

**Lee County Board
Dixon, Illinois**

RESOLUTION NO. _____

**A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A PRIVATE PIPELINE
FACILITY PURSUANT TO ORDINANCE NO. 10-22-003,
REGULATING DEVELOPMENT OF PRIVATE PIPELINES**

(AMERESCO LEE COUNTY RNG, LLC)

WHEREAS, a Petition for the granting of a Special Use Permit for a Private Pipeline Facility under Lee County Ordinance No. 10-22-003, *An Ordinance Regulating Development of Private Pipelines*, 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-1625 (hereinafter referred to as “Petition”), by Ameresco Lee County RNG, LLC, an Delaware limited liability company (hereinafter referred to as “Petitioner”); and

WHEREAS, the Zoning Board of Appeals of Lee County (hereinafter referred to as “Zoning Board of Appeals”) held a public hearing on said Petition on June 10, June 11, and June 17, 2024, in accordance with the law; and

WHEREAS, proper Notice of the filing of the Petition and of the impending June 10, 2024, ZBA hearing was published in the Dixon Telegraph on May 25, 2024; and

WHEREAS, United States Postal Service Certified mailings of the same Notice were sent by the Petitioner to real estate property owners whose properties would be adjacent to the proposed Project’s boundaries with such mailings being postmarked on May 23, 2024; and

WHEREAS, timely notice was physically posted along the proposed pipeline’s route at U.S. Route 30’s intersections with Red Brick and Dutch Roads on May 23, 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, 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 Private Pipeline Facility (as defined by Lee County Ordinance No. 10-22-003, *An Ordinance Regulating Development of Private Pipelines* and hereafter referred to as “Special Use”) on the Subject Realty, including but not limited to the construction, operation and maintenance of a private pipeline facility. The aforesaid Special Use for a Private Pipeline 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. Applications/submissions and any attendant permits from the following agencies shall be made and obtained prior to the issuance of a building permit:
 - 1. The Illinois Commerce Commission.
 - 2. The Illinois Environmental Protection Agency.
 - 3. An executed Agricultural Impact Mitigation Agreement.
 - 4. Private Utility Agreements and permits.
- B. Before any building permit is issued, the Petitioner is required to provide the Lee County Zoning and Planning Office with evidence of having done a drain tile survey.
- C. Before any building permit is issued, the Decommissioning Plan should be approved by the Lee County Board.

SECTION 3. That the Petition for the granting of a Special Use Permit for a Private Pipeline Facility as requested in Zoning Petition No. 24-P-1625 (Ameresco Lee County RNG, 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 _____ day of July, 2024.

_____ **FAILS AND DENIED** by the County Board of the County of Lee, Illinois, this _____ day of July, 2024.

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| AYES: | |
| NAYS: | |
| ABSENT: | |
| ABSTAIN: | |
| HOLDING OFFICE: | |

BY: _____
Lee County Board Chairman

ATTEST:

BY: _____
Lee County Clerk

EXHIBIT A

| PIN | Legal Description |
|------------------|---|
| 12-14-12-200-007 | <p>The Northeast Corner of Section 12, Township 20 North, Range 9 East of the Fourth Principal Meridian, in Lee County, Illinois.</p> <p>1093 Corregidor Rd. Dixon, IL 61021</p> |
| 12-14-01-200-005 | <p>The South Half (S ½) of the South Half (S ½) of the Northeast Quarter (NE ¼) all in Section Number One (1), Township Number Twenty (20) North, Range Number Nine (9) East of the Fourth Principal Meridian, except three and 40/100ths (3.04) acres described as follows: Beginning at the east quarter corner of said Section One (1), thence North 0 degrees 53 minutes east along the east line of said Section One (1); six hundred fifty-eight and 87/100ths (658.87) feet to a point; thence south eighty-nine (89) degrees forty-five (45) minutes thirty (30) seconds west five hundred five and 96/100ths (505.96) feet to a point; thence south 0 degrees fifteen (15) minutes thirty (30) seconds West one hundred thirty-five and 9/10ths (135.9) feet to a point; thence south eighty-nine (89) degrees thirty -four (34) minutes thirty (30) seconds east one hundred seventy-nine (179) feet to a point; thence south 0 degrees twenty-three (23) minutes thirty (30) seconds west eighty-four and 5/10th (84.5) feet to a point; thence south eighty-nine (89) degrees thirty-four (34) minutes east two hundred five and 8/10ths (205.8) feet to a point; thence south 0 degrees twenty-one (21) minutes west four hundred thirty-three and 3/10ths (433.3) feet to a point; thence south eighty-nine (89) degrees fifty-four (54) minutes east one hundred fifteen (115) feet to the point of beginning, said premises being situated in Lee County, Illinois.</p> <p>Located on the west side of Corregidor Road, approximately 2764 feet north of O'Malley Road and approximately 2127 feet south of US Route 30.</p> |
| 12-14-01-100-003 | <p>The South Half (S ½) of the Northwest Quarter (NW ¼) of Section One (1), Township Twenty (20) North, Range Nine (9) east of the Fourth Principal Meridian in Lee County, Illinois.</p> <p>1157 Red Brick Road Dixon, IL 61021</p> |
| 12-14-01-100-002 | <p>The Northeast Quarter of the Northwest Quarter of Section 1, Township 20 North, Range 9 East of the Fourth Principal Meridian, in Lee County, Illinois.</p> |

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| | Located on the west and east side of Red Brick Road, south of US Route 30. |
| 12-14-01-100-005 | <p>The Northwest Quarter of the Northwest Quarter of Section 1, Township 20 North, Range 9 East of the Fourth Principal Meridian, in Lee County, Illinois.</p> <p>Located south of US Route 30, approximately 236 west of Red Brick Road and approximately 5789 feet east of Walton Road.</p> |
| 18-08-35-400-002 | <p>Part of the Southeast Quarter of Section 35 and the Southwest Quarter of the Southwest Quarter of Section 36, Range 9 East of the Fourth Meridian, in Lee County, Illinois.</p> <p>Located at the northwest corner of the intersection of Red Brick Road and US Route 30.</p> |
| 18-08-35-300-001 | <p>The Southwest Quarter (SW ¼) of Section Thirty-five (35), Township Twenty-one (21) North, Range Nine (9) East of the Fourth (4th) Principal Meridian, Lee County, Illinois.</p> <p>1023 S. Eldena Rd. Dixon, IL 61021</p> |
| 18-08-34-400-002 | <p>The East Half (E ½) of the Southeast Quarter (SE ¼) of Section Thirty-four (34) in Township Twenty-one (21) North, Range Nine (9) East of the Fourth Principal Meridian, Lee County, Illinois.</p> <p>956 US Route 30 Dixon, IL 61021</p> |
| 18-08-33-400-001 | <p>The North Half (N ½) of the Southeast Quarter (SE ¼) of Section Thirty-three (33), Township Twenty-one (21) North, Range Nine (9) East of the Fourth Principal Meridian, South Dixon Township, Lee County, Illinois.</p> <p>1245 IL Route 26 Dixon, IL 61021</p> |
| 18-08-34-300-006 | <p>A part of the Southwest Quarter (SW ¼) of Section Thirty-four (34) and a part of the South Half (S ½) of the Northwest Quarter (NW ¼) of Section Thirty-four (34), all in Township Twenty-one (21) North, Range Nine (9) East of the Fourth Principal Meridian, described as follows: Commencing at the Southwest corner of Section Thirty-four (34) ; thence Easterly along South line of said Section Thirty-four (34), 1,892.29 feet to a Point of Beginning; thence continue along aforementioned line 735.69 feet to Southeast Corner of Southwest Quarter (SW ¼) of Section Thirty-four (34); thence Northerly along East line of West Half (W ½) of Section Thirty-four (34), at an angle of</p> |

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| | <p>90 degrees 10 minutes 12 seconds measured clockwise 2,959.28 feet; thence Westerly at an angle of 90 degrees 00 minutes 55 seconds measured clockwise 735.69 feet; thence Southerly at an angle of 89 degrees 59 minutes 05 seconds measured clockwise 2,961.66 to the Point of Beginning, in Lee County, Illinois.</p> <p>Located north of US Route 30, approximately 1752 feet east of IL Route 26 and approximately 2740 feet west of Walton Road.</p> |
| <p>18-08-34-300-008</p> | <p>A part of the Southwest Quarter (SW ¼) of Section Thirty-four (34) and a part of the South Half (S ½) of the Northwest Quarter (NW ¼) of Section Thirty-four (34), all in Township Twenty-one (21) North, Range Nine (9) East of the Fourth Principal Meridian, described as follows: Commencing at the Southwest corner of Section Thirty-four (34); thence Easterly along South line of Section Thirty-four (34), 1,524.67 feet for a Point of Beginning; thence continue along aforementioned line 367.62 feet; thence Northerly at an angle of 90 degrees 10 minutes 12 seconds measured clockwise 2,961.66 feet; thence Westerly at an angle of 90 degrees 00 minutes 55 seconds measured clockwise 367.62 feet; thence Southerly at an angle of 89 degrees 59 minutes 05 seconds measured clockwise 2,962.85 feet to the point of beginning, in Lee County, Illinois.</p> <p>Located north of US Route 30, approximately 1385 feet east of IL Route 26 and approximately 3475 feet west of Walton Road.</p> |
| <p>18-08-34-300-014</p> | <p>Part of the South Half of the Northwest Quarter and part of the Southwest Quarter of Section 34, Township 21 North, Range 9 East of the Fourth Principal Meridian, Lee County, Illinois, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 34; thence North 89 degrees 16 minutes 47 seconds East, a distance of 42.85 feet to a point on the Easterly right of way line of Illinois Route 26, said point being the Point of Beginning of the following described parcel: thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 358.93 feet; thence Easterly, at an angle of 87 degrees 39 minutes 14 seconds as measured clockwise from the last described courses, a distance of 391.78 feet to a point on the East line of the parcel described in a Warranty Deed recorded in Book 8003 at page 869 in the Office of Lee County Recorder; thence Northerly, along said East line, at an angle of 92 degrees 16 minutes 24 seconds as measured clockwise from the last described course, a distance of 670.25 feet; thence Westerly, at an angle of 90 degrees 28 minutes 42 seconds as measured clockwise from the last described course, a distance of 390.61 feet to a point on said Easterly right of way line; thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 25.43 feet; thence South 16 degrees 14 minutes 40 seconds East, along said right of way line, a distance of 93.41 feet; thence South 50 degrees 54 minutes 53 seconds East along said right of way line, a distance of 39.59</p> |

feet (39.05 feet deed); thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 60.15 feet (60 feet deed); thence South 39 degrees 52 minutes 51 seconds West, along said right of way line, a distance of 47.09 feet (46.10 feet deed); thence South 14 degrees 48 minutes 13 seconds West, along said right of way line, a distance of 93.31 feet (93.41 feet deed); thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 4.21 feet to the Point of Beginning. ALSO INCLUDING: Part of the Southwest Quarter of Section 34, Township 21 North, Range 9 East of the Fourth Principal Meridian, Lee County, Illinois, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 34; thence North 89 degrees 16 minutes 47 seconds East, a distance of 42.85 feet to a point on the Easterly right of way line of Illinois Route 26; thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 695.79 feet to the Point of Beginning of the following described parcel; thence South 14 degrees 45 minutes 24 seconds East, along said right of way line, a distance of 104.85 feet (103.08 feet deed); thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 100.00 feet; thence South 13 degrees 18 minutes 57 seconds West, along said right of way line, a distance of 103.22 feet (103.08 feet deed); thence South 89 degrees 16 minutes 47 seconds West, a distance of 43.00 feet to a point on the West line of said Southwest Quarter; thence Southerly, along said West line, at an angle of 89 degrees 58 minutes 54 seconds as measured clockwise from the last described course, a distance of 1261.39 feet to a point of 383.0 feet North of the Southwest corner of said Southwest Quarter; thence Southeasterly, at an angle of 126 degrees 33 minutes 15 seconds as measured clockwise from the last described course along a line if projected Southeasterly intersects the South line of said Southwest Quarter at a point 31 rods and 8 feet East of the Southwest corner of said Southwest Quarter, a distance of 40.48 feet to a point on the Northwesterly extension of the North line of the parcel described in Document Number 1999-08675 and recorded in Book 9911 at Page 1101 in the Office of the Lee County Recorder; thence Southeasterly, along said extension and along said North line, at an angle of 153 degrees 37 minutes 15 seconds as measured clockwise from the last described course, a distance of 410.03 feet to a point on the East line of the parcel described in Warranty Deed recorded in Book 8003 at Page 869 in the Office of the Lee County Recorder; thence Northerly, along said East line, at an angle of 79 degrees 46 minutes 14 seconds as measured clockwise from the last described course, a distance of 1676.25 feet; thence Westerly, at an angle of 91 degrees 40 minutes 05 seconds as measured clockwise from the last described course, a distance of 392.03 feet to a point on said Easterly right of way line; thence South 00 degrees 43 minutes 13 seconds East, along said right of way line, a distance of 27.22 feet to the Point of Beginning. ALSO INCLUDING: A part of the Southwest Quarter of Section 34 and a part of the South Half of the Northwest Quarter of Section 34, all in Township 21 North, Range 9 East of the Fourth Principal Meridian,

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| | <p>described as follows: Commencing at the Southwest corner of Section 34, thence Easterly along south line of said Section 34, 519.67 feet for a Point of Beginning, thence continue along aforementioned line 637.52 feet; thence Northerly at an angle of 90 degrees 10 minutes 12 seconds measured clockwise 2,964.04 feet; thence Westerly at an angle of 90 degrees 00 minutes 55 seconds measured clockwise 735.70 feet; thence Southerly at an angle of 89 degrees 59 minutes 05 seconds measured clockwise 2,894.51 feet; thence Southeasterly at an angle of 126 degrees 11 minutes 51 seconds measured clockwise 121.87 feet to Point of Beginning. ALSO INCLUDING: A Part of the Southwest Quarter of Section 34 and part of the South Half of the Northwest Quarter of Section 34, all in Township 21 North, Range 9 East of the Fourth Principal Meridian, described as follows: Commencing at the Southwest corner of Section 34; thence Easterly along the South line of Section 34, 1,157.19 feet for a Point of Beginning; thence continue along aforementioned line 367.48 feet; thence Northerly at an angle of 90 degrees 00 minutes 12 seconds measured clockwise, 2962.85 feet; thence Westerly at an angle of 90 degrees 00 minutes 55 seconds measured clockwise 367.48 feet; thence Southerly at an angle of 89 degrees 59 minutes 05 seconds measured clockwise 2,964.04 feet to Point of Beginning, all situated in the County of Lee and State of Illinois.</p> <p>Located at the northeast corner of the intersection of IL Route 26 and US Route 30, not including the motel.</p> |
| 18-08-33-400-005 | <p>The South One-half (S ½) of the Southeast One-quarter (SE ¼) of Section Thirty-three (33), Township Twenty-one North, Range Nine East of the Fourth Principal Meridian, South Dixon Township, Lee County, Illinois.</p> <p>Located at the northwest corner of the intersection of IL Route 26 and US Route 30.</p> |
| 18-08-33-300-001 | <p>The North One-half (N ½) of the Southeast One-quarter (SE ¼) of Section Thirty-three (33), Township Twenty-one North, Range Nine East of the Fourth Principal Meridian, South Dixon Township, Lee County, Illinois.</p> <p>The northeast corner of the intersection of Dutch Road and US Route 30.</p> |

EXHIBIT B

TO THE LEE COUNTY BOARD
LEE COUNTY, ILLINOIS

FROM THE LEE COUNTY ZONING BOARD OF APPEALS
Regarding: Lee County Zoning & Planning Petitions #24-P-1625
for a Special Use Permit to Construct and Operate a Private Pipeline
filed by Ameresco Lee County RNG LLC

REPORT

Findings of Fact and Recommendations

as reflected by the following Compilation of *Motions Adopted*
from the proceedings beginning June 10, 2024 and continuing through June 17, 2024.

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I. Petitioner, Petition, Projects, Notice, Facilitator, Process, Witnesses, Exhibits, Closing Statements and Public Comments

A. Petitioner and Petition. The Lee County Zoning Board of Appeals (hereinafter “ZBA” or “Zoning Board”) finds that, on May 22, 2024, Ameresco Lee County RNG LLC (hereinafter, simply “Ameresco,” “Petitioner” “Applicant” or “Developer”), which is wholly owned by Ameresco, Inc., a Framingham, Massachusetts based renewable energy asset developer, owner and operator entity, filed a Petition with the Lee County IL Zoning & Planning Administration Office, numbered 24-P-1625, requesting a Special Use Permit to construct and operate a Lee County jurisdictional 4.3 mile portion of a total 6.3 mile private pipeline (hereinafter the “pipeline,” “Project” or “Development”) to transport commercial grade renewable natural gas, within a 30 foot wide corridor (totaling an approximate 15.64 total acres- hereinafter the “Project Site,” “Development Area” or “Leasehold Area”), laying under the surface of 14 separate parcels (those being Property Index Numbers (PINs) # 12-14-12-200-007, # 12-14-01-200-005, # 12-14-01-100-003, # 12-14-01-100-002, # 12-14-01-100-005, # 18-08-35-400-002, # 18-08-35-300-001, # 18-08-34-400-002, # 18-08-33-400-001, # 18-08-34-300-006, # 18-08-34-300-008, # 18-08-34-300-014, # 18-08-33-400-005 and # 18-08-33-300-001), all zoned AG-1 owned by seven different entities and under 3 public roadways (e.g. Red Brick Road, US Route 30 and IL Route 26), all within Marion and South Dixon Townships, beginning at the City of Amboy’s northwest boundary on Red Brick Road, then a bit over .2 of a mile north along the east side of Red Brick Road, then crossing underneath Red Brick Road and continuing about .5 of a mile on its west side underneath and to the north side of its intersection with U.S. Route 30, then, including a one-half hexagonal deviation around and underneath Route 26, a bit over 3.3 miles west to its intersection with the east side of Dutch Road and then about .3 miles north- terminating at the Kinder Morgan, Inc. (KMI- an energy infrastructure company specializing in pipelines) interconnection where it would be metered and injected into KMI’s natural gas pipeline network. (*Motion Adopted*)

B. Notice. The Lee County ZBA finds that following the submission of the initial Application,

1. proper notice of the filing of the Petition and of the impending June 10, 2024 ZBA Hearing was published in the *Dixon Telegraph* on May 25, 2024; and
2. Lee County Zoning and Planning Administrator, Ms. Alice Henkel,
 - a. sent
 - i. United States Post Service Certified mailings of the same Notice were sent to real estate property owners whose properties would be adjacent to the proposed Development’s boundary; and
 - ii. letters to the City of Amboy which municipal boundary lays within the statutory 1.5-mile jurisdictional limit; and
 - b. supplemented the above Notices
 - i. by way of an Agenda, included the Hearing information on her department’s pages of the Lee County website; and
 - ii. tacked the same agenda on the County Board’s Chairman’s bulletin board in the Old Lee County Courthouse; and
 - iii. physically posted a copy of the notice referenced on May 23, 2024 where along the proposed pipeline’s route at U.S. Route 30’s intersections with Red Brick and Dutch Roads. (*Motion Adopted*)

C. Initial Session. The Lee County ZBA finds that

1. the Hearing was initially announced by Chairman Bruce Forster on the evening of Monday, June 10, 2024 at 7:00 p.m. in the former courtroom on the third floor of the Old Lee County Courthouse; and
2. under the authority provided by its own rules, prior to actually initiating the hearing, the ZBA engaged the services of Tim Slavin, a retired circuit court judge, as the Facilitator for the proceedings. *(Motion Adopted)*

D. Process.

1. The Lee County ZBA finds that the first portion of the public hearing regarding the Petition for the Special Use Permit was for your Lee County ZBA to accept testimony, hear arguments and receive public comments, and that first stage portion began on June 10, 2024 and concluded on June 11, 2024, after approximately 3 total hours of hearing time. *(Motion Adopted)*
2. The Lee County ZBA finds that, throughout the hearing process, there were no longer any mandated COVID-19 safety measures in place for public gatherings such as the ZBA hearing; and
 - a. there were 8 Interested Parties that personally appeared within the hearing room- all on the initial evening and none on the following ones; and
 - b. additionally, through the auspices of the Lee County IT Department and Lee County Zoning Officer, Ms. Henkel, Interested Parties were also given the opportunity to remotely and virtually participate in the process by video or teleconferencing on the ZOOM platform through the use of a computer, cell phone or similar device at a location of their choosing;
 - c. furthermore, Interested Parties could remotely view and listen to the proceedings in near real time, or later in the recorded mode, on a YouTube feed- also courtesy of the Lee County IT Department and Ms. Henkel; and
 - d. lastly, the entirety of the proceedings was taken down by a certified shorthand reporter and subsequently transcribed. Those transcripts of all testimony, arguments, public comments and ZBA debate will, and continue to, be, available, on the Zoning and Planning web pages within the Lee County web site. *(Motion Adopted)*
3. The Lee County ZBA finds that, over the course of the first stage, everyone- the Petitioner and Interested Parties, were given a complete and fair opportunity to be heard. Each was 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- either orally or in writing. *(Motion Adopted)*
4. We, the members of the Lee County Zoning Board of Appeals, find that we heard or read all of the evidence produced and examined each of the Exhibits. *(Motion Adopted)*
5. The Lee County ZBA finds that, thereafter, your ZBA considered its findings of fact and recommendations over the course of 1 session- on June 17, 2024 lasting about 2 hours in total. *(Motion Adopted)*

E. Witnesses. The Lee County Zoning Board of Appeals finds that 4 people took the witness stand, were placed under oath or affirmation and testified. Those witnesses, in order of their appearance, with a very brief summary of what they had to say, were as follows:

1. Ms. Alice Henkel, Lee County Zoning and Planning Administrator, laid the foundation for the admission of her Exhibits and the notice processes for the instant ZBA hearing.
2. Mr. Nicholas Polk appeared on behalf of the Applicant. He is a Project Manager for Ameresco, Inc. with eleven years' experience in the pipeline industry- the last 3 months of which has been with Ameresco. He testified in some detail about the proposed Project- its

routing, landowner easements, technical elements, scheduling, present and intended compliance with the Lee County Ordinances and local benefits.

3. Mr. Steve Hall also appeared on behalf of the Petitioner. He is a Senior Project Manager for Ameresco, Inc. He added to some of the technical details of the collection and processing of the “product” from the Lee County Landfill into the proposed private pipeline.
4. Mr. Andrew Gullone is a Civil Engineer with Civil Engineering Consultants (hereinafter “CEC”), and independent contractor of Ameresco Lee County RNG LLC. He expanded on some of the agency permitting processes. *(Motion Adopted)*

F. Exhibits. The Lee County Zoning Board of Appeals finds that the following exhibits were admitted into evidence by the Facilitator and considered by the Board:

1. Zoning Officer Exhibits:
 - a. ZO # 1A: Petitioner, Ameresco Lee County RNG LLS’s Petition for Special Use filed May 3, 2024;
 - b. ZO # 1B: Petitioner, Ameresco Lee County RNG LLS’s Petition for Special Use filed May 22, 2024;
 - c. ZO # 2A: Lee County Zoning Board of Appeals Notice of Public Hearing
 - d. ZO # 2B: Community Meeting Notice;
 - e. ZO # 3A: Copies of Certified Mail Receipts to Adjacent Landowners for ZO # 2A
 - f. ZO # 3B: Copies of signature executed Return Receipts (in the vernacular- “green card”) for ZO # 3A;
 - g. ZO # 4: copy of Dixon Telegraph publication of the Lee County ZBA Notice of Public Hearing;
 - h. ZO # 5: Dixon Telegraph Certificate of Publication for ZO # 2A;
 - i. ZO # 6A: copy of notice to City of Amboy Planning Commission from Lee County Zoning Officer, Alice Henkel;
 - j. ZO # 6B: copy of notice to City of Amboy from Lee County Zoning Officer, Alice Henkel;
 - k. ZO # 7A: copy of Lee County Zoning Board of Appeals Notice of Public Hearing posted at the corner of U.S. Route 30 and Red Brick Road in Lee County, IL;
 - l. ZO # 7B: copy of Lee County Zoning Board of Appeals Notice of Public Hearing posted at the corner of U.S. Route 30 and Dutch Road in Lee County, IL;
 - m. ZO # 7C: copy of Lee County Zoning Board of Appeals Notice of Public Hearing posted on the Lee County Board Chairman’s bulletin board on the 3rd floor of the Old Lee County Courthouse;
 - n. ZO # 8: copy of Ameresco Lee County RNG, LLC’s 3-ring binder Application filed in conjunction with, and in support of its Petition for Special Use Permit
 - o. ZO # 9: copy of Lee County Soil & Water Conservation District’s “Natural Resources Information Report” for Ameresco Lee County RNG LLC’s Petition for Special Use;
 - p. ZO # 10: copy of email from Katie Smith of the Illinois Department of Transportation to ZO Henkel acknowledging receipt of notice of the Public Hearing on June 10, 2024.
2. Petitioner’s Exhibits:
 - a. Pet # 1: copy of a “Meeting Notice” for “a community outreach meeting” on “April 16th” including a distribution list of all entities owning property within 1000 feet of a Project Boundary, a Shaw Media “Order Confirmation” and an *Amboy News* “Certificate of Publisher”;
 - b. Pet # 2: a copy of a letter to Civil Engineering Consultants from the Illinois Department of Natural Resources;
 - c. No other party introduced any exhibits. *(Motion Adopted)*

G. Closing Statements/Public Comments. The Lee County Zoning Board of Appeals finds that Mr. Nicholas Polk of Ameresco Lee County RNG LLC was the only person to avail himself or herself of the opportunity to make a closing argument or public comment. *(Motion Adopted)*

II. Overview of the Proposed Development

A. Purpose and Nature. The Lee County ZBA finds that it was revealed through the testimony of its Application, agents and witnesses that

1. The purpose of the Project is to purchase the Landfill Gas emissions (“LFG”) from the Lee County Landfill located within the city Limits of Amboy, Il, clean and process it into 92% plus High British Thermal Unit (“HBTU) methane at its Compression and Processing facility and deliver it to the national natural gas pipeline system through an underground pipeline to KMI’s interconnection on Dutch Road; and
2. the Developer’s agent indicated that, if approved, Ameresco intends to plan, develop and operate the Project and does not expect to sell it. *(Motion Adopted)*

B. Construction Timeline. The Lee County ZBA finds that, through a combination of its Application and the testimony it produced, the Developer has stated that, if approved,

1. actual construction of the proposed pipeline would occur over a period of 3 months;
2. planned to occur during the months of September through November;
3. that, other than the 3-month construction period, when there would be 20-30 personal vehicles daily and 5 heavy duty trailers weekly, there would be little to no effect on traffic conditions in the area of the proposed Development. *(Motion Adopted)*

C. Useful Life. The Lee County ZBA finds that, according to an agent of the Petitioner, the minimum useful life of the Project would be 20 years. *(Motion Adopted)*

D. Components. The Lee County ZBA finds that, through both its Application and the testimony of its agents, that the components of the proposed pipeline would be

1. a steel high pressure 4.5 inch outside diameter (4.263” inside diameter) natural gas pipeline (compared to interstate distribution pipelines of 24” to 26” diameters) with an allowable operating pressure of 800 lbs./sq. in
 - a. carrying natural gas on a day-to-day set pressure of 500 lbs./sq. inch
 - b. routed through a permanent easement 30 feet wide for a total of just about 16 acres along its path (not including an additional 20/30-foot temporary construction easement);
 - c. buried a minimum of 6 feet below the surface which would be
 - i. bored under roadways and sensitive areas such as waterways and wetlands; and
 - ii. otherwise trenched; and
 - d. during construction and development an “area of disturbance” (the amount of ground that will be disrupted during construction) of a bit over 31 acres; and
2. directly connected to the Kinder Morgan distribution pipeline on Dutch Road. *(Motion Adopted)*

E. Ancillary Structures. The Lee County ZBA finds that through both its Application and the testimony of its agent there are no plans for any permanent ancillary building structures or above ground appurtenances within the pipeline easement route. *(Motion Adopted)*

III. Applicable Ordinance Provisions.

A. Filing Date As noted above, the last iteration of the Petition for a Special Use Permit for the Project was filed with the Lee County Zoning Office on May 22, 2024.

- B. The Specific Private Pipeline Ordinance.** The Lee County ZBA finds that about 19 months prior to that time, on October 20, 2022, the Lee County Board Chairman signed into law a new Private Pipeline (hereinafter “Pipeline” or simply “PP”) ordinance passed by the County Board, # 10-22-003, which would then be the provisions most specifically applicable to the Petition at issue. *(Motion Adopted)*
- C. Other Already Existing and Applicable Ordinances.** The Lee County ZBA finds that, also, in place at the time the Petition was filed were certain provisions of the Lee County Ordinance, “Performance Standards” (§10-15-1 et seq.) and “Special Exceptions, Variations and Nonconforming Uses” (§10-2B-1 et seq.), which, unless supplanted by the new Pipeline ordinance, would also be applicable. *(Motion Adopted)*
- D. Suspended Performance Standards and Bulk Regulations. (§4-10-1D.)**
1. The Lee County ZBA finds that “... the performance standards and bulk regulations listed in... Chapter 13 Landscaping, shall be suspended for a Private Pipeline...” *(Motion Adopted)*
 2. The Lee County ZBA finds that “... the performance standards and bulk regulations listed in... §10-15-1: Lighting of the Lee County Code, shall be suspended... for a Private Pipeline and the following regulations shall apply instead... (i)f lighting is provided at any aboveground facilities, lighting shall be shielded with a full cut-off fixture to minimize light pollution on adjacent parcels.” *(Motion Adopted)*
 3. The Lee County ZBA finds that, pursuant to §4-10-1D, “the performance standards and bulk regulation listed in... §10-15-8: Fire and Explosion of the Lee County Code, shall be suspended for a Private Pipeline...” *(Motion Adopted)*

IV. Findings of Fact as to the Petitioner’s Evidence Required by the Performance and Design Standards of the Lee County Private Pipeline Ordinance (§4-10-1D)

- A. Code Compliance. (§4-10-1D.1.)** The Lee County ZBA finds that the Petitioner represented in the testimony it produced and in its Application that it would comply with any applicable local state and federal regulatory standards, including, but not limited to, the Illinois Gas Pipeline Safety Act. *(Motion Adopted)*
- B. Agricultural Impact Mitigation Agreement (§4-10-1D.2. & 8.)** The Lee County ZBA finds that, in its Application, the Petitioner wrote that “(t)he project does have an executed AIMA,” but an agent of the Petitioner testified that an AIMA “was in process” and a copy of an executed AIMA would be provided to the Zoning Officer. *(Motion Adopted)*
- C. Pipeline Impact Radius. (§4-10-1D.3. & .4)** The Lee County ZBA finds that
1. in his testimony an agent of the Petitioner provided the maximum allowable operating pressure and nominal diameter of the proposed pipeline; and
 2. between that agent’s testimony and its Application, the Petitioner appeared to have correctly calculated (determined by a Federal Regulation mathematical formula taking into account a theoretical point of failure, the diameter of the pipe and the maximum allowable pressure) the proposed pipeline’s ordinance driven “impact radius” to be 98.81 feet;
 3. that such “impact radius” is obviously less than 150 feet; so
 4. the more restrictive of the two possible impact radiuses is 150 feet and thus, under the Lee County Ordinance, 150 feet would be the “impact radius” of this proposed pipeline. *(Motion Adopted)*
- D. Signage. (§4-10-1D.5.)** The Lee County ZBA finds that an agent of the Petitioner did testify that it would follow all local, state and federal guidelines for signing and marking an underground pipeline and its appurtenances. *(Motion Adopted)*

- E. Lighting.** (§4-10-1D.6) the Petitioner’s agent’s testimony was that, while no lighting is planned at the proposed Development, if any would be installed, it would be shielded with a full cut-off fixture to minimize light pollution on adjacent parcels. *(Motion Adopted)*
- F. Outdoor Storage.** (§4-10-1D.9) The Lee County ZBA finds that an agent of the Petitioner testified that it understands that the only outdoor storage of materials, vehicles and equipment allowed under the Lee County Ordinance is that which directly supports the construction, operation and maintenance of its proposed pipeline. *(Motion Adopted)*

V. Findings of Fact as to the Petitioner’s Application Requirements of the Lee County Private Pipeline Ordinance (§4-10-1E)

- A. Access Roads.** (§4-10-1E) The Lee County ZBA finds that, through the testimony of its agent,
1. “absent unforeseen circumstances,” there would not be any necessity for any temporary construction or permanent access roads within the County’s zoning jurisdiction; but
 2. if there were a need for temporary access roads, they would be 30 feet wide, dug out to 6” deep and filled with crushed gravel according to IDOT regulations. *(Motion Adopted)*
- B. Produced Prior To or During the Zoning Board of Appeals Hearing.** (§4-10-1E.1.) The Lee County ZBA finds that either prior to or during its hearing the Applicant provided the following:
1. sufficient information about itself as an entity;
 2. a sufficient pipeline location map;
 3. a sufficient description of the Project;
 4. a sufficient description of materials being transported through the pipeline;
 5. application forms and permits
 - a. from the Illinois Department of Natural Resources- State Ecological Review;
 - b. a sufficient Wetland/Floodplain Evaluation in the composite consisting of an application to the Army Corps of Engineers, FEMA/FIRM and Waters Delineation maps, a “Water Delineation Report” and U.S. Army Corps of Engineers Wetland Determination Data Report sheets;
 - c. from the Illinois Historic Preservation Review;
 - d. from the U.S. Fish and Wildlife Service;
 6. copies of negotiated Landowner Easement Agreements, some of which appear to be executed;
 7. a sufficient Decommissioning Plan;
 8. a sufficient recitation of the construction installation process (boring, and trenching);
 9. an Existing Conditions Site Plan containing the following:
 - a. a sufficient showing of the existing property lines from the exterior boundaries, but not including the names of adjacent property owners and current use of those properties;
 - b. a sufficient showing of the location of the ordinance minimum Pipeline Impact Radius referred to in the Application as “Type B Gathering Class 2 Buffer”;
 - c. a sufficient showing of the existing public and private roads, but not including the widths of the roads and any associated easements;
 - d. a sufficient contour map showing topography at probably two-foot intervals of the project site;
 - e. a sufficient showing of existing vegetation listing general types but not including an exact percentage of coverage;
 - f. a sufficient showing of waterways, streams, and rivers;
 - g. a sufficient copy of the current FEMA FIRM map;

- h. a sufficient showing of mapped soils according to the Lee County Soil Survey supplemented by similar information in a section of the Lee County Soil & Water Conservation District's (hereinafter "LCSWCD") "Natural Resources Information Report," dated June 10, 2024;
 - i. a sufficient showing of surface water drainage patterns but only from the topographical maps provided;
 - j. an insufficient showing of, to the extent possible, subsurface drainage lines;
 - k. a sufficient showing of existing pipelines and utilities;
 - l. an insufficient showing of sign locations; and
 - m. the elevations of proposed pipeline is not applicable.
10. a sufficient Proposed Development Site Plan for the Private Pipeline showing the following:
- a. the proposed location of pipeline;
 - b. the proposed location of all aboveground facilities.
 - c. but no location of any proposed taps.
11. sufficient standard manufacturer's specifications and recommended installation methods for the major equipment for the underground facilities;
12. sufficient evidence through both its Application and through the testimony of a witness, showed that it had reached out to the fire department having jurisdiction over the pipeline's run over which Lee County has zoning authority, i.e. the City of Dixon Fire Department, and, in conjunction therewith developed an adequate Fire Protection and Emergency services Plan which was included in its Application. (*Motion Adopted*)
13. As to endangered species and wetlands:
- a. as shown in its Application and through its produced testimony, it or on its behalf, independent contractor, Civil & Environmental Consultants, Inc. (hereinafter, "CEC")
 - i. initiated a review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's EcoCAT Program on March 6, 2024;
 - ii. which results indicated
 - a) the presence of the "Amboy North Railroad Prairie" Illinois Natural Area Inventory site and the Earl and Olive Bothe Prairie Natural Heritage Landmark "may be in the vicinity of the project location"; but
 - b) no record of any state listed threatened or endangered species; and
 - b. also requested a consultation with the United States Department of the Interior Fish and Wildlife Service which indicated that six federally protected have the potential to occur in the Area of Interest:
 - i. the Indiana Bat; and
 - ii. the Northern Long-eared Bat; and
 - iii. the Tricolored Bat; and
 - iv. the Whooping Crane; and
 - v. the Monarch Butterfly; and
 - vi. the Eastern Prairie Fringed Orchid, and
 - c. filed an application for a permit with the Department of the Army's Corps of Engineers- the response to which was that the proposed project "... is a non-regulated activity and does not require (such)... a permit."
 - d. made a request of the Illinois State Historic Preservation Office (SHPO) for a formal review, and that, in a letter dated June 10, 2024, SHPO recited its determination that no significant historic, architectural or archaeological resources will be affected within the proposed project area;
 - e. that the proposed pipeline development has been located, designed, constructed, and operated so as to avoid and, if necessary, mitigate the impacts to wildlife to a sustainable

level of mortality.”

14. As to storm water management, retention of topsoil and minimized disturbance to prime farmland:
 - a. that an Applicant’s agent represented that it would adhere to the standards outlined that will be in an Agricultural Impact Mitigation Agreement (hereinafter “AIMA”) addressing soil retention and restoration issues; and
 - b. the Zoning and Planning Administrator, Ms. Alice Henkel, submitted a valid Lee County Soil & Water Conservation District “Natural Resources Report” which
 - i. opined the route parcels are composed of soils with a severe limitation for the corrosion of steel and shallow excavations; and
 - ii. related that no wetlands are within the route of the proposed pipeline, and it is outside the 100 year floodplain; and
 - iii. noted that 100% of the routing is composed of prime farmland soils; and
 - iv. calculated the total LESA scores of the parcels would host the proposed pipeline at between 35 and 203; and
 - v. recommended the use of on-site detention for stormwater runoff; and
 - c. that an Applicant’s agent testified that it was understood that
 - i. no topsoil could be removed, stripped, or sold from the proposed pipeline site pursuant to or as part of the construction of the pipeline; and
 - ii. that it was an obligation to minimize the disturbance of prime farmland by construction, operation, and deconstruction of the pipeline by consistently engaging in good engineering practices; and
15. in its Application the Petitioner committed, if the special use was approved,
 - a. to repairing or restoring all drainage tiles damaged during construction and deconstruction to the same or better condition as to when construction began; and
 - b. to contacting local drainage districts before the start of any construction to locate drainage district tiles and provide the County of Lee with documentation of the contact prior to issuance of a permit. (*Motions Adopted*)

C. Not Produced Prior To or During the Zoning Board of Appeals Hearing. (§4-10-1E.1)

The Lee County ZBA finds that either prior to or during its hearing the Applicant did not provide the following application forms and permits:

1. Road Use and Repair Agreements but, in its Petition, requested a “variance” from the ordinance that such be provided to the Lee County Engineer prior to the issuance of a building permit (see Section XI of this Report following);
2. Storm Water Management Plan and Drainage Permit from the Lee County Engineer but impliedly suggested a deviation from the Ordinance to doing the same in the future;
3. from the Illinois Commerce Commission but impliedly suggested a deviation from the Ordinance by indicating in its Application to submit the same prior to construction of the pipeline;
4. from the Illinois Environmental Protection Agency but impliedly suggested a deviation from the Ordinance by indicating indicated in its Application to submit the same once the SHPO approval was received (which occurred on June 10th);
5. from the Illinois Department of Agriculture but impliedly suggested a deviation from the Ordinance through its agent indicating on the witness stand that, at the request of a “group,” an AIMA was in process;
6. from the Illinois Department of Transportation, but impliedly suggested a deviation from the Ordinance through its agent indicating in its Application to submit the application for Utility Permits prior to the issuance of a Special Use Permit;

7. County and Township Road Crossing Permits but impliedly suggested a deviation from the Ordinance in its Application to provide the same prior to the issuance of a Special Use Permit;
 8. Private Utility Agreements but impliedly suggested a deviation from the Ordinance in its Application to provide the same prior to construction. (*Motion Adopted*)
- D. Construction Times and Construction Activities.** (§4-10-1E.4. & §4-10-1D.10.)
1. The Lee County ZBA finds that an agent of the Petitioner testified that it is understood that, if the Special Use was granted, construction activities could not commence any earlier than 6:00 a.m. and would have to be discontinued no later than 9:00 p.m. within .25 miles of any non-participating landowner unless a waiver is obtained from such a landowner. (*Motion Adopted*)
 2. The Lee County ZBA further finds that through a combination of its Application and the testimony it produced, the Developer has stated that, if approved,
 - a. the proposed construction activity would be occurring between the hours of 6:00 a.m. and 7:00 p.m.
 - b. on “hopefully” weekly Monday through Saturday. (*Motion Adopted*)
- E. Community Meeting.** (§4-10-1E.5.) The Lee County ZBA finds that prior to the submission of its application for a Special Use Permit, the Petitioner organized and hosted a Community Meeting
1. by providing notification of said meeting to be held on Tuesday, April 16, 2024 (which was at least 45 days before the opening session of the ZBA hearing) beginning at 6:00 p.m. at Amboy Community Building, 280 W Wasson Rd, Amboy, IL;
 - a. via regular first class mail on April 1, 2024 (which was at least 10 days prior said meeting) to the Lee County Board, Zoning Administrator, the Township Board of the affected Townships and all persons who own real estate within a minimum of one thousand (1000) feet of the proposed Pipeline Project boundary as sited in the Application for Special Use Permit; and
 - b. ran written notification in the *Amboy News* and the *Dixon Telegraph* in their editions of April 3, 2024; and
 2. its agent testified that between 15 and 20 people attended all or part of that event where they
 - a. were given
 - i. an explanation of the project;
 - ii. anticipated construction schedule; and
 - iii. the decommissioning plan and the depth of the pipeline,
 - b. but apparently not the site plan. (*Motion Adopted*)
- VI. Decommissioning.** (§4-10-1I) The Lee County ZBA finds that, as previously noted, in its Application, the Petitioner presented a Decommissioning Plan in an attempt to ensure that, if the special use for the pipeline was granted it would be properly and safely decommissioned after its useful life- including:
- A. **Flushing** the pipeline with inert gas, preferably nitrogen;
 - B. **Cleaning** the pipeline with pig devices;
 - C. **Disconnecting** the retiring pipelines from product supply sources; and/or
 - D. **In-situ Abandonment** or pipeline recovery, and reuse in alternative processes; and
 - E. **Full Removal and Site Reconstruction** for pipelines located within public rights-of-way. (*Motion Adopted*)

VII. **Liability Insurance.** (§4-10-1I) The Lee County ZBA finds that a Petitioner's agent represented in his testimony that Ameresco would obtain and maintain

A. General Liability. A current general liability insurance policy as follows:

1. covering bodily injury and property damage and naming Lee County as an additional insured with limits of at least five million dollars (\$5,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate with a deductible of no more than five thousand dollars (\$5,000); and
2. including coverage of Lee County, Illinois, its officers and employees and landowners identified in the Special Use Permit as additional insureds on the general liability policy on a primary and non-contributory basis for both ongoing and completed operations; and
3. with a minimum of a three (3) year extended reporting period for all claims-made policies; and

B. Commercial Liability. A commercial liability policy, naming Lee County, Illinois, its officers and employees as additional insureds with a waiver of subrogation; and

C. Commercial Umbrella. For any commercial umbrella policy, it would be a "following form" one; and

D. Commercial Auto. A current Commercial Auto policy of at least one million dollars (\$1,000,000).

E. Workman's Compensation. Workman's Compensation insurance in the following amounts:

1. one million dollars (\$1,000,000) per accident; and
2. for occupational disease, one million dollars (\$1,000,000) per employee with a policy limit of one million dollars (\$1,000,000).

F. Pollution Liability. Pollution liability insurance in the amount of five million dollars (\$5,000,000) per policy; and

G. Notice of Cancellation. All policies would contain no more than thirty (30) days' notice of cancellation. *(Motion Adopted)*

VIII. **Indemnity.** (§4-10-1M) The Lee County ZBA finds that an Applicant's witness promised to execute a written document obligating it to defend, indemnify and hold harmless Lee County and its officials from and against any and all claims, demands, losses, lawsuits, causes of action, damages, injuries, costs, expenses and liabilities, whatsoever, including but not limited to, reasonable attorney's fees arising out of the acts or omissions of the Applicant concerning the operation of the Private Pipeline Project, without limitation, whether said liability is premised upon either contract or tort actions or other related claimed legal theory. *(Motion Adopted)*

VII. **Evidentiary Findings of Fact Under the Performance Standards of the Lee County Zoning Ordinance (§§ 10-15-1 – 10-15-12) for Categories Not Addressed by the Development of Private Pipelines Ordinance Provisions in Section IV. (above) of this Report**

A. Vibration. (§10-15-2) The Lee County ZBA finds that, based on the testimony heard, other than, probably during construction, there would be no detectable vibration associated with this proposed Development. *(Motion Adopted)*

B. Noise. (§10-15-3) The Lee County ZBA finds that, through the testimony produced, there would be noise

1. during construction from trucks and earth moving equipment;
2. but none during the pipeline's operation. *(Motion Adopted)*

- C. **Air Pollution.** (§10-15-4) The Lee County ZBA finds, based on the testimony heard, that, other than during construction, there would be no particle air pollution or emissions from this proposed Private Pipeline Development. *(Motion Adopted)*
- D. **Odor.** (§10-15-5) The Lee County ZBA finds that, based on the testimony heard, there would be no odor associated with this proposed pipeline. *(Motion Adopted)*
- E. **Electromagnetic Fields.** (§10-15-6) The Lee County ZBA finds that, based on testimony heard, the proposed Development would not emit any electromagnetic fields. *(Motion Adopted)*
- F. **Heat.** (§10-15-7) The Lee County ZBA finds that, based on the testimony heard, there would be no glare or heat associated with this proposed pipeline Project, except, possibly, during construction. *(Motion Adopted)*
- G. **Material Handling, Storage and Disposal Including Toxic or Noxious.** (§10-15-10) The Lee County ZBA finds that, based on testimony heard,
 - 1. other than human waste generated during the construction phase, there would be no particularly identifiable toxic, noxious, liquid or solid materials generated by this Private Pipeline Development; and
 - 2. the Developer indicated that the aforementioned human waste would be handled by port-a-potties. *(Motion Adopted)*
- H. **Hazardous Materials.** (§10-15-12) The Lee County ZBA finds that based on the evidence heard and the Application submitted, there would be hazardous materials, associated with this proposed Project- more particularly,
 - 1. the biogas, mostly composed of methane, being moved through the proposed pipeline; and
 - 2. perhaps “remnants” of liquid oil; and
 - 3. that the Petitioner pledged to handle such materials in accordance with the more restrictive of the Lee County Code, federal or state law. *(Motion Adopted)*

VIII. Findings of Fact Not Directly Addressed by Any Lee County Ordinance

- A. **Character of the Land.** The Lee County ZBA finds that
 - 1. the character of the land within the Projects Parcel of the proposed Development is presently agricultural row crop; with
 - 2. an unknown Productivity Index. *(Motion Adopted)*
- B. **Security.** The Lee County ZBA finds that the Petitioner indicated through the testimony of one of its witnesses that
 - 1. no security cameras are planned within the proposed Development;;
 - 2. nor were any other security measures contemplated. *(Motion Adopted)*
- C. **Property Values.** The Lee County ZBA finds that there was no evidence of whether the proposed Development would or would not have an effect on nearby property values. *(Motion Adopted)*
- D. **The Lee County Comprehensive Plan.** The Lee County ZBA finds that, during the testimony of a Petitioner’s agent, there was no consideration given to the Lee County Comprehensive Plan. *(Motion Adopted)*
- E. **Tax Revenue, Jobs, Economic Advantages and Community Benefits.** The Lee County ZBA finds that the Petitioner’s agent testified that the following would be benefits to the Lee County community if this proposed Special Use was granted:
 - 1. cleaner air by reducing emissions from the County’s landfill; and
 - 2. the production of renewable energy; and
 - 3. an increase in local commercial sales during construction; and
 - 4. 5 full time jobs during the life of the pipeline’s operation and 30 full-time jobs during pipeline “shut down”- with preference to local labor for certain tasks; and

5. Ameresco Lee county RNG LLC's participation and financial contributions to local events. *(Motion Adopted)*
 6. The Lee County ZBA finds that, regardless of any possible economic benefits, its decision to recommend or not recommend approval of the Petition is based only on the criteria in the Lee County Ordinance. *(Motion Adopted)*
- F. Binding Pledge.** The Lee County ZBA finds/cannot find that an agent for Ameresco Lee County RNG, LLC testified under oath or affirmation that the Petitioner would be bound by any and all proposals, promises, statements and representations in its Application for a SUP or made under oath at the public hearing before the Lee County ZBA- even if not expressly specified herein or therein. *(Motion Adopted)*

IX. Variation (§10-10B-1)

- A. Requested in Petition.** As noted above in Section V.C.1. of this Report, the Lee County ZBA finds that the Petitioner has requested a variation from the provision of the Lee County Ordinance, 4-10-1E.1.o.i. requiring that "(a)ll Road Use and Repairs Agreements shall be approved by the Applicant and the Lee County Board prior to the hearing on the application for Special Use Permit," and, instead is asking that the Road Use and Repair Agreements be approved by the Lee County Engineer before any building permit be issued. *(Motion Adopted)*
- B. Instead, a Deviation.** The Lee County ZBA finds that this request is not in the nature of a variance as outlined in §10-10B-1 but is, instead, a deviation from the Ordinance as the approval would occur after the Special Use Permit would be granted and it would shift the burden of approval from the elected County Board to the appointed Lee County Engineer. *(Motion Adopted)*

X. Conclusions as to the Effects of the Proposed Private Pipeline Under the Provisions of Lee County Ordinance §10-2B-2D.1

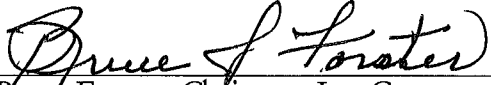
- A. Character of the Neighborhood and Surrounding Properties.** The Lee County ZBA finds that the Ameresco proposed Special Use would not have any significant effects on the character of the neighborhood and the surrounding properties. *(Motion Adopted)*
- B. Public Health, Safety and General Welfare.** The Lee County ZBA finds that the proposed Special Use would not impose any negative effects on public health, public safety and/or general welfare. *(Motion Adopted)*
- C. Traffic Conditions.** The Lee County ZBA finds that the proposed Special Uses would not have a material effect on traffic conditions. *(Motion Adopted)*
- D. Public Utilities.** The Lee County ZBA finds that the proposed Special Uses would not have a significant effect on public utility facilities. *(Motion Adopted)*
- E. Environment.** The Lee County ZBA finds the proposed Private Pipeline Project does not carry with it any apparent environmental concerns. *(Motion Adopted)*

XI. Recommendation to the Lee County Board as to the Petition. The Lee County ZBA recommends to the Lee County Board that Ameresco's Petition for Special Use be approved. *(Motion Adopted)*

XII. Recommendation to the Lee County Board for Other, Miscellaneous Conditions of the Special Use if the Petition Is Approved

- A. Application Forms and Permits for all Applicable Local, State and Federal Agencies.**
1. The Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, a condition be that application or submissions and any attendant permits from the following agencies be made and obtained prior to the issuance of a building permit:
 - a. the Illinois Commerce Commission;
 - b. the Illinois Environmental Protection Agency;
 - c. an executed AIMA;
 - d. Private Utility Agreements and permits. *(Motion Adopted)*
 2. The Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, conditions be that, before a Special Use Permit is issued, the Lee County Zoning Officer be provided with,
 - a. County and Township Road Crossing Permits obtained;
 - b. copies of all completely executed easement agreements and options. *(Motion Adopted)*
- B. Drain Tile Survey.** The Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, the Petitioner be required to provide the Lee County Zoning & Planning Office with evidence of having done a drain tile survey before a building permit is issued. *(Motion Adopted)*
- C. Decommissioning Plan.** The Lee County ZBA recommends to the Lee County Board that, if the Petition for Special Use is allowed, while the Petitioner's suggestion that a Decommissioning Plan be approved by the Lee County Engineer, a part of the executive, would otherwise be acceptable, because the ordinance requires approval of the same by the Lee County Board, the County's legislative body, a condition be that the Decommissioning Plan should be approved by the Lee County Board before a building permit be issued. *(Motion Adopted)*

Respectfully submitted,

Dated: 2 July 2024 
Bruce Forster, Chairman, Lee County
Zoning Board of Appeals

Attest:

Dated: 7/2/2024 
Alice Henkel, Lee County Planning & Zoning
Administrator