

**Lee County Board  
Dixon, Illinois**

**RESOLUTION NO. \_\_\_\_\_**

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**A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL  
SOLAR ENERGY FACILITY PURSUANT TO ORDINANCE NO. 2023-07-008, AN  
ORDINANCE AMENDING THE REGULATING DEVELOPMENT OF COMMERCIAL  
SOLAR ENERGY FACILITIES ORDINANCES.**

**(WOOSUNG SOLAR, LLC)**

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**WHEREAS**, a Petition for the granting of a Special Use Permit for a Commercial Solar Energy Facility under Lee County Ordinance No. 2023-07-008, *An Ordinance Amending the Regulating Development of Commercial Solar Energy Facilities Ordinance*, on real estate described in Exhibit "A," attached hereto and made a part hereof (hereinafter sometimes referred to as "Subject Realty"), has been filed with the Lee County Zoning Office as Petition No. 24-P-1623 (hereinafter referred to as "Petition"), by Woosung Solar, LLC (hereinafter referred to as "Petitioner"); and

**WHEREAS**, the Zoning Board of Appeals of Lee County (hereinafter referred to as "Zoning Board of Appeals") held public hearings on said Petition on April 4, April 24, and May 1, 2024, in accordance with the law; and

**WHEREAS**, proper Notice of the filing of the Petition and of the impending April 4, 2024, ZBA hearing was published in the Dixon Telegraph on March 21, 2024; and

**WHEREAS**, United States Postal Service Certified mailings of the same Notice were sent by the Petitioners to real estate property owners whose properties would be adjacent to the proposed Project's boundaries with such mailings being postmarked on March 15, 2024; and

**WHEREAS**, timely notice was posted at the northern property line of the parcels identified as 16-01-13-100-001 and 16-01-14-200-003 on March 19, 2024; and

**WHEREAS**, the Petitioner and Interested Parties were given the chance to present evidence, including witnesses and exhibits, cross-examine the witnesses of others, and to present a closing argument, statement, or public comments; and

**WHEREAS**, the Zoning Board of Appeals has made, and the County Board affirms, the Report & Findings of Fact and Recommendation, dated May 1, 2024, which is attached hereto as Exhibit "B" and made a part hereof; and

**WHEREAS**, the County Board of the County of Lee has received the recommendation of the Zoning Board of Appeals and has duly considered said recommendation; and

**NOW, THEREFORE BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF LEE, ILLINOIS,** as follows:

**SECTION 1.** That the *Lee County Revised Zoning Ordinance*, as amended, and as set forth in the Zoning District Map as described therein and on file in the Office of the County Clerk, is hereby amended by the granting of a Special Use Permit for a Commercial Solar Energy Facility (as defined by Lee County Ordinance No. 2023-07-008, *An Ordinance Amending the Regulating Development of Commercial Solar Energy Facilities Ordinance and hereafter referred to as "Special Use"*) on the Subject Realty, including but not limited to the construction, operation and maintenance of a 5 MW Commercial Solar Energy Facility. The aforesaid Special Use for a Commercial Solar Energy Facility shall be conducted in accordance with the provisions of Lee County Revised Zoning Ordinance, as amended, subject to such variations, exceptions, and/or conditions as are hereinafter set forth.

**Section 2.** That the Subject Realty may be developed in accordance with the applicable Ordinance of the County, as are now in effect, except as specifically modified and/or varied below:

- A. Before any building permit is issued, the Petitioners must enter into a Road Use Agreement, relative to the proposed locations, satisfactory to the County Engineer, addressing construction activities not less than 30 days prior to issuance.
- B. Before any building permit is issued, a copy of the signed interconnection agreement with Commonwealth Edison must be provided to the Lee County Zoning & Planning Office.
- C. Construction activities shall commence no earlier than 7:00 am and shall be discontinued no later than 8:00 pm, absent written waiver of any affected non-participating resident.
- D. Before any building permit is issued, the Petitioners must undertake a drain tile survey and submit the results to the Lee County Zoning & Planning Office.
- E. Before any building permit is issued that Petitioners, if the submitted drain tile survey reflect the presence of existing drain tiles in the area of construction, provide confirmation that any drainage tile damaged will be repaired to the same or better condition within thirty (30) days of damage.
- F. The Petitioners must provide the Lee County Zoning & Planning Office with a written landscape plan, inclusive of weed/grass control, which outlines when implementation will occur.
- G. Before any building permit is issued, that Petitioners acknowledges that it will comply with the vegetative screening requirements.

**SECTION 3.** That the Petition for the granting of a Special Use Permit for a Commercial Solar Energy Facility as requested in Zoning Petition No. 24-P-1623 (Woosung Solar, LLC) be **(approved/denied)**, with the aforementioned modifications and/or variances, by the Lee County Board.

\_\_\_\_\_ **PASSES AND APPROVED** by the County Board of the County of Lee, Illinois, this 23<sup>rd</sup> day of May, 2024.

\_\_\_\_\_ **FAILS AND DENIED** by the County Board of the County of Lee, Illinois, this 23<sup>rd</sup> day of May, 2024.

<b>AYES:</b>	
<b>NAYS:</b>	
<b>ABSENT:</b>	
<b>ABSTAIN:</b>	
<b>HOLDING OFFICE:</b>	

BY: \_\_\_\_\_  
Lee County Board Chairman

ATTEST:

BY: \_\_\_\_\_  
Lee County Clerk

## EXHIBIT A

PIN 16-01-13-100-001

The East Half (E  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Thirteen (13) in Township Twenty-two (22) North, Range Eight (8) East of the Fourth Principal Meridian, all situated in the Count of Lee and State of Illinois.

PIN 16-01-14-200-003

The Northwest Quarter (NW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) and the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section Thirteen (13) in Township Twenty-two (22) North, Range Eight (8) East of the Fourth Principal Meridian, all situated din the County of Lee and State of Illinois.

**TO THE LEE COUNTY BOARD**

**LEE COUNTY, ILLINOIS**

**FROM THE LEE COUNTY ZONING BOARD OF APPEALS**

**Regarding: Petition for Special Use Permit, Petition Number 24-P-1623,**

**for the Development, Construction, and Operation of a Commercial Solar Energy Facility in Lee County, Illinois**

**filed by Irish Eyes Farms LLC / Woosung Solar LLC**

**REPORT & FINDINGS OF FACT AND RECOMMENDATION**

*Adopted from the proceedings on April 24, 2024, and May 1, 2024.*

1. **PETITIONER, PETITION, PROJECT, NOTICE, FACILITATOR, PROCESS, WITNESSES, EXHIBITS, CLOSING STATEMENTS AND PUBLIC COMMENTS:**

The Lee County Zoning Board of Appeals (hereinafter ZBA), as authorized by Lee County Ordinance 2023-07-008, herein finds as follows:

- A. On February 28, 2024, Irish Eyes Farm LLC, as Owners and Woosung Solar LLC (hereinafter referred to as "Woosung Solar", the "Petitioner", the "Applicant", or the "Developer"), an Illinois limited liability company, which is a wholly owned subsidiary of Solar Stone Illinois LLC, an Illinois company, filed a Petition for Special Use Permit, which is numbered 24-P-1623, for the construction, operation and maintenance of a 5 MW Commercial Solar Energy Facility ("CSEF") situated in Palmyra Township in Lee County, Illinois (hereinafter, the "Petition", "Woosung Solar", the "Project", the "Solar Farm", or the "Development") with the Lee County Zoning and Planning Office.
- B. The Petition for Special Use Permit ("the Petition") was accompanied by supporting material in the form of 12 8 ½" x 11" 3-ring binders (hereinafter the "Supplement", "Supporting Material", or "Supplemental Material"). A digital version of the Supporting Material was also provided.

**C. Notice.**

1. Proper notice of the filing of the Petition and of the impending public hearing before the ZBA was published, as noted by certification included in Zoning Officer group Exhibit 5, in the *Dixon Telegraph* on March 21, 2024.
2. United States Postal Service Certified mailings of the same Notice were sent by the Petitioner to real estate property owners whose properties were identified by the Petitioner as adjacent to the proposed Project's boundaries with such mailings being included as part of Zoning Officer group Ex 5, postmarked March 15, 2024; and
3. Lee County Zoning and Planning Administrator, Ms. Alice Henkel, supplemented the above Notices as follows:
  - a. By way of a digital agenda, uploaded and posted to the Agenda Center of the Lee County website for dates April 4, April 17, April 24, and May 1, 2024; and
  - b. Posting the agenda on the County Board Chairman's bulletin board in the Old Lee County Courthouse on March 21, 2024 and April 17, 2024 and
  - c. A timely notice was posted, as noted in Zoning Officer Exhibit 4, at the northern property line of the parcel identified as 16-01-13-100-001 and 16-01-14-200-003, on March 19, 2024.

**D. Initial Session.**

1. On the evening of Wednesday, April 24, 2024, the Public Hearing, beginning at 7:00 p.m., was initially announced by ZBA Chairman Bruce Forster in the former courtroom on the third floor of the Old Lee County Courthouse.
2. Under the authority provided by its own rules, prior to formally initiating the Hearing, the ZBA engaged the services of Attorney Timothy Zollinger to serve as the facilitator for the proceedings (the "Facilitator").

**E. Process.**

1. The Lee County ZBA finds that the public hearing began and concluded on April 24, 2024, after approximately 1.5 total hours of hearing time.
2. The Lee County ZBA finds:
  - a. Through the auspices of the Lee County IT Department and Lee County Zoning and Planning Office, Interested Parties were provided the opportunity to participate in the Hearing remotely and virtually by either video or teleconferencing via the video communication platform ZOOM using a computer, telephone, or similar communication device at a location of their choosing.

- b. The Lee County ZBA finds that at any given time, there were zero Interested Parties that appeared in person and zero persons on ZOOM.
  - c. Interested Parties could always remotely view and listen to the proceedings in near real time, or later in the recorded mode, on a YouTube feed and there were no technical interruptions.
  - d. Interested Parties can rewatch the Hearing, which was recorded and uploaded to the Lee County Account on YouTube; and
  - e. The entirety of the Hearing proceedings was taken down by a certified shorthand reporter and subsequently transcribed. Transcripts of all testimony, arguments, public comments, and ZBA discussion will be available, on the Lee County Zoning and Planning web pages found on the Lee County web site.
3. The Lee County ZBA finds that, over the course of the first public hearing stage, everyone, including the Petitioner and Interested Parties had any chosen to attend, were given a complete and fair opportunity to be heard; and
  4. The Lee County ZBA finds that everyone, including the Petitioner and Interested Parties had any chosen to attend, were given the chance to present evidence, including witnesses and exhibits, cross-examine the witnesses of others, and to present a closing argument, statement, or public comment; and
  5. Prior to hearing, written comment of non-objection to the project was received from Palmyra Township, identified as Zoning Office Exhibit 7; and
  6. During the ZBA hearing Interested Parties, had any chosen to attend, were offered opportunity to comment.
- F. Witnesses.** The ZBA finds that two individuals took the witness stand, were placed under oath or affirmation, and testified. Sworn witnesses, in order of appearance, including a summary of their testimony, were as follows:
1. Ms. Alice Henkel, Lee County Zoning and Planning Administrator, laid the foundation for the admission of her, and Lee County's, Exhibits into evidence. These Exhibits included the various notices generated as part of the processes for the ZBA hearing and the assorted documents accepted and kept within her office related to the Petition. She further testified that the Petitioner had supplied all the necessary documents, reports, and materials necessary to comply with the Lee County Solar Ordinance, Ordinance Number 2023.07.008, and the applicable sections of the Lee County Code and that the Petitioner's application materials were complete. Alice Henkel further testified to the written comment of non-objection received by the Zoning Office from Palmyra Township.
  2. Conner Sayles appeared on behalf of the Petitioner. He is a Development Associate with Solar Stone Partners and appeared on behalf of Woosung Solar LLC, a wholly owned subsidiary of Solar Stone. He outlined his experience with development of community solar projects, as well as with regulatory compliance, site acquisition and outreach with landowners. He went on to provide explanation of the site being selected due to the available ComEd interconnection. Sayles also provided overview and information relating to the Project, Ground Lease Agreement, SHPO letter from the Illinois Department of Natural Resources, the AIMA, Vegetative Screening, and Land Value Reports. Sayles affirmed the commitment of Woosung Solar LLC to comply with all requirements of the Lee County Code.

3. There were no other sworn witnesses.

4. No Interested Parties spoke about the Project.

**G. Exhibits.** The ZBA finds that the following Exhibits were admitted into evidence, after inviting all parties to note any objections, by the Facilitator and considered by the ZBA:

1. Petitioner's Exhibits:

a.) Petitioner's Exhibit No. 1: PowerPoint Presentation (17 pages)

**H. Zoning Officer Exhibits:**

1. Zoning Officer's Group Exhibit No. 1: a copy of the file-stamped Petition, with accompanying appendices, for Special Use Permit filed on February 28, 2024; and
2. Zoning Officer's Group Exhibit No. 2: a copy of the Notice of Public Hearing sent to various Lee County agencies regarding the Project, including District 4 County Board Members, Lee County Health Department, Lee County Soil & Water Conservation District, City of Dixon, City of Dixon Planning Commission, Palmyra Township Supervisor, and Palmyra Township Road Commissioner; and
3. Zoning Officer's Exhibit No. 3: A copy of the agenda posted for the hearing and sessions of the ZBA, including April 4, April 17, April 24, and May 1, 2024; and
4. Zoning Officer's Exhibit No. 4: a copy of the Notice of Public Hearing posted at the northern property boundary of parcel #16-01-13-100-001; and #16-01-14-200-003; and
5. Zoning Officer's Exhibit No. 5: a copy of the Notice of Public Hearing sent by certified mail and the returned receipts of same mailed to adjacent property owners adjacent to the Development and a copy of the Dixon *Telegraph's* Certificate of Publication of the Notice of Public Hearing.
6. Zoning Officer's Exhibit No. 6: a copy of the Lee County Soil & Water Conservation District's Natural Resources Information Report dated October 16, 2018; and
7. Zoning Officer's Exhibit No. 7: Letter of Non-Objection from Palmyra Township, dated January 23, 2024; and

**J. Interested Party Exhibit:**

a.) No exhibits were offered as evidence by any Interested Party.

**K. Closing Statements/Public Comments.** The ZBA finds that the following individuals and Interested Parties were permitted, without limitation, the opportunity to make closing statements or public comments.

1. Petitioner, through its witness Conner Sayles, used the content of the Exhibits, Supporting Materials, and hearing factors set forth in the Lee County Ordinance, to explain and demonstrate the Project's compliance with the Lee County Ordinance and stated the reasons the ZBA should recommend to the Lee County Board to approve the Petition for a Special Use Permit. Sayles further affirmed, in response to questions from the



Zoning Administrator, that Woosung Solar LLC would take all steps necessary to comply with all code requirements.

The ZBA further finds that the testimony offered by each sworn witness is fairly and accurately reflected in the transcript of proceedings taken by the Court Reporter at the public hearing. The transcript of proceeding is formally adopted herein.

**L. Overview of Development**

Based on the exhibits offered at public hearing and testimony of the witnesses, the ZBA finds that:

1. Purpose

The Petition seeks issuance of a Special Use Permit (SUP) permitting construction of a 5 MW Commercial Solar Energy Facility on 40.2 acres, of which 21.2 acres will be utilized.

2. Useful Life

The anticipated lifespan of the type of panels to be used in construction is warranted to be up to twenty-five (25) years with an expected life span of approximately 40 years.

3. Components

The equipment specifications to be used in the Project were explained by Petitioner's witness, and reflected in Petitioners Exhibit #1, Memorandum of February 26, 2024 (13 pages).

4. Access Road & Fencing

That based on the Petition, testimony of the Petitioner's representative, the access points will be a new lane, constructed on or within the project site, coming off of Pilgrim Road.

Based on the testimony of the Petitioner's representative the fencing surrounding the project will be approximately eight (8) feet in height and constructed with components that will allow small wildlife to enter and exit the project site unabated.

5. Background Findings

That based on the testimony of the Petitioner and the documents submitted with the application there appear to be:

No protected lands identified by the Illinois Department of Natural Resources  
No adverse findings issued by the Illinois State Historic Preservation Office  
No adverse findings issued by US Fish & Wildlife

6. Community Statement

Palmyra Township voted, at a public meeting, to issue a letter of non-objection to the Petition. A copy of the letter of non-objection, is included as Zoning Office Exhibit #7.

## 7. Non-Participating Residence

One non-participating residence, located at 541 Pilgrim Road is present. Vegetative screening for that parcel will consist of coniferous and deciduous trees.

## 2. Applicable Ordinance

- A. The Specific Lee County CSEF Ordinance. On July 20th, 2023, the Lee County Board Chairman signed into law an Ordinance Amending the Regulating Development of Commercial Solar Energy Facilities (the "Ordinance") passed by the County Board, as Ordinance No. 2023.07.008, which would then be the provisions specifically applicable to the Petition at issue which has been codified.
- B. Other Applicable Ordinances. The ZBA finds that also in place, at the time of the Petition and continuing thereafter, certain provisions of the Lee County Ordinance "Performance Standards," and "Special Exceptions, Variations and Non-conforming uses" remain applicable to the Petition unless expressly supplanted by the Solar Energy System Ordinance (#2023-07-008)

## 3. Evidentiary Findings of Fact required by Lee County Ordinance

After duly considering the content of the application and supporting documents, reflecting on the sworn testimony and exhibits presented at public hearing, as well as taking notice of previously approved Ordinance 12-18-001, the members of the ZBA hereby finds:

- A. The Petitioner will, at the time of application for the building permit, have a structural engineer certify that the Commercial Solar Energy Facility is within accepted professional standards and compliant with all State & County Code requirements.
- B. The Petitioner demonstrated that no component of the Project will exceed twenty (20) feet in height above the ground at full tilt.
- C. The Petitioner committed to adhering to the vegetative screening requirements as set forth in the Ordinance and, further, provided site plans that demonstrated the proposed vegetative or other screening for the Project.
- D. The Petitioner testified that no lighting will be utilized for the Project. However, in the event that any lighting is required by a condition of the Lee County Board, Petitioner committed that all lighting will be shielded and downcast and be Dark Sky Certified Lighting.
- E. The Petitioner confirmed that all power lines used to collect power and all communication lines shall be buried underground, to the greatest extent possible, in accordance with the AIMA.
- F. The Petitioner testified that the fence shall have a minimum height of eight feet and be installed maintained and secured around the Project in compliance with the National Electric Code ("NEC") and shall contain appropriate warning signage that is in accordance with the NESC, and ANSI Z535 Safety Sign Standards and OSHA regulations. In addition, the fence would be comprised of woven

wire/fixed knotting and would allow a four to six-inch gap along the bottom of the fence so as to prevent the restriction of wildlife movement according to the IDNR recommendations.

- G. The Petitioner committed that all warning signage concerning voltage will be in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA Regulations and will be placed at the base of all pad-mounted transformers and substations and at all entrances to the Project.
- H. Petitioner previously received approval for the same project in 2018, via Ordinance 12-18-001, but the SUP expired and due to changes in State law and County Code, Petitioner submitted the new Petition.
- I. The Petitioner confirmed that visible, reflective, and colored objects, such as flags, plastic sleeves, reflectors, or tape will be placed on anchor points of all guy wires and along the guy wires up to a height of fifteen feet from the ground.
- J. The Petitioner confirmed through testimony and the site plans presented that the Project would adhere to all setback requirements of the Ordinance.
- K. The Petitioner committed through testimony to entering into a Road Use Agreement (“RUA”) with the County Engineer and any applicable township.
- L. The Petitioner committed to depositing the requisite funds into the Consulting Fund, as required by the Ordinance.
- M. The Petitioner committed to providing additional comprehensive soil and geotechnical boring reports, at its expense, to the Lee County Engineer.
- N. The Petitioner committed to following the guidelines for Conservation Practices Impact Mitigation as provided by the LCSWCD.
- O. The Petitioner supplied a noise level analysis, from a Board-certified institute of Noise Control Engineer, which indicated that noise levels generated by the Project will not exceed the standards set forth by the Illinois Pollution Control Board (“IPCB”). A report confirming sound compliance will be provided to the Zoning Administrator after the project is operational.
- P. The Petitioner testified that the materials utilized, particularly the panels, will not cause any glare in association with the Project.
- Q. The Petitioner did not supply a letter from the State Historic Preservation Office (“SHPO”) identifying any known historic properties within the proposed project area and/or that the project area is not within the high probability area for archaeological resources as defined in the Illinois State Agency Historic Resources Preservation Act. However, Petitioner testified that as part of the EcoCAT, it was determined that there were no historic landmarks within a mile of facility, and that prior to the issuance of a building permit, Petitioner will provide a study confirming what was stated in the EcoCAT.

- R. The Petitioner testified to the project site layout and areas of wetland delineation, including the planned wetland area setbacks to be applied and planned retention area developed in conversation with the Lee County Soil and Water Conservation District.
- S. The Petitioner supplied an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- T. The Petitioner committed to providing as-built maps, site plans, and engineering plans for the Project to the Lee County Zoning Administrator and Lee County Supervisor of Assessments within 60 calendar days of completion of construction.
- U. The Petitioner will provide, prior to obtaining a building permit, an Engineer's Certificate that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. Moreover, the Petitioner committed to providing updated Engineering Certificates confirming same prior to the application of a Building Permit.
- V. The Petitioner confirmed that it will only utilize the project site for the storage of materials, vehicles, and equipment for the direct support of the operation and maintenance of the Project.
- W. The Petitioner confirmed that during construction of the Project, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 8:00 P.M.
- X. The Petitioner committed to submit a copy of the site plan, standard operating procedures, and standard operating guidelines for the Project to local emergency responders prior to applying for a Building Permit.
- Y. The Petitioner committed to removing all solid waste related to the construction, operation, maintenance of the Project promptly and to dispose of the same in compliance with all federal, state, and local laws.
- Z. The Petitioner testified that no Hazardous Materials will be stored on site.
- AA. The Petitioner committed to maintaining with the Lee County Zoning Administrator and Lee County Sheriff's Department a primary point of contact with two secondary points of contact.
- BB. The Petitioner committed to repairing, at its expense, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles and any other private and public infrastructure improvements that are damaged during the construction, maintenance and operational phases of the Project in accordance with the AIMA.
- CC. The Petitioner committed to adhering to all liability insurance and indemnification requirements as set forth in Article VII of the Ordinance.
- DD. Petitioner committed, where lighting may be necessary, to use Dark-Sky certified lighting.

At this time the ZBA affirmatively notes that it has duly considered the testimony of the witnesses, sworn in and who offered testimony, all exhibits admitted into evidence, the letter of non-objection from Palmyra Township, the prior Ordinance Adopted by the Lee County Board approving the project in 2018 (#12-18-001), and that during the public hearing in the present Petition no Interested Parties provided comment. The ZBA has duly considered all of this information and the totality of all information presented before the ZBA. The ZBA has duly considered the provisions of the County Ordinance and applicable state statute, relative to commercial solar energy facilities. Based on this it is hereby concluded:

- EE. That the establishment, maintenance or operation of the proposed Project, the Commercial Solar Energy Facility, will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- FF. The Project, the Commercial Solar Energy Facility, will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish or impair property values of surrounding properties; and
- GG. Establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties; and
- HH. Adequate measures have been or will be taken to provide ingress and egress so signed to minimize traffic congestion on the public streets; and
- II. The proposed Project, based on its proposed siting, is not contrary to the objectives of the current comprehensive plan of the County, as it is a recognized use for farmland.
- JJ. Petitioner agrees to maintain appropriate approved decommissioning obligations within the Land Lease Agreement and maintain compliance with the AIMA and all County requirements.
- KK. Petitioner agrees to provide evidence of appropriate Financial Security with the Lee County Zoning & Planning Office, prior to issuance of a building permit. All such financial security shall be updated at a minimum every 5 years.
- LL. That Petitioner agrees to maintain a telephone or web-based portal permitting members of the public to notify Petitioner of any issues and seek resolution. Petitioner shall maintain a log of such contacts and provide a copy of the same to the Lee County Zoning & Planning Office upon reasonable request.

**4. Evidentiary Findings of Fact Not Directly Addressed by any Ordinance.**

- A. **Vibration.** The Lee County ZBA finds that, based on the material and testimony heard, other than, probable, construction activities such as truck traffic and support pile driving, there would be no detectable vibration associated with this proposed Development after completion.
- B. **Air Pollution.** The Lee County ZBA finds based on the exhibits and testimony heard, that there would be no material or substance emitted from this proposed solar development.

- C. **Odor.** The Lee County ZBA finds that, based on the material and testimony heard, there would be no odor associated with this proposed solar development.
- D. **Electromagnetic Fields.** The Lee County ZBA finds, based on the testimony, there was no study conducted to determine what, if any, electromagnetic fields would be created by the proposed Project. However, Petitioner testified that there would be very minimal electromagnetic fields generated by the Project, that the EMFs generated would be like the amount individuals encounter in everyday life, such as those generated from A/C wiring or cellphones. The Lee County ZBA therefore finds that there is no indication that any EMFs generated by the Project would pose a threat to general welfare.
- E. **Heat.** The Lee County ZBA finds that, based on the Petitioner's materials and testimony heard, there would not be significant heat associated with this solar development that would affect adjoining properties.
- F. **Fire and Explosion Hazards.** The Lee County ZBA finds that, based on the Material and testimony heard, there would be no particularly identifiable fire or explosion hazards associated with the proposed Project.

**5. Tax Revenue, Jobs, Economic Advantages and Community Benefits.**

- a. The Lee County ZBA finds that the Petitioner testified that the Project would produce an increase in equalized assessed valuation.
- b. The Lee County ZBA finds that the Petitioner testified the proposed Project would enhance greater electrical grid stability.
- c. The Lee County ZBA finds that the proposed Project would contribute to the reduction of greenhouse gas emissions.
- d. The Lee County ZBA finds that the Petitioner testified that the proposed Development would not require any additional public services or utilities during construction or operation of the CSEF, excepting the use of roads and the possibility of emergency services.
- e. The Lee County ZBA finds that the participating landowner will financially benefit from the proposed Project.
- f. The Lee County ZBA finds that the approval of this Special Use Permit Petition would not carry with it the need to access any traditional infrastructure utilities, other than that which may be owned by ComEd.
- g. The Lee County ZBA finds that the Project will generate an estimated twenty-four (24) construction jobs.
- h. The Lee County ZBA finds that, regardless of any possible economic benefit to the landowner or taxing districts within the County, its decision to recommend or not recommend approval of the Petition is not based on an increase or decrease in revenue for taxing bodies but, rather, the criteria in the Lee County Ordinance and the Project's compliance with the same.

- 6. **Binding Pledges.** The Lee County ZBA finds that a witness on behalf of Woosung Solar LLC testified under oath or affirmation to the following:

- a. The Petitioner would be bound by all proposals, promises, statements and representations in its supplementary materials for a SUP or made under oath at the public hearing before the Lee County ZBA- even if not expressly specified herein or therein; and
- b. Changes may be required as the development of the Project continues. However, any changes would be in substantial accord with the Petition and Supporting Materials; and
- c. Any successors in interest would be similarly bound as Woosung Solar LLC would make any sale or transfer subject to the terms and conditions of any Special Use Permit granted to the Project; and
- d. The ZBA finds that no variations from the applicable Ordinance, were requested by Petitioner.

**7. Recommendations to the Lee County Board**

After due consideration of the totality of the evidence presented at Public Hearing, the ZBA finds that Petitioner has provided evidence of compliance with all the requirements of the relevant Lee County Ordinance and as such recommends to the Lee County Board that the Petition of Irish Eyes Farm LLC & Woosung Solar LLC for Special Use be approved.

**8. Recommendations to the Lee County Board for Conditions of the Special Use if Petition Approved**

The ZBA recommends to the Lee County Board, if Woosung Solar LLC's Petition for Special Use is approved, that Petitioner be expected to comply with all provisions of the Code, including but not limited to the following conditions:

**a. Road Use Agreement**

Before any building permit is issued that Petitioner enters into a Road Use Agreement, relative to the proposed location, satisfactory to the County Engineer, addressing construction activities not less than 30 days prior to issuance.

**b. Interconnection Agreement**

Before any building permit is issued a copy of the signed interconnection agreement with Commonwealth Edison, be provided to the Lee County Zoning & Planning Office.

**c. Permitted Construction Times**

That a condition of construction be that construction activities shall commence no earlier than 7:00am and shall be discontinued no later than 8:00pm absent written waiver of any affected non-participating resident.

**d. Drain Tile Survey**

Before any building permit is issued, that Petitioner undertakes a drain tile survey and submit the results to the Lee County Zoning & Planning Office.

**e. Drain Tile Repairs**

Before any building permit is issued that Petitioner, if the submitted drain tile survey reflect the presence of existing drain tiles in the area of construction, provide confirmation that any drainage tile damaged will be repaired to the same or better condition within thirty (30) days of damage.

**f. Weed/Grass Control Plan**

That prior to or concurrent with obtaining a building permit Petitioner provide the Lee County Zoning & Planning Office with a finalized written landscape plan, inclusive of weed/grass control, which outlines when implementation will occur.

**g. Screening**

Before any building permit is issued, that Petitioner acknowledges that it will comply with the vegetative screening requirements.

Respectfully submitted,

Dated: 1 May 2024 Bruce Forster  
Bruce Forster, Chairman, Lee County  
Zoning Board of Appeals

Attest:  
Dated: 5-1-2024 Alice Henkel  
Alice Henkel, Lee County Planning & Zoning  
Administrator