

IN THE MATTER OF THE APPLICATION OF)
DOTY ROAD SOLAR, LLC, APPLICANT)
 FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT) # 2024-024
 ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A)
CONDITIONAL USE)

WHEREAS, your Petitioner, **DOTY ROAD SOLAR, LLC**, as your Applicant, has filed a petition with the McHenry County Zoning Board of Appeals requesting the issuance of a Conditional Use as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, SAID POINT BEING 87.67 FEET SOUTH OF (AS MEASURED ALONG SAID EAST LINE), THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 01 MINUTES 56 SECONDS WEST ALONG SAID EAST LINE, 330.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 34 SECONDS WEST, 690.00 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 56 SECONDS EAST, 330.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 34 SECONDS EAST, 690.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS; ALSO, THAT PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, SAID POINT BEING 417.67 FEET SOUTH OF (AS MEASURED ALONG SAID EAST LINE), THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 01 MINUTES 56 SECONDS WEST ALONG SAID EAST LINE, 329.41 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 27 SECONDS WEST, 1321.26 FEET TO A POINT IN THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE NORTH 00 DEGREES 00 MINUTES 46 SECONDS WEST, ALONG THE LAST MENTIONED WEST LINE, 659.45 FEET TO A POINT WHICH IS 87.67 FEET SOUTH OF (AS MEASURED ALONG SAID WEST LINE), THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE A NORTH 89 DEGREES 48 MINUTES 34 SECONDS EAST, ALONG A LINE 87.67 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 631.78 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 56 SECONDS WEST, 330.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 34 SECONDS EAST, 690.00 FEET TO A POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PIN 13-27-200-023 and 13-27-200-022

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **“A-1” Agriculture District**, but a Conditional Use be granted **to allow for a Commercial Solar Energy Facility**.

WHEREAS, the subject property consists of approximately **20 acres** in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Zoning Board of Appeals of McHenry County **did recommend**,

by a vote of 7 ayes and 0 nays, the granting of a Conditional Use to allow for a Commercial Solar Energy Facility, with the following conditions:

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Nexamp, dated March 29, 2024 and received by the Department of Planning and Development on April 9, 2024 (attached).
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.
7. Recommendations made by the Illinois Department of Natural Resources in their October 17, 2023 letter to the applicants, with regard to protected resources in the vicinity of the project location, shall be followed.
8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

WHEREAS, the McHenry County Board has determined that the standards for a Conditional Use Permit as set forth in the McHenry County Unified Development Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow the ***issuance of a Conditional Use to allow for a Commercial Solar Energy Facility, with the following conditions:***

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Nexamp, dated March 29, 2024 and received by the Department of Planning and Development on April 9, 2024 (attached).
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
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7. Recommendations made by the Illinois Department of Natural Resources in their October 17, 2023 letter to the applicants, with regard to protected resources in the vicinity of the project location, shall be followed.
8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

If any part, sentence, clause, or provision of this ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this _____ day of _____, 20_____.

 Chairperson, McHenry County Board
 McHenry County, Illinois

ATTEST:

 County Clerk

NUMBER VOTING AYE: _____

NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____

ATTACHMENT: OFFICIAL SITE PLAN (6 Pages)



DOTY ROAD SOLAR, LLC

A 1.8 MW (AC) GROUND-MOUNTED SOLAR POWER GENERATING FACILITY

4115 DOTY ROAD WOODSTOCK, DORR TOWNSHIP, MCHENRY COUNTY, ILLINOIS 60098

SPECIAL USE PERMIT PLANS

DEVELOPMENT TEAM

APPLICANT/CONTRACTOR

DORR SOLAR, LLC
101 N. WACKER DRIVE, SUITE 200
CHICAGO, IL 60606
CONTACT: MATT KWATKOWSKI

OWNER

NEXAMP, INC.
101 SUMMER STREET, THIRD FLOOR
WOODSTOCK, ILLINOIS 60098
PHONE: (847) 212-1885

CIVIL ENGINEER/LANDSCAPE ARCHITECT/SURVEYOR

ATWELL, LLC
1250 EAST DIEHL ROAD, SUITE 300
NAPERVILLE, IL 60563
PHONE: (630) 577-8900
FAX: (630) 577-8940
CONTACT: MICHAEL KEITH, P.E.

GOVERNING AGENCIES CONTACTS

MUNICIPALITY

MCHENRY COUNTY PLANNING AND DEVELOPMENT DEPARTMENT
2200 NORTH SEMINARY AVENUE
WOODSTOCK, IL 60098
PHONE: (815) 338-4681
CONTACT: KIM SCHARLOW, PLANNER

DORR TOWNSHIP ROAD DISTRICT

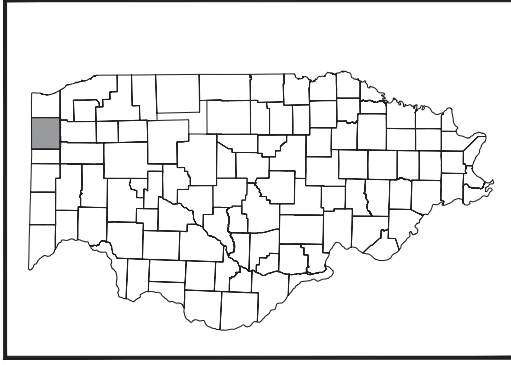
12322 DAVIS ROAD
WOODSTOCK, IL 60098
PHONE: (815) 338-1060
CONTACT: JOHN FULLER, HIGHWAY COMMISSIONER

SOIL AND WATER CONSERVATION DISTRICT

MCHENRY LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT
1000 EAST WOODSTOCK, IL 60098
PHONE: (815) 338-0444 x3

SHEET INDEX

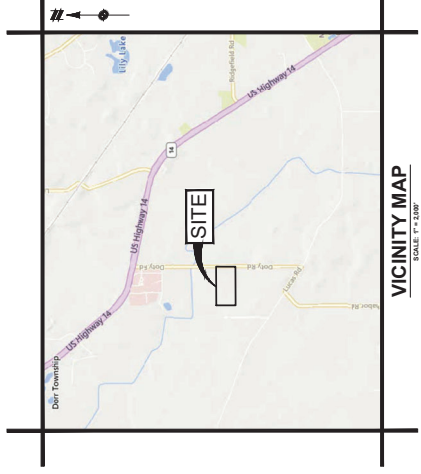
- C-000 COVER SHEET
- C-100 EXISTING CONDITIONS PLAN
- C-200 SITE LAYOUT PLAN
- C-300 GRADING PLAN
- C-400 LANDSCAPE PLAN
- C-500 DETAILS



ILLINOIS
NOT TO SCALE

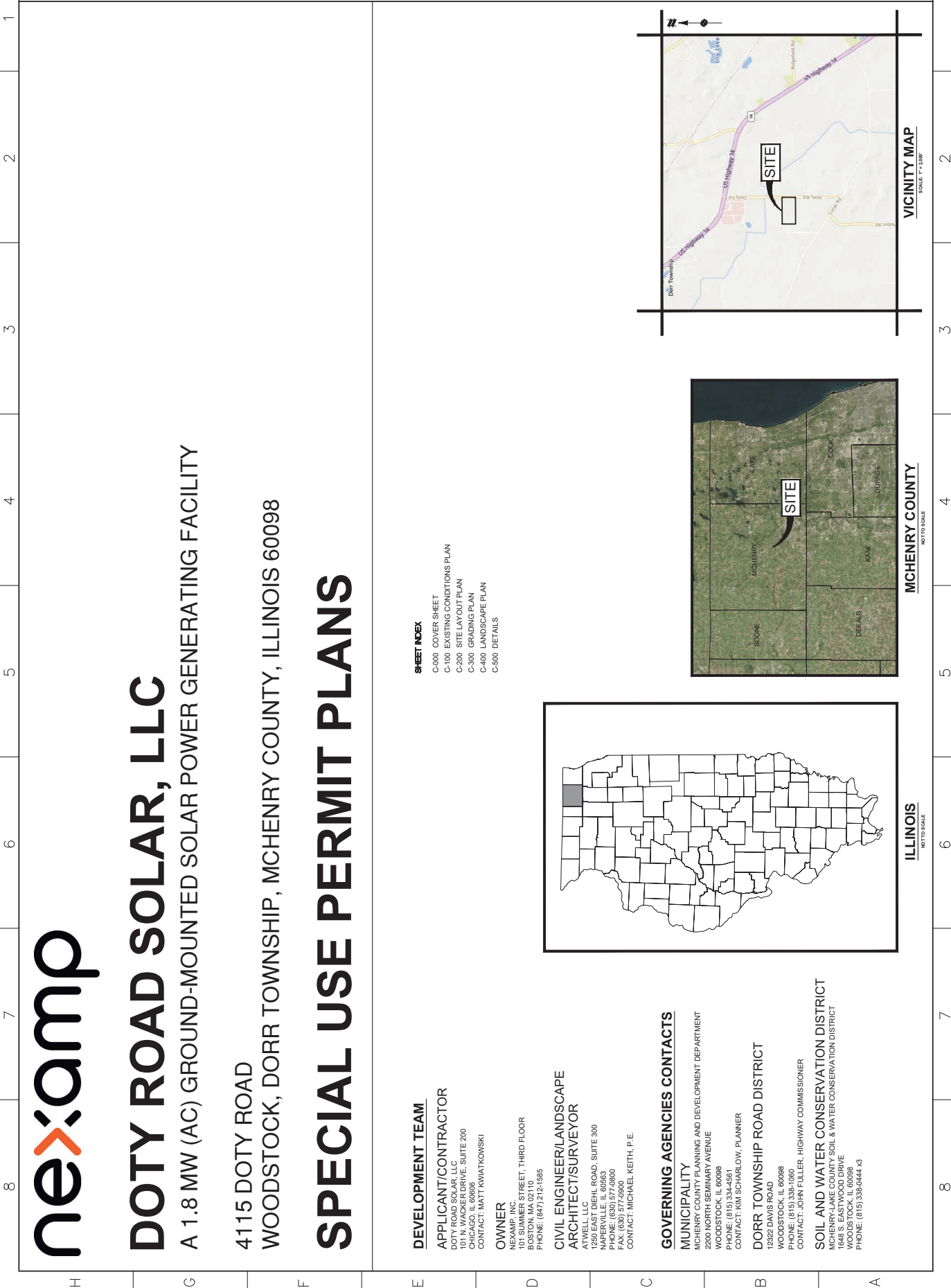


MCHENRY COUNTY
NOT TO SCALE




VICINITY MAP
SCALE 1" = 3300'

<p>101 Summer Street, 2nd Flr, Boston, MA 02110 Tel: (617) 431-1440 Fax: (978) 416-2525 Web: nexamp.com</p>		<p>ATWELL 1250 EAST DIEHL ROAD, SUITE 300 NAPERVILLE, IL 60563 PHONE: (630) 577-8900 FAX: (630) 577-8940</p>	<table border="1"> <tr> <th>Rev</th> <th>Issued For</th> <th>Date</th> </tr> <tr> <td>A</td> <td>CLIENT REVIEW</td> <td>2/7/24</td> </tr> <tr> <td>B</td> <td>CLIENT REVIEW</td> <td>2/29/24</td> </tr> <tr> <td>C</td> <td>COMMENTS</td> <td>3/7/24</td> </tr> </table>	Rev	Issued For	Date	A	CLIENT REVIEW	2/7/24	B	CLIENT REVIEW	2/29/24	C	COMMENTS	3/7/24	<p>4115 DOTY ROAD WOODSTOCK, ILLINOIS 60098</p> <p>SPECIAL USE PERMIT PLANS</p>	<p>COVER SHEET</p> <p>Scale As Noted Approved by MBK</p>	<p>DOTY ROAD SOLAR, LLC WOODSTOCK, ILLINOIS 60098</p>	<p>Project</p>	<p>Drawn By: CM7/LEH Scale As Noted Approved by MBK</p>	<p>Sheet No. C-000 Sheet Rev. C</p>
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101 Summer Street, 2nd Fl., Boston, MA 02110
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ATWELL
CONSTRUCTION SERVICES

4115 DOTY ROAD
WOODSTOCK, ILLINOIS 60098

SPECIAL USE PERMIT PLANS

Drawn by: CM/LEH Scale: As Noted Approved by: MBR

Sheet Title: **GRADING PLAN**

Sheet No: **C-300**

Project: **DOTY ROAD SOLAR, LLC**

LEGEND

- BOUNDARY LINE
- EXISTING ROW
- BOUNDARY INTERIOR/ADJACENT LINE
- EXISTING EASEMENT LINE
- EXISTING CONTOUR
- EXISTING STORM SEWER
- PROPOSED STORM
- EXISTING UNDERGROUND GAS
- EXISTING UNDERGROUND TELEPHONE
- EXISTING UNDERGROUND FIBER OPTIC
- EXISTING UTILITY UNIDENTIFIED
- EXISTING UNDERGROUND ELECTRIC
- EXISTING OVERHEAD ELECTRIC
- EXISTING UNDERGROUND ELECTRIC
- ONE
- PROPOSED FENCE
- EXISTING EDGE OF GRAVEL
- EXISTING VEGETATION LINE
- EXISTING SOIL TYPE
- PROPOSED SILT FENCE
- PROPOSED GRAVEL
- TOPSOIL RESPIRACO

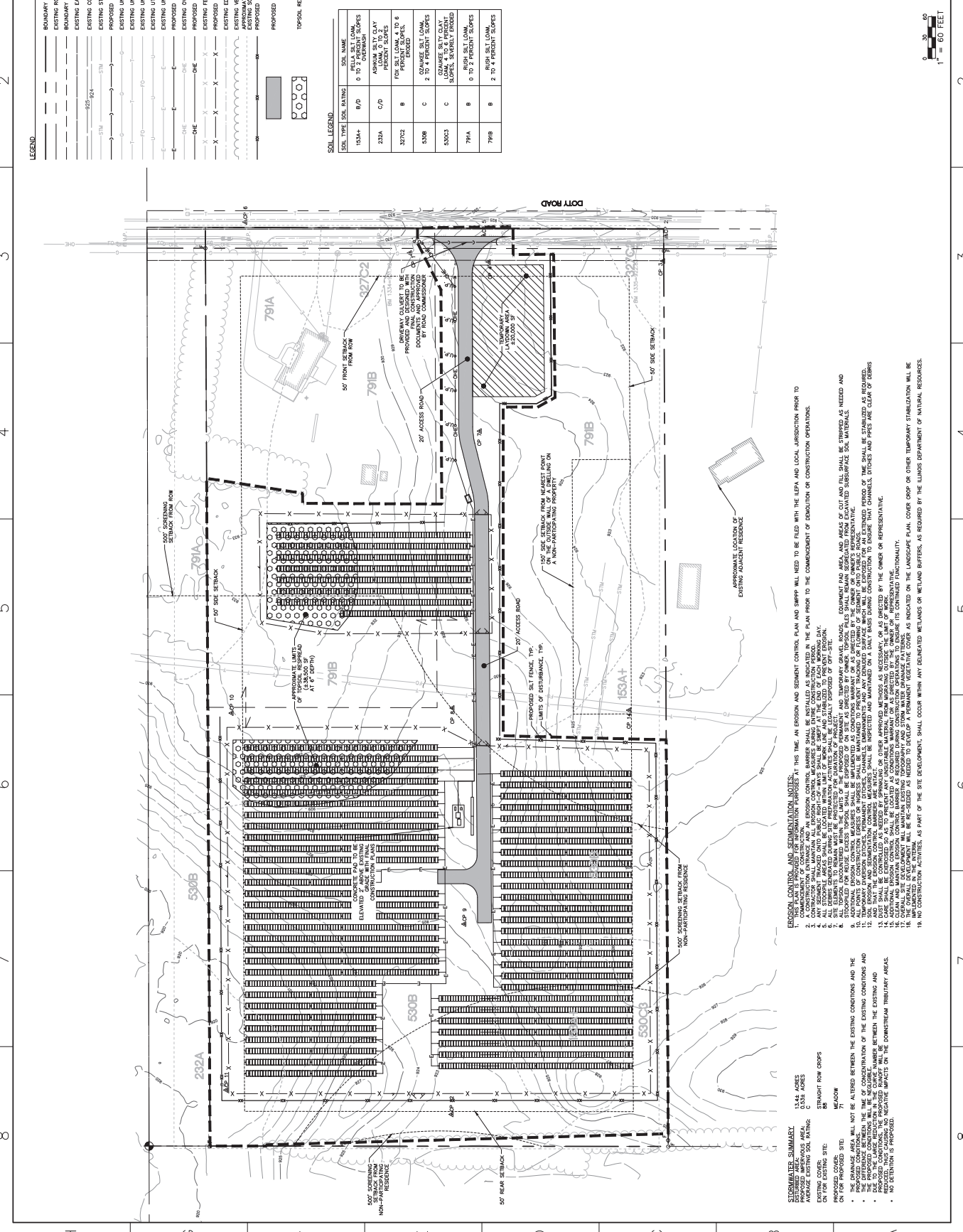
SOIL LEGEND

SOIL TYPE	SOIL RATING	SOIL NAME
153A+	B/D	PELA SILT LOAM, 0 TO 10 PERCENT OVERSAND
232A	G/D	ASHM SILT, CLAY PERCENT SILT
307C2	B	FOX SILT LOAM, 4 TO 6 PERCENT SILT
500B	C	OSWAGE SILT LOAM, 2 TO 4 PERCENT SILT
500C3	C	OSWAGE SILT, CLAY SILT, SOBBLY FINDED
791A	B	RISH SILT LOAM, 0 TO 2 PERCENT SILT
791B	B	RISH SILT LOAM, 2 TO 4 PERCENT SILT

811

Know what's below.
Call before you dig.

THE LOCATION OF EXISTING UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, ELECTRIC, TELEPHONE, FIBER OPTIC, AND CABLE TELEVISION, IS SHOWN ON THIS PLAN. THE LOCATION OF EXISTING UTILITIES IS BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION ACTIVITY. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



MCHENRY COUNTY
ZONING BOARD OF APPEALS
MINUTES | May 16, 2024

Zoning Hearing

County Board Conference Room
667 Ware Rd, Woodstock, IL 60098

1:30 PM

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2024-024

- 1. APPLICANT:** Doty Road Solar, LLC
- 2. REQUEST:** Conditional Use Permit to allow for a Commercial Solar Energy Facility
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** approximately twenty (20) acres on the west side of Doty Road, roughly two thousand two hundred (2,200) feet north of Lucas Road, in Dorr Township
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** May 16, 2024 at 1:30 PM
- 5. LOCATION OF HEARING AND VOTING MEETING:** County Board Conference Room, 667 Ware Road, Woodstock, Illinois
- 6. PRESENT AT HEARING:**
 - A. ZBA Members: Linnea Kooistra – Chair, Vicki Gartner – Vice Chair, Charles Eldredge, Kurt Schnable, Robert Kosin, Thomas Jurs, Mary Donner
 - B. Witness: Jim Coyle, Civil Engineer from Atwell, Matt Kwiatkowski of NexAmp, Scott Coleman representing the McHenry County Nature Conservancy
 - C. Attorney: Jim Griffin
 - D. Public: Kim Scharlow – County Staff, Kit GearhartSchinske – County Staff, Gary Wegner, Theresa Kolanowski, Joseph Kolanowski
- 7. ITEMS OF EVIDENCE:** None
- 8. SUMMARY OF TESTIMONY:** Chair Kooistra opened the meeting. The board introduced themselves. Ms. Kooistra swore in the applicants, staff and the public.

Mr. Kwiatkowski introduced himself, Mr. Griffin, Mr. Coyle, his company, and the application. He stated that the company develops, owns, and operates their projects. He indicated that the company has several sites within Illinois, including some in McHenry County. Mr. Kwiatkowski stated that, while the total acreage of the subject property is about twenty (20) acres, the area where the facility will be located is closer to eight and a half (8.5) acres.

Mr. Kwiatkowski reviewed the benefits solar facilities have on community. He reviewed the steps the company has completed during the due diligence phase, including noting that they have their interconnection agreement with Commonwealth Edison.

Mr. Coyle reviewed the site plan. He stated that the site will be surrounded by an eight (8) foot welded wire mesh fence with wood posts. He stated that there will not be any lighting on the site.

Ms. Kooistra requested that the applicant address the development standards, which they did.

Mr. Kosin had some clarifying questions regarding access to the site which the applicants addressed.

Ms. Gartner asked clarifying questions regarding the site layout. She also asked if the applicant spoke to neighbors. Mr. Kwiatkowski stated that he spoke with Mr. Wegner.

Mr. Schnable asked for a synopsis of the drain tile study. Mr. Kwiatkowski stated that there are two drain tile lines running east-west. Mr. Schnable asked if the applicant will be using bifacial modules. Mr. Kwiatkowski stated that they would.

Ms. Kooistra asked if the applicant intends to remove trees. Mr. Kwiatkowski stated that he would not.

Mr. Scott Coleman asked if the applicant will regrade. Mr. Coyle stated that they do not plan to regrade. He stated that they will obtain a permit through the State for a NPDES erosion control permit. Mr. Coleman asked if there will be noise from the site. Mr. Kwiatkowski indicated that if you are close to the inverter you could hear some noise, which is why it is placed near the center of the site. Ms. Kooistra requested clarification of how loud the inverter might be. Mr. Kwiatkowski compared it to a household appliance.

Staff gave their report. The property is zoned A-1. It is surrounded by A-1 district. The surrounding land use is agricultural. The future land use designation is residential. The state standards and the County UDO standards have been met.

Mr. Kosin asked if neighboring municipalities have submitted comment. Staff stated that they have not received any.

Ms, Kooistra closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: 24-029-4585

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was received for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Chair Kooistra opened the voting meeting immediately following the hearing and read the conditions into the record.

Mr. Eldredge motioned to approve the conditions as presented. Ms. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge motioned to recommend approval of the petition subject to the conditions. Ms. Gartner seconded the motion.

Mr. Eldredge stated that the site is in an agricultural area, somewhat isolated from intensive residential use. He noted that the application meets the state requirements and therefore must be approved.

Ms. Gartner stated that it is an appropriate site for the use.

Ms. Kooistra stated that the site is in a SARA is an appropriate use as it will allow the land to filter and recharge the aquifer.

Ms. Kooistra called for the vote. The motion carried (7-0).

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The application meets the State requirements for a Solar Energy Facility.
- The property is zoned Agricultural.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST: None.**14. MOTIONS:**

Mr. Eldredge motioned to approve the conditions as presented. Ms. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge motioned to recommend approval of the petition subject to the conditions. Ms. Gartner seconded the motion. Motion carried (7-0).

15. VOTE:

7 – AYES; 0 – NAYS; 0 - ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the conditional use for a Commercial Solar Energy Facility with the following conditions:

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Nexamp, dated March 29, 2024 and received by the Department of Planning and Development on April 9, 2024 (attached).
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
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5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.
7. Recommendations made by the Illinois Department of Natural Resources in their October 17, 2023 letter to the applicants, with regard to protected resources in the vicinity of the project location, shall be followed.
8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

Full Comments for the above agenda items are included in the audio recording of this meeting, which can be found on the McHenry County Meeting Portal.

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-024

PINs: #13-27-200-022 and 13-27-200-023

Address: 4115 Doty Road, Woodstock, Illinois

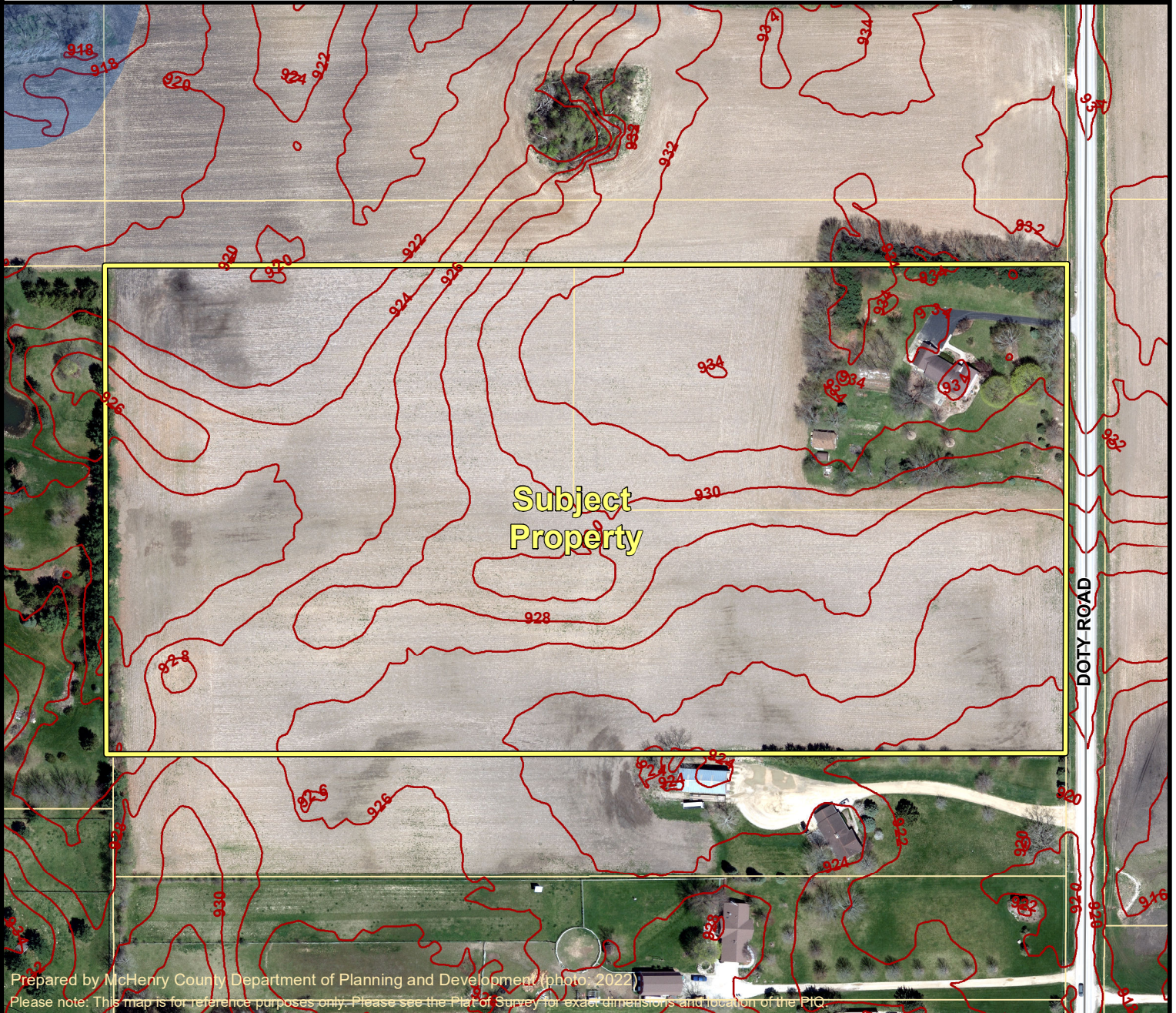
Location: The property consists of approximately 20 acres and is located on the west side of Doty Road, approximately 2,200 feet north of the intersection of Lucas Road and Doty Road in Dorr Township, Illinois.

Hearing: May 16, 2024

Applicant: Doty Road Solar, LLC

Request: Conditional Use Permit to allow for a Commercial Solar Energy Facility

Aerial Map



Prepared by McHenry County Department of Planning and Development (photo: 2022)
Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIC.

Elevation
(feet above sea level)

— Contours

FEMA Flood Hazard Areas

- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway

Feet
100 50 0 100 200
1 inch equals 200 feet



Staff Report for the McHenry County Zoning Board of Appeals

STAFF COMMENTS

The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Conditional Use Permit to allow for a Commercial Solar Energy Facility. The subject property consists of approximately twenty (20) acres and is zoned A-1 Agriculture District. According to the aerial photography, the subject property is currently in agricultural production and contains several structures.

According to the narrative, the applicant is proposing a 1.8-megawatt commercial solar energy facility, enclosed by an eight (8)-foot security fence, per the regulations of the National Electric Code. The nearest adjacent residence on a nonparticipating parcel is over one-hundred fifty (150) feet from the proposed location of the solar array.

Note: On January 27, 2023, the State of Illinois passed Public Act 102-1123 (further modified under trailer bill P.A. 103-0580 on December 8, 2023), which modifies regulations for proposed commercial solar energy facilities. The County of McHenry has amended the Unified Development Ordinance, as of April 18, 2023, in order to comply with the State's regulations.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The applicant must meet the Principal Use Standards for a Solar Farm, listed in County Code Section 16.56.030.PP of the UDO (*with the exception of any changes provided by Public Act 102-1123, as outlined above*).

STAFF ANALYSIS

Current Land Use & Zoning

The property is adjacent to Agricultural uses to the north, east and west and single-family residential to the south. The surrounding zoning consists of A-1 Agriculture District to the north, east and west and A-1C Agriculture District to the south.

2030 Comprehensive Plan Future Land Use Map

The proposed conditional use permit is not consistent with the County's future land use designation of Residential.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Update support the construction of commercial solar energy facilities within existing agricultural areas. (*See analysis below*)

McHenry County 2030 and Beyond, Adopted October 18, 2016

Big Idea #1 Let's make our communities healthy, active, and green

"We can make it happen by preserving our groundwater aquifers, lakes, rivers, streams, and their natural functions." (p.11)

- The McHenry County Water Resources Division has determined that the panels will not be calculated as an impervious surface for the development permit. This is because the panels are proposed to be elevated above the ground several feet and supported by driven piles. The petitioner will be required to obtain a Stormwater Management Permit which will include calculations for all impervious areas, including but not limited to the piles, access drives, and equipment pads.

Big Idea #2 Let's build on our strengths

"We can make it happen by recognizing the economic and social importance of our agricultural industry." (p. 15)

- The McHenry County Soil and Water Conservation District's Natural Resources Inventory report (#24-029-4585) indicates that the LE score is 82.95 out of a possible 100 regarding soils for crop production. This is due, in part, to approximately 84.88% of the site containing prime farmland soils. The concerns that the development of solar facilities in the county will result in the loss of farmland, particularly prime farmland can be remediated because, unlike other forms of development, the land is preserved for future farming. Also, the proposed native vegetation may slow the velocity of runoff, capturing sediments or other pollutants and allowing water to infiltrate into the soil, thereby reducing potential for erosion and sedimentation and improving soil conditions.

Big Idea #3 Let's grow smarter

"The county should also be open to commercial enterprises in the unincorporated areas that are major generators of jobs or tax revenues for which no suitable municipal sites exist elsewhere in the county, or that are dependent upon a direct proximity to agriculture or open space and designed in harmony with these areas." (p. 17 & 21)

- Due to the size and scale of the project, undeveloped acreage is important to the siting and development of a commercial solar energy facility. The applicant should be prepared to address how the proposed use relates to the statement above regarding generation of jobs, tax revenues, and siting of the facility.

Big Idea #4 Let's expand our economy

"We can make it happen by improving infrastructure, including freight and commuter rail, access to major regional and interstate roadways, and access to high-speed internet services." (p.22)

- The proposed commercial solar energy facility will provide a renewable energy source to the electrical grid as an alternative to energy created from sources with a larger carbon footprint.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

"Encourage owners of parcels with the greatest potential for productive agricultural use, such as parcels with an LE score of 80 or above that are in agricultural use and contiguous with other such parcels, to preserve their parcels for agricultural uses." (p. 38, #7)

- Commercial solar energy facilities typically have a life of approximately thirty (30) to forty (40) years and after that time the property may return to agriculture.

"Continue joint participation with the USDA Natural Resources Conservation Service and McHenry County Soil and Water Conservation District in educational programs regarding best soil conservation practices and improving rural water quality." (p. 38, #20)

- The McHenry-Lake County Soil and Water Conservation District recommends that areas between panels be planted to a native prairie mix to help increase water infiltration and reduce runoff from the site. It is recommended that a planting and maintenance plan be developed with the landowner to ensure that noxious weeds are controlled, and native plantings are properly installed and managed. The petitioner is encouraged to add pollinator species to this planting plan. The Soil and Water Conservation District also recommends, upon decommissioning, that if any underground lines are to remain, they should have at least five (5) feet of cover to adequately allow farming operations to commence after the facility's removal.

Greenways, Open Space & Natural Resources

"Protect environmentally sensitive areas from negative impacts of adjacent land uses." (p.57, #9)

- The IDNR indicated protected resources may be in the vicinity of the project location. The Department evaluated the information provided and determined adverse impacts to the Blanding's Turtle are unlikely. They offered recommendations for actions to be taken to avoid adversely impacting Blanding's Turtles that may be in the vicinity of the project, including exclusionary fencing. Consultation was terminated.

"Encourage the design of developments to achieve the broader sustainability of human and natural communities, including the social and economic dimensions of sustainability." (p. 57, #15)

- The proposed commercial solar energy facility will contribute to a broader sustainability objective in that it will produce clean energy as a replacement for energy produced by unsustainable means.

Water Resources

"Preserve and enhance the chemical, physical, biological, hydrologic integrity of streams, lakes and wetlands." (p.63)

"...land use and development should be carefully examined and regulated within sensitive groundwater recharge areas to ensure that the water quality, quantity, and natural recharge functions of the area are safely maintained." (p.67)

- The applicant will be required to obtain a Stormwater Management Permit prior to construction.

Economic Development

"Decrease the degree to which the residential sector in the County must pay for services." (p.87)

- The state legislature has approved standards that would regulate how commercial solar energy facilities are assessed for tax purposes. The standards would result in an increase from the current assessed value of agricultural land.

Infrastructure

"It is estimated that every 120 MW of solar power would eliminate 1.7 million tons of carbon dioxide emissions which is the equivalent of removing 310,000 vehicles from the nation's roadways annually. A 1,000 MW coal plant produces approximately 6 million tons of carbon dioxide per year." (p.116)

“Encourage all governmental units in the County to adopt and support ordinances that will enhance all segments of the areas electric grid.” (p. 120, #5)

The proposed commercial solar energy facility is consistent with the *Comprehensive Plan* support of more sustainable energy sources.

STAFF ASSESSMENT

The 2030 Comprehensive Plan and the 2030 and Beyond Update both support the development of commercial solar energy facilities. Once the facility is constructed, there is very little to no traffic generated by the use. There is very minimal risk of noise, lighting, or other nuisances generated by this use. The proposed use is compatible with adjacent uses. As noted within Public Act 102-1123, a request for a Conditional Use Permit for a commercial solar energy facility shall be approved if the request is in compliance with the standards and conditions imposed within the Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and Federal statutes and regulations. A County may not adopt zoning regulations that disallow commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses. All construction will be required to meet applicable codes and ordinances for: fire protection, commercial building and electrical construction, and stormwater management.

Staff offers the following conditions for consideration:

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Nexamp, dated March 29, 2024 and received by the Department of Planning and Development on April 9, 2024 (attached).
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.
7. Recommendations made by the Illinois Department of Natural Resources in their October 17, 2023 letter to the applicants, with regard to protected resources in the vicinity of the project location, shall be followed.
8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

16.56.030 Principal Use Standards

PP. **COMMERCIAL SOLAR ENERGY FACILITY.** Conditional use permits for a COMMERCIAL SOLAR ENERGY FACILITY shall have no time limit, unless the use is abandoned as specified in subsection PP.4. below (COMMERCIAL SOLAR ENERGY FACILITY: Abandonment), or the permit is revoked in accordance with § 16.20.040I. (Revocation of Conditional Use Permits).

1. Application.

- a. A threatened and endangered species consultation (EcoCAT) from the Illinois Department of Natural Resources is required at the time of conditional use permit application for any site that is five (5) acres or greater in size and currently in agricultural use or undeveloped.
- b. A site plan shall be provided showing all improvements, including structures, fencing, power lines (above and below ground), lighting, and landscaping, at a detail sufficient to understand the location, height, appearance, and area.
- c. All other application submittal requirements outlined in the *Planning and Development Department Zoning Application Packet* as published on the McHenry County Website.

2. Site design.

- a. Solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, shall be erected no less than fifty (50) feet from any lot line and no less than one hundred fifty (150) feet from any residence, other than a residence on the same ownership parcel.
- b. No structures, excluding power lines for interconnection, may exceed twenty (20) feet in height. Power lines shall be placed underground to the maximum extent possible.
- c. Lighting must comply with § 16.60.020 (Exterior Lighting).
- d. Solar panels shall have a surface that minimizes glare and shall comply with § 16.60.040D. (Lighting and Glare).
- e. The facility shall be situated as to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment into flood plains. All site development shall comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.
- f. In order prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with “low-profile” native prairie species, using a mix appropriate for the region and soil conditions per Illinois Department of Natural Resources (IDNR) standards, as amended from time to time.
- g. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire must comply with § 16.56.050H.1.c. of this Ordinance.
- h. Any part of the facility that is within five hundred (500) feet of a NONPARTICIPATING RESIDENCE, or road right-of-way, shall be landscaped with an arrangement of native shrubs, subject to approval by the County Board, unless the facility is screened from view by existing vegetation.
- i. Prior to building permit issuance, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native prairie species, all installed landscape screening, and all existing vegetation that provides required landscape screening.
- j. Prior to scheduled public hearing, the operator shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture (IDOA), as required by that department.
- k. Prior to building permit issuance, the operator shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation (IDOT), showing approved entrances.

3. Safety.

- a. Prior to construction, the operator shall prepare an emergency management plan acceptable to the County and the local fire district and shall be responsible for training of emergency personnel, as needed.
- b. A sign shall be posted providing the name of the operator and a phone number to be used in case of an on-site emergency.
- c. Access shall be granted, provided appropriate advance notice, for periodic inspection of the site by the County or the local fire district.
- d. Damaged solar panels shall be removed, repaired, or replaced within sixty (60) days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

4. Abandonment.

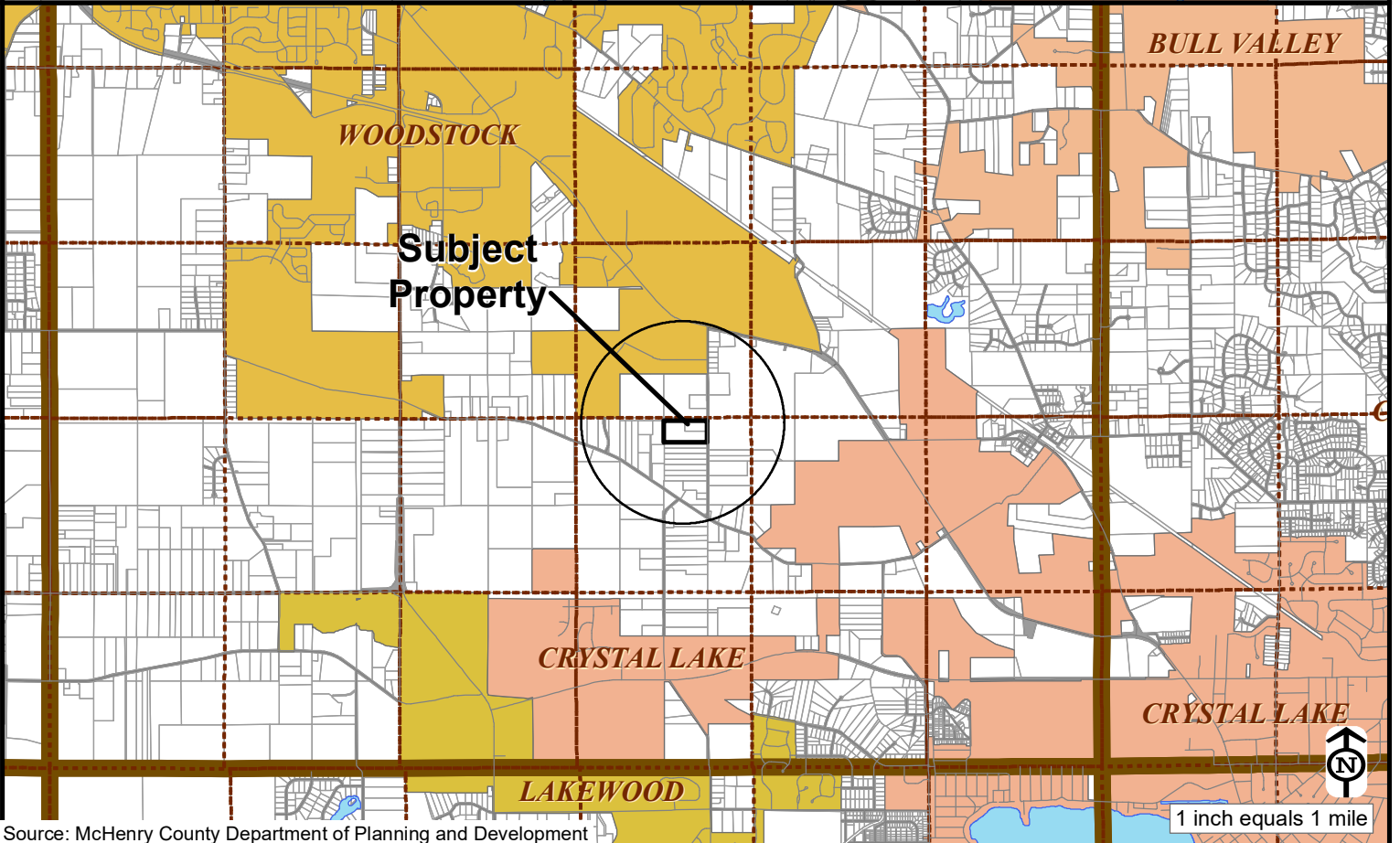
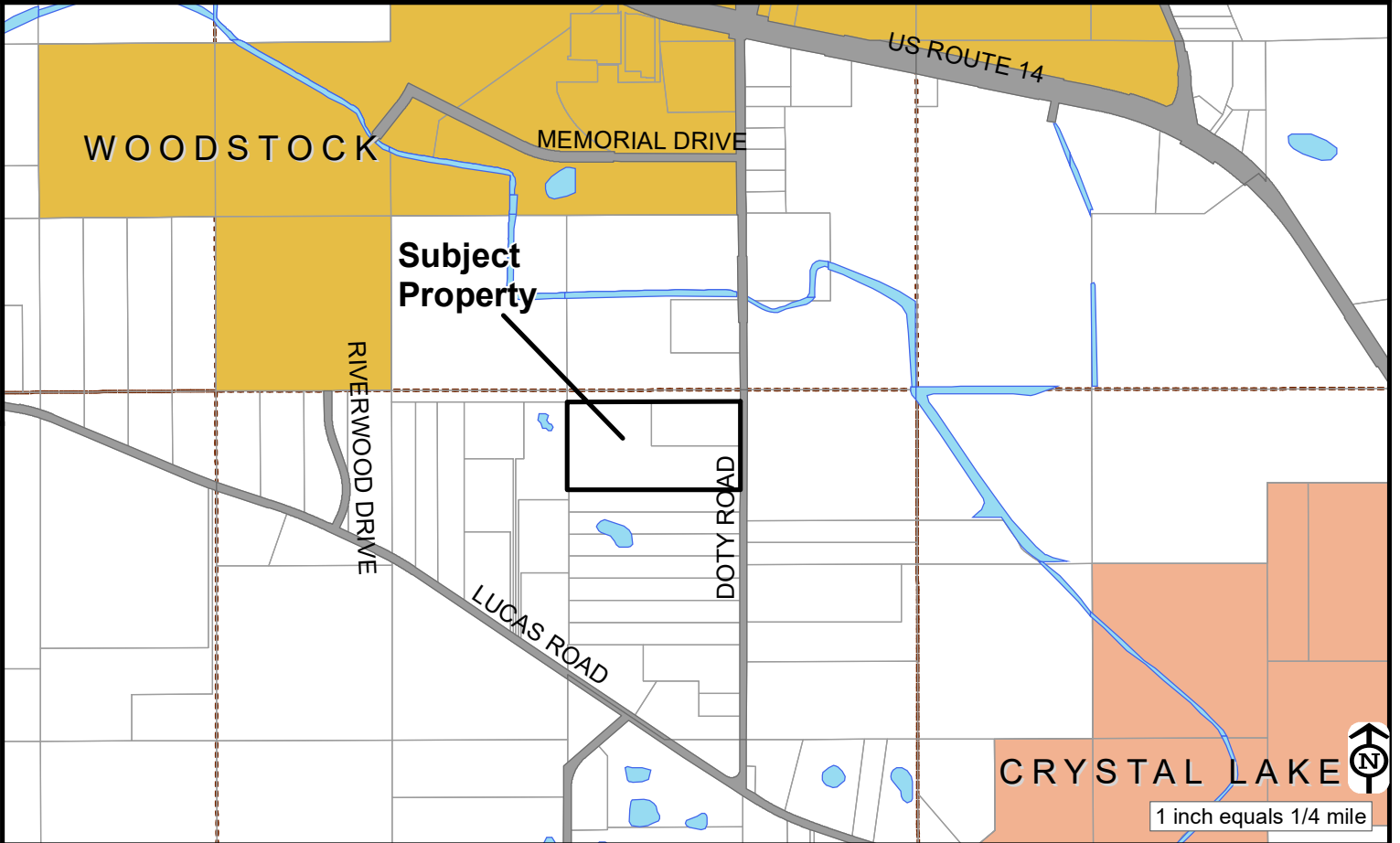
- a. The COMMERCIAL SOLAR ENERGY FACILITY shall be considered abandoned if the operator fails to pay rent as specified in the Agricultural Impact Mitigation Agreement, or it ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided to the County upon request. An abandoned COMMERCIAL SOLAR ENERGY FACILITY must be decommissioned and removed within twelve (12) months from the time it is deemed abandoned. The operator may appeal in writing to the Zoning Enforcement Officer for an extension of time in order to remove the facility or to bring the solar farm back into operation.

5. Decommissioning. Decommissioning and removal of the COMMERCIAL SOLAR ENERGY FACILITY shall be the responsibility of the operator upon abandonment or revocation of the conditional use permit. All operators shall comply with the following:

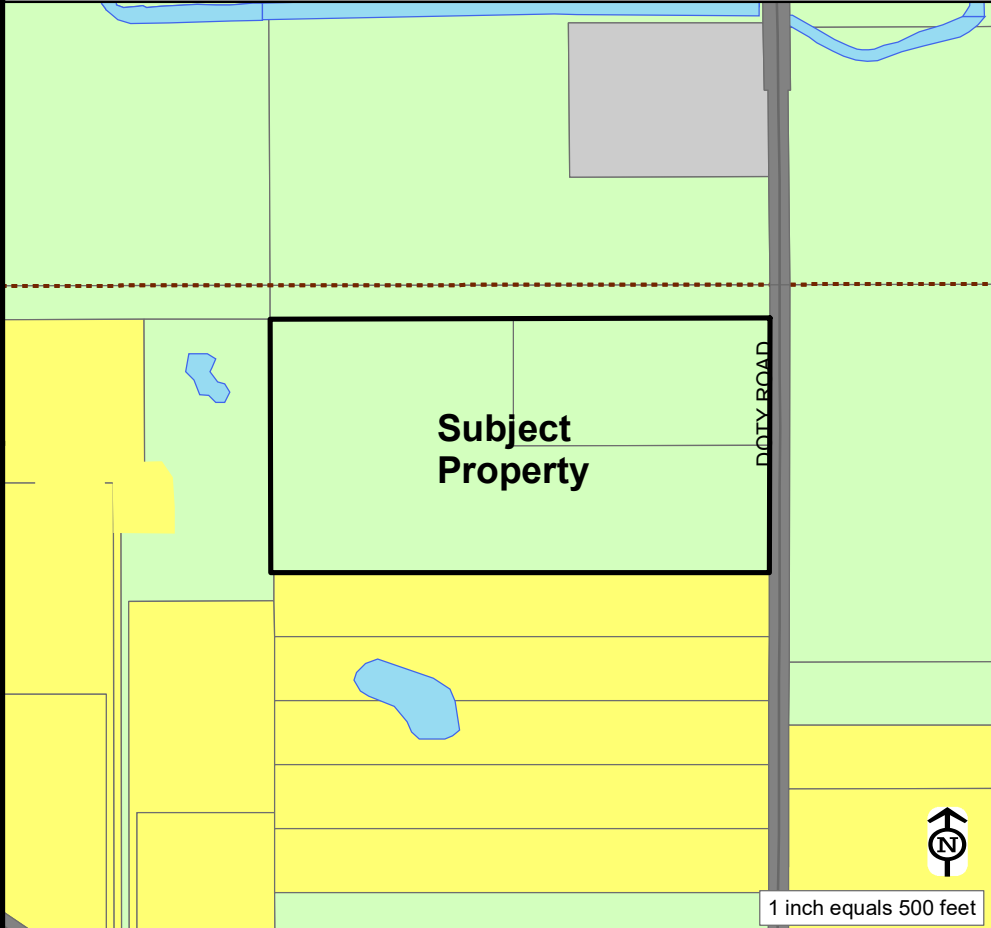
- a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). Access roads, fencing, groundcover, and landscaping may remain only by agreement of property owner.
- b. Prior to building permit issuance, the operator shall submit an engineer's estimate of cost for decommissioning the facility and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Zoning

Enforcement Officer of the estimate, the operator shall obtain a bond, letter of credit, or other form of surety acceptable to the County to be held by the Department of Planning and Development in the amount of one hundred percent (100%) of the estimate. Provision of this financial assurance shall be phased in over the first eleven (11) years of the project's operation or as otherwise provided in accordance with the executed Agricultural Impact Mitigation Agreement.

c. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every ten (10) years to the Department of Planning and Development. Upon approval of the estimated costs by the Zoning Enforcement Officer, a revised surety shall be provided to the Department of Planning and Development in the amount of one hundred percent (100%) of the new estimate.



Current Land Use Map



Current Land Use

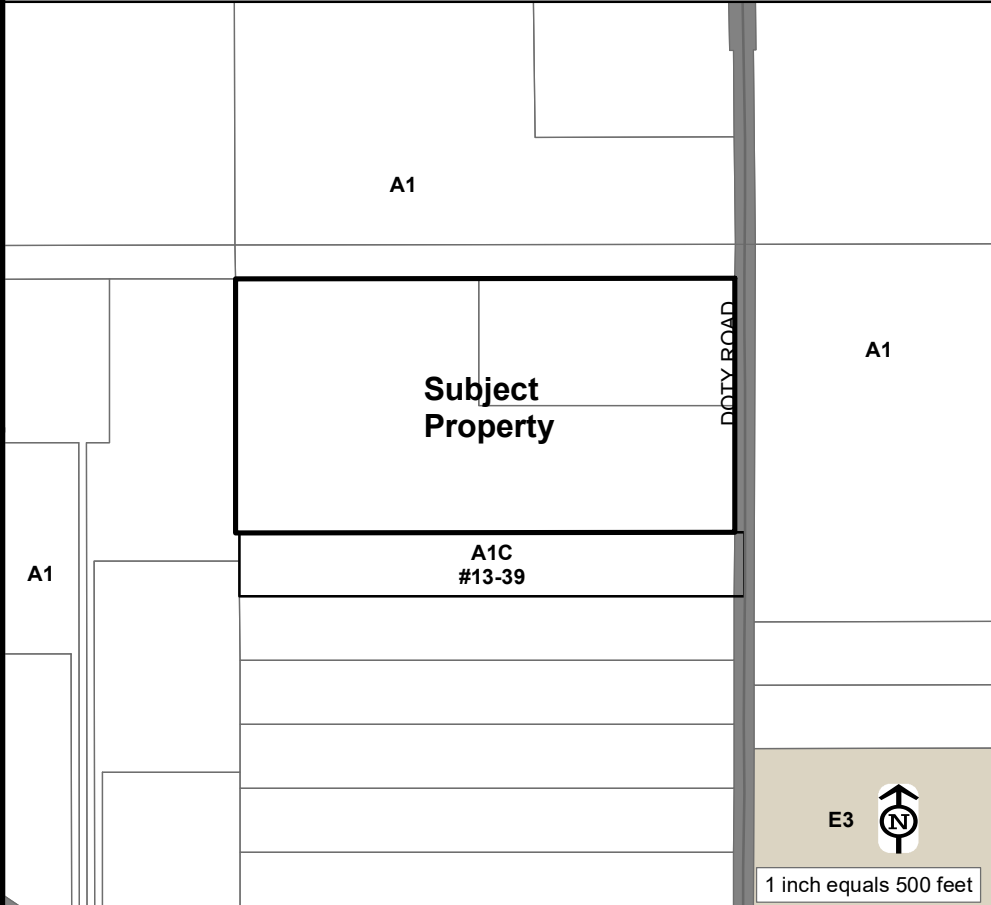
Agriculture

Adjacent Land Use(s)

North: *Agriculture*
 South: *Single-Family Residential*
 East: *Agriculture*
 West: *Agriculture*

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities
- Under Review

Zoning Map



Current Zoning

A-1 Agriculture

Adjacent Zoning

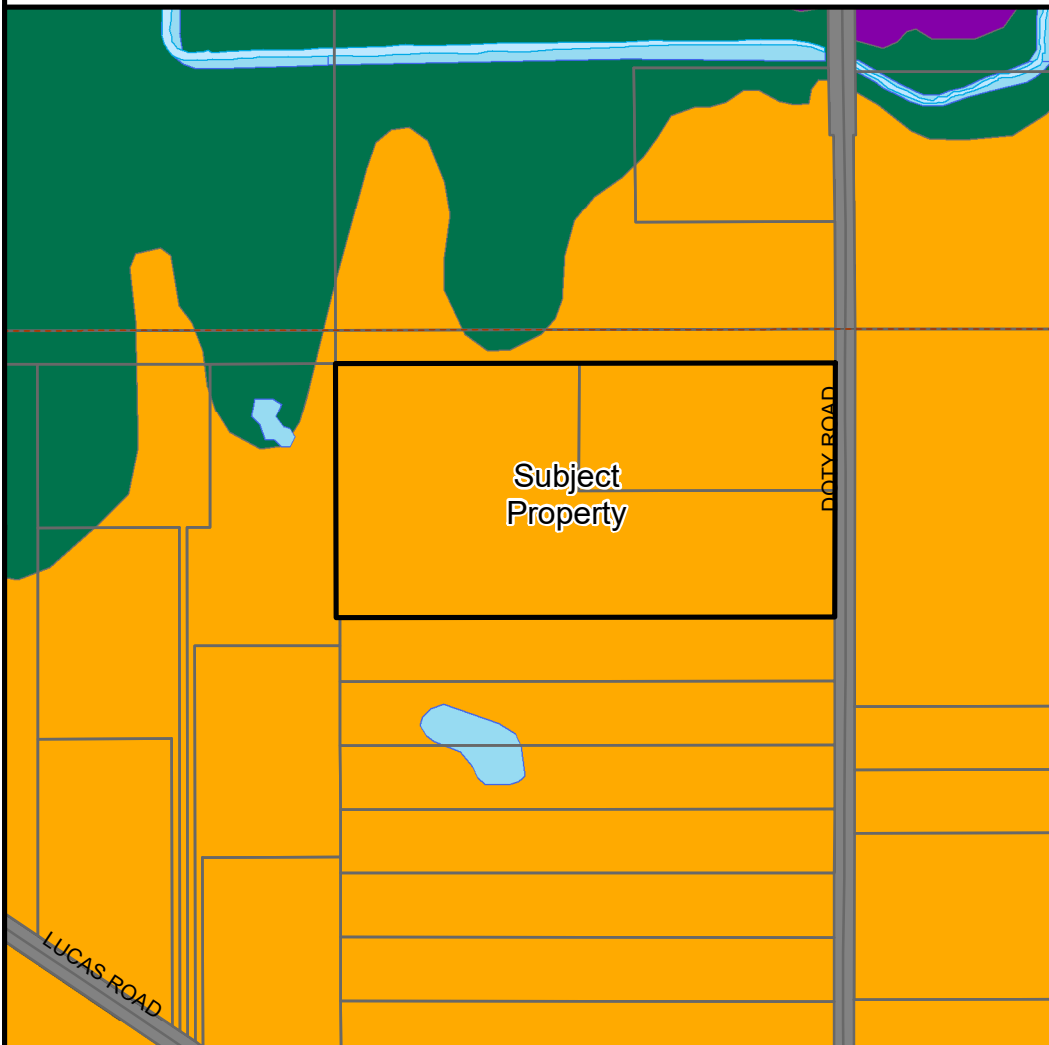
North: A-1 Agriculture
 South: A-1C Agriculture
 East: A1- Agriculture
 West: A-1 Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Neighborhood Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

McHenry County 2030 Comprehensive Plan Future Land Use Map

Future Land Use Map Designation

Residential



- Agricultural
 - Open Space
 - Environmentally Sensitive Area
 - Estate
 - Isolated Estate
 - Residential
 - Isolated Residential
 - Retail
 - Mixed Use
 - Office, Research, Industrial
 - Gov't, Institutional, Utilities
 - TOD Existing Rail Station
 - TOD Future Rail Station
 - Active Earth Extraction Site
 - Municipality
- Scale: 1 inch = 1/8 mile

Municipal / Township Plan Designations

Dorr Township: Residential

Crystal Lake: N/A Lakewood: N/A

Woodstock: Neighborhood Development/Resource Conservation Corridor

McHenry County 2030 Comprehensive Plan — Text Analysis

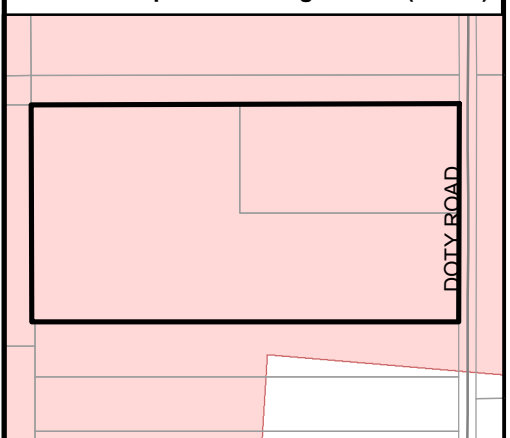
Land Use

Residential includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit. Within the Residential district, development densities should consider nearby land uses and zoning, and the availability of transportation, infrastructure, water supply, and other public services, environmental limitations, and other factors required by County ordinances, state statutes, and case law.

Sensitive Aquifer Recharge Areas

The site is located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area



DOTY ROAD SOLAR, LLC

A 1.8 MW (AC) GROUND-MOUNTED SOLAR POWER GENERATING FACILITY

4115 DOTY ROAD WOODSTOCK, DORR TOWNSHIP, MCHENRY COUNTY, ILLINOIS 60098

SPECIAL USE PERMIT PLANS

DEVELOPMENT TEAM

APPLICANT/CONTRACTOR

DOTY ROAD SOLAR, LLC
101 N. WACKER DRIVE, SUITE 200
CHICAGO, IL 60606
CONTACT: MATT KWIAKOWSKI

OWNER

NEXAMP, INC.
101 SUMMER STREET, THIRD FLOOR
WOODSTOCK, ILLINOIS 60098
PHONE: (847) 212-1885

CIVIL ENGINEER/LANDSCAPE ARCHITECT/SURVEYOR

ATWELL, LLC
1250 EAST DIEHL ROAD, SUITE 300
NAPERVILLE, IL 60563
PHONE: (630) 577-8900
FAX: (630) 577-8940
CONTACT: MICHAEL KEITH, P.E.

GOVERNING AGENCIES CONTACTS

MUNICIPALITY

MCHENRY COUNTY PLANNING AND DEVELOPMENT DEPARTMENT
2200 NORTH SEMINARY AVENUE
WOODSTOCK, IL 60098
PHONE: (815) 338-4681
CONTACT: KIM SCHARLOW, PLANNER

DORR TOWNSHIP ROAD DISTRICT

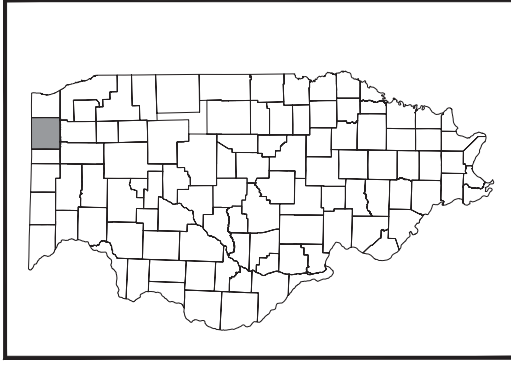
12322 DAVIS ROAD
WOODSTOCK, IL 60098
PHONE: (815) 338-1060
CONTACT: JOHN FULLER, HIGHWAY COMMISSIONER

SOIL AND WATER CONSERVATION DISTRICT

MCHENRY LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT
1000 EAST WOODSTOCK, IL 60098
PHONE: (815) 338-0444 x3

SHEET INDEX

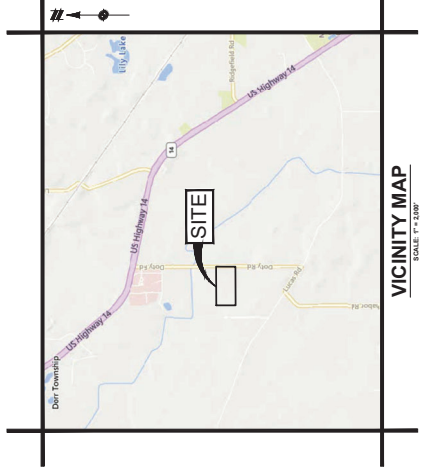
- C-000 COVER SHEET
- C-100 EXISTING CONDITIONS PLAN
- C-200 SITE LAYOUT PLAN
- C-300 GRADING PLAN
- C-400 LANDSCAPE PLAN
- C-500 DETAILS



ILLINOIS
NOT TO SCALE



MCHENRY COUNTY
NOT TO SCALE



VICINITY MAP
SCALE 1" = 3300'

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Tel: (617) 431-1440 Fax: (978) 416-2525 Web: nexamp.com

Rev	Issued For	Date
A	CLIENT REVIEW	2/7/24
B	CLIENT REVIEW	2/29/24
C	COMMENTS	3/7/24

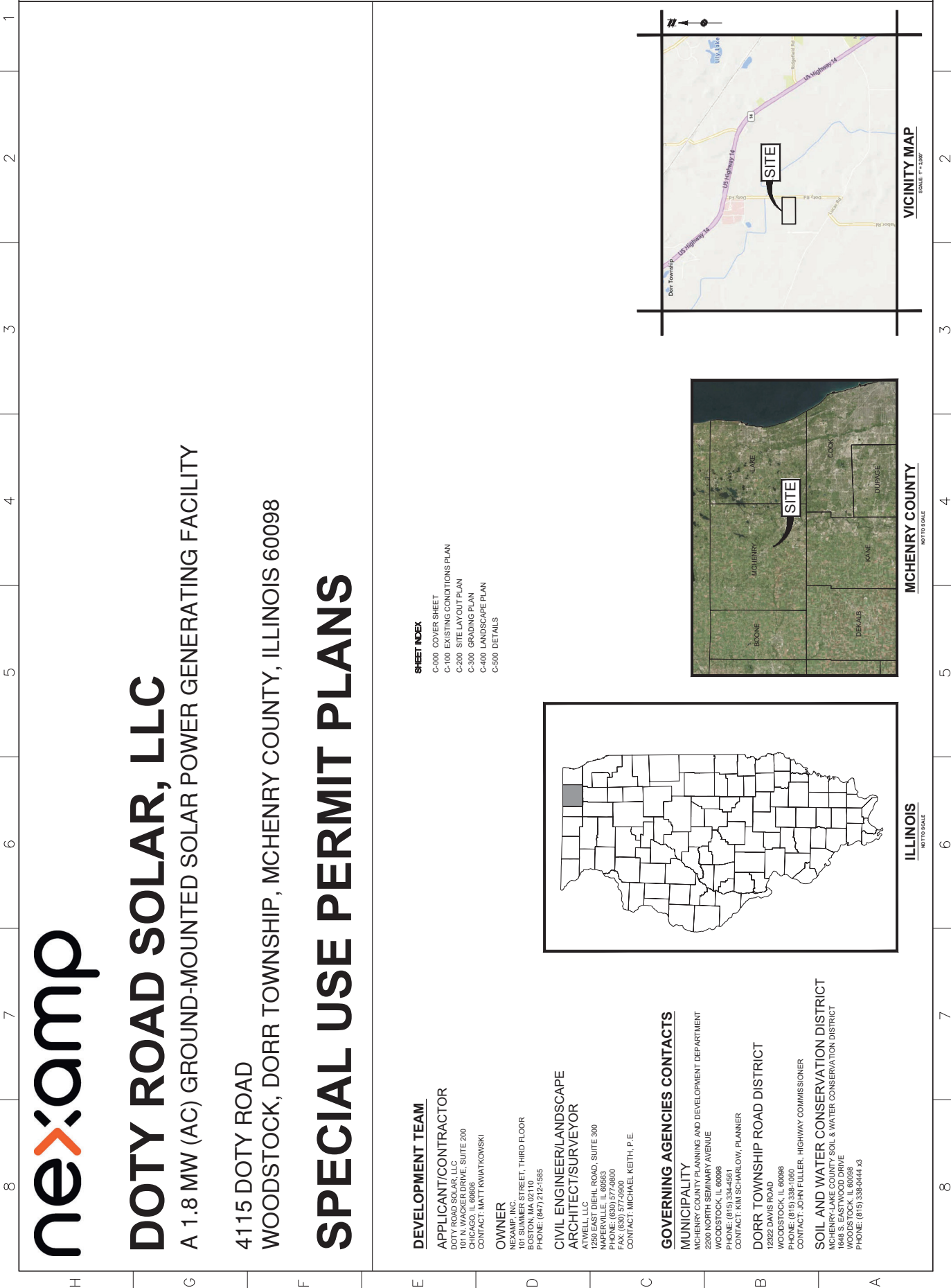
1250 EAST DIEHL ROAD, SUITE 300
NAPERVILLE, IL 60563
DESIGN TEAM #14-00876

F. E. and/or Consultant:

Project: DOTY ROAD SOLAR, LLC
SPECIAL USE PERMIT PLANS
4115 DOTY ROAD
WOODSTOCK, ILLINOIS 60098

Drawing Title: COVER SHEET
Scale: As Noted
Drawn By: CM7/LEH
Approved By: MBK

Sheet No.: C-000
Sheet Size: 36" x 48"



LANDSCAPE PLAN
 Scale: As Noted Approved by: MBK
 Drawn by: CM/LEH
 Project: **DOT ROAD SOLAR, LLC**
SPECIAL USE PERMIT PLANS
 4115 DOT ROAD
 WOODSTOCK, ILLINOIS 60098

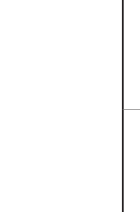
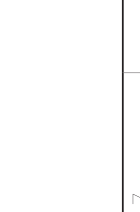
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811
 Know what's below.
 Call before you dig.
 THE LOCATION OF ALL UTILITIES SHALL BE DETERMINED BY THE 811 SERVICE PROVIDER. THE 811 SERVICE PROVIDER SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES. THE 811 SERVICE PROVIDER SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES. THE 811 SERVICE PROVIDER SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES.

LEGEND
 BOUNDARY LINE
 EXISTING ROW
 BOUNDARY INTERIOR/ADJACENT LINE
 EXISTING EASEMENT LINE
 EXISTING CONTOUR
 EXISTING STORM SEWER
 PROPOSED STORM
 EXISTING UNDERGROUND GAS
 EXISTING UNDERGROUND FIBER OPTIC
 EXISTING UTILITY DITCH
 EXISTING UNDERGROUND ELECTRIC
 PROPOSED UNDERGROUND ELECTRIC
 EXISTING OVERHEAD ELECTRIC
 PROPOSED FENCE
 EXISTING EDGE OF GRAVEL
 EXISTING VEGETATION LINE
 PROPOSED PRIMARY GRAVEL
 PROPOSED NATIVE POLLINATOR FRIENDLY PLANTING (COLOR INDICATED)
 PROPOSED PLANTING (COLOR INDICATED)
 PROPOSED PLANTING (COLOR INDICATED)
 PROPOSED PLANTING (COLOR INDICATED)
 TEMPORARY STABILIZATION/SEEDING
 PROPOSED LANDSCAPE SEEDING (TO BE PROVIDED WITH FINAL CONSTRUCTION DOCUMENTS)

PLANNING NOTES:
 1. STABILIZATION TO PREVENT EROSION SHALL BE LOCATED WITHIN UNIT OF WORK LINE AND DISPERSED TO PREVENT EROSION NECESSARY TO PROTECT EXISTING UTILITY LINES DURING CONSTRUCTION.
 2. PLANTING SHALL BE DONE IN SEASONAL CONDITIONS AS APPROPRIATE FOR GOOD SEED SURVIVAL OR AT SUCH TIMES AS APPROVED BY THE OTHER AGENCIES.
 3. CONTOUR LINES SHALL BE SHOWN AT 1' INTERVALS.
 4. EXISTING CONTOUR LINES SHALL BE SHOWN AT 1' INTERVALS.
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 10. EXISTING CONTOUR LINES SHALL BE SHOWN AT 1' INTERVALS.
 11. EXISTING CONTOUR LINES SHALL BE SHOWN AT 1' INTERVALS.



Sheet No.	C-500	
Scale	As Noted	
Drawn By	CM7/LEH	
Scale	As Noted	
Approved By	MBK	
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 1025 EAST 10TH STREET
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DOTY ROAD SOLAR, LLC
SPECIAL USE PERMIT PLANS
WOODSTOCK, ILLINOIS 60098

DETAILS

Draining Title: **C-500**

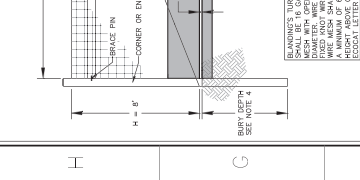
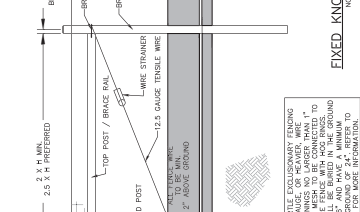
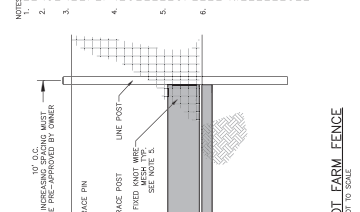
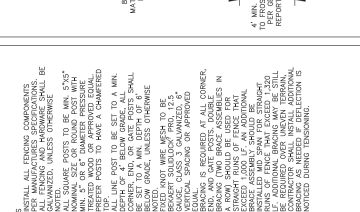
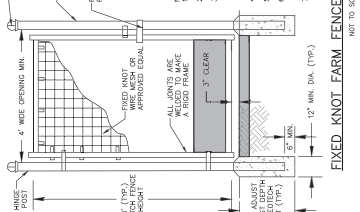
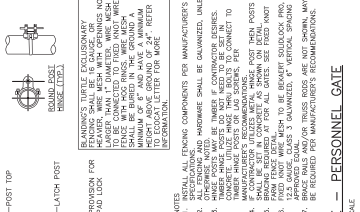
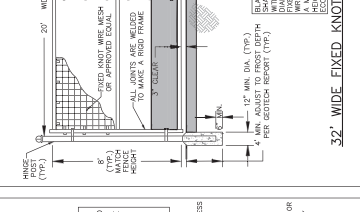
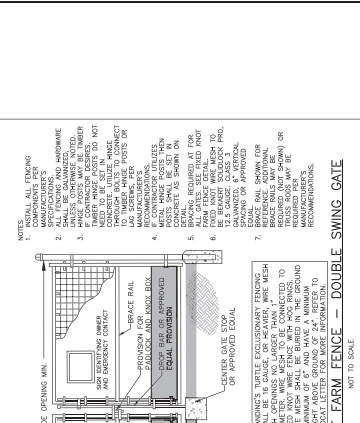
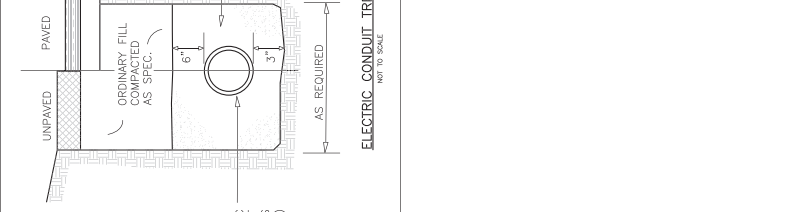
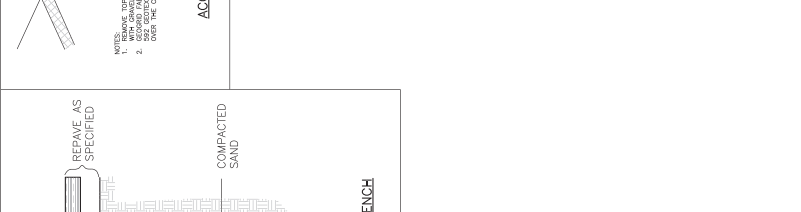
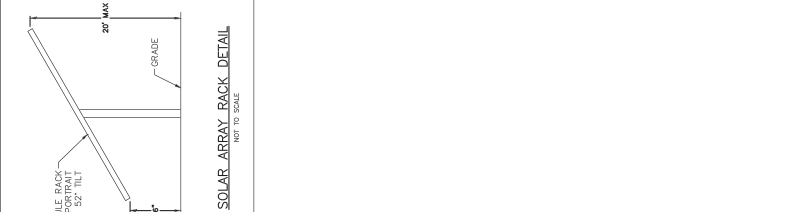
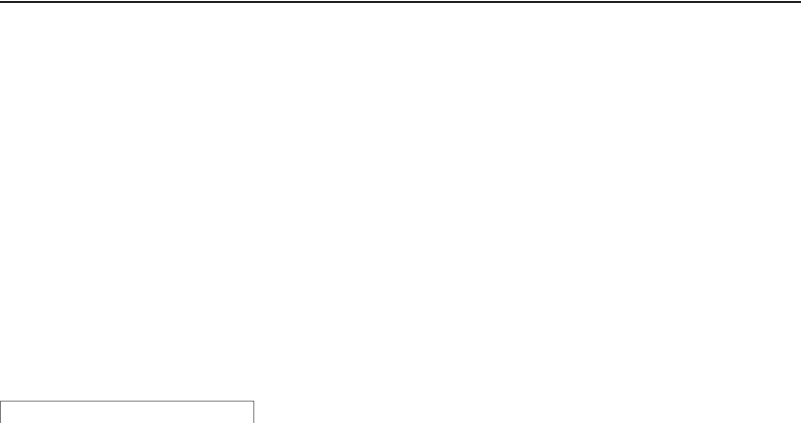
Notes: 1. SHALL BE 8 GAUGE OR HEAVIER WIRE MESH WITH 2" SQUARE OPENINGS. WIRE MESH SHALL BE CONNECTED TO THE GROUND BY A MINIMUM OF 6" AND HAVE A MINIMUM TO GROUND CLEARANCE OF 18" ABOVE THE GROUND SURFACE. SEE NOTE 4 FOR MORE INFORMATION.

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Draining Title: **C-500**

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McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT

24-029-4585

March 5, 2024



This report has been prepared for:
Doty Road Solar, LLC

Contact Person:
Matt Kwiatkowski

PREPARED BY:
McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION
DISTRICT

1648 S. EASTWOOD DR.

WOODSTOCK, IL 60098

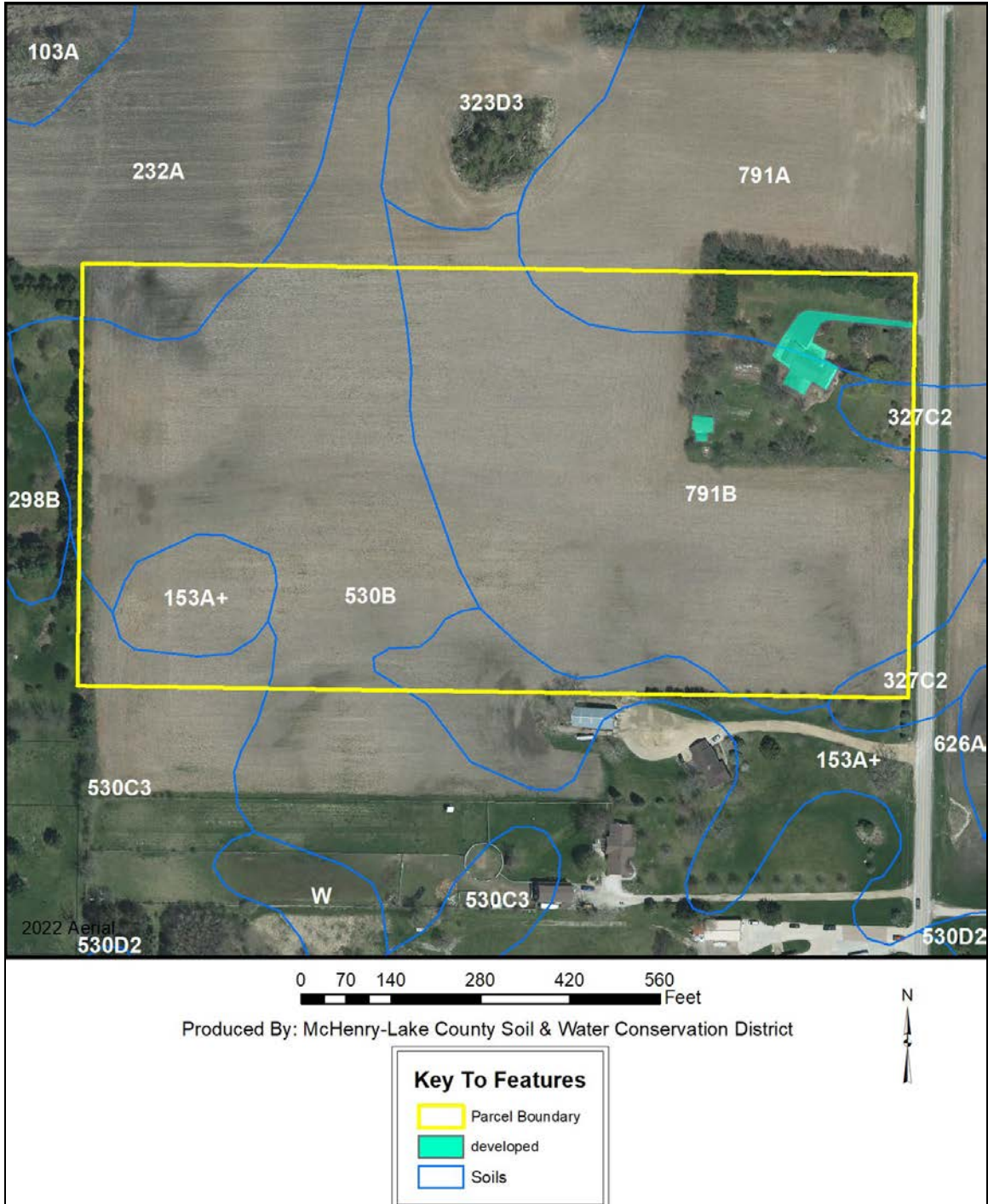
PHONE: (815) 338-0444

www.mchenryswcd.org

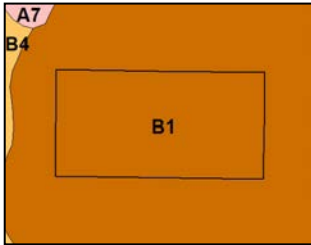
The McHenry-Lake County Soil & Water Conservation District
is an equal opportunity provider and employer.

EXECUTIVE SUMMARY OF NRI REPORT #24-029-4585

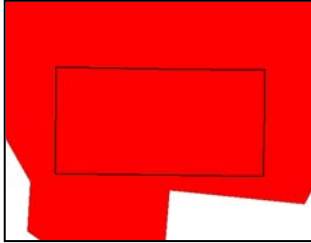
It is the opinion of the McHenry-Lake County Soil and Water Conservation District Board of Directors that this report as summarized on these pages are pertinent to the requested zoning change.



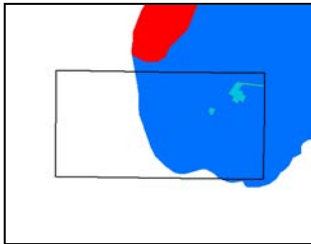
Groundwater Contamination Potential and Recharge Areas:



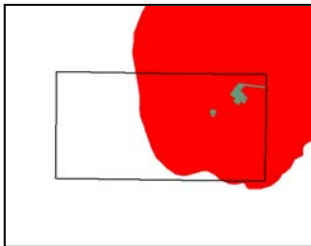
Aquifer Sensitivity Map (*This is the area beneath the soil profile down to bedrock)
The Geologic features map indicates the parcel is comprised of B1 geologic limitations. B1 has a high contamination potential.



Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology).
The Sensitive Aquifer Recharge Map indicates the entire parcel is within a Sensitive Aquifer Recharge Area (identified in red).

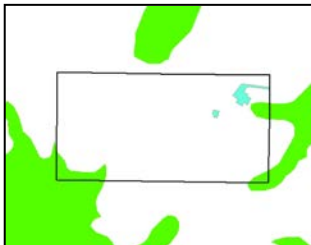


Soil Leachability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet).
The Soil Leachability Index indicates 10.58 acres or 53.61% of the parcel has a moderate leaching potential (identified in blue) for fertilizers (includes household use) identified. There were no high potentials identified.

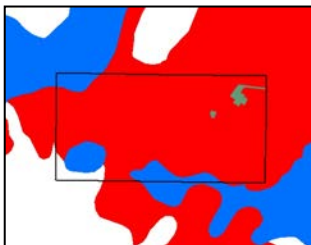


Soil Permeability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet. Soil permeability is a reflection of the speed in which water (with or without pollutants) can move through the soil profile.)
The USDA-NRCS Soil Survey Map of the area indicates 10.58 acres or 53.61% of the parcel contains highly permeable soils (identified in red).

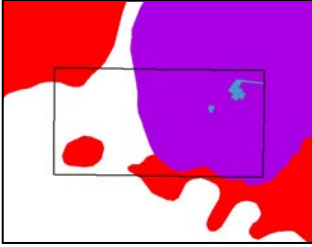
Soil Limitations (This evaluates the parcel from the surface down to approximately 5 feet.):



Erosion Ratings
The NRCS Soils Survey indicates 0.89 acres or 4.53% of the parcel contains Highly Erodible Soils (identified as green and red hashed areas). The McHenry-Lake SWCD has staff members certified in Sediment and Erosion Control and can aid the petitioner by reviewing erosion control plans and make recommendations.

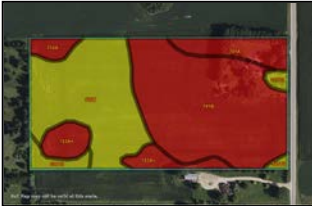


Prime Farmland Soils
The Natural Resources Conservation Service (NRCS) Soil Survey indicates 16.75 acres or 84.88% of the parcel is comprised of prime farmland soils (identified in red) and 2.18 acres or 11.04% is comprised of prime when drained soils (identified in blue).



Hydric Soils

The NRCS Soil Survey indicates 2.18 acres or 11.04% of the parcel contains hydric soils (identified in red) and 10.58 acres or 53.61% of the parcel contains soils with a water table greater than 4 feet (identified in purple). There were no organic soils or somewhat poorly drained soils identified.



Ground Based Solar Arrays

The NRCS Soils Survey indicates 12.7 acres or 64.1% of the parcel has severe limitations for Soil Anchored Solar Arrays (identified in red). The reason for the limitation can be found on page 23 of the report.

Floodplain Information:

The Flood Insurance Rate Map

Indicates the parcel is outside the 100-year floodplain.

Flood of Record Map (Hydrologic Atlas)

The Flood of Record Map for this area indicates there has not been previous flooding on the parcel.

Wetland Information:

USDA-NRCS Wetland Inventory

The NRCS Wetlands Inventory indicates there are no wetlands on the parcel.

ADID Wetland Inventory

The ADID Wetland Study indicates there are no wetlands on the parcel.

*The Wetland Determination completed by Bollinger Environmental, dated November 2023, did not find any wetlands on the site.

Cultural Resources: None identified.

Preserved or Recognized Ecological Sites: None identified.

Woodlands: The site visit conducted on 3/1/24 identified mature trees around the existing structures on the parcel. Existing mature trees should be preserved whenever possible. Woodlands provide a large number of benefits such as wildlife habitat, erosion control, air and water quality improvements, as well as aesthetic values. Construction activities can indirectly destroy trees. Oak trees are particularly susceptible to long term, permanent damage caused by construction activities and require special consideration.

*The Site Layout Plan, dated 2/2/24 (provided by the applicant), indicates the trees will not be impacted by the arrays or access roads.

Agricultural Areas: Office Maps indicate there are no State designated agricultural area on the parcel.

Land Evaluation Site Assessment (LESA): The Land Evaluation Score for the parcel is 82.95. A Site Assessment was not completed due to the remaining agricultural Zoning.

Vegetation Within the Array: Information provided by the applicant indicate they will seed the site with a pollinator friendly mix.

Agriculture Impact Mitigation Agreement: We have received notification that an Agriculture Impact Mitigation Agreement has been filed with the Illinois Department of Agriculture.



NATURAL RESOURCE INFORMATION REPORT (NRI)

NRI Report Number	24-029-4585	
Applicant's Name	Doty Road Solar, LLC	
Size of Parcel	20 acres	
Zoning Change	A-1 Conditional Use for Solar Facility	
Parcel Index Number(s)	13-27-200-023, 13-27-200-022	
Common Location	138879 Doty Road, Woodstock, IL	
Contact Person	Matt Kwiatkowski	
<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	<i>yes</i>	<i>no</i>
The Applicant/Contact Person	x	
The Local/Township Planning Commission		x
The Village/City/County Planning and Zoning Department or Appropriate Agency	x	

Report Prepared By: *Spring M. Duffey*

Position: *Executive Director*



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

October 17, 2023

Madison Bishop
Atwell
1250 E. Diehl Rd
Suite 300
Naperville, IL 60563

RE: Doty Road Solar
Project Number(s): 2405783
County: McHenry

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

However, the Department recommends the following:

The project proponent should establish pollinator-friendly habitat as groundcover wherever feasible. Solar Site Pollinator Establishment Guidelines can be found here:
<https://dnr.illinois.gov/conservation/pollinatorscorecard.html>

The site should be de-compacted before planting. Long term management of the site should be planned for prior to development to ensure successful native pollinator habitat establishment and prevent the spread of invasive species throughout the lifetime of this project. An experienced ecological management consultant should be hired to assist with long-term management. Required fencing, excluding areas near or adjacent to public access areas, should not exceed 6 feet in height and should have a 6-inch gap along the bottom to prevent the restriction of wildlife movement.

Trees should be cleared between November 1st and March 31st to avoid impacts to Indiana Bat. All night lighting should follow IDA guidance.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Bradley Hayes
Division of Ecosystems and Environment
217-785-5500

This transcript was exported on May 30, 2024 - view latest version [here](#).

Mary Donner:

Second.

Vicki Gartner:

I'll second.

Linnea Kooistra:

Second By Ms. Gartner. Discussion? Hearing no discussion, I'll call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gardner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. The conditions are approved, seven to zero. This time I would entertain a request.

Charles Eldredge:

Madam Chairman, I propose acceptance of the petition subject to the conditions.

Vicki Gartner:

I'll second.

Linnea Kooistra:

Discussion, Mr. Eldredge?

Charles Eldredge:

Yes, this is a 20 acre parcel on Doty Road between Route 14 and Lucas Road. It's an area that is entirely zoned A-one agricultural. It has a fair number of residences on small A-one parcels, but is still largely, the area around this is largely agricultural. The particular site is somewhat isolated from any extensive surrounding residential and certainly from any intensive residential of any kind. It is under state law if they meet the standards set forth in the state law, we must vote in favor in any case, but I think this is a reasonable location for this kind of facility. And so I am quite enthusiastically supporting this petition and I shall vote yes.

Linnea Kooistra:

Okay, Ms. Gartner?

Vicki Gartner:

Yeah, there's three points I wanted to bring up. First of all, I thank you for your presentation. I think that you put together a pretty thoughtful plan here. I appreciate that this is going to be owned and operated by you. That's kind of a big thing. We don't hear that very often. So many times these places are sold off to somebody else and all the promises made here are kind of out the window, or all the not promises but, you know. I'm also happy to hear that all the wiring is going to be underground, that's another plus. And that the converters are all centralized in the center of the site, that's really a big one because a lot of companies come in and they have inverters all around the edges of their site. And even though it's a low hum that you can barely hear, it's still there. It's still within neighbor's earshot. So I am in favor of this project. I think it's a good site for it and I will vote in favor.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Thank you Madam Chairwoman. I too recognize the thoroughness and the completeness of the submissions as well as the detail by which they have been given, notwithstanding the nomenclature of a storm sewer as opposed to a drainage tile. But nonetheless, I will be supporting this petition.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

I agree with what's been said. I thought your presentation, compared to most, is I'll just say crisp and thorough. And without too much inordinate amount of detail, I will intend to support your petition. Thank you.

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

Ditto what Kurt just said.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

I want thank the veterans for having forward-thinking and looking to see what we can do. And you've been serving for so long and now you're still going to be serving with us. I appreciate that and will extend my yes.

Linnea Kooistra:

And I agree with the comments. I want to also add that this is in a strategic aquifer recharge area and I think a solar farm in that area with the ability to filter the water, save water on the site, and then recharge the groundwater, I think this is a really good place for it. So I'm in favor of the request, so I will call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

This transcript was exported on May 30, 2024 - view latest version [here](#).

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. So this will go to the county board with a seven zero vote approving. This time the hearings closed. Thank you everyone.

Matt Kwiatkowski:

Thank you very much.

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT

between
Doty Road Solar, LLC

and the
ILLINOIS DEPARTMENT OF AGRICULTURE
Pertaining to the Construction of a Commercial Solar Energy Facility
in
McHenry County, Illinois

Pursuant to the Renewable Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147), the following standards and policies are required by the Illinois Department of Agriculture (IDOA) to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a Commercial Solar Energy Facility. They were developed with the cooperation of agricultural agencies, organizations, Landowners, Tenants, drainage contractors, and solar energy companies to comprise this Agricultural Impact Mitigation Agreement (AIMA).

Doty Road Solar, LLC, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 1.8 MWac Commercial Solar Energy Facility in McHenry County [GPS Coordinates: 42.268249,-88.401755], which will consist of up to 15 acres that will be covered by solar facility related components, such as solar panel arrays, racking systems, access roads, an onsite underground collection system, inverters and transformers and any affiliated electric transmission lines. This AIMA is made and entered between the Facility Owner and the IDOA.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA shall be revised, with the Facility Owner's input, to reflect the IDOA's most current Solar Farm Construction and Deconstruction Standards and Policies. This AIMA, and any updated AIMA, shall be filed with the County Board by the Facility Owner prior to the commencement of Construction.

The below prescribed standards and policies are applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned agricultural land.

Conditions of the AIMA

The mitigative actions specified in this AIMA shall be subject to the following conditions:

- A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities. IDOA may utilize any legal means to enforce this AIMA.
- B. Except for Section 17. B. through F., all actions set forth in this AIMA are subject to modification through negotiation by Landowners and the Facility Owner, provided such changes are negotiated in advance of the respective Construction or Deconstruction activities.
- C. The Facility Owner may negotiate with Landowners to carry out the actions that Landowners wish to perform themselves. In such instances, the Facility Owner shall offer Landowners the area commercial rate for their machinery and labor costs.

- D. All provisions of this AIMA shall apply to associated future Construction, maintenance, repairs, and Deconstruction of the Facility referenced by this AIMA.
- E. The Facility Owner shall keep the Landowners and Tenants informed of the Facility's Construction and Deconstruction status, and other factors that may have an impact upon their farming operations.
- F. The Facility Owner shall include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement.
- G. Execution of this AIMA shall be made a condition of any Conditional/Special Use Permit. Not less than 30 days prior to the commencement of Construction, a copy of this AIMA shall be provided by the Facility Owner to each Landowner that is party to an Underlying Agreement. In addition, this AIMA shall be incorporated into each Underlying Agreement.
- H. The Facility Owner shall implement all actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Facility.
- I. No later than 45 days prior to the Construction and/or Deconstruction of a Facility, the Facility Owner shall provide the Landowner(s) with a telephone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.
- J. If there is a change in ownership of the Facility, the Facility Owner assuming ownership of the Facility shall provide written notice within 90 days of ownership transfer, to the Department, the County, and to Landowners of such change. The Financial Assurance requirements and the other terms of this AIMA shall apply to the new Facility Owner.
- K. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.
- L. Within 30 days of execution of this AIMA, the Facility Owner shall use Best Efforts to provide the IDOA with a list of all Landowners that are party to an Underlying Agreement and known Tenants of said Landowner who may be affected by the Facility. As the list of Landowners and Tenants is updated, the Facility Owner shall notify the IDOA of any additions or deletions.
- M. If any provision of this AIMA is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the AIMA shall be interpreted as if it did not contain the unenforceable provision.

Definitions

Abandonment

When Deconstruction has not been completed within 12 months after the Commercial Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Commercial Solar Energy Facility shall be presumed to have reached the end of its useful life if the Commercial Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement.

Aboveground Cable	Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.
Agricultural Impact Mitigation Agreement (AIMA)	The Agreement between the Facility Owner and the Illinois Department of Agriculture (IDOA) described herein.
Agricultural Land	Land used for Cropland, hayland, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government conservation programs used for purposes as set forth above.
Best Efforts	Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.
Commercial Operation Date	The calendar date of which the Facility Owner notifies the Landowner, County, and IDOA in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.
Commercial Solar Energy Facility (Facility)	A solar energy conversion facility equal to or greater than 500 kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018. "Commercial solar energy facility" does not include a solar energy conversion facility: (1) for which a permit to construct has been issued before June 29, 2018; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts.
Commercial Solar Energy Facility Owner deemed (Facility Owner)	A person or entity that owns a commercial solar energy facility. A Commercial Solar Energy Facility Owner is not nor shall it be to be a public utility as defined in the Public Utilities Act.
County	The County or Counties where the Commercial Solar Energy Facility is located.
Construction	The installation, preparation for installation and/or repair of a Facility.
Cropland	Land used for growing row crops, small grains or hay; includes land which was formerly used as cropland, but is currently enrolled in a government conservation program; also includes pastureland that is classified as Prime Farmland.

Deconstruction	The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.
Deconstruction Plan	A plan prepared by a Professional Engineer, at the Facility's expense, that includes: <ol style="list-style-type: none">(1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things:<ol style="list-style-type: none">i. the number of solar panels, racking, and related facilities involved;ii. the original Construction costs of the Facility;iii. the size and capacity, in megawatts of the Facility;iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs);v. the Construction method and techniques for the Facility and for other similar facilities; and(2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.
Department	The Illinois Department of Agriculture (IDOA).
Financial Assurance	A reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or Landowner as beneficiary.
Landowner	Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.
Prime Farmland	Agricultural Land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as "Prime Farmland" (generally considered to be the most productive soils with the least input of nutrients and management).
Professional Engineer	An engineer licensed to practice engineering in the State of Illinois.
Soil and Water Conservation District (SWCD)	A unit of local government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.
Tenant	Any person, apart from the Facility Owner, lawfully residing or leasing/renting land that is subject to an Underlying Agreement.
Topsoil	The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.
Underlying Agreement	The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Facility on the property of the Landowner.

Underground Cable	Electrical power lines installed below the ground surface to be utilized for conveyance of power within a Facility or from a Commercial Solar Energy Facility to the electric grid.
USDA Natural Resources Conservation Service (NRCS)	An agency of the United States Department of Agriculture that provides America's farmers with financial and technical assistance to aid with natural resources conservation.

Construction and Deconstruction Standards and Policies

1. Support Structures

- A. Only single pole support structures shall be used for the Construction and operation of the Facility on Agricultural Land. Other types of support structures, such as lattice towers or H-frames, may be used on nonagricultural land.
- B. Where a Facility's Aboveground Cable will be adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures shall be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.
- C. When it is not possible to locate Aboveground Cable next to highway or railroad right-of-way, Best Efforts shall be expended to place all support poles in such a manner to minimize their placement on Cropland (i.e., longer than normal above ground spans shall be utilized when traversing Cropland).

2. Aboveground Facilities

Locations for facilities shall be selected in a manner that is as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains or is adjacent to the Facility.

3. Guy Wires and Anchors

Best Efforts shall be made to place guy wires and their anchors, if used, out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land other than Cropland. Where this is not feasible, Best Efforts shall be made to minimize guy wire impact on Cropland. All guy wires shall be shielded with highly visible guards.

4. Underground Cabling Depth

- A. Underground electrical cables located outside the perimeter of the (fence) of the solar panels shall be buried with:
 1. a minimum of 5 feet of top cover where they cross Cropland.
 2. a minimum of 5 feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland.
 3. a minimum of 3 feet of top cover where they cross pastureland and other Agricultural Land not classified as Prime Farmland.

4. a minimum of 3 feet of top cover where they cross wooded/brushy land.
 - B. Provided that the Facility Owner removes the cables during Deconstruction, underground electric cables may be installed to a minimum depth of 18 inches:
 1. Within the fenced perimeter of the Facility; or
 2. When buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface.
 - C. If Underground Cables within the fenced perimeter of the solar panels are installed to a minimum depth of 5 feet, they may remain in place after Deconstruction.
- 5. Topsoil Removal and Replacement**
- A. Any excavation shall be performed in a manner to preserve topsoil. Best Efforts shall be made to store the topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
 - B. Best Efforts shall be made to store all disturbed subsoil material near the excavation site and separate from the topsoil.
 - C. When backfilling an excavation site, Best Efforts shall be used to ensure the stockpiled subsoil material will be placed back into the excavation site before replacing the topsoil.
 - D. Refer to Section 7 for procedures pertaining to rock removal from the subsoil and topsoil.
 - E. Refer to Section 8 for procedures pertaining to the repair of compaction and rutting of the topsoil.
 - F. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
 - G. Based on the mutual agreement of the landowner and Facility Owner, excess soil material resulting from solar facility excavation shall either be removed or stored on the Landowner's property and reseeded per the applicable National Pollution Discharge Elimination System (NPDES) permit/Stormwater Pollution Prevention Plan (SWPPP). After the Facility reaches the end of its Useful Life, the excess subsoil material shall be returned to an excavation site or removed from the Landowner's property, unless otherwise agreed to by Landowner.

6. Rerouting and Permanent Repair of Agricultural Drainage Tiles

The following standards and policies shall apply to underground drainage tile line(s) directly or indirectly affected by Construction and/or Deconstruction:

- A. Prior to Construction, the Facility Owner shall work with the Landowner to identify drainage tile lines traversing the property subject to the Underlying Agreement to the extent reasonably practicable. All drainage tile lines identified in this manner shall be shown on the Construction and Deconstruction Plans.

- B. The location of all drainage tile lines located adjacent to or within the footprint of the Facility shall be recorded using Global Positioning Systems (GPS) technology. Within 60 days after Construction is complete, the Facility Owner shall provide the Landowner, the IDOA, and the respective County Soil and Water Conservation District (SWCD) with "as built" drawings (strip maps) showing the location of all drainage tile lines by survey station encountered in the Construction of the Facility, including any tile line repair location(s), and any underground cable installed as part of the Facility.

C. Maintaining Surrounding Area Subsurface Drainage

If drainage tile lines are damaged by the Facility, the Facility Owner shall repair the lines or install new drainage tile line(s) of comparable quality and cost to the original(s), and of sufficient size and appropriate slope in locations that limit direct impact from the Facility. If the damaged tile lines cause an unreasonable disruption to the drainage system, as determined by the Landowner, then such repairs shall be made promptly to ensure appropriate drainage. Any new line(s) may be located outside of, but adjacent to the perimeter of the Facility. Disrupted adjacent drainage tile lines shall be attached thereto to provide an adequate outlet for the disrupted adjacent tile lines.

D. Re-establishing Subsurface Drainage Within Facility Footprint

Following Deconstruction and using Best Efforts, if underground drainage tile lines were present within the footprint of the facility and were severed or otherwise damaged during original Construction, facility operation, and/or facility Deconstruction, the Facility Owner shall repair existing drainage tiles or install new drainage tile lines of comparable quality and cost to the original, within the footprint of the Facility with sufficient capacity to restore the underground drainage capacity that existed within the footprint of the Facility prior to Construction. Such installation shall be completed within 12 months after the end of the useful life of the Facility and shall be compliant with Figures 1 and 2 to this Agreement or based on prudent industry standards if agreed to by Landowner.

- E. If there is any dispute between the Landowner and the Facility Owner on the method of permanent drainage tile line repair, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

- F. During Deconstruction, all additional permanent drainage tile line repairs beyond those included above in Section 6.D. must be made within 30 days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner. If the Facility Owner and Landowner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may implement the recommendations of the appropriate County SWCD and such implementation constitutes compliance with this provision.

- G. Following completion of the work required pursuant to this Section, the Facility Owner shall be responsible for correcting all drainage tile line repairs that fail due to Construction and/or Deconstruction for one year following the completion of Construction or Deconstruction, provided those repairs were made by the Facility Owner. The Facility Owner shall not be responsible for drainage tile repairs that the Facility Owner pays the Landowner to perform.

7. Rock Removal

With any excavations, the following rock removal procedures pertain only to rocks found in the uppermost 42 inches of soil, the common freeze zone in Illinois, which emerged or were brought to the site as a result of Construction and/or Deconstruction.

- A. Before replacing any topsoil, Best Efforts shall be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which emerged or were brought to the site as a result of Construction and/or Deconstruction.
- B. If trenching, blasting, or boring operations are required through rocky terrain, precautions shall be taken to minimize the potential for oversized rocks to become interspersed in adjacent soil material.
- C. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, shall be removed from the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

8. Repair of Compaction and Rutting

- A. Unless the Landowner opts to do the restoration work on compaction and rutting, after the topsoil has been replaced post-Deconstruction, all areas within the boundaries of the Facility that were traversed by vehicles and Construction and/or Deconstruction equipment that exhibit compaction and rutting shall be restored by the Facility Owner. All prior Cropland shall be ripped at least 18 inches deep or to the extent practicable, and all pasture and woodland shall be ripped at least 12 inches deep or to the extent practicable. The existence of drainage tile lines or underground utilities may necessitate less ripping depth. The disturbed area shall then be disked.
- B. All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on Cropland adjacent to the Facility.
- C. The Facility Owner shall restore all rutted land to a condition as close as possible to its original condition upon Deconstruction, unless necessary earlier as determined by the Landowner.
- D. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

9. Construction During Wet Weather

Except as provided below, construction activities are not allowed on agricultural land during times when normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils. With input from the landowner, wet weather conditions may be determined on a field by field basis.

- A. Construction activities on prepared surfaces, surfaces where topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.

- B. Construction activities on unprepared surfaces will be done only when work will not result in rutting which may mix subsoil and topsoil. Determination as to the potential of subsoil and topsoil mixing will be made in consultation with the underlying Landowner, or, if approved by the Landowner, his/her designated tenant or designee.

10. Prevention of Soil Erosion

- A. The Facility Owner shall work with Landowners and create and follow a SWPPP to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Facility.
- B. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's property, the Facility Owner shall consider the recommendations of the appropriate County SWCD to resolve the disagreement.
- C. The Facility Owner may, per the requirements of the project SWPPP and in consultation with the Landowner, seed appropriate vegetation around all panels and other facility components to prevent erosion. The Facility Owner must utilize Best Efforts to ensure that all seed mixes will be as free of any noxious weed seeds as possible. The Facility Owner shall consult with the Landowner regarding appropriate varieties to seed.

11. Repair of Damaged Soil Conservation Practices

Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.

12. Compensation for Damages to Private Property

The Facility Owner shall reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Agricultural Land shall be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement.

13. Clearing of Trees and Brush

- A. If trees are to be removed for the Construction or Deconstruction of a Facility, the Facility Owner shall consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.
- B. If there are trees of commercial or other value to the Landowner, the Facility Owner shall allow the Landowner the right to retain ownership of the trees to be removed and the disposition of the removed trees shall be negotiated prior to the commencement of land clearing.

14. Access Roads

- A. To the extent practicable, access roads shall be designed to not impede surface drainage and shall be built to minimize soil erosion on or near the access roads.

- B. Access roads may be left intact during Construction, operation or Deconstruction through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations.
- C. If the access roads are removed, Best Efforts shall be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their construction, or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping shall be performed consistent with Section 8.

15. Weed/Vegetation Control

- A. The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.
- B. The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.
- C. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
- D. The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.

16. Indemnification of Landowners

The Facility Owner shall indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of the Commercial Solar Energy Facility, including Construction and Deconstruction thereof, and also including damage to such Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns.

17. Deconstruction Plans and Financial Assurance of Commercial Solar Energy Facilities

- A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
 - 1. Solar panels, cells and modules;
 - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
 - 3. Solar panel foundations, if used (to depth of 5 feet);

4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
 5. Overhead collection system components;
 6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;
 7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
 8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
 9. Debris and litter generated by Deconstruction and Deconstruction crews.
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.
- C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of Deconstruction if the County agrees that all interests in the salvage value are subordinate or have been subordinated to that of the County if Abandonment occurs.

- E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County and Facility may mutually agree on the selection of a Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.
- F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

Concurrence of the Parties to this AIMA

The Illinois Department of Agriculture and Doty Road Solar, LLC concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in McHenry County within the State of Illinois.

The effective date of this AIMA commences on the date of execution.

**STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE**

Doty Road Solar, LLC



By: Jerry Costello II, Director 4



By Matthew R. Walsh, VP



By ~~Jess Feagans, General Counsel~~
Clay Nordstieck, Deputy General Counsel

101 N. Wacker Drive Suite 200
Chicago, IL 60606

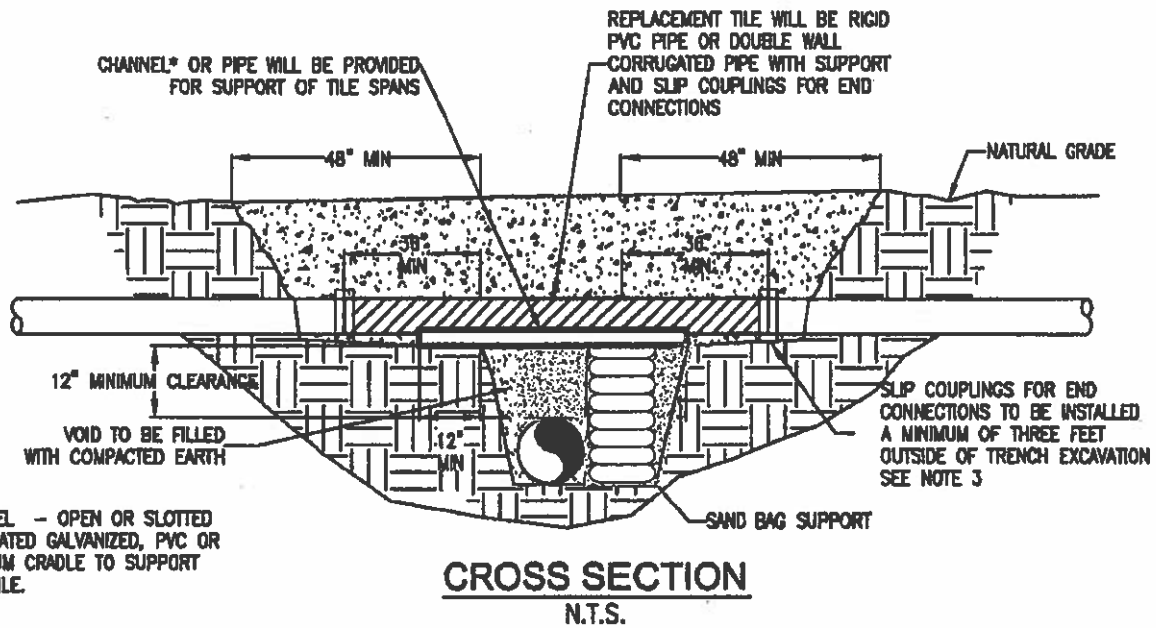
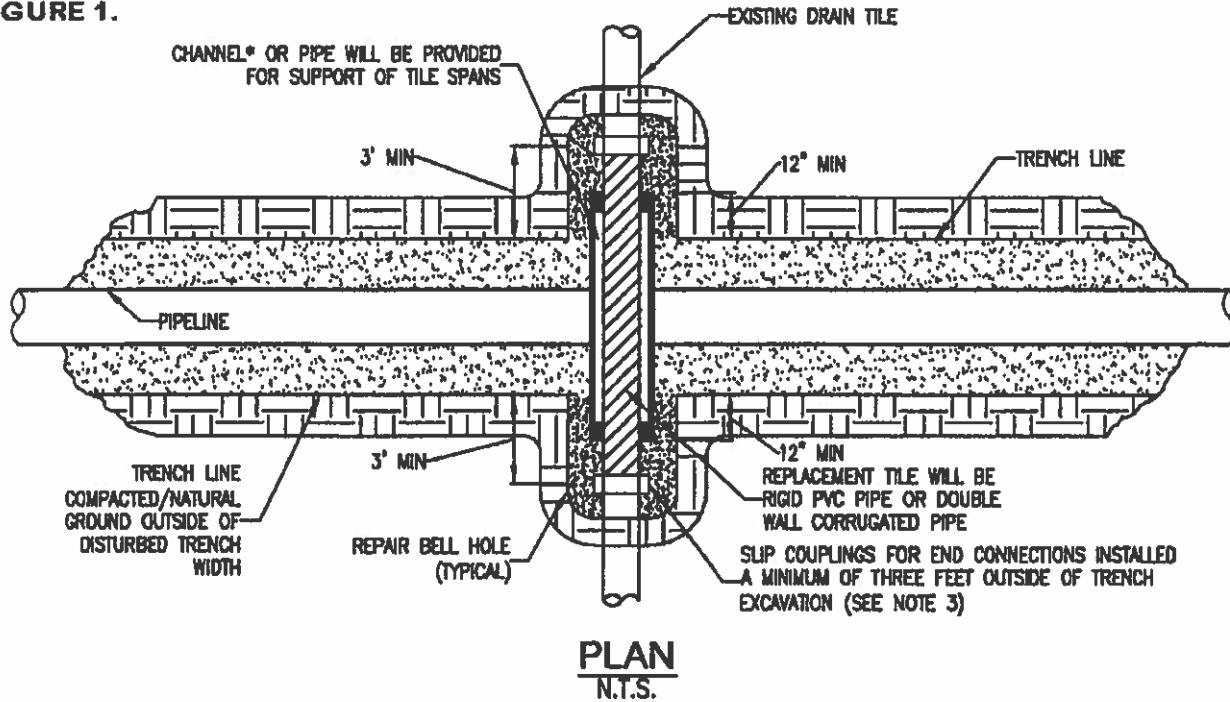
Address

801 E. Sangamon Avenue, 62702
State Fairgrounds, POB 19281 Springfield,
IL 62794-9281

January 10th, 2024

2/1, 2024

FIGURE 1.



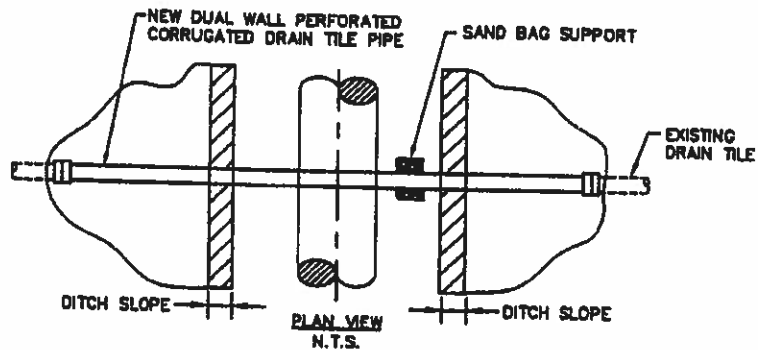
*CHANNEL - OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE TO SUPPORT DRAIN TILE.

NOTE:

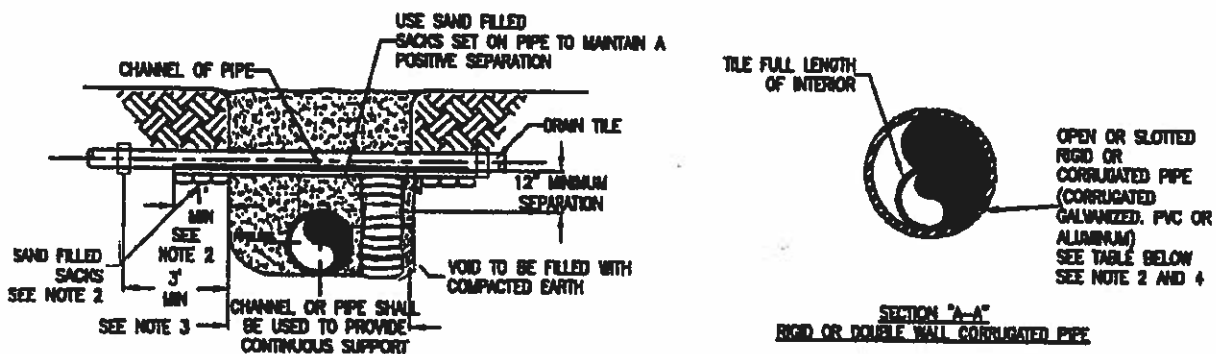
1. IMMEDIATELY REPAIR TILE IF WATER IS FLOWING THROUGH TILE AT TIME OF TRENCHING. IF NO WATER IS FLOWING AND TEMPORARY REPAIR IS DELAYED, OR NOT MADE BY THE END OF THE WORK DAY, A SCREEN OR APPROPRIATE "NIGHT CAP" SHALL BE PLACED ON OPEN ENDS OF TILE TO PREVENT ENTRAPMENT OF ANIMALS ETC.
2. CHANNEL OR PIPE (OPEN OR SLOTTED) MADE OF CORRUGATED GALVANIZED PIPE, PVC OR ALUMINUM WILL BE USED FOR SUPPORT OF DRAIN TILE SPANS.
3. INDUSTRY STANDARDS SHALL BE FOLLOWED TO ENSURE PROPER SEAL OF REPAIRED DRAIN TILES.

TEMPORARY DRAIN TILE REPAIR

FIGURE 2.



PLAN VIEW



END VIEWS

MINIMUM SUPPORT TABLE			
TILE SIZE	CHANNEL SIZE	PIPE SIZE	
3"	4" @ 5.4 #/ft	4"	STD. WT.
4"-5"	5" @ 6.7 #/ft	6"	STD. WT.
6"-9"	7" @ 9.8 #/ft	9"-10"	STD. WT.
10"	10" @ 15.3 #/ft	12"	STD. WT.

NOTES:

1. TILE REPAIR AND REPLACEMENT SHALL MAINTAIN ORIGINAL ALIGNMENT GRADIENT AND WATER FLOW TO THE GREATEST EXTENT POSSIBLE. IF THE TILE NEEDS TO BE RELOCATED, THE INSTALLATION ANGLE MAY VARY DUE TO SITE SPECIFIC CONDITIONS AND LANDOWNER RECOMMENDATIONS.
2. 1'-0" MINIMUM LENGTH OF CHANNEL OR RIGID PIPE (OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE) SHALL BE SUPPORTED BY UNDISTURBED SOIL, OR IF CROSSING IS NOT AT RIGHT ANGLES TO PIPELINE, EQUIVALENT LENGTH PERPENDICULAR TO TRENCH. SHIM WITH SAND BAGS TO UNDISTURBED SOIL FOR SUPPORT AND DRAINAGE GRADIENT MAINTENANCE (TYPICAL BOTH SIDES).
3. DRAIN TILES WILL BE PERMANENTLY CONNECTED TO EXISTING DRAIN TILES A MINIMUM OF THREE FEET OUTSIDE OF EXCAVATED TRENCH LINE USING INDUSTRY STANDARDS TO ENSURE PROPER SEAL OF REPAIRED DRAIN TILES INCLUDING SLIP COUPLINGS.
4. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR THE INSTALLATION OF THE TILE FOR THE FULL LENGTH OF THE RIGID PIPE.
5. OTHER METHODS OF SUPPORTING DRAIN TILE MAY BE USED IF ALTERNATE PROPOSED IS EQUIVALENT IN STRENGTH TO THE CHANNEL/PIPE SECTIONS SHOWN AND IF APPROVED BY COMPANY REPRESENTATIVES AND LANDOWNER IN ADVANCE. SITE SPECIFIC ALTERNATE SUPPORT SYSTEM TO BE DEVELOPED BY COMPANY REPRESENTATIVES AND FURNISHED TO CONTRACTOR FOR SPANS IN EXCESS OF 20', TILE GREATER THEN 10" DIAMETER, AND FOR "HEADER" SYSTEMS.
6. ALL MATERIAL TO BE FURNISHED BY CONTRACTOR.
7. PRIOR TO REPAIRING TILE, CONTRACTOR SHALL PROBE LATERALLY INTO THE EXISTING TILE TO FULL WIDTH OF THE RIGHTS OF WAY TO DETERMINE IF ADDITIONAL DAMAGE HAS OCCURRED. ALL DAMAGED/DISTURBED TILE SHALL BE REPAIRED AS NEAR AS PRACTICABLE TO ITS ORIGINAL OR BETTER CONDITION.

PERMANENT DRAIN TILE REPAIR