

LEE COUNTY AD HOC COMMITTEE

Special Meeting

Friday, February 5, 2021, at 9:00AM

County Board Room
Old Lee County Courthouse, Dixon, Illinois

Zoom Video- & Tele-conferencing

Meeting ID: 978 3467 2133

Password: 664673

YouTube

<https://www.youtube.com/watch?v=4YKW4qWNqco&t=6099s>
or search, “Public Ad Hoc Committee Meeting - 02/05/2021” in YouTube

Appointed Ad Hoc Committee Members

Dave Bowers – Chair
Mike Koppien
Chris Norberg
John Nicholson
Tom Kitson
Bruce Forster, ZBA member

At 9:00AM, Chair Dave Bowers called the meeting to order.

Chair Bowers called for roll call of members of the committee and county staff.

Members present:	Bowers, Koppien, Norberg, Nicholson, Kitson, Forster
Members absent:	None
County Staff:	Charley Boonstra – State’s Attorney Dee Duffy – Zoning Administrator Alice Henkel – Zoom operator

The committee reviewed the minutes from the January 22, 2021 meeting. There were no changes and/or corrections. The minutes were approved as submitted.

Chair Bowers recognized the following visitors as present:

Dane Simpson, Interested Party
Jamie Lawson, Interested Party
Keith Bolin, National Grid Renewables
Adam Lusz, Interested Party, via Zoom
Courtney Kennedy, Attorney, via Zoom
Amber Miller, National Grid Renewables, via Zoom

A draft showing the proposed changes from the January 22, 2021 meeting was displayed in the County Board room and was visible via Zoom and YouTube. Chair Bowers explained that a definition section had been added. The terms, "Solar Energy System," and "Residence Exclusion Zone," are defined in this section so far; however, it is anticipated that more definitions will be added.

Chair Bowers proceeded to the next proposed change which is the addition of "Fences," as Paragraph (e) under Section D(1) Design Standards. As proposed, this section sets forth the fence design, including but not limited to size, location, material, warning signage, etc.

Discussion was held as to whether the fences adjacent to non-participating agricultural land should be setback from the property line to allow for maintenance and to ensure the fencing does not impede on the non-participant's farming activities. In cases where barbed wire is used on top of the fence, the fence will be setback from the property line far enough so that no part of the fence crosses the property line. Additionally, it was agreed that a fence adjacent to non-residential, non-participating parcels would be setback three (3) feet from the property line.

Chair Bowers proceeded the proposed Setbacks section. There were no changes to this section from the prior meeting. No additional changes were proposed.

Chair Bowers proceeded to a discussion on the proposed Screening section. As proposed, this section outlines the options non-participating, adjacent homeowners will have with regard to visual screening, which include the option of payment to the non-participating, adjacent homeowner to allow them to place an adequate visual screen on their property or the option of having a visual screen placed the applicant's property near the fence and maintained by the applicant. Additionally, if a non-participating, adjacent homeowner does not select an option, the fence will be setback 600 feet and it still needs to be determined if they will receive the visual screen at the fence line or payment for placement of an adequate visual screen.

Discussion was held regarding how the amount of payment is determined and whether the Zoning Administrator should review the offers prior to issuing a building permit. Submitting the offers at the time of filing the petition was also discussed. Concerns were voiced from a developer's standpoint that a non-participant could prevent a petition from being filed by refusing to negotiate. For a developer it would be more feasible if the offers were required to be submitted as part of the building permit application.

It was agreed that the option selected by the adjacent, non-participating homeowner should be disclosed to the County so that it can have record of what option was selected by the adjacent, non-participating homeowner. It was suggested to require the applicant to submit an affidavit, to be submitted as part of the petition, that outlines which option each adjacent, non-participating homeowner selected.

It was determined that it is the applicant's responsibility to initiate negotiations with adjacent, non-participating homeowners but it will be the responsibility of the adjacent, non-participating homeowner to negotiate in good faith.

The committee then reviewed the proposed the procedure for notifying adjacent, non-participating homeowners of their right to the visual screening offer. It was also discussed that it needs to be

determined how much time an adjacent, non-participating homeowner has to select their option before the default kicks in. It was also discussed what would happen in the case that a landowner isn't properly notified.

Discussion was held on when the payment for the visual screen needs to be made to the adjacent, non-participating homeowner. It was agreed that payment should be made by the time the building permit is granted.

In a case where an adjacent, non-participating homeowner changes their mind after they have selected their option under the visual screening offer, it was agreed that the agreement needs to be mutually binding once decided, unless both parties agree otherwise.

Discussion was held on whether to include language in the ordinance that restrict unnecessary or excessive tree removal as part of constructing and/or maintaining an SES. It was agreed that it should be left up to the participating landowner to be negotiated as part of the land use contract with the applicant.

It was agreed that Community Meeting section that was proposed at the prior meeting should be included in the ordinance as it encourages communication between the applicant and the community. Notice of the community meeting shall be published in the newspaper in addition to mailing notice to residents within 1,000 feet of the proposed project. The community meeting should take place a minimum of 45 days prior to the hearing.

Chair Bowers would like to allow some time for changes to be made to the draft in accordance with the day's discussions; therefore, a date for the next meeting of this committee was not scheduled.

At 11:00 a.m., Chris Norberg motioned for recess to a later date. Motion passed.

*Live feed can be viewed on **YouTube** at [Public Ad Hoc Committee Meeting – 02/05/2021](#).*

Respectfully submitted,
Alice Henkel