

IN THE MATTER OF THE APPLICATION OF)	
PIVOT ENERGY IL 78, LLC, APPLICANT)	
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT)	# 2024-037
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A)	
CONDITIONAL USE)	

WHEREAS, your Petitioner, **Pivot Energy IL 78, 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:

PARCEL 1:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, EXCEPT THE NORTH 330.00 FEET THEREOF AND EXCEPTING THE SOUTH 346.47 FEET OF THE NORTH 676.47 FEET THEREOF, IN TOWNSHIP 44 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

PIN 15-29-200-053

PARCEL 2:

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 44 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 14 MINUTES 13 SECONDS WEST ALONG THE WEST LINE THEREOF, 95.02 FEET; THENCE SOUTH 44 DEGREES 43 MINUTES 45 SECONDS EAST, 135.56 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 13 MINUTES 17 SECONDS WEST ALONG THE SOUTH LINE THEREOF, 95.02 FEET TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PIN 15-29-200-043

PARCEL 3:

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 44 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; THENCE SOUTH 89 DEGREES 18 MINUTES 01 SECONDS EAST, 998.13 FEET TO THE WEST RIGHT-OF-WAY LINE OF ROBERTS ROAD; THENCE SOUTH 33 DEGREES 21 MINUTES 16 SECONDS WEST ALONG SAID RIGHT-OF- WAY LINE, 303.03 FEET; THENCE SOUTH 32

DEGREES 22 MINUTES 16 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, 74.97 FEET; THENCE 136.47 FEET ALONG A CURVE TO THE LEFT, ALSO BEING SAID RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF 640.00 FEET AND A CHORD OF WHICH BEARS SOUTH 28 DEGREES 22 MINUTES 53 SECONDS WEST, 136.21 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN DOC. #2020R0045693; THENCE NORTH 86 DEGREES 26 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LANDS, 625.32 FEET; THENCE SOUTH 01 DEGREES 19 MINUTES 58 SECONDS EAST ALONG THE WEST LINE OF SAID LANDS, 461.57 FEET; THENCE SOUTH 29 DEGREES 15 MINUTES 40 SECONDS EAST ALONG THE WEST LINE OF SAID LANDS, 467.95 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PORTEN ROAD; THENCE NORTH 89 DEGREES 20 MINUTES 52 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, 328.56 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 14 MINUTES 18 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 1275.64 FEET TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PIN 15-29-426-005

302 Porten Road, Island Lake, Illinois, in Nunda Township.

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 ***31.2 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 Pivot Energy, dated July 11, 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 consistent with 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 April 16, 2024 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.
10. Petitioner shall be required to explore the feasibility of a construction access opposite Lamphere Road on Roberts Road, and if feasible, use as temporary access during the construction period.

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 Kimley-Horn, dated April 9, 2024 and received by the Department of Planning and Development on April 10, 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 consistent with 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.
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9. All other federal, state, and local laws shall be met.
10. Petitioner shall be required to explore the feasibility of a construction access opposite Lamphere Road on Roberts Road, and if feasible, use as temporary access during the construction period.

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

SITE NOTES

1. THERE WILL BE 24/7 UNSCORTED ACCESS TO COMED EQUIPMENT TO BE LOCATED WITHIN THE PROPERTY WITH TECHNICAL DETAILS AND LOCATION OF PRIMARY METER.
2. CUSTOMER OWNED POLES WILL BE A MINIMUM OF 30' FROM SOLAR MODULES UNLESS NOTED OTHERWISE.
3. PROJECT FENCE 8' GAME FENCE
4. 20' MIN. FENCE CLEARANCE

EQUIPMENT PAD

- (18) INVERTERS
- (1) AC COMBINER PANEL
- (1) CUSTOMER-OWNED PRODUCTION METER
- (1) AC DISCONNECT
- (1) AC SWITCHGEAR
- (1) DAS & WEATHER STATION
- (1) PAD MOUNTED CUSTOMER OWNED STEP-UP XFMR (2500KVA)

50' PROPERTY SETBACK

EQUIPMENT PAD

- (6) INVERTERS
- (1) AC COMBINER PANEL
- (1) CUSTOMER-OWNED PRODUCTION METER
- (1) AC DISCONNECT
- (1) AC SWITCHGEAR
- (1) DAS & WEATHER STATION
- (1) PAD MOUNTED CUSTOMER OWNED STEP-UP XFMR (1000KVA)

UNDERGROUND MV RUN FROM STEP-UP XFMR TO RISER ~1800'

EXISTING VEGETATION TO REMAIN WITH ADDITIONAL SCREENING (PER MCHENERY COUNTY SECTION 16.56.030 PP.2, 4.) TO BE ADDED IN SPARSE AREAS AS NEEDED

APPROX. EDGE OF NON-PARTICIPATING RESIDENCES

150' SETBACK FROM NON PARTICIPATING RESIDENCES

PROPOSED ENTRANCE GATE

TREE REMOVAL / TRIMMING AS NEEDED FOR CONSTRUCTION OF THE ACCESS ROAD (APPROX. 0.5 ACRES)

- POLE MOUNTED EQUIPMENT
- CUSTOMER POLE #2: CUSTOMER RECLOSER
- POINT OF COMMON COUPLING (POCC)
- UTILITY POLE #2: PRIMARY METER
- UTILITY POLE #1: UTILITY RECLOSER

EXISTING OVERHEAD ELECTRIC LINE

EXISTING GRAVEL ROAD TO BE IMPROVED AS NECESSARY

POI: EXISTING 30 COMED DISTRIBUTION POLE (4.2.259612 - 88.202306)

OVERHEAD MV RUN FROM RISER TO POI ~650'

SITE ACCESS OFF EXISTING GRAVEL ROAD (MINIMUM 20' WIDE)

RISER POLE (SWITCH FROM UGE TO OHE)

50' SETBACK FROM NON PARTICIPATING RESIDENCES

22' ADDITIONAL RIGHT OF WAY

EXISTING RIGHT OF WAY

50' SETBACK FROM PROPOSED RIGHT OF WAY

PROPOSED VEGETATIVE SCREENING TO BE ADDED WHERE INSUFFICIENT EXISTING VEGETATION IS LACKING ON PARCEL IN QUESTION

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PROJECT FENCE 8' GAME FENCE

20' PITCH

TREE REMOVAL (APPROX. 8.00 ACRES)

PARCEL BOUNDARY

UNDERGROUND MV RUN FROM STEP-UP XFMR TO RISER ~1800'

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SYSTEM SPECIFICATIONS

- SYSTEM SIZE: 418.03MW_{dc} / 7,300kW_{ac}
- PV MODULE (7545) TALENSUN BIPRO TD072R-540 545W
- INVERTER (1000) SUNBELT 10000-30000W
- TRACKING: (3) AT1 DATABACK SINGLE-AXIS TRACKER
- GROUND COVERAGE RATIO: 0.38
- FENCED/LEASED AREA: 18.04ACRES

SITE SPECIFICATIONS

- PARCEL ID: 15-29-4-26-005, 15-29-200-053, & 15-29-200-043
- ZONING SETBACKS: 50' FROM NON PARTICIPATING RESIDENCES
- UTILITY, COMED, 150' FROM NON PARTICIPATING RESIDENCES
- INTERCONNECTION SERVICE VOLTAGE: 12KV
- ASHRAE 2% AVG HIGH TEMP: 32°C
- ASHRAE EXTREME LOW TEMP: -24°C



REV	DRWN	DATE	DESCRIPTION
0	JCL	2024.09.27	PRELIMINARY DESIGN
1	JCL	2024.09.29	ZONING SUBMISSION
2	JCL	2024.06.20	ZONING SUBMISSION COMMENTS
3	JCL	2024.07.11	ADDITIONAL ROW ALONG ROBERTS ROAD

THIS DOCUMENT IS THE PROPERTY OF PIVOT ENERGY & THE INFORMATION CONTAINED HEREIN SHALL NOT BE DISCLOSED TO OTHERS WITHOUT THE WRITTEN CONSENT OF PIVOT ENERGY.

1601 WEWATTA ST, SUITE 700
DENVER, CO 80202
888-726-2033

Pivot Energy

DATE: 2024.07.11
PROJECT: 15-29-200-043
DRAWN BY: JCL
CHECKED BY: JCL
DATE: 2024.07.11

ARRAY PLAN
SCALE: 1" = 150'

E100
11L078-ROBERTS RD-PESZ
HCHENRY, IL 60042
(42.262679, -88.201843)

LEGEND

- ACCESS ROAD
- AREA OF INTEREST
- HIGH VOLTAGE OVERHEAD ELECTRICAL LINES
- MEDIUM VOLTAGE OVERHEAD ELECTRICAL LINES
- LOW VOLTAGE OVERHEAD ELECTRICAL LINES
- FENCE LINE
- PARCEL BOUNDARY
- FIRE ACCESSWAYS
- FLOOD PLAN
- OBSTRUCTIONS
- SETBACKS
- TREE REMOVAL
- EXISTING VEGETATIVE BUFFER TO REMAIN
- WETLAND AREA



MCHENRY COUNTY
ZONING BOARD OF APPEALS
MINUTES ● July 24, 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 - #2024-037

- 1. APPLICANT:** Pivot Energy IL 78 LLC
- 2. REQUEST:** Conditional Use Permit to allow for a Commercial Solar Energy Facility
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The property consists of approximately 31.2 acres and is located on the north side of Porten Road and west side of Roberts Road in Nunda Township, Illinois with a common address of 302 Porten Road, Island Lake, Illinois. PINs 15-29-200-053, 15-29-200-043, 15-29-426-005.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** July 24, 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, Jessica Beverly
 - B. Witness: Brittney Krebsbach – Senior Manager of Project Development Pivot Energy, Liz Reddington – VP of Project Development Pivot Energy, Joe Pesz – property owner
 - C. Public: Kim Scharlow – County Staff, Anna Kurtzman – County Staff, Michelle Asplund, Eric Asplund, Shawn McCoovern, Andy Estes, Dawn Estes, Roxanne Clark, Janice Mikulic, Joe Zeinz, Tania Braun, Mich Sjolin, Peter Svaras, Terry Jeka, Joe Jeka, Mitch Jacobson, Patricia Irim, Michael Peat, Daniel Zarski
- 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.

Ms. Krebsbach introduced herself and the application. She stated that Pivot Energy is the developer, owner and operator of their systems. She gave an overview of the site plan and the project. Ms. Krebsbach stated that the system is three (3) megawatts which will power approximately nine hundred (900) homes. She stated that the project will not require utilities such as sewage waste, irrigation, water services, trash or recycling. Ms. Krebsbach stated that the interconnection will be to the existing lines off Porten Road. Ms. Krebsbach stated that their tree survey did not show any mature oaks on the subject parcels. Ms. Krebsbach addressed: screening, construction timeline, labor sourcing, safety and security, decommissioning, conservation and wildlife, community outreach and community benefits, property values and tax revenue generated by the commercial solar energy facility. Ms. Krebsbach stated that the facility would generate approximately two hundred forty two thousand (242,000) dollars over a thirty (30) year period. That is two hundred twenty five thousand (225,000) dollars more than would be generated under an agricultural use.

The property owner gave a statement of support for the array.

Mr. Kosin asked what the difference in the taxes paid to the school district would be from the property's current use to the proposed use. Ms. Krebsbach stated that the current school district contribution is two hundred fifteen (215) dollars while the future tax contribution would be fourteen thousand (14,000) dollars. Mr. Kosin asked Staff if they received any comments from any municipalities or townships regarding this petition. Staff stated that they did not.

Mr. Kosin asked the applicant why they chose to utilize Porten Road instead of Roberts Road for the access point. Ms. Reddington stated that Porten Road was chosen because of existing access on the leased parcels along with the existing distribution lines where the applicant has been under study with Commonwealth Edison (ComEd). She stated that their point of interconnection is off Porten Road to simplify the design and because by law, they have to provide safe access for utility workers to access the equipment. Ms. Beverly asked Ms. Reddington to elaborate on the ComEd study for interconnection. Ms. Reddington stated that ComEd completes the study and dictates where the interconnection will be placed. She stated that there are existing distribution lines on Porten Road where the site is allowed to interconnect to, and from that, the poles that would be installed along what will be the access road have to be close to that point of interconnection.

Ms. Beverly asked the applicant if they are applying for the regular community solar program not Community Driven Community Solar, and if the fifteen thousand (15,000) dollars that Pivot Energy provides in community benefits is not compulsory as part of the application. Ms. Krebsbach stated that that is correct. She stated that it is a Pivot nationwide program that Pivot Energy does for all its projects. Ms. Beverly asked if the screening stipends provided by Pivot Energy to adjoining properties are required under the Unified Development Ordinance or under Illinois state law. Ms. Krebsbach stated that it is not, and Pivot Energy has a good neighbor policy, and that is why they provide a screening stipend. Ms. Beverly asked the applicant what the decibel level of an inverter is. Ms. Krebsbach stated that it is sixty-five (65) decibels from ten (10) feet away. Ms. Beverly stated that the decibel meter on Yale's website shows that a vacuum is seventy-five (75) decibels. Ms. Beverly asked how far the closest house is from an inverter. Ms. Krebsbach stated that it is between one hundred

eighty (180) to two hundred (200) feet away. Ms. Beverly asked Staff if they received any comments from the Conservation District regarding this petition. Staff stated that they did not.

Ms. Gartner asked Ms. Krebsbach to elaborate on the NRCS soil survey report indicating limitations for soil anchored solar relays. Ms. Krebsbach stated that the study is a desktop study. Pivot Energy will employ their vendor, Applied Geosciences, to perform on-site geotechnical studies and surveys prior to the final site design. She stated that Pivot Energy will be able to determine what adjustments they can make to the site design after the geotechnical surveys are completed.

Ms. Kooistra opened the floor to questions from the public. Neighbors expressed concern regarding screening, placement of the access road, fire hazard, soil regeneration, water runoff, wildlife and property values.

Staff gave their report. Staff stated that the subject property is zoned "A-1" agricultural district. It directly abuts the village of Island Lake on a couple of sides, is adjacent to agricultural zoned property, and business districts. There are multiple surrounding land uses. There is a transportation communication utility to the north, which is that water treatment facility, single family residential to the north off Roberts Road, and then to the west and south and across the street off of Porton Road. For the future land use designation, the Unified Development Ordinance does designate the property for residential. At the end of the life of the project, if the property owner does not want to resume agriculture, residential uses could potentially be adopted.

Staff also stated that they visited the site, and the zoning signs were correctly posted. Staff discussed the process of permitting once conditional use is granted. Before a building permit can be issued and construction could begin, applicants are required to submit a drain tile study, a wetland delineation, the road use agreement, the decommissioning estimate, and an emergency response plan which is reviewed by the fire district. Additionally, a stormwater management permit is required for all commercial solar energy facilities. The site would need to be in conformance with the stormwater management ordinance. And an agricultural impact mitigation agreement from the Department of Agriculture has already been submitted.

Chair Kooistra closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: 24-052-4608.

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 add a condition that the petitioner shall be required to explore the feasibility of a construction access opposite Lamphere Road on Roberts Road. And if feasible, use that as a temporary access during the construction period. Mr. Schnable seconded the motion. Mr. Eldredge stated that temporary access would be entirely on leased space and only if the company feels that it is feasible within the scope of the project. Ms. Beverly stated that the requested condition is outside the scope of the Illinois Solar Siting Act. If they must put in a temporary access road that mitigates where they can put panels and expands the footprint where the people want to keep the trees. A temporary road would expand the impermeable surfaces, prolong construction, and require them to maintain the larger footprint. Motion carried (5-2).

Mr. Eldredge motioned that the applicant conforms to the recommendations of the Water Resources Division memo, dated July 24, 2024, and follows those recommendations to the extent feasible. Ms. Gartner seconded the motion. Mr. Eldredge stated that the motion parallels condition number seven (7) which is that the applicant adheres to recommendations from the IDNR to the extent possible. Ms. Beverly stated that the Water Resources Division oversees the stormwater permitting process, and they have wide latitude to make these comments but to also change them. She stated that the board would not want to approve a condition tying them to this memorandum that was not part of a formal zoning meeting or discussed with other departments. She stated that if the board imposes a condition restricting them to the four (4) corners of this document, it could be damaging for the environmental safety of the project if aspects of the project change. Mr. Eldredge stated that the memo is general enough and only sets forth principles with which the board wants the applicant to adhere to. Motion failed (4-3).

Ms. Gartner motioned that the applicant works with the township highway department regarding delivery limitations, if Porten Road is the access point. Mr. Eldredge seconded the motion. Ms. Gartner stated that members of the public expressed concern over construction traffic and congestion on Porten Road. It was suggested by the applicant to work with the road district to set limitations on when deliveries can be made. Mr. Jurs, Mr. Schnable and Mr. Eldredge stated that the road district has jurisdiction over the road and the condition would be unenforceable. Ms. Gartner withdrew the motion.

Mr. Kosin motioned to add a condition that the DAS Weather Station be added to the public weather network, meaning that all persons in that area who are monitoring weather would be able to have access to the scientific information that is coming from the DAS Weather Station. Ms. Beverly seconded the motion. Mr. Kosin stated that the information provided by the DAS Weather Station can be beneficial to the local area and add to the database used by Washington State University. Ms. Beverly stated that the motion is outside the scope of the Illinois Solar Siting Act. It is not appropriate for this board to approve that. Motion failed (1-6).

Mr. Eldredge motioned acceptance of the conditions as amended. Mr. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge motioned acceptance of the petition subject to the conditions. Ms. Gartner seconded the motion. Mr. Eldredge stated that the applicant has met the standards of Illinois state law. Pivot is one

of the better petitioners in this regard. It is the public policy of the state and the county to promote solar energy and this application has met all of the qualifications.

Ms. Gartner stated that Pivot Energy is a good neighbor, and they own and operate their own facilities. They will be accessible to correct any problems.

Mr. Kosin stated that the petition was properly noticed and that the Federal Migratory Bird Act, which governs the flight of birds, has not found commercial solar energy facilities to be a danger to birds.

Ms. Beverly stated that the property value study is on page 152 of the PEIL document that is on the county meeting portal page. The study details multiple solar farms in Rockford in Winnebago County, abutting residential areas like this application. The Winnebago Assessor says that there has not been a change in property value. The future land use designation shows as residential. The landowner testified he had tried to sell it for residential development with no interest. The solar project will preserve the condition of the land for thirty (30) plus years and your neighbors will be bees and sometimes sheep.

Ms. Kooistra stated that Pivot Energy goes above and beyond just to be a good neighbor. They donate to not-for-profit organizations, when not required, and they take into consideration neighbor comments.

Motion carried (7-0).

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The property is zoned "A-1" Agricultural.
- All state standards have been met.

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

14. MOTIONS: Mr. Eldredge motioned to add a condition that the petitioner shall be required to explore the feasibility of a construction access opposite Lamphere Road on Roberts Road. And if feasible, use that as a temporary access during the construction period. Mr. Schnable seconded the motion. Motion carried (5-2).

Mr. Eldredge motioned that the applicant conforms to the recommendations of the Water Resources Division memo, dated July 24, 2024, and follow those recommendations to the extent feasible. Ms. Gartner seconded the motion. Motion failed (4-3).

Ms. Gartner motioned that the applicant work with the township highway department regarding delivery limitations, if the Porton Road is the access point. Mr. Eldredge seconded the motion. Ms. Gartner withdrew the motion.

Mr. Kosin motioned to add a condition that the DAS Weather Station be added to the public weather network, meaning that all persons in that area who are monitoring weather would be able to have access to the scientific information that is coming from the DAS Weather Station. Ms. Beverly seconded the motion. Motion failed (1-6).

Mr. Eldredge motioned acceptance of the conditions as amended. Mr. Gartner seconded the motion. Motioned carried (7-0).

Mr. Eldredge motioned recommending 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:

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 Pivot Energy, dated July 11, 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 April 16, 2024 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.
10. Petitioner shall be required to explore the feasibility of a construction access opposite Lamphere Road on Roberts Road, and if feasible, use as temporary access during the construction period.

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: #2024-037

PINs: #15-29-200-053, #15-29-200-043, and #15-29-426-005

Address: 302 Porten Road, Island Lake, Illinois

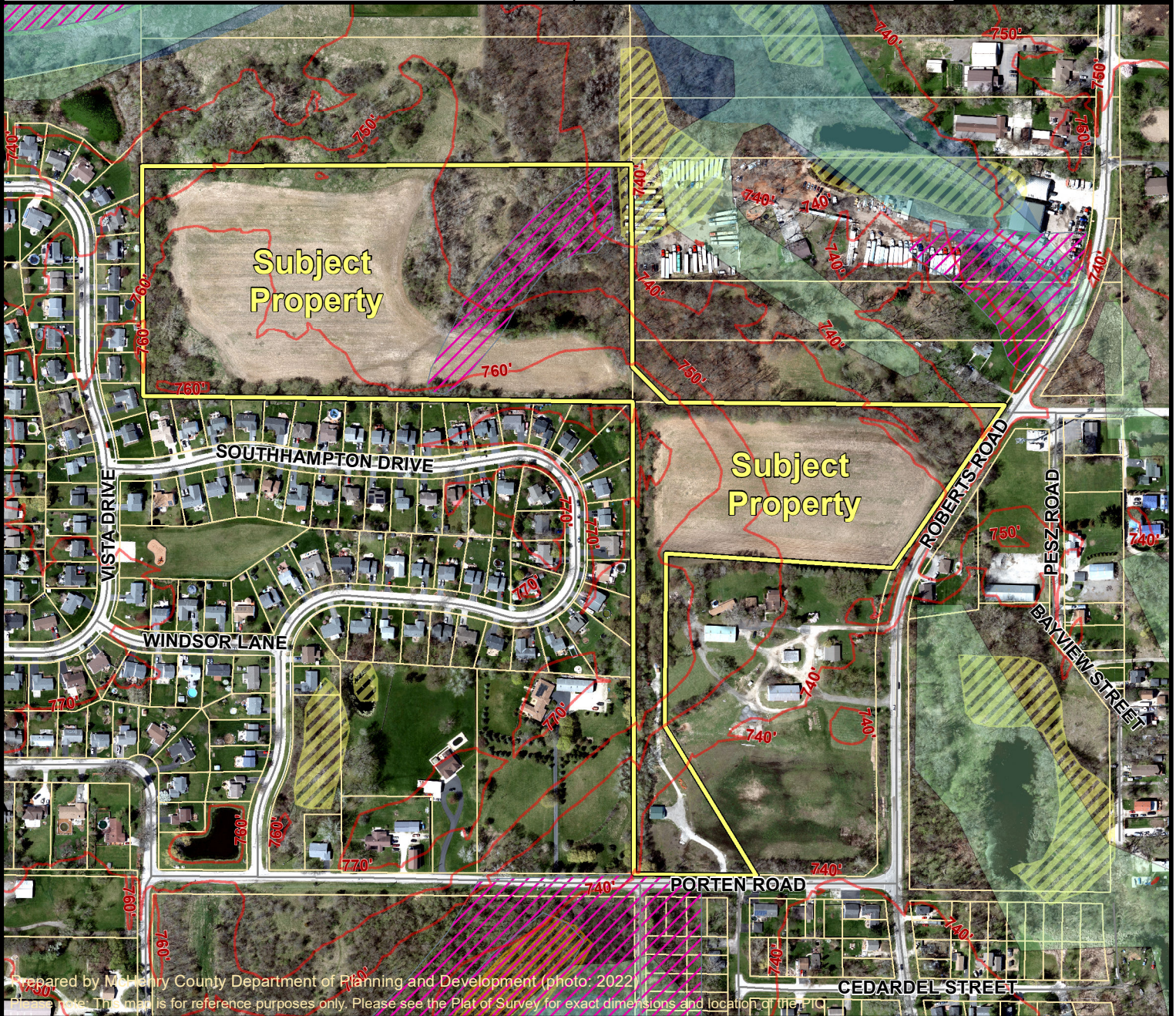
Location: The property consists of approximately 31.2 acres and is located on the north side of Porten Road and west side of Roberts Road in Nunda Township, Illinois.

Hearing: July 24, 2024

Applicant: Pivot Energy IL 78 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)

Disclaimer: 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

ADID Wetland Map 2005

- High Functional Value Wetland (hfw)
- High Quality Wetland (hqw)
- Wetland (w)
- Farmed Wetland (fw)

NRCS Wetlands



Historic Flood Zone



Feet
200 100 0 200 400
1 inch equals 400 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 thirty-one and two-tenths (31.2) acres and is zoned A-1 Agriculture District. According to aerial photography, the subject property is currently in agricultural production, with a portion of the area covered in trees.

According to the narrative, the applicant is proposing a 3-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 single-family residential uses to the north, south, east, and west, transportation/communication/utilities (wastewater treatment facility) to the north, agriculture to the south, and commercial to the east. The surrounding zoning consists of A-1 Agriculture District to the north, east, and south, B-1 Business District to the east, R-1 Single-Family Residential District to the south, and the Village of Island Lake to the west.

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 (#24-052-4608) indicates that the LE score is 76 out of a possible 100 regarding soils for crop production. This is due, in part, to approximately 54.7% 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 offered recommendations for actions to be taken to avoid adversely impacting the Cotton Creek Class 3 Groundwater area and Blanding's Turtles. They determined that adverse impacts to the Cotton Creek Marsh INAI & Cotton Creek Marsh Nature Preserve and Kim Rail & Osprey were unlikely. The Department further offered specific conservation measures to be considered in order to help protect native wildlife and enhance natural areas in the project area. Consultation was closed.

"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 Pivot Energy, dated June 20, 2024, and received by the Department of Planning and Development on June 21, 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 April 16, 2024 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.

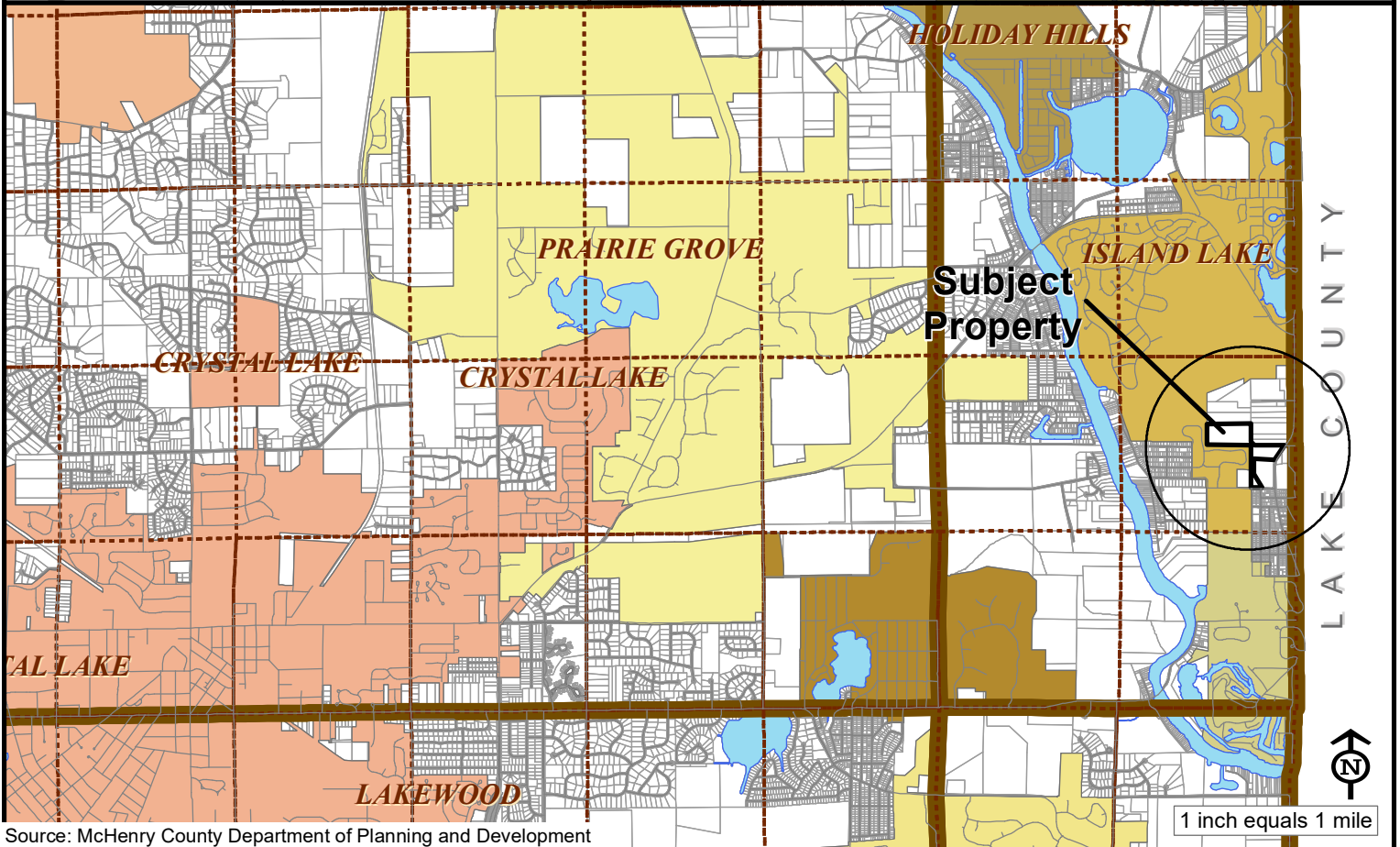
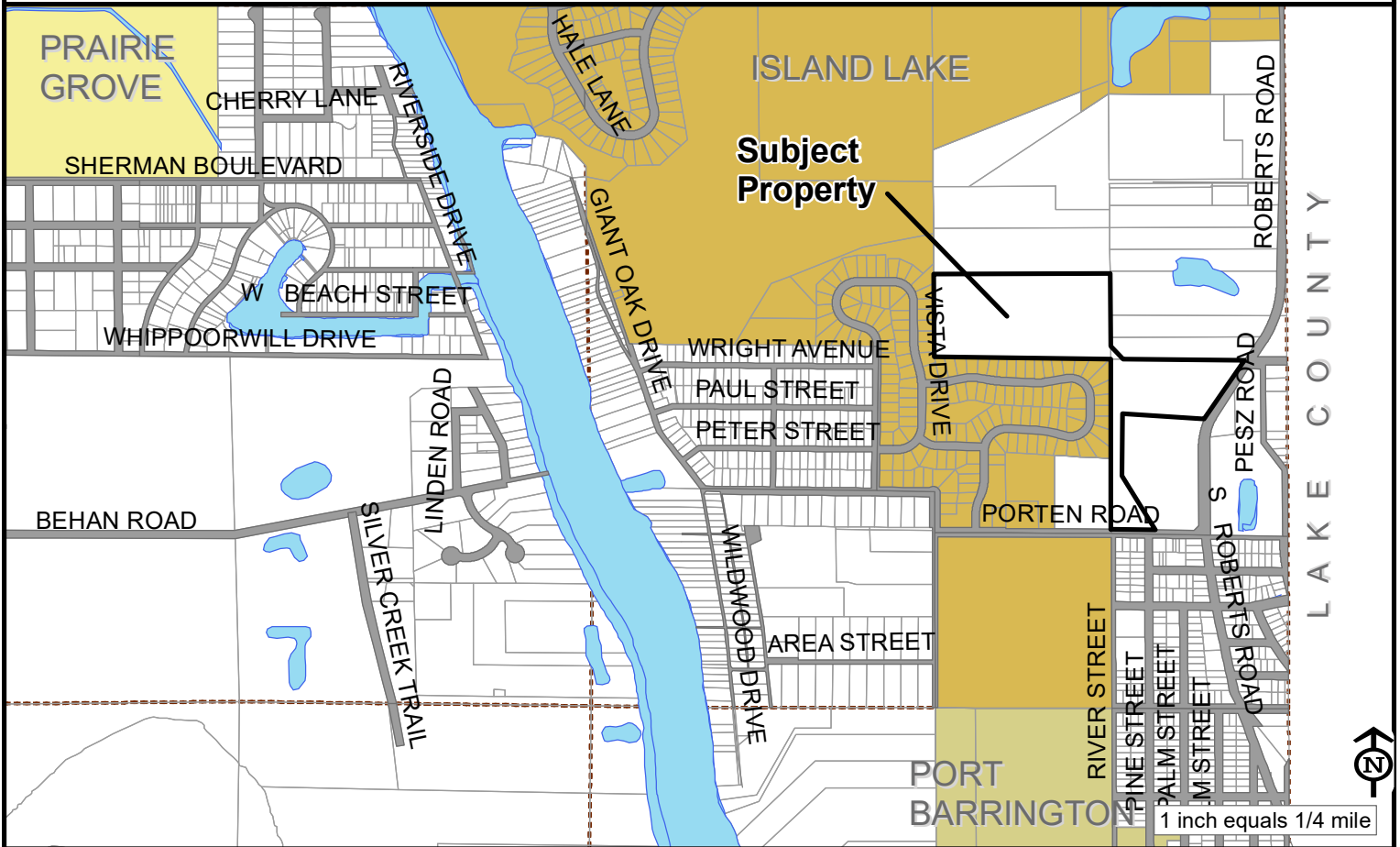
a. The COMMERCIAL SOLAR ENERGY FACILITY shall be considered abandoned if the operator fails to pay rent as specified in the Agricultural Impact Mitigation Agreement, or it ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided 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:

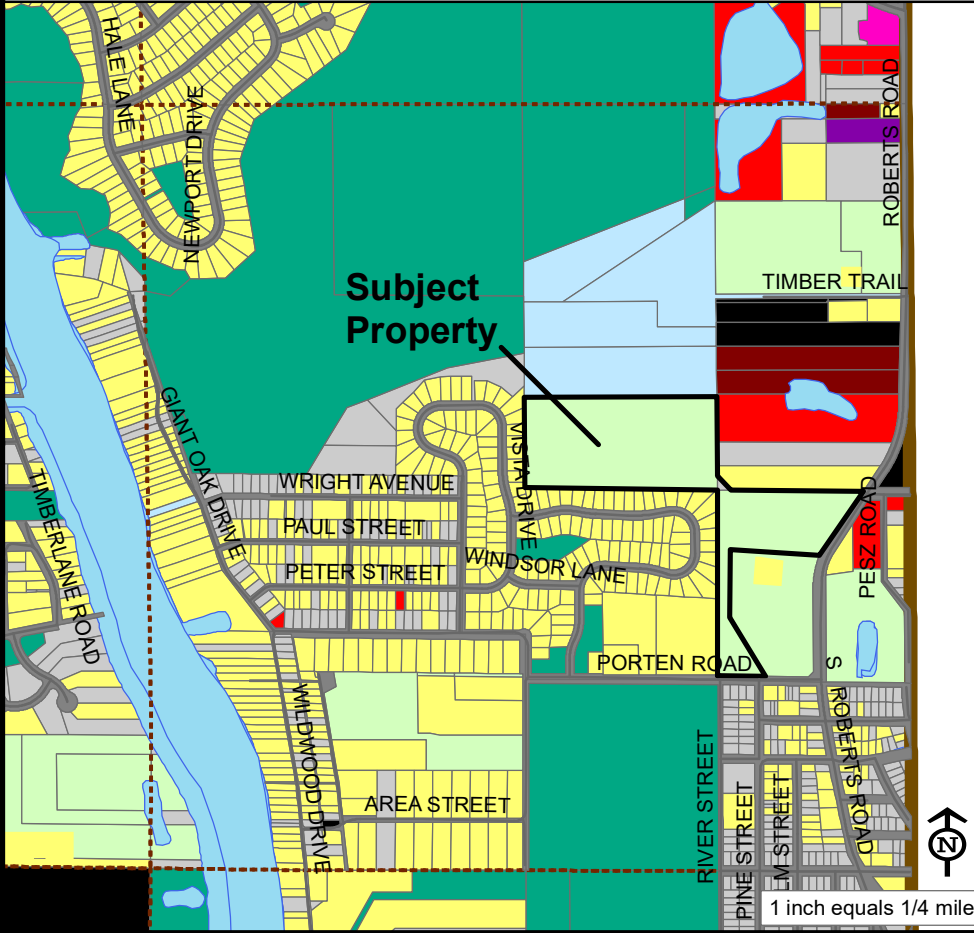
a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, 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

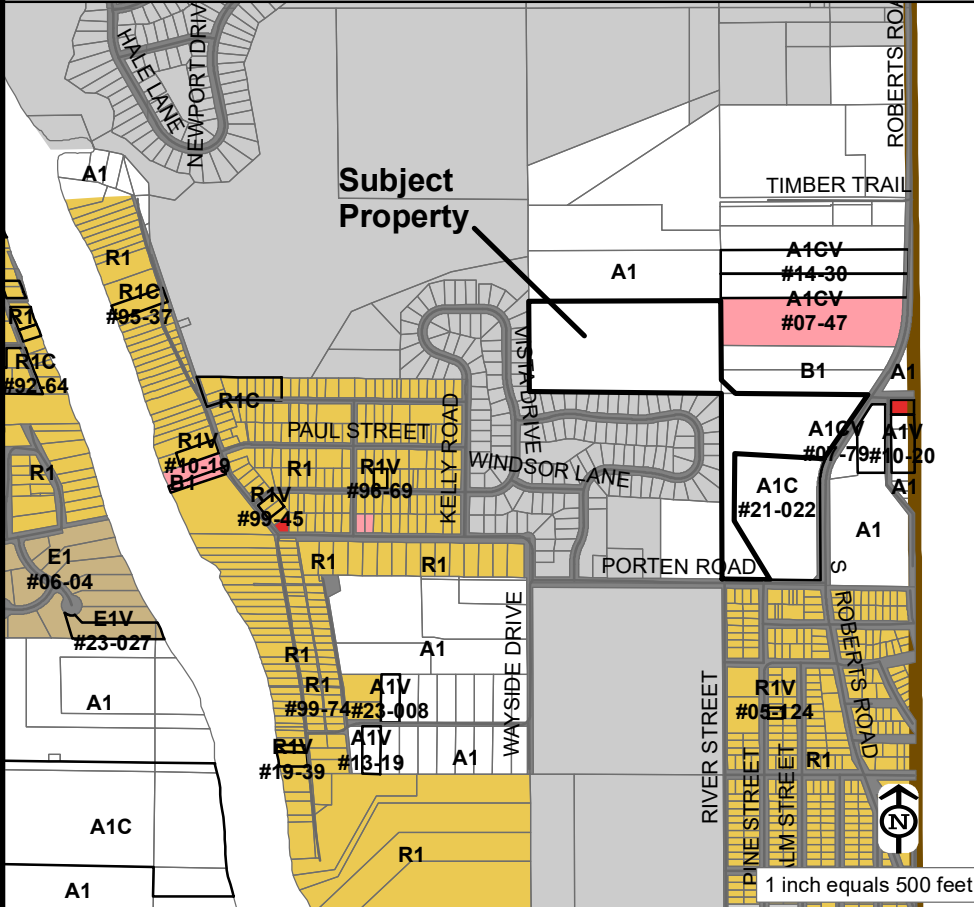


Current Land Use
 Agriculture

Adjacent Land Use(s)
 North: Transportation, Communication, Utilities and Single-Family Residential
 South: Single-Family Residential, Vacant, and Agriculture
 East: Commercial, Vacant, and Single-Family Residential
 West: Single-Family Residential

- 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

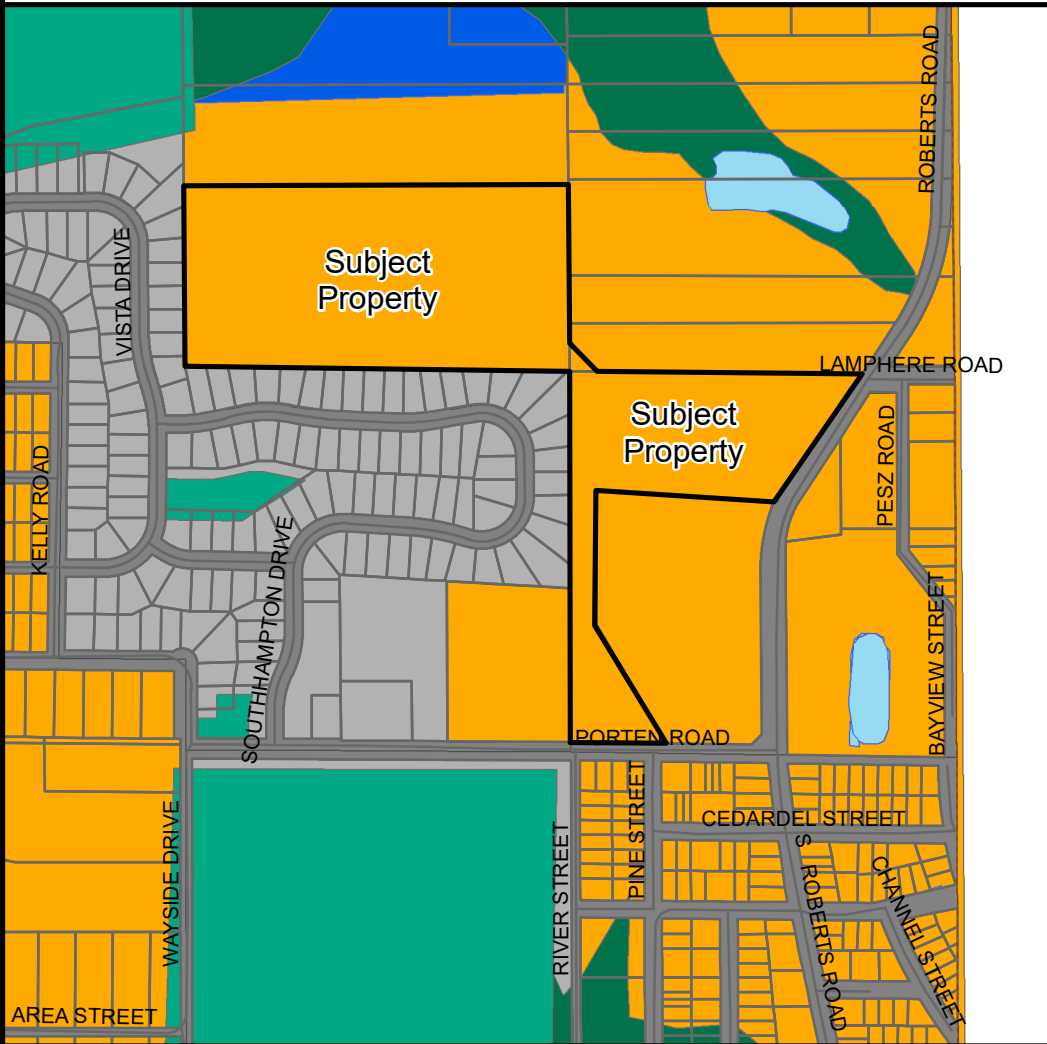


Current Zoning
 A-1 Agriculture

Adjacent Zoning
 North: A-1 Agriculture
 South: Vlg of Island Lake, A-1 Agriculture, and R-1 Single-Family Residential
 East: B-1 Neighborhood Business and A-1 Agriculture
 West: Vlg of Island Lake

- 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

Nunda Township: Proposed Open Space

Island Lake: Existing Land Uses

Oakwood Hills: No Designation

Port Barrington: No Designation

Prairie Grove: No Designation

McHenry County 2030 Comprehensive Plan — Text Analysis

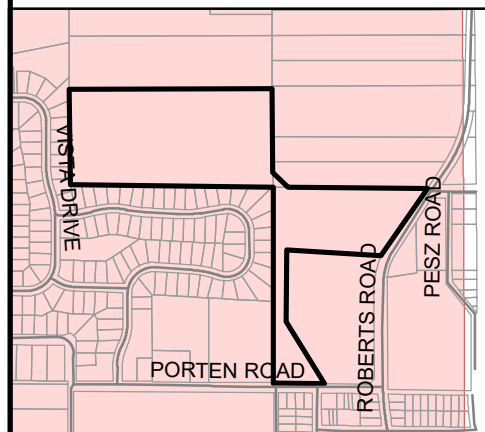
Land Use

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

SITE NOTES

1. THERE WILL BE 24/7 UNSCORTED ACCESS TO COMED EQUIPMENT TO BE LOCATED WITHIN THE PROPERTY WITH TECHNICAL DETAILS AND LOCATION OF PRIMARY METER.
2. CUSTOMER OWNED POLES WILL BE A MINIMUM OF 30' FROM SOLAR MODULES.
3. ALL POLES WILL BE MINIMUM 25' APART UNLESS NOTED OTHERWISE.

50' PROPERTY SETBACK
20' PITCH
20' MIN. FENCE CLEARANCE

TREE REMOVAL (APPROX. 8.00 ACRES)

EQUIPMENT PAD
• (18) INVERTERS
• (1) AC COMBINER PANEL
• (1) CUSTOMER-OWNED PRODUCTION METER
• (1) AC DISCONNECT
• (1) AC SWITCHGEAR
• (1) DAS & WEATHER STATION
• (1) PAD MOUNTED CUSTOMER OWNED STEP-UP XFMR (2500KVA)

EQUIPMENT PAD
• (6) INVERTERS
• (1) AC COMBINER PANEL
• (1) CUSTOMER-OWNED PRODUCTION METER
• (1) AC DISCONNECT
• (1) AC SWITCHGEAR
• (1) DAS & WEATHER STATION
• (1) PAD MOUNTED CUSTOMER OWNED STEP-UP XFMR (1000KVA)

UNDERGROUND MV RUN FROM STEP-UP XFMR TO RISER ~1800'

EXISTING VEGETATION TO REMAIN WITH ADDITIONAL SCREENING (PER MCHENRY COUNTY SECTION 16.56.030 PP.2, 4.) TO BE ADDED IN SPARSE AREAS AS NEEDED.

APPROX. EDGE OF NON-PARTICIPATING RESIDENCES

150' SETBACK FROM NON PARTICIPATING RESIDENCES

PROPOSED ENTRANCE GATE

SOUTHAMPTON DR

TREE REMOVAL / TRIMMING AS NEEDED FOR CONSTRUCTION OF THE ACCESS ROAD (APPROX. 0.5 ACRES)

POLE MOUNTED EQUIPMENT
• CUSTOMER POLE #2: CUSTOMER RECLOSER
• CUSTOMER POLE #1: MAIN GENERATOR DISCONNECT
• POINT OF COMMON COUPLING (POCC)
• UTILITY POLE #2: PRIMARY METER
• UTILITY POLE #1: UTILITY RECLOSER

EXISTING OVERHEAD ELECTRIC LINE

EXISTING GRAVEL ROAD TO BE IMPROVED AS NECESSARY

POI: EXISTING 30' COMED DISTRIBUTION POLE (4.2.259612, -88.202306)

OVERHEAD MV RUN FROM RISER TO POI ~650'

SITE ACCESS OFF EXISTING GRAVEL ROAD (MINIMUM 20' WIDE)

RISER POLE (SWITCH FROM UGE TO OHE)

150' SETBACK FROM NON PARTICIPATING RESIDENCES

PROPOSED VEGETATIVE SCREENING TO BE ADDED WHERE INSUFFICIENT EXISTING VEGETATION IS LACKING ON PARCEL IN QUESTION

PARCEL BOUNDARY

PROJECT FENCE 8' GAME FENCE

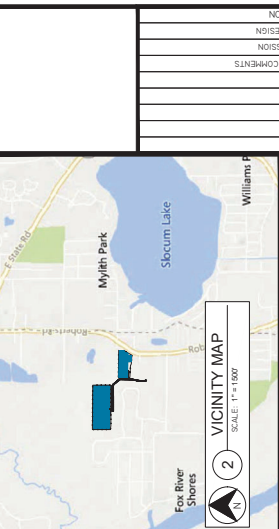
ROBERTS RD

VISTA DR

PORTEN RD

WILLIAMS F

STOCUM LAKE



SYSTEM SPECIFICATIONS

- SYSTEM SIZE: 4112.03KWdc, 7.3000MWac
- PV MODULE (7545) TALESUN BIPRO TD072R-54P 545W
- INVERTER (1) SUNBELT 15000-10000
- TRACKING: (3) AT1 DATABACK SINGLE-AXIS TRACKER
- GROUND COVERAGE RATIO: 0.38
- FENCED/LEASED AREA: 18.04ACRES

SITE SPECIFICATIONS

- PARCEL ID: 15-29-4-26-005, 15-29-200-053, & 15-29-200-043
- ZONING SETBACKS: 50' FROM NON PARTICIPATING RESIDENCES
- UTILITY, COMED 150' FROM NON PARTICIPATING RESIDENCES
- INTERCONNECTION SERVICE VOLTAGE: 12KV
- ASHRAE 2% AVG HIGH TEMP: 32°C
- ASHRAE EXTREME LOW TEMP: -24°C

REV	DATE	DRWN	DESCRIPTION
0	2024.09.27	JCL	FINAL PRIMARY DESIGN
1	2024.09.29	JCL	ZONING SUBMISSION
2	2024.06.20	JCL	ZONING SUBMISSION COMMENTS

THIS DOCUMENT IS THE PROPERTY OF PIVOT ENERGY & IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC INFORMATION CONTAINED HEREIN. NO OTHER DOCUMENT SHALL BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE WRITTEN CONSENT OF PIVOT ENERGY.

1601 MEWATTA ST, SUITE 700
DENVER, CO 80202
888-726-2033

Pivot Energy

DATE: 2024.09.20
HCHENRY, IL 60042
(42.262679, -88.201845)

11L078-ROBERTS RD-PESZ
ARRAY PLAN
E100

LEGEND

- ACCESS ROAD
- AREA OF INTEREST
- HIGH VOLTAGE OVERHEAD ELECTRICAL LINES
- MEDIUM VOLTAGE OVERHEAD ELECTRICAL LINES
- LOW VOLTAGE OVERHEAD ELECTRICAL LINES
- LOW VOLTAGE ELECTRICAL LINES
- FENCE LINE
- PARCEL BOUNDARY
- FIRE ACCESSWAYS
- FLOOD PLAN
- OBSTRUCTIONS
- SETBACKS
- TREE REMOVAL
- EXISTING VEGETATIVE BUFFER TO REMAIN
- WETLAND AREA

McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT

24-052-4608

May 23, 2024



This report has been prepared for:
Pivot Energy (Project: PE IL 78)

Contact Person:
Lauren Gelmetti

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

1648 S. EASTWOOD DR.

WOODSTOCK, IL 60098

PHONE: (815) 338-0444

www.mchenryswcd.org

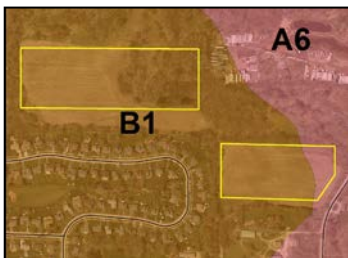
The McHenry-Lake County Soil & Water Conservation District
is an equal opportunity provider and employer.

EXECUTIVE SUMMARY OF NRI REPORT #24-052-4608

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:



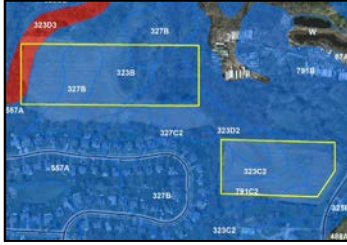
Aquifer Sensitivity Map (*This is the area beneath the soil profile down to bedrock)

The Geologic features map indicates the parcel is comprised of 1.02 acres of A6 and 14.77 acres of B1 geologic limitations. A6 has a high contamination potential and B1 has a moderately high contamination potential.



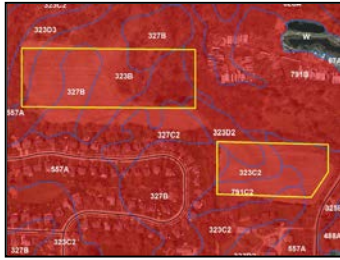
Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology).

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 15.3 acres or 96.7% of the parcel has a moderate leaching potential (identified in blue) for fertilizers (includes household use) identified. Additionally, 0.5 acres or 3.3% of the parcel was identified as high potentials (identified in red).



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 the entire parcel contains highly permeable soils.

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

Erosion Ratings

The NRCS Soils Survey indicates 4.3 acres or 27.6% of the parcel contains Highly Erodible Soils. 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 8.6 acres or 54.7% of the parcel is comprised of prime farmland soils (identified in green).

Hydric Soils

The NRCS Soil Survey indicates there are no hydric soils on the parcel.



Ground Based Solar Arrays

The NRCS Soils Survey indicates 5.7 acres or 63.9% of the parcel has severe limitations for Soil Anchored Solar Arrays (identified in red). The reason for the limitation can be found on page 27 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 the parcel has not previously flooded.

Wetland Information:**USDA-NRCS Wetland Inventory**

The NRCS Wetlands Inventory identifies 1.51 acres of non-inventoried soil with hydric inclusions (identified in blue) on the parcel.

ADID Wetland Inventory

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

Cultural Resources: None identified.



Preserved or Recognized Ecological Sites: Office maps indicate Cotton Creek Marsh, an Illinois Natural Areas Inventory Site, McHenry County Natural Area Inventory Site, and Illinois Nature Preserve, partially owned by McHenry County Conservation District, is northwest of the parcel.



Woodlands: The McHenry County Conservation District's Remnant Oak Woodland Study identifies an oak woodland in the northeast corner of the parcel.

*The Array Plan, prepared by Pivot Energy, dated 9/27/2023, indicates the oak woodland area will be completely removed and panels are planned for this area. Existing mature trees should be preserved whenever possible. Woodlands provide many benefits such as wildlife habitat, erosion control, air and water quality improvements, as well as aesthetic values. We strongly discourage the removal of this woodland.

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 76. A Site Assessment was not completed due to the remaining agricultural Zoning.

ADDITIONAL CONCERNS

It is recommended that areas between panels and within the buffers, should 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 in accordance with the Illinois Department of Natural Resources and McHenry County requirements.

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



NATURAL RESOURCE INFORMATION REPORT (NRI)

NRI Report Number	24-052-4608	
Applicant's Name	Pivot Energy (Project: PE IL 78)	
Size of Parcel	16 acres	
Zoning Change	A-1 Conditional Use for Solar Facility	
Parcel Index Number(s)	15-29-426-005, 15-29-200-053	
Common Location	Undefined	
Contact Person	Lauren Gelmetti	
<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**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271

www.dnr.illinois.gov

April 16, 2024

Brittney Krebsbach
Senior Manager
444 W Lake St
#1700
Chicago, MN 60606

**RE: Pivot Energy IL 78 LLC
Consultation Program
EcoCAT Review #2413224
McHenry County**

Dear Ms. Krebsbach:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The proposed action consists of a 3MW Solar Array (approx. 16 acres) in McHenry County, IL.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Class 3 Groundwater (C3GW)

Cotton Creek Marsh

Illinois Natural Areas Inventory (INAI)

Cotton Creek Marsh

Illinois Nature Preserves Commission Lands

Cotton Creek Marsh Nature Preserve

State Threatened or Endangered Species

Blanding's Turtle (*Emydoidea blandingii*)

King Rail (*Rallus elegans*)

Osprey (*Pandion haliaetus*)

Due to the project scope and proximity to protected resources, the Department offers the following comments and recommends the following actions be taken to avoid adversely impacting listed species and protected natural areas in the vicinity of the project:

Cotton Creek Class 3 Groundwater

EcoCAT indicates this project falls within the Cotton Creek Groundwater recharge area, which protects the integrity of the Cotton Creek Marsh Nature Preserve. Class 3 Groundwaters are groundwaters that are particularly sensitive and ecologically vital. The modification of groundwater quality and quantity which may affect conditions within a Nature Preserve is prohibited. The Department recommends:

- Use the lightest weight equipment possible to complete the job.
- Balloon or large tires should be used whenever possible to reduce compaction.
- Disc site upon completion to de-compact the surface after final soil is placed to ensure good infiltration.
- Naturalized permeable basins and swales should be part included in the design.

Cotton Creek Marsh INAI & Cotton Creek Marsh Nature Preserve

The Department has determined that adverse impacts to these areas are unlikely.

Blanding's Turtle

EcoCAT has indicated records for the state-listed Blanding's Turtle in vicinity of the project area. The Department recommends all construction on the project occur during the Blanding's Turtle's inactive season from approximately November 1st to March 1st. If construction must occur during the active season, the Department recommends the following measures:

- Educate personnel working on site about the Blanding's Turtle. Post photos of juvenile and adult turtles at a central location.
- Install exclusionary silt fence by the end of March and maintain it through October to prevent turtles from entering the construction area.
- Conduct daily inspections during construction to ensure that exclusionary fencing is properly installed (dug into the ground) and to check if turtles are present.
- Trenches should be covered at the end of each workday. Before each workday, trenches and excavations should be inspected to ensure no turtles (or other amphibians and reptiles) have become trapped within them.
- Exclusionary 6-inch curbing around parking lot areas should be incorporated into project plans to prevent any turtles from entering parking lots and being crushed by vehicles.
- If Blanding's Turtles are encountered, crews should stop work immediately, allow the turtle to move out of the way and contact the Department.

King Rail & Osprey

The Department has determined that adverse impacts to these species are unlikely.

Given the above recommendations are adopted, the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action 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 project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

The Department also offers the following conservation measures be considered to help protect native wildlife and enhance natural areas in the project area:

- The Department strongly recommends that the project proponent 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 have a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Woven wire or a suitable habitat wildlife friendly fence should be used. Barbed wire should be avoided.
- If tree clearing is necessary, the Department recommends removing trees between November 1st and March 31st to avoid impacts to the state-listed bats and birds.
- Required night lighting should follow International Dark-Sky Association (IDA) guidance to minimize the effect of light pollution on wildlife.

Please contact me with any questions about this review.

Sincerely,

A handwritten signature in black ink that reads "Bradley Hayes". The signature is written in a cursive, flowing style.

Bradley Hayes
Manager, Impact Assessment Section
Division of Real Estate Services and Consultation
Office of Realty & Capital Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
Bradley.Hayes@Illinois.gov
Phone: (217) 782-0031

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Okay, it's been moved and seconded that we accept these conditions. I will call for the vote. Okay, the vote on the conditions. Mr. Eldridge.

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

I'll vote yes.

Linnea Kooistra:

So the conditions are approved. Seven to zero. At this time I would accept a motion.

Charles Eldredge:

Madam Chairman. I move acceptance of the petition subject to the conditions.

Vicki Gartner:

I'll second.

Linnea Kooistra:

Move by Mr. Eldridge. Seconded by Ms.Gartner. Discussion Mr. Eldridge.

Charles Eldredge:

I believe that the petitioner has met the standards of the Illinois state law. I think that the Pivot is one of the better petitioners we have in this regard. I understand that a great many people in the community would prefer that this not be in the location, but I think that a lot of their fears are overblown. I would ask Pivot to follow the community's desires in terms of screening to the very most that they possibly can. And in particular, screening, not removing screening between the community and the truck. Parking I think is something that is going to be essential if they wish to be good neighbors. Having said that, it is the public policy of the state and the county to promote solar energy and I believe that this has met all of the qualifications and therefore I feel obligated under the law to support the petition.

Linnea Kooistra:

Ms.Gartner?

Vicki Gartner:

I agree. I think that when I first saw the information for this petition, it was the one solar farm. I would've said no because it's too close to homes because it has a lot of trees that have to be removed. I want to thank Brittany and Liz for their presentation. They're very well informed. They have answers that they know we are going to ask, that you are going to ask and they always come prepared. I do believe that Pivot is a good neighbor and I do believe that having a solar farm in your backyard is not anybody's desire. I get that. I really do. I used to live in back of a landfill. I understand.

However, as a neighbor, a solar farm is not that bad. It's pretty passive. It's quiet. You're used to looking at rows of the crops, you're going to be looking at rows of panels. Not all that different. I have to say property values. There are studies that go both ways. Nobody really can say distinctly. If property values will go up or down or stay the same, nobody really knows. I tend to think that it's not going to change property values very much. The landfill did not change my property value at all.

In any case, I would again, as I did before, encourage Pivot to be good neighbors as they seem to be. They go to every extent they can. I would contact them if I had any particular problem and I feel confident that they're using local workers for the construction. I like the fact that they own and operate their own places and therefore they are accessible to correct any problems. So I am in favor even though I have no choice.

Linnea Kooistra:

Mr.Kosin?

Robert Kosin:

Thank you. Madam. Chairman. Before taking this position as all of us, we were subject to taking an oath and part of that oath was the recognition of the due process and one of the due processes to make sure that there is notice of this hearing. And there is through this process, not only on this applicant but on others that there is a site sign, there is a sign that is also on adjoining properties. There is also notice in the paper of which on more than one occasion, my wife points out to me that I have a meeting after reading the Northwest Herald. Also, there is a free notice site that the state maintains if one does not wish to visit their local library for a newspaper or wishes to subscribe as well as McHenry County with our tax dollars maintains a notice of this site and the adjoining property.

So those items are out there for us to be active participants and I appreciate the attendance and the comments that we have heard. One item that has been overlooked is that there are federal requirements

that even govern the actions taken by us. One is known as the Federal Migratory Bird Act, which governs the flight of birds, hither, hither, and yon. And these facilities are subject to them only to find that they have yet to provide a jeopardy to them. Not like the windows on the McCormick place or my patio window notwithstanding three or four homes across the yard from me who have rooftop solar panels.

Beyond that, I hope too that this applicant reaches out in the community outreach and not resort to just a monetary thank you. But there are many of the next generation technical students who will be asked to provide service for these who will be asked to monitor this equipment when those calls come in, however they arrive at whatever call center. Additionally, that weather station is one that at least I had not a full appreciation until the last series of events from Janesville all the way into Chicago. Any number of people in their backyards contributed is occurring and whether or not they should begin moving things out of their basement before they should be flooded. And so I'll be supporting an applicant who has fulfilled the application and the documents submitted. Thank you for your time,

Linnea Kooistra:

Mr. Schnabel.

Kurt Schnable:

I'll be supporting the petition.

Linnea Kooistra:

Ms. Beverly.

Jessica Beverly:

I'll be supporting the petition in the interest of brevity, I just had a couple of points that I wanted to reiterate. The property value study is on page 1 52 of the PEIL document that's on our meeting portal page. I would encourage you to look at it and pay special attention to Winnebago. Rockford has multiple solar farms, abutting residential areas like this and the Winnebago Assessor says that there's been no change in value. Regarding the aesthetics of being close to the truck yard. The current landowner could remove the trees without any notice or permission. As it stands now, there would be no repercussion for that. The current landowner could also put up a fence and put sheep closer than 150 feet from any property line under the permissions under our A one designation at this time. So I know that the future land designation for this is residential. The landowner testified he had tried to sell it for residential development with no interest. This will Preserve the condition of the land for 30 plus years and your neighbors will be bees and sometimes sheep. I'm in favor of this petition. Thank you.

Linnea Kooistra:

Mr.Jurs?

Thomas Jurs:

I'm in favor of the petition

Linnea Kooistra:

And I am as well. I like the fact that pivot energy goes above and beyond the minimum. They do a lot just to be a good neighbor. I like the fact that they're again, donating to not-for-profit, not required of them, but they really go to great efforts to try and be a good neighbor and to try and do it right. And so I think they will take into consideration all this brought up at this hearing and we'll continue to work with all

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parties involved to make sure that this is a good project. So I'm in favor of the request, so this time I'll call for the vote. Mr. Eldridge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Miss Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnabel?

Kurt Schnable:

Yes.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Yes.

Thomas Jurs:

Mr.Jurs? Yes.

Linnea Kooistra:

And I'll vote yes. This will go to the county board of the seven to zero vote. Improvement at this time.

PART 5 OF 5 ENDS [02:47:15]

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT

between
Pivot Energy IL 78 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).

Pivot Energy IL 78 LLC, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 3MWac Commercial Solar Energy Facility in McHenry County [GPS Coordinates: 42.262581, -88.201130], which will consist of up to 16 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 Pivot Energy IL 78 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**



By: Jerry Costello II, Director ⁴


By ~~Tess Feagans, General Counsel~~
Clay Nordiek, Deputy General Counsel

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

3/26, 2024

Pivot Energy IL 78 LLC



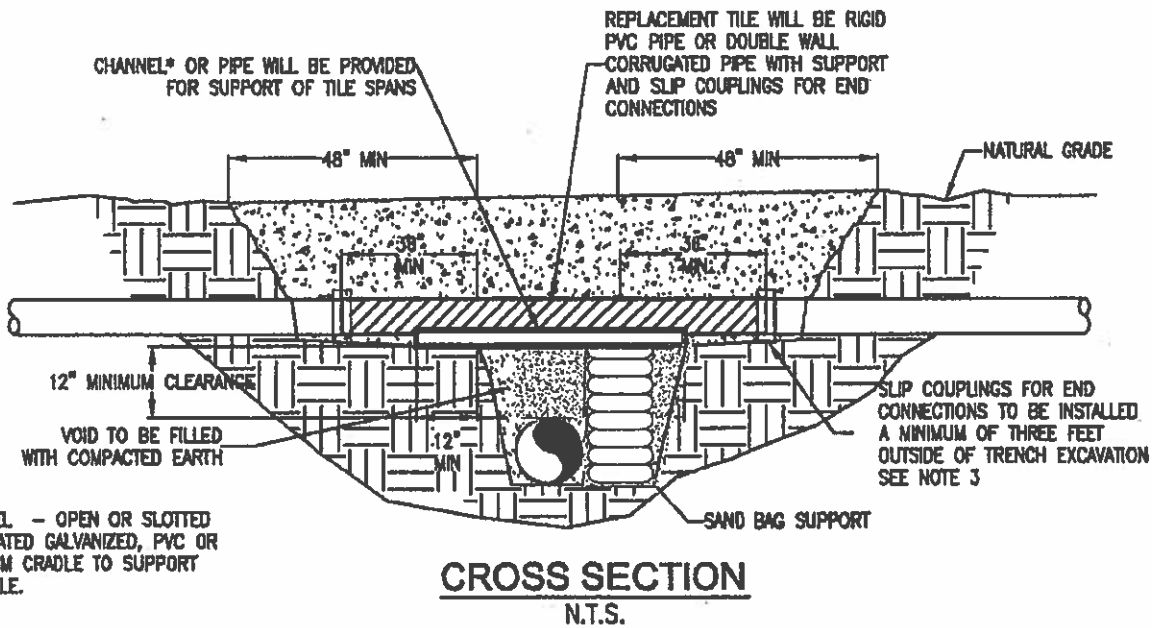
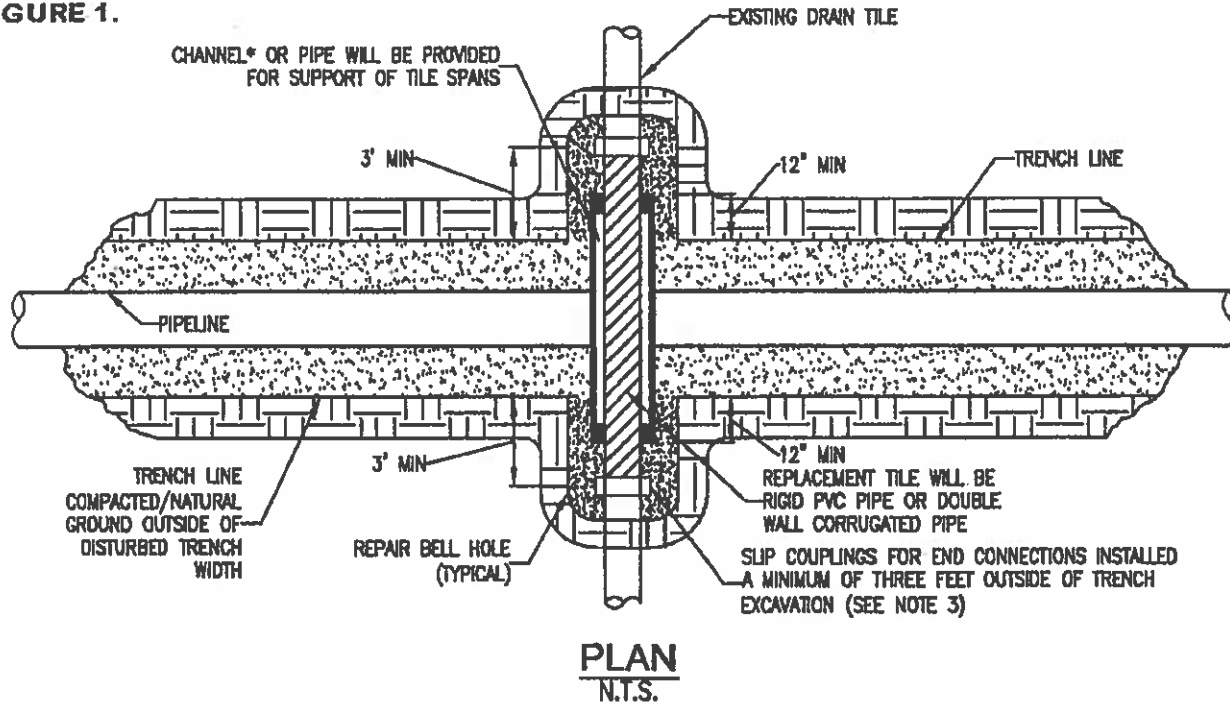
By Liz Reddington, VP

444 W Lake St #1700
Chicago, IL 60606

Address

March 19, 2024

FIGURE 1.



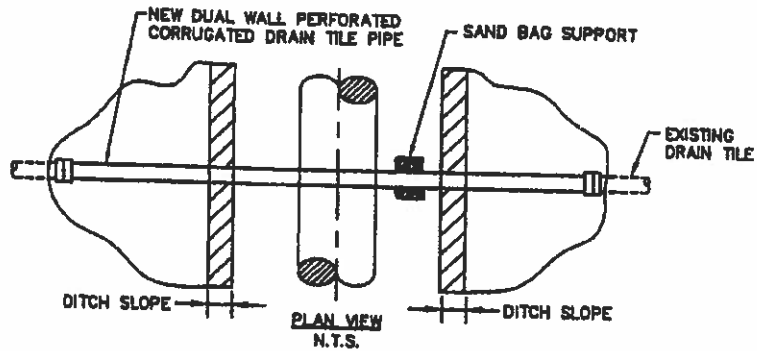
*CHANNEL - OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE TO SUPPORT DRAIN TILE.

NOTE:

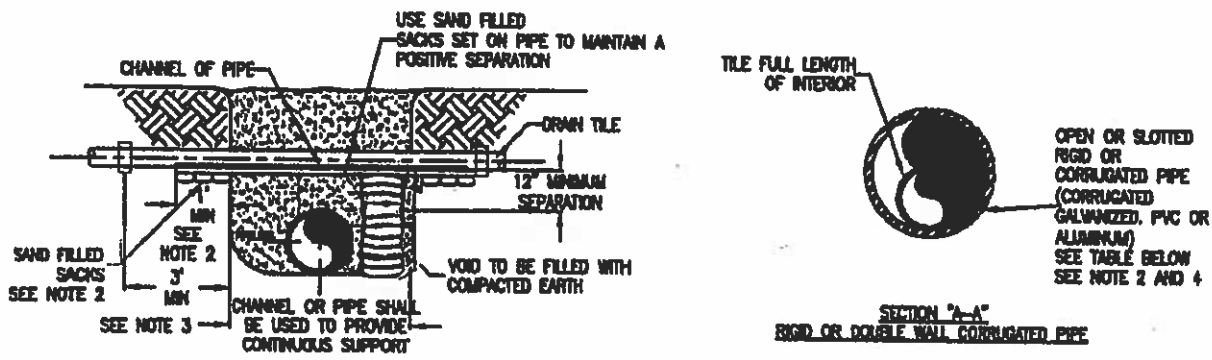
1. IMMEDIATELY REPAIR TILE IF WATER IS FLOWING THROUGH TILE AT TIME OF TRENCHING. IF NO WATER IS FLOWING AND TEMPORARY REPAIR IS DELAYED, OR NOT MADE BY THE END OF THE WORK DAY, A SCREEN OR APPROPRIATE 'NIGHT CAP' SHALL BE PLACED ON OPEN ENDS OF TILE TO PREVENT ENTRAPMENT OF ANIMALS ETC.
2. CHANNEL OR 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 #/R	4" STD. WT.
4"-5"	5" @ 6.7 #/R	6" STD. WT.
6"-9"	7" @ 9.8 #/R	9"-10" STD. WT.
10"	10" @ 15.3 #/R	12" STD. WT.

NOTE:

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