

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

**Special Meeting
Petition No. 2021-P-1566**

County Board Room
Old Lee County Courthouse, Dixon, Illinois

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

October 7, 2021, at 7:00 p.m.
<https://www.youtube.com/watch?v=GsrJT1xrz5U>

October 12, 2021, at 7:00 p.m.
https://www.youtube.com/watch?v=teZCGONyi_o&t=467s

October 14, 2021, at 7:00 p.m.
<https://www.youtube.com/watch?v=kDkaaZKjS7I>

October 19, 2021, at 6:00 p.m.
<https://www.youtube.com/watch?v=0Y-vVtH66QY>

October 27, 2021, at 6:00 p.m.
https://www.youtube.com/watch?v=j_sNpOaclnM

November 3, 2021, at 6:00 p.m.
<https://www.youtube.com/watch?v=C3vxA8xe6VU>

November 9, 2021, at 6:00 p.m.
<https://www.youtube.com/watch?v=C3vxA8xe6VU>

November 17, 2021, at 6:00 p.m.
<https://www.youtube.com/watch?v=9nKVva7pXU0A>

November 22, 2021, at 6:00 p.m.
<https://www.youtube.com/watch?v=C3vxA8xe6VU>

<u>Board Members</u>	<u>Staff</u>
Bruce Forster, Chair	Dee Duffy, Zoning Administrator
Craig Buhrow, Vice Chair	Charles Boonstra, Lee County State's Attorney
Mike Pratt, Member	Alice Henkel, Renewable Energy Coordinator & Clerk for the Zoning Board of Appeals
Gene Bothe, Member	
Glen Hughes, Member	
Rex Meyer, Alternate Member	

OCTOBER 7, 2021, at 7:00 p.m.

At 7:00 p.m., Chair Bruce Forster called the meeting to order, and roll was called.

Members present: Forster, Buhrow, Bothe, Hughes, Alternate Member Meyer

Members absent: Pratt (present via ZOOM but abstaining from participating in the hearing on Petition No. 21-P-1566)

Staff present: Duffy, Boonstra

Staff absent: None

The next order of business was the approval of minutes from the September 2, 2021, meeting of the Lee County Zoning Board of Appeals. Craig Buhrow made a motion to approve the minutes, and a second was discerned. There was no debate. A vote was taken, and all were in favor. Motion passed, 5-0.

There was no old business.

Under new business was a hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. The parcel identification numbers are: 180815300001, 180815300006, 180815300007, 180815400002, 180815400003, 180816400005, 180816400009, 180816400012, 180817300002, 180819200002, 180819200003, 180819200004, 180819400002, 180820100015, 180820300004, 180820400007, 180821100002, 180821200002, 180821200003, 180821200004, 180821200006, 180821400010, 180822100004, 180822200003, 180822200013, 180822200014, 180822300005, 180822400003, 180823100002, 180823300005, 180823300006, 180826100005, 180826100012, 180826300001, 180826300003, 180827100005, 180827200002, 180827200004, 180827400001, 180827400002, 180828100002, 180828200005, 180828300001, 180828300002, 180828400004, 180829100001, 180829200006, 180830200002, 180830400004, 180833100001, 180820400008. The parcels are located in South Dixon Township. The parcels are zoned Ag-1, Agricultural District. Petitioner is requesting special use zoning for the purpose of constructing a solar energy system.

It was noted that Chair Forster and Member Mike Pratt would be abstaining from participating in the hearing and voting on the petition.

Craig Buhrow made a motion to engage the services of retired Judge Tim Slavin as facilitator of this hearing. A second was discerned and all were in favor. A vote was taken, and the ayes prevail, 5-0. The motion passed. Alternate Member Meyer did not vote.

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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Member Hughes, Alternative Member Meyer, Petitioner’s Attorneys Courtney Kennedy and Kyle Barry, Petitioner Representative, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, IT Zackary Owens, Court Reporter Callie Bodmer, and Facilitator Judge Slavin.

Judge Slavin proceeded with the scheduling of the special hearing dates. The following dates were set aside as possible hearing dates for this petition: October 12, October 14, October 19, October 27, November 1, November 3, and November 4, 2021. The hearing will begin at 6:00 p.m. on these dates.

Attorney Courtney Kennedy proceeded with giving an open statement on behalf of Petitioner South Dixon Solar, LLC. Attorney Kennedy explained that on May 6, 2021, South Dixon Solar, LLC, (hereinafter the “Applicant,” “Petitioner,” “Developer,” “South Dixon Solar” or “Duke”) a wholly owned subsidiary of Duke Energy Renewables Solar, LLC, filed a Petition with the Lee County Zoning Administration Office, requesting a Special Use Permit to construct and operate a \$450 million capital investment 500 MW_{AC} Solar Energy System (hereinafter “SES,” “solar farm,” “Project,” “Facility” or “Development”) – all on 51 parcels of real estate totaling 3838 acres, owned by 25 landowners and zoned AG-1 within South Dixon Township – generally bounded on the north by Interstate 88, the east by Red Brick Road, the south by U.S. Route 30 and on the west by Hoyle Road. Portions of the Project are within a 1 ½ mile radius of the limits of the City of Dixon. Subsequently, on the morning of July 15, 2021, South Dixon Solar, LLC filed an Amended Petition as to that requested Special Use Permit.

At the conclusion of her opening statement, Attorney Kennedy called her first witness. Petitioner’s representative, Jeff Neves, was sworn in on behalf of the petition. Mr. Neves is the Business Development Director for Duke Energy. On behalf of that company and South Dixon Solar, LLC, he committed to being bound by all representations made in the Application and statements made under oath by representatives of those entities during the ZBA hearing. He went on to give a general overview of the proposed SES, including an overview of its physical and financial footprint, community benefits and outreach efforts. He indicated that the Developer intended to comply with almost all of the requirements of the newest version of the Lee County SES Zoning provisions even though the Petition was filed in May 2021 – prior to the passing of the current ordinance in July 2021. The two differences were pledges- first, to provide 100% of the anticipated decommissioning costs without taking salvage value into account rather than the “new” ordinance’s mandated 150% and to pay all of the ordinance required consulting and expert fees, but not to put \$100,000 in escrow to secure the same.

The following persons cross examined Mr. Neves:

- Craig Buhrow, Member
- Glen Hughes, Member
- Jamie Lawson, Interested Party
- Martha Johannsen, Interested Party
- Jennifer Lawson, Interested Party
- Jim Tourtillott, Interested Party

- Chuck Willett, Interested Party
- Charles Fitts, Interested Party
- Lonnie Smith, Interested Party

On cross-examination, Mr. Neves deflected many questions as the subject area of witnesses to come.

Judge Slavin called for a recess at 8:40 p.m., and the hearing resumed at 8:50 p.m.

Mr. Neves was excused as a witness.

Attorney Kennedy called Patrick Smith as her next witness, and he was sworn in. Mr. Smith is a Development Engineer for Duke Energy. He too promised that Duke would bound by all representations made in the Application and statements made under oath during the ZBA hearing. He then provided a bit more detail of the proposed Project – such things as maximum bi-facial solar panel composition, life expectancy and height, setbacks, traffic issues, lay down yards, a promise to comply with applicable statutes, codes and standards – including the “new” Lee County SES ordinance (except for its heightened decommissioning financial security), fencing descriptions, signage compliance, downcast and shielded lighting locations, anticipated compliant noise levels, the expected lack of glare, storage, landscaping, fire safety, road and drainage tile repair, insurance, communication interference, construction activity times, minimal electromagnetic fields and flood plain avoidance.

At 9:25 p.m., Judge Slavin called for recess until October 12, 2021, at 6:00 p.m.

OCTOBER 12, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Member Hughes, Alternative Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, Petitioner’s Attorney Courtney Kennedy with Petitioner Representatives, IT Jonathan Henrikson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Member Mike Pratt was not present.

The Board proceeded with the cross examination of Petitioner’s witness, Patrick Smith. Mr. Smith was sworn in and the following persons cross examined him:

- Alice Henkel, Renewable Energy Coordinator
- Craig Buhrow, Member

- Glen Hughes, Member
- Jennifer Lawson, Interested Party
- Mike Magnafici, Interested Party
- Jamie Lawson, Interested Party
- Martha Johannsen, Interested Party

On cross-examination, Mr. Smith indicated that the Developer did not anticipate creating any well or septic system, that part of the project's equipment would be combiner boxes at the end of each panel string measuring approximately 10' X 8' X 6' and that, while such equipment (including inverters) would make some significant noise, they do not operate at night.

Mr. Smith was excused as a witness.

Judge Slavin called for a recess at 7:05 p.m., and the hearing resumed at 7:20 p.m.

Attorney Kennedy called the next witness for the Petitioner, Jason Cooper. Mr. Cooper was sworn in. Mr. Cooper is the Midwest Lead Civil Engineer of Solar Development for Kimley-Horn, an engineering consultant firm. He testified that, on behalf of the Developer, he prepared the Site Plan in the Application and explained the process by which he and his team created that plan. He generally described the landscape buffer and storm water management provisions found in the Application and alluded to the glint/glare analysis and noise study also found therein. He promised that no structures would be built in any existing flood plains, and that a Spill Prevention Plan would be created if any triggering equipment volume came to pass.

The following persons cross examined Mr. Cooper:

- Jennifer Lawson, Interested Party
- Jamie Lawson, Interested Party
- Martha Johannsen, Interested Party

Judge Slavin also asked some follow-up questions of Mr. Cooper.

On cross-examination, Mr. Cooper indicated that there would be 27 gated entrances into the proposed Development, and each would be padlocked. He also allowed that, while wiring between panels and downstream equipment up to the substations would be placed underground where possible and removed during decommissioning, there may be some its conduit left in place.

Mr. Cooper was excused as a witness.

Attorney Kennedy called Wendy Ryerson as the Petitioner's next witness. Mrs. Ryerson was sworn in. As the former Lee County Certified Assessor, she imparted her expertise on property tax formulas as they relate to commercial solar energy systems generally, and, more specifically, similar matters as they relate to the proposed Project – such things as the myths and realities of “shifting tax burdens,” the effect of PTELL (Property Tax Extension Limitation Law) on eligible taxing entities and the relative benefits and detriments of the statutory depreciation and “repowering.” Mrs. Ryerson is now the Lee County Administrator.

The following persons cross examined Mrs. Ryerson:

- Craig Buhrow, Member
- Rex Meyer, Member
- Jamie Lawson, Interested Party
- Martha Johannsen, Interested Party
- Jennifer Lawson, Interested Party

Mrs. Ryerson was excused as a witness.

At 8:20 p.m., Judge Slavin called for recess until October 14, 2021, at 6:00 p.m.

OCTOBER 14, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Member Hughes, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, Petitioner’s Attorneys Courtney Kennedy and Kyle Barry with Petitioner Representatives, IT Jonathan Henrikson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Member Mike Pratt and Alternate Member Rex Meyer were not present.

Attorney Kyle Barry called the next witness for the Petitioner, Mike MaRous, and he was sworn in. Mr. MaRous, of MaRous & Company, is a real estate appraiser and consultant of more than 40 years, holding a number of professional designations and certificates. He rendered his opinion that there was no evidence that the proposed project would have any negative impact on nearby property values and may increase the value and marketability of agricultural properties. In so doing, he outlined his scope of work and detailed the protocols used in his “matched pairs” analysis. He reinforced his conclusion with the discussions he had with various county assessors and peer reviewed expert literature. He also noted a University of Rhode Island study that he said concluded that renewable energy developments may have a negative effect on prices in more populated suburban regions but not in rural areas.

The following persons cross examined Mr. MaRous:

- Craig Buhrow, Member
- Jaime Lawson, Interested Party
- Martha Johannsen, Interested Party
- Jennifer Lawson, Interested Party

- Margaret Brechon, Interested Party

Mr. MaRous was excused as a witness.

Judge Slavin called for a recess at 7:15 p.m., and the hearing resumed at 7:25 p.m.

Attorney Courtney Kennedy called Tom Huddleston as the next witness for the Petitioner. Mr. Huddleston has been an owner of Huddleston-McBride Drainage Company for more than 45 years. He testified that, among his professional drainage projects, he has located and rebuilt drain tile systems for solar projects. He explained his usual development process – beginning with a drain tile survey to provide siting information to a proposed project’s engineer, through his operation to remove and replace existing tile to assure that the involved drainage would be as good or better than what exists when the development was in place – including protecting the “rights” of adjacent landowner’s drainage benefits. He concluded by opining that, in the long run, an SES improves the area’s drainage because it allows the land to “rest” while its deep-rooted grasses add organic nutrients to the soil.

The following persons cross examined Mr. Huddleston:

- Jamie Lawson, Interested Party
- Martha Johannsen, Interested Party
- Jennifer Lawson, Interested Party
- Jonathan Mix, Interested Party
- Charles Fitts, Interested Party

Mr. Huddleston was excused as a witness.

At 7:46 p.m., Judge Slavin called for recess until October 19, 2021, at 6:00 p.m.

OCTOBER 19, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Alternate Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, Petitioner’s Attorneys Courtney Kennedy with Petitioner Representatives, IT Jonathan Henrikson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Member Mike Pratt and Member Glen Hughes were not present.

Attorney Courtney Kennedy called Petitioner's final witness, Jennifer Klingshirn. Ms. Klingshirn, Senior Project Manager and an Environmental Scientist for Energy Renewable Partners, LLC, testified that she put together the Petitioner's Application. She went on to aver that she was aware of the Lee County Comprehensive Plan, outlined some of its details and opined about its compatibility with the proposed SES. In so doing, she testified about various ways to assess the proposed site's Productivity Index. From there she segued into an overview of environmental issues and the steps the Developer has taken in that regard, i.e. working the Illinois Department of Natural Resources' (IDNR) EcoCAT tool, the ongoing consultation with the State Historic Preservation Offices within IDNR, how the Noise Study met the Illinois Pollution Control Board (IPCB) or EPA's criteria, an overview of the Project's Weed and Grass Control Plan, possible Stormwater Pollution Prevention Plan (SWPPP) and Landscapes Plan, and how any one or more of the foregoing dovetail with the already executed AIMA. She finished by noting the site's Land Evaluation Score of 81 for the project as a whole and that the Emmanuel Cemetery would not be affected by the construction, operation or maintenance of the proposed facility.

The following persons cross examined Ms. Klingshirn:

- Jim Tourtillott, Interested Party
- Jamie Lawson, Interested Party

A recess was called for at 6:44 p.m., and the hearing resumed at 6:53 p.m.

The cross examination of Ms. Klingshirn resumed:

- Jamie Lawson, Interested Party (continued)
- Jennifer Lawson, Interested Party
- Martha Johannsen, Interested Party
- Kristi Reiss, Interested Party

Ms. Klingshirn was excused as a witness.

That concluded the Petitioner's presentation of evidence.

Judge Slavin called for a recess at 7:44 p.m., and the hearing resumed at 7:54 p.m.

The hearing proceeded with the presentation of evidence by other parties.

Lee County Zoning Administrator Dee Duffy was sworn in and presented her own testimony. Mrs. Duffy explained that part of her official duties was to maintain communications and documents received in her office regarding pending Petitions. Relevant to this proceeding, she explained, were written expressions of support for the proposed Project from Kevin Marx on behalf of the Lee County Industrial Development Association ("LCIDA") and Gary Perinar on behalf of the Chicago Regional Council of Carpenters, a list of the certified mailing receipts to the applicable Interested Parties for this pending Petition and the Lee County Soil and Water Natural Resource Report for the proposed Development.

The following persons cross examined Mrs. Duffy:

- Jamie Lawson, Interested Party
- Jennifer Lawson, Interested Party
- Kristi Reiss, Interested Party

Mrs. Duffy was excused as a witness.

Additional hearing dates were discussed. The following dates were set aside as possible future hearing dates: November 9, November 16, and November 17, 2021.

At 8:11 p.m., Judge Slavin called for recess until October 27, 2021, at 6:00 p.m.

OCTOBER 27, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Vice Chair Buhrow, Member Bothe, Member Hughes, Alternate Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State’s Attorney Charley Boonstra, Petitioner’s Attorneys Courtney Kennedy with Petitioner Representatives, IT Zachary Owens, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Chair Forster and Member Mike Pratt were not present.

The hearing proceeded with presentation of evidence by interested parties.

Interested Party Jim Tourtillott called Dr. Ron Heiniger to testify via ZOOM, and Dr. Heiniger was sworn in. Dr. Heiniger is a professor at North Carolina State University. While acknowledging on cross-examination that he did not know, nor read about, any details of South Dixon Solar, LLC’s vegetation management, decommissioning, water control or community economic plans for this proposed Development, Dr. Heiniger went on to give an overview of possible issues with solar energy projects across the country – including thumbnail sketches of what allegedly happened with constructed SESes in Virginia and North Carolina.

The following persons cross examination Dr. Heiniger:

- Courtney Kennedy, Petitioner’s Attorney
- Craig Buhrow, Member
- Glen Hughes, Member
- Jennifer Lawson, Interested Party
- Jamie Lawson, Interested Party

- Jonathon Mix, Interested Party
- Phil Manno, Interested Party
- Peter Hermes, Interested Party
- Marvin Gerdes, Interested Party
- Dr. Peter Nichols, Interested Party

Dr. Heiniger was excused as a witness.

Recess was called for at 7:07 p.m., and the hearing resumed at 7:20 p.m.

The evidentiary portion of the hearing concluded.

Additional hearing dates were discussed. November 8, 2021 was added to the list of possible future hearing dates.

The hearing proceeding with the public comment portion of the hearing.

The following persons gave a closing statement:

- Courtney Kennedy, Attorney for Petitioner, who advanced the reasons shown during the hearing as to why the Lee County ZBA should recommend to the Lee County Board that South Dixon Solar, LLC's Petition should be approved and the Special Use Permit issued.
- Jennifer Lawson, an Interested Party living adjacent to the proposed SES, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Martha Johannsen, an Interested Party, who resides close to a boundary of the proposed SES, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Jim Tourtillott, an adjacent landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Jamie Lawson, an Interested Party, living adjacent to the proposed SES, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Liandro Arellano, mayor of the City of Dixon, indicated he was speaking in his "official" capacity on behalf of the entire Council. He first explained the process by which the City Fathers remained neutral during the first ZBA hearing and subsequent County Board consideration of the South Dixon Solar Petition, but then he went on to outline the factors that changed the Council's current stance to one of eager support.
- Pete Hermes, a participating landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Margaret Brechon, an Interested Party who lives in Dixon, spoke about her views of the politics and science of climate change, and consequently, why the Lee County ZBA

should recommend to the Lee County Board that it deny South Dixon Solar, LLC's Petition for a Special Use.

- Len Saunders, an Interested Party and union representative, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Jonathan Mix, an Interested Party and union representative, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Phil Manno, an Interested Party and union representative, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.

At 8:32 p.m., Judge Slavin called for recess until November 3, 2021, at 6:00 p.m.

November 3, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Alternate Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley Boonstra, Petitioner's Attorneys Courtney Kennedy with Petitioner Representatives, IT Jonathan Henrikson, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Member Hughes and Member Mike Pratt were not present.

The public comment portion of the hearing continued.

The following persons gave a closing statement:

- Charlie Fitts, an Interested Party, living adjacent to the proposed Project, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Kristi Reiss, an Interested Party, living adjacent to the proposed Project, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Diana Westart, a participating landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board to grant South Dixon Solar, LLC's Petition for a Special Use.
- Dr. Peter Nichols, a participating landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board to grant South Dixon Solar, LLC's Petition for a Special Use.

The public comment portion of the hearing concluded.

Judge Slavin called for recess at 6:33 p.m., and the hearing resumed at 6:45 p.m.

The hearing continued with the Board conducting its Finding of Facts.

Craig Buhrow made a motion that the Lee County Zoning Board of Appeals (hereinafter “ZBA” or “Zoning Board”) finds that, on the morning of July 15, 2021, South Dixon Solar, LLC, (hereinafter the “Petitioner,” the “Developer,” “South Dixon Solar” or “Duke”) a wholly owned subsidiary of Duke Energy Renewables Solar, LLC, filed a Petition with the Lee County Zoning Administration Office, which is numbered 21-P-1566, requesting a Special Use Permit to construct and operate a \$450 million capital investment 500 MW_{AC} Solar Energy System (hereinafter “SES,” “solar farm,” “Project,” “Facility” or “Development”) – all on 51 parcels of real estate totaling 3838 acres, owned by 25 landowners and zoned AG-1 within South Dixon Township- generally bounded on the north by Interstate 88, the east by Red Brick Road, the south by U.S. Route 30 and on the west by Hoyle Road. Portions of the Project are within a 1 ½ mile radius of the limits of the City of Dixon.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds find that following the submission of the Application, proper notice of the filing of the Petition and of an impending ZBA hearing was published in the Dixon Telegraph on September 21, 2021. Furthermore, certified mailings of the same notice were sent to adjacent property owners who would be within 500 feet of the proposed Project’s boundary. In addition, Zoning Officer Dee Duffy went to extraordinary lengths to publish continually updated notices on her department’s pages of the Lee County website and post the same throughout the area in which the proposed development would be located.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

Rex Meyer 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. The evidentiary and comments portion of the hearing began on October 7, 2021 and concluded on November 3, 2021, consisting of 6 total sessions- the initial one beginning at 7:00 p.m., and subsequent ones at 6:00 p.m. All those sessions took place in the former “main courtroom” on the third floor of the Old Lee County Courthouse.

The totality of these sessions of the first stage comprised, in total, approximately 13 hours of hearing time.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

Craig Buhrow made a motion that Lee County ZBA finds that, throughout the hearing process, the proceedings adhered to the then currently applicable State of Illinois' COVID-19 guidelines for public gatherings- in that all of those attending the hearing in-person were required to wear face masks- but an exception was made for the time during which an attendee was publicly speaking; and for those who did not feel comfortable in the somewhat more populated main courtroom, accommodations were initially made within the building to occupy the contiguous former jury deliberation room where they could participate on a ZOOM feed set up by Ms. Duffy and Lee County's IT Department, However, there were never any attendees appearing who took advantage of that accommodation. Additionally, Interested Parties were also given the opportunity to remotely and virtually participate in the process by video or teleconferencing on the ZOOM platform using a computer, cell phone or similar device at a location of their choosing. 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. 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, 3-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds 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, 3-0. Chair Forster abstained.

Craig Buhrow made a motion that they, the members of the Lee County Zoning Board of Appeals, find that we heard all of the evidence produced and examined each of the exhibits

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County Zoning Board of Appeals finds that 9 people took the witness stand, were placed under oath or affirmation and testified. Those witnesses, in order of their appearance, with a very brief summary of what they had to say, were as follows:

- Mr. Jeff Neves, offered by the Petitioner, is the Business Development Director for Duke Energy. On behalf of that company and South Dixon Solar, LLC, he committed to being bound by all representations made in the Application and statements made under oath by representatives of those entities during the ZBA hearing. He went on to give a general overview of the proposed SES- the “big picture” of its physical and financial footprint and community benefits and outreach efforts. He indicated that, although he believed that the newest iteration of the Lee County SES Zoning provisions were not applicable to the Project because the Petition was filed in May, 2021 before that ordinance was passed in July, 2021, the Developer intended to comply with almost all of its requirements. The two differences were pledges, first, to provide 100% of the anticipated decommissioning costs without taking salvage value into account rather than the “new” ordinance’s mandated 150% and to pay all of the ordinance required consulting and expert fees, but not to put \$100,000 in escrow to secure the same. On cross-examination, Mr. Neves deflected many questions as the expertise of witnesses to come.
- Mr. Patrick Smith, offered by the Petitioner and a Development Engineer for Duke Energy, also promised that Duke would bound by all representations made in the Application and statements made under oath during the ZBA hearing. He then provided a bit more detail of the proposed Project- such things as maximum bi-facial solar panel composition, life expectancy and height, setbacks, traffic issues, lay down yards, a promise to comply with applicable statutes, codes and standards- including with the “new” Lee County SES ordinance (except for its heightened decommissioning financial security), fencing descriptions, signage compliance, downcast and shielded lighting locations, anticipated compliant noise levels, the expected lack of glare, storage, landscaping, fire safety, road and drainage tile repair, insurance, communication interference, construction activity times, minimal electromagnetic fields and flood plain avoidance. On cross-examination, Mr. Smith indicated that the Developer did not anticipate creating any well or septic system, that part of the project’s equipment would be combiner boxes at the end of each panel string measuring approximately 10’ X 8’ X 6’ and that, while such equipment (including inverters) would make some significant noise, they do not operate at night.
- Mr. Jason Cooper, presented by the Petitioner, is the Midwest Lead Civil Engineer of Solar Development for Kimley-Horn, an engineering consultant firm. He testified that, on behalf of the Developer, he prepared the Site Plan in the instant Application. He explained the process by which he and his team created that plan. He generally described the landscape buffer and storm water management provisions found in the Application and alluded to the glint/glare analysis and noise study also found therein. He promised that no structures would be built in any existing flood plains, that a Spill Prevention Plan would be created if any triggering equipment volume came to pass. On cross-examination, Mr. Cooper indicate that there would be 27 gated entrances into the proposed Development and each would be padlocked. He also allowed that wiring between panels and downstream equipment up to the substations would be placed underground where possible and removed during decommissioning, there may be some its conduit left in place.
- Ms. Wendy Ryerson, now the Lee County Administrator, was presented by the Petitioner. As the former Lee County and a Certified Assessor, she imparted her

- expertise on property tax formulas as they relate to commercial solar energy systems generally, and, more specifically, similar matters as they relate to the proposed Project- such things as the myths and realities of “shifting tax burdens,” the effect of PTELL (Property Tax Extension Limitation Law) on eligible taxing entities and the relative benefits and detriments of the statutory depreciation and “repowering.”
- Mr. Mike MaRous, of MaRous & Company, offered by the Petitioner, is a real estate appraiser and consultant of more than 40 years, holding a number of professional designations and certificates. He rendered his opinion that there was no evidence that the proposed project would have any negative impact on nearby property values and may increase the value and marketability of agricultural properties. In so doing, he outlined his scope of work and detailed the protocols used in his “matched pairs” analysis. He buttressed his conclusion with the discussions he had with various county assessors and peer reviewed expert literature. He also noted a University of Rhode Island study that he said concluded that renewable energy developments may have a negative effect on prices in more populated suburban regions but not in rural areas.
 - Mr. Tom Huddleston, offered by the Petitioner, has been an owner of Huddleston-McBride Drainage Company for more than 45 years. He testified that, among his professional drainage projects, he has located and rebuilt drain tile systems for solar projects. He explained his usual development process- beginning with a drain tile survey to provide siting information to a proposed project’s engineer, through his operation to remove and replace existing tile to assure that the involved drainage would be as good or better that what exists when the development was in place- including protecting the “rights” of adjacent landowner’s drainage benefits. He concluded by opining that, in the long run, an SES improves the area’s drainage because it allows the land to “rest” while its deep-rooted grasses add organic nutrients to the soil.
 - Ms. Jennifer Klingshirn, Senior Project Manager and an Environmental Scientist, for Energy Renewable Partners, LLC testified that she put together the Petitioner’s Application. She went on to aver that she was aware of the Lee County Comprehensive Plan, outlined some of its details and opined about its compatibility with the proposed SES. In so doing, she testified about various ways to assess the proposed site’s Productivity Index. From there she segued into an overview of environmental issues and the steps the Developer has taken in that regard, i.e. working the Illinois Department of Natural Resources’ (IDNR) EcoCAT tool, the ongoing consultation with the State Historic Preservation Offices within the IDNR, how the Noise Study met the Illinois Pollution Control Board (IPCB) or EPA’s criteria, an overview of the Project’s Weed and Grass Control Plan, possible Stormwater Pollution Prevention Plan (SWPPP) and Landscapes Plan and how any one or more of the foregoing dovetail with the already executed AIMA. She finished by noting the site’s LESA score of 81 and that the Emmanuel Cemetery would not be affected by the construction, operation or maintenance of the proposed facility.
 - Ms. Dee Duffy, the Lee County Zoning Officer, presented her own testimony. She explained that part of her official duties was to maintain communications and documents received in her office regarding pending Petitions. Relevant to this proceeding, she explained, were written expressions of support for the proposed Project from Kevin Marx on behalf of the Lee County Industrial Development Association and Gary Perinar on behalf of the Chicago Regional Council of Carpenters, a list of the

certified mailing receipts to the applicable Interested Parties for this pending Petition and the Lee County Soil and Water Natural Resource Report for the proposed Development.

- Dr. Ralph Heiniger, a professor at North Carolina State University, was remotely called to the witness stand by Jim Tourtillott, an Interested Party. While acknowledging on cross-examination that he did not know, nor read about, any details of South Dixon Solar, LLC's vegetation management, decommissioning, water control or community economic plans for this proposed Development, Dr. Heiniger went on to give an overview of possible issues with solar energy projects across the country- including thumbnail sketches of what allegedly happened with constructed SESes in Virginia and North Carolina.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

Craig Buhrow 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:
 - Pet #1: hard copy of witnesses, Jeff Neves and Patrick Smith's, Power Point presentations;
 - Pet #2: hard copy of witness, Jason Cooper's, Power Point presentation;
 - Pet #3: hard copy of witness, Mike MaRous', Power Point presentation;
 - Pet #4: hard copy of witness, Jennifer Klingshirn' s, Power Point presentation;
 - Pet #5- 3-ring binder bound copy of the Petitioner's Application.
- Zoning and Planning Officer Exhibits:
 - ZO #1: letter from Kevin Marx, Lee County Industrial Development Association;
 - ZO #2: letter from Gary Perinar, Chicago Regional Council of Carpenters;
 - ZO #3: compendium of required certified mailing receipts to ordinance defined interested parties;
 - ZO #4: The Lee County Soil and Water Conservation District's voluminous Report on soils within the proposed Development (due to its size- only available in the Zoning office);
- Interested Parties' Exhibits:
 - IP #A: a Duke Energy photo of a partial block of solar panels in an SES;
 - IP #B: either a photo or a mock-up of an expanded view of an SES development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 3-0. Chair Forster abstained.

Rex Meyer made a motion that Lee County ZBA finds that as noted above, the Petition for a Special Use Permit for the instant Project was initially filed with the County's Zoning Office on May 6, 2021; later, on the morning of July 15, 2021, an Amended Petition was filed; at the time of each such filings, there was in place a Lee County ordinance specific to Solar Energy Systems, §10-15-20; subsequently to each of those filings, on the evening of July 15, 2021, the Lee County

Board passed a revised ordinance, #07-21-004, regulating the development of Solar Energy Systems; that, consequently, due to the above timing of events, by uncontested operation of law, the ordinance applicable to this pending Petition is the then §10-15-20 as last amended by #12-19-2017.

At 7:25 p.m., Judge Slavin called for recess until November 9, 2021, at 6:00 p.m.

November 9, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Member Hughes, Alternate Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley Boonstra, Petitioner's Attorneys Courtney Kennedy with Petitioner Representatives, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Member Mike Pratt was not present.

Future hearing dates were discussed. It was determined that the next hearing date would be November 17, 2021 should the Board not conclude that evening.

The hearing proceeded with the Board's continuation of making its Finding of Fact.

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

- Ms. Courtney Kennedy, Attorney for Petitioner, who advanced the reasons shown during the hearing as to why the Lee County ZBA should recommend to the Lee County Board that South Dixon Solar, LLC's Petition should be approved, and the Special Use Permit issued.
- Ms. Jennifer Lawson, an Interested Party living adjacent to the proposed SES, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Ms. Martha Johannsen, an Interested Party who resides close to a boundary of the proposed SES, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Mr. Jim Tourtillott, an adjacent landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.

- Mr. Jamie Lawson, an Interested Party living adjacent to the proposed SES, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Mr. Liandro Arellano, mayor of the City of Dixon, indicated he was speaking in his "official" capacity on behalf of the entire Council. He first explained the process by which the City Fathers remained neutral during the first ZBA hearing and subsequent County Board consideration of the South Dixon Solar Petition, but then he went on to outline the factors that changed the Council's current stance to one of eager support.
- Mr. Pete Hermes, a participating landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Ms. Margaret Brechon, an Interested Party who lives in Dixon, spoke about her views of the politics and science of climate change, and consequently, why the Lee County ZBA should recommend to the Lee County Board that it deny South Dixon Solar, LLC's Petition for a Special Use.
- Mr. Len Saunders, an Interested Party and union representative, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Mr. Jonathan Mix, an Interested Party and union representative, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Mr. Phil Manno, an Interested Party and union representative, opined reasons why the Lee County ZBA should recommend to the Lee County Board that it grant South Dixon Solar, LLC's Petition for a Special Use.
- Mr. Charlie Fitts, an Interested Party, living adjacent to the proposed Project, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Ms. Kristi Reiss, an Interested Party, living adjacent to the proposed Project, opined reasons why the Lee County ZBA should recommend to the Lee County Board to deny South Dixon Solar, LLC's Petition for a Special Use.
- Ms. Diana Westart, a participating landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board to grant South Dixon Solar, LLC's Petition for a Special Use.
- Dr. Peter Nichols, a participating landowner, opined reasons why the Lee County ZBA should recommend to the Lee County Board to grant South Dixon Solar, LLC's Petition for a Special Use.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that, accordingly, this Report focuses on what facts your ZBA finds that are relevant to the applicable ordinance – the former §10-15-20. However, as the Developer made promises to conform the proposed Project to nearly the whole of the "new" ordinance, supplementary facts found and recommendations pertaining to it can be found in the "Recommendations" section hereinafter.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner promised in its Application that, if its Petition for a SUP is granted, any final site plans would be approved and certified by a professional engineer, and that engineering certifications for the solar panels would also be supplied.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner promised, both in its Application and in testimony from one or more of its agents, that it would comply with applicable local, state and federal regulatory standards pertaining to electricity generation and transmission and the National Electrical Code.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner, both in its Application and through the testimony of its agents, stated that it was the intent that all the power and communication lines running between the banks of solar panels would be buried underground, but that, between solar panels and from the Project owned substation and the utility owned switching station, such would be above ground.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that Lee County ZBA finds that, as represented by the Petitioner in its Application, no lot on which the proposed SES is to be erected is less than two (2) acres.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that, based on representations made in its Application and during the testimony of one of its agents, the Developer promised that no system, equipment or structure (except for transmission lines, utility poles, or any poles or piece of equipment connecting a ground-mounted piece of equipment to an electric transmission line) within the proposed Development would exceed thirty (30) feet in height when ground mounted, and, in fact, at their maximum tilt (60 degrees) the solar panels would not exceed +/- 8 feet in height.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner promised in its Application and through the testimony of one or more of its agents that no facility structure would be within 50 feet from the front of any property line; nor within 15 feet from the sides and rear of any property line; nor within 500 feet of any property line of any platted subdivision; nor within 400 feet from the foundation of any adjacent, non-participating primary dwelling.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner also promised in its Application and through the testimony of one or more of its agents that no inverter, transformer or storage equipment would be within 500 feet of any dwelling; nor the fence surrounding the substation or utility switching station would be within 1000 feet from the nearest structural portion of an occupied residence on the land of a non-participating landowner.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that Lee County ZBA finds that the Petitioner has promised in its Application that “Knox Boxes” or similar devices would be provided at the 27 locked entrances for emergency personnel access.

A second was discerned. After some debate, Mr. Buhrow amended his ordinance to state, “28 locked entrances,” and the second was reaffirmed. There was no additional debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has promised in its Application and testimony that any lighting at the proposed SES Development would be confined to inside or on the perimeter security fencing, and it would be shielded and downcast

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application, the Petitioner submitted a June, 2021 commissioned noise analysis by Kimley-Horn, supplemented by testimony produced, which concluded that any noise produced by the proposed development would not exceed 50 dB at its boundary line- which level is below the standards of the Illinois Pollution Control Board and the Lee County Ordinance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the foregoing noise level may be exceeded during the construction phase.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner asserted in its Application that, since the proposed Project is more than 1 ½ miles from an airport, there was no consultation required by the Federal Aviation Administration and included in its Application a June, 2021 “Solar Glare Hazard Report” that concluded there would be no annual glare impacting any nearby airports, associated runways, route receptors, adjoining residences or roadways. These conclusions were supplemented in the Developer’s Application by a negative result from the FAA’s “Notice Criteria Tool”; and that, due to the engineering and business focus on capturing as much solar energy as possible, the array is designed to minimize glare so as not to waste any available sunlight.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner has promised in its Application and through the testimony of one or more agents that appropriate warning signs, including the facility’s 9-1-1 address and a 24-hour emergency contact number, would be provided at the entrances to the SES Development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has, both in its Application and through testimony of one or more of its agents, indicated an understanding that no outdoor storage of materials, vehicles and equipment that do not directly support the operation and maintenance of the SES is allowed, but that, during construction, there would be temporary laydown yards- one large and a few smaller ones, for outdoor storage.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

- existing property lines from the exterior boundaries including the names of adjacent property owners and those within a 500 foot buffer of the proposed Project’s boundary and the current use of those properties;
- existing public and private roads, showing widths and any associated easements;
- a contour map showing the topography at two-foot (2’) intervals;
- existing vegetation (listing type and coverage percentage) which is comprised of
 - 89.3% row crops;
 - 6.2% grassland;
 - 1.3% forested;

- 3.0% developed;
- 1% open water;
- waterways, streams and rivers;
- a copy of the most current FEMA FIRM map;
- mapped soils according to the Lee County Soil Survey; and
- surface drainage patterns but not field tile lines. Nevertheless, one of its agents did testify that the Developer would contact local drainage districts in an effort to locate existing tiles.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

- the planned location and spacing of the proposed solar panels;
- the planned location of access roads and access points;
- the planned location of lines connecting the SES to the Point of Interconnection;
- other than at the existing building or substation that is to be the connection point for the proposed SES, the proposed development’s planned new electrical equipment;
- acceptable “weed/grass control” and “Landscaping” plans which, in its Application is titled “Weed/Grass Control and Landscape Plan,” for property inside and outside the fenced area for the entire property that addresses control of noxious weeds and incorporates native grasses, flowers and plants which would provide wildlife and pollinator habitat, soil erosion protection and aid in strengthening the soil structure; and
- a commitment to install, maintain and secure an 8-foot high woven wire perimeter security fence that contains appropriate warning signage.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has, in its Application, submitted the manufacturer’s specifications for the solar panels, trackers (including installation method) and transformers. However, in its testimony, it was stated that the final systems may not be these specific systems, but those used would be similar to, or consistent with, the Tier 1 Systems expected to be used. Nevertheless, specifications for the actual equipment to be used in the proposed SES shall be required before a building permit shall be issued.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that, in its Application, the Petitioner has provided the “PJM Queue Position AF 1-280 ‘Nelson-Lee County’ Feasibility Study Report and System Impact Study Agreement” which appears to adequately describe the method of connecting the SES to a building or substation as required by the Lee County Ordinance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds, based on representations made in its Application, the Developer showed that the proposed SES would not be within 500 feet of an airport or within an approach zone of an airport.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Developer, as shown in its Application or through its testimony or both, initiated a review consultation with the Illinois Department of Natural Resources (IDNR) through the Department’s EcoCAT Program which did not identify any concerns as to any protected species affected by the proposed Project; and promised, prior to any land disturbing activities, it would “coordinate” with the United States Fish and Wildlife Service (USFWS); and asserted through testimony of an agent that the submitted site plan was developed to avoid any wetlands and floodplains or to minimize any impacts to the same.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion as to the use of the County’s and its respective township roads for Petitioner’s vehicular traffic during construction and continuing through the life of the proposed SES, the Lee County ZBA finds that a “Transportation Access Plan” prepared by Kimberly-Horn was provided in the Application which included a commitment that, if required, a “custom transportation plan” would be prepared and any permits obtained from the affected Road Commissioners.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that, in its Application and through its testimony, the Petitioner has, through a combination of agent testimony and its Application, committed to repairing or restoring all drainage tiles damaged during construction of the Project in accordance with its submitted “Drainage Repair and Remediation Plan” and the already executed AIMA; and prior to the beginning of the entreated construction, seeking approval from

the Illinois Environmental Protection Agency of a “Storm Water Pollution Prevention Plan (SWPP); and provided a professional engineering study titled “Hydraulic Response of Solar Farms” which described various consequences, or lack thereof, of solar farm construction and maintenance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA indicates that no substantive decommissioning matters are part of this Report because the same are a decisional function of the issuance of the building permit under the applicable ordinance. However, the Lee County ZBA does find South Dixon Solar, LLC agreed, both in testimony produced and in its Application, that as a condition of the issuance of a building permit, to comply with the decommissioning requirements set forth in the Lee County Ordinance and the AIMA; and that a basic decommissioning plan is part of that Application.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that, if its Petition is granted, the Petitioner has committed in its Application to maintain a general liability policy covering bodily injury and property damage with limits of at least two million dollars (\$2,000,000) per occurrence; and five million dollars (\$5,000,000) in the aggregate; and with a deductible of no more than five thousand dollars (\$5000); and naming Lee County as an additional insured.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the LESA Score for the property on which the proposed Development would be constructed and operated is 81.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

A recess was taken at 7:15 p.m. and the hearing resumed at 7:25 p.m.

Rex Meyer made a motion that the Lee County ZBA finds that the requested Special Use is exempted by 55 ILCS 5/5-12001.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the proposed SES is a “bona fide agricultural use” as defined by §10-4-2A of the Lee County Code.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the proposed Special Use, per Lee County Ordinance, is a trivial encroachment that does not interfere with agricultural use.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the proposed SES is a project of desirable public policy per Lee County Ordinance.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that based on the Application and testimony heard, there would be no storage batteries used as part of the proposed SES's operation; and there would be no other particularly identifiable hazardous materials escaping any structures associated with this solar development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that, given the character of the land is agricultural, the Petitioner did provide a copy an Agricultural Impact Mitigation Agreement between it and the Illinois Department of Agriculture.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that by the Petitioner's expert, Jennifer Klingshirn's analysis, the weighted Productivity Index average of the soils within the proposed Project is 123.5- falling with the scale for Class B ground; and by the Lee County Soil & Water calculation, the weighted Productivity Index average of the soils within the proposed Project is 113- falling within the scale for Class C ground.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds, between what is asserted in its Application and what was said through its testimony, that the Petitioner has averred that, if approved, construction of the proposed SES development would begin sometime between 2022 and 2024, and would take between 18 to 24 months to complete.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has indicated that it would defend, indemnify and hold Lee County and its officials harmless from and against claims and expenses (including attorney's fees) arising out of the acts or omissions of South Dixon Solar, LLC's operation of this SES development.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and comments were made supporting the finding. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner has promised in its Application, combined with the testimony of one of its agents, that, adjacent to platted subdivisions, it would plant staggered rows of evergreens as a visual screen that would reach 8 feet tall within 4 years.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the proposed SES would, including an unknown tax abatement factor, potentially garner approximately \$50,000,000 in tax revenue for local taxing bodies over its expected life of 40 years.

A second was discerned, and comments were made explaining the motion. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and comments were made explaining the motion. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that, in its Application, the Developer submitted 16 communications of support for its proposed SES project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that there was an evidentiary suggestion of the possibility of archeological sites within the footprint of the proposed project that were recommended for additional study- which is not yet completed.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the Emmanuel Cemetery would not be disturbed by the proposed development as it lays approximately 100 feet from the exterior boundary of the Project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

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

- fields of corn and beans would be replaced by rows of solar panels;
- and fencing around the perimeter of the project would now be part of the landscape.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the proposed Special Use would not impose any negative effects on public health, public safety and/or general welfare.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that the proposed Special Use would have an effect on traffic conditions in that it would increase traffic during the approximately 18 to 24 months of construction due to employee traffic and equipment vehicle usage but would return to normal or lesser activity with reduced agricultural traffic during the SES's operational life.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the proposed Special Use would have an effect on public utility facilities as it would increase the source of electric power on the national grid

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the proposed South Dixon Solar SES project does not carry with it any apparent environmental concerns.

A second was discerned, and comments were made to explain the motion. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

At 8:20 p.m., Judge Slavin called for recess until November 17, 2021, at 6:00 p.m.

November 17, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, one Representative for the Petitioner, and Facilitator Judge Slavin.

The hearing did not take place that evening due to one of the necessary parties having had a medical exigency. The hearing was continued to November 22, 2021, at 6:00 p.m.

At 6:04 p.m., Judge Slavin called for recess until November 22, 2021, at 6:00 p.m.

November 22, 2021, at 6:00 p.m.

At 6:00 p.m., Judge Slavin called out of recess, the hearing on Petition 21-P-1566, by Petitioner South Dixon Solar, LLC. He 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 noted the following persons as present at the hearing: Chair Forster, Vice Chair Buhrow, Member Bothe, Member Hughes, Alternate Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley

Boonstra, Petitioner's Attorneys Courtney Kennedy with Petitioner Representatives, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Member Mike Pratt was not present.

The hearing proceeded with the Board's continuation of making its Finding of Fact.

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

- bi-facial solar modules (panels) in an anodized aluminum frame approximately 6 $\frac{3}{4}$ feet long, 3 $\frac{1}{3}$ feet wide and about 1 $\frac{1}{4}$ inches thick; and
- a ground mounted racking system on which the panels would be placed supported by galvanized and stainless steel pilings driven into the ground which would not need concrete to be stabilized; and
- approximately 200 inverters throughout the solar arrays which would convert solar panel collected DC current into AC current; and
- collection cables either
 - when site conditions allow, buried 5 to 6 feet underground or
 - when site conditions would not allow, run through above ground conduit;
- a new South Dixon Solar. LLC owned substation including 3 transformers; and
- a ComEd owned interconnection switching station; and
- an operations and maintenance (hereinafter "O & M") building the size of a single wide trailer; and
- one larger temporary construction outdoor storage area ("lay down yard") and a number of smaller ones; and
- 28 site access roads for site construction consisting of temporary stabilized 8" thick aggregate rock entrances 15 feet X 50 feet.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA finds that through either its Application or through the testimony of one or more agents that the Developer is seeking a Power Purchase Agreement to sell power that would be generated by the proposed Project; and if approved, the proposed SES would produce electricity sufficient to power a representative 100,000 homes.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA finds that the Applicant verified that there would be no communication interference from the proposed SES Project.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA finds that the Applicant explained that it would not have much need for cleaning the SES equipment, due to the weather, or more specifically, the precipitation.

A second was discerned, and comments were made explaining the motion. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends to the Lee County Board that South Dixon Solar, LLC's Petition for Special Use be approved.

A second was discerned. Rex Meyer noted that the Petitioner has complied with the relevant ordinance and has gone above and beyond to comply with the current/new ordinance. He also expressed reservations about the project being placed on Class B soils but feels the Petitioner has met all the requirements of the ordinance and should be recommended to the County Board. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends to the Lee County Board that, if South Dixon Solar, LLC's Petition for a Special Use Permit is approved, conditions of the Permit issued, binding on the Applicant and any future entities-in-interest, be those required by the applicable Ordinance- whether or not specifically addressed herein. Additionally, based on the promises the Developer made in its Application and by one or more of its agents on the witness stand, that it would comply with nearly all of the requirements of the July, 2021 enacted (but not legally applicable to this proposed project) SES Development Ordinance (#07-21-004), the Lee County ZBA recommends to the Lee County Board that, if the requested Permit for a Special Use is allowed, conditions, based the "new" SES Ordinance, whether or not otherwise addressed herein, be included in the Permit issued, and that they shall also be binding on the Applicant and any future entities-in-interest.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends a condition that an Illinois Licensed Professional Engineer certify the proposed SES foundations would be within accepted professional standards.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommend conditions that the collector panels be designed with an anti-reflective coating; and all electrical components have an Underwriter Laboratories listing.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends a condition that, other than transmission lines, utility poles, and other poles and equipment used in connecting a ground mounted piece of equipment to an electrical line, all systems, equipment and structures not exceed twenty (20) feet high when ground mounted.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends a condition that, in addition to that which the Developer otherwise promised, any of the proposed Development's security fencing will be a minimum of 6-foot in height; and will, at the request of an adjacent non-participating resident, install an eight (8) foot woven wire fence at the boundary of that resident's Exclusion Zone; and any of the proposed Development's security fencing would have appropriate warning signage that would be in accordance ANSI and OSHA regulations; and the required fencing be maintained to prevent the growth of woody vegetation or noxious weeds within and along it.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends conditions that setbacks will meet or exceed the following requirements:

- for equipment
 - 15 feet from a property line;
 - 400 feet from the foundation of an adjacent non-participating primary dwelling;
 - 500 feet from the property line of any platted subdivision;
 - 500 feet from any dwelling for an inverter, transformer or storage equipment;
 - 60 feet from the centerline of a township roadway;
 - 75 feet from the centerline of a county roadway;
 - 50 feet from the right-of-way of a state road;
- for fencing
 - 3 feet from the property lines except for fences adjoining roadways;
 - 400 feet from the property line of a platted subdivision;
 - 500 feet from the foundation of any adjacent, non-participating primary dwelling;
 - 1000 feet from the exterior fence of the proposed substation and utility switching station to the nearest structural portion of any occupied residence of a non-participating landowner.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends the following screening conditions:

- that there be two screening options electable by a non-participating dwelling owner adjacent to the proposed Development- either
 - a one-time payment equal to the cost of an Illinois Registered Landscape Architect design, installation, maintenance and removal of a visual screen; or
 - the actual design, installation, maintenance and ultimate removal of a visual screen by the Applicant in accordance with the “Standards for a Visual Screen” as provided in the new Lee County SES Ordinance; and
 - failure of a landowner to make either of the above elections after the Developer has made a good faith effort to contact and engage such landowner in the Screening option process will result in a landowner forfeit to the payment option.
- that at least thirty days (30) days before the issuance of the building permit, the Developer provide the Zoning Administrator a signed copy of a Memorandum of Understanding outlining the terms of the Visual Screening Option between the Applicant and the owner of any adjacent, non-participating dwelling;
- that visual screening, adequate to minimize the single-story visual impacts of the proposed Development on adjacent, non-participating dwellings in a platted subdivision, shall be provided.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends a condition that there be no outdoor storage of materials and equipment once the Project is constructed and operational.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends a condition that the Applicant locate, design and operate the proposed SES so as to avoid and, if necessary, mitigate any impacts to wildlife to a sustainable level of mortality.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends a condition that the Applicant have a conforming Ordinance #07-21-004 Road Use Agreement approved by the Lee County Board not less than thirty (30) days prior to the issuance of the required building permit.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends a condition that the Developer directly pay, or reimburse Lee County, the 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, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends a condition that the Developer have a storm water management plan and drainage permit in accordance with the Lee County Storm Water Management Ordinance approved by the County Engineer before 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, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends a condition that no topsoil may be removed, stripped or sold from the proposed SES site.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends conditions that, in order to minimize any disturbance of prime farmland within the proposed Development, good engineering practices be utilized during construction, operation and decommissioning; and if there is any such disturbance, to offset the same by the use of vegetative ground cover in accordance with the applicable provisions of the #07-21-004 Ordinance; and to initiate and comply with all such recommendations in the Lee County Soil & Water Conservation District's Natural Resources and Information Report as to the appropriate vegetative ground cover species selections; and prior to the issuance of any building permit the Applicant shall submit a financial guarantee in the form of a Letter of Credit, cash deposit or bond in favor of Lee County equal to 125% of the cost to establish a vegetative ground cover. The financial guarantee shall remain in effect until the vegetation is 90% or more established.

A second was discerned, and comments were made related to vegetative ground cover. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends a condition that, within ten (10) working days after being notified, the Developer will respond to any complaint from a property owner within a one (1) mile radius around the project boundary related to interference with local broadcast television or radio signals and use commercially reasonable efforts to mitigate any problems on a case-by-case basis.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends a condition that, on or before the first (1st) anniversary of the Commercial Operation Date, the Developer submit to the Lee County Zoning Administrator a summary of any operation and maintenance reports.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends that, if any is created or used, the Developer shall remove, handle, store, transport and dispose all solid or hazardous waste and materials related to the construction, operation and maintenance of the SES in accordance with all applicable local, state and federal laws.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends that:

- with regard to the Applicant’s promised general liability policy covering bodily injury and property,
 - in addition to naming the entity of Lee County as an additional insured, it also shall name Lee County’s officers and employees and the landowners identified in the Special Use Permit as additional insureds; and
 - all such additional insureds shall be on a primary and non-contributory basis for both ongoing and completed operations with a waiver of subrogation and an extended 3-year reporting period; and
 - the “per occurrence” limit be five million dollars (\$5,000,000); and
 - any notice of cancellation of no more than 30 days.
- the Applicant maintain a current Commercial Automobile policy of at least one million dollars (\$1,000,000); and
- the Applicant maintain Workman’s Compensation Insurance in the following amounts and provisions:
 - one million dollars (\$1,000,000) per accident; and
 - one million dollars (\$1,000,000) per employee with a limit of one million dollars (\$1,000,000) for Occupational Disease; and
 - with a notice of cancellation of no more than 30 days.
- the Applicant maintain pollution liability insurance in the amount of five million dollars (\$5,000,000).

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Rex Meyer made a motion that the Lee County ZBA recommends that, prior to obtaining the building permit the Applicant shall coordinate with the Lee County Zoning Administrator to develop a system for logging in and investigating complaints related to the proposed SES.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends that during construction of the SES, construction activities shall commence no earlier than 7:00 a.m. and shall be discontinued

no later than 8:00 p.m. on Monday through Saturday within one-quarter (¼) mile of a non-participating residence.

A second was discerned, and discussion was held. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Craig Buhrow made a motion that the Lee County ZBA recommends that an appropriate archeological assessment be completed, and that, if further study or other action is recommended or required, the Developer will comply with the same.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Glen Hughes made a motion that the Lee County ZBA recommends that the Special Use Permit be for a period of 35 years. If approved by the Lee County Board, that 35-year period shall begin as of the date of the approval by the Lee County Board. The SES shall be fully decommissioned, consistent with all terms and conditions of the Decommissioning Plan, at the end of said 35-year period.

A second was discerned, and comments were made in support of the motion. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

Lee County ZBA finds that, thereafter, your ZBA considered its findings of fact and recommendations over the course of 3 sessions- on November 4, 2021, November 9, 2021 and November 22, 2021, lasting about 5.5 hours in total.

A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0. Chair Forster abstained.

The finds of facts and recommendations by the ZBA concluded.

This matter will go before the Lee County Board on December 21, 2021, at 6:00 p.m., with a recommendation to approve and with conditions.

At 7:22 p.m., Judge Slavin called for recess until after the County Board's vote on this petition.

Respectfully submitted,

/s/ _____
Alice Henkel