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APPEARANCES:

LEE COUNTY ASSISTANT STATE'S ATTORNEY  
WILLIAM FAWKES  
of the Lee County State's Attorney's Office  
309 South Galena Avenue, Suite 300  
Dixon, Illinois 61021

Counsel for the County.

ATTORNEY COURTNEY KENNEDY  
of the firm of Ehrmann, Gehlbach, Badger &  
Considine  
215 East First Street, Suite 100  
Dixon, Illinois 61021

Counsel for the Applicant.

1 JUDGE SLAVIN: Good evening, everyone. I  
2 welcome you back to the continued hearing of the  
3 Lee County Zoning Board of Appeals on Petition  
4 20 P 1555; more particularly, Steward Creek  
5 Solar, LLC's, petition for Special Use Permit to  
6 construct a solar energy system in portions of  
7 Alto and Willow Creek -- Alto and Willow Creek  
8 Townships.

9 First of all, as far as attendance goes,  
10 under the governor's order that we -- that our  
11 area, Region 1, has raised the mitigation  
12 restrictions beginning 10 -- October 25th, we  
13 are limited in this kind of public gathering to  
14 ten people. In the hearing room, the Old  
15 Courtroom in the Lee -- the third floor  
16 courtroom in the Old Lee County Courthouse, we  
17 have in attendance, the ZBA members:  
18 Mr. Chairman, Bruce Forster; Mr. Bothe;  
19 Mr. Hughes, and Mr. Meyer. We have representing  
20 the Petitioner, Ms. Kennedy. We have our IT  
21 person, Alice. We have from the State's  
22 Attorney's office, Mr. Will Fawkes. And the  
23 court reporter. If I make my count correct,  
24 that's five down there, seven, eight, nine.

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815.453.2260

In Totidem Verbis, LLC (ITV)

1           You can tell Ms. Duffy she can enter the  
2           room, unless Mr. Buhrow shows up.

3           So we're below the mitigation gathering  
4           limits for tonight.

5           MS. DUFFY: Judge, can you hold off for  
6           just a moment? They are having difficulties in  
7           there.

8           JUDGE SLAVIN: Sure.

9           MS. DUFFY: Sorry.

10          JUDGE SLAVIN: No, that's all right. Did  
11          they get -- should I start again?

12          MS. DUFFY: I'm thinking maybe, yes.

13          JUDGE SLAVIN: Marilyn Shipper, could you  
14          hear us at all?

15          MS. HENKEL: I'm going to have to unmute  
16          her.

17          JUDGE SLAVIN: Oh.

18          Marilyn Shippert, could you hear my  
19          introductory remarks just a minute ago?

20                           (No verbal response.)

21          JUDGE SLAVIN: Apparently not.

22          MS. DUFFY: We are not getting audio on  
23          YouTube yet, so we're still working on it.

24          JUDGE SLAVIN: Okay. Stuff happens.

1           We're off the record until I tell you back  
2           on.

3                           (A discussion was held off the  
4                           record.)

5           JUDGE SLAVIN: Good evening, everyone.  
6           First of all, I appreciate --

7           COURT REPORTER: Judge, we are getting  
8           feedback.

9           JUDGE SLAVIN: Dee, my microphone doesn't  
10          appear to be working.

11                           (A discussion was held off  
12                           the record.)

13          JUDGE SLAVIN: Welcome, everyone. Sorry  
14          we got a late start. We had a little technical  
15          difficulty with the microphone system. I think  
16          we have got it resolved.

17          As I said, welcome. This is the continued  
18          hearing, and I call out of recess from the last  
19          session, Lee County Zoning Board of Appeals  
20          hearing on Petition Number 20 P 1555; more  
21          particularly, Steward Creek Solar --

22                           (Technical difficulties.)

23          JUDGE SLAVIN: Off the record.

24                           (A discussion was held off the

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record.)

JUDGE SLAVIN: All right. Back on the record, Callie.

I'm going to try again to welcome everyone. We're having some technical difficulty with the microphone system. We think we have got it solved. We will find out. I apologize for the late delay, but these things happen.

I call out of recess from our last session Lee County Zoning Board of Appeals hearing Petition Number 20 P 1555; more particularly, Steward Creek Solar, LLC's, petition for a Special Use Permit to construct a solar energy system in portions of Alto and Willow Creek Townships.

The first thing to note is that because the -- because of the heightened, spiked COVID rate in Region 1, which includes Lee County, beginning October 25th the governor of the state of Illinois ordered that the new mitigation -- the higher restrictive mitigation protocols would be in effect beginning October 25th. That includes limiting public gatherings to -- such

1 as this, to ten people. Therefore, we are  
2 gathered in the courtroom on the third floor of  
3 the Old Lee County Courthouse. The following  
4 ten people are in attendance, for the ZBA:  
5 Chairman Bruce Forster; Gene Bothe; Glen Hughes;  
6 and Rex Meyer are all present. I will note  
7 right now that Board member Mike Pratt is not  
8 present. He has informed us that he has chosen  
9 not to participate in the decision-making part  
10 of this hearing. So he is being replaced by the  
11 alternate appointed by the Chairman of the  
12 County Board, Rex Meyer.

13 Also present in the courtroom representing  
14 the Petitioner, Ms. Courtney Kennedy. Mr. Will  
15 Fawkes of the State's Attorney's office is  
16 present. Alice, our IT expert, is present, as  
17 is our court reporter, Callie.

18 For those of you who may be listening  
19 otherwise, I always like to remind you that the  
20 Zoom -- continuing Zoom meeting ID is  
21 91539239145. The password is 209840.

22 If -- I understand it's being broadcast on  
23 YouTube, as well. If you want to listen to that  
24 proceeding -- view and listen to the

1 proceedings, you go to [www.youtube.com](http://www.youtube.com), in the  
2 search bar type "Lee County IL," short for  
3 Illinois, IL, I-L, "Zoning Board of Appeals."  
4 You don't need to be concerned with upper or  
5 lower case letters. Find the session date from  
6 the drop-down menu, click on that, and whala,  
7 you should be able to see and hear us.

8 Whether it's Zoom or YouTube, if you have  
9 tech- -- if you want technical assistance, you  
10 may feel free to call 815.973.3449, and  
11 Ms. Duffy, your Zoning Officer for Lee County,  
12 will be glad to assist you.

13 At this point, for those of us in the  
14 hearing room, I remind you, if you would please  
15 turn your cell phones off or at least on silent,  
16 that would be appreciated.

17 All right. We have reached the -- what is  
18 called the fact-finding and recommendations  
19 stage of these proceedings. That is -- that  
20 means that public participation has ended, and  
21 it's the matter of decision-making on the  
22 finding of facts required by the statute, and  
23 recommendations -- discretionary recommendations  
24 made to the County Board are up to the Lee



1 County Zoning Board of Appeals.

2 So there has been prepared a -- at least  
3 an up-line of possible findings of fact, and the  
4 floor is open for motions regarding findings of  
5 fact.

6 MR. MEYER: Judge, Rex Meyer.

7 JUDGE SLAVIN: Mr. Meyer, you may.

8 MR. MEYER: I'd like to start with Number  
9 1. The Lee County Zoning Board of Appeals,  
10 (hereinafter "ZBA") finds that on July 30th,  
11 2020, Steward Creek Solar, LLC, (hereinafter  
12 "Petitioner," the "Developer," or "Hexagon,") a  
13 wholly-owned subsidiary of Hexagon Energy, LLC,  
14 filed a petition with the Lee County Zoning  
15 Administration Office, which is numbered  
16 20-P-1555, requesting a Special Use Permit to  
17 construct and operate a 600-megawatt solar  
18 energy system (hereinafter "SES" or "solar  
19 farm") all on 68 parcels of real estate totaling  
20 a rounded-off 5,000 acres, owned by 24  
21 landowners and zoned AG-1 within Alto and Willow  
22 Creek Townships, generally bounded on the north  
23 by Ogle County, the east by DeKalb, the south by  
24 Route 30, and on the west by Interstate 39.

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1 Portions of the project are within a 1-1/2 mile  
2 radius of the Villages of Lee and Steward.

3 I make that motion.

4 JUDGE SLAVIN: Do I hear a second?

5 MR. BOTHE: Second.

6 JUDGE SLAVIN: Hearing a second, the floor  
7 is open for debate, and I always turn it over to  
8 the Movant.

9 Anything you want to purge about your  
10 motion, Mr. Meyer?

11 MR. MEYER: I have no other comments.

12 JUDGE SLAVIN: Any other Board members  
13 want to address the motion on the floor?

14 MR. BOTHE: No comments.

15 JUDGE SLAVIN: Seeing none, I will put the  
16 question. The question being put is as  
17 Mr. Meyer read and appears on the screen in  
18 front of you Zoning Board members.

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

22 (All those simultaneously  
23 responded.)

24 JUDGE SLAVIN: All those opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: The motion is adopted.

All right. Moving along, the floor is again open for motions.

MR. HUGHES: Your Honor, continuing with the draft, Number 2 motion that, Further, the ZBA finds that it is being proposed that the aforementioned Special Use Permit would be for the following structures:

Roughly 2,121,600 solar modules, or panels, approximately 8 feet long and 3 and 1/2 feet wide and approximately 1 inch thick surrounded by a chain link boundary fence that would be 6 feet high topped by barbed wire;

And perhaps an operations and maintenance building;

And one temporary construction outdoor storage area, ("laydown yard").

That would be the motion.

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

MR. BOTHE: Second.

JUDGE SLAVIN: Hearing a second, I will take debate on the question.

1           Mr. Hughes, your motion. Anything you  
2 want to say about it?

3           MR. HUGHES: No comment.

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

6                           (No verbal response.)

7           JUDGE SLAVIN: Seeing none, I will put the  
8 question. The question being put is whether the  
9 ZBA further -- or excuse me. Further, the ZBA  
10 finds that it is being proposed that the  
11 aforementioned Special Use Permit would be for  
12 the following structures:

13                   Roughly 2,121,600 solar modules, or  
14 panels, approximately 8 feet long and 3 and 1/2  
15 half feet wide and approximately 1 inch thick  
16 surrounded by a chain link boundary fence that  
17 would be 6 feet high topped by barbed wire;

18                   And perhaps an operations and maintenance  
19 building;

20                   And one temporary construction outdoor  
21 storage area, ("laydown yard").

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

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(All those simultaneously  
responded.)

JUDGE SLAVIN: All those opposed by nay.  
(No verbal response.)

JUDGE SLAVIN: Motion is unanimously  
adopted. And the floor is open.

MR. MEYER: Number 3, Your Honor. The  
motion would be, The Lee County ZBA finds that  
if approved, the proposed SES will produce  
electricity sufficient to power 116,300 homes;

And has a useful life expectancy of 35  
years.

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

MR. FORSTER: Second.

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

Mr. Meyer, your motion.

MR. MEYER: I have no other discussion.

JUDGE SLAVIN: Any other Board member want  
to address the motion?

(No verbal response.)

JUDGE SLAVIN: Seeing none, I will put the  
question.

1           The question being put is whether the Lee  
2           County ZBA finds that, if approved, the proposed  
3           SES will produce electricity sufficient to power  
4           116,300 homes;

5           And has a useful life expectancy of 35  
6           years.

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           MR. HUGHES: All those opposed by nay.

13                           (No verbal response.)

14           JUDGE SLAVIN: The motion is unanimously  
15           adopted.

16           And moving along.

17           MR. HUGHES: Continuing on with the draft,  
18           Number 4, motion being, The Lee County ZBA finds  
19           that following the submission of the  
20           Application, proper notice was published in the  
21           Ashton Gazette on 9/30 of '20, the Rochelle News  
22           Leader on 9/28/20, and the Dixon Telegraph on  
23           9/29/20.

24           In addition, Zoning Officer Dee Duffy went

1 to extraordinary lengths to publish continually-  
2 updated notices on her department's pages of the  
3 Lee County website and post the same throughout  
4 the area in which the proposed development would  
5 be located.

6 Furthermore, with the exception of the  
7 City of Rochelle, which waived notice, certified  
8 mailings of the notice were sent to the property  
9 owners who would be adjacent to the proposed  
10 development if approved.

11 That is my motion.

12 JUDGE SLAVIN: Thank you.

13 A second?

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: Hearing a second, I'll take  
16 any debate.

17 Mr. Hughes, your motion.

18 MR. HUGHES: No further comment.

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

21 (No verbal response.)

22 JUDGE SLAVIN: Seeing no indication to do  
23 so, I will put the question. The question being  
24 put is whether the Lee County ZBA finds that

1 following the submission of the Application,  
2 proper notice was published in the Ashton  
3 Gazette on 9/30/20, the Rochelle News Leader on  
4 9/28/20, and the Dixon Telegraph on 9/29/20.

5 In addition, Zoning Officer Dee Duffy went  
6 to extraordinary lengths to publish continually-  
7 updated notices on her department's pages of the  
8 Lee County website and post the same throughout  
9 the area in which the proposed development would  
10 be located.

11 Furthermore, with the exception of the  
12 City of Rochelle, which waived notice, certified  
13 mailings of the notice were sent to the property  
14 owners who would be adjacent to the proposed  
15 development if approved.

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, nay.

22 (No verbal response.)

23 JUDGE SLAVIN: It is, like the others,  
24 adopted.



1 MR. MEYER: Judge, Number 5.

2 JUDGE SLAVIN: Just a minute. I've got to  
3 type it in, and then I've got to save it and  
4 then I'm ready. If I don't save it, we'll never  
5 get it done.

6 Okay. Yes.

7 MR. MEYER: Draft Number 5, the motion  
8 would read, Prior to initiating the hearing, the  
9 Board finds that under authority provided by its  
10 own rules, engaged the services of Tim Slavin, a  
11 retired circuit court judge, as the Facilitator  
12 for the proceedings.

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

15 MR. BOTHE: Second.

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

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

20 MR. MEYER: Nothing further.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, I will put  
24 the question. The question being put is

1           whether, Prior to initiating the hearing, the  
2           Board finds that under authority provided by its  
3           own rules --

4           Do you mind if I add "it," Mr. Meyer? It  
5           engaged the services.

6           MR. MEYER: That's acceptable.

7           JUDGE SLAVIN: -- of Tim Slavin, a retired  
8           circuit court judge, as the Facilitator for the  
9           proceedings. Is that okay, adding "it"?

10          MR. MEYER: Yes.

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

15                            (All those simultaneously  
16                            responded.)

17          JUDGE SLAVIN: All those opposed by nay.

18                            (No verbal response.)

19          JUDGE SLAVIN: It is consistent with the  
20          four previous. Adopted.

21          All right. Back to business.

22          MR. HUGHES: Draft Number 6, the motion  
23          being, The Lee County ZBA finds that the first  
24          stage of the public hearing regarding the

1 petition for the Special Use Permit was for your  
2 Lee County ZBA to accept testimony, hear  
3 arguments, and receive public comments.

4 The evidentiary portion of the hearing  
5 began on October 15th, 2020, and concluded on  
6 October 22nd, 2020, consisting of four total  
7 sessions, all beginning at 7 o'clock, and all  
8 taking place in the former main courtroom of the  
9 third floor of the Old Lee County Courthouse.  
10 The totality of these sessions of the first  
11 stage comprised, in total, approximately 10 and  
12 1/2 hours of hearing time.

13 Throughout the hearing process, the  
14 proceedings adhered to applicable State of  
15 Illinois guidelines for public gatherings:

16 During time period for the first four  
17 sessions when members of the public (hereinafter  
18 "Interested parties") had the opportunity to  
19 participate in the process, the guidelines  
20 provided for gatherings of no more than 25  
21 people.

22 So no more than that number were allowed  
23 to be in the hearing room at any given time;

24 But within the building, accommodations

1 were also made for another 16 Interested Parties  
2 to occupy the contiguous former jury  
3 deliberation room and 10 more in the first-floor  
4 stairwell lobby space. Those additional 26  
5 potential attendees would have been able to  
6 participate by Zoom from those spaces where  
7 Ms. Duffy and Lee County IT Department head,  
8 Mr. Mike McBride, had the equipment ready to be  
9 used. However, there were never enough  
10 spill-over attendees at any one session to make  
11 use of either of those spaces;

12 And additionally, Interested Parties were  
13 also given the opportunity to remotely and  
14 virtually participate in the process:

15 By videoconferencing on the Zoom platform  
16 through the use of a computer at a location of  
17 their choosing;

18 Or by teleconferencing on the Zoom  
19 platform through the use of a cell phone at a  
20 location of their choosing.

21 Then, as the Board moved into its  
22 fact-finding and recommendation stage, due to  
23 the resurgence of the positivity rate in Region  
24 1, which includes Lee County, the Illinois

1 Department of Public Health's mitigation tier  
2 moved to a higher level which limited gatherings  
3 to no more than ten. Fortuitously, the  
4 opportunity for public participation had ended,  
5 so limiting the occupancy of the hearing room to  
6 ten did not abridge any Interested Party's  
7 opportunity to participate. In order to assure  
8 compliance with the higher level of  
9 restrictions:

10 Attendance in the hearing room was reduced  
11 to necessary parties: The members of the ZBA,  
12 the Zoning Officer, the State's Attorney or his  
13 representative, the Petitioner's attorney, the  
14 facilitator, an IT technician, and the certified  
15 shorthand reporter.

16 Under both Coronavirus mitigation  
17 protocols,

18 Within the hearing room, all attendees  
19 were required to wear masks except when speaking  
20 and social distancing was maintained by using a  
21 seating protocol that kept all participants 6  
22 feet or more apart;

23 And the proceedings were broadcast on  
24 YouTube during which viewers could see and hear

1 the proceedings take place in realtime.

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

9 Over the course of the first stage,  
10 everyone -- the Petitioner and Interested  
11 Parties -- were given a complete and fair  
12 opportunity to be heard. Each was given the  
13 chance to present evidence, including witnesses  
14 and exhibits, cross-examine the witnesses of  
15 others, and to present a closing argument,  
16 statement, or public comment, either orally or  
17 in writing.

18 We, the members of the Lee County Zoning  
19 Board of Appeals, heard all of the evidence  
20 produced and examined each of the exhibits.

21 JUDGE SLAVIN: A mouthful.

22 Do I hear a second to that?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: Hearing a second, do you

1 want to address anything on your motion,  
2 Mr. Hughes?

3 MR. HUGHES: No, no comment.

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

6 (No verbal response.)

7 JUDGE SLAVIN: Seeing no indication, I  
8 will put the question. The question being put  
9 is as Mr. Hughes read and is displayed on the  
10 screen.

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: All those opposed by nay.

17 (No verbal response.)

18 JUDGE SLAVIN: Unanimously adopted.

19 Okay. We're back to you, gentlemen.

20 MR. MEYER: Judge, Draft Number 7. The  
21 motion would read, The Lee County Zoning Board  
22 of Appeals finds that seven people took the  
23 witness stand, were placed under oath or  
24 affirmation and testified. Those witnesses, in

1 order of their appearance, with a very brief  
2 summary of what they had to say, included as  
3 follows:

4 Mr. Matthew Hantzmon, offered by the  
5 Petitioner, is the founder, owner, and CEO of  
6 Hexagon Energy. He testified regarding many  
7 details of the proposed SES, including the ways  
8 it intended to comply with the various  
9 requirements of the Lee County Ordinance and any  
10 other applicable statutes, rules, regulations  
11 and standards, including setbacks, a general  
12 outline of the operation of the project, its  
13 equipment, and components, health, safety and  
14 environmental matters, some specifics of the  
15 site and SES plans. He also addressed the  
16 efforts made to communicate with parties  
17 possibly affected and his view as to the  
18 benefits to the community, whether by  
19 construction, operation, or philanthropic. He  
20 also said under oath that the Steward Creek  
21 Solar, LLC, and Hexagon Energy, LLC, will be  
22 bound by all representations, promises, and  
23 proposals in the Petition, Application, and  
24 testimony of its witnesses.

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1           Mr. Tom Huddleston, offered by the  
2           Petitioner, has an interest in four drainage  
3           businesses, including Huddleston-McBride  
4           Drainage Company. He testified about many  
5           drainage issues, both theoretical and practical,  
6           regarding the proposed project.

7           Mr. Scott Billings, offered by the  
8           Petitioner, is an engineer with SCI Engineering.  
9           He testified regarding his "desktop" assessment  
10          of environmental issues within the footprint of  
11          the proposed project.

12          Mr. Mike Lehr, offered by the Petitioner,  
13          a construction manager with Leidos Engineering,  
14          testified about the various issues, both  
15          theoretical and practical, regarding the  
16          construction process should the Special Use  
17          Permit be approved and the project undertaken.

18          Mr. Andrew Lines, offered by the  
19          Petitioner, is a principal with CohnReznick,  
20          where he specializes in real estate and  
21          renewable energy. He testified about property  
22          values using a modified "paired sales" analysis.

23          Ms. Wendy Ryerson, Lee County Chief  
24          Assessment Officer, testified about the process

1 of assessment levels for Solar Energy Systems,  
2 its expected gross tax revenue and aspects of  
3 "burden shifting."

4 Ms. Terri Voitik, who resides in the  
5 Village of Lee and described her environmental  
6 avocation, testified her general concerns with  
7 the Petitioner's financial situation, project  
8 visual shielding, setback requirements from the  
9 Village of Lee, glare, and a list of commitments  
10 from a source in the United Kingdom.

11 That would be the motion.

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 And I offer it to you first, Mr. Meyer.

18 MR. MEYER: No comment.

19 JUDGE SLAVIN: Any other Board member?

20 (No verbal response.)

21 JUDGE SLAVIN: Seeing none, I will not --  
22 I'm going to put the question. I will put it as  
23 read by Mr. Meyer and displayed as I scrolled  
24 through the screen.

1 Adoption of the motion will require 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: All those opposed by nay.

7 (No verbal response.)

8 JUDGE SLAVIN: Motion is unanimously  
9 carried.

10 And moving forward.

11 MR. HUGHES: Draft Number 8, the motion  
12 being, The Lee County Zoning Board of Appeals  
13 finds that the following exhibits were admitted  
14 into evidence by the Facilitator and considered  
15 by the Board:

16 Petitioner's Exhibits:

17 P1, Steward Creek Solar, LLC's,  
18 Application;

19 P2, Executed waiver of notice from the  
20 City of Rochelle, Illinois;

21 P3, Certified proofs of service of notices  
22 to property owners and newspaper publications;

23 P4, Hard copy of witness, Matthew  
24 Hantzmon's, PowerPoint presentation;

1 P5, Hard copy of witness, Tom

2 Huddleston's, PowerPoint presentation;

3 P6, Hard copy of witness, Scott Billings',

4 PowerPoint presentation;

5 P7, Hard copy of witness, Mike Lehr's,

6 PowerPoint presentation;

7 P8, Hard copy of witness, Mike -- or

8 Andrew Lines', PowerPoint presentation;

9 P9, Andrew Lines' Property Value Report.

10 Zoning and Planning Officer Exhibit:

11 Z01, The Lee County Soil and Water

12 Conservation District's voluminous report on

13 soils within the proposed development.

14 Interested Parties' Exhibits:

15 IP1, Ms. Terri Voitik's self-styled "fact

16 sheet" reiterating portions of her testimony.

17 JUDGE SLAVIN: All right. That's your

18 motion. I will take a second.

19 MR. BOTHE: Second.

20 JUDGE SLAVIN: Hearing a second, the floor

21 is open for debate.

22 Anything you want to say about your own

23 motion, Mr. Hughes?

24 MR. HUGHES: No, Your Honor.

1 JUDGE SLAVIN: Anybody -- any other Board  
2 member want to address this?

3 (No verbal response.)

4 JUDGE SLAVIN: Seeing none, I will put the  
5 question. The question will be as read by  
6 Mr. Hughes and displayed on the board as we  
7 scrolled through it.

8 All those in favor of the motion --  
9 adoption of the motion requires a vote by the  
10 majority. The vote will be by voice. All those  
11 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: All right. Almost all  
17 right.

18 Okay. We're open for business. The ball  
19 is in your court.

20 MR. MEYER: Draft Number 9, Your Honor.  
21 The motion would read, The Lee County Zoning  
22 Board of Appeals finds that following the close  
23 of the testimonial phase, the Board heard or  
24 read what could be characterized as closing

1 arguments or public comment from the following:

2 Ms. Courtney Kennedy, Attorney for the  
3 Petitioner, who advanced the reasons shown  
4 during the hearing as to why the Lee County  
5 Zoning Board of Appeals should recommend to the  
6 Lee County Board that the Steward Creek Solar,  
7 LLC's, petition should be approved and the  
8 Special Use Permit issued.

9 Ms. Terri Voitik, an Interested Party,  
10 urged particular conditions to the Steward Creek  
11 Solar, LLC's, Special Use Permit that the Lee  
12 County ZBA should recommend to the Lee County  
13 Board.

14 Mr. Loren Guasto, an Interested Party,  
15 opined the reasons why the Lee County ZBA should  
16 recommend to the Lee County Board not to grant  
17 Steward Creek Solar, LLC's, petition.

18 Mr. Brian Herrmann, an Interested Party  
19 and member of the Alto Township Board of  
20 Trustees, explained the circumstances  
21 surrounding the Alto Township Board's failure to  
22 approve the proposed SES and opined the reasons  
23 why the Lee County ZBA should recommend to the  
24 Lee County Board not to grant Steward Creek

1 Solar, LLC's, petition.

2 Mr. Adam Lusz, an Interested Party, opined  
3 the reasons why the Lee County ZBA should  
4 recommend to the Lee County Board not to grant  
5 Steward Creek Solar, LLC's, petition.

6 JUDGE SLAVIN: All right. That's your  
7 motion. Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Heard a second. I will  
10 open the floor to debate.

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

13 MR. MEYER: No comment.

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

16 (No verbal response.)

17 JUDGE SLAVIN: Seeing none, I will put the  
18 question. The question will be as Mr. Meyer  
19 read it and as it was displayed -- scrolled  
20 through on the screen.

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

1                                    responded.)

2                    JUDGE SLAVIN: All those opposed by nay.

3                                    (No verbal response.)

4                    JUDGE SLAVIN: The motion passes without  
5 any dissent.

6                    And moving on.

7                    MR. HUGHES: Continuing with Draft Number  
8 10, the motion to read, The Lee County ZBA finds  
9 that the Petitioner promised in its Application  
10 to produce, prior to obtaining a building  
11 permit, an engineer's certification that, given  
12 the local soil and climate conditions, the  
13 foundation and the design of the solar panels is  
14 within accepted professional standards. The ZBA  
15 was not presented such a certification at this  
16 time, period.

17                    JUDGE SLAVIN: All right. Did you want me  
18 to add something?

19                    MR. HUGHES: Yes, "at this time."

20                    JUDGE SLAVIN: Well, just -- okay. Do I  
21 hear a second?

22                    MR. BOTHE: Second.

23                    JUDGE SLAVIN: Address any debate on the  
24 motion.



1           Your motion, Mr. Hughes.

2           MR. HUGHES: No. Just that the building  
3           -- the certification is not required until prior  
4           to the building permit. So it was not expected  
5           to see one at this time, or at that time, but it  
6           is required and is part of the process.

7           JUDGE SLAVIN: Any other Board member?

8                           (No verbal response.)

9           JUDGE SLAVIN: All right. I will put the  
10          question. The question being put is whether the  
11          Lee County ZBA finds that the Petitioner  
12          promised in its Application to produce, prior to  
13          obtaining a building permit, an engineer's  
14          certification that, given the local soil and  
15          climate conditions, the foundation and the  
16          design of the solar panels is within accepted  
17          professional standards. The ZBA was not  
18          presented such a certification at this time.

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

22                           (All those simultaneously  
23                           responded.)

24          JUDGE SLAVIN: All those opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: It is indeed adopted.

All right. Back to you, gents.

MR. MEYER: Draft Number 11. The resolution would read, The Lee County ZBA finds the Petitioner promised in its Application and testimony that it would comply with all applicable local, state, and federal ordinances, rules, regulations, and standards, including the National Electrical Code.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Hearing a second, anything you want to say on your own motion, Mr. Meyer?

MR. MEYER: No.

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

(No verbal response.)

JUDGE SLAVIN: Seeing none, I will put the question. The question being put is whether the Lee County ZBA finds the Petitioner promised in its Application and testimony that it would comply with all applicable local, state, and federal ordinances, rules, regulations, and

1 standards, including the National Electrical  
2 Code.

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: All those opposed by nay.

9 (No verbal response.)

10 JUDGE SLAVIN: Hearing none, the motion is  
11 unanimously adopted.

12 And we can move forward.

13 MR. HUGHES: Continuing with Number 12,  
14 the motion being, The Lee County ZBA finds that  
15 the Petitioner has promised in its Application  
16 that the power and communication lines that  
17 would run between the banks of solar panels will  
18 be buried underground except from the point of  
19 interconnection to existing utility-owned,  
20 aboveground electrical wires.

21 JUDGE SLAVIN: Do I hear a second?

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Hearing a second, anything  
24 you want to say about your own motion,

1 Mr. Hughes?

2 MR. HUGHES: No.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, I will put  
6 the question. The question being put is whether  
7 the Lee County ZBA finds that the Petitioner has  
8 promised in its Application that the power and  
9 communication lines that would run between the  
10 banks of solar panels will be buried underground  
11 except from the point of interconnection to  
12 existing utility-owned, aboveground electrical  
13 wires.

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

17 (All those simultaneously  
18 responded.)

19 JUDGE SLAVIN: Opposed, nay.

20 (No verbal response.)

21 JUDGE SLAVIN: Adopted.

22 MR. MEYER: Continuing on with Draft  
23 Number 13, the motion reads, The Lee County ZBA  
24 finds that, as represented in the Petitioner's

1 Application, no lot on which the proposed SES is  
2 to be erected is less than two acres.

3 JUDGE SLAVIN: Do I hear a second?

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Hearing a second, anything  
6 you want to say about your own motion,  
7 Mr. Meyer?

8 MR. MEYER: No.

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

11 (No verbal response.)

12 JUDGE SLAVIN: Seeing no indication, I  
13 will put the question. The question being put  
14 is whether the Lee County ZBA finds that, as  
15 represented in the Petitioner's Application, no  
16 lot on which the proposed SES is to be erected  
17 is less than two acres.

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

21 (All those simultaneously  
22 responded.)

23 JUDGE SLAVIN: Opposed by nay.

24 (No verbal response.)

1 JUDGE SLAVIN: We have another unanimous  
2 agreement.

3 And we can keep plowing ahead.

4 MR. HUGHES: I will continue with Draft  
5 Number 14, with some minor wording changes  
6 toward the end.

7 The Lee County ZBA finds in its  
8 Application and through the testimony of its CEO  
9 that:

10 Other than electrical transmission lines,  
11 utility poles, and equipment used to connect a  
12 ground-mounted piece of equipment to an  
13 electrical transmission line, there are no  
14 proposed Steward Creek Solar SES development  
15 systems, equipment, or structures that would  
16 exceed 30 feet in height when ground-mounted;

17 And that at full tilt, no SES array would  
18 be higher --

19 JUDGE SLAVIN: Wait a minute. And I'm not  
20 trying --

21 MR. HUGHES: Nope, I know.

22 JUDGE SLAVIN: At full tilt, no SES array.

23 MR. HUGHES: Array.

24 JUDGE SLAVIN: Okay.

1 MR. HUGHES: Would be higher than 15 feet,  
2 nor lower than 3 feet.

3 JUDGE SLAVIN: You didn't like nadir, huh?

4 MR. HUGHES: Well, I just felt that at  
5 full tilt --

6 JUDGE SLAVIN: I'm teasing.

7 MR. HUGHES: Actually, I did like it.

8 JUDGE SLAVIN: Do I hear second?

9 MR. BOTHE: Second.

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

12 Your motion, Mr. Hughes.

13 MR. HUGHES: The only comment being that  
14 in clarifying it, the Application and the CEO  
15 used the term full tilt, and since there  
16 potentially are other structures, I'd prefer to  
17 keep referencing the SES array, and at full  
18 tilt, the high point and the low point, would be  
19 met at that same time.

20 JUDGE SLAVIN: All right. Any other Board  
21 member want to address it, ask questions?

22 (No verbal response.)

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

1 Lee County ZBA finds in its Application and  
2 through the testimony of its CEO that:

3 Other than electrical transmission lines,  
4 utility poles, and equipment used to connect a  
5 ground-mounted piece of equipment to an  
6 electrical transmission line, there are no  
7 proposed Steward Creek Solar SES development  
8 systems, equipment, or structures that would  
9 exceed 30 feet in height when ground-mounted;

10 And that at full tilt, no SES array would  
11 be higher than 15 feet, nor lower than 3 feet.

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

15 (All those simultaneously  
16 responded.)

17 JUDGE SLAVIN: Those opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: The streak of unanimous  
20 continues.

21 MR. MEYER: You wrote adopted 11/20/20.  
22 It should be 11/4.

23 JUDGE SLAVIN: Well, it could be --

24 MR. HUGHES: I'm not coming back on the



1 20th.

2 JUDGE SLAVIN: You are absolutely right.  
3 Now I have got to make sure I didn't skip  
4 something.

5 Okay. Next.

6 MR. MEYER: Draft Number 15. The  
7 resolution would be, The Lee County ZBA finds  
8 that, in its Application and testimony, the  
9 Petitioner has promised that the fence of the  
10 proposed Steward Creek Solar, LLC, SES  
11 development:

12 Will not be within 300 feet of a property  
13 line of a platted subdivision or from any  
14 permanent residence;

15 And for a parcel of five acres or less, it  
16 will have setbacks of at least 300 feet from the  
17 property lines;

18 And for parcels of six acres or more:

19 At least 300 feet from the foundation of  
20 any residence;

21 And at least 50 feet from any property  
22 lines.

23 Therefore, no inverter or transformer less  
24 than 200 feet from a residence that is not on

1 its property.

2 JUDGE SLAVIN: May I add something there?  
3 Therefore, there would --

4 MR. MEYER: Shall be.

5 JUDGE SLAVIN: -- would be no inverter.  
6 Is that okay?

7 MR. MEYER: Right.

8 JUDGE SLAVIN: All right. And you accept  
9 that? I just left off a verb.

10 MR. MEYER: Yes.

11 JUDGE SLAVIN: Do I hear a second?

12 MR. BOTHE: Second.

13 JUDGE SLAVIN: Do you want to address your  
14 own motion, Mr. Meyer?

15 MR. MEYER: No.

16 JUDGE SLAVIN: Any other Board member want  
17 to address it?

18 (No verbal response.)

19 JUDGE SLAVIN: All right. I will put the  
20 question. I'll read it because we changed it a  
21 little bit. The question being put is whether  
22 the Lee County ZBA finds that, in its  
23 Application and testimony, the Petitioner has  
24 promised that the fence of the proposed Steward

1 Creek Solar, LLC, SES development:

2 Will not be within 300 feet of a property  
3 line of a platted subdivision or from any  
4 permanent residence;

5 And for a parcel of five acres or less, it  
6 will have setbacks of at least 300 feet from the  
7 property lines;

8 And for parcels of six acres or more:

9 At least 300 feet from the foundation of  
10 any residence;

11 And at least 50 feet from any property  
12 lines.

13 Therefore, there would be no inverter or  
14 transformer less than 200 feet from a residence  
15 that is not on its property.

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: It is adopted.

24 Okay.

1 MR. HUGHES: Draft Number 16, the motion  
2 being, The Lee County ZBA finds that the  
3 Petitioner has promised in its Application and  
4 testimony that "knox boxes" with keys inside  
5 would be provided at locked entrances for  
6 emergency personnel access.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Hearing a second, anything  
10 you want to say about your own motion,  
11 Mr. Hughes?

12 MR. HUGHES: No, sir.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: I will put the question.  
16 The question being put is whether the Lee County  
17 ZBA finds that the Petitioner has promised in  
18 its Application and testimony that "knox boxes"  
19 with keys inside would be provided at locked  
20 entrances for emergency personnel access.

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

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(All those simultaneously  
responded.)

JUDGE SLAVIN: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

Okay. Back to you, gents.

MR. MEYER: Number 17, the motion would  
read, The Lee County ZBA finds that the  
Petitioner has promised in its Application and  
testimony that any lighting in the processed SES  
development would be shielded and downcast.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Hearing a second, I will  
put -- excuse me.

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

MR. MEYER: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Seeing none, I will put the  
question. The question being put is whether the  
Lee County ZBA finds that the Petitioner has  
promised in its Application and testimony that

1 any lighting in the processed SES development  
2 would be shielded and downcast.

3 Adoption of this 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: Again, adopted unanimously.  
11 Okay. Back to you, gentlemen.

12 MR. HUGHES: Continuing with Draft Number  
13 18. The motion being, The Lee County ZBA finds  
14 that the Petitioner has stated in its  
15 Application and in testimony it produced that no  
16 noise at the proposed development's property  
17 line would exceed 50 decibels except during  
18 construction.

19 JUDGE SLAVIN: Do I hear a second?

20 MR. BOTHE: Second.

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

23 MR. HUGHES: No, sir.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: Seeing none, I put the question. The question being put is whether the Lee County ZBA finds that the Petitioner has stated in its Application and in testimony it produced that no noise at the proposed development's property line would exceed 50 decibels except during construction.

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: Opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is adopted.

All right, guys.

MR. MEYER: Continuing with Draft Number 19, the motion would read, The Lee County ZBA finds that the Petitioner did produce testimony that, since the proposed project is not within 500 feet of an airport, there was no consultation required by the Federal Aviation Administration;





1 the solar collectors would be placed such that  
2 the concentrated solar radiation or glare does  
3 not project onto nearby structures, roadways, or  
4 other areas accessible to the public;

5 And has shown by a study in its  
6 Application that any glare produced would not  
7 have a significant adverse impact on neighboring  
8 or adjacent uses through siting or mitigation.

9 Adoption of this 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: Motion is adopted.

17 Okay. Next.

18 MR. HUGHES: Continuing with Draft 20.

19 The motion being, The Lee County ZBA finds that  
20 the Petitioner has promised in its Application  
21 and in testimony that an appropriate warning  
22 sign, including the facility's 911 address and a  
23 24-hour emergency contact number, will be  
24 provided at the entrance to the SES development

1 and along its perimeter.

2 JUDGE SLAVIN: Do I hear a second?

3 MR. BOTHE: Second.

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

6 Mr. Hughes, do you want to say anything  
7 about your own motion?

8 MR. HUGHES: No further comment.

9 JUDGE SLAVIN: Any other Board members?

10 (No verbal response.)

11 JUDGE SLAVIN: Seeing no indication, I put  
12 the question. The question being put is whether  
13 the Lee County ZBA finds that the Petitioner has  
14 promised in its Application and in testimony  
15 that an appropriate warning sign, including the  
16 facility's 911 address and a 24-hour emergency  
17 contact number, will be provided at the entrance  
18 to the SES development and along its perimeter.

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

23 (All those simultaneously  
24 responded.)

1 JUDGE SLAVIN: All those opposed by nay.

2 (No verbal response.)

3 JUDGE SLAVIN: I find the motion is  
4 adopted.

5 Going ahead, moving along.

6 MR. MEYER: Continuing with Draft Number  
7 21.

8 JUDGE SLAVIN: Whoops. Wait a minute.  
9 Okay. Yup.

10 MR. MEYER: The Lee County ZBA finds that  
11 the Petitioner has indicated in its petition an  
12 understanding that no outdoor storage of  
13 materials, vehicles, and equipment that do not  
14 directly support the operation and maintenance  
15 of the SES is allowed.

16 JUDGE SLAVIN: Do I hear a second?

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: Hearing a second, I put --  
19 I ask for any debate.

20 Mr. Meyer, your motion.

21 MR. MEYER: No, sir.

22 JUDGE SLAVIN: Anybody else?

23 (No verbal response.)

24 JUDGE SLAVIN: Hearing none, I will put

1 the question. The question being put is whether  
2 the Petitioner has indicated in its petition an  
3 understanding that no outdoor storage of  
4 materials, vehicles, and equipment that do not  
5 directly support the operation and maintenance  
6 of the SES is allowed.

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: Opposed by nay.

13 (No verbal response.)

14 JUDGE SLAVIN: It is adopted.

15 We can go ahead, some more.

16 MR. HUGHES: Continuing with Draft Number  
17 22, the petition -- or the motion being, The Lee  
18 County ZBA finds that the Petitioner has  
19 submitted in its Application a site plan for the  
20 proposed Steward Creek SES with existing  
21 conditions showing, or that includes, the  
22 following of, or for, the proposed development  
23 property:

24 Existing property lines from the exterior

1 boundaries, including the names of adjacent  
2 property owners and the current use of those  
3 properties;

4 And existing public and private roads,  
5 showing widths and any associated easements;

6 And a contour map showing topography at  
7 2-foot intervals;

8 And existing vegetation (listing type and  
9 coverage percentage);

10 And waterways, streams, and rivers;

11 And a copy of the most recent FEMA FIRM  
12 map;

13 And mapped soils according to the Lee  
14 County Soil Survey;

15 And surface drainage patterns.

16 JUDGE SLAVIN: Do I hear a second?

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: Hearing a second, I will  
19 ask for any debate on the question.

20 Mr. Hughes, your motion.

21 MR. HUGHES: No further comment.

22 JUDGE SLAVIN: Any other Board member?

23 (No verbal response.)

24 JUDGE SLAVIN: Okay. Hearing none, I will

1 put the question. The question being put is  
2 whether the Lee County ZBA finds that the  
3 Petitioner has submitted in its Application a  
4 site plan for the proposed Steward Creek SES  
5 with existing conditions showing, or that  
6 includes, the following of, or for, the proposed  
7 development property:

8 Existing property lines from the exterior  
9 boundaries, including the names of adjacent  
10 property owners and the current use of those  
11 properties;

12 And existing public and private roads,  
13 showing widths and any associated easements;

14 And a contour map showing topography at  
15 2-foot intervals;

16 And existing vegetation (listing type and  
17 coverage percentage);

18 And waterways, streams, and rivers;

19 And a copy of the most recent FEMA FIRM  
20 map;

21 And mapped soils according to the Lee  
22 County Soil Survey;

23 And surface drainage patterns.

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: Opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: Onward and upward.

8 MR. MEYER: Continuing with Draft Number  
9 23, the motion reads, The Lee County ZBA finds  
10 that the Petitioner has submitted an SES plan in  
11 its Application and, to some degree, its  
12 testimony, that shows or explains the following  
13 for the proposed development property:

14 The planned location and spacing of  
15 proposed solar panels;

16 And the planned location of access roads  
17 and access points;

18 And the planned location of lines  
19 connecting the SES to any buildings, substation,  
20 or other electric load;

21 And other than the existing building or  
22 substation that is to be the connection point  
23 for the proposed SES, the proposed development's  
24 planned new electrical equipment;

1           And an acceptable vegetative management  
2 plan for the property inside and outside the  
3 fenced area for the entire property to which the  
4 Applicant has promised to adhere, including a  
5 testimonial promise to maintain the proposed  
6 native vegetation by controlling noxious weeds;

7           And a commitment to install, maintain, and  
8 secure a perimeter chain link fence having a  
9 minimum height of 6 feet topped with barbed wire  
10 around the boundary of the proposed SES that  
11 contains appropriate warning signage that is  
12 clearly and visibly posted for all areas of the  
13 SES, a landscape plan which incorporates native  
14 grasses, flowers, and plants which will provide  
15 wildlife and pollinator habitat, soil erosion  
16 protection, and/or aid in strengthening the soil  
17 structure.

18           JUDGE SLAVIN: Very good.

19           Do I hear a second?

20           MR. BOTHE: Second.

21           JUDGE SLAVIN: Hearing a second, anything  
22 you want to say about your own motion,  
23 Mr. Meyer?

24           MR. MEYER: No, sir.



1 JUDGE SLAVIN: Any other Board member want  
2 to ask questions or address it?

3 (No verbal response.)

4 JUDGE SLAVIN: Seeing no indication, I  
5 will put the question. The question being put  
6 is whether the Lee County ZBA finds that the  
7 Petitioner has submitted an SES plan in its  
8 Application and, to some degree, its testimony,  
9 that shows or explains the following for the  
10 proposed development property:

11 The planned location and spacing of  
12 proposed solar panels;

13 And the planned location of access roads  
14 and access points;

15 And the planned location of lines  
16 connecting the SES to any buildings, substation,  
17 or other electric load;

18 And other than the existing building or  
19 substation that is to be the connection point  
20 for the proposed SES, the proposed development's  
21 planned new electrical equipment;

22 And an acceptable vegetative management  
23 plan for the property inside and outside the  
24 fenced area for the entire property to which the

1 Applicant has promised to adhere, including a  
2 testimonial promise to maintain the proposed  
3 native vegetation by controlling noxious weeds;

4 And a commitment to install, maintain, and  
5 secure a perimeter chain link fence having a  
6 minimum height of 6 feet topped with barbed wire  
7 around the boundary of the proposed SES that  
8 contains appropriate warning signage that is  
9 clearly and visibly posted for all areas of the  
10 SES, a landscape plan which incorporates native  
11 grasses, flowers, and plants which will provide  
12 wildlife and pollinator habitat, soil erosion  
13 protection, and/or aid in strengthening the soil  
14 structure.

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 Feel free.

1 MR. HUGHES: Continuing with Draft Number  
2 24. The Lee County ZBA finds that the  
3 Petitioner has, in its Application, submitted  
4 the manufacturer's specifications and  
5 recommended installation methods for all major  
6 equipment, including solar panels, mounting  
7 systems, and foundations for the poles and  
8 racks.

9 JUDGE SLAVIN: Do I hear a second?

10 MR. BOTHE: Second.

11 JUDGE SLAVIN: Hearing a second, I will  
12 ask for any debate.

13 Mr. Hughes?

14 MR. HUGHES: No comment.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, I will put  
18 the question. The question being put is that  
19 the Petitioner has, in its Application,  
20 submitted the manufacturer's specifications and  
21 recommended installation methods for all major  
22 equipment, including solar panels, mounting  
23 systems, and foundations for the poles and  
24 racks.

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: Hearing none, the motion --  
9 this motion is also unanimously adopted.

10 Do a couple more before we take a break.  
11 The floor is open.

12 MR. MEYER: Continuing on with Number 25.

13 JUDGE SLAVIN: Sure.

14 MR. MEYER: The motion reads, The Lee  
15 County ZBA finds that, in its Application, the  
16 Petitioner has adequately described the method  
17 of connecting the SES to a building or  
18 substation as required by the Lee County  
19 Ordinance.

20 JUDGE SLAVIN: Do I hear a second?

21 MR. BOTHE: Second.

22 JUDGE SLAVIN: Hearing a second, anything  
23 you want to say about your own words?

24 MR. MEYER: No, sir.

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

3 (No verbal response.)

4 JUDGE SLAVIN: Seeing no indication, I  
5 will put the question. The question being put  
6 is whether the Lee County ZBA finds that, in its  
7 Application, the Petitioner has adequately  
8 described the method of connecting the SES to a  
9 building or substation as required by the Lee  
10 County Ordinance.

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: The Board has unanimously  
19 adopted that one as well.

20 Go ahead, guys.

21 MR. HUGHES: Continuing with Draft Number  
22 26, the motion being, The Lee County ZBA finds  
23 that the Petitioner's Application shows that the  
24 proposed SES would not be located within 500

1 feet of an airport or any airport approach  
2 zones. So the Lee County Ordinance Section  
3 10-15-20E.5 is not applicable to this petition.

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

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Anything you want to say  
8 about your own motion, Mr. Hughes?

9 MR. HUGHES: No.

10 JUDGE SLAVIN: Any other Board member want  
11 to address it?

12 (No verbal response.)

13 JUDGE SLAVIN: Seeing none, I will put the  
14 question. The question being put is whether the  
15 Lee County ZBA finds that the Petitioner's  
16 Application shows that the proposed SES would  
17 not be located within 500 feet of an airport or  
18 any airport approach zones. So the Lee County  
19 Ordinance Section 10-15-20E.5 is not applicable  
20 to this petition.

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.

And I don't know about you gentlemen, but I'm getting a little cross-eyed. Let's take ten. 25 after.

(A recess was taken at 8:17 p.m. and proceedings resumed at 8:25 p.m.)

JUDGE SLAVIN: All right. We were doing your --

MR. MEYER: Courtney.

JUDGE SLAVIN: Well, that's up to her.

We were doing your business, and the floor is open again.

MR. HUGHES: Okay. Your Honor, let's continue with Draft Number 27. The motion being, The Lee County ZBA finds that, in its Application, the Petitioner has submitted an acceptable fire protection plan for the construction and operation of the facility and emergency access to the site, but with additional --

1 JUDGE SLAVIN: Wait a minute. Let me  
2 catch up to you. But.

3 MR. HUGHES: With additional coordination,  
4 to be done with public safety authorities as the  
5 project develops.

6 JUDGE SLAVIN: Whoop.

7 MR. HUGHES: Okay.

8 JUDGE SLAVIN: I haven't got Callie's  
9 skills.

10 As the.

11 MR. HUGHES: Project develops.

12 JUDGE SLAVIN: Like so?

13 MR. HUGHES: Yes, sir.

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

15 MR. HUGHES: Second.

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

18 Mr. Hughes, your words.

19 MR. HUGHES: Just that although there was  
20 a fire protection plan provided in the  
21 Application, even in testimony the witnesses  
22 indicated that there would be -- need to be  
23 additional coordination done with emergency or  
24 public safety authorities as things develop, and



1 I wanted to make sure that that was addressed.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Okay. I will then put the  
5 question. The question being put is whether the  
6 Lee County ZBA finds that, in its Application,  
7 the Petitioner has submitted an acceptable fire  
8 protection plan for the construction and  
9 operation of the facility and emergency access  
10 to the site, but with additional coordination to  
11 be done with public safety authorities as the  
12 project develops.

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: This motion is adopted  
21 unanimately.

22 Okay. Got it.

23 MR. MEYER: Continuing with Draft 28. The  
24 Lee County ZBA finds that, as shown in its

1 Application and through its testimony, the  
2 Petitioner did initiate an endangered species  
3 and wetlands review consultation with the  
4 Illinois Department of Natural Resources through  
5 the Department's EcoCAT program which did not  
6 identify any endangered species or wetlands.

7 JUDGE SLAVIN: Do I hear a second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Hearing a second, anything  
10 you want to say about your motion, Mr. Hughes  
11 (sic)?

12 MR. MEYER: No, sir.

13 JUDGE SLAVIN: Any other Board member wish  
14 to address this?

15 (No verbal response.)

16 JUDGE SLAVIN: Seeing no indication, I'll  
17 put the question. The question being put is  
18 whether Lee County ZBA finds that, as shown in  
19 its Application and through its testimony, the  
20 Petitioner did initiate an endangered species  
21 and wetlands review consultation with the  
22 Illinois Department of Natural Resources through  
23 the Department's EcoCAT program which did not  
24 identify any endangered species or wetlands.

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: Motion is adopted.

9           We can move on.

10           MR. HUGHES: Next draft item. Motion, As  
11           to the use of the County's and its respective  
12           township roads for Petitioner's vehicular  
13           traffic during construction and continuing  
14           through the life of the proposed SES, the Lee  
15           County ZBA finds that it should be required that  
16           the Petitioner enter into Road Use and Repair  
17           Agreements approved by the Lee County Board, the  
18           Lee County Engineer, Lee County Zoning Officer,  
19           and the affected Township Highway Commissioners  
20           prior to the issuance of a building permit, and  
21           that a draft of the construction route plan was  
22           included in the Application, which the ZBA found  
23           acceptable.

24           JUDGE SLAVIN: Do you mind if I use

1 that -- instead of the past tense, present  
2 tense, "finds"?

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

4 JUDGE SLAVIN: All right. That look  
5 right, Mr. Hughes, as displayed?

6 MR. HUGHES: Yes, sir.

7 JUDGE SLAVIN: Second?

8 MR. BOTHE: Second.

9 JUDGE SLAVIN: Hearing a second, any  
10 comments you want to make about your own motion?

11 MR. HUGHES: No.

12 JUDGE SLAVIN: Any other Board member want  
13 to address this?

14 (No verbal response.)

15 JUDGE SLAVIN: Hearing none, I'll put the  
16 question. The question being put is whether, as  
17 to the use of the County's and its respective  
18 township roads for Petitioner's vehicular  
19 traffic during construction and continuing  
20 through the life of the proposed SES, the Lee  
21 County ZBA finds that it should be required that  
22 the Petitioner enter into Road Use and Repair  
23 Agreements approved by the Lee County Board, the  
24 Lee County Engineer, Lee County Zoning Officer,

1 and the affected Township Highway Commissioners  
2 prior to the issuance of a building permit, and  
3 that a draft of the construction route plan was  
4 included in the Application, which the ZBA finds  
5 acceptable.

6 Adoption of this 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: Those opposed by nay.

12 (No verbal response.)

13 JUDGE SLAVIN: Motion is adopted.

14 Okay. Next.

15 MR. MEYER: Continuing with Draft Number  
16 30. The Lee County ZBA finds that, in its  
17 Application and through its testimony, the  
18 Petitioner has committed to:

19 Contacting any local drainage districts  
20 before beginning construction to locate drainage  
21 district tiles;

22 And repairing or restoring all drainage  
23 tiles damaged, or those susceptible to being  
24 damaged, during the construction to the same or

1 better condition as to when construction began.

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

4 MR. BOTHE: Second.

5 JUDGE SLAVIN: Hearing a second, anything  
6 you want to say about your motion, Mr. Meyer?

7 MR. MEYER: No, sir.

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, in its Application  
13 and through its testimony, the Petitioner has  
14 committed to:

15 Contacting any local drainage districts  
16 before beginning construction to locate drainage  
17 district tiles;

18 And repairing or restoring all drainage  
19 tiles damaged, or those susceptible to being  
20 damaged, during the construction to the same or  
21 better condition as to when construction began.

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

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(All those simultaneously  
responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Motion is unanimously  
adopted.

Moving on up.

MR. HUGHES: Draft 31. The motion being,  
The Lee County ZBA finds the Petitioner has  
committed, in its Application and through its  
testimony, to maintain a general liability  
policy covering bodily injury and damage and  
property damage with:

Limits of at least \$2 million per  
occurrence;

And \$5 million in the aggregate;

With a deductible of no more than \$5,000;

And naming Lee County as an additional  
insured.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

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

1 MR. HUGHES: No, sir.

2 JUDGE SLAVIN: Any other Board member want  
3 to address it?

4 (No verbal response.)

5 JUDGE SLAVIN: Seeing none, I will put the  
6 question. The question being put is whether the  
7 Lee County ZBA finds the Petitioner has  
8 committed, in its Application and through its  
9 testimony, to maintain a general liability  
10 policy covering bodily injury and damage and  
11 property damage with:

12 Limits of at least \$2 million per  
13 occurrence;

14 And \$5 million in the aggregate;

15 With a deductible of no more than \$5,000;

16 And naming Lee County as an additional  
17 insured.

18 Adoption of this 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 Okay. Progressing forward.

3 MR. MEYER: Forward with Draft 32. The  
4 resolution would read, The Lee County ZBA finds  
5 that, based on the Application and testimony  
6 heard, other than during construction, there  
7 will be no detectable vibration associated with  
8 this solar development.

9 JUDGE SLAVIN: Do I hear a second?

10 MR. BOTHE: Second.

11 JUDGE SLAVIN: Hearing a second, anything  
12 you want to say about your motion, Mr. Meyer?

13 MR. MEYER: No, sir.

14 JUDGE SLAVIN: Any other Board member?

15 (No verbal response.)

16 JUDGE SLAVIN: Hearing none, I will put  
17 the question. The question being put is whether  
18 the Lee County ZBA finds that, based on the  
19 Application and testimony heard, other than  
20 during construction, there will be no detectable  
21 vibration associated with this solar  
22 development.

23 Adoption of the motion requires a vote by  
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously  
3 responded.)

4 JUDGE SLAVIN: Those opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Motion is adopted.

7 Okay.

8 MR. HUGHES: 33. Motion being, The Lee  
9 County ZBA finds that, based on the Application  
10 and testimony heard, other than during  
11 construction, there will be no air pollution  
12 associated with this solar development.

13 JUDGE SLAVIN: Second?

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: Hearing a second, anything  
16 you want to say about your own motion,  
17 Mr. Hughes?

18 MR. HUGHES: No, sir.

19 JUDGE SLAVIN: Any other Board member?

20 (No verbal response.)

21 JUDGE SLAVIN: I will then put the  
22 question. The Lee County -- the question being  
23 put is whether the Lee County ZBA finds that  
24 based on the Application and testimony heard,

1 other than during construction, there will be no  
2 air pollution associated with this solar  
3 development.

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

7 (All those simultaneously  
8 responded.)

9 JUDGE SLAVIN: Opposed by nay.

10 (No verbal response.)

11 JUDGE SLAVIN: And the streak continues.

12 Okay. Guys. Gentlemen.

13 MR. MEYER: Draft Number 34. The motion  
14 reads, The Lee County ZBA finds that, based on  
15 the Application and testimony heard, other than  
16 during construction, there will be no odor  
17 associated with this solar development.

18 JUDGE SLAVIN: And do I hear a second?

19 MR. BOTHE: Second.

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

23 MR. HUGHES: No, sir.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: I will put the question.  
The question being put is whether the Lee County ZBA finds that, based on the Application and testimony heard, other than during construction, there will be no odor associated with this solar development.

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.

Okie dokie.

MR. HUGHES: Continuing with Draft 35.  
Motion, The Lee County ZBA finds that the Petitioner has shown in its Application and through its testimony that any electromagnetic fields in the project would only come from collection lines and transformers, and such a field from underground collection line would dissipate directly next to such lines because

1 they are not only buried beneath the surface but  
2 also encased inside insulated shielding, and the  
3 transformers would be centrally located inside  
4 the project perimeter, and therefore distant  
5 from any adjacent property lines.

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

7 MR. BOTHE: Second.

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

10 MR. HUGHES: No, its sufficient.

11 JUDGE SLAVIN: Any other Board member want  
12 to address this motion?

13 (No verbal response.)

14 JUDGE SLAVIN: All right. Hearing none, I  
15 will put the question. The question being put  
16 is whether the Lee County ZBA finds that the  
17 Petitioner has shown in its Application and  
18 through its testimony that any electromagnetic  
19 fields in the project would only come from  
20 collection lines and transformers, and such a  
21 field from underground collection line would  
22 dissipate directly next to such lines because  
23 they are not only buried beneath the surface but  
24 also encased inside insulated shielding, and the

1 transformers would be centrally located inside  
2 the project perimeter, and therefore distant  
3 from any adjacent property lines.

4 Adoption of this motion requires a vote by  
5 the majority. The voice 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 ayes have it.

12 There you go. Open for business.

13 MR. HUGHES: Continuing with Number 36,  
14 the Lee County ZBA finds that, based on the  
15 Application and testimony heard, other than  
16 during construction, that there will be no heat  
17 associated with this solar development that  
18 affects adjoining properties.

19 JUDGE SLAVIN: Give it a look, see if  
20 that's right.

21 MR. HUGHES: Yes, sir.

22 JUDGE SLAVIN: Do I hear a second?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: Hearing a second, I will

1 ask if there's any debate. Mr. Hughes?

2 MR. HUGHES: No.

3 JUDGE SLAVIN: Any other Board member?

4 (No verbal response.)

5 JUDGE SLAVIN: Hearing none, I'll put the  
6 question. The question being put is whether the  
7 Lee County ZBA finds that, based on the  
8 Application and testimony heard, other than  
9 during construction -- too many "thats" in there  
10 -- that there will be no heat associated with  
11 this solar development that affects adjoining  
12 properties.

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: Opposed by nay.

19 (No verbal response.)

20 JUDGE SLAVIN: No nays. The motion is  
21 adopted unanimously.

22 And feel free.

23 MR. MEYER: Draft Number 37. The motion  
24 reads, The Lee County ZBA finds that, based on

1 the Application and testimony heard, there will  
2 be no particularly-identifiable fire or  
3 explosion hazards associated with this solar  
4 development.

5 JUDGE SLAVIN: Do I hear a second?

6 MR. BOTHE: Second.

7 JUDGE SLAVIN: Anything you want to say  
8 about your motion, Mr. Meyer?

9 MR. MEYER: No, sir.

10 JUDGE SLAVIN: Any other Board member?

11 (No verbal response.)

12 JUDGE SLAVIN: Hearing none, I will put  
13 the question. The question being put is whether  
14 the Lee County ZBA finds that, based on the  
15 Application and testimony heard, there will be  
16 no particularly-identifiable fire or explosion  
17 hazards associated with this solar development.

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: Those opposed by nay.

24 (No verbal response.)



1 JUDGE SLAVIN: Motion is adopted.

2 Back on your side of the field.

3 MR. HUGHES: Continuing on to Draft Number  
4 38, the Lee County -- the motion being, The Lee  
5 County ZBA finds that, based on the Application  
6 and testimony heard, there will be no  
7 particularly-identifiable waste material  
8 associated with this solar development.

9 JUDGE SLAVIN: Second?

10 MR. BOTHE: Second.

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

13 MR. HUGHES: No, sir.

14 JUDGE SLAVIN: Any other Board member?

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, based on the  
19 Application and testimony heard, there will be  
20 no particularly-identifiable waste material  
21 associated with this solar development.

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

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(All those simultaneously  
responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: The ayes have it.

And we can go ahead.

MR. MEYER: Draft Number 39. The motion  
reads, The Lee County ZBA finds that, based on  
the Application and testimony heard, there will  
be no particularly-identifiable hazardous  
materials associated with this solar  
development, including from the type of  
batteries to be utilized.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Hearing a second, debate.  
Mr. Meyer?

MR. MEYER: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: Hearing none, I'll put the  
question. The question being put is whether the  
Lee County ZBA finds that, based on the  
Application and testimony heard, there will be

1 no particularly-identifiable hazardous materials  
2 associated with this solar development,  
3 including from the type of batteries to be  
4 utilized.

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 (Meyer, Bothe, and Forster  
9 simultaneously responded.)

10 JUDGE SLAVIN: Opposed by nay.

11 MR. HUGHES: Nay.

12 JUDGE SLAVIN: I hear one nay. The motion  
13 is carried.

14 And we move along.

15 MR. HUGHES: Number 40, the Lee County ZBA  
16 finds that the character of the land within the  
17 footprint of the proposed Steward Creek Solar,  
18 LLC, development is agricultural.

19 JUDGE SLAVIN: Do I hear a second?

20 MR. BOTHE: Second.

21 JUDGE SLAVIN: Your motion. Debate on  
22 your motion, Mr. Hughes?

23 MR. HUGHES: No comment.

24 JUDGE SLAVIN: Any other Board member?

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(No verbal response.)

JUDGE SLAVIN: All right. I will put the question. The question being put is whether the Lee County ZBA finds that the character of the land within the footprint of the proposed Steward Creek Solar LLC, development is agricultural.

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 carries.

Back at you.

MR. MEYER: Draft 41, the motion reads, The Lee County ZBA finds that, while the character of the land is agricultural, the Petitioner did provide a copy of the statutorily-required AIMA, Agricultural Impact Mitigation Agreement, to the Lee County ZBA, but it was not an executed version.

JUDGE SLAVIN: Do I hear a second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Debate, Mr. Meyer?

3 MR. MEYER: No, sir.

4 JUDGE SLAVIN: Any other Board member?

5 MR. HUGHES: No.

6 JUDGE SLAVIN: Seeing none, I will put the  
7 question. The question being put is whether the  
8 Lee County ZBA finds that, while the character  
9 of the land is agricultural, the Petitioner did  
10 provide a copy of the statutorily-required AIMA,  
11 Agricultural Impact Mitigation Agreement, to the  
12 Lee County ZBA, but it was not an executed  
13 version.

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 All right. Feel free.

23 MR. HUGHES: Continuing on with Draft Item  
24 Number 42, the motion being, The Lee County ZBA

1 finds that when the agricultural land is not  
2 dedicated to crops, it would instead be planted  
3 with promised native vegetation --

4 JUDGE SLAVIN: Wait a minute. Did you --

5 MR. HUGHES: Yes, I did. I changed --

6 JUDGE SLAVIN: I just zoned out.

7 MR. HUGHES: Absolutely. I changed "when"  
8 to "where."

9 To crops and -- let me just reread my --

10 JUDGE SLAVIN: Sure. My fault. I  
11 apologize.

12 MR. HUGHES: It would instead -- so just  
13 changing some of the wording around.

14 JUDGE SLAVIN: That must be a comma. It  
15 would, comma, instead.

16 MR. HUGHES: Be planted with promised  
17 native vegetation, such would.

18 JUDGE SLAVIN: And such.

19 MR. HUGHES: And such, yes.

20 And such would increase soil retention and  
21 nutrients during the expected life of the SES.

22 JUDGE SLAVIN: All right. Second?

23 MR. BOTHE: Second.

24 JUDGE SLAVIN: Debate, Mr. Hughes?

1 MR. HUGHES: No additional comment.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: All right. Hearing none, I  
5 will put the question. The question being put  
6 is whether the Lee County ZBA finds that when  
7 the agricultural land is not dedicated to crops,  
8 it would instead be planted with promised native  
9 vegetation and such would increase soil  
10 retention and nutrients during the expected life  
11 of the SES.

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

15 (All those simultaneously  
16 responded.)

17 JUDGE SLAVIN: Opposed by nay.

18 (No verbal response.)

19 JUDGE SLAVIN: Motion carries.

20 MR. HUGHES: Continuing with Draft Number  
21 43. The Lee County ZBA finds that the  
22 Petitioner has both in its Application and  
23 through its testimony, that construction of this  
24 proposed SES development is, while dependent on

1 the timing of the approval by the Lee County  
2 Board, study by PJM (the involved regional  
3 transmission organization) and the weather, be  
4 scheduled to begin in 2022 and will take between  
5 21 to 24 months to complete;

6 And has not promised at what time  
7 construction would begin on any particular day  
8 of the week;

9 And has indicated that there will be no  
10 blasting associated with the construction of the  
11 SES.

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

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: Hearing a second, debate.  
16 Mr. Hughes?

17 MR. HUGHES: No additional comment.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, I will put  
21 the question. The question being put is whether  
22 the Lee County ZBA finds that the Petitioner has  
23 both in its Application and through its  
24 testimony, that the construction of this



1 proposed SES development is, while dependent on  
2 the timing of the approval by the Lee County  
3 Board, study by PJM (the involved regional  
4 transmission organization) and the weather, be  
5 scheduled to begin in 2022 and will take between  
6 21 to 24 months to complete;

7 And has not promised at what time  
8 construction would begin on any particular day  
9 of the week;

10 And has not indicated that there will be  
11 no blasting associated with the construction of  
12 the SES.

13 MR. HUGHES: No. Has indicated there will  
14 be no blasting associated.

15 JUDGE SLAVIN: Has, yup.

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

20 (All those simultaneously  
21 responded.)

22 JUDGE SLAVIN: Opposed by nay.

23 (No verbal response.)

24 JUDGE SLAVIN: The motion is adopted.

1 MR. MEYER: Number 46.

2 JUDGE SLAVIN: Yes, sir.

3 MR. MEYER: The Lee County ZBA finds that  
4 the Petitioner has indicated that it will  
5 defend, indemnify, and hold Lee County and its  
6 officials harmless from and against claims and  
7 expenses, including attorney's fees, arising out  
8 of acts or omissions of Steward Creek Solar,  
9 LLC's, operation of this SES development.

10 JUDGE SLAVIN: Do I hear a second?

11 MR. BOTHE: Second.

12 JUDGE SLAVIN: Debate. Mr. Meyer,  
13 anything you want to say about your motion?

14 MR. MEYER: No, sir.

15 JUDGE SLAVIN: Any other Board member?

16 (No verbal response.)

17 JUDGE SLAVIN: Hearing none, I will put  
18 the question. The question being put is whether  
19 the Lee County ZBA finds that the Petitioner has  
20 indicated that it will defend, indemnify, and  
21 hold Lee County and its officials harmless from  
22 and against claims and expenses, including  
23 attorney's fees, arising out of acts or  
24 omissions of Steward Creek Solar, LLC's,

1 operation of this SES development.

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

5 (All those simultaneously  
6 responded.)

7 JUDGE SLAVIN: Opposed by nay.

8 (No verbal response.)

9 JUDGE SLAVIN: Motion is adopted.

10 Continue.

11 MR. HUGHES: Continuing on to Number 47,  
12 The Lee County ZBA finds that insufficient  
13 evidence was presented that the proposed SES  
14 development would not have a negative impact on  
15 property values within the area of the proposed  
16 project.

17 JUDGE SLAVIN: Do I hear a second?

18 MR. BOTHE: Second.

19 JUDGE SLAVIN: Heard a second. Debate on  
20 the question, Mr. Hughes?

21 MR. HUGHES: I think the issue here is,  
22 although there was adequate information on  
23 smaller projects -- and this has nothing to do  
24 with any failure by the study, but there wasn't

1 sufficient comparables in large-scale. I think  
2 that the studies sufficiently showed that on  
3 small-scale SESs there would be little or no  
4 negative impact, but since there were no  
5 large-scale, other than in areas dissimilar to  
6 this, I don't think adequate -- an adequate  
7 extrapolation could be made that this would not.

8 On the other hand, I can't say that it  
9 would either. But I think insufficient evidence  
10 was presented, based on the lack of comparables.

11 JUDGE SLAVIN: Any other Board member?

12 (No verbal response.)

13 JUDGE SLAVIN: Seeing none, I will put the  
14 question. The question being put is whether the  
15 Lee County ZBA finds that insufficient evidence  
16 was presented that the proposed SES development  
17 would not have a negative impact on property  
18 values within the area of the proposed project.

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

22 (All those simultaneously  
23 responded.)

24 JUDGE SLAVIN: All those opposed by nay.

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(No verbal response.)

JUDGE SLAVIN: Motion is unanimously adopted.

Moving on up.

MR. HUGHES: Continuing on with 48. The motion being, The Lee County ZBA finds that the proposed project will increase area employment during the construction phase, but during its operation it cannot be found that there would be a benefit to area employment, period. Period, not comma.

JUDGE SLAVIN: Yup. Let me get -- so other than that punctuation correction, how does it look?

MR. HUGHES: That looks fine.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

JUDGE SLAVIN: Any debate, Mr. Hughes?

MR. HUGHES: I think there was substantial documentation that there would be considerable employment provided during the construction phase; however, the -- although the Application indicated five full-time employees, during the testimony at various stages it was indicated

1 that there may only be one or two people on the  
2 job, and it was also indicated that they would  
3 be -- that the property would be monitored  
4 remotely, which would tend to seem to indicate  
5 to me that they wouldn't be locally-based, and  
6 that the monitoring, the physical monitoring or  
7 maintenance, was occasional or spread out more  
8 frequent during the early parts of the project  
9 but subsequently nominal, and to me, that does  
10 not identify any full-time, consistent or  
11 regular employment benefit to the area.

12 JUDGE SLAVIN: Okay. Any other Board  
13 member want to address either Mr. Hughes'  
14 comments or your own?

15 (No verbal response.)

16 JUDGE SLAVIN: Seeing no indication of a  
17 want to do so, I'll put the question. The  
18 question being put is whether the Lee County ZBA  
19 finds that the proposed project will increase  
20 area employment during the construction phase,  
21 but during its operation it cannot be found that  
22 there would be a benefit to area employment.

23 Adoption of the motion requires a vote by  
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously  
3 responded.)

4 JUDGE SLAVIN: Opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Motion is adopted.

7 Your pleasure.

8 MR. MEYER: Number 49. The motion reads,  
9 The Lee County ZBA finds that participating  
10 landowners should realize economic benefit from  
11 the development.

12 JUDGE SLAVIN: Do I hear a second?

13 MR. BOTHE: Second.

14 JUDGE SLAVIN: Any comments you want to  
15 make on your own words, Mr. Meyer?

16 MR. MEYER: No, sir.

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 participating landowners should  
22 realize economic benefit from the development.

23 Adoption of the motion requires a vote by  
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously  
3 responded.)

4 JUDGE SLAVIN: Opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Motion is adopted.

7 Your pleasure.

8 MR. HUGHES: Continuing with Number 50,  
9 motion being, The Lee County ZBA finds that the  
10 proposed SES will garner between \$78 million and  
11 \$81 million in tax revenue over its expected  
12 life.

13 JUDGE SLAVIN: Do I hear a second?

14 MR. BOTHE: Second.

15 JUDGE SLAVIN: Having heard a second,  
16 anything you want to say about your own motion?

17 MR. HUGHES: No, sir.

18 JUDGE SLAVIN: Any other Board member?

19 (No verbal response.)

20 JUDGE SLAVIN: Hearing none, I will put  
21 the question. The question being put is whether  
22 The Lee County ZBA finds that the proposed SES  
23 will garner between \$78 million and \$81 million  
24 in tax revenue over its expected life.



1 Adoption of this 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: This motion is adopted  
9 unanimately.

10 MR. MEYER: Number 51. The motion reads,  
11 The Lee County ZBA finds that Steward Creek  
12 Solar LLC, promised in its petition and through  
13 its testimony of its CEO that it would establish  
14 a "Community Fund" for the Villages of Lee and  
15 Steward to be managed by their respective Board  
16 of Trustees, and that such funds will begin with  
17 an initial contribution of \$25,000, with that  
18 amount as the base sum. Annual contributions  
19 would be made at a compounded 2-1/2 percent  
20 increase over the life of the project.

21 JUDGE SLAVIN: Second?

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Anything you want to say  
24 about your motion?

1 MR. MEYER: No, sir.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Put the question. The  
5 question being put is whether The Lee County ZBA  
6 finds that Steward Creek Solar, LLC, promised in  
7 its petition and through its testimony of its  
8 CEO that it would establish a "Community Fund"  
9 for the Villages of Lee and Steward to be  
10 managed by their respective Board of Trustees,  
11 and that such funds will begin with an initial  
12 contribution of \$25,000, with that amount as the  
13 base sum. Annual contributions would be made at  
14 a compounded 2-1/2 percent increase over the  
15 life of the project.

16 Adoption of this 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: This motion is similarly  
24 adopted.

1 Okay.

2 MR. HUGHES: 52, motion being, The Lee  
3 County ZBA finds that, regardless of the  
4 foregoing economic benefits, its decision to  
5 recommend or not recommend approval of the  
6 petition is not based on an increase or decrease  
7 in revenue for taxing bodies.

8 JUDGE SLAVIN: Do I hear a second?

9 MR. BOTHE: Second.

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

12 MR. HUGHES: No.

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

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, regardless of the  
19 foregoing economic benefits, its decision to  
20 recommend or not recommend approval of the  
21 petition is not based on an increase or decrease  
22 in revenue for taxing bodies.

23 Adoption of the motion requires a vote by  
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously  
3 responded.)

4 JUDGE SLAVIN: All those opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Motion is adopted.

7 Next.

8 MR. MEYER: Number 53. The motion reads,  
9 The Lee County ZBA finds that Steward Creek  
10 Solar, LLC, has indicated through its testimony  
11 that, if their petition for a Special Use Permit  
12 is approved, the project will make limited use  
13 of security cameras and has promised that no  
14 surveillance will occur beyond the footprint of  
15 the SES boundary.

16 JUDGE SLAVIN: Do I hear a second?

17 MR. BOTHE: Second.

18 JUDGE SLAVIN: Debate. Your motion,  
19 Mr. Meyer.

20 MR. MEYER: No, sir.

21 JUDGE SLAVIN: Any other Board member?

22 (No verbal response.)

23 JUDGE SLAVIN: Hearing none, I will put  
24 the question. The question being put is whether

1 the Lee County ZBA finds that Steward Creek  
2 Solar, LLC, has -- not the -- that Steward Creek  
3 Solar, LLC, has indicated, through its testimony  
4 that, if their petition for a Special Use Permit  
5 is approved, the project will make limited use  
6 of security cameras and has promised that no  
7 surveillance will occur beyond the footprint of  
8 the SES boundary.

9 Adoption of this 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: Motion is unanimously  
17 adopted.

18 As you like.

19 MR. HUGHES: Continuing on with 54. The  
20 motion, The Lee County ZBA finds that there is  
21 sufficient evidence that the photovoltaics of  
22 this proposed SES development are safe and will  
23 not affect the health of individuals.

24 JUDGE SLAVIN: All right. Second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Any comment about your  
3 motion, Mr. Hughes?

4 MR. HUGHES: No further comment.

5 JUDGE SLAVIN: Any other Board member?

6 (No verbal response.)

7 JUDGE SLAVIN: We have not -- given none,  
8 I will put the question. The question being put  
9 is whether the Lee County ZBA finds that there  
10 insufficient -- no, excuse me, that there was  
11 sufficient evidence that the photovoltaics of  
12 this proposed SES development are safe and will  
13 not affect the health of individuals.

14 Adoption of this 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: It is unanimously adopted.  
22 Okay.

23 MR. HUGHES: Your Honor, I'm going to  
24 propose a revised version of Draft 55.

1 JUDGE SLAVIN: Okay.

2 MR. HUGHES: The Lee County ZBA finds that  
3 Steward Creek --

4 JUDGE SLAVIN: Just a minute. I have got  
5 to key in here. Steward Creek -- got to get my  
6 brain in here, in other words. Yup.

7 MR. HUGHES: LLC.

8 JUDGE SLAVIN: LLC.

9 MR. HUGHES: Has agreed to comply with the  
10 decommissioning requirements set forth in the  
11 Lee County Ordinance and the AIMA, and the Lee  
12 County ZBA finds --

13 JUDGE SLAVIN: Do you want an and or  
14 just -- okay. And the -- yup.

15 MR. HUGHES: It was presented -- you have  
16 got it in there -- a draft decommissioning plan  
17 as part of the Application.

18 JUDGE SLAVIN: Part of the Application.

19 MR. HUGHES: That it finds acceptable.

20 JUDGE SLAVIN: Let's give that a read  
21 through. That was my fault for the typing.

22 MR. HUGHES: No, that's absolutely fine.

23 JUDGE SLAVIN: Does it look right?

24 MR. HUGHES: Yes, sir.

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

2 MR. BOTHE: Second.

3 JUDGE SLAVIN: Hearing a second, any  
4 debate on the motion? Yours first, Mr. Hughes.

5 MR. HUGHES: No, sir. That's fine as it  
6 is.

7 JUDGE SLAVIN: Any other Board member?

8 (No verbal response.)

9 JUDGE SLAVIN: Seeing none, I will put the  
10 question. The question being put is whether the  
11 Lee County ZBA finds that Steward Creek Solar,  
12 LLC, has agreed to comply with the  
13 decommissioning requirements set forth in the  
14 Lee County Ordinance and the AIMA --

15 MR. HUGHES: Whoa.

16 JUDGE SLAVIN: Whoops. I wonder how  
17 sometimes it gets -- there we go.

18 -- the Lee County Ordinance and the AIMA,  
19 and the Lee County ZBA finds that it was  
20 presented with a draft decommissioning plan as  
21 part of the Application that it finds  
22 acceptable.

23 Adoption of the motion requires a vote by  
24 the majority. The vote will be by voice. All



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those in favor indicate by saying aye.

(All those simultaneously  
responded.)

JUDGE SLAVIN: All those opposed by nay.

(No verbal response.)

JUDGE SLAVIN: Another unanimous.

Okay.

MR. MEYER: Number 56.

JUDGE SLAVIN: Sorry. Little jumpy today.

Okay.

MR. MEYER: The Lee County ZBA finds that,  
in its Application and through testimony, the  
Petitioner provided evidence:

Of authorization and approval from the  
Villages of Steward and Lee;

And of no objection from Willow Creek  
Township;

And of neither support nor objection from  
Alto Township;

And of support from Steward Elementary  
District Number 220;

And of support from Rochelle Township High  
School District Number 212.

JUDGE SLAVIN: Second?

1 MR. BOTHE: Second.

2 JUDGE SLAVIN: Anything else you want to  
3 say about your motion, Mr. Meyer?

4 MR. MEYER: No.

5 JUDGE SLAVIN: I'll put the question. The  
6 question being put is whether the Lee County ZBA  
7 finds that, in its Application and through  
8 testimony, the Petitioner provided evidence:

9 Of authorization and approval from the  
10 Villages of Steward and Lee;

11 And of no objection from Willow Creek  
12 Township;

13 And of neither support nor objection from  
14 Alto Township;

15 And of support from Steward Elementary  
16 District Number 220;

17 And of support from Rochelle Township High  
18 School District Number 212.

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 carries.

MR. HUGHES: Continuing with Draft Number 57. The motion being, The Lee County ZBA finds that the proposed Special Use will have the following effects on the character of the neighborhood and the surrounding properties as follows.

JUDGE SLAVIN: Have the following --

MR. HUGHES: Effects.

JUDGE SLAVIN: Okay.

MR. HUGHES: Fields of corn and beans will be replaced by rows of solar panels;

And a 6-foot high chain link fence topped with strands of barbed wire around the perimeter of the project will now be part of the landscape.

JUDGE SLAVIN: Do I hear a second?

MR. BOTHE: Second.

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

MR. HUGHES: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

1           JUDGE SLAVIN: Hearing none, I will put  
2 the question. The question being put is whether  
3 the Lee County ZBA finds that the proposed  
4 Special Use will have the following effects on  
5 the character of the neighborhood and the  
6 surrounding properties as follows:

7           Fields of corn and beans will be replaced  
8 by rows of solar panels;

9           And a 6-foot high chain link fence topped  
10 with strands of barbed wire around the perimeter  
11 of the project will now be part of the  
12 landscape.

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: Those opposed by nay.

19                           (No verbal response.)

20           JUDGE SLAVIN: Motion is adopted. Okay.

21           MR. MEYER: Number 58. The motion reads,  
22 The Lee County ZBA finds that the proposed  
23 Special Use will not impose any new effects on  
24 public health, public safety, or general

1 welfare.

2 JUDGE SLAVIN: Second?

3 MR. BOTHE: Second.

4 JUDGE SLAVIN: Hearing a second, any  
5 debate, Mr. Hughes (sic)?

6 MR. HUGHES: It was --

7 MR. MEYER: No, sir.

8 JUDGE SLAVIN: Any other Board member?

9 MR. HUGHES: I would like to amend the  
10 motion.

11 JUDGE SLAVIN: That's fine.

12 MR. HUGHES: Rather than "not impose any  
13 new effects," "not impose any negative effects."

14 JUDGE SLAVIN: Second?

15 MR. FORSTER: Second.

16 MR. BOTHE: Second.

17 JUDGE SLAVIN: The first motion is whether  
18 to adopt the amended -- not adopt the amended  
19 motion -- whether to allow the amendment to  
20 change "new" to "negative."

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

24 (All those simultaneously

1                                    responded.)

2                    JUDGE SLAVIN:  Opposed, nay.

3                                    (No verbal response.)

4                    JUDGE SLAVIN:  All right.  Now that brings  
5 back to the floor the ending motion, which is --  
6 well, actually, you made a comment.

7                    Any other Board member wish to debate?

8                                    (No verbal response.)

9                    JUDGE SLAVIN:  Okay.  I will put the  
10 question.  The question being put is whether the  
11 Lee County ZBA finds that the proposed Special  
12 Use will not impose any negative effects on  
13 public health, public safety, and/or general  
14 welfare.

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:  Okay.  How about it.

23                    MR. HUGHES:  Continuing with Draft 59, the  
24 motion, The Lee County ZBA finds that the

1 proposed Special Use will have an effect on  
2 traffic conditions in that it will increase  
3 traffic during the approximately 24 months of  
4 construction due to employee traffic and  
5 equipment vehicle usage but will return to  
6 normal, or even lesser, activity with reduced  
7 agricultural traffic.

8 JUDGE SLAVIN: Okay. Second?

9 MR. BOTHE: Second.

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

12 MR. HUGHES: No, sir.

13 JUDGE SLAVIN: Any other Board member?

14 (No verbal response.)

15 JUDGE SLAVIN: Hearing none, I will put  
16 the question. The question being put is whether  
17 the Lee County ZBA finds that the proposed  
18 Special Use will have an effect on traffic  
19 conditions in that it will increase traffic  
20 during the approximately 24 months of  
21 construction due to employee traffic and  
22 equipment vehicle usage but will return to  
23 normal, or even lesser, activity with reduced  
24 agricultural traffic.

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: Motion is adopted.

9           MR. MEYER: Number 60.

10          JUDGE SLAVIN: Just a minute.

11          Okay.

12          MR. MEYER: The resolution would read, The  
13          Lee County ZBA finds that the proposed Special  
14          Use will have an effect on public utility  
15          facilities, as it will increase the source of  
16          electrical power.

17          JUDGE SLAVIN: As it.

18          MR. MEYER: As it will increase the  
19          source. Take the "S" off of the "effect."

20          JUDGE SLAVIN: I'm not sure I got it, but  
21          I think I did.

22          MR. MEYER: Take the "S" off of "effects."  
23          It should be "will have an effect."

24          JUDGE SLAVIN: Got it.



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

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

3 MR. FORSTER: Second.

4 JUDGE SLAVIN: Hearing a second, any  
5 debate on your motion, Mr. Meyer?

6 MR. MEYER: No, sir.

7 JUDGE SLAVIN: Any other Board member?

8 MR. HUGHES: Just, I guess a scrivener's  
9 item. "Have an effect," not "an effects."

10 JUDGE SLAVIN: I thought I did that.

11 MR. HUGHES: I thought you did too and  
12 then it popped back up.

13 JUDGE SLAVIN: Okay. Any other -- I'll  
14 put the question then. The question being put  
15 is whether The Lee County ZBA finds that the  
16 proposed Special Use will have an effect on  
17 public utility facilities, as it will increase  
18 the source of electrical power.

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: The motion is adopted.

And we can continue on for a short, couple minutes.

MR. HUGHES: The -- moving on to 61. The Lee County ZBA finds that the proposed Steward Creek Solar SES project does not carry with it any apparent environmental concerns.

JUDGE SLAVIN: Does that look right? I think I got it.

MR. HUGHES: Yes.

JUDGE SLAVIN: Second?

MR. BOTHE: Second.

JUDGE SLAVIN: Any debate on your motion, Mr. Hughes, from you?

MR. HUGHES: No, sir.

JUDGE SLAVIN: Any other Board member?

(No verbal response.)

JUDGE SLAVIN: All right. I will then put the question. The question being put is whether the Lee County ZBA finds that the proposed Steward Creek Solar SES project does not carry with it any apparent environmental concerns.

Adoption of the motion requires a vote by

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

3 (All those simultaneously  
4 responded.)

5 JUDGE SLAVIN: Opposed by nay.

6 (No verbal response.)

7 JUDGE SLAVIN: And the motion carries.

8 You gentlemen are the boss. I would  
9 encourage you at this point to recess and give  
10 you the next few days to think about everything,  
11 but if you want to keep pushing ahead, I  
12 understand that as well, but I always worry  
13 without some reflection.

14 MR. HUGHES: I think we have addressed it,  
15 and I believe there's probably only two more.

16 JUDGE SLAVIN: Okay. All right. That's  
17 fine.

18 MR. HUGHES: I think there's a couple  
19 conditions --

20 JUDGE SLAVIN: I just want to give you the  
21 opportunity, that's all.

22 MR. HUGHES: I think there's probably only  
23 a couple conditions that needs to be addressed.

24 MR. MEYER: Put them in now, right?

1 MR. HUGHES: I'll -- do you want to flip  
2 them around? Do you want to flip these around,  
3 62 and 63?

4 MR. MEYER: What other conditions --

5 MR. HUGHES: Well, that's what I'm asking.  
6 Should we put the conditional ones first?

7 MR. MEYER: Conditions first and then --

8 MR. HUGHES: Okay. We're actually going  
9 to reverse the order of the draft -- of the last  
10 couple draft items. We want to get the  
11 conditions -- some of the conditions in first.

12 JUDGE SLAVIN: Would that be 63?

13 MR. HUGHES: Yeah, 63.

14 JUDGE SLAVIN: Just a minute.

15 MR. HUGHES: Yup.

16 JUDGE SLAVIN: I'm having a little --  
17 Dee's cursor is very --

18 MR. HUGHES: It's jumping pages on you.  
19 Yeah, there we go.

20 JUDGE SLAVIN: Okay.

21 MR. HUGHES: The Lee County ZBA recommends  
22 to the Lee County Board that, if Steward Creek  
23 Solar, LLC's, petition for Special Use is  
24 approved, beyond the conditions required by the

1 County's Ordinance and those imposed on itself  
2 by the Petitioner's Application and testimony,  
3 further obligations of the Permit be that  
4 Steward Creek Solar, LLC, and any subsequent  
5 entities-in-interest comply with the following  
6 conditions:

7 During construction of the SES --

8 JUDGE SLAVIN: I'm sorry.

9 MR. HUGHES: Yup.

10 JUDGE SLAVIN: Wait a minute. Yup, okay.

11 During.

12 MR. HUGHES: During construction of the  
13 SES, construction activities shall commence no  
14 earlier than 7 a.m. and shall be discontinued no  
15 later than 7 p.m.

16 That will be --

17 JUDGE SLAVIN: Like that?

18 MR. HUGHES: Yup.

19 The SES shall be fully decommissioned at  
20 the end of the 35-year lease term.

21 JUDGE SLAVIN: At the end of the 35-year  
22 lease term. Right?

23 MR. HUGHES: Yes.

24 JUDGE SLAVIN: Okay. Anything else?

1 MR. HUGHES: I believe that's it.

2 JUDGE SLAVIN: All right. Why don't you  
3 take a look, make sure I got it. Getting a  
4 little tired.

5 MR. HUGHES: Yes.

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

7 MR. BOTHE: Second.

8 JUDGE SLAVIN: All right. Hearing a  
9 second, any comments you want to make about  
10 your --

11 MR. HUGHES: Yes. With the conditions I  
12 have added, there was no format -- as noted  
13 earlier, there had been no indication of a time  
14 of construction, and I felt it was appropriate  
15 to place that in there.

16 The other thing is that if we are -- if  
17 this is truly going to be an agricultural  
18 property and the land is being put into the  
19 solar use for the benefit of the land in the  
20 future, and that the testimony was that it was  
21 expected that this solar farm would not be  
22 continuing, there would be no renewal or  
23 re-establishing of it, I wanted to make sure  
24 that that was defined and that we could really

1 justify the fact that this property was going  
2 back into agricultural use at the end of the  
3 solar farm term.

4 JUDGE SLAVIN: Any other Board member?

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 recommends to the Lee County  
9 Board that, if Steward Creek Solar, LLC's,  
10 petition for Special Use is approved, beyond the  
11 conditions required by the County's Ordinance  
12 and those imposed on itself by the Petitioner's  
13 Application and testimony, further obligations  
14 of the Permit be that Steward Creek Solar, LLC,  
15 and any subsequent entities-in-interest comply  
16 with the following conditions:

17 During construction of the SES,  
18 construction activities shall commence no  
19 earlier than 7 a.m. and shall be discontinued no  
20 later than 7 p.m.;

21 And the SES shall be fully decommissioned  
22 at the end of the 35-year lease term.

23 Adoption of the motion requires a vote by  
24 the majority. The vote will be by voice. All

1 those in favor indicate by saying aye.

2 (All those simultaneously  
3 responded.)

4 JUDGE SLAVIN: Opposed by nay.

5 (No verbal response.)

6 JUDGE SLAVIN: Motion is adopted.

7 Okay.

8 MR. MEYER: Resolution Number -- I would  
9 make it Number 64.

10 MR. HUGHES: Well, leave it at 62.

11 MR. MEYER: We'll call it 62.

12 JUDGE SLAVIN: Let me back up.

13 MR. MEYER: I would like it listed after.

14 JUDGE SLAVIN: Yup, that's fine. I can  
15 move them around in the report.

16 MR. MEYER: The Lee County ZBA recommends  
17 to the Lee County Board that Steward Creek  
18 Solar, LLC's, petition for Special Use be  
19 approved.

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

22 MR. BOTHE: Second.

23 JUDGE SLAVIN: Any speech you want to give  
24 about your motion?



1 MR. MEYER: No, sir.

2 JUDGE SLAVIN: Any other Board member?

3 (No verbal response.)

4 JUDGE SLAVIN: Okay. I'll put the  
5 question. The question being put is whether the  
6 Lee County ZBA recommends to the Lee County  
7 Board that Steward Creek Solar, LLC's, petition  
8 for Special Use be approved.

9 Adoption of this 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: It's recommended  
17 unanimately.

18 Then I have 64, just because I'd rather  
19 have you -- I started putting that at the end.  
20 I thought that was a good idea since you guys --  
21 I shouldn't be the one -- okay, I'll fill in the  
22 blank.

23 MR. HUGHES: I have no idea.

24 JUDGE SLAVIN: Got it.

1 All right. Any other motions, gentlemen?  
2 The floor is open.

3 (No verbal response.)

4 JUDGE SLAVIN: Seeing none, this concludes  
5 findings of fact and making recommendations.

6 I thank you all for allowing me to be of  
7 assistance. Members of Lee County, I feel like  
8 everybody is becoming a friend, and I appreciate  
9 everyone's cooperation. I fully appreciate  
10 everyone's participation, those that cared to  
11 participate. I wish you all Godspeed, and see  
12 you again soon, I think.

13 This hearing is concluded.

14 Do you need -- Mr. Chairman, do you  
15 need --

16 MR. FORSTER: We'll need to continue the  
17 meeting until after the County Board votes on  
18 it.

19 JUDGE SLAVIN: Very good. Okay. We're  
20 done.

21 (The hearing was concluded at  
22 9:36 p.m.)

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On this 4th day of November, 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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