



1 APPEARANCES:

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3 of the Lee County State's Attorney's Office  
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12 Counsel for the Applicant.

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1 JUDGE SLAVIN: All right, ladies and  
2 gentlemen. Good evening. Welcome back to the  
3 Old Lee County Courthouse for the continuing  
4 Eldena Solar, LLC's, application for an SES,  
5 social energy system, development.

6 For the record, the members of the Zoning  
7 Board of -- Lee County Zoning Board of Appeals  
8 that are present are Mr. Forster, Mr. Buhrow,  
9 Mr. Bothe, Mr. Hughes, and Mr. Meyer. Mr. Pratt  
10 is not present, as he is not participating in  
11 the fact-finding and the recommendations.

12 Your wonderful Zoning Officer, Dee Duffy,  
13 is present, as is your astute State's Attorney,  
14 Mr. Boonstra.

15 The Petitioner is here, Eldena Solar, LLC,  
16 by its attorney, Courtney Kennedy, and I am sure  
17 some of its employees.

18 Lee County support staff is present,  
19 including Zach Cohen, who expertly helped us set  
20 up this next stage so everybody can view the  
21 proceedings remotely and here in the hearing  
22 room.

23 And there are a number of interested  
24 parties present.

1 All of the attendees in person are, as  
2 they have been, thankfully, and I thank them,  
3 wearing masks and are trying their best to  
4 maintain social distancing at 6 feet.

5 I remind everyone to please turn your cell  
6 phones either off or at least to silent.

7 This meeting can be viewed and heard on  
8 the Zoom platform. The meeting ID is --  
9 continues to be the same: 91539239154. The  
10 password is 209840.

11 The proceedings can also be heard and  
12 viewed on YouTube. You go to [www.youtube.com](http://www.youtube.com).  
13 In the search bar, type, Lee County IL, I-L,  
14 Zoning Board of Appeals. Don't be concerned  
15 with upper or lowercase letters. That should  
16 bring up a list of Lee County ZBA YouTubes, and  
17 you can select the date and hit enter and that  
18 should bring up the proceeding live.

19 Members, what I call necessities, the  
20 folks that have to be here for this proceeding,  
21 I want to do a little housekeeping. I would  
22 like to think we would be done tonight, but we  
23 all know that's not going to happen. I hope we  
24 can get done in two nights, as I'm sure you do.

1 But in case, I'd like to pick another two dates.  
2 I have spotted Tuesday, September 1st, which is  
3 a week from yesterday, six days from today, and  
4 Wednesday, September 2nd, which is a week from  
5 today.

6 So Zoning Board and staff, if you'd get  
7 out your calendars and let me know as I go down  
8 the list if you can be -- if you are available.

9 (A discussion was held off  
10 the record.)

11 JUDGE SLAVIN: Okay. Very good.  
12 Hopefully we don't need the third one, but I  
13 have my concerns.

14 All right. To the matters at hand, and I  
15 know the Lee County Board has heard this before,  
16 but for the folks who are interested parties and  
17 important citizens of Lee County, I'm going  
18 to -- well, I am going to refresh the Board's  
19 recollection and hopefully help citizens of Lee  
20 County understand how it works.

21 Gentlemen, you're about to consider,  
22 first, findings of fact, and thereafter  
23 recommendations to the Lee County Board for  
24 Eldena Solar, LLC's, petition for Special Use

1 Permit and Variances to construct a solar energy  
2 conversion system in your county.

3 Your Board Rules provide that your  
4 meetings will be governed by Robert's Rules of  
5 Order. These axioms have been in use for well  
6 over a hundred years. While at first blush they  
7 may seem to be unnecessarily rigid measures that  
8 only get in the way of a deliberative body's  
9 work, the reverse is actually true. Correctly  
10 followed, these guidelines ensure a fair and  
11 civilized forum for all members' viewpoints to  
12 be addressed and issues to be decided. They are  
13 in place to provide a step-by-step formalized  
14 process by which your -- you, the Board, can  
15 methodically go about the business at hand.

16 Accordingly, I hope you'll agree that we  
17 should adhere to them to the best of our  
18 collective abilities.

19 I highlight a few points to make sure we  
20 are all on the same page. While I am present to  
21 assist you in the mechanical operation of your  
22 decisionmaking and have given you somewhat of a  
23 start by way of suggested areas to address and  
24 the alternative, I hope you understand I cannot

1 help you to make any substantive decisions in  
2 any fashion, nor can anyone else. This means  
3 that I am not permitted to direct your attention  
4 to any issues or evidence that I personally feel  
5 you might be overlooking or misinterpreting.  
6 The substance of the decisions you make are, as  
7 the ZBA, yours alone to make.

8 From this point going forward, it will be  
9 much better if all remarks -- that is, motions,  
10 debate, comments -- are addressed directly to  
11 me: Judge; Slavin; Tim; Hey, you. Once in this  
12 rhythm, it will prevent, if matters do become  
13 heated, the debate turning personal or  
14 deteriorating into a cacophony of raised voices  
15 and agitated members.

16 Hoping you understand all the reasons for  
17 it, I will be politely assertive that there be  
18 no general discussion on any substantive matter  
19 and that any debate be only on a pending motion.

20 Please, when making a motion, state it in  
21 exact words. This ensures that all members, me,  
22 your secretary, and the public, know precisely  
23 what is being brought to the floor. This is  
24 extremely important. Doing so eliminates

1 confusion and the corrosion of your  
2 decisionmaking.

3 If a motion is made and receives no  
4 second, it becomes out of order and the floor is  
5 again open for another motion. If a motion does  
6 receive a second, it is then the subject of  
7 debate. The movant is bound by the Rule --  
8 Robert's Rules to vote affirmatively for his  
9 motion; the person seconding is not.

10 After a motion has been made, I will take  
11 the time -- it should be displayed. It is then  
12 immediately the pending motion and is ready for  
13 a second. If it receives a second, it is then  
14 the subject of debate.

15 I guess I just repeated that.

16 If a member wishes to amend a pending  
17 motion, he, of course, may do so. If that kind  
18 of motion receives a second, it becomes the  
19 immediately-pending motion for debate, and the  
20 question becomes whether or not the main motion  
21 should be amended as stated.

22 There is such a thing as a motion to amend  
23 a motion to amend, but I strongly urge -- in  
24 fact, beg -- you to avoid the machinations of

1 that very complicated process.

2 During debate, unless a motion is made to  
3 extend or limit it, each member has two  
4 five-minute opportunities for his remarks on the  
5 motion. I will call on the movant for his  
6 remarks first. Thereafter, if you wish to be  
7 heard on a motion, please make yourself known  
8 when I ask the Board generally if there are  
9 members -- other than the movant, if there are  
10 any further comments on the pending motion.

11 However, the order I call on members will  
12 not strictly become first-come first-serve, as I  
13 will try to alternate between members wishing to  
14 speak.

15 Once either a member has used up the  
16 limits of his debate or I determined no further  
17 debate to be had, I will put the question for a  
18 vote. I will do so by verbally announcing the  
19 pending motion. I will indicate the manner of  
20 the vote and the number of members needed to  
21 carry the motion.

22 Robert's Rules contain many other  
23 procedural maxims. We will deal with any of  
24 those infrequent matters if they arise.

1 I'm sure that you'll agree, we will move  
2 through this process in an organized and  
3 efficient matter.

4 The last housekeeping matter is --  
5 actually has to deal with the very first, Number  
6 1, motion. Ms. Kennedy has brought to my  
7 attention that there is a scrivener's error. In  
8 the second-to-last line, where it says, "U.S.  
9 Route 52, one-half mile east," it should be  
10 "one-half mile west." Somebody typed it wrong.

11 Okay. With that, the floor is open for  
12 motions.

13 MR. HUGHES: Your Honor, let's start with  
14 the correctly-drafted Number 1.

15 JUDGE SLAVIN: Okay.

16 MR. HUGHES: The Lee County Zoning Board  
17 of Appeals (hereinafter "ZBA" or "Zoning Board")  
18 finds that on July 2nd, 2020, Eldena Solar, LLC,  
19 (hereinafter the "Petitioner," the "Developer,"  
20 or "Geronimo") a wholly-owned subsidiary of  
21 Geronimo Energy, LLC, which is now wholly owned  
22 by United Kingdom's National Grid, filed a  
23 petition with the Lee County Zoning  
24 Administration Office, which was numbered

1 20-P-1554, requesting a Special Use Permit and  
2 three Variances to construct and operate a  
3 175-MW, or megawatt, solar energy system  
4 (hereinafter "SES" or "solar farm"), all on  
5 parcels totalling 1,288 acres of real estate  
6 zoned AG-1 within South Dixon and Nachusa  
7 Townships north of U.S. Route 30, 1/2 (sic) mile  
8 south of U.S. Route 52 --

9 JUDGE SLAVIN: 1/4.

10 MR. HUGHES: -- or, excuse me, 1/4 mile  
11 south of U.S. Route 52, 1/2 mile west of Nachusa  
12 Road and, on the west, partially adjacent to Red  
13 Brick Road.

14 JUDGE SLAVIN: And that's your motion. Do  
15 I hear a second?

16 MR. BUHROW: Second.

17 JUDGE SLAVIN: Robert's Rules do not  
18 require recognizing the second. I hear a  
19 second. The motion has been moved and seconded.

20 Your motion, Mr. Hughes. Anything you  
21 want to address?

22 MR. HUGHES: No further comment.

23 JUDGE SLAVIN: Board members, anybody have  
24 any comments on the motion?

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(No verbal response.)

JUDGE SLAVIN: All right. Turn to my cheat sheet so I can remember the first couple times.

I will then put the question. The question is on the adoption of the motion as read by Mr. Hughes and displayed on the board. To adopt this motion requires a majority of those voting. The vote will be by voice. Those in favor of the motion signify by saying aye.

(All those simultaneously responded.)

JUDGE SLAVIN: Those opposed by saying nay.

(No verbal response.)

JUDGE SLAVIN: Hearing none, the motion is adopted.

And the floor is again open.

MR. BUHROW: Mr. Facilitator.

JUDGE SLAVIN: Mr. Buhrow.

MR. BUHROW: The -- Number 2, the Lee County ZBA finds that, it is proposed that the aforementioned Special Use Permit would be for the following structures --

1 Now, do you want me to read everything?

2 JUDGE SLAVIN: What I want -- I mean, how  
3 are you going to make a motion for the record  
4 unless it's all on there?

5 MR. BUHROW: Okay. I'll read it.

6 That the aforementioned Special Use Permit  
7 would be for the following structures:

8 Point 1: Solar modules (panels) varying  
9 in size from 5 to 7 feet long and 3 to 5 feet  
10 wide with a flat height of 8 to 12 feet and a  
11 tilted height of 15 to 20 feet surrounded by a  
12 woven wire boundary fence which would be 6 feet  
13 high topped by three strands of barbed wire, set  
14 back not less than 10 feet from any adjacent  
15 property lines;

16 Next point: One electrical substation  
17 which will be set back from any nonparticipating  
18 property 2 feet for every 1 foot of its height;

19 Next point: An operations and maintenance  
20 building;

21 Next point: One temporary construction  
22 outdoor storage area, parentheses, lay down  
23 yard, which, if lit, will not be within 500 feet  
24 of any residence;

1           Next point: Two weather stations up to 20  
2 feet high;

3           Following the submission of the  
4 application, proper notice was published in the  
5 Dixon Telegraph on July 14, 2020, and in the  
6 Amboy News on July 15, 2020. In addition,  
7 Zoning Officer Dee Duffy went to extraordinary  
8 lengths to publish continually-updated notices  
9 on her department's pages of the Lee County  
10 website and post the same throughout the area in  
11 which the proposed development would be located;

12           Furthermore, certified mailings of the  
13 notice were sent to property owners who would be  
14 adjacent to the proposed development if  
15 approved;

16           Prior to the hearing, the Board, under the  
17 authority provided by its own Rules, engaged the  
18 services of Tim Slavin, a retired circuit court  
19 judge, as the facilitator for the proceedings;

20           The first stage of the public hearing  
21 regarding the petition for the Special Use  
22 Permit was for your Lee County ZBA to accept  
23 testimony, hear arguments, and receive public  
24 comments;

1           First point under that paragraph: The  
2           evidentiary portion of the hearing began on  
3           August 6, 2020, and concluded on August 19th,  
4           2020, consisting of five total sessions, all  
5           beginning at 7 p.m., and taking place in the  
6           former main courtroom of the third floor of the  
7           Old Lee County Courthouse. The totality of  
8           these sessions of the first stage comprised, in  
9           total, approximately 11 hours of hearing time;

10           The next point: During the hearing  
11           process, the proceedings adhered to the existing  
12           State of Illinois guidelines for public  
13           gatherings;

14           Point under that: While the hearing was  
15           actually in session, appropriate social  
16           distancing was maintained by using a seating  
17           protocol that kept all participants 6 feet apart  
18           or more;

19           Next point: No more than 30 people were  
20           allowed in the hearing room space at any given  
21           time and provisions were made for another 15 to  
22           occupy the contiguous former jury deliberation  
23           room and participate on the Zoom platform;  
24           although, after the first session no interested

1 parties made use of that space;

2 Another point: The proceedings were  
3 broadcast on YouTube, during which interested  
4 parties could see and hear the proceedings take  
5 place in realtime;

6 Next point: Members of the public  
7 (hereinafter "interested parties") were given  
8 the opportunity to remotely and virtually  
9 participate in the process;

10 First point under that: By  
11 videoconferencing on the Zoom platform through  
12 the use of a computer;

13 Next point: By teleconferencing on the  
14 Zoom platform through use of a cell phone or;

15 Last point: By appearing at the Old Lee  
16 County Courthouse in person.

17 Over the course of the first stage,  
18 everyone -- the Petitioner and interested  
19 parties -- were given a complete and fair  
20 opportunity to be heard. Each was given the  
21 chance to present evidence, including witnesses  
22 and exhibits, cross-examine the witnesses of  
23 others, and to present a closing argument,  
24 statement, or public comment, either orally or

1 in writing;

2 The entirety of the proceedings was taken  
3 by a certified shorthand reporter and  
4 subsequently transcribed. Accordingly, the  
5 transcript of all testimony, arguments, and  
6 public comments and ZBA debate were available on  
7 the Zoning and Planning web pages within the Lee  
8 County website.

9 We, the members of the Lee County Zoning  
10 Board of Appeals heard all the evidence produced  
11 and examined each of the exhibits.

12 That is the motion.

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

15 MR. BOTHE: Second.

16 JUDGE SLAVIN: Hearing a second, the  
17 motion is open for debate.

18 Mr. Buhrow, it's your motion. So if you  
19 want to say anything about it, now is your  
20 chance.

21 MR. BUHROW: I think it's  
22 self-explanatory.

23 JUDGE SLAVIN: Any other Board members?

24 MR. MEYER: I have a question. In the

1 original petition or application, the first five  
2 bullet points were not part of it. And now,  
3 after Mr. Adamich's testimony, it is part of the  
4 application? Is that how that works?

5 JUDGE SLAVIN: I'm not sure your question.  
6 There's nothing in here about an application.  
7 It says that the Lee County ZBA finds.

8 MR. MEYER: Okay. And on the 10-foot  
9 setback on the adjacent property lines, I have a  
10 concern that that would be hard to maintain. It  
11 would be a lot easier to maintain a 16-foot pass  
12 so a standard-sized mower can mow it. So I  
13 guess I want to go back and amend it.

14 JUDGE SLAVIN: Any other comment -- just a  
15 minute.

16 Any other comment, Mr. Meyer?

17 MR. MEYER: I'm done.

18 JUDGE SLAVIN: Okay. Any other Board  
19 member, comment?

20 Back to you, Mr. Buhrow.

21 MR. BUHROW: Would that be appropriate to  
22 add that statement under the recommendations at  
23 the end?

24 JUDGE SLAVIN: Well, I'm not sure what you

1 mean. Are you moving to amend your own motion,  
2 or are you waiting to -- not sure your question.

3 MR. BUHROW: Rex's comment of changing the  
4 footage from 10 to 16 feet, should that be a  
5 recommendation at the end of the --

6 JUDGE SLAVIN: Could be, sure.

7 MR. BUHROW: Okay. Do it that way.  
8 That's fine.

9 JUDGE SLAVIN: Okay. Any other comment?

10 MR. BUHROW: No comment.

11 JUDGE SLAVIN: Okay. It's been moved and  
12 seconded. I'll put the question. The question  
13 being put is the adoption of the motion, and I'm  
14 not going to slow things down by reading that  
15 entire motion as Mr. Buhrow read and has been  
16 displayed on the screen.

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: All those opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: The motion is adopted.

1 All right. The floor is again open. If  
2 you have your own motion, or if you're  
3 addressing one of mine, in the alternative, just  
4 give me the number. It just helps me to get  
5 there, that's all.

6 MR. HUGHES: I'll continue with the  
7 drafted items. Number 3.

8 The Lee County Zoning Board of Appeals  
9 finds that seven people (with one person twice)  
10 took the witness stand, were placed under oath  
11 or affirmation and testified. Those witnesses,  
12 in order of their appearance, with a very brief  
13 summary of what they had to say, including the  
14 following:

15 Mr. Ben Adamich, offered by the  
16 Petitioner, is a market lead developer for  
17 Geronimo, testified as to the extraordinary  
18 efforts made by --

19 JUDGE SLAVIN: Oops.

20 MR. HUGHES: I guess that's his office and  
21 his staff.

22 JUDGE SLAVIN: That's another scrivener's  
23 error.

24 MR. HUGHES: Yes, it is.

1 JUDGE SLAVIN: I have got that corrected.

2 MR. HUGHES: Let me back off of that for a  
3 moment, Your Honor. I want to reread -- going  
4 through this, I -- I would like to start that  
5 paragraph over.

6 JUDGE SLAVIN: Sure.

7 MR. HUGHES: Mr. Ben Adamich, offered by  
8 the Petitioner, is a market lead developer for  
9 Geronimo, testified as to the general parameters  
10 of the SES, efforts made to communicate with the  
11 participating parties, the reasons for the  
12 location of the SES in this area.

13 JUDGE SLAVIN: Did you say parties  
14 affected -- I got behind you. It's my fault.

15 MR. HUGHES: Yes.

16 JUDGE SLAVIN: How about parties,  
17 apostrophe? May I add that?

18 MR. HUGHES: General outlines of the  
19 operation of the SES, and the components or  
20 equipment going into the SES.

21 JUDGE SLAVIN: I'm sorry. The last clause  
22 again? And the general, something about  
23 equipment.

24 MR. HUGHES: Yeah, let's see. General

1 outline of the operation of the project and the  
2 equipment and components going into the SES --  
3 or comprising the SES.

4 After "comprising," you have got a --

5 JUDGE SLAVIN: Yup, yup.

6 MR. HUGHES: Period, yes.

7 Then continuing. During his second stint  
8 on the witness stand, Mr. Adamich testified  
9 about agreements made with a few local  
10 residences for the project design changes and  
11 addressed a rumor about gravel under the  
12 proposed solar panels.

13 Next, Mr. Brett Schneider, offered by the  
14 Petitioner, is its construction manager,  
15 testified as to the construction protocols,  
16 methods, and practices for the project were it  
17 approved.

18 Next, Mr. Jerry Quick, offered by the  
19 Petitioner, is an attorney from Galva, Illinois,  
20 was offered by the Petitioner -- excuse me.  
21 That's redundant.

22 JUDGE SLAVIN: Yup.

23 MR. HUGHES: So after Galva, Illinois, we  
24 can remove "was offered."

1 JUDGE SLAVIN: Okay. Thank you.

2 MR. HUGHES: He was a 41-year staff  
3 counsel for the Illinois Farm Bureau, and has  
4 represented a number of parties during the  
5 planning, construction, and post-construction of  
6 green energy developments, testified about his  
7 experiences with Geronimo and Agricultural  
8 Impact Agreements, parentheses, hereinafter  
9 AIMA, closed parentheses, period.

10 Then Andrew Lines, of CohnReznick, was  
11 offered by Petitioner and testified as to his  
12 opinion regarding the effect the proposed  
13 development would have on property values in the  
14 area.

15 Mr. Adam Lusz, an interested party,  
16 testified that he would be an adjacent property  
17 owner to the proposed SES if the petition was  
18 allowed. He opined as to the effect the  
19 proposed SES would have on nearby land values.

20 Mr. Ronald Heiniger, a professor of  
21 agriculture at North Carolina State University,  
22 opined as to what he perceived as to the lack of  
23 a weed control plan and wetlands assessment,  
24 possible drainage, and construction issues, and

1 the local economic impact of the proposed  
2 project.

3 Mary Jo Zinke of Amboy, an interested  
4 party, whose family farm would be adjacent to  
5 the SES if it were approved, testified about her  
6 drainage issue concerns regarding the proposed  
7 project.

8 JUDGE SLAVIN: Thank you. Thank you for  
9 the corrections.

10 Do I hear a second?

11 MR. BUHROW: Second.

12 JUDGE SLAVIN: I hear a second. It means  
13 the floor -- the motion is open for debate.

14 Your motion, Mr. Hughes. Anything you  
15 want to --

16 MR. HUGHES: No further comment.

17 JUDGE SLAVIN: Any other Board member,  
18 comments?

19 MR. MEYER: I believe Mary Jo Zinke's name  
20 has an E on the end of it.

21 JUDGE SLAVIN: Okay. Thank you.

22 Any other comments?

23 (No verbal response.)

24 JUDGE SLAVIN: All right. Well, seeing

1 none, I will put the question. The question  
2 being put is the rather long motion that  
3 Mr. Hughes so expertly corrected as he went  
4 along. I won't read it again, but it's been  
5 displayed on the board and corrected on the  
6 board.

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

10 (All those simultaneously  
11 responded.)

12 JUDGE SLAVIN: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Motion is adopted.

15 Okay. The floor is again open.

16 MR. MEYER: Judge.

17 JUDGE SLAVIN: Yes, sir.

18 MR. MEYER: Number 4.

19 JUDGE SLAVIN: Okay. Let me get there.

20 All right.

21 MR. MEYER: The Lee County Zoning Board of  
22 Appeals finds that the following exhibits were  
23 admitted into evidence by the Facilitator and  
24 considered by the Board:

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Petitioner's Exhibits:

Number P1, certified proofs of the service of notices to property owners and newspaper publications;

Petitioner Number 2, Petitioner's application binder;

Petitioner Number 3, hard copy of witness Ben Adamich's PowerPoint presentation;

Petitioner Number 4, hard copy of witness Andrew Lines' Property Value Impact Study, Solar Farm Proximity;

Petitioner Number 5, hard copy of witness Andrew Lines' Property Value Impact Study;

Petitioner Number 6, Resolution of Support for the proposed Eldena Solar, LLC, SES from the Amboy Community Unit School District Number 272.

Zoning and Planning Officer Exhibit:

Zoning Number 1, two pages of the Lee County Soil and Water District's soil data from Brenda Merriman.

Interested Parties' exhibits:

IP Number 1, hard copy of witness Adam Lusz's PowerPoint presentation;

And Interested Party Number 2, GIS map of

1 Mary Jo Zinke family farm, with an E on Zinke.

2 JUDGE SLAVIN: Okay. Is that your motion,  
3 Mr. Meyer?

4 MR. MEYER: It is.

5 JUDGE SLAVIN: Thank you.

6 Do I hear a second to the motion?

7 MR. HUGHES: Second.

8 JUDGE SLAVIN: I have heard a second.

9 I will tell you that we have gotten word  
10 that people in the back, and probably includes  
11 me, that they're having a very hard time  
12 hearing. These microphones are not very  
13 sensitive. So I encourage everyone, including  
14 myself, to speak into the microphone.

15 All right. It's been moved and seconded,  
16 the motion made by Mr. Meyer. It's another one  
17 of those motions that I'm not going to repeat  
18 and waste the time. It has been displayed on  
19 the board.

20 Do we have -- would you like to make a  
21 motion on your motion, Mr. Meyer?

22 MR. MEYER: No comment.

23 JUDGE SLAVIN: Okay. Anyone else like to  
24 address his motion?

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(No verbal response.)

JUDGE SLAVIN: Seeing no indication of a want to do so, I will put the question. The question being put is the adoption of the motion as read by Mr. Meyer and 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: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Hearing none, it is adopted.

All right. Next. Floor is again open.

MR. BUHROW: Mr. Slavin.

JUDGE SLAVIN: Yes, sir.

MR. BUHROW: Section 5, the Lee County Zoning Board of Appeals finds that following the close of the testimonial phase, the Board heard or read what could be characterized as closing arguments or public comment from the following:

Ms. Courtney Kennedy, attorney for the Petitioner, who advanced the reasons shown

1 during the hearing as to why Lee County ZBA  
2 should recommend to the Lee County Board that  
3 Eldena Solar, LLC's, petition should be approved  
4 and the Special Use Permit issued and Variances  
5 granted.

6 David Gusse, an interested party, opined  
7 reasons why the Lee County ZBA should recommend  
8 to the Lee County Board not to grant Eldena  
9 Solar, LLC's, petition.

10 Randy Carlson, an interested party, opined  
11 reasons why the Lee County ZBA should recommend  
12 to the Lee County Board not to grant Eldena  
13 Solar, LLC's, petition.

14 Martha Johannsen, an interested party,  
15 opined reasons why the Lee County ZBA should  
16 recommend to the Lee County Board not to grant  
17 Eldena Solar, LLC's, petition.

18 Stacy Lusz, an interested party, opined  
19 reasons why the Lee County ZBA should recommend  
20 to the Lee County Board not to grant Eldena  
21 Solar, LLC's, petition.

22 Nick Popovich, an interested party, opined  
23 reasons why the Lee County ZBA should recommend  
24 to the Lee County Board not to grant Eldena

1 Solar, LLC's, petition.

2 James Richard, an interested party, opined  
3 reasons why the Lee County ZBA should recommend  
4 to the Lee County Board not to grant Eldena  
5 Solar, LLC's, petition.

6 Lisa Hall, an interested party, opined  
7 reasons why the Lee County ZBA should recommend  
8 to the Lee County Board not to grant Eldena  
9 Solar, LLC's, petition.

10 Geri Riddick, an interested party, opined  
11 reasons why the Lee County ZBA should recommend  
12 to the Lee County Board not to grant Eldena  
13 Solar, LLC's, petition.

14 Sue Coers, an interested party, opined  
15 reasons why the Lee County ZBA should recommend  
16 to the Lee County Board not to grant Eldena  
17 Solar, LLC's, petition.

18 Adam Lusz, an interested party, opined  
19 reasons why the Lee County ZBA should recommend  
20 to the Lee County Board not to grant Eldena  
21 Solar, LLC's, petition.

22 That's the motion.

23 JUDGE SLAVIN: Thank you.

24 Do I hear a second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: I heard a second. That  
3 means the floor is open for debate.

4 It's your motion, Mr. Buhrow. Any  
5 comments you want to make on your motion?

6 MR. BUHROW: No, sir.

7 JUDGE SLAVIN: Thank you.

8 Any Board members wish to address the  
9 motion?

10 (No verbal response.)

11 JUDGE SLAVIN: Seeing no indication of a  
12 want to do so, I will put the question. The  
13 question being put is the adoption of the motion  
14 as read by -- as verbalized by Mr. Buhrow and  
15 displayed on the screen.

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: All those opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: Motion is unanimously  
24 adopted.

1 Okay. The floor is again open.

2 MR. HUGHES: Moving on, Your Honor.

3 JUDGE SLAVIN: Sure.

4 MR. HUGHES: Moving on to Number 6.

5 JUDGE SLAVIN: Okay.

6 MR. HUGHES: The Lee County ZBA finds that  
7 an engineer has not certified that, given local  
8 soil and climate conditions, the foundation and  
9 design of the solar panels is within accepted  
10 professional standards.

11 JUDGE SLAVIN: All right. We're getting  
12 stuff that's more substantive. Would you look  
13 at the screen and make sure that's what you  
14 meant?

15 MR. HUGHES: Yes.

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

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: Okay. Hearing a second,  
19 the floor is open for debate.

20 Your motion, Mr. Hughes. Would you like  
21 to address it?

22 MR. HUGHES: Yes. I --

23 JUDGE SLAVIN: Closer to the mic a little  
24 bit.

1 MR. HUGHES: Yes, thank you.

2 And I may have missed it, but as I  
3 remember, there was discussion -- continued  
4 discussion about differing or undecided solar  
5 panels and even a couple of options in terms of  
6 the way that they were going to be -- the stands  
7 were being driven into the ground or the racking  
8 would be set up.

9 I don't remember -- and it may not be  
10 necessary at this time or in preparation for the  
11 building permit, but at this time I don't  
12 remember hearing that an engineer has certified  
13 to the particular equipment, the panels, and the  
14 racking to be placed.

15 JUDGE SLAVIN: Any other comments?

16 MR. FORSTER: Yes. If I remember  
17 correctly, it has to be certified before a  
18 building permit would be allowed.

19 JUDGE SLAVIN: Any other comment?

20 (No verbal response.)

21 JUDGE SLAVIN: All right. The motion has  
22 been made, seconded, and debate had that the Lee  
23 County ZBA finds that an engineer has not  
24 certified that, given local soil and climate

1 conditions, the foundation and design of the  
2 solar panels is within accepted professional  
3 standards.

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: All those opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: Motion is adopted.

12 All right. Floor is again open.

13 MR. HUGHES: Your Honor, continuing on to  
14 Number 7.

15 The Lee County ZBA finds that as far as  
16 can be discerned, the proposed Eldena Solar  
17 Development is in compliance with applicable  
18 local, State and Federal, and/or the National  
19 Electrical Code.

20 JUDGE SLAVIN: Once again, because that  
21 was a little tortured alternate, take a look at  
22 the board and make -- you did a nice job. I'm  
23 not saying that. The proposal and its  
24 alternative was tortured.

1           Want to take a look and make sure that's  
2           your motion? I'll correct that later on.

3           MR. HUGHES: Yeah, I was going to say,  
4           outside of that little underline --

5           JUDGE SLAVIN: Got it.

6           MR. HUGHES: There we go.

7           Yes, that appears to be.

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

9           MR. MEYER: Second.

10          JUDGE SLAVIN: Hearing a second, the floor  
11          is open for debate.

12          Your motion, Mr. Hughes, if you would like  
13          to address it.

14          MR. HUGHES: No further comment.

15          JUDGE SLAVIN: Any other Board members?

16                           (No verbal response.)

17          JUDGE SLAVIN: Seeing no indication, I  
18          will put the question. The question being put  
19          is, whether the Lee County ZBA finds that as far  
20          as can be discerned, the proposed Eldena Solar  
21          Development is in compliance with applicable  
22          local, State and Federal, and/or the National  
23          Electrical Code.

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: Those opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: Motion is unanimously  
8 adopted.

9 All right. The floor is again open.

10 MR. MEYER: Judge, moving on to Number 8.

11 JUDGE SLAVIN: Okay.

12 MR. MEYER: The Lee County Zoning Board of  
13 Appeals finds that the Petitioner has indicated  
14 that the power and communication lines that are  
15 proposed to be run between the banks of solar  
16 panels will be buried underground except from  
17 the point of interconnection to existing  
18 utility-owned, aboveground electrical wires.

19 JUDGE SLAVIN: All right. Do I hear a  
20 second -- first of all, want to look at the  
21 board, Mr. Meyer, and make sure that's what  
22 you --

23 MR. MEYER: It is.

24 JUDGE SLAVIN: Do I hear a second?

1 MR. HUGHES: Second.

2 JUDGE SLAVIN: Hearing a second, the floor  
3 is open for debate.

4 Your motion, Mr. Meyer. Any comment you  
5 want to make on your own motion?

6 MR. MEYER: No further comment.

7 JUDGE SLAVIN: Any Board member?

8 (No verbal response.)

9 JUDGE SLAVIN: Seeing no hands raised, I  
10 will put the question. The question being put  
11 is whether the Lee County Zoning Board of  
12 Appeals finds that the Petitioner has indicated  
13 that the power and communication lines that are  
14 proposed to be run between the banks of solar  
15 panels will be buried underground except from  
16 the point of interconnection to existing  
17 utility-owned, aboveground electrical wires.

18 Passage 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: The ayes have it. Motion  
2 is adopted.

3 Back atcha, gentlemen.

4 MR. MEYER: Moving on to Number 9, the  
5 motion would read, the Lee County ZBA finds that  
6 the lot on which the proposed SES is to be  
7 erected is more than 2 acres.

8 JUDGE SLAVIN: All right. I assume that  
9 shown on the screen is your motion?

10 MR. MEYER: It is.

11 JUDGE SLAVIN: Second?

12 MR. BOTHE: Second.

13 JUDGE SLAVIN: Hearing a second, the floor  
14 is open for debate.

15 Your motion, Mr. Meyer.

16 MR. MEYER: No further comment.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Put the question. The  
20 question being put is whether the Lee County ZBA  
21 finds that the lot on which the proposed SES is  
22 to be erected is more than 2 acres.

23 A passage 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 once again  
7 unanimously adopted.

8 All right. Floor is open again.

9 MR. BUHROW: Judge Slavin.

10 JUDGE SLAVIN: Yes, sir.

11 MR. BUHROW: Point 10, the Lee County ZBA  
12 finds that other than the electrical  
13 transmission lines, utility poles, and equipment  
14 used to connect a ground-mounted piece of  
15 equipment to an electrical transmission line,  
16 there are no proposed Eldena Solar SES  
17 development systems, equipment, or structures  
18 that would exceed 30 feet in height when ground  
19 mounted.

20 That's the motion.

21 JUDGE SLAVIN: Want to take a look at the  
22 screen and make sure I have got it right?

23 MS. DUFFY: Utility poles.

24 JUDGE SLAVIN: Utility -- oh. Popes.

1           Could be utility poles too, depending on which  
2           century you're talking about.

3           All right. Does that look right,  
4           Mr. Buhrow?

5           MR. BUHROW: Yes.

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

8           MR. MEYER: Second.

9           JUDGE SLAVIN: Debate on the motion.  
10          Your motion, Mr. Buhrow.

11          MR. BUHROW: Nothing, sir.

12          JUDGE SLAVIN: Okay. Any other Board  
13          member, by raise of hand?

14                                (No verbal response.)

15          JUDGE SLAVIN: Seeing none, I will put the  
16          question. The question being put is whether the  
17          Lee County ZBA finds that other than the  
18          electrical transmission lines, utility poles,  
19          and equipment used to connect a ground-mounted  
20          piece of equipment to an electrical transmission  
21          line, there are no proposed Eldena Solar SES  
22          development systems, equipment, or structures  
23          that would exceed 30 feet in height when ground  
24          mounted.

1 Adoption of the question requires a vote  
2 by the majority. The vote will be by voice.  
3 All 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 unanimously  
9 adopted.

10 Okay. Back in your court, gentlemen.

11 MR. HUGHES: Judge, let's continue on to  
12 Number 11.

13 JUDGE SLAVIN: Okay.

14 MR. HUGHES: The Lee County ZBA finds  
15 that, excluding proposed fences and the  
16 Variances requested, the proposed Eldena Solar  
17 SES development:

18 Is not proposed to be within 300 feet from  
19 the property line of a platted subdivision or a  
20 residence that is not in an AG-1 zoning  
21 district;

22 Point 2, is not proposed to have an  
23 inverter or transformer less than 200 feet from  
24 a residence that is not on its property;

1           Would have setbacks of at least 50 feet  
2           from the front line -- from the front property  
3           line; 15 feet from the side and rear property  
4           lines.

5           JUDGE SLAVIN: All right.

6           MR. HUGHES: That would be my motion.

7           JUDGE SLAVIN: Want to take a quick look  
8           and see if that's your motion?

9           MR. HUGHES: That is, Your Honor.

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

12          MR. BUHROW: Second.

13          JUDGE SLAVIN: Hearing a second, the floor  
14          is open for debate.

15          Mr. Hughes, you want to comment on your  
16          own motion?

17          MR. HUGHES: No, sir.

18          JUDGE SLAVIN: Any other Board member wish  
19          to address it, by show of hand or voice?

20                                (No verbal response.)

21          MR. MEYER: Judge.

22          JUDGE SLAVIN: Yes, sir, Mr. Meyer.

23          MR. MEYER: Up at the beginning, it says  
24          the proposed Eldena Solar SES, and it starts

1 getting awkward because SES is solar energy.

2 JUDGE SLAVIN: That's the name of the --  
3 actually, I left off -- do you mind if I correct  
4 that scrivener's error, Mr. Meyer?

5 MR. MEYER: That works better.

6 JUDGE SLAVIN: Okay. Any other comment?

7 (No verbal response.)

8 JUDGE SLAVIN: Seeing none, I will put the  
9 question. The question being put is whether the  
10 Lee County ZBA finds that, excluding proposed  
11 fences and the Variances requested, the proposed  
12 Eldena Solar, LLC, SES development:

13 Is not proposed to be within 300 feet from  
14 the property line of a platted subdivision or a  
15 residence that is not in an AG-1 zoning  
16 district;

17 Point 2, is not proposed to have an  
18 inverter or transformer less than 200 feet from  
19 a residence that is not on its property;

20 Would have setbacks of at least 50 feet  
21 from the front line -- from the front property  
22 line; 15 feet from the side and rear property  
23 lines.

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: All those opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: The motion is once again  
8 adopted.

9 And on we go.

10 MR. BUHROW: Judge Slavin.

11 JUDGE SLAVIN: Yes, sir.

12 MR. BUHROW: Point 12, the Lee County ZBA  
13 finds that the Applicant has indicated that  
14 "Knox boxes" with keys inside would be provided  
15 at locked entrances for emergency personnel  
16 access.

17 JUDGE SLAVIN: Does that look like your  
18 motion as displayed?

19 MR. BUHROW: Yes.

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

21 MR. FORSTER: Second.

22 JUDGE SLAVIN: I hear a second. That  
23 means the question is in debate.

24 Your motion, Mr. Buhrow. Any comment?

1 MR. BUHROW: Nothing.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Seeing none, I will put the  
5 question. The question being put is whether the  
6 Lee County ZBA finds that the Applicant has  
7 indicated that "Knox boxes" with keys inside  
8 would be provided at locked entrances for  
9 emergency personnel access.

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

14 (All those simultaneously  
15 responded.)

16 JUDGE SLAVIN: Those opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: The motion is adopted.

19 All right.

20 MR. HUGHES: Rex, you want to take that?

21 MR. MEYER: Number 13, Judge.

22 JUDGE SLAVIN: Yes, sir.

23 MR. MEYER: The Lee County ZBA finds that  
24 the Applicant has indicated that the lighting in

1 the proposed SES development would be shielded  
2 and downcast so that it would not spill onto any  
3 adjacent parcels.

4 JUDGE SLAVIN: Look like your motion on  
5 the board -- or screen? I keep saying board.

6 MR. MEYER: That's correct.

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

8 MR. BUHROW: Second.

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

11 Any comment you want to make or anything  
12 you want to add on your motion?

13 MR. MEYER: No comment.

14 JUDGE SLAVIN: Any other Board member want  
15 to comment?

16 (No verbal response.)

17 JUDGE SLAVIN: Seeing none, I will put the  
18 question. The question being put is whether the  
19 Lee County ZBA finds that the Applicant has  
20 indicated that the lighting in the proposed SES  
21 development would be shielded and downcast so  
22 that it would not spill onto any adjacent  
23 parcels.

24 Adoption of the -- approval of the motion

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

4 (All those simultaneously  
5 responded.)

6 JUDGE SLAVIN: All those opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: Motion is adopted. Okay.

9 MR. HUGHES: Your Honor.

10 JUDGE SLAVIN: Yes, sir.

11 MR. HUGHES: Oops.

12 JUDGE SLAVIN: It's hard. I'm doing it  
13 too.

14 MR. HUGHES: I'm dead.

15 JUDGE SLAVIN: Here we go.

16 MR. HUGHES: Here we go. Whoa. Yeah,  
17 that's a little louder.

18 I would like to skip over proposed draft  
19 Item 14 and move on to 15.

20 JUDGE SLAVIN: Sure. It takes me a little  
21 longer.

22 MR. HUGHES: The Lee County -- boy.

23 JUDGE SLAVIN: It scares yourself.

24 MR. HUGHES: Yeah.

1           The Lee County ZBA finds that the  
2           Applicant has stated that any noise at the  
3           proposed development's property line would not  
4           exceed 50 decibels (not including background  
5           noise).

6           JUDGE SLAVIN: As soon as I clean it up,  
7           does that look like your motion, sir?

8           MR. HUGHES: Yes, sir.

9           JUDGE SLAVIN: Do I hear a second?

10          MR. BOTHE: Second.

11          JUDGE SLAVIN: Hearing a second, the floor  
12          is open for debate.

13          Any comment you want to make on your  
14          motion, Mr. Hughes?

15          MR. HUGHES: No, sir.

16          JUDGE SLAVIN: Any other Board member?

17                                (No verbal response.)

18          JUDGE SLAVIN: Seeing no indication of a  
19          want to do so, I will put the question. The  
20          question being put is whether the Lee County ZBA  
21          finds that the Applicant has stated that any  
22          noise at the proposed development's property  
23          line would not exceed 50 decibels (not including  
24          background noise).

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: All those opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: The motion is adopted.

9 We're open for business again.

10 MR. HUGHES: Continue on to Number 16.

11 The Lee County ZBA finds that the Applicant has  
12 stated that the solar collectors would be placed  
13 such that the concentrated solar radiation or  
14 glare does not project onto nearby structures,  
15 roadways, or other areas accessible to the  
16 public.

17 JUDGE SLAVIN: Take a look. Does that  
18 look correct as your motion?

19 MR. HUGHES: Yes.

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

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: I heard a second. The  
24 floor is open for debate on the motion.

1 Mr. Hughes, you may address it first.

2 MR. HUGHES: No further comment.

3 JUDGE SLAVIN: Any other Board member,  
4 comment?

5 (No verbal response.)

6 JUDGE SLAVIN: Seeing none, I will put the  
7 question. The question being put is whether the  
8 Lee County ZBA finds that the Applicant has  
9 stated that the solar collectors would be placed  
10 such that the concentrated solar radiation or  
11 glare does not project onto nearby structures,  
12 roadways, or other areas accessible to the  
13 public.

14 Adoption of that 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: Motion is adopted.

22 MR. MEYER: Your Honor, I'd like to move  
23 to 18.

24 JUDGE SLAVIN: You may certainly. Let me

1 see if I'm -- do a little scrolling. Got it.

2 MR. MEYER: The Lee County ZBA finds that  
3 the Applicant has indicated that an appropriate  
4 warning sign, including the facility's 911  
5 address and a 24-hour emergency contact number,  
6 will be provided at the entrance to the SES  
7 development and along its perimeter.

8 JUDGE SLAVIN: Take a look, make sure I  
9 got it right -- got your motion right.

10 MR. MEYER: The motion is correct.

11 JUDGE SLAVIN: Do I hear a second?

12 MR. BUHROW: Second.

13 JUDGE SLAVIN: I hear a second.

14 Debate on the motion? Your motion,  
15 Mr. Meyer.

16 MR. MEYER: No other comments.

17 JUDGE SLAVIN: Any other Board member?

18 (No verbal response.)

19 JUDGE SLAVIN: Seeing none, I will put the  
20 question. The question being put is whether the  
21 Lee County ZBA finds that the Applicant has  
22 indicated that an appropriate warning sign,  
23 including the facility's 911 address and a  
24 24-hour emergency contact number, will be

1 provided at the entrance to the SES development  
2 and along its perimeter.

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: Motion is adopted.

11 Back in your court, gentlemen.

12 MR. HUGHES: Your Honor, I'd like to go  
13 back to Number 17. I don't know if Mr. Meyer  
14 was deliberately ignoring it, in which case we  
15 may --

16 JUDGE SLAVIN: You'll find out soon.

17 MR. HUGHES: Yeah, or if he just missed  
18 it.

19 The Lee County ZBA finds that the  
20 Applicant has stated that any glare produced  
21 would not have a significant adverse impact on  
22 neighboring or adjacent uses through siting or  
23 mitigation.

24 JUDGE SLAVIN: In favor of -- courtesy,

1 looking at the board, making sure that's what  
2 you intend.

3 MR. HUGHES: Yes, sir.

4 JUDGE SLAVIN: Do I hear a second?

5 MR. BOTHE: Second.

6 JUDGE SLAVIN: Heard a second.

7 Debate? Your motion, Mr. Hughes.

8 MR. HUGHES: No further comment.

9 JUDGE SLAVIN: Any other Board member like  
10 to address it?

11 (No verbal response.)

12 JUDGE SLAVIN: Seeing none, I will put the  
13 question. The question being put is whether the  
14 Lee County ZBA finds that the Applicant has  
15 stated that any glare produced would not have a  
16 significant adverse impact on neighboring or  
17 adjacent uses through siting or mitigation.

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: Any opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: Motion is adopted.

2 Okay. Moving on.

3 MR. BUHROW: Judge Slavin.

4 JUDGE SLAVIN: Yes, sir.

5 MR. BUHROW: Number 19, the Lee County

6 ZBA --

7 JUDGE SLAVIN: Wait a minute. Let me --

8 I've got to skip over one. Got it.

9 MS. DUFFY: Closer to it.

10 JUDGE SLAVIN: Swallow it.

11 MR. BUHROW: Try again.

12 The Lee County ZBA finds that the  
13 Applicant has indicated an understanding that no  
14 outdoor storage of materials, vehicles, and  
15 equipment not directly -- that do not directly  
16 support the operation and the maintenance of the  
17 SES is allowed.

18 JUDGE SLAVIN: Okay. Want to take a look  
19 and make sure that's what you intend?

20 MR. BUHROW: That portion after  
21 "equipment," I think instead of "to," it should  
22 be "that" after equipment. That do not directly  
23 support. Yup. Okay. That's it, yes.

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

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Hearing a second, I will  
3 put the question -- or no, no, I won't. I'll  
4 open the floor for debate.

5 Mr. Buhrow, anything you want to address  
6 on your motion?

7 MR. BUHROW: Nothing.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: Seeing none, I will put the  
11 question. The question being put is whether the  
12 Lee County ZBA finds that the Applicant has  
13 indicated an understanding that no outdoor  
14 storage of materials, vehicles, and equipment  
15 not directly -- that do not directly support the  
16 operation and the maintenance of the SES is  
17 allowed.

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: All those opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: Motion is adopted.

2 MR. MEYER: Judge Slavin.

3 JUDGE SLAVIN: Yes, sir.

4 MR. MEYER: Number 20.

5 JUDGE SLAVIN: Okay. Let me get there.

6 MR. MEYER: The Lee County ZBA finds that  
7 the Applicant has submitted a site plan for the  
8 proposed Eldena SES with the existing conditions  
9 showing, or that includes, the following of, or  
10 for, the proposed development property:

11 Existing property lines from the exterior  
12 boundaries, including the names of adjacent  
13 property owners and the current use of those  
14 properties;

15 Existing public and private roads, showing  
16 widths and any associated easements;

17 A contour map showing the topography with  
18 2-foot intervals;

19 An existing vegetation (listing type and  
20 coverage percentage);

21 Waterways, streams and rivers;

22 A copy of the most current FEMA FIRM map;

23 Mapped soils according to Lee County Soil  
24 Surveys.

1           And I'm going to stop there.

2           JUDGE SLAVIN: There we go.

3           All right. Want to take a look at the  
4 screen, make sure that it has what you intend to  
5 be your motion?

6           MR. MEYER: It is.

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

9           MR. BUHROW: Second.

10          JUDGE SLAVIN: Hearing a second, the floor  
11 is open for debate.

12          Mr. Meyer, you may address your own motion  
13 first.

14          MR. MEYER: I deleted the last line  
15 because I didn't feel that the field tile lines  
16 were properly denoted.

17          JUDGE SLAVIN: Okay. Board members?

18          MR. HUGHES: Yes, I would concur with  
19 Mr. Meyer, although I would not have completely  
20 omitted that last line. I do agree that the  
21 field tile line should be -- I felt that there  
22 was sufficient mapping showing the surface  
23 water -- I'm not sure -- drainage. I'm not sure  
24 patterns is the right terminology, but what

1 appeared to be a reasonable extent of showing  
2 the surface water drainage, but there definitely  
3 was no field tiles delineated.

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

6 (No verbal response.)

7 JUDGE SLAVIN: Seeing no indication to do  
8 so, I will put the question. The question being  
9 put is whether the Applicant has submitted a  
10 site plan for the proposed Eldena SES with the  
11 existing conditions showing, or that includes,  
12 the following of, or for, the proposed  
13 development property:

14 Existing property lines from the exterior  
15 boundaries, including the names of adjacent  
16 property owners and the current use of those  
17 properties;

18 Existing public and private roads, showing  
19 widths and any associated easements;

20 A contour map showing the topography with  
21 2-foot intervals;

22 An existing vegetation (listing type and  
23 coverage percentage);

24 Waterways, streams and rivers;

1           A copy of the most current FEMA FIRM map;  
2           Mapped soils according to Lee County Soil  
3           Surveys.

4           Adoption of the question requires a vote  
5           by the majority. The vote will be by voice.  
6           All 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: Motion is adopted.

12           Okay. The floor is again open.

13           MR. HUGHES: Judge, move on to 21.

14           The Lee County ZBA finds that the  
15           Applicant has submitted an SES plan that shows  
16           or explains the following for the proposed  
17           development property:

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

20                           The planned location of access roads and  
21           access points;

22                           The planned location of lines connecting  
23           the SES to any buildings, substations, or other  
24           electrical load;

1 Other than at the existing building or  
2 substation that is to be the connection point  
3 for the proposed SES, the proposed development's  
4 planned new electrical equipment;

5 An acceptable weed/grass control plan --  
6 excuse me. Let's back off of that.

7 An acceptable vegetative management  
8 control plan for property inside and outside the  
9 fenced area for the entire property to which the  
10 Applicant has proposed to adhere --

11 JUDGE SLAVIN: Would you say that again?  
12 It went in and out of my -- vegetation.

13 MR. HUGHES: Vegetative management.

14 JUDGE SLAVIN: Yup.

15 MR. HUGHES: Vegetative management plan.

16 JUDGE SLAVIN: Management, that's the word  
17 I couldn't think of.

18 MR. HUGHES: Now I've got to recall my  
19 place.

20 To which the Applicant has promised to  
21 adhere, including a testimonial promise to  
22 maintain the proposed native vegetation by  
23 controlling noxious weeds;

24 A commitment to install, maintain, and

1 secure a perimeter chain-linked fence having a  
2 minimum height of 6 feet around the boundary of  
3 the proposed SES that contains appropriate  
4 warning signage that is clearly and visibly  
5 posted;

6 For all areas of the SES that would not  
7 interfere with the proposed solar arrays, a  
8 landscape plan which incorporates native  
9 grasses, flowers, and plants which will provide  
10 wildlife and pollinator habitat, soil erosion  
11 protection, and/or aid in strengthening the soil  
12 structure.

13 JUDGE SLAVIN: I'm not going to tell you  
14 what to do, but may I call your attention to  
15 what I have highlighted?

16 MR. HUGHES: It was woven -- they changed  
17 that to a woven fence.

18 JUDGE SLAVIN: It was woven.

19 MR. FORSTER: Woven wire.

20 JUDGE SLAVIN: Woven wire.

21 Okay. Take a look. I'm going to get  
22 to -- I can't get it all on one page though.

23 MR. HUGHES: That's all right.

24 Continue up. Yes, sir.

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

2 MR. BOTHE: Second.

3 JUDGE SLAVIN: Hearing a second, the floor  
4 is open for debate.

5 Mr. Meyer (sic), your motion.

6 MR. MEYER: It was Mr. Hughes.

7 MR. HUGHES: It was mine.

8 JUDGE SLAVIN: Oh, I'm sorry.

9 MR. HUGHES: But I have no further  
10 comment.

11 JUDGE SLAVIN: Thank you.

12 Any other Board member, comment?

13 (No verbal response.)

14 JUDGE SLAVIN: All right. I will put the  
15 question. The question being put is whether the  
16 Lee County ZBA finds that the Applicant has  
17 submitted an SES plan that shows or explains the  
18 following for the proposed development property:

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

21 The planned location of access roads and  
22 access points;

23 The planned location of lines connecting  
24 the SES to any buildings, substations, or other

1       electrical load;

2               Other than at the existing building or  
3       substation that is to be the connection point  
4       for the proposed SES, the proposed development's  
5       planned new electrical equipment;

6               An acceptable vegetation -- vegetative  
7       management plan for property inside and outside  
8       the fenced area for the entire property to which  
9       the Applicant has promised to adhere, including  
10      a testimonial promise to maintain the proposed  
11      native vegetation by controlling noxious weeds;

12              A commitment to install, maintain, and  
13      secure a perimeter woven wire fence having a  
14      minimum of 6 feet around the boundary of the  
15      proposed SES that contains appropriate warning  
16      signage that is clearly and visibly posted;

17              For all areas of the SES that would not  
18      interfere with the proposed solar arrays, a  
19      landscape plan which incorporates native  
20      grasses, flowers, and plants which will provide  
21      wildlife and pollinator habitat, soil erosion  
22      protection, and/or aid in strengthening the soil  
23      structure.

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: All those opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: The motion is adopted, and  
8 it is break time. Once I start calling on the  
9 wrong people, it's time for a break. 8:30.

10 (A recess was taken at 8:20 p.m.  
11 and proceedings resumed at  
12 8:34 p.m.)

13 JUDGE SLAVIN: We'll resume our places,  
14 please.

15 Okay. Back on the record, and we're --  
16 the floor is open for more motions.

17 MR. HUGHES: Your Honor, just because we  
18 have addressed the issue earlier and I failed to  
19 ask for an amendment, I'm going to add in an  
20 additional item -- an additional motion relative  
21 to the proposed development, and that motion  
22 would be -- and you can follow on Item 20, if  
23 you would want to start it -- the Lee County --

24 JUDGE SLAVIN: Let me copy and paste. Go

1 ahead, the Lee County ZBA finds. Okay. I'm  
2 calling this 20A. Okay.

3 MR. HUGHES: I was going to say, you  
4 probably can continue all the way through that  
5 first initial -- the Lee County ZBA finds that  
6 the Applicant has submitted a site plan for the  
7 proposed Eldena SES with the existing conditions  
8 showing, or that includes, surface water  
9 drainage patterns.

10 JUDGE SLAVIN: Bear with me while I try to  
11 cut and paste here.

12 MR. HUGHES: Better than typing the whole  
13 thing out.

14 JUDGE SLAVIN: Yes, it is.

15 While he's, I'm sure, listening, Mike  
16 Pratt would say, I have no pride of authorship.  
17 So tell me what's wrong with it.

18 MR. HUGHES: Comma after "includes," and  
19 that would be sufficient.

20 JUDGE SLAVIN: The motion, gentlemen, is  
21 shown on the screen. Do I hear a second to  
22 Mr. Hughes' motion?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: Hearing a second, any

1 comment on your own motion, Mr. Hughes?

2 MR. HUGHES: No, sir.

3 JUDGE SLAVIN: Any other Board member,  
4 comment? Want to address it?

5 (No verbal response.)

6 JUDGE SLAVIN: Seeing no indication of a  
7 want to do so, I'll put the question. The  
8 question being put is whether the Lee County ZBA  
9 finds that the Applicant has submitted a site  
10 plan for the proposed Eldena SES with conditions  
11 showing, or that includes, surface drainage  
12 patterns.

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: Motion is -- the motion is  
21 adopted. This italics stuff and font is just  
22 for me, when I put it all together I can draft  
23 it.

24 Okay. Floor is again open.

1 MR. HUGHES: Let's jump back on track with  
2 Number 22. The Lee County ZBA finds that the  
3 Applicant has not submitted the manufacturer's  
4 specifications and recommended installation  
5 methods for all major equipment, including solar  
6 panels, mounting systems, and foundations for  
7 poles and racks.

8 JUDGE SLAVIN: Does that look like your --

9 MR. HUGHES: Yes, sir.

10 JUDGE SLAVIN: Getting rid of that  
11 underline.

12 Okay. Do I hear a second?

13 MR. BUHROW: Second.

14 JUDGE SLAVIN: The floor is open for  
15 debate.

16 Your motion, Mr. Hughes.

17 MR. HUGHES: Only to comment, as I did  
18 earlier, and I believe it's merely a matter of  
19 making some decisions that are required before  
20 the building permit and not necessarily at the  
21 hearing but I think that were still options  
22 pending on what equipment was going to be  
23 installed.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: All right. Seeing none, I'll put the question. The question being put is whether the Applicant has not submitted the manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles and racks.

Adoption of that 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: The motion is adopted.

Zach Cohen has pointed out to me I just need to go to this little floppy disk there and save.

The floor is open.

MR. HUGHES: Okay. Let's continue on to Number 23. The Lee County ZBA finds that the Applicant has adequately described the method of connecting the SES to a building or substation

1 as required by Lee County Ordinance.

2 JUDGE SLAVIN: Okay. A quick look. I  
3 think that's what you read.

4 MR. HUGHES: Yes, sir.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Hearing a second, I will  
8 open the floor for debate.

9 Your motion, Mr. Hughes.

10 MR. HUGHES: No comment.

11 JUDGE SLAVIN: Any other Board member wish  
12 to address it?

13 (No verbal response.)

14 JUDGE SLAVIN: Seeing none, I will put the  
15 question. The question being put is whether the  
16 Lee County ZBA finds that the Applicant has  
17 adequately described the method of connecting  
18 the SES to a building or substation as required  
19 by Lee County Ordinance.

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: All those opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: The motion is adopted.

4 Okay. Ready to move on.

5 MR. MEYER: Judge Slavin.

6 JUDGE SLAVIN: Yes, sir, Mr. Meyer.

7 MR. MEYER: Number 24, the Lee County ZBA  
8 finds that the proposed SES would not be located  
9 within 500 feet of an airport or any airport  
10 approach zones, so Lee County Ordinance Section  
11 10-15-20E.5 is not applicable to this petition.

12 JUDGE SLAVIN: As soon as I finish  
13 cleaning it up, do you want to take a look?

14 MR. MEYER: It would be "is not  
15 applicable," right?

16 JUDGE SLAVIN: Yup. Okay. Try that on  
17 for size.

18 MR. MEYER: I believe that's correct.

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

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Hearing a second, the floor  
22 is open for debate.

23 Any comment you want to make on your  
24 motion, Mr. Meyer?

1 MR. MEYER: No, Judge.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Alrighty. I will put the  
5 question. The question being put is whether the  
6 Lee County ZBA finds that the proposed SES would  
7 not be located within 500 feet of an airport or  
8 any airport approach zones, so Lee County  
9 Ordinance Section 10-15-20E.5 is not applicable  
10 to this petition.

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: Motion is adopted.

19 Alrighty.

20 MR. HUGHES: Moving on to 25.

21 JUDGE SLAVIN: Okay.

22 MR. HUGHES: The Lee County ZBA finds that  
23 the Applicant has submitted a fire protection  
24 plan for the construction and operation of the

1 facility and emergency access to the site.

2 JUDGE SLAVIN: Does what's on the board  
3 reflect what you intend?

4 MR. HUGHES: Yes, sir.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BUHROW: Second.

7 JUDGE SLAVIN: That means the floor is  
8 open for debate.

9 Your motion, Mr. Hughes.

10 MR. HUGHES: Nothing further.

11 JUDGE SLAVIN: Any other Board member wish  
12 to address it?

13 (No verbal response.)

14 JUDGE SLAVIN: Okay. Hearing -- seeing  
15 none, I will put the question. The question  
16 being put is whether the Lee County ZBA finds  
17 that the Applicant has submitted a fire  
18 protection plan for the construction and  
19 operation of the facility and emergency access  
20 to the site.

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

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

MR. MEYER: Judge Slavin, moving on to 26.

JUDGE SLAVIN: Yes, sir.

MR. MEYER: The Lee County ZBA finds that the Applicant did initiate an endangered species and wetlands review consultation with the Illinois Department of Natural Resources through the Department's EcoCAT program which did not identify any endangered species of wetlands.

JUDGE SLAVIN: All right. Does that look right?

MR. MEYER: It does.

JUDGE SLAVIN: Okay. Second?

MR. BOTHE: Second.

JUDGE SLAVIN: Hearing a second, I'll open the floor for debate.

Your motion, Mr. Meyer.

MR. MEYER: No debate.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Seeing none, I will put the

1 question. The question being put is whether the  
2 Lee County ZBA finds that the Applicant did  
3 initiate an endangered species and wetlands  
4 review consultation with the Illinois Department  
5 of Natural Resources through the Department's  
6 EcoCAT program which did not identify any  
7 endangered species of wetlands.

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

11 (All those simultaneously  
12 responded.)

13 JUDGE SLAVIN: All those opposed by nay.

14 (No verbal response.)

15 JUDGE SLAVIN: Motion is adopted.

16 Moving along.

17 MR. BUHROW: Judge, Number 27.

18 JUDGE SLAVIN: Yes, sir.

19 MR. BUHROW: As to the use of the County's  
20 and its respective township roads for  
21 Applicant's vehicular traffic during  
22 construction and continuing through the life of  
23 the proposed SES, the Lee County ZBA finds that  
24 it should be required that the Petitioner enter

1 into Road Use and Repair Agreements approved by  
2 the Lee County Board, the Lee County Engineer,  
3 the Lee County Zoning Officer, and the affected  
4 Township Highway Commissioners prior to the  
5 issuance of a building permit, and that none was  
6 presented to the ZBA for advice and consent.

7 JUDGE SLAVIN: All right. Look at the  
8 board, tell me if that reflects your motion,  
9 please.

10 MR. BUHROW: Okay.

11 JUDGE SLAVIN: Do I hear a second?

12 MR. BOTHE: Second.

13 JUDGE SLAVIN: Hearing a second, the floor  
14 is open for debate.

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

17 MR. BUHROW: Nothing, sir.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: Seeing none, I will put the  
21 question. The question being put is whether as  
22 to the use of the County's and its respective  
23 township roads for Applicant's vehicular traffic  
24 during construction and continuing through the

1 life of the proposed SES, the Lee County ZBA  
2 finds that it should be required that the  
3 Petitioner enter into Road Use and Repair  
4 Agreements approved by the Lee County Board, the  
5 Lee County Engineer, the Lee County Zoning  
6 Officer, and the affected Township Highway  
7 Commissioners prior to the issuance of a  
8 building permit, and that none was presented to  
9 the ZBA for advice and consent.

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: Hearing none, the motion is  
18 adopted.

19 I'm going to run out of ways to say it.  
20 So the next one is, "Okay, guys."

21 MR. HUGHES: Just a moment, Your Honor.

22 JUDGE SLAVIN: Sure, of course. Want to  
23 take a recess, just tell me.

24 MR. MEYER: Moving on to Number 29, Judge.

1 JUDGE SLAVIN: 29. Got it.

2 MR. MEYER: The Lee County ZBA finds that  
3 the Applicant has committed to contacting any  
4 local drainage districts before beginning  
5 construction to locate drainage district tiles;  
6 and repairing or restoring all drainage tiles  
7 damaged during the construction to the same or  
8 better condition as to when construction began.

9 JUDGE SLAVIN: All right. Take a look  
10 real quick, see if that reflects what you  
11 meant -- or said.

12 MR. MEYER: It is.

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

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: Hearing a second, the floor  
16 is open for debate.

17 And first you, Mr. Meyer, because it's  
18 your motion.

19 MR. MEYER: No other comments.

20 JUDGE SLAVIN: How about any other Board  
21 member?

22 (No verbal response.)

23 JUDGE SLAVIN: Seeing none, I'll put the  
24 question. The question being put is whether the

1 Applicant has committed to contacting any local  
2 drainage districts before beginning construction  
3 to locate drainage district tiles; and repairing  
4 or restoring all drainage tiles damaged during  
5 the construction to the same or better condition  
6 as to when construction began.

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: All those opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: The motion is adopted.

15 Alrighty.

16 MR. HUGHES: Your Honor, let's move on to  
17 Number -- what's listed as Number 31.

18 JUDGE SLAVIN: Okay.

19 MR. HUGHES: The Lee County ZBA finds that  
20 the Applicant has committed to maintain a  
21 general liability policy covering bodily injury  
22 and property damage with limits of at least  
23 \$2 million per occurrence; and \$5 million in the  
24 aggregate; with a deductible of no more than

1 \$5,000; and naming Lee County as an additional  
2 insured.

3 JUDGE SLAVIN: Take a look and make sure I  
4 got it right.

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

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

7 MR. BOTHE: Second.

8 JUDGE SLAVIN: Hearing a second, the floor  
9 is open for debate.

10 Anything you want to note about your  
11 motion, Mr. Hughes?

12 MR. HUGHES: No, that's sufficient.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: No Board member having  
16 indicated the same, I will put the question.  
17 The question being put is whether the Lee County  
18 ZBA finds that the Applicant has committed to  
19 maintain a general liability policy covering  
20 bodily injury and property damage with limits of  
21 at least \$2 million per occurrence; and \$5  
22 million in the aggregate; with a deductible of  
23 no more than \$5,000; and naming Lee County as an  
24 additional insured.

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

4                           (All those simultaneously  
5                           responded.)

6           JUDGE SLAVIN: Opposed by nay.

7                           (No verbal response.)

8           JUDGE SLAVIN: The motion is adopted.

9           MR. MEYER: Judge Slavin.

10          JUDGE SLAVIN: How about it.

11          MR. MEYER: Number 32, the Lee County ZBA  
12          finds that, other than during construction,  
13          there will be no detectable vibration associated  
14          with this solar development.

15          JUDGE SLAVIN: I know it's just fairly  
16          simply-worded. You want to make sure it  
17          reflects what you said though?

18          MR. MEYER: That's correct.

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

20          MR. BOTHE: Second.

21          JUDGE SLAVIN: Hearing a second, the floor  
22          is open for debate.

23          Anything you want to say, Mr. Meyer?

24          MR. MEYER: No, Judge.

1 JUDGE SLAVIN: Any other Board members?

2 (No verbal response.)

3 JUDGE SLAVIN: Hearing none, I'll put the  
4 question. The question being put is whether the  
5 Lee County ZBA finds that, other than during  
6 construction, there will be no detectable  
7 vibration associated with this solar  
8 development.

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: It is unanimous.

17 Okay.

18 MR. BUHROW: Judge Slavin.

19 JUDGE SLAVIN: Yes, sir.

20 MR. BUHROW: Point 33.

21 MS. DUFFY: I can't hear you.

22 MR. BUHROW: Point 33. There we go.

23 The Lee County ZBA finds that, other than  
24 during construction, there will be no air

1 pollution associated with this solar  
2 development.

3 JUDGE SLAVIN: Does the screen look right?

4 MR. BUHROW: Yes.

5 JUDGE SLAVIN: Okay. Second?

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Hearing a second, the floor  
8 is open for debate.

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

11 MR. BUHROW: No, sir.

12 JUDGE SLAVIN: Any other Board members?

13 (No verbal response.)

14 JUDGE SLAVIN: Seeing none, I will put the  
15 question. The question being put is whether the  
16 Lee County ZBA finds that, other than during  
17 construction, there will be no air pollution  
18 associated with this solar development.

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

22 (All those simultaneously  
23 responded.)

24 JUDGE SLAVIN: How about opposed?

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(No verbal response.)

JUDGE SLAVIN: None. It is unanimously adopted.

Highlighted, saved, and we go on.

MR. MEYER: Judge, Number 34.

JUDGE SLAVIN: Wait a minute. There we go. Yes, sir.

MR. MEYER: The Lee County ZBA finds that, other than during construction, there will be no odor associated with the solar development.

JUDGE SLAVIN: Does that look right on the board?

MR. MEYER: That is correct.

JUDGE SLAVIN: Do I hear a second?

MR. BUHROW: Second.

JUDGE SLAVIN: Hearing a second, the floor is open for debate.

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

MR. MEYER: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: None.

I will put the question. The question

1 being put is whether the Lee County ZBA finds  
2 that, other than during construction, there will  
3 be no odor associated with the solar  
4 development.

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 indeed adopted.  
13 Okay.

14 MR. HUGHES: Number 35, Your Honor. The  
15 Lee County ZBA finds that, other than during  
16 construction, the Petitioner has stated there  
17 will be no heat associated with this solar  
18 development.

19 JUDGE SLAVIN: How does that look?

20 MR. HUGHES: After that, stated that --

21 JUDGE SLAVIN: Oh, there will. Okay, how  
22 about that?

23 MR. HUGHES: That looks fine.

24 JUDGE SLAVIN: Okay. Second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Having moved and seconded,  
3 the floor is open for debate.

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

6 MR. HUGHES: No, sir.

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

9 (No verbal response.)

10 JUDGE SLAVIN: Seeing none, I will put the  
11 question. The question will be whether the Lee  
12 County ZBA finds that, other than during  
13 construction, the Petitioner has stated there  
14 will be no heat associated with this solar  
15 development.

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: All those opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: Motion is adopted.

24 Back atcha.

1 MR. BUHROW: Judge, Number 36. Lee County  
2 ZBA finds there will be no particularly  
3 identifiable fire or explosion hazards  
4 associated with this solar development.

5 JUDGE SLAVIN: Take a real quick look,  
6 Mr. Buhrow, and see if that's what you said.

7 MR. BUHROW: Okay.

8 JUDGE SLAVIN: Do I hear a second?

9 MR. BOTHE: Second.

10 JUDGE SLAVIN: Want to address your own  
11 motion, Mr. Buhrow?

12 MR. BUHROW: No, thank you, Your Honor.

13 JUDGE SLAVIN: Any other Board member, by  
14 raise of the hand?

15 (No verbal response.)

16 JUDGE SLAVIN: Seeing none, I will put the  
17 question. The question being put is whether the  
18 Lee County ZBA finds that there will be no  
19 particularly identifiable fire or explosion  
20 hazards associated with this solar development.

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

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: The motion is adopted.

Talk to me.

MR. HUGHES: Your Honor, would it be appropriate at this time for me to ask to recess this hearing? There are some -- some of the items coming up, without skipping over several, I think need some additional attention. Maybe I'm lagging behind some of my fellow Board members, but I think at this point I still need to address some of the specifics.

JUDGE SLAVIN: At least think about them, is what you're saying?

MR. HUGHES: Yeah.

JUDGE SLAVIN: Any Board members -- I'm going to put it this way: does anybody really object?

(No verbal response.)

JUDGE SLAVIN: Okay. September 1st, 7 o'clock, here at the Old Lee County Courthouse.

MR. HUGHES: I think we originally were

1 going to try August 31.

2 JUDGE SLAVIN: No, remember, Ms. Duffy and  
3 I had that discussion today, the 31st was on it,  
4 but then Ms. Duffy mentioned at a meeting that  
5 there's -- she scheduled a -- some kind of  
6 public hearing in this room that night and we  
7 can't have it. Since it's a public meeting, we  
8 can't muscle them out.

9 So, yeah, I mean, I wish we could. That's  
10 why I was a little antsy about the 1st and 2nd,  
11 but we haven't got a choice.

12 MR. HUGHES: Okay.

13 JUDGE SLAVIN: That gives everybody plenty  
14 of time to go over these, look at your petition,  
15 look at your notes on the testimony, look at the  
16 transcripts.

17 Okay. 7 o'clock, Tuesday, September 1st,  
18 here at the Old Lee County Courthouse.

19 (The hearing was recessed at  
20 9:02 p.m.)

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On this 26th day of August, A.D., 2020, I do signify that the foregoing testimony was given before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,  
Zoning Enforcement Officer

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