

STATE OF ILLINOIS)
) 22-P-1595
COUNTY OF LEE)

In the Matter of the Petition
 of
Meadow Solar, LLC
Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 13th day
of September, A.D., 2022,
before the Lee County
Zoning Board of Appeals

Present:

Mike Pratt
Craig Buhrow
Garrett Schoenholz
Glen Hughes
Bruce Forster, Chairman

Dee Duffy, Zoning Administrator
Alice Henkel, Alternative Energy Coordinator

Honorable Judge Tim Slavin, Facilitator

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APPEARANCES:

LEE COUNTY STATE'S ATTORNEY CHARLES BOONSTRA
of the Lee County State's Attorney's Office
309 South Galena Avenue, Suite 30
Dixon, Illinois 61021

Counsel for the County.

ATTORNEY COURTNEY KENNEDY (via Zoom)
of the firm of Ehrmann Gehlbach Badger &
Considine, LLC
114 East Everett Street, Suite 300
Dixon, Illinois 61021

Counsel for the Applicant.

1 JUDGE SLAVIN: Well, good evening, Ladies
2 and Gentlemen. I call out of recess Lee County
3 Zoning Board of Appeals hearing on
4 Petition 22-P-1595, Meadow Solar, LLC's, request
5 for a Special Use Permit to construct a solar
6 energy system in Dixon Township here in Lee
7 County.

8 If somehow you're listening to me but not
9 on Zoom but you want to be, the Zoom meeting ID
10 is 915-3923-9154. The Password is, as always,
11 209840.

12 If you don't want to participate -- well,
13 tonight's not participatory anyway. If you want
14 to just view and listen to us on YouTube, go to
15 your computer or cell phone, use your browser,
16 go to www.youtube.com. In the search bar, type
17 "Lee County IL Zoning Board of Appeals." Don't
18 worry about upper- or lowercase. Find the
19 session date you want, which is presumably --
20 Jonathan tells me tonight is the 13th of
21 September that you want, click on it and you
22 should be -- have the pleasure of seeing and
23 listening to us.

24 If none of this works or you don't know

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1 how to do it, you can call Ms. Duffy's technical
2 assistance hotline, 815.973.3449.

3 As we're coming out of a recess, there's
4 no formal opening required, I note the presence
5 tonight of Mr. Forster, Chair of the ZBA;
6 Mr. Buhrow, its Vice Chair; Mr. Hughes;
7 Mr. Pratt is here; Mr. Schoenholz is here. The
8 Honorable Dee Duffy, Zoning Administrator of Lee
9 County is here, as is her able Alternative
10 Energy Coordinator, Alice. The Honorable
11 State's Attorney, Charley Boonstra, is present.

12 We have no Interested Parties in the
13 courtroom.

14 Jonathan from IT; Callie, our
15 ever-suffering court reporter; and himself are
16 present.

17 That makes 11 folks in the courtroom. No
18 Interested Parties in person.

19 Jonathan, who we have on the Zoom, if
20 anyone?

21 IT SPECIALIST: Just Courtney.

22 JUDGE SLAVIN: Petitioner's
23 representative -- lawyer, Courtney Kennedy, is
24 on Zoom.

1 That makes a total attendance tonight of
2 12 whole people.

3 All right. That housekeeping revision
4 having been done, sometimes I go through the
5 machinations of reading about factfinding and
6 recommendations and Robert's Rules of Order, but
7 we have been together so often for two or three
8 years that I'm not going to bore those assembled
9 with that protocol.

10 I will just indicate to the Zoning Board
11 that the floor is open for motions.

12 MR. HUGHES: Your Honor, I will start with
13 the Draft Number 1 on the finding of facts. The
14 motion being, the Lee County Zoning Board of
15 Appeals (hereinafter "ZBA" or "Zoning Board")
16 finds that, on July 1, 2022, Meadow Solar, LLC,
17 (hereinafter "Meadow Solar," "Developer,"
18 "Applicant," or "Petitioner") indirectly owned
19 by another limited liability company, Trajectory
20 Energy Partners, LLC (hereinafter, "Trajectory
21 Energy" or "Trajectory") filed a petition with
22 the Lee County, Illinois, Zoning Administration
23 Office which is numbered 21-P-1595 (sic),
24 requesting a Special Use Permit to construct and

1 operate a 5-megawatt AC solar energy system
2 (hereinafter "SES," "solar farm," "solar
3 garden," "Project," "facility," or
4 "development") on a rounded-off 24 acres
5 (hereinafter "the leasehold area") inside a
6 larger, plus or minus, 610 acres, Property Index
7 Number (PIN) 07-02-28-200-004, (hereinafter "the
8 Project parcel"), owned by the Dixon Park
9 District, and zoned AG-1, all within Dixon
10 Township, and one and a half miles -- within one
11 and a half miles of the boundary of the City of
12 Dixon, more particularly directly south of
13 Cemetery Road, and about 650 feet east of
14 Washington Avenue.

15 Subsequently, on July 6, 2022, an amended
16 was filed; and then, on July 28th, a second
17 amended petition was filed which added a request
18 for two Variances attendant to the proposed
19 project.

20 That would be the motion.

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

23 MR. BUHROW: Second.

24 JUDGE SLAVIN: I have got a second.

1 Any discussion on the motion? Your
2 motion, Mr. Hughes, so you first.

3 MR. HUGHES: No additional comment.

4 JUDGE SLAVIN: Okay. Mr. Forster has a
5 comment.

6 MR. FORSTER: I would like to make one
7 correction to the motion.

8 According to our New Business from last
9 meeting, it should be Petition 22-P-1595.

10 JUDGE SLAVIN: I assume Mr. Hughes will
11 take that as a friendly amendment?

12 MR. HUGHES: Absolutely.

13 JUDGE SLAVIN: Thank you.

14 Any other Board members care to comment?

15 (No verbal response.)

16 JUDGE SLAVIN: Hearing none, seeing none,
17 I'll put the question. The question being put
18 is on the adoption of the motion as read by
19 Mr. Hughes, with the correction that the
20 petition is Number 22, and that in the third-to
21 last-line, after the word "amended," I added
22 "petition," as I think Mr. Hughes did.

23 Adoption of the motion is -- requires a
24 vote by the majority. The vote will be by

1 voice. All those in favor indicate by saying
2 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 Just a minute. I thought I had it on the
9 red font, but I don't.

10 Okay. Floor is again open.

11 MR. BUHROW: Judge, on Point 2, I move
12 that the Lee County ZBA finds that following the
13 submission of the initial application, proper
14 notice of the filing of the petition and of an
15 impending ZBA hearing was published in the Dixon
16 Telegraph on August 9, 2022; and

17 Furthermore, the United States Post
18 Service First Class mailings of the same notice
19 were sent to adjacent real estate property
20 owners whose properties would be adjacent to the
21 proposed Project's boundary and to the City of
22 Dixon, which boundary is within the statutory
23 jurisdictional reach of one and a half miles;
24 and

1 Zoning Administrator Dee Duffy published
2 the hearing information on her department's
3 pages of the Lee County website and physically
4 posted the same where the proposed development
5 would be located.

6 That's the motion.

7 JUDGE SLAVIN: Second?

8 MR. PRATT: Second.

9 JUDGE SLAVIN: Got one.

10 Discussion? You first, Mr. Buhrow.

11 MR. BUHROW: Nothing.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

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

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: Not surprisingly, that
2 motion is adopted as well.

3 And onward and upward.

4 MR. SCHOENHOLZ: I move the Lee County
5 Zoning Board of Appeals finds that:

6 The impending hearing was initially
7 announced by Chairman Bruce Forster on the
8 evening of Thursday, September 1st, 2022, at
9 7 p.m. in the Main Courtroom on the Third Floor
10 of the Old Lee County Courthouse; and

11 Under the authority provided by its own
12 Rules, prior to actually initiating the hearing,
13 the Zoning Board of Appeals engaged the services
14 of Tim Slavin, a retired circuit court judge, as
15 the facilitator for the proceedings.

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

18 MR. PRATT: Second.

19 MR. HUGHES: Second.

20 JUDGE SLAVIN: Discussion on the motion.

21 It's your motion, Mr. Schoenholz, so you
22 have the opportunity to say anything in support
23 thereof.

24 MR. SCHOENHOLZ: None.

1 JUDGE SLAVIN: Any other Board member.

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, seeing none,
4 I will put the question. The question being put
5 is on the adoption of the motion as so well read
6 by Mr. Schoenholz, with the exception of the
7 pronunciation of the Facilitator's name.

8 All those in favor, indicate by saying
9 aye.

10 (All those simultaneously
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Motion is adopted.

15 It's like working hard without the G.
16 Okay. Here we go.

17 MR. PRATT: Your Honor.

18 JUDGE SLAVIN: Yes, sir, Mr. Pratt.

19 MR. PRATT: I make a motion that the Lee
20 County ZBA finds that the first stage of the
21 public hearing regarding the petition for the
22 Special Use Permit was for your Lee County ZBA
23 to accept testimony, hear arguments and receive
24 public comments.

1 As suggested above, the evidentiary and
2 comments portion of the hearing began on
3 September 1, 2022, and concluded on
4 September 7th, 2022, consisting of two total
5 sessions, both beginning at 7 p.m., in that
6 former "Main Courtroom" in the Old Lee County
7 Courthouse. The totality of these sessions of
8 the first stage comprised, in total, of
9 approximately 3-1/4 hours of hearing time.

10 That's my motion.

11 JUDGE SLAVIN: Do I hear a second?

12 MR. HUGHES: Second.

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

16 MR. PRATT: No.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, seeing none,
20 I'll put the question. The question being put
21 is on the adoption of the motion as so read by
22 Mr. Pratt.

23 All 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.

I was going to say, Go Irish, but we're not going to go there tonight.

MR. SCHOENHOLZ: Go Bears.

JUDGE SLAVIN: Yeah, say, Go Bears.

Next.

MR. HUGHES: Moving on to Draft Number 5. The motion being, the Lee County ZBA finds that, throughout the hearing process:

No longer were there any mandated COVID-19 safety measures in place for public gatherings such as the ZBA hearing; but

Attendees were encouraged to wear masks and maintain a reasonable social distance within the hearing room; and

There were never more than three Interested Parties that personally appeared within the hearing room; and

Additionally, through the auspices of the Lee County IT Department and Lee County Zoning Officer, Ms. Dee Duffy, Interested Parties were

1 also given the opportunity to remotely and
2 virtually participate in the process by video or
3 teleconferencing on the Zoom platform through
4 the use of a computer, cell phone or similar
5 device at a location of their choosing; and

6 Furthermore, Interested Parties could
7 remotely view and listen to the proceedings in
8 near realtime, or later in the recorded mode, on
9 a YouTube feed, also courtesy of the Lee County
10 IT Department and Ms. Duffy; and

11 Lastly, the entirety of the proceedings
12 was taken down by a certified shorthand reporter
13 and subsequently transcribed. Those transcripts
14 of all testimony, arguments, public comments and
15 ZBA debate were, and continue to be, available
16 on the Zoning and Planning web pages within the
17 Lee County website.

18 That being the motion.

19 JUDGE SLAVIN: Do I hear a second?

20 MR. BUHROW: Second.

21 JUDGE SLAVIN: Got a second.

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

24 MR. HUGHES: No.

1 JUDGE SLAVIN: Any other Board member wish
2 to address it?

3 (No verbal response.)

4 JUDGE SLAVIN: Hearing none, seeing none,
5 I will put the question. The question being put
6 is on the adoption of the motion as recited by
7 Mr. Hughes.

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: The ayes have it, and we
16 move along.

17 MR. BUHROW: Mr. Facilitator.

18 JUDGE SLAVIN: Mr. Buhrow.

19 MR. BUHROW: On 6, I move the Lee County
20 ZBA finds that, over the course of the first
21 stage, everyone, the Petitioner and Interested
22 Parties, were given a complete and fair
23 opportunity to be heard. Each was given the
24 chance to present evidence, including witnesses

1 and exhibits, cross-examine the witnesses of
2 others, and to present a closing argument,
3 statement or public comment, either orally or in
4 writing.

5 That concludes the motion.

6 JUDGE SLAVIN: I got it.

7 Do I hear a second?

8 MR. SCHOENHOLZ: Second.

9 JUDGE SLAVIN: Got it.

10 Anything you want to say about your own
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 on the adoption of the motion as read by
18 Mr. Buhrow.

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 nay.

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(No verbal response.)

MR. SCHOENHOLZ: I motion --

JUDGE SLAVIN: The ayes have it
unanimously. Next.

MR. SCHOENHOLZ: I motion we, the members
of the Lee County Zoning Board of Appeals, find
that we heard or read all the evidence produced
and examined each of the exhibits.

MR. HUGHES: Second.

JUDGE SLAVIN: Yeah, excuse me, I was --
got a second.

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

MR. SCHOENHOLZ: No.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none,
I will put the question. The question being put
is on the adoption of the motion that we, the
members of the Lee County Zoning Board of
Appeals, find that we heard or read all the
evidence produced and examined each of the
exhibits.

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: The new member,
8 Mr. Schoenholz, is, so far, a two-for-two. He's
9 on a roll.

10 MR. PRATT: Your Honor.

11 JUDGE SLAVIN: Yes, sir.

12 MR. PRATT: I make a motion that the Lee
13 County Zoning Board of Appeals finds that three
14 people took the witness stand, were placed under
15 oath or affirmation and testified. Those
16 witnesses, in order of their appearance, with a
17 very brief summary of what they had to say, were
18 as follows:

19 Mr. Dustin Elliott, offered by the
20 Applicant, is Trajectory Energy's director of
21 legal and public affairs. On behalf of that
22 company, he committed to being bound by all
23 representations made in its application and
24 statements made under oath by representatives of

1 that entity during the ZBA hearing. He went on
2 to give an overview of the proposed SES, an
3 explanation of the essence and process of a
4 "community solar" project, its physical
5 footprint, the general nature of the equipment
6 to be installed, the interconnection with the
7 nearby ComEd grid distribution line, the
8 "community meeting," communications with the
9 City of Dixon, lease and setback waiver
10 arrangements with the Mabley Developmental
11 Center, public benefits, decommissioning, an
12 Agricultural Impact Mitigation Agreement
13 (hereinafter AIMA), and the ways in which the
14 proposed facility would meet the requirements of
15 the pertinent provisions of the Lee County
16 Ordinances;

17 Mr. Joshua Bushinsky, offered by
18 Petitioner, a partner of Trajectory, LLC, filled
19 in more specifics of the proposed project, such
20 things as possible technical specifications;
21 more particularly, how the consumer economics of
22 a community solar project works in practice, and
23 the state of the AIMA;

24 Mr. Duane Long, executive director of the

1 Dixon Park District, offered by the Petitioner,
2 enlightened us on the motivational genesis of
3 the "thinking out of the box" solar facility
4 concept, such as lowering the District's energy
5 costs to keep taxes in line, and the greater
6 community electric cost benefit, and the
7 relationship of the Dixon Park District with
8 Trajectory, the vetting undergone in selecting
9 it as the developer of this project, and the
10 financial arrangements that were a part thereof.

11 There were no other witnesses.

12 That's my motion.

13 JUDGE SLAVIN: Thank you. Do I hear a
14 second?

15 MR. SCHOENHOLZ: Second.

16 JUDGE SLAVIN: Got it.

17 Anything you want to say about your own
18 motion, Mr. Pratt?

19 MR. PRATT: No, no comment.

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

22 (No verbal response.)

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

1 is on the adoption of the motion as Mr. Pratt so
2 well read it.

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: In the win column.

11 MR. HUGHES: Mr. Facilitator.

12 JUDGE SLAVIN: Mr. Hughes.

13 MR. HUGHES: Moving on to Draft Number 6,
14 the motion being, the Lee County Zoning Board of
15 Appeals finds that the following exhibits were
16 admitted into evidence by the Facilitator and
17 considered by the Board:

18 Petitioner's Exhibits:

19 PET Number 1, a copy of the Dixon
20 Telegraph's "certificate of publication" with
21 attached "notice of hearing";

22 PET Number 2, a hard copy of Dustin
23 Elliott's PowerPoint presentation;

24 PET Number 3, copy of Tim Shipman's City

1 of Dixon Zoning Officer, email suggesting the
2 City's position on the proposed project;

3 PET Number 4, Meadow Solar, LLC's,
4 application supplementing its petition;

5 PET Number 5, "Property Value Report" by
6 CohnReznick.

7 Zoning Officer Exhibits:

8 ZO Number A, Lee County Soil and Water
9 Conservation District's Natural Resources Report
10 for Meadow Solar, LLC.

11 No other party introduced any exhibits.

12 JUDGE SLAVIN: Do I hear a second?

13 MR. BUHROW: Second.

14 JUDGE SLAVIN: Got a second.

15 Anything you want to say about your own
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 on the adoption of the motion as recited by
23 Mr. Hughes.

24 Adoption requires a vote by the majority.

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

3 (All those simultaneously
4 responded.)

5 JUDGE SLAVIN: Opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: Okay. The ball is back in
8 your court.

9 MR. BUHROW: Mr. Facilitator, on Point 10,
10 I move the Lee County Zoning Board of Appeals
11 finds that, following the close of the
12 testimonial phase, the Board heard what could be
13 characterized as closing arguments or public
14 comment from:

15 Courtney Kennedy, attorney for the
16 Applicant, who urged, based on the evidence
17 produced, the Lee County ZBA to recommend to the
18 Lee County Board that Meadow Solar, LLC's,
19 petition should be approved and the Special Use
20 Permit issued, along with Variances requested.

21 Len Saunders, a representative of the
22 United Brotherhood of Carpenters, who expressed
23 support for this processed project on behalf of
24 his organization.

1 No other parties made any public comments.

2 JUDGE SLAVIN: Second?

3 MR. PRATT: Second.

4 MR. HUGHES: Second.

5 JUDGE SLAVIN: Two of them.

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

8 MR. BUHROW: No, sir.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Seeing none, hearing none,
12 I will put the question. The question being put
13 is on the adoption of the motion as so well read
14 by Mr. Buhrow.

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

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: Opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: The ayes have it
23 unanimously again.

24 Next.

1 MR. SCHOENHOLZ: I motion the Lee County
2 ZBA finds that, through both its application and
3 the testimony of two of its agents, the proposed
4 SES is part of a community solar project
5 sanctioned by acts of the Illinois Legislature.
6 It allows individual consumers to save money on
7 their electric bills from the energy produced by
8 the Project (sometimes referred to by the
9 moniker "solar garden"), similar to how one
10 would save on an electric bill if one installed
11 solar panels on their own property.

12 More specifically herein, Meadow Solar,
13 LLC, pays the upfront costs to plan, build,
14 maintain and connect the proposed solar garden
15 to ComEd's power grid. When an individual
16 electrical consumer (who must be using the
17 electricity in the ComEd utility territory)
18 signs up or subscribes (without cost), one is
19 asking, in effect, to receive a portion of the
20 proposed Project's monthly output. Meadow
21 Solar, LLC, will analyze a given subscriber's
22 energy demand to determine its pro rata
23 subscription size. Each month, the subscriber
24 would then be billed by ComEd for the amount of

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1 electricity consumed by its subscription, but,
2 from the gross bill amount, is given a credit
3 based on its subscription size to reach a lesser
4 net amount due.

5 That's my motion.

6 JUDGE SLAVIN: Okay.

7 MR. HUGHES: Second.

8 JUDGE SLAVIN: Do I hear a second?

9 MR. PRATT: Second.

10 JUDGE SLAVIN: Got a second.

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

13 MR. SCHOENHOLZ: No.

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 well recited
19 by Mr. Schoenholz.

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

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: Opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: It's a winner too, unlike
4 the Cubs or the Irish.

5 Next.

6 MR. PRATT: Your Honor, I make a motion
7 that the Lee County ZBA finds that, according to
8 its application and the testimony of one of its
9 agents, the useful life of the proposed
10 community solar project would be 25 years, which
11 could be extended by the provisions of the lease
12 with the Dixon Park District for two subsequent
13 five-year terms.

14 JUDGE SLAVIN: Do I hear a second?

15 MR. HUGHES: Second.

16 JUDGE SLAVIN: Got it.

17 Anything you want to say about this
18 motion, Mr. Pratt?

19 MR. PRATT: No.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

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

1 according to its application and the testimony
2 of one of its agents, the useful life of the
3 proposed community solar project would be 25
4 years, which could be extended by the provisions
5 of the lease with the Dixon Park District for
6 two subsequent five-year terms.

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: How about anyone opposed?
13 Say nay.

14 (No verbal response.)

15 JUDGE SLAVIN: The motion is adopted.
16 Back around the horn.

17 MR. HUGHES: The next motion being, the
18 Lee County ZBA finds that, through both its
19 application and the testimony of one of its
20 agents, that the components of the SES would be:

21 Approximately 15,000 photovoltaic panels
22 measuring approximately 6 feet long, 3 feet
23 wide, and 1 inch thick;

24 Set on a south-facing fixed-tilt mounting

1 system (meaning, the panels would not move);

2 In an east-west configuration;

3 Mounted on steel support pilings driven
4 into the ground between 8 and 12 feet deep;

5 Connected to each other by collection
6 lines; and

7 Then connected to the nearby ComEd grid
8 utility line approximately 40 feet from the
9 northern edge of the solar garden; and

10 Remotely monitored by communication lines;
11 and

12 Up to 40 inverters; and

13 2 transformers.

14 JUDGE SLAVIN: Do I hear a second?

15 MR. BUHROW: Second.

16 JUDGE SLAVIN: Got a second.

17 Anything you want to say about your own
18 motion, Mr. Hughes?

19 MR. HUGHES: No, sir.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

22 JUDGE SLAVIN: Hearing none, seeing none,
23 I will put the question. The question being put
24 is on the adoption of the motion as recited by

1 Mr. Hughes.

2 Adoption requires, as you know, 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?

8 (No verbal response.)

9 JUDGE SLAVIN: None, and unanimous.

10 Next.

11 MR. BUHROW: Mr. Facilitator, on Point 14,
12 I move the Lee County ZBA finds that, through
13 both its application and the testimony of its
14 agents, there will be an access road, the only
15 one that the Petitioner proposed.

16 JUDGE SLAVIN: Do I hear a second?

17 MR. HUGHES: Second.

18 JUDGE SLAVIN: Got it.

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

21 MR. BUHROW: No, sir.

22 JUDGE SLAVIN: Any other Board member?

23 (No verbal response.)

24 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,
3 through its application and the testimony of its
4 agents, there will be an access road, the only
5 one that the Petitioner proposed.

6 Adoption of that 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 carries unanimously.
14 Okay, gentlemen.

15 MR. SCHOENHOLZ: I would like to make a
16 motion, the Lee County ZBA finds that, through
17 both its application and the testimony of one of
18 its agents, there are no plans for any ancillary
19 structures, but there may be temporary "laydown
20 staging areas."

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

23 MR. PRATT: Second.

24 JUDGE SLAVIN: Got it.

1 Anything you want to say about your own
2 motion, Mr. Schoenholz?

3 MR. SCHOENHOLZ: I misread "area" and said
4 "areas." I would like to correct that.

5 JUDGE SLAVIN: Got it. Okay. That's
6 fine. Anything else?

7 Mr. Schoenholz first.

8 MR. SCHOENHOLZ: No other comment.

9 JUDGE SLAVIN: Okay. Any other Board
10 member?

11 (No verbal response.)

12 JUDGE SLAVIN: Hearing none, seeing none,
13 I'll put the question. The question being put
14 is on the adoption of the motion as read by
15 Mr. Schoenholz. Adoption requires a vote by the
16 majority. The vote will be by voice. All those
17 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: Okay. Guys, moving along.

23 MR. PRATT: Your Honor.

24 JUDGE SLAVIN: Yes, sir, Mr. Pratt.

1 MR. PRATT: I make a motion that the Lee
2 County ZBA finds that:

3 As noted above, the last iteration of the
4 petition for a Special Use Permit for the
5 Project was filed with the Lee County Zoning
6 Office on July 28, 2022;

7 About nine months prior to that time, on
8 November 18, 2021, the Lee County Board Chairman
9 signed into law the newest SES Ordinance passed
10 by the County Board, Number 11-21-005, which
11 would then be the provisions most specifically
12 applicable to the petition at issue; which,
13 while not yet specifically codified, the ZBA
14 adopts the Facilitator's professional
15 expectation on such codification.

16 Also in place at the time the petition was
17 filed were certain provisions of the Lee County
18 Ordinance, "Performance Standards," Section
19 10-1-1, and "Special Exceptions, Variations and
20 Nonconforming Uses," Section 10-2B-1, which,
21 unless supplemented (sic) by the new SES
22 Ordinance, would also be applicable.

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

24 MR. HUGHES: Second.

1 JUDGE SLAVIN: Anything you want to say
2 about your own motion, Mr. Pratt?

3 MR. PRATT: No.

4 JUDGE SLAVIN: Any other Board members?
5 (No verbal response.)

6 JUDGE SLAVIN: Hearing none, seeing none,
7 I'll put the question. The question being put
8 is on the adoption of the motion so well read by
9 Mr. Pratt.

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

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed?

16 (No verbal response.)

17 JUDGE SLAVIN: It's a winner. Going
18 onward and upward.

19 MR. HUGHES: Mr. Facilitator, the next
20 motion would be, the Lee County ZBA finds that
21 the Petitioner represented in the testimony it
22 produced that, while not yet done, a qualified
23 engineer would certify that the foundation and
24 the design of the solar panels was within

1 accepted standards.

2 JUDGE SLAVIN: Do I hear a second?

3 MR. BUHROW: Second.

4 JUDGE SLAVIN: Got it.

5 Anything you want to say, Mr. Hughes?

6 MR. HUGHES: No, that should be
7 sufficient.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none, seeing none,
11 I put the question. The question being put is
12 whether the Lee County ZBA finds that the
13 Petitioner represented in the testimony it
14 produced that, while not yet done, a qualified
15 engineer would certify that the foundation and
16 design of the solar panels was within accepted
17 standards.

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: Unanimous.

2 Next.

3 MR. BUHROW: Mr. Chairman, on Point 18, I
4 move the Lee County ZBA finds that the
5 Petitioner represented in its application and in
6 the testimony it produced:

7 That it would adhere to the applicable
8 local, State and federal regulatory standards
9 pertaining to the electricity generation and
10 transmission and the National Electrical Code;
11 and

12 That the SES components would be
13 Underwriters Laboratories Listed or a comparable
14 safety standard; and

15 That the solar panels would be designed
16 with an antireflective (AR) coating.

17 JUDGE SLAVIN: Do I have a second?

18 MR. HUGHES: Second.

19 JUDGE SLAVIN: Got it.

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

22 MR. BUHROW: I don't think so.

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 on the adoption of the motion as read by
4 Mr. Buhrow and displayed on the screen.

5 Adoption of that 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, too, goes in the win
13 column.

14 MR. SCHOENHOLZ: I would like to move to
15 adopt Motion 19. The Lee County ZBA finds that,
16 in the testimony it produced, the Petitioner
17 stated that the power and communication lines
18 running between banks of the solar panels would
19 probably be buried underground, except from the
20 point of interconnection to existing
21 utility-owned, aboveground electrical wires.

22 JUDGE SLAVIN: Do I hear a second?

23 MR. PRATT: Second.

24 JUDGE SLAVIN: Anything you want to say

1 about your own motion, Mr. Schoenholz?

2 MR. SCHOENHOLZ: No.

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 the
8 testimony it produced, the Petitioner stated
9 that the power and communication lines running
10 between the banks of the solar panels would
11 probably be buried underground, except from the
12 point of interconnection to existing
13 utility-owned, aboveground electrical wires.

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: 19 is in the win column.

22 MR. PRATT: Your Honor, make a motion that
23 the Lee County ZBA finds that, based on
24 representations made in its application and in

1 the testimony of its agent, the Developer
2 indicated that no ground-mounted system,
3 equipment or structure (except for transmission
4 lines, utility poles, or any poles or piece of
5 equipment connecting a ground-mounted piece of
6 equipment to an electric transmission line)
7 within the proposed development would exceed
8 20 feet in height.

9 JUDGE SLAVIN: How about that, anybody
10 want to second that one?

11 MR. HUGHES: Second.

12 JUDGE SLAVIN: Got it.

13 Anything you want to say, Mr. Pratt?

14 MR. PRATT: No.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, seeing none,
18 I'll put the question. The question being put
19 is whether the Lee County ZBA finds that, based
20 on representations made in its application and
21 in the testimony of its agent, the Developer
22 indicated that no ground-mounted system,
23 equipment or structure (except for transmission
24 lines, utility poles, or any poles or piece of

1 equipment connecting a ground-mounted piece of
2 equipment to an electric transmission line)
3 within the proposed development would exceed
4 20 feet in height.

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: 20 of them are behind you.

13 MR. HUGHES: And moving on to the 21st in
14 the draft. The motion being, the Lee County ZBA
15 finds that the Petitioner represented in its
16 application, and through the testimony it
17 produced, that:

18 The leasehold area would be enclosed by a
19 chain link fence at least 7 feet in height; and

20 It would affix signage in accordance with
21 NESC, ANSI, and OSHA standards and regulations
22 to that fence; and

23 It would maintain the fence to prevent the
24 growth of woody vegetation and noxious weeds

1 along and within it.

2 JUDGE SLAVIN: Do I hear a second?

3 MR. BUHROW: Second.

4 JUDGE SLAVIN: Got it.

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

7 MR. HUGHES: No, sir.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none, seeing none,
11 I'll put the question. The question being put
12 is on the adoption of the motion as read by
13 Mr. Hughes.

14 Adoption requires a vote by the majority.
15 The vote is going to be by voice. All those in
16 favor indicate by saying aye.

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: All those opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: All righty. That's another
22 one.

23 MR. BUHROW: Mr. Chairman, moving to
24 Point 22, I move the Lee County ZBA finds that

1 the Developer claimed in its application or
2 through the testimony it produced that:

3 As to equipment, all ground-mounted SES
4 components would not be:

5 Within 15 feet of any property line; nor

6 Within 400 feet of the foundation of an
7 adjacent dwelling, except for the Mabley
8 Developmental Center, which the Applicant
9 apparently and, in our opinion correctly,
10 construes as a primary dwelling and for which a
11 Variance is being requested infra; nor

12 Within 60 feet from the center line of any
13 Township roadway; nor

14 Within 75 feet from the center line of any
15 County roadway; nor

16 Within 50 feet from the right-of-way of
17 any State road; nor

18 Within 400 feet of any property line of a
19 platted subdivision; nor

20 Within 500 feet from an inverter,
21 transformer or storage equipment to the
22 foundation of any adjacent nonparticipating
23 primary dwelling; and

24 As to fencing, there would be no fencing

1 within 3 feet of any nonparticipating owner's
2 property line.

3 JUDGE SLAVIN: Mouthful, but I got it.

4 Do I hear a second?

5 MR. HUGHES: Second.

6 JUDGE SLAVIN: Any other -- any comments,
7 Mr. Buhrow?

8 MR. BUHROW: I think it's good.

9 JUDGE SLAVIN: Any other Board member wish
10 to comment? Question?

11 (No verbal response.)

12 JUDGE SLAVIN: All right. Hearing none,
13 seeing none, I will put the question. The
14 question being put is on the adoption of the
15 motion as Mr. Buhrow read it and as displayed on
16 the screen in front of you gentlemen.

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 yes.

20 (Forster, Schoenholz, Meyer and
21 Pratt simultaneously responded.)

22 MR. HUGHES: Aye.

23 JUDGE SLAVIN: All those opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: Motion carries.

2 I just have to keep you guys awake and,
3 quite frankly, myself awake, by thinking of
4 things.

5 All right. How about some more?

6 MR. SCHOENHOLZ: I would like to make
7 Motion 23, the Lee County ZBA finds that the
8 Petitioner has indicated:

9 Through the testimony of one of its agents
10 that there would be no security cameras located
11 within the proposed development; and

12 In its application, that Knox boxes
13 containing keys to the gates would be provided
14 at the entrances for emergency personnel access.

15 JUDGE SLAVIN: Do I hear a second?

16 MR. PRATT: Second.

17 JUDGE SLAVIN: Got a second.

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

20 MR. SCHOENHOLZ: Nothing more.

21 JUDGE SLAVIN: Any other Board 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 Petitioner has indicated:

3 Through the testimony of one of its agents
4 that there would be no security cameras located
5 within the proposed development; and

6 In its application, that Knox boxes
7 containing keys to the gates would be provided
8 at the entrance for emergency personnel --
9 entrances for emergency personnel access.

10 Adoption of the motion requires a vote by
11 the majority. The vote is going to be by voice.
12 All 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: Got it.

18 MR. PRATT: Your Honor.

19 JUDGE SLAVIN: Yes, sir, Mr. Pratt.

20 MR. PRATT: Make a motion, the Lee County
21 ZBA finds that the Petitioner has promised in
22 its application and through the testimony of one
23 of its agents that no lighting is planned at the
24 proposed SES development, but that if any would

1 be installed, it would be shielded and downcast.

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

4 MR. HUGHES: Second.

5 JUDGE SLAVIN: Got it.

6 Anything you want to say, Mr. Pratt?

7 MR. PRATT: You're going to have to get
8 rid of one "would be," I think, there.

9 JUDGE SLAVIN: Thank you. You're
10 absolutely right. I'll never pick it up if I
11 don't put it in red and then cross it off.

12 Okay. Does that look right, Mr. Pratt?

13 MR. PRATT: Yup. That's my motion.

14 JUDGE SLAVIN: I forget if I asked for a
15 second, so I'll do it again.

16 MR. SCHOENHOLZ: Second.

17 JUDGE SLAVIN: Anything else you want to
18 say, Mr. Pratt?

19 MR. PRATT: No comment.

20 JUDGE SLAVIN: Any other Board member?

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 Petitioner has presented in its application and
2 through the testimony of one of its agents that
3 no lighting is planned at the proposed SES
4 development, but that if any is installed, it
5 would be shielded and downcast.

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 (Forster, Schoenholz, Meyer and
10 Pratt those simultaneously
11 responded.)

12 MR. HUGHES: Yes.

13 JUDGE SLAVIN: Good one.

14 All right. Next.

15 MR. HUGHES: The next motion being, the
16 Lee County ZBA finds that, in its application
17 and through the testimony it produced, the
18 Petitioner:

19 Indicated that the inverters and
20 transformers would emit a "low humming noise";
21 but

22 Committed that any operating sounds
23 emitted from the project would meet the Illinois
24 Pollution Control Board Noise Standards;

1 Except that the IPCB noise standard may be
2 exceeded during the construction phase.

3 That being the motion.

4 JUDGE SLAVIN: Do I hear a second?

5 MR. BUHROW: Second.

6 JUDGE SLAVIN: Anything you want to say,
7 Mr. Hughes?

8 MR. HUGHES: No, that would be sufficient.

9 JUDGE SLAVIN: Okay. Any other Board
10 member?

11 (No verbal response.)

12 JUDGE SLAVIN: Hearing none, seeing none,
13 I'll put the question. The question being put
14 is on the adoption of the motion as recited by
15 Mr. Hughes and displayed on the board in front.

16 Adoption of that 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: Okay. Go ahead.

24 MR. BUHROW: Mr. Chairman, on Section 26,

1 I move the Lee County ZBA finds that the
2 Petitioner asserted in its petition and through
3 the testimony it produced that:

4 There would be no concentrated glare onto
5 nearby structures, roadways or other public
6 areas from the proposed project; and furthermore

7 As previously noted, the panels would
8 contain AR coatings; and

9 Due to the engineering and business focus
10 on capturing as much solar energy as possible,
11 the array is certainly designed to minimize
12 glare so as not to waste any available sunlight.

13 JUDGE SLAVIN: Do I hear a second?

14 MR. HUGHES: Second.

15 JUDGE SLAVIN: Got it.

16 Any comment on your own motion,

17 Mr. Buhrow?

18 MR. BUHROW: No, sir.

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 the adoption of the motion as read and
24 displayed -- as read by Mr. Buhrow, displayed in

1 front.

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: Okay. We can keep on
10 going.

11 MR. SCHOENHOLZ: I'd like to make a motion
12 that the Lee County ZBA finds that:

13 There was no clear evidence of any nearby
14 platted subdivisions; and

15 While there are nonparticipating dwellings
16 adjacent to the whole 610-acre parcel within
17 which the 24-acre leasehold area is situated,
18 there is only one next to the leasehold area;
19 i.e., the Mabley Developmental Center; so

20 For such reason, the Petitioner is
21 requesting a Variance of the Ordinance's
22 screening requirements or, for an interpretation
23 construction that, as used in that particular
24 section of the Ordinance, the term "parcel" is

1 equivalent to "the leasehold area"; and

2 As to the Mabley Developmental Center, the
3 Petitioner committed to the Ordinance screening
4 requirements.

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

7 MR. PRATT: Second.

8 JUDGE SLAVIN: Before the second,
9 Mr. Schoenholz, will you take a friendly
10 amendment from the Chair? I just caught the --
11 trying to be consistent throughout -- ask you
12 guys to be consistent throughout your motions,
13 that the leaseholder is the 24 acres and the
14 project parcel is the bigger section.

15 Can we change your motion to "project
16 parcel" instead of just "610-acre parcel"?

17 MR. SCHOENHOLZ: I'm fine with that.

18 JUDGE SLAVIN: Still second that,
19 Mr. Pratt?

20 MR. PRATT: Sure, second.

21 JUDGE SLAVIN: All right. Thank you.

22 Mr. Schoenholz, any comment on your
23 motion?

24 MR. SCHOENHOLZ: No.

1 JUDGE SLAVIN: Any other Board member?

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 there
6 was no clear evidence of any nearby platted
7 subdivisions; and

8 While there are nonparticipating dwellings
9 adjacent to the whole 610-acre project parcel,
10 within which the 24-acre leasehold area is
11 situated, there is only one next to the
12 leasehold area; that is, the Mabley
13 Developmental Center; so

14 For such reason, the Petitioner is
15 requesting a Variance of the Ordinance's
16 screening requirements or, for an interpretation
17 construction that, as used in the particular
18 section of the Ordinance, the term "parcel" is
19 equivalent to "the leasehold area"; and

20 As to the Mabley Developmental Center, the
21 Petitioner committed to the Ordinance screening
22 requirements.

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: Motion is adopted.

7 And you're just over one-third of the way
8 through, in case you wonder what I'm thinking
9 about as you sit there. So we can keep going.

10 MR. PRATT: Your Honor.

11 JUDGE SLAVIN: Yes, sir, Mr. Pratt.

12 MR. PRATT: I make a motion, the Lee
13 County ZBA finds that the Petitioner has stated
14 through the testimony it produced that there
15 would not be any outdoor storage as part of the
16 development.

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

18 MR. BUHROW: Second.

19 JUDGE SLAVIN: Hearing a second, anything
20 you want to say about your motion, Mr. Pratt?

21 MR. PRATT: I changed your "and" to "any"
22 after "would not be."

23 JUDGE SLAVIN: Okay. Thank you.

24 Anything else, Mr. Pratt?

1 MR. PRATT: No, no comment.

2 JUDGE SLAVIN: Any other Board member?

3 MR. HUGHES: Yes. I'm wondering if we
4 shouldn't add, "except during the construction
5 period," because they will have a laydown yard.

6 JUDGE SLAVIN: Would you accept that as a
7 friendly amendment, Mr. Pratt?

8 MR. PRATT: Yes.

9 JUDGE SLAVIN: Take a look at that,
10 Mr. Hughes. Let me highlight it.

11 MR. HUGHES: That's fine.

12 JUDGE SLAVIN: Except for the two periods.
13 Does that look good?

14 MR. HUGHES: Yes, sir.

15 JUDGE SLAVIN: Is that okay with you,
16 Mr. Pratt?

17 MR. PRATT: Yes.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: All right. I will put the
21 question then. No other Board member wanting to
22 speak, the question being put is whether the Lee
23 County ZBA finds that the Petitioner has stated
24 through the testimony it produced that there

1 would not be any outdoor storage as part of the
2 development, except during the construction
3 period.

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: 28 for 28. Save that and
12 go on.

13 MR. HUGHES: Moving on to Draft Number 29,
14 the motion being, the Lee County ZBA finds that
15 through a combination of its application and the
16 testimony it produced, the Petitioner has stated
17 that, if approved:

18 Construction of the proposed SES
19 development would take between a 3-month "peak
20 period" and 12 months overall to complete,
21 beginning during the year 2023; and

22 The proposed construction activity would
23 occur between the hours of 6 a.m. and 9 p.m.,
24 seven days per week; and

1 That other than the peak period, when all
2 trucks would be weight and dimensionally U.S.
3 and Illinois Department of Transportation
4 compliant, there would be little to no effect on
5 traffic conditions in the area of the proposed
6 development.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BUHROW: Second.

9 JUDGE SLAVIN: Got one.

10 Anything you want to say, Mr. Hughes?

11 MR. HUGHES: No. I'll let it be at that.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I will put the question. The question being put
16 is on the adoption of the motion as so well and
17 accurately read by Mr. Hughes and displayed here
18 on the board.

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: 29 is down.

MR. BUHROW: Mr. Chairman.

JUDGE SLAVIN: Mr. Buhrow.

MR. BUHROW: On Point 30, I move the Lee County ZBA finds that, in its application and through the testimony of one of its agents, after flyer notices to Lee County and Dixon Township Board members, the Lee County Zoning Office staff and all entities owning real estate within 1,000 feet of the proposed project:

It hosted a community meeting on July 18th, 2022, from 3 p.m. to 6 p.m., within the Wooden Wonderland Shelter on Washington Avenue in Dixon;

At which approximately 35 attendees appeared;

Who were shown a site plan and whose questions were answered.

JUDGE SLAVIN: Do I hear a second?

MR. PRATT: Second.

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

MR. BUHROW: I don't think so.

1 JUDGE SLAVIN: Any other Board member?

2 (No verbal response.)

3 JUDGE SLAVIN: All right. Hearing none,
4 seeing none, I'll put the question. The
5 question being put is on the adoption of the
6 motion as read and -- by Mr. Buhrow and
7 displayed here on the Board.

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 (Forster, Schoenholz, Meyer and
12 Pratt simultaneously responded.)

13 MR. HUGHES: Yes.

14 JUDGE SLAVIN: All those opposed by nay.

15 (No verbal response.)

16 JUDGE SLAVIN: Motion is adopted
17 unanimously. Okay.

18 MR. SCHOENHOLZ: Mr. Chairman, I would
19 like to make a motion, on Point 31, the Lee
20 County ZBA finds that the Petitioner has
21 submitted in its application a schematic survey
22 and site plan for the proposed Meadow Solar SES
23 with existing conditions of the project parcel
24 showing, or that includes, the following of, or

1 for, the proposed development property:

2 Property lines from the existing
3 boundaries, including the names of adjacent
4 property owners and the current use of those
5 properties; and

6 The existing public roads; and

7 The topography at 2-foot intervals; and

8 Shows the type and percentage coverage of
9 existing vegetation;

10 Forest at 55.3 percent;

11 Crops, pasture and grassland at

12 29.8 percent;

13 Developed area at 13.2 percent;

14 Open water at 1.3 percent;

15 Wetlands at 0.3 percent;

16 And scrub at 0.1 percent;

17 Through the inclusion of a National
18 Wetlands Inventory Review, that there are no
19 waterways, streams and rivers within the
20 proposed project parcel; and

21 A copy of the most current FEMA FIRM map
22 of the proposed project parcel; and

23 A mapped Lee County Soil Survey; and

24 Surface water drainage pattern; but

1 Not drainage tiles, as the Developer has
2 not done a drainage tile survey, but one of its
3 agents testified will be done prior to the
4 beginning of construction; and

5 Existing utilities and the lack of
6 pipelines.

7 JUDGE SLAVIN: Second?

8 MR. PRATT: Second.

9 JUDGE SLAVIN: Got a second.

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

12 MR. SCHOENHOLZ: No, nothing more.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: Hearing none, seeing none,
16 I will put the question. The question being put
17 is on the adoption of the motion as so well read
18 by Mr. Schoenholz and displayed on the board.

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: All those opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: That one goes on the left side of the ledger as well.

MR. PRATT: Your Honor.

JUDGE SLAVIN: Yes, sir, Mr. Pratt.

MR. PRATT: I make a motion, the Lee County ZBA finds that the Petitioner has submitted an SES plan in its application and, to some degree, its testimony, that adequately shows or explains the following for the proposed development property:

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

The planned location of one access road; and

The planned steel chain link fence; and

The planned interconnection that would directly tie into the ComEd utility line located immediately to the south of the proposed project site; and

The proposed development's planned new electrical equipment; and

An acceptable "weed/grass control plan"; and

1 An acceptable "landscape plan."

2 JUDGE SLAVIN: Before I get any seconds, I
3 want to make sure. I got turned around a couple
4 times on the map.

5 MR. PRATT: Yeah, I think "south" should
6 be "north."

7 JUDGE SLAVIN: So you'll change your
8 motion from "south" to "north"?

9 MR. PRATT: To the north.

10 MR. HUGHES: Yup.

11 MR. PRATT: That would be my motion then.

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

13 MR. SCHOENHOLZ: Second.

14 JUDGE SLAVIN: Got a second.

15 Anything you want to say, Mr. Pratt?

16 MR. PRATT: No comment.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, seeing none,
20 I'll put the question. The question being put
21 is on the adoption of the motion as read by
22 Mr. Pratt and displayed on the board, with the
23 correction from "south" to "north."

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: Motion is adopted.

6 Okay. What do you say?

7 MR. HUGHES: Moving on, the next item,
8 Draft Number 33, the motion being, the Lee
9 County ZBA finds that the Petitioner has, in its
10 application, only submitted exemplar
11 manufacturer's specifications for the equipment
12 for a small-scale, fixed-panel, direct utility-
13 connected community solar project, but has
14 committed to providing project-particular
15 specifications before a building permit is
16 issued.

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

18 MR. BUHROW: Second.

19 JUDGE SLAVIN: Got it.

20 Anything you want to say, Mr. Hughes?

21 MR. HUGHES: No. That should be
22 sufficient.

23 JUDGE SLAVIN: Okay. Any other Board
24 member?

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(No verbal response.)

JUDGE SLAVIN: Hearing none, seeing none, I'll put the question. The question being put is whether the -- on the adoption of the motion as so ably read by Mr. Hughes, displayed on the board.

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: There we go.

MR. BUHROW: Mr. Facilitator, on Point 34, I move the Lee County ZBA finds that, through its application and testimony produced, the Applicant explained that the point of interconnection would be into the adjacent ComEd utility line running along Cemetery Road immediately to the north of the proposed project.

JUDGE SLAVIN: All right.

MR. HUGHES: Second.

1 JUDGE SLAVIN: Do I hear -- thank you.

2 All right. Anything you want to say about
3 your motion, Mr. Buhrow?

4 MR. BUHROW: No.

5 JUDGE SLAVIN: Anything any other Board
6 member wants to address?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I'll put the question. The question being put
10 is on the adoption of the motion whether the Lee
11 County finds that, through its application and
12 testimony produced, the Applicant explained that
13 the point of interconnection would be into the
14 adjacent ComEd utility line running along
15 Cemetery Road immediately to the north of the
16 proposed project.

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: That one is adopted as
23 well. Pass, winner, and we can keep going.

24 MR. SCHOENHOLZ: I would like to make a

1 motion that the Lee County ZBA finds, based on
2 representations made in its application and
3 common local knowledge, that there is no airport
4 or airport approach zone 500 feet of the
5 proposed project.

6 JUDGE SLAVIN: Second.

7 MR. HUGHES: Second.

8 JUDGE SLAVIN: Got a second.

9 Anything you want to say, Mr. Schoenholz?

10 MR. SCHOENHOLZ: No.

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, based on
16 representations made in its application and
17 common local knowledge, that there is no airport
18 or airport approach zone within 500 feet of the
19 proposed project.

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: Those opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: That motion is adopted as
4 well, Gents.

5 MR. PRATT: Your Honor, I make a motion,
6 the Lee County ZBA finds that, based on its
7 application and on the testimony heard, the
8 Petitioner:

9 Submitted an acceptable "fire protection
10 and prevention plan"; and

11 Agreed that it would provide onsite
12 training --

13 JUDGE SLAVIN: I couldn't get it by you.

14 MR. PRATT: -- "to the local fire
15 protection district."

16 JUDGE SLAVIN: I laid that one out for
17 you.

18 MR. PRATT: Even underlined it for me.

19 JUDGE SLAVIN: Like a trap.

20 All right. Do I hear a second?

21 MR. HUGHES: Second.

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

24 MR. PRATT: No, no comment.

1 JUDGE SLAVIN: Any other Board member?

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, seeing none,
4 I'll put the question. The question being put
5 is whether the Lee County ZBA finds that, based
6 on its application and on the testimony heard,
7 the Petitioner:

8 Submitted an acceptable "fire protection
9 and prevention plan"; and

10 Agreed that it would provide onsite
11 training "to the local fire protection
12 district."

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: All those opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: Okie dokie.

21 MR. HUGHES: The next motion being, the
22 Lee County ZBA finds that the Developer, as
23 shown in its application and through its
24 produced testimony:

1 Initiated a review consultation with the
2 Illinois Department of Natural Resources (IDNR)
3 through the Department's EcoCAT program, which
4 results indicated no record of any State-listed
5 threatened or endangered species, Illinois
6 Natural Inventory Sites, dedicated Illinois
7 Nature Preserves, or Registered Land and Water
8 Reserves in the vicinity of the project
9 location; and

10 There apparently has been no attempt to
11 locate any historic sites within the proposed
12 leasehold area.

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

14 MR. BUHROW: Second.

15 JUDGE SLAVIN: Anything you want to say,
16 Mr. Hughes?

17 MR. HUGHES: I don't believe so.

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 on the adoption of the motion as so well read
23 by Mr. Hughes and displayed on the board here in
24 the courtroom.

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 and the previous
9 motion are both declared adopted.

10 MR. BUHROW: Mr. Chairman, on Section 38,
11 I move the Lee County ZBA finds that the
12 Petitioner acknowledged in its application, and
13 through the testimony it produced, the Lee
14 County Ordinance requirements for it to submit a
15 Road Use Agreement between it and appropriate
16 governing bodies to the Lee County Board at
17 least 30 days in advance of it being issued a
18 building permit.

19 MR. HUGHES: Second.

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

22 MR. BUHROW: No, sir.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I'll put the question. The question being put
3 is whether the Lee County ZBA finds that the
4 Petitioner acknowledged in its application, and
5 through the testimony it produced, the Lee
6 County Ordinance requirement for it to submit a
7 Road Use Agreement between it and appropriate
8 governing bodies to the Lee County Board at
9 least 30 days in advance of it being issued a
10 building permit.

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: Okie dokie. That's adopted
19 as well.

20 MR. SCHOENHOLZ: I would like to move that
21 the Lee County ZBA finds that, in its
22 application and through its testimony:

23 As to stormwater and drainage, the ZBA was
24 not presented with a stormwater management plan

1 or a drainage permit, but the Petitioner
2 assured:

3 To adhere to the AIMA standards for soil
4 retention and restoration; and

5 Providing an engineer certified "storm
6 water management plan" to obtain a drainage
7 permit from the Lee County engineer; and

8 There would be no topsoil taken from the
9 proposed project site, but, should it happen to
10 do so, it would follow the requirements of the
11 AIMA; and

12 Because 25.8 percent of the project parcel
13 ground is classified as "prime farmland" as
14 defined by the U.S. Department of Agriculture;

15 To minimize any disturbance to the same by
16 following the recommendations of the Lee County
17 Soil and Water Conservation District's Natural
18 Resources Information Report; and

19 Follow all other requirements of the Lee
20 County Ordinance regarding "prime farmland."

21 JUDGE SLAVIN: Do I hear a second?

22 MR. PRATT: Second.

23 JUDGE SLAVIN: Got it.

24 Anything you want to say about your own

1 motion, Mr. Schoenholz?

2 MR. SCHOENHOLZ: No, I don't think so.

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 on the adoption of the motion as
8 Mr. Schoenholz so well read and as displayed in
9 front of you gents.

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: All those opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: Motion is adopted.

18 And it is time for a break. Ten minutes.
19 20 after.

20 (A recess was taken at 8:12 p.m.
21 and proceedings resumed at
22 8:23 p.m.)

23 JUDGE SLAVIN: All right. Floor is back
24 open.

1 MR. PRATT: Your Honor, I make a motion.
2 The Lee County ZBA finds that, in its
3 application and through the testimony it
4 produced, the developer acknowledged its
5 Ordinance-driven obligation to enter into an
6 AIMA prior to obtaining a building permit.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BUHROW: Second.

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

11 MR. PRATT: No comment.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I will put the question. The question being put
16 is whether the Lee County ZBA finds that in its
17 application and through the testimony it
18 produced, the developer acknowledged its
19 Ordinance-driven obligation to enter into an
20 AIMA prior to obtaining a building permit.

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 carries.

Yes.

MR. HUGHES: Moving on to the next motion, the Lee County ZBA finds, through its application and testimony it produced, the Petitioner:

Did commit to contacting any drainage districts which area includes the location of the proposed SES to confirm that they were unaware of any such tiles; and

If any were found and subsequently damaged, to repair the same within the standard AIMA provisions of 12 months.

JUDGE SLAVIN: Do I hear a second?

MR. BUHROW: Second.

JUDGE SLAVIN: Got it.

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

MR. HUGHES: Yes. Actually, I don't know that there's any change necessary on here because the provision of 12 months is what was

1 reflected in the testimony; however, I did want
2 to state that the AIMA addresses two different
3 areas: one, adjacent properties, and, one,
4 damage within the area. The damage within the
5 project area is a 12-month provision. The
6 adjacent properties, if it's impacting the
7 adjacent properties, it's actually an immediate.

8 However, they have stated they will comply
9 with the AIMA. So I think that the wording in
10 this draft -- or in this motion is appropriate
11 as stands.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I will put the question. The question being put
16 is whether the Lee County ZBA, through its
17 application and testimony it produced, the
18 Petitioner:

19 Did commit to contacting any drainage
20 districts which area includes the location of
21 the proposed SES to confirm that they were
22 unaware of any such tiles; and

23 If any were found and subsequently
24 damaged, to repair the same within the standard

1 AIMA provision of 12 months.

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: Okay. Pass.

10 MR. BUHROW: Mr. Chairman, on Point 42, I
11 move the Lee County finds that:

12 The Petitioner did not produce a
13 communication interference analysis; but

14 Did, through the testimony it produced,
15 aver that there would be no such interference;
16 and

17 Given the relatively small scale of the
18 proposed project, it is unlikely to cause any
19 such interference; and

20 If there were to be any such interference,
21 the Petitioner committed, in the testimony it
22 produced, to comply with the Lee County
23 Ordinance requirements to respond and mitigate.

24 JUDGE SLAVIN: Do I hear a second?

1 MR. HUGHES: Second.

2 JUDGE SLAVIN: Got it.

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

5 MR. BUHROW: I think it's okay, good.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I will put the question. The question being put
10 is on the motion as Mr. Buhrow so ably read and
11 as displayed here in the courtroom.

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

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: That motion is adopted.

20 Just a minute here. Okay. Next.

21 MR. SCHOENHOLZ: I would like to make a
22 motion that the Lee County ZBA finds that:

23 The Petitioner did not produce -- oh,
24 sorry. Wrong one.

1 I would like to make a motion that the Lee
2 County ZBA finds that:

3 In its application, the Petitioner
4 committed to handle, store and dispose of all
5 solid and hazardous waste related to the
6 construction, operation and maintenance of the
7 proposed SES as required by the Lee County
8 Ordinance; but

9 Did explain in its testimony that it did
10 not believe there would be any hazardous
11 material involved in the construction, operation
12 and maintenance of the proposed SES.

13 JUDGE SLAVIN: Do I hear a second?

14 MR. PRATT: Second.

15 JUDGE SLAVIN: Got it.

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

18 MR. SCHOENHOLZ: No.

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

21 (No verbal response.)

22 JUDGE SLAVIN: Hearing none, seeing none,
23 I'll put the question. The question being put
24 is on the adoption of the motion as

1 Mr. Schoenholz so ably just read and is
2 displayed on the board here in the courtroom.

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: Okie dokie.

11 MR. PRATT: Your Honor, I make a motion,
12 the Lee County ZBA finds that any
13 decommissioning provisions of the Lee County
14 Ordinance are now a function of an executed AIMA
15 and the issuance of a building permit.

16 JUDGE SLAVIN: Second.

17 MR. HUGHES: Second.

18 JUDGE SLAVIN: Anything you want to say,
19 Mr. Pratt?

20 MR. PRATT: No comment.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: I'LL put the question. The
24 question being put is whether the Lee County ZBA

1 finds that any decommissioning provisions of the
2 Lee County Ordinance are now a function of an
3 executed AIMA and the issuance of a building
4 permit.

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: Motion is a winner.

13 And you go onward and upward. I think.
14 Just a minute.

15 Okay. Sorry.

16 MR. HUGHES: The next motion being, the
17 Lee County ZBA finds that, if its petition is
18 granted, the Petitioner committed in its
19 application, and through the testimony of one of
20 its agents, to maintain insurance as required by
21 the Lee County Ordinance.

22 JUDGE SLAVIN: Do I hear a second?

23 MR. BUHROW: Second.

24 JUDGE SLAVIN: Got it.

1 Any comment, Mr. Hughes?

2 MR. HUGHES: No, sir.

3 JUDGE SLAVIN: Board members?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, seeing none,
6 I'll put the question. The question being put
7 is on the adoption of the motion as Mr. Hughes
8 read.

9 Adoption requires a vote by the majority.
10 The vote is going to be by voice. All those in
11 favor indicate by saying aye.

12 (All those simultaneously
13 responded.)

14 JUDGE SLAVIN: Opposed by nay.

15 (No verbal response.)

16 JUDGE SLAVIN: Passed.

17 Next.

18 MR. BUHROW: Mr. Chairman, on Point 46, I
19 move, the ZBA finds that there was evidence that
20 the LESA score for the project parcel is 74.

21 JUDGE SLAVIN: Do I hear a second?

22 MR. HUGHES: Second.

23 MR. SCHOENHOLZ: Second.

24 JUDGE SLAVIN: Got it.

1 Any other Board member -- excuse me.

2 Anything you want to say, Mr. Buhrow?

3 MR. BUHROW: No, sir.

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

6 (No verbal response.)

7 JUDGE SLAVIN: Hearing none, seeing none,
8 I'll put the question. The question being put
9 is whether the Lee County ZBA finds that there
10 was evidence that the LESA score for the project
11 parcel is 74.

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

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Guess what, that's a winner
20 too. And onward. Ball is in your court.

21 MR. SCHOENHOLZ: I'd like to make a
22 motion, the Lee County ZBA finds that, based on
23 the application and any testimony heard, other
24 than truck traffic and pile driving during

1 construction, there would be detectable
2 vibration associated with this proposed
3 development [as said].

4 JUDGE SLAVIN: How about if I put --
5 inserted the word "no" in your motion?

6 MR. SCHOENHOLZ: That would be proper.

7 MR. HUGHES: Otherwise you should have
8 made the other as "cannot find."

9 JUDGE SLAVIN: With that correction, do I
10 hear a second?

11 MR. PRATT: Second.

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

15 MR. SCHOENHOLZ: No.

16 JUDGE SLAVIN: Any other Board 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, based
21 on the application and any testimony heard,
22 other than truck traffic and pile driving during
23 construction, there would be no detectable
24 vibration associated with this proposed

1 development.

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 carries. Next.

10 MR. PRATT: Your Honor, I make a motion,
11 the Lee County ZBA finds, based on the testimony
12 heard, that, other than perhaps during
13 construction, there would be no particle air
14 pollution or emissions associated with this
15 proposed solar development.

16 JUDGE SLAVIN: Do I hear a second?

17 MR. HUGHES: Second.

18 JUDGE SLAVIN: Got it.

19 Anything you want to say about your
20 motion, Mr. Pratt?

21 MR. PRATT: No comment.

22 JUDGE SLAVIN: Any other Board member?

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, seeing none,

1 I'll put the question. The question being put
2 is on the adoption proposed by Mr. Pratt and
3 displayed here in the courtroom.

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: Passed/adopted. Next.

12 MR. HUGHES: The next motion being, the
13 Lee County ZBA finds that, based on the
14 application and any testimony heard, other than,
15 perhaps, during construction, there would be no
16 odor associated with this proposed solar
17 development.

18 JUDGE SLAVIN: How about that, is there a
19 second to that?

20 MR. BUHROW: Second.

21 JUDGE SLAVIN: Got it.

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

24 MR. HUGHES: Yes. You just need to take

1 out one of the "based on"s.

2 JUDGE SLAVIN: Okay.

3 JUDGE SLAVIN: Well, now I've got to do
4 more than that. Technical glitch. Hold on.
5 Huh, sure do. Correct that grammatical error.
6 Anything else, Mr. Hughes?

7 MR. HUGHES: No, I don't believe so.

8 JUDGE SLAVIN: Any other Board 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, based
13 on the application and any testimony heard,
14 other than perhaps, during construction, there
15 would be no odor associated with this proposed
16 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 signify by saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: It's good. Next.

1 MR. BUHROW: Mr. Chairman, on Point 50, I
2 move the Lee County ZBA finds that, based on the
3 testimony heard, there would be no electrical
4 magnetic fields created by the operation of the
5 proposed SES.

6 JUDGE SLAVIN: Do I hear a second to that?

7 MR. HUGHES: Second.

8 JUDGE SLAVIN: Anything you want to say,
9 Mr. Buhrow?

10 MR. BUHROW: Nothing, no.

11 JUDGE SLAVIN: Any other Board member?

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, based
16 on the testimony heard, there would be no
17 electromagnetic fields created by the operation
18 of the proposed SES.

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: All opposed by nay.

1 (No verbal response.)

2 JUDGE SLAVIN: Touchdown.

3 Next.

4 MR. SCHOENHOLZ: I'd like to make a motion
5 that the Lee County ZBA finds that, based on the
6 testimony heard, other than, perhaps, during
7 construction, there would be insignificant heat
8 associated with this solar development that
9 affects adjoining properties.

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

11 MR. PRATT: Second.

12 JUDGE SLAVIN: Anything you want to say
13 about your own motion, Mr. Schoenholz?

14 MR. SCHOENHOLZ: No.

15 JUDGE SLAVIN: Any other Board member?

16 MR. HUGHES: Yes. Again we have got one
17 of those negative sides. I believe that
18 actually should be "cannot" find that there
19 would significant -- or it would be
20 insignificant heat.

21 JUDGE SLAVIN: Yeah, you know what --

22 MR. HUGHES: Oh, wait, no, did I read that
23 wrong? Finds that, based on the testimony
24 heard, other than, perhaps during construction

1 there would be insignificant -- yup, I'm sorry.
2 I misread. Thank you.

3 JUDGE SLAVIN: Got it. You had me going
4 too, but I think that's right.

5 MR. HUGHES: It is. It is.

6 JUDGE SLAVIN: All right. Any other Board
7 member?

8 (No verbal response.)

9 JUDGE SLAVIN: Hearing none, seeing none,
10 I will put the question. The question being put
11 -- I'm going to read it again -- the Lee County
12 ZBA finds that, based on testimony heard, other
13 than, perhaps during construction, there would
14 be insignificant heat associated with this solar
15 development that affects adjoining properties.

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: One scored. Next.

24 MR. PRATT: Your Honor, make a motion the

1 Lee County ZBA finds that, based on the
2 application and testimony heard, there would be
3 no particularly-identifiable fire or explosion
4 hazards associated with this proposed solar
5 project.

6 JUDGE SLAVIN: Do I hear a second?

7 MR. BUHROW: Second.

8 JUDGE SLAVIN: Anything you want to say,
9 Mr. Pratt?

10 MR. PRATT: No comment.

11 JUDGE SLAVIN: Any other Board member?

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, based
16 on the application and testimony heard, there
17 would be no particularly-identifiable fire or
18 explosion hazards associated with this proposed
19 solar project.

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: Goal. All right. Next.

4 MR. HUGHES: Okay. Moving on to Draft
5 Number 53. The motion being, the Lee County ZBA
6 finds that, based on testimony heard:

7 Other than human waste generated during
8 the construction phase, there would be no
9 particularly-identifiable toxic or noxious
10 materials generated by this solar development;
11 and

12 The Petitioner indicated that the
13 aforementioned human waste would be handled by
14 port-a-potties.

15 JUDGE SLAVIN: Second?

16 MR. BUHROW: Second.

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

19 MR. HUGHES: No, sir.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

22 JUDGE SLAVIN: Hearing none, seeing none,
23 I will put the question. The question being put
24 is on the adoption of the motion as Mr. Hughes

1 so aptly read and is displayed here in the
2 courtroom.

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: It's a winner. Okay.

9 MR. BUHROW: Your Honor, on Point 54, I
10 move that the Lee County ZBA finds that, based
11 on testimony heard, there would be no
12 particularly-identifiable hazardous materials,
13 including batteries, associated with this
14 proposed project.

15 JUDGE SLAVIN: Do I hear a second?

16 MR. HUGHES: Second.

17 JUDGE SLAVIN: Got it.

18 Anything you want to say about your
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'll put the question. The question being put

1 is on the adoption of the motion Mr. Buhrow so
2 ably read and displayed here in the courtroom.

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

6 (All those simultaneously
7 responded.)

8 JUDGE SLAVIN: Opposed by nay.

9 (No verbal response.)

10 JUDGE SLAVIN: Rollin', rollin', rollin',
11 Rawhide.

12 MR. SCHOENHOLZ: I would like to make a
13 motion that the Lee County ZBA finds that the
14 character of the land within the leasehold area
15 of the proposed Meadow Solar, LLC, development
16 is agricultural and recreational.

17 JUDGE SLAVIN: How about that, for a
18 second?

19 MR. PRATT: Second.

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

22 MR. SCHOENHOLZ: Nothing further.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I'll put the question. The question being put
3 is whether the Lee County ZBA finds that the
4 character of the land within the leasehold area
5 and the proposed -- of the proposed Meadow
6 Solar, LLC, development is agricultural and
7 recreational.

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: Carried.

16 MR. PRATT: Your Honor.

17 JUDGE SLAVIN: 56, yes.

18 MR. PRATT: Make a motion that the Lee
19 County ZBA finds, based on an expert report
20 submitted into evidence, that the proposed
21 project would have no effect on nearby property
22 values.

23 JUDGE SLAVIN: We have got a motion. Do I
24 hear a second?

1 MR. HUGHES: Second.

2 JUDGE SLAVIN: Got a second.

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

5 MR. PRATT: Once you get everything
6 crossed out.

7 JUDGE SLAVIN: I don't know why I had
8 trouble -- difficulty drafting that, but I did.

9 Anything you want to say about your
10 motion?

11 MR. PRATT: You may want to take that "a"
12 out with it. "Would have a."

13 JUDGE SLAVIN: Oh, thank you.

14 MR. PRATT: That's my motion. No comment.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, seeing none,
18 I will put the question. The question being put
19 is whether the Lee County ZBA finds, based on an
20 expert report submitted into evidence, that the
21 proposed project would have no effect on nearby
22 property values.

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: That motion is adopted as
7 well.

8 Okay. Let me save it and we'll go.

9 MR. HUGHES: Moving on, the next motion
10 being, the Lee County ZBA finds that, based on
11 testimony received, that the proposed project
12 would increase area employment during the
13 construction phase through approximately
14 \$6 million in Illinois union labor, prioritizing
15 local hiring; but there was no evidence of
16 identifiable benefit to area employment during
17 its operation.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. BUHROW: Second.

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

22 MR. HUGHES: I don't believe so.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I'll put the question. The question being put
3 is on the adoption of the motion as Mr. Hughes
4 so well read it and as displayed here in the
5 courtroom.

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: Okie dokie.

14 MR. BUHROW: Mr. Chairman, on Number 58, I
15 move the Lee County ZBA finds that one of the
16 Petitioner's agents testified that the tax
17 revenue generated over the extended life of the
18 proposed project would be estimated to be
19 \$630,000.

20 JUDGE SLAVIN: Do you mind if I cross off
21 the word "would"?

22 MR. BUHROW: Yes.

23 JUDGE SLAVIN: That was sloppy.

24 Is that okay with you, Mr. Buhrow?

1 MR. BUHROW: That's fine.

2 JUDGE SLAVIN: Okay. Do I have a second
3 now?

4 MR. HUGHES: Second.

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

7 MR. BUHROW: No. It's good now.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Okay. I'll put the
11 question. The question being put is whether the
12 ZBA finds that one of the Petitioner's agents
13 testified that the tax revenue generated over
14 the extended life of the proposed project is
15 estimated to be \$630,000.

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: Motion is adopted.

24 MR. HUGHES: I would like to move that the

1 Lee County ZBA finds that, during the testimony,
2 it was revealed that, if the project was
3 approved and completed:

4 The Dixon Park District would be receiving
5 \$1500 per acre lease payments and a \$150,000
6 donation from the proposed Project's developer;
7 and

8 One of the Applicant's agents committed to
9 making a contribution to the Mabley Development
10 Center.

11 JUDGE SLAVIN: Do I hear a second?

12 MR. HUGHES: Second.

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

16 MR. SCHOENHOLZ: I would like to just
17 clarify the lease payment is \$1500 per acre per
18 year.

19 JUDGE SLAVIN: Okay. So it's your motion.
20 So you want to change your own motion to "\$1500
21 annual per acre lease payment"? Is that all
22 right with you?

23 MR. SCHOENHOLZ: That would be fine.

24 JUDGE SLAVIN: Okay. Look at it. Is that

1 your motion?

2 MR. SCHOENHOLZ: Yes.

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

4 MR. PRATT: Second.

5 JUDGE SLAVIN: Got a second.

6 Now, any other comments you want to make,
7 Mr. Schoenholz, about your motion?

8 MR. SCHOENHOLZ: No.

9 JUDGE SLAVIN: Any other Board member?

10 MR. PRATT: I would like to make a
11 suggestion that we also include \$1500 annual per
12 acre lease payments, with a 3 percent per year
13 escalator.

14 MR. SCHOENHOLZ: I would be happy with
15 that change.

16 JUDGE SLAVIN: All right. May I use the
17 word "including"? Let me just type it out and
18 see what you think, Mr. Pratt.

19 3 percent annual. Does that look right?

20 MR. HUGHES: No, because the way you have
21 got it written, the 1500 would be including --
22 to include -- no.

23 JUDGE SLAVIN: Oh, yup, yup, yup. Got it.

24 Mr. Schoenholz, go ahead and look at that.

1 MR. SCHOENHOLZ: Should I reread the
2 motion?

3 JUDGE SLAVIN: No. Look at what's up
4 there now and tell me if, first of all, that's
5 what you want. It's your -- you have got the
6 floor.

7 MR. SCHOENHOLZ: Yeah, that looks more
8 complete.

9 JUDGE SLAVIN: Okay. The floor is open
10 for a second.

11 MR. PRATT: Second.

12 JUDGE SLAVIN: Anything else you want to
13 say about your motion, Mr. Schoenholz?

14 MR. SCHOENHOLZ: No.

15 JUDGE SLAVIN: Back to the floor. Any
16 other Board member?

17 MR. HUGHES: Just a little scribner's, you
18 might want to include "escalator" in your
19 highlighting.

20 JUDGE SLAVIN: Thank you. Yup, sure do.
21 Okay.

22 MR. BUHROW: Question I had was, Mike, was
23 this mentioned anyplace at all by the
24 Petitioner?

1 MR. PRATT: Yes, it was in the testimony.

2 MR. BUHROW: Okay. I didn't catch that.

3 Thank you.

4 JUDGE SLAVIN: Any other Board member?

5 (No verbal response.)

6 JUDGE SLAVIN: All right. Hearing none,
7 seeing none, I will put the question, and this
8 one I will read.

9 The question being put is whether the Lee
10 County ZBA finds that, during the testimony, it
11 was revealed that, if the project was approved
12 and completed:

13 The Dixon Park District would be receiving
14 \$1500 annual per acre lease payments, to include
15 a 3 percent annual escalator, and a \$150,000
16 donation from the proposed Project's developer;
17 and

18 One of the Applicant's agents committed to
19 making a contribution to the Mabley
20 Developmental Center.

21 I'm going to correct that myself.

22 Adoption of the motion --

23 MR. SCHOENHOLZ: Can I --

24 JUDGE SLAVIN: No. The floor is done now.

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: All right. Now,
9 Mr. Schoenholz, now is the time, if you want to
10 make a new motion, the floor is open on the
11 thing that you were going to say, whatever it
12 was.

13 MR. SCHOENHOLZ: I was just going to ask
14 if we could, in the top sentence, just add
15 "during the testimony of Mr. Long"?

16 JUDGE SLAVIN: I have a motion to amend.
17 Mr. Schoenholz wants to move to amend -- and
18 I'll put that in blue. You tell me where you
19 want that.

20 "During the testimony of Mr. Long," is
21 that what you want?

22 MR. SCHOENHOLZ: Correct.

23 JUDGE SLAVIN: Let's take a look at that.

24 All right. You're moving to amend. So

1 does that look like what you want?

2 MR. SCHOENHOLZ: Yes.

3 JUDGE SLAVIN: Do I hear a second to the
4 motion to amend?

5 MR. PRATT: Second.

6 JUDGE SLAVIN: Anything you want to say
7 about your motion to amend, Mr. Schoenholz?

8 MR. SCHOENHOLZ: No.

9 JUDGE SLAVIN: Any other Board member?

10 (No verbal response.)

11 JUDGE SLAVIN: Hearing none, seeing none,
12 I'll put the question, and the question is
13 whether or not the motion -- a motion which has
14 already passed should be amended now to include
15 the words "Mr. Long."

16 So adoption of the motion to amend
17 requires a vote by the majority. The vote will
18 be by voice. All those in favor indicate by
19 saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: Motion passed.

1 Now the motion becomes whether or not to
2 adopt a motion, which now is pending, that the
3 Lee County ZBA finds that, during the testimony
4 of Mr. Long, it was revealed that, if the
5 project was approved and completed:

6 The Dixon Park District would be receiving
7 \$1500 annual per acre lease payments, to include
8 a 3 percent annual escalator, and a \$150,000
9 donation from the proposed Project's developer;
10 and

11 One of the Applicant's agents committed to
12 making a contribution to the Mabley
13 Developmental Center.

14 Adoption of the motion requires a vote by
15 the majority -- the amended motion requires a
16 vote by the majority. If you voted -- if you
17 made the original motion, you have to vote for
18 this motion. All those in favor indicate by
19 saying aye.

20 (All those simultaneously
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: Motion carries.

1 MR. HUGHES: Do you want to highlight "of
2 Mr. Long"?

3 JUDGE SLAVIN: Yeah, thank you. Sort of
4 highlighted now, but you're right.

5 MR. HUGHES: I think it also includes "of
6 Mr. Long."

7 JUDGE SLAVIN: Thank you, yup. Well, it's
8 that Mrs. Duffy's mouse.

9 Next.

10 MR. PRATT: You have a Number 60. I don't
11 have a Number 60. So I'll read it off the
12 screen there.

13 Your Honor, I make a motion that the Lee
14 County ZBA finds that members of the ComEd
15 customer base community would have the
16 opportunity to reduce their electric costs by
17 subscribing to this proposed community solar
18 project.

19 JUDGE SLAVIN: Do I hear a second?

20 MR. HUGHES: Second.

21 JUDGE SLAVIN: Got it.

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

24 MR. PRATT: No comment.

1 JUDGE SLAVIN: Any other Board member?

2 (No verbal response.)

3 JUDGE SLAVIN: Adoption of the motion
4 requires a -- excuse me -- yeah, adoption of the
5 motion requires a vote by the majority. The
6 vote will be by voice. All those in favor
7 indicate by saying aye.

8 (All those simultaneously
9 responded.)

10 JUDGE SLAVIN: Opposed by nay.

11 (No verbal response.)

12 JUDGE SLAVIN: Okay. Going on to 61.

13 MR. PRATT: I have that one.

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

21 JUDGE SLAVIN: Do I hear a second?

22 MR. BUHROW: Second.

23 JUDGE SLAVIN: Anything you want to say,
24 Mr. Hughes?

1 MR. HUGHES: No. That's self-explanatory.

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 -- is on the motion Mr. Hughes read
7 and explained and is displayed on the board.

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 carries.

16 MR. BUHROW: Mr. Chairman, on Section 62,
17 I move the Lee County ZBA finds that, based on
18 the testimony heard, that, while there would be,
19 of course -- while there would, of course, be
20 photovoltaic energy conversion as part of the
21 proposed SES, there was testimonial evidence
22 that there are no electromagnetic fields created
23 by this proposed SES development, thus not
24 affecting the health of life surrounding it.

1 JUDGE SLAVIN: Do I hear a second?

2 MR. HUGHES: Second.

3 JUDGE SLAVIN: Got it.

4 Anything you want to say, Mr. Buhrow?

5 MR. BUHROW: No.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I'll put the question. The question being put
10 is on the adoption of the motion as read by
11 Mr. Buhrow and displayed on the board.

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

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: Opposed, nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Unanimously passed.

20 Next.

21 MR. SCHOENHOLZ: I would like to move that
22 the Lee County ZBA finds that an agent for
23 Meadow Solar, LLC, testified under oath or
24 affirmation that the Petitioner would be bound

1 by any and all proposals, promises, statements
2 and representations in its application for an
3 SUP or made under oath at the public hearing
4 before the Lee County ZBA, even if not expressly
5 specified herein or therein.

6 JUDGE SLAVIN: Second?

7 MR. HUGHES: Second.

8 JUDGE SLAVIN: Got it.

9 Anything you want to say about your own
10 motion, Mr. Schoenholz?

11 MR. SCHOENHOLZ: No.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I put the question as so well read by
16 Mr. Schoenholz and shown here on the board in
17 the courtroom.

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: Ole' ole'. Next.

2 MR. PRATT: Your Honor, I'd like to make a
3 motion, the Lee County ZBA finds that the
4 Petitioner has requested two Variances from the
5 Lee County Ordinance:

6 To reduce the 400-foot, Section
7 10-15-20-D.1-f(1)B setback from the foundation
8 of an adjacent nonparticipating primary
9 dwelling; more particularly, the Mabley
10 Developmental Center, to 225 feet; and

11 To interpret the concept of adjacent in
12 the Section 10-15-20-D.1(k) screening
13 requirement for any nonparticipating dwelling as
14 being from the boundary of 24-acre leasehold
15 area and not the boundary of the 610-acre
16 project parcel within which the proposed SES
17 would lay.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. HUGHES: Second.

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

22 MR. PRATT: No comment.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: All right. I will put the
2 question. The question being put is on the
3 adoption of the motion as Mr. Pratt so well read
4 it and is displayed in front of you in the
5 courtroom.

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: Okay. We're still at it.

14 MR. HUGHES: I would move that the Lee
15 County ZBA finds that a strict application of
16 both the setback requirement and the
17 interpretation of the meaning of "parcel" in
18 Section 10-15-20A of the Lee County Ordinance
19 would impose practical difficulties and/or
20 particular hardships on the Petitioner.

21 JUDGE SLAVIN: Second?

22 MR. BUHROW: Second.

23 JUDGE SLAVIN: Got it.

24 Anything you want to say, Mr. Hughes?

1 MR. HUGHES: No. I believe that's
2 sufficient.

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 or not the Lee County ZBA finds that
8 a strict application of both the setback
9 requirement and the interpretation of the
10 meaning of "parcel" in Section 10-15-20A of the
11 Lee County Ordinance would impose practical
12 difficulties and/or particular hardships on the
13 Petitioner.

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

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: Opposed?
20 (No verbal response.)

21 JUDGE SLAVIN: That motion is adopted.
22 And you know what's coming next because
23 you do this all the time, but next.

24 MR. BUHROW: Mr. Chairman, on Number 66, I

1 move the Lee County ZBA finds that granting the
2 requested Variations would serve as a
3 convenience to the Petitioner but would be
4 necessary to alleviate a hardship created by the
5 configuration of the parcels and topography
6 involved.

7 MR. SCHOENHOLZ: Second.

8 JUDGE SLAVIN: Got a second.

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

11 MR. BUHROW: It's self-explanatory there.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I'll put the question. The question being put
16 is whether the Lee County ZBA finds that
17 granting the requested Variations would serve as
18 a convenience to the Petitioner but would be
19 necessary to alleviate a hardship created by the
20 configuration of the parcels and the topography
21 involved.

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: Okay.

MR. SCHOENHOLZ: Judge, I would like to
make a motion that the Lee County ZBA finds that
the requested Variances would be in harmony with
the general purpose and intent of Lee County's
Zoning provisions.

JUDGE SLAVIN: I had a little technical --
the mouse got away from me. After all my
machinations here, you better make sure that's
what you said, Mr. Schoenholz.

MR. SCHOENHOLZ: It is.

JUDGE SLAVIN: Okay. Do I hear a second?

MR. PRATT: Second.

JUDGE SLAVIN: You want to address
anything, Mr. Schoenholz?

MR. SCHOENHOLZ: No.

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 the
2 requested Variances would be in harmony with the
3 general purpose and intent of Lee County's
4 Zoning provisions.

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 one is another
13 adopted-and-passed motion.

14 Yes, gentlemen.

15 MR. PRATT: Your Honor, make a motion that
16 the Lee County ZBA finds that the Petitioner has
17 provided Variance maps in its application.

18 MR. HUGHES: Second.

19 JUDGE SLAVIN: Got a second.

20 Anything you want to say about your
21 motion, Mr. Pratt?

22 MR. PRATT: No comment.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, seeing none,
2 I'll put the question. The question being put
3 is whether the Lee County ZBA finds that the
4 Petitioner has provided Variance maps in its
5 application.

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: All those opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion carries. And we're
14 on to whatever you choose to address next.

15 MR. HUGHES: I'd move the Lee County ZBA
16 finds that the Petitioner:

17 Has not provided a written waiver of
18 175 feet of the 400-foot setback requirement
19 from the closest residential structure
20 foundation of the Mabley Developmental Center;

21 But has indicated that the Center is in
22 the process of seeking approval of the requested
23 setback Variance from its governing State
24 agency.

1 JUDGE SLAVIN: Second?

2 MR. BUHROW: Second.

3 JUDGE SLAVIN: Got it.

4 Anything you want to say, Mr. Hughes?

5 MR. HUGHES: No, sir.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: Hearing none, seeing none,
9 I will put the question. The question being put
10 is on the adoption of the motion as read by
11 Mr. Hughes and displayed on the board here -- on
12 the screen in the courtroom.

13 Adoption requires a vote by the majority.
14 The vote will be by voice. All those in favor
15 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.

21 MR. BUHROW: Mr. Chairman, on Point 70, I
22 move the Lee County ZBA finds that the Meadow
23 Solar proposed Special Use would not have much
24 effect on the character of the neighborhood and

1 the surrounding properties.

2 JUDGE SLAVIN: So you want to change the
3 "any" to "much"?

4 MR. BUHROW: Yes.

5 JUDGE SLAVIN: Just a minute.

6 Do I hear a second?

7 MR. PRATT: Second.

8 JUDGE SLAVIN: Actually, you said "much
9 effect."

10 I assume you would still second it with me
11 crossing off that "S," Mr. Pratt?

12 MR. PRATT: I think so.

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

15 MR. BUHROW: I think the wording of "any
16 effect" would imply there could be nothing at
17 all that could effect it. There may be very
18 little but not much effect on the neighborhood.

19 JUDGE SLAVIN: Let me point out, that's
20 the words of your Ordinance, but you're free to
21 do anything you want.

22 Any other Board member want to address it?

23 MR. HUGHES: I would have used a slightly
24 different phrasing but to the same effect that

1 Mr. Buhrow has changed it.

2 JUDGE SLAVIN: Okay.

3 MR. HUGHES: I think with the distance
4 from the residential properties and the visual
5 screening that would be put in the area of the
6 Mabley Center, I -- and with the other part
7 being pretty much open to the other side of the
8 project, I would say that there would be no
9 material or not much effect as well.

10 JUDGE SLAVIN: All right. Any other Board
11 member?

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 the
16 Meadow Solar proposed Special Use would not have
17 much effect on the character of the neighborhood
18 and the surrounding properties.

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: Those opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: Okay, gentlemen. You can move on up.

MR. SCHOENHOLZ: I would like to move that the Lee County ZBA finds that the proposed Special Use would not impose any negative effects on the public health, public safety and/or general welfare.

MR. HUGHES: Second.

JUDGE SLAVIN: Got a second.

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

MR. SCHOENHOLZ: No.

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

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: Motion carries.
7 MR. PRATT: Your Honor, make a motion, the
8 Lee County ZBA finds that the proposed Special
9 Use would not have a material effect on traffic
10 conditions.
11 JUDGE SLAVIN: Do I hear a second?
12 MR. HUGHES: Second.
13 JUDGE SLAVIN: Hearing that, anything you
14 want to say, Mr. Pratt?
15 MR. PRATT: No comment.
16 JUDGE SLAVIN: Any other Board member?
17 (No verbal response.)
18 JUDGE SLAVIN: Hearing none, seeing none,
19 I put the question. The question being put is
20 whether the Lee County ZBA finds that the
21 proposed Special Use would not have a material
22 effect on traffic conditions.
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: All those opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Motion is passed.

7 MR. HUGHES: The next motion being, the
8 Lee County ZBA finds that the proposed Special
9 Use would not have much of an effect on public
10 utility facilities, but it might marginally
11 increase the source of electric power on the
12 grid and decrease the electricity costs to
13 community subscribers and the Dixon Park
14 District.

15 JUDGE SLAVIN: Second?

16 MR. BUHROW: Second.

17 JUDGE SLAVIN: Got a second.

18 Anything you want to say, Mr. Hughes?

19 MR. HUGHES: No.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

22 JUDGE SLAVIN: Hearing none, seeing none,
23 I'll put the question. The question being put
24 is on the adoption of the motion as Mr. Hughes

1 so well read it and is displayed on the screen
2 in front of you.

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: We can keep moving on.

11 MR. BUHROW: Mr. Chairman, on Number 74, I
12 move the Lee County ZBA finds that the proposed
13 SVH SES --

14 JUDGE SLAVIN: Woop. May I correct that
15 right now, please?

16 Okay. Maybe you want to start again.

17 MR. BUHROW: Okay. We'll start again.

18 The Lee County ZBA finds that the proposed
19 Meadow Solar SES project does not carry with it
20 any apparent environmental concerns.

21 JUDGE SLAVIN: Second?

22 MR. HUGHES: Second.

23 JUDGE SLAVIN: Got it.

24 Anything you want to say, Mr. Buhrow?

1 MR. BUHROW: 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 the
7 proposed Meadow Solar SES project does not carry
8 with it any apparent environmental concerns.

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: Okie dokie.

17 MR. SCHOENHOLZ: Your Honor, I would like
18 to make a motion that the Lee County ZBA
19 recommends to the Lee County Board that Meadow
20 Solar, LLC's, petition for Special Use be
21 approved.

22 MR. HUGHES: Second.

23 JUDGE SLAVIN: Got a second.

24 Anything you want to say about that

1 motion, Mr. Schoenholz?

2 MR. SCHOENHOLZ: No.

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 ZBA recommends to the
8 Lee County Board that Meadow Solar, LLC's,
9 petition for Special Use be approved.

10 Adoption of the motion requires a vote by
11 the majority. The vote will be by roll.

12 Mr. Forster?

13 MR. FORSTER: Yes.

14 JUDGE SLAVIN: Mr. Hughes?

15 MR. HUGHES: Yes.

16 JUDGE SLAVIN: Mr. Buhrow?

17 MR. BUHROW: Yes.

18 JUDGE SLAVIN: Mr. Schoenholz?

19 MR. SCHOENHOLZ: Yes.

20 JUDGE SLAVIN: Mr. Pratt?

21 MR. PRATT: Yes.

22 (By voice vote five ayes.)

23 JUDGE SLAVIN: Motion adopted.

24 Okay. We're getting near the end now.

1 MR. PRATT: Your Honor, I make a motion
2 that the Lee County ZBA recommends to the Lee
3 County Board that, if the petition for Special
4 Use is allowed, that the two requested Variances
5 be allowed on the Ordinance-mandated condition
6 that, for the 175-foot setback reduction from
7 the Mabley Developmental Center, a written
8 waiver be obtained and filed with the Lee County
9 Zoning Administrator. Then I was going to add,
10 "before a building permit is issued."

11 That's my motion.

12 JUDGE SLAVIN: Second?

13 MR. SCHOENHOLZ: Second.

14 JUDGE SLAVIN: Got a second.

15 Anything you want to say, Mr. Pratt?

16 MR. PRATT: No comment.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Hearing none, seeing none,
20 I'm going to put the question. The question
21 being put is on the adoption of the motion from
22 Mr. Pratt, he read and so ably added to, and as
23 displayed on the screen here in the courtroom in
24 front of you.

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: Motion is adopted.

9 Okay. Next.

10 MR. HUGHES: Next motion would be, the Lee
11 County ZBA recommends to the Lee County Board
12 that, if the petition for Special Use is
13 allowed, a condition be that construction
14 activities shall commence no earlier than 7 a.m.
15 and shall be discontinued no later than 8 p.m.
16 on Monday through Saturday within one-half mile
17 of a nonparticipating residence.

18 JUDGE SLAVIN: Take a look there,
19 Mr. Hughes, please.

20 MR. HUGHES: Yes, that's fine.

21 JUDGE SLAVIN: Do I hear a second?

22 MR. BUHROW: Second.

23 JUDGE SLAVIN: Anything you want to say,
24 Mr. Hughes?

1 MR. HUGHES: Yes. Although the Ordinance
2 does provide for 6 a.m. to 9 p.m., you have a
3 fair amount of residential area that
4 construction equipment, trucks or laborers would
5 be passing through, and I believe that may be
6 somewhat of a disturbance, as well as the fact
7 that the route -- the construction route to the
8 project goes past the prison, and I believe they
9 have a shift change about 6:30.

10 So primarily for the residential aspect,
11 that it covers or goes so near to a residential
12 area, I think that that would be appropriate.

13 JUDGE SLAVIN: Okay. Thank you.

14 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 whether the Lee County ZBA recommends to the
19 Lee County Board that, if the petition for
20 Special Use is allowed, a condition be that
21 construction activities shall commence no
22 earlier than 7 a.m. and shall be discontinued no
23 later than 8 p.m. on Monday through Saturday
24 within one-half mile of the nonparticipating

1 residence.

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: Okay. Getting real close
10 now.

11 MR. BUHROW: Mr. Chairman, on Point 78,
12 the Lee County ZBA recommends to the Lee County
13 Board that, if the petition for Special Use is
14 allowed and it is found that any subsurface
15 drainage tile is damaged within the proposed
16 site, such damage be repaired to the same or
17 better condition within 60 days.

18 JUDGE SLAVIN: Okay. Take a look. I
19 think that's right. Does that look right?

20 MR. BUHROW: Yes.

21 JUDGE SLAVIN: Okay. Second?

22 MR. PRATT: Second.

23 JUDGE SLAVIN: I hear a second.

24 Anything you want to say about your own

1 motion, Mr. Buhrow?

2 MR. BUHROW: Similar comments as what Glen
3 just had. The AIMA talks, as Glen mentioned
4 earlier, about 12 months and whatnot, but, you
5 know, based on what, you know, our experience is
6 doing tiling, I just see no reason that this
7 shouldn't be fixed in a quicker time than that.
8 It's just a repair, so it's not a complete
9 replacement or anything like that.

10 But I'm open to other ideas, as far as
11 that goes.

12 JUDGE SLAVIN: Any other Board member?

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, seeing none,
15 I will put the question. The question being put
16 is whether the Lee County ZBA recommends to the
17 Lee County Board that if the petition for
18 Special Use is allowed and it is found that any
19 subsurface drainage tile is damaged within the
20 proposed site, such damage be repaired to the
21 same or better condition within 60 days.

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.

Next.

MR. SCHOENHOLZ: Your Honor, I would like
to make a motion that the Lee County ZBA finds
that, thereafter, your Zoning Board of Appeals
considered its findings of fact and
recommendations over the course of one session
on September 13th, 2022, lasting about an hour,
and -- two hours and 17 minutes --

JUDGE SLAVIN: Well, we'll call that two
and a half, how about that?

MR. SCHOENHOLZ: -- two and a half hours,
just about.

JUDGE SLAVIN: I tend to round in
quarters.

Okay. Let me clean it up a little.
That's my surplus in there.

Okay. Take a look, Mr. Schoenholz. Does
that look right?

MR. SCHOENHOLZ: Yes.

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

2 MR. PRATT: Second.

3 JUDGE SLAVIN: Got a second.

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

6 MR. SCHOENHOLZ: No.

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 whether the Lee County ZBA finds that
12 thereafter, your ZBA considered its findings of
13 fact and recommendations over the course of one
14 session on September 13th, 2022, lasting about
15 two and a half hours in total.

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?

22 (No verbal response.)

23 JUDGE SLAVIN: Unanimous.

24 Nice job, guys. That was a world record.

1 Off the record, and turn it back to
2 Mr. Forster.

3 MR. FORSTER: And I would like to ask for
4 a motion to recess until the County Board's vote
5 on the above petition -- or on the petition on
6 Thursday, September 22nd.

7 MR. HUGHES: So moved.

8 MR. PRATT: Second.

9 MR. FORSTER: Have a motion and a second.
10 All in favor say aye.

11 (All those simultaneously
12 responded.)

13 MR. FORSTER: Any opposed?

14 (No verbal response.)

15 MR. FORSTER: Motion carries.

16 The next regular scheduled meeting of the
17 Zoning Board of Appeals will be on the --

18 MS. DUFFY: October 6th.

19 MR. FORSTER: -- 6th of October at 7
20 o'clock.

21 MS. DUFFY: October 3rd is our next
22 meeting. That's a Monday, Monday morning, and
23 that's at 9 a.m.

24 (The hearing was recessed at

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9:22 p.m.)

In Totidem Verbis, LLC (ITV)
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Now on this 13th day of September, A.D., 2022,
I do signify that the foregoing testimony was given
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Administrator

Callie S. Bodmer

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