

IN THE MATTER OF THE APPLICATION OF )  
**MARZANO SOLAR LLC, APPLICANT** )  
 FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT ) Z25-0111  
 ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A )  
**CONDITIONAL USE** )

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

**A PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE POST AT THE SOUTH EAST CORNER OF SAID SECTION 26 AND RUNNING THENCE NORTH 89 1/4° WEST ALONG THE SECTION LINE 39 CHAINS 74 LINKS TO THE QUARTER POST; THENCE NORTH 1/4° WEST ALONG THE QUARTER LINE 29 CHAINS 57 LINKS TO A POST; THENCE SOUTH 89 1/4° EAST 27 CHAINS 66 LINKS TO A POST; THENCE SOUTH 22 1/4° EAST 31 CHAINS 89 LINKS TO THE PLACE OF BEGINNING IN MCHENRY COUNTY, ILLINOIS, EXCEPTING AND RESERVING THEREFROM THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 1310.6 FEET TO THE CENTER LINE OF OHNSTAD ROAD; THENCE NORTHERLY, ALONG SAID CENTER LINE, A DISTANCE OF 511.26 FEET FOR THE PLACE OF BEGINNING THENCE CONTINUING NORTHERLY, ALONG SAID CENTER LINE, A DISTANCE OF 365.54 FEET TO THE CENTER LINE OF LUCAS ROAD; THENCE NORTHEASTERLY, ALONG THE CENTER LINE OF LUCAS ROAD, A DISTANCE OF 899.0 FEET; THENCE SOUTH 22 DEGREES 15 MINUTES EAST ALONG A LINE THAT IF EXTENDED SOUTHEASTERLY WOULD INTERSECT THE SOUTHEAST CORNER OF SAID SECTION 26, A DISTANCE OF 366.89 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER LINE OF LUCAS ROAD A DISTANCE OF 641.81 FEET; THENCE SOUTHERLY ALONG A LINE THAT FORMS AN ANGLE OF 80 DEGREES 50 MINUTES TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 73.36 FEET TO A POINT ON A LINE THAT IS PERPENDICULAR TO THE CENTER LINE OF OHNSTAD ROAD AT THE PLACE OF BEGINNING; THENCE WESTERLY ALONG SAID PERPENDICULAR LINE WHICH FORMS AN ANGLE OF 91 DEGREES 26 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 393.69 FEET TO THE PLACE OF BEGINNING. BEING SITUATED IN DORR TOWNSHIP, MCHENRY COUNTY, ILLINOIS, AND CONTAINING 8.330 ACRES, MORE OR LESS.**

**PIN 13-26-400-002**

**Commonly known as 9310 West Lucas Road, Crystal Lake, Illinois, in Dorr 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 **92 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 6 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 Kimley-Horn, dated January 14, 2026.
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. Recommendations made by the Illinois Department of Natural Resources in their November 26, 2025, letter to the applicants shall be followed.
7. Fencing shall be provided in compliance with the National Electrical Code (NEC), as applicable, and shall be of a woven wire agricultural style, containing a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Fence bonding and grounding shall be in compliance with NEC 250.194 and NEC 691.11. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.
8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

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

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

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

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Kimley-Horn, dated January 14, 2026.
3. The Decommissioning Plan shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the Decommissioning Plan.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
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6. Recommendations made by the Illinois Department of Natural Resources in their November 26, 2025, letter to the applicants shall be followed.
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8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Chairperson, McHenry County Board  
McHenry County, Illinois

ATTEST:

\_\_\_\_\_  
County Clerk

NUMBER VOTING AYE: \_\_\_\_\_

NUMBER VOTING NAY: \_\_\_\_\_

NUMBER ABSTAINING: \_\_\_\_\_

NUMBER ABSENT: \_\_\_\_\_

ATTACHMENT:      OFFICIAL SITE PLAN

NO.	REVISIONS	DATE

# CULTIVATE POWER

**Kimley-Horn**  
 © 2026 KIMLEY-HORN AND ASSOCIATES, INC.  
 570 DEERLEA, L.L. #6015  
 WWW.KIMLEY-HORN.COM

**PRELIMINARY NOT FOR CONSTRUCTION**

KHA PROJECT  
 ORIGINAL DATE  
 01/14/2026  
 SCALE AS SHOWN  
 REVISION BY  
 MAM  
 CHECKED BY  
 CPC

# ZONING SITE PLAN

**MARZANO SOLAR, LLC**  
 MOHAWY COUNTY, IL

SHEET NUMBER  
**EX-1**



## LEGEND

- PROJECT BOUNDARY (PER AFE FILE, PROVIDED BY CULTIVATE ON 11/07/2025)
- ROAD CENTERLINE (TRACED PER AFEAL)
- ROAD LABEL
- PROPERTY LINE (PER MOHAWY COUNTY ZONING ORDINANCE)
- PROPERTY LINE SETBACK (PER MOHAWY COUNTY ZONING ORDINANCE)
- RESIDENTIAL STRUCTURE SETBACK (PER MOHAWY COUNTY ZONING ORDINANCE)
- EX. RESIDENCE/STRUCTURE (TRACED PER AFEAL)
- EX. OVERHEAD ELECTRIC (TRACED PER AFEAL)
- EX. UTILITY POLE (TRACED PER AFEAL)
- EX. VEGETATION AREA (TRACED PER AFEAL)
- NW WETLAND BUFFER (PER MOHAWY COUNTY STORMWATER ORDINANCE)
- NW WETLAND BUFFER (PER MOHAWY COUNTY STORMWATER ORDINANCE)
- AND WETLAND BUFFER (PER MOHAWY COUNTY STORMWATER ORDINANCE)
- FEMA FLOOD ZONE (TRACED PER MOHAWY COUNTY GIS)
- FEMA FLOOD ZONE BUFFERS (ASSUMED)
- EX. FLOW DIRECTION AND SLOPE
- EX. WELLS
- EX. WELL BUFFER
- EX. HYDROCARBON PIPELINE
- EX. PRELINE EASEMENT (ASSUMED)
- PR. FENCE
- PR. PANEL LIMITS
- PR. OVERHEAD ELECTRIC
- PR. UNDERGROUND ELECTRIC
- PR. GRAVEL ACCESS ROAD
- PR. UTILITY POLE
- PR. EQUIPMENT PAD
- PR. SOLAR ARRAY
- PR. STAGING AREA
- PR. VEGETATIVE SCREENING

## SITE DATA TABLE

PAR #S	10-26-100-002
PROPERTY OWNER	MARZANO, TR & ALI, LLC
SITE ADDRESS	3916 LUCAS RD, CRISTAL LAKE, IL, 60012
ZONING JURISDICTION	MOHAWY COUNTY, IL
PROPOSED USE	SOLAR ELECTRIC SYSTEM
PROJECT BOUNDARY AREA	284.5 ± AC
PRELIMINARY SOLAR AREA	212 ± AC
PROPERTY LINE HEIGHT	50 FT
SCREENING	E5/L3
BY TOWNSHIP	10-79
GRID COORDINATE (GCR)	335

## NOTES

- THE PREPAREDNESS OF THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY MOHAWY COUNTY TO CONDUCTING A SOLAR ENERGY SYSTEM.
- THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES, INCLUDING MOHAWY COUNTY GIS DATA. THE USER SHALL VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED.
- SUBJECT PROPERTY DOES NOT BE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL 1711100000) PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
- THE LOCATION OF PROPOSED AND EXISTING UTILITY LINES IS BASED ON RECORD DRAWINGS, FIELD SURVEY, AND AERIAL PHOTOGRAPHS. THE USER SHALL VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED.
- STORMWATER MANAGEMENT FACILITIES TO BE PROVIDED AS REQUIRED BY COUNTY AND/OR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS TO BE DETERMINED DURING FINAL ENGINEERING AND CONSTRUCTION.
- SETBACKS SHOWN ON THIS PLAN ARE BASED ON MOHAWY COUNTY ZONING ORDINANCE.
- THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR PROVIDING SITES, BARRIERS, WARNING LIGHTS, ALARM PANEL, AND OTHER SAFETY MEASURES TO PROTECT THE PUBLIC FROM TRAFFIC WHILE PROCEEDING WITH NORMAL PLAN.
- THE CONTRACTOR SHALL MAINTAIN A MINIMUM 10' CLEARANCE FROM ALL EXISTING AND PROPOSED UTILITY LINES.
- THE CONTRACTOR SHALL MAINTAIN A MINIMUM 10' CLEARANCE FROM ALL EXISTING AND PROPOSED UTILITY LINES.
- THE CONTRACTOR SHALL MAINTAIN A MINIMUM 10' CLEARANCE FROM ALL EXISTING AND PROPOSED UTILITY LINES.



Correct. Yes.

Linnea Kooistra:

Okay. Do you have a closing statement?

Marc Gershon:

Sure. I'm going to make it short just because I appreciate the questions and the comments. We, again, specifically designed the project. I think as you've heard from both your comments and from neighbor's comments, that we've met all of your requirements for it. We've tried to do it being sensitive to the area, and probably the interest is a great example of that. Moving it enough so you get the traffic distance you want, but also not moving it further so it sort of backs other things and we did that intentionally. Again, I point to all of your requirements and the conditions, but admittedly, I really appreciate. It's why I like coming to sport. You guys actually read it because you questioned me on those items, so that's ... I know you've seen them, but obviously if there's anything we have a question on, please let us know.

And with that, unless you've got anything further, we truly appreciate your time and consideration. We appreciate the neighbors who both worked with Paul up till now and who came today to speak and we look forward to moving forward and would appreciate your support.

Linnea Kooistra:

We only have six members here today and you're entitled to seven. So would you like to go ahead with a six member vote?

Marc Gershon:

We would like to go ahead. Thank you.

Linnea Kooistra:

So at this time, we'll close the hearing portion of the meeting and we'll move on to the voting portion of the meeting in the staff report. And then also they're up on the screen. You have the proposed conditions from staff. I won't read through them as long as they've been in the report and they're on the screen. Does anyone have any additions?

Vicki Gartner:

No.

Mary Donner:

No, thank you.

Linnea Kooistra:

Okay. Is there a motion to approve the proposed conditions from staff.

Vicki Gartner:

So moved.

Duane Dahlman:

Second.

Linnea Kooistra:

And Ms. Gardner, seconded by whom?

Vicki Gartner:

Duane.

Linnea Kooistra:

Second by Mr. Dahlman.

I'll call for the vote. Ms. Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Aye.

Linnea Kooistra:

Mr. Dahlman?

Duane Dahlman:

Yes.

Linnea Kooistra:

Mr. Kurnik?

William Kurnik:

Yes.

Linnea Kooistra:

And I vote yes. So the conditions are approved six to zero. At this time, I would take a motion to approve this request.

William Kurnik:

So moved, Madam Chair.

Linnea Kooistra:

Moved by Mr. Kurnik. Is there a second?

Vicki Gartner:

I'll second.

Linnea Kooistra:

Second, Ms. Gartner. Discussion, Mr. Kurnik.

William Kurnik:

I would just like to point out, as I mentioned during my questioning, pages five through 18 of the narrative that the petitioner has submitted, I think fairly and accurately demonstrate that all of the requirements of the section 16.56.030 subparagraphs PP have been complied with. Having said that, given the fact that the facts show compliance with that, we are obligated to grant the variance as grant the petition as requested. That's my only comment. It's a lot shorter than what Charlie would say.

Linnea Kooistra:

Mrs. Gartner.

Vicki Gartner:

I'll keep it short too. I appreciate the presentation that you made and the information that you gave us and the answers to our questions, because I know we ask a lot of questions. And I also want to say that this is in a pretty low impact area as far as neighbors. Yes, there are some, but this is a much lower population than a lot of them that we see. So even though this is a bigger site, this is a larger capacity than we've been seeing. But I think that this is a good place for this. And overall, I am in favor.

Linnea Kooistra:

Okay. Mr. Kosin.

Robert Kosin:

Thank you, Madam Chairman. I will not exhaust whatever remaining time is before this board, other than to say I'm very supportive of this conditional use, recognizing that it indeed fulfills the standards, but more so it provided us with a purported deep dive into both how it is accommodating the particularities of the site, the interests of the neighbors, and the use of community engagement in that regard. And for those reasons, I will be supporting that petition.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

I appreciate the professionalism of this group. Presented it well, understood by all, I think. And I agree with everyone I've heard so far. I will be in support of this petition.

Linnea Kooistra:

Mr. Dahlman?

Duane Dahlman:

I want to thank petitioner for the thoroughness and completeness of their application. A lot of information there, studied it multiple times. I'll be supporting this, but my only concern is the traffic flow along Lucas Road during construction. That's going to be a local issue and you're going to have to deal with it sometime. So thank you.

Linnea Kooistra:

And I agree with my colleagues and I believe the state and local standards in our ordinance and the state standards have been met. And so as Mr. Kurnik said, we're obligated to approve this and I think it's a good project. So I'll call for the vote. Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Aye.

Linnea Kooistra:

Mr. Dahlman?

Duane Dahlman:

Yes.

Linnea Kooistra:

Mr. Kurnik?

William Kurnik:

This transcript was exported on Mar 26, 2026 - view latest version [here](#).

Yes.

Linnea Kooistra:

And I'll vote yes. So this petition is approved six to zero and we'll go to the county board. At this time, our hearings close. Thank you, everyone.

Paul Bottum:

Thank you very much.

Calvin Carlson:

Thank you, everyone.

Paul Bottum:

Appreciate it.

Marc Gershon:

Thank you.

**MCHENRY COUNTY**  
**ZONING BOARD OF APPEALS**  
**MINUTES ● March 25, 2026**

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Zoning Hearing

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

1:30 PM

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**ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD – Z25-0111**

- 1. APPLICANT:** Marzano Solar, 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 roughly 92 acres and is located on the north side of Lucas Rd, approximately 1,200 feet west of the intersection of Lucas Rd and US Route 14 in Dorr Twp; 9310 W Lucas Rd, Crystal Lake, IL. PIN 13-26-400-002
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** March 25, 2026 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, Robert Kosin, Mary Donner, William Kurnik, Duane Dahlman
  - B. Witness: Paul Bottum, Cultivate Power, Inc.; Jenna Elliott – Engineer, Kimley-Horn; Calvin Carlson – Engineer, Kimley-Horn
  - C. Attorney: Mark Gershon
  - D. Public: Kim Scharlow – County Staff, Kit GearhartSchinske – County Staff, Nick Platta, Kate Platta, Carl Vogelsang, Jack Bragg, Greg Parkhouse, Jane Parkhouse
- 7. ITEMS OF EVIDENCE:** Power Point presentation
- 8. SUMMARY OF TESTIMONY:** Chair Kooistra opened the meeting. The board introduced themselves. Ms. Kooistra swore in the applicants, staff and the public. Mr. Gershon introduced

himself, the applicants, property owner and gave an opening statement. Mr. Bottum discussed the application and the site.

### Applicant Testimony

- Project Overview
  - Proposed community solar facility up to 4.3 MW capacity, serving ~950 homes.
  - Located on a 91-acre parcel, with 28.5 acres fenced and developed.
  - Zoned agriculture; compatible with surrounding land uses.
- Project Benefits
  - Estimated \$677,000 total tax revenue over 40-year lifespan (approx. \$23,000 annually vs. \$3,600 current).
  - Approximately \$6 million private investment (excluding interconnection costs).
  - Creation of ~20 prevailing wage construction jobs over 4–6 months.
  - Provides renewable energy and subscriber-based utility savings.
  - Temporary land use; land can return to agriculture post-decommissioning.
- Site Design & Operations
  - Dual-array layout with central access corridor for landowner use.
  - Setbacks: 50 ft from lot lines; 150 ft from non-participating residences.
  - Vegetative screening: native evergreens and shrubs; maturity within ~5 years.
  - Minimal concrete (two equipment pads only).
  - No lighting, no battery storage, and no significant tree removal (potentially one tree).
  - Noise: inverters ~67 dB at 10 meters; negligible at property boundaries.
- Infrastructure & Engineering
  - Underground electrical collection with limited above-ground cabling (cab system).
  - Interconnection requires ~0.8 miles of Commonwealth Edison line upgrades (~\$1.6 million).
  - Compliance with stormwater, floodplain, and drainage requirements; improved infiltration expected.
  - Wetlands buffered by at least 50 feet.
- AIMA (Agricultural Impact Mitigation Agreement)
  - State-mandated agreement (not negotiated by applicant).
  - Includes: Topsoil protection, Drain tile repair/replacement, Decommissioning requirements, Financial assurance (bonding up to 100% by year 11)
- Decommissioning
  - Removal within 12 months of end of life.
  - Land restored to pre-project condition.
  - Financial assurance updated every 10 years.
- Community Engagement
  - Outreach conducted to:
    - Dorr Township officials
    - City of Crystal Lake
    - Nearby residents (3 contacted)
  - Primary concern: screening/visual impact
  - Coordination with:
    - Fire Protection District (training support offered)
    - McHenry County College (potential partnership)

- Local schools (solar education program)

### Board Member Questions & Discussion

#### Location & Jurisdiction

- Confirmed project borders the City of Crystal Lake.
- City had no objections, only informational engagement.

#### Landscaping & Screening

- Clarification requested on native plant mix and compliance with county vegetation standards.
- Screening design (staggered evergreens) and initial planting height (~3–4 ft) discussed.

#### Ordinance Compliance

- Applicant confirmed:
  - Full compliance with Unified Development Ordinance.
  - Anti-glare panel coatings included.
  - Wetland impacts minimized with required buffers.

#### Noise & Operations

- Noise limited to inverters/transformers; no nighttime noise.
- Sound diminishes exponentially with distance.

#### Engineering & Utilities

- Clarification of cab (cable management) system:
  - Above-ground racking between panels; largely not visible.
  - Meets National Electric Code standards.
- Electrical efficiency and line loss considerations discussed.

#### Roads & Access

- No road use agreement required per Dorr Township.
- Access permit still required; haul route submitted.

#### Company Experience

- Cultivate Power:
  - Founded 2022
  - 6 operational projects; ~15 in development
  - Team has extensive prior industry experience

#### Ownership & Operations

- Developer may transfer project to long-term owner/operator.
- Community commitments expected to transfer with ownership.

#### Environmental & Site Conditions

- No battery storage proposed.
- Two wells identified; further verification needed.
- Stormwater impacts expected to improve conditions vs. row crops.

#### Security & Safety

- Fencing includes wildlife gap (6 inches) per IDNR guidance.
- Site monitored 24/7.
- No objection to emergency access features (e.g., Knox box).

Chair Kooistra opened the hearing to questions from the public. Members of the public asked questions about insurance coverage of the project site, drainage and duration of projected tax revenue. The applicant responded that the project site will have property insurance that is separate from the decommissioning bond; drainage will improve due to vegetation; and forty (40) years of projected tax revenue.

Staff gave their report. The subject property is zoned "A-1" agriculture district. The surrounding zoning is Agriculture to the East and South and the City of Crystal Lake to the North, East and West. The current land use is agriculture. There are agriculture uses to the North, East, South and West. There are single-family residential and communications uses by Commonwealth Edison to the South. The future land use designation is indicated as environmentally sensitive and residential.

Ms. Kooistra opened the floor to comments from the public. Members of the public expressed concern about property values and screening, traffic during construction. The applicant responded that they are prepared to add vegetative screening to any areas that are sparse on the East side.

Mr. Gershon gave a closing statement. Ms. Kooistra stated that there were only six (6) members of the Zoning Board of Appeals present and asked the applicant if they would like to proceed to a vote or schedule to a date certain with a full board of seven (7) members. Mr. Gershon stated that they would like to proceed today.

Ms. Kooistra closed the testimony portion of the hearing.

**9. SOIL AND WATER CONSERVATION DISTRICT REPORT:**

For further information refer to report number: 25-114-4775

**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.

Ms. Gartner motioned to accept the conditions as stated. Mr. Dahlman seconded the motion. Motion carried (6-0).

- No discussion followed.

Mr. Kurnik motioned to accept the petition subject to the conditions. Ms. Gartner seconded the motion. Motion carried (6-0).

- Mr. Kurnik, Mr. Kosin and Ms. Kooistra stated that all state and county standards have been met.
- Ms. Gartner stated that the subject parcel is in a good site due to lower population density.

- Mr. Kosin stated that project has addressed the specifics of the site, the interests of the neighbors.

**12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:**

- The property is zoned "A-1" Agricultural District.
- The surrounding land use for the property is mainly agricultural.
- All county and state standards have been met.

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

6 – AYES; 0 – NAYS; 0 – ABSTAIN

**GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the conditional use subject to 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 January 14, 2026.
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
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5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Recommendations made by the Illinois Department of Natural Resources in their November 26, 2025, letter to the applicants shall be followed.
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8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

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

In compliance with the McHenry County Artificial Intelligence Appropriate Use Policy, draft minutes were prepared from the official audio recording and staff notes using transcription and drafting software. Final minutes were reviewed and edited by Staff.

# Staff Report for the McHenry County Zoning Board of Appeals

**Application:** #Z25-0111

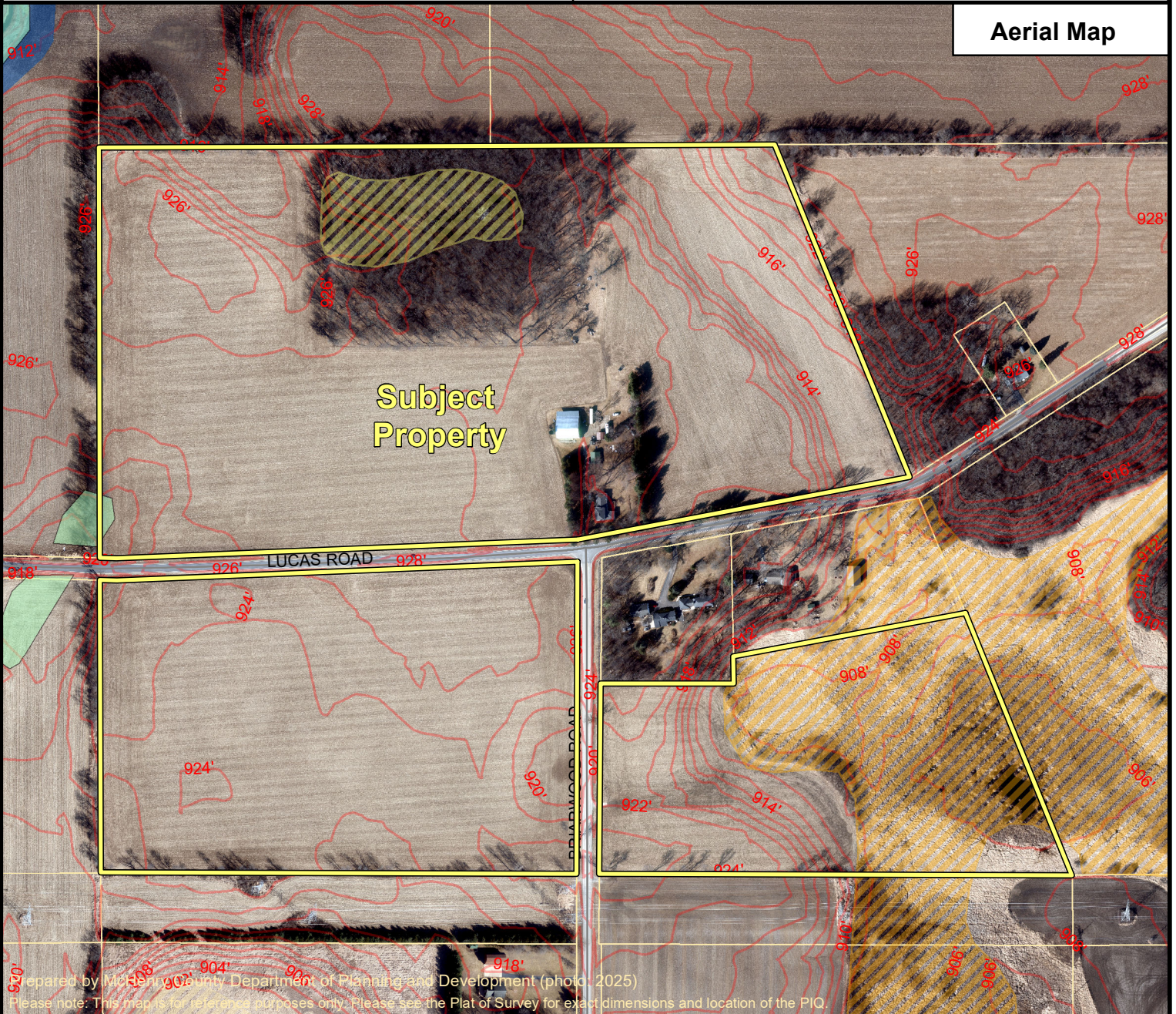
**PINs:** 13-26-400-002

**Location:** The property consists of roughly 92 acres and is located on the north side of Lucas Rd, approximately 1,200 feet west of the intersection of Lucas Rd and US Route 14 in Dorr Twp; 9310 W Lucas Rd, Crystal Lake, IL

**Hearing:** March 25, 2026

**Applicant:** Marzano Solar, LLC

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



**Aerial Map**

**Subject Property**

LUCAS ROAD

DELOWOOD ROAD

Prepared by McHenry County Department of Planning and Development (photo: 2025)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.



**Elevation**

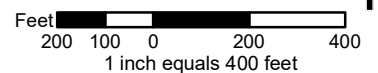
(feet above sea level)

Contours



**ADID Wetland Map 2005**

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



# 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 ninety-two (92) acres, of which approximately twenty-eight (28) acres is to be utilized for the solar facility, and is zoned A-1 Agriculture District. According to aerial photography, the property contains a residence and multiple farm buildings, as well as a wooded area. The remainder of the property appears to be in crop cultivation. The subject property is divided north from south by Lucas Road. The proposed solar array, along with all supporting equipment, is proposed to be located north of the road.

According to the narrative, the applicant is proposing a 4.3-megawatt commercial solar energy facility, enclosed by a seven (7)-foot tall security fence, per the regulations of the National Electric Code. The nearest adjacent residence on a nonparticipating parcel is over one-hundred fifty (150) feet from the proposed location of the solar array.

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

## **MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE**

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

## **STAFF ANALYSIS**

### Current Land Use & Zoning

The property is adjacent to agricultural uses to the north, east and west and agricultural and single-family residential to the south. The surrounding zoning consists of A-1 Agriculture to the south and east and the City of Crystal Lake to the north, east and 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 (#25-114-4775) indicates that the LE score is 88.50 out of a possible 100 regarding soils for crop production. This is due, in part, to approximately 87.6 percent of the parcel being designated as prime farmlands. 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 found record of potential protected resources in the vicinity of the project location – Blanding's Turtle - but concluded that adverse effects were unlikely, as long as the applicants adopted their recommendations as outlined in their November 26, 2025, letter. The endangered species 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 Kimley-Horn, dated January 14, 2026.
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. Recommendations made by the Illinois Department of Natural Resources in their November 26, 2025, letter to the applicants shall be followed.
7. Fencing shall be provided in compliance with the National Electrical Code (NEC), as applicable, and shall be of a woven wire agricultural style, containing a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Fence bonding and grounding shall be in compliance with NEC 250.194 and NEC 691.11. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.
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.

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## **16.56.030 Principal Use Standards**

**PP. COMMERCIAL SOLAR ENERGY FACILITY.** Conditional use permits for a COMMERCIAL SOLAR ENERGY FACILITY shall have no time limit, unless the use is abandoned as specified in subsection PP.4. below (COMMERCIAL SOLAR

ENERGY FACILITY: Abandonment), or the permit is revoked in accordance with § 16.20.040I. (Revocation of Conditional Use Permits).

1. Application.

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

2. Site design.

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

3. Safety.

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

4. Abandonment.

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

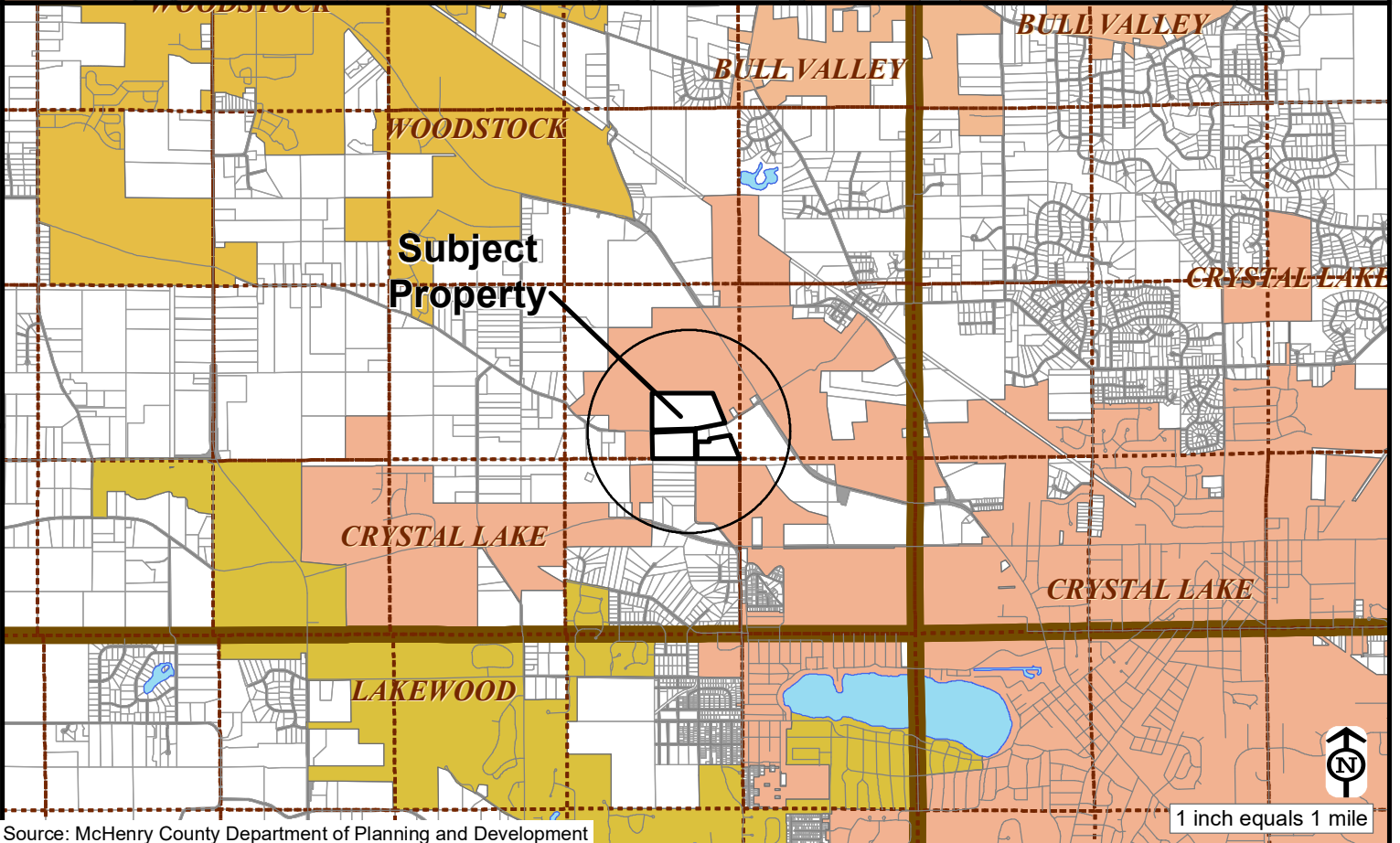
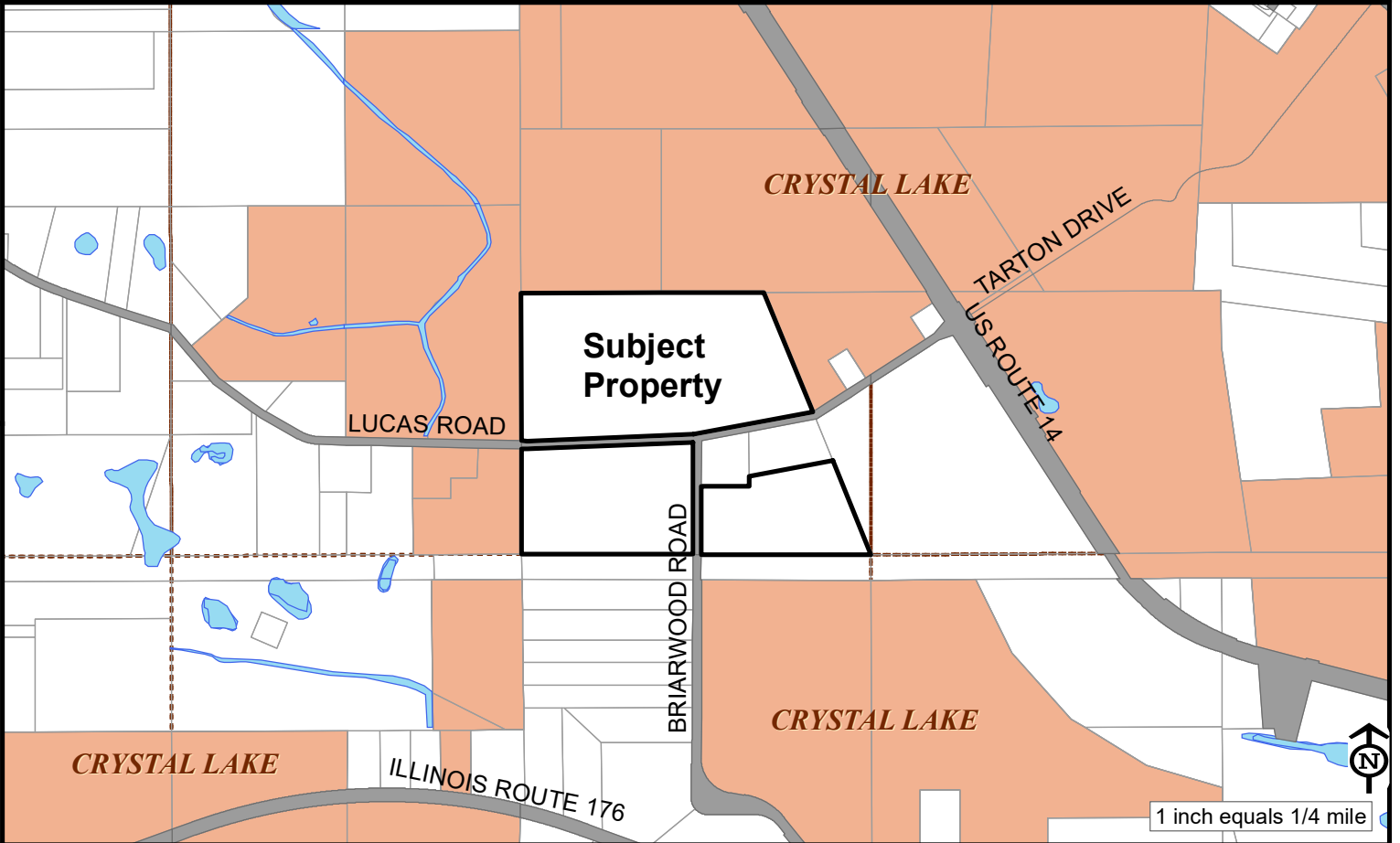
5. Decommissioning. Decommissioning and removal of the COMMERCIAL SOLAR ENERGY FACILITY shall be the responsibility of the operator upon abandonment or revocation of the conditional use permit. All operators shall comply with the following:

- a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning

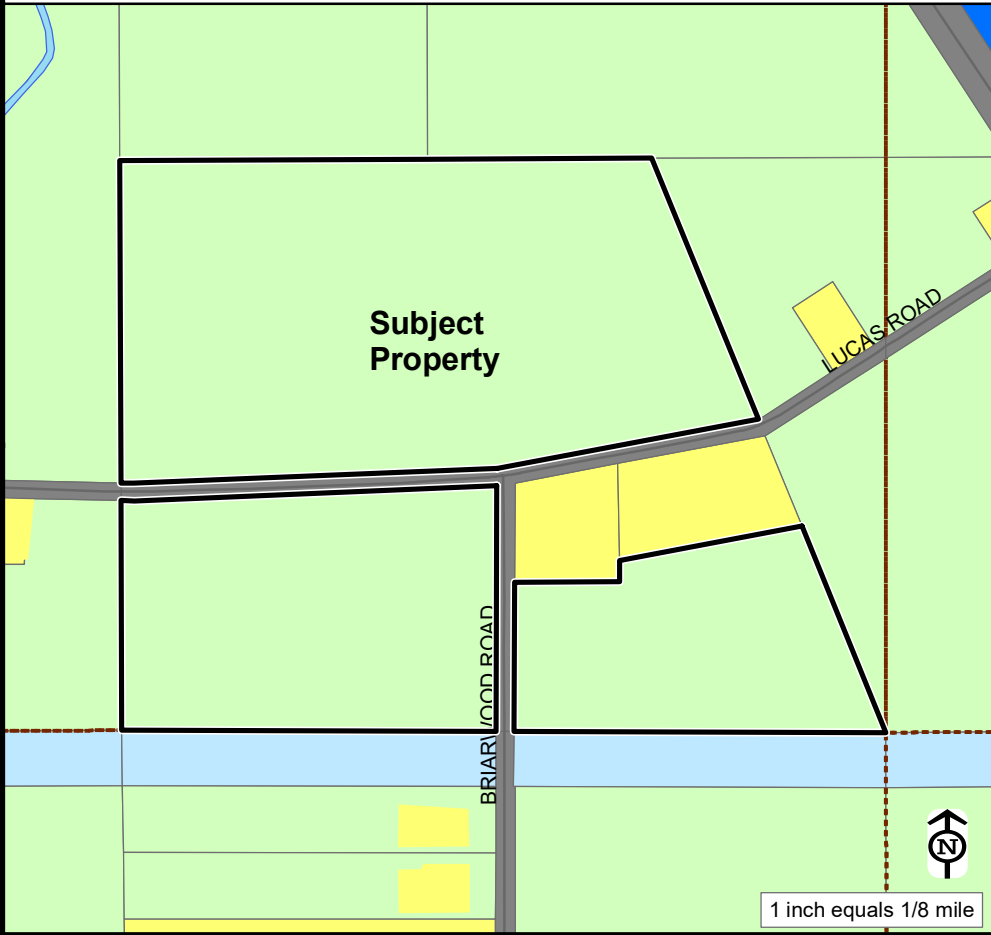
plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). Access roads, fencing, groundcover, and landscaping may remain only by agreement of property owner.

b. Prior to building permit issuance, the operator shall submit an engineer's estimate of cost for decommissioning the facility and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Zoning Enforcement Officer of the estimate, the operator shall obtain a bond, letter of credit, or other form of surety acceptable to the County to be held by the Department of Planning and Development in the amount of one hundred percent (100%) of the estimate. Provision of this financial assurance shall be phased in over the first eleven (11) years of the project's operation or as otherwise provided in accordance with the executed Agricultural Impact Mitigation Agreement.

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



**Current Land Use Map**



**Current Land Use**

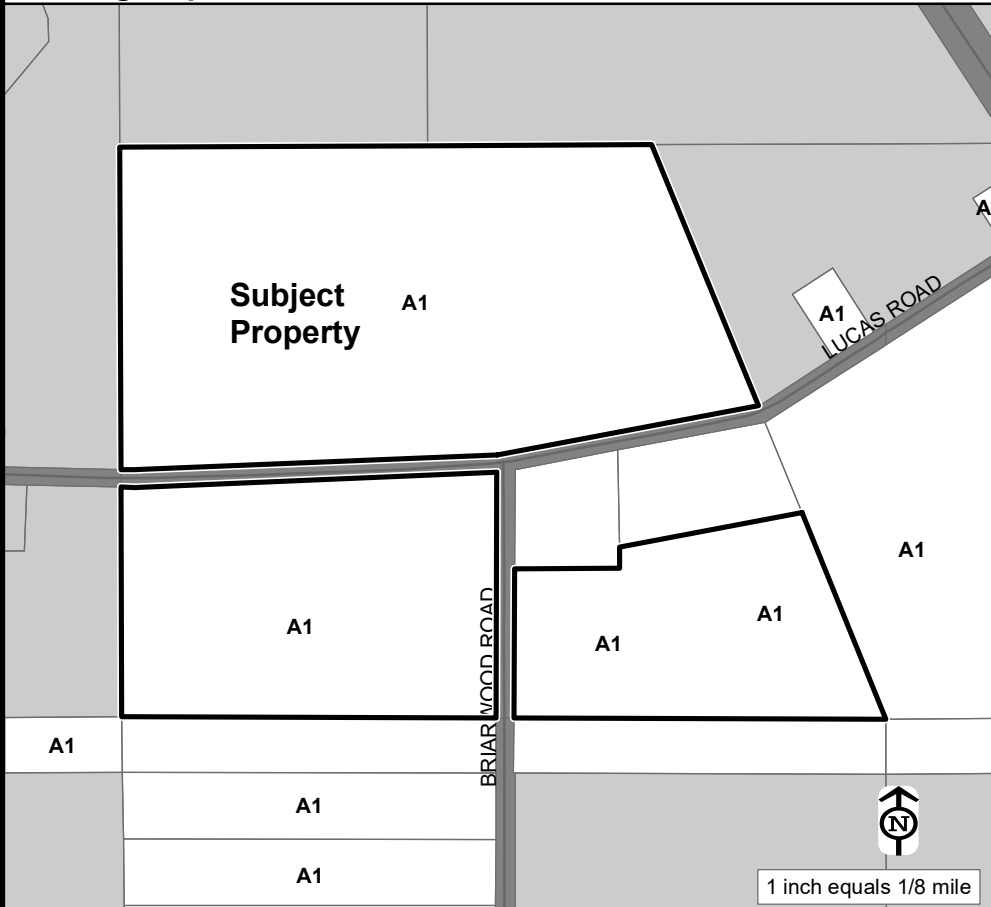
*Agriculture*

**Adjacent Land Use(s)**

North: *Agriculture*  
 South: *Agriculture/Single-Family Residential/ Transportation, Communication, Utilities*  
 East: *Agriculture*  
 West: *Agriculture*

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

**Zoning Map**



**Current Zoning**

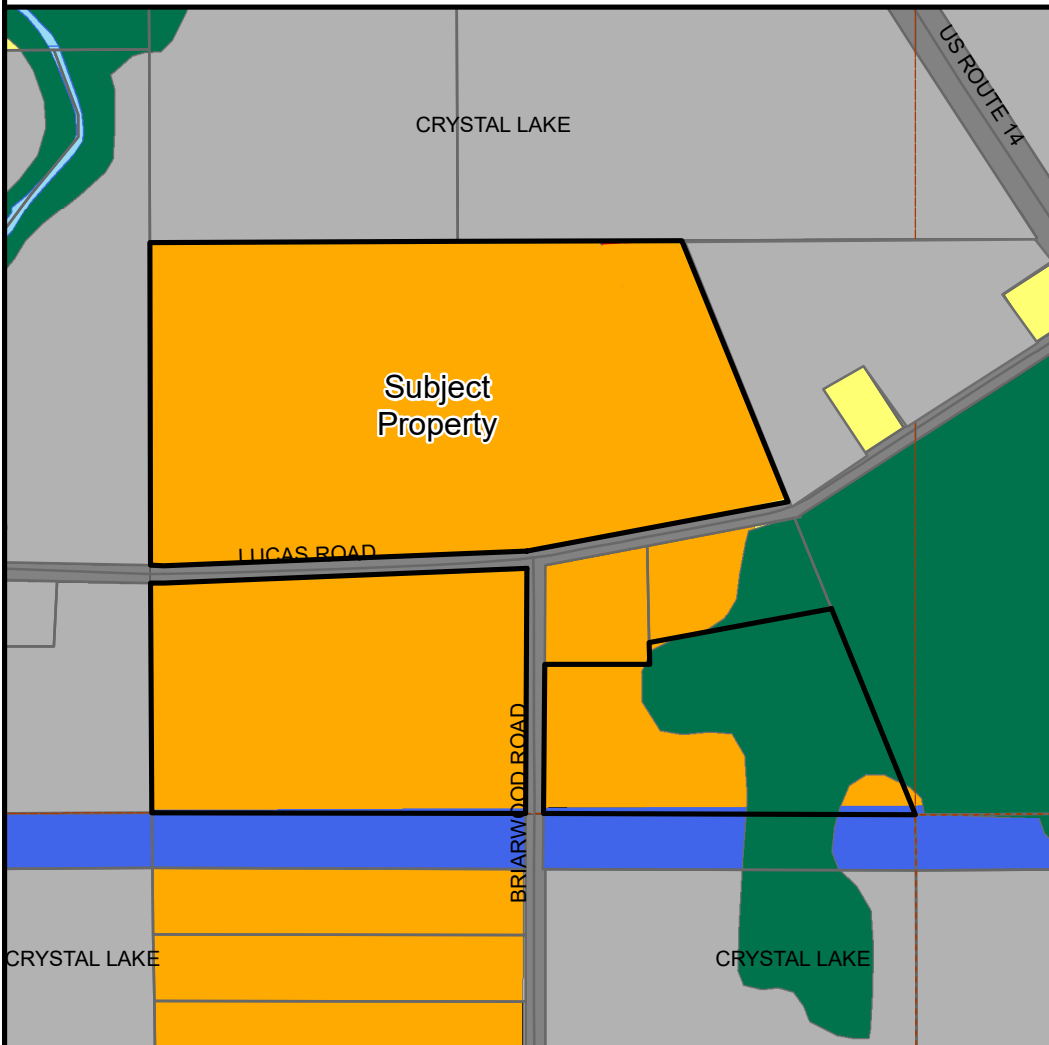
**A-1 Agriculture**

**Adjacent Zoning**

North: *City of Crystal Lake*  
 South: *A-1 Agriculture*  
 East: *A-1 Agriculture/City of Crystal Lake*  
 West: *City of Crystal 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/ Environmentally Sensitive Area

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



### Municipal / Township Plan Designations

Dorr Township: Residential/Environmentally Sensitive

Crystal Lake: Estate Residential

Lakewood: No Designation

Woodstock: No Designation

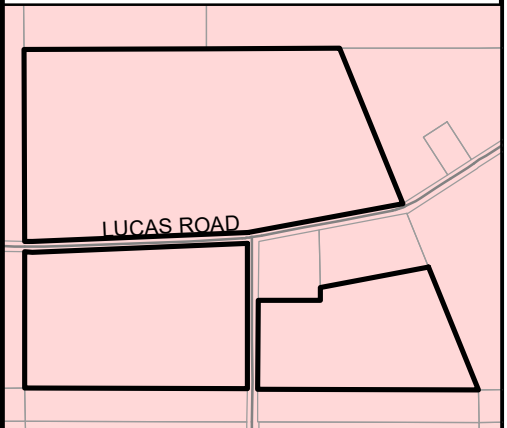
### McHenry County 2030 Comprehensive Plan — Text Analysis Land Use

*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

NO.	REVISIONS	DATE

# CULTIVATE POWER

**Kimley-Horn**  
 © 2026 KIMLEY-HORN AND ASSOCIATES, INC.  
 570 DEERBELL, L.L. #6015  
 WWW.KIMLEY-HORN.COM

**PRELIMINARY NOT FOR CONSTRUCTION**

KHA PROJECT  
 ORIGINAL DATE  
 01/14/2026  
 SCALE AS SHOWN  
 REVISION BY  
 MAM  
 CHECKED BY  
 CPC

# ZONING SITE PLAN

**MARZANO SOLAR, LLC**  
 MCHENRY COUNTY, IL

SHEET NUMBER  
**EX-1**



## LEGEND

- PROJECT BOUNDARY (PER AFE FILE, PROVIDED BY CULTIVATE ON 11/07/2025)
- ROAD CENTERLINE (TRACED PER AFEAL)
- ROAD LABEL
- PROPERTY LINE (PER MCHENRY COUNTY GS 11/7/2025)
- PROPERTY LINE SETBACK (PER MCHENRY COUNTY ZONING ORDINANCE)
- RESIDENTIAL STRUCTURE SETBACK (PER MCHENRY COUNTY ZONING ORDINANCE)
- EX. OVERHEAD ELECTRIC (TRACED PER AFEAL)
- EX. UTILITY PALE (TRACED PER AFEAL)
- EX. VEGETATION AREA (TRACED PER AFEAL)
- EX. NW WETLAND (DOWNLOADED PER NW ON 11/16/2025)
- NW WETLAND BUFFER (PER MCHENRY COUNTY STORMWATER ORDINANCE)
- EX. ADD WETLAND (DOWNLOADED PER MCHENRY COUNTY GS ON 11/16/2025)
- AND WETLAND BUFFER (PER MCHENRY COUNTY STORMWATER ORDINANCE)
- EX. HISTORICAL FLOOD ZONES (TRACED PER MCHENRY COUNTY GS)
- FEMA FLOOD ZONE (TRACED PER MCHENRY COUNTY GS)
- FEMA FLOOD ZONE BUFFERS (ASSUMED)
- EX. FLOW DIRECTION AND SLOPE
- EX. WELLS
- EX. WELL BUFFER
- EX. HYDROCARBON PIPELINE
- EX. PRELINE EASEMENT (ASSUMED)
- PR. FENCE
- PR. PANEL LIMITS
- PR. OVERHEAD ELECTRIC
- PR. UNDERGROUND ELECTRIC
- PR. GRAVEL ACCESS ROAD
- PR. UTILITY PALE
- PR. EQUIPMENT PAD
- PR. SOLAR ARRAY
- PR. STAGING AREA
- PR. VEGETATIVE SCREENING

## SITE DATA TABLE

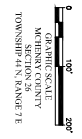
PAR #S	10-26-100-002
PROPERTY OWNER	MARZANO A TR ET AL RUMIGES
SITE ADDRESS	9316 LUCAS RD, CRISTAL LAKE, IL, 60012
ZONING JURISDICTION	MCHENRY COUNTY, IL
PROPOSED USE	SOLAR ELECTRIC SYSTEM
PROJECT BOUNDARY AREA	284.5 ± AC
PRELIMINARY SOLAR AREA	212 ± AC
PROPERTY LINE HEIGHT	50 FT
SCREENING	E5/L3
BY WHOLES	10/29
GRID/CORNER PAVO (GCR)	335

## NOTES

- THE PREPAREDNESS OF THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE CONTRACTOR. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR PROVIDING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
- THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES, INCLUDING MCHENRY COUNTY GIS DATA. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF ALL DATA AND INFORMATION PROVIDED.
- SUBJECT PROPERTY DOES NOT BE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL 171110000A) PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
- THE LOCATION OF PROPOSED AND EXISTING UTILITIES IS BASED ON RECORD DRAWINGS, FIELD SURVEY, AND AERIAL PHOTOGRAPHS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- STORMWATER MANAGEMENT FACILITIES TO BE PROVIDED AS REQUIRED BY COUNTY AND/OR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS TO BE DETERMINED DURING FINAL ENGINEERING AND CONSTRUCTION.
- SETBACKS SHOWN ON THIS PLAN ARE BASED ON MCHENRY COUNTY ZONING ORDINANCE.
- THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR PROVIDING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
- ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES TO ALLOW FOR FUTURE DEEPENING.
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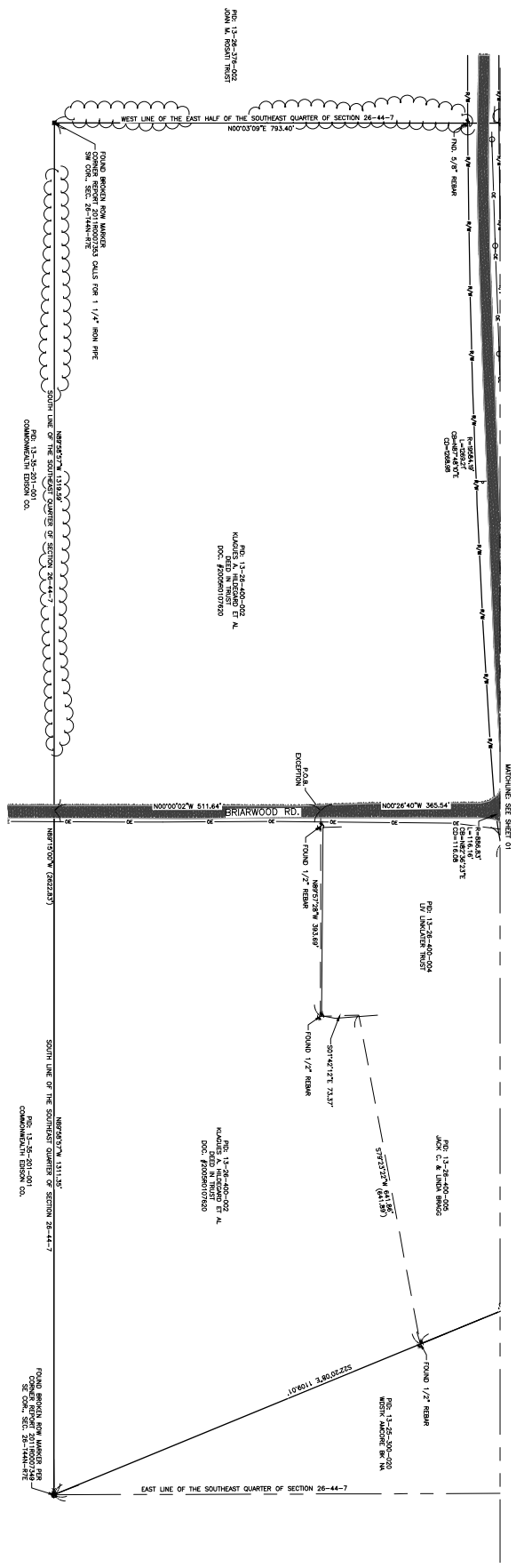




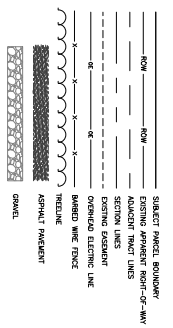


# PLAT OF SURVEY

PART OF SECTION 26, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE  
THIRD PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS



- LEGEND AND ABBREVIATIONS:**
- ROUND IRON FOUND
  - CONCRETE BOUNDARY FOUND
  - REBAR FOUND
  - REBAR FOUND
  - REBAR SET
  - GUY WIRE
  - TELEPHONE PASTRAL
- P.B. PLAT BOOK  
P.A. PAGE  
R. RECORD  
M. MEASURED  
K.X.X. REBAR FOUND



**CERTIFICATION:**

TO OBTAIN POWER AND THE FOREGOING PARTIES' SUCCESSIONS AND/OR ASSONS, AS THEIR INTERESTS  
IN THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN  
FIELD WORK AND COMPLETED ON DECEMBER 11, 2025. REQUIREMENTS FOR A BOUNDARY SURVEY, THE  
PLAT IS PRELIMINARY

01/27/26

WILLIAM J. FLEMING  
REGISTERED SURVEYOR  
NO. 025-00228-0001 OF ILLINOIS  
BILTIEN@SAM.BIZ



1834 Walden Office Square  
Suite 150  
Schaumburg, IL 60173  
Ofc: 224-404-1300  
Email: info@sam.biz

PROJECT: SOLAR POWER
JOB NUMBER: 1025105181
DATE: 02/27/2025
SURVEYOR: WILLIAM FLEMING
REGISTERED SURVEYOR NO. 025-00228-0001
DRAWING: 105181-LEASE-USPT-PLAT.DWG
TRACT NO: 15-26-400-002
PARTY TO THIS AGREEMENT:
FIELDBOOKS: N/A

**MARZANO SOLAR**  
SITUATED IN CRYSTAL LAKE, ILLINOIS  
COUNTY OF MCHENRY

# McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT

25-114-4775

December 11, 2025



This report has been prepared for:  
Marzano Solar, LLC

Contact Person:  
Paul Bottum

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

1648 S. EASTWOOD DR.

WOODSTOCK, IL 60098

PHONE: (815) 338-0444

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

## EXECUTIVE SUMMARY OF NRI REPORT #25-114-4775

*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.*



**Picture 1: Looking northwest at the western 2/3rds of the parcel.**



**Picture 2: Looking north at the existing structures on the parcel.**



**Picture 3: Looking north from the southeast corner of the parcel.**



**Aquifer Sensitivity Map** (\*This is the area beneath the soil profile down to bedrock)  
The Geologic features map indicates that the parcel is comprised of B1 geologic limitations which 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 an area designated as Sensitive Aquifer Recharge (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 36.0 acres or 92.5% of the parcel contains high leachable soils, for fertilizers, on the parcel (identified in red).

**Soil Permeability** (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 there are 36.0 acres or 92.5% of highly permeable soils on the parcel.

**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 11.3% of the parcel contains highly erodible soils.



**Prime Farmland Soils**

The Natural Resources Conservation Service (NRCS) Soil Survey indicates 34.0 acres or 87.6% of the parcel is comprised of prime farmland soils and 4.1 acres and 10.6% is comprised of prime farmland when drained soils (identified in shades of green).



**Ground-Based Solar Arrays**

The Natural Resources Conservation Service (NRCS) Soil Survey indicates 36.0 acres or 92.6% of the parcel has very limited soils for ground-based solar arrays (identified in red).



**Hydric Soils**

The NRCS Soil Survey indicates 4.1 acres or 10.6% of the parcel contains hydric soils.

## Floodplain Information:

### The Flood Insurance Rate Map

Indicates the parcel is outside of the 100-year floodplain.

### Flood of Record Map (Hydrologic Atlas)

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

## Wetland Information:



### USDA-NRCS Wetland Inventory

The NRCS Wetlands Inventory indicates 0.10 acres of NIH: Non-Inventoried Hydric Soil on the parcel.



### ADID Wetland Inventory

The ADID Wetland Study indicates 0.1 acres of wetland K930 on the parcel.

\*The Zoning Site Plan, prepared by Kimley Horn, dated 11/26/2025, indicates the wetland area will be avoided.

## Flooding Frequency

The NRCS Soil Survey indicates that flooding is not probable on the parcel. The chance of flooding is nearly 0% in any year. Flooding occurs less than once in 500 years.



## Ponding Frequency

The NRCS Soil Survey indicates that frequent ponding occurs on 4.1 acres or 10.6% of the parcel. Ponding occurs, on the average, more than once in 2 years. The chance of ponding is more than 50 percent in any year.

**Cultural Resources:** Office maps indicate there is a high probability for cultural/historical features within the parcel in question.



**Preserved or Recognized Ecological Sites:** Office maps indicate McHenry County Natural Area Inventory Site (DOR09) - Route 176 Sedge Meadow and (DOR11) - Mt Thabor Marsh East are southwest of the parcel.

Route 176 Sedge Meadow is an unprotected sedge meadow which is threatened by water table alteration, brush encroachment, Reed Canary Grass, and grazing.

Mt. Tabor Marsh East is an unprotected sedge meadow which is threatened by artificial ponding, cattail expansion and Reed Canary Grass.

**Woodlands:** There are existing mature trees near the structures on the parcel. \* The Zoning Site Plan, prepared by Kimley Horn, dated 11/26/2025, indicates these trees will not be affected by the solar facility.

**Agricultural Areas: Office** Maps indicate there are no State designated agricultural areas on the parcel in question.

**Land Evaluation Site Assessment (LESA)**

The Land Evaluation Score for the parcel is 88.50. A Site Assessment was not completed due to the Agricultural zoning on the parcel.

**Agricultural Impact Mitigation Agreement:** We have received notice from the Illinois Department of Agriculture that an Agricultural Impact Mitigation Agreement has been filed.

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## ADDITIONAL CONCERNS

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**Vegetation:** The Board recommends that areas between panels and within the buffers 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 should refer to the planting requirements of the Illinois Department of Natural Resources and McHenry County Department of Planning & Development.



## NATURAL RESOURCE INFORMATION REPORT (NRI)

NRI Report Number	25-114-4775	
Applicant's Name	Marzano Solar, LLC	
Size of Parcel	39 acres	
Zoning Change	Solar Facility	
Parcel Index Number(s)	13-26-400-002	
Common Location	Undefined	
Contact Person	Paul Bottum	
<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	x	
The Applicant's Legal Representation/Consultant		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](http://www.dnr.illinois.gov)

November 26, 2025

Paul Bottum  
9310 W. Lucas Rd  
Crystal Lake, IL 60172

**RE: Marzano Solar, LLC  
Consultation Program  
EcoCAT Review #2607948  
McHenry County**

Dear Mr. Bottum:

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 4.3MWac solar installation in McHenry County.

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

**State Threatened or Endangered Species**  
**Blanding's Turtle (*Emydoidea blandingii*)**

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

**Blanding's Turtle**

EcoCAT has indicated records for the state-listed Blanding's Turtle in vicinity of the project area. The Department recommends:

- Educate personnel working on site about the Blanding's Turtle. Post photos of juvenile and adult Blanding's Turtles at a central location. State-listed species may not be handled without the appropriate permits pursuant to the *Illinois Endangered Species Protection Act*.

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.

- Any required night lighting should follow International Dark-Sky Association's (IDA) Five Principles for Responsible Outdoor Lighting to minimize the effect of light pollution on wildlife: Five Principles for Responsible Outdoor Lighting | DarkSky International

Please contact Isabella Allyn ([Isabella.allyn@illinois.gov](mailto:Isabella.allyn@illinois.gov)) with any questions about this review.

Sincerely,



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](mailto:Bradley.Hayes@Illinois.gov)  
Phone: (217) 782-0031

**STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT**  
between  
**Marzano Solar LLC**

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

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

Marzano Solar LLC, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 4.3MWac Commercial Solar Energy Facility in McHenry County [GPS Coordinates: 42.2582, -88.3765 ], which will consist of up to 38 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.

Marzano Solar LLC  
Standard Solar Agricultural Impact Mitigation Agreement

- 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.

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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.

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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"><li>(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"><li>i. the number of solar panels, racking, and related facilities involved;</li><li>ii. the original Construction costs of the Facility;</li><li>iii. the size and capacity, in megawatts of the Facility;</li><li>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);</li><li>v. the Construction method and techniques for the Facility and for other similar facilities; and</li></ol></li><li>(2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.</li></ol>
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.

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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.

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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.

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- 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.

**Marzano Solar LLC**  
**Standard Solar Agricultural Impact Mitigation Agreement**

**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.

**Marzano Solar LLC**

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- 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.

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- 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);

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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.

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- 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 Marzano Solar LLC concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in McHenry County within the State of Illinois.

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

**STATE OF ILLINOIS  
DEPARTMENT OF AGRICULTURE**

*Jerry Costello II*

By: Jerry Costello II, Director <sup>4</sup>

*Clay Nordsiek*

By Clay Nordsiek, Deputy General Counsel

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

**Marzano Solar LLC**

Signed by:

By Paul Bottom

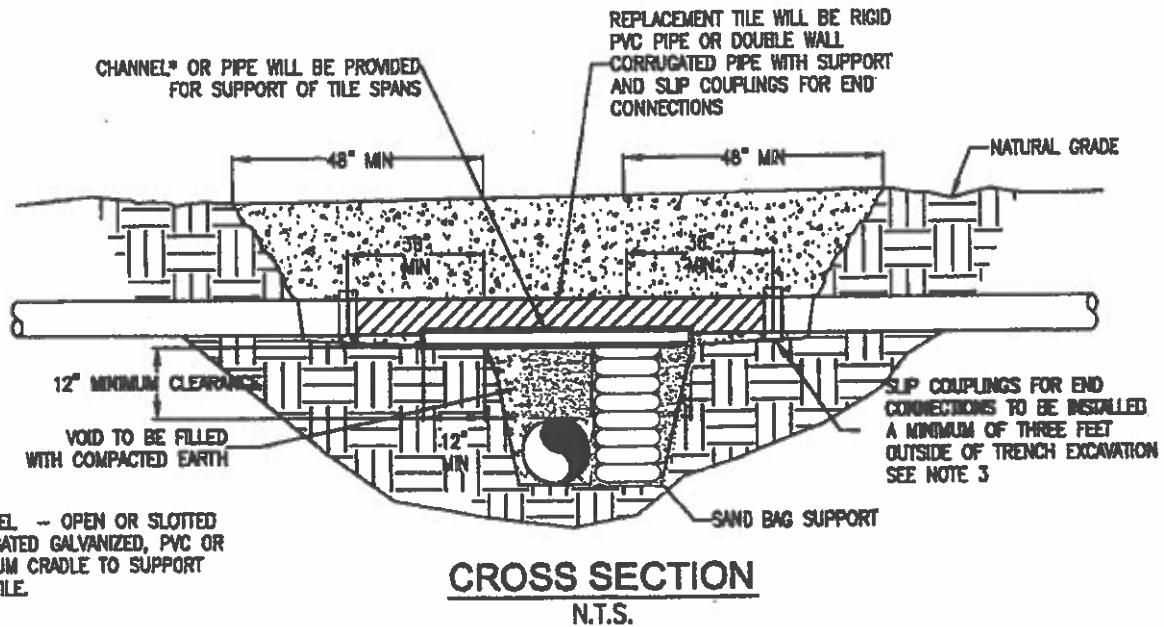
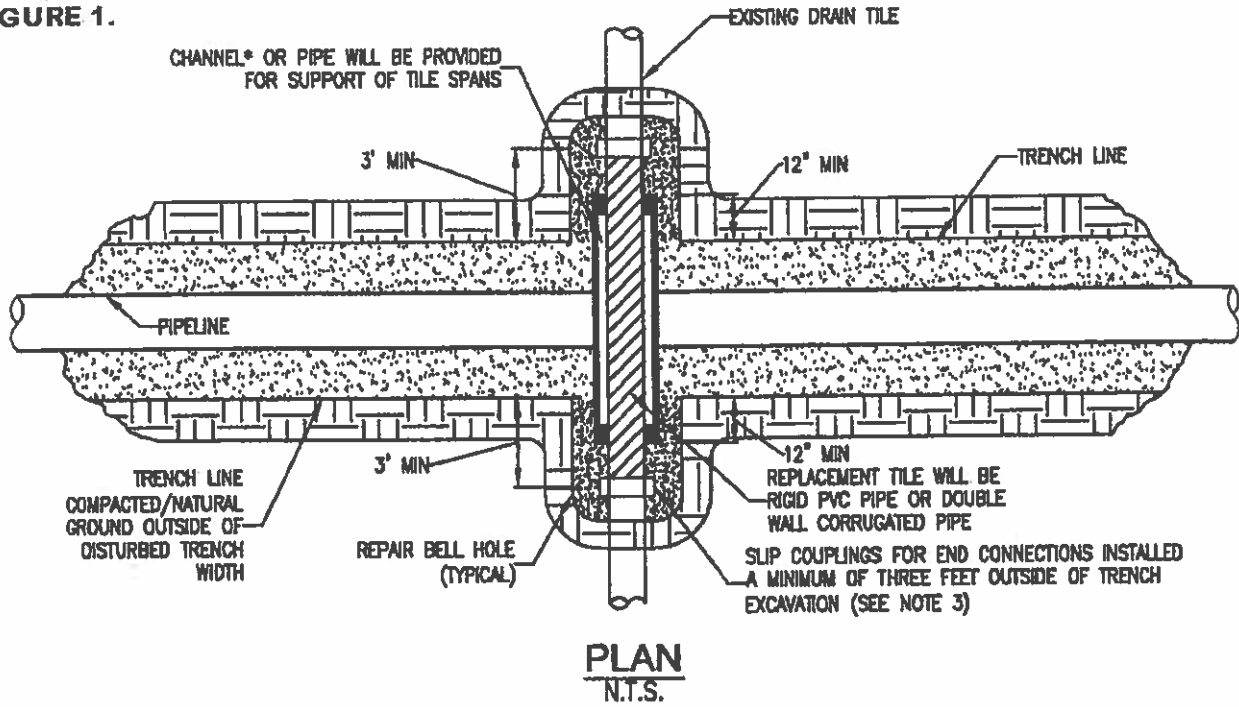
30 W. Hubbard St, Ste 400  
Chicago, IL 60654

Address

November 10, 2025

11/26, 2025

**FIGURE 1.**



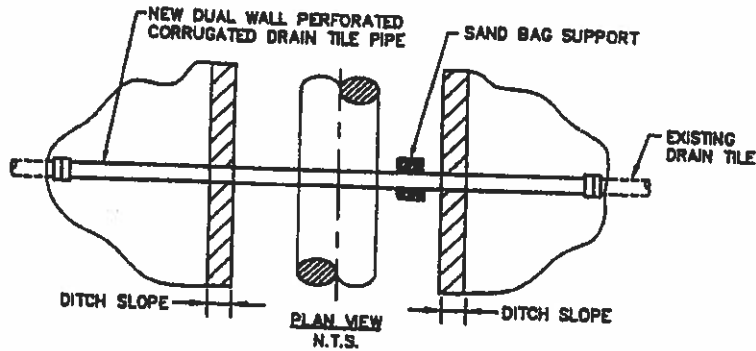
\*CHANNEL - OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE TO SUPPORT DRAIN TILE.

**NOTE:**

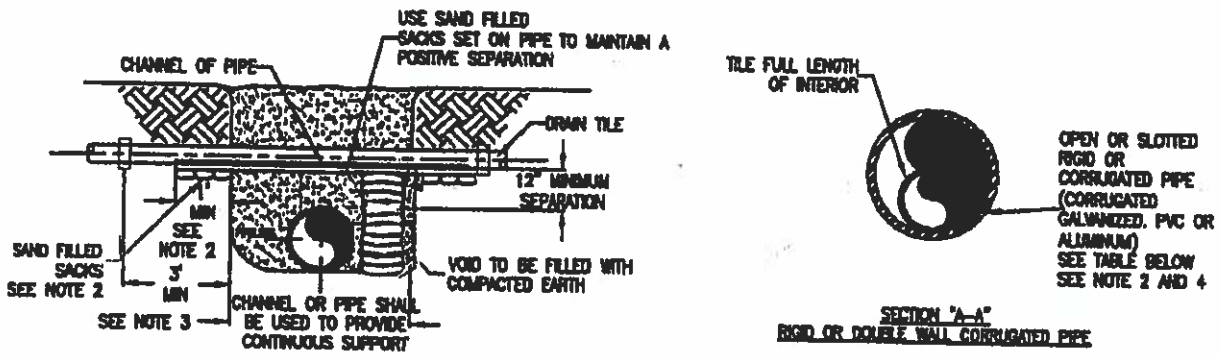
1. IMMEDIATELY REPAIR TILE IF WATER IS FLOWING THROUGH TILE AT TIME OF TRENCHING. IF NO WATER IS FLOWING AND TEMPORARY REPAIR IS DELAYED, OR NOT MADE BY THE END OF THE WORK DAY, A SCREEN OR APPROPRIATE 'NIGHT CAP' SHALL BE PLACED ON OPEN ENDS OF TILE TO PREVENT ENTRAPMENT OF ANIMALS ETC.
2. CHANNEL OR 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 W/R	4"	STD. WT.
4"-5"	5" @ 6.7 W/R	6"	STD. WT.
6"-9"	7" @ 9.8 W/R	8"-10"	STD. WT.
10"	10" @ 15.3 W/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**