CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
March 19, 2024
7:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – March 5, 2024 Regular City Council Meeting**
5. **Accounts Payable**
6. **Public Presentation**
   The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
   a. **Class 20 Temporary Liquor License Request - St. Elizabeth Ann Seton Catholic Church**
   b. **County Zoning Request – Dean Street - PINs 13-29-100-012 and 13-29-100-015 (east side of Dean Street approximately 3,900 feet from the intersection of Dean Street and Route 176), Woodstock, Illinois**
   c. **County Zoning Request – Lucas Road - PIN 13-28-200-013 (south side of Lucas Road approximately 4,000 feet east of the intersection of Lucas Road and Illinois Route 47), Woodstock, Illinois**
10. **Ridgefield Solar Farm (PIN 13-23-400-005) - Comprehensive Land Use Plan Amendment from Agriculture/Rural Residential to Industry and Preliminary and Final Planned Unit Development and Special Use Permit for a Solar Farm and the deferral of the burial of the overhead utility lines and the installation of sidewalk**
11. **County Zoning Request - Ridgefield Road and Route 14 - PIN 14-31-151-004 (also abuts Route 176 approximately 1,000 feet west of Route 14)**
12. **142 Edgewood Avenue - Simplified Residential Zoning Variations from the maximum height of 18 feet for an accessory structure to allow 21 feet, a variation of three (3) feet, from the limit of a dormer at 20% of the length of the side a maximum of 6 feet 4 inches to allow 24 feet on two elevations, a variation of 17 feet 6 inches per elevation, from the required rear yard setback of 20 feet to allow five (5) feet, a variation of 15 feet**
13. **No Parking Restriction – North side of Berkshire Drive from Canterbury Drive to 150 feet northwest**

14. Approval of a Subrecipient Agreement with the County of McHenry for the Edgewater Drive Drainage Improvement Project to receive Community Development Block Grant funds

15. Allocation of State Motor Fuel Tax (MFT) Funds for Fiscal Year 2024B

16. Amendment of the City's Home Rule Municipal Retailers and Service Occupation Tax

17. Ordinance waiving the procurement requirements under City Code Section 102-8 and awarding the contract for Geographic Information System (GIS) services to Baxter and Woodman, Inc.

18. Ordinance waiving the procurement requirements for professional engineering services under City Code Section 102-8 and awarding the contract for Design Engineering Services for the Three Oaks Recreation Area Water Level Improvement to Christopher B. Burke Engineering

19. Purchase of six (6) Police Department and one (1) Fire Rescue Department vehicles through the State of Illinois Central Management Services (CMS) bid for a total of $335,354.00

20. Ambulance Power Load System Purchase

21. Bid Award – 2024 Annual Sidewalk, Curb, and Pedestrian Ramp (ADA) Replacement Program

22. Bid Award - Unleaded Gasoline and Diesel Fuel

23. Bid Award – Municipal Building IT Electrical Feeder

24. Purchase and Installation of Rotary Vehicle Lift

25. Designation and Auction Sale of Surplus Property

26. Council Inquiries and Requests

27. Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining and personnel.

28. Reconvene to Regular Session

29. Adjourn

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Melanie Nebel, Executive Assistant, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.

Agenda Item No: 9a

City Council
Agenda Supplement

Meeting Date: March 19, 2024

Item: Class 20 Temporary Liquor License Request - St. Elizabeth Ann Seton Catholic Church

Staff Recommendation: Motion to approve issuance of a Class 20 Temporary Liquor License to St. Elizabeth Ann Seton Catholic Church.

Staff Contact: Nick Hammonds, Assistant City Manager

Background:
The City received a request from St. Elizabeth Ann Seton Catholic Church for the issuance of a Class 20 Temporary Liquor License in order to offer wine as part of a cork pull, in the package only, as a raffle prize for a fundraiser on Saturday, April 27, 2024. While raffle licenses are approved administratively per the City Code, the issuance of a temporary liquor license requires consideration by the City Council.

The organization will need a temporary liquor license as the awarding of alcoholic liquor as a raffle prize is considered the sale of alcohol by the State Liquor Control Act. The alcoholic raffle prizes will be awarded at Old Towne Hall, located at 54 Brink Street, on Saturday, April 27, 2024 and must be picked up by Monday, April 29, 2024.

Section 329-5-T of the City Code permits the issuance of a Class 20 Temporary Liquor License for the retail sale of alcoholic liquor on the premises in packages only but not for consumption on the premises specified in the license where sold. The license shall be issued to not-for-profit corporations or organizations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three days and shall be issued only for special events sponsored by the not-for-profit corporation or organization requesting the license.

St. Elizabeth Ann Seton Catholic Church has met all application requirements for a temporary liquor license.

Votes Required to Pass:
Simple majority

CITY OF CRYSTAL LAKE

Class "20"
Temporary Liquor License

General Information:

- A Class "20" **Temporary** Liquor License authorizes the retail sale of alcoholic liquor on the premises specified in the license in packages only but not for consumption on the premises where sold.
- The license applicant must be a **not-for-profit** corporation qualified to do business in the State of Illinois.
- The license is valid for a period not to exceed three (3) days and may only be used for special events sponsored by the not-for-profit corporation requesting the license.
- Issuance of a Class "20" Temporary Liquor License must be reviewed and approved by the Mayor and City Council of the City of Crystal Lake.

City of Crystal Lake
Application for Temporary Liquor License

CLASS "20"
Alcoholic Liquor in Packages Only

The undersigned hereby makes application for a license for the sale at retail of alcoholic liquor in packages only under the provisions of the City of Crystal Lake Liquor Licensing Ordinance:

1. Applicant's full name St. Elizabeth Ann Seton
(Must be not-for-profit organization)

Address 1023 S. McHenry Ave Crystal Lake Phone Number 815-459-3033

2. Location where beer in packages only will be sold:
Old Towne Hall 54 Brink St. Crystal Lake, IL 60014

3. Dates of the event (**not to exceed three (3) days**): April 27, 2024

4. Hours of operation: 5:00PM - 10:00 PM

5. Describe the type of crowd and traffic control licensee will utilize. Parishioners who want to support our fundraiser. Max # will be 165

6. Describe plan for refuse pickup. After the silent auction and raffle are closed 9:00PM, Items will be paid for and they will leave with their closed basket of goods.

7. Please list the names and addresses of the members of the organization who will be selling alcoholic liquor in packages only at the location pursuant to the license. If additional space is needed, please use reverse side.

8. **Please attach the following to your application:**
   - ☑ **License fee in the amount of *$20.00*. (Make checks payable to the "*City of Crystal Lake*".)**
   - ☑ **Proof of liquor liability insurance**
   - ☑ **Proof of permission from owner of the premises, if different than applicant, authorizing the sale of beer in packages only on the property during the time requested.**
   - ☑ **Site plan of area where beer in packages only will be sold.**
   - ☑ **Letter to the Mayor and City Council requesting approval of the issuance of a Class "20" Temporary Liquor License to applicant.**

Fr. [signature] 2/27/2024
Signature of President Date

[signature] 2/27/2024
Signature of Secretary Date

Both application and affidavit must be signed by the President and Secretary of the not-for-profit organization.

AFFIDAVIT

STATE OF ILLINOIS)
COUNTY OF MCHENRY)

We swear that we will not violate any of the Ordinances of the City of Crystal Lake or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of our knowledge and belief.

Fr. [signature]
Signature of President

[signature]
Signature of Secretary

Subscribed and sworn to before me this 27

day of February, 2024.

Patricia A. Sconce
Notary Public



St. Elizabeth Ann Seton Catholic Church

1023 McHenry Avenue
Crystal Lake, Illinois 60014

Office: 815-459-3033 Fax: 815-459-3040

"The first end I propose in our daily work is to do the will of God;
secondly, to do it in the manner He wills it; and thirdly to do it because it is His will."
Quote from St. Elizabeth Ann Seton

To: Mayor Haig Haleblian and City Council Members – Requesting Temporary Liquor License approval to raffle Beer and Wine and Liquor at our Gala Fundraiser dinner on Saturday April 27, 2024

February 27, 2024

RE: Temporary Liquor License Application for Non-Profit

Dear Mayor Haig Haleblian and City Council Members,

This is to inform you that we are hosting a Gala dinner fundraiser on Saturday April 27, 2024, located at:

Old Towne Hall Banquets
54 Brink Street
Crystal Lake, IL 60014

We plan to have raffle prizes and auction items that will include closed retail packaged liquor, so we kindly request your approval of a Non-Profit Temporary Liquor License for this occasion.

Please find the enclosed documents with this letter

1. License fee - $20.00
2. Proof of Liquor liability insurance
3. Application
4. Map of the location for this event with the plan of the area where raffle and silent auction will take place

You can contact us at 815-459-3033, should you require any additional information.

Thank you very much for your support.

Sincerely,

Fr. John Kladar
Parochial Administrator

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 3/13/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Arthur J. Gallagher Risk Management Services, LLC
2850 Golf Rd
Rolling Meadows IL 60008

CONTACT NAME: Gallagher Bassett Services, Inc.
PHONE (A/C, No, Ext): 414-203-4053 FAX (A/C, No): 414-258-1250
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : National Catholic RRG , Inc	10083
INSURER B : Safety National Casualty Corporation	15105
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Diocese of Rockford
Finance & Administration Office
P.O. Box 7044
Rockford IL 61125

DIOCOFR-01

COVERAGES **CERTIFICATE NUMBER:** 287223199 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			RRG 10268-26	7/1/2023	7/1/2024	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ Included
	X Liquor Liability						MED EXP (Any one person)	$ Included
							PERSONAL & ADV INJURY	$ Included
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ N/A
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ Included
	OTHER:							$
A	AUTOMOBILE LIABILITY			RRG 10268-26	7/1/2023	7/1/2024	COMBINED SINGLE LIMIT (Ea accident)	$ 5,000,000
A	ANY AUTO			XS1026826	7/1/2023	7/1/2024	BODILY INJURY (Per person)	$
	X OWNED AUTOS ONLY SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	UMBRELLA LIAB X OCCUR			RRG 10268-26	7/1/2023	7/1/2024	EACH OCCURRENCE	$ 4,000,000
	X EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 4,000,000
	DED X RETENTION $ 1,000,000							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N	N / A		SP 4066812	7/1/2023	7/1/2024	X PER STATUTE OTH-ER	Statutory
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
General Liability and Auto Liability limits inclusive of $250,000 Self-Insured Retention.
If Additional Insured status noted herein, coverage afforded by Form #TNC-G118 (ed. 01/01/12).
FOR: St Elizabeth Ann Seton Catholic Church(DIOCESE OF ROCKFORD)
REASON: Fundraiser Gala 04/27/24 Old Towne Hall, 54 Brink Street, Crystal Lake, IL 60014

CERTIFICATE HOLDER

City of Crystal Lake
100 W Woodstock St
Crystal Lake IL 60014
United States

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE 2/9/2024

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PRODUCER Arthur J. Gallagher Risk Management Services, LLC 2850 Golf Rd Rolling Meadows IL 60008	**CONTACT NAME:** Gallagher Bassett Services, Inc. **PHONE (A/C, No, Ext):** 414-203-4053 **FAX (A/C, No):** 414-258-1250 **E-MAIL ADDRESS:**
INSURED DIOCOFR-01 Diocese of Rockford Finance & Administration Office P.O. Box 7044 Rockford IL 61125	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A :** National Catholic RRG , Inc — 10083 **INSURER B :** Safety National Casualty Corporation — 15105 **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 286981835 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			RRG 10268-26	7/1/2023	7/1/2024	EACH OCCURRENCE	$ 1,000,000
	[ ] CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ Included
	X Liquor Liability						MED EXP (Any one person)	$ Included
							PERSONAL & ADV INJURY	$ Included
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ N/A
	X POLICY [ ] PRO-JECT [ ] LOC						PRODUCTS - COMP/OP AGG	$ Included
	OTHER:							$
A	**AUTOMOBILE LIABILITY**			RRG 10268-26	7/1/2023	7/1/2024	COMBINED SINGLE LIMIT (Ea accident)	$ 5,000,000
A	ANY AUTO			XS1026826	7/1/2023	7/1/2024	BODILY INJURY (Per person)	$
	X OWNED AUTOS ONLY [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	[ ] **UMBRELLA LIAB** [X] OCCUR			RRG 10268-26	7/1/2023	7/1/2024	EACH OCCURRENCE	$ 4,000,000
	X **EXCESS LIAB** [ ] CLAIMS-MADE						AGGREGATE	$ 4,000,000
	[ ] DED [X] RETENTION $ 1,000,000							$
B	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N			SP 4066812	7/1/2023	7/1/2024	X PER STATUTE [ ] OTH-ER	Statutory
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N / A						E.L. EACH ACCIDENT	$ 1,000,000
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
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FOR: St Elizabeth Ann Seton Catholic Church(DIOCESE OF ROCKFORD)
REASON: Fundraiser Gala 04/27/24 Old Towne Hall, 54 Brink Street, Crystal Lake, IL 60014

CERTIFICATE HOLDER

State of Illinois
Liquor License Division
111 W. Randolph Street
Chicago IL 60601

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Old Towne Hall

54 Brink Street

Crystal Lake,IL,60014

crystallakebanquets@hotmail.com

City of Crystal Lake

100W Woodstock St

Crystal Lake, IL,60014

February 22,2014

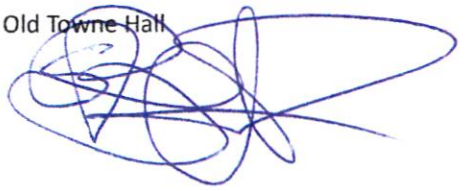
To Whom it may concern,

This letter is to inform you that St. Elizabeth Ann Seton Catholic Church will be hosting a Fundraiser at our Banquet Hall. We are aware that they will serve alcohol.

There will be Raffle prices as well and silent auction.

Sincerely,

Old Towne Hall



Agenda Item No: 9b

City Council
Agenda Supplement

Meeting Date: March 19, 2024

Item: COUNTY ZONING REQUEST

Dean Street - PINs 13-29-100-012 and 13-29-100-015 (east side of Dean Street approximately 3,900 feet from the intersection of Dean Street and Route 176)
City of Woodstock, IL

Recommendation: City Council's discretion.

a) Motion to object to the proposed Conditional Use to allow for a commercial solar energy facility, directing staff to proceed with an objection to the County Hearing Officer

b) No action

Staff Contact: Elizabeth Maxwell, City Planner
Katie Rivard, Assistant City Planner

Background:

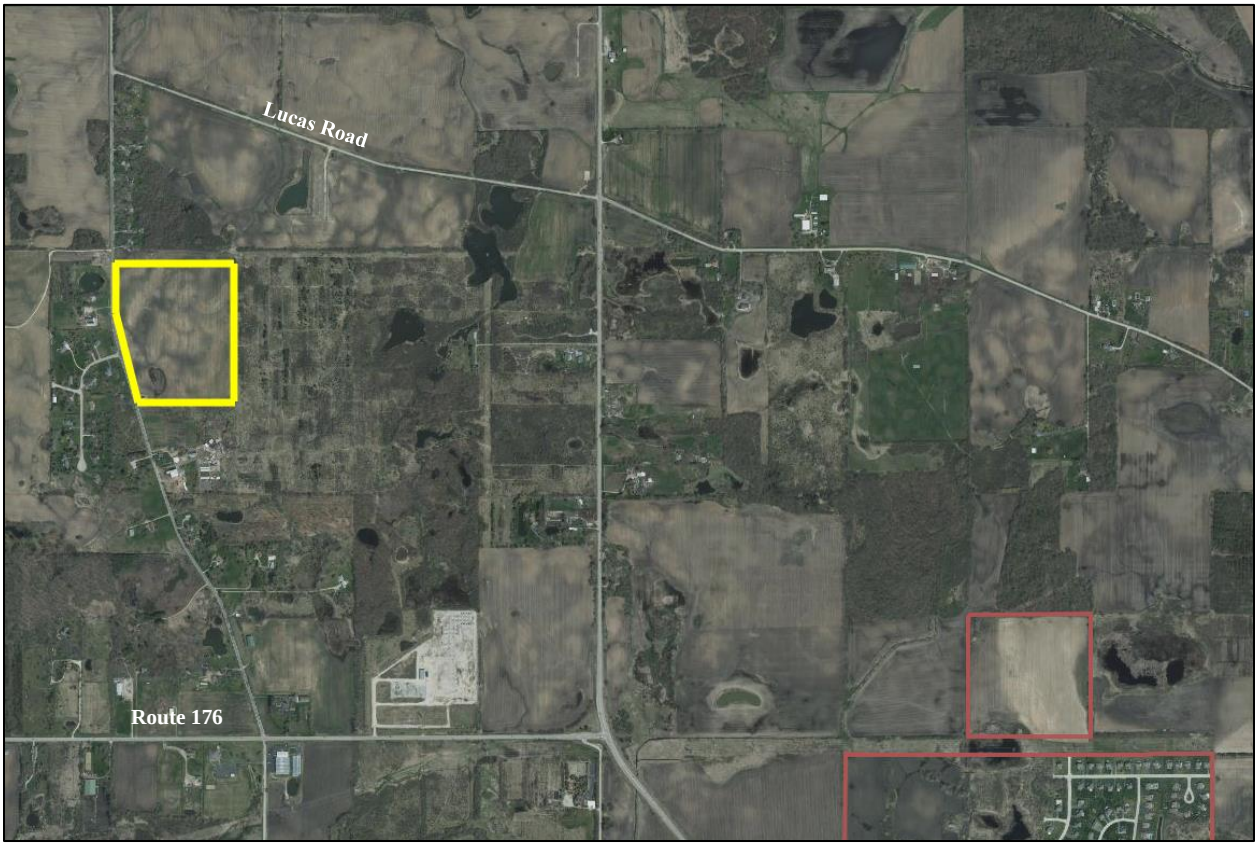
- As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of this request.
- The subject property in question is zoned "A-1" Agriculture District and consists of approximately 43 acres. Currently, the subject property is used for agriculture.
- The subject property is surrounded by County zoning district "A-1" Agriculture District and zoning to the north, south and east, and "A-1" Agriculture District and "E-1" Estate zoning to the west. Agricultural uses are to the east and south, agriculture and single-family residential to the west, and a ComEd utility to the north.
- The County's 2030 Land Use Plan identifies the subject property as Residential. However, the 2030 Comprehensive Plan and 2030 and Beyond Analysis Update supports solar energy facilities within existing agricultural areas.

Request:

- The petitioners are requesting a commercial solar energy facility. The facility will use approximately 33 acres of the total 43 acres.
- The County requires a Conditional Use Permit for Solar Farms in the "A-1" Agriculture, "O" Office/Research, "I-1" Light Industrial and "I-2" Heavy Industrial zoning districts. The City of Crystal Lake requires a Special Use Permit in the F Farming, M-L Limited and M Manufacturing zoning districts.
- Height: The solar array will be no more than 12 feet in height at full tilt.
- Setbacks: The solar panels, structures and electrical equipment will be setback no less than 50 feet from any lot line, 50 feet from the nearest edge of the public road right-of-way, and 150 feet from the nearest point on the outside wall of any non-participating residences, which meets the County's setback requirements.
- Safety/Security: There will be a 7-foot high chain-link fence with locked gates around the perimeter.
- Lighting: There will be one motion-sensing security light installed at the entrance gate of the project premises. It will be shielded and downcast to minimize disturbance or spillage to any adjacent property.
- Noise: The project will comply with the Illinois Pollution Control Board (IPCB), and the solar panels themselves do not produce any noise.
- Screening: Any part of the facility within 500 feet of any non-participating residence or road right-of-way not screened by existing vegetation will be screened by a native scrub screening.
- Decommissioning of the site includes the removal of all structures and restoration of soil and vegetation.
- The City of Crystal Lake requires a Special Use Permit for solar farms in the F – Farming, M-L Manufacturing Limited and M – Manufacturing zoning districts, subject to the following criteria:
    - The entire project site shall be surrounded with landscape and a fabric-wrapped chain link fence, which would screen the property from any roadways or public driveways.
    - The grounds in and around the panels shall be repurposed for wildflowers or agriculture. A landscape plan is required.
    - One ten-foot-wide paved drive shall provide access around the entire site.
- The property is not within the Crystal Lake Watershed, and staff does not have any concerns with this request.

Votes Required to Pass: A simple majority.

PIQ Map
Dean Street, Woodstock, IL
(East side of Dean Street approximately 3,900 feet from the intersection
of Dean Street and Route 176)
Dorr Township
Approximately 1.45 miles outside City Limits



McHenry County
Zoning Board of Appeals - Zoning Hearing
AGENDA

March 27, 2024, 1:30 PM
County Board Conference Room
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Pages

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **NEW BUSINESS / PUBLIC HEARING**
   - 3.1 2024-004 Toro Construction Partnership, LLC, A1-A1C, Dorr Twp — 2
4. **OLD BUSINESS**
5. **PUBLIC COMMENT**
   Topics unrelated to public hearing - 3-minute time limit per speaker
6. **ANNOUNCEMENTS**
7. **ADJOURNMENT**

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-004

PIN: #13-29-100-012

Address: Dean Street, Woodstock, Illinois

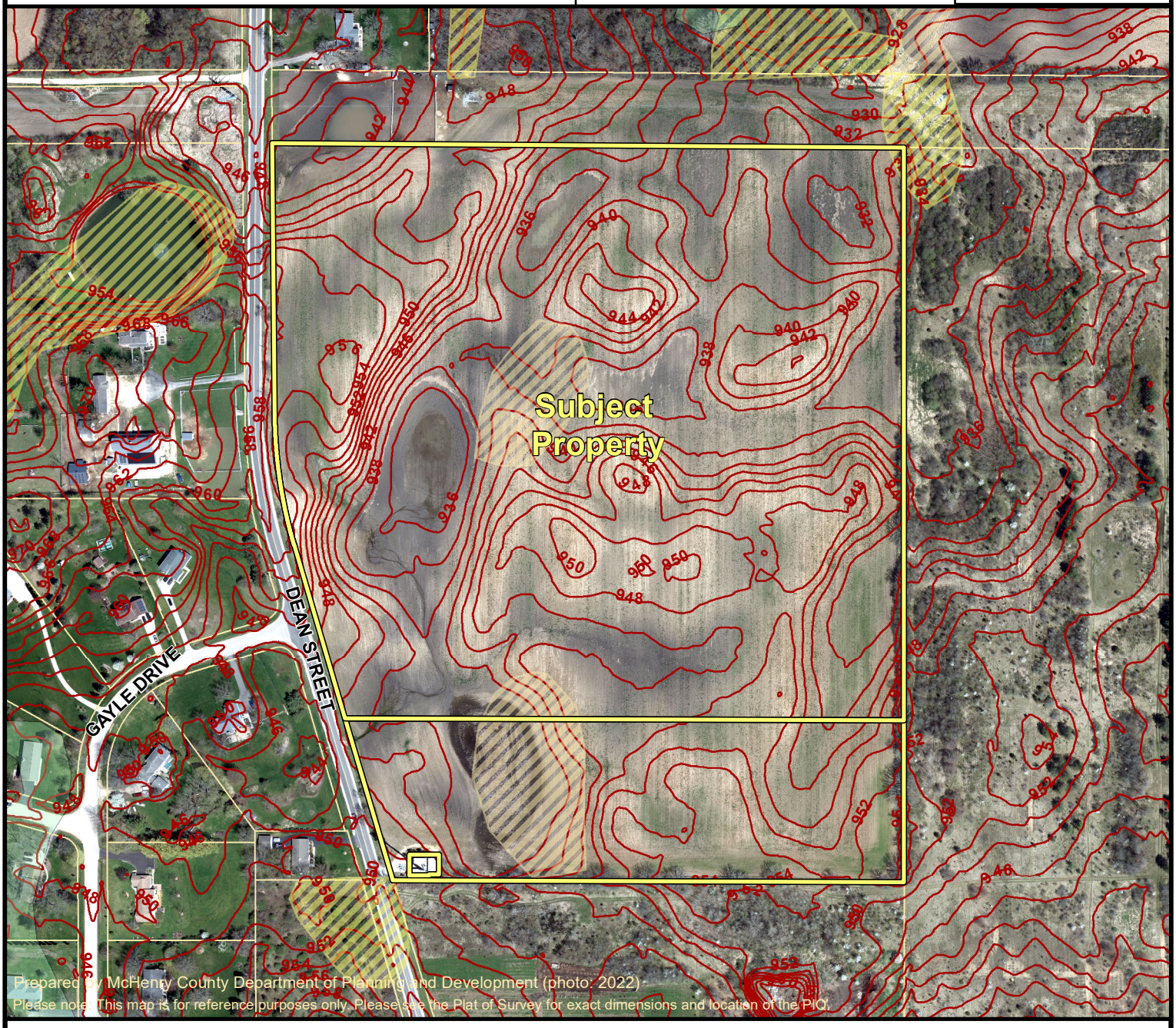
Location: The property consists of approximately 42.88 acres and is located on the east side of Dean Street, approximately 3,900 feet north of the intersection of Dean Street and IL Route 176 in Dorr Township, Illinois.

Hearing: March 27, 2024

Applicant: Toro Construction Partnership, LLC

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

Aerial Map



Elevation
(feet above sea level)
Contours

ADID Wetland Map 2005
High Functional Value Wetland (hfvw)
High Quality Wetland (hqw)
Wetland (w)
Farmed Wetland (fw)

Historic Flood Zone

Feet
150 75 0 150 300
1 inch equals 300 feet

STAFF COMMENTS

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

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Conditional Use Permit to allow for a Commercial Solar Energy Facility. The subject property consists of approximately 42.88 acres and is zoned A-1 Agriculture District. According to aerial photography, the subject property is currently in agricultural production.

According to the narrative, the applicant is proposing a 4.5-megawatt commercial solar energy facility, enclosed by a seven (7)-foot security fence, per the regulations of the National Electric Code. The nearest adjacent residence on a nonparticipating parcel is over one hundred fifty (150) feet from the proposed location of the solar array.

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

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

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

STAFF ANALYSIS

Current Land Use & Zoning

The property is adjacent to Agricultural uses to the east and south, Agricultural and Single-Family Residential to the west, and a Commonwealth Edison utility to the north. The surrounding zoning consists of A-1 Agriculture District to the north, south, and east and A-1 Agriculture District and E-1 Estate District to the west.

2030 Comprehensive Plan Future Land Use Map

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

2030 Comprehensive Plan & 2030 and Beyond Analysis

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

McHenry County 2030 and Beyond, Adopted October 18, 2016

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

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

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

Big Idea #2 Let's build on our strengths

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

- The McHenry County Soil and Water Conservation District's Natural Resources Inventory report (#24-005-4561) indicates that the LE score is 73.61 out of a possible 100 regarding soils for crop production. The SWCD identifies 16.86% of the parcel is comprised of prime farmlands. The concerns that the development of solar facilities in the county will result in the loss of farmland, particularly prime farmland can be remediated because, unlike other forms of development, the land is preserved for future farming. Also, the proposed native vegetation may slow the velocity of runoff, capturing sediments or other pollutants and allowing water to infiltrate into the soil, thereby reducing potential for erosion and sedimentation and improving soil conditions.

Big Idea #3 Let's grow smarter

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

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

Big Idea #4 Let's expand our economy

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

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

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

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

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

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

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

Greenways, Open Space & Natural Resources

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

- The IDNR indicated no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. Consultation was terminated.

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

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

Water Resources

"Preserve and enhance the chemical, physical, biological, hydrologic integrity of streams, lakes and wetlands." (p.63)
"…land use and development should be carefully examined and regulated within sensitive groundwater recharge areas to ensure that the water quality, quantity, and natural recharge functions of the area are safely maintained." (p.67)

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

Economic Development

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

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

Infrastructure

"It is estimated that every 120 MW of solar power would eliminate 1.7 million tons of carbon dioxide emissions which is the equivalent of removing 310,000 vehicles from the nation's roadways annually. A 1,000 MW coal plant produces approximately 6 million tons of carbon dioxide per year." (p.116)
"Encourage all governmental units in the County to adopt and support ordinances that will enhance all segments of the areas electric grid." (p. 120, #5)
The proposed commercial solar energy facility is consistent with the *Comprehensive Plan* support of more sustainable energy sources.

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

Staff offers the following conditions for consideration:

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.

2. Site development shall be in substantial conformance with the site plan prepared by Westwood Professional Services, dated February 29, 2024 and received by the Department of Planning and Development on March 1, 2024 (attached).

3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.

4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.

5. A detailed Landscape Plan illustrating compliance with required landscape screening standards shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.

6. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.

7. 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.

8. All other federal, state, and local laws shall be met.

16.56.030 Principal Use Standards

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

1. Application.

a. A threatened and endangered species consultation (EcoCAT) from the Illinois Department of Natural Resources is required at the time of conditional use permit application for any site that is five (5) acres or greater in size and currently in agricultural use or undeveloped.

b. A site plan shall be provided showing all improvements, including structures, fencing, power lines (above and below ground), lighting, and landscaping, at a detail sufficient to understand the location, height, appearance, and area.

c. All other application submittal requirements outlined in the *Planning and Development Department Zoning Application Packet* as published on the McHenry County Website.

2. Site design.

a. Solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, shall be erected no less than fifty (50) feet from any lot line and no less than one hundred fifty (150) feet from any residence, other than a residence on the same ownership parcel.

b. No structures, excluding power lines for interconnection, may exceed twenty (20) feet in height. Power lines shall be placed underground to the maximum extent possible.

c. Lighting must comply with § 16.60.020 (Exterior Lighting).

d. Solar panels shall have a surface that minimizes glare and shall comply with § 16.60.040D. (Lighting and Glare).

e. The facility shall be situated as to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment into flood plains. All site development shall comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.

f. In order prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with “low-profile” native prairie species, using a mix appropriate for the region and soil conditions per Illinois Department of Natural Resources (IDNR) standards, as amended from time to time.

g. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire must comply with § 16.56.050H.1.c. of this Ordinance.

h. Any part of the facility that is within five hundred (500) feet of a NONPARTICIPATING RESIDENCE, or road right-of-way, shall be landscaped with an arrangement of native shrubs, subject to approval by the County Board, unless the facility is screened from view by existing vegetation.

i. Prior to building permit issuance, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native prairie species, all installed landscape screening, and all existing vegetation that provides required landscape screening.

j. Prior to scheduled public hearing, the operator shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture (IDOA), as required by that department.

k. Prior to building permit issuance, the operator shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation (IDOT), showing approved entrances.

3. Safety.

a. Prior to construction, the operator shall prepare an emergency management plan acceptable to the County and the local fire district and shall be responsible for training of emergency personnel, as needed.

b. A sign shall be posted providing the name of the operator and a phone number to be used in case of an on-site emergency.

c. Access shall be granted, provided appropriate advance notice, for periodic inspection of the site by the County or the local fire district.

d. Damaged solar panels shall be removed, repaired, or replaced within sixty (60) days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

4. Abandonment.

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

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

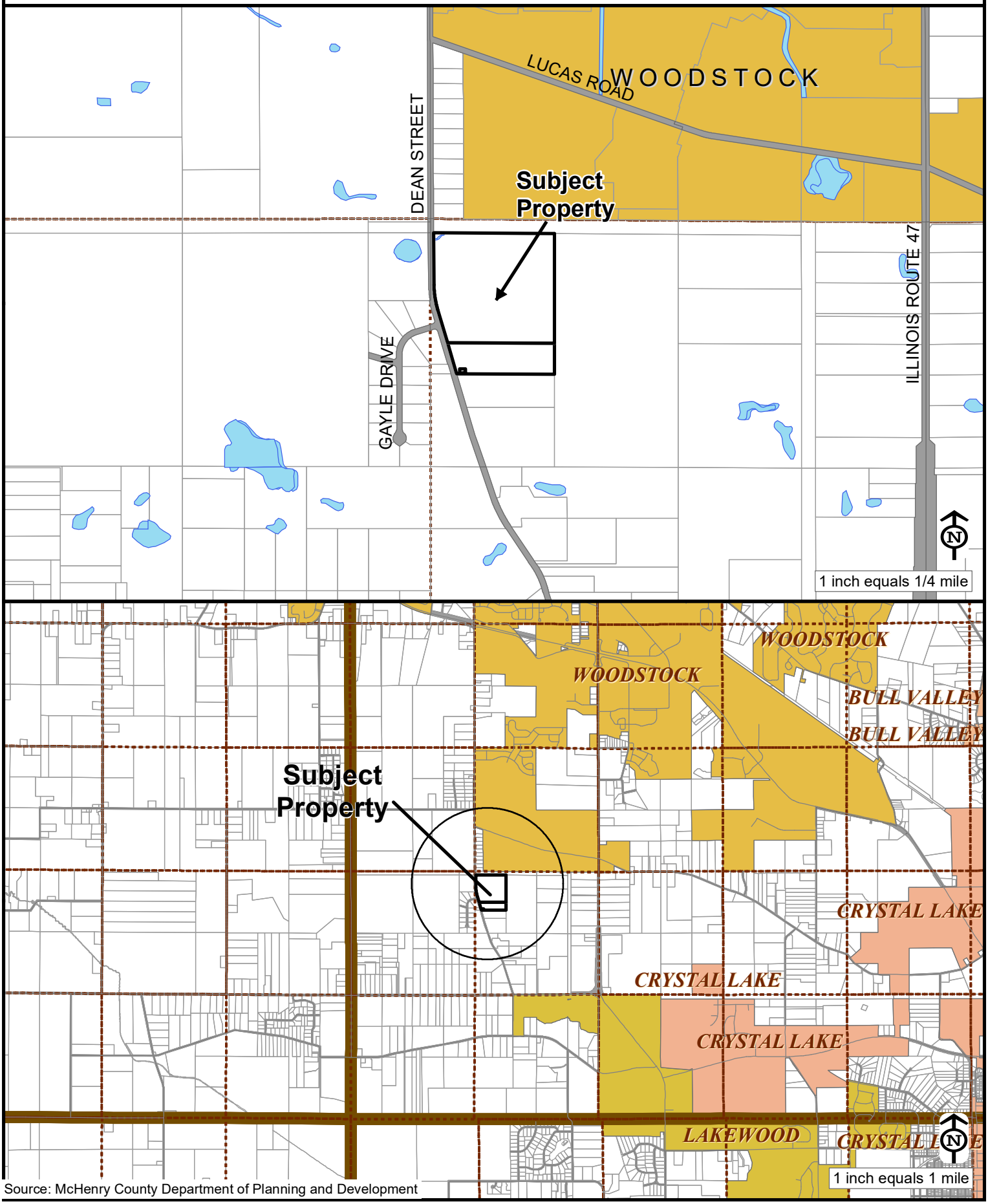
a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). Access roads, fencing, groundcover, and landscaping may remain only by agreement of property owner.

b. Prior to building permit issuance, the operator shall submit an engineer's estimate of cost for decommissioning the facility and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Zoning

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

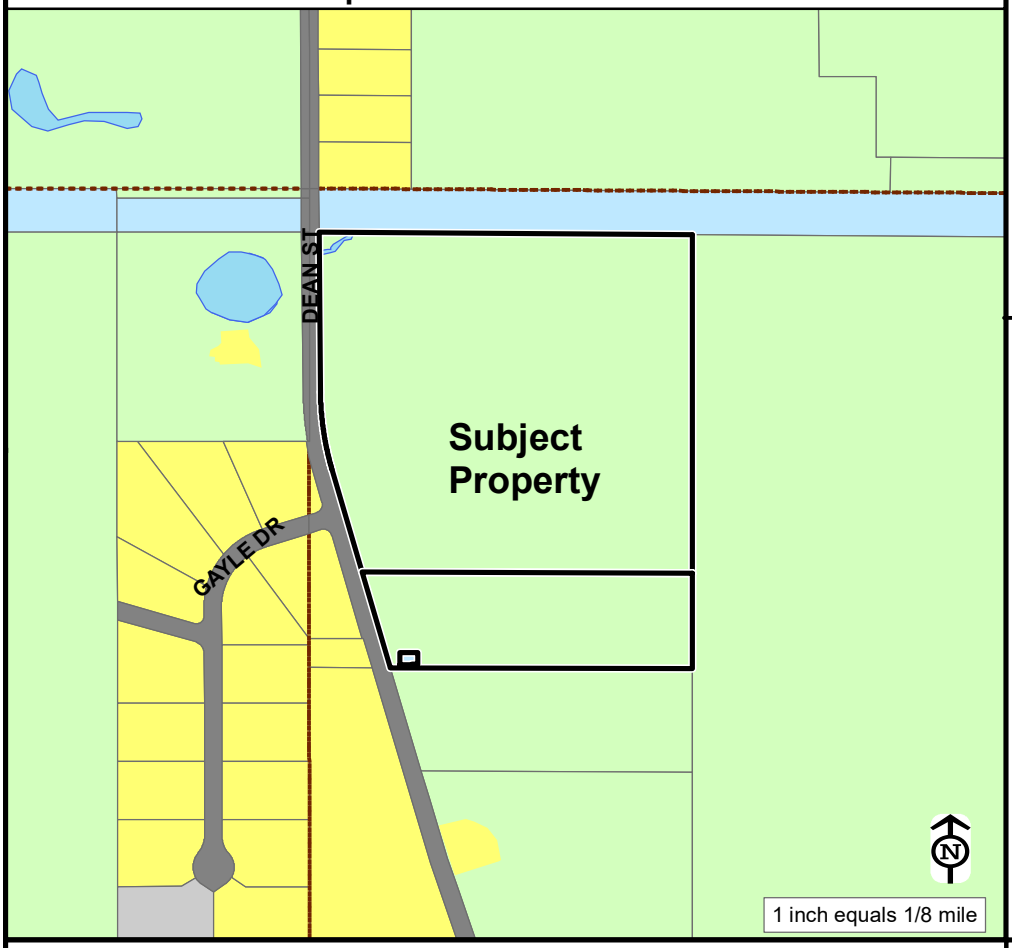
c. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every ten (10) years to the Department of Planning and Development. Upon approval of the estimated costs by the Zoning Enforcement Officer, a revised surety shall be provided to the Department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

Location Map | **Dean Street, Woodstock, Illinois** | **Dorr Township**



Source: McHenry County Department of Planning and Development

Current Land Use Map



Current Land Use

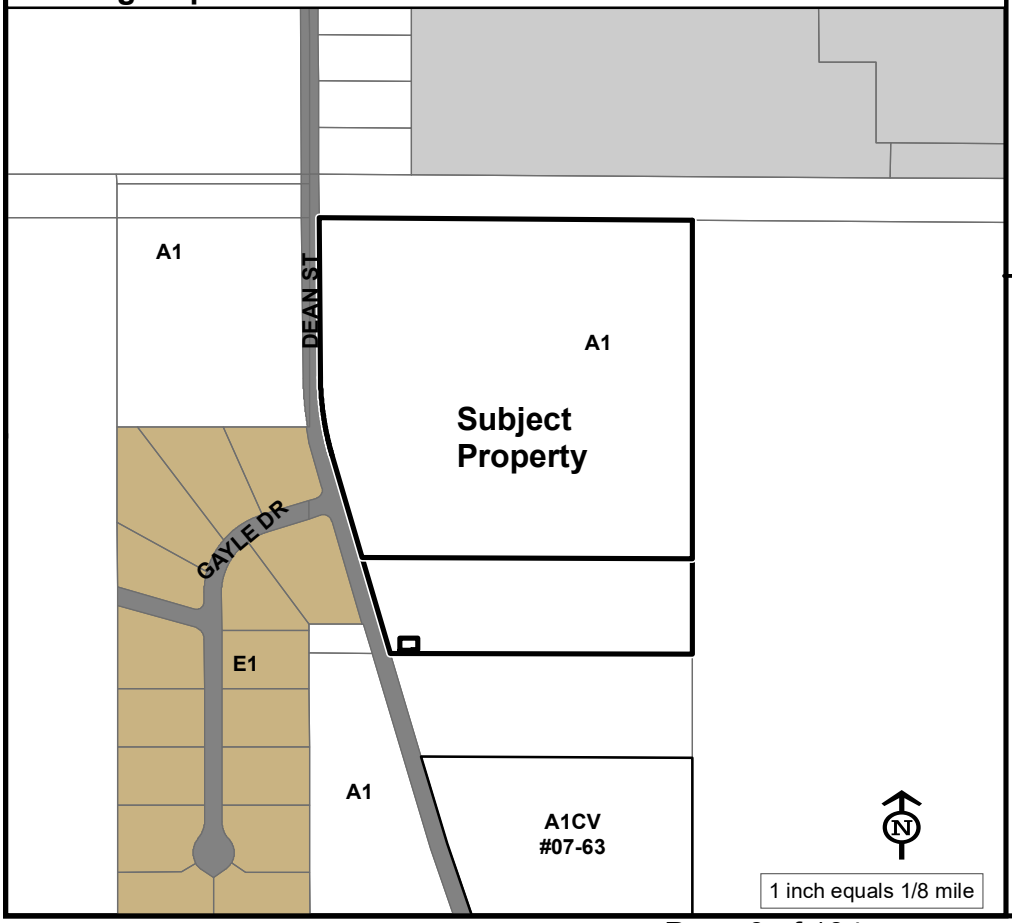
Agriculture

Adjacent Land Use(s)

North: *Transportation/Communications/Utilities*
South: *Agriculture*
East: *Agriculture*
West: *Agriculture and Single-Family Residential*

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

Zoning Map



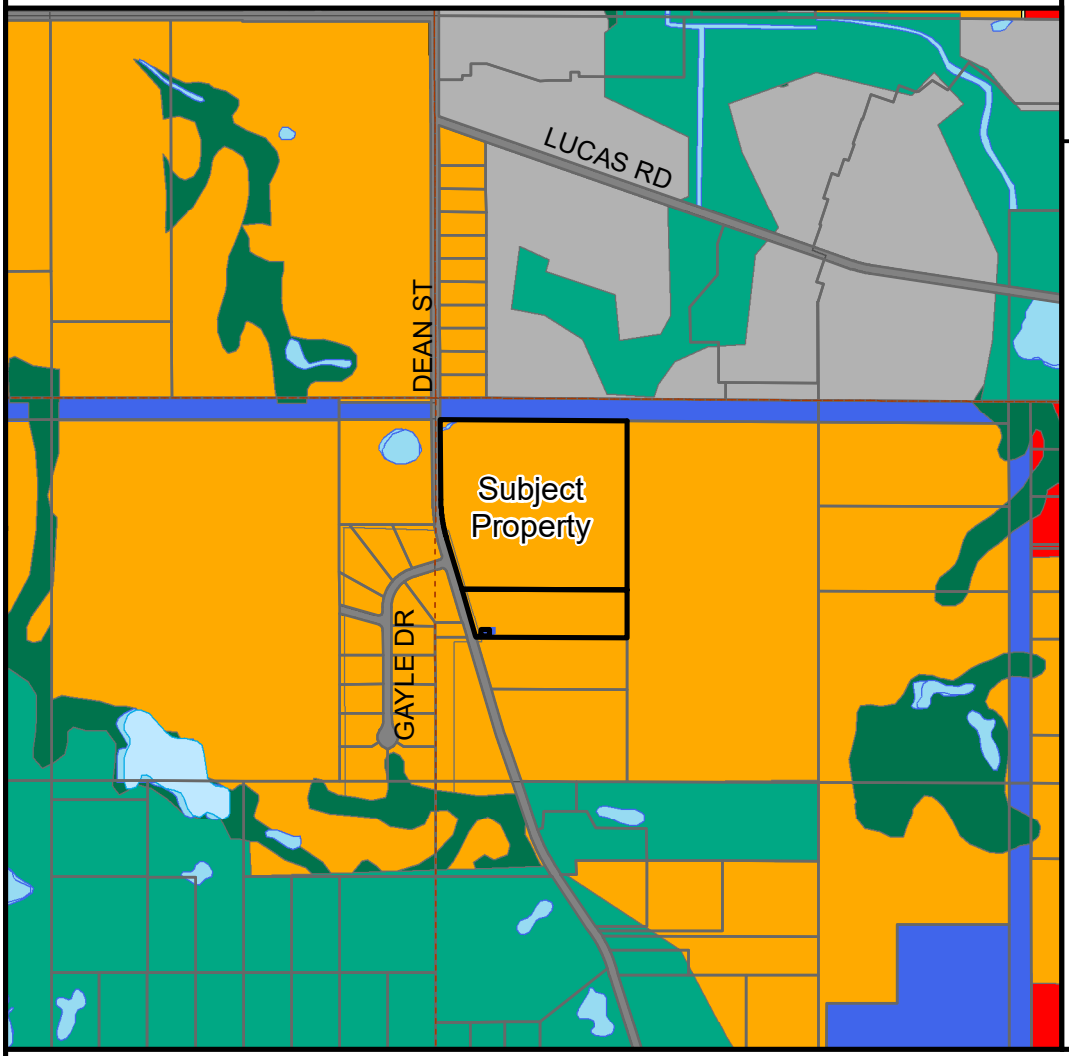
Current Zoning
A-1 Agriculture

Adjacent Zoning

North	A-1 Agriculture
South	A-1 Agriculture
East	A-1 Agriculture
West	A-1 Agriculture and 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 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Neighborhood Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

Residential

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

Scale: 1 inch = 1/4 mile

Municipal / Township Plan Designations

Dorr Township: Residential

Crystal Lake: No Designation Lakewood: No Designation

Woodstock: Neighborhood Development/Resource Conservation Corridor

McHenry County 2030 Comprehensive Plan — Text Analysis

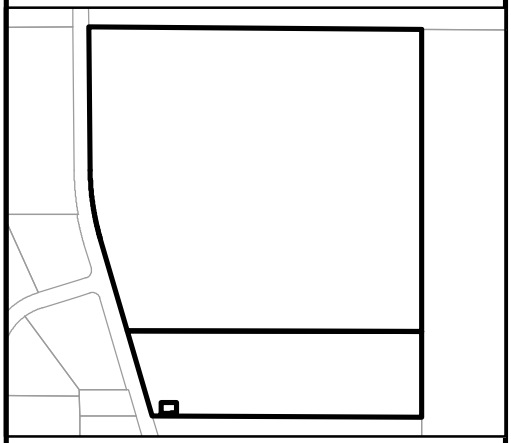
Land Use

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

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area

© 2024 Westwood Professional Services, Inc.



Data Source(s): Westwood (2024); NAIP Imagery (2021); U.S. Census Bureau (2022); NRCS (2021)

Legend

- Customer Pole
- Utility Pole
- Underground Trench
- Overhead Line
- Property Line
- Single Axis Tracker
- Fence Line (7-ft Tall)
- Site Access Road (20-ft Wide)
- Equipment Pad
- Proposed Vegetative Screening
- Public Road ROW
- NRCS Wetland
- Residence
- 50-ft Non-Participating Parcel Buffer
- 50-ft Public Road ROW Buffer
- 150-ft Residence Buffer
- 100-ft Wetland Buffer

N

0 Feet 100

Osman Solar Project

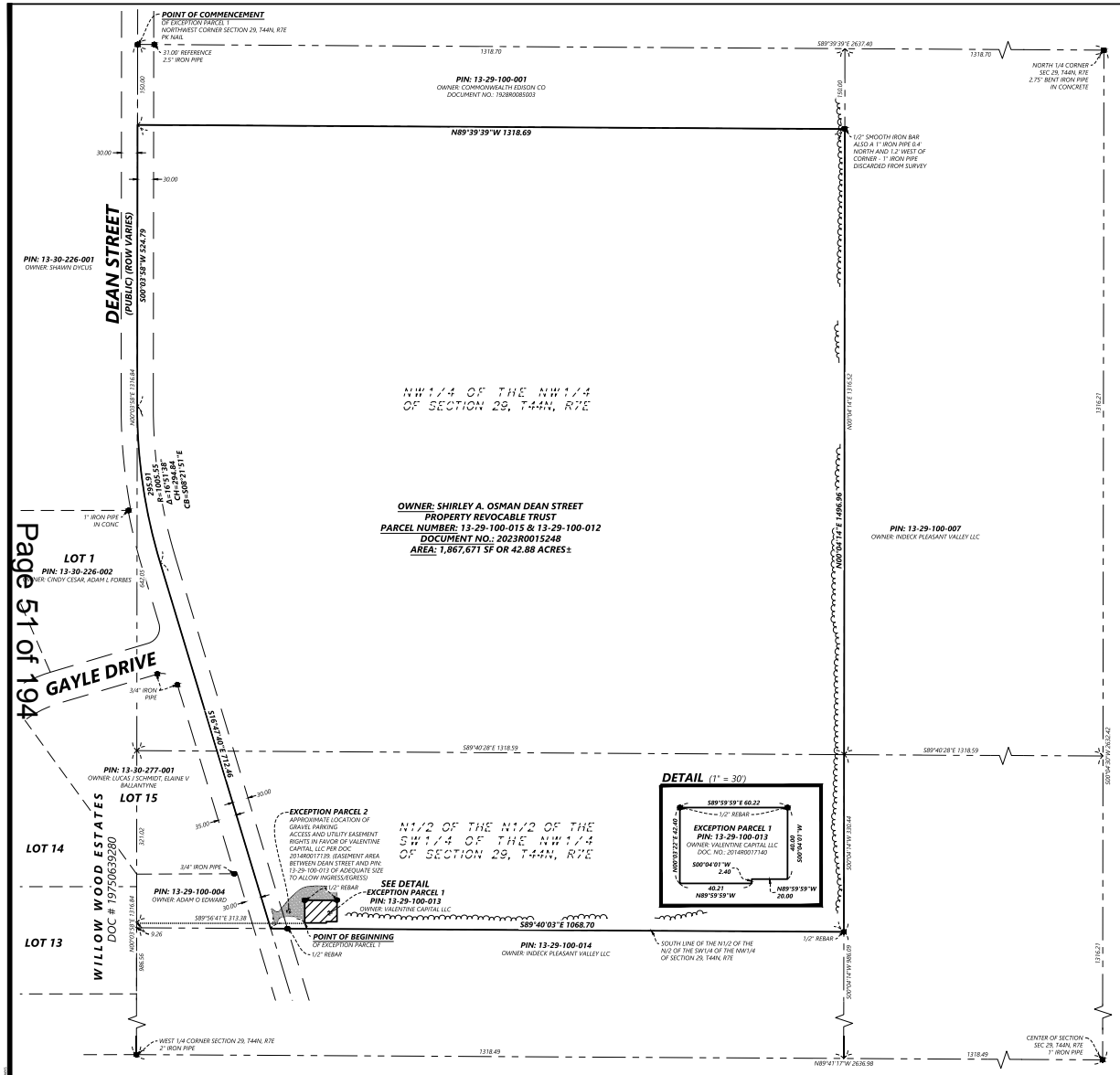
McHenry County, Illinois

Site Plan Layout

EXHIBIT 1

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: N:\26989.105_GIS_Arc\Pro\26989_05_045_SiteLayout\SiteLayout.aprx 2/20/2024 10:24 AM Wesley



OSMAN TRUST SOLAR

McHenry County, IL

BOUNDARY SURVEY

LEGAL DESCRIPTION *PER DOCUMENT 2023R0015248*

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND NORTH HALF OF NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, EXCEPT THAT PART WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND ALSO EXCEPT THE SOUTH 100 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND EXCEPT THAT PART CONVEYED TO THE PUBLIC SERVICE COMPANY BY DEED RECORD 180, PAGE 539, IN SECTION 29, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS; (EXCEPTING THEREFROM, THAT PART DESCRIBED AS FOLLOWS: PARCEL 1: PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, EXCEPT THAT PART WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND ALSO EXCEPT THE SOUTH 100 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND EXCEPT THAT PART CONVEYED TO THE PUBLIC SERVICE COMPANY BY DEED RECORD 130, PAGE 589, IN SECTION 29, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 04 MINUTES 46 SECONDS WEST 1637.80 FEET; THENCE SOUTH 39 DEGREES 55 MINUTES 14 SECONDS EAST 313.38 FEET FOR A POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 49 SECONDS EAST 42.40 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 11 SECONDS EAST, 60.22 FEET THENCE SOUTH 00 DEGREES 04 MINUTES 49 SECONDS WEST 40.00 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 11 SECONDS WEST 20.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 49 SECONDS WEST, 2.40 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 11 SECONDS WEST 40.212 FEET TO SAID PLACE OF BEGINNING; ALSO EXCEPTING THAT PART DESCRIBED AS FOLLOWS: PARCEL 2: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY NON-EXCLUSIVE ACCESS AND UTILITIES EASEMENT AGREEMENT DATED MAY 27, 2014 AND RECORDED MAY 30, 2014 AS DOCUMENT NO. 2014R0017139 FROM FRANK DAVID OSMAN AND SHIRLEY A. OSMAN AS TRUSTEES UNDER THE PROVISIONS OF A TRUST AGREEMENT DATED DECEMBER 9, 2003 AND KNOWN AS THE OSMAN FAMILY TRUST, TRUST NUMBER 101, TO VALENTINE CAPITAL, LLC FOR THE PURPOSE OF INGRESS AND EGRESS); ALL IN MCHENRY COUNTY, ILLINOIS.

ADDITIONAL EXCEPTION LEGAL DESCRIPTION *PER DOCUMENT 1928R0085003*

THE NORTH ONE HUNDRED FIFTY (150) FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION THIRTY (30) (EXCEPT THE NORTH TWO (2) RODS THEREOF) AND THE NORTH ONE HUNDRED FIFTY (150) FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-NINE (29), ALL IN TOWNSHIP FORTY—FOUR (44) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE COUNTY OF MCHENRY, IN THE STATE OF ILLINOIS.

GENERAL NOTES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. WESTWOOD PROFESSIONAL SERVICES OBTAINED RECORDS RESEARCH FROM THE FOLLOWING SOURCES: IN PERSON AT THE MCHENRY COUNTY, ILLINOIS COURTHOUSE, HUBTACK DOCUMENT RESOURCES, THE MCHENRY COUNTY, ILLINOIS DEPARTMENT OF TRANSPORTATION, AND TAPESTRY LAND RECORDS. NO EFFORT HAS BEEN MADE TO SEARCH FOR, OR DEPICT EXISTING ENCUMBRANCES TO THE SUBJECT PROPERTY.

THE HORIZONTAL DATUM IS BASED ON NSRS 2011 ILLINOIS STATE PLANES, EAST ZONE, US SURVEY FOOT. ALL DISTANCES, AREAS, AND BEARINGS ARE IN GRID VALUES. SCALE TO GROUND USING THE FOLLOWING COMBINED ADJUSTMENT FACTOR: 1/0.99993611, AS DETERMINED BY OPUS SOLUTION OBSERVED ON CONTROL POINT 1.

STATE PLANE COORDINATES WERE ESTABLISHED BY OPUS SOLUTION OBSERVED ON CONTROL POINT 1, AND CHECKED AGAINST OPUS SOLUTION OBSERVED ON CONTROL POINT 2. WESTWOOD ESTABLISHED THE FOLLOWING SITE CONTROL:

PT. # 1	*2039692.58 (NORTHING)*	*952110.45 (EASTING)*	*949.13 (ELEVATION)*
PT. # 2	*2041857.84 (NORTHING)*	*954387.74 (EASTING)*	*935.04 (ELEVATION)*
PT. # 3	*2035658.45 (NORTHING)*	*954875.71 (EASTING)*	*911.43 (ELEVATION)*

THE RIGHT-OF-WAY OF DEAN STREET ROAD WAS DETERMINED BY DOCUMENT NO. 251 "ROAD PAPERS"DATED AUGUST 19, 1845 PROVIDED BY THE MCHENRY COUNTY HIGHWAY DEPARTMENT ON 02/02/2024. IN CONJUNCTION WITH THE FINAL PLAT OF WILLOW WOOD ESTATES, RECORDED AS DOCUMENT NUMBER 1975R0639280, WHICH DEDICATES A RIGHT-OF-WAY OF 35' IN WIDTH, AS SHOWN HEREON.

THE APPROXIMATE LOCATION OF THE INGRESS, EGRESS, AND UTILITIES EASEMENT AS DESCRIBED IN DOCUMENT NUMBER 2014R0017139, AS RECORDED IN THE MCHENRY COUNTY, ILLINOIS RECORDER'S OFFICE IS DEPICTED HEREON. THE EXACT LOCATION OF SAID EASEMENT AREAS ARE UNDEFINED.

POTENTIAL ENCROACHMENTS

NO POTENTIAL ENCROACHMENTS WERE OBSERVED OVER THE SUBJECT PROPERTY DURING THE COURSE OF FIELDWORK.

REFERENCE DOCUMENTS

CORNER RECORD: BY DALE A. GRAY, LS 035-003057, RECORDED AS DOCUMENT NUMBER 2023R0002128 ON 01/27/2023. NORTH QUARTER CORNER OF SECTION 29, T44N, R7E. - HUBTACK DOCUMENT RESOURCES

CORNER RECORD: BY DALE A. GRAY, LS 03003057, RECORDED AS DOCUMENT NUMBER 2023R002131 ON 01/27/2023. SOUTHEAST CORNER, AND SOUTH QUARTER CORNER OF SECTION 27, T46N, R8E. - HUBTACK DOCUMENT RESOURCES

PLAT OF SUBDIVISION: WILLOW WOOD ESTATES, PREPARED BY D.B. PERRY, LS 1622, RECORDED AS DOCUMENT NUMBER 1975R0639280, ON 06/18/1975. - MCHENRY COUNTY, ILLINOIS COURTHOUSE RESEARCH

RIGHT-OF-WAY INFORMATION: ROAD PAPERS 251 AS PROVIDED BY MCHENRY COUNTY, ILLINOIS DEPARTMENT OF TRANSPORTATION ON 02/02/2024.

ADJOINER DEED: DOCUMENT NUMBER 1928R0085003 AS RECORDED IN THE MCHENRY COUNTY, ILLINOIS RECORDER'S OFFICE (NORTHERLY ADJOINER).

ENCUMBERING EASEMENT: NUMBER 2014R0017139 AS RECORDED IN THE MCHENRY COUNTY, ILLINOIS RECORDER'S OFFICE (BENEFITS PIN: 13-29- 100-013).

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF ILLINOIS. FIELDWORK WAS COMPLETED 02/15/2024. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

MICHAEL KERN, LS
ILLINOIS LICENSE NO. 035004053,
MIKE.KERN@WESTWOODPS.COM

DATE: 2/23/2024
EXPIRATION: 11/30/2024

MICHAEL N. KERN
035-4003
Exp. 11/30/20 24
ST. CLOUD
MN
STATE OF ILLINOIS
PROFESSIONAL LAND SURVEYOR

Westwood

Phone (913) 851-4492
Fax (913) 851-8357
12900 Foster St., Suite 120
Overland Park, KS 66213
westwoodps.com

Westwood Professional Services, Inc.
Illinois Professional Registration #184.005853
Expires 4/30/2025

PREPARED FOR:

FOREFRONT POWER

FOREFRONT POWER
100 MONTGOMERY ST 725,
SAN FRANCISCO CA 94104

REVISIONS:

#	DATE	COMMENT

LEGEND:

- FOUND MONUMENT (SEE LABEL)
- FENCE LINE
- SECTION LINE
- LOT LINE
- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- TREE LINE
- EXCLUSION TRACT
- APPROXIMATE GRAVEL PARKING

0' 100' 200' 300'

NSRS 2011 ILLINOIS STATE PLANES, EAST ZONE, US SURVEY FOOT

Osman Trust Solar
McHenry County, Illinois

Boundary Survey

DATE: 2/23/2024

SHEET: 01 OF 01

SPECIAL USE PERMIT APPLICATION

Osman Trust-Dean Street Solar Project

McHenry County, Illinois

UPDATED FEBRUARY 26, 2024

PREPARED FOR:
Toro Construction Partnership, LLC

PREPARED BY:
Westwood

Westwood

Special Use Permit Application

Osman Trust-Dean Street Solar Project

McHenry County, Illinois

Prepared For:

Toro Construction Partnership, LLC
100 Montgomery Street
Suite 1400
San Francisco, CA 94104

Prepared By:

Westwood Professional Services, Inc.
12701 Whitewater Drive
Suite 300
Minnetonka, MN 55343
(952) 937-5150

Toro Construction Partnership, LLC Project Number: IL-23-0059
Westwood Project Number: R0045891.05
Date: January 19, 2024/Updated February 2, 2024

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Exhibits

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Appendices

Appendix A: Completed and Signed McHenry County Zoning Application Packet
Appendix B: Site Layout
Appendix C: NRI Report
Appendix D: EcoCAT and IPaC Results
Appendix E: Completed Approval Standards for Conditional Use Form
Appendix F: Agricultural Impact Mitigation Agreement

1.0 McHenry County Special Use Application

The Osman Trust-Dean Street Solar Project (Project) is located in McHenry County, Illinois (**Exhibit 1**) outside of any defined municipal extraterritorial jurisdictions or zoning districts. The proposed Project is located on a parcel of land that is currently used for cropland cultivation (**Exhibit 2**).

The McHenry County Ordinance Governing Commercial Solar Energy Facility Siting defines Commercial Solar Energy Facilities or Commercial Solar Energy Systems (CSEF or CSES) as "any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property." Any CSES proposed in McHenry County must obtain a Special Use Permit (SUP) from the McHenry County Board (County Board) prior to construction. The proposed Project will comply with all ordinances, requirements, and regulations set forth by McHenry County and will obtain all necessary local and state permits.

This SUP application contains the following requisite information per the McHenry County Unified Development Ordinance Governing Commercial Solar Energy Facility Siting, this information is contained in the following narrative, **Exhibits 1-3 and Appendices A-F**:

- Completed and Signed McHenry County Zoning Application Packet and Site Plan Review Request (**Included in Appendix A**)
- Plat of Survey (**Included in Appendix B**)
- Site Plan (**Included in Appendix B**)
- NRI Report (**Included in Appendix C**)
- Threatened and Endangered Species Consultation (**Included in Appendix D**)
- Approval Standards for Conditional Use (**Included in Appendix E**)
- Agricultural Impact Mitigation Agreement (**Included in Appendix F**)

2.0 Supplemental Application Information

Toro Construction Partnership, LLC (Applicant) proposes to develop a 4.5 megawatt (MW) solar facility on an approximately 32.91-acre tract of land (Project Premises) located immediately east of Dean Street. The Project Premises is situated within a 42.88-acre parent parcel of land identified by the McHenry County Assessor's Office as Parcel ID Numbers 13-29-100-012 and 13-29-100-015 and is owned by the SA DEAN ST PROP REV TR, OSMAN.

As shown in **Appendix B**, the Project will be comprised of rows of PV cell panels mounted on posts set into the ground (i.e., solar arrays). Toro Construction Partnership, LLC will mount the solar arrays on single-axis trackers with each solar array tilting between 60/-60 degree angles. The height of the solar array will not exceed 12 feet above ground surface, and Toro Construction Partnership, LLC intends to utilize 12,714 Heliene 144HC M10 BIFACIAL (530W) modules, as well as 18 Yaskawa Solectria XGI 1500-250/250-600 PV inverters; however, the specific solar array configuration for this Project will be decided once additional site-specific information and design components are determined. The Heliene 144HC M10 modules are UL and CSI (California Solar Initiative) listed. According to the Solar Energy Industries Association, the proposed 4.5-

MW Project is capable of powering approximately 550 homes in Illinois with clean, renewable energy.

Traffic Impacts

Due to the rural location and size of the Project (i.e., 4.5 MW), traffic impacts are expected to be minimal. Project development may be divided into the four phases: site preparation, material and equipment delivery, solar garden construction, and solar garden maintenance.
The following table illustrates a typical, estimated average daily trip generation by vehicle for each Project phase for an approximate 4.5 MW solar project.

Project Phase (Time Period)	Vehicle Type	Estimated Gross Vehicle Weight	Number of Vehicles Per Day	Maximum and Average Vehicle Trips Per Day
Site Preparation (approx. 4-6 weeks)	Equipment Hauling Trucks	30,000-65,000 lbs	0-2	0-4
	Passenger Vehicles	2,000-10,000 lbs	2-5	4-10
	Fuel Delivery	20,000-30,000 lbs	1	2
				Max – 16/Ave - 6
Material and Equipment Delivery (approx. 4 weeks)	Conex Container and Delivery Trucks	30,000-50,000 lbs	5-15	10-30
	Equipment Hauling Trucks	20,000-40,000 lbs	0-4	0-8
				Max – 38/Ave - 10
Solar Garden Installation (4-5 months)	Passenger Vehicles	2,000 to 10,000 lbs	10-15	20-30
	Fuel Truck	20,000 to 30,000 lbs	1	2
	Material Delivery Truck	20,000 to 30,000 lbs	1	2
				Max – 34/Ave - 24
Operations (ongoing once operational)	Utility Vehicle	2,000 to 10,000 lbs	1 per month or less	
				Max - 2/Ave - 0

Project-related traffic during all phases will not be significant during AM and PM peak periods (7:00 – 9:00 AM and 4:00 – 6:00 PM, respectively).

3.0 General Construction and Development Criteria

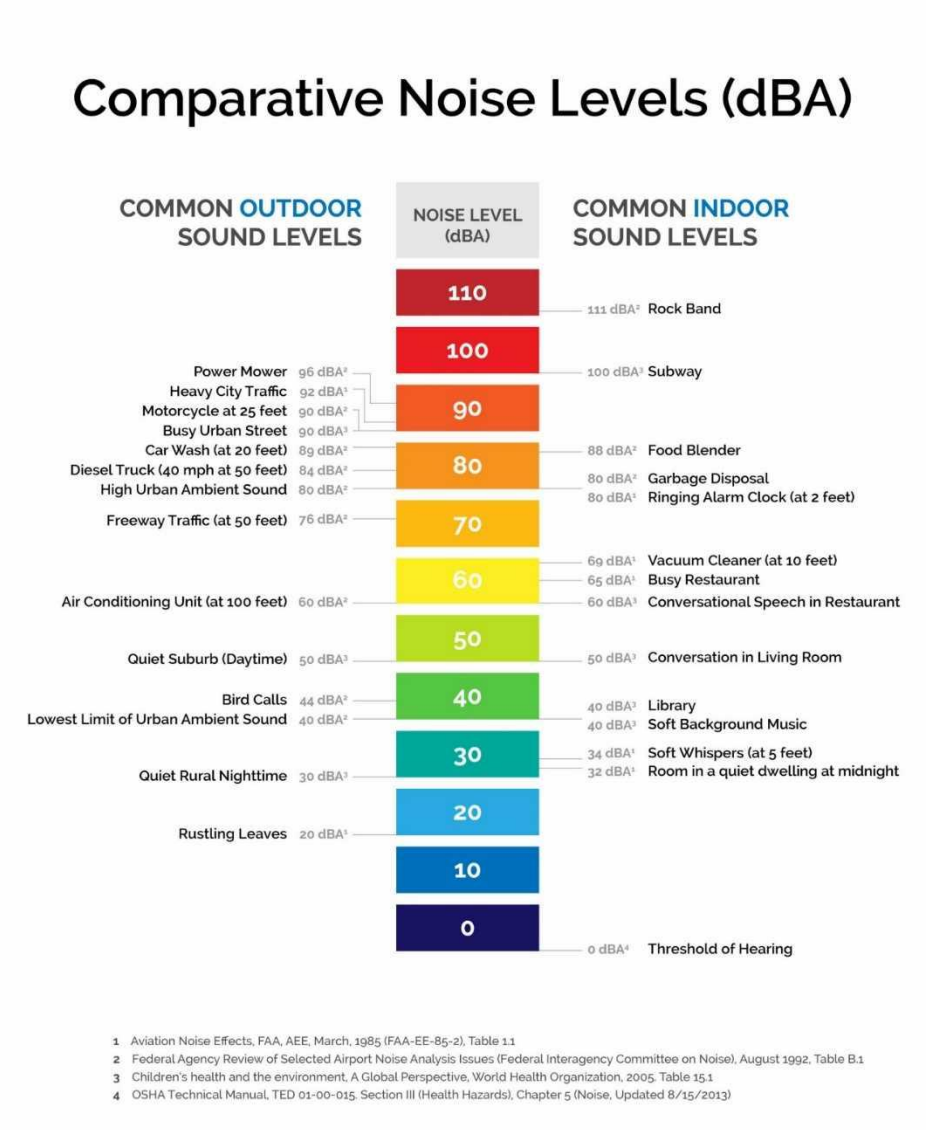
The Project's final layout will optimize electrical generation and efficiency of the proposed solar Project while avoiding and minimizing human settlement, environmental, cultural resources, and infrastructure impacts. The Project's facilities will be sited to comply with McHenry County setback requirements, where feasible, and will also comply with other local, state, and federal regulatory standards. The preliminary Project layout is attached.

- Glare - Toro Construction Partnership, LLC intends to utilize LONGi Solar LR5–72HBD-550M photovoltaic modules, which are constructed of anti-reflective coated tempered glass.

In addition, the facility will be sited strategically to avoid glint and glare reflection towards adjacent roadways and surrounding areas.

- Lighting - One motion-sensing security light will be installed at the entrance gate of the Project Premises. The security light will be shielded and downcast to minimize disturbance to the adjacent properties. The lighting will be designed and sited to avoid any light from spilling onto any adjacent property.

- Noise - Noise levels from the CSES will be in compliance with the Illinois Pollution Control Board regulations. The invertors proposed to be used in the project emitted a maximum of 61.6 dB at 1 meter away from the invertor. This noise level is comparable to an air conditioning unit running 100 feet away or conversational speech in a restaurant. The chart below created by the FAA illustrates the noise levels of many common sound levels.



As the Noise Study indicates, the noise level from the project at 1 meter from the invertor will be comparatively quiet and this sound level will be even lower by the edge of the project area, likely well below the ambient noise level.

- Security Fencing - The entire Project Premises will be surrounded by a seven-foot-tall standard chain-link fence. The Project will be designed to meet or exceed applicable local and national safety standards, specifically including: the currently enforced edition of the National Electric Code (NEC), and such regulations provided by the interconnecting utility. The Project will include a visible and lockable manual safety switch, which will be made accessible to first responders, the utility, and maintenance personnel via gate lockbox, code, or other method to be defined prior to construction. Additionally, the solar inverters (which convert electricity from the solar modules from DC to AC) are listed to the UL-1741 standard, which provides for immediate shutdown upon loss of an electrical signal from the utility.

- Setbacks and Landscape buffering – The project has been designed to meet the zoning required setbacks of:
    1. 150-feet from the nearest point on the outside wall of any Non-Participating Residences
    2. 50-feet from any lot line
    3. 50-feet from the nearest edge of the Public road right-of-way

- Screening – Any part of the facility within 500 feet of any Non-Participating residence or Road right-of-way not screened by existing vegetation will be screened by a native scrub screening.

- Warning Signage - Visible warning signs shall be posted at each ingress/egress point associated with the Project. The Project emergency contact information and 911 address will be clearly posted on all warning signage.

- Utility Connection – The Applicant is currently in the process of obtaining an Interconnection Agreement with the local electric company.

- Endangered Species - Please see **Appendix D**

- Compliance with Additional Regulations - Toro Construction Partnership, LLC fully intends to comply with all federal, state, and local laws and regulations. Other than submittal to IDNR regarding EcoCAT, there have been no other consultation with agencies to date.

4.0 Project Parcel Legal Description

LEGAL DESCRIPTION PER DOCUMENT 2023R0015248:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND NORTH HALF OF NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, EXCEPT THAT PART WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND ALSO EXCEPT THE SOUTH 100 FEET OF THE NORTH HALF OF THE NORTH HALF

OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND EXCEPT THAT PART CONVEYED TO THE PUBLIC SERVICE COMPANY BY DEED RECORD 180, PAGE 539, IN SECTION 29, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS; (EXCEPTING THEREFROM, THAT PART DESCRIBED AS FOLLOWS: PARCEL 1: PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, EXCEPT THAT PART WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND ALSO EXCEPT THE SOUTH 100 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER WHICH LIES WESTERLY OF THE CENTER LINE OF DEAN STREET ROAD, AND EXCEPT THAT PART CONVEYED TO THE PUBLIC SERVICE COMPANY BY DEED RECORD 130, PAGE 589, IN SECTION 29, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 04 MINUTES 46 SECONDS WEST 1637.80 FEET; THENCE SOUTH 39 DEGREES 55 MINUTES 14 SECONDS EAST 313.38 FEET FOR A POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 49 SECONDS EAST 42.40 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 11 SECONDS EAST, 60.22 FEET THENCE SOUTH 00 DEGREES 04 MINUTES 49 SECONDS WEST 40.00 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 11 SECONDS WEST 20.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 49 SECONDS WEST, 2.40 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 11 SECONDS WEST 40.212 FEET TO SAID PLACE OF BEGINNING; ALSO EXCEPTING THAT PART DESCRIBED AS FOLLOWS: PARCEL 2: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY NON-EXCLUSIVE ACCESS AND UTILITIES EASEMENT AGREEMENT DATED MAY 27, 2014 AND RECORDED MAY 30, 2014 AS DOCUMENT NO. 2014R0017139 FROM FRANK DAVID OSMAN AND SHIRLEY A. OSMAN AS TRUSTEES UNDER THE PROVISIONS OF A TRUST AGREEMENT DATED DECEMBER 9, 2003 AND KNOWN AS THE OSMAN FAMILY TRUST, TRUST NUMBER 101, TO VALENTINE CAPITAL, LLC FOR THE PURPOSE OF INGRESS AND EGRESS); ALL IN MCHENRY COUNTY, ILLINOIS.

ADDITIONAL EXCEPTION LEGAL DESCRIPTION PER DOCUMENT 1928R0085003

THE NORTH ONE HUNDRED FIFTY (150) FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION THIRTY (30) (EXCEPT THE NORTH TWO (2) RODS THEREOF) AND THE NORTH ONE HUNDRED FIFTY (150) FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-NINE (29), ALL IN TOWNSHIP FORTY—FOUR (44) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE COUNTY OF MCHENRY, IN THE STATE OF ILLINOIS.

5.0 Project Contact Information

The Applicant for the SUP will be:

Christian Schlesinger
Toro Construction Partnership, LLC
100 Montgomery Street, Suite 725
San Francisco, CA 94104
631-495-4950

The Project Premises will be leased from the following property owners:

SA DEAN ST PROP REV TR, OSMAN
3401 PETE DYE DRAW
PARK CITY, UT 84098

6.0 Potential Construction Timeline

Project staff members are actively working with the County and will seek a SUP for the Project. Interconnection structures will be included and described in the Application for the SUP. Toro Construction Partnership, LLC plans to submit the SUP Application to the County in Q4 2023. Construction of the Project is anticipated to begin after issuance of the SUP, which would likely be during Spring-Summer 2024. Toro Construction Partnership, LLC plans to construct the Project on a schedule that facilitates an in-service date in mid/late 2024.

- **Equipment Purchase:** The Applicant anticipates procuring Project equipment between the fourth quarter 2023 and second quarter 2024. Final contractor selections will be made contingent on the SUP being approved and issued by the County.
- **Construction:** The Applicant will oversee the primary contractors performing construction of the Project. These construction activities will include site preparation, grading, access road building, solar array assembly, electrical, transmission, and communications installation work. Construction start would occur around spring of 2024. The Applicant anticipates beginning construction of the Project soon after being granted SUP approval, fulfilling necessary pre-construction compliance requirements, and securing other required approvals.
- **Testing and Commissioning:** Testing and commissioning will occur at the end of construction and prior to the Commercial Operation Date (COD). This will be late 2024.
- **Operation:** As indicated above, the COD of the Project will occur late 2024 after construction and testing/commissioning activities are completed.

7.0 Decommissioning Plan

Decommissioning of the Project at the end of its useful life (approximately 30 years) would include removing the solar arrays (modules, racking and steel foundation posts), inverters, fencing, access roads, above-ground portions of the electrical collection system, lighting, substation, and transmission. Standard decommissioning practices will be used, including dismantling and repurposing, salvaging/recycling, or disposing of the solar energy improvements, and restoration.

8.0 Erosion Control Plan

During construction, one of the primary means to protect and preserve the topsoil at the Project site will be to separate the topsoil from the other subgrade/subsoil materials when earthmoving activities, excavation, or trenching are taking place during grading, road construction, cable installation, foundation installation, etc. There may be limited situations where excavated subsoil will be stored on adjacent undisturbed topsoil as most subsoil will be untouched. In these situations, subsoil will be returned to the excavation with as little disturbance of the underlying topsoil as practicable. Laying down a thin straw mulch layer as a buffer between the subsoil and topsoil will be used as practicable to facilitate more effective separation of the subsoil and underlying topsoil during the excavation backfill process.

Following earthwork activities that require segregation of topsoil/subsoil, topsoil materials will be re-spread on top of the backfilled and disturbed areas to maintain the overall integrity and character of the pre-construction farmland. Any excess topsoil material would be re-spread on the Project Premises site at pre-established locations. The location and amount of topsoil will be documented to facilitate re-spreading of topsoil as a part of Project decommissioning. A detailed Erosion Control Plan will be completed and submitted as a portion of the Building Permit for the site.

9.0 Vegetation Maintenance Plan

Following construction of the solar facility, disturbed grounds will be re-established with a native non-invasive low-growth/low-maintenance ground cover. The vegetative maintenance contractor will be responsible for inspecting and maintaining the vegetative integrity of the solar facility. The contractor will conduct on-site activities during growing months at a frequency of approximately 2-3 times per year. The contractor is expected to adjust site maintenance frequency based on time of year and weather conditions. To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted, and on-site field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity.

The proposed Project will follow practices that: (1) provide native perennial vegetation and foraging habitat, which is beneficial to game birds, songbirds, and pollinators; and (2) reduce stormwater runoff and erosion at the solar site. The Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.

A detailed Vegetation Maintenance Plan will be completed and submitted as a portion of the Building Permit for the site.

10.0 EcoCAT and IPaC Results

Westwood investigated the probability of occurrence in the Project Area for wildlife and plant species that are federally, or state listed as endangered or threatened. Based on Westwood's best professional judgement, the rating of zero, low, moderate, and high probabilities of occurrence were applied to the reviewed species based on the Information for Planning Consultation (IPaC) and Ecological Compliance Assessment Tool (EcoCAT) outputs. These rating are described as follows:

A **zero** probability of occurrence was assigned when the species has no chance of occurring in the Project Area at any time.
A **low** probability of occurrence was assigned when the species had not been documented in the region from any known source and suitable habitat is absent or largely very limited or of low quality.
A **moderate** probability of occurrence was assigned to species that have been documented in the region and relatively suitable habitat is present.
A **high** probability was assigned when the species has been documented in the region and/or highly suitable habitat is available.

Please note that occurrence ratings are based on available desktop resources; field-based studies can provide higher degrees of confidence for the presence/probable absence of species.

- **Federally Listed Rare, Threatened, and Endangered Species**

Westwood conducted an IPaC coordination with the U.S. Fish and Wildlife Service (USFWS) (2023). The results of the effort identified five federally endangered, threatened, candidate, and Non-essential Experimental Population (NEP) species as potentially occurring within the Project Area or surrounding region. These species and their listing status are named in **Table 10.1.** Although not identified by the IPaC, the Bald Eagle (*Haliaeetus leucocephalus*) is included for review due to being protected under the Bald and Golden Eagle Protection Act (BGEPA) (USFWS n.d.a).

- ***Table 10.1 – Federally-Protected Species with the Potential to Occur in the Project Area***

Common Name (Scientific Name)	Status[1] (Federal/State)	Probability of Occurrence
Mammals		
Northern Long-eared Bat (*Myotis septentrionalis*) NLEB *	FE/ST	Low
Birds		
Whooping Crane (*Grus americana*)	NEP/--	N/A
Bald Eagle (*Haliaeetus leucocephalus*)	BGEPA/--	Low to Moderate
Insects		
Rusty Patched Bumble Bee (*Bombus affinis*) (RPBB)	FE/SE	High
Monarch Butterfly (*Danaus plexippus*)	C/--	Review if uplisted
Plants		
Eastern Prairie Fringed Orchid (*Platanthera leucophaea)*	FT/SE	Low

- [1] FE = Federally endangered; FT = Federally threatened; C = Federal candidate for listing; BGEPA = Bald and Golden Eagle Protection Act; SE = State endangered; ST = State Threatened; NEP = non-essential experimental population
- *A USFWS IPaC determination key is available for this species. Determination keys can further refine the probability of project-specific risks.

These species and their probability of occurrences are described in more detail below.

Mammals

Northern Long-eared Bat

The NLEB is federally endangered and state threatened due to population level declines primarily caused by White-nose Syndrome (WNS), habitat loss, habitat degradation and fragmentation, winter disturbance, climate change, and environmental contaminants (USFWS n.d.b, IDNR 2023a).

NLEB roost in cavities and under bark crevices of live and dead trees and typically forage in understory of forested areas (USFWS n.d.b). During the winter, NLEB hibernate in caves and abandoned mines (USFWS n.d.b). In Illinois, NLEB are considered to occur statewide (IDNR 2023a).

According to the IDNR (2023b), NLEB are known to occur within McHenry County. There appears to be limited potentially suitable roosting and foraging habitat along the eastern and southern border of the Project Area. More potentially suitable roosting and foraging habitat appears available within the surrounding region, suggesting a low probability of occurrence.

If tree clearing is anticipated to occur, tree clearing should be restricted to the NLEB inactive season (November 1 – March 31), or at a minimum, outside of the pup-rearing season of June 1 – July 31.

Birds

Whooping Crane

The Whooping Crane is designated as a Non-essential Experimental Population (NEP) in Illinois (USFWS n.d.c). NEPs are populations that have been established within a species historic range to aid in recovery; NEP populations do not receive any federal protections under the ESA (USFWS n.d.d). Additionally, Whooping Cranes are not currently protected under the Illinois Endangered Species Protection Act (520 ILCS 10); therefore, no further actions or considerations are recommended at this time.

Bald Eagle

Bald Eagles are protected under the BGEPA and occur year-round in Illinois (IDNR 2023c, USFWS n.d.a). Nonbreeding and overwintering Bald Eagles primarily occur in the north and west of Illinois along the Mississippi and Illinois Rivers, whereas permanent residents occur throughout the state (IDNR 2023c).

Bald Eagles typically select nest sites away from developed areas near lakes and rivers in forested areas where tall, large diameter trees are less than one half mile from a water source and tend to avoid areas of high human disturbance (Grier and Guinn 2003, USFWS n.d.e).

Potentially suitable nesting and roosting habitat appears limited to absent within the Project Area but is available within the surrounding region. As such, the probability of occurrence within the Project Area is considered low to moderate.

The USFWS recommends a 660-ft no-construction buffer around Bald Eagle nests. Bald Eagle nests are unlikely to be encountered within the Project Area, however, potentially suitable nesting habitat appears available at a nearby pond located approximately 200ft from the Project Area. A nest survey is recommended to determine the presence of nests near the Project Area.

Insects

Rusty Patched Bumble Bee

The RPBB is federally and state endangered due to habitat loss and degradation, disease, pesticide use, and climate change (USFWS n.d.f, IDNR 2023d). RPBB populations occur

throughout the northeastern portion of Illinois (IDNR 2023d). RPBB nest in underground abandoned rodent cavities or under clumps of grasses. Overwintering queens require undisturbed soils along forest edges and emerge in the early spring (USFWS n.d.f). Due to their early emergence, RPBB requires a diversity of flowers that ensure a consistent supply of nectar and pollen from April through September to support the colony. Suitable habitat includes meadows and woodlands in which adequate forage, nesting, and overwintering habitat is available (USFWS n.d.f).

According to IDNR (2023b), RPBBs are known to occur in McHenry County. The majority of the Project Area is located within the low potential zone (areas of low but possible potential occurrences of RPBB based on known sightings and landcover) with the last recording in 2001. A small portion of the southern Project Area is located within the high potential zone (areas of high potential occurrences of RPBB based on known sightings and landcover) with the last recording in 2012 (USFWS 2022a). The USFWS assumes presence in high potential zones unless surveys following USFWS protocol are performed to confirm absence. The Project Area is predominantly cultivated cropland, and therefore, highly disturbed. However, there are potentially suitable grasslands and overwintering habitat immediately adjacent to the Project Area and surrounding region. As such, the probability of occurrence is considered high.

BMPs should be implemented to limit the use of insecticides and herbicides to mitigate impacts to nearby potentially suitable RPBB habitat. IDNR (2023e) recommends all solar facilities to participate in their Pollinator Scorecard Program which includes post-construction re-seeding with native plants that may improve and increase the availability of suitable habitat for RPBBs.

Monarch Butterfly
The monarch butterfly is a candidate species for listing due to habitat loss and pesticide use (USFWS n.d.g). Currently, this species is not afforded any state or federal protections; therefore, no further actions are recommended at this time. If the species is reclassified to threatened or endangered prior to Project completion, further assessment should be considered.

Plants

Eastern Prairie Fringed Orchid
Eastern prairie fringed orchids are federally threatened and state endangered due to habitat loss and degradation, grazing, drought, and encroachment of woody vegetation (USFWS n.d.h, Pankua 2019).

In Illinois, the eastern prairie fringed orchid is almost exclusively found in remnant wet prairies (Hilty 2020, Pankau 2019). This species occurs in a variety of habitats from mesic prairies to wetlands in full, direct sunlight with little to no woody encroachment (USFWS n.d.h). Eastern prairie fringed orchids are specialists to particular weather conditions and are sensitive to certain agricultural practices such as haying and grazing (USFWS n.d.h).

According to IDNR (2023b), eastern prairie fringed orchids are known to occur within McHenry County. However, the Project Area is predominantly cultivated croplands with marginal areas of pasture. Additionally, according to the NWI database (USFWS 2022b), there are no potentially suitable wetlands within the Project Area, suggesting a low probability of occurrence. Based on the intentions of the Project, limited to no impacts to eastern prairie fringed orchids are anticipated to occur and no further actions are recommended at this time.

- **State Listed Rare, Threatened, and Endangered Species**

On November 16, 2023, Westwood submitted an EcoCAT (IDNR 2023f) request to the Illinois Department of Natural Resources (IDNR) for information regarding state-listed threatened or endangered species. The request (IDNR #2406993) identified no records of state-listed threatened or endangered species within either Project Area or surrounding vicinity.

In addition to designating threatened and endangered species of plants and wildlife, IDNR also designates Illinois Natural Area Inventory (INAI) sites for the protection and preservation of natural areas of high quality, habitats of endangered species, and other significant natural features (IDNR 2023g). No INAI sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves were mapped within either Project Area or the surrounding vicinity. IDNR recommends all solar sites participate in their Pollinator Scorecard Program (IDNR 2023h) to establish a pollinator friendly habitat within a solar site.

This review reflects the information existing in the Database at the time of the inquiry and should not be regarded as a final statement on the site being considered, nor should it substitute for detailed field surveys required for environmental assessments. If additional resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

11.0 Archaeological, Cultural, and Historical Resources

As a preliminary review of cultural resources in the Project Area, Westwood examined the Illinois Inventory of Archaeological Sites (IIAS) and the Historic and Architectural Resources Geographic Information System (HARGIS) maintained by the Illinois SHPO. An initial inventory of archaeological sites and historic structures was compiled. Previous surveys were also examined for insight into the cultural resource potential of the Project Area. Additionally, the National Register of Historic Places (NRHP) database was reviewed. The Project Area was examined, as well as a ¼-mile buffer.

No previously recorded cultural resources are present in the Project Area or the ¼-mile buffer based on the review of available data in the IIAS and HARGIS.

No NRHP listed properties or historic districts are present within the Project Area or the ¼-mile buffer.

No cultural resources surveys have been previously conducted within the Project Area.

A review of the Illinois Archaeological Predictive Model (IAPM) highlights the Project Area as an area of Low, Medium-Low and Medium-High potential for cultural resources. The IIAS also maintains a layer called "Archaeological Resource Potential." The Project Area is not indicated as having high potential for unrecorded archaeological resources according to the layer.

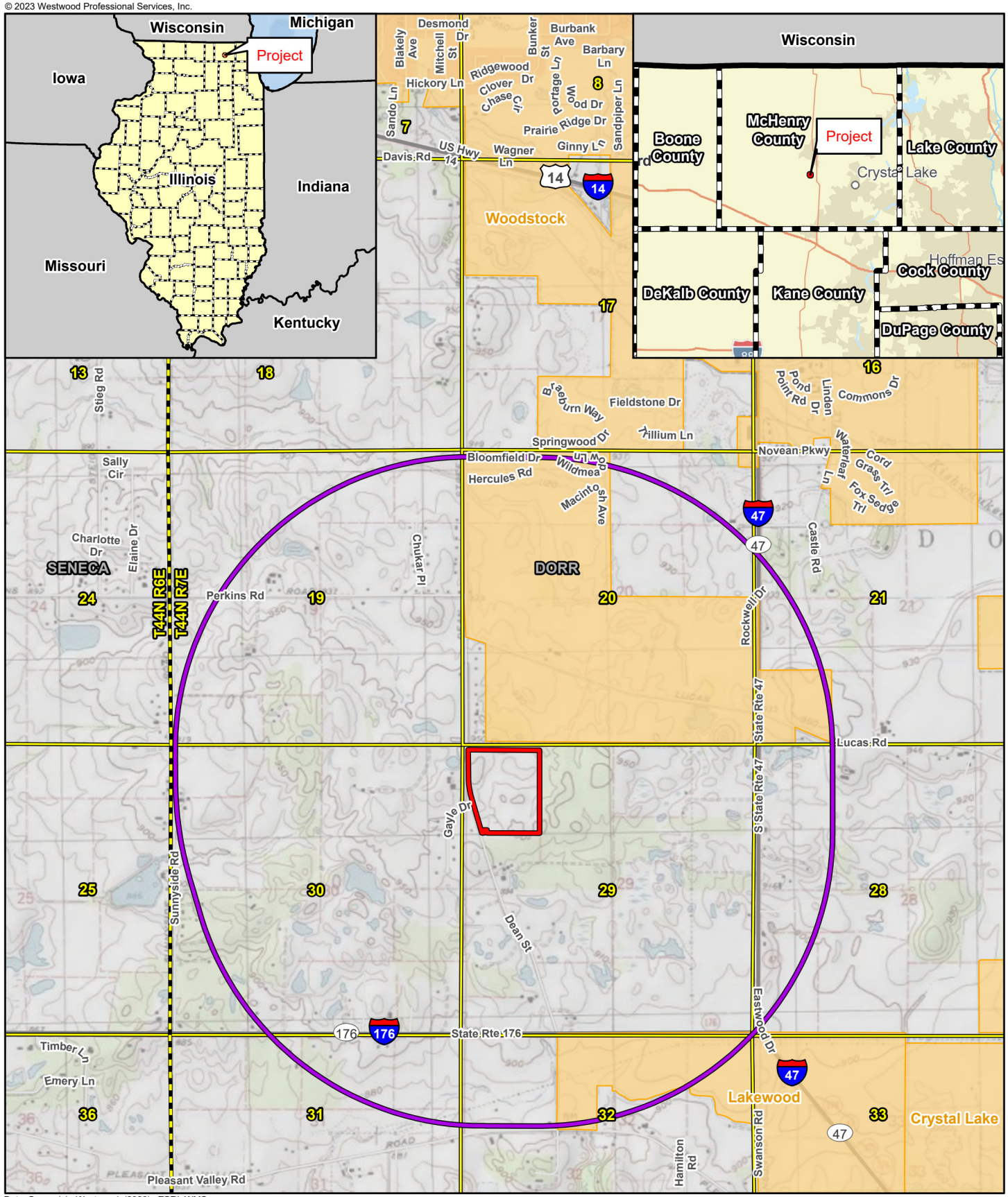
Historic plat maps on the IIAS viewer do not indicate any historic features in the Project Area.

12.0 Agricultural Impact Mitigation Agreement

An Agricultural Impact Mitigation Agreement (**Appendix F)** has been signed by the applicant and the Illinois Department of Agriculture for signatures.

Exhibits

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Data Source(s): Westwood (2023); ESRI WMS USA Topo & World Streets Basemaps (Accessed 2023); PLSS (2022); U.S. Census Bureau (2021 & 2022).

0 2,400 Feet

Legend

- Project Area
- 1-Mile Buffer
- State Boundary
- County Boundary
- PLSS Township
- PLSS Section
- Municipal Boundary
- Municipal Township
- Major Road
- Road

Osman Solar Project

McHenry County, Illinois

Project Location & USGS Topography

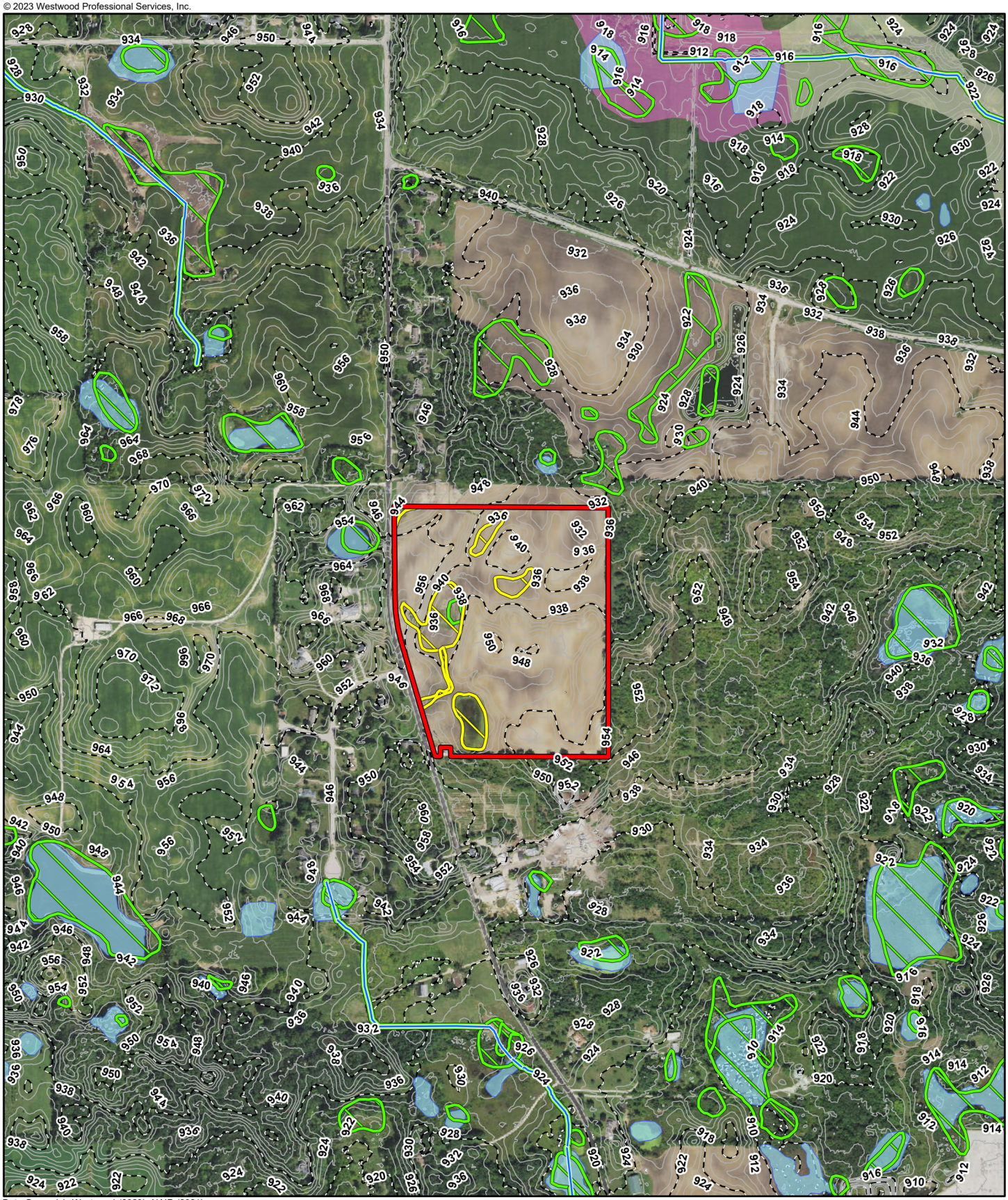
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EXHIBIT 1

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: N:\0045891.05_GIS_ArcPro\R0045891_05_040_CIAExhibits_231121\R0045891_05_040_CIAExhibits_231121.aprx 11/21/2023 2:32 PM MMQuade

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Data Source(s): Westwood (2023); NAIP (2021); NWI (2023); NHD (2023); FEMA (2023); USGS 3DEP (Accessed 2023).

0 800 Feet

Legend

- Project Area
- Desktop Wetland
- NWI Wetland
- NHD Flowline
- NHD Waterbody
- 100 Year Floodplain
- 500 Year Floodplain
- 10ft Contour
- 2ft Contour

Osman Solar Project

McHenry County, Illinois

N

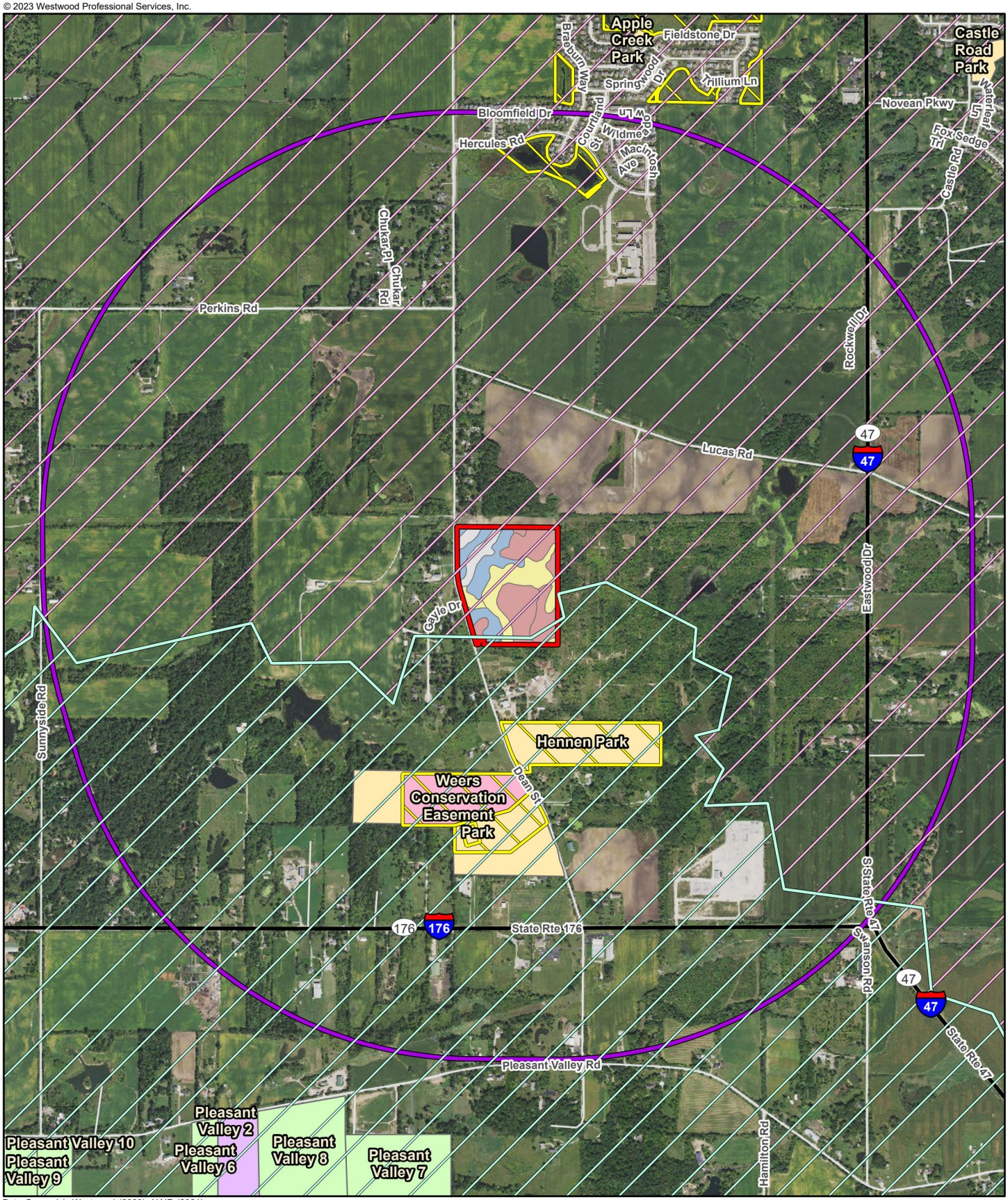
Water Resources

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

EXHIBIT 2

Map Document: N:\0045891.05_GIS_ArcPro\R0045891_05_040_CIAExhibits_231121\R0045891_05_040_CIAExhibits_231121.aprx 12/6/2023 9:08 AM MMQuade

© 2023 Westwood Professional Services, Inc.



Data Source(s): Westwood (2023); NAIP (2021); NCED (2023); U.S. Census Bureau (2021 & 2022); PADUS (2023); NRCS Web Soil Survey (Accessed 2023).

0 1,700 Feet

Legend

- Project Area
- 1-Mile Buffer
- RPBB High Potential Zone
- RPBB Low Potential Zone
- NCED Easement
- Major Road
- Road

PADUS Designation

- Conservation Easement
- Local Conservation Area
- Local Park
- State Recreation Area

Farmland Classification

- All areas are prime farmland
- Farmland of statewide importance
- Prime farmland if drained
- Not prime farmland

Osman Solar Project

McHenry County, Illinois

Biological Resources & Public Lands

EXHIBIT 3

N

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: N:\0045891.05_GIS_ArcPro\R0045891_05_040_CIAExhibits_231121\R0045891_05_040_CIAExhibits_231121.aprx 12/6/2023 10:43 AM MMQuade

Appendix A

Completed and Signed McHenry County Zoning Application Packet

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit # _____

APPLICATION FOR ZONING PETITION, ADMINISTRATIVE VARIATION OR SITE PLAN REVIEW

OWNER INFORMATION:

Name SA DEAN ST PROP REV TR, OSMAN

Address 3401 Pete Dye Draw

City, St, Zip Park City, UT 84098

Daytime Phone 817-235-5737

Email _____

ATTORNEY or AGENT CONTACT INFORMATION (If Applicable)**:**

Name Westwood Professional Services, Matthew Vollbrecht

Address 480 Bellvue Ave

City, St, Zip Lander WY 82520

Phone (612) 280-4009

Email matthew.vollbrecht@westwoodps.com

APPLICANT (If other than owner)**:**

Name Toro Construction Partnership, LLC.

Address 100 Montgomery St., Suite 725

City, St, Zip San Francisco, CA 94101

Daytime Phone 631-495-4950

Email cschlesinger@ForeFrontpower.com

TRUSTEE/BENEFICIARY/OFFICERS/DIRECTORS/CONTRACT PURCHASER (please use separate page for additional information):

Name Greg May

Address 3401 Pete Dye Draw

City, St, Zip Park City, UT 84098

Phone 817-235-5737

Email _____

PARCEL INFORMATION:

Address Dean Street

City Dorr Township Zip 60098

Parcel/Tax Number 13-29-100-012

Number of Acres 42.88

Applying For: (Check all that apply)	☐ Reclassification	Current Zoning: Requested Zoning:
	☒ Conditional Use & Site Plan Review	CUP Request: Conditional use in A-1 Zoning District
	☐ Variation, Administrative ☐ Variation, Zoning	Variation Request:
	☐ Site Plan Review	Type:
	☐ Text Amendment	UDO Section(s):
	☐ Appeal	Type:

Please provide additional information on the back of this page.

NARRATIVE: Please use this space to explain your request in detail.

This application proposes to develop a 4,500 kW-AC ground-mounted solar array at the approximately 42.88 -acre site (32.91 acres of which will be used for the solar farm) in Section 27, Township 46N, Range 8E, McHenry County, Illinois. The current project area consists almost entirely of cultivated cropland. Surrounding land uses include residential and commercial development associated with the surrounding municipalities, forest lands, and agricultural land.

CONSENT

I/We hereby authorize that the aforementioned applicant, attorney, and agent may act and testify on my behalf as my agent in the matter of this zoning application regarding the property listed above that is the subject of this application.

VERIFICATION

I/We hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

Yumitake Furukawa
Owner's Signature

Signature

Yumitake Furukawa
Print Name

Print Name

SUBSCRIBED and SWORN to before me
this 16 day of January, 2024.

NOTARY PUBLIC

KRISTIN FROOSHANI
Notary Public
State of Florida
Comm# HH196652
Expires 11/8/2025

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit # _____

CORPORATE DISCLOSURE

Applications shall be brought in the name of the record title owner or the owner(s) of the beneficial interest through authorized agents. If application is made by a corporation or partnership for any zoning map amendment, variation, or conditional use permit, the application and notice shall identify the names and addresses of all officers and directors and all shareholders/stockholders owning an interest in excess of seven and one-half percent (7.5%)

If an owner, officer, director, shareholder/stockholder is another legal entity and not an individual, we require the same information (name, title, address) for that entity.

Name of Entity: Toro Construction CS Partnership, LLC			
Name	**Title (officers, directors, shareholders/stockholders)**	**Address (address, city, state, zip)**	**Percent of ownership interest**
Forefront Power, LLC	Managing Member	100 Mongomery St. Suite 725, San Francisco, CA 94104	49%
Socorro Vazquez	shareholder	15657 S 70th Ct Orland Park, IL 60462	51%

Please attach additional information, if needed.

*Extracted from Title 16: Unified Development Ordinance §16.16.020 §§ A1-4 (2014).

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
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If an owner, officer, director, shareholder/stockholder is another legal entity and not an individual, we require the same information (name, title, address) for that entity.

Name of Entity: Forefront Power, LLC

Name	Title (officers, directors, shareholders/stockholders)	Address (address, city, state, zip)	Percent of ownership interest
Yumitake Furukawa	Deputy Chief Executive Officer; Chief Compliance Officer	100 Montgomery Street, Ste 725, San Francisco, CA 94104	
Charlie Sohm	Chief Development Officer	100 Montgomery Street, Ste 725, San Francisco, CA 94104	
Daniel Taylor	Chief Strategy Officer	100 Montgomery Street, Ste 725, San Francisco, CA 94104	
Yohei Kishi	Chief Financial Officer	100 Montgomery Street, Ste 725, San Francisco, CA 94104	
Kristin Frooshani	Chief Legal Officer, Secretary	100 Montgomery Street, Ste 725, San Francisco, CA 94104	
MyPower, Corp.	Sole Member of Forefront Power, LLC		100%

MyPower, Corp. owns 100% of Forefront Power, LLC. Forefront Power, LLC is the managing member of Toro Construction CS Partnership, LLC. I've included a redacted organizational chart.

Please attach additional information, if needed.

*Extracted from Title 16: Unified Development Ordinance §16.16.020 §§ A1-4 (2014).

NARRATIVE: Please use this space to explain your request in detail.

This application proposes to develop a 4,500 kW-AC ground-mounted solar array at the approximately 42.88 -acre site (32.91 acres of which will be used for the solar farm) in Section 27, Township 46N, Range 8E, McHenry County, Illinois. The current project area consists almost entirely of cultivated cropland. Surrounding land uses include residential and commercial development associated with the surrounding municipalities, forest lands, and agricultural land.

CONSENT

I/We hereby authorize that the aforementioned applicant, attorney, and agent may act and testify on my behalf as my agent in the matter of this zoning application regarding the property listed above that is the subject of this application.

VERIFICATION

I/We hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

SHIRLEY A. OSMAN

Owner's Signature

Signature

Shirely A Osman Shirley Osman

Print Name

Gregory A May

Print Name

Shirely A Osman only for Notary

SUBSCRIBED and SWORN to before me this 18th day of January, 2024.

NOTARY PUBLIC

OFFICIAL SEAL
BRIDGET L DOMBROWSKI
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires August 2, 2024

only for Shirely A Osman Notary

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit # _____

LAND TRUST BENEFICIAL DISCLOSURE

Applications shall be brought in the name of the record title owner or the owner(s) of the beneficial interest through authorized agents. If application is made by the trustee or beneficiary of any land trust for any zoning map amendment, variation, or conditional use permit, the application and notice shall identify each beneficiary of such land trust by name and address and define his/her interest. All applications shall be verified by the applicant in the applicant's capacity as trustee or by the beneficiary(s) as a beneficial owner(s) of an interest in such land trust.

If a beneficiary of any land trust is another legal entity and not an individual, we require the same information (name, title, address) for that entity.

Name of Entity: SA DEAN ST PROP REV TR, OSMAN

Name	Title (officers, directors, shareholders/stockholders)	Address (address, city, state, zip)	Percent of ownership interest
Shirley A Osman	Trustee	14040 Lavender Lane Huntley IL 60142	100%
Gregory A May	Trustee	3401 Pete Dye Draw Park City UT 84098	0%

Please attach additional information, if needed.

*Extracted from Title 16: Unified Development Ordinance, §16.16.020.§§ A1-4 (2014).

CONSENT TO ON-SITE INSPECTION

I/We are the owners of record of the real estate which is the subject of this application. Owners of the described real estate do hereby freely and voluntarily consent to inspection of the site of the parcel in question for purposes of determining the appropriateness of the pending proposed zoning petition by the Zoning Enforcement Officer and/or designated representative, McHenry County Zoning Board of Appeals or where applicable, the McHenry County Hearing Officer, and hereby release such persons from any liability based in whole or in part on the inspection of the parcel in question. That in exchange for the above actions by the Applicant(s), McHenry County agrees that the Zoning Enforcement Officer and/or designated representative, member of the Zoning Board of Appeals or, if applicable, the McHenry County Hearing Officer, will inspect the parcel in question prior to considering the evidence presented upon the above application. In the case of Conditional Use applications, if approved by the McHenry County Board, the Zoning Enforcement Officer and/or designated representative many inspect the property periodically to ensure compliance with the adopting ordinance and any conditions therein.

ACCEPTANCE OF FEES FOR TRANSCRIPTION SERVICES

I/We, the applicant(s), verify that I/we are aware of the use of a transcription service utilized by McHenry County to prepare a record of public hearings. Applicant(s) agree to directly reimburse the Department of Planning and Development for all incurred transcript fees and associated costs for hearings before the McHenry County Zoning Board of Appeals or where applicable, the McHenry County Hearing Officer unless determined otherwise by McHenry County. The applicant(s) further recognizes failure to fully reimburse the County prior to the scheduled County Board Date will grant McHenry County the unconditional right to withhold the application from McHenry County Board action. Applicant(s) further understand that transcripts shall be retained by McHenry County as part of the permanent zoning application file.

ZONING APPLICATION INTERPRETATION

I/We understand that the McHenry County Department of Planning and Development Staff will review and evaluate this application per the text of the McHenry County Unified Development Ordinance, the Official Zoning Maps, and any relevant documentation provided by the applicant and otherwise available to the Department, and consult with other staff to create a Legal Notice and staff report.

ACCEPTANCE OF FEES FOR NOTIFICATION

I/We, the applicant(s), authorize the McHenry County Department of Planning and Development Staff to produce the Legal Notice of Public Hearing to be published and mailed per the requirements of Chapter 16.16 (Zoning Application Process) of the McHenry County Code of Ordinances. I/We agree to reimburse the County for the cost of certified mailing and publication to the newspaper, prior to a vote by the McHenry County Board, in order to meet the notification requirements for a public hearing by Illinois State Statute.

Yumi Furukawa

Owner's Signature

Signature

Yumitake Furukawa

Print Name

Print Name

SUBSCRIBED and SWORN to before me
this 16 day of January, 2024.

NOTARY PUBLIC

KRISTIN FROOSHANI
Notary Public
State of Florida
Comm# HH196652
Expires 11/8/2025

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Shirley Osman
Owner's Signature

Shirley A Osman SHIRLEY A. OSMAN
Print Name

Signature

Gregory A May
Print Name

Shirley A Osman only Notary
SUBSCRIBED and SWORN to before me
this 18th day of January, 2024.

Bridget L Dombrowski
NOTARY PUBLIC

OFFICIAL SEAL
BRIDGET L DOMBROWSKI
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires August 2, 2024

Notary for only Shirley A Osman

Approval Standards for Conditional Use

(McHenry County Unified Development Ordinance §16.20.040E)

This form must be completed for requests for conditional use. Yes and No answers are insufficient, please provide a minimum one or two sentence explanation.

1. Please describe how the conditional use meets all applicable standards of UDO §16.56 (Use Standards) and §16.60 (Site Development Standards)?

   Please see Item 1 in Appendix E for explanation

2. Is the conditional use compatible with the existing or planned future development of the area?

   Please see Item 2 in Appendix E for explanation

3. Is the conditional use detrimental to or endanger the public health, safety, morals, comfort or general welfare of the area?

   Please see Item 3 in Appendix E for explanation

4. Will the conditional use be injurious to the use and enjoyment of other property in the area?

   Please see Item 4 in Appendix E for explanation

5. Will the conditional use substantially diminish and impair property value in the area?

   Please see Item 5 in Appendix E for explanation

6. Are adequate utilities, access roads, drainage, and other necessary facilities provided?

   Please see Item 6 in Appendix E for explanation

7. Has conditional use operation been designed to provide ingress and egress to minimize traffic congestion and hazard on the public streets?

   Please see Item 7 in Appendix E for explanation

8. Will the conditional use conform to the applicable standards of the underlying zoning district?

   Please see Item 8 in Appendix E for explanation

9. Will the conditional use be reasonably in the interest of the public welfare?

   Please see Item 9 in Appendix E for explanation

10. Will there be adequate measures taken to provide protection to groundwater recharge and groundwater quality?

    Please see Item 10 in Appendix E for explanation

Agenda Item No: 9c

City Council
Agenda Supplement

Meeting Date: March 19, 2024

Item: COUNTY ZONING REQUEST

Lucas Road - PIN 13-28-200-013 (south side of Lucas Road approximately 4,000 feet east of the intersection of Lucas Road and Illinois Route 47)
City of Woodstock, IL

Recommendation: City Council's discretion.

a) Motion to object to the proposed Conditional Use to allow for a commercial solar energy facility, directing staff to proceed with an objection to the County Hearing Officer

b) No action

Staff Contact: Elizabeth Maxwell, City Planner
Katie Rivard, Assistant City Planner

Background:

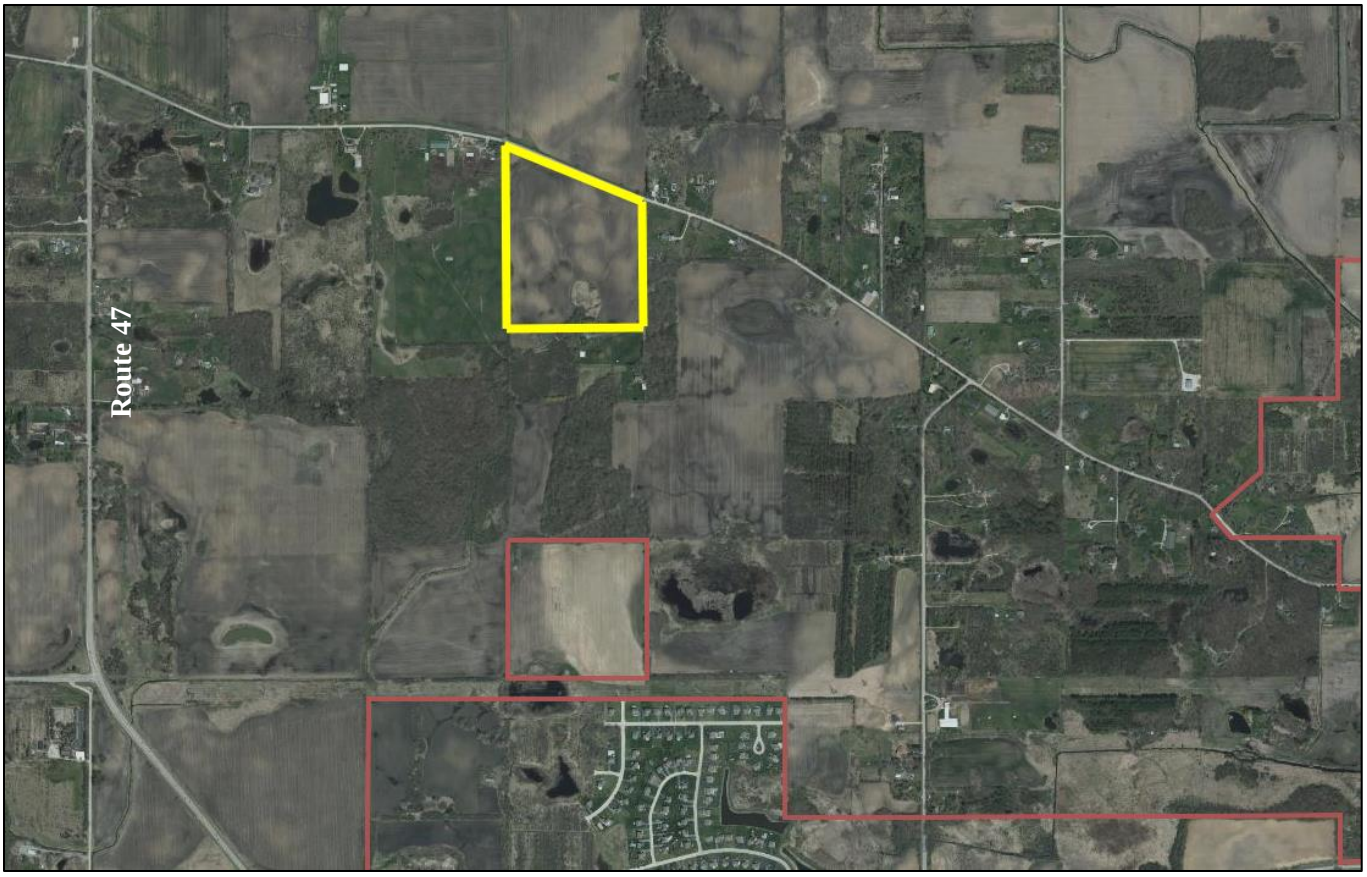
- As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of this request.
- The subject property in question is zoned "A-1" Agriculture District and consists of approximately 43.5 acres. Currently, the subject property is used for agriculture.
- The subject property is surrounded by County zoning district "A-1" Agriculture District zoning to the north, south east and west. Agricultural uses are to the north and west, and single-family residential to the south and east.
- The County's 2030 Land Use Plan identifies the subject property as Residential. The 2020 Comprehensive Plan, and the 2030 and Beyond Analysis Update supports the construction of commercial solar energy facilities within existing agricultural areas.

Request:

- The petitioners are requesting a commercial solar energy facility. The solar farm will take approximately 31.5 acres of the 43.5 acres.
- The County requires a Conditional Use Permit for Solar Farms in the "A-1" Agriculture, "O" Office/Research, "I-1" Light Industrial and "I-2" Heavy Industrial zoning districts. The City of Crystal Lake requires a Special Use Permit in the F Farming, M-L Limited and M Manufacturing zoning districts.
- Height: The solar array will be no more than 15 feet in height at full tilt.
- Setbacks: The solar panels, structures and electrical equipment will be setback no less than 50 feet from any lot line, 50 feet from the nearest edge of the public road right-of-way, and 150 feet from the nearest point on the outside wall of any non-participating residences, which meets the County's setback requirements. The project will also provide a 50-foot buffer around the wetland.
- Safety/Security: There will be a 7-foot high fence, as well as a landscape buffer using evergreens and deciduous trees.
- Lighting: There is no proposed lighting for this project.
- Noise: The project will comply with the Illinois Pollution Control Board (IPCB), and the solar panels themselves do not produce any noise.
- Landscaping: Any part of the facility that is within 500 feet of a nonparticipating residence, or a 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. The area underneath the solar array and buffer area will be seeded with a native pollinator-friendly seed mix.
- There are no toxic substances in the panels, and the project will not emit any air pollution.
- Decommissioning of the site includes the removal of all structures and restoration of soil and vegetation.
- The City of Crystal Lake requires a Special Use Permit for solar farms in the F – Farming, M-L Manufacturing Limited and M – Manufacturing zoning districts, subject to the following criteria:
    - The entire project site shall be surrounded with landscape and a fabric-wrapped chain link fence, which would screen the property from any roadways or public driveways.
    - The grounds in and around the panels shall be repurposed for wildflowers or agriculture. A landscape plan is required.
    - One ten-foot-wide paved drive shall provide access around the entire site.
- The property is not within the Crystal Lake Watershed, and staff does not have any concerns with this request.

Votes Required to Pass: A simple majority.

PIQ Map
Lucas Road, Woodstock, IL
(South side of Lucas Road approximately 4,000 feet east of the intersection of
Lucas Road and Illinois Route 47)
Dorr Township
Approximately 1 mile outside City Limits



McHenry County
Zoning Board of Appeals - Zoning Hearing
AGENDA

March 20, 2024, 1:30 PM
County Board Conference Room
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Pages

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **NEW BUSINESS / PUBLIC HEARING**
   - 3.1 2024-006 TPE IL MH459 LLC, Dorr Twp, A1-A1C 2
4. **OLD BUSINESS**
5. **PUBLIC COMMENT**
   Topics unrelated to public hearing - 3-minute time limit per speaker
6. **ANNOUNCEMENTS**
7. **ADJOURNMENT**

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-006

PIN: #13-28-200-013

Address: Lucas Road, Woodstock, Illinois

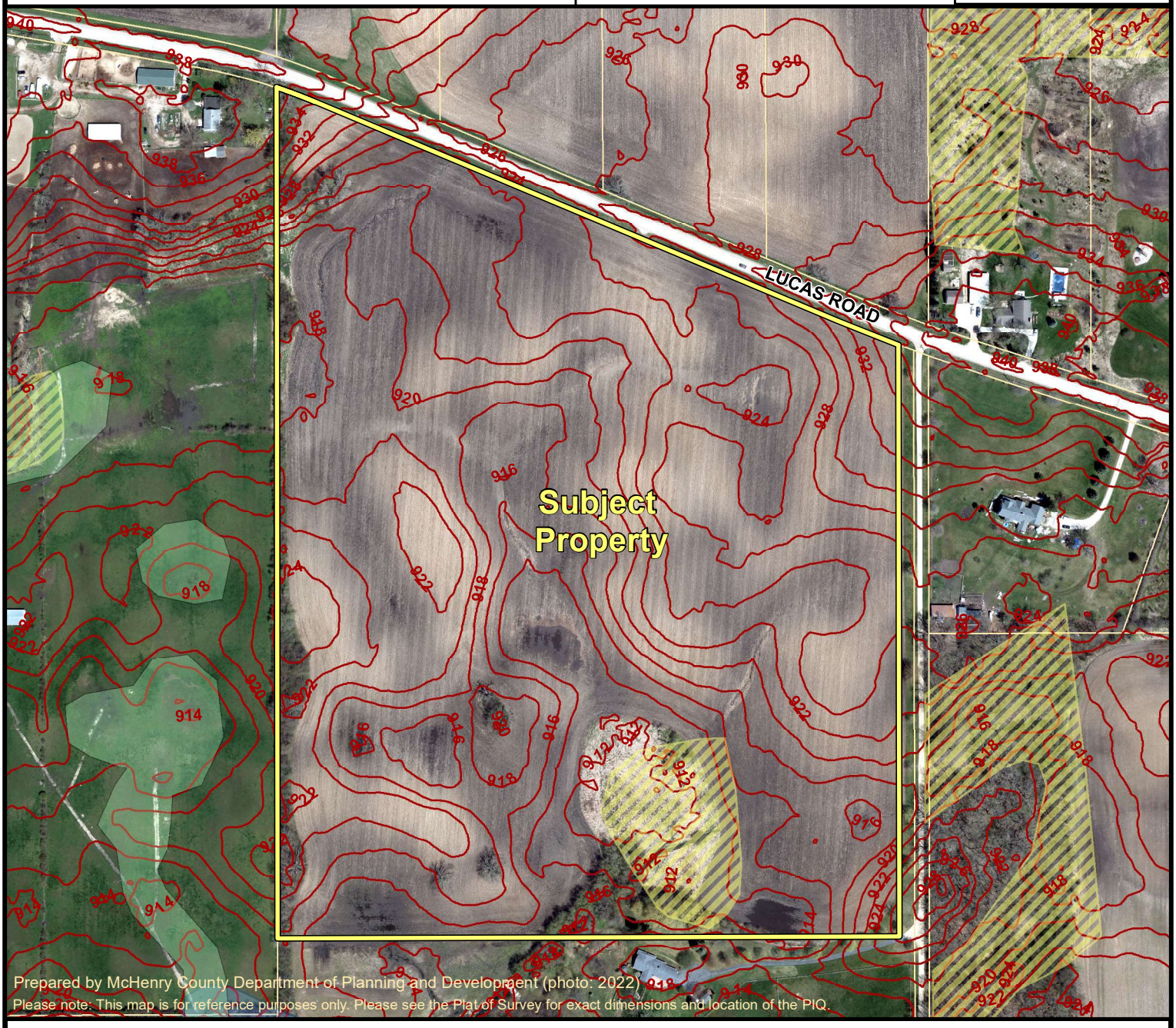
Location: The property consists of approximately 43.461 acres and is located on the south side of Lucas Road, approximately 4,000 feet east of the intersection of Lucas Road and Illinois Route 47, in Dorr Township, Illinois.

Hearing: March 20, 2024

Applicant: TPE IL MH459, LLC

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

Aerial Map



Elevation
(feet above sea level)
Contours

ADID Wetland Map 2005
High Functional Value Wetland (hfvw)
High Quality Wetland (hqw)
Wetland (w)
Farmed Wetland (fw)

FEMA Flood Hazard Areas
0.2 % Annual Chance of Flood
1% Annual Chance of Flood
Floodway

Historic Flood Zone

Feet
150 75 0 150 300
1 inch equals 300 feet

STAFF COMMENTS

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

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Conditional Use Permit to allow for a Commercial Solar Energy Facility. The subject property consists of approximately 43.461 acres and is zoned A-1 Agriculture District. According to the Plat of Survey, the subject property is currently in agricultural production.

According to the narrative, the applicant is proposing a 4.99-megawatt commercial solar energy facility, enclosed by a seven (7)-foot security fence, per the regulations of the National Electric Code. The nearest adjacent residence on a nonparticipating parcel is over one hundred fifty (150) feet from the proposed location of the solar array.

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

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

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

STAFF ANALYSIS

Current Land Use & Zoning

The property is adjacent to Agricultural uses to the north and west and Single-Family Residential to the south and east. The surrounding zoning consists of A-1 Agriculture District to the north, south, east and west.

2030 Comprehensive Plan Future Land Use Map

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

2030 Comprehensive Plan & 2030 and Beyond Analysis

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

McHenry County 2030 and Beyond, Adopted October 18, 2016

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

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

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

Big Idea #2 Let's build on our strengths

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

- The McHenry County Soil and Water Conservation District's Natural Resources Inventory report (#23-091-4551) indicates that the LE score is 83.77 out of a possible 100 regarding soils for crop production. This is due to approximately 57.54% of the site containing hydric soils. The concerns that the development of solar facilities in the county will result in the loss of farmland, particularly prime farmland can be remediated because, unlike other forms of development, the land is preserved for future farming. Also, the proposed native vegetation may slow the velocity of runoff, capturing sediments or other pollutants and allowing water to infiltrate into the soil, thereby reducing potential for erosion and sedimentation and improving soil conditions.

Big Idea #3 Let's grow smarter

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

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

Big Idea #4 Let's expand our economy
"We can make it happen by improving infrastructure, including freight and commuter rail, access to major regional and interstate roadways, and access to high-speed internet services." (p.22)
- The proposed commercial solar energy facility will provide a renewable energy source to the electrical grid as an alternative to energy created from sources with a larger carbon footprint.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing
No applicable text.

Agricultural Resources
"Encourage owners of parcels with the greatest potential for productive agricultural use, such as parcels with an LE score of 80 or above that are in agricultural use and contiguous with other such parcels, to preserve their parcels for agricultural uses." (p. 38, #7)
- Commercial solar energy facilities typically have a life of approximately thirty (30) to forty (40) years and after that time the property may return to agriculture.

"Continue joint participation with the USDA Natural Resources Conservation Service and McHenry County Soil and Water Conservation District in educational programs regarding best soil conservation practices and improving rural water quality." (p. 38, #20)
- The McHenry-Lake County Soil and Water Conservation District recommends that areas between panels be planted to a native prairie mix to help increase water infiltration and reduce runoff from the site. It is recommended that a planting and maintenance plan be developed with the landowner to ensure that noxious weeds are controlled, and native plantings are properly installed and managed. The petitioner is encouraged to add pollinator species to this planting plan. The Soil and Water Conservation District also recommends, upon decommissioning, that if any underground lines are to remain, they should have at least five (5) feet of cover to adequately allow farming operations to commence after the facility's removal.

Greenways, Open Space & Natural Resources
"Protect environmentally sensitive areas from negative impacts of adjacent land uses." (p.57, #9)
- The IDNR indicated the Blanding's Turtle may be in the vicinity of the project location. The Department evaluated the information provided and concluded that adverse effects are unlikely. They made recommendations, including establishment of a pollinator-friendly habitat as groundcover wherever feasible, as well as a 6-inch gap along the bottom of the fencing to prevent the restriction of wildlife movement. Consultation was terminated.

"Encourage the design of developments to achieve the broader sustainability of human and natural communities, including the social and economic dimensions of sustainability." (p. 57, #15)
- The proposed commercial solar energy facility will contribute to a broader sustainability objective in that it will produce clean energy as a replacement for energy produced by unsustainable means.

Water Resources
"Preserve and enhance the chemical, physical, biological, hydrologic integrity of streams, lakes and wetlands." (p.63)
"…land use and development should be carefully examined and regulated within sensitive groundwater recharge areas to ensure that the water quality, quantity, and natural recharge functions of the area are safely maintained." (p.67)
- The applicant will be required to obtain a Stormwater Management Permit prior to construction.

Economic Development
"Decrease the degree to which the residential sector in the County must pay for services." (p.87)
- The state legislature has approved standards that would regulate how commercial solar energy facilities are assessed for tax purposes. The standards would result in an increase from the current assessed value of agricultural land.

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

"Encourage all governmental units in the County to adopt and support ordinances that will enhance all segments of the areas electric grid." (p. 120, #5)
The proposed commercial solar energy facility is consistent with the *Comprehensive Plan* support of more sustainable energy sources.

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

Staff offers the following conditions for consideration:

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.

2. Site development shall be in substantial conformance with the site plan prepared by Kimley-Horn, dated November 16, 2023 and received by the Department of Planning and Development on February 20, 2024 (attached).

3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.

4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.

5. A detailed Landscape Plan illustrating compliance with required landscape screening standards shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.

6. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.

7. Recommendations made by the Illinois Department of Natural Resources in their October 17, 2023 letter to the applicants, with regard to protected resources in the vicinity of the project location, shall be followed.

8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.

9. All other federal, state, and local laws shall be met.

16.56.030 Principal Use Standards

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

1. Application.
a. A threatened and endangered species consultation (EcoCAT) from the Illinois Department of Natural Resources is required at the time of conditional use permit application for any site that is five (5) acres or greater in size and currently in agricultural use or undeveloped.

b. A site plan shall be provided showing all improvements, including structures, fencing, power lines (above and below ground), lighting, and landscaping, at a detail sufficient to understand the location, height, appearance, and area.

c. All other application submittal requirements outlined in the *Planning and Development Department Zoning Application Packet* as published on the McHenry County Website.

2. Site design.

a. Solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, shall be erected no less than fifty (50) feet from any lot line and no less than one hundred fifty (150) feet from any residence, other than a residence on the same ownership parcel.

b. No structures, excluding power lines for interconnection, may exceed twenty (20) feet in height. Power lines shall be placed underground to the maximum extent possible.

c. Lighting must comply with § 16.60.020 (Exterior Lighting).

d. Solar panels shall have a surface that minimizes glare and shall comply with § 16.60.040D. (Lighting and Glare).

e. The facility shall be situated as to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment into flood plains. All site development shall comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.

f. In order prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with “low-profile” native prairie species, using a mix appropriate for the region and soil conditions per Illinois Department of Natural Resources (IDNR) standards, as amended from time to time.

g. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire must comply with § 16.56.050H.1.c. of this Ordinance.

h. Any part of the facility that is within five hundred (500) feet of a NONPARTICIPATING RESIDENCE, or road right-of-way, shall be landscaped with an arrangement of native shrubs, subject to approval by the County Board, unless the facility is screened from view by existing vegetation.

i. Prior to building permit issuance, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native prairie species, all installed landscape screening, and all existing vegetation that provides required landscape screening.

j. Prior to scheduled public hearing, the operator shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture (IDOA), as required by that department.

k. Prior to building permit issuance, the operator shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation (IDOT), showing approved entrances.

3. Safety.

a. Prior to construction, the operator shall prepare an emergency management plan acceptable to the County and the local fire district and shall be responsible for training of emergency personnel, as needed.

b. A sign shall be posted providing the name of the operator and a phone number to be used in case of an on-site emergency.

c. Access shall be granted, provided appropriate advance notice, for periodic inspection of the site by the County or the local fire district.

d. Damaged solar panels shall be removed, repaired, or replaced within sixty (60) days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

4. Abandonment.

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

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

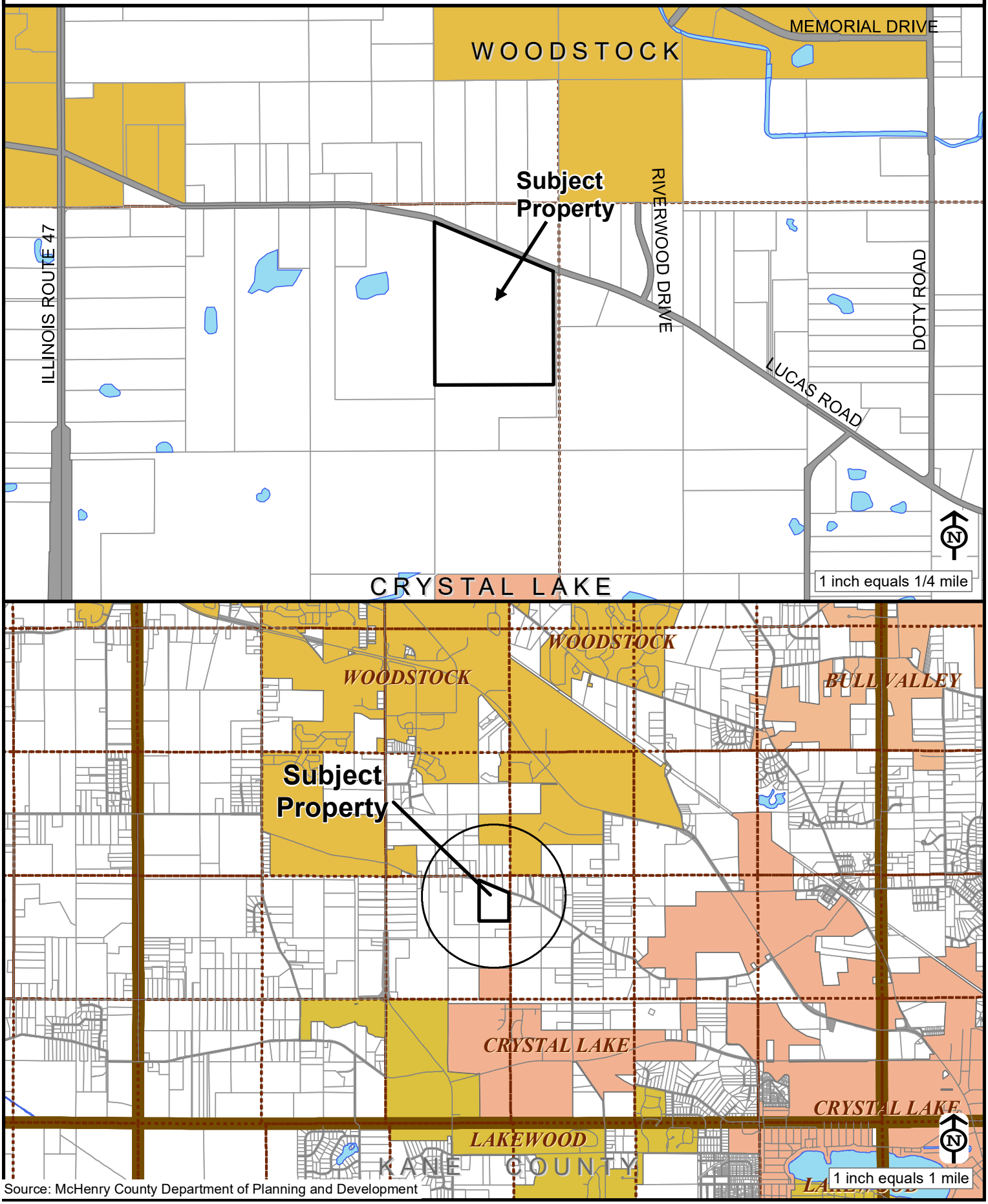
a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). Access roads, fencing, groundcover, and landscaping may remain only by agreement of property owner.

b. Prior to building permit issuance, the operator shall submit an engineer's estimate of cost for decommissioning the facility and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Zoning Enforcement Officer of the estimate, the operator shall obtain a bond, letter of credit, or other form of surety acceptable to the County to be held by the Department of Planning and Development in the amount of one hundred percent (100%) of the

estimate. Provision of this financial assurance shall be phased in over the first eleven (11) years of the project's operation or as otherwise provided in accordance with the executed Agricultural Impact Mitigation Agreement.

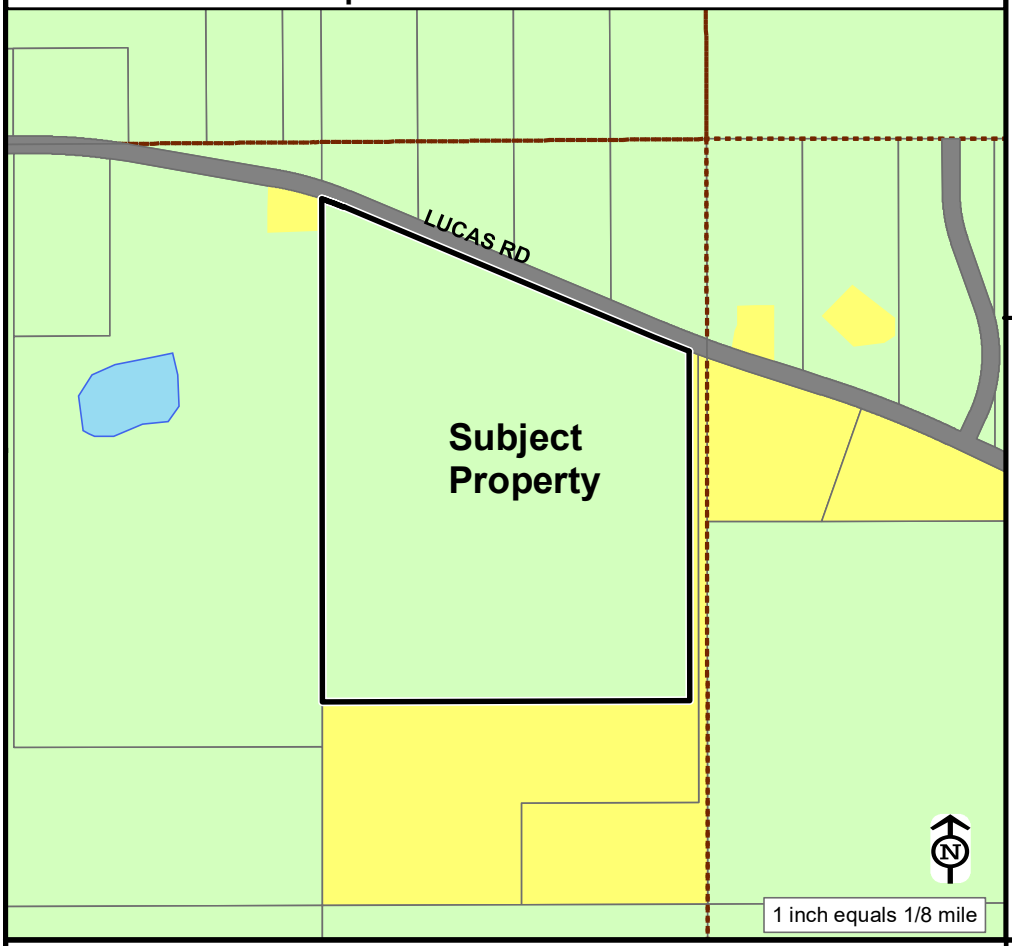
c. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every ten (10) years to the Department of Planning and Development. Upon approval of the estimated costs by the Zoning Enforcement Officer, a revised surety shall be provided to the Department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

Location Map | **Lucas Road, Woodstock, Illinois** | **Dorr Township**



Source: McHenry County Department of Planning and Development

Current Land Use Map



Current Land Use

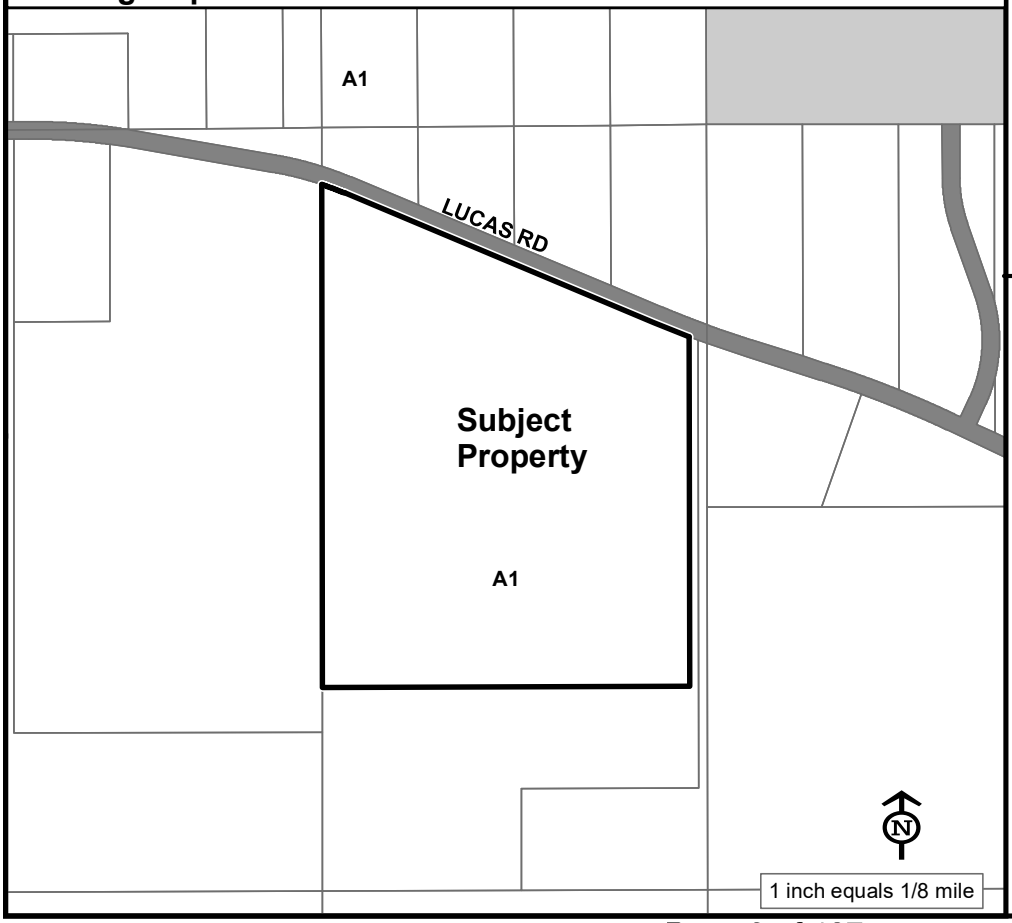
Agriculture

Adjacent Land Use(s)

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

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

Zoning Map



Current Zoning

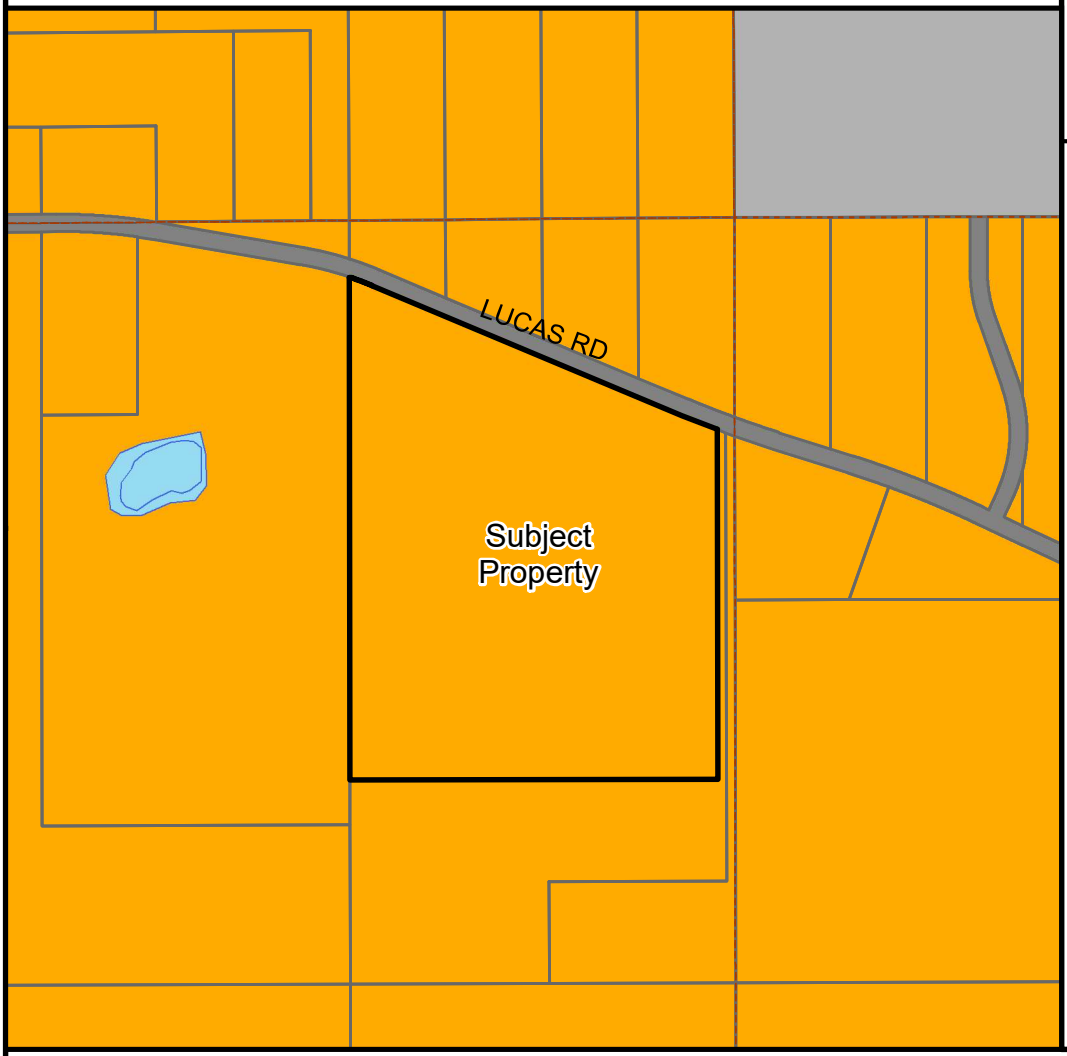
A-1 Agriculture

Adjacent Zoning

North	A-1 Agriculture
South	A-1 Agriculture
East	A-1 Agriculture
West	A-1 Agriculture

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

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

Residential

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

Scale: 1 inch = 1/4 mile

Municipal / Township Plan Designations

Dorr Township: Residential

Crystal Lake: No Designation Lakewood: No Designation

Woodstock: Neighborhood Development/Resource Conservation

McHenry County 2030 Comprehensive Plan — Text Analysis

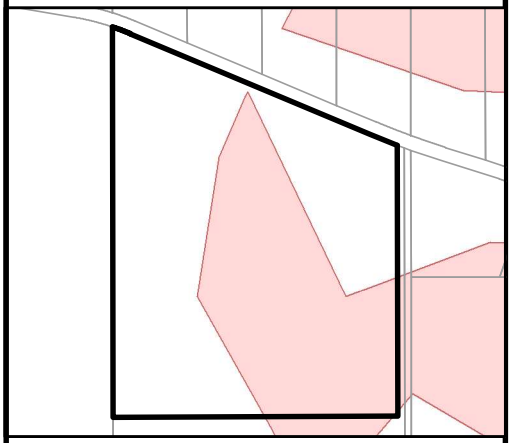
Land Use

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

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area

IN THE MATTER OF THE APPLICATION OF	)
TPE IL MH459, LLC, *APPLICANT*	)
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT	) LEGAL NOTICE OF PUBLIC HEARING
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A	) # 2024-006
CONDITIONAL USE	)

Notice is hereby given in compliance with the McHenry County Unified Development Ordinance, that a public hearing will be held before the **McHenry County Zoning Board of Appeals,** in connection with this Ordinance, which would result in a ***CONDITIONAL USE*** for the following described real estate:

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 28 LYING SOUTH OF THE CENTERLINE OF LUCAS ROAD, IN TOSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE SOUTH 700.00 FEET AND THE EAST 60.00 FEET THEREOF), IN MCHENRY COUNTY, ILLINOIS.

PIN 13-28-200-013

The subject property is located on the south side of Lucas Road approximately four thousand (4,000) feet east of the intersection of Lucas Road and Illinois Route 47 ***in Woodstock, Illinois, in Dorr Township.***

The subject property is presently zoned ***"A-1" Agriculture District*** and consists of approximately 43.461 **acres** with "***A-1" Agriculture District zoning to the North, East, South and West***.

The Applicant is requesting **a CONDITIONAL USE** ***of the subject property to allow for a commercial solar energy facility.***

The Applicant, TPE IL MH459, LLC is wholly owned and managed by TPE Development, LLC. TPE Development, LLC members are: Jared Schoch of Turning Point Energy (managing member), LLC; Adam Beal of Lighthouse Advisors, LLC; James Marshall of Marshall Consulting, LLC; Salar Naini of SolCom Energy, LLC; and Bruce Tang of BT Energy Consulting, LLC. They presently can be reached at 3720 S. Dahlia St., Denver, CO 80237. The property owner is Lucas WDSTK LLC. The officers of Lucas WDSTK LLC are Howard Goldman, Manager and Lawrence Goldman, Manager. They can be reached at 6306 N. Cicero Avenue, Chicago, IL 60646.

A hearing on this Petition will be held on the 20th day of March 2024 at 1:30 P.M. in the County Board Conference Room at the McHenry County Government Center Administration Building 667 Ware Road, Woodstock, Illinois at which time and place any person desiring to be heard may be present. The McHenry County Government Center mailing address is 2200 N. Seminary Avenue, Woodstock, Illinois 60098.

DATED THIS 22ND DAY OF FEBRUARY 2024.

By: Linnea Kooistra, Chair
McHenry County Zoning Board of Appeals
2200 N. Seminary Avenue
Woodstock, IL 60098

Petitions for all Zoning Board of Appeals hearings can be accessed at the following link: www.mchenrycountyil.gov/county-government/new-meeting-portal and choosing the "Agenda" link for the specific meeting date.

Live audio streams of all Zoning Board of Appeals hearings can be accessed at the following link: www.mchenrycountyil.gov/county-government/new-meeting-portal and choosing the "Video" link for the specific meeting date.

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit # _____

APPLICATION FOR ZONING PETITION, ADMINISTRATIVE VARIATION OR SITE PLAN REVIEW

OWNER INFORMATION:	**ATTORNEY or AGENT CONTACT INFORMATION** (If Applicable)**:**
Name Lucas WDSTK LLC	Name
Address 6306 N Cicero Ave	Address
City, St, Zip Chicago, IL, 60646	City, St, Zip
Daytime Phone	Phone
Email	Email

APPLICANT (If other than owner)**:**	**TRUSTEE/BENEFICIARY/OFFICERS/DIRECTORS/CONTRACT PURCHASER** (please use separate page for additional information):
Name TPE IL MH459, LLC	Name
Address 3720 S Dahlia, St.	Address
City, St, Zip Denver, CO, 80237	City, St, Zip
Daytime Phone (646) 229-5041	Phone
Email gfoxman@tpoint-e.com	Email

PARCEL INFORMATION:

Address Lucas Rd

City Woodstock Zip 60098

Parcel/Tax Number 13-28-200-013

Number of Acres 44.74

Applying For: (Check all that apply)	☐ Reclassification	Current Zoning: Requested Zoning:
	☑ Conditional Use & Site Plan Review	CUP Request:
	☐ Variation, Administrative ☐ Variation, Zoning	Variation Request:
	☐ Site Plan Review	Type:
	☐ Text Amendment	UDO Section(s):
	☐ Appeal	Type:

Please provide additional information on the back of this page.

NARRATIVE: Please use this space to explain your request in detail.
TurningPoint Energy, LLC d/b/a TPE Development through its affiliated entity TPE IL MH459, LLC (the "Applicant") proposes the development of a 4.99-megawatt (MW) AC solar photovoltaic system on a parcel of land at Lucas Road in McHenry County, IL (the "Project"). The Project will consist of a single axis tracking ground-mounted solar array, associated electrical equipment, an access driveway and fence covering approximately 33 acres of the 44.74-acre parcel (ID 13-28-200-013). The Project intends to participate in the Illinois Adjustable Block Community Solar Program. Community Solar allows residents of Illinois to purchase bill credits for locally generated clean electricity at a discount to current electric rates without having to install panels on their roof. The Project's host parcel is located in the Agricultural A-1 zoning district. The McHenry County's Zoning Code allows for the construction and operation of commercial solar energy facilities by special use permit in the A-1 District. All setbacks prescribed in the McHenry County ordinance ("Ordinance") will be complied to ensure a sufficient buffer is maintained between the trackers and neighboring property lines and rights-of-way. A complete narrative that includes responses to the Standards for Conditional Use will be included as part of the CUP submittal package to McHenry County.

CONSENT

I/We hereby authorize that the aforementioned applicant, attorney, and agent may act and testify on my behalf as my agent in the matter of this zoning application regarding the property listed above that is the subject of this application.

VERIFICATION

I/We hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

Lucas Woodstock, LLC

Howard Gold, Manager
Owner's Signature

Howard Goldman
Print Name

Signature

Gloria Foxman
Print Name

SUBSCRIBED and SWORN to before me this 21st day of Nov., 2024.

Mary Ellen Kisell
NOTARY PUBLIC

MARY ELLEN KISELL
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 5, 2026
ACTING IN COUNTY OF Oakland

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit # _____

CORPORATE DISCLOSURE

Applications shall be brought in the name of the record title owner or the owner(s) of the beneficial interest through authorized agents. If application is made by a corporation or partnership for any zoning map amendment, variation, or conditional use permit, the application and notice shall identify the names and addresses of all officers and directors and all shareholders/stockholders owning an interest in excess of seven and one-half percent (7.5%)

If an owner, officer, director, shareholder/stockholder is another legal entity and not an individual, we require the same information (name, title, address) for that entity.

Name of Entity:			
Name	**Title (officers, directors, shareholders/stockholders)**	**Address (address, city, state, zip)**	**Percent of ownership interest**
List provided on supplementary page			

Please attach additional information, if needed.

*Extracted from Title 16: Unified Development Ordinance §16.16.020 §§ A1-4 (2014).

TPE IL MH459, LLC OWNERS

APPLICANT: TPE IL MH459, LLC

OWNERS: TPE Development, LLC (Manager and Sole Member)

Turning Point Energy, LLC (Managing Member, TPE Development, LLC)
Jared Schoch – Managing Member
747 S. Corona St., Denver, CO 80209

Lighthouse Advisers, LLC (Member, TPE Development, LLC)
Adam Beal – Managing Member
3720 S. Dahlia St., Denver, CO 80237

Marshall Consulting, LLC (Member, TPE Development, LLC)
James Marshall – Managing Member
3039 Chicago St., San Diego, CA 92117

SolCom Energy, LLC (Member, TPE Development, LLC)
Salar Naini – Managing Member
3915 East Elm St., Phoenix, AZ 85018

BT Energy Consulting, LLC (Member, TPE Development, LLC)
Bruce Tang – Managing Member
84 Whitney St., San Francisco, CA 94131

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit # _____

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If an owner, officer, director, shareholder/stockholder is another legal entity and not an individual, we require the same information (name, title, address) for that entity.

Name of Entity:

Name	Title (officers, directors, shareholders/stockholders)	Address (address, city, state, zip)	Percent of ownership interest
Howard Goldman Revocable Trust uta 1/27/93, Howard Goldman Trustee	Member	2039 Shore Hill Dr., W. Bloomfield, MI 48304	50
Lawrence Goldman Revocable Trust uta 5/22/98, Lawrence Goldman Trustee	Member	6306 N. Cicero Ave. Chicago, IL 60646	50
Howard Goldman	Manager		
Lawrence Goldman	Manager		

Please attach additional information, if needed.

*Extracted from Title 16: Unified Development Ordinance §16.16.020 §§ A1-4 (2014).

CONSENT TO ON-SITE INSPECTION
I/We are the owners of record of the real estate which is the subject of this application. Owners of the described real estate do hereby freely and voluntarily consent to inspection of the site of the parcel in question for purposes of determining the appropriateness of the pending proposed zoning petition by the Zoning Enforcement Officer and/or designated representative, McHenry County Zoning Board of Appeals or where applicable, the McHenry County Hearing Officer, and hereby release such persons from any liability based in whole or in part on the inspection of the parcel in question. That in exchange for the above actions by the Applicant(s), McHenry County agrees that the Zoning Enforcement Officer and/or designated representative, member of the Zoning Board of Appeals or, if applicable, the McHenry County Hearing Officer, will inspect the parcel in question prior to considering the evidence presented upon the above application. In the case of Conditional Use applications, if approved by the McHenry County Board, the Zoning Enforcement Officer and/or designated representative many inspect the property periodically to ensure compliance with the adopting ordinance and any conditions therein.

ACCEPTANCE OF FEES FOR TRANSCRIPTION SERVICES
I/We, the applicant(s), verify that I/we are aware of the use of a transcription service utilized by McHenry County to prepare a record of public hearings. Applicant(s) agree to directly reimburse the Department of Planning and Development for all incurred transcript fees and associated costs for hearings before the McHenry County Zoning Board of Appeals or where applicable, the McHenry County Hearing Officer unless determined otherwise by McHenry County. The applicant(s) further recognizes failure to fully reimburse the County prior to the scheduled County Board Date will grant McHenry County the unconditional right to withhold the application from McHenry County Board action. Applicant(s) further understand that transcripts shall be retained by McHenry County as part of the permanent zoning application file.

ZONING APPLICATION INTERPRETATION
I/We understand that the McHenry County Department of Planning and Development Staff will review and evaluate this application per the text of the McHenry County Unified Development Ordinance, the Official Zoning Maps, and any relevant documentation provided by the applicant and otherwise available to the Department, and consult with other staff to create a Legal Notice and staff report.

ACCEPTANCE OF FEES FOR NOTIFICATION
I/We, the applicant(s), authorize the McHenry County Department of Planning and Development Staff to produce the Legal Notice of Public Hearing to be published and mailed per the requirements of Chapter 16.16 (Zoning Application Process) of the McHenry County Code of Ordinances. I/We agree to reimburse the County for the cost of certified mailing and publication to the newspaper, prior to a vote by the McHenry County Board, in order to meet the notification requirements for a public hearing by Illinois State Statute.

Lucas Woodstock, LLC

Howard Goldman, Manager
Owner's Signature

Howard Goldman
Print Name

Signature

Gloria Foxman
Print Name

SUBSCRIBED and SWORN to before me
this 5th day of January, 2024.

NOTARY PUBLIC

MARY ELLEN KISELL
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 5, 2026
ACTING IN COUNTY OF Oakland

Approval Standards for Conditional Use

(McHenry County Unified Development Ordinance §16.20.040E)

This form must be completed for requests for conditional use. Yes and No answers are insufficient, please provide a minimum one or two sentence explanation.

1. Please describe how the conditional use meets all applicable standards of UDO §16.56 (Use Standards) and §16.60 (Site Development Standards)?

   Please see Appendix B: Project Narrative for these responses.

2. Is the conditional use compatible with the existing or planned future development of the area?

3. Is the conditional use detrimental to or endanger the public health, safety, morals, comfort or general welfare of the area?

4. Will the conditional use be injurious to the use and enjoyment of other property in the area?

5. Will the conditional use substantially diminish and impair property value in the area?

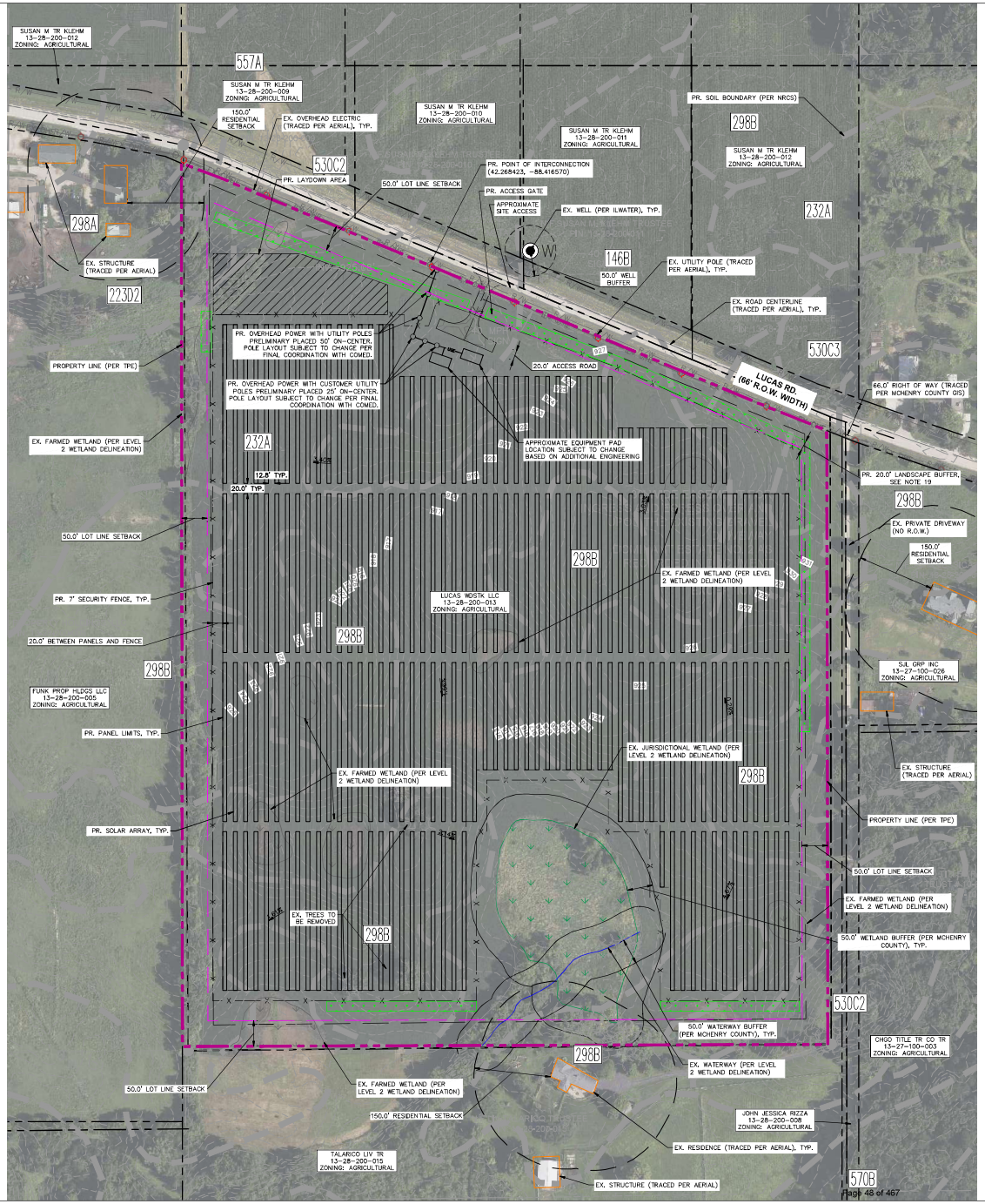
6. Are adequate utilities, access roads, drainage, and other necessary facilities provided?

7. Has conditional use operation been designed to provide ingress and egress to minimize traffic congestion and hazard on the public streets?

8. Will the conditional use conform to the applicable standards of the underlying zoning district?

9. Will the conditional use be reasonably in the interest of the public welfare?

10. Will there be adequate measures taken to provide protection to groundwater recharge and groundwater quality?



PRELIMINARY - NOT FOR CONSTRUCTION

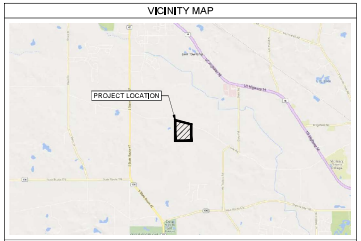
NORTH

GRAPHIC SCALE IN FEET
0 50 100 200

LEGEND

ROAD NAME	N 100 ST.
PROPERTY LINE	
PROJECT BOUNDARY	
RIGHT OF WAY	R/W
SETBACK	
EX. OVERHEAD ELECTRIC	EX OHE
EX. ROAD CENTERLINE	
EX. UTILITY POLE	
EX. RESIDENCE/STRUCTURE	
EX. RESIDENTIAL EASEMENT	
EX. FARMED WETLANDS (PER LEVEL 2 DELINEATION BY KIMLEY-HORN)	
EX. JURISDICTIONAL WETLANDS (PER LEVEL 2 DELINEATION BY KIMLEY-HORN)	
EX. REGULATED WATERWAY (PER LEVEL 2 DELINEATION BY KIMLEY-HORN	
WETLAND/WATERWAY SETBACK	
EX. FLOW (DIRECTION AND SLOPE)	XX%
EX. WELL	W
WELL BUFFER	
PR. SECURITY FENCE	X
PR. ACCESS GATE	
PR. LAYDOWN AREA	
PR. PANEL LIMITS	
PR. UNDERGROUND ELECTRIC	UGE UGE
PR. OVERHEAD ELECTRIC	OHE
PR. ACCESS ROAD	
PR. UTILITY POLE	
PR. EQUIPMENT PAD	
PR. SOLAR ARRAY	
PR. LANDSCAPE BUFFER	

VICINITY MAP



SCALE 1" = 5000'

SITE DATA TABLE

PIN #	13-28-200-013
PROPERTY OWNER	LUCAS WDSTK LLC
SITE ADDRESS	LUCAS RD WOODSTOCK, IL
LEGAL DESCRIPTION	DOC 2007R0028092 PT E1/2 NE1/4 LYING S OF CEN OF HWY
ZONING JURISDICTION	MCHENRY COUNTY
ZONING	A-1 AGRICULTURAL DISTRICT*
CURRENT LAND USE	100% AGRICULTURE
PROPOSED USE	SOLAR ENERGY SYSTEM
TOTAL PARCEL AREA	43.46 ± AC
PRELIMINARY DISTURBED AREA	31.5 ± AC
PRELIMINARY SOLAR AREA	26.6 ± AC
PROPERTY LINE SETBACK	50'
PROPOSED DISTURBED WETLAND AREA	75.0 ± SQFT

*ZONING SITE PLAN IS BEING SUBMITTED FOR SPECIAL USE PERMIT TO CONSTRUCT/OPERATE A SOLAR FARM

NOTES

1. THE PURPOSE OF THIS PLAN IS FOR SPECIAL USE PERMIT REVIEW AND APPROVAL BY MCHENRY COUNTY TO CONSTRUCT A SOLAR FARM.
2. THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES, INCLUDING MCHENRY COUNTY GIS, GOOGLE EARTH, AND USGS TOPOGRAPHIC INFORMATION.
3. SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL 17111C0120DJ) PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
4. THE LOCATIONS OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTER/TRANSFORMER PADS, OVERHEAD POLES AND LINES, ETC., SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS, EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS DURING FINAL ENGINEERING.
5. PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS TO THE BEST EXTENT POSSIBLE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH GRAVEL. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
6. ALL DIMENSIONS SHOWN ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
7. CONTRACTOR SHALL CALL AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. ADDITIONALLY, CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES.
8. CONTRACTOR SHALL MAINTAIN ACCESS AND UTILITY SERVICES TO ANY REMAINING BUILDING(S) OR ADJACENT BUILDING(S) THROUGHOUT THE DEMOLITION AND CONSTRUCTION PHASES. EXISTING IMPROVEMENTS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED/RESTORED TO THE SATISFACTION OF THE OWNER BY THE CONTRACTOR RESPONSIBLE FOR THE DAMAGE.
9. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO PROVIDE SIGNS, BARRICADES, WARNING LIGHTS, GUARD RAILS, AND EMPLOY FLAGGERS AS NECESSARY WHEN CONSTRUCTION ENDANGERS EITHER VEHICULAR OR PEDESTRIAN TRAFFIC. THESE DEVICES SHALL REMAIN IN PLACE UNTIL THE TRAFFIC MAY PROCEED NORMALLY AGAIN.
10. SITE WILL HAVE NO DEDICATIONS FOR OPEN SPACE, NATURAL AREA, HISTORIC BUILDING(S)/STRUCTURE(S), OR STORMWATER MANAGEMENT FACILITIES.
11. SITE WILL NOT INCLUDE WATER SOURCE OR SEWAGE DISPOSAL. APPROXIMATE LOCATION OF EXISTING WATER WELL LOCATIONS SHOWN PER THE ILLINOIS WATER WELL INTERACTIVE MAP ONLINE.
12. STORMWATER MANAGEMENT FACILITIES TO BE PROVIDED AS REQUIRED BY COUNTY AND/OR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING. REQUIREMENTS TO BE DETERMINED DURING FINAL ENGINEERING.
13. THE MAXIMUM HEIGHTS OF ANY SOLAR PANEL SHALL NOT EXCEED 30 FEET.
14. SOLAR PANELS WILL BE DESIGNED WITH ANTI-REFLECTIVE COATING TO MINIMIZE GLARE.
15. COLLECTION LINES WITHIN THE SOLAR FARM WILL BE LOCATED AND MAINTAINED UNDERGROUND.
16. THERE SHALL BE NO EXTERIOR LIGHTING.
17. SETBACKS SHOWN ON THIS PLAN ARE BASED ON MCHENRY COUNTY CODE OF ORDINANCES, SECTION 16.36.040.
18. ALL NECESSARY PERMITS FOR SOIL EROSION CONTROL AND DRIVEWAY CONSTRUCTION WILL BE OBTAINED AS PART OF FINAL ENGINEERING AND PRIOR TO CONSTRUCTION
19. A FINAL LANDSCAPE PLAN WILL BE DESIGNED BY A LANDSCAPE ARCHITECT IN ACCORDANCE WITH THE MCHENRY COUNTY ORDINANCE PRIOR TO ISSUANCE OF A BUILDING PERMIT.
20. ONCE CONSTRUCTION IS COMPLETE, ALL TEMPORARY DISTURBED WETLAND AREAS WILL BE RETURNED TO THEIR ORIGINAL CONTOUR AND GENERAL SOIL PROFILE AND PLANTED WITH WET MEADOW POLLINATOR SEED MIX TO RESTORE TO A COMPARABLE IWMC COMMUNITY TYPE PER MCHENRY COUNTY CODE OF ORDINANCES.

SOILS DATA TABLE

MAP UNIT SYMBOL	MAP UNIT NAME	HYDROLOGIC SOIL GROUP
146B	ELLIOTT SILT LOAM, 2 TO 4 PERCENT SLOPES	C/D
223D2	VARNA SILT LOAM, 6 TO 12 PERCENT SLOPES ERODED	C
232A	ASHKUM SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES	C/D
298B	BEECHER SILT LOAM, 2 TO 4 PERCENT SLOPES	D
530C2	OZAUKEE SILT LOAM, 4 TO 6 PERCENT SLOPES, ERODED	C
530C3	OZAUKEE SILT LOAM, 4 TO 6 PERCENT SLOPES, SEVERELY ERODED	C
557A	MILLSTREAM SILT LOAM, 0 TO 2 PERCENT SLOPES	B/D
570B	MARTINSVILLE SILT LOAM, 2 TO 4 PERCENT SLOPES	B

No.	REVISIONS	DATE

Kimley»Horn

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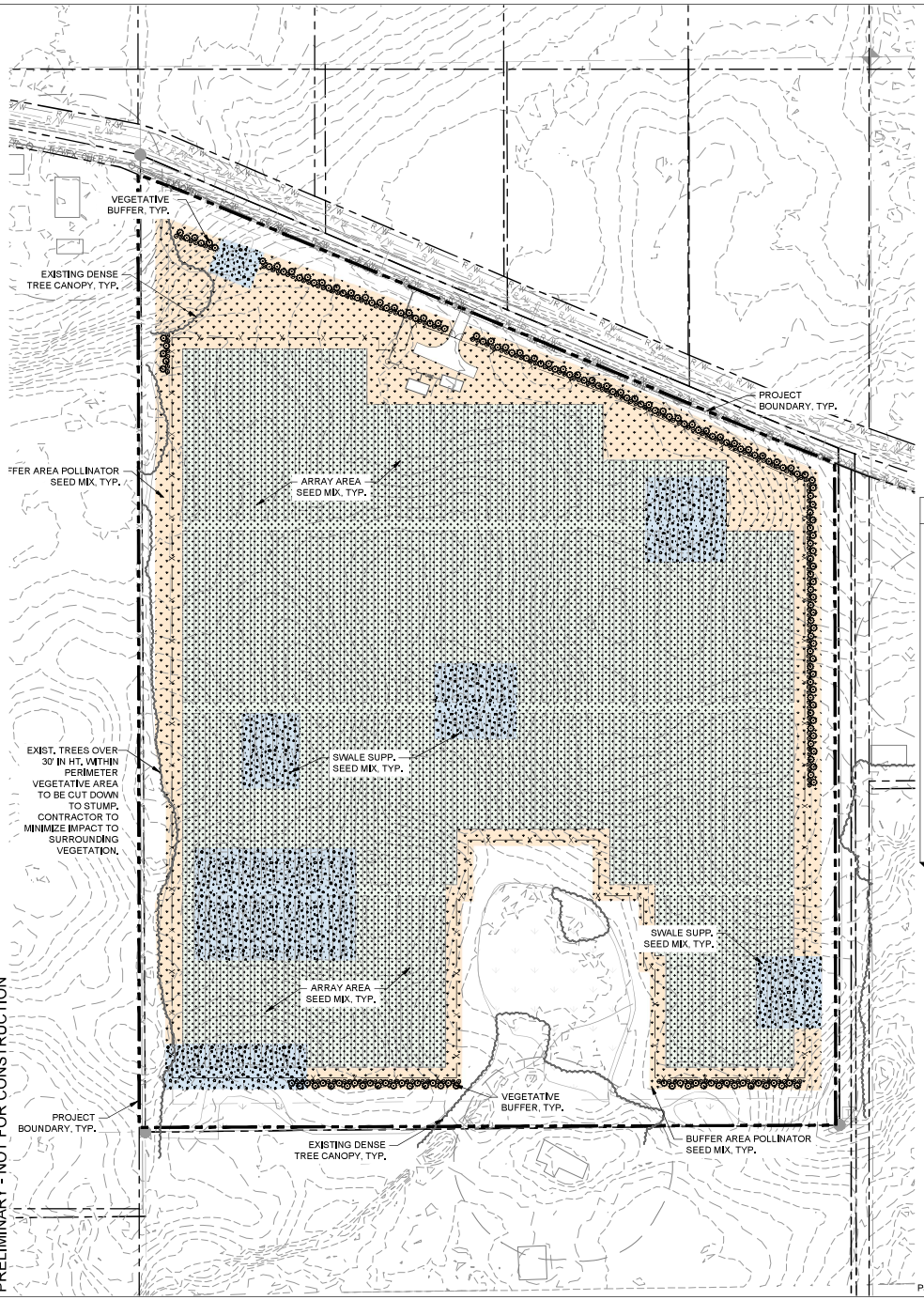
KHA PROJECT 068173047
DATE 11/16/2023
SCALE AS SHOWN
DESIGNED BY MK
DRAWN BY LAD
CHECKED BY AH

ZONING SITE PLAN

TPE IL MH459, LLC

MCHENRY COUNTY, IL

SHEET NUMBER
Z1.0



PRELIMINARY - NOT FOR CONSTRUCTION

CONCEPT PLANT SCHEDULE

EVERGREEN TREE/SHRUB 164
SAWARA CYPRESS 'SOFT SERVE'
JUNIPERUS VIRGINIANA
JUNIPERUS CHINESIS 'MOUNTBATTEN'
PICEA PUNGENS 'FAT ALBERT'
TAXUS CUSPIDATA 'CAPITATA'
TAXUS X MEDIA 'HICKSII'
THUJA OCCIDENTALIS 'WOODWARDI'

LARGE DECIDUOUS SHRUB 166
ARONIA ARBUTIFOLIA
CORNUS SERICEA CARDINAL
EUONYMUS ALATUS 'COMPACTUS'
ILEX VERTICILLATA
LINDERA BENZOIN
PHYSOCARPOS OPULIFOLIUS
SAMUCUS CANADENSIS
VIBURNUM DENTATUM
VIBURNUM LENTAGO 'MOHICAN'
VIBURNUM PRUNIFOLIUM

ARRAY AREA SEED MIX

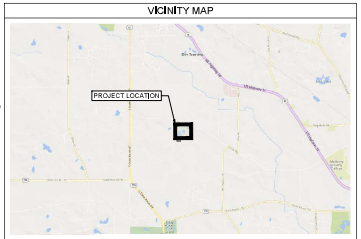
BUFFER AREA POLLINATOR SEED MIX

SWALE SUPPLEMENTAL SEED MIX

NORTH

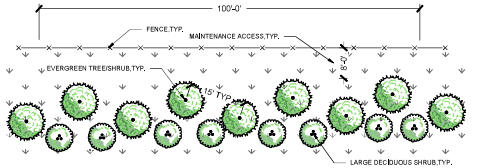
GRAPHIC SCALE IN FEET
0 50 100 200

VICINITY MAP



SCALE 1" = 5000'

VEGETATIVE BUFFER



TYPICAL VEGETATIVE BUFFER PLAN



TYPICAL VEGETATIVE BUFFER ELEVATION

ARRAY AREA SEED MIX

30%	FESTUCA RUBRA	CREEPING RED FESCUE
20%	FESTUCA OVINA	HARD FESCUE
14%	CAREX VULPINOIDEA	FOX SEDGE
10%	FESTUCA RUBRA SSP. COMMUTATA	CHEWINGS FESCUE
8%	POA PRATENSIS	KENTUCKY BLUEGRASS
8%	JUNCUS EFFUSUS	SOFT RUSH
5%	TRIFOLIUM PRATENSE	RED CLOVER
5%	TRIFOLIUM REPENS, 'DUTCH'	DUTCH WHITE CLOVER

SEEDING RATE: 20 LB PER ACRE
SEED WITH COVER CROP OF OATS, JAPANESE MILLET, WINTER PEA, OR ANNUAL RYE DEPENDENT ON SEASON AT A RATE OF 30 LB PER ACRE.

SPECIFIED MIX SUBJECT TO AVAILABILITY DURING TIME OF CONSTRUCTION, OR APPROVED EQUAL.

BUFFER AREA POLLINATOR SEED MIX

21%	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
17%	BOUTELOUA CURTIPENDULA	SIDEOATS GRAMA
10%	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED
8%	ELYMUS CANADENSIS	CANADA WILDRYE
6%	FESTUCA ARUNDINACEA 'TETON'	TETON PASTURE FESCUE
5%	ECHINACEA PURPUREA	PURPLE CONEFLOWER
5%	DALEA PURPUREA	PURPLE PRAIRIE CLOVER
4%	COREOPSIS LANCEOLATA	LANCELEAF COREOPSIS
4%	ALLIUM CERNUUM	NODDING WILD ONION
3%	RATIBIDA PINNATA	YELLOW PRAIRIE CONEFLOWER
3%	GERANIUM MACULATUM	WILD GERANIUM
4%	CAREX MOLESTA	FIELD OVAL SEDGE
3%	CAREX VULPINOIDEA	BROWN FOX SEDGE
3%	JUNCUS EFFUSUS	COMMON RUSH
2.5%	JUNCUS DUDLEYI	DUDLEY'S RUSH
1.5%	CAREX STIPATA	COMMON FOX SEDGE

SEEDING RATE: 15 LB PER ACRE
SEED WITH COVER CROP OF OATS, JAPANESE MILLET, WINTER PEA, OR ANNUAL RYE DEPENDENT ON SEASON AT A RATE OF 30 LB PER ACRE.

SPECIFIED MIX SUBJECT TO AVAILABILITY DURING TIME OF CONSTRUCTION, OR APPROVED EQUAL.

SWALE SUPPLEMENTAL SEED MIX

20%	CAREX MOLESTA	FIELD OVAL SEDGE
20%	CAREX VULPINOIDEA	BROWN FOX SEDGE
20%	JUNCUS EFFUSUS	COMMON RUSH
15%	JUNCUS DUDLEYI	DUDLEY'S RUSH
15%	CAREX STIPATA	COMMON FOX SEDGE
10%	ECHINACEA PURPUREA	PURPLE CONEFLOWER

SEED TO BE USED IN ADDITION TO PANEL AREA SEED MIX, NOT AS AN ALTERNATIVE. SWALE SUPPLEMENTAL SEED MIX CAN BE APPLIED AS AN OVERSEED OR BLENDED WITH THE PANEL AREA SEED MIX IN AREAS IDENTIFIED ON PLAN.

SEEDING RATE: 6 LB PER ACRE

SPECIFIED MIX SUBJECT TO INDIVIDUAL SPECIES AVAILABILITY DURING TIME OF CONSTRUCTION, OR APPROVED EQUAL.

No.	REVISIONS	DATE

Kimley»Horn

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KHA PROJECT

DATE 10/31/2023
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

LANDSCAPE PLAN

TPE IL MH459, LLC

MCHENRY COUNTY, IL

SHEET NUMBER
L-100

GROUND COVER MAINTENANCE REQUIREMENTS

MAINTENANCE PROGRAMS SHALL BE SITE SPECIFIC AND COORDINATED WITH THE LANDSCAPE CONTRACTOR AND COUNTY FOR ADEQUATE MAINTENANCE PROCEDURES. A FIVE YEAR STEWARDSHIP PROGRAM IS NECESSARY TO ENSURE PROPER ESTABLISHMENT AND HEALTH OF GROUND COVER, TO CONTROL INVASIVE SPECIES, AND TO PREVENT OVERGROWTH AND SHADING OF EQUIPMENT. AFTER THE FIFTH GROWING SEASON, PROGRAM IS TO BE REDUCED TO TWO VISITS PER YEAR, DEPENDENT UPON SITE CONDITIONS AND REQUIRED STRATEGIES TO MAINTAIN GOOD HEALTH OF THE SITE SUCH AS DETHACHING, ADDITIONAL MOWING, OR HERBICIDE TREATMENTS.

FIRST YEAR

SPRING:
-EARLIEST POSSIBLE INSTALLATION MAY OCCUR IN THE SPRING OF THE FIRST YEAR. NO MAINTENANCE ACTIONS ARE REQUIRED TO BE PERFORMED DURING THE FIRST SEASON OF INSTALL. IF SEED APPLICATION TAKES PLACE IN SUMMER OR FALL OF THE FIRST YEAR, MAINTENANCE AND MONITORING SHOULD START THE FOLLOWING SEASON.

SUMMER:
-SITE VISITS ARE TO BE PERFORMED THREE TIMES THROUGHOUT THE SUMMER AT THE MIDDLE OR END OF EACH MONTH, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING AT EACH VISIT.
-CONTROL INVASIVE WOODY AND HERBACEOUS FLORA THROUGH PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS.
-CONDUCT MOWING UP TO THREE TIMES MAXIMUM DURING THE SUMMER IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 16 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 16 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. NEWLY SEEDED AREAS SHOULD BE CUT BACK TO 10 INCHES IN HEIGHT.

FALL:
-SITE VISITS ARE TO BE PERFORMED THREE TIMES THROUGHOUT THE FALL AT THE MIDDLE OR END OF EACH MONTH, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING AT EACH VISIT.
-CONTROL INVASIVE WOODY AND HERBACEOUS FLORA THROUGH PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS.
-CONDUCT MOWING UP TO THREE TIMES MAXIMUM DURING THE FALL IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 16 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 16 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. NEWLY SEEDED AREAS SHOULD BE CUT BACK TO 10 INCHES IN HEIGHT.

SECOND YEAR

SPRING:
-SITE VISITS ARE TO BE PERFORMED THREE TIMES THROUGHOUT THE SPRING AT THE MIDDLE OR END OF EACH MONTH, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING AT EACH VISIT.
-DURING FIRST VISIT, MOWING SHOULD OCCUR TO CUT BACK ANY VEGETATION TO A HEIGHT OF 10 INCHES AND REMOVE DEAD STALKS AND SEED HEADS FROM THE PREVIOUS GROWING SEASON.
-CONTROL INVASIVE WOODY AND HERBACEOUS FLORA THROUGH PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS.
-CONDUCT MOWING UP TO THREE TIMES MAXIMUM DURING THE SPRING IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 16 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 16 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. SEEDED AREAS SHOULD BE CUT BACK TO 12 INCHES IN HEIGHT.
-PLANT SUPPLEMENTAL SEED AS NEEDED TO ADDRESS AREAS OF POOR COVERAGE AND TO INCREASE COMPETITION AND BIO-DIVERSITY.

SUMMER:
-SITE VISITS ARE TO BE PERFORMED THREE TIMES THROUGHOUT THE SUMMER AT THE MIDDLE OR END OF EACH MONTH, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING AT EACH VISIT.
-CONTROL INVASIVE WOODY AND HERBACEOUS FLORA THROUGH PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS.
-CONDUCT MOWING UP TO THREE TIMES MAXIMUM DURING THE SUMMER IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 16 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 16 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. SEEDED AREAS SHOULD BE CUT BACK TO 12 INCHES IN HEIGHT.

FALL:
-SITE VISITS ARE TO BE PERFORMED THREE TIMES THROUGHOUT THE FALL AT THE MIDDLE OR END OF EACH MONTH, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING AT EACH VISIT.
-CONTROL INVASIVE WOODY AND HERBACEOUS FLORA THROUGH PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS.
-CONDUCT MOWING UP TO THREE TIMES MAXIMUM DURING THE FALL IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 16 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 16 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. SEEDED AREAS SHOULD BE CUT BACK TO 12 INCHES IN HEIGHT.

THIRD, FOURTH, AND FIFTH YEAR

SPRING:
-SITE VISIT IS TO BE PERFORMED ONE TIME DURING THE EARLY SPRING, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING.
-MOWING SHOULD OCCUR TO CUT BACK ANY VEGETATION TO A HEIGHT OF 10 INCHES AND REMOVE DEAD STALKS AND SEED HEADS FROM THE PREVIOUS GROWING SEASON.
-IF INVASIVE WOODY AND HERBACEOUS FLORA HAVE BEEN IDENTIFIED, PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS ARE REQUIRED.

SUMMER:
-SITE VISIT IS TO BE PERFORMED ONE TIME DURING THE SUMMER, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING.
-MOWING SHOULD OCCUR IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 16 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 16 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. SEEDED AREAS SHOULD BE CUT BACK TO 12 INCHES IN HEIGHT.
-IF INVASIVE WOODY AND HERBACEOUS FLORA HAVE BEEN IDENTIFIED, PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS ARE REQUIRED.

FALL:
-SITE VISIT IS TO BE PERFORMED ONE TIME DURING THE FALL, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING.
-MOWING SHOULD OCCUR IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 24 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 24 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. SEEDED AREAS SHOULD BE CUT BACK TO 12 INCHES IN HEIGHT.
-IF INVASIVE WOODY AND HERBACEOUS FLORA HAVE BEEN IDENTIFIED, PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS ARE REQUIRED.

FOLLOWING THE FIFTH YEAR

-SITE VISITS ARE TO BE PERFORMED TWICE A YEAR, DURING THE EARLY SPRING AND LATE SUMMER, WITH MONITORING AND EVALUATION OF VEGETATION HEIGHT AND PRESENCE OF INVASIVE SPECIES OCCURRING AT EACH VISIT.
-DURING THE SPRING, MOWING SHOULD OCCUR TO CUT BACK ANY VEGETATION TO A HEIGHT OF 10 INCHES AND REMOVE DEAD STALKS AND SEED HEADS FROM THE PREVIOUS GROWING SEASON.
-DURING THE FALL, MOWING SHOULD OCCUR IN AREAS OF THE SITE IDENTIFIED TO HAVE VEGETATION OVER 24 INCHES IN HEIGHT. AREAS WITH HEIGHT UNDER 24 INCHES MAY REMAIN UNTIL THE NEXT SCHEDULED MONITORING VISIT. SEEDED AREAS SHOULD BE CUT BACK TO 12 INCHES IN HEIGHT.
-IF INVASIVE WOODY AND HERBACEOUS FLORA HAVE BEEN IDENTIFIED, PHYSICAL REMOVAL OR SPOT *HERBICIDE TREATMENTS ARE REQUIRED.

*ALL HERBICIDES ARE TO BE ANIMAL FRIENDLY AND APPLIED BY A TRAINED PERSONNEL.

PERFORMANCE STANDARDS

SATISFACTORY LANDSCAPE DEVELOPMENT ASSOCIATED WITH NATURALIZED VEGETATION WILL BE BASED ON THE FOLLOWING ITEMS.

FIRST YEAR:

WITHIN THREE MONTHS OF SEED INSTALLATION (OR THREE MONTHS AFTER THE START OF THE GROWING SEASON FOLLOWING DORMANT SEEDING), APPROXIMATELY 90 PERCENT OF THE SEEDED AREA, AS MEASURED BY AERIAL COVER, WILL BE VEGETATED OR OTHERWISE STABILIZED AGAINST EROSION. THE COVER CROP MAY BE INCLUDED IN THIS MEASUREMENT. IF MINIMUM IS NOT MET, ADDITIONAL SEEDING IS REQUIRED IN AREAS WITH POOR COVER.

SECOND YEAR:

BY THE END OF THE SECOND GROWING SEASON, THE PLANTED AREAS ARE DESIGNED TO HAVE A MINIMUM OF 50 PERCENT GROUND COVER BY SPECIES IN FINAL SEED MIX (NOT TO INCLUDE TEMPORARY COVER CROP OR UNDESIRABLE / INVASIVE SPECIES).

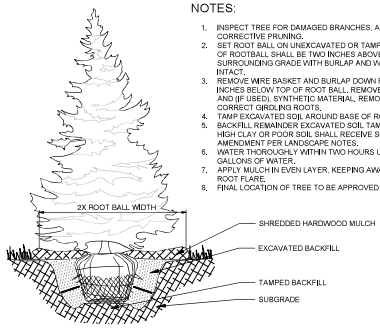
THIRD YEAR:

BY THE END OF THE THIRD GROWING SEASON, THE PLANTED AREAS ARE DESIGNED TO HAVE A MINIMUM OF 75 PERCENT GROUND COVER BY SPECIES IN FINAL SEED MIX (NOT TO INCLUDE TEMPORARY COVER CROP OR UNDESIRABLE / INVASIVE SPECIES).

IF PERFORMANCE STANDARD IS NOT MET AT EACH OBSERVATION, LANDSCAPE CONTRACTOR IS TO NOTIFY OWNER AND DEVELOP CORRECTIVE ACTION SUCH AS SEEDING OR HERBICIDE TREATMENT

GENERAL LANDSCAPE NOTES

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING MATERIALS AND PLANTS SHOWN ON THE LANDSCAPE PLAN. THE CONTRACTOR IS RESPONSIBLE FOR THE COST TO REPAIR UTILITIES, ADJACENT LANDSCAPE, PUBLIC AND PRIVATE PROPERTY THAT IS DAMAGED BY THE CONTRACTOR OR THEIR SUBCONTRACTOR'S OPERATIONS DURING INSTALLATION OR DURING THE SPECIFIED MAINTENANCE PERIOD. CALL FOR UTILITY LOCATIONS PRIOR TO ANY EXCAVATION.
2. THE CONTRACTOR SHALL REPORT ANY DISCREPANCY IN PLAN VS. FIELD CONDITIONS IMMEDIATELY TO THE LANDSCAPE ARCHITECT, PRIOR TO CONTINUING WITH THAT PORTION OF WORK.
3. NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY OF THEIR TRENCHES OR EXCAVATIONS THAT SETTLE..
5. DO NOT DISTURB THE EXISTING PAVING, LIGHTING, OR LANDSCAPING THAT EXISTS ADJACENT TO THE SITE UNLESS OTHERWISE NOTED ON PLAN.
6. PLANT QUANTITIES SHOWN ARE FOR THE CONVENIENCE OF THE OWNER AND JURISDICTIONAL REVIEW AGENCIES. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL PLANT QUANTITIES AS DRAWN.
7. THE CONTINUED MAINTENANCE OF ALL REQUIRED LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY ON WHICH SAID MATERIALS ARE REQUIRED. ALL PLANT MATERIALS REQUIRED BY THIS SECTION SHALL BE MAINTAINED AS LIVING VEGETATION AND SHALL BE PROMPTLY REPLACED IF THE PLANT MATERIAL HAS DIED PRIOR TO FINAL ACCEPTANCE.
8. NO GENERAL SPRAY OF HERBICIDES IS TO BE USED FOR ANY SEEDED AREAS.
9. ONLY HERBICIDES FORMULATED FOR ANIMAL SAFETY SHALL BE USED.
10. ALL WORK DEEMED NATURAL AREA TO BE SEEDED OR PLANTED SHALL BE PERFORMED BY A QUALIFIED LANDSCAPE CONTRACTOR.
11. SEED SHALL BE OBTAINED FROM SOURCE SPECIALIZING IN NATIVE SPECIES, WHERE AVAILABLE OR AS APPROVED BY CLIENT OR CLIENT'S REPRESENTATIVE.
12. ALL SEED MIXES SHALL BE INSTALLED WITH A COVER CROP DEPENDENT ON SEASON AND REQUIREMENTS SPECIFIED PER SEED MIX / SEED SUPPLIER.



NOTES:
1. INSPECT TREE FOR DAMAGED BRANCHES, APPLY CORRECTIVE PRUNING.
2. SET ROOT BALL ON UNEXCAVATED OR TAMPED SOIL. TOP OF ROOTBALL SHALL BE TWO INCHES ABOVE SURROUNDING GRADE WITH BURLAP AND WIRE BASKET INTACT.
3. REMOVE WIRE BASKET AND BURLAP DOWN FOUR TO SIX INCHES BELOW TOP OF ROOT BALL. REMOVE ALL TWINE AND (IF USED), SYNTHETIC MATERIAL. REMOVE OR CORRECT GIRDLING ROOTS.
4. TAMP EXCAVATED SOIL AROUND BASE OF ROOTBALL.
5. BACKFILL REMAINDER EXCAVATED SOIL, TAMPED LIGHTLY. HIGH CLAY OR POOR SOIL SHALL RECEIVE SOIL AMENDMENT PER LANDSCAPE NOTES.
6. WATER THOROUGHLY WITHIN TWO HOURS USING 10 TO 15 GALLONS OF WATER.
7. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE.
8. FINAL LOCATION OF TREE TO BE APPROVED BY OWNER.

1 EVERGREEN TREE PLANTING — NTS

ESTABLISHMENT NOTES AND STANDARDS

SEED AREA ESTABLISHMENT

PREPARATION

-SOIL IN AREAS OF EXISTING AGRICULTURAL USAGE IS RECOMMENDED TO BE TESTED FOR HIGH LEVELS OF HERBICIDES, AND AMENDED APPROPRIATELY TO BRING CONCENTRATION DOWN TO LEVELS APPROPRIATE FOR COMMON GRASSES. SOILS IDENTIFIED TO BE HIGH IN HERBICIDES OR CONTAMINATES SHOULD BE EVALUATED BY AN ENVIRONMENTAL SPECIALIST OR SOIL SCIENTIST TO DETERMINE REQUIRED METHODS OF REMEDIATION.
-SOILS SHALL BE UNIFORM, WITHOUT EXCESSIVE FURROWS, RUTS, OR RIDGES, AND LOW AREAS WHERE WATER MAY COLLECT.
-SOILS SHOULD BE CLEARED OF TRASH, DEBRIS, AND INVASIVE SPECIES PRIOR TO FINAL SEEDING APPLICATION.
-SOIL PREPARATION SHALL OCCUR WHEN WEATHER PERMITS AND TIMING ALLOWS FOR AT LEAST A FOLLOWING 48 HOURS WHERE SEEDING AND STABILIZATION METHODS MAY TAKE PLACE.

TIMING

-TO PROMOTE EARLY AND STRONG ESTABLISHMENT OF SPECIFIED SEED MIX, DORMANT SEASON SEED APPLICATION SHOULD BE UTILIZED IF POSSIBLE AND AS CONSTRUCTION TIMELINE PERMITS.
-DORMANT SEASON SEEDING SHOULD UTILIZE WINTER-TOLERANT SEED FROM THE SPECIFIED SEED MIX. ALONG WITH 20-30 LBS PER ACRE OF A WINTER NURSE CROP SUCH AS SECALE CEREALE, PISUM SATIVUM, OR AVENA SATIVA.
-TO APPLY DORMANT SEED, SITE SHOULD BE CLEARED OF INVASIVE WEEDS, LIGHTLY TILLED OR DISKED, THEN DRILL APPLIED ACROSS THE ENTIRE AREA OF AGRICULTURAL SOIL.
-ACTIVE SEASON SEED APPLICATION SHOULD BE PERFORMED BETWEEN APRIL 1ST AND MAY 30TH, AFTER RISK OF MAJOR FREEZING CONDITIONS IS MINIMIZED, FOR IDEAL ESTABLISHMENT AND MINIMIZING INVASIVE SPECIES COMPETITION.

APPLICATION

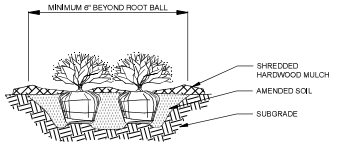
-SEED MIXTURES SHALL BE MECHANICALLY DRILLED.
-NO STRAW MULCH IS REQUIRED, UNLESS NEEDED FOR STEEP SLOPES, SOIL STABILIZATION, OR OTHER AREAS THAT ARE IDENTIFIED FOR EROSION PREVENTION.
-SEED SHALL BE APPLIED AT INDICATED RATES WITH COVER CROP OATS, JAPANESE MILLET, WINTER WHEAT, ANNUAL RYE, OR SPECIFIED CROP DEPENDENT ON SEASON AND SOIL CONDITIONS.
-SEED SPECIES SHALL BE LOCALLY SOURCED WHEN FEASIBLE.
-FINAL SEED MIX MAY VARY DEPENDENT UPON SPECIFIC SPECIES AVAILABILITY AND TIME OF INSTALLATION.
-FINAL SEED MIX SHALL BE APPROVED BY OWNER, OWNER'S REPRESENTATIVE, OR LANDSCAPE ARCHITECT.
-IF SEEDING IS PERFORMED PRIOR TO FINAL SITE INSTALLATION, ADDITIONAL SEED MAY BE APPLIED BY A LOW SPREADER IN AREAS THAT WERE DISTURBED.
-SITE SHOULD BE MONITORED FOLLOWING INSTALLATION FOR AREAS IDENTIFIED FOR ADDITIONAL RESEEDING UNTIL SEED MIX IS SUFFICIENTLY ESTABLISHED.

INVASIVE WEED CONTROL, MONITORING, AND MANAGEMENT

-A WORK PLAN SHOULD BE DEVELOPED TO AVOID THE SPREAD OF INVASIVE PLANTS FROM THESE AREAS.
-IF SUBSTANTIAL AREAS OF INVASIVE HERBACEOUS SPECIES ARE FOUND PRIOR TO OR AFTER PROJECT DEVELOPMENT, FOLIAR OR BROADCAST HERBICIDE APPLICATIONS MAY BE REQUIRED.
-FOR INVASIVE TREES, SHRUBS, AND VINES, MANAGEMENT MAY REQUIRE CUT-STEM HERBICIDE TREATMENTS.
-ALL INVASIVE SPECIES MANAGEMENT SHOULD BE CONDUCTED DURING THE SUMMER MONTHS WHILE THE TARGET PLANTS ARE ACTIVELY GROWING.
-TREATMENTS SHOULD BE CONDUCTED ACCORDING TO MAINTENANCE PLANS EACH YEAR AND SHOULD BE SEPARATED BY AT LEAST TWO WEEKS.
-HERBICIDE USE REPORTING WILL ADHERE TO ALL APPLICATOR LICENSING REQUIREMENTS.

TREE AND SHRUB INSTALLATION

-ALL PLANTS TO BE SPECIMEN GRADE, WELL BRANCHED, HEALTHY, FULL, PRE-INOCULATED, AND FERTILIZED. PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, AND SCARS. PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR DEFORMITIES. PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES.
-TRUNKS WILL BE WRAPPED IF NECESSARY TO PREVENT SUN SCALD AND INSECT DAMAGE. THE LANDSCAPE CONTRACTOR SHALL REMOVE THE WRAP AT THE PROPER TIME AS PART OF THIS CONTRACT.
-THE OWNER'S REPRESENTATIVE MAY REJECT ANY PLANT MATERIALS THAT ARE DISEASED, DEFORMED, OR OTHERWISE NOT EXHIBITING SUPERIOR QUALITY.
-ALL NURSERY STOCK SHALL BE GUARANTEED, BY THE CONTRACTOR, FOR ONE YEAR FROM DATE OF FINAL INSPECTION. THE GUARANTEE BEGINS ON THE DATE OF THE LANDSCAPE ARCHITECT'S OR OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
-PLANTS ARE TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2014 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
-PRUNE PLANTS AS NECESSARY PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
-CONTRACTOR SHALL INSTALL SHREDDED HARDWOOD MULCH AT A 3" DEPTH TO ALL TREE AND SHRUB AREAS. TREES PLACED IN AREA COVERED BY TURF SHALL RECEIVE A 4' WIDE TREE RING WITH 3" DEPTH SHREDDED HARDWOOD MULCH.



NOTES:
1. APPLY CORRECTIVE PRUNING.
2. SET ROOT BALL OR CONTAINER ON UNEXCAVATED OR TAMPED SOIL. TOP OF ROOTBALL (CONTAINER) SHALL BE ONE INCH ABOVE SURROUNDING GRADE. FOR LARGER SHRUBS WITHIN PLANTING BED DIG A DEEPER PIT ONLY FOR THOSE SHRUBS.
3. REMOVE BURLAP FROM TOP HALF THE LENGTH OF ROOTBALL, TWINE AND (IF USED) SYNTHETIC MATERIAL SHALL BE REMOVED FROM PLANTING BED. FOR CONTAINER GROWN SHRUBS, REMOVE CONTAINER AND LOOSEN ROOTS PRIOR TO INSTALLATION.
4. REMOVE OR CORRECT GIRDLING ROOTS.
5. PLUMB AND BACKFILL WITH AMENDED SOIL PER LANDSCAPE NOTES. WATER THOROUGHLY WITHIN TWO HOURS.
6. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE. MULCH LIMITS FOR SHRUBS EXTEND TO ALL LIMITS OF PLANTING BED. SEE PLANS FOR BED LAYOUTS.

2 SHRUB PLANTING — NTS

PRELIMINARY - NOT FOR CONSTRUCTION

No.	REVISIONS	DATE

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
570 LAKE COOK RD SUITE 200
DEERFIELD, IL 60015
WWW.KIMLEY-HORN.COM

KHA PROJECT
DATE 10/31/2023
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

LANDSCAPE NOTES AND DETAILS

TPE IL MH459, LLC
MCHENRY COUNTY, IL

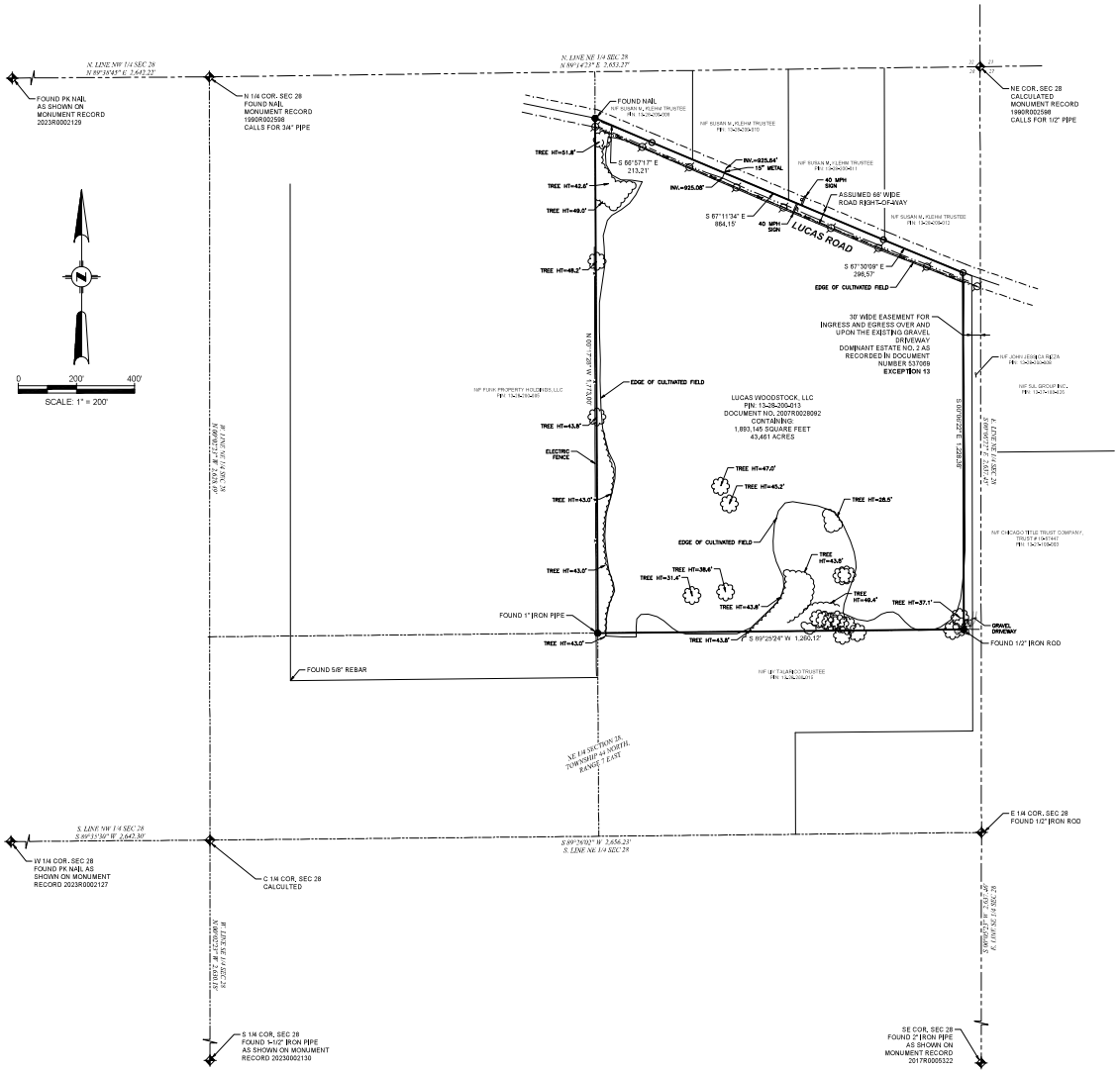
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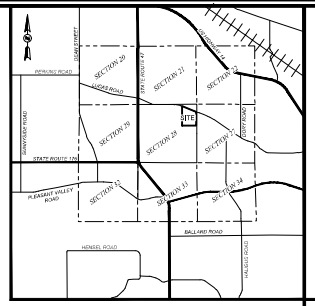
PLAT OF SURVEY

FOR

TPE IL MH459, LLC

A TRACT OF LAND LOCATED IN PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 44 NORTH, RANGE 7 EAST, THIRD PRINCIPAL MERIDIAN MCHENRY COUNTY, STATE OF ILLINOIS





VICINITY MAP
N.T.S.

SCHEDULE B - EXCEPTION II (SPECIAL EXCEPTIONS)

EASEMENTS LISTED BELOW WERE TAKEN FROM A TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. NTS-2023004E-1 , COMMITMENT DATE: NOVEMBER 15, 2023 AT 12:00 AM

EXCEPT AS OTHERWISE EXPRESSLY NOTED IN NOTES BELOW, LW SURVEY CO. DID NOT EXAMINE OR ADDRESS THE EFFECTS, FEES OR ASSESSMENTS DUE, TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS, RESERVATIONS AND/OR RESTRICTIONS CONTAINED IN THE DOCUMENTS REFERRED TO IN ANY ITEMS SHOWN IN THE TITLE COMMITMENT. EASEMENTS AND PUBLIC DOCUMENTS SHOWN OR NOTED HEREON WERE EXAMINED AS TO LOCATION AND STATED PURPOSE AND WERE NOT EXAMINED AS TO RESERVATIONS, RESTRICTIONS, CONDITIONS, OBLIGATIONS, TERMS, OR AS TO THE RIGHT TO GRANT THE SAME.

SCHEDULE B - 1 OF THE ABOVE TITLE COMMITMENT CONTAINS REQUIREMENTS REGARDING LIENS, TAXES, MORTGAGES AND LEASES THAT WHERE NOT EXAMINED OR ADDRESSED BY LW SURVEY CO.

EXCEPTION NOS. 1-9 ARE STANDARD EXCEPTIONS AND CONTAIN NO PLOTTABLE INFORMATION. LW MAKES NO DETERMINATIONS IN REGARDS TO OIL AND GAS RECORDS, MINERAL LEASES, ROYALTIES OR RESERVATIONS.

10. RIGHTS OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS, LATERALS, UNDERGROUND PIPES AND UTILITY EASEMENTS, IF ANY.

11. RIGHTS OF THE PUBLIC, THE STATE OF ILLINOIS, THE COUNTY, THE TOWNSHIP AND THE MUNICIPALITY IN AND TO THAT PART OF THE LAND TAKEN, USED OR DEDICATED FOR ROADS OR HIGHWAYS.

12. REAL ESTATE TAXES, INCLUDING SUPPLEMENTAL TAXES AND ROLL BACK TAXES, IF APPLICABLE, AND MUNICIPAL CHARGES FOR THE YEAR 2022 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE.

PIN 13-28-200-013
2022 1ST AND 2ND INSTALLMENTS PAID IN FULL
NOTE: 2023 TAX BILLS NOT YET RELEASED

13. GRANT OF EASEMENT FOR INGRESS AND EGRESS OVER AND UPON THE EXISTING GRAVEL DRIVEWAY FOR THE BENEFIT OF THE DOMINANT ESTATES, DATED JUNE 24, 1982 AND RECORDED AS DOCUMENT NO. 537069, **AFFECTS ADJOINING PROPERTY TO THE EAST FOR THE BENEFIT OF THE SUBJECT PROPERTY - AS SHOWN HEREON**

GENERAL NOTES:

1. THE PLAN SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY LW SURVEY COMPANY ON OCTOBER 30 & 31 AND NOVEMBER 1 & 2, 2023.

2. CERTIFICATIONS INDICATED OR IMPLIED HEREIN SHALL RUN ONLY TO THE PERSON OR PERSONS FOR WHOM THIS SURVEY WAS PERFORMED. CERTIFICATIONS ARE NOT TRANSFERABLE TO SUBSEQUENT OWNERS.

3. NO ENVIRONMENTAL INVESTIGATIONS OR SURVEYS WERE MADE FOR THIS PLAT AND IT THEREFORE DOES NOT REFLECT THE CONDITIONS WHICH MAY BE REVEALED TO THIS PROPERTY THROUGH THOSE ADDITIONAL SURVEYS.

4. THE HORIZONTAL DATUM FOR THIS PROJECT IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, ILLINOIS EAST ZONE.

5. THE PROPERTY IS LOCATED IN ZONE 'X', AREAS OF MINIMAL FLOOD HAZARD, AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR MCHENRY COUNTY, ILLINOIS , MAP NUMBER 17111C0200J, EFFECTIVE DATE NOVEMBER 16, 2006.
NO SURVEYING WAS DONE TO DETERMINE FLOOD ZONES SHOWN HEREON AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

6. THE LOCATION OF UTILITIES SHOWN HEREON WAS DETERMINED BY OBSERVED EVIDENCE. THIS SURVEY MAKES NO STATEMENT REGARDING THE ACTUAL PRESENCE OR ABSENCE OF ANY UTILITY AND/OR DRAINAGE SERVICE. VERIFY INFO PRIOR TO ANY NEW DESIGN , DEVELOPMENT OR CONSTRUCTION.

7. THIS SURVEY MAY NOT REFLECT ALL UTILITIES OR IMPROVEMENTS IF SUCH ITEMS ARE HIDDEN BY LANDSCAPING OR ARE COVERED BY SUCH ITEMS AS DUMPSTERS, TRAILERS, CARS, DIRT, PAVING OR SNOW, AT THE TIME OF THIS SURVEY. SNOW DID NOT COVER THE SITE. LAWN SPRINKLER SYSTEMS, IF ANY, ARE NOT SHOWN ON THIS SURVEY.

8. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED DURING THE TIME THE FIELD WORK WAS PERFORMED. THERE ARE NO BUILDINGS LOCATED ON THE SUBJECT PROPERTY.

9. LWS IS AWARE OF NO PROPOSED CHANGES IN STREET RIGHT OF WAY WIDTHS.

RECORDED DESCRIPTION

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 28 LYING SOUTH OF THE CENTERLINE OF LUCAS ROAD, IN TOSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE SOUTH 700.00 FEET AND THE EAST 60.00 FEET THEREOF), IN MCHENRY COUNTY, ILLINOIS.

LEGEND

- FOUND SECTION CORNER AS NOTED
- FOUND PROPERTY CORNER AS NOTED
- UNRECOVERED CORNER
- POWER POLE
- SIGN
- TELEPHONE PEDESTAL
- TREE
- PROPERTY LINE
- SECTION LINE
- QUARTER SECTION LINE
- ROAD RIGHT-OF-WAY LINE
- FENCE LINE
- CA. DITCH
- OVERHEAD ELECTRIC LINE
- UNDERGROUND STORM SEWER LINE
- TREE LINE

SURVEYOR'S CERTIFICATE

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

DATED:

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

CHRISTOPHER D. HIGGINS
ILLINOIS PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 035.003776
C.HIGGINS@LWSURVEY.COM
PHONE: (815)403-8914
FOR & ON BEHALF OF LW SURVEY CO.
DESIGN FIRM # 184003103-008

LWS
4266 BELL RD, SUITE 8
NEWBURGH, IN 47630

REVISIONS

NO.	DATE	DESCRIPTION

PROJ. NO.:	54118
FILE NAME:	54118 PLAT OF SURVEY.dwg
DATE:	11/14/2023
SCALE:	1" = 200'
DESIGNED BY:	N/A
DRAWN BY:	ARG
CHECKED BY:	CDH
PROJ. MANAGER:	CDH

PLAT OF SURVEY
OF LANDS OF
LUCAS WOODSTOCK, LLC
FOR TPE IL MH459, LLC

DRAWING NO.

1 OF 1

Proposed 4.99 Megawatt AC Ground-Mount Community Solar Facility

McHenry County, IL

TPE IL MH459, LLC
c/o TurningPoint Energy, LLC
3720 South Dahlia Street
Denver, CO 80237

Project Manager: Gloria Foxman
Phone: (646) 229-5041
Email: gfoxman@tpoint-e.com

January 30, 2024

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- N – Noise Study
- O – Contaminant and Water Studies
- P – Property Value Impact Study
- Q – AIMA Submission

1.0 INTRODUCTION

1.1 Project Overview

TurningPoint Energy, LLC d/b/a TPE Development (TPE) through its affiliated entity TPE IL MH459, LLC (the Applicant), proposes the development of a 4.99-megawatt (MW) AC solar photovoltaic system on a parcel of land at Lucas Road in McHenry County, Illinois (the Project). The Project will consist of a single axis tracking ground-mounted solar array, associated electrical equipment, an access driveway, and fencing covering approximately 31.5 acres of the 43.461-acre host parcel (ID 13-28-200-013).

The Project intends to participate in the Illinois Adjustable Block Community Solar Program and will power the equivalent of approximately 800-850[1] homes. Community Solar allows residents of Illinois to purchase credits for locally generated clean electricity at a discount to current electric rates without having to install panels on their roof.

The Project's host parcel is located in the A-1 (Agricultural) zoning district within unincorporated McHenry County. The McHenry County Unified Development Ordinance (Ordinance) allows for the construction and operation of commercial solar energy facilities by Conditional Use Permit (CUP) in the A-1 District. The Project is designed to comply with all setbacks prescribed in the Ordinance to ensure a sufficient buffer is maintained between the array and neighboring property lines and rights-of-way. The Project is therefore seeking approval of a CUP to construct, operate and maintain a 4.99 MW AC solar photovoltaic system in the A-1 zoning district.

If approved, the Project will bring significant and consistent benefits to McHenry County and the community surrounding the Project. Specifically, the Project will create approximately 50-75 jobs during the projected 12 to 18-month development period and will generate property tax revenue in amounts estimated at more than $650,000 over 25 years and more than $980,000 over 40 years. Property tax revenue in Year 1 of the Project's operations is expected to be over 27 times the amount currently generated for local applicable taxing jurisdictions. Unlike nearly all other forms of development (residential, commercial, or industrial), the local community will benefit from the significant economic benefits mentioned above without straining community infrastructure – no new children in schools, no use of water and sewer systems, extremely limited use of roads, and little to no need for police or fire departments.

1.2 About Turning Point Energy

Formed in 2014, TPE is a privately held, independent company transforming our energy future by creating freedom to choose a smarter, cleaner, more flexible way forward through community solar. As a privately held and independent company, TPE customizes projects to the unique needs of each client. Its team has financed and/or built over 2 Gigawatts (GW) of the solar projects operating in the U.S. today. Since 2017, TPE has focused these services on the expanding community solar market in states including Illinois, Maine, Maryland, Delaware, Pennsylvania, Texas, and Rhode Island. TPE's development and investment

[1] Calculation based on data provided by the U.S. Energy Information Administration (EIA): https://www.eia.gov/energyexplained/use-of-energy/electricity-use-in-homes.php

portfolio now includes over 169MW community solar projects in construction or operation, with an additional 840MW in solar projects under development.

TPE is a "triple bottom line" company; we believe that our business should create financial, environmental, and community value in every project we create. Our intent is to be long-term members of the communities where our projects are developed. Upon successful permitting and utility interconnection, TPE donates to local charities and/or non-profits that support those in need.

2.0 SITE LOCATION & EXISTING CONDITIONS

TPE, in coordination with its engineering consultant, Kimley-Horn and Associates Inc (Kimley-Horn), has prepared and compiled information from numerous sources to form the basis of design for the proposed Project. A summary of existing conditions and the design elements that avoid and or minimize impact to the environment and surrounding community is presented in the following subsections.

2.1 Existing Conditions

If approved, the proposed Project will occupy approximately 31.5 acres of 43.461 acres of agricultural land (host parcel) in McHenry County. The site is located east of the intersection of IL-47 and Lucas Road and south of the city of Woodstock. The site is surrounded on all sides by agricultural fields. Based on the results of a Level 2 Wetland delineation of the subject site, there are eleven (11) wetlands and one (1) ephemeral stream within the site. One of the wetlands is anticipated to be USACE-jurisdictional. Per the Natural Resources Conservation Services (NRCS), the onsite soils consist primarily of C/D and D-rated loams.

2.2 Site Control

The landowner and TPE IL MH459, LLC entered into a Real Estate Lease Option Agreement on September 25, 2023. The Agreement grants permission to the Applicant to construct, operate and maintain a solar photovoltaic system on the host parcel.

2.3 Natural Resources and Consultations with State and Federal Authorities

2.3.1 Natural Resource Inventory ("NRI")

Kimley-Horn submitted the Natural Resource Inventory (NRI) packet in December 2023 to the McHenry-Lake County Soil & Water Conservation District (SWCD). The NRI report was finalized on December 29, 2023. A copy of the report is included as **Appendix H**. See **Appendix O** for the beneficial impacts of a solar farm on the soil.

2.3.2 Wetlands and Floodplain

The Project will be designed to avoid impacts to USACE-jurisdictional waters. A Level 2 Wetland Delineation was completed and identified 11 wetlands and 1 ephemeral stream within the study area. One of the wetlands is anticipated to be USACE-jurisdictional. McHenry County requires all development activities impacting wetlands to comply with Chapter 17.60.060 of the McHenry County Code of

Ordinances. The Project is designed to comply with the Ordinance. Please see the Wetland Delineation in **Appendix D** for additional information.

Per FEMA FIRM Map Panel 17111C0200J (effective November 16, 2006), the entire limit of disturbance for the development is in Zone X, an Area of Minimal Flood Hazard. That is, the Project area is not within a FEMA flood zone. Refer to **Appendix L** for a copy of the FEMA FIRMette.

2.3.3 U.S. Fish & Wildlife Service ("USFWS")

The Project will be designed such that no federally listed species will be significantly impacted. Solar projects typically impose only minimal impacts on wildlife species. The Project's potential to impact federally protected species was evaluated as part of an Environmental Constraints Memorandum, which is included as **Appendix E**. The assessment indicated that four (4) federally listed species should be considered in an effects analysis for the Project, including *Myotis septentrionoalis* (Northern Long-Eared Bat), *Grus americana* (Whooping crane), *Danaus plexippus* (Monarch butterfly), and *Platanthera leucophaea* (Eastern Prairie Fringed Orchid). Due to the highly disturbed nature of the existing use (agricultural field), no impacts are anticipated to the four listed species. The Project will be designed to avoid impacts to all jurisdictional wetland and wooded areas; therefore, no impacts are anticipated to the listed species.

2.3.4 Illinois Department of Natural Resources (IDNR) State Ecological Review

The Applicant is in consultation with IDNR for potential impacts to state threatened or endangered species. This consultation is conducted pursuant to IDNR's Ecological Compliance Assessment Tool (EcoCAT). The Applicant submitted an EcoCAT review request to IDNR in October 2023. IDNR concluded that adverse impacts to state listed species or protected resources are unlikely. Accordingly, IDNR terminated consultation pursuant to 17 Ill. Adm. Code Part 1075.

Refer to **Appendix F** for a copy of the IDNR EcoCAT.

2.3.5 Illinois State Historic Preservation Office

Under the Illinois State Agency Historic Resources Protection Act, the State Historic Preservation Office (SHPO) division at IDNR is responsible for studying possible Project effects on archaeological and/or architectural (cultural) resources. Agencies requiring SHPO evaluation concurrent with their review include the Illinois Environmental Protection Agency (IEPA), IDNR, and the USACE. According to the Illinois SHPO database, no surveys, archeological sites, or historic buildings are listed on or within 0.5 miles of the site. The Applicant submitted a SHPO project review form for agency review. A response letter was received on November 22, 2023. According to SHPO's response letter, the Project is exempt pursuant to Section 6 of the Illinois State Agency Historic Resources Preservation Act and therefore an archaeological survey is not required under Illinois law. The response letter is included as **Appendix G**.

2.3.6 Illinois Department of Agriculture (IDOA)

The Illinois Counties Code (ILCS 5/5-12020(c)) requires the owner of a commercial solar energy facility to enter into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture prior to the date of any required public hearing for the Project's permits. The intent of the AIMA is to preserve and/or restore the integrity of affected agricultural land during construction and

decommissioning activities. On January 17, 2024, TPE submitted a signed AIMA to the Department of Agriculture, which is included in this application submittal as **Appendix Q.**

2.4 Community Outreach & Benefits

TPE proactively engages the communities in which we work early in the process to determine what questions and concerns potential neighbors might have and give us adequate time to educate and address them prior to the public process.

We typically place calls, send letters and door knock on adjacent properties to our planned community solar site as well as meet with local officials.

Community solar projects such as TPE IL MH459, LLC enable residents to receive savings on their electricity bills from signing up to participate in a community scale solar project without installing solar on their rooftops.

In 2018, The State of Illinois enacted a statute that imposes a standardized, state assessment of fair cash value for solar energy projects designed to cover both the improvements (Project equipment) and the land. As a result, once constructed and operational, this Project will pay property taxes of more than $650,000 over 25 years split between the McHenry County and applicable school, fire, and other taxing authorities.

The Project will create approximately 50-75 jobs during the development and construction phases of the Project, which should take approximately 12 to 18 months, prior to the start of Project operations. A regional operations and maintenance firm will service the facility over its working life cycle.
Unlike nearly all other forms of development (residential, commercial, or industrial), the community will benefit from the significant economic benefits mentioned above without straining community infrastructure – no new children in schools, no use of water and sewer systems, limited use of roads, and little to no need for police or fire departments.

2.5 Existing Drain Tile Systems

The Applicant has retained Tom Huddleston with Huddleston McBride Professional Land Drainage Services (Drain Tile Consultant) to consult on drain tile issues. The Drain Tile Consultant will complete an existing drain tile survey prior to construction and work closely with the Applicant to ensure proper drainage and maintain and/or improve the existing surface and subsurface drainage to the extent practicable. Any drain tiles that are damaged during construction will be repaired in accordance with the AIMA.

3.0 PERFORMANCE STANDARDS

3.1 Project Description & Design Standards

The Project will consist of a 4.99 MW ground-mounted solar array. The solar array will be comprised of Tier 1 graded solar panels attached to single-axis trackers installed on top of driven steel pier foundations or ground screw foundations, depending on the subsurface composition. An Illinois licensed engineer will certify the foundation and design of the solar racking system is suitable to meet local soil and climate conditions. At full tilt, the racking system with modules attached will not exceed fifteen feet (15') in height.

In addition to the modules and racking, the Project will include the installation of string-inverters and two (2) medium voltage step-up transformers (600V:12.5KV). The point of interconnection for the Project will be located at Lucas Road. ComEd will install new utility-owned poles perpendicular to the existing infrastructure. Please refer to the site plan in **Appendix C** for additional detail.

The potential equipment manufacturers include, but are not limited to, Silfab Solar, Heliene, AE Solar, or other Tier 1 module manufacturers.

The Project will be constructed by a licensed Engineering Procurement and Construction ("EPC") Contractor. The design and construction process will comply with all federal, state, and local appliable building, electrical and fire codes, as well as the National Electrical Code ("NEC"). All modules, inverters, combiners, and disconnects will have Certificates of Compliance from Underwriters Laboratories ("UL") or an equivalent third party. The EPC Contractor shall also possess all professional and trade licenses required by the state and local authorities.

The EPC Contractor will create and maintain a health and safety manual in accordance with OSHA requirements which establishes appropriate rules and procedures concerning workplace safety.

All solid waste related to the construction, operation and maintenance of the Project shall be removed from the site promptly and disposed of in accordance with all federal, state, and local regulations.

Any hazardous materials related to the construction, operation and maintenance of the Project will be handled, stored, transported, and disposed of in accordance with all applicable local and state laws. The Project will comply with the existing septic and well regulations required by the McHenry County Health Department and the Illinois Department of Public Health. Noise from construction activities will be managed in accordance with all applicable local and state regulations.

There is no proposed lighting for this Project.

The inverter and transformers will be located on one or more concrete pads or piles. Utility poles at the point of interconnection will be above ground. The solar array will cover approximately 26.6 acres and the total project area will cover approximately 31.5 acres. The panels will be surrounded by a seven (7) foot-high fence for safety and security purposes, as well as a landscape buffer to provide vegetative screening using native, pollinator-friendly plants. Entry into the fenced areas will be through gates with Knox Boxes for emergency access.

The Project design and planning has focused on minimizing any potential impacts to the surrounding neighborhood, in compliance with the Environmental Performance Standards listed in Section §16.60.040 of the Ordinance. The Project will produce electricity without requiring any combustion of materials. As a result, the community solar array will not cause or emit odors, dust, gas, smoke, or fumes. Further, the Project will have very few moving parts and will generate electricity primarily in a passive manner – collecting the sun's rays and converting energy associated with the rays into electricity. There will be no vibrations generated by the solar panels or racking during the operating period of the Project. There may be de minimis vibrations produced by the inverter, and any such vibrations will not extend beyond the host parcel's property lines. The array was designed to meet all required setbacks from neighboring properties and rights of way in compliance with the Ordinance.

A warning sign shall be provided at the facility entrance and along the perimeter fence including the facility's 911 address and a 24-hour emergency contact number. No outdoor storage is planned for the

Project at this time. In the event outdoor storage is needed, the Project will apply for the necessary approvals for the contemplated storage.

The scope of work for construction of the Project will include, but is not limited to:

- Preservation of existing topsoil onsite;
- Construction of a gravel access road;
- Construction of project equipment pads;
- Construction of a temporary staging area(s); and
- Installation of solar panels and associated support equipment and structures
- Landscape work including pollinator plants, native plants, and landscape buffers.

3.2 Noise

The Project will operate in accordance with the applicable noise limits of the Illinois Pollution Control Board (IPCB). Solar panels themselves do not produce any noise. The only components in the array that generate noise are the inverters and transformers. The inverter pad location and design will ensure that any noise emitting components will be positioned at a sufficient distance and directed away from neighboring parcels. Kimley-Horn prepared a noise study that evaluated the projected sound levels generated by the string inverters that are likely to be deployed for the Project. The Noise Study is included as **Appendix N** in the Application materials. The Noise Study concludes that the Project will comply with the IPCB's noise limitation. There will be no vibrations generated by the solar panels or racking during the operating period of the Project. There may be de minimis vibrations produced by the inverter, but any such vibrations will not extend beyond the host parcel's property lines. The Project's comprehensive maintenance plan includes routine inspections to assess and correct any malfunctioning equipment.

3.3 Environmental Impact

The Project will not emit any air pollution. It will, in fact, provide a net environmental carbon benefit. According to the EPA Clean Energy Equivalencies Calculator the Project will avoid the environmental equivalent of 8,011 metric tons of carbon annually, which is comparable to:

- Carbon sequestered by 9,553 acres of forest
- 901,377 gallons of gasoline consumed each year
- 1,783 passenger vehicles removed from our streets

A commitment to wildlife-sensitive construction and operation practices during and after construction will allow for increased local biodiversity. TPE proposes to use pollinator-friendly ground cover underneath the Project and native plantings around the perimeter. These include clover and grass species that promote the establishment and long-term health of bee populations. The Project will not use any pesticides for vegetation management.

3.4 Toxic substances

There are no toxic substances in the panels. The Project will incorporate Tier 1 monocrystalline photovoltaic solar modules, which have been analyzed as follows by North Carolina State University:

> Well over 80% (by weight) of the content of a PV panel is the tempered glass front and the aluminum frame, both of which are common building materials. Most of the remaining portion are common plastics, including polyethylene terephthalate in the back sheet, EVA encapsulation of the PV cells, polyphenyl ether in the junction box, and polyethylene insulation on the wire leads. The active, working components of the system are the silicon photovoltaic cells, the small electrical leads connecting them together, and to the wires coming out of the back of the panel. The electricity generating and conducting components make up less than 5% of the weight of most panels. The PV cell itself is nearly 100% silicon, and silicon is the second most common element in the Earth's crust. The silicon for PV cells is obtained by high-temperature processing of quartz sand (SiO2) that removes its oxygen molecules. The refined silicon is converted to a PV cell by adding extremely small amounts of boron and phosphorus, both of which are common and of very low toxicity.

Please see **Appendix O** for the full report.

3.5 Fire Safety

The solar panels and racking, which comprise the majority of the Project's equipment, are not flammable. Tempered glass offers protection from heat and the elements, and the panels are designed to absorb heat as solar energy. As concluded by the North Carolina State University:

> …Concern over solar fire hazards should be limited because only a small portion of materials in the panels are flammable, and those components cannot self-support a significant fire. Flammable components of PV panels include the thin layers of polymer encapsulates surrounding the PV cells, polymer backsheets (framed panels only), plastic junction boxes on rear of panel, and insulation on wiring. The rest of the panel is composed of non-flammable components, notably including one or two layers of protective glass that make up over three quarters of the panel's weight.

Please see **Appendix O** for the full report.

3.6 Glare and Heat

As explained in Fire Safety **Section 3.5**, there is no heat generated by the Project.

A glare study was performed by TPE using ForgeSolar software to assess the possible effects of reflectivity created by the Project. ForgeSolar software incorporates GlareGauge, the leading solar glare analysis tool which meets Federal Aviation Administration ("FAA") standards and is used globally for glare analysis. It is based on the Solar Glare Hazard Analysis Tool licensed from Sandia National Laboratories.

A model of the Project was input into the software along with one Route Receptor along the roadway in vicinity of the site. Height was assessed at 5 feet above ground to emulate passengers in cars. Further, 15 Observation Points were modeled at specific dwellings located around the perimeter of the solar array. Heights were modeled at 10 feet above ground to emulate residents on the 1st floor or doorsteps of dwellings and evaluate the glare impact.

A direct line of sight between the Project and the designated Route Receptors and Observation Receptors is required to produce any discernible glint/glare. Therefore, if there is existing or proposed vegetation between the receptor and the project, any glint/glare will be eliminated.

The model assumes the sun is shining 100% of the time it is above the horizon (during laylight hours). That is, it does not account for cloudy or overcast conditions when the sun is not shining. The results, therefore, are the maximum expected glint and glare during any single year. Existing vegetation and topography are taken into account in the simulation. Planned vegetation is not considered in the simulation. The model assumed zero vegetation that may screen the Project, so this must be considered when interpreting the study results.

Based on the above inputs/assumptions, no potential for glint or glare was identified in the analysis at any of the Observation Points or the Route Receptor. No additional mitigation measures are recommended since no glint or glare is anticipated based on the ForgeSolar GlareGauge results.

Please see **Appendix M** for a more detailed analysis of the Forge Solar results as well as a copy of the ForgeSolar Assessment.

3.7 Setback Compliance, Landscape & Buffering Plan

3.7.1 Setback Compliance

This proposed Project will meet the following setback requirements as set forth by the Ordinance:

- Per §16.56.030PP, 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. The Project will also provide a 50-foot buffer around the wetland in the southern portion of the site.

3.7.2 Landscape and Buffering Plan

Appendix C includes a Landscape Plan that complies with the following guidelines in the Ordinance:

- Per §16.56.030PP, any part of the facility that is within 500 feet of a nonparticipating residence, or a 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.
- The area underneath the solar array and buffer area will be seeded with a native pollinator-friendly seed mix. Pollinator seed mixes are intended to provide food and shelter for wildlife and should attract a variety of pollinators and songbirds. The wildflowers and grasses in the mix will provide an attractive display of color from spring to fall and will provide nectar and food for pollinators and their larvae. The Project will also maintain all areas within the lease area, including those outside the Project footprint and within the buffer areas, in accordance with the Ordinance.

3.8 FAA Filing

The Project filed using the Notice Criteria Tool with the Federal Aviation Administration (FAA) and the results indicated the Project did not exceed the Notice Criteria. As a result, no additional filings are required with the FAA. Please see **Appendix M** for a copy of the filing.

3.9 Safety and Security

The solar arrays will be enclosed by a seven (7) foot high fence and locked gates, as required by the Ordinance and the National Electrical Code (NEC). Emergency access to the fenced areas will be through Knox-Boxes to provide the required 24-hour access.

3.10 Interconnection

The proposed Project will interconnect to two (2) existing 12.5 kV ComEd feeders. ComEd will install new poles for the line extensions along with multiple poles for metering and pole-top equipment.

3.11 Operations and Maintenance

The Operation and Maintenance Plan including a comprehensive vegetative management plan for the Project is included as **Appendix J**. Preventive maintenance will be conducted on a schedule based on manufacturer's recommendations and industry best practices and standards of care. Regular maintenance will include vegetation control, fence inspection and physical inspection of all system components. A mowing schedule will be followed based on the plant species in the seed mix that is properly timed to balance avoiding wildlife and native pollinator-friendly vegetation disturbance with preventing the establishment of weeds. Vegetation underneath and between the solar panels will be well maintained to keep vegetation below the low edge of the solar panels at maximum tilt angle. Mowing and weed trimming schedules will be adjusted as needed to allow for flexibility based on rainfall and vegetation growth. Chemical control will be applied in accordance with county and state noxious weed control regulations. The Project will be remotely monitored continuously for system failures via a Supervisory Control and Data Acquisition (SCADA) system. Qualified and insured technicians will be dispatched to address any system failures, including inverter, transformer, or tracker motor malfunctions.

3.12 Decommissioning Plan

A Decommissioning Plan has been included as **Appendix K**, which has been designed to meet the standards specified in the AIMA as well as the Ordinance. Upon review and approval of the decommissioning cost estimate by the Zoning Enforcement Officer, the required Financial Assurance documentation to cover the estimated costs of decommissioning and site reclamation of the Project will be provided to the McHenry County Department of Planning and Development; a new engineer's estimate will be provided and approved every ten (10) years and the financial assurance amount updated, in accordance with the AIMA and the Ordinance.

Decommissioning will include removal of all structures (including panels, equipment, poles, piles, foundations, conduits, fencing, and roads) and restoration of soil and vegetation, to comply with the Ordinance. At the end of the operational life of the Project, the Project will be safely dismantled using conventional construction equipment. The Project consists of numerous materials that can be resold or

recycled for significant scrap value, including steel, aluminum, glass, copper, and plastics. The solar panels are not considered hazardous waste. The panels used in the Project will contain silicon, glass, and aluminum, which have value for recycling. Often, current market salvage values of a Project exceed estimated decommissioning and site restoration expenses.

The site will be restored and reclaimed to approximately the pre-construction condition in conformance with the site lease agreement and the AIMA. It is assumed that the site will be returned to agricultural use after decommissioning and appropriate measures will be implemented to easily transition back to a use for agricultural purposes.

3.13 Avoidance and Mitigation of Damages to Public Infrastructure

Road: Roadways improved in preparation for and during the construction of the commercial solar energy facility will be repaired and restored as required by all applicable ordinances at the reasonable cost of the Project if the roadways have degraded or were damaged as a result of construction-related activities.

Drainage Systems: A drain tile survey will be completed as required by the AIMA. The Project will ensure no permanent adverse impact to existing mutual drains and drainage patterns. Within the footprints of the solar array, the Project will endeavor to maintain or improve drainage over that which currently exists on site by rerouting drainage networks within the project footprint around footprints where necessary and by repairing or replacing damaged drain tiles.

4.0 CONDITIONAL USE REVIEW CRITERIA

4.1 Approval Standards for Conditional Use (McHenry County Unified Development Ordinance §16.20.040E)

a) Please describe how the conditional use meets all applicable standards of UDO §16.56 (Use Standards) and §16.60 (Site Development Standards)?

The Project will meet all applicable standards as follows:

UDO §16.56 (Use Standards)

- The land shall be used or occupied in conformity with the regulations for the zoning district in which it is located.
- The Project shall comply with the requirements of the McHenry County Stormwater Management Ordinance, McHenry County Public Health Ordinance, and McHenry County Access Control and Right-of-Way Management Ordinance.
- The Project shall comply with any applicable state and federal laws and regulations.
- An EcoCAT is included with this submission.
- A site plan is included with this submission 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.
- The proposed solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, will be erected no less than fifty (50) feet from any lot line and no less than one hundred and fifty (150) feet from any residence.

- None of the proposed structures, excluding power lines for interconnection, will exceed fifteen (15) feet in height. Power lines will be placed underground to the maximum extent possible.
- There is no lighting planned for the Project.
- The proposed solar panels will have a surface that minimizes glare and shall comply with §16.60.040D. (Lighting and Glare). In addition, please see Section 3.6, above – a glare study (**Appendix M**) was prepared for the Project which shows no glare.
- The Project is situated to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment into flood plains. The Project will comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.
- In order prevent erosion, manage run-off, and provide ecological benefit, the Project will be planted with "low-profile" native prairie species, using a mix appropriate for the region and soil conditions.
- The proposed fencing complies with the National Electrical Code.
- Any part of the Project that is within five hundred (500) feet of a residence, other than a residence on the same ownership parcel, or road right-of-way, shall be landscaped with an arrangement of native shrubs, subject to approval by the County, unless the facility is screened from view by existing vegetation.
- Prior to construction, the Project LLC 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.
- As discussed in Section 2.3.6 above, the Project s has submitted a signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture (IDOA), as required by the Illinois Counties Code.
- Prior to construction, the Project LLC 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.
- 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.
- Access shall be granted, provided appropriate advance notice, for periodic inspection of the site by the County or the local fire district.
- 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.
- The solar farm 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. If abandoned, the Project will be decommissioned and removed within twelve (12) months from the time it is deemed abandoned.
- Decommissioning and removal of the solar farm shall be the responsibility of the Project upon abandonment or revocation of the conditional use permit.
- With this application, the Project has submitted a decommissioning plan that includes removal of all solar panels, electrical equipment, poles, piles, foundations, conduits (above and below ground), access roads, fencing, groundcover, and landscaping. Upon review and

approval by the Zoning Enforcement Officer of the decommissioning cost 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. An updated engineer's decommissioning cost estimate will be provided and approved every ten (10) years and the financial assurance amount updated, in accordance with the AIMA and the Ordinance.

UDO §16.60 (Site Development Standards)

- No dwelling units or buildings are proposed for the Project.
- The parcel fronts on a public street.
- The Project complies with all setback rules.
- The Project does not require any encroachments.
- No lighting is proposed for the Project.
- No parking lot is required for the Project.
- No heat, light, glare, or odors will be produced by the Project. Dust will be mitigated during construction and operation. Solar panel waste is not considered hazardous, and the Project will comply with all waste removal best practices. The Project will comply with best practices regarding any potential fire or panel damage.
- No new streets are proposed for the Project.

b) Is the conditional use compatible with the existing or planned future development of the area?

The Project is designed to be harmonious and compatible with the surrounding agricultural properties. The proposed use will not generate additional traffic, noise, emissions, or erosion during the operation of the Project. Per the Minnesota Rural Water Association, solar installations with native pollinator-friendly ground cover achieve positive impacts similar to soil conservation projects, which reduce soil erosion, reduce soil quality degradation, and improve water quality. This report is included in **Appendix O**. As such, the Project will leave the land ready for farming when the Project reaches the end of its operational life.

c) Is the conditional use detrimental to or endanger the public health, safety, morals, comfort or general welfare of the area?

The Project will not negatively impact the environment by creating air, noise, or water pollution; ground contamination; or unsightly views. Numerous studies have shown that solar arrays and their components do not have a negative environmental impact. Please refer to **Appendix O** for a copy of these studies. The Project will not emit any air pollution of any kind and any sound generated by the Project's operations (which occur only during the day) will more than comply with the Illinois Pollution Control Board's limitations on noise. Also, please refer to IDNR's response to the Project's EcoCat submission in **Appendix F**. The Project will comply with all local, state, and federal regulations and will be operated in a safe manner at all times. Dust control and E&S measures will be put in place during construction to alleviate potential issues that may arise with construction, operation, and maintenance. A glare study was performed and showed no glare to nearby routes and residences, as

shown in **Appendix M**. In addition, the Project will also promote the general welfare of McHenry County by supplying new jobs and new tax revenue to the area.

d) *Will the conditional use be injurious to the use and enjoyment of other property in the area?*

The Project will not interfere with the use and enjoyment of nearby properties. As stated above, the Project will generate clean, renewable electricity while producing air, noise, or water pollution, ground contamination or unsightly views. The landscape buffer and existing vegetation around the site will be provided and preserved to screen the Project from the view of neighbors and roads. TPE proposes to use pollinator-friendly ground cover underneath the Project and native plantings around the perimeter. These include clover and grass species that promote the establishment and long-term health of bee populations. Please refer to the Landscape Plan provided in **Appendix C** for more details. The replacement of row crops with a pollinator seed mix will be a net positive for stormwater. As noted in the response to 4.1(b) earlier in this section, per the Minnesota Rural Water Association, solar installations with native pollinator-friendly ground cover achieve positive impacts similar to soil conservation projects, which reduce soil erosion, reduce soil quality degradation, and improve water quality. This report is included in **Appendix O**. The Project will be designed to account for all existing features, environmental features, and the county's Ordinance. Please refer to **Appendix C** for the Site Plan. The Project's Operations and Maintenance Plan (see **Appendix J**) also demonstrates how it will manage vegetation and weed control to prevent any unwanted vegetation from encroaching upon neighboring properties.

e) Will the conditional use substantially diminish and impair property value in the area?

The Project will not be detrimental to the value of other properties or improvements in the vicinity. As indicated by the property value impact study, **Appendix P**, the existence of the Project will have no negative impact on neighboring property values, and therefore will not substantially diminish or impair property values in the vicinity of the Project. The CohnReznick General Impact Study Report indicates that solar facilities located in similar areas, with similar land uses, do not cause any negative impacts to adjacent real estate, based on a review of academic studies, CohnReznick's own paired sales data, and interviews with County Assessors and other Market Participants. The reports further detail how solar facilities are generally harmonious with surrounding uses.

f) Are adequate utilities, access roads, drainage, and other necessary facilities provided?

The Project will have adequate utility interconnections designed in collaboration with ComEd. The Project does not require water, sewer, or any other public utility facilities to operate. The Project will also build all roads and entrances necessary to access its facilities. A drain tile survey will be completed prior to construction and foundation design will work around or reroute any identified drain tiles to ensure proper drainage. The Project will also be designed in a manner that will not materially modify existing water drainage patterns around its facilities.

g) Has conditional use operation been designed to provide ingress and egress to minimize traffic congestion and hazard on the public streets?

The Project will be designed to include all roads and road entrances necessary to provide adequate ingress and egress to its facilities. Construction traffic will include approximately 25 work trucks per day. Considering the low number of work trucks visiting the Project site over the construction phase, traffic patterns in the vicinity of the Project will not be impacted.

The Project will have minimal traffic upon completion of construction. Landscape maintenance and maintenance to the Project components are anticipated to occur on an as-needed basis, consistent with the Maintenance and Operations Plan. Existing traffic patterns will not be impacted in the post-construction, operations phase.

h) Will the conditional use conform to the applicable standards of the underlying zoning district?

The Project will comply with all local, state, and federal regulations and will be operated in a safe manner at all times. In addition, the Project will promote the general welfare of the county by supplying new jobs, new tax revenue and will be a source of generation of local, sustainable, clean, pollution-free renewable electricity. Also, the community will benefit from the significant economic benefit without stressing community infrastructure.

i) Will the conditional use be reasonably in the interest of the public welfare?

The Project will provide a desirable service and facility which will further the public convenience and contribute to the general welfare of the neighborhood or community. The Project will enhance the local electric grid by serving as a new, direct source for electricity generation in the community. The Project will also promote the general welfare of McHenry County by supplying new jobs, new tax revenue and will be a source of generation of local, sustainable, clean, pollution-free renewable electricity. Also, the community will benefit from the significant economic benefit without stressing community infrastructure. The Project will also offer community members an opportunity to subscribe to the delivery of electricity from the Project and potentially enjoy a discount for the purchase of that electricity.

j) Will there be adequate measures taken to provide protection to groundwater recharge and groundwater quality?

The Project will be designed to account for all existing features, environmental features, and the county's Ordinance. Please refer to **Appendix C** for the Zoning Site Plan. TPE proposes to use pollinator friendly ground cover underneath the Project and native plantings around the perimeter. These include clover and grass species that promote the establishment and long-term health of bee populations. Please refer to the Landscape Plan provided in **Appendix C**. The replacement of row crops with a pollinator seed mix will be a net positive for stormwater. As noted in our response to 4.1(b) earlier in this section, per the Minnesota Rural Water Association, solar installations with native

pollinator-friendly ground cover achieve positive impacts similar to soil conservation projects, which reduce soil erosion, reduce soil quality degradation, and improve water quality. This report is included in **Appendix O**. A drain tile survey will be completed prior to construction and foundation design will work around or reroute any identified drain tiles to ensure proper drainage.