

## **MACON COUNTY ZONING BOARD OF APPEALS**

### **HEARING MINUTES – September 21, 2022**

#### **MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Marcia Potrafka  
Dennis Hughes

#### **COUNTY PERSONNEL PRESENT**

Tracy Sumpter, Planning & Zoning  
Kevin Greenfield, County Board Chairman  
Debra Kraft, County Board Member  
Jeannie Durham, County Board Office  
Michael Baggett, State's Attorney Office  
Tammy Wilcox, County Administrator  
Crystal Hugger, County Board Office

#### **MEMBERS ABSENT**

Adam Brown  
Blake Noland

Chair Barb Lamont called the meeting to order at 8:30 and stated that Dennis Hughes is now a regular member of the ZBA board. The county board will be approving two new alternates at the October 13, 2022 County Board meeting.

#### **MINUTES**

Ron Grider made the motion to approve September 7, 2022 minutes, seconded by Dennis Hughes. All members present answering, Aye. Motion Carried (4-0).

#### **OLD BUSINESS:**

- 4.1 V-01-09-22 a petition filed by Central Illinois Regional Dispatch Center (Jon Thomas) requesting a variance to change the maximum height of cell tower from 350 feet to 450 feet in (A-1) Agricultural Zoning. This property is located at 450 W Hilvety Road, Macon, IL 62544  
PIN: 16-20-15-300-002
- 4.2 V-02-09-22 a petition filed by Amanda Huffman requesting a variance to change the required front setback from 50 feet to 32 feet in (A-1) Agricultural Zoning. This property is located at 9653 Bentonville Road, Lovington, IL 61937  
PIN: 09-14-31-300-002

Ms. Sumpter reported that ZBA approved them on 9/7/2022

## **NEW BUSINESS:**

Chair Lamont said we have three today on three different solar fields. Chair Lamont said anyone that wants to speak on any of the three matters to please stand so she could swear them all in at once.

- 5.1** S-03-09-22 a petition filed by Nexamp Solar, LLC (Oreana Solar Project) for a Special Use Permit to allow the development and construction of a solar energy system on approximately 12.3 acres of an existing 78 acre tract of land and within a 3 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. This property is located at the Northeast Corner of Jordan Road and Connors Road, Macon County, Illinois.  
Whitmore Township PIN: 18-08-02-300-004
- 5.2** S-04-09-22 a petition filed by Nexamp Solar, LLC (Argenta Solar Project) for a Special Use Permit to allow the development and construction of a solar energy system on approximately 24.2 acres of an existing 34.2 acre tract of land and within a 3 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. This property is located in the Northeast Quadrant of Wise Road and State Highway 48, Macon County, Illinois.  
Friends Creek Township PIN: 05-03-35-300-003
- 5.3** S-05-09-22 a petition filed by Nexamp Solar, LLC (Maroa Solar Project) for a Special Use Permit to allow the development and construction of a solar energy system on approximately 32.7 acres of an existing 64.98 acre tract of land and within a 3 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. This property is located near the Northeast Corner of Route 51 and Duroc Road, Macon County, Illinois.  
Maroa Township PIN: 10-02-11-300-011

Matt Walsh, Petitioner of Nexamp- I want to thank everyone for coming and spending their morning here with us particularly the public, staff and Zoning Board Appeals members. Nexamp is proposing three separate community solar gardens and we will go over in details kind of what a community solar garden is and what might be a little different than the last program that you had some experience with verses what I'm proposing here. The history of Illinois Legislation that passed what is community solar, typical solar pieces of equipment and we will take a look at site details for each property that we are discussing today.

**At this time Mr. Walsh presented a slide show presentation for each proposed solar energy system. This presentation is attached.**

During the presentation Mr. Walsh turned it over to Matt Clementi, Civil Engineer to talk about storm water and erosion control.

Mr. Clementi- Hello, my company is called Stantec and we are assisting with the civil engineering and some of the administrative duties that we have supporting the Nexamp team. In

general my company put together the construction plans or their preliminary construction plans that you have in your packets. Some of our requirements or our focus points of storm water and erosion control on a site like this as Matt mentioned the only new and pervious surface that is on the site is the concrete pad which will support the inverter and transformer. Everything else is left as native grasses, and will have full infiltration of storm water and no additional runoff required. Erosion control during construction will be fence and any other erosion control requirements based on the Townships and county codes as well as state DNR and EPA requirements.

Barb Lamont asked, does anyone have any question for these guys right now and so far?

Marcia Potrafka, I have one question pertaining to all three projects. The leases are 20 years from what I understand, with the potential to be a total of 40. Is that the life of the equipment; is it potentially 40 years and then dismantle it? Mr. Walsh said that is a great question. He explained that part of the incentive program is first we have a 20 year contract with the utility. At the end of 20 years we can basically decide do we want to dismantle the system then or do we want to re-up with the utility or find somebody else or contract party that's counter to us. This system itself, the solar panels are tier 1 top tier solar panels are warranted for 25 years. We know they are going to work well for the first 25 years much like a used car. We expect them to last far longer than the warranty period. We have a couple of options that as we move along, we can decide is it still working well or do we want to remove it now at this point.

Ron Grider asked, are these the panels that rotate to follow the sun. Not a lot of them are stationary but are these the type that follow the sun. Mr. Walsh, yes, these are called trackers and they rotate east in the morning and west in the evening.

Barbara Lamont said, Peggy? Can you speak up please?

Michael Baggett said, Chair I am going to ask that anyone who's speaking come to a microphone so that they can be recorded. Ms. Lamont replied alright thank you. Mr. Baggett said, and if you could identify yourself for the record that would be appreciated.

Peggy Manning- I'm with Friends Creek Township I am the supervisor. Quick question, we all talk about the power generated from the solar and wind project go to a grid and I would just like to know can you explain to the people what a grid is, where is our grid, and can we utilize some of this energy for are local community. Mr. Walsh said, thanks Peggy that's a great question. There are two types of grids that we think about in the energy world. One is the transmission grid which is bulk distribution of power which generally are large wind projects, coal plants, gas turbines, utility scale solar. That those transmission systems can transport electricity over far distances. You might have a project locally that is producing energy for Cleveland Ohio or something if they are in the same network. What we are talking about with our projects is the local distribution grid. This is Ameren distribution grid that distributes power on a local basis. We will be tying into that grid that probably feeds the Maroa area for the Argenta and Oreana projects. There is a substation in between the two towns that my presumptions is that it feeds both towns. When you think of the way these projects generate electricity, it is like a flowing river of electrons and where they go with where the demands is at that moment. We're like a

stream that is feeding into that river. Where they flow depends on where the demand is at any given time. The way that the electricity system works is the electrons generated by these projects will likely be used locally. The credits and the discount on the credits will go to any subscriber that wants to participate. It doesn't have to be somebody from Maroa that's a subscriber benefiting from those credits, it can be somebody from a different area if that answers your question? Ms. Manning said, sort of. Mr. Walsh replied-The grid is everywhere so it's any building that uses electricity is tied into the grid.

Ms. Lamont asked, are you ready to start on Oreana? Mr. Walsh replied, sure. Ms. Debra Kraft said, I am on the county board and if you addressed this I missed it, but I've spoken with members of Farm Bureau, Macon and Christian County and the concerns are the depletion of the value of the ground, Can you address that for us? Mr. Walsh replied there are a couple of points to make. The first one is we are not removing any top soil. These systems generally work with the existing topography. The ground is left fallen for 40 years, we work with a lot of farming communities consultants that we've hired, and these systems will replenish a lot of the nutrients that are in the ground over that period of time. As I said before with the contract that we are required to sign with Illinois Department of Agriculture is called the Agriculture Mitigation agreement. That requires us to return the ground to farm land once we are done. We try to do everything we can up front to minimize the effects on the ground and make it as easily removable and less costly to remove at the end of the project as possible. We think with those protections, there is minimal long term effect on the ground. It can't really be farmed when there is solar panels on top of it but what I was going to go to on this slide, was that on these sites, we plant a pollinator plant mix and we are considering for many of projects in Illinois, deploying sheep to each site to graze them. We think there is some still farming benefit even though it is not real crops that will be growing on it during the 40 years lease period.

Ms. Sumpter asked, as far as drain tiles, is that something that you guys run into or if you were to damage drain tiles how do you mitigate that? Mr. Walsh said, before we submit for building permits, we hire a drain tile consultant to go out and map all the drain tiles around the site. We overlay that with our site plan and we try our best to avoid putting piles where we know drain tiles are located. If we know there is a conflict, since we have a map of the drain tile and map of what we are proposing to do, preemptively we have the drain tile consultant go there and reroute the tiles. If a tile is damaged during construction of our operation we are responsible for maintaining the subsurface drainage and would be required to fix it. Ms. Sumpter asked, as far as mowing and weed control is that something you contract out, and how often is that? Mr. Walsh replied, with the pollinator plant mix the first few years are pretty intensive for us to get a plant community that is self sustaining. We have 5 or so trips to do weed control and establishment and mowing to get the native pollinator going. Then we generally see after year 5 that the intense management is less necessary so we do 2-3 trips a year to mow it at that point. If we deploy sheep then we have sheep to mow it for us. Ms. Sumpter asked, how tall are the solar panels? Mr. Walsh said, the solar panel we are proposing to use on this site is U.S. production of the racking steel components, they are pretty limited and there is one vendor that we like to use that uses his on track of 100 percent steel and their components. This is what we want to use. Their racking system is nominal height where the panels at their top edge are generally 16 feet, but we are saying up to 20 feet in our application. If you have areas that there is a dip in the ground, you might measure up to 20 feet high. Ms. Sumpter asked, would you have anybody local if there

were any complaints or concerns from anybody around the site during anytime? Mr. Walsh said, as our footprint grows are employee base will grow as well. I don't know at the moment if we have anybody currently in Macon County since we don't have any projects in Macon County. As we perceive, we will have somebody local that is responsible for the management of multiple solar farms. There will be a number assigned on the front of the solar system that has the contact information for the project. The county will also have on file all of our contact information.

Ms. Potrafka said, something else I read in your packet was that you were going to get permission from the county Highway Department and the Township Highway Departments just to make sure that their roads are maintained properly. Is that a planned meeting or are you just going to reach out to one and then and see where it goes from there. Mr. Walsh replied, generally the way that the process works is first we get the land use approvals and we make sure that we can move forward with the project. Then we move into the detail of engineering of the system once we have the detailed engineering underway is when we generally reach out for the driveway permitting requirements. Any other special requirements that the township or county may have for access or use of roads. If we are fortunate enough to get our project approved, the next step would be to start that process.

Ms. Lamont said, Peggy? Ms. Manning asked, you want me to come up there? There is one project the Oreana project looks as if it is going to... Ms. Lamont asked, can you wait until he starts on it? Ms. Manning, sure.

Ms. Lamont said, first I want to enter Petitioner's Exhibit #1 for the Oreana project; a letter received from Robert Brucker.

Mr. Walsh said, the first project that we will discuss in detail is located at the northeast corner of Jordan Road and Conner Road in Whitmore Township. The owner is Robert Brucker and he was unable to attend today but did submit his letter of support for the project. The area map, just to give you an idea, is located about halfway between Argenta and Oreana just kind of east of Route 48, this gives you a little more context of the sight itself. The site is located at the south end of the parcel utilizing approximately 12 acres of property of the overall 81 acres of the site so this is a 2 mega watt project. This will be the smallest of the ones we are looking at. This is just a zoomed in detailed view of the system. What you will see is we have a gravel access drive that leads back to an equipment pad which we talked about earlier and that's kind of the square at the end of the hammerhead road here. You will notice that in compliance with the solar ordinance, we are maintaining over 500 feet of setback from the solar panels to the nearest residential structure. As part of this system, we are maintaining all of the setbacks that are required around the perimeter site. You can see around the perimeter of the solar system there is a fence that is equivalent to what we had shown earlier in the pictures. Other details is a point of interconnection is what we call it. That is where we tied in the Ameren grid which is located on Conner's road. Into the Ameren infrastructures are several poles that are required before that holds equipment that both protects are solar system and Ameren's grid. Ameren has done extensive studies on this project and we have an interconnection agreement that we were preparing to sign that confirms that there is no disruption to their power service or grid infrastructure. You will see a square that's got a cross hatch on it kind of in the southeast corner. That is what we call the lay down area that during construction when trucks come with modules

or solar panels, that is where they would drop the solar panels off. That is where employee parking is and a temporary feature that once the sight is constructed the lay down area is removed it can either be used as farming, which on a couple of these sights you will see extra land that is in front of the project. We are offering that to the farmers and they can either farm it or we will plant pollinator mix and mow it ourselves several times a year. Then I just wanted to provide for context, a couple of images of the street. On this particular sight, the solar system would be in the front section with the 500 foot setback from the residential structure and then these other poles that we were tying into on Conner's road. This is the view from the other direction but it doesn't show much but a bunch of weeds. This might be a good time to stop for any questions.

Ron Grider said, that is the largest area, 81 acres, but you only covered 12 acres. Is that all the farmer wanted to lease or is there a reason why you couldn't get a bigger solar farm in that whole area. Mr. Walsh replied, that is directed by Ameren. They dictate how much energy is acceptable and they point in the grid and that is what we've learned from them. This is the largest size that could be at this particular location. Mr. Grider said, I wondered about that.

Ms. Lamont asked, when construction starts, how many people is there for the construction site? Mr. Walsh replies, there could be up to 40 anytime. That would probably be unusual for it to happen when several trades are there at the same time. Generally there is probably more like 15 people on the site at a time. Employees will drive their individual cars there and will park at the lay down area. One thing I should mention is Nexamp pays prevailing wage on every project. Generally, the prevailing wage in Illinois means union labor. So, these projects will be built by union trades and then we know we are getting top quality laborers and are paying a fair wage.

Ms. Lamont asked if anybody had any questions for him on the Oreana project.

Ms. Manning said, from the maps, it looks as if there is one homeowner that this could possibly surround. Mr. Grider said no, it is clear on the south end away from his residence, up there about half way. Ms. Manning asked if they could see it. Mr. Grider said yes, he will see it. Ms. Lamont replied a lot depends on the crop and if there is corn there. Mr. Grider said, if there is corn there, they will very seldom see. Ms. Manning said she didn't know if the home owners are for or against this project and asked if there was any incentive. They have no power in this now because it's probably going to happen, but is there any incentive from this company to help this homeowner with feeling better about the project.

Mr. Walsh explained that what they really tried to do is stay clear of the resident's property. So, there has been a lot of study and this doesn't affect property values, particularly when you are more than 200 feet away from the property. After a lot of the studies, we've seen they are novel when they go in. Nobody's seen them before. But, they are a lot like the cemetery. They are just there. There are no employees, they do not make noise, they do not have any fumes. They are really kind of benign. If the neighbors in the south wanted landscape screening, that is something that we will be able to discuss with them. We are set back even further than what the county requirements are. Not only a 500 foot setback, but along the south property line I believe it's 50 foot setback as you can see by the kind of a dash line along the road. So, we've taken a lot of care to avoid any kind of conflicts with the neighbor. Ms. Sumpter said, I would also add that the homeowner would have been notified of the hearing taking place today.

Ms. Lamont asked, if there was anyone there to speak for Mr. Brucker? There was no one.

Ms. Lamont continued that if there were no more questions, are we going to vote on them separately? Ms. Sumpter said, we probably should. Mr. Baggett said, if I heard correctly, you've heard two petitions now. You didn't vote between the first and the second. Ms. Lamont said, no we are still on the first. Mr. Baggett replied, it's the pleasure of the board if you want to take these up one at a time or hear all evidence on all three petitions along with any public comments. That might be desired and then vote at the end. But, it is the pleasure of the board. Ms. Sumpter said, I would do all three at once at the end. Ms. Lamont replied, we will just wait and vote on all three at one time. Mr. Baggett said, you have quite a few people in the room. I know we've only had one or two indicate they wanted to ask questions during the evidentiary portion of the hearing. I don't know if any of them are wanting to make public comment. I think it is wise to have public comment before holding a vote.

Dennis Hughes said he wanted to ask counsel a question. He asked Mr. Baggett is he had had a chance to look at the application. Do you think, in your opinion, they meet our county ordinance requirements for a solar farm? Mr. Baggett said he had received a copy of the application yesterday morning, but due to his work schedule and a hearing at the Health Department last night he had not had a chance to dive deeply into it. He said he was learning as the board was learning during the presentation of the evidence here and what steps have been taken to be compliant. The petition does appear to be in regular form and in order. They do appear to address the requirements set forth in the ordinance. A lot of the technical requirements that the ordinance requires, effectively, that the applicant certify that they have done, will do, or are doing certain things and the evidence that they are presenting here today and that they presented in appendices. If it is sufficient to satisfy the board, then I would say yes. You would have to go on their word. It's a sworn word so penalties and perjury and all that the ordinance requires that you in effect rely on their certification and that they have complied with the certain codes. Otherwise it would put you in a position of trying to be electrical engineers and code inspectors and I think that is a bit beyond on what is anticipated or expected.

Kevin Greenfield, with the County Board, asked from a school district stand point, what kind of a tax revenue will they generate a year. Mr. Walsh said, that's a good question. The underlying farm ground on most of these projects pay taxes in the \$30 to \$40 dollar an acre range. This project, for a 5 mega-watt project which is the size of the next two, generally, depending on the mill rates of a particular site, are in the \$25,000 to \$40,000 range a year. It significantly increases the amount of tax revenue. What I have seen in most communities is that the schools get the most of that money, generally about 70%. That's kind of what you might expect. I don't know off hand the exact mill rates. I would have to run the formula to try and figure out how much exact revenue, but you are talking tens of thousands of dollars.

Ms. Lamont said, we are going to S-04-09-22 petition for the Friends Creek Farm.

Mr. Walsh said, this one is similar to the last one. This project is located at the northeast corner of Wise road and Illinois Route 48 in Friends Creek Township. The owner is Eric Block who is here today. He's part of the project. This project is located just south of Argenta along Route 48. The substation that the project is near is southeast of west of the project. There is pretty good electrical structure right in that particular area. Using the presentation, he said this is taking a look at this area. This property is roughly about 35 acres and there are just a handful of residential units to south of the project. South of the site is where there are a couple of residential properties. We are maintaining 500 foot setback which, relative to other county zoning ordinances, this is very generous. Maintaining that, from the nearest panel, we're in excess of the county setback requirement. Everything is kind of concentrated in the normal section of the sight so of the 35 acres this project will be utilizing 24. Similar to the last project the 500 foot setback area in the front is being unutilized. We're offering that to the landowner and the farmer to either plant it or we will plant it in pollinator mix and mow it on a frequent basis. This project has an equipment pad that is located in the center of the site. That is where all the electricity is concentrated and turned from the current to ac current and stepped up to a higher voltage. We are interconnecting the project with Ameren's grid that is along Route 48. The panels rotate. They have a farm fence around the perimeter and a gravel access drive back into the site. This is a corner with Wise road here down on 48 to the left and the property we are talking about is this triangular parcel back here. Again maintaining 500 foot setback from neighboring residential properties. Mr. Walsh showed a view from the other direction along with the house that is to the south. He said he had attempted to take a picture of where the solar farm panels will start. You can see that given the 500 foot distance, the corn is blocking the view but the home is not very visible. If you look backwards, my presumption is the panels would be much of a visual deterrent given the distances of the setback. That is everything on the Argenta site.

Ms. Lamont asked, is Mr. Block here? Mr. Walsh replied, yes he is. Ms. Lamont said, do you want to say something? Mr. Block said, this has been going on for three years. I've had a chance to research everything to the fullest and what's good for the community. It's beneficial (Mr. Bagget interjected and reminded the board that everyone is to step up to the microphone when speaking because later on we may have to transcribe everything that is said) Mr. Block continued, saying that it is an evidentiary hearing. They can't consider anything that we can't later point to on a paper.

Ms. Lamont asked, does anybody have any questions on this?

Cathy Perritono, I am a residential owner at 9560 Argenta Road which is near this site. My question is about whether there is any glare or reflection for residential neighbors or drivers with this solar technology? Mr. Walsh replied that these panels going back to the Tier 1 modules. They are all covered with an anti-reflective coating. There is no glare concerns with this type of project. In the olden days of solar the panels had smooth glass that reflected light off them particularly when they were fixed tilt. There were times when the sun could bounce off those panes but given that our panels rotate at a 90% angle to the sun, any light that would have reflected off would be back into the sky. We don't believe that there is any reflection that is of consequence on these particular modules.

Ms. Lamont said, she wanted to enter Objector's Exhibit #1 from Margaret Rupert and Harriett Bloch.



Ms. Lamont said, we will go on to the next one which is Maroa and it is S-05-09-22.

Mr. Walsh said, for the last one today, this is in Maroa Township at the northeast corner of Duroc Road and Illinois Route 51 and the owner is the Robert Grissom Family LLC. To give you a little context, this site is just south of the City of Maroa, adjacent to Illinois Route 51. There is a township building that is to the west of the project, farm land to the further west and to the east and to the south. Based on the city's zoning code, this is a commercial district to the north and a commercial district to the west. There is a residential neighborhood that's just caddy corner to the site to the north. For this site, the property has some existing electrical infrastructure that is on a transmission scale. When we talk about transmission our project cannot tie into that but we do have a transmission line robust electrical infrastructure running through the center of the site along the eastern edge of the property. There is some pretty large power lines. This project will tie into the distribution grid that is at the northwest corner of the site just east of the township parking lot. Looking at the site plan we are boxed into this corner because of the existing transmission line on the south and another transmission line that runs north on the east edge of the property. We are able to install a driveway access, with the approval of the authority having jurisdictional over the road, a driveway on Duroc Road. This site is 65 acres of which the project proposes to use 33 acres of it. Couple of points to make, we have our equipment pad in the center of the site here. We have our point of interconnection at the northeast corner at Ameren's distribution infrastructure that will require a couple of poles along the north property line. We will have a driveway that goes from Duroc Road and wrap around the site. We have access to our poles and equipment on the north edge. Otherwise again, this is contemplating the 500 foot setback area. The panels have been carefully laid out to comply with the 500 foot setback from residential structures. The other thing we can point to is along the eastern edge there is quite a bit of farm land that the Grissom Family LLC owns, but we will not be utilizing for this project at least not for solar panels.

Ms. Lamont asked, this is a 5 mega watt also? Mr. Walsh said, this is a 5 mega watt project, yes. Ms. Lamont asked, does anybody have any questions about this project? Jim Stoutenborough said, he is from Maroa and an adjacent landowner across Route 51. A couple of questions, the first question you highlighted a little bit on you guys are not in the business of drainage. It is not as easy to go in and reroute drainage tile in the ground. You have a major tile system that runs under the center of that farm that actually drains the whole side of the southwest corner of Maroa. It also drains my property across 51 it, also drains two farms that I rent on the west side of 51. My suggestion on farm drainage tile is if you have what I call a main, which is a main tile that goes to the creek, and you have laterals that feed into it, that main tile should never be rerouted because in the short distance you are rerouting you won't keep the same grade. My other comment is I have been the drainage Commissioner for 35 years and I've dealt with drainage all my life. It is very important that you do not change the water system underground through the property and when you put all these panels up and one thing you didn't highlight on, how deep are you driving the steel post beams? If you are going to drive all these posts and I've only had hearsay of 10 feet, you are liable to hit any tile that is under that farm. Some of the tiles may be small and may not show a whole for 3 to 5 years. You've got all these panels in existence very hard to get back in to fix field tile when you have that much obstruction with machinery to go in. My recommendation on a main district tile is to have a 50 foot lead way on both sides of it

of no construction so that in the future if we need additional drainage, which all of our tiling in are farm grounds are basically obsolete they were put in the early 1900's. It's just like the roadways we are trying to update but we need areas to be able to update our systems of a main tile deal. My main concern is my drainage from across the road going through the center of that farm and it needs to be left alone, not rerouted because you won't reroute in short distance and keep it the right adequate depths and direction. It all flows to a creek just offsite across Duroc Road. You are dealing with a lot of drainage in one area. Surface water I understand a little bit about you're not going to add any more run off. This is true in a 5 year flood that we get every other year seems like. There is a natural flow of surface water that actually goes through the middle of that farm and goes to that creek. That cannot be changed in elevation or anything either. That has to be considered and I think you said 20 feet tall. Water won't get 20 feet tall but it gets 4 feet and 5 feet and runs across that farm. I've lived there all my life and I've seen it. The state of Illinois kind of messed up drainage systems when it built the bypass. It still works but it works slow. Any hampering of this system on down to that creek will cause great concerns and disaster to my farm and operation. Thank you.

Ron Grider asked, I am assuming that you have all the maps of where all the tiles will be on that parcel? Mr. Stoutenborough said, no Sir I do not and the reason I don't is I've never farmed that farm. I don't believe there is a district that incorporates that farm. The tile districts have certain areas. I'm commissioner in Maroa Township District #2 which actually starts at the high school and goes west and south. There is a division line there. This all goes east and south and I don't think there is a district formed in that area so there is no commissioner. I wouldn't have any maps at all. State of Illinois the old route 51 they have surface drainage in culverts under old 51 back all the way down behind the township shed even in the grass still today. I can show you where it starts across that field but I don't know where it all goes but there is a major tile system that goes under there and a few laterals. Mr. Grider asked, but you can give these guys a good indication of where to start looking at to find all the tile and everything? Mr. Stoutenborough said, my suggestion to them is they trench on both sides of the property and locate it themselves. I can show them yes, the angle is not going to go straight. Ms. Lamont said, thank you.

Mr. Walsh said, I appreciate those comments. I will try to address each one. The depth of the pile that these solar panels sit on. That's determined by geotechnical engineers we don't use concrete on them or relying on the friction of the soil to hold them in. We are required to withstand high wind loads and snow loads. Generally the depths I see are in the 10 to 15 foot range in Illinois. We won't know the depths until geotechnical engineer does the study on the soils of the properties. To the gentleman's point, there will be tiles and we anticipate that the drain tiles will be within that range between 0-15 feet deep that is why we hire drain tile consultant to go out and map GPS where all the drain tiles are on the site. We understand that main tiles are difficult to move and if they do exist on the site we will take precaution to avoid them. The lateral tile that comes off are easier to move to the gentlemen's point and those will be relocated if there is any conflict. I don't know if there is or isn't drain tile on the site I believe what you are saying but until we have actual consultants that actually map it. I can't verify how it effects the final design layout of the system. We will and we are required by Agriculture Mitigation to make sure that the subsurface drainage system continues to operate in the capacity that it is existing in. Ms. Lamont asked, will you check to see if there is, like you said a drainage district for that area, and see who is on it? Mr. Walsh said, yes I will put my engineer on that as soon as we are done here.

Ms. Potrafka said, I don't believe it's a flood plain though according to the maps. Mr. Walsh replied, obviously it is an outdoor system so they get rained on, they get inundated with water if there is flow that are flowing underneath the site that's what they are designed for. They can with stand that kind of water inundation. In the surface drainage, and that is why we have a Civil Engineer on the team. We design the system to make sure that the flows are not impeded by the design. That is something that as we move forward and go into the building permit phase, we will have to show compliance with the storm water ordinance with Macon County.

Ms. Lamont asked, are there any citizens comment? Mr. Stoutenborough said, can I make one more comment? I kind of got off on the drainage issues. There is one more comment, I raise pollinator crops probably one of the largest in Macon County. I've got over 75 acres of pollinator and it's a good program but not as pretty as it sounds. Believe me you will have weeds and you will have weeds forever and they are tall weeds and the first two years are the worse it's true but from then on I am fighting trees I'm fighting abrasive weeds every single year. I don't know if these projects understand what they are getting into with pollinator crops. Just thinking it's going to be beautiful it's not. Thank you.

Mr. Walsh said, just to address that comment briefly. We have many sites in Illinois that have pollinators on them they are not farming all the time. There are grasses that are growing. There could be weeds growing in them but we have professionals, specifically their business is maintaining native pollinators and we are required to comply with the Illinois noxious weed code and we will. Beyond that we also have a commercial interest that we don't have trees growing up that are going to block the sun to our solar panels. Regardless if it's a weed or a native plant we will not allow it to get over 3 feet tall. That's just going to ruin our commercial interest in the project. Ms. Lamont asked, do you have a question?

Jason Brelsford said, 1557 W. School Road, I also farm around where this is. To the east and to the north and I would like some kind of a site map of this. You say that there is going to be some poles on that north side we had a hedge road there that the neighbor took out a few years ago. Also there is right here but the township owns part of that field which should not be included in this at all. This area right here is a totally different farm then what it's going to be on and I'm curious as to where the poles are going to go and if that is going to impede my farm ground any? The other thing is we are also looking into to doing quite extensive drain work and new drainage on the piece to the east. If we do that, it will effect some of the drainage that is coming across this piece of property and in order to do that we are going to tie into that on both sides. If we put all these posts and stuff in. Like Jimmy said, we are going to run into problems there and how are we going to hook on to those in a year or two if we run new tiles through there, how are we going to drain that field. To keep the drainage off.

Mr. Walsh said, to address the pole comment first. The poles will be on the subject property they will not be on the neighboring property so there should be no effects on the ability to farm the adjacent ground. In terms of the drain tiles, a couple of things, one first construction schedule the earliest will be able to start is at the end of next year. We are looking at a pretty significant time frame and then in terms of hooking on to the existing drain tile network. I am not a drain tile law person so how that works with interacting on someone else's property I would have to defer that to legal professionals that determine how that can happen in the engineering professionals. Ms.

Lamont asked, are there any other questions? Mr. Greenfield asked, is that in the village of Maroa? Mr. Walsh said, this is not in the village of Maroa. Mr. Greenfield asked, has the village signed off on it by being a mile and half within their boundary. Mr. Walsh said, we had a discussion and talked with the city administrator of Maroa. We sent him a copy of the plans and we didn't hear anything back after the initial discussion. I don't know where the village stands on it but I didn't hear anything and I don't think the county received anything. Ms. Sumpter replied, the township and the city were notified. She sent notifications to both. Ms. Lamont said, I am sorry I didn't hear you. Ms. Sumpter replied, I sent notifications to both the city and the township. Ms. Lamont asked, did you hear anything from the city? Ms. Sumpter said, I had a phone call yesterday from their attorney who stated she would attend today I'm not sure if she is here. Ms. Lamont said, I'm sorry what? Ms. Sumpter said, I'm not sure if she is here or not.

Ms. Lamont said, Jason I saw you raise your hand.

Mr. Breilford said, as far as the city of Maroa goes the only thing they got is a piece of paper that everyone received about like this right here. They have no idea what's going on. I was at the last city council meeting and I asked them about it. All they received was a piece of paper saying there is a meeting and we are planning to do this and that's it. There is not one person on that city council that knows anything about what's going on with this. Ms. Sumpter replied, the notifications are mailed out and that is why they are mailed out so they can call the office to see what's going on or have a chance to attend the meeting. Mr. Breilford said, someone should reach out to them to let them know exactly what's going on not just send them a letter. Mr. Greenfield said, Mike, I believe they have to sign off on it don't they.

Mr. Baggett said, I know we have obligations with respect to the windfarms under the State statute and the county ordinances. I have to look into that. I can't sit here and tell you for sure whether the applicable statutes, I know that there's no reference in the counties ordinance to such sign off but that type of sign off typically is the result of statutory requirements as opposed to county ordinance. I will look into that but I can't sit here and tell you the answer to that question. Mr. Greenfield asked, but as a rule they have within a mile and a half that village has a lot of power even though it is not in the village limits. Mr. Baggett said, but again it can be subject specific it would not shock me to know that there is a similar provision with respect to solar farms and permitting for solar farms as would apply to windfarms also been doing this long enough to know that it's not surprising that the state did not require the same thing with respect to different types of activities. I don't want to represent to the board one way or the other what obligations the what entitlements I should say the municipalities that maybe within a mile and a half of the project may have with respect to whether if they have to affirmatively sign off or if they are simply required to be notified and if they take no action than that can be construed as sign off by the municipalities.

Mr. Grider said, I am the Zoning administrator for the village of Argenta. We received the letters we had no objection to them, but I think Argenta, Maroa a lot of these little towns this solar stuff is all new to us. We really don't have anything on the books about solar, don't know if they would have any objection. Solar is so new to all of us none of us don't really have anything on the books. We are talking about adopting a new solar ordinance for the village which would include the surrounding areas also. Mr. Baggett said, what I would represent to the Zoning Board of Appeals today is that with respect to this specific issue and whether or not the application is

compliant or whether this hearing before the ZBA whether there was compliance with any notification to the municipality. Obviously the ZBA is not the last step in this process, it will be ultimately up to the County Board whether to grant or deny the special use permits and that will be in the middle of October. I will have an answer that I can present to the county board in the event that there needs to be some type of remedial action taken to cure a defect in the application. It may delay consideration of the application in October but I will certainly make sure the County Board is aware that the answer to your question Mr. Chairman, before they vote on it and if there is no remedial action taken then obviously your on solid footing here. If you take action, if you do decide to forward this on to the County Board with a recommendation for approval and it turns out that we need to take a step back and address a particular issue on a subject then we can certainly do that by having the board send it back to ZBA. Nothing that can't be cured basically.

Mr. Walsh said, I can say for Maroa, I did have a discussion with highest official of Maroa. I emailed him the site plan and so there has been discussion with the city. Whether he shared that with a broader audience I don't know but that is kind of the highest official in the city employee. Otherwise, there was no other direction given to us. One thing I did want to point out for each one of these applications, there is a scribner error in appendix c for item 5, in that appendix there was a mistake where we put our mailing address rather than the site address. Just a small detail.

Ms. Lamont said, Jim. Mr. Stoutenborough asked, does the County Board have a separate set of ordinances for the solar panel farms, and you don't have any setbacks. Mr. Baggett replied, yes, there are setback requirements in the county ordinances. Mr. Stoutenborough asked, but you don't have one in municipality? That's what I'm hearing. Mr. Baggett replied, I think the question is I will speak to the windfarm ordinance I am more familiar with that one off the top of my head. It's come up in the county history before if there is a windfarm proposed to be sited within a mile and a half of a municipal boundary then we have to get approval from the municipality before it can be sited there because they obviously have an interest in what's happening within that kind of proximity to their jurisdiction I don't know that is a matter of county ordinance as opposed to state law. It maybe in our county ordinance I know it's in State law and it's not in our solar ordinance that doesn't necessarily mean it's not a requirement.

Mr. Stoutenborough said, city property goes clear to Mound road on the west side of 51 I cannot answer about the project but we are in the city because we are in a tiff district and we annex into the city. All of the farm ground on the west side of 51 to the Mound road are inside of the city limits. Ms. Lamont said, do you have anything else Matt?

Ms. Lamont asked, is that it for citizens? Thank you. Mr. Baggett said, Madam Chairman I believe in terms of the evidentiary portion of the hearing that would be sufficient and I know you made a call for citizens. What I would like to make clear is if anyone has public comment that is not in the form of testimony or question for the petition or the board certainly now would be the opportunity to extend them the opportunity to come up her and speak on whatever they want to speak about subject to the time requirement. Ms. Lamont said, anybody?

Mr. Baggett replied, the record will reflect that no one took us up on the opportunity.

Ms. Sumpter said was called on to present her finding of facts.

Petition: For a Special Use Permit to allow the development and construction of a solar energy system on approximately 24.2 acres of an existing 34.2 acre tract of land and within a 3 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning.

Parcel Number: 05-03-35-300-003

Location: This property is commonly known as the Northeast Quadrant of Wise Road and State Highway 48 in Friends Creek Township.

Acreage: 34.2 Acres

Zoning: A-1 Agricultural Zoning

### **Finding of Facts**

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.185)(B)(1)(a) states a solar power plants and solar energy generation facilities, shall be permitted in the (A-1) Agricultural district as a special use.
- The application has been reviewed by Planning & Zoning staff and the plan meets the entire solar farm regulations stated in the Macon County Zoning Ordinance. (Section 155.185)
- 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 Wise 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 bond is 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 a building permit is not pulled and construction has not begun within 3 years from the date of approval. 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.

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Petition: For a Special Use Permit to allow the development and construction of a solar energy system on approximately 32.7 acres of an existing 64.98 acre tract of land and within a 3 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning.

Parcel Number: 10-02-11-300-011

Location: This property is commonly known as near the NE Corner of Route 51 and Duroc Road in Maroa Township.

Acreage: 64.98 Acres

Zoning: A-1 Agricultural Zoning

## Finding of Facts

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.185)(B)(1)(a) states a solar power plants and solar energy generation facilities, shall be permitted in the (A-1) Agricultural district as a special use.
- The application has been reviewed by Planning & Zoning staff and the plan meets the entire solar farm regulations stated in the Macon County Zoning Ordinance. (Section 155.185)
- 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 Duroc 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 bond is 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 a building permit is not pulled and construction has not begun within 3 years from the date of approval. 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.

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Petition: For a Special Use Permit to allow the development and construction of a solar energy system on approximately 12.3 acres of an existing 78 acre tract of land and within a 3 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning.

Parcel Number: 18-08-02-300-004

Location: This property is commonly known as the Northeast Corner of Jordan Road and Connors Road in Whitmore Township.

Acreage: 78 Acres

Zoning: A-1 Agricultural Zoning

### **Finding of Facts**

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.185)(B)(1)(a) states a solar power plants and solar energy generation facilities, shall be permitted in the (A-1) Agricultural district as a special use.
- The application has been reviewed by Planning & Zoning staff and the plan meets the entire solar farm regulations stated in the Macon County Zoning Ordinance. (Section 155.185)
- 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 Jordan 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:

7. 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.”
8. The Special Use Permit is assignable or transferable only upon the sale or transfer in ownership of the subject property.
9. Building permits shall be obtained from the Planning & Zoning Department as required.
10. Building permits will not be issued until a decommissioning bond is paid in full.
11. 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.
12. This Special Use Permit will be voided if a building permit is not pulled and construction has not begun within 3 years from the date of approval. 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.

Ms. Lamont asked, you said if the project wasn't started in three years. Ms. Sumpter said, they will have three years to start the project. Mr. Grider asked, if it's not do we have to do this whole process again. Ms. Sumpter replied, yes. Ms. Lamont said, the one we are answering today is for 3 years? Ms. Sumpter replied, yes. Mr. Grider asked, what about the ones we approved the last 4 years ago. Ms. Sumpter said, those will have probably expired, I would have to look back and see what Jennifer put on those. Ms. Lamont said, we only had one renew. Ms. Sumpter said, we did have one renew yes. Ms. Lamont asked, these right now are for 3 years? Ms. Sumpter said, for three years.

Marcia Potrafka made a motion to approve all three petition as presented. Seconded by Ron Grider. All members present voting Aye. Motion carried (4-0)

**CITIZEN'S REMARKS:** There were no citizen remarks.

Chair Lamont asked if we had anything for October. Ms. Sumpter stated we do not.

**ADJOURNMENT:** Motion was made to adjourn by Ron Grider, seconded by Marcia Potrafka, motion carried and the meeting adjourned at approximately 9:40 A.M.

*Minutes submitted by Jeannie Durham, Macon County Board Office.*