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1 JUDGE SLAVIN: Good evening, ladies and
2 gentlemen. Welcome back. Happy sort-of-rain
3 day. I hope you folks got more rain than the
4 sprinkles we got a little to your west.

5 As usual, informal roll call. I say
6 informal because, after all, this is the same
7 hearing, just a different session. But I note
8 that all five members of the Zoning Board of
9 Appeals are here: Mr. Forster, Mr. Buhrow,
10 Mr. Bothe, Mr. Hughes, and Mr. Meyer.

11 We're honored by the presence of Dee
12 Duffy, the Zoning Officer, and as well as your
13 State's Attorney, Mr. Boonstra. The Petitioner
14 is here by its attorney, Ms. Kennedy, and
15 probably at least one employee. Members of the
16 public are here. Lee County support staff, Mike
17 McBride, Alice Henkel, are here.

18 And we're ready to pick up where we left
19 off.

20 I should note, as I have been doing, that
21 all folks in attendance, except when they're
22 speaking, are wearing masks and trying to
23 maintain social distancing at 6 feet or more.

24 I remind folks to please, please check

1 your cell phones right now and either turn them
2 off or to silent.

3 We are again on Zoom. The Zoom meeting ID
4 is 91539239154. The password is 209840.

5 You can also view on YouTube by going to
6 www.youtube.com, type in leecountyil, I-L,
7 Zoning Board of Appeals, find the date, today's
8 date, September 1st, and you should be able to
9 view the proceedings there as well.

10 All right. To the business at hand. When
11 we left off, we were -- the Board was
12 fact-finding, and we were going through motions
13 the Board has, and we'll pick it up. The floor
14 is open for any further motions.

15 MR. HUGHES: Your Honor, let's move on to
16 Draft Number 38.

17 JUDGE SLAVIN: Okay. All set.

18 MR. HUGHES: The Lee County ZBA finds that
19 there will be no particularly identifiable waste
20 material --

21 JUDGE SLAVIN: Just a minute. I'm sorry.
22 I'm sorry.

23 (A discussion was held off
24 the record.)

1 JUDGE SLAVIN: Sorry. Technical. Is it
2 shown up there still?

3 MR. HUGHES: Yes.

4 MS. HENKEL: We have a pop-up kind of --
5 yeah, that one.

6 MR. McBRIDE: Okay?

7 MS. HENKEL: Yes.

8 JUDGE SLAVIN: Okay. Back in business.
9 You were saying the Lee County -- you
10 moved that the Lee County ZBA finds --

11 MR. HUGHES: That there will be no
12 particularly identifiable waste material
13 associated with this solar development.

14 JUDGE SLAVIN: Take a look at the board,
15 make sure that's what you intend and said.

16 MR. HUGHES: Yes, sir.

17 JUDGE SLAVIN: Okay. Do I hear a second
18 to Mr. Hughes' motion?

19 MR. BOTHE: Second.

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

22 It's your motion, Mr. Hughes. You may
23 address it.

24 MR. HUGHES: No further comment.

1 JUDGE SLAVIN: All right. Any other Board
2 member wish to address the motion as proposed --
3 as made?

4 (No verbal response.)

5 JUDGE SLAVIN: Seeing no indication of a
6 wish to do so, I will put the question. The
7 question being put is whether the Lee County ZBA
8 finds that there will be no particularly
9 identifiable waste material associated with this
10 solar development.

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

14 (All those simultaneously
15 responded.)

16 JUDGE SLAVIN: All those opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: The motion is unanimously
19 adopted.

20 Let me put it in some different color for
21 tonight so I can tell the difference between
22 tonight's. Purple tonight. Oops, trying to
23 make it purple.

24 All right. Moving on.

1 MR. MEYER: Moving on to Number 39, Judge.
2 The Lee County ZBA finds that there will be
3 particularly identifiable hazardous materials
4 associated with this solar development.

5 JUDGE SLAVIN: Okay. Once again, I
6 encourage you, not make you, to look at the
7 board to see if that reflects what you said.

8 MR. MEYER: That is correct.

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

10 MR. BOTHE: Second.

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

13 Your motion, Mr. Hughes. Was that Rex?
14 I'm sorry. I didn't even look up. Your voices
15 behind the masks sound strikingly familiar.

16 Mr. Meyer, I'm sorry, your motion.

17 MR. MEYER: I just want to say, because an
18 energy storage facility has been proposed, that
19 they would have the lithium batteries, some are
20 considered, so that's why I added that.

21 JUDGE SLAVIN: That's Mr. Meyer's comment.
22 Any other Board member that wishes to address
23 it?

24 (No verbal response.)

1 JUDGE SLAVIN: Seeing no indication of a
2 want to do so, I will put the question. The
3 question being put is whether the Lee County ZBA
4 finds that there will be particularly
5 identifiable hazardous materials associated with
6 this solar development.

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: By nay.

13 (No verbal response.)

14 JUDGE SLAVIN: Hearing none, the motion is
15 adopted.

16 All right. On we go.

17 MR. HUGHES: Moving on to Number 40, Your
18 Honor, Draft Number 40.

19 JUDGE SLAVIN: There is Number 40.

20 MR. HUGHES: The Lee County ZBA finds that
21 the proposed Special Use will have the following
22 effects on the character of the neighborhood and
23 the surrounding properties as follows: fields
24 of corn and beans.

1 JUDGE SLAVIN: Wait a minute. That's
2 going to take me a -- okay. Nothing wrong with
3 what you're saying, but as follows. Colon,
4 maybe?

5 MR. HUGHES: Yup.

6 JUDGE SLAVIN: Do you want to -- maybe I
7 should -- all right. Corn.

8 MR. HUGHES: Fields of corn.

9 JUDGE SLAVIN: Fields of corn, sorry.

10 MR. HUGHES: And beans will be replaced by
11 rows of solar panels, semicolon, and three- or
12 four-strand barbed wire fence will be replaced
13 by 6-foot-high woven wire fence topped with
14 three strands of barbed wire around the
15 perimeter of the project.

16 JUDGE SLAVIN: Let me clean up the
17 presentation. Just a minute.

18 While I'm doing that, did you have a
19 chance to read?

20 MR. HUGHES: Yes, sir.

21 JUDGE SLAVIN: Does that look like your
22 motion?

23 MR. HUGHES: Yes, sir.

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

1 MR. BUHROW: Second.

2 JUDGE SLAVIN: Heard a second. The floor
3 is open for debate.

4 Mr. Hughes, your motion.

5 MR. HUGHES: No further comment.

6 JUDGE SLAVIN: Any other Board member wish
7 to address the motion as seconded?

8 (No verbal response.)

9 JUDGE SLAVIN: Seeing no indication of a
10 wish to do so, I will put the question. The
11 question being put is whether the Lee County ZBA
12 finds that the proposed Special Use will have
13 the following effects on the character of the
14 neighborhood and the surrounding properties as
15 follows: fields of corn and beans will be
16 replaced by rows of solar panels; and three- or
17 four-strand barbed wire fence will be replaced
18 by 6-foot-high woven wire fence topped with
19 three strands of barbed wire around the
20 perimeter of the project.

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: Motion is adopted.

Moving on.

MR. HUGHES: Let's move on to Number 41.

The Lee County ZBA finds that the proposed Special Use will not impose any new effects on public health, public safety, and/or general welfare.

JUDGE SLAVIN: All right. Take a look now that I have cleaned it up. Does that look right?

MR. HUGHES: Yes, sir.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

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

Mr. Hughes, your motion.

MR. HUGHES: No further comment.

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

(No verbal response.)

JUDGE SLAVIN: Seeing no indication of a

1 want to do so, I will put the question. The
2 question being put is whether the Lee County ZBA
3 finds that the proposed Special Use will not
4 impose any new effects on public health, public
5 safety, and/or general welfare.

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

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: Opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion is unanimously
14 adopted.

15 Moving on.

16 MR. MEYER: Moving ahead to Number 42,
17 Your Honor. The Lee County ZBA finds that the
18 proposed Special Use will have an effect on
19 traffic conditions as follows: will increase
20 traffic during construction --

21 JUDGE SLAVIN: Wait a minute. I'm sorry.
22 It just takes me a while. Will --

23 MR. MEYER: Increase traffic during
24 construction, but will return to normal

1 traffic --

2 JUDGE SLAVIN: How about -- I'm just going
3 to -- which will return. Is that okay?

4 MR. MEYER: Yes.

5 JUDGE SLAVIN: To.

6 MR. MEYER: Normal activity with reduced
7 agricultural traffic.

8 JUDGE SLAVIN: While I'm cleaning it up,
9 would you take a look and see if that's what you
10 said and intended?

11 MR. MEYER: It is.

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

14 MR. BUHROW: Second.

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

17 Mr. Meyer, your motion.

18 MR. MEYER: No further discussion.

19 JUDGE SLAVIN: Any other Board member?

20 MR. HUGHES: Yes, Your Honor.

21 JUDGE SLAVIN: Yes, sir.

22 MR. HUGHES: I think I would like to amend
23 that to clarify that the construction period and
24 the traffic that it would involve. I would

1 propose: will increase traffic during the
2 approximately 12 months --

3 JUDGE SLAVIN: During -- wait a minute.

4 MR. HUGHES: Of construction due to
5 employee traffic and construction vehicle usage.

6 JUDGE SLAVIN: And? I'm sorry.

7 MR. HUGHES: Construction vehicle usage.

8 And then I think to clarify, that "which"
9 doesn't quite fit in there at this point. So I
10 think probably -- at least it feels
11 uncomfortable to me -- change that to "but."

12 JUDGE SLAVIN: I believe I have now
13 displayed and underlined the -- Mr. Hughes' word
14 insertion on his motion to amend.

15 Would you agree with that, Mr. Hughes?

16 MR. HUGHES: Yes, I would.

17 JUDGE SLAVIN: Okay. So I have a motion
18 to amend in accordance with the underlined
19 words.

20 Do I hear a second?

21 MR. BOTHE: Second.

22 JUDGE SLAVIN: Having heard a second, the
23 floor is open for debate just on the motion to
24 amend.

1 And it's your motion to amend, Mr. Hughes.

2 MR. HUGHES: No comment.

3 JUDGE SLAVIN: Any other Board member,
4 just on the motion to amend?

5 MR. MEYER: I support the amendment.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: All right. Seeing none,
9 the Chair will put the question. The question
10 being put is whether the main motion made by
11 Mr. Meyer and seconded will be amended to add
12 the words, "the approximately 12 months of,"
13 "due to employee traffic and construction
14 vehicle usage, but."

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

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: All those opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: The motion is amended.

23 Now, back to the -- what is now the main
24 motion, and I'll get rid of the underlining now.

1 Now the main motion becomes what is
2 displayed on the board, as amended by
3 Mr. Hughes.

4 Mr. Hughes, it is now your -- effectively
5 you're the proponent of the new motion. Do you
6 wish to make any comment?

7 MR. HUGHES: No further comment.

8 JUDGE SLAVIN: Any other Board member wish
9 to make a comment?

10 (No verbal response.)

11 JUDGE SLAVIN: Seeing no indication, I
12 will put the question. The question being put
13 is whether the Lee County ZBA finds that the
14 proposed Special Use will have an effect on
15 traffic conditions as follows: will increase
16 traffic during the approximately 12 months of
17 construction due to employee traffic and
18 construction vehicle usage but will return to
19 normal activity with reduced agricultural
20 traffic.

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

24 (All those simultaneously

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responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: The motion is unanimously adopted.

All right. Moving ahead.

MR. HUGHES: Moving on to Draft Item Number 43. The Lee County ZBA finds that the proposed Special Use will have effects on public utility facilities as follows: it will increase the source of electric power.

JUDGE SLAVIN: Period?

MR. HUGHES: Yes, sir.

JUDGE SLAVIN: All right. Take a look for me -- for us all, see if that's what you said and want to say.

MR. HUGHES: Yes, sir.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

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

Your motion, Mr. Hughes.

MR. HUGHES: No further comment.

JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: Indicating -- none indicating so, I will put the question. The question being put is whether the Lee County ZBA finds that the proposed Special Use will have effects on public utility facilities as follows: it will increase the source of electric power.

Adoption of this 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: Those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is unanimously adopted.

Alrighty. Back to the floor.

MR. HUGHES: Well, I guess we'll move on to Draft Number 44. The Lee County ZBA finds that the proposed Eldena Solar SES project does not carry with it any environmental concerns, period.

JUDGE SLAVIN: Huh?

MR. HUGHES: I just said, "period."

1 JUDGE SLAVIN: Oh. How about it, as I'm
2 cleaning up the underlining? Does that look
3 like what you said and intended?

4 MR. HUGHES: I concur.

5 JUDGE SLAVIN: Okay. Second?

6 MR. BOTHE: Second.

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

9 Your motion, Mr. Hughes.

10 MR. HUGHES: No further comment.

11 JUDGE SLAVIN: Any other Board member,
12 comment?

13 (No verbal response.)

14 JUDGE SLAVIN: Seeing -- hearing none, I
15 will put the question. The question being put
16 is whether the Lee County ZBA finds that the
17 proposed Eldena Solar SES project does not carry
18 with it any environmental concerns.

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

22 (All those simultaneously
23 responded.)

24 JUDGE SLAVIN: Opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

MR. MEYER: Moving on to Number 45, Your Honor.

JUDGE SLAVIN: Got it.

MR. MEYER: The Lee County ZBA finds that granting all three requested Variances would not be a substantial detriment to the public good.

JUDGE SLAVIN: Give me a minute here. I'm sorry, Mr. Meyer.

MR. MEYER: I just chose the second one, would not be a substantial detriment to the public good, and left the other two portions out.

JUDGE SLAVIN: Okay. While I'm finishing up the last one, does that look -- other than that being a period, does that look correct.

MR. MEYER: It does.

JUDGE SLAVIN: Second?

MR. BUHROW: Second.

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

Mr. Meyer, your motion. Care to comment?

MR. MEYER: I have no comment.

1 JUDGE SLAVIN: All right. Any other Board
2 member wish to address the motion as proposed?

3 MR. HUGHES: Yes, Your Honor. While I
4 don't necessarily disagree with the item that
5 Mr. Meyer has pointed to, I do believe that
6 making all three of those Variances would not be
7 in harmony with the Lee County Zoning
8 Ordinance's general purpose and intent.

9 JUDGE SLAVIN: So you have got -- is that
10 a motion to amend or is that just an argument?

11 MR. HUGHES: Let's, at this point, put it
12 in -- I will propose it as an amendment and
13 we'll let the --

14 JUDGE SLAVIN: You have got to tell me
15 what you want to do, whether it's a debate or --

16 MR. HUGHES: Yeah, at this point let's
17 start out with -- let's propose it as an
18 amendment.

19 JUDGE SLAVIN: Okay.

20 MR. HUGHES: So not eliminating
21 Mr. Meyer's, but --

22 JUDGE SLAVIN: You tell me the verbiage
23 you want.

24 MR. HUGHES: Would not --

1 JUDGE SLAVIN: But?

2 MR. HUGHES: But.

3 But would not be in harmony with the Lee
4 County Zoning Ordinance's general purpose and
5 intent.

6 JUDGE SLAVIN: General purpose.

7 MR. HUGHES: And intent.

8 JUDGE SLAVIN: Take a look.

9 MR. HUGHES: Yes, sir. Other than you
10 might want to put a comma between "good" and
11 "but."

12 JUDGE SLAVIN: No, because there's no
13 noun.

14 MR. HUGHES: Okay.

15 JUDGE SLAVIN: Any second to that motion
16 to amend?

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: Okay. With regard to the
19 motion to amend, just on the motion, the
20 underlined words, Mr. Hughes, you want to make a
21 comment on your motion, other than what you said
22 already?

23 MR. HUGHES: Yes. In the current Code, it
24 provides for those 300-foot setbacks based on

1 subdivided areas in part. It appears to me, due
2 to the fact that it's unknown what development
3 or what residence -- where the positioning of
4 residential housing would be in those subdivided
5 lots, so I think there is some concern there by
6 providing the 300-foot setbacks.

7 JUDGE SLAVIN: Any other Board member wish
8 to address the motion to amend?

9 MR. BUHROW: Yes, sir. I'm trying to
10 remember if we had it in testimony.

11 MS. DUFFY: We can't hear you.

12 JUDGE SLAVIN: Got to get up to it.

13 MR. BUHROW: If we had it in testimony
14 that these plots were very old and possibly
15 recently haven't been used because they --

16 MS. DUFFY: I still can't hear you.

17 JUDGE SLAVIN: You're trailing off. You
18 have got to put your mouth -- your lips almost
19 have to touch it.

20 MR. BUHROW: Anyway, I was wondering if --
21 I don't know if there's been testimony that
22 those are old plots from, like, the '60s that
23 never were intended to be used in the last 50
24 years or what the situation is. As far as what

1 Glenn said is true as far as, they are plotted
2 areas, and as far as going along with the
3 Ordinance's purpose, that would be true. But I
4 don't know really what to do in the sense that
5 it's been there for 50 years and nothing has
6 been done.

7 JUDGE SLAVIN: Any other comment?

8 MR. MEYER: I would just like to say, I
9 don't think any of the adjacent landowners
10 objected to the Variance.

11 JUDGE SLAVIN: Okay. Any other comment?

12 MR. HUGHES: Can I make a follow-up on
13 that?

14 JUDGE SLAVIN: Yeah, sure.

15 MR. HUGHES: I believe Mr. Adamich said
16 that he had not contacted the actual property
17 owners of those subdivided lots. So in this
18 situation, it's not the participating property
19 owners or the adjacent property owners that are
20 at issue. In my opinion, it would be the actual
21 property owners and their potential willingness
22 to accept that Variance, and, as I said, I don't
23 believe -- I think Mr. Adamich said he had not
24 contacted the actual property owners.

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

3 (No verbal response.)

4 JUDGE SLAVIN: Seeing no indication of a
5 want to do so, I will put the question. Now,
6 let's understand the question being put is
7 whether Mr. Meyer's motion will be amended to
8 add the words that are underlined and displayed,
9 which are, "but would not be in harmony with the
10 Lee County Ordinance's general purpose and
11 intent."

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

16 (Mr. Meyer, Mr. Buhrow,
17 Mr. Hughes, and Mr. Bothe
18 simultaneously responded.)

19 JUDGE SLAVIN: All those opposed by nay.

20 MR. FORSTER: Nay.

21 JUDGE SLAVIN: The Chair declares the
22 motion carried.

23 The motion is now amended. Take out the
24 underline.

1 We're back to the -- now we're back to the
2 main motion.

3 Mr. Hughes, it has become your motion.
4 You are now the proponent. Would you like to
5 address it any further than what you have
6 already said?

7 MR. HUGHES: No, Your Honor.

8 JUDGE SLAVIN: Any other Board member wish
9 to address the motion as it's now the main
10 motion?

11 (No verbal response.)

12 JUDGE SLAVIN: Seeing no indication of a
13 want to do so, I will put the question. The
14 question being put is whether the Lee County ZBA
15 finds that granting all of the three requested
16 Variances would not be a substantial detriment
17 to the public good but would be -- excuse me,
18 but would not be in harmony with the Lee County
19 Ordinance's general purpose and intent.

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

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: Those opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: Motion is carried
4 unanimately.

5 Okay. The ball is back in your court,
6 gentlemen.

7 MR. HUGHES: Let's move on to Number 46.
8 The Lee County ZBA finds that for all of the
9 three Variances requested by the Applicant, the
10 existing 300-foot setback requirement is due to
11 a previously-platted subdivision.

12 JUDGE SLAVIN: Take a look while I'm
13 cleaning it up, see if that's what you both said
14 and intended.

15 MR. HUGHES: Yes, sir.

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

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: Your motion, Mr. Hughes,
19 for debate.

20 MR. HUGHES: No further comment.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: Seeing no indication of a
24 desire to do so, I will put the question. The

1 question being put is whether the Lee County ZBA
2 finds that for all of the three Variances
3 requested by the Applicant, the existing
4 300-foot setback requirement is due to a
5 previously-platted subdivision.

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

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: All those opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion carries.

14 Back in business.

15 MR. HUGHES: On to Draft Number 47. The
16 Lee County ZBA finds that for all of the three
17 requested Variances, the Applicant has not shown
18 a particular difficulty or particular hardship
19 if not granted the Variance, period.

20 JUDGE SLAVIN: I'll get rid of the
21 underline. Does that look right, Mr. Hughes?

22 MR. HUGHES: Yes, sir.

23 JUDGE SLAVIN: Do I hear a second?

24 MR. BUHROW: Second.

1 JUDGE SLAVIN: Having heard a second, the
2 floor is open for debate.

3 It's your motion, Mr. Hughes.

4 MR. HUGHES: No further comment.

5 JUDGE SLAVIN: Any other Board member wish
6 to address it?

7 (No verbal response.)

8 JUDGE SLAVIN: Seeing no indication of a
9 desire to do so, I will put the question. The
10 question being put is that the -- whether the
11 Lee County ZBA finds that, for all of the three
12 requested Variances, the Applicant has not shown
13 a particular difficulty or particular hardship
14 if not granted the Variance.

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

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: All those opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: The motion is adopted.

23 Okay. Got it now.

24 MR. HUGHES: I would move on to Number --

1 Draft Number 49. The Lee County Zoning Board of
2 Appeals finds that an agent for Eldena Solar,
3 LLC's -- excuse me, LLC, testified under oath or
4 affirmation that the Applicant -- excuse me.
5 Reading this.

6 JUDGE SLAVIN: Will be bound.

7 MR. HUGHES: Yeah, that the Applicant will
8 be bound by any and all proposals and
9 representations in its petition and made under
10 oath at the public hearing before the Lee County
11 ZBA.

12 JUDGE SLAVIN: Okay. Take a look.

13 MR. HUGHES: Yes, sir.

14 JUDGE SLAVIN: That's sort of my business,
15 but I'm --

16 MR. HUGHES: I defer to you on that one.

17 JUDGE SLAVIN: Do I hear a second?

18 MR. BUHROW: Second.

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

21 Mr. Hughes, your motion.

22 MR. HUGHES: No further comment.

23 JUDGE SLAVIN: Any other Board member?

24 (No verbal response.)

1 JUDGE SLAVIN: Hearing none, I will put
2 the question. The question being put is whether
3 the Lee County Zoning Board of Appeals finds
4 that an agent for Eldena Solar, LLC, testified
5 under oath or affirmation that the Applicant
6 will be bound by any and all proposals and
7 representations in its petition and made under
8 oath at the public hearing before the Lee County
9 ZBA.

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

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: Motion is adopted.

18 MR. MEYER: Moving on to Number 50, Judge.
19 I'll give you a second.

20 JUDGE SLAVIN: Let me color this for my
21 use later on.

22 Okay. Shoot.

23 MR. MEYER: Number 50, the Lee County ZBA
24 finds that the character of the land within the

1 footprint of the proposed Eldena Solar, LLC,
2 development is agricultural.

3 JUDGE SLAVIN: That one was rather easy,
4 but check the board to make sure I got it right,
5 what you said and intended.

6 MR. MEYER: It's correct.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

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

11 Any comment on your motion, Mr. Meyer?

12 MR. MEYER: No comment.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: No indication, I will put
16 the question. The question being put is whether
17 the Lee County ZBA finds that the character of
18 the land within the footprint of the proposed
19 Eldena Solar, LLC, development is agricultural.

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

23 (All those simultaneously
24 responded.)

1 JUDGE SLAVIN: Opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: Motion is adopted.

4 I'm getting bored with saying next, but
5 I'll say next.

6 MR. HUGHES: Let's move on to Draft Number
7 51. While the character of the land is
8 agricultural, the Lee County ZBA finds that the
9 Petitioner did provide an executed version of
10 the statutorily-required Agricultural Impact
11 Mitigation Agreement to the Lee County ZBA.

12 JUDGE SLAVIN: Have a look-see, see if
13 that's what you want.

14 MR. HUGHES: Yes, sir.

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

16 MR. BOTHE: Second.

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

19 Your motion, Mr. Hughes.

20 MR. HUGHES: No comment.

21 JUDGE SLAVIN: Any other Board member,
22 comment?

23 MR. FORSTER: I have a comment.

24 JUDGE SLAVIN: Mr. Forster.

1 MR. FORSTER: I don't think that they
2 showed us an Agricultural Impact Mitigation
3 Agreement, it's just that they agreed that the
4 agreement had to be done prior to --

5 MS. DUFFY: Can't hear you.

6 JUDGE SLAVIN: You've got to speak into
7 the mic.

8 MR. FORSTER: The agreement had to be done
9 prior to permitting.

10 JUDGE SLAVIN: Any other Board member wish
11 to address it? Or do you want some time? I
12 see --

13 Yes, Mr. Buhrow?

14 MR. BUHROW: I found it in our book. It's
15 Section 3.12, in the back, and it has a copy of
16 the agreement but there is no signatures, as
17 Bruce mentioned, to the agreement.

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

20 MR. HUGHES: On that basis, then it was
21 then my mistake, because I was thinking it was
22 executed. The AIMA was in there, and it is a
23 sample of that, but we did not see the executed
24 version.

1 JUDGE SLAVIN: I have a motion and a
2 second. Do you wish to amend your own motion?

3 MR. HUGHES: Yes, sir. I would say the
4 Petitioner did provide a copy of the
5 statutorily-required --

6 JUDGE SLAVIN: Just a minute. Before I
7 get lost in my -- there's a way to X out but I'm
8 not going to do it because I don't know exactly
9 how to do it.

10 MR. HUGHES: Required Agricultural Impact
11 Mitigation Agreement to the Lee County ZBA, but
12 it was not an executed version.

13 JUDGE SLAVIN: Rather than underline,
14 because I had to delete words, I'm going to
15 leave the motion as displayed. But it is a
16 motion to amend what was originally the main
17 motion made by Mr. Hughes.

18 Do I hear a second as it's now displayed?

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: Hearing a second, debate on
21 the motion. Remember, we're talking about the
22 motion to amend.

23 Mr. Hughes, it's become your motion -- or
24 it is your motion.

1 MR. HUGHES: No further comment.

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

4 (No verbal response.)

5 MR. FORSTER: I would make a comment that
6 I think --

7 JUDGE SLAVIN: Mr. Forster, can you speak
8 into the mic? I know it's hard.

9 MR. FORSTER: That's fine.

10 JUDGE SLAVIN: You have to practically
11 swallow it.

12 MR. FORSTER: I think there ought to be
13 one more statement in there. It was not an
14 executed version, but the agreement was there
15 that it had to be executed prior to building
16 permits being issued.

17 JUDGE SLAVIN: You tell me -- okay.
18 That's just a comment?

19 MR. FORSTER: That's my comment.

20 JUDGE SLAVIN: Okay. Fair enough.
21 Any other Board member, comment?

22 MR. MEYER: My comment would be that
23 they -- the Petitioner agreed to enter the AIMA
24 before the permit was issued.

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

3 (No verbal response.)

4 JUDGE SLAVIN: All right. Seeing none, I
5 will put the question. The question being put
6 is whether the main motion is now amended as
7 displayed on the board. That's the only
8 question, whether it's amended.

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

13 MR. HUGHES: Aye.

14 JUDGE SLAVIN: Opposed by nay.

15 (No verbal response.)

16 MR. FORSTER: Nay.

17 JUDGE SLAVIN: Roll call. I only heard
18 two voices.

19 Adoption, aye -- voting for it, aye;
20 voting against it, nay.

21 Mr. Forster?

22 MR. FORSTER: Nay.

23 JUDGE SLAVIN: Mr. Buhrow?

24 MR. BUHROW: Aye.

1 JUDGE SLAVIN: Mr. Hughes?

2 MR. HUGHES: Aye.

3 JUDGE SLAVIN: Mr. Bothe?

4 MR. BOTHE: Aye.

5 JUDGE SLAVIN: And, Mr. Meyer?

6 MR. MEYER: Nay.

7 (By voice vote three aye, two
8 nay.)

9 JUDGE SLAVIN: The motion carries, three
10 to two.

11 Now, the motion -- we return to the main
12 motion as it's now been amended. The motion is
13 displayed on the board.

14 It's become your motion now, Mr. Hughes.
15 Any further comment on it?

16 MR. HUGHES: No, Your Honor.

17 JUDGE SLAVIN: Okay. Any other Board
18 member wish to comment, re-emphasize what you
19 said or beyond what you said previously on the
20 motion to amend?

21 (No verbal response.)

22 JUDGE SLAVIN: Seeing no indication, I
23 will put the question. The question being put
24 is, while the character of the land is

1 agricultural, the Lee County ZBA finds that the
2 Petitioner did provide a copy of the
3 statutorily-required Agricultural Impact
4 Mitigation Agreement to the Lee County ZBA, but
5 it was not an executed version.

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

9 (All those simultaneously
10 responded.)

11 JUDGE SLAVIN: All those opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion carries.

14 Okay. Let's move along a little longer.

15 MR. MEYER: Number 52, Your Honor.

16 JUDGE SLAVIN: Yes, sir.

17 MR. MEYER: The Lee County ZBA finds that
18 the Petitioner has promised that construction of
19 its SES development will begin within 36 months
20 of the Special Use Permit approval by the Lee
21 County Board; no construction activity will
22 begin before 6 a.m. or continue after 9 p.m. on
23 any day of the week within one-quarter mile of
24 any nonparticipating landowner's residence

1 without a waiver; and no blasting will occur
2 without notification to any property owner
3 within 1500 feet of such a blasting site.

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

6 MR. BOTHE: Second.

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

9 Want to comment on your own motion,
10 Mr. Meyer?

11 MR. MEYER: No comment.

12 JUDGE SLAVIN: Okay. Any other Board
13 member?

14 (No verbal response.)

15 JUDGE SLAVIN: Okay. Seeing none, I will
16 put the question. The question being put is
17 whether the Lee County ZBA finds that the
18 Petitioner has promised that construction of its
19 SES development will begin within 36 months of
20 the Special Use permit approval by the Lee
21 County Board; no construction activity will
22 begin before 6 a.m. or continue after 9 p.m. on
23 any day of the week within one-quarter mile of
24 any nonparticipating landowner's residence

1 without a waiver; no blasting will occur without
2 notification to any property owner within 1500
3 feet of such a blasting site.

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

7 (All those simultaneously
8 responded.)

9 JUDGE SLAVIN: All those opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: Motion is adopted.

12 Back atcha.

13 MR. HUGHES: Draft Number 54. The Lee
14 County ZBA finds that Eldena Solar promised in
15 the testimony it produced that there would be no
16 rock cover placed under the solar panels.

17 JUDGE SLAVIN: All right. Does that look
18 on the board correct?

19 MR. HUGHES: Yes, sir.

20 JUDGE SLAVIN: Do I hear a second?

21 MR. BUHROW: Second.

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

24 Mr. Hughes, any comment you want to make

1 on your own product?

2 MR. HUGHES: No, Your Honor.

3 JUDGE SLAVIN: Any other Board member wish
4 to address it?

5 (No verbal response.)

6 JUDGE SLAVIN: Seeing no indication, I
7 will put the question. The question being put
8 is whether the Lee County ZBA finds that Eldena
9 Solar promised in the testimony it produced that
10 there would be no rock cover placed under the
11 solar panels.

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

15 (All those simultaneously
16 responded.)

17 JUDGE SLAVIN: All those opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Motion is adopted.

20 Onward and upward.

21 MR. BUHROW: Judge, Number 55.

22 JUDGE SLAVIN: 55, Mr. Buhrow. Try and
23 keep your lips close to the mic.

24 MR. BUHROW: I move that the Lee County

1 ZBA finds --

2 JUDGE SLAVIN: Nope. Maybe it's not
3 working.

4 MR. BUHROW: How is that?

5 MR. HUGHES: Nope.

6 JUDGE SLAVIN: Your office must be quite
7 the resource for the local hardware store's
8 9-volt battery section.

9 MS. DUFFY: Nothing?

10 MR. BUHROW: Nothing yet.

11 MS. DUFFY: Want to use Rex's?

12 JUDGE SLAVIN: Let's try Mr. Meyers', how
13 about that?

14 MR. BUHROW: That sounds better. Are you
15 ready? See, that's why I haven't been reading
16 any tonight.

17 Okay. Number 55, move that the Lee County
18 ZBA finds that the Petitioner has specifically
19 indicated in its petition that it will defend,
20 indemnify, and hold Lee County and its officials
21 harmless from and against claims and expenses,
22 including attorney's fees, arising out of acts
23 or omissions of Eldena Solar, LLC's, operation
24 of this SES development, period.

1 JUDGE SLAVIN: All right. Other than my
2 getting rid of this underline, Mr. Buhrow, does
3 that look like -- does the display look like
4 what you both said and intended?

5 MR. BUHROW: Yes.

6 JUDGE SLAVIN: Do I hear a second?

7 MR. BOTHE: Second.

8 JUDGE SLAVIN: Hearing a second, the floor
9 is open for debate on Mr. Buhrow's motion, and
10 it's his, so he gets to go first.

11 MR. BUHROW: Nothing.

12 JUDGE SLAVIN: Okay. Any other Board
13 member?

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 the Petitioner has
18 specifically indicated in its petition that it
19 will defend, indemnify, and hold Lee County and
20 its officials harmless from and against claims
21 and expenses, including attorney's fees, arising
22 out of the facts or omissions of Eldena Solar,
23 LLC's, operation of this SES development.

24 Adoption of this 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: Motion is adopted.

8 Moving on.

9 MR. HUGHES: Your Honor, let's move on to
10 56 and take a stab at that one.

11 The Lee County ZBA finds that insufficient
12 evidence was presented that the proposed SES
13 development would not have a negative impact on
14 property values within the area of the proposed
15 project.

16 JUDGE SLAVIN: While I'm cleaning it up,
17 do you want to take a look?

18 MR. HUGHES: That would be the motion,
19 Your Honor.

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

21 MR. BUHROW: Second.

22 JUDGE SLAVIN: Having heard a second, the
23 floor is open for debate.

24 Mr. Hughes, your motion.

1 MR. HUGHES: While there was substantial
2 evidence provided that it would not have a
3 negative impact, most of the examples were
4 substantially smaller -- the examples of solar
5 farms were substantially smaller than the one
6 proposed. And at least from my standpoint,
7 while I don't believe there's going to be a
8 negative impact, I'm not wholly convinced based
9 on the size of this project.

10 JUDGE SLAVIN: Any other Board member?

11 MR. BUHROW: Judge.

12 JUDGE SLAVIN: Mr. Buhrow.

13 MR. BUHROW: I somewhat agree with
14 Mr. Hughes. And in checking some of those
15 presentations later on and the sizes, that's the
16 same conclusion I came to. The one at Streator
17 was 160 acres, which would be about a half a
18 mile by a half mile. They were much smaller in
19 the area that they were representing.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

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

1 was presented that the proposed SES development
2 would not have a negative impact on property
3 values within the area of the proposed project.

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: The motion unanimously
12 carries.

13 All right.

14 MR. MEYER: Number 57.

15 JUDGE SLAVIN: I'm sorry, I forgot my
16 color-coding. Without it, I will be lost
17 tomorrow. Okay.

18 MR. MEYER: Moving on to Number 57, Your
19 Honor. The Lee County ZBA finds that the
20 proposed project will increase area employment
21 during the construction phase, thus helping the
22 local economy.

23 JUDGE SLAVIN: How does it look to you,
24 after I get rid of that underline?

1 MR. MEYER: That's correct.

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

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: The floor is open for
6 debate.

7 Mr. Meyer, your motion.

8 MR. MEYER: No further comment.

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

11 (No verbal response.)

12 JUDGE SLAVIN: Apparently none. I will
13 then put the question.

14 The question being put is whether the Lee
15 County ZBA finds that the proposed project will
16 increase area employment during the construction
17 phase, thus helping the local economy.

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 opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: Motion is adopted.

2 Okay.

3 MR. BUHROW: Judge.

4 JUDGE SLAVIN: Sir.

5 MR. BUHROW: Number 58. I move that the
6 Lee County ZBA finds that participating
7 landowners --

8 JUDGE SLAVIN: Mr. Buhrow, I'm sorry to
9 keep bugging you. We just can't -- the Zoom
10 people particularly can't hear you.

11 MR. BUHROW: Number 58, I move that the
12 Lee County ZBA finds that participating
13 landowners should realize an economic benefit
14 from the development area.

15 JUDGE SLAVIN: Take a look. I think I got
16 it right.

17 MR. BUHROW: Yes.

18 JUDGE SLAVIN: Do I hear a second?

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: All right. Your motion,
21 Mr. Buhrow. Anything you want to comment about
22 your own motion?

23 MR. BUHROW: Since we can only make our
24 judgments on the facts presented, we don't have

1 any testimony or evidence really of what the
2 economic benefit to the landowners are, it
3 just -- you know, as far as actually knowing for
4 sure what the situation is. So I think that's
5 the best we can state it.

6 JUDGE SLAVIN: Any other Board member?

7 (No verbal response.)

8 JUDGE SLAVIN: All right. Apparently
9 none.

10 I will then put the question. The
11 question being put is whether the Lee County ZBA
12 finds that participating landowners should
13 realize economic benefit from the development.

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

17 (All those simultaneously
18 responded.)

19 JUDGE SLAVIN: All those opposed by nay.

20 (No verbal response.)

21 JUDGE SLAVIN: Motion is adopted.

22 Okay. Okie dokie. About time for a break
23 when I start saying things okie dokie. And if
24 you want to break now, it may be a good time,

1 little after 8. Let's take a 10-minute break,
2 until quarter after.

3 (A recess was taken at 8:06 p.m.
4 and proceedings resumed at
5 8:19 p.m.)

6 JUDGE SLAVIN: All right. Ladies and
7 gentlemen, can we start to assume our places,
8 please.

9 Okay. I think we're back in order. The
10 floor is open.

11 MR. BUHROW: Your Honor.

12 JUDGE SLAVIN: Sure.

13 MR. BUHROW: 59. I move that the Lee
14 County ZBA finds that a decision to recommend or
15 not recommend approval is not based -- of the
16 petition is not based on an increase or decrease
17 in revenue for the taxing bodies.

18 JUDGE SLAVIN: Take a look at the display.
19 I think I got it right --

20 MR. BUHROW: Yes.

21 JUDGE SLAVIN: -- if you can confirm it.

22 MR. BUHROW: Yes.

23 JUDGE SLAVIN: Do I hear a second?

24 MR. BOTHE: Second.

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JUDGE SLAVIN: The floor is open for
debate.

Your motion, Mr. Buhrow.

MR. BUHROW: Nothing more.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: All right. Hearing none, I
will put the question. The question being put
is whether the Lee County ZBA finds that a
decision to recommend or not recommend approval
of the petition is not based on an increase or
decrease in revenue for taxing bodies.

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

(All those simultaneously
responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

All right. Moving forward.

MR. HUGHES: Move on to Number 60. The
Lee County ZBA finds that Eldena Solar has
indicated that, if their petition for a Special

1 Use Permit is approved, the project will make
2 limited use of security --

3 JUDGE SLAVIN: Wait a minute.

4 MR. HUGHES: Sorry.

5 JUDGE SLAVIN: That's okay. It's just, I
6 can't --

7 MR. HUGHES: I realized I was moving into
8 a change.

9 JUDGE SLAVIN: When I was in high school
10 my mother said I should take typing. You know,
11 your mother is always right.

12 MR. HUGHES: Will make limited use of
13 security cameras throughout.

14 JUDGE SLAVIN: Yup.

15 MR. HUGHES: But has promised that no
16 surveillance will occur on any private property,
17 and that said cameras will be mounted at least
18 300 feet from any adjacent property lines.

19 JUDGE SLAVIN: Take a look.

20 MR. HUGHES: Yes, Your Honor.

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

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Hearing a second, the floor
24 is open for debate on the motion.

1 Your motion, Mr. Hughes.

2 MR. HUGHES: No further comment.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Apparently not, so I will
6 put the question.

7 The question being put is whether the Lee
8 County ZBA finds that the Eldena Solar has
9 indicated that, if their petition for a Special
10 Use Permit is approved, the project will make
11 limited use of security cameras throughout, but
12 has promised that no surveillance will occur on
13 any private property, and that said cameras will
14 be mounted at least 300 feet from any
15 adjacent property lines.

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

19 (All those simultaneously
20 responded.)

21 JUDGE SLAVIN: Opposed by nay.

22 (No verbal response.)

23 JUDGE SLAVIN: Motion is adopted.

24 All right. Moving on.

1 MR. MEYER: Number 61, Your Honor. The
2 Lee County ZBA finds that the Petitioner has
3 promised in sworn testimony that the 10-foot set
4 back woven wire fence noted in Section I.A.1.a
5 above will be augmented by a row of deciduous
6 trees and another row of decorative bushes, the
7 cost of which will be backed by a financial
8 letter of credit and will be enforced by the
9 Zoning Officer.

10 JUDGE SLAVIN: Take a look.

11 MR. MEYER: Okay.

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

14 MR. BOTHE: Second.

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

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

19 MR. MEYER: No further comments.

20 JUDGE SLAVIN: Any other Board member?

21 (No verbal response.)

22 JUDGE SLAVIN: Apparently not, so I will
23 put the question. The question being put is
24 whether the Lee County ZBA finds that the

1 Petitioner has promised in sworn testimony that
2 the 10 -- excuse me, that the 10-foot set back
3 woven wire fence noted in Section I.A.1.a above
4 will be augmented by a row of deciduous trees
5 and another row of decorative bushes, the cost
6 of which will be backed by a financial letter of
7 credit and will be enforced by the Zoning
8 Officer.

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: All those opposed by nay.

15 (No verbal response.)

16 JUDGE SLAVIN: The motion is adopted.

17 Next, if any.

18 MR. MEYER: Number 62, Your Honor. The
19 Lee County ZBA recommends to the Lee County
20 Board that Eldena Solar, LLC's, petition for
21 Special Use be approved.

22 JUDGE SLAVIN: Does that look like your
23 motion?

24 MR. MEYER: It is.

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

3 MR. BOTHE: Second.

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

6 Your motion, so you first, Mr. Meyer.

7 MR. MEYER: No further comment.

8 JUDGE SLAVIN: Any other Board member?

9 (No verbal response.)

10 JUDGE SLAVIN: All right. Seeing none,
11 the question will be put. The question being
12 put is whether the Lee County ZBA recommends to
13 the Lee County Board that Eldena Solar, LLC's,
14 petition for Special Use be approved.

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

18 (All those simultaneously
19 responded.)

20 JUDGE SLAVIN: Opposed by nay.

21 (No verbal response.)

22 JUDGE SLAVIN: The motion is unanimously
23 adopted.

24 All right.

1 MR. HUGHES: Moving on to Draft 63. The
2 motion, the Lee County ZBA recommends to the Lee
3 County Board that Eldena Solar, LLC's, request
4 for the three Variances be amended as follows --

5 JUDGE SLAVIN: Wait a minute. I left out
6 a word and you caught it. Be amended as
7 follows?

8 MR. HUGHES: Yes, sir.

9 JUDGE SLAVIN: Go ahead. All right.
10 Shoot.

11 MR. HUGHES: To allow for waivers on the
12 300-foot setback from existing property owners
13 of the platted --

14 JUDGE SLAVIN: Wait a minute. Of property
15 owners -- well, I'll type what I hear and then
16 you can give it a look-back. Just a minute.

17 Of property owners.

18 MR. HUGHES: Yeah, of.

19 JUDGE SLAVIN: Thank you.

20 MR. HUGHES: From existing property
21 owners.

22 JUDGE SLAVIN: Oh. From existing property
23 owners or lines? I'm sorry.

24 MR. HUGHES: Owners.

1 JUDGE SLAVIN: Okay.

2 MR. HUGHES: Of the platted subdivisions,
3 but in no case reducing the setback to less than
4 50 feet.

5 JUDGE SLAVIN: Happy fingers. Okay.

6 MR. HUGHES: Period. A copy of any such
7 waiver shall be recorded with the Lee County
8 Recorder of Deeds and a copy filed with the Lee
9 County Zoning Administrator.

10 JUDGE SLAVIN: Okay. Let's see how many
11 mistakes there are in there. While I'm cleaning
12 it up, if you can read through my cursor, why
13 don't you take a look.

14 MR. HUGHES: That appears correct.

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

16 MR. MEYER: Second.

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: I heard a second or more.

19 That means the floor is open for debate on
20 your motion, Mr. Hughes. Anything you want to
21 propose?

22 MR. HUGHES: No further comment.

23 JUDGE SLAVIN: All right. Any other Board
24 member wish to address it?

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(No verbal response.)

JUDGE SLAVIN: All right. Seeing no indication of a want to do so, I will put the question. The question being put is whether the Lee County ZBA recommends to the Lee County Board that Eldena Solar, LLC's, request for the three Variances will be amended as follows: to allow for waivers on the 300-foot setback from existing property owners of the platted subdivisions, but in no case reducing the setback to less than 50 feet. A copy of any such waiver shall be recorded with the Lee County Recorder of Deeds and a copy filed with the Lee County Administrator -- Zoning Administrator.

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: The motion is adopted.
All right.

1 MR. BUHROW: Judge Slavin.

2 JUDGE SLAVIN: Yes, sir. Oops. Excuse me
3 just a minute, Mr. Buhrow.

4 MR. BUHROW: Okay.

5 JUDGE SLAVIN: I failed in my clerking
6 duties here.

7 Okay. Yes, sir.

8 MR. BUHROW: Number 64 in our copy. I
9 move that the Lee County ZBA recommends to the
10 Lee County Board that, if Eldena Solar, LLC's,
11 petition for Special Use is approved, a
12 condition of the permit be that Eldena Solar,
13 LLC, and any subsequent entities-in-interest,
14 shall be bound by any and all conditions
15 proposed within the petition, Number 20-P-1154,
16 its attendant application, and that, further,
17 any and all other proposals and representations
18 made under oath at the public hearing before the
19 ZBA shall be considered conditions of the
20 Special Use Permit granted by the Lee County
21 Board, even if not expressly specified herein or
22 therein, period.

23 JUDGE SLAVIN: Take a look at the board.

24 MR. BUHROW: Yes, that's fine.

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

2 MR. HUGHES: Second.

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

5 Your motion, Mr. Buhrow. Anything you
6 want to --

7 MR. BUHROW: No comment.

8 JUDGE SLAVIN: All right. Any other Board
9 member wish to address it?

10 (No verbal response.)

11 JUDGE SLAVIN: All right. Hearing none, I
12 will put the question. The question being put
13 is whether the Lee County ZBA recommends to the
14 Lee County Board that, if Eldena Solar, LLC's,
15 petition for Special Use is approved, a
16 condition of the permit be that Eldena Solar,
17 LLC, and any subsequent entities-in-interest,
18 shall be bound by any and all conditions
19 proposed within the petition, Number 20-P-1154,
20 its attendant application, and that, further,
21 any and all other proposals and representations
22 made under oath at the public hearing before the
23 ZBA shall be considered conditions of the
24 Special Use Permit granted by the Lee County

1 Board, even if not expressly specified herein or
2 therein.

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

7 (All those simultaneously
8 responded.)

9 JUDGE SLAVIN: All those opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: Motion is unanimously
12 adopted.

13 All right. Folks, gentlemen, any other
14 motions? I'll give you about a minute to study
15 your notes. I'm not suggesting one thing or the
16 other. I just want to make sure. I don't want
17 to close the proceedings unless everybody makes
18 sure that's what they wanted to cover. I wish I
19 had a gavel, I could say going, going, gone.

20 All right. I see no other motions even
21 being fermented. So the floor is closed for
22 motions.

23 Mr. Chairman, is there any other business
24 before the Board regarding this particular

1 hearing?

2 MR. FORSTER: No, sir.

3 JUDGE SLAVIN: Okay. I will then take a
4 motion to adjourn.

5 MR. HUGHES: So moved.

6 JUDGE SLAVIN: Do I hear a second?

7 MR. BOTHE: Second.

8 JUDGE SLAVIN: Hearing a second, this is
9 the one -- one of the few motions under Robert's
10 Rules that do not allow for debate.

11 All in favor of the motion to adjourn
12 indicate by saying aye.

13 (All those simultaneously
14 responded.)

15 JUDGE SLAVIN: Those opposed by nay.

16 (No verbal response.)

17 JUDGE SLAVIN: Your hearing is adjourned.

18 MR. FORSTER: Dee, when is the County
19 Board meeting that this will go before?

20 MS. DUFFY: September 17th, it's a
21 Thursday, at 6 p.m., right here.

22 MR. FORSTER: Thank you.

23 JUDGE SLAVIN: Godspeed, everybody. Be
24 safe, be healthy.

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(The hearing was concluded at
8:38 p.m.)

1 Now on this 1st day of September, A.D., 2020, I
2 do signify that the foregoing testimony was given
3 before the Lee County Zoning Board of Appeals.
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8 Bruce Forster, Chairman
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11

12 Dee Duffy,
13 Zoning Enforcement Officer
14
15

16 -----
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