned new electrical equipment; and
5. on acceptable vegetative management plan, which, is in its Application and titled "Weed/Grass Control and Landscape Plan," for property inside and outside the fenced area for the entire property that addresses control of noxious weeds and incorporates native grasses, flowers and plants which would provide wildlife and pollinator habitat, soil erosion protection and aid in strengthening the soil structure; and
6. a commitment to install, maintain and secure a perimeter presumed chain link (but would consider commercially reasonable alternatives) fence having a minimum height of 6 feet topped with barbed wire around the boundary of the proposed SES that contains appropriate warning signage that is clearly and visibly posted for all areas of the SES.

A second was discerned and there was no debate. A vote was taken and all were in favor the motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has, in its Application, submitted the manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.

A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application, the Petitioner has adequately described the method of connecting the SES to a building or substation as required by the Lee County Ordinance.

A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

At 7:15 p.m., a brief recess was called. At 7:27 p.m., the hearing resumed.

Glen Hughes made a motion to reconsider the second finding that was made regarding notification due to an error. A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion to amend the second finding so that it states, “the Lee County ZBA finds that following the submission of the Application, proper notice was published in the *Dixon Telegraph* on November 18, 2020.

1. Furthermore, certified mailings of the notice were sent to adjacent property owners who would be within 1½ miles of the proposed Project's boundary.
2. In addition, Zoning Officer Dee Duffy went to extraordinary lengths to publish continually updated notices on her department's pages of the Lee County website and post the same throughout the area in which the proposed development would be located.”

A second was discerned and there was debate. A vote was taken and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion to pass the second finding as amended. A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion to reconsider the nineteenth (19th) finding that was made regarding setbacks due to an error. A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion to amend the 19th finding so that it states, “the Lee County ZBA finds that the Petitioner has promised that:

1. no facility structure would be within 50 feet from the front property lines or within 15 feet from the sides and rear of any participating landowner property lines; and
2. no solar panel would be within 100 feet of any residence in an AG-1 Zone; and
3. no project structure would be within 500 feet of any non-AG zoned owner’s residence; and
4. no inverters or transformers would be within 500 feet from any residence; and
5. no sub or switching station would be within 1000 feet of any residence.”

A second was discerned and there was debate. A vote was taken and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion to pass the 19th finding as amended. A second was discerned and there was no debate. A vote was taken and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application the Petitioner has submitted an acceptable fire protection plan as part of an “Emergency Action Plan” for the construction and operation of the facility and emergency access to the site – but with additional promises that it would meet with local fire protection districts to review and modify the same and would work to help educate other emergency personnel as to the SES.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that:

1. the Petitioner, as shown in its Application and through its testimony, did initiate an endangered species and wetlands review consultation with the Illinois Department of Natural Resources

(IDNR) through the Department's EcoCat Program and engaged with the United States Fish and Wildlife Service – both of which did not identify any concerns as to any protected species effected by the proposed Project; and

2. That the submitted site plan was developed to avoid any wetlands and floodplains or to minimize any impacts to the same; however,
3. There was Interested Party evidence that two species of IDNR listed turtles may be found near, or within, the proposed Development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that as to the use of the County's and its respective township roads for Petitioner's vehicular traffic during construction and continuing through the life of the proposed SES, the Lee County ZBA finds:

1. That it should be required that the Petitioner enter into Road Use and Repair Agreements approved by the Lee County Board, the Lee County Engineer, the Lee County Zoning Officer and the affected Township Highway Commissioners prior to the issuance of a building permit; and
2. That a draft of the Construction Route Plan was not included in the Application – which the ZBA finds acceptable.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application and through its testimony, the Petitioner has committed to:

1. Contacting any local drainage districts before beginning construction to locate drainage district tiles; and
2. Repairing or restoring all drainage tiles damaged during construction of the Project; and
3. A "Drainage Repair and Remediation Plan" that is part of its Application; and
4. Prior to the beginning of the entreated construction, requesting, and then seeking, subsequent review and approval of, a "Storm Water Pollution Prevention Plan (SWPPP); and
5. Not constructing any above ground structures in any floodplains or wetlands if the SUP is granted.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has indicated in its Application that there would be 5 parking spaces provided at the anticipated O&M Building to support full-time employees.

A second was discerned and there was debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has, if its Petition is granted, committed to maintain a general liability policy covering bodily injury and property damage with:

1. Limits of at least two million dollars (\$2,000,000) per occurrence; and
2. Five million dollars (\$5,000,000) in the aggregate; and
3. With a deductible of no more than five thousand dollars (\$5000); and
4. Naming Lee County as an additional insured.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that during the hearing the Petitioner submitted Lee County Soil and Water Conservation District's Natural Resource Information (NRI) report which indicated a LESA score of 81.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than during construction, there would be no detectable vibration associated with this solar development beyond the Project's security fencing.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than during construction, there would be no air pollution associated with this solar development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than during construction, there would be no odor associated with this solar development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has proffered that electromagnetic fields in the Project would inherently come from collection lines and transformers, but, due to being buried or having sufficient setbacks, there would be no negative health impacts from the electromagnetic fields in the Project.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than during construction, there would be insignificant heat associated with this solar development that affects adjoining properties.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, there would be no particularly identifiable fire or explosion hazards associated with this solar development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, there would be no particularly identifiable toxic or noxious materials generated by this solar development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, while recognizing the probable presence of trace amounts of lead soldering inside the solar panels, based on the Application and testimony heard, there would be no particularly identifiable hazardous materials escaping any structures associated with this solar development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, the Petitioner will not be using any battery storage in the proposed Development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the character of the land within the footprint of the proposed South Dixon Solar, LLC development is agricultural.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that, given the character of the land is agricultural, the Petitioner did provide a copy of an Agricultural Impact Mitigation Agreement between it and the Illinois Department of Agriculture (hereinafter "IDA") executed by one of its agents but not by the IDA as of the date of presentation.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner has averred both in its Application and through its testimony that construction of this proposed SES development is, while dependent on the timing of the approval by the Lee County Board, study by PJM (the involved regional transmission organization) and the weather, scheduled to begin in 2022 and would take between 18 and 24 months to complete.

A second was discerned and there was debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has indicated that there would be no blasting associated with the construction of the SES.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that, if its Petition is granted, the Petitioner has not promised at what time construction would begin on any day of the week.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has not indicated that it would defend, indemnify and hold Lee County and its officials harmless from and against claims and expenses (including attorney's fees) arising out of the acts or omissions of South Dixon Solar, LLC's operation of this SES development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that insufficient evidence was presented that the proposed SES development would not have a negative impact on property values within the area of the proposed project.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has promised in its Application that it would be planting 2 staggered rows of dense native evergreen or shrub buffers that would reach 8 feet tall within 3 years along field-verified locations to screen the SES from residences and roadways.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds, based on the Application, that the Project would create up to 450 construction jobs for the 18 to 24 months of its erection, and between 5 and 10 ongoing and permanent operations and maintenance jobs.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that the proposed project would increase area employment during the construction phase, but, during its operation, it appears that there would be a nominal benefit to area employment.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that participating landowners should realize economic benefit from the proposed Development.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that the proposed SES would, including an unknown tax abatement factor, potentially garner approximately \$43,000,000 in tax revenue for local taxing bodies over its expected life.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that, regardless of the foregoing economic benefits, its decision to recommend or not recommend approval of the Petition is not based on an increase or decrease in revenue for taxing bodies.

A second was discerned and there was debate. Mr. Hughes reiterated that it is the ZBA's position that tax revenue is not a deciding factor. A vote was taken, and all were in favor. The motion passed, 4-0.

Craig Buhrow made a motion that the Lee County ZBA finds that South Dixon Solar, LLC has indicated through its testimony that, if their Petition for a Special Use Permit is approved, the Project would make limited use of security cameras and has promised that no surveillance would be aimed at any residence.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Rex Meyer made a motion that the Lee County ZBA finds that there was sufficient evidence that the photovoltaics of this proposed SES development are safe and would not affect the health of individuals.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

Glen Hughes made a motion that the Lee County ZBA finds that south Dixon Solar, LLC has agreed, both in testimony produced and, in its Application, to comply with the decommissioning

requirements set forth in the Lee County Ordinance and the AIMA, and an outline of a decommissioning plan is part of the Application.

A second was discerned and there was no debate. A vote was taken, and all were in favor. The motion passed, 4-0.

At 8:31 p.m., Judge Slavin called for recess until January 27, 2021, at 6:00 p.m., following the continued hearing on Petition No. 20-P-1557 by Petitioner BSW DevCo, LLC.

Respectfully submitted,

/s/ _____
Alice Henkel