

1 APPEARANCES:

2 LEE COUNTY STATE'S ATTORNEY CHARLES BOONSTRA
3 of the Lee County State's Attorney's Office
309 South Galena Avenue, Suite 300
4 Dixon, Illinois 61021

5 Counsel for the County.

6 ATTORNEY COURTNEY KENNEDY
7 of the firm of Ehrmann Gehlbach Badger &
Considine
215 East First Street, Suite 100
8 Dixon, Illinois 61021

9 Counsel for the Applicant.

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1 JUDGE SLAVIN: All right. Good evening,
2 ladies and gentlemen. I call out of recess Lee
3 County Zoning Board of Appeals hearing on
4 Petition Number 21-P-1556, South Dixon Solar,
5 LLC's, request for a Special Use Permit to
6 construct the solar energy system in South Dixon
7 Solar Township here in Lee County.

8 For those of you who are scrambling
9 because you have lost the Zoom meeting but
10 somehow are able to listen to it, the Zoom
11 meeting ID is 915-3923-9154. The password is
12 209840.

13 If you don't want to join us on Zoom but
14 you want to listen and watch on YouTube, on your
15 computer or cellphone, use your browser, go to
16 www.youtube.com. In the search bar, type "Lee
17 County IL," I-L, "Zoning Board of Appeals." No
18 need to be concerned with upper- or lowercase
19 letters. Find the session date you want, which
20 is presumably tonight, November 9th, and click
21 on it and you should be seeing and listening to
22 us.

23 If any of this confuses you, you can call
24 Ms. Duffy's technical support hotline,

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 815.973.3449.

2 I note the presence tonight of the Chair
3 of the ZBA, Mr. Forster; Vice Chair, Mr. Buhrow;
4 Mr. Bothe is present; Mr. Hughes is present; and
5 Mr. Meyer is present. Mr. Forster is not
6 participating in the voting on fact-finding and
7 recommendations.

8 The honorable Dee Duffy, Zoning
9 Administrator, is present, along with her able
10 Renewable Energy Coordinator, Ms. Henkel. The
11 fine State's Attorney of Lee County is here,
12 Mr. Boonstra. Representing the Petitioner ably,
13 Ms. Courtney Kennedy is present. I think I spot
14 two representatives of Petitioner's company
15 present.

16 There obviously are no witnesses because
17 we are in fact-finding stage. We don't have
18 anyone from the IT department.

19 Our able court reporter, Callie, is
20 present, along with himself.

21 That makes 14 necessaries. I didn't
22 count -- one, two three, seven, eight -- I count
23 11 Interested Parties here in the courtroom with
24 us. That makes 25 people in the courtroom.

1 Under the governor's current executive
2 order, everybody two years of age or older,
3 except those who have a disability as defined by
4 the Americans with Disabilities Act, are
5 required to wear a face mask covering their nose
6 and mouth when in an indoor public space such as
7 this regardless of whether they are maintaining
8 a social distance of more than 6 feet or not.

9 On Zoom, how many do we have, Alice?

10 MS. HENKEL: Eight.

11 JUDGE SLAVIN: Eight people are present on
12 Zoom.

13 If you're in the courtroom or on Zoom, I
14 ask you to please either turn your cell phones
15 off or at least to silent, unless you're
16 speaking on the Zoom platform. Thank you for
17 your understanding and cooperation.

18 One housekeeping matter. I doubt we're
19 going to get through the motions tonight. My
20 next proposed or available date is the 16th of
21 November. I have noted on my cheat sheet that
22 Mr. Buhrow, Mr. Bothe, Mr. Meyer are available
23 to be here that evening.

24 I've got a question mark by you,

1 Mr. Hughes. Is that still -- is that okay with
2 you or not? It's a week from tonight.

3 MR. HUGHES: Probably not.

4 JUDGE SLAVIN: Okay. How about the next
5 night, Mr. Hughes?

6 MR. HUGHES: The 17th is good.

7 JUDGE SLAVIN: Okay. Is it good with you
8 still, Mr. Buhrow?

9 MR. BUHROW: Yes.

10 JUDGE SLAVIN: Mr. Bothe?

11 MR. BOTHE: Yes.

12 JUDGE SLAVIN: Mr. Meyer?

13 MR. MEYER: It is.

14 JUDGE SLAVIN: Okay. How about you,
15 Ms. Duffy?

16 MS. DUFFY: Yes.

17 JUDGE SLAVIN: Ms. Henkel?

18 MS. HENKEL: Yes.

19 JUDGE SLAVIN: Mr. Boonstra?

20 STATE'S ATTORNEY BOONSTRA: Yes.

21 JUDGE SLAVIN: Ms. Kennedy?

22 MS. KENNEDY: Yes.

23 JUDGE SLAVIN: It's okay with me.

24 Okay. So right now, unless we don't get

1 as far as we hope, we're going to aim at
2 Wednesday, the 17th, for our next session.

3 Like the Wizard of Oz, I disappear behind
4 the curtain.

5 We are in the middle of fact-finding
6 recommendations, so we can pick it up where we
7 left off. The floor is open for a motion.

8 MR. MEYER: Number 10, Your Honor.

9 JUDGE SLAVIN: Yes, sir.

10 MR. MEYER: The motion would read, the Lee
11 County Zoning Board of Appeals finds that
12 following the close of the testimonial phase,
13 the Board heard what could be characterized as
14 closing arguments or public comment from the
15 following people:

16 Ms. Courtney Kennedy, attorney for the
17 Petitioner, who advanced the reasons shown
18 during the hearing as to why the Lee County ZBA
19 should recommend to the Lee County Board that
20 South Dixon Solar, LLC's, petition should be
21 approved, and the Special Use Permit issued.

22 Ms. Jennifer Lawson, an Interested Party
23 living adjacent to the proposed SES, opined
24 reasons why the Lee County ZBA should recommend

1 to the Lee County Board to deny South Dixon
2 Solar, LLC's, petition for a Special Use.

3 Ms. Martha Johannsen, an Interested Party
4 who resides close to a boundary of the proposed
5 SES, opined the reasons why the Lee County ZBA
6 should recommend to the Lee County Board to deny
7 South Dixon Solar, LLC's, petition for Special
8 Use.

9 Mr. Jim Tourtillott, an adjacent
10 landowner, opined reasons why the Lee County ZBA
11 should recommend to the Lee County Board to deny
12 South Dixon Solar, LLC's, petition for Special
13 Use.

14 Mr. Jamie Lawson, an Interested Party
15 living adjacent to the proposed SES, opined the
16 reasons why the Lee County ZBA should recommend
17 to the Lee County Board to deny South Dixon
18 Solar, LLC's, petition for a Special Use.

19 Mr. Liandro Arellano, Mayor of the City of
20 Dixon, indicated he was speaking in his official
21 capacity on behalf of the entire Council. He
22 first explained the process by which the City
23 fathers remained neutral during the first ZBA
24 hearing and subsequent County Board

1 consideration of the South Dixon Solar Petition,
2 but he then went on to outline the factors that
3 changed the Council's current stance to one of
4 eager support.

5 Mr. Pete Hermes, a participating
6 landowner, opined the reasons why the Lee County
7 ZBA should recommend to the Lee County Board
8 that it grant South Dixon Solar, LLC's, petition
9 for a Special Use.

10 Ms. Margaret Brechon, an Interested Party
11 who lives in Dixon, spoke about her views of the
12 politics and science of climate change and,
13 consequently, why the Lee County ZBA should
14 recommend to the Lee County Board that it deny
15 South Dixon Solar, LLC's, petition for Special
16 Use.

17 Mr. Len Saunders, an Interested Party and
18 Union representative, opined the reasons why Lee
19 County ZBA should recommend to the Lee County
20 Board that it grant South Dixon Solar, LLC's,
21 petition for a Special Use.

22 Mr. Jonathan Mix, an Interested Party and
23 Union representative, opined the reasons why the
24 Lee County ZBA should recommend to the Lee

1 County Board that it grant South Dixon Solar,
2 LLC's, petition for a Special Use.

3 Mr. Phil Manno, an Interested Party and
4 Union representative, opined the reasons why the
5 Lee County ZBA should recommend to the Lee
6 County Board that it grant South Dixon Solar,
7 LLC's, petition for a Special Use.

8 Mr. Charlie Fitts, an Interested Party
9 living adjacent to the proposed project, opined
10 the reasons why the Lee County ZBA should
11 recommend to the Lee County Board to deny South
12 Dixon Solar, LLC's, petition for a Special Use.

13 Ms. Kristi Reiss, an Interested Party
14 living adjacent to the proposed project, opined
15 the reasons why the Lee County ZBA should
16 recommend to the Lee County Board to deny South
17 Dixon Solar, LLC's, petition for a Special Use.

18 Ms. Diana Westart, a participating
19 landowner, opined the reasons why the Lee County
20 ZBA should recommend to the Lee County Board to
21 grant South Dixon Solar, LLC's, petition for a
22 Special Use.

23 Dr. Peter Nichols, a participating
24 landowner, opined the reasons why the Lee County

1 ZBA should recommend to the Lee County Board to
2 grant South Dixon Solar, LLC's, petition for a
3 Special Use.

4 That would be my motion.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BOTHE: Second.

7 MR. HUGHES: Second.

8 JUDGE SLAVIN: I heard a couple seconds.

9 Having heard those, the floor is open for
10 debate of the motion.

11 Anything you want to say about your own
12 motion, Mr. Meyer?

13 MR. MEYER: Nothing to add.

14 JUDGE SLAVIN: Any other Board member?

15 (No verbal response.)

16 JUDGE SLAVIN: Hearing none, seeing none,
17 I will put the question. The question being put
18 is on the adoption of the motion as so ably read
19 by Mr. Meyer.

20 Adoption of the motion requires a vote by
21 the majority. The vote will be by voice. All
22 those in favor indicate by saying aye.

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: Opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: The motion is adopted.

4 Okay. The floor is open again.

5 MR. HUGHES: Let's move on to Number 11 --
6 actually, 11A, since there was prior discussion
7 on the items for Number 11.

8 11A, the Lee County ZBA finds that,
9 accordingly, this report focuses on what facts
10 your ZBA finds that are relevant to the
11 applicable Ordinance, the former 10-15-20.
12 However, as the Developer made promises to
13 conform the proposed project to nearly the whole
14 of the new Ordinance, supplementary facts found
15 and recommendations pertaining to it can be
16 found in the Recommendations section
17 hereinafter.

18 That would be my motion.

19 JUDGE SLAVIN: All right. Do I hear a
20 second?

21 MR. BOTHE: Second.

22 JUDGE SLAVIN: Got one.

23 Debate. Anything you want to say about
24 your own motion, Mr. Hughes?

1 MR. HUGHES: No.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I will put the question. The question being put
6 is whether the Lee County ZBA finds that,
7 accordingly, this report focuses on what facts
8 your ZBA finds that are relevant to the
9 applicable Ordinance, the former Section
10 10-15-20. However, as the Developer made
11 promises to conform the proposed project to
12 nearly the whole of the new Ordinance,
13 supplementary facts found and recommendations
14 pertaining to it can be found in the
15 Recommendations section hereinafter.

16 Adoption of the motion requires a vote by
17 the majority. The vote will be by voice. All
18 those in favor indicate by saying aye.

19 (All those simultaneously
20 responded.)

21 JUDGE SLAVIN: Opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: The motion is adopted.

24 MR. MEYER: Your Honor.

1 JUDGE SLAVIN: Just a minute.

2 Okay. Yes.

3 MR. MEYER: Number 12, Your Honor. The
4 motion would read, the Lee County ZBA finds that
5 the Petitioner promised in its application that,
6 if its petition for an SUP is granted, any final
7 site plans would be approved and certified by a
8 professional engineer, and that engineering
9 certifications for the solar panels would also
10 be supplied.

11 JUDGE SLAVIN: All right. That's a
12 motion. Do I hear a second?

13 MR. BOTHE: Second.

14 JUDGE SLAVIN: Hearing a second, I will
15 ask for any debate.

16 Any debate on your own motion, Mr. Meyer?

17 MR. MEYER: No, sir.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, seeing none,
21 I will put the question. The question being put
22 is whether the Lee County ZBA finds that --
23 oops. If I don't do this now, there will be
24 hell to pay down the road -- finds that the

1 Petitioner promised in its application that if
2 its petition for a -- an --

3 MR. HUGHES: No, "a" is right.

4 JUDGE SLAVIN: -- a SUP is granted, any
5 final site plans would be approved and certified
6 by a professional engineer, and that engineering
7 certifications for the solar panels would also
8 be supplied.

9 Adoption of the motion requires a vote by
10 the majority. The vote will be by voice. All
11 those in favor indicate by saying aye.

12 (All those simultaneously
13 responded.)

14 JUDGE SLAVIN: Opposed by nay.

15 (No verbal response.)

16 JUDGE SLAVIN: That motion is adopted as
17 well.

18 MS. HENKEL: You forgot to share your
19 document.

20 JUDGE SLAVIN: I forgot to share my
21 document. Okay. So I go to Zoom.

22 Sorry, folks. Okay. We're back, rocking
23 and rolling.

24 The floor is open.

1 MR. BUHROW: Mr. Chairman.

2 JUDGE SLAVIN: Yes, sir.

3 MR. BUHROW: On Item 13, the Lee County
4 ZBA finds that the Petitioner promised, both in
5 its application and in testimony from one or
6 more of its agents, that it would comply with
7 applicable local, State and federal regulatory
8 standards pertaining to electricity generation
9 and transmission and the National Electrical
10 Code.

11 That's the motion.

12 JUDGE SLAVIN: Do I hear a second?

13 MR. BOTHE: Second.

14 JUDGE SLAVIN: Got a second.

15 Anything you want to say about your own
16 motion, Mr. Buhrow?

17 MR. BUHROW: No, sir.

18 JUDGE SLAVIN: Any Board member want to
19 address it?

20 (No verbal response.)

21 JUDGE SLAVIN: Hearing none, seeing none,
22 I will put the question. The question being put
23 is whether the Lee County ZBA finds that the
24 Petitioner promised, both in its application and

1 in testimony from one or more of its agents,
2 that it would comply with applicable local,
3 State and federal regulatory standards
4 pertaining to electricity generation and
5 transmission and the National Electrical Code.

6 Adoption of the motion requires a vote by
7 the majority. The vote will be by voice. All
8 those in favor indicate by saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed.

12 (No verbal response.)

13 JUDGE SLAVIN: Seeing none, the unanimous
14 ayes have it.

15 I'll explain to everybody but -- okay.

16 MR. HUGHES: You just deleted the
17 "adopted."

18 JUDGE SLAVIN: Oops, thank you. The
19 cursor is not showing up like it usually does.
20 Thank you. Of course I'm going to blame Ms.
21 Duffy's mouse.

22 All right. We're getting there. Back up.

23 MR. HUGHES: Moving on to Draft Number 14.
24 I would make the motion that the Lee County ZBA

1 finds that the Petitioner, both in its
2 application and through the testimony of its
3 agents, stated that it was the intent that all
4 the power and communication lines running
5 between the banks of solar panels would be
6 buried underground, but that, between solar
7 panels and from the project-owned substation and
8 the utility-owned switching station, such would
9 be above ground.

10 JUDGE SLAVIN: Do I hear a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Hearing a second, anything
13 you want to say about your motion, Mr. Hughes?

14 MR. HUGHES: No, sir.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, I will put
18 the question. The question being put is whether
19 the Lee County ZBA finds that the Petitioner,
20 both in its application and through the
21 testimony of its agents, stated that it was the
22 intent that all the power and communication
23 lines running between the banks of solar panels
24 would be buried underground, but that, between

1 solar panels and from the project-owned
2 substation and utility-owned switching station,
3 such would be above ground.

4 Adoption of this motion requires a vote by
5 the majority. The vote will be by voice. All
6 those in favor indicate by saying aye.

7 (All those simultaneously
8 responded.)

9 JUDGE SLAVIN: Opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: That motion is adopted as
12 well.

13 Okay. Onward and upward.

14 MR. MEYER: Number 15, Your Honor.

15 JUDGE SLAVIN: Yes, sir.

16 MR. MEYER: The motion would read, the Lee
17 County ZBA finds that, as represented by the
18 Petitioner in its application, no lot on which
19 the proposed SES is to be erected is less than
20 two acres.

21 JUDGE SLAVIN: Do I hear a second?

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Got a second.

24 Anything you want to say about your own

1 motion, Mr. Meyer?

2 MR. MEYER: No, sir.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, seeing none,
6 I will put the question. The question being put
7 is whether the Lee County finds that, as
8 represented by the Petitioner in its
9 application, no lot on which the proposed SES is
10 to be erected is less than 2 acres.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: The ayes have it.

19 Save that. Okay.

20 MR. BUHROW: Judge Slavin.

21 JUDGE SLAVIN: Yes, sir.

22 MR. BUHROW: Number 16, the Lee County ZBA
23 finds that, based on representations made in its
24 application and during the testimony of one of

1 its agents, the Developer promised that no
2 system, equipment or structure (except for
3 transmission lines, utility poles or any poles
4 or piece of equipment conducting a
5 ground-mounted piece of equipment to an
6 electrical transmission line) within the
7 proposed development would exceed 30 feet in
8 height when ground mounted and, in fact, at
9 their maximum tilt (60 degrees) the solar panels
10 would not exceed plus or minus 8 feet in height.

11 JUDGE SLAVIN: Do I hear a second?

12 MR. BOTHE: Second.

13 JUDGE SLAVIN: Hearing a second, anything
14 you want to say about your own motion,
15 Mr. Buhrow?

16 MR. BUHROW: No, sir.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, seeing none,
20 I will put the question. The question being put
21 is whether the Lee County ZBA finds that, based
22 on representations made in its application and
23 during the testimony of one of its agents, the
24 Developer promised that no system, equipment or

1 structure (except for transmission lines,
2 utility poles, or any poles or piece of
3 equipment connecting a ground-mounted piece of
4 equipment to an electrical transmission line)
5 within the proposed development would exceed 30
6 feet in height when ground mounted and, in fact,
7 at their maximum tilt (60 degrees) the solar
8 panels would not exceed plus or minus 8 feet in
9 height.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: That motion is adopted as
18 well.

19 Mr. Buhrow reminded me tonight that
20 tonight the Illini are playing. So keeping with
21 the theme, the ball is back in your court.

22 MR. HUGHES: All right. We'll move on to
23 Draft Number 17. The motion would read, the Lee
24 County ZBA finds that the Petitioner promised in

1 its application and through the testimony of one
2 or more of its agents that no facility structure
3 would be:

4 Within 50 feet from the front of any
5 property line; nor

6 Within 15 feet from the sides and rear of
7 any participating landowner property line --

8 JUDGE SLAVIN: Actually, I corrected that.
9 That was not in the evidence. If you look at
10 the Board, I crossed off "participating
11 landowner."

12 MR. HUGHES: Okay. Rephrasing that then,
13 within 15 feet from the sides and rear of any
14 property line; nor

15 Within 500 feet of any property line of
16 any platted subdivision; nor

17 Within 400 feet from the foundation of any
18 adjacent, nonparticipating primary dwelling.

19 JUDGE SLAVIN: Okay. Do I hear a second?

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Hearing a second, anything
22 you want to say about your motion, Mr. Hughes?

23 MR. HUGHES: No. I'll let it rest there.

24 JUDGE SLAVIN: Any other Board member want

1 to address it?

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, seeing none,
4 I will put the question. The question being put
5 is whether the Lee County ZBA finds that the
6 Petitioner promised in its application and
7 through the testimony of one or more of its
8 agents that no facility structure would be:

9 Within 50 feet from the front of any
10 property line; nor

11 Within 15 feet from the sides and rear of
12 any property line; nor

13 Within 500 feet of any property line of
14 any platted subdivision; nor

15 Within 400 feet from the foundation of any
16 adjacent, nonparticipating primary dwelling.

17 Adoption of the motion requires a vote by
18 the majority. The vote will be by voice. All
19 those in favor indicate by saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: That motion is adopted.

1 The Fighting Illini have a chance to score
2 again. That means "back to you guys" --

3 MR. MEYER: Draft Number 18, Your Honor.

4 JUDGE SLAVIN: -- for those of you who are
5 Illini fans.

6 MR. MEYER: The motion would read, the Lee
7 County ZBA finds that the Petitioner also
8 promised in its application and through the
9 testimony of one or more of its agents that:

10 No inverter, transformer or storage
11 equipment would be within 500 feet of any
12 dwelling; nor

13 The fence surrounding the substation or
14 utility switching station would be within
15 1,000 feet from the nearest structural portion
16 of an occupied residence on the land of a
17 nonparticipating landowner.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. BUHROW: Second.

20 JUDGE SLAVIN: Got it.

21 Anything you want to say, Mr. Meyer?

22 MR. MEYER: No.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I will put the question. The question being put
3 is whether the Lee County ZBA finds that the
4 Petitioner also promised in its application and
5 through the testimony of one or more of its
6 agents that:

7 No inverter, transformer or storage
8 equipment would be within 500 feet of any
9 dwelling; nor

10 The fence surrounding the substation or
11 utility switching station would be within
12 1,000 feet from the nearest structural portion
13 of an occupied residence on the land of a
14 nonparticipating landowner.

15 Adoption of the motion requires a vote by
16 the majority. The vote will be by voice. All
17 those in favor indicate by saying aye.

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: Opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: That one is a winner as
23 well. Okay.

24 MR. BUHROW: Mr. Chairman.

1 JUDGE SLAVIN: Yes, sir.

2 MR. BUHROW: Moving on to Point 19. The
3 Lee County ZBA finds that the Petitioner
4 promised in its application that "Knox Boxes" or
5 similar devices would be provided at the 27
6 locked entrances for emergency personnel access.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Got a second.

10 Anything you want to say about your
11 motion, Mr. Buhrow?

12 MR. BUHROW: No, sir.

13 JUDGE SLAVIN: Any other Board member?

14 MR. HUGHES: Yes. I don't know whether
15 the differentiation is in the locked entrances,
16 but I believe, that 27, there were actually 28
17 referenced.

18 JUDGE SLAVIN: Well, I -- the testimony is
19 27.

20 MR. HUGHES: Just give me a moment,
21 because I believe in at least two different
22 areas it states 28.

23 Page 7, 2.5.2, it does indicate 28
24 separate points of entrance.

1 JUDGE SLAVIN: And Patrick Smith testified
2 27.

3 MR. HUGHES: And also in Kimberley-Horn's
4 (sic) -- now, maybe there's a difference between
5 the construction and the final operating, but it
6 also indicated 28 access points in
7 Kimberly-Horn's presentation in Exhibit E.

8 JUDGE SLAVIN: Okay. I forgot who made
9 the motion. Mr. Buhrow?

10 MR. BUHROW: Yes.

11 JUDGE SLAVIN: Do you want to accept a
12 friendly amendment to either make it 28, or 27
13 or 28?

14 MR. BUHROW: Question may be, do we take
15 the verbal word or the --

16 JUDGE SLAVIN: It's up to you guys.

17 MR. BUHROW: Okay. Yeah, I would make a
18 motion of 28.

19 JUDGE SLAVIN: All right. Look at the
20 motion. Does that now reflect what you want?

21 MR. BUHROW: Yes.

22 JUDGE SLAVIN: Okay. Do I hear a second?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: All right. Any other

1 debate? Mr. Buhrow, we'll go back to you.

2 MR. BUHROW: No, I'm fine.

3 JUDGE SLAVIN: Okay. Any other Board
4 member?

5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I will put the question. The question being put
8 is whether the Lee County ZBA finds that the
9 Petitioner has promised in its application that
10 "Knox Boxes" or similar devices would be
11 provided at the 28 locked entrances for
12 emergency personnel access.

13 Adoption of the motion requires a vote by
14 the majority. The vote will be by voice. All
15 those in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: Opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: Motion is adopted.

21 Okay. Onward and upward.

22 MR. HUGHES: Moving on to Draft Number 20.
23 The motion being, the Lee County ZBA finds that
24 the Petitioner has promised in its application

1 and testimony that any lighting at the proposed
2 SES development would be confined to inside or
3 on the perimeter security fencing, and it would
4 be shielded and downcast.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Hearing a second, I will
8 ask for any debate.

9 Mr. Hughes?

10 MR. HUGHES: No additional.

11 JUDGE SLAVIN: Any other Board member?

12 (No verbal response.)

13 JUDGE SLAVIN: Hearing none, seeing none,
14 I will put the question. The question being put
15 is whether the Lee County ZBA finds that the
16 Petitioner has promised in its application and
17 testimony that any lighting at the proposed SES
18 development would be confined to inside or on
19 the perimeter security fencing, and it would be
20 shielded and downcast.

21 Adoption of the motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: This one is adopted
unanimously as well. All right.

MR. MEYER: Draft Number 21, Your Honor.
The motion reads, 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 decibels at its boundary line, which level is
below the standards of the Illinois Pollution
Control Board and the Lee County Ordinance.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Got a second.

Anything you want to say about your own
motion, Mr. Meyer?

MR. MEYER: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none,

1 I will put the question. The question being put
2 is whether the Lee County ZBA finds that, in its
3 application, the Petitioner submitted a June
4 2021 commissioned noise analysis by Kimley-Horn,
5 supplemented by testimony produced, which
6 concluded that any noise produced by the
7 proposed development would not exceed 50 dB at
8 its boundary line, which level is below the
9 standards of the Illinois Pollution Control
10 Board and the Lee County Ordinance.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing no nays, the motion
19 is unanimously adopted.

20 Okay. Let's keep going.

21 MR. BUHROW: Judge, on Point 22, the Lee
22 County ZBA finds that the foregoing noise level
23 may be exceeded during the construction phase.

24 JUDGE SLAVIN: Do I hear a second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Got a second.

3 Anything you want to say about your own
4 motion, Mr. Buhrow?

5 MR. BUHROW: No, sir.

6 JUDGE SLAVIN: Any other Board member want
7 to address it?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I will put the question. The question being put
11 is whether the Lee County ZBA finds that the
12 foregoing noise level may be exceeded during the
13 construction phase.

14 Adoption of the motion requires a vote by
15 the majority. The vote will be by voice. All
16 those in favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: Opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: This motion is adopted
22 as -- oops -- as well. Let's keep going.

23 MR. HUGHES: Draft Number 23. The motion
24 to read, the Lee County ZBA finds that the

1 Petitioner:

2 Asserted in its application that, since
3 the proposed project is more than one and a half
4 miles from an airport, there was no consultation
5 required by the Federal Aviation Administration;
6 and

7 Included in its application a June 2021
8 "Solar Glare Hazard Report" that concluded there
9 would be no annual glare impacting any nearby
10 airports, associated runways, route receptors,
11 adjoining residences or roadways; and

12 These conclusions were supplemented in the
13 Developer's application by a negative result
14 from the FAA's "Notice Criteria Tool"; and

15 That, due to the engineering and business
16 focus on capturing as much solar energy as
17 possible, the array is designed to minimize
18 glare so as not to waste any available sunlight.

19 JUDGE SLAVIN: Do I hear a second?

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Got it.

22 Anything you want to say about your own
23 motion, Mr. Hughes?

24 MR. HUGHES: No.

1 JUDGE SLAVIN: Any other Board member?

2 (No verbal response.)

3 JUDGE SLAVIN: Seeing none, hearing none,
4 I will put the question. The question being put
5 is whether the Lee County ZBA finds that the
6 Petitioner asserted in its application that:

7 Since the proposed project is more than
8 one and a half miles from an airport, there was
9 no consultation required by the Federal Aviation
10 Administration; and

11 Included in its application a June 2021
12 "Solar Glare Hazard Report" that concluded there
13 would be no annual glare impacting any nearby
14 airports, associated runways, route receptors,
15 adjoining residences or roadways; and

16 These conclusions were supplemented in the
17 Developer's application by a negative result
18 from the FAA's "Notice Criteria Tool"; and

19 That, due to the engineering and business
20 focus on capturing as much solar energy as
21 possible, the array is designed to minimize
22 glare so as not to waste any available sunlight.

23 Adoption of the motion requires a vote by
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously
3 responded.)

4 JUDGE SLAVIN: Opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: This motion is also
7 adopted.

8 Onward and upward.

9 MR. MEYER: Draft Number 24, Your Honor.

10 The motion would read, the Lee County ZBA
11 finds that the Petitioner has promised in its
12 application and through the testimony of one or
13 more agents that appropriate warning signs,
14 including the facility's 911 address and a
15 24-hour emergency contact number, would be
16 provided at the entrances to the SES
17 development.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: Anything you want to say
21 about your own motion, Mr. Meyer?

22 MR. MEYER: No, sir.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I will put the question. The question being put
3 is whether the Lee County ZBA finds that the
4 Petitioner has promised in its application and
5 through the testimony of one or more agents that
6 appropriate warning signs, including the
7 facility's 911 address and a 24-hour emergency
8 contact number, would be provided at the
9 entrances to the SES development.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: This motion is adopted as
18 well.

19 And if you give me a minute, I want to
20 make a punctuation correction. No, that's
21 right.

22 Okay. Get going.

23 MR. BUHROW: Judge, on Section 25, the Lee
24 County ZBA finds that the Petitioner has, both

1 in its application and through testimony of one
2 or more of its agents, indicated an
3 understanding that no outdoor storage of
4 materials, vehicles and equipment that do not
5 directly support the operation and maintenance
6 of the SES is allowed, but that during
7 construction there would be temporary laydown
8 yards, one large and a few smaller ones, for
9 outdoor storage.

10 JUDGE SLAVIN: Do I hear a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Got it.

13 Anything you want to say about your
14 motion, Mr. Buhrow?

15 MR. BUHROW: No, sir.

16 JUDGE SLAVIN: Any other Board member?

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing none, seeing none,
19 I will put the question. The question being put
20 is whether the Lee County ZBA finds that the
21 Petitioner has, both in its application and
22 through testimony of more of its agents,
23 indicated an understanding that no outdoor
24 storage of materials, vehicles and equipment

1 that do not directly support the operation and
2 maintenance of the SES is allowed, but that
3 during construction there would be temporary
4 laydown yards, one large and a few smaller ones,
5 for outdoor storage.

6 Adoption of the motion requires a vote by
7 the majority. The vote will be by voice. All
8 those in favor indicate by saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: The motion is adopted.

14 Save what we have done so far. Okay.

15 MR. HUGHES: Moving on to Draft Number 26.
16 Proposing the motion as, the Lee County ZBA
17 finds that the Petitioner has submitted in its
18 application a site plan for the proposed South
19 Dixon Solar SES with existing conditions
20 showing, or that includes, the following of, or
21 for, the proposed development property:

22 Existing property lines from the exterior
23 boundaries, including the names of adjacent
24 property owners and those within a 500-foot

1 buffer of the proposed project's boundary and
2 the current use of those properties; and

3 Existing public and private roads, showing
4 widths and any associated easements; and

5 A contour map showing the topography at
6 2-foot intervals; and

7 Existing vegetation, listing type and
8 coverage percentage, which is comprised of:

9 89.3 percent row crops;

10 6.2 percent grassland;

11 1.3 percent forested;

12 3.0 percent developed;

13 1 percent open water; and

14 Waterways, streams and rivers; and

15 A copy of the most current FEMA FIRM map;

16 and

17 Mapped soils according to the Lee County
18 Soil Survey; and

19 Surface drainage patterns but not field
20 tile lines.

21 Nevertheless, one of its agents did
22 testify that the Developer would contact local
23 drainage districts in an effort to locate
24 existing tiles.

1 JUDGE SLAVIN: Do I hear a second?

2 MR. BOTHE: Second.

3 JUDGE SLAVIN: Got a second.

4 Anything you want to say about your own
5 motion, Mr. Hughes?

6 MR. HUGHES: No. That's sufficient.

7 JUDGE SLAVIN: Any other Board member?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I will put the question. The question being put
11 is on the adoption of the motion as so ably
12 recited by Mr. Hughes.

13 Adoption of the motion requires a vote by
14 the majority. The vote will be by voice. All
15 those in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: Opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: Another motion bites the
21 dust, one way or another.

22 Okay. Back at it.

23 MR. MEYER: Draft Number 27, Your Honor.

24 The motion would read, the Lee County ZBA finds

1 that the Petitioner has submitted an SES plan in
2 its application and, to some degree, its
3 testimony shows or explains the following for
4 the proposed development property:

5 The planned location and spacing of the
6 proposed solar panels; and

7 The planned location of access roads and
8 access points; and

9 The planned location of lines connecting
10 the SES to the point of interconnection; and

11 Other than the existing building or
12 substation that is to be the connection point
13 for the proposed SES, the proposed development's
14 planned new electrical equipment; and

15 Acceptable weed/grass control and
16 "landscaping" plans, which in its application is
17 titled "Weed/Grass Control and Landscape Plan,"
18 for the property inside and outside the fenced
19 area for the entire property that addresses
20 control of noxious weeds and incorporates native
21 grasses, flowers and plants, which would provide
22 wildlife and pollinator habitat, soil erosion
23 protection, and aid in strengthening the soil
24 structure; and

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In Totidem Verbis, LLC (ITV)

1 A commitment to install, maintain and
2 secure an 8-foot-high woven wire perimeter
3 security fence that contains appropriate warning
4 signage.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Got it.

8 Anything you want to say about your
9 motion, Mr. Meyer?

10 MR. MEYER: No, sir.

11 JUDGE SLAVIN: Any other Board member?

12 (No verbal response.)

13 JUDGE SLAVIN: Hearing none, seeing none,
14 I will put the question. The question being put
15 is on the adoption of the motion as so ably read
16 by Mr. Meyer.

17 Adoption of the motion requires a vote by
18 the majority. The vote will be by voice. All
19 those in favor indicate by saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: This motion is adopted.

1 Okay.

2 MR. BUHROW: Judge, for now we're going to
3 skip 28 and move to 29.

4 MR. HUGHES: No, let me take 28.

5 MR. BUHROW: Okay.

6 MR. HUGHES: Draft Number 28, the Lee
7 County ZBA finds that the Petitioner has, in its
8 application, submitted the manufacturer's
9 specifications for the solar panels, trackers
10 (including installation method) and
11 transformers, period. However, and I'm going to
12 continue from there.

13 JUDGE SLAVIN: Yup. I got the "however."

14 MR. HUGHES: In testimony, it was
15 stated --

16 JUDGE SLAVIN: Just a minute. Don't go
17 too fast for the old, fat-fingered guy.

18 MR. HUGHES: Yup.

19 JUDGE SLAVIN: However, in its testimony.

20 MR. HUGHES: It was stated that the final
21 systems may not be the specific systems, but.

22 JUDGE SLAVIN: Wait a minute. "But," yup.

23 MR. HUGHES: Those used would be similar
24 to or consistent with the Tier 1 systems.

1 JUDGE SLAVIN: Oops.

2 MR. HUGHES: Okay.

3 JUDGE SLAVIN: "To or consistent with."

4 Yup.

5 MR. HUGHES: Consistent with the Tier 1
6 systems expected to be used, period.

7 JUDGE SLAVIN: Yup.

8 MR. HUGHES: Specifications for the actual
9 equipment to be used.

10 JUDGE SLAVIN: Wait a minute. Uh-huh.

11 MR. HUGHES: In the SES.

12 JUDGE SLAVIN: How about "proposed SES"?

13 MR. HUGHES: Proposed, thank you.

14 Shall be required before a building permit
15 is issued.

16 JUDGE SLAVIN: May I make a comment?

17 MR. HUGHES: Yes.

18 JUDGE SLAVIN: The last sentence, that
19 sounds more like a recommendation.

20 MR. HUGHES: I -- yeah, but it was also
21 stated within the Ordinance that it is --
22 specifications are required before the final.

23 JUDGE SLAVIN: But that's a rec- -- can I
24 highlight that and save it for the

1 recommendations part?

2 MR. HUGHES: Okay. I was just trying to
3 get into play the fact that it wasn't
4 necessarily required at this time but --

5 JUDGE SLAVIN: But you make it a
6 recommendation that that be done before a
7 building permit is issued. That's up to you.
8 It's up to you.

9 MR. HUGHES: Well, but, I guess the fact
10 is that the Ordinance states that it --

11 JUDGE SLAVIN: Okay.

12 MR. HUGHES: -- the actual specifications
13 must be provided, so I didn't -- it's not really
14 a recommendation, it's a requirement under the
15 Ordinance.

16 JUDGE SLAVIN: While I clean up some of
17 the -- my typing mess, would you take a look
18 here?

19 MR. HUGHES: I -- in -- let's see, just
20 running through it, "However, in its testimony
21 it was stated that the final systems may not
22 be."

23 That will work.

24 JUDGE SLAVIN: How about, "Nevertheless,

1 specifications for the actual."

2 MR. HUGHES: That would -- yes, I would
3 accept that.

4 JUDGE SLAVIN: That way -- okay. Take a
5 look one more time there, Mr. Hughes.

6 MR. HUGHES: That works.

7 JUDGE SLAVIN: Okay. Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Hearing a second, open for
10 debate.

11 Mr. Hughes, anything you want to say about
12 your own motion?

13 MR. HUGHES: I think I have already
14 discussed it enough.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, seeing none,
18 I'm going to put the question. Because this has
19 been changed a lot, the question being put is
20 whether the Lee County ZBA finds that the
21 Petitioner has, in its application, submitted
22 the manufacturer's specifications for the solar
23 panels, trackers (including installation method)
24 and transformers. However, in its testimony, it

1 was stated that the final systems may not be
2 these specific systems, but those used would be
3 similar to, or consistent with, the Tier 1
4 systems expected to be used. Nevertheless,
5 specifications for the actual equipment to be
6 used in the proposed SES shall be required
7 before a building permit shall be issued.

8 Can we put "are"?

9 MR. HUGHES: Yup.

10 JUDGE SLAVIN: Any Board member have any
11 objection to that?

12 (No verbal response.)

13 JUDGE SLAVIN: All right. Adoption of
14 this motion requires a vote by the majority.
15 The vote will be by voice. All those in favor
16 indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: Opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: Motion is adopted.

22 Okay. Save it before I lose that.

23 Okay. Yes.

24 MR. BUHROW: Mr. Chairman.

1 JUDGE SLAVIN: Yes, sir.

2 MR. BUHROW: Now Number 29. The Lee
3 County ZBA finds that, in its application, the
4 Petitioner has provided the "PJM queue position
5 AF 1-280 Nelson-Lee County Feasibility Studies
6 Report and System Impact Study Agreement," which
7 appears to adequately describe the method of
8 connecting the SES to a building or substation
9 as required by the Lee County Ordinance.

10 JUDGE SLAVIN: Do I have a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Got one.

13 Anything you want to say about your own
14 motion, Mr. Buhrow?

15 MR. BUHROW: Not now.

16 JUDGE SLAVIN: Any other Board member?

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing none, seeing none,
19 I will put the question. The question being put
20 is whether the Lee County ZBA finds that, in its
21 application, the Petitioner has provided the,
22 "PJM queue position AF 1-280 Nelson-Lee County
23 Feasibility Study Report and System Impact Study
24 Agreement," which appears to adequately describe

1 the method of connecting the SES to a building
2 or substation as required by the Lee County
3 Ordinance.

4 Adoption of the motion requires a vote by
5 the majority. The vote will be by voice. All
6 those in favor indicate by saying aye.

7 (All those simultaneously
8 responded.)

9 JUDGE SLAVIN: Opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, this motion
12 is declared adopted. Okay.

13 MR. MEYER: Draft Number 30, Your Honor.
14 The motion reads, the Lee County ZBA finds,
15 based on representations made in its
16 application, the Developer showed that the
17 proposed SES would not be within 500 feet of an
18 airport or within an approach zone of an
19 airport.

20 You had "and."

21 JUDGE SLAVIN: Okay. And you said
22 "showed," right?

23 MR. MEYER: Yes.

24 JUDGE SLAVIN: Okay. Take a look at that,

1 Mr. Meyer. Does that look right now?

2 MR. MEYER: That's correct.

3 JUDGE SLAVIN: Do I hear a second?

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Hearing a second, I'll

6 put --

7 Any debate, Mr. Meyer, on your own motion?

8 MR. MEYER: Nothing, sir.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I will put the question. The question being put
13 is whether the Lee County ZBA finds, based on
14 representations made in its application, the
15 Developer showed that the proposed SES would not
16 be within 500 feet of an airport or within an
17 approach zone of an airport.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: Opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: Motion is adopted.

2 Let's have at it.

3 MR. BUHROW: On Point 31, Mr. Chairman,
4 the Lee County ZBA finds that, in its
5 application, the Petitioner has submitted an
6 acceptable fire protection plan as part of an
7 emergency action plan for the construction and
8 operation of the facility and emergency access
9 to the site, and, additionally, promised that it
10 would meet with local fire protection districts
11 to review and modify the same and would work to
12 help educate other emergency personnel as to the
13 SES.

14 JUDGE SLAVIN: All right. Do I hear a
15 second?

16 MR. BOTHE: Second.

17 JUDGE SLAVIN: Got one.

18 Anything you want to say about your own
19 motion, Mr. Buhrow?

20 MR. BUHROW: No, sir.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, seeing none,
24 I will put the question. The question being put

1 is whether the Lee County ZBA finds that, in its
2 application, the Petitioner has submitted an
3 acceptable fire protection plan as part of an
4 emergency action plan for the construction and
5 operation of the facility and emergency access
6 to the site, and, additionally, promised that it
7 would meet with local fire protection districts
8 to review and modify the same and would work to
9 help educate other emergency personnel as to the
10 SES.

11 Adoption of the motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Carried.

19 All right. All righty.

20 MR. HUGHES: As to Number 32, the motion
21 being, the Lee County ZBA finds that the
22 Developer, as shown in its application or
23 through its testimony or both:

24 Initiated a review consultation with the

1 Illinois Department of Natural Resources (IDNR),
2 through the Department's EcoCAT program which
3 did not identify any concerns as to any
4 protected species affected by the proposed
5 project; and

6 Promised, prior to any land-disturbing
7 activities, it would coordinate with the United
8 States Fish and Wildlife Service (USFWS); and

9 Asserted, through testimony of an agent,
10 that submitted site plan -- submitted site plan
11 was developed to avoid any wetlands and
12 floodplains or to minimize any impact to the
13 same.

14 I would make, just for -- make ease of
15 stating that, "testimony that the submitted site
16 plan."

17 JUDGE SLAVIN: Can't figure out what's
18 wrong with "asserted."

19 Do I hear a second?

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Anything you want to say
22 about your own motion, Mr. Hughes?

23 MR. HUGHES: No nothing, Your Honor.

24 JUDGE SLAVIN: Any other Board member?

1 (No verbal response.)

2 JUDGE SLAVIN: Hearing none, seeing none,
3 I will put the question. The question being put
4 is whether the Lee County ZBA finds that the
5 Developer, as shown in its application or
6 through it's testimony or both:

7 Initiated a review consultation with the
8 Illinois Department of Natural Resources (IDNR)
9 through the Department's EcoCAT program which
10 did not identify any concerns as to any
11 protected species affected by the proposed
12 project; and

13 Promised, prior to any land-disturbing
14 activities, it would coordinate with the United
15 States Fish and Wildlife Service (USFWS); and

16 Asserted through testimony of an agent
17 that the submitted site plan was developed to
18 avoid any wetlands and floodplain or to minimize
19 any impacts to the same.

20 And I'm not -- I'm pretty sure that's
21 "affected." I'm always confused.

22 Adoption of the motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

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(All those simultaneously
responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is adopted. And
let's move on.

MR. MEYER: Draft Number 33, Your Honor.
The motion would read, as to the use of the
County's and its respective Township roads for
the 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 (sic) 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.

JUDGE SLAVIN: All right. Do I hear a
second?

MR. BOTHE: Second.

JUDGE SLAVIN: Got one.

Anything you want to say about your
motion, let's see, Mr. Meyer?

1 MR. MEYER: No, sir.

2 JUDGE SLAVIN: Any other Board member?

3 MR. HUGHES: Just one minor typo. I think
4 it's Kimley. I don't think there's a "B" in
5 there. Yeah, Kimley-Horn.

6 JUDGE SLAVIN: Yeah.

7 MR. HUGHES: So B-E-R come out.

8 JUDGE SLAVIN: That may be a spell
9 corrector.

10 MR. HUGHES: It's L-E-Y.

11 JUDGE SLAVIN: Or I was thinking about my
12 high school girlfriend.

13 MR. HUGHES: It's a spell corrector.

14 JUDGE SLAVIN: All right. Anything you
15 want to say about your motion, Mr. Hughes (sic)?

16 MR. MEYER: No.

17 JUDGE SLAVIN: Any other -- oh, okay, that
18 was your comment.

19 Any other Board member, comment?

20 Sorry.

21 (No verbal response.)

22 JUDGE SLAVIN: All right. Hearing
23 nothing, the question being put is whether, as
24 to the use of the County's and its respective

1 Township roads for Petitioner's vehicular
2 traffic during construction and continuing
3 through the life of the proposed SES, the Lee
4 County ZBA finds that a "Transportation Access
5 Plan" prepared by Kimley-Horn was provided in
6 the application which included a commitment
7 that, if required, a custom transportation plan
8 would be prepared and any permits obtained from
9 the affected road commissioner.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: That one is passed.

18 MR. BUHROW: Judge, on Point 34, the Lee
19 County ZBA finds that, in its application and
20 through its testimony, the Petitioner has,
21 through a combination of agent testimony and its
22 application committed to:

23 Repairing or restoring all drainage tiles
24 damaged during the construction of the project

1 in accordance with its submitted Drainage Repair
2 and Remediation Plan and the already-executed
3 AIMA; and

4 Prior to the beginning of the entreated
5 construction, seeking approval from the Illinois
6 Environmental Protection Agency of a Stormwater
7 Pollution Prevention Plan (SWPPP); and

8 Provided a professional engineering study
9 titled "Hydraulic Response of Solar Farms,"
10 which described various consequences, or lack
11 thereof, of solar farm construction and
12 maintenance.

13 JUDGE SLAVIN: Do I hear a second?

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: Got it.

16 Anything you want to say about your
17 motion, Mr. Buhrow?

18 MR. BUHROW: No.

19 JUDGE SLAVIN: Any other Board member?

20 (No verbal response.)

21 JUDGE SLAVIN: Hearing none, seeing none,
22 I will put the question. The question being put
23 is whether the Lee County ZBA finds that, in its
24 application and through its testimony, the

1 Petitioner has, through a combination of agent
2 testimony and its application committed to:

3 Repairing or restoring all drainage tiles
4 damaged during the construction of the project
5 in accordance with its submitted Drainage Repair
6 and Remediation Plan and the already-executed
7 AIMA; and

8 Prior to the beginning of the entreated
9 construction, seeking approval from the Illinois
10 Environmental Protection Agency of a Stormwater
11 Pollution Prevention Plan (SWPPP); and

12 Provided a professional engineering study
13 titled "Hydraulic Response of Solar Farms,"
14 which described various consequences, or lack
15 thereof, of solar farm construction and
16 maintenance.

17 Adoption of this motion requires a vote by
18 the majority. The vote will be by voice. All
19 those in favor indicate by saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: How about those opposed?

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, I will

1 declare the motion adopted.

2 All righty.

3 MR. HUGHES: Moving on to 35. Proposing
4 the motion, the Lee County ZBA indicates that no
5 substantive decommissioning matters are part of
6 this report because the same are a decisional
7 function of the issuance of the building permit
8 under the applicable Ordinance. However, the
9 Lee County ZBA does find:

10 South Dixon Solar, LLC, agreed, both in
11 testimony produced and in its application, that
12 as a condition of the issuance of a building
13 permit, to comply with the decommissioning
14 requirements set forth in the Lee County
15 Ordinance and the AIMA; and

16 That a basic decommissioning plan is part
17 of that application.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: Got it.

21 Anything you want to say about your
22 motion, Mr. Hughes?

23 MR. HUGHES: Nothing additional.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none, I will put the question. The question being put is whether 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 a building permit under the applicable Ordinance. However, the Lee County ZBA does find:

South Dixon Solar, LLC, agreed, both in its 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.

Adoption of the motion requires a vote by the majority. The vote will be by voice. All those in favor indicate by saying aye.

(All those simultaneously responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

1 JUDGE SLAVIN: That motion is a winner.

2 Okay. Passing the ball off.

3 MR. MEYER: Draft Number 36, Your Honor.

4 The motion would read, the Lee County ZBA finds

5 that the Petitioner has indicated in its

6 application that there would be five parking

7 spaces provided at the anticipated operations

8 and maintenance building to support full-time

9 employees.

10 JUDGE SLAVIN: Do I hear a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Got it.

13 Anything you want to say about your

14 motion, Mr. Meyer?

15 MR. MEYER: No, sir.

16 JUDGE SLAVIN: Any other Board member?

17 (No verbal response.)

18 JUDGE SLAVIN: Seeing none, hearing none,

19 I'll put the question. The question being put

20 is whether the Lee County ZBA finds that the

21 Petitioner has indicated in its application that

22 there would be five parking spaces provided at

23 the anticipated O and M building to support

24 full-time employees.

1 Adoption of the motion requires a vote by
2 the majority. The vote will be by voice. All
3 those in favor indicate by saying aye.

4 (All those simultaneously
5 responded.)

6 JUDGE SLAVIN: Opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: That motion is adopted as
9 well.

10 All right. Anybody else?

11 MR. BUHROW: Judge, since we have covered
12 the first half, I will start the second half of
13 our project. Number 37.

14 JUDGE SLAVIN: That's a very optimistic
15 way to phrase it.

16 MR. BUHROW: Number 37, the Lee County ZBA
17 finds that, if its petition is granted, the
18 Petitioner has committed in its application to
19 maintain a general liability policy covering
20 bodily injury and property damage with:

21 Limits of at least \$2 million per
22 occurrence; and

23 \$5 million in the aggregate;

24 And with a deductible of no more than

1 \$5,000; and

2 Naming Lee County as an additional
3 insured.

4 JUDGE SLAVIN: Do I hear a second?

5 MR. BOTHE: Second.

6 JUDGE SLAVIN: Got it.

7 Anything you want to say about your
8 motion, Mr. Buhrow?

9 MR. BUHROW: No, sir.

10 JUDGE SLAVIN: How about any other Board
11 member?

12 (No verbal response.)

13 JUDGE SLAVIN: Hearing none, seeing none,
14 I will put the question. The question being put
15 is whether the Lee County ZBA finds that:

16 If its petition is granted, the Petitioner
17 has committed in its application to maintain a
18 general liability policy covering body injury
19 and property damage with:

20 Limits of at least \$2 millions per
21 occurrence; and

22 \$5 million in the aggregate;

23 And with a deductible of no more than
24 \$5,000; and

1 Naming Lee County as an additional
2 insured.

3 Adoption of the motion requires a vote by
4 the majority. The vote will be by voice. All
5 those in favor indicate by saying aye.

6 (All those simultaneously
7 responded.)

8 JUDGE SLAVIN: Opposed by nay.

9 (No verbal response.)

10 JUDGE SLAVIN: This motion is adopted as
11 well.

12 How about a couple more before break time?

13 MR. HUGHES: I was going to say, maybe
14 Mr. Buhrow's motion was part of the two-minute
15 warning. It was about time for halftime.

16 JUDGE SLAVIN: Right. He wants to look at
17 the score.

18 MR. HUGHES: Let's move on to 38 and then
19 maybe we can go to halftime.

20 The motion being, the Lee County ZBA finds
21 that the LESA score for the property on which
22 the proposed development would be constructed
23 and operated is 81.

24 JUDGE SLAVIN: Okay. Do I hear a second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Anything you want to say
3 about your motion, Mr. Hughes?

4 MR. HUGHES: No, sir.

5 JUDGE SLAVIN: Any other Board member?

6 (No verbal response.)

7 JUDGE SLAVIN: Hearing none, seeing none,
8 I will put the question. The question being put
9 is whether the Lee County ZBA finds that the
10 LESA score for the property on which the
11 proposed development would be constructed and
12 operated is 81.

13 Adoption of the motion requires a vote by
14 the majority. The vote will be by voice. All
15 those in favor indicate by saying aye.

16 (All those simultaneously
17 responded.)

18 JUDGE SLAVIN: Opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: That motion is adopted, and
21 we'll take ten minutes. Reconvene at 25 after.

22 (A recess was taken at 7:14 p.m.
23 and proceedings resumed at
24 7:26 p.m.)

1 JUDGE SLAVIN: All righty. Back to being
2 in session. And the floor is open again.

3 MR. MEYER: Draft Number 39, Your Honor.
4 The motion reads, the Lee County ZBA finds that
5 the requested Special Use is exempted by
6 55 ILCS 5/5-12001.

7 JUDGE SLAVIN: Just a minute while
8 Ms. Duffy's mouse misbehaves.

9 All right. "Is exempted"?

10 MR. MEYER: "Is."

11 JUDGE SLAVIN: Okay. Do I hear a second?

12 MR. BOTHE: Second.

13 JUDGE SLAVIN: Hearing a second, I will
14 ask if there's any debate.

15 How about you? It's your notion,
16 Mr. Meyer.

17 MR. MEYER: No.

18 JUDGE SLAVIN: Any other Board member want
19 to address this motion?

20 (No verbal response.)

21 JUDGE SLAVIN: Hearing nothing, I will put
22 the question. The question being put is whether
23 the Lee County ZBA finds that the requested
24 Special Use is exempted by 55 ILCS 5/5-12001.

1 Adoption of the motion requires a vote by
2 the majority. The vote will be by voice. All
3 those in favor indicate by saying aye.

4 (All those simultaneously
5 responded.)

6 JUDGE SLAVIN: Opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: The motion is adopted.

9 By the way, Mr. Buhrow, are the Illini
10 winning?

11 MR. BUHROW: I have not got a response
12 yet. Leads me to question my sources.

13 JUDGE SLAVIN: All right. The floor is
14 again open.

15 MR. BUHROW: On Point 40, the Lee County
16 ZBA finds that the proposed SES is a "bona fide
17 agricultural use," as defined by Section 10-4-2A
18 of the Lee County Code.

19 JUDGE SLAVIN: Do I hear a second?

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Hearing a second, anything
22 you want to say about your motion, Mr. Buhrow?

23 MR. BUHROW: No, sir.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: Put the last quotation mark there.

Hearing no wish to debate, I will put the question. The question being put is whether the Lee County ZBA finds that the proposed SES is a "bona fide agricultural use," as defined by Section 10-4-2A of the Lee County Code.

Adoption of the motion requires a vote by the majority. The vote will be by voice. All those in favor indicate by saying aye.

(All those simultaneously responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: This one carries unanimously.

Okay. "Okay" means "up to you."

MR. HUGHES: We can move on.

We'll move on to 41. The motion being, the Lee County ZBA finds that the proposed Special Use -- and I'm going to insert some wording here.

JUDGE SLAVIN: Okay.

1 MR. HUGHES: Comma, per the Lee County
2 Ordinance, comma.

3 JUDGE SLAVIN: Per Lee County Ordinance.
4 Lee's got only two E's in it, doesn't it?
5 Per Lee County Ordinance, comma.

6 MR. HUGHES: Is a trivial encroachment
7 that does not interfere with agricultural use.
8 And that would be the motion.

9 JUDGE SLAVIN: Okay. Do I hear a -- well,
10 first of all, make sure my --

11 MR. HUGHES: Yes, it is.

12 JUDGE SLAVIN: Okay. Is correct.
13 Okay. Second?

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: All right. Anything you
16 want to say about your motion, Mr. Hughes?

17 MR. HUGHES: No, sir.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, seeing none,
21 I will put the question. The question being put
22 is whether the Lee County ZBA finds that the
23 proposed Special Use, per Lee County Ordinance,
24 is a trivial encroachment that does not

1 interfere with agricultural use.

2 Adoption of the motion requires a vote by
3 the majority. The vote will be by voice. All
4 those in favor indicate by saying aye.

5 (All those simultaneously
6 responded.)

7 JUDGE SLAVIN: Opposed by nay.

8 (No verbal response.)

9 JUDGE SLAVIN: Motion is adopted.

10 Okie dokie.

11 MR. MEYER: Draft Number 42, Your Honor.
12 The draft would read, the Lee County ZBA finds
13 that the proposed SES is a project of desirable
14 public policy per Lee County Ordinance.

15 JUDGE SLAVIN: Make sure I have got what
16 you want.

17 MR. MEYER: That's correct. Okay. Do I
18 hear a second?

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: Anything you want to say
21 about your own motion, Mr. Meyer?

22 MR. MEYER: No, sir.

23 JUDGE SLAVIN: Any other Board member?

24 MR. BUHROW: Judge.

1 JUDGE SLAVIN: Yes, sir.

2 MR. BUHROW: Just referring back to some
3 of your comments, I would think this is a very
4 good thing to add this. In your comments, all
5 the time you're talking about opinions versus
6 fact. So I think by putting "the Lee County
7 Ordinance" in, it makes it a fact then.

8 JUDGE SLAVIN: Okay. Very good.

9 Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: All right. Having no other
12 comment, debate being had, I will put the
13 question. The question being put is whether the
14 Lee County ZBA finds that the proposed SES is a
15 project of desirable public policy per the Lee
16 County Ordinance.

17 Adoption of the motion requires a vote by
18 the majority. The vote will be by voice. All
19 those in favor indicate by saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing no nays and all

1 ayes, I declare the motion adopted.

2 Okay. Ball is back in your court.

3 MR. BUHROW: Judge, on Point 43, the Lee
4 County ZBA finds that, based on the application
5 and testimony heard, other than, perhaps, during
6 construction, there would be no detectable
7 vibration associated with this solar development
8 beyond the project's security fencing.

9 JUDGE SLAVIN: All right. Do I hear a
10 second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Got one.

13 Anything you want to say about your
14 motion, Mr. Buhrow?

15 MR. BUHROW: No, sir.

16 JUDGE SLAVIN: Any other Board member want
17 to address it?

18 (No verbal response.)

19 JUDGE SLAVIN: Seeing none, hearing none,
20 I'll put the question. The question being put
21 is whether the Lee County ZBA finds that, based
22 on the application and testimony heard, other
23 than, perhaps, during construction, there would
24 be no detectable vibration associated with this

1 solar development beyond the project's security
2 fencing.

3 Adoption of the motion requires a vote by
4 the majority. The vote will be by voice. All
5 those in favor indicate by saying aye.

6 (All those simultaneously
7 responded.)

8 JUDGE SLAVIN: Opposed by nay. Any nays?

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none -- where is
11 it? There it is -- I declare the motion
12 adopted.

13 Next.

14 MR. HUGHES: Moving on to Draft Number 44,
15 and proposing the motion that the Lee County ZBA
16 finds that, based on the application and
17 testimony heard, other than, perhaps, during
18 construction, there would be no air pollution
19 associated with this solar development.

20 JUDGE SLAVIN: Do I hear a second?

21 MR. BOTHE: Second.

22 JUDGE SLAVIN: Hearing none, I will ask,
23 any debate?

24 Mr. Hughes, you first.

1 MR. HUGHES: Nothing additional.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I will put the question. The question being put
6 is whether the Lee County ZBA finds that, based
7 on the application and testimony heard, other
8 than, perhaps, during construction, there would
9 be no air pollution associated with this solar
10 development.

11 Adoption of this motion requires a vote by
12 the majority. The vote will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: All those opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: I don't hear any, so that
19 motion is declared adopted as well.

20 Yes?

21 MR. MEYER: Draft Number 45, Your Honor.
22 The motion would read, the Lee County ZBA finds
23 that, based on the application and testimony
24 heard, other than perhaps during construction,

1 there would be no odor associated with this
2 solar development.

3 JUDGE SLAVIN: Do I hear a second?

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Got it.

6 Anything you want to say about your
7 motion, Mr. Meyer?

8 MR. MEYER: No, sir.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I will put the question. The question being put
13 is whether the Lee County ZBA finds that, based
14 on the application and testimony heard, other
15 than perhaps during construction, there would be
16 no odor associated with this solar development.

17 Adoption of the motion requires a vote by
18 the majority. The vote will be by voice. All
19 those in favor indicate by saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: The motion is a winner.

1 Okay. Let's go for some more.

2 MR. BUHROW: On Point 46, the Lee County
3 ZBA finds that the Petitioner has proffered that
4 electromagnetic fields in the project would
5 inherently come from collection lines and
6 transformers, but, due to being buried, having
7 sufficient setbacks and carrying low voltage,
8 there would be no negative health impacts from
9 the electromagnetic fields in the project.

10 JUDGE SLAVIN: Do I hear a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Got it.

13 Anything you want to say, Mr. Buhrow,
14 about your own motion?

15 MR. BUHROW: No, sir.

16 JUDGE SLAVIN: Any other Board member want
17 to address it?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, seeing none,
20 I will put the question. The question being put
21 is whether the Lee County ZBA finds that the
22 Petitioner has proffered that electromagnetic
23 fields in the project would inherently come from
24 collection lines and transformers, but, due to

1 being buried, having sufficient setbacks and
2 carrying low voltage, there would be no negative
3 health impacts from the electromagnetic fields
4 in the project.

5 Adoption of the motion requires a vote by
6 the majority. The vote will be by voice. All
7 those in favor indicate by saying aye.

8 (All those simultaneously
9 responded.)

10 JUDGE SLAVIN: Opposed by nay.

11 (No verbal response.)

12 JUDGE SLAVIN: I think it's adopted. I
13 don't think; I know it is.

14 Okay.

15 MR. HUGHES: Moving on to 47. The Lee
16 County ZBA finds that, based on the application
17 and testimony heard, other than perhaps during
18 construction, there would be insignificant heat
19 associated with this solar development that
20 affects the adjoining properties.

21 JUDGE SLAVIN: Okay. Do I hear a second?

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Anything you want to say
24 about your own motion, Mr. Hughes?

1 MR. HUGHES: No, sir.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I will put the question. The question being put
6 is whether the Lee County ZBA finds that, based
7 on the application and testimony heard, other
8 than perhaps during construction, there would be
9 insignificant heat associated with this solar
10 development that affects adjoining properties.

11 Adoption of the motion requires a vote by
12 the majority. The voice will be by voice. All
13 those in favor indicate by saying aye.

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: Opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Another one in the win
19 column.

20 Did you get -- speaking of wins, did you
21 get a report, Mr. Buhrow?

22 MR. HUGHES: 21-2, in favor of the Illini.

23 JUDGE SLAVIN: The source is incredible.

24 All right. We're onward and upward.

1 MR. MEYER: Draft Number 48, Your Honor.
2 The motion reads, the Lee County ZBA finds that,
3 based on the application and testimony heard,
4 there would be no particularly identifiable fire
5 or explosion hazards associated with this solar
6 development.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Anything you want to say
10 about your motion, Mr. Meyer?

11 MR. MEYER: No, sir.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I put the question. The question being put is
16 whether the Lee County ZBA finds that based on
17 the application and testimony heard, there would
18 be no particularly identifiable fire or
19 explosion hazard associated with this solar
20 development.

21 Adoption of the motion requires a vote by
22 the majority. The vote will be by voice. All
23 those in favor indicate by saying aye.

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

So who are they playing to be ahead 21-2?

MR. FORSTER: Jackson State.

JUDGE SLAVIN: That's all that needs to be
said.

All right. Next.

MR. BUHROW: On Point 49, 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.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Got it.

Anything you want to say about your
motion, Mr. Buhrow?

MR. BUHROW: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none,
I'll put the question. The question being put

1 is whether the Lee County ZBA finds that, based
2 on the application and testimony heard, there
3 would be no particularly identifiable toxic or
4 noxious materials generated by the solar
5 development.

6 Adoption of the motion requires a vote by
7 the majority. The vote will be by voice. All
8 those in favor indicate by saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion is -- motion carries
14 and is adopted.

15 Okie dokie.

16 MR. HUGHES: Moving on to Number 50. The
17 motion to read, the Lee County ZBA finds that,
18 based on the application and testimony heard:

19 There would be no storage batteries used
20 as part of the proposed SES's operation; and

21 There would be no other particularly
22 identifiable hazardous materials escaping any
23 structures associated with this solar
24 development.

1 JUDGE SLAVIN: Do I hear a second?

2 MR. BOTHE: Second.

3 JUDGE SLAVIN: Got it.

4 Anything you want to say, Mr. Hughes?

5 MR. HUGHES: No.

6 JUDGE SLAVIN: Any other Board member want
7 to quibble or support?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I'll put the question. The question being put
11 is whether the Lee County ZBA finds that based
12 on the application and testimony heard:

13 There would be no storage batteries used
14 as part of the proposed SES's operation; and

15 There would be no other particularly
16 identifiable hazardous materials escaping any
17 structures associated with this solar
18 development.

19 Adoption of the motion requires a vote by
20 the majority. The vote will be by voice. All
21 those in favor indicate by saying aye.

22 (All those simultaneously
23 responded.)

24 JUDGE SLAVIN: Opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

Okay. We got to 50.

MR. MEYER: Draft Number 51, Your Honor.

The motion reads, the Lee County ZBA finds that the character of the land within the footprint of the proposed South Dixon Solar, LLC, development is agricultural.

JUDGE SLAVIN: Second?

MR. BOTHE: Second.

JUDGE SLAVIN: Anything you want to say, Mr. Meyer?

MR. MEYER: No, sir.

JUDGE SLAVIN: Any other Board member want to address it?

(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none, I'll put the question. The question being put is whether the Lee County ZBA finds that the character of the land within the footprint of the proposed South Dixon Solar, LLC, development is agricultural.

Adoption of the motion requires a vote by the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously
3 responded.)

4 JUDGE SLAVIN: Opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Adopted.

7 What do you say? What do you say?

8 MR. BUHROW: Mr. Chairman, on Point 52, it
9 reads, the Lee County ZBA finds that, given the
10 character of the land is agricultural, the
11 Petitioner did provide a copy of an Agricultural
12 Impact Mitigation Agreement between itself and
13 the Illinois Department of Agriculture.

14 JUDGE SLAVIN: All right. Do I hear a
15 second?

16 MR. BOTHE: Second.

17 JUDGE SLAVIN: Got a second.

18 Anything you want to say about your
19 motion, Mr. Buhrow?

20 MR. BUHROW: No, sir.

21 JUDGE SLAVIN: All right. Any other Board
22 member?

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, seeing none,

1 I'll put the question. The question being put
2 is whether the Lee County ZBA finds that, given
3 the character of the land is agricultural, the
4 Petitioner did provide a copy of an Agricultural
5 Impact Mitigation Agreement between it and the
6 Illinois Department of Agriculture.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: And those opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Find it to be unanimously
15 adopted.

16 All right. Talk to me.

17 MR. HUGHES: Moving on to Number 53. The
18 motion, the Lee County ZBA finds that:

19 By the Petitioner's expert, Jennifer
20 Klingshirn's analysis, the weighted productivity
21 index average of the soils within the proposed
22 project is 123.5, falling within the scale for
23 Class B ground;

24 By the Lee County Soil and Water

1 calculation, the weighted productivity index
2 average of the soils within the proposed project
3 is 113, falling within the scale for Class C
4 ground.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Anything you want to say
8 about your motion, Mr. Hughes?

9 MR. HUGHES: No, sir.

10 JUDGE SLAVIN: Any other Board member want
11 to address it?

12 (No verbal response.)

13 JUDGE SLAVIN: Hearing none, seeing none,
14 I'll put the question. The question being put
15 is whether the Lee County ZBA finds that:

16 By the Petitioner's expert, Jennifer
17 Klingshirn's analysis, the weighted productivity
18 index average of the soils within the proposed
19 project is 123.5, falling within the scale for
20 Class B ground;

21 By the Lee County Soil and Water
22 calculation, the weighted productivity index
23 average of the soils within the proposed project
24 is 113, falling within the scale for Class C

1 ground.

2 Adoption of the motion requires a vote by
3 the majority. The vote will be by voice. All
4 those in favor indicate by saying aye.

5 (All those simultaneously
6 responded.)

7 JUDGES SLAVIN: Opposed by nay.

8 (No verbal response.)

9 JUDGE SLAVIN: That is adopted as well.
10 Sock it to me.

11 MR. MEYER: Tract 54, Your Honor.

12 JUDGE SLAVIN: Who is old enough to
13 remember that?

14 MR. HUGHES: Several of us.

15 MR. MEYER: The motion would read, the Lee
16 County ZBA finds, between what is asserted in
17 its application and what is said through its
18 testimony, that the Petitioner has averred that,
19 if approved, construction of the proposed SES
20 development would begin sometime between 2022
21 and 2024, and would take between 18 to 24 months
22 to complete.

23 "And would take," after "24."

24 JUDGE SLAVIN: Yup, got it. Okay. Make

1 sure my corrections are what you want. Is that
2 right?

3 MR. MEYER: Very good.

4 JUDGE SLAVIN: Okay. Do I hear a second?

5 MR. BOTHE: Second.

6 JUDGE SLAVIN: Got it.

7 Anything you want to say about your
8 motion, Mr. Meyer?

9 MR. MEYER: No, sir.

10 JUDGE SLAVIN: Any other Board member want
11 to address it?

12 (No verbal response.)

13 JUDGE SLAVIN: Hearing none, seeing none,
14 I will put the question. The question being put
15 is whether the Lee County ZBA finds, between
16 what is asserted in its application and what was
17 said through its testimony, that the Petitioner
18 has averred that, if approved, construction of
19 the proposed SES development would begin
20 sometime between 2022 and 2024 and would take
21 between 18 to 24 months to complete.

22 Adoption of this motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

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(All those simultaneously
responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is in the win
column.

Okay. Have at it.

MR. BUHROW: Mr. Chairman, on Point 55,
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 acts or
omissions of South Dixon Solar, LLC's, operation
of this SES development.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Anything you want to say
about your motion, Mr. Buhrow?

MR. BUHROW: Nothing.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none,
I will put the question. The question being put

1 is whether the Lee County ZBA finds that the
2 Petitioner has indicated that it would defend,
3 indemnify and hold Lee County and its officials
4 harmless from and against claims and expenses,
5 (including attorney's fees) arising out of the
6 acts or omission of South Dixon Solar, LLC's,
7 operation of this SES development.

8 Adoption of the motion requires a vote by
9 the majority. The vote will be by voice. All
10 those in favor indicate by saying aye.

11 (All those simultaneously
12 responded.)

13 JUDGE SLAVIN: Opposed by nay.

14 (No verbal response.)

15 JUDGE SLAVIN: I declare it adopted.

16 All right. Gentleman's choice.

17 MR. HUGHES: Yes, Number 56. The motion
18 being, the Lee County ZBA finds that
19 inconclusive evidence was presented that the
20 proposed SES development would not have a
21 negative impact on property values within the
22 area of the proposed project.

23 JUDGE SLAVIN: Take a look.

24 MR. HUGHES: You need to extend that color

1 change by one more letter.

2 JUDGE SLAVIN: Whoop. Got it. Thank you.
3 Okay. Second?

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Anything you want to say
6 about your motion, Mr. Hughes?

7 MR. HUGHES: Yes, I believe so.

8 While I believe there was some good
9 information regarding the impact on other solar
10 systems relative to the property around them,
11 particularly the one referenced in Minnesota,
12 the -- even that, although it's a larger-scale
13 operation and one of the properties demonstrated
14 was within -- was surrounded on four sides, I
15 just -- most of the information was in smaller
16 units in segregated areas. And I think with
17 this size of a unit, I'm not sure that there's
18 sufficient information to conclusively make the
19 determination.

20 JUDGE SLAVIN: All right. Any other Board
21 member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, seeing none,
24 I will put the question. The question being put

1 is whether the Lee County ZBA finds that
2 inconclusive evidence was presented that the
3 proposed SES development would not have a
4 negative impact on property values within the
5 area of the proposed project.

6 Adoption of the motion requires a vote by
7 the majority. The vote will be by voice. All
8 those in favor indicate by saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion is adopted. Okay.

14 MR. MEYER: Number 57, Your Honor.

15 JUDGE SLAVIN: Yup.

16 MR. MEYER: The motion would read, the Lee
17 County ZBA finds that the Petitioner has
18 promised in its application, combined with the
19 testimony of one of its agents, that, adjacent
20 to platted subdivisions, it would plant
21 staggered rows of evergreens as a visual screen
22 that would reach 8 feet tall within four years.

23 JUDGE SLAVIN: Do I hear a second?

24 MR. BOTHE: Second.

1 JUDGE SLAVIN: Hearing a second, I will
2 ask for any debate.

3 You, Mr. Meyer?

4 MR. MEYER: No, thank you.

5 JUDGE SLAVIN: Any other Board member?

6 MR. HUGHES: Yes. I'm a little bit
7 concerned with the reference to evergreens. I
8 think that was stated during testimony, but
9 within the application it provides for "selected
10 species." And so I'm not sure which is the more
11 appropriate terminology to use. I don't know
12 that we necessarily need to hold them to
13 evergreens, but I also don't know of anything
14 that's going to make -- is sufficient of visual
15 screens.

16 So I'm kind of just throwing that out
17 there, whether we should look at other
18 terminology and maybe put in the "selected
19 species" or whether we just leave it as
20 "evergreens"?

21 JUDGE SLAVIN: Okay. Any other Board
22 member want to address it?

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, I don't think

1 I have got a choice but to put the question.
2 The question being put is whether the Lee County
3 ZBA finds that the Petitioner has promised in
4 its application, combined with the testimony of
5 one of its agents, that adjacent to platted
6 subdivisions it would plant staggered rows of
7 evergreens as a visual screen that would reach
8 8 feet tall within four years.

9 Adoption of the motion requires a vote by
10 the majority. The vote will be by voice. All
11 those in favor indicate by saying aye.

12 (All those simultaneously
13 responded.)

14 JUDGE SLAVIN: Opposed by nay.

15 (No verbal response.)

16 JUDGE SLAVIN: Motion -- I declare the
17 motion carried.

18 Your pleasure, guys.

19 MR. BUHROW: Number 58, Your Honor. The
20 Lee County ZBA finds that, based on the
21 application and testimony received, the project
22 would create up to 450 construction jobs for the
23 18 to 24 months of its erection, and between 5
24 and 10 ongoing and permanent operations and

1 maintenance jobs.

2 JUDGE SLAVIN: All right. Do I hear a
3 second?

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Anything you want to say
6 about your motion, Mr. Buhrow?

7 MR. BUHROW: No, sir.

8 JUDGE SLAVIN: How about any other Board
9 member?

10 (No verbal response.)

11 JUDGE SLAVIN: All right. Hearing none,
12 seeing none, I will put the question. The
13 question being put is whether the ZBA finds,
14 based on the application and the testimony
15 received, that the project would create up to
16 450 construction jobs for the 18 to 24 months of
17 its erection, and between 5 and 10 ongoing and
18 permanent operations and maintenance jobs.

19 Adoption of the motion requires a vote by
20 the majority. The vote will be by voice. All
21 those in favor indicate by saying aye.

22 (All those simultaneously
23 responded.)

24 JUDGE SLAVIN: Opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: Getting a little jocular
here.

MR. HUGHES: Yeah, we may have to remove
Chris from the room.

MS. KENNEDY: I agree.

JUDGE SLAVIN: All right. Next.

MR. HUGHES: Number 59.

JUDGE SLAVIN: Yes, sir.

MR. HUGHES: The motion to read, 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.

JUDGE SLAVIN: Second?

MR. BOTHE: Second.

JUDGE SLAVIN: Got one. Got a second.
Anything you want to say about your
motion, Mr. Hughes?

MR. HUGHES: No, that's sufficient.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Seeing none, hearing none,

1 I'll put the question. The question being put
2 is whether the Lee County ZBA finds that the
3 proposed project would increase area employment
4 during the construction phase, but, during its
5 operation, it appears that there would be
6 nominal benefit to area employment.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: All right. The motion is
15 adopted.

16 What do you say? What do you say?

17 MR. MEYER: Number 60, Your Honor. The
18 motion reads, the Lee County ZBA finds that
19 participating landowners should realize economic
20 benefit from the proposed development.

21 JUDGE SLAVIN: Do I hear a second?

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Got it.

24 Anything you want to say about your

1 motion, Mr. Meyer?

2 MR. MEYER: No, sir.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, seeing none,
6 I'll put the question. The question being put
7 is whether the Lee County ZBA finds that the
8 participating landowners should realize economic
9 benefit from the proposed development.

10 Adoption of this motion requires a vote by
11 the majority. The vote will be by voice. All
12 those in favor indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: This motion passes and is
18 adopted.

19 And the handoff back to the ZBA.

20 MR. BUHROW: Mr. Chairman, on Point 61,
21 the ZBA -- Lee County ZBA finds that the
22 proposed SES would, including an unknown tax
23 abate factor, potentially garner approximately
24 \$50 million in tax revenue for local taxing

1 bodies over its expected life of 40 years.

2 Add "of 40 years." I think that's
3 correct.

4 JUDGE SLAVIN: Okay. Take a gander at
5 my --

6 MR. BUHROW: Yes.

7 JUDGE SLAVIN: -- quick edit. Does that
8 look right?

9 MR. BUHROW: Yes.

10 JUDGE SLAVIN: Okay. Do I hear a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Anything you want to say
13 about your motion as you have expanded it,
14 Mr. Buhrow?

15 MR. BUHROW: I just noticed in the
16 previous year that it was stated 40-some million
17 but it was over 35 years. So I thought maybe
18 this would be more appropriate, to have the
19 timeframe in there.

20 JUDGE SLAVIN: All right. Any other Board
21 member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, seeing none,
24 I'll put the question. The question being put

1 is whether the Lee County ZBA finds that the
2 proposed SES would, including an unknown tax
3 abatement factor, potentially garner
4 approximately \$50 million in tax revenue for
5 local taxing bodies over its expected life of 40
6 years.

7 Adoption of the motion requires a vote by
8 the majority. The vote will be by voice. All
9 those in favor indicate by saying aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: The ayes have it.

15 All righty. What do you think?

16 MR. HUGHES: 62. The motion being, the
17 Lee County ZBA finds that, regardless of the
18 foregoing economic benefits, its decision to
19 recommend or not recommend approval of the
20 petition is not based on an increase or decrease
21 in revenue for taxing bodies, but rather the
22 criteria in the Lee County Ordinance.

23 JUDGE SLAVIN: Take a look-see,
24 Mr. Hughes.

1 MR. HUGHES: I believe that's appropriate.

2 JUDGE SLAVIN: All right. Do I hear a
3 second?

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Got a second.

6 Anything you want to say about your
7 motion, Mr. Hughes?

8 MR. HUGHES: Yeah. Unfortunately, it's a
9 little difficult not to acknowledge the economic
10 benefits; however, as a Zoning Board of Appeals,
11 our criteria is not dependent on those economic
12 benefits, but rather the compliance with the
13 County Ordinance. If this was bringing
14 \$50 million to the county over the same period
15 but we had multiple issues of failure to comply,
16 it would have to be turned down. So I believe
17 that that addition of -- dealing with the County
18 Ordinance is appropriate.

19 JUDGE SLAVIN: Any other Board member?

20 (No verbal response.)

21 JUDGE SLAVIN: Hearing none, seeing none,
22 I'll put the question. The question being put
23 is whether the Lee County ZBA finds that,
24 regardless of the foregoing economic benefits,

1 its decision to recommend or not recommend
2 approval of the petition is not based on an
3 increase or decrease in revenue for taxing
4 bodies, but, rather, the criteria in the Lee
5 County Ordinance.

6 Adoption of the motion requires a vote by
7 the majority. The vote will be by voice. All
8 those in favor indicate by saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion is adopted. And I
14 better save before I -- okay.

15 What do you say, gents?

16 MR. MEYER: Number 63, Your Honor. The
17 motion reads, the Lee County ZBA finds that in
18 its application, the Developer submitted 16
19 communications of support for its proposed SES
20 project.

21 JUDGE SLAVIN: All right. Do I hear a
22 second?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: Got one.

1 Anything you want to say, Mr. Meyer?

2 MR. MEYER: No, sir.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, seeing none,
6 I'll put the question. The question being put
7 is whether the Lee County ZBA finds that, in its
8 application, the Developer submitted 16
9 communications of support for its proposed SES
10 project.

11 Adoption of the motion requires a vote by
12 the majority. The vote is going to be by voice
13 and requires a majority. All those in favor
14 indicate by saying aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed?

18 (No verbal response.)

19 JUDGE SLAVIN: Majority of ayes have it.

20 And we can move on.

21 MR. BUHROW: Mr. Chairman, on Point 64,
22 the Lee County ZBA finds that there was
23 sufficient evidence that the photovoltaics of
24 this proposed SES development are safe and would

1 not affect the health of individuals.

2 JUDGE SLAVIN: Do I hear a second?

3 MR. BOTHE: Second.

4 JUDGE SLAVIN: Got a second.

5 Anything you want to say, Mr. Buhrow?

6 MR. BUHROW: No.

7 JUDGE SLAVIN: Okay. Any other Board
8 member?

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none, seeing none,
11 I'll put the question. The question being put
12 is whether the Lee County ZBA finds that there
13 was sufficient evidence that the photovoltaics
14 of this proposed SES development are safe and
15 would not affect the health of individuals.

16 Adoption of this motion requires a vote by
17 the majority. The vote will be by voice. All
18 those in favor indicate by saying aye.

19 (All those simultaneously
20 responded.)

21 JUDGE SLAVIN: Opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: That is carried as well.

24 Climb the mountain some more.

1 MR. HUGHES: Moving on to 65. The motion
2 being, the Lee County ZBA finds that there was
3 an evidentiary suggestion of the possibility of
4 archaeological sites within the footprint of the
5 proposed project that were recommended for
6 additional study, which is not yet completed.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Anything you want to say,
10 Mr. Hughes?

11 MR. HUGHES: No.

12 JUDGE SLAVIN: Any other Board member want
13 to address Mr. Hughes's motion?

14 (No verbal response.)

15 JUDGE SLAVIN: Hearing none, seeing none,
16 I'll put the question. The question being put
17 is whether the Lee County ZBA finds that there
18 was an evidentiary suggestion on the possibility
19 of archaeological sites within the footprint of
20 the proposed project that were recommended for
21 additional study, which is not yet completed.

22 Adoption of this motion requires a vote by
23 the majority. The vote will be by voice. All
24 those in favor indicate by saying aye.

1 (All those simultaneously
2 responded.)

3 JUDGE SLAVIN: Opposed by nay.

4 (No verbal response.)

5 JUDGE SLAVIN: Another one in the win
6 column. Motion is saved, and my next comment
7 is, Hey, hey, what do you say?

8 MR. MEYER: Number 66, Your Honor. The
9 resolution would read, the Lee County ZBA finds
10 that the Emmanuel Cemetery would not be
11 disturbed by the proposed development, as it
12 lays approximately 100 feet from the exterior
13 boundary of the project.

14 JUDGE SLAVIN: Second?

15 MR. BOTHE: Second.

16 JUDGE SLAVIN: Anything you want to say,
17 Mr. Meyer?

18 MR. MEYER: No, sir.

19 JUDGE SLAVIN: Any other Board member want
20 to comment?

21 (No verbal response.)

22 JUDGE SLAVIN: Hearing none, seeing none,
23 I'll put the question. The question being put
24 is whether the Lee County ZBA finds that the

1 Emmanuel Cemetery would not be disturbed by the
2 proposed development, as it lays approximately
3 100 feet from the exterior boundary of the
4 project.

5 Adoption of the motion requires a vote by
6 the majority. The vote will be by voice. All
7 those in favor indicate by saying aye.

8 (All those simultaneously
9 responded.)

10 JUDGE SLAVIN: Opposed by nay.

11 (No verbal response.)

12 JUDGE SLAVIN: That motion is adopted as
13 well. Okay.

14 MR. BUHROW: Mr. Chairman, on Point 67,
15 the Lee County ZBA finds that the agents for
16 South Dixon Solar, LLC, testified under oath or
17 affirmation that the Petitioner will be bound by
18 any and all proposals, promises, statements and
19 representations in its application for SUP or
20 made under oath at the public hearing before the
21 Lee County ZBA, even if not expressly specified
22 herein or therein.

23 JUDGE SLAVIN: All right. Do I hear a
24 second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Anything you want to say
3 about your motion, Mr. Buhrow?

4 MR. BUHROW: No, sir.

5 JUDGE SLAVIN: I added a proposition, but
6 any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing no comment, I will
9 put the question. The question being put is
10 whether the Lee County ZBA finds that agents for
11 South Dixon Solar, LLC, testified under oath or
12 affirmation that the Petitioner will be bound by
13 any and all proposals, promises, statements and
14 representations in its application for a SUP or
15 made under oath at the public hearing before the
16 Lee County ZBA, even if not expressly specified
17 herein or therein.

18 Adoption of the motion requires a vote by
19 the majority. The vote will be by voice. All
20 those in favor indicate by saying aye.

21 (All those simultaneously
22 responded.)

23 JUDGE SLAVIN: Opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: It is adopted.

2 Finish line is in sight for tonight.

3 MR. HUGHES: 68, I believe we're moving on
4 to. The Lee County ZBA finds that the proposed
5 Special Use would have the following effects on
6 the character of the neighborhood and the
7 surrounding properties as follows:

8 Fields of corn and beans would be replaced
9 by rows of solar panels;

10 And fencing around the perimeter of the
11 project would now be part of the landscape.

12 JUDGE SLAVIN: Do I hear a second?

13 MR. BOTHE: Second.

14 JUDGE SLAVIN: Got one.

15 Anything you want to say about your
16 motion, Mr. Hughes?

17 MR. HUGHES: No, sir.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, seeing none,
21 I'll put the question. The question being put
22 is whether the Lee County ZBA finds that the
23 proposed Special Use would have the following
24 effects on the character of the neighborhood and

1 the surrounding properties as follows:

2 Fields of corn and beans would be replaced
3 by rows of solar panels; and

4 Fencing around the perimeter of the
5 project would now be part of the landscape.

6 Adoption of the motion requires a vote by
7 the majority. The vote will be by voice. All
8 those in favor indicate by saying aye.

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: And next.

14 MR. MEYER: Number 69, Your Honor.

15 JUDGE SLAVIN: Yes, sir.

16 MR. MEYER: The motion reads, the Lee
17 County ZBA finds that the proposed Special Use
18 would not impose any negative effects on public
19 health, public safety and/or general welfare.

20 JUDGE SLAVIN: All right. Do I hear a
21 second?

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Hearing a second, anything
24 you want to say about your own motion,

1 Mr. Meyer?

2 MR. MEYER: No, sir.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, seeing none,
6 I'll put the question. The question being put
7 is whether the Lee County ZBA finds that the
8 proposed Special Use would not impose any
9 negative effects on public health, public safety
10 and/or general welfare.

11 Adoption of the motion would require a
12 vote by the majority. The vote will be by
13 voice. All those in favor indicate by saying
14 aye.

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: How about any nays?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, this motion
20 is adopted as well.

21 Next.

22 MR. BUHROW: Your Honor, on Point 70, the
23 Lee County ZBA finds that the proposed Special
24 Use would have an effect on traffic conditions

1 in that it would increase traffic during the
2 approximately 18 to 24 months of construction
3 due to employee traffic and equipment vehicle
4 usage but would return to normal or lesser
5 activity with reduced agricultural traffic
6 during the SES's operational life.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Got it.

10 Anything you want to say about your
11 motion, Mr. Buhrow?

12 MR. BUHROW: No, sir.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: Hearing none, seeing none,
16 I'll put the question. The question being put
17 is whether the Lee County ZBA finds that the
18 proposed Special Use would have an effect on
19 traffic conditions in that it would increase
20 traffic during the approximately 18 to 24 months
21 of construction due to employee traffic and
22 equipment vehicle usage but would return to
23 normal or lesser activity with reduced
24 agricultural traffic during the SES's

1 operational life.

2 Adoption of the motion requires a vote by
3 the majority. The vote will be by voice. All
4 those in favor indicate by saying aye.

5 (All those simultaneously
6 responded.)

7 JUDGE SLAVIN: Opposed by nay.

8 (No verbal response.)

9 JUDGE SLAVIN: That one is adopted as
10 well.

11 The ultimate one for tonight is next.

12 MR. HUGHES: And that being Number 71, the
13 motion would read, the Lee County ZBA finds that
14 the proposed Special Use would have an effect on
15 public utility facilities, as it would increase
16 the source of electric power on the national
17 grid.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: Got it.

21 Anything you want to say, Mr. Hughes?

22 MR. HUGHES: No.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I will put the question. The question being put
3 is whether the Lee County ZBA finds that the
4 proposed Special Use would have an effect on
5 public utility facilities, as it would increase
6 the source of electric power on the national
7 grid.

8 Adoption of the motion requires a vote by
9 the majority. The vote will be by voice. All
10 those in favor indicate by saying aye.

11 (All those simultaneously
12 responded.)

13 JUDGE SLAVIN: Opposed by nay.

14 (No verbal response.)

15 JUDGE SLAVIN: Motion is adopted.

16 Well, you guys are about to score 72
17 points. Have the Illini scored that many?

18 MR. MEYER: Number 72, Your Honor.

19 JUDGE SLAVIN: Yes, sir.

20 MR. MEYER: The motion reads, the Lee
21 County ZBA finds that the proposed South Dixon
22 Solar SES project does not carry with it any
23 apparent environmental concerns.

24 JUDGE SLAVIN: Do I hear a second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Got it.

3 Anything you want to say about your own
4 motion, Mr. Meyer?

5 MR. MEYER: No, sir.

6 JUDGE SLAVIN: Any other Board member want
7 to address it?

8 MR. BUHROW: Mr. Chairman, I think the
9 appropriate word there, in speaking to the
10 people that testified, is "apparent
11 environmental concerns." There was several
12 question about things, but I think, in
13 conclusion, that the proper word is "apparent
14 environmental concerns."

15 JUDGE SLAVIN: Okay. Any other Board
16 member?

17 (No verbal response.)

18 JUDGE SLAVIN: Hearing none, seeing none,
19 I'll put the question. The question being put
20 is whether the Lee County ZBA finds that the
21 proposed South Dixon Solar SES project does not
22 carry with it any apparent environmental
23 concerns.

24 Adoption of the motion requires a vote by

1 the majority. The vote will be by voice. All
2 those in favor indicate by saying aye.

3 (All those simultaneously
4 responded.)

5 JUDGE SLAVIN: Opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: That motion is adopted.

8 And I think, unless I forgot how many I
9 did, that is it for tonight.

10 I will tell everybody, I have started hard
11 work on the remaining ones. There's probably
12 going to be another 40 or so, just to -- you
13 guys went through --

14 MR. MEYER: 62.

15 JUDGE SLAVIN: -- 61, 62 tonight. So
16 should be fine.

17 Unless there's something else for the good
18 of the order, I will recess until -- make sure I
19 get this right -- November 17th, Wednesday
20 night, November 17th, beginning at 6 o'clock,
21 here in the Old Lee County Courthouse, Third
22 Floor Courtroom.

23 Hey, everybody, have a good one.

24 (The hearing was concluded at

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8:18 p.m.)

On this 9th day of November, A.D., 2021, I do
signify that the foregoing testimony was given
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Enforcement Officer

Callie S. Bodmer

Callie S. Bodmer
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-004489
P.O. Box 381
Dixon, Illinois 61021