

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

**Special Meeting
20-P-1557
20-P-1558**

County Board Room
Old Lee County Courthouse, Dixon, Illinois

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

Wednesday, January 27, 2021, at 6:00 p.m.
https://www.youtube.com/watch?v=DFX1sPVNp_U

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 27, 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, Bothe, Pratt and Hughes. Alternate Member Meyer was also present.

He also noted that Assistant State's Attorney Will Fawkes and Zoning Administrator Dee Duffy were present, as well as Petitioner's counsel, David Streicker and a representative for the Petitioner.

Attorney Streicker proceeded by calling his next witness, Dennis E. Jimeno. Mr. Jimeno is a telecommunication engineer with Comsearch. Mr. Jimeno provided testimony regarding his interference analyses that were done for the Big Sky repowering project.

No parties cross-examined Mr. Jimeno and he was excused as a witness.

Attorney Streicker announced that the Petitioner had presented all of its evidence.

At that time, Judge Slavin gave other parties an opportunity to present evidence.

No other parties had evidence to present.

Judge Slavin announced the evidentiary portion of the hearing concluded, and no new evidence could be presented.

Judge Slavin proceeded with hearing testimony of Interested Parties.

Judge Slavin proceeded with hearing closing statements.

Attorney Streicker advanced the reasons shown during the hearing as to why the Lee County ZBA should recommend to the Lee County Board that BSW DevCo, LLC's Petition should be approved, and the Special Use Permit issued.

Adam Lusz, an Interested Party, gave a closing statement stating that he would prefer to have existing turbines operating at their nameplate capacity, without downgrading software, instead of allowing more turbines to be built in the County.

Following closing statements, Judge Slavin announced that the public portion of the hearing was now closed. The Board will proceed with the finding of fact and recommendations portion of the hearing on February 1, 2021, at 6:00 p.m.

A brief recess was taken at 7:00 p.m. At 7:15 p.m., Judge Slavin proceed with the 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.

Both Mr. Pratt and Mr. Forster did not participate in making finding of facts and recommendations or voting on any motions related to Petition No. 20-P-1558.

Attorney for the Petitioner, Kyle Barry, and a representative for South Dixon Solar were both present via ZOOM.

Craig Buhrow made a motion that the Lee County ZBA finds that the proposed Special Use would have the following effects on the character of the neighborhood and the surrounding properties as follows:

1. Field of corn and beans would be replaced by rows of solar panels; and
2. A six-foot high chain link or other commercially reasonable fence topped with strands of barbed wire around the perimeter of the project would now be part of the landscape.

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 Special Use would not impose any negative effects on public health, public safety and/or general welfare.

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 Special Use would have an effect on traffic conditions in that it would increase traffic during the approximately 18 to

24 months of construction due to employee traffic and equipment vehicle usage but would return to normal or lesser activity with reduced agricultural traffic during the SES's operational life.

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 proposed Special Use would have an effect on public utility facilities as it would increase the source of electric power on the nationwide grid.

A second was discerned and there was 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 South Dixon Solar SES project does not carry with it any apparent environmental concerns.

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 there was an evidentiary suggestion of the possibility of archeological sites within the footprint of the proposed project that were recommended for additional testing.

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 an agent for South Dixon Solar, LLC testified under oath or affirmation that the Petitioner will be bound by any and all proposals, promises, statements and representations in its Application for SUP or made under oath at the public hearing before the Lee County ZBA even if not expressly specified herein or therein.

A second was discerned and there was 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 recommends to the Lee County Board that South Dixon Solar, LLC's Petition for Special Use be approved.

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 recommends to the Lee County Board that, if South Dixon Solar, LLC's Petition for Special Use is approved, beyond the conditions required by the County's Ordinance and those imposed on itself by the Petitioner's Application and testimony, further obligations of the Permit be that South Dixon Solar, LLC and any subsequent entities-in-interest, comply with the following conditions:

- A. During construction of the SES, construction activities shall commence no earlier than 7:00 a.m. and shall be discontinued no later than 8:00 p.m. on any day of the week within one-quarter mile of a non-participating residence.

- B. That an appropriate archeological assessment be undertaken, and that, if further study or other action is recommended or required, the Developer must comply with the same.
- C. The SES shall be fully decommissioned at the end of the 35-year lease term.
- D. The Petitioner will agree to 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 debate. A vote was taken, and all were in favor the motion passed, 4-0.

Glen Hughes made a motion that thereafter, your ZBA considered its findings of fact and recommendations over the course of 2 sessions on January 26th and 27th, 2021, lasting a little over 3 hours in total.

A second was discerned and there was no debate. A vote was taken, and all were in favor the motion passed, 4-0. This matter will go before the Lee County Board on February 18, 2021, at 6:00 p.m.

At 7:51 p.m., the Board called for recess until after the County Board convenes on February 18, 2021. No meeting date was scheduled.

Respectfully submitted,

/s/ _____
Alice Henkel