

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

**Regular Meeting
Thursday, April 7, 2022, at 6:00 p.m.**

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

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

YouTube

<https://www.youtube.com/watch?v=oC9CI39jREI&t=4933s>

Board Members

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

Staff

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

At 6:00 p.m., Chair Bruce Forster called the meeting to order, and roll was called.

Members present: Forster, Buhrow, Pratt, Hughes, Meyer

Members absent: None

Staff present: Duffy, Henkel, Boonstra

Staff absent: None

The first order of new business was Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. The parcel identification numbers can be found in the petition. The parcels are located in Brooklyn, Lee Center and Sublette Townships. The parcels are zoned Ag-1, Rural/Agricultural District. Petitioner is requesting a special use in Ag-1, Rural/Agricultural District, for the purpose of repowering an existing wind energy system.

Glen Hughes made a motion to engage the services of Retired Judge Tim Slavin to act as facilitator *pro tem*. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0 (Pratt did not vote).

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Hughes, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley Boonstra, Petitioner's Attorney Kyle Barry with one representative for the Petitioner, Court Reporter Callie Bodmer,

and Facilitator Judge Slavin. Seven interested parties were present in the courtroom, and seven interested parties were present via ZOOM.

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.

Judge Slavin proceeded with the scheduling of the special hearing dates. The following dates were set aside as possible hearing dates for this petition: April 13, April 26, May 4, May 9, and May 12, 2022. The hearing will begin at 6:00 p.m. on the April dates and at 7:00 p.m. for the May dates.

Judge Slavin recessed the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC to April 13, 2022, at 6:00 p.m.

APRIL 13, 2022, at 6:00 p.m.

County Board Room
Old Lee County Courthouse, Dixon, Illinois

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YouTube

<https://www.youtube.com/watch?v=L5GZZBDEmNk&t=172s>

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. He gave a brief introduction and explained the procedures for public participation via Zoom and public observation via YouTube.

Judge Slavin noted the following persons as personally present at the hearing: Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, Petitioner's Attorney Kyle Barry and one representative for the Petitioner, Court Reporter Callie Bodmer, Facilitator Judge Slavin, and one interested party was present via ZOOM.

Judge Slavin explained that no Zoning Board of Appeals members were present because the County and the Petitioner had reached an agreement to continue the hearing on this matter to May 4, 2022, at 7:00 p.m.

Judge Slavin reviewed a list of potential hearing dates.

At 6:07 p.m., Judge Slavin called for recess until May 4, 2022, at 7:00 p.m.

MAY 4, 2022, at 6:00 p.m.

County Board Room
Old Lee County Courthouse, Dixon, Illinois

Zoom Video- & Tele-conferencing

Meeting ID: 91539239154

Password: 209840

YouTube

<https://www.youtube.com/watch?v=Qiq6aikvr0o&t=11s>

At 7:00 p.m., Judge Slavin called out of recess, the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. He gave a brief introduction and explained the procedures for public participation via Zoom and public observation via YouTube.

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Pratt, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, Petitioner’s Attorney Kyle Barry with three representatives for the Petitioner, IT Support Jonathon Henrickson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Three interested parties were present in the courtroom, and zero interested parties were present via ZOOM. One representative for the Petitioner was present via ZOOM.

Presentation of evidence by Petitioner commenced.

Attorney Kyle Barry called John Wycherley as a witness, and he was sworn in. Mr. Wycherley is the Vice President of Development with Lee Renewable Energy, LLC, with a focus on wind energy. He has 15 years of experience in renewable energy projects- 6 of them over the past 6 years with Leeward. On behalf of that company, he committed to being bound by all representations made in the Application and statements made under oath by representatives of that entity during the ZBA hearing. He went on to give a general overview of the proposed repowered WECS- the “big picture” of its physical footprint, generally the proposed equipment to be installed and its lifespan, an executed AIMA, interconnections, the creation of a Decommissioning Plan, references to environmental, noise, shadow flicker, property values, archeological and communication studies and surveys, possible scheduling, a “1-800” phone “hotline” to receive and respond to complaints, some of the ways in which the Applicant will meet the requirements of other provisions of the Lee County Ordinance, the benefits to Lee County and explored the requested variances.

The following cross-examined Mr. Wycherley either in person or via ZOOM:

- Bruce Forster, Chair
- Craig Buhrow, Vice Chair
- Rex Meyer, Member

- Mike Pratt, Member
- Judge Slavin, Hearing Facilitator
- Lorraine Kitral, Interested Party

Mr. Wycherley was excused as a witness.

A brief recess was taken at 8:05 p.m., and the hearing resumed at 8:15 p.m.

Attorney Barry called Terry VanDeWalle as a witness, and he was sworn in. Mr. VanDeWalle is a “principal” biologist with Stantec with 29 years of environmental consulting experience, provided more details about any possible environmental issues addressed- such things as the U.S. Geological Service’s National Land Cover Database, the National Wetlands Inventory, an Illinois Department of Natural Resources (IDNR) EcoCAT review and subsequent consultation letter with recommendations, interaction with the United States Fish and Wildlife Service, the 3-tiered approach to the Site Characterization process and an outline of possible impacts on any state or federally listed species.

The following cross-examined Mr. VanDeWalle either in person or via ZOOM:

- Craig Buhrow, Vice Chair
- Rex Meyer, Member
- Mike Pratt, Member
- Judge Slavin, Hearing Facilitator
- Lorraine Kitral, Interested Party

Mr. VanDeWalle was excused as a witness.

Attorney Barry called Dr. Peter Poletti as a witness, and he was sworn in. Dr. Poletti is a real estate appraiser holding top designations from the Appraisal Institute and is an Illinois township assessor. He has been evaluating the effects of wind energy projects on property values since 2007. He opined that he could find no statistically significant differences between property values in and around wind farms and those of the same area that are not.

The following cross-examined Dr. Poletti either in person or via ZOOM:

- Craig Buhrow, Vice Chair
- Lorraine Kitral, Interested Party
- Doug Klein, Interested Party

Dr. Poletti was excused as a witness.

At 9:26 p.m., Judge Slavin called for recess until May 9, 2022, at 7:00 p.m.

MAY 9, 2022, at 6:00 p.m.

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<https://www.youtube.com/watch?v=iLNI5p4wgo4&t=50s>

At 7:00 p.m., Judge Slavin called out of recess, the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. He gave a brief introduction and explained the procedures for public participation via Zoom and public observation via YouTube.

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Hughes, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley Boonstra, Petitioner's Attorney Kyle Barry with three representatives for the Petitioner, IT Support Jonathon Henrickson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Two interested parties were present in the courtroom, and one interested party was present via ZOOM. Member Pratt was present via ZOOM.

Presentation of evidence by Petitioner resumed.

Attorney Barry called Ian Brewe as a witness, and he was sworn in. Mr. Brewe is a Section Manager in Environmental Studies for Burns & McDonnell, a multi-discipline engineering firm. He presented the results of the modeled sound study he oversaw for the proposed repower project using the manufacturer's data for the GE 3.4-140 model WTG. Mr. Brewe testified that all of the proposed locations would meet the Illinois Pollution Control Board's (IPCB) nighttime noise standards for non-participating receptors at all frequencies- although some required noise reduction operation modifications to do so. He also allowed that manufacturer's data for the possible larger WTGs was not available at the time of the study but recognized that, before installation of any of those turbines, data would have to have been published and would be used in a subsequent modeling study to insure IPCB conformity.

The following cross-examined Mr. Brewe either in person or via ZOOM:

- Alice Henkel, Renewable Energy Coordinator
- Craig Buhrow, Vice Chair
- Rex Meyer, Member
- Glen Hughes, Member
- Judge Slavin, Hearing Facilitator
- Mike Pratt, Member
- Lorraine Kitral, Interested Party
- Doug Klein, Interested Party
- Mary Mauch, Interested Party

Mr. Brewwe was excused as a witness.

Attorney Barry called Ella Rose as a witness, and she was sworn in. Ms. Rose is a Professional Engineer and a Consulting Manager in renewable energy projects for Burns and McDonnell. She first presented the results of the shadow flicker modeling study of the 512 receptors within the proposed repower project's purview. She also allowed that the study was performed using manufacturer's data for the GE 3.4-140 WTG model as it was the only information presently available. She said that of the non-participating receptors, one would exceed the Lee County Ordinance's limit of 30 annual hours of flicker and ten would receive between 10 and 30 hours. She believed that the owner of one exceedance property was going to sign a waiver agreement. In addition, Ms. Rose briefly touched on the decommissioning plans for the existing WTGs. She said the Developer was considering both the "energetic" or "tilt/fell" methods and desired to leave the existing underground cabling in place.

The following cross-examined Ms. Rose either in person or via ZOOM:

- Craig Buhrow, Vice Chair
- Glen Hughes, Member
- Rex Meyer, Member
- Mary Mauch, Interested Party

Ms. Rose was excused as a witness.

A brief recess was taken at 8:02 p.m., and the hearing resumed at 8:15 p.m.

Attorney Barry called Carter Wells as a witness, and he was sworn in. Mr. Wells is the Head Developer for the GSG Wind's proposed repower project. He touched on a number of facts purporting to show conformity with sections of the Lee County Ordinance such as vibration, pollution, odors, electromagnetic radiation, fire, explosions, toxic, noxious and hazardous materials, glare and heat. He also allowed that there was or would be executed "Impact Agreements" with any non-participants whose receptors would experience more than 30 annual hours of shadow flicker. He acknowledged that there were no current executed waivers from property owners on whose land GSG Wind desired to leave underground cables in place. He finished by promising that the Applicant would follow any Lee County Ordinance setbacks no matter the WTG model employed, and that it would be bound by any and all proposals, promises, statements and representations in its Application for a SUP or made under oath at the public hearing before the Lee County ZBA- even if not expressly specified herein or therein. On being recalled to the witness stand in a subsequent session, Mr. Wells explained that GSG Wind was requesting that, as a part of its requested SUP, it be able to take down the existing WTGs by either the "tilt/fell" or "energetic" method. He also noted that a parcel identified in the present Petition as being part of the proposed Project, #19-22-05-400-011, was erroneously included and has no connection to the requested SUP, and that a contiguous parcel, #19-22-05-400-013, is included in the Petition only because it has an existing underground Transmission and Communication Line easement running along its southern boundary.

The following cross-examined Mr. Wells either in person or via ZOOM:

- Alice Henkel, Renewable Energy Coordinator
- Glen Hughes, Member

- Craig Buhrow, Vice Chair
- Rex Meyer, Member
- Lorraine Kitral, Interested Party
- Doug Klein, Interested Party
- Mary Mauch, Interested Party
- Judge Slavin, Hearing Facilitator

Mr. Wells was excused as a witness.

A brief recess was taken at 8:49 p.m., and the hearing resumed at 8:55 p.m.

At 8:58 p.m., Judge Slavin called for recess until May 12, 2022, at 7:00 p.m.

MAY 12, 2022, at 6:00 p.m.

County Board Room
Old Lee County Courthouse, Dixon, Illinois

Zoom Video- & Tele-conferencing

Meeting ID: 91539239154

Password: 209840

YouTube

<https://www.youtube.com/watch?v=0s7AN9V4aQ8&t=46s>

At 7:00 p.m., Judge Slavin called out of recess, the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. He gave a brief introduction and explained the procedures for public participation via Zoom and public observation via YouTube.

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Pratt, Member Hughes, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, Petitioner’s Attorney Kyle Barry with two representatives for the Petitioner, IT Support Jonathon Henrickson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Three interested parties were present in the courtroom, and one interested party was present via ZOOM.

Presentation of evidence by Petitioner resumed.

Attorney Barry called Abigail J. Buchta as a witness, and she was sworn in. Ms. Buchta is a licensed Professional Engineer and Senior Consultant for Sargent & Lundy, an engineering consulting firm. She explained the three methods of WTG decommissioning (“energetic,” “tilt/fell” and “reverse build,” and her recommendations to the Applicant, based on crew safety, lesser land impact, cost and time, that the existing WTGs be removed by the “energetic” protocol. She also outlined her modeled noise and vibration impacts of that method on nearby

residences- recommending an 1100 foot “buffer” zone. She further noted that there were 3 residences within that proposed cushion, but that one was 1086 feet (14 feet shy of her suggestion) and the other two, about 875 feet distant, were Primary Structures of participating landowners.

The following cross-examined Ms. Buchta either in person or via ZOOM:

- Alice Henkel, Renewable Energy Coordinator
- Dee Duffy, Zoning Administrator
- Bruce Forster, Chair
- Glen Hughes, Member
- Craig Buhrow, Vice Chair
- Rex Meyer, Member
- Mike Pratt, Member
- Judge Slavin, Hearing Facilitator
- Lorraine Kitral, Interested Party
- Mary Mauch, Interested Party

Attorney Barry conducted redirect examination of Ms. Buchta.

Ms. Buchta was excused at a witness.

Attorney Barry recalled Carter Wells as a witness, and he was sworn in.

The following cross-examined Mr. Wells either in person or via ZOOM:

- Glen Hughes, Member
- Craig Buhrow, Vice Chair
- Mike Pratt, Member
- Judge Slavin, Hearing Facilitator
- Lorraine Kitral, Interested Party
- Mary Mauch, Interested Party
- Bruce Papiach, Interested Party

Mr. Wells was excused as witness.

Petitioner rests.

Additional hearing dates were discussed.

A brief recess was taken at 8:08 p.m., and the hearing resumed at 8:20 p.m.

Presentation of evidence by Interested Parties commenced.

Interested Party Bruce Papiach was sworn in. Mr. Papiach explained that he owns a parcel of property upon which is located a WTG unrelated to this GSG Wind Petition, but which is also the servient estate of an easement for a transmission and communication line which is a part of the existing project and, apparently, its “repower.” He went on to complain about his perception

that the Applicant was asking to “re-zone” his parcel and impliedly admonished that there should be no confusion between the possessory land use parameters of what exists and what he has agreed will exist.

The following cross-examined Mr. Papiech either in person or via ZOOM:

- Joyce Papiech, Interested Party

Mr. Papiech was excused.

Interested Lorraine Kitral was sworn in. Ms. Kitral, a homeowner living within the footprint of the existing GSG Wind development, testified about her research, and the internet reports of others, into residential real estate values as the same are diminished by nearby WTGs.

The following cross-examined Ms. Kitral either in person or via ZOOM:

- Alice Henkel, Renewable Energy Coordinator
- Craig Buhrow, Vice Chair
- Kyle Barry, Attorney for Petitioner
- Mary Mauch, Interested Party

Ms. Kitral was excused.

The presentation of evidence by Interested Parties concluded.

Judge Slavin proceeded to closing statements.

Mr. Kyle Barry, Attorney for the Applicant, urged, based on the evidence produced showing the proposed conformity with the Lee County Ordinance, that the Lee County ZBA recommend to the Lee County Board that GSG Wind, LLC’s Petition should be approved, the Special Use Permit issued, and the requested variances granted.

Ms. Lorraine Kitral posited that the evidence regarding the effect of one or more nearby WTGs showed a diminution of residential property values, and that, therefore, the pending Petition should be denied.

Ms. Mary Mauch questioned the Petitioner’s expert evidence that there was no effect on property values near a wind farm and urged that the pending Petition be denied.

The evidentiary portion of the hearing concluded. At the next hearing, the Board of Appeals will proceed with its Finding of Facts and Recommendations.

At 9:08 p.m., Judge Slavin called for recess until June 16, 2022, at 7:00 p.m.

JUNE 16, 2022, at 6:00 p.m.

County Board Room
Old Lee County Courthouse, Dixon, Illinois

Zoom Video- & Tele-conferencing

Meeting ID: 91539239154

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YouTube

<https://www.youtube.com/watch?v=71r7Bx9C0UU&t=14s>

At 7:00 p.m., Judge Slavin called out of recess, the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. He gave a brief introduction and explained the procedures for public participation via Zoom and public observation via YouTube.

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Pratt, Member Hughes, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, Assistant State's Attorney Bridgette _____, Petitioner's Attorney Kyle Barry, IT Support Jonathon Henrickson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. No interested parties were present in the courtroom. Three interested parties and one representative for the Petitioner were present via ZOOM.

The Zoning Board of Appeals commenced its Findings of Fact.

Glen Hughes made a motion that the Lee County Zoning Board of Appeals (hereinafter "ZBA" or "Zoning Board") finds that, on March 3, 2022, GSG Wind, LLC (hereinafter "GSG," "Applicant," "Petitioner," "Developer" or "Leeward"), what is referred to as an "indirect subsidiary" of Leeward Renewable Energy, LLC, filed a Petition with the Lee County IL Zoning Administration Office, which was indexed 22-P-1591, requesting a Special Use Permit to decommission its 19 existing Wind Turbine Generators (hereinafter "WTG"), and construct (euphemism- "repower") up to 16 new WTGs with associated infrastructure in order to operate an up to 110 MW (increasing the present capacity from 80MW) Wind Energy Conversion System (hereinafter "WECS," "wind farm," "Project," "Facility" or "Development") on 60 possible parcels of real estate of approximately 3275 plus acres, owned by 29 different entities, and zoned AG-1 ("Rural/agricultural") within Brooklyn, Lee Center and Sublette Townships (and, while not pertinent to the facts found and recommendations made herein, parts of LaSalle County)- consisting of what could be broken into 3 different, not always contiguous units, that, for the descriptive purposes of this Report, will be referred to as the "Sublette," "West Brooklyn," and "Mendota" sections. Using the nearest encompassing roadways as a reference, these 3 sections may generally be described as follows: the "Sublette" section is bounded on the north by Richardson Road, on the south by Tower Road connected to U.S. Route 52 by Inlet Road, on the west by Green Wing Road and on the east by South Meridian Road extended; the "West Brooklyn" section is notably smaller and consists of one roughly triangular parcel laying outside the easterly curve of IL Route 251 at Spur Road and another parcel at the northeast corner of the intersection of IL Route 251 and Shady Oaks Road; the "Mendota" section's Lee County portion is bounded on the north by Cottage Hill Road extended, on the south by North 48th Road (also, at least at that point, the Lee-LaSalle Counties boundary), on the west by the combination of East 1st and Brooklyn Roads and on the east by Church Road. Subsequently, on

March 18, 2022, an Amended Petition (adding a request for a variance) was filed. In the testimony it subsequently presented, one of its agents also noted that a parcel, #19-22-05-400-011, identified in the Amended Petition was erroneously included therein, and there would be no evidence presented that it was a part of the proposed Development.

A second was discerned and debate ensued as to the number of turbines to be reconstructed.

Rex Meyer made a motion to amend the motion so that it states, “the Lee County Zoning Board of Appeals (hereinafter “ZBA” or “Zoning Board”) finds that, on March 3, 2022, GSG Wind, LLC (hereinafter “GSG,” “Applicant,” “Petitioner,” “Developer” or “Leeward”), what is referred to as an “indirect subsidiary” of Leeward Renewable Energy, LLC, filed a Petition with the Lee County IL Zoning Administration Office, which was indexed 22-P-1591, requesting a Special Use Permit to decommission its 19 existing Wind Turbine Generators (hereinafter “WTG”), and construct (euphemism- “repower”) 13 to 16 new WTGs with associated infrastructure in order to operate an up to 110 MW (increasing the present capacity from 80MW) Wind Energy Conversion System (hereinafter “WECS,” “wind farm,” “Project,” “Facility” or “Development”) on 60 possible parcels of real estate of approximately 3275 plus acres, owned by 29 different entities, and zoned AG-1 (“Rural/agricultural”) within Brooklyn, Lee Center and Sublette Townships (and, while not pertinent to the facts found and recommendations made herein, parts of LaSalle County)- consisting of what could be broken into 3 different, not always contiguous units, that, for the descriptive purposes of this Report, will be referred to as the “Sublette,” “West Brooklyn,” and “Mendota” sections. Using the nearest encompassing roadways as a reference, these 3 sections may generally be described as follows: the “Sublette” section is bounded on the north by Richardson Road, on the south by Tower Road connected to U.S. Route 52 by Inlet Road, on the west by Green Wing Road and on the east by South Meridian Road extended; the “West Brooklyn” section is notably smaller and consists of one roughly triangular parcel laying outside the easterly curve of IL Route 251 at Spur Road and another parcel at the northeast corner of the intersection of IL Route 251 and Shady Oaks Road; the “Mendota” section’s Lee County portion is bounded on the north by Cottage Hill Road extended, on the south by North 48th Road (also, at least at that point, the Lee-LaSalle Counties boundary), on the west by the combination of East 1st and Brooklyn Roads and on the east by Church Road. Subsequently, on March 18, 2022, an Amended Petition (adding a request for a variance) was filed. In the testimony it subsequently presented, one of its agents also noted that a parcel, #19-22-05-400-011, identified in the Amended Petition was erroneously included therein, and there would be no evidence presented that it was a part of the proposed Development.”

A second was discerned, and there was no debate. A vote was taken on whether to amend the original motion, and the ayes prevailed. Motion passed, 5-0.

Judge Slavin called for debate on the motion as amended, and there was none. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that following the submission of the initial Petition,

- proper notice of the filing of the Petition and of an impending ZBA Hearing was published in the Amboy News, the Mendota Reporter and the Sauk Valley News- all on March 23, 2022; and

- furthermore, United States Postal Service Certified mailings of the same Notice were sent to adjacent real estate property owners who would be within 2640 feet (½ mile) of the proposed Project’s boundary; and
- Zoning Administrator Dee Duffy published the hearing information on her department’s pages of the Lee County website and physically posted the same where the proposed development would be located.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

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

- the impending Hearing was initially announced by Chairman Bruce Forster on the evening of Thursday, April 7, 2022 at about 6:00 p.m. in the “main courtroom” on the third floor of the Old Lee County Courthouse; and
- under the authority provided by its own rules, prior to actually initiating the hearing, the ZBA engaged the services of Tim Slavin, a retired circuit court judge, as the Facilitator for the proceedings; and
- due to ZBA time constraints, Judge Slavin simply introduced himself, gave remarks explaining the process, gathered future available dates and set the next session for April 13, 2022.
- On April 13, 2022, by agreement of the Petitioner and the County, the matter was continued in open session to the evening of Wednesday, May 4th, 2022 beginning at 7:00 p.m.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that

- the first stage of the public hearing regarding the Petition for the Special Use Permit was for your Lee County ZBA to accept testimony, hear arguments and receive public comments; and
- as noted above, the actual evidentiary and comments portion of the hearing began on May 4, 2022 and it was concluded on May 12, 2022, consisting of 3 sessions- all beginning at 7:00 p.m. in that 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 6 ¼ hours of hearing time.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA find that, over the course of the first stage, everyone– 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 the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that we, the members of the Lee County Zoning Board of Appeals, find that we heard or read 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 the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, throughout the hearing process,

- no longer were there any State of Illinois or Lee County COVID-19 safety measures in place for public gatherings such as the ZBA hearing; but
- attendees were encouraged to wear masks and maintain a reasonable social distance within the hearing room; and
- there were never more than 7 Interested Parties that personally appeared within the hearing room; and
- additionally, through the auspices of the Lee County IT Department and Lee County Zoning Officer, Ms. Dee Duffy, Interested Parties were also given the opportunity to remotely and virtually participate in the process by video or teleconferencing on the ZOOM platform through the use of a computer, cell phone or similar device at a location of their choosing; and there was never more than 1 Interested Party that availed themselves of that protocol; and
- furthermore, Interested Parties could remotely view and listen to the proceedings in real time, or later in the recorded mode, on a YouTube feed- also courtesy of the Lee County IT Department and Ms. Duffy; and
- 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 the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County Zoning Board of Appeals finds/cannot find that 9 people took the witness stand, were placed under oath or affirmation and testified. Those witnesses, in the general order of their appearance, with a very brief summary of what they had to say, were as follows:

- Mr. John Wycherley, offered by the Petitioner, is its Vice-President of Development (focusing on wind energy). He has 15 years of experience in renewable energy projects- 6 of them over the past 6 years with Leeward. On behalf of that company, he committed to being bound by all representations made in the Application and statements made under oath by representatives of that entity during the ZBA hearing. He went on to give a general overview of the proposed repowered WECS- the “big picture” of its physical footprint, generally the proposed equipment to be installed and its lifespan, an executed AIMA, interconnections, the creation of a Decommissioning Plan, references to environmental, noise, shadow flicker, property values, archeological and communication studies and surveys, possible scheduling, a “1-800” phone “hotline” to receive and respond to complaints, some of the ways in which the Applicant will meet the requirements of other provisions of the Lee County Ordinance, the benefits to Lee County and explored the requested variances.
- Mr. Terry VanDeWalle, offered by the Petitioner, a “principal” biologist with Stantec with 29 years of environmental consulting under his belt, provided more details about any

possible environmental issues addressed- such things as the U.S. Geological Service's National Land Cover Database, the National Wetlands Inventory, an Illinois Department of Natural Resources (IDNR) EcoCAT review and subsequent consultation letter with recommendations, interaction with the United States Fish and Wildlife Service, the 3-tiered approach to the Site Characterization process and an outline of possible impacts on any state or federally listed species.

- Dr. Peter Poletti, offered by the Petitioner, is a real estate appraiser holding top designations from the Appraisal Institute and is an Illinois township assessor. He has been evaluating the effects of wind energy projects on property values since 2007. He opined that he can find no statistically significant differences between property values in and around wind farms and those of the same area that are not.
- Mr. Ian Brewe, offered by the Petitioner, is a Section Manager in Environmental Studies for Burns & McDonnell, a multi-discipline engineering firm. He presented the results of the modeled sound study he oversaw for the proposed repower project using the manufacturer's data for the GE 3.4-140 model WTG. Mr. Brewe testified that all of the proposed locations would meet the Illinois Pollution Control Board's (IPCB) nighttime noise standards for non-participating receptors at all frequencies- although some required noise reduction operation modifications to do so. He also allowed that manufacturer's data for the possible larger WTGs was not available at the time of the study but recognized that, before installation of any of those turbines, that data would have to have been published and would be used in a subsequent modeling study to insure IPCB conformity.
- Ms. Ella Rose, offered by the Petitioner, is a Professional Engineer and a Consulting Manager in renewable energy projects for Burns and McDonnell. She first presented the results of the shadow flicker modeling study of the 512 receptors within the proposed repower project's purview. She also allowed that the study was performed using manufacturer's data for the GE 3.4-140 WTG model as it was the only information presently available. She said that of the non-participating receptors, one would exceed the Lee County Ordinance's limit of 30 annual hours of flicker and ten would receive between 10 and 30 hours. She believed that the owner of one exceedance property was going to sign a waiver agreement. In addition, Ms. Rose briefly touched on the decommissioning plans for the existing WTGs. She said the Developer was considering both the "energetic" or "tilt/fell" methods and desired to leave the existing underground cabling in place.
- Mr. Carter Wells, is the Head Developer for the GSG Wind's proposed repower project. He touched on a number of facts purporting to show conformity with sections of the Lee County Ordinance such as vibration, pollution, odors, electromagnetic radiation, fire, explosions, toxic, noxious and hazardous materials, glare and heat. He also allowed that there was or would be executed "Impact Agreements" with any non-participants whose receptors would experience more than 30 annual hours of shadow flicker. He acknowledged that there were no current executed waivers from property owners on whose land GSG Wind desired to leave underground cables in place. He finished by promising that the Applicant would follow any Lee County Ordinance set-backs no matter the WTG model employed, and that it would be bound by any and all proposals, promises, statements and representations in its Application for a SUP or made under oath at the public hearing before the Lee County ZBA- even if not expressly specified herein or therein. On being recalled to the witness stand in a subsequent session, Mr. Wells explained that GSG Wind was requesting that, as a part of its requested SUP, it be able to take down the existing WTGs by either the "tilt/fell" or "energetic" method. He also

noted that a parcel identified in the present Petition as being part of the proposed Project, #19-22-05-400-011, was erroneously included and has no connection to the requested SUP, and that a contiguous parcel, #19-22-05-400-013, is included in the Petition only because it has an existing underground Transmission and Communication Line easement running along its southern boundary.

- Ms. Abigail Buchta, a licensed Professional Engineer and Senior Consultant for Sargent & Lundy, an engineering consulting firm, explained the three methods of WTG decommissioning (“energetic,” “tilt/fell” and “reverse build,” and her recommendations to the Applicant, based on crew safety, lesser land impact, cost and time, that the existing WTGs be removed by the “energetic” protocol. She also outlined her modeled noise and vibration impacts of that method on nearby residences- recommending an 1100 foot “buffer” zone. She further noted that there were 3 residences within that proposed cushion, but that one was 1086 feet (14 feet shy of her suggestion) and the other two, about 875 feet distant, were Primary Structures of participating landowners.
- Mr. Bruce PapiECH explained that he owns a parcel of property upon which is located a WTG unrelated to this GSG Wind Petition but which is also the servient estate of an easement for a transmission and communication line which is a part of the existing project and, apparently, its “repower.” He went on to complain about his perception that the Applicant was asking to “re-zone” his parcel and impliedly admonished that there should be no confusion between the possessory land use parameters of what exists and what he has agreed will exist.
- Ms. Lorraine Kitral, a homeowner living within the footprint of the existing GSG Wind development, testified about her research, and the internet reports of others, into residential real estate values as the same are diminished by nearby WTGs.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

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

- Petitioner’s Exhibits:
 - o Pet #1: hard copy of witness, John Wycherley’s, Power Point presentation;
 - o Pet #2: hard copy of witness, Terry VanDeWalle’s, Power Point presentation;
 - o Pet #3: hard copy of witness, Ian Brewe’s, Power Point presentation;
 - o Pet #4: hard copy of witness, Ella Rose’s, Power Point presentation.
 - o Pet #5: hard copy of witness, Abigail Buchta’s, Power Point presentation.
- Interested Parties Exhibits:
 - o IP #1: a compilation of 74 pages from Bruce PapiECH which includes a GIS satellite view of his property and 2005, 2006 and 2007 Lease Agreements with Amendments thereto.
 - o IP #2: 6 pages from Lorraine Kitral consisting of a one-page list of property addresses and year sale prices and 5 pages of internet sourced material regarding diminished real estate values and WTGs.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt 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:

- Mr. Kyle Barry, Attorney for the Applicant, who urged, based on the evidence produced showing the proposed conformity with the Lee County Ordinance, that the Lee County ZBA recommend to the Lee County Board that GSG Wind, LLC's Petition should be approved, the Special Use Permit issued and the requested variances granted.
- Ms. Lorraine Kitral posited that the evidence regarding the effect of one or more nearby WTGs showed a diminution of residential property values, and that, therefore, the pending Petition should be denied.
- Ms. Mary Mauch questioned the Petitioner's expert evidence that there was no effect on property values near a wind farm and urged that the pending Petition be denied.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, according to both its Application and the testimony of its agents, the proposed "repowered" WECS, located partly in Lee County and partly in LaSalle County, would be an enhancement of the existing and operating GSG Wind farm which was Lee County permitted in 2003 and began operation in 2007. This enhancement would be a result of technology advancements allowing a WTG

- to produce more energy;
- at reduced operational costs;
- with less noise at lower wind speeds.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, through both its Application and the testimony of one or more of its agents, that the basic components of the WECS would be

- 13 to 16 new WTGs consisting of an array of one or more of the following makes and models:
 - General Electric
 - 3.4-140
 - 3.6-154
 - Siemens Gamesa Renewable Energy 3.1-129
 - Vestas
 - V110
 - V150;
 - that, as to dimensions,
 - the present WTGs are 80 meters in height, and the proposed replacement WTGs would be +/- 105 meters tall
 - the present blades "swept" area has a diameter of 87 meters and the proposed replacement WTGs would have a "swept" area of a minimum 140 meters in diameter; and
 - that as to power capacity output, the present WTGs are all 2 megawatt ("MW") and, depending on the make and model, the proposed replacement WTGs would range from 3.4 to 4.5 MW output capacity;
- existing collection line upgrades or modifications; and

- new access roads and foundation areas; and
- temporary access road widenings; and
- potential modifications to the existing Operations and Maintenance (O & M) Building; and
- creating an approximately 20-acre temporary construction “laydown yard” on ground straddling Lee and LaSalle Counties; and
- construction of a new, or modification to, an existing, meteorological tower.
- the use of the two existing points of interconnection.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

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

- the “footprint” of the proposed project is, indeed, 3275 acres, such is the sum total of the participating parcels of the proposed repowered Development; but
- presently, the existing wind farm directly impacts 15 acres in Lee County which, depending on the final WTG array selected, would be reduced by the proposed “repower”- thus returning 1 to 3 acres to probable agricultural production.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the petitioner has indicated through the testimony of one of its agents that the lifespan of the proposed repowered WECS would be 30 years.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that at the time the Petition was filed the Lee County Ordinance contained provisions specifically applicable to WECS developments, (§10-15-15) and certain other provisions, “Performance Standards” (§10-15-1 et seq.) and “Special Exceptions, Variations and Nonconforming Uses” (§10-2B-1 et seq.) that also, unless suspended by the newer WECS ordinance, would be pertinent. Additionally, there was a former iteration of the Lee County Zoning Ordinance governing WECS which was in effect when the existing development was permitted in 2003- Section H-15.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA notes that a WECS Project such as what the Developer proposes is permitted in this described Ag-1 district as a Special Use, subject to specified regulations and design standards outlined hereinafter.

- The Lee County ZBA finds that in its Application and in the testimony it produced, that the Petitioner agreed to be bound by any and all proposals and representations made under oath at the public hearing before the Lee County Zoning Board of Appeals, which shall be considered supplementary conditions of the Special Use Petition.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that in its Application the Petitioner submitted the following as part of its Petition for Special Use:

- the property lines of the proposed site of construction; and
- the proposed location of the WECS Project, including distances from property lines and any existing or occupied residence within two thousand six hundred forty (2,640) feet of the WECS Turbine; and
- recognition of all non-residential structures located on the property where the WECS is proposed; and
- the location of all above-ground and under-ground utility lines within a radius equal to two (2) times the height of the proposed WECS Turbine; and
- dimensional representation of the structural components of the WECS Tower construction, including the base and footings; and
- schematics of electrical systems associated with the WECS Turbine, including all existing and proposed electrical connections; and
- representative manufacturer's specifications and installation and operation instructions or specific WECS Project design information.

A second was discerned, and debate occurred because Mr. Meyer disagrees that the Board can make this finding as it is unknown what model turbine will ultimately be used. Mr. Hughes countered that they provided representative information and testified that if a different model is used other than the one presented at hearing, updated documentation will be provided to the Zoning Administrator prior to the issuance of the building permits. A vote was taken, and the ayes prevailed. Motion passed, 4-1 (Meyer dissent).

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner

- did not produce a certification by a registered Professional Engineer that the WECS Tower's design is sufficient to withstand wind load requirements for structure as defined by the International Code Council (ICC) in its Application; but
- did state that the new turbine foundations would be designed with sufficient structure load and fatigue capacity to accommodate the turbines proposed; and
- that a Professional Engineer's certification would be provided prior to the issuance of building permits.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application, the Petitioner identified the location of all access roads required for the WECS Project, and also stated that those roads would

- not be paved; but
- would be widened to 16 feet with an additional 30 total feet of native compacted ground shoulders during construction; and
- would have modified subgrade, aggregate surfacing, existing culverts and transitions.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, in its Application, that the Petitioner, through its Application and the testimony received, indicated that

- those same access roads would be used for crane paths; and
- temporary compacted paths- perhaps mitigated by crane mats, may be needed for turbines that do not have an access road between them.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner included in its Application a topographic map of the proposed site of construction.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, in its Application, the Petitioner confirmed that it would not commence construction activity associated with the WECS Project before 6:00 A.M. nor continue it past 9:00 P.M. on any day of the week within one-quarter ($\frac{1}{4}$) of a mile of any non-participating landowner unless a waiver is obtained from such landowner.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA notes that verification of any power purchase contract(s) is now the province of the Lee County Zoning Officer.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA notes that the requirement that the Petitioner provide a certificate of design demonstrating that the equipment has passed muster with an appropriate independent or industry specific science or technical safety is now the province of the Lee County Zoning Officer; and as to the use of “new equipment,” see the findings following.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, based on its Application, the Petitioner confirmed that all WECS proposed turbine models for the Proposed Project would be equipped with a redundant braking system. This, it averred, would include both aerodynamic over-speed controls, containing variable pitch systems and mechanical brakes which would be operated in a fail-safe mode.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, in its Application and through the testimony received that, the Petitioner stated that the Proposed Project would be designed, and subsequently follow, the codes and standards of

- the National Electrical Safety Code; and
- the National Electric Code; and
- the National Fire Protection Agency; and
- the Occupational Safety and Health Administration (OSHA); and
- the American Society of Testing and Materials; and
- the Institute of Electrical and Electronic Engineers; and
- the International Electrotechnical Commission; and
- the American Society of Civil Engineers; and
- the American Concrete Institute; and
- the United States Environmental Protection Agency; and
- the National Electrical Testing Association; and
- Underwriter's Laboratories; and
- PJM Interconnection.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

A brief recess was taken at 8:10 p.m., and the hearing resumed at 8:22 p.m.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner, through its Application, promised to provide information regarding underground utilities constructed or installed as part of the Proposed Project to the "One-Call System" operated by the Joint Utility Locating Information for Excavators Company, commonly known as "JULIE."

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner, through its Application and testimony, confirmed that all WECS Turbines would be painted white or gray or another non-reflective, unobtrusive color.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner, through its Application, the Petitioner stated that a "filing" with the Federal Aviation Administration was in progress and, in compliance with pertinent provisions of the Illinois Administrative Code regarding aviation safety, would locate the turbines to be constructed.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner, through its Application, promised to display adequate warning signs on the base of all pad mounted transformers and substations as required.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner, through its Application, stated that, by design, no WECS Towers would be climbable from the exterior of the structure.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner, through its Application and the testimony produced,

- did not describe or show setbacks due to the Petitioner's then present inability to specifically determine exact turbine models and, therefore, locations; but
- such showing appears not to be required by the Ordinance at the ZBA Hearing stage; but,
- confirmed that, unless waived by an affected landowner, it would conform to all Ordinance required setbacks; and
- Stated that, in its building permit applications, it would provide a final site plan that would define WTG locations- presumably along with showing setback conformity.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, through its Application and the testimony received, the Petitioner

- affirmed that IDNR recommended the following setbacks:
 - o 500 feet from any perennial streams with a non-forested riparian zone; and
 - o 1000 feet from all forested areas; and
- confirmed that all turbine locations would meet the above two recommended setbacks except one (which is within 334 feet from a perennial stream), and that it will take action to reposition that particular WTG.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA notes that while now, under the updated Ordinance, the execution of any required and acceptable Road Use Agreement is a function of the issuance of a building permit, the Petitioner, in its Application, indicated that some public road intersections may need to be widened to facilitate turbine delivery, but the same would be a part of any such Road Use Agreement.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds/cannot find that, through its Application, the Petitioner confirmed that it would repair any and all field tiles damaged by the WECS Project construction and maintenance activities within ten (10) working days of the date of receipt of notification and would also repair damage to other drainage facilities, including but

not necessarily limited to waterways and drainage ditches, as soon as reasonable possible, but in any event within six (6) months of the date of receipt or notification.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds/cannot find that, through its Application, the Petitioner confirmed that it would utilize established and accepted engineering Best Management Practices to manage stormwater, siltation and erosion during construction.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, through its Application and the testimony produced, the Petitioner stated that it had submitted an executed AIMA to the Illinois Department of Agriculture- including an Amendment thereto.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, through its Application and the testimony produced, the Petitioner confirmed that

- it was considering the “energetic” method (a euphemism for the use of explosive devices) to topple and decommission the existing WTGs; and
- it would not conduct any blasting in connection with the construction of the WECS Project unless it had provided prior notification to the property owner, any abutting property owners, property owners within one thousand, five hundred (1,500) feet of the blasting site, officials of the Township in which the blasting is to occur and the Lee County Zoning Administrator; and
- that any such blasting shall be done in accordance with all applicable state and federal laws and regulations.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, Petitioner has already commissioned and submitted a wildlife assessment (impact study) conducted by a qualified wildlife expert from Stantec to the Lee County’s Zoning Office. Included therein is a conclusion that the proposed Project site(s) consist of

- 95.1% cultivated crops; and
- 4.6% varied intensity development; and
- .1% woodlands; and
- 22.9 acres of National Wetlands Inventory, which, that expert testified he determined, after a site survey, is really only 1.4 acres.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, through its Application and the testimony produced, the Petitioner or its agent

- initiated an IDNR EcoCAT review for the proposed development's sites on September 9, 2020; and
- as a consequence, in a Consultation Letter of December 4, 2020, IDNR provided information about
 - o the federal and state threatened Indiana and northern long-eared bats for which there is no suitable summer habitat within the proposed project area but for which there may be some level of fall activity; and
 - o the federal and state listed rusty Patched Bumble Bee, the Eastern Prairie Fringed Orchid, the Prairie Bush Clover and the Decurrent False Aster; and
 - o the state listed Northern Harrier; and
 - o initiated an "in-person" consultation with staff of the United States Fish and Wildlife Service (USFWS) on February 2, 2021;
 - o is conducting an ongoing avian survey which has noted
 - 4 sightings of the Northern Harrier and
 - 1 sighting of a Bald Eagle's nest approximately ¼ mile from the proposed project area boundary.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that

- the USFWS did not recommend any permits under the Endangered Species or Bald and Golden eagle Protection Acts; and
- in its Consultation Letter, IDNR recommended a continuing Bird and Bat Strategy that included WTG curtailment as an appropriate mitigation for the noted bats and bird; but Leeward, instead of a "cut-in" speed of 5.0 meters per second from July 15th to October 15th each year, wants to lower it to 4.0 meters per second- which, it's expert said, is a statistical data overlap of mortality.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that Leeward's expert testified that any threat would only be to direct loss of habitat and is very unlikely because the only direct impact would be to the 12 to 15 acres actually used by WTG siting- some of which is already being used and the remainder of which was, and most assuredly will be returned to, agricultural use- which is incompatible with any of those 4 species.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that in its Consultation Letter, the IDNR noted the Ornate Box Turtle, but

- the Petitioner's expert determined, from a desktop review, that no mapped sandy soils suitable for its habitat are present within or adjacent to the proposed project area; and
- IDNR acknowledged that "...it does not appear that the preferred habitat for (the turtle) occurs in the project area."

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA also finds that the Petitioner stated that it would comply with

- the United States Endangered Species Act; and
- the Illinois Endangered Species Protection Act; and
- the United States Migratory Bird Treaty Act; and
- the United States Bald and Golden Eagle Protection Act.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner stated it would operate the WECS Project without risk of fire, offensive noise, vibration, dust, smoke, odor, glare, or explosion.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, through its Application and the testimony it produced,

- the Petitioner commissioned Comsearch to perform an assessment to identify any potential impacts in the proposed Project area to emergency services communications; and
- such assessment determined that the WTGS would have little to no effect on emergency service providers; but
- there was no indication that the Petitioner proved copies of any Project summary and site plan to applicable microwavable transmission and local emergency service providers.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that,

- there was no indication that the Petitioner submitted a copy of the site plan to the local fire protection district(s); but
- there was an indication that the Petitioner would develop a health and safety plan and hold meetings in coordination with the Lee County emergency manager and local police, fire protection, ambulance operators and 9-1-1 dispatch authorities.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, through its Application and the testimony it produced, the Petitioner

- stated that as to solid waste,
 - o dumpsters would be used during construction for materials of appropriate size;

- o which would be hauled away by a local waste management or recycling company to appropriate facilities for disposal; and
- o if too large, materials would be hauled directly to an appropriate facility;
- as to hazardous waste
 - o it will be using lubricants, oils and greases for the proposed Project; and
 - o whatever inventory there is of the same will be stored at the O & M facility; and
 - o an EPA Spill Prevention Control and Countermeasures Plan will be maintained.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, through its Application and the testimony it produced, the Petitioner

- already commissioned Burns & McDonnell to perform a modeling study presenting a conservative number of hours shadow flicker may appear on a Primary Structure of a non-participating property owner; and
 - o the summary result of that study was that
 - there were 512 possible receptors in Lee County that could be affected by the GE 3.4-140 alternative WTG model on any of the possible Primary Structures; and
 - that, conservatively, of those receptors, ten of them could receive between 10 and 30 hours of annual shadow flicker; and
 - one receptor may receive more than 30 annual hours of shadow flicker; and
 - o stated
 - that the landowner of the exceedance Primary Structure would be entering into a “Waiver Agreement” as consent to the exceedance; and
 - to use mitigation techniques, to reduce the effects of any shadow flicker; and
 - did address the need to program a shadow flicker specific period to shut down any WTG causing the 30 annual hours of shadow flicker exceedance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, through its Application and the testimony it produced, the Petitioner confirmed that

- it would use minimal lighting on its proposed WECS Project; and
- that any lighting would be shielded and downcast; and
- there would be no tower lighting except that the best available technology allowed by the FAA.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, through its Application, the Petitioner confirmed that it would minimize to the maximum practical extent possible the impact of any stray voltage caused by the operation of the WECS “repower” Project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, through its Application, the Petitioner confirmed that it would not allow any advertising material and/or signage other than warning, equipment identification or ownership information on the WECS Project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, through its Application, the Petitioner averred

- that “little water” would be used during this proposed “repowering”; and
- what water that will be used will be hauled in via truck and stored in on-site tanks; and
- sanitary waste water would be collected in portable facilities, hauled away by a licensed hauler to a permitted treatment facility; and
- as to contamination, see preceding findings.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, through its Application and the testimony it produced, the Petitioner

- commissioned a third-party qualified professional, Burns & McDonnell, the name and qualifications of whom were submitted to the Lee County Zoning Administrator to conduct an appropriate analysis of the noise impact to nearby proposed Project properties during operation of the proposed “repowered” wind farm; and
- based on conservative assumptions of a preliminary WTG model and layout, once noise reduction operations were included, there were no ICPB noise limit exceedances across all octave bands during day or nighttime hours.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that, however, the Lee County ZBA finds that, if allowed, as to noise levels during WTG decommissioning by the use of the “energetic” method, there was evidence that the detonation of the targeted charge, would be momentarily 140 dB at 1000 feet which level would be similar to fireworks going off.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, through its Application, the Petitioner stated it will maintain

- a broad form comprehensive coverage policy of public liability insurance insuring it, project parcel owners and participating parcel owners against loss or liability caused by the Applicant’s occupation and use of property under the lease, in the amounts of
 - o not less than \$5,000,000.00 of combined single limit liability coverage per occurrence, accident or incident; and
 - o with a \$10,000,000.00) aggregate; and
 - o with a deductible of no more than \$25,000.00; and
 - o naming Lee County as an additional insured on said policy;

- along with its subcontractors statutorily mandated worker’s compensation coverage and employers’ liability insurance; but
- the Petitioner did not provide certificates of insurance to the Zoning Board of Appeals.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA notes that there are two “decommissionings” involved in this Project- the decommissioning of the existing wind farm and the future decommissioning of the proposed “repower” Project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that as to the possible future Decommissioning, the Lee County ZBA finds that, through its Application and the testimony it produced, the Petitioner

- provided a Decommissioning Plan along with cost estimates in its Application; and
- the acceptability of the same is now the province of the County Zoning Administrator and the County Engineer.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the As to the decommissioning of the existing project, the Lee County ZBA finds that

- the SUP portion of the Lee County Ordinance governing WECS in effect at the time the presently operating wind farm was permitted was rather minimalist in nature; and
- that, at the time of the issuance of the SUP under which the present wind farm is operating, GSG Wind did not offer a decommissioning plan for approval- nor were there even any decommissioning provisions or regulations;
- that the Applicant, through the testimony of one of its agents, indicated that there are three methodologies available to take down the existing WTGs and have advantages and disadvantages as follows:
 - o the “reverse build” or “deconstruction” method is essentially taking apart the WTG in the reverse order of its construction and involves the use of cranes and manpower on the WTG structure going from top down with the following relative detriments:
 - it is the least safe for personnel doing the work; and
 - has the greatest negative impact of the land surround the WTG as it involves heavy equipment constantly traversing and compacting paths to the WTG; and
 - takes the longest period of time; and
 - is the most expensive; and
 - carries an AIMA obligation to thoroughly return the affected land to its pre-WECS condition.
 - o the “tilt/fell” method, by which a “cut” (not unlike the felling of a tree) is made at the base of the WTG and, through the use of cabling attached to heavy equipment, the WTG falls to the ground in a controlled fashion and is taken apart once laid down with the following relative benefits and detriments:

- has some personnel safety issues as workers will necessarily be on the WTG to attach the cabling and will be in the vicinity as the WTG is lowered; and
- has impact to the land as the heavy equipment to which the cabling is attached compacts the soil along its path; and
- carries an AIMA obligation to thoroughly return the affected land to its pre-WECS condition after the subsequent prone deconstruction; and
- o the “energetic” method by which a targeted explosive charge is placed at the base of the WTG and, once the area is cleared, detonated and the WTGs falls to the ground in the direction computed by explosive experts with the following risks and benefits:
 - is the fastest start to finish deconstruction;
 - is the safest method for personnel;
 - is the least negative land impact method;
 - may cause fiberglass splintering of the blades on impact;
 - carries an AIMA obligation to thoroughly return the affected land to its pre-WECS condition after the subsequent prone deconstruction.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, in its Application, the Petitioner stated it will defend, indemnify and hold harmless Lee County and their officials from and against any and all claims, demands, losses, lawsuits, causes of action, damages, injuries, costs, expenses and liabilities, whatsoever, including but not limited to, reasonable attorney’s fees arising out of the acts or omissions of the Applicant concerning the operation of the WECS Project, without limitation, whether said liability is premised upon either contract or tort actions or other related claimed legal theory.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

At 9:31 p.m., Judge Slavin called for recess until June 27, 2022, at 7:00 p.m.

JUNE 27, 2022, at 6:00 p.m.

County Board Room
Old Lee County Courthouse, Dixon, Illinois

Zoom Video- & Tele-conferencing

Meeting ID: 91539239154

Password: 209840

YouTube

<https://www.youtube.com/watch?v=KYNK6tj941g>

At 7:00 p.m., Judge Slavin called out of recess, the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. He gave a brief introduction and explained the procedures for public participation via Zoom and public observation via YouTube.

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Pratt, Member Hughes, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley Boonstra, Petitioner's Attorney Kyle Barry, IT Support Jonathon Henrickson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. There were no Interested Parties personally present, and two interested parties were present via ZOOM.

The Zoning Board of Appeals resumed its Findings of Fact.

Mike Pratt made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than, perhaps, during construction and, if allowed, during WTG decommissioning using the "energetic" method, the Petitioner has confirmed that there would be no offensive vibration associated with this proposed wind farm development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than, perhaps, during construction, the Petitioner has confirmed that there would be no offensive smoke or dust associated with this proposed wind farm development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, based on the Application and testimony heard, other than, perhaps, during construction, the Petitioner has confirmed that there would be no offensive odor associated with this proposed wind farm development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, based on testimony heard, the Petitioner claims that

- any electromagnetic fields created by the operation of the proposed WECS would not affect neighboring properties; and
- that in managing any such fields, it would comply with any state and federal requirements.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, based on testimony heard, other than, perhaps, during construction, there would be insignificant heat associated with this wind development that affects adjoining properties.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, in reviewing the Application and the testimony heard

- there would be no particularly identifiable fire or explosion hazards associated with the operation of this proposed WECS repower development; but
- as noted in **Section ___** of this Report, the Applicant is requesting to possibly use explosive devices as one to take down the WTGs being replaced as part of its existing WTG decommissioning activities.

A second was discerned. Judge Slavin stated he will complete the missing section once the final report has been completed. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that, based on testimony heard,

- that there would be, of course, particularly during construction, human waste associated with this proposed WECS “repower,” but it would be disposed according to any applicable governmental/agency rules and regulations; and
- other than that, there would be no other particularly identifiable toxic, noxious or hazardous materials generated by this wind development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the character of the land within the footprint of the proposed GSG Wind, LLC development is agricultural.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, based on the Petitioner’s Application and testimony it produced,

- the Petitioner commissioned Poletti and Associates to conduct a Real Estate Property Value Impact Study of the proposed repowering project; and
- it concluded that the proposed WECS “repowering” would not have a statistically measurable impact on property values within the area.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, based on the Petitioner’s Application and the testimony it produced, that the Proposed Project

- would increase area employment up to 160 jobs during the construction phase; and
- would ensure greater job security by extending the existing job opportunities over an extended time period to be, at best, a nominal benefit to area employment.

A second was discerned, and there debate as to whether the proposed project would ensure greater job security by extending the existing job opportunities over an extended time period. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds, based on the Petitioner's Application and testimony received, that the Proposed Project would generate at least

- \$10,850,000 in local property taxes over 25 years; including
- a 200% increase in Year 1 of operation.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, based on the Petitioner's Application and testimony received, landowner payments would increase over the life of the "repowered" Project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, based on the Petitioner's Application, the Petitioner stated that it intended to "give back to the community by providing funds to local organizations and participating in various local events."

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the proposed "repower" would probably put between 1 to 3 acres back into agricultural production.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the proposed "repower" would possibly increase nameplate capacity available to the national grid.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that, regardless of any possible 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 but, rather, the criteria in the Lee County Ordinance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that, through the testimony of one of its agents, the Petitioner

- indicated that there was an archeological survey conducted as part of the process when the existing wind farm was planned and constructed’ and
- promised to similarly survey any newly disturbed areas of the proposed “repower.”

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the GSG Wind proposed Special Use would not have any effects on the character of the neighborhood and the surrounding properties.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the proposed GSG Wind Special Use would 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 the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the proposed GSG Wind Special Use would not have a material effect on traffic conditions expect, perhaps, during decommissioning or construction.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the proposed GSG Wind Special Use would not have much of an effect on public utility facilities, but it might marginally increase the source of electric power on the grid.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the proposed GSG Wind project does not carry with it any apparent environmental concerns.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA believes that the requested variance to reuse existing underground electrical lines rather than new equipment fits within the variations section of the Lee County Ordinance. Consequently, the Lee County ZBA makes findings that not being able to use existing electrical connection lines

- would impose a practical difficulty or particular hardship on the Petitioner; and
- would not be a mere convenience to the Petitioner; and
- is necessary to alleviate a hardship demonstrated; and

- is in harmony with the general purpose and intent of the Lee County Zoning Ordinance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA believes that the requested variance to leave existing underground electrical lines in place rather than remove them fits within the variations section of the Lee County Ordinance. Consequently, the Lee County ZBA makes findings that not being able to use existing electrical connection lines

- would impose a practical difficulty or particular hardship on the Petitioner; and
- would not be a mere convenience to the Petitioner; and
- is necessary to alleviate a hardship demonstrated; and
- is in harmony with the general purpose and intent of the Lee County Zoning Ordinance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA recommends to the Lee County Board that GSG Wind, LLC's Petition for Special Use be approved.

A second was discerned. During debate, Mr. Meyer spoke against the petition because it is unknown how many turbines they will reconstruct and where they will be located. He feels a project of this magnitude should be more prepared and the Applicant rushed to get their petition in to avoid a possible change in the ordinance. Mr. Pratt said the fact that they have to provide updated material based on the turbine model selected prior to the issuance of a building permit help alleviate his concerns. Mr. Hughes agreed with Mr. Pratt. A vote was taken, and the ayes prevailed. Motion passed, 4-1 (Meyer dissent).

Rex Meyer made a motion that if the Lee County Board grants the Petition for Special Use, the Lee County ZBA recommends to the Lee County Board that GSG Wind, LLC

- should be granted a variance to reuse existing underground collection lines instead of laying new ones; and
- should be granted a variance to leave unused underground collection lines in place.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, the Applicant be required to provide "waivers" or "consents" from any landowner on whose property any unused underground cable will not be removed, and that copies of the same be provided to the Lee County Zoning Officer prior to the issuance of a building permit.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is contemplated, it grant the Applicant's request to stay the requirement that a Professional Engineer's Certification regarding design sufficiency to

withstand wind load requirements be submitted prior to the ZBA Hearing until prior to the issuance of building permits.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

A brief recess was taken at 7:54 p.m., and the hearing resumed at 8:06 p.m.

Rex Meyer made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, a condition be that construction activities shall commence no earlier than 7:00a.m. and shall be discontinued no later than 8:00 p.m. on Monday through Saturday day within 1/2 mile of a non-participating residence.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA recommends to the Lee County Board a condition that, if the Petition for Special Use is allowed, the Developer directly pay, or reimburse, Lee County, for any engineering consultant and legal fees incurred during the duration of the Project from conception to completion.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed and it is found that any subsurface drainage tile is damaged within the proposed site, such damage be repaired to the same or better condition in accordance with the AIMA agreement.

A second was discerned. During the debate, Mr. Hughes said that it makes sense to incorporate this as the AIMA is already in place. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, conditions thereof be that

- if the Applicant will be using any WTG model other than the GE 3.4-140, it must provide a noise modeling study for the same to the Zoning Officer prior to the issuance of a building permit; and,
- the Applicant also be required to provide a “waiver,” “consent” or “agreement” to the Lee County Zoning Officer from any non-participating landowner on whose property there will be an IPCB noise exceedance prior to the issuance of the building permit; and
- regardless of any WTG models used in the Project, the Applicant respond within 5 business days after being notified in writing of a noise complaint.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, conditions thereof be that

- if the Applicant will be using any WTG model other than the GE 3.4-140, it must provide a shadow flicker modeling study for the same to the Zoning Officer prior to the issuance of a building permit; and,
- the Applicant also be required to provide a “waiver,” “consent” or “agreement” from any participating or non-participating landowner on whose Primary Structure more than 30 hours of annual shadow flicker is modeled to occur prior to the issuance of the building permit; and
- regardless of any WTG models used in the project, it must respond within 10 working days after being notified in writing of a shadow flicker complaint.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, but before a building permit is issued, the Petitioner show to the satisfaction of the Lee County Zoning Officer that the finalized turbine models and corresponding locations meet the Lee County Ordinance’s §10-15-15D.9. setback provisions.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that the Petitioner be allowed to employ the any of the three possible WTG removal methods (“energetic/modified - fell”, “tilt-fell”, or “reverse build”) for the decommissioning of the existing WTGs. However, if the energetic-fell or tilt-fell are used, conditions of such use will be that:

- the rotor, blades, nacelle, and any and all hazardous fluids be removed, prior to the felling of any WTG tower and
- blade removal must be done in a manner that does not cause the blades break apart, shatter, splinter, or disintegrate.

A second was discerned, and Mr. Hughes said the main concern is having the blades, which are made of composite material, shatter in the ground and debris being left behind. Mr. Meyers stated he would prefer to only allow the “reverse build” method for decommissioning, and Mr. Pratt concurred. Mr. Hughes defended his motion as it prevents debris from being left in the soil but still allows them a faster method for removing the towers. Chair Forster said the nacelle would not need to be removed as it will not shatter upon impact with the ground and would require a smaller crane than the “reverse build” method.

Glen Hughes made a motion to amend his original motion so that it states, “the Lee County ZBA recommends to the Lee County Board that the Petitioner be allowed to employ the any of the three possible WTG removal methods (“energetic/modified - fell”, “tilt-fell”, or “reverse build”) for the decommissioning of the existing WTGs. However, if the energetic-fell or tilt-fell are used, conditions of such use will be that:

- the rotor, blades, and any and all hazardous fluids be removed, prior to the felling of any WTG tower and
- blade removal must be done in a manner that does not cause the blades break apart, shatter, splinter, or disintegrate.

A second was discerned, and there was no debate. A vote was taken on the motion to amend the original motion. A vote was taken, and the ayes prevailed. Motion passed, 3-2 (Buhrow and Meyer dissent).

The motion was amended, and debate resumed on the motion as amended. Mr. Pratt would like to see a plan provided to the Zoning Administrator prior to the issuance of building permits. Mr. Meyer again stated he would prefer to see the “reverse build” method employed. A vote was taken, and the nays prevailed. Motion failed, 2-3 (Buhrow, Pratt, Meyer dissent).

Rex Meyer made a motion that the Lee County ZBA recommends to the Lee County Board that the Petitioner employ the “reverse build” WTG removal method.

A second was discerned. During debate, Chair Forster said the County has already allowed one project to fell turbines and he doesn’t believe the Zoning Office received any complaints He doesn’t make sense to treat this project differently. A vote was taken, and the ayes prevailed. Motion passed, 3-2 (Forster, Hughes dissent).

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that if the Petition for Special Use is allowed, a condition thereof be that the Applicant must comply with the IDNR in its Consultation Letter, which recommended a continuing Bird and Bat Strategy that included WTG curtailment as an appropriate mitigation for the noted bats and bird; using a “cut-in” speed of 5.0 meters per second from July 15th to October 15th each year.

A second was discerned. Mr. Hughes noted that the Applicant has requested a cut-in speed of 4.0 meters per second; however, he doesn’t believe they should deviate from the recommendations of the IDNR. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, conditions thereof be that the Applicant be required to provide a copy of any “waiver,” “consent” or “agreement” to the Lee County Zoning Officer from any non-participating or participating landowner on whose property required setbacks will not be met, prior to the issuance of the building permit.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, that a violation of the terms or conditions of the Special Use Permit granted herein shall be grounds for revocation of the Special Use by the Lee County Zoning Administrator.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that, thereafter, your ZBA considered its findings of fact and recommendations over the course of two sessions- on June 16, 2022 and June 27, 2022, lasting about 4 ½ hours in total.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Judge Slavin relinquished his authority as Hearing Facilitator and turned the meeting over to Chair Forster.

At 9:51 p.m., Glen Hughes made a motion to recess, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Respectfully submitted,

/s/ _____
Alice Henkel