

IN THE MATTER OF THE APPLICATION OF)	
GREEN SOLAR 9, LLC, APPLICANT)	
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT)	Z25-0114
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A MAP)	
AMENDMENT AND CONDITIONAL USE)	

WHEREAS, your Petitioner **GREEN SOLAR 9, LLC**, as your Applicant, has filed a petition with the McHenry County Zoning Board of Appeals requesting the issuance of a Map Amendment and Conditional Use as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 33; ALSO THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33; ALSO THE SOUTH 35 ACRES OF THE EAST 60 ACRES OF THE NORTHEAST QUARTER OF SAID SECTION 33, ALL IN TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33: THENCE RUNNING NORTH ON THE SECTION LINE 93 1/3 RODS; THENCE WEST 60 RODS; THENCE NORTH PARALLEL WITH THE EAST SECTION LINE OF SAID SECTION 33, 66 2/3 RODS TO THE NORTH SECTION LINE OF SAID SECTION 33; THENCE WEST ON SAID NORTH SECTION LINE 60 RODS; THENCE SOUTH PARALLEL WITH THE EAST SECTION LINE OF SAID SECTION, 160 RODS TO THE SOUTH QUARTER SECTION LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE EAST ON SAID SOUTH QUARTER SECTION LINE 120 RODS, TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PART OF THE LAND HERETOFORE CONVEYED TO THE COUNTY OF MCHENRY, A BODY POLITIC AND CORPORATE BY WARRANTY DEED DATED APRIL 14, 2003 AND RECORDED MAY 29, 2003 AS DOCUMENT 2003R0069960, DESCRIBED AS FOLLOWS: THAT PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 NORTH. RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 53 MINUTES 21 SECONDS WEST ALONG THE SOUTH LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, 657.99 FEET: THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS EAST, 54.64 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 16 SECONDS EAST ALONG A LINE 55.0 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF HARMONY ROAD (COUNTY HIGHWAY #31), FOR A DISTANCE OF 658.02 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 18 SECONDS EAST ALONG A LINE 55.0 FEET NORTH AND PARALLEL WITH SAID CENTERLINE OF HARMONY ROAD, 798.60 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 43

SECONDS WEST, 54.95 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 53 MINUTES 23 SECONDS WEST ALONG SAID SOUTH LINE OF THE EAST HALF OF THE NORTHEAST QUARTER, 798.60 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PIN 17-33-200-006 and 17-33-200-007

Commonly known as **17318 Harmony Road, Marengo, Illinois, in Coral Township.**

WHEREAS, the Petition requests reclassification of the subject property from its present classification which is **“E-1” Estate District to “A-1” Agriculture District**, and a Conditional Use be granted **to allow for a Commercial Solar Energy Facility.**

WHEREAS, the subject property consists of approximately **92 acres** in which 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 5 ayes and 2 nays the map amendment of “E-1” Estate District to “A-1” Agriculture District, and by a vote of 7 ayes and 0 nays, the granting of a Conditional Use to allow for a Commercial Solar Energy Facility, with the following conditions:**

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Clark Dietz, dated January 27, 2026 (attached).
3. The Decommissioning Plan shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the Decommissioning Plan.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Recommendations made by the Illinois Department of Natural Resources in their October 16, 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 Map Amendment and 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 granting of a ***map amendment of “E-1” Estate District to “A-1” Agriculture District, and 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 Clark Dietz, dated January 27, 2026 (attached).
3. The Decommissioning Plan shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the Decommissioning Plan.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Recommendations made by the Illinois Department of Natural Resources in their October 16, 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.

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

But they're, you can ask the petitioners after the hearing, if that would help you.

Speaker 3:

Okay. That would be fine. It was just a question.

Vicki Gartner:

All right. Any other comments? No, okay. All right. Do you have a closing statement?

Scott Drabiky:

Madam Chair, I do not have a closing statement. I just want to thank the board for their time. I thank the tenants and the members of public for showing up both Monday and this evening. We appreciate the opportunity to participate in this process.

Vicki Gartner:

Okay, thank you. Okay. At this time, I'll close the hearing portion of the meeting and we'll move on to the voting portion of the meeting. The purpose of the vote, again, is reclassification from the E1 estate district to the A1 agricultural district and a conditional use permit to allow for a commercial solar energy facility. And the property is at the intersection of Harmony Road and South Grant Highway and Coral Township.

Okay, I will entertain a motion to... And I think what we're going to do is we are going to take these two issues separately unless there's some objection on the board?

William Kurnik:

No.

Charles Eldredge:

No.

Vicki Gartner:

We will vote first on the reclassification and then secondly on the CUP for the solar farm. So I will entertain a motion for reclassification.

Charles Eldredge:

I move, let the petition for a map amendment from, excuse me, E1 to A1 be approved.

Mary Donner:

Donner seconds.

Vicki Gartner:

Okay, discussion, Mr. Eldredge?

Charles Eldredge:

Yeah. The only things that really matter to me in this matter... Really there are two. One, that this property has never been used for anything except agriculture since it was settled in the middle of the 19th century. And second, while there was a speculation at one time incorporated in the 2030 plan, we have now reverted in the 2050 plan that that really was a mistake and that this land should be going forward agricultural land.

I have a very strong predilection in any case in favor of a down zoning. Most of the land around here in the broader area is agricultural. And agriculture, as actually petitioner pointed out, gives the county over the long term, much more control.

Charles Eldredge:

... gives the county over the long term much more control over future development than leaving it where it is. I believe the fact that it has never been used for anything else and that it is proposed in our comprehensive plan going forward to be agriculture is prima facie evidence that it meets all of the standards for a map amendment to agriculture. I unreservedly support this portion of the petition.

Vicki Gartner:

Thank you. Mary?

Mary Donner:

Yes. Just to not actually to correct you, Ms. Carr, but to explain that the 2050 land use plan has been approved in January-

Vicki Gartner:

Okay, thank you.

Mary Donner:

... with no other changes that I know of. It went through very quickly. It was almost, almost, unanimous at that time. So it's just a matter of playing catch up with all the work that has to be done to correct the things that we had talked about at that time. So given that, among other things, I think this is a good use for this property is to go back to agriculture, to be called agriculture when it's being used as agriculture.

I know people will say that in 20 years there's going ... "I'm not going to be here in 20 years." Well, I'm not going to be here in 20 years either, but there is all kinds of solar and all kinds of places that we can get into doing that. Then once it's done, the owner is going to have better agricultural land to be able to go back into crop use. Thank you.

Vicki Gartner:

Thank you. Mr. Kosin?

Robert Kosin:

Thank you, Madam Chairman. I'll be supporting the motion that is before us. I recognize that the comprehensive plan in McHenry County is not an immutable document. Much like our US Constitution, it is not, surprisingly, cast in stone. We've already had 27 amendments since it first was brought forward. There is always a time and place, and this is the matter by which we go through such amendments and revisions with public documents, public discussion, and a public record. Looking at

that public record, I believe the process has been fulfilled. I believe also the testimony has been accurate and support such findings. Therefore, I will be concurring with this motion.

Vicki Gartner:

Thank you. Mr. Schnable.

Kurt Schnable:

Let me start by saying that, overall, as far as solar projects go, I don't necessarily think you have a bad application in any regard. I'm very, very leery of starting this downzoning E-1 properties. We could be opening up here a real big can of worms. I will not support the petition on that basis, so that there's at least one no vote from this board that county board should reconsider before starting to do this. I'm just going to say that much B2B.

Vicki Gartner:

Thank you. Mr. Dahlman.

Duane Dahlman:

This was rezoned from ag to E1 some 25-plus years ago. I understand everybody's concerned about having bought houses in that area, this is what was going to be in our backyard. Like Mr. Schnable, I have an issue with going backwards on zoning. So I will also not be supporting this.

Vicki Gartner:

Thank you. Mr. Kurnik?

William Kurnik:

Just a couple of comments and responses to my colleagues' indication that they're going to be voting against this. I believe it's inappropriate to consider the request of putting a solar farm on this property in connection with our decision to grant a map amendment. What that allows then is that allows this board and the county to use zoning and its zoning power as a subterfuge for getting around the mandate of the general assembly that we are a green state.

So, as I said and as been indicated by staff, each of these requests are to be considered separately. So to the extent that you are taking into consideration that the petitioners are proposing to put a solar farm on this I think is not a factor that you should be considering in connection with the request for map amendment. I'm not saying you're wrong. I'm just saying I disagree with your view.

As my colleagues have said, I agree with everything that Mr. Eldredge and Kosin have said. Bob Kosin has said that the adopted comprehensive plan is not written in stone. Well, what age also adds to that, it says the consistency of the proposed amendment with the adopted comprehensive plan and the appropriateness of the comprehensive plan to the subject property. So that it may not be consistent with the comprehensive plan is not a be all and catch all.

I also pointed out, as I mentioned during the petitioner's testimony, our decision for map amendments "is not controlled by any one factor," "But rather the approval of amendments is based on a balancing of the factors under each standard." I think most compelling here is that Mr. Eldredge indicated this has been farm property from the beginning of time, as far as I'm concerned. So I will be voting in favor of the amendment as well.

Vicki Gartner:

Thank you. I myself am rather torn on this. I don't like the idea of rezoning just to allow a solar farm. I think that's taken a route that I'm not real fond of. Although we have done this before, this is not our first time downzoning to allow for a solar farm. This doesn't have a lot of homes around it that would be affected. There certainly have been other solar farms that came that were much more affected, but that's neither here nor there because we're talking about changing the zoning from E1 to farming.

Listening to everybody speaking about this on my board, I have to agree. This has been farming forever and ever. Having nothing to do with the next vote coming up in just a few minutes, my feeling is that this should be downzoned to farming. It just makes sense. Putting everything else aside, just looking at that portion of it, it makes sense to do that. So I am going to be voting in favor. Okay, I will call the roll. Mr. Eldredge?

Charles Eldredge:

Yes.

Vicki Gartner:

I'm just going to write this down, [inaudible 01:32:10]. Okay. Mr. Kosin?

Robert Kosin:

Yes.

Vicki Gartner:

Mr. Schnable?

Kurt Schnable:

I am still a no.

Vicki Gartner:

Okay. Miss Donner?

Mary Donner:

Aye.

Vicki Gartner:

Mr. Dahlman?

Duane Dahlman:

No.

Vicki Gartner:

Mr. Kurnik?

William Kurnik:

Yes.

Vicki Gartner:

I will vote yes. This goes to the county board with a five to two vote in favor of the rezoning. I'll now entertain a motion for the conditional use.

Charles Eldredge:

They've got available conditions.

Vicki Gartner:

Oh, there's conditions. Of course there is. It's a conditional use. Thank you, Charlie. Good thing you're here. Okay. Has everybody on the board read the conditions that are proposed?

Mary Donner:

Yes, we have.

Robert Kosin:

Yeah, we have.

Vicki Gartner:

Is everybody in agreement with those conditions that we don't have to go through them?

Committee:

Yes, [inaudible 01:33:05].

Vicki Gartner:

Would anybody like to amend or add a condition?

Charles Eldredge:

Madam Chairman, I move acceptance of the conditions as presented.

Mary Donner:

[inaudible 01:33:16]-

Vicki Gartner:

I'll second the motion. Donner.

Mary Donner:

Okay.

Vicki Gartner:

I'm not sure how to mark this on here. [inaudible 01:33:21] conditions. Okay. Same ones. [inaudible 01:33:34]. Okay. And I will call for the roll then. Mr. Eldredge?

Charles Eldredge:

Yes.

Vicki Gartner:

Okay. Mr. Kosin?

Robert Kosin:

Yes.

Vicki Gartner:

Okay. Mr. Schnable?

Kurt Schnable:

Yes.

Vicki Gartner:

Miss Donner?

Mary Donner:

Aye.

Vicki Gartner:

Mr. Dahlman?

Duane Dahlman:

Yes.

Vicki Gartner:

And Mr. Kurnik?

William Kurnik:

Yes.

Vicki Gartner:

And I will vote yes as well. So the conditions pass seven to zero. Now that we're done with that, I'll entertain a motion for the CUP itself.

Charles Eldredge:

So moved.

Mary Donner:

Donner second.

Vicki Gartner:

Okay. I don't like [inaudible 01:34:18]. Discussion, Mr. Eldredge.

Charles Eldredge:

Yes. This is a parcel north of Harmony Road and just a bit west of Grant Highway in Coral Township. It is adjacent to a subdivision that is roughly 25, 30 years old. It is bordered on the ... That borders it partially on the north. Partially on the east is a corridor of 20 that has been mixed business, industrial, commercial for a long time. In all other directions, it is agricultural use, a fair amount of which some years ago, before the Great Recession, when everybody thought that we were going to be a county of a million people instead of a hundred thousand people, an enormous amount of our land was subdivided for housing development that after 2007 didn't come.

It is the policy of the state to encourage solar farms. As a matter of fact, there is a state goal to dramatically, perhaps 10 times what we have today in the next five years, which isn't going to happen, increase the amount of renewable energy being produced in Illinois, but certainly at a very great rate.

Furtherance of that, the general assembly passed a pair of laws which require a county zoning board to approve it if standards had been met. I believe those standards have been met and staff has testified that those state standards have been met.

Having said that, before going ... While I certainly respect the objectors, the objection seems to me that they are objecting to change and that they would have much the same objection to any development on this property of whatever nature. They like it the way it is, which is a farm field. As a factual matter, there are very many people who don't like the way these things look, but they will be screened after a few years.

But other than appearance, there is nothing that could be done on this property that would have less of an impact on the surrounding community, whoever they may be. It doesn't have people coming and going. It doesn't create noise or dust or really anything. It just sits there and it's going to sit there for a generation and maybe two generations. I simply ... There are no environmental impacts to this in this location or really anywhere else.

In my view, this is a perfectly reasonable place to put this. We are required to vote in favor of it now that we have approved the rezoning, but I would have a very hard time voting against it under any circumstances. So I support the petition.

Vicki Gartner:

Thank you. Ms. Donner?

Mary Donner:

I agree with what Mr. Eldredge has said and the comments that I made previously. Thank you.

Vicki Gartner:

Thank you. Mr. Kosin?

Charles Eldredge:

Could I add one thing?

Vicki Gartner:

Yes.

Charles Eldredge:

I do want to associate myself with the eloquent statement of Mr. Kurnik on-

Vicki Gartner:

Is that okay with you, Mr. Kurnik?

William Kurnik:

It's okay with me.

Charles Eldredge:

That we should not use a map amendment as a reason to ... Should not connect a further use with the decision on the map amendment. I just wanted to mention that on the record.

Vicki Gartner:

Thank you. Okay. Mr. Kosin, now you can go.

Robert Kosin:

Thank you. Not necessarily pitching for kudos on this end of the table, too. I, too, respect the use that is given to us, which is a conditional use under the zoning ordinance. That enables us, after hearing the testimony, that there are 13 solar fields, and under the conditional use, that gives the voting board of appeals the opportunity to set standards different from each one of them so they are not accusatory that one is being treated different than another, because I'd rather they be customized to the land use and the purposes by which they find themselves, as well as the distinction of what one may see on the other side of those county lines on however they treat their particular uses in those areas of the State of Illinois, which sets our standards by which we operate.

Looking at how this county has done so, having those 13 solar fields, as well as the investments that those property owners have brought forward gives us some ability to recognize the quality of the life going forward. For that reason, I support the conditional use as it is specifically drafted for this property.

Vicki Gartner:

Thank you. Mr. Schnable?

Kurt Schnable:

Don't be surprised. I largely agree with everything that's just been said.

Vicki Gartner:

[inaudible 01:41:15].

Kurt Schnable:

Before I made my vote the last time, I believe I said something to the effect of I don't think it's a bad project. I really don't. Compared to many of them that we have approved that are in wet areas or cutting trees down and on and on. We all know what I'm talking about. I see one benefit to it. That area

right at Harmony and 20 is getting choked by trucks, truck repair centers, truck driving schools, trucks going to the tollway interchange. The last thing these people would need is someone coming in to change the zoning to put in another truck storage or service or logistics small thing area. That would be awful if that were to happen. So in that regard, I'm in favor of it even more than I would be normally, but I will be voting to support that definitely.

Vicki Gartner:

Thank you. Mr. Dahlman?

Duane Dahlman:

I voted against the zoning change, lost that one. This is probably one of the better solar projects that I've seen come before this group. I've only been here a few months, so congratulations there. Like Mr. Schnable, it's going to be busy for a few months during construction. After that, it's going to be quiet. There's not going to be anything there. You're not going to see a ton of cars and traffic and so forth any more so than is already running down Harmony Road. But you're not going to have a logistics center there with a thousand trucks in and out every day. So I will be supporting this.

Vicki Gartner:

Thank you. Mr. Kurnik?

William Kurnik:

Just a couple of comments. As Mr. Eldredge indicated, he felt that ... His observation was that the neighbors are objecting to change. Don't interpret that or don't misinterpret that as any belief or characterization or thought that we don't feel that you brought your concerns to us in bonafides and in good faith. What you told us, what you had really was your expectations and what probably were your reasonable expectations as lay people to the surrounding area remaining the same.

Unfortunately, our Illinois Supreme Court has said you have no right to expect surrounding property, the zoning of surrounding property not to be changed, as I understand the law. One of the comments was by the petitioners that as far as not being consistent with the comprehensive plan, he commented that times are changing, and that's those of you that remember one of Bob Dylan's songs. That's what he said one time, times are changing. As an indication of that, we've changed it in the comprehensive plan. One of our board members, I believe, sat on the commission, two board members-

Vicki Gartner:

[inaudible 01:44:35].

William Kurnik:

... or sat on two commissions.

Vicki Gartner:

[inaudible 01:44:37].

William Kurnik:

Two of our board members sat on the commission that looked into it and looked what was the appropriate use of the property. It's our job to apply the law to the facts as we see them. The law has been dictated to us, one by our Supreme Court, two by our general assembly, and also by our zoning board. Under 16.56.030PP, commercial solar energy facilities, they set forth the factors that we are to consider. I'll just go through them very briefly.

Among them are distance must be no less than 150 feet from any residence other than a participating residence. Structures, excluding power lines, may not exceed 20 feet in height. They've complied with that. Lighting must comply. There's not going to be any exterior lighting. Solar panels shall have a surface that minimizes glare. The petitioner says it's going to be covered with something that's going to minimize glare.

Facilities shall be situated as to minimize impacts of woodland, savannas, wetlands. There isn't any impact to those. In order to prevent erosion and manage runoff, facilities shall be planted with low-profile native prairie species. That's what they're going to do. Fencing shall be provided. You saw that? That's what they're going to do.

Any part of the facility that's within 500 feet of a non-participating residence shall be landscaped. That's what's going to happen. That's what they're planning on doing. There's nothing else that they have to show when it's proposed to put a solar facility on agriculture. That's the law that we have to comply with, and I believe that the petitioner has presented all the facts necessary to require us to grant the request for conditional use to allow a commercial solar energy facility. Thank you.

Vicki Gartner:

Thank you. Miss Donner has one additional tiny comment.

Mary Donner:

It is a comment. What you're not going to have is tractors twice a year going through the property. What you're not going to have is corn. Corn is one of the most used herbicidal crops that we have. You're not going to have that near you. There's going to be a lot of good things that are going to come out of this, but they're going to take time to understand what you're going to get from what you already have.

But it appears that the tractors that I see in here, man, all the mess that comes off of those on a windy day and in the fall for what you have for that. Again, the herbicides that they have to use to make everything GMO workable. So it was just a comment that I had after listening to what I was hearing, that we all talk about the things that are wrong with it, this is the kind of thing that makes it good. Again, because in 20 years, assuming that we still use solar in 20 years, it's going to be really good virgin ground with very deep roots.

Speaker X:

Well, there is that.

Mary Donner:

So that was my comment and I just wanted that for your sakes, because we have still one vote to go.

Vicki Gartner:

Yes, my vote.

Speaker 4:

Yes, ma'am.

Vicki Gartner:

I am in favor of this. As was pointed out in some of the objection letters, it doesn't, to your mind, feel that this agrees with the LaSalle factors. Our obligation is not to the LaSalle factors on this board. Our obligation is to the UDO. Even though those two align very closely, we still have to follow the UDO. I think Mr. Kurnik did a great job of pointing out how this does work according to our UDO.

I really, really wish, and this is my fondest wish, is that somebody would make a solar panel that's pretty, that people want to look at, that they're going to say, "Get rid of that corn. I'm so tired of it. Put those panels up." It's not going to happen. We all know if you've ever had a black car with a black interior, nothing sucks up heat like black. So it's going to have to be black to create that energy.

I can't say anything to make the objectors feel any better about it. I understand that. We don't decide where these go. Obviously, it's the owners of the property that make that decision. We're simply here to say, "Is this a good idea or not a good idea?" We can't say, "No, don't put it here. Put it over there." That's not in our responsibility here at all. So having said all that, I'm just going to say I am in favor and I will take the roll for the vote. Okay. Mr. Eldredge?

Charles Eldredge:

Yes.

Vicki Gartner:

Oops, wrong one. Mr. Kosin?

Robert Kosin:

Yes.

Vicki Gartner:

I have to put my glasses [inaudible 01:49:56]. Mr. Schnable?

Kurt Schnable:

Yes.

Vicki Gartner:

Miss Donner?

Mary Donner:

Aye.

Vicki Gartner:

Mr. Dahlman?

Duane Dahlman:

This transcript was exported on Mar 20, 2026 - view latest version [here](#).

Yes.

Vicki Gartner:

Mr. Kurnik?

William Kurnik:

Yes, but not with my usual eloquence.

Vicki Gartner:

I will vote yes as well, and I'm not eloquent at all. So this will go to the county board next month.

Kim Scharlow:

Yes, April 21st.

Vicki Gartner:

April 21st, next door, with a seven to zero vote in favor on both counts. That's my phone. Excuse me. Anyway, I'm going to adjourn the meeting. Thank you all for coming and expressing your opinions, and thank you for the presentation.

MCHENRY COUNTY
ZONING BOARD OF APPEALS
MINUTES ● March 11, 2026

Zoning Hearing

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

1:30 PM

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD – Z25-0114

- 1. APPLICANT:** Green Solar 9, LLC
- 2. REQUEST:** Reclassification from the “E-1” Estate District to the “A-1” Agriculture District and a Conditional Use Permit to allow for a Commercial Solar Energy Facility
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The property consists of approximately 92 acres and is located on the north side of Harmony Road, approximately 1,000 feet west of the intersection of Harmony Road and South Grant Highway, in Coral Township, Illinois. PINs: 17-33-200-006 and 17-33-200-007
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** March 11, 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: Vicki Gartner – Vice Chair, Charles Eldredge, Kurt Schnable, Robert Kosin, Mary Donner, William Kurnik, Duane Dahlman
 - B. Witnesses: Scott Drabickey – Engineer, ClarkDietz, Rachel Rulla – Engineer, ClarkDietz, Fernando Velasquez – Cipriani Energy, Kartik Kumar - Cipriani Energy
 - C. Public: Kim Scharlow – County Staff, Kit GearhartSchinske – County Staff, Sue Reimann, Donna Cunzalo, Laurie Cisneros, Kathleen Carr, Carol Volkening, Ignazio Fiorella, Anna Palella Kohl
- 7. ITEMS OF EVIDENCE:** Power Point presentation
- 8. SUMMARY OF TESTIMONY:** Vice-Chair Gartner opened the meeting. The board introduced themselves. Ms. Gartner swore in the applicants, staff and the public.

The applicants introduced themselves and the application.

Ms. Gartner asked the applicant if they would like to incorporate their written responses to the map amendment standards as testimony. Mr. Drabickey agreed.

Mr. Kurnik asked the applicant to address the map amendment standards. The applicant testified that rezoning the property from "E-1" Estate to "A-1" Agricultural would be compatible with surrounding land uses, particularly the nearby agricultural areas to the west and south, and business and industrial uses to the east. They testified that the land's current zoning as Estate was no longer suitable, as residential growth in the area never materialized, and the property has historically remained agricultural. They highlighted that the land had been actively farmed for approximately 80 years, with no residential structures on the property since the early 20th century. The applicant further argued that agricultural zoning would reduce potential public service demands, such as emergency services and school enrollment, which would increase if the land remained zoned for residential use.

Applicant's Testimony Regarding the Conditional Use

- Proposed solar farm would occupy approximately thirty (30) acres and generate about five (5) megawatts of electricity.
- Project site is currently actively farmed row-crop land and has been in agricultural use for approximately eighty (80) years.
- Solar development would:
 - Preserve land.
 - Maintain agricultural zoning and limit future intensive development.
 - Support renewable energy goals and provide additional power to the grid.
- Example cited from another solar project showed:
 - Significant increase in equalized assessed value.
 - Substantial increase in property tax revenue to local taxing bodies.
- Electricity generated will interconnect with Commonwealth Edison infrastructure.
- Developer will fund approximately \$600,000 in utility upgrades to connect the project to the grid.
- Proposed access to the site from Harmony Road, coordinated with Illinois Department of Transportation requirements.
- Existing farm access will be relocated to comply with access regulations.
- Setbacks exceed state and county requirements:
 - Approximately ninety-eight (98) feet from property line to panels.
 - Approximately one hundred ninety-two (192) feet from the nearest residence.
- Vegetative screening proposed:
 - Evergreen trees along the north property line near residences.
 - Supplemental screening along east property boundary where gaps exist.
- Eight (8) foot woven wire agricultural fence with gated access.
- Pollinator-friendly ground cover (CP42 seed mix) will be planted under panels to support habitat and soil health.
- Native grasses and flowering plants will be maintained through periodic mowing.

- Site perimeter will be maintained with turf grass for access and maintenance.
- Flood-prone areas and drainage swale will be avoided and preserved.
- Applicant confirmed compliance with the Illinois Agricultural Impact Mitigation Agreement, including requirements for:
 - Drain tile protection
 - Soil restoration
 - Decommissioning of the facility.
- Project life expectancy estimated at twenty (20) to thirty (30) years.
- At end of life, all equipment must be removed to five feet below grade and land restored to agricultural use.
- Developer will post financial security/bond to ensure decommissioning obligations.
- Environmental clearances obtained from:
 - Illinois Department of Natural Resources
 - United States Fish and Wildlife Service
- Archaeological review underway due to potential historic homestead locations.

Ms. Gartner opened the floor to questions from the public. There were none.

Staff gave their report. The subject property is zoned “E-1” Estate district. The subdivision to the north is zoned “PD” Planned development. To the south is “A-1” Agricultural. To the east is “I-1” Light Industrial, “B-1” Neighborhood Business and “B-3” General Business, and to the west is “E-1” Estate zoning. The current land use is agricultural. To the north is single family residential, as well as one (1) vacant lot and some open space. To the south is agricultural, to the east is agricultural, commercial, and single family, and to the west is agricultural. The future land use designation according to the 2030 Plan is for estate. Staff stated that the county has adopted the 2050 Future Land Use Plan which identifies the property for agriculture use but noted that the 2050 Plan has not been officially incorporated into Staff reports at this time.

Ms. Gartner opened the hearing to public comment. Ms. Cisneros and Mr. Fiorella opposed the map amendment and conditional use. Ms. Carr stated that she is a neighbor of the subject parcel and spoke in favor of the map amendment and conditional use.

Ms. Gartner closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: 25-118-4779.

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was received for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Vice-Chair Gartner opened the voting meeting immediately following the hearing.

Mr. Eldredge motioned to approve the map amendment. Ms. Donner seconded the motion. Motion carried (5-2).

- Mr. Eldredge stated that the parcel has never been used for anything except agriculture since it was settled in the middle of the 19th century. He stated that while the 2030 plan suggested estate zoning, the 2050 plan has corrected that designation and calls for agriculture. He stated that the majority of the surrounding land is agriculture.
- Ms. Donner stated that it is appropriate to designate the parcel as agriculture because it is being used as agriculture and the 2050 Plan calls for agriculture.
- Mr. Kosin stated that the future land use plan goes through updates as shown in the progression of the future land use map from the 2030 Plan to the 2050 Plan.
- Mr. Schnable and Mr. Dahlman stated that they do not support the down zoning.
- Mr. Kurnik stated that it is inappropriate to consider the proposed solar use when considering the map amendment. He stated that the map amendment is to be considered on its own merits. He stated that the decision for map amendments is not controlled by one factor but by a balancing of factors under each statement. He stated that the subject parcel has been used for agricultural purposes for years.
- Ms. Gartner stated that the parcel has been farmed forever. She stated that it makes sense to allow the map amendment.

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

- No discussion followed.

Mr. Eldredge motioned to accept the conditional use. Ms. Donner seconded the motion. Motion carried (7-0).

- Mr. Eldredge motioned to accept the petition subject to the conditions. Ms. Donner seconded the motion. Mr. Eldredge stated that the parcel has been farmed for decades. He stated that the exception to that thought was prior to 2007 when the county thought that it would grow exponentially resulting in farm fields being subdivided. He stated that the state standards have been met. He stated that the location is reasonable.
- Mr. Kosin stated that the conditional use allows the commercial solar energy facilities to be customized to each site. He stated that he approves the project as conditioned.
- Mr. Schnable stated that the use is one of the least intensive uses for the area. Mr. Dahlman concurred.
- Mr. Kurnik addressed the standards and stated that the standards have been met.

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The request for map amendment from "E-1" Estate to "A-1" Agricultural District was recommended for approval.
- 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:

Map amendment 5 – AYES; 2 – NAYS; 0 – ABSTAIN

Conditional Use 7 – 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 Clark Dietz, dated January 27, 2026 (attached).
3. The Decommissioning Plan shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the Decommissioning Plan.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Recommendations made by the Illinois Department of Natural Resources in their October 16, 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.

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: #Z25-0114

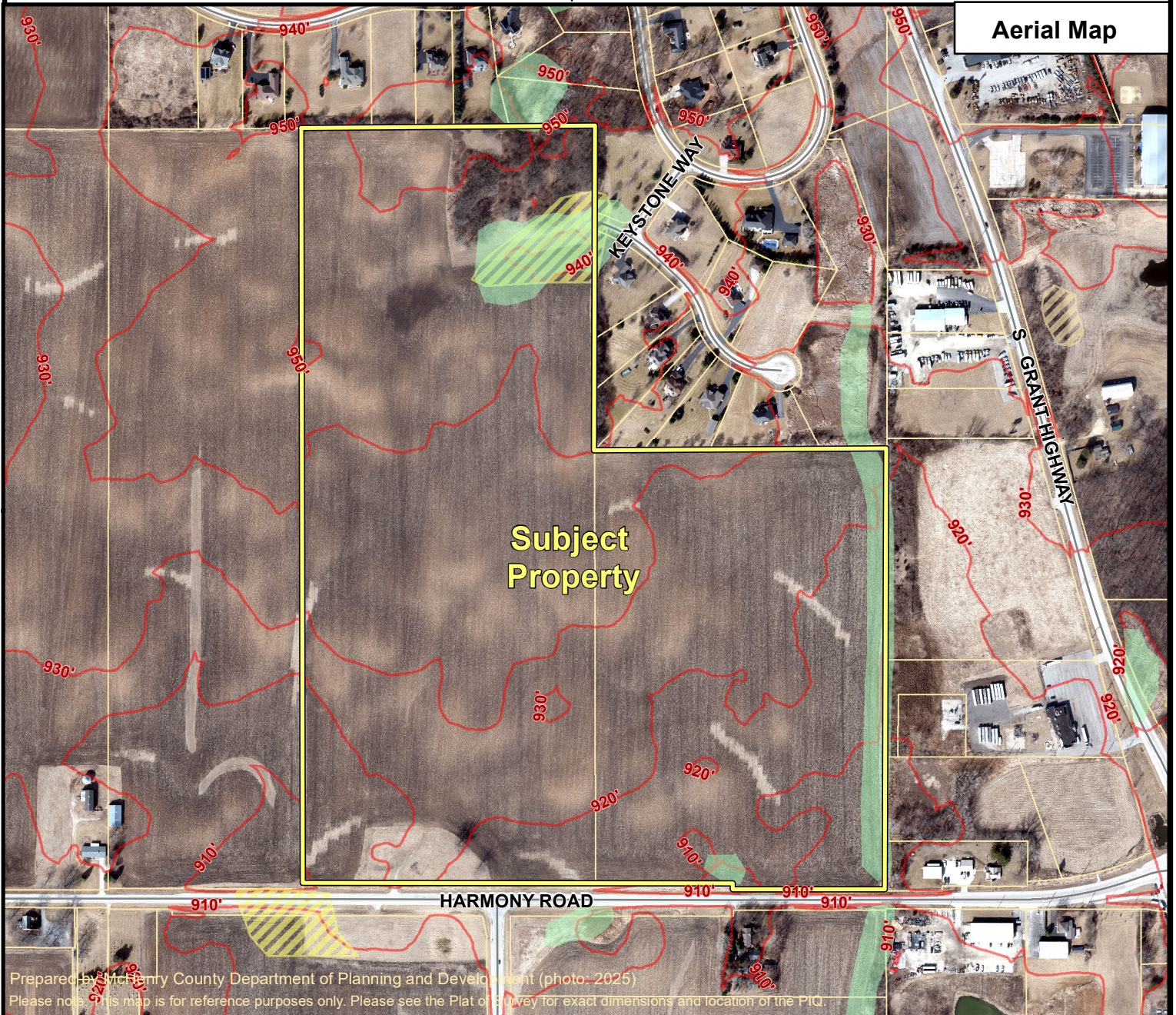
PIN: #17-33-200-006 and #17-33-200-007

Location: The property consists of approximately 92 acres and is located on the north side of Harmony Road, approximately 1,000 feet west of the intersection of Harmony Road and South Grant Highway, in Coral Township, Illinois.

Hearing: March 11, 2026





Applicant: Green Solar 9, LLC

Request: Reclassification from the "E-1" Estate District to the "A-1" Agriculture District and a Conditional Use Permit to allow for a Commercial Solar Energy Facility



ADID Wetland Map 2005

Elevation
(feet above sea level)

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

Historic Flood Zone



Feet
250 125 0 250 500
1 inch equals 500 feet



Staff Report for the McHenry County Zoning Board of Appeals

STAFF COMMENTS

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

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Reclassification from the E-1 Estate District to the A-1 Agriculture District and a Conditional Use Permit to allow for a Commercial Solar Energy Facility. The subject property consists of approximately ninety-two (92) acres and was zoned E-1 Estate District in 2004. Previously erected structures, including a residence and farm buildings, were removed from the site around 2012 and it has remained undeveloped since then. According to aerial photography, the majority of the subject property is currently in crop production.

According to the narrative, the applicant is proposing a 4.98-megawatt commercial solar energy facility, enclosed by an eight (8)-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.

Commercial Solar Energy Facilities are not permitted within the “E-1” Estate District. The Reclassification portion of this request must be approved in order for the Conditional Use Permit to be granted.

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*).
- The Petitioner must meet the Approval Standards for Map Amendment, listed in County Code Section 16.20.010.E.1 of the UDO.

STAFF ANALYSIS

Current Land Use & Zoning

The property is adjacent to agricultural uses to the west and south; single-family residential, vacant, and open space to the north; and agricultural, commercial, and single-family residential to the east. The property surrounding the subject property is zoned PD – Planned Development to the north, A-1 Agriculture to the south, E-1 Estate to the west, and I-1 Light Industrial, B-1C Neighborhood Business with a Conditional Use, and B-3 General Business.

2030 Comprehensive Plan Future Land Use Map

The proposed map amendment and conditional use permit are not consistent with the County’s future land use designation of Estate. However, the 2030 Comprehensive Plan & 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 (#25-118-4779) indicates that the LE score is 85.94 out of a possible 100 regarding soils for crop production. The NRCS Soil Survey indicates approximately 60.6% of the parcel is comprised of prime farmland soils. The concerns that the development of solar facilities in the county will result in the loss of farmland, particularly prime farmland can be remediated because, unlike other forms of development, the land is preserved for future farming. Also, the

proposed native vegetation may slow the velocity of runoff, capturing sediments or other pollutants and allowing water to infiltrate into the soil, thereby reducing potential for erosion and sedimentation and improving soil conditions.

- The proposed reclassification is a mechanism to preserve agricultural lands in the county.

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 Swainson's Hawks in the vicinity of the project location but concluded that adverse effects were unlikely, as long as the applicants adopted their recommendations as outlined in their October 16, 2025 letter. The endangered species consultation was terminated.

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

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

Water Resources

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

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

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

Economic Development

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

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

Infrastructure

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

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

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

STAFF ASSESSMENT

The 2030 Comprehensive Plan and the 2030 and Beyond Update both support the development of commercial solar energy facilities. Once the facility is constructed, there is very little to no traffic generated by the use. There is very minimal risk of noise, lighting, or other nuisances generated by this use. The proposed use is compatible with adjacent uses. As noted within Public Act 102-1123, a request for a Conditional Use Permit for a commercial solar energy facility shall be approved if the request is in compliance with the standards and conditions imposed within the Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and Federal statutes and regulations. A County may not adopt zoning regulations that disallow commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses. Note: This request also includes Reclassification from the "E-1" Estate District to the "A-1" Agriculture District, which is not mandated by the State. Staff has no objection to the proposed map amendment, typically referred to as downzoning, requested by the applicant. 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 Clark Dietz, dated January 27, 2026 (attached).
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Recommendations made by the Illinois Department of Natural Resources in their October 16, 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.

§16.20.010.E.1 Approval Standards for Zoning Amendments

Approval Standards for Zoning Amendments. The Zoning Board of Appeals recommendation and the County Board decision shall consider the following standards. However, the Zoning Board of Appeals' recommendation and the County Board's decision on any zoning text or map amendment is not controlled by any one factor under the following standards, but rather the approval of amendments is based on a balancing of the factors under each standard.

1. *Approval Standards for Map Amendments.*

- a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
 - b. The extent to which property values of the subject property are diminished by the existing zoning.
 - c. The extent to which the public health, safety, and welfare of the public are promoted by the existing zoning.
 - d. The relative gain to the public, as compared to the hardship imposed upon the applicant, if the proposed zoning is denied.
 - e. The suitability of the property for the purposes for which it is presently zoned.
 - f. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.
 - g. The community need for the proposed use.
 - h. The consistency of the proposed amendment with the adopted comprehensive plan and the appropriateness of the comprehensive plan to the subject property.
-

§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.

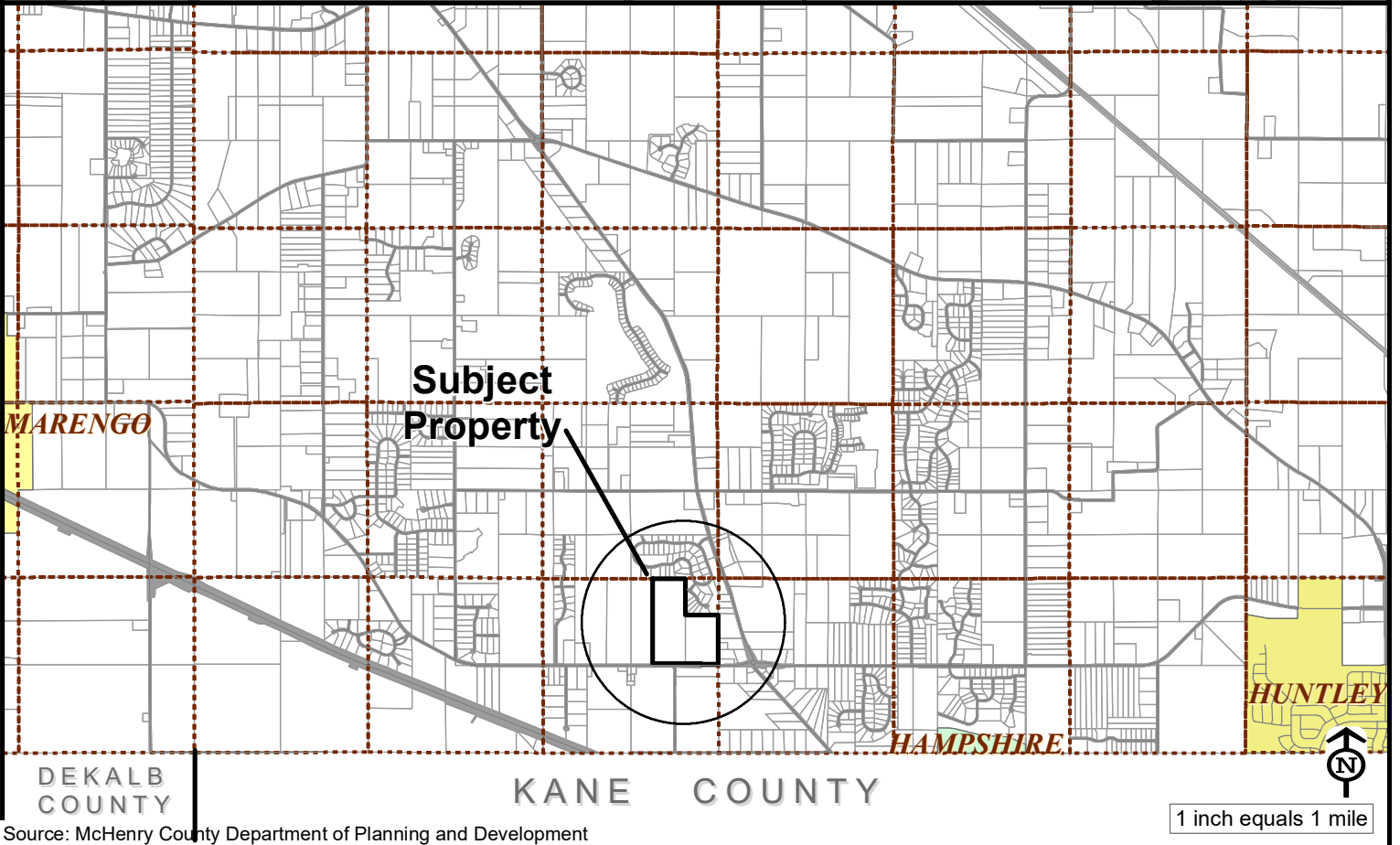
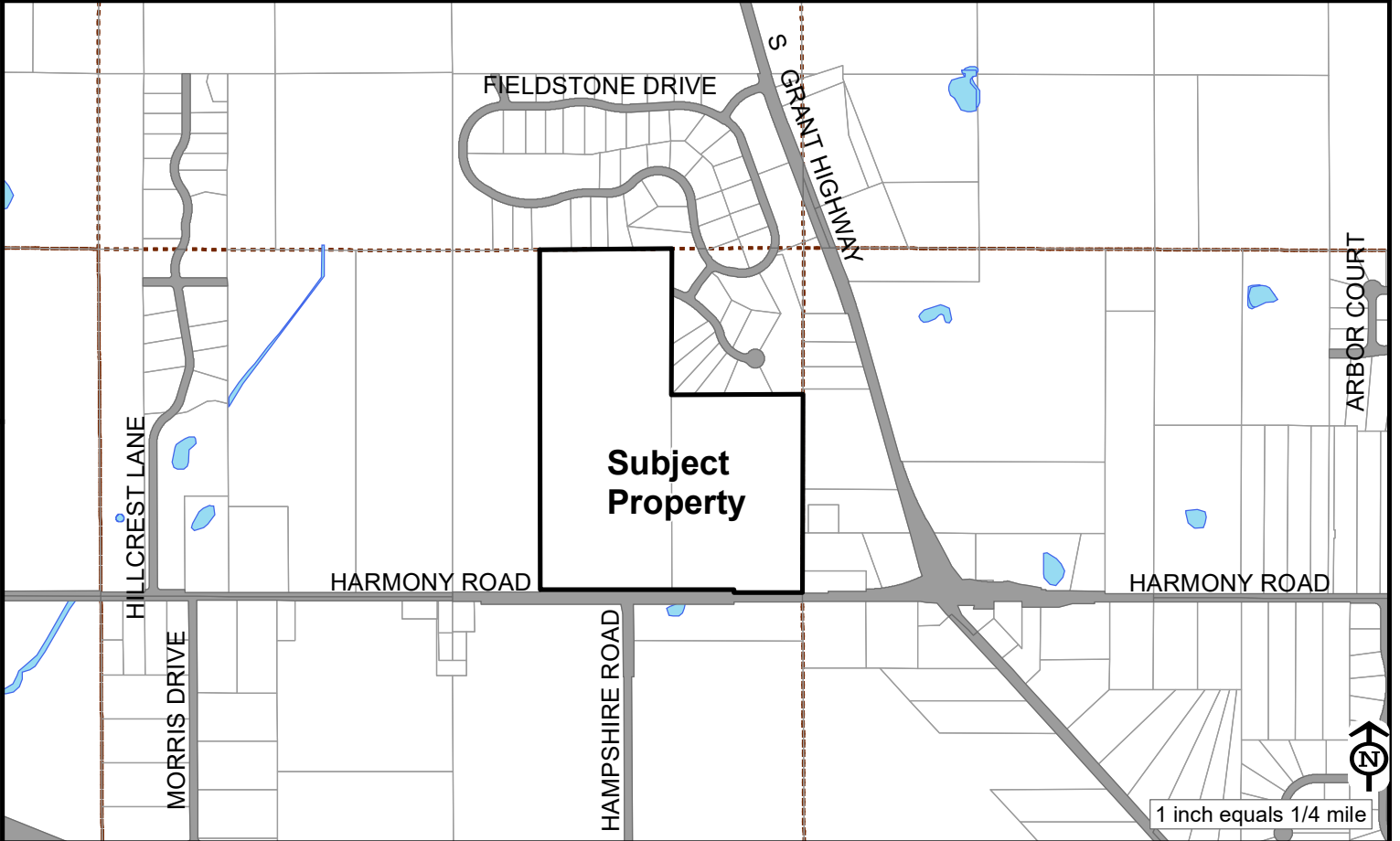
a. The COMMERCIAL SOLAR ENERGY FACILITY shall be considered abandoned if the operator fails to pay rent as specified in the Agricultural Impact Mitigation Agreement, or it ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided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

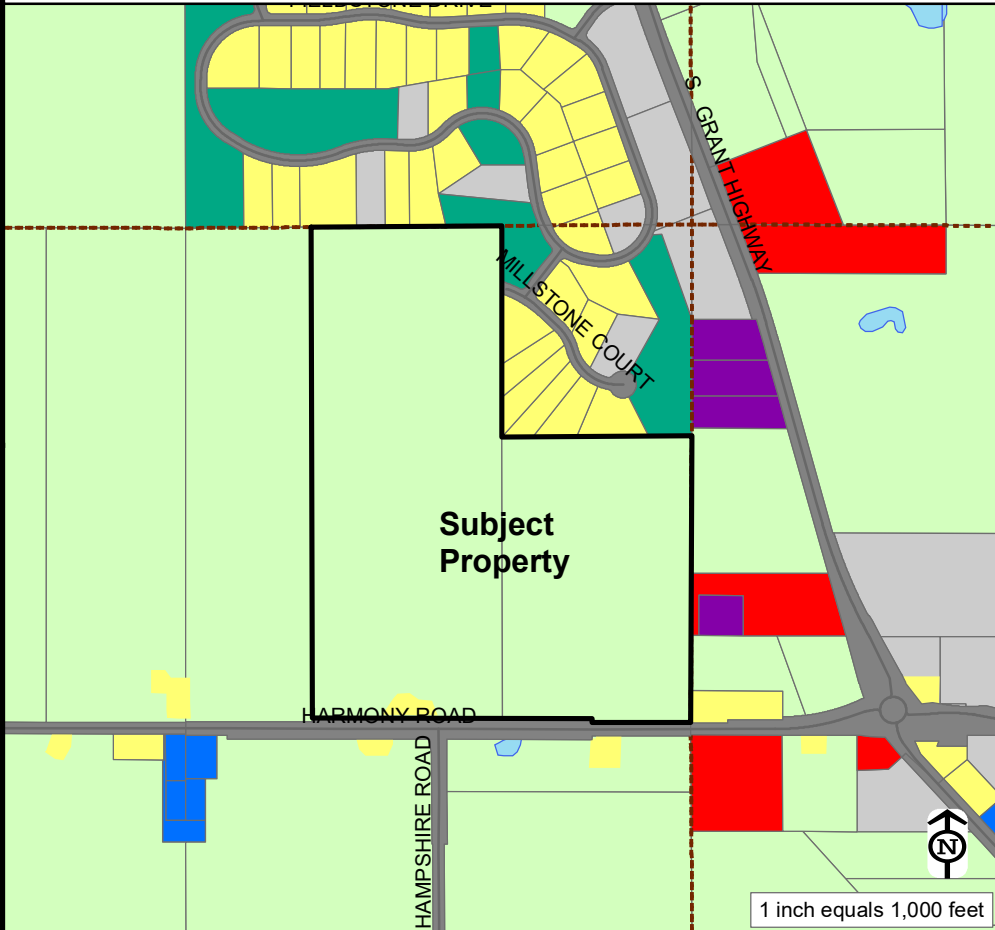
a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles,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

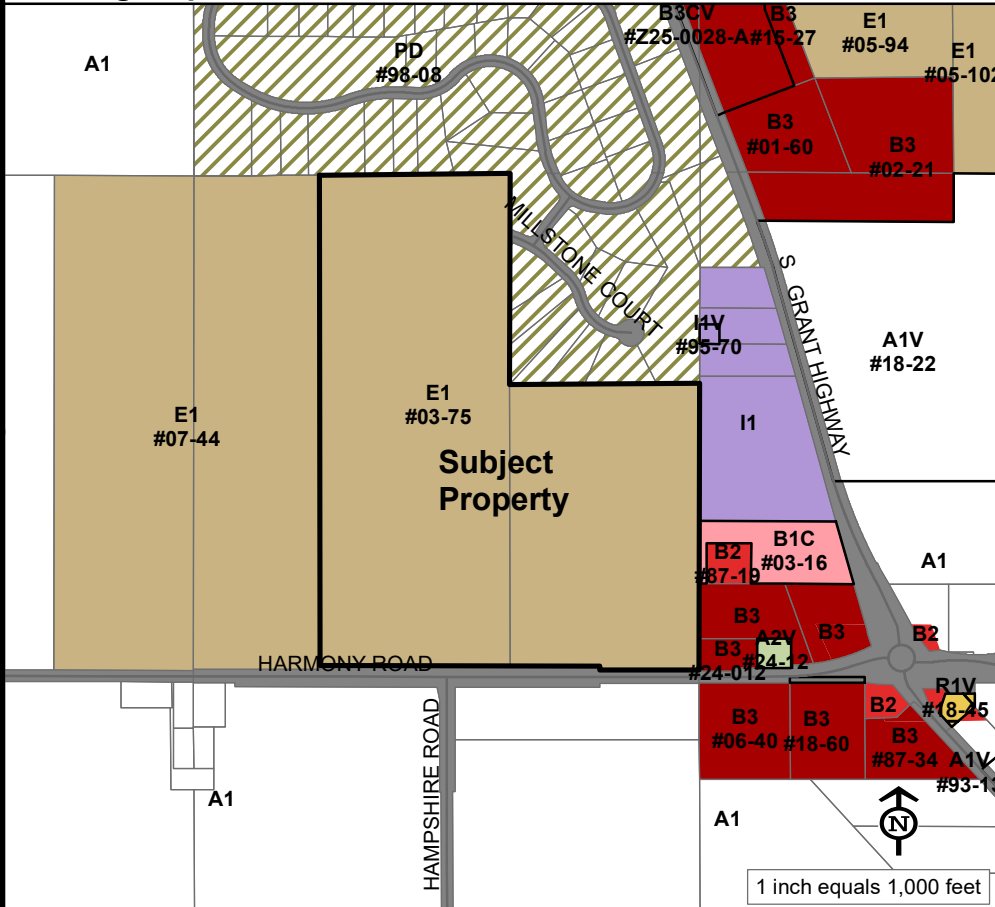
Agriculture

Adjacent Land Use(s)

North: *Single-Family Residential/
Vacant/Open Space*
South: *Agriculture*
East: *Agriculture/Commercial/
Single-Family Residential*
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

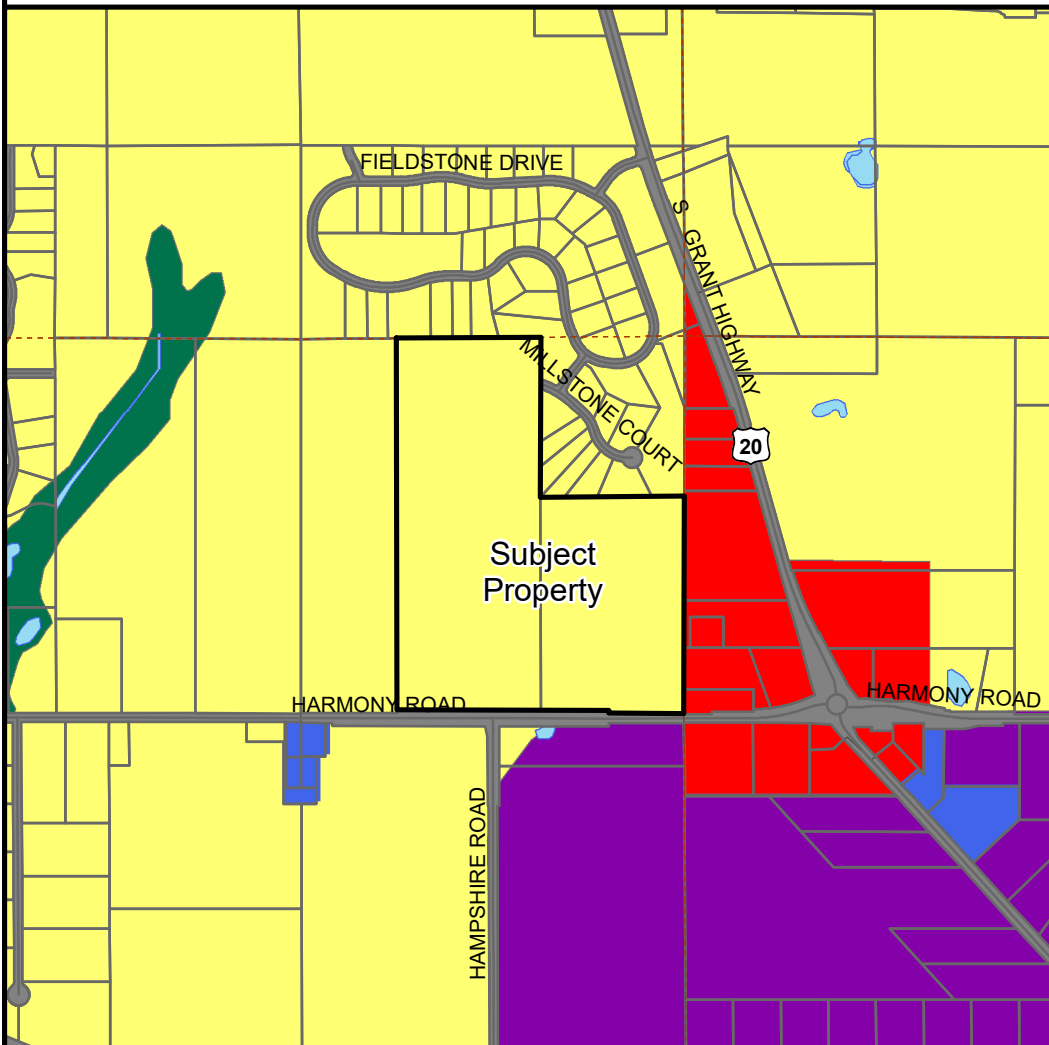
E-1 Estate

Adjacent Zoning

North: PD - Planned Development
South: A-1 Agriculture
East: I-1 Light Industrial/
B-1C Neighborhood Business/
B-3 General Business
West: E-1 Estate

- 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 Multi-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

Estate

- 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 = 1/4 mile



Municipal / Township Plan Designations

Coral Township: Estate/Commercial
 Hampshire: Estate Residential

McHenry County 2030 Comprehensive Plan — Text Analysis

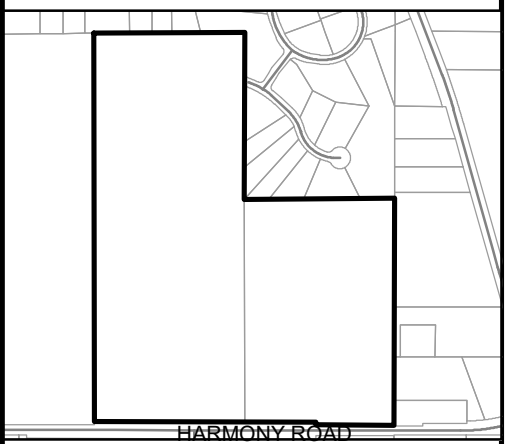
Land Use

Estate includes existing and proposed areas for single-family residential uses at gross densities of one to five acres per dwelling unit. Estate land use is generally designated in areas that are not projected to have access to public sewer and water. Where appropriate, conservation design is encouraged in order to cluster lots and maintain open space within estate developments. Increased estate densities are encouraged where appropriate; however, estate development in close proximity to a municipality should take into consideration that municipality's densities (p. 134).

Sensitive Aquifer Recharge Areas

The site is not located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area

McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT

25-118-4779

December 22, 2025



This report has been prepared for:
Green Solar 9, LLC

Contact Person:
Rachel Rulla

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

1648 S. EASTWOOD DR.

WOODSTOCK, IL 60098

PHONE: (815) 338-0444

www.mchenryswcd.org

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

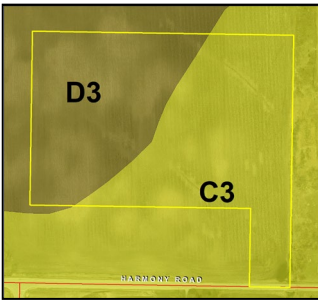
EXECUTIVE SUMMARY OF NRI REPORT #25-118-4779

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.





Site Picture: Looking northwest 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 14.63 acres of C3 and 11.48 acres of D3 geologic limitations. C3 has a moderate contamination potential and D3 has a moderately low contamination potential.

Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology). The Sensitive Aquifer Recharge Map indicates the parcel is not within an area designated as Sensitive Aquifer Recharge.



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 14.2 acres or 54.4% 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 no 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 3.4 acres or 12.9% of the parcel contains highly erodible soils.



Prime Farmland Soils

The Natural Resources Conservation Service (NRCS) Soil Survey indicates 15.8 acres or 60.6% of the parcel is comprised of prime farmland soils and 10.3 acres and 39.4% 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 11.3 acres or 43.4% of the parcel has very limited soils for ground-based solar arrays (identified in red).



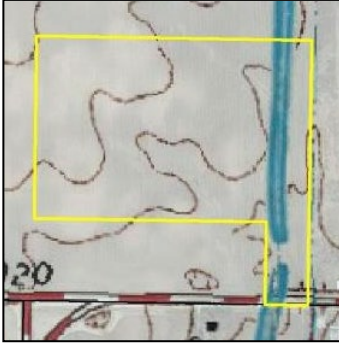
Hydric Soils

The NRCS Soil Survey indicates 10.3 acres or 39.4% of the parcel contains hydric soils (identified in orange).

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 2.06 acres of the parcel has flooded (identified in blue). It should be noted that the overlay is slightly off. The area flooded should be along the property line.

Wetland Information:

USDA-NRCS Wetland Inventory

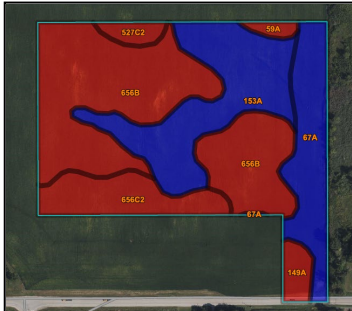
The NRCS Wetlands Inventory indicates there are no wetlands on the parcel.

ADID Wetland Inventory

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

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 10.3 acres or 39.4% 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 not a high probability for cultural/historical features within the parcel in question.

Preserved or Recognized Ecological Sites: None Identified

Woodlands: None Identified

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 85.94. 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.

Vegetation: Information provided by the applicant indicate pollinator-friendly vegetation will be established throughout the site. It is recommended that the applicant work with the McHenry County Department of Planning & Development to ensure the planting and maintenance plan developed ensure that noxious weeds are controlled, and native plantings are properly installed and managed.



NATURAL RESOURCE INFORMATION REPORT (NRI)

NRI Report Number	25-118-4779	
Applicant's Name	Green Solar 9, LLC	
Size of Parcel	26.12 acres	
Zoning Change	Solar Facility	
Parcel Index Number(s)	17-33-200-006, 17-33-200-007	
Common Location	Undefined	
Contact Person	Rachel Rulla	
<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

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

JB Pritzker, Governor

Natalie Phelps Finnie, Director

October 16, 2025

Rachel Rulla
Rachel Rulla
1815 S Meyers Road, Suite 470
Oakbrook Terrace, IL 60181

RE: Marengo IL Community Solar
Project Number(s): 2606527 [C25625002]
County: McHenry

Dear Applicant:

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

However, the Department recommends:

Establishing 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.

Trees should be cleared between November 1st and March 31st. All night lighting should follow IDA guidance.



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Natalie Phelps Finnie, Director

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

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

Please contact me if you have questions regarding this review.

Isabella Newingham
Division of Ecosystems and Environment
217-785-5500

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT
between
Green Solar 9, 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).

Green Solar 9, LLC, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 4.98 MW AC Commercial Solar Energy Facility in **McHenry** County [GPS Coordinates: 42.1627550, -88.532673], which will consist of up to 23.10 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.

Green Solar 9, 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.

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

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

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

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

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

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.

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

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

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

C. Maintaining Surrounding Area Subsurface Drainage

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

D. Re-establishing Subsurface Drainage Within Facility Footprint

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

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

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

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

Green Solar 9, 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.

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

- 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.

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

- 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);

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

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.

Green Solar 9, LLC

Standard Solar Agricultural Impact Mitigation Agreement

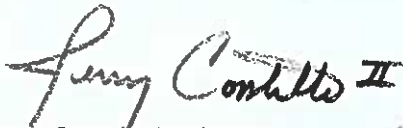
- E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used 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 Green Solar 9, LLC concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in McHenry County within the State of Illinois.

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

**STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE**



By: Jerry Costello II, Director 4


By Clay Nordsiek, Deputy General Counsel

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

Green Solar 9, LLC



By Lorenzo Cipriani, CEO

125 Wolf Road, Suite 312
Colonie, NY 12205

Address

11/5, 2025

10/15, 2025