

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – October 3, 2018

MEMBERS PRESENT

Barb Lamont, Chair
Bill Koretke, Vice Chair
Dennis Hughes, Alternate Member

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning
Michael Baggett, States Attorney’s Office
Debra Kraft, County Board Member

MEMBERS ABSENT

Andy Freeland
Blake Noland
Ron Grider
Ed Leonard, Alternate Member

Chair Lamont called the meeting to order at 8:30.

Chair Lamont announced if anyone was here for the New Life Pregnancy petition; it has been withdrawn and will not be heard today.

A member from the audience stood and stated the County make it un-handly anyway coming at this time of the morning to have a meeting.

Chair Lamont stated she did not know it was withdrawn until this morning either.

The audience member stated it sure helps the working people and left the meeting.

MINUTES

Bill Koretke stated on page 6, paragraph 3, it should read from DC to AC, Chair Lamont stated on page 3, 4, 21 and 22 should be changed to Blake Noland.

Bill Koretke made the motion to approve September 5, 2018 minutes with corrections made, seconded by Dennis Hughes. All members present answering, Aye. Motion Carried (3-0).

At this time two persons came in who were here for the New Life Pregnancy petition. They were informed the petition was withdrawn and would not be heard today.

OLD BUSINESS:

- 4.1 S-01-09-18 a petition filed by Soltage, LLC requesting a Special Use Permit for the construction of a 2.0 MW ground mounted solar energy farm on approximate 22 acres of leased ground in (A-1) Agricultural Zoning. The property is

commonly located at the Intersection of Wesley Road and St. Louis Bridge Road,
Decatur, IL 62521
PIN 17-12-29-100-014

Mrs. Gunter stated Zoning Board of Appeals approved this September 5, 2018,
EEHW approved September 27, 2018 and it goes to full County Board October
11, 2018.

- 4.2 V-03-09-18 a petition filed by Lisa Smith requesting a variance to lease land from
Town of Pleasant View Cemetery to allow parking for a commercial business on
adjacent property. The property is commonly located on Bethel Road and is
known as Bethel Cemetery in Blue Mound, IL 62513.
PIN 15-15-28-100-009

Mrs. Gunter stated Zoning Board of Appeals approved this September 5, 2018.

- 4.3 AMENDED PETITION:

S-03-05-18 a petition filed by Lisa Smith requesting a Special Use Permit to
operate a coffee house and beauty salon in (A-1) Agricultural Zoning. The
property is commonly known as 8791 Bethel Road, Blue Mound, IL 62513.
PIN 15-15-28-100-010

Mrs. Gunter Zoning Board of Appeals approved this September 5, 2018, EEHW
voted on the petition September 27, 2018 to send it back to Zoning Board of
Appeals due to the questions on the survey. This will be heard at the November
7, 2018 Zoning Board of Appeals hearing.

Chair Lamont asked for any persons wishing to speak today to please stand so she could
swear them in.

NEW BUSINESS:

- 5.1 R-01-10-18 a petition filed by Benjamin & Breck Corrington for rezoning
approximately 1.21 acres from (R-4) Single Family Residential Zoning to (A-1)
Agricultural Zoning. The property is commonly located on Kitchen Road,
Oakley, IL 62501.
PIN 14-13-03-400-017

Michael Baker
4538 N Prairie View Rd
Oakley, IL

Mr. Baker stated the property in question, he and his wife gave to daughter Breck Corrington to

build a home on several years ago. They have purchased property in Decatur and have decided not to build. He stated they would just turn it back into farm ground, which is their ground along with the 38.2 acres surrounding.

Bill Koretke asked if there had been any improvements at all to the land.

Mr. Baker stated none; it has been farmed the whole time.

Mrs. Gunter was called on to present her finding of facts.

Petition: For rezoning, approximate 1.21 acres from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning.

Parcel Number: 14-13-03-400-017

Location: This property is located on Kitchens Road in Oakey Township.

Acreage: 1.21 Acres

Zoning: R-4 Single Family Residential

Finding of Facts

- This is a rezoning from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning.
- This 1.21 acre lot was created in 2002 for the future construction of a house.
- The rezoning is needed because the landowner wants to combine this 1.21 acres with the adjacent farm, which is zoned (A-1), Agricultural Zoning.
- Oakley Township Planning Commission reviewed the application and the Oakley Planning Commission approved the rezoning.
- The surrounding properties are zoned: (A-1) Agricultural to the south, east, and west and R-4 Single Family Residential to the north.
- There is no floodplain located on the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

CONFORMITY TO REGULATIONS: With the passage of the rezoning by the Macon County Board, the property will conform.

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** of rezoning approximate 1.21 acres from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

- 5.2** R-02-10-18 a petition filed by Michael Sams for rezoning approximately 37.73 acres from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning. The property is commonly located on Sandcreek Road, Decatur, IL 62521. PIN 17-16-01-201-017

Michael Sams
4095 Sandcreek Road
Decatur, IL 62521

At this time, Mr. Baggett asked Chair Lamont to swear in the witness as he stood up just a little late during the swearing in.

Chair Lamont swore Mr. Sams in.

Mr. Sams stated the property was purchased prior to his family owning the ground and was going to be subdivided and turned into a neighborhood. His parent purchased it and it was never rezoned back to A-1. He stated it has always been farmland and will continue to be. No neighborhood is going in. He stated really this is to just correct the record to get it back to agriculture.

Bill Koretke asked him to point the property out on the map.

Mrs. Gunter was called on to present her finding of facts.

Petition: For rezoning, approximate 37.73 acres from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning.

Parcel Number: 17-16-01-201-017

Location: This property is located on Sandcreek Road in South Wheatland Township.

Acreage: 37.73 Acres

Zoning: R-4 Single Family Residential

Finding of Facts

- This is a rezoning from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning.
- The rezoning is needed because the landowner wants to keep farming the ground.
- The surrounding properties are zoned: (A-1) Agricultural to the east, (R-4) Single Family Residential to the south, and (R-1) Single Family Residential to the north and west.
- There is no floodplain located on the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

CONFORMITY TO REGULATIONS: With the passage of the rezoning by the Macon County Board, the property will conform.

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** of rezoning approximate 137.73 acres from (R-4) Single Family Residential Zoning to (A-1) Agricultural Zoning.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

- 5.3** S-03-10-18 a petition filed by Novel Energy Solutions/Paula Fitzgerald requesting a Special Use Permit for the construction of a 2MW Community Solar Garden on

approximately 20 acres of leased land in (A-1) Agricultural Zoning. The property is commonly located on Kirby Road in Oreana, IL 62501.
PIN 18-08-14-351-007

Paula Fitzgerald
Novel Energy Solutions
1633 S Robert St
W. St Paul, MN

Ms. Fitzgerald stated she had given the board members a presentation on some things she would like to discuss. She stated a little bit about Novel Solutions, they are a Minnesota based company started in 2012. They actually had the first four interconnection agreements and energization for community solar gardens in the state of Minnesota. They have completed over 180 projects in Minnesota, which are both community solar gardens in addition to net metering or distributive, which serves solely the property owner. They are currently expanding into Illinois and have at this point obtained five employees who are local to the area. The company owner is co-owner of Kaehler Cattle Farms and a member of a 5th generation farming family so farming and Ag are near and dear to his heart and to their company values. She stated as far as Illinois legislation, the impetus for the sudden rise in solar development that has been seen, centers on the Future Energy Jobs Act which was signed into law in 2016 and became effective June 2017. It is an attempt to expand the state's renewable energy and will require 3000 MW of solar by the year 2030. The purpose of constructing a community solar garden, it generates offsite solar energy so people that cannot obtain energy on their own property, can subscribe to these gardens and then get discounted rates. She stated the way this kind of works is there are more developers than will be allotments, so all community solar gardens need to be entered into the lottery to see if the project even gets awarded. In order to get the lottery, projects have to have a signed inter-connection agreement with the power company and all discretionary approvals in place. She stated this is the reason for them coming forward with the Special Use permit at this point. She stated it is anticipated right now that the lottery will be drawn in mid-January of 2019, nobody knows for certain, but that is pretty much what is anticipated. She stated some of the benefits of a solar community garden:

1. Provides an added value to the land.
2. Allows landowners another value option on their property.
3. It serves as a land conservation practice and does not change the underlying nature of the land.
4. The panels and the hardware are attached to posts pounded or screwed into the ground and at the end, everything is removed so the land goes right back to the way it was and probably even a better state if it had been farmed because it gives a chance for the nutrients to replenish.
5. The underlying land is moved to a commercial tax classification and there is production tax paid

annually for anything over 1 MW.

6. They utilize local contractors, which is a benefit from employment standpoint.
7. There are no adverse impact on surrounding properties.

Ms. Fitzgerald stated some of the benefits to the community and the residents, the AMA or Agricultural Mitigation Agreement which was signed August 13th, has to be signed by all developers and provides for an assessed valuation of \$218,000 per MW which is about 4 times that of what it would be if assessed agriculturally. It obviously increases tax valuation, which in turn is paid by the developer, not the property owner. She stated as utility program rules are not established, the residential CSG contract hasn't been finalized, but what they are anticipating is for residential users, there would be about a 10% fixed savings. It would guarantee subscribers a fixed 10% savings regardless of bill credit rates. The contract term is still being determined at this point, but they are looking at the 10% discount off the total bill, initial term is one year and after the one year contract, it will auto renew each year if the subscriber does not cancel. She stated if they want to cancel after one year, they will need to provide three months' notice, they would exit without a fee, and then if they are moving out of Ameren territory, they would need to provide two months' notice and there will be no fee required. She stated some of the steps for construction a community solar garden:

1. Site preparation. In most cases, this is minimal grading which will most definitely be the case on this property.
2. Pile installation.
3. Install access road.
4. Racking installation.
5. Module installation.
6. Interconnection.
7. Re-vegetation.

She stated the piles are pounded six to ten feet into the ground, depending on engineering specification, the panels then sit about 9.5 feet high, this is average height, it could be about 15 feet high as maximum if there was a really low spot, just because those piles would have to be the same height. The panels they use are fixed and non-moving; there is no tracker box so no noise. She stated they are typically at a 25 degree to 30-degree tilt facing in a southward direction. She stated the panels are also designed to absorb the sun, not reflect it, and they use anti-glare coatings. Ms. Fitzgerald stated construction is expected to take about eight weeks to complete. She stated at the beginning of construction, there would be approximately two semi-truck deliveries per day for the materials. This should only last about a week. All parking and storage of the materials would be internal to the site and there would be a temporary parking and

staging area. After re-vegetation, there would be approximately one site visit per month. She stated the zoning on the property is agricultural. Directly to the south there is residential in addition to a little to the East of it. The actual site her company is proposing is a 2 MW site, which would entail 7,776 panels for the total number of panels. She stated as far as landscaping, when she first submitted this application, she just had their engineer put something together and they did the pollinator blend on the outside of the array and the native vegetation. But after looking at it more closely and the residences that are around there, they updated to add an evergreen screening which would go all along the south and come up the side, she pointed this out on the maps. She stated the evergreens would be approximately eight feet tall. She stated depending on the species, which will be dependent on the soil type, anywhere from a four to eight foot spacing but enough that it would provide a good screening.

Ms. Fitzgerald went on to explain storm water, re-vegetation, and weed management. She stated each project will have a Storm Water Pollution Prevention Plan and perimeter control will be established and is required to remain in place until 70% of the vegetation is established. She stated no more water can leave the site legally than is currently leaving the site and any water exiting the site has to be clean. She stated these are all requirements through the EPA and will be part of their permit. Noxious and undesirable weeds will be identified and eradicated, as there will be weekly inspections due to their NPDS permit once the ground is disturbed until you have the 70% vegetation. She stated when she says “undesirable”, they know there are many weeds for example, would not be considered noxious, but if you have them next to a soybean field, it will be quite problematic. She stated again, this comes to part of their company values that those undesirable weeds are just as bad as the noxious ones in their opinion. She stated they would do the native low growing blend underneath the array and then a pollinator blend outside of the array to help attract the bees. As far as decommissioning, within 180 days of use being discontinued, all materials will be removed and the site will be restored to its original state. Typically, the salvage value of the materials has been found to be more than the cost for removal of all materials and re-work. She stated the State Agricultural Impact Mitigation agreement requires a signed agreement from developers that insures decommissioning as well. She stated this concludes her presentation and is available for questions.

Bill Koretke asked her to address the setbacks from the residences to the south and the east and the height of their cyclone fence.

Ms. Fitzgerald stated the height of their fence would be six feet chain link. Setbacks, from the road are 50 feet, the way their design actually works; they are actually a little bit further than that because they have their point of inter-connection so the arrays will probably start at 75 feet from the edge of the right of way.

Bill Koretke asked how far from the residences to the east.

Ms. Fitzgerald stated to the east would be quite a way...

Bill Koretke stated it looked like over a 1000 feet.

Ms. Fitzgerald stated it definitely is.

Bill Koretke asked Mrs. Gunter what the ordinance reads.

Mrs. Gunter stated 500 feet from all residences.

Bill Koretke stated that is why he is questioning the diagram because it is showing right up next to the road.

Mrs. Gunter stated that was going to be her question also, pertaining to the residences across the street.

Bill Koretke told Ms. Fitzgerald they need to be at least 500 feet from the residence itself, but they have enough property there, they could lease further in on the lot.

Ms. Fitzgerald stated yes, and that is exactly what they would do.

Bill Koretke asked if this is just a preliminary drawing.

Ms. Fitzgerald stated yes, and they do not have any final designs or anything because it is this whole lottery question again.

Bill Koretke asked her how far they would be willing to go.

Ms. Fitzgerald stated at a minimum of 500 feet but they would go beyond that if that would make the neighboring residences happy.

Bill Koretke stated that means their access road would be that much more of expense.

Ms. Fitzgerald stated yes, but that is what it is.

Bill Koretke asked if the inverter converter....where is the power line they would connect to.

Ms. Fitzgerald stated she believes it is right along the street, she apologizes, the local person that does all of the land stuff was planning to be here but ended up having a different meeting pop up. She believes right along the street though because that is their point of inter-connection.

Bill Koretke asked if the inverter would be within the 20 acres.

Ms. Fitzgerald stated that is correct. She stated they would underground everything along the access road back to the site.

Mr. Baggett asked with respect to land, his understanding is they are leasing the land, how much have they leased or have they leased the entire parcel.

Ms. Fitzgerald stated right now the lease is kind of a blanket so it covers the whole parcel but they say approximately 20 acres and the reason for that is that they do not know what will

change with final design. They leave everything blank until they have final design.

Mr. Baggett stated the agreement they currently have with the landowners would allow, without any issues with that lease agreement, to move their final plans back in order to meet setbacks.

Ms. Fitzgerald stated that is correct.

Bill Koretke stated Ms. Fitzgerald should maybe point out this ground right now is in CRP.

Ms. Fitzgerald stated obviously any ground that is in CRP, they would have to repay any fees...

Bill Koretke stated in other words it has a screening around it, when he looked at the site, you put it back far enough, they have the advantage, but they also have the fire hazard.

Ms. Fitzgerald stated yes. She apologizes about the 500 feet deal, she did not even...but she stated that is no problem. They can definitely make that happen.

Chair Lamont asked Ms. Fitzgerald if they had talked to the highway commissioner.

Ms. Fitzgerald stated no, not yet.

Chair Lamont asked where they plan to put their access road to the property.

Ms. Fitzgerald stated it is shown on the original maps she supplied; it is on the west side of the property...

Mrs. Gunter asked her to just point it out on the map because when they sent the maps, they were the wrong maps and the board members had already received the packets.

Ms. Fitzgerald pointed this out on the map. She stated the area she pointed out on the map for the access road was also when they were thinking they would be closer to the road. She stated they would potentially have to manipulate that a little bit based on the access across the street and with what the highway department would like to see.

Chair Lamont stated her problem is the safety issue because she does not live too far from there and she knows there is a hill right there. She stated people travel at a high rate of speed on that road. She stated there is a safety concern for her, getting the equipment in and out without maybe there being an accident and somebody getting hurt on either side.

Ms. Fitzgerald stated typically during construction period when doing the material deliveries, they will put "truck hauling" signs up to try and make it a little more obvious that something is occurring for that week period or so. She stated after everything is completed, there will probably only be about one site visit per month so traffic to the site would be extremely minimal after the original eight week construction period. She stated they do put up the signs when they are hauling and delivering.

Chair Lamont asked if she had talked to the highway commissioner yet.

Ms. Fitzgerald stated no, not yet.

Ms. Gunter stated the highway commissioner was informed with letters that this hearing was coming and she has not heard anything from him. She stated it is required before the building permit is issued, that they get a road use agreement with the local road commissioners. She stated his input would be needed if the state does approve this project.

Lester Crandall
7250 Kirby Road

Mr. Crandall stated his property is the east of the proposed site.

Mr. Crandall stated when he first heard about this he kind of wondered like everyone else and that is why he is here. He stated he will live right next to it and will see it. He stated some of the things mentioned today, he asked if they have approval from Ameren Company at this point.

Ms. Fitzgerald stated they have submitted all of their applications for this project. She does not know if they are at level two, three and four meaning if they have their final approval yet but it has been submitted and she believes there is adequate capacity.

Mr. Crandall stated she mentioned earlier, upon removal of these, there is no damage to the land. He asked how many have they removed.

Ms. Fitzgerald stated none. She stated that is based on research and what they have read in studies...

Mr. Crandall asked if there is any radiation ever created in the ground from these.

Ms. Fitzgerald stated they have not seen anything and they have done stray voltage testing. She stated it has been a requirement of a few of their projects in Minnesota because they are next to cattle farms and there was concern from the farmers. She stated they have done stray voltage testing at the one year, three year and five year marks and there has been nothing.

Mr. Crandall stated she did indicate that there is no damage to the land and upon removal but they have not removed one.

Ms. Fitzgerald stated that is correct.

Mr. Crandall stated he just wanted to make sure he heard that correctly.

Mr. Crandall stated on the east side where she pointed out the evergreen screen, she only went up just a very short way. He asked if it would go all the way back or just a short way up.

Ms. Fitzgerald stated they would actually go as far back as they need to. She stated now that the

project will be moved back farther, they will go far enough so that it would obstruct his vision so he would not....

Mr. Crandall asked what the reason is for the screen.

Ms. Fitzgerald stated it is just kind of to help and make it more of a natural part of the environment and to just have some trees and...

Mr. Crandall stated so if that is the case, why not just surround it.

Ms. Fitzgerald stated because if there is nobody behind it, that is an extra cost.

Mr. Crandall stated there is somebody behind it, there is always going to be somebody behind anything you build, somebody somewhere will be behind it.

Ms. Fitzgerald stated but not a residential use.

Mr. Crandall stated maybe not, but he asked if their reason for the screen is to hide it.

Ms. Fitzgerald stated not to hide it but to help screen it. She stated for her personally, she could live next to a solar garden and she thinks that would be the best neighbor in the world. They would be quiet, barely have people there, it is completely unobtrusive. She would love it, but some people might look at it and say it is an eyesore.

Mr. Crandall stated he is just not sure of the unknown. He does not necessarily believe it will be a problem for him but he just asked a question about how far back and what they are willing to do. He stated she indicated they are willing to go back further if necessary.

Ms. Fitzgerald stated bottom line is now that they will be moving the array back, she stated they would definitely go back further on the east side with the screen. She stated bottom line is that they want to shield the residences. She stated if people do have a concern, that concern is met.

Mr. Crandall stated she also mentioned that any water leaving the area would be cleaned before it left the area. He stated at the present time, any water that leaves that area is just natural flow of water. He stated there is a waterway or two that kind of used to be there, now that it is all in CRP it is somewhat hard to determine whether it is still there or not there but there are waterways through that property and it would go across the road and some would go back. He asked where they intend to have the water leave if they do something differently.

Ms. Fitzgerald stated it pretty much keeps the same drainage course but really what it comes down to with your national pollutant discharge elimination system, you usually have to develop some on-site infiltration, whether it be like a small dry basin or something that water can go into...bottom line is they just don't let water leave the site that has been sitting in dirt that had been upturned and all of a sudden there is erosion and...

Mr. Crandall stated so they want to make sure there is an even flow off the land, nothing holding

it back.

Ms. Fitzgerald stated it is going to be held back to a degree for example, if you have an area where water flows pretty directly and if they were doing construction right above that and putting in electrical or something, so then there is some dirt that has been upturned and if the water still flows that way, they need to do things to make sure that it is not picking up the sediment or anything else. She stated it might slow it down by maybe a berm or silt fence or fiber log or blankets, there are a number of different mechanisms. She stated obviously with a site like this you will go from, right now there is no impervious surface, but then it would create some impervious surface albeit there is room under the panels but the rain and whatnot cannot go exactly at it is so they cannot allow any more water to leave the site than is now. She stated anything additional that would be created, that is where they would have to do like an infiltration basin or something on site to capture that water.

Mr. Crandall asked when they plant the evergreen screen, what do they intend to plant.

Ms. Fitzgerald stated that really will be dependent upon the soil type because they need something that will work for the area. She stated for example, they had a situation where one of their neighbors wanted balsam firs and after speaking with three different nurseries, they found out the only thing that would work was black hill spruce so that is what they had to do.

Mr. Crandall asked do they intend to plant a 2 foot tree, 6 foot, 10 feet, 6 inch, what do they intend to go.

Ms. Fitzgerald stated typically a minimum of 6 feet.

Mr. Crandall asked so it is a large tree already.

Ms. Fitzgerald stated yes, they are not little baby ones and they also contract for irrigation services and then they replace them if they die.

Mr. Crandall asked if the intention was that the power would go out along Kirby Road to the west side.

Ms. Fitzgerald stated she believes so, based on the point of inter-connection.

Mr. Crandall asked the board, he heard roll call when the meeting was brought to order and he heard very few yeses, he asked how many people are on this board.

Mrs. Gunter stated there are seven; five are members and then two alternates.

Mr. Crandall asked so we have two here?

Mrs. Gunter stated we have three here which is a quorum.

Mr. Crandall stated a quorum he understands but he stated the board should get behind this thing

and be here.

Bill Koretke stated he has a combine waiting for him too.

Mr. Crandall stated he knows, everyone has things to do.

Mr. Crandall asked if rezoning is approved, with the approval be conditional, meaning will it be approved for now or will it be approved and can be done in ten years from now.

Bill Koretke stated Mrs. Gunter would answer that when she gives her statement.

Mr. Crandall asked if there would be an expiration date to the rezoning.

Chair Lamont stated that would also be answered in Mrs. Gunter's statement.

Mr. Crandall asked if there is a plan in place for disposal of panels, Ms. Fitzgerald stated the scrap value is greater than the cost to remove them. He stated he researched just a little bit on the internet, they do say there is some noise from this and Ms. Fitzgerald mentioned it is very minimal, he guesses there must be like a transformer hum or something.

Ms. Fitzgerald stated there might be a tiny bit with a transformer hum but you will not hear it if you are 25 feet away from it. The only noise really with solar is if you have the tracker panels that follow the sun, but the fixed ones...

Mr. Crandall confirmed they will not track and are stationary panels.

Ms. Fitzgerald stated that is correct.

Mr. Crandall asked if she knew of any health issues/risks to the community at all, has she ever heard of any.

Ms. Fitzgerald stated she has not and they have looked because obviously, people ask those questions and they have not found any.

Mr. Crandall stated she mentioned that the solar farm was owned by a Minnesota farmer, he asked if there is any foreign interest or foreign money involved.

Ms. Fitzgerald stated not at all.

Mr. Crandall asked just him only.

Ms. Fitzgerald stated yes.

Mr. Crandall asked if the solar company is awarded tax dollars to build it.

Ms. Fitzgerald stated basically the way it works is that, the same thing that happened in

Minnesota, Ameren basically is required to, not dollars from taxes so to speak but it is dollars basically from Ameren so that is where the renewable energy credits come from. They are required to do through 2030, have up to 3000 MW of solar as renewable energy sources that hook into their grid. It is not like taxpayers tax dollars will pay for it.

Mr. Crandall asked the board when there is a sign put up that says there will be a zoning committee meeting, the sign never states what it is, it just says there is a meeting and you have the opportunity to call and find out what it might be which is good, but when they are landowners beside it, they are notified. He stated more than him being right beside it, there are many people to the south of it that are not adjoining landowners. He asked if they were notified or did they just have to call in from the sign along the road.

Mrs. Gunter answered state statute says that we have to notify the landowners adjacent or exactly touching the property. She stated they get letters, there is a sign posted out there, we don't put exactly what the petition is because that will cost a lot of money for us to post every single sign for a new hearing.

Mr. Crandall confirmed that the landowners next to it are notified, but across from it are not notified by letter.

Mrs. Gunter stated the people that are touching, so the people that live down on Mayberry Court did not, but the guy that is right on the corner, he would have gotten a letter because we go across the streets and notify them also. She stated that is why the sign is put out and it is also published in the newspaper so there are other ways they can get the information.

Mr. Crandall stated he understands that and that is good. He know we cannot go too far but just to keep the county good and just to keep you know, all of us, we all live here, it wouldn't hurt to exceed that expectation to the state once in a while and let people know what is going on because we don't all read the paper, we don't all do this, driving by a sign, how many times do we call it. You know you drive by it 100 times...he stated he is just saying it would not hurt.

Bill Koretke asked Mr. Crandall to move on.

Mr. Crandall stated he is going to but...he said Ms. Fitzgerald mentioned the glare, he asked if they would coat these with a non-glaring...

Ms. Fitzgerald stated they have anti-reflective glare coating on them.

Mr. Crandall asked if there would be any lighting at night.

Ms. Fitzgerald stated there would typically be one at the point of inter-connection and it is pointed downward. She stated it would not be shining on any neighboring properties.

Mr. Crandall asked if it was just like a pole light at the entrance.

Ms. Fitzgerald stated yes.

Mr. Crandall stated she had mentioned someone would only be on that site about once a month.

Ms. Fitzgerald stated yes, after it has been re-vegetated to 70%, there would be about a once a month site visit where they will go and walk the site and determine if there are any weed issues etc. and mowing...whatever needs to be done.

Mr. Crandall stated he appreciated her taking time to answer his questions and he told the board he appreciated the fact that they have something to else to do, he does also but he said when the public has a chance to get up here and talk about something, they have a chance to talk about it and so does everyone else in this meeting. He told the board they invited them here.

Charles Wilson
7083 Kirby Road

Mr. Wilson stated he is across the street from the solar garden and pointed his property out on the map.

Mr. Wilson stated he has a couple of concerns. He said Ms. Fitzgerald stated they would put a six-foot fence up and that is not tall enough to keep the deer out. He said deer cut through that every day. He said that is a major concern. Another concern of his is nobody is asking anything about the property values. He guarantees his property value will go down. He asked if he would have a tax cut.

Ms. Fitzgerald stated her company has been doing these for quite a while and have dealt with a number of different counties in Minnesota. She stated they were just involved in a study that was completed in several counties there. Realtors and assessors had been doing a program looking at sales and things that had happened right next to solar farms, how the sales looked prior to, how the sales looked after the solar farms. She stated they ranked homes right next to the solar farm and homes further away from it just to track and make sure everything was staying the same as far as values, and they found that everything was staying exactly the same and actually in a few cases, they found that people paid a premium to have lots backing up or next to the solar gardens because then they wouldn't have neighbors. She so that has actually not been found to be the case at all.

Mr. Wilson stated his research says it did. He said it is on the internet though and says that values went down five to ten years. He said it does not matter how long it went down, it goes down. He said he has lived there for fifty years, he looks out his window he has always seen cornfields and now he will see something else. He asked if she really thought someone would pay more for a house that is looking out there seeing those solar panels, does she really believe that.

Ms. Fitzgerald stated she would, but...

Mr. Wilson told her she works for this company, nobody else in the world would believe that. He again asked if there would be a tax cut for people who live across the street or anywhere near.

Ms. Fitzgerald stated now if they are moving back further (500 feet), she stated if it were in CRP, he would not see corn anyway if that were the case but...

Mr. Wilson stated that just happened in the past two years.

Ms. Fitzgerald stated ok well if they were moving back the 500 feet, he would continue to see what he has been seeing the past 5 years in that first 500 distance.

Mr. Wilson stated wrong, he will see a fence and trees that were not there. He asked Ms. Fitzgerald if that were correct, he would not see the same thing that he has seen for fifty years.

Ms. Fitzgerald stated for the 500 feet distance he would.

Mr. Wilson stated no he would not; there is a fence going in and trees going in. He is not going to see the same thing.

Mr. Baggett asked Mr. Wilson to not argue with the witness. He stated it is an opportunity to ask questions and get answers but we are not going to sit here and listen to him argue with her.

Mr. Wilson stated he would not argue anymore.

Mr. Baggett stated for us to just move on.

Mr. Wilson stated Ms. Fitzgerald said something that was not true.

Mr. Baggett stated he understands, and he wants Mr. Wilson to make his point, if he disagrees with what she says, he can absolutely make that point but he doesn't want to see the back and forth on the arguing.

Mr. Wilson said ok. His next question was if anybody was paying, besides the taxpayers, for all of the road traffic, he asked if there is any money allotted to the township for road use. He stated semis will be pretty tight turning in there it will tear the road up.

Chair Lamont stated that is why Novel Energy needs to get with the road commissioner, which they have not done yet.

Mr. Wilson stated he agrees and that is why he really wanted to see pictures. He has not really seen a proposed, he stated Ms. Fitzgerald told them where the fences will go and everything but they have not seen that. He asked if there is a picture they could look at of like a done project.

Chair Lamont stated they did not have one. They have a picture of what the panels look like but not of a finished site.

Mr. Wilson stated most of the time, in his opinion, you do not vote yes on something you do not even know what will look like.

Chair Lamont reminded anybody that still wishes to speak to please address something different than we have already heard.

Beth York
5763 Mayberry Ct

She stated she lives right across from where the solar farm will be and many of her questions have been answered. Her biggest thing is that she just built a house a year ago. She stated if she had looked at this property prior to building and there would have been a solar panel, she would not have built there. Her other biggest thing is Ms. Fitzgerald said there is very little humming but she moved to the country for the atmosphere and for the wildlife. She asked if they would not have the deer crossing now, the birds, the turkeys. She stated she knows the low humming is not an issue to humans but she has dogs. She asked if that would affect them.

Ms. Fitzgerald stated they have not seen any negative effects on animals. She said the owners of the company are a fifth generation farming family, majority of their projects are done on farms. The majority of farms have dogs plus the cows and whatever other animals and there has been no complaints or issues.

Ms. York stated that is her biggest thing. She moved out there for the wildlife and country setting to be away from industrial activity and she built a pretty expensive house. She would not have done that if the solar...

Bill Koretke asked how far she is from the road.

Ms. York stated she lives right behind Charles Wilson and pointed this out on the map.

Bill Koretke asked so she will be almost 1000 feet away.

Ms. York stated yes and she just wanted to say again about the safety of the road. She stated pulling out onto Kirby Road from Mayberry Court is a dangerous intersection even for a country setting.

Jenni Mae Klepzig
5673 Mayberry Court.

Ms. Klepzig stated she is the next house back next to Ms. York and she thinks, not to be redundant, but her biggest concern is that this is a high-end residential area, new subdivision within the last few years. She stated Mrs. Gunter she thinks is the inspector. She and her husband Aaron built their house, Ms. York built her house, there is currently a house under construction, and they are all high-end homes. She stated she feels like it is the wrong area, she believes two parcels of ground have been approved in Decatur and both of them have Brush College as one of the intersection road. She stated when she drives down Brush College she feels like that makes sense. When she drives down the whole length of Kirby Road yesterday afternoon with her children, she doesn't feel like that makes sense. She stated you do not see any

other industrial application. She stated just to bring up again the safety aspect, Kirby Road, you go with caution and when you are exiting Mayberry Court, you proceed with caution. She puts three children on a bus every day, she wants them to get home safe, she wants them to get to school safe, and it could be dangerous. She stated the map does not show the topography but it is a curve and big swoop, a big hill and a hill up and they are right in the trough of that swoop. She stated they can live with wildlife destruction, they can live with having something they don't perceive as attractive in their country setting but she cannot live with one accident, one bus accident, one life lost because we put this there. She stated she is not against solar energy or against what Novel Energy is trying to do, she is not against farmers using their fields that are not maybe making money and trying to make an income another way but it is not the right place.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Special Use Permit for the construction of a 2 MW Community Solar Garden on approximately 20 acres of leased land in (A-1) Agricultural Zoning.

Parcel Number: 18-08-14-351-007

Location: This property is commonly located on Kirby Road, Oreana, IL 62501 in Whitmore Township.

Acreage: 27.14 Acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefore the Special Use Permit was needed because this property is zoned A-1 Agricultural Zoning.
- Macon County currently does have Solar Energy language in the Macon County Zoning Ordinance.
- There is no floodplain on the property.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or

substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:

The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known problems with required utilities and facilities.

INGRESS & EGRESS: No known problems with ingress and egress from Cundiff Road.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit by the Macon County Board the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends **approval** with the following stipulations:

Stipulations:

1. This Special Use Permit does not constitute a license issued to the name Petitioner only. The Special Use Permit is intended to “run with the land.”
2. The Special Use Permit is assignable or transferable only upon the sale or transfer in ownership of the subject property.
3. Building permits shall be obtained from the Planning & Zoning Department as required.
4. Building permits will not be issued until a decommissioning plan is submitted along with the decommissioning bond paid in full.
5. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
6. This Special Use Permit will be voided if construction does not begin within 3 years of approval of said permit by the Macon County Board. This permit will be reviewed periodically for compliance as frequently as is deemed necessary by the Macon County Zoning Administrator, but not less frequently than once every ten (10) years.

Mrs. Gunter added that since we now have the solar language in the zoning ordinance, last time we put all the stipulations in the special use permit so it made it very long. She stated the only thing she changed was that going to different meetings, she was in a meeting in Peoria on Friday for solar and they had put that if it were not built within eighteen months, the special use permit would be null and void. She feels that they probably need to give, with the State, this was all supposed to be done in November and now the State has pushed it back until January. She stated you do not know if they will push it back again so to eliminate these coming back through she did change the number 6 to three years instead of eighteen months. She stated the board could change that if they want.

Bill Koretke asked her to state once again the setbacks and the height minimum on the fence.

Mrs. Gunter stated the setbacks in the zoning ordinance are 50 feet from all property lines and 500 feet from all residences and the fencing is maximum of 8 feet tall.

Bill Koretke asked 500 feet from the residences.

Mrs. Gunter stated yes.

Chair Lamont asked if that includes the residence across the street also.

Mrs. Gunter stated yes, all residences.

Chair Lamont stated so they can put up an 8-foot fence.

Mrs. Gunter stated yes, maximum is 8 feet.

Mr. Baggett stated just for the audience clarification, normally the chair would say this, but he is kind of stepping on her toes a little bit. He wants the audience to understand that today's hearing is not the final decision regardless of how the board votes. This is the Zoning Board of Appeals they are the evidence taking body, that is why he was trying to make sure everyone spoke into the microphone and we did not have any cross talk and made sure that everybody who asked questions and received answers got onto the recording so that we have a transcript. He stated from here it will go to the EEHW meeting which is listed on the dry erase board. EEHW is a committee of the county board and will vote on whether to recommend approval or not to the full county board. The full county board meeting on November 8th is where this petition will be finally decided. It is up to the county board and they will take the recommendation of both this board and EEHW and make that final decision on November 8th. He told the audience to understand that anyone here is certainly welcome to attend those meetings to make any comments they would like. There would not be an opportunity to present any new evidence but they can certainly make any comments that they would like and could be considered by the EEHW or county board. He stated regardless of how the vote goes today, this is not the final decision. The final decision will be made in November.

Mr. Crandall asked Jennifer if heard her correctly in stating that this approval would go with the land and not with the individual who came and presented to them today. He asked if it is possible that someone else could come in and do something altogether different if this passes today.

Mrs. Gunter stated that is correct, special use permits normally go with the person and not the land but in big projects like this, that is why we run them with the land. The landowner wants to sell the land then go through a special use permit and we are asking the company to tear down millions of dollars that they have already invested in this project.

Mr. Baggett stated just to clarify, Mr. Crandall had mentioned they could do whatever they want, and that is not accurate. He stated they could build this solar farm. The special use permit only allows them to do what is being petitioned for here. It does not allow them to just come in and do what they want.

Mr. Crandall stated so they would have to go with the same exact specs that this company set and agree to the same things Ms. Fitzgerald verbally stated she would do.

Mr. Baggett stated they would have to comply with all of the conditions and rules or the ordinance as well as the special use permit.

Mrs. Klepzig asked if the evergreen hedge can ever be taken away or is that a guarantee.

Ms. Fitzpatrick said they could put that as a condition if they would like.

Mrs. Gunter stated the board could add that as a stipulation.

Dennis Hughes stated he would like our legal counsel to go over the approval process one more time.

Mr. Baggett stated the approval process, today there will be a vote on whether to recommend to the county board whether to grant or deny this special use permit that has been applied for. He stated from here it will go to the EEHW committee meeting on October 25th @ 5:30. At that meeting the committee of the county board, comprised solely of county board members, will receive the special use permit application, will receive the finding of facts adopted by the ZBA here today and will decide whether to recommend approval or denial to the full county board. Again, neither the zoning board nor the EEHW has any binding authority with respect to whether they recommend or not to the county board. The county board can do whatever it wants. The full county board will meet on November 8th @ 6:00 and will consider this application then and will receive both the recommendations of the ZBA as well as the ZBA's finding of facts as well as the recommendation from EEHW. They will be willing to hear any public comment at that meeting and then they will make a final decision on whether to grant or deny the special use permit.

Chair Lamont asked Mrs. Gunter if the board has anything for next month.

Mrs. Gunter stated we have one petition and the Smith special use permit that came back to ZBA.

CITIZENS COMMENTS: None.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes with Bill Koretke and Dennis Hughes voting Aye and Chair Lamont voting Nay. Motion carried (2-1).

ADJOURNMENT: Bill Koretke made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (3-0). Meeting adjourned at approximately 9:37 A.M.

Minutes submitted by Tracy Sumpter, Macon County Planning and Zoning Dept.