

LEE COUNTY AD HOC COMMITTEE

Special Meeting

Friday, February 26, 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=20orXoamHXI>
or search, “Public Ad Hoc Committee Meeting - 02/26/2021” 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

Chair Bowers recognized the following visitors as present:

Jamie Lawson, Interested Party
Adam Lusz, Interested Party
Amber Miller, National Grid Renewables
Keith Bolin, National Grid Renewables
Courtney Kennedy, Attorney
Dave Bally, County Board Member
Jennifer Lawson, Interested Party, via Zoom

The committee reviewed the minutes from the February 5, 2021 meeting. There were no changes and/or corrections. The minutes were approved as submitted.

The most-recent draft was displayed on a screen for everyone to view and was shared via Zoom. Chair Bowers commenced a review of the current document, starting with the definition section. Definitions for the terms, “Dwelling Exclusion Zone” and “Dwelling,” have been added to this section.

The Setbacks section was then reviewed. It has been broken down into two (2) sections, equipment setback and fencing setbacks.

The next section that was reviewed was the Screening section. Language for screening a platted subdivision needed to be added. In an effort to keep uniformity around subdivisions, screening will be placed, and no option will be given to individual lot owners within the subdivision for screening.

Chris Norberg suggested using language similar to Option 2 of the Visual Screening Offer. Attorney Courtney Kennedy brought up the issue of platted subdivisions that have not yet been developed and whether language could be added to address screening of undeveloped subdivisions.

Interested Party Adam Lusz requested clarification of the paragraph that addresses screening and existing topography and/or structures. Chair Bowers explained that this section limits screening on an adjacent, non-participating parcel to areas that are not sufficiently screened by existing topography and/or structures. The intent to place screening only where it is truly needed. Given that Lee County is relatively flat, topography most likely will not influence screening; however, if an existing building on the parcel prevents the solar farm from being seen from the home, it would be pointless to require a screen behind that building that already provides screening.

Interested Party Jennifer Lawson suggested adding language that would prevent the removal of existing trees that provide visual screening.

Mr. Lusz disagrees with limiting screening based on existing structures on a parcel because he feels it is too subjective. Chair Bowers said the Applicant and the non-participating landowner still must come to an agreement. Attorney Kennedy noted that the zoning administrator would have the authority to say whether additional screening is necessary in these instances. It was noted that less screening required means less money to the landowner.

Interested Party Jamie Lawson wanted to know if the cost per foot for screening has been determined. The committee previously decided not to include a dollar amount in the ordinance because the costs fluctuate. What is an adequate dollar amount today may not be adequate in ten (10) years. Mrs. Lawson suggested adding language to the ordinance payment for screening would be fair and just and in accordance with the current markets.

Mr. Lusz again stated he disagrees with limiting screening based on existing structures. He asked that, “and/or structures” be removed from that paragraph. Attorney Kennedy asked that it remain in the paragraph given that the ordinance will require a landscaping plan by an Illinois registered landscape architect and the zoning administrator’s approval. From a developer’s standpoint, it requires them to do something that adds no benefit to the non-participant and only creates a cost to the developer.

There was an internet connection issue, and the Zoom and YouTube feeds were lost. A brief recess was taken while the issue was being corrected.

At that time, no changes were made to the paragraph that limits screening based on topography and structures.

Mr. Norberg asked to review paragraph E, Application Requirements. Within the initial paragraph to this section, it requires that the Applicant provide fifteen (15) copies of the application and all required submittals to the County. Mr. Norberg asked to increase that to thirty (30) copies so that each member of the County Board will also receive a copy. The committee agreed to this change.

Chair Bowers continued with the review of the proposed ordinance. There were no changes to the proposed Community Meeting section.

County Engineer Dave Anderson provided proposed language for the Road Use Agreements and Storm Water Management sections.

Under Consulting Fund, of the Road Use Agreements section, Attorney Kennedy confirmed that the County Board's approval of the petition would be the trigger for the thirty (30) day countdown for paying the initial engineering and legal fee deposit. She also asked if this deposit would cover the hearing facilitator's fee. Mrs. Duffy said no and that this deposit is solely for the engineer's work and his legal fees associated with the project. To clear up any confusion, the committee agreed to add language specifying that the deposit is to be used in relation to the Road Use Agreements.

Mr. Lusz raised concerns that requiring a deposit of \$100,000 might be a detriment to smaller, community solar projects. Chair Bowers suggested having Mr. Anderson add language that would allow Mr. Anderson to reduce this amount at his discretion for smaller projects.

The committee had no changes to the proposed Storm Water Management section submitted by Mr. Anderson.

Under paragraph 1 of the Decommissioning Of The Solar Farm section, the committee reviewed a sentence that states the operating company and/or landowner shall compete decommissioning. The committee agreed that, "and/or landowner," should be removed from that paragraph as it will be the solar company's sole responsibility to decommission.

Chair Bowers explained that there are certain terms highlighted throughout the draft displayed that this committee needs to determine what is the correct term to be used. With regard to the terms, "facility owner or operator" and "Applicant," the committee agreed to use the term Applicant and to include a definition under the Definitions section explaining that it encompasses the owner, developer, successors and assigns.

Under the Agricultural Impact Mitigation Agreement (AIMA) section, Attorney Kennedy suggested changing it to state that an Applicant shall enter into an AIMA pursuant to the state statute. This wording will encompass any future changes made to this statute, preventing the County from having to modify its code if changes are made. The term, "prior to construction," was not omitted from the paragraph.

The committee resumed its discussion on setbacks. Chair Bowers discussed the differences between using a circular or square exclusion zone around the home. The primary difference between the two is the square zone is bigger and includes more acreage. The previously discussed setback of six hundred (600) feet, or a twelve hundred (1200) feet by twelve hundred (1200) feet square, is equivalent to over thirty-three (33) acres. A six hundred (600) foot circle is closer to twenty-three (23) acres. The setback in terms of acreage is as follows:

Setback	Square Zone	Circular Zone
600 feet	33.1 acres	24.1 acres
500 feet	23.0 acres	16.8 acres
400 feet	14.7 acres	10.7 acres
300 feet	8.3 acres	6.1 acres
200 feet	3.7 acres	2.7 acres
100 feet	0.9 acres	0.7 acres

Amber Miller with National Grid Renewables explained that they prefer setbacks in a circular zone rather than a square zone for design purposes.

The committee discussed whether the current setback is too big and whether to use a square or circular exclusion zone.

Chair Bowers expressed concern that a 600-foot setback was excessive in terms of acreage. Mr. Norberg feels it is adequate, especially for non-participating neighbors to the project.

Mr. Lusz stated that he feels the progress that had been made was now being undone and that the changes are favoring the developer. Chair Bower suggested lowering the setback but not allowing screening to be limited by existing structures.

County Board Member Dave Bally suggested creating a setback that makes non-participants comfortable but allow waivers that would allow the developer to negotiate smaller setbacks with non-participants.

Mr. Norberg said he would agree to a setback of a 600-foot radius, from the foundation of the home.

After polling each member, it was determined that the majority of the members feel that a setback of 300-foot radius, from the foundation of the home, would be sufficient. Mr. Lusz again voiced his concerns that previous progress is being undone in favor of the developer.

After further discussion, Mr. Norberg made a motion to approve the document before them with the following changes and to send it on to the Properties Committee for further approval:

- a. Under Section A-2, the definition of, “Dwelling Exclusion Zone,” should state, “an eight hundred (800) foot by eight hundred (800) foot square area centered on a non-participating primary dwelling,…”
- b. Section D-1-f-1-ii should read as follows, “A minimum of four hundred (400) feet from any foundation of an adjacent, non-participating primary dwelling [i.e., an

- eight hundred (800) foot by eight hundred (800) foot square exclusion zone centered on the adjacent, non-participating primary dwelling foundation].”
- c. Section D-1-f-1-iv should read as follows, “A minimum of four hundred (400) feet from the property line of any platted subdivision.”
 - d. Section D-1-f-1-v should read as follows, “A minimum of four hundred (400) feet from any dwelling for any inverters and/or transformers that are part of the project unless a waiver is obtained from the owner of the dwelling.”
 - e. Section D-1-f-2-iv should read as follows, “Fences around platted subdivisions shall be set back a minimum of four hundred (400) feet from the property line.”
 - f. Section D-1-k-1 should read as follows, “A platted subdivision shall have a visual screen designed, installed maintained, and ultimately removed by the Applicant. The visual screen will be installed on the property being leased by the SES, immediately adjacent to the fencing. This provides for the most effective screening and minimizes the potential of drain tile damages.”
 - g. Under the Screening section, the paragraph that limits screening due to topography and/or structures should read as follows, “Visual screen, or a portion of may not be required if the SES is not visible to an adjacent, non-participating dwelling by virtue of existing topography provided the Applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Administrator finds that the existing topography provides adequate screening.”

A second was discerned and debate ensued.

Mr. Lusz raised concerns about battery banks. Ms. Miller explained the battery banks, how they are set up and how they work.

Mr. Norberg requested a roll call vote.

After further debate, Mr. Norberg rescinded his motion and made a motion to approve the document before them with the following changes and to send it on to the Properties Committee for further approval:

- a. Under Section A-2, the definition of, “Dwelling Exclusion Zone,” should stated, “an eight hundred (800) foot by eight hundred (800) foot square area centered on a non-participating primary dwelling,…”
- b. Section D-1-f-1-ii should read as follows, “A minimum of four hundred (400) feet from any foundation of an adjacent, non-participating primary dwelling [i.e., an eight hundred (800) foot by eight hundred (800) foot square exclusion zone centered on the adjacent, non-participating primary dwelling foundation].”
- c. Section D-1-f-1-iv should read as follows, “A minimum of four hundred (400) feet from the property line of any platted subdivision.”
- d. Section D-1-f-1-v should read as follows, “A minimum of five hundred (500) feet from any dwelling for any inverters, transformers and/or storage equipment that are part of the project unless a waiver is obtained from the owner of the dwelling.”
- e. Section D-1-f-2-iv should read as follows, “Fences around platted subdivisions shall be set back a minimum of four hundred (400) feet from the property line.”
- f. Section D-1-k-1 should read as follows, “A platted subdivision shall have a visual screen designed, installed maintained, and ultimately removed by the Applicant. The visual screen will be installed on the property being leased by the SES,

immediately adjacent to the fencing. This provides for the most effective screening and minimizes the potential of drain tile damages.”

- g. Under the Screening section, the paragraph that limits screening due to topography and/or structures should read as follows, “Visual screen, or a portion of may not be required if the SES is not visible to an adjacent, non-participating dwelling by virtue of existing topography provided the Applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the Zoning Administrator finds that the existing topography provides adequate screening.”

A second was discerned. The vote was taken, resulting as follows: Bowers – yes; Nicholson – yes; Forster – yes; Norberg – yes; Kitson – yes; and Koppien – yes. The motion passed, 6-0 in favor of the motion.

The proposed ordinance that was approved by the ad hoc committee will be sent to the Properties Committee for review and further approval on March 9, 2021. The Properties Committee may choose to send it back to the ad hoc committee for further discussion.

At 11:00 a.m., Chris Norberg motioned for recess. Motion passed. Chair Bowers thanks everyone for their time and input.

Respectfully submitted,
Alice Henkel