

**FPL Energy Illinois Wind, LLC
Response to Staff Report
of DeKalb County Planning/Zoning/Building Department**

March 20, 2009



Planning/Zoning/Building Department

STAFF REPORT

TO: Dave Dockus
DeKalb County Hearing Officer

FROM: Paul R. Miller, AICP
DeKalb County Planning Director

DATE: February 6, 2009

SUBJECT: FPL Energy Illinois Wind Special Use Permit
Petition MI-09-01

FPL Energy Illinois Wind, LLC, has filed an application for a Special Use Permit to establish a wind farm. The request has been filed in accordance with the requirements of Section 9.02.B.2 of the DeKalb County Zoning Ordinance to allow the construction and operation of a wind farm consisting of up to 151 turbines located in both Lee and DeKalb Counties. In unincorporated DeKalb County, the request is for up to 119, 1.5 megawatt turbines consisting of 262-foot-tall towers with three blades each, which would be constructed on several properties, extending as far north as Gurler Road, as far east as State Rte. 23, as far south as 1,500 feet north of Shabbona Grove Road, and as far west as West County Line Road. The subject properties are zoned A-1, Agricultural District.

Surrounding Zoning and Land Uses -- The properties on which the turbines would be located are generally in agricultural use, with some scattered non-farm residences. The towers would be located north, south and east of the Village of Lee, and north, northeast, and southwest of the Village of Shabbona.

Request -- The wind farm proposal from FPL Energy relies upon an interpretation that a facility which generates electricity from wind power is substantially similar to the Special Use in the A-1 District regulations which allows, "Essential service structures including, but not limited to: . . . electrical station and substation buildings. . . as well as other structures and buildings related to essential or public services." Although the project will consist of multiple wind towers constructed on several properties, a single Special Use Permit, if approved, would apply to the whole project. In reviewing this Special Use Permit application, the Hearing Officer should consider the findings of fact set forth in Section 9.02.B.3 of the Zoning Ordinance (see attached excerpt).

Correspondence -- To date, no correspondence related to this petition has been received.

Staff Evaluation:

1. Comprehensive Plan -- The Unified Future Land Use Plan of the 2003 DeKalb County Unified Comprehensive Plan recommends Agricultural uses on the properties which are proposed as potential sites for wind turbines. Electricity generating facilities are not agricultural uses, however, such facilities may or may not be compatible with agriculture. The Unified Comprehensive Plan recognizes that there are several compatible, non-agricultural uses, but does not anticipate a wind farm specifically. The petitioner should be prepared to discuss how the proposed towers will be in harmony with the goals and objectives of the Unified Comprehensive Plan for the rural, agricultural portions of the County.

Answer: The total land used for the 151 turbines and access roads is 237 acres out of an area of about 36,000 acres in the permit area and 43,000 acres in the area within ¾ mile of the turbines. This is around ½ of 1% of the agricultural land in these areas and much less than in the general area. The agricultural use of the area will continue to dominate.

Applicant will offer the testimony of land use expert, Michael Slavney, at the Zoning Hearing. Mr. Slavney will provide an explanation of how WECS are compatible with DeKalb County's Comprehensive Plan and the A-1 Agricultural District. A report by Mr. Slavney will also be provided as a hearing exhibit to the Hearing Officer.

2. Zoning -- The proposed wind project would be a unique and unprecedented land use in DeKalb County. The subject properties where the proposed turbines may be located are all zoned A-1, Agricultural District. The A-1 District is intended to ensure that land areas within the County which are well suited for production of food and fiber are retained for such production. In light of this purpose, the petitioner and Hearing Officer should consider the following:

Answer: Although there are not currently any WECS in DeKalb County, WECS are not completely unique to this area. Neighboring Lee County, which is also predominately agricultural, currently has operating wind farms. WECS are analogous to cell phone towers and other existing utility structures in size and function. Also, DeKalb County previously considered and passed an ordinance permitting a special use for a WECS project in 2003. Moreover, the proposed WECS project complements the intended use of the A-1 District. WECS have very modest footprints, with wind farm uses occupying only ½ of 1% of land within the vicinity of turbines and agricultural uses continuing to dominate. The agricultural landowners can continue to cultivate their land while providing landowners and the County with an additional source of income. Thus, WECS can help ensure that agricultural land can be retained for the production of fruit and fiber.

- a). "Essential service structures" are a possible Special Use in the A-1 District, meaning such uses may or may not be appropriate on any given property, and the County Board reserves the right to consider each such use on its own merits. FPL is asserting that a wind energy conversion system is substantially similar to other

essential service structures. The applicant should be prepared to elaborate on this assertion. The Hearing Officer should consider this question prior to undertaking evaluation of the normal criteria applicable to all Special Uses;

Answer: WECS clearly belong within the Essential Service Structure land use group 4.02.C.1.m.: *“Essential service structure including, but not limited to: any new rights-of-way across farm land, telephone exchange or repeater buildings and towers, electrical stations and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.”* The phrase “including, but not limited to” clearly indicates that the listed land uses are examples and not an exhaustive list. This *listing of examples* approach is verified by the concluding phrase “as well as other structures and buildings related to essential or public services.” WECS qualify as an Essential Service Structure in three ways. First, the description’s explicitly listed permitted special uses include *“electrical station and substation buildings.”* Each WECS turbine is an electrical station – commonly understood to mean a facility that generates electricity. The proposal includes an electrical substation. Second, the Essential Service Structure listing also includes the phrase *“as well as other structures and buildings related to essential or public services.”* Electricity is commonly understood as an essential or public service. Third, the term “structure” is defined in the Ordinance as: *“any improvements of man-made material erected on land, the use of which requires more or less permanent location on or in the ground or attached to something having a permanent location on or in the ground, including but not limited to, buildings, fences, towers, antennae, freestanding signs, decks and swimming pools.”* A wind turbine is such a man-made tower structure.

- b). The Zoning Ordinance requires that a proposed Special Use will not be unreasonably detrimental to the value of other property in the neighborhood. The petitioner’s application asserts that the value of properties where wind turbines are located has increased, while adjoining property values have been largely unchanged. Does the petitioner have any data or studies to support this contention? In particular, is there any evidence of the impact of wind farms on surrounding, non-participating properties from Lee County?;

Answer: At the Zoning Hearing, Peter J. Poletti, of Poletti & Associates, will discuss his real estate impact study that shows how the proposal will not be unreasonably detrimental to the value of nearby property or the general welfare. Next Era will provide this and other supporting studies as exhibits at the Zoning Hearing.

- c). The Zoning Ordinance requires that the location and size of the Special Use, the nature and intensity of the operation involved, and the location of the site with respect to streets giving access are such that the Special Use will not dominate the

immediate area so as to prevent development and use of neighboring property in accordance with the applicable zoning regulations. The petitioner's narrative asserts that the actual land area required for each wind tower is limited and that farming can take place very near to the base of the structures. However, the towers and blades are proposed to be nearly 400 feet in height from the base to the tip of the blades at the highest point. The large blades will move in the wind, and the turbine will change direction to face the wind as needed. Further, staff understands that the towers may be spaced as close as 1,000 feet or less apart, in rows running east west, over an area of roughly 70 square miles, and the petition is for 151 towers (in both counties). The petitioner should be prepared to explain how this wind farm will not dominate the area so as to prevent the development and use of neighboring property;

Answer: Applicant's proposal lowers the density of the proposed turbines from the proposal previous approved by DeKalb County. The large setbacks, sleek physical design of the turbines, their color, and the use of existing overhead transmission lines result in no dominance "so as to prevent development and use of neighboring property in accordance with applicable zoning district regulations." The proposed project does not prevent any development. However, A-1 Zoning itself does not permit any non-farm residential development.

- d). Further, the petitioner should be prepared to address the impact the wind towers would have on crop dusting activities on adjoining properties; and

Answer: The proposed WECS project will not have any impact on crop dusting to participating or adjacent landowners. Applicant has consulted with the two aerial spraying services used by most area landowners, Henrickson's Flying Service of Creston, IL and R&R Flying Service in Earlville, IL. Henrickson's Flying Service reviewed the proposed wind turbine layout. The company indicated that the proposed turbine layout and spacing allows safe ingress and egress to fields for crop dusting. Henrickson's Flight Service did not anticipate any need to shut down turbines for crop dusting because it sprays at low wind speeds. The same opinion was shared by R&R Flying Service. Applicant has agreed to shut down turbines as requested with advance notice for spraying if crop-dusters request this in the future. A turbine can be shut down immediately with a phone call to the local or national operations center.

- e). The Zoning Ordinance requires consideration be given as to whether a proposed Special Use will be "visually compatible" with the permitted uses in the surrounding area. Given that the proposed towers will be far larger than most other structures in the area, and will be in motion rather than static, the petitioner should be prepared to elaborate on this point.

Answer: To maximize visual compatibility, Applicant is proposing to use tubular towers painted in a non-reflective off-white color that picks up the ambient light and blends best into the sky. Applicant uses the least intrusive lighting and meets the requirements of the Federal Aviation Administration. The turbines have a slow turning speed of approximately 20 rpm. Additionally, the wind turbines have substantial setbacks from homes, roads, etc. and are widely spaced, with turbines on average about 1,000 feet apart east and west and 3,000 feet apart north and south.

3. Subject Properties -- The petitioner has provided copies of easement agreements with a number of property owners, and copies of authorization for FPL to act as an agent in the Special Use Permit for a number of others. The petitioner has also supplied aerial photo maps with property owners names and permanent index numbers. In conversations with petitioner representatives, staff understands that additional easement agreements have been secured since the application was filed on January 5, 2009 and that others are still under negotiation. Staff requests that the petitioner prepare an exhibit that clearly shows on which properties easements have been secured and which have not, along with the proposed locations of wind towers;

Answer: Applicant will provide an updated exhibit at the Zoning Hearing that will depict its current agreements with landowners.

4. Construction Schedule, Details, and Accessory Uses:

- a). The petitioner has indicated that the project will, if approved, be operational by the end of 2009. Does this mean that all 151 towers will be erected and operational, or only some? If all turbines are not anticipated to be up and running by the end of the year, how long a construction schedule is anticipated?;

Answer: Applicant intends to build the entire project in 2009, with the project operational in December, 2009. A timeline of the proposed construction schedule will be provided in Applicant's presentation to the Hearing Officer at the Zoning Hearing.

- b). Is a storage property, for staging of employees, materials, equipment and vehicles throughout at least the construction phase of the project, part of the proposal? If so, where would this storage property be? Will any screening of the appearance of the staging/storage area be provided? How many trips in and out per day could be anticipated, and is the road network adequate to the anticipated traffic volume and weight? What would be the days and hours of operation of the storage area? What will happen to the storage property after the construction is completed? Will there be guarantees provided to return the property to its previous use?;

Answer: Applicant will provide a temporary staging area west of the Village of Shabbona on land proposed to be annexed into the Village for use and an Industrial Park. The property will be temporarily converted to a storage area by first removal and storage of the topsoil. Then the area will be covered in gravel. Approximately 10 mobile trailers will be located on site to provide office space. The site will most likely not receive overweight loads. Most traffic will be limited to passenger cars and trucks and material deliveries. The site will operate most daylight hours on a Monday-Saturday basis. At night, Applicant will have security present. After construction the gravel will be removed and the topsoil restored. However, if another developer is attracted to the Shabbona Industrial Park, the land will be available to them to plan and site.

- c). An important element of the proposed project is how the power generated by the wind turbines will be transmitted to the proposed electrical sub-station. The petitioner should be prepared to address this issue, including: Where will the transmission lines be located; will the lines be above- or below-ground; will any new easements be required from any public entity or adjoining property owners; and what is the status on securing any necessary approvals for the transmission lines? If the project is approved, permits would be required for buildings and structures on the sub-station, as well as for grading and stormwater management, fencing, and signage;

Answer: Applicant is not proposing any new transmission lines as part of this project. Power will be transmitted to the substation via collection lines. Proposed collection lines will be below ground and are included in the site plan provided. Upon approval of the project, Applicant will secure the necessary permits.

- d). The petitioner has indicated that a permanent maintenance facility would be constructed within the jurisdiction of the Village of Shabbona. Where will this facility be? The location should be depicted on the final site plan for the Special Use Permit;

Answer: A proposed site plan of the maintenance facility has been provided to the Planning Director and is available at the Planning/Zoning Office.

- e). What is the minimum spacing between wind towers? Is this intended to be the minimum, or might towers be closer yet?; and

Answer: Spacing is wide, with proposed turbines on average about 1,000 feet apart east and west and 3,000 feet apart north and south.

- f). Where will the proposed “meteorological towers” be located? Building Permits,

grading plans, etc. would be required for these structures as well.

Answer: A proposed site plan for the meteorological tower has been provided to the Planning Director and is available at the Planning/Zoning Office.

5. Grading and Stormwater Management -- If this project is approved, a Site Development Permit will be required for each wind tower site, at the same time as a Building Permit. Existing and proposed topography must be provided, as well as a drain tile investigation, financial guarantee, and stormwater calculations to demonstrate the structures and associated pad and access drive will not cause flooding problems on surrounding property.

Answer: Upon receiving zoning approval, Applicant will provide the necessary review and documentation required in order to meet grading, storm water and other building requirements.

6. Impact Studies:

- a). The petitioner's application refers to an avian risk study (prepared by the Illinois Department of Natural Resources and included in the application), and to studies on sound, wetlands, cultural resources and "similar matters before commencement of construction." When will these additional studies be provided? How can the recommendations of the studies be incorporated into the decision of the County Board if the studies are not available as part of the petitioner's application?;

Answer: Applicant will include information regarding cultural resources, avian and sound studies in its presentation at the Zoning Hearing. No turbines will be sited on wetlands. Expert studies will be provided to the Hearing Officer as hearing exhibits.

- b). The DeKalb County Soil and Water Conservation District has prepared a detailed study of every proposed wind tower site. This study was included in the petitioner's application for Special Use Permit. However, the final location of each turbine will not be established unless and until approval by the County Board, and locations may shift given a variety of conditions. If this project is approved, staff recommends that a follow-up site visit and evaluation by the Soil and Water Conservation District should be requested by the applicant, along with a requirement to respond to the recommendations from such subsequent evaluations, as part of the Site Development Permit required for each turbine site; and

Answer: The DeKalb Soil and Water Conservation District has already completed an amendment to its report based on changes to the proposed project between the time of Zoning Application filing and the Zoning Hearing. Applicant is prepared to return to the Soil and Water Conservation District for any such future project changes or requirements.

- c). Is the petitioner proposing to work with area residents by using photo-simulation or other modeling techniques as part of the final siting of the wind towers?

Answer: Photo simulation must be centered around a particular point of view. In this proposed project, there are many homes that may see the wind farm leaving too many points of view to be practical to model. Residents may be better served by looking at similar projects in nearby areas.

7. Conditions of Approval -- The petitioner has provided a list of proposed conditions of approval, based on the list of conditions included in DeKalb County Ordinance 2003-06, which approved a wind farm in 2003 (attached). Staff notes that this new list does not restrict the County Board from adding new conditions or deleting or amending prior conditions should it decide to grant the Special Use. Given that the conditions of approval contained in Ordinance 2003-06 were acceptable to the County and FPL at that time, staff offers the following questions and comments with respect to the new set of conditions submitted by the petitioner:

- a). Condition #1 stipulates that each tower shall be set back a minimum of 437 feet from all public roads, and from above-ground utility easements and property lines equal to or greater than the height, plus ten percent, of the blade tip at its highest point, unless written approval is received from the property owner allowing for a smaller setback from their property line. Staff notes that the Ordinance 2003-06 established a minimum 500-foot setback from all roads. Staff also notes that the setbacks from wind towers were to be measured from the foundation, and is now proposed to be measured from the center of the foundation. Finally, the previous towers were to be a maximum of 220 feet tall, and are now proposed to be 263 feet tall. Why have these changes been made?;

Answer: The minimum setback from existing power lines, roads, rails and adjoining non-project participating property boundaries is 1.1 times the height of the turbine, or 437 feet. This is measured from the center of the tower for consistency and accuracy.

- b). Condition#2 concerns the minimum set back from wind towers to existing residences, and also measures such setback from the center of tower foundation rather than from the edge. Why has this change been proposed?;

Answer: Applicant's minimum setback requirements meet state sound standards. There is a minimum setback from any home of 1400 feet, but most are much further. This is measured from the center of the tower for consistency and accuracy.

- c). Condition # 5 concerns a commitment by the petitioner to work with local rescue authorities to provide training, at FPL's expense, on rescue from a wind tower. As set forth in Ordinance 2003-06, the training was to take place prior to commercial operation of the first wind tower, but this clause has been dropped. The petitioner should be prepared to address why this has been changed;

Answer: Applicant will provide training, at applicant's expense, to local rescue authorities after the first turbine is erected.

- d). Condition #6 concerns "shadow flicker," but is revised from the condition contained in Ordinance 2003-06: a regulation has been added that would require shadow flicker to occur in excess of 40 hours per year before FPL would be required to address the issue for any given residence, and the following clause has been dropped, "If FPL receives a verified complaint about shadow flicker visible from within any home owned by someone who is not participating in the wind farm, then Petitioner will program the turbine or turbines causing such shadow flicker to shut down during the brief period of time that such shadow flicker is anticipated to occur." The petitioner should be prepared to provide the rationale and justification for these changes;

Answer: Applicant designs to the standard that no home has more than 1% of daylight per year exposure to shadow flicker but will provide curtains, awnings, or plantings on a case-by-case basis to mitigate any complaint whether or not the home in question has less than 1% exposure to shadow flicker per year. Only a few homes are exposed to shadow flicker and nearly all of these are surrounded by trees that will obscure any shadow flicker.

- e). Condition #8 concerns the time period which the petitioner would have to commence construction of the wind farm. It would allow 36 months to commence construction of the entire project following County Board approval, rather than the standard 12, and would allow 18 months to commence construction of any given wind tower from the time a Building Permit is issued, rather than the standard six months. The petitioner should be prepared to elaborate as to why these longer periods of time to start construction are justified;

Answer: Applicant intends to build the entire project in 2009, with the project operational in December, 2009. However, Applicant has asked for a 36-month window to provide flexibility and avoid another expensive permitting process in the event of some unforeseen

delay. Moreover, the 36-month period would provide project consistency as this is the time period suggested and granted by Lee County. The time period for operations to commence after the issuing of a building permit was increased six months from 12 months to 18 months to provide for flexibility.

- f). Condition #9 concerns dust control measures to be applied during construction, but differs from the same condition in Ordinance #2003-06 by adding the words “commercially and” to “reasonably required.” Why has this change been made?;

Answer: The additional words simply provide the County and Applicant with a consistent and measurable standard by which to evaluate the condition.

- g). Condition # 10 concerns the decommissioning of tower sites and is the same as that set forth in Ordinance 2003-06, except that the obligation to provide a letter of credit to assure decommission and returning of the site to a useable condition for farming would not be provided until the project has been in operation for 15 years, rather than at the time of Building Permit as was previously agreed. The petitioner should be prepared to address the reason for this change. What is proposed should FPL, or any other subsequent owner of the wind towers, go bankrupt or dissolve during the first 15 years?;

Answer: The value of the commercial asset as a source of clean renewable energy is significant, thus a subsequent owner would continue the project. This has been seen in the marketplace as small wind developers have had to sell their projects. Moreover, the salvage value of only the valuable metals would exceed the cost of removal and reclamation. Finally, to ensure all obligations are met in even the most unlikely, extreme, scenario, the applicant will post security at 15-years to cover any unforeseen costs above salvage value.

- h). Condition #11 concerns offering non-participating homeowners within 3/4 of a mile of any wind tower an opportunity to participate in the “Community Partnership Program.” This condition seems to take the place of the condition of Ordinance 2003-06 that provided a property value protection program. No details of the “Community Partnership Program” have been provided. The petitioner should provide these details, and be prepared to discuss why this program is preferable for DeKalb County homeowners over the previous property value protection program;

Answer: A draft version of the Community Partnership Program agreement has been provided to the County Planning Director and is available at the Planning/Zoning Office. An overview of this program will be included in Applicant’s presentation at the Zoning

Hearing. This upfront revenue sharing plan has replaced the 2003 plan that provided disincentives to sell property at market rates; the current national and local real property markets are in flux thus distorting accurate pricing and valuation. As previously mentioned, evidence will be provided at the Zoning Hearing to show WECS have no unreasonably detrimental impact of property values.

- i). Condition #12 concerns sound emissions and the commitment on the part of FPL to comply with applicable federal and State regulations. What does the petitioner propose to do should noise complaints be received even after compliance with applicable regulations?;

Answer: Applicant will meet applicable federal and state regulations. Applicant will take commercially reasonable measures to mitigate noise complaints.

- j). Condition #19 concerns lighting and allows “normal security lighting.” What is normal security lighting for a wind tower? This information should be submitted for evaluation at the public hearing;

Answer: Based on other projects, Applicant anticipates that the FAA will require that 30-40% of the turbines are lighted at night with synchronized red flashing lights. Applicant will use an LED light mounted into the nacelle which is aimed upwards and spreads minimal lighting toward the ground.

- k). Condition #20 concerns “aviation light deflectors”, but adds the stipulation that these will be used “if required by the FAA”, rather than “if allowed by the FAA” as in Ordinance 2003-06. The petitioner should be prepared to discuss this change in language;

Answer: The aforementioned lighting plan is proposed instead of the light deflectors proposed in 2003 because LED based obstruction lights have been shown to limit stray light to less brightness than a 7.5 watt light bulb. Applicant has requested of the FAA to limit the amount of lighting in areas where there are clusters of homes whenever possible.

- l). Ordinance 2003-06 had a condition requiring the use of “ice detectors.” There is no such condition in the new proposal. Is there no equipment available for detecting when ice might become an issue on wind towers?; and

Answer: Significant icing events are likely to occur only one to two times per year at this site. The turbine has imbalance sensors and meteorological instruments that indicate and usually shut down turbines that could throw ice. Additionally, Applicant has an operation guideline to shut down turbines that could throw ice. Ice is usually shed around the

turbine. With its 7,000 turbines and 10-year operational history, Applicant has never has an ice related injury to the public. The statistical risk of an ice injury is zero and, therefore, ice sensors are not warranted for this project.

- m). Condition #28 concerns the right to transfer of the wind farm to another entity. Staff recommends that inclusion of all financial guarantees be specified as a condition of any such transfer.

Answer: Applicant agrees with this condition.

8. Taxes -- The petitioner's application indicates that each tower is anticipated to generate \$13,500 in taxes:

- a). Staff understands that the State law which establishes the formula for how property taxes are generated for wind farms will expire in 2011. The existing formula includes a depreciation factor, as well as factoring in increasing tax rates over time. Is the petitioner prepared to commit to paying taxes in accordance with the current law, or in accordance with any law enacted by the State in the future, whichever is higher, for the operational life of the project?; and

Answer: Government sets tax rates. Applicant is prepared to pay any tax that the law requires. If the State chose not to tax wind energy, the County Assessor could act on the County's behalf.

- b). Staff understands that every existing wind farm in Illinois operates under an enterprise zone. However, DeKalb County does not have any enterprise zones. Staff understands that under an enterprise zone wind farm operators are exempt from sales and use taxes associated with construction of the project. If there is no enterprise zone for this project what, if any, sales and use tax would be generated, and what is the estimated benefit, if any, that would accrue to DeKalb County?

Answer: Applicant estimates that the proposed Lee-DeKalb wind energy project would generate a combined approximate \$3.8 million in local sales tax, with \$3.25 million accruing to DeKalb County.

9. Staff Evaluation -- The issues above notwithstanding, the major concern associated with the proposed wind farm is one of aesthetics and individual value systems. Residents of Milan, Shabbona and Clinton Townships, and DeKalb County in general, are used to and value the wide-open vistas afforded by farm land in northern Illinois. The tallest structures normally encountered are cell towers, which are controversial in their own right. Prior to that technology, electricity transmission towers were the largest structures.

Commonly, people are used to seeing nothing bigger than a commercial grain bin on the horizon. The proposed wind towers will be very large, exceeding most cell towers by 100 feet or more in height. Further, the large blades will usually be in motion. The numbers of towers proposed in DeKalb County will make a significant impact on the landscape. The principal issue with which the Hearing Officer and County Board must contend is whether or not this substantial change to the rural landscape in the southwest portion of the County is desirable. This concern and the value placed on the existing vistas should be weighed against the benefits offered by such a project, in the form of an additional source of energy, economic benefits during construction, additional permanent jobs, additional tax to the governmental entities, and benefits to property owners who lease their land for wind towers. It should be borne in mind that, if approved, the proposed wind farm will be a permanent addition to the County. Is this the kind of change the County desires?

Answer: Reasonable people can differ on the aesthetics of wind turbines and whether the proposed project will substantially change the rural landscape. Any man-made improvement, including farming, alters the original landscape. Applicant states that the project will preserve agricultural uses and open spaces consistent with the County's Comprehensive Plan. Applicant further states that the impact on the physical landscape will be minimal while bringing substantial economic benefit to the County.

Excerpt from Zoning Ordinance
Section 9.02.B.3

Burden of Proof: In presenting any application for a Special Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the following criteria:

- a. The proposed special use complies with all applicable provisions of the applicable district regulations.
- b. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public welfare at large.
- c. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1). The location, nature and height of buildings, structures, walls, and fences on the site; and
 - 2). The nature and extent of proposed landscaping and screening on the proposed site.
- d. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
- e. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- f. The proposed uses, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of DeKalb County.