

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
December 3, 2018**

Members Present: Chairman Scott Penny, Alexa Edwards, Steven Howell,
Marcy Deitz & Kent Heberer

Members Absent: George Meister & Patti Gregory

Staff Present: Anne Markezich, Zoning Director
Dave Schneidewind, Zoning Attorney

**County Board
Members Present:** Michael O'Donnell

Pledge of Allegiance

Call to Order

The meeting was called to order by Chairman, Scott Penny.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Approval of Minutes

MOTION by Heberer to approve Minutes of November 5, 2018. Second by Howell.
Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case 2018-28-SP – Ivo Saric, 1812 S Illinois Street, Belleville, Illinois, Owner and Saric Consulting Inc., 10 S. Jackson Street- Suite 301, Belleville, Illinois, Applicant. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H)(3) to allow a Consulting Firm in a “SR-3” Single-Family Residence Zone District on property known as 1812 S. Illinois Street, Belleville, Illinois in St. Clair Township. (Parcel #08-34.0-100-049)

Ivo Saric, Owner/Applicant

- Mr. Saric stated his wife would like to run a consulting firm from the property located at 1812 S. Illinois Street, Belleville.
- Mr. Saric stated his wife currently has an office in downtown Belleville that is on the 3rd floor and this new location would have easy access for her elderly clients.
- Mr. Saric stated this home is one level and will have a handicapped ramp installed for accessibility.
- Mr. Saric stated if he is denied the business, he will use the home as a rental home.
- Mr. Saric stated there will be parking in the rear and a couple of spots in the front of the building.
- Mrs. Saric stated her business is a consulting firm that assists elderly community with Medicaid for nursing home assistance.
- Mrs. Saric stated she has a staff of three that helps the elderly get Medicaid approval.
- Mrs. Saric stated she may have two clients per day on Mondays, Tuesdays and possibly Thursdays.
- Mrs. Saric stated hours of operation will be from 8:00 AM to 4:30 PM.
- Mrs. Saric stated she will work longer hours being the business owner and may come in on the weekends.

Discussion

- Ms. Edwards confirmed hours of operation are Monday through Friday and 8:00 AM to 5:00 PM. (The owner confirmed.)
- Ms. Edwards confirmed the applicant has three current employees and asked if the applicant will add any additional employees. (The applicant stated she may hire one additional employee in the future.)
- Ms. Edwards asked how many parking spaces will be available. (The applicant stated he will put a 40' x 60' parking lot in the back and put two to three spots in the front for a total of 9 to 10 parking spaces.)

- Ms. Edwards asked the applicants if they will have a sign. (The applicant stated their sign will not be larger than 3' x 5' illuminated.)

Public Testimony

Jeanette M. James – 1809 S. Illinois Street, Belleville gave testimony that she has lived directly across the street from this property for 25-years and she has no objection to the business.

Further Testimony

Ms. Markezich noted that the Zoning Board granted a gift shop at this location in 1986.

MOTION to approve request by Edwards for the following reasons: The utilities are public water and public sewer; the Comprehensive Plan calls for residential, however the area has a mixture of residential and homes that have been converted into businesses and the trend in the area is more business. The proposed design, location, development adequately protects the public's health, safety, welfare and physical environment; the Special Use Permit is consistent with the Comprehensive Plan; the Special Use Permit would not have an adverse effect on the neighboring properties; the proposed SUP will not have an effect on traffic, the applicant stated they will provide adequate parking for the employees and clients that can turn around and not back onto Highway 159; there are public utilities available; the request is compatible with adjacent uses. Ms. Edwards proposed the following stipulations: Hours of operation are from 8:00 AM to 5:00 PM, Monday – Friday, the applicant stated she will have 3 to 4 employees; there will be parking lot for at least nine vehicles; there will be a 3' x 5' illuminated sign along with some landscape lighting around the home.

Second by Heberer.

A roll call vote:

Howell	-Aye
Deitz	-Aye
Heberer	-Aye
Edwards	-Aye
Chairman Penny	- Aye

This case is approved by the Zoning Board of Appeals and it will not go to the County Board for consideration.

New Business - Case #2

Subject Case #2018-18-ABV – Julia E. Bowles Estate, 8962 Albers Road, Lebanon, Illinois, owner and Richard M. Bowles, Executor of the Estate of Julie E. Bowles, 8962 Albers Road, Lebanon, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the reconfiguration of the property lines of four existing parcels that contain less than the required 40-acres in an “A” Agricultural Industry Zone District on property known as xxxx, xxxx, 8956, 8962 Albers Road, Lebanon, Illinois in O’Fallon Township. (Parcels 04-23.0-100-026, 030, & 04-23.0-200-001 & 002)

Thomas Benedict, Attorney representing Richard M. Bowles

- Mr. Benedict explained he is representing Richard M. Bowles, the Executor of the Estate of Julie E. Bowles.
- Mr. Benedict stated the Bowles family has owned this property for approximately 57-years.
- Mr. Benedict stated the family is seeking an Area/Bulk Variance to change the property lines to close out the estate that is currently pending in St. Clair County.
- Mr. Benedict went over the revised property lines with the Zoning Board.
- Mr. Benedict stated the Health Department inspected the sewer system. (Ms. Markezich added the Health Department reported no issues.)

Discussion

- Ms. Markezich stated she understood there are three homes on the property. (Mr. Benedict confirmed there are three homes on the property.)
- Mr. Schneidewind asked the applicant if any of the proposed properties will contain more than one residence. (The applicant stated each parcel will not have more than one home.)
- Ms. Edwards confirmed there is currently, one house on parcel 1, a house on parcel 4, a mobile home on parcel 3 and parcel 2 is a wooded area.
- Mr. Schneidewind stated O’Fallon Township Planning Committee voted in favor the request.
- Ms. Edwards stated she feels granting the variance would clean up the property lines.

Public Testimony

- Richard Bowles – 8962 Albers Road, Lebanon confirmed there are three residences on these properties.

Further Testimony

MOTION by Heberer to approve the request for the following reasons: The properties are on well/septic tank; the request meets the general requirements of the Zoning Ordinance; the request will not be detrimental to the neighborhood or public welfare; there is no conflict with the Comprehensive Plan; the request will not diminish the land value of the adjacent properties.

Second by Edwards.

A roll call vote:

Howell	-Aye
Deitz	-Aye
Heberer	-Aye
Edwards	-Aye
Chairman Penny	-Aye

This case has been approved by this board, and will not go before the County Board for consideration.

New Business Case #3

Subject Case #2018-23-SP – PMM Family LLC, 423 Russell Street, Covington, KY, Owner and StraightUp Solar on behalf of Shine Development Partners, 10330 Page Industrial Boulevard, St. Louis, Missouri, applicant. This is a request for a Special Use Permit to allow a 2.484 MW (DC) Solar Farm Energy System on 10.5-acres in an “A” Agricultural Industry Zone District on property known as XXXX Park Avenue, Belleville, Illinois in Smithton Township. (Parcel 13-05.0-200-001)

Zoning Board Member, Kent Heberer excused himself from voting on this case due to a conflict of interest.

Mike Hornacek, StraightUp Solar

- Mr. Hornacek introduced Marcia Lochmer and Josh Hill from StraightUp Solar and Dr. Patricia Miller (property owner).
- Mr. Hornacek stated StraightUp Solar has been in existence since 2006 with offices in Swansea, St. Louis and Bloomington.
- Mr. Hornacek stated the Zoning Board is well aware of how the solar arrays work, so he will skip that explanation in his presentation.
- Mr. Hornacek stated their solar arrays have been branded shine mines.

- Mr. Hornacek stated the proposed shine mines are 2.5 MW of DC each and will host approximately 300-400 monthly homeowners that will receive approximately a 10% discount of the current supply rates.
- Marcia Lochman, StraightUp Solar stated she is the Director of Business Development. Ms. Lochman discussed the exhibits presented to the board members.
- Josh Hill went over the site plan with the Zoning Board, explaining the green rectangle represents the fence required by the National Electrical Code which is 6 ft. tall chain link with three strands of barbed wire.
- Mr. Hill stated there will be a 20 ft. wide double-swing gate with padlocks at the entrance with security cameras and lights. There will be a new entrance from the road to the north with a culvert as required with a gravel road that will run inside the North border of the fence, east and west for the maintenance people.
- Mr. Hill stated they will use the tracking system style panels that will track the sun from East to West.
- Mr. Hill stated the nearest homes are approximately 1,400 feet to the West and 400 ft. to the North with the closest things being a landfill and a go-kart track.

Discussion

- Ms. Markezich asked the applicant if there will be a knock box on the gate for emergencies. (The applicant stated there will be a knock box.)
- Ms. Deitz asked if wildlife will be affected by the clearing off of the parcel. (Mr. Hill stated per the EcoCat review there are no endangered species in the area, so existing habitat will relocate to the nearby forest.)
- Mr. Schneidewind asked if this ground is relatively flat or spoil ground. (Mr. Hill answered this is old mining spoil ground with no lakes or ponds.)
- Ms. Edwards asked if there are concerns when removing the soil on un-reclaimed mining property.
- Mr. Schneidewind asked how the spoil ground will affect the support of the racking system. He stated the ground is unsettled and uncompacted and asked what steps will be taken so there are no voids in the soil. (Ms. Miller stated the engineers will study the ground and that the property has a ravine that the rocks can be dumped into.)
- Ms. Edwards asked the applicants if there have been complaints regarding noise coming from these solar farms. (Mr. Hill stated they have not received complaints of noise.)
- Mr. Howell asked if the applicant will do soil testing for the depth of their pilings to make sure the soil will handle it. (Mr. Hill stated the racking is engineered and designed by a 3rd party that will do geo-technical testing,

they will take soil samples from the site after it has been restored and will drive test piles at various locations to see if the soil is strong enough and determine the depth of the pile. The applicant stated there has been extra money budgeted on this project for refusals.)

- Mr. Schneidewind asked if there will be trees left along Park Road for a screening buffer or will they be removed. (Mr. Hill stated those trees will remain on the property, because they are located on the North side of the array, so it will not shade. However, Dr. Miller stated she feels it is not necessary because across the street is the landfill.)
- Ms. Markezich stated the applicants did not present a development schedule from start to finish. (Mr. Hill stated on page 12 it has potential project timeline which is subject to change due to the lottery and Ameren.)
- Mr. Schneidewind asked what will be planted beneath the arrays. (The applicant stated they will go with the Illinois guidance which is a slow growing local ponding mix to support the honeybee population.)
- Mr. Schneidewind asked the useful life of a facility. (The applicant stated the module warranty is 25-years but expect the solar panels to work much longer. The energy slowly decreases but after 25-years they are still producing 80% of the power.)
- Ms. Edwards asked how many homes could be serviced by this solar facility. (Mr. Hornacek estimated 300-400 residential subscribers.)
- Mr. Schneidewind asked where the point of interconnection is. (Mr. Hill pointed out the red circle on the site plan which designates the point of interconnection.)

Public Testimony

- Luke Mayer stated he is an adjoining property owner with a working relationship with the property owner and her family. Mr. Mayer explained he leases ground from the owner for cattle and stated he feels granting this request would be a great idea by transforming the property to use again after Peabody left the property unusable.
- Floyd Schlueter, 601 Obstweg, Belleville stated he has alot of experience with strip mine ground and a good engineer is always helpful.

Further Discussion

County Board Member, Michael O'Donnell stated he has not received any correspondence from neighbors in opposition or in support of this request. He stated he is familiar with the property and feels this use would be a good land use opportunity.

MOTION by Marcy Dietz

In the matter of 2018-23-SP, on Applicant, Straight Up Solar, on behalf of Shine Development Partners' application for a Special Use Permit to allow a 2.484-megawatt Solar Farm Energy System on 48.18 acres in an "A" Agricultural Industry Zone District, on the property commonly known as XXXX Park Road, Belleville, St. Clair County, Illinois, based upon the application, testimony, and evidence received by the St. Clair County Zoning Board of Appeals, I hereby move and recommend that the Applicant's request for a Special Use Permit be approved for the following reasons and with the following conditions and restrictions:

This motion is based upon the following facts and findings:

1. The land in question is located in an "A" Agricultural Industry Zone District, is rural in nature, is adjacent to other farm fields, wooded areas, closed landfills, a go-cart track, and is in proximity to an electrical substation. There are no residential structures in close proximity that would be affected by the Special Use.
2. The Applicant is requesting a special use permit to construct a 2.484-megawatt Solar Farm Energy Systems on a footprint of approximately 10.5 acres of the 48.18-acre parcel in question.
3. The project will include 4 subarrays containing typical photovoltaic panels, mounted on RBI Solar racking, with inverters, and a security system. Each subarray will be 307 ft. wide and 298 ft. long. The height of panels will not exceed the height limits of the St. Clair County Zoning Code.
4. Areas of bare ground under the panels will be covered with pollinator friendly seed mixes.
5. Natural vegetation will be cleared from the 10.5-acre site, but some trees should be left or other evergreen trees planted along Park Road the entire length of the project area to provide for screening and to act as a natural vegetation buffer.
6. Once the project has been constructed there will be no added traffic on a daily basis. The only additional traffic will be for periodic inspection and maintenance.
7. Any sound created by the completed solar farm will be minimal and within the limits as provided by the St. Clair County Zoning Code.
8. The perimeter of the project site will be fenced with a 6-foot tall chain link fence with an additional 1 foot of barb wire. The fence will be installed 20 ft. from the arrays and 50 ft. from all property lines.
9. There will be one access point off of Park Road to access the facility, which shall be gated with appropriate signage and an emergency access box.
10. The proposed setbacks of the project area shall meet or exceed the County's requirements, and the facility shall be installed per the plans submitted.

11. The LESA score for the site is 114 which is a low value for agricultural retention, and the IDNR EcoCat Report indicates that there is no record of State-listed threatened or endangered species, INAI sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the proposed Special Use.
12. The Applicant further agrees to provide a decommissioning plan as determined and approved by the County before a building permit will be issued.

I therefore conclude that:

The proposed design, location, development, and the operation of the proposed Solar Farm Energy System, as limited by this motion, adequately protects the public's health, safety and welfare, and physical environment; there will be a thorough decommissioning plan with financing in place for the decommissioning; little to no glare is expected onto adjacent roadways and properties; the site will be fenced with natural vegetation screening and buffers left in place on the north, south, west and east sides of the property; there will be coordination with emergency personnel; there will be storm and wastewater management procedures in place; the site will be seeded and maintained with appropriate grass seed mixtures; and the site will be appropriately maintained.

The proposed Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan, as the proposed special use is one considered in an Agricultural Industry Zoning District.

The proposed Special Use will have a similar impact as the current use of the property in that it will make no more appreciable noise and will be appropriately screened from the adjacent roadway, and there are no nearby residences that will be affected by the use.

The proposed Special Use will have a positive impact on the County's overall tax base.

The proposed Special Use will enhance the provision of electric utilities to the area. The proposed Special Use will create no burden on existing utilities and provides a needed clean and renewable energy alternative.

The proposed special use will not lead to an increase in traffic after it is constructed as the only additional traffic will be vehicles visiting the site for periodic maintenance and inspection.

There are no facilities such as schools or hospitals near the proposed Special Use that require special consideration.

The proposed Special Use as limited by this motion, and with certain construction conditions and use limitations is compatible with adjacent uses and uses in the general vicinity.

The approval of the Special Use Permit is subject to the following additional conditions and restrictions:

1. The natural vegetation screening along the north side that is adjacent to Park Road shall be maintained at all times during the life of this Solar Farm Energy System, except for that area necessary for the entrance way. If at any time during the life of this system significant natural vegetation dies or is destroyed along the north side, as determined by the St. Clair County Zoning Director, the Zoning Director will notify the Applicant and the Applicant shall replace the areas of dead or destroyed vegetation with plantings that will be sufficient to act as screening of the site as determined by the Zoning Director. In addition, the natural vegetation on the west, east and south sides of the property shall be left in place during the life of this Solar Farm Energy System to act as a natural vegetation buffer.
2. No overweight or oversized loads shall be delivered to the site, and the Applicant shall apply to the appropriate highway, road district or other authority regarding any necessary road permits and entrance permits.
3. The Applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval from the State of Illinois, or any other applicable governmental agency, and, if approved, on the anticipated start date of construction.
4. Construction hours shall be limited to Monday through Friday, 7:00 am to 6:00 pm. No construction work is to be done on Saturdays, Sundays, evenings, or holidays unless written approval is obtained from the St. Clair County Building and Zoning Department Administrator.
5. During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition, and the Applicant shall take measures to only remove those trees that are necessary for the project.
6. All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
7. The Applicant and all other subsequent lessees, agents, assigns, persons or entities that have any interest in, control over, or rights to the proposed Solar Farm Energy System shall adhere to all applicable requirements of the St. Clair County Zoning Code, including but not limited to Section 40-5-30, and all conditions and restrictions placed on this Special Use.

8. This Special Use is limited to **30** years from the first day of construction; however, within the year that this Special Use is proposed to expire and prior to the expiration date, the owner, lessee, or operator may petition the St. Clair County Zoning Board of Appeals for a modification of this Special Use to extend the expiration date.
9. The Applicant and Owner prior to either party selling, transferring, sub-leasing, assigning, or transferring any interest or control in this Solar Farm Energy System or the real property it is constructed upon, shall notify, in writing, the St. Clair County Zoning Administrator of any impending transfer at least 30 days prior thereto, supplying the Administrator with the name, address, contact number, and e-mail address of the new owner, purchaser, lessee, assignee, or other new party in interest, and the Applicant and Owner shall provide the Administrator any such additional documents and information requested by the Administrator regarding the transfer, lease, or assignment.

Second by Edwards.

A roll call vote:

Howell	-	Aye
Deitz	-	Aye
Edwards	-	Aye
Penny	-	Aye

Motion carried.

This case has been granted and will now go before the County Board for final consideration.

New Business – Case #5

Subject Case #2018-22-SP – Heberer Bros. Inc., 3055 Old Freeburg Road, Belleville, Illinois, owners and StraightUp Solar on behalf of Shine Development Partners, 10330 Page Industrial Boulevard, St. Louis, Missouri, applicants. This is a request for a Special Use Permit to allow 2 – 2.48 MW (DC)/2 MW (AC) Solar Farm Energy Systems on 25.5-acres in an “A” Agricultural Industry Zone District, on property known as 3047 Old Freeburg Road, Belleville, Illinois in Smithton Township. (Parcel 13-02.0-400-008)

Zoning Board Member, Kent Heberer excused himself in this case due to a conflict of interest.

Mike Hornacek – StraightUp Solar

- Mr. Hornacek stated he will forgo the introduction of StraightUp Solar due to it being covered in the previous case. Mr. Hornacek handed the presentation over to Marcia Lochman.
- Marcia Lochman, StraightUp Solar stated she is the Director of Business Development. Ms. Lochman discussed the exhibits presented to the board members.
- Josh Hill presented the site plan of the solar array and stated they are also asking for a variance to put the fence on or very close to the Western property boundary. Mr. Hill stated the modules will be 50 ft. off of the property line but the property owner for cattle reason would prefer not to have a 50 ft. sliver of land outside of the fence to maintain differently than the inside.
- Mr. Hill stated there will be a vegetated screen that will hide from view the Southwest corner of the fence and project.
- Mr. Hill stated the arrays will be fixed tilt that will always be facing South at a 30 degrees tilt to allow the cattle to graze in the area. He stated the bottom of the edge of the modules will be about 8 ft. off of the ground and the top edge will be about 14 ft. tall, which is under the maximum height requirement of the Zoning Ordinance.
- Mr. Hill stated a portion of this land is currently used for pasture and part is farmland. He explained all of the land will be transformed to grazing land as well as the solar farm.
- Mr. Hill stated the site plan has a couple of orange lines on the South side of the home parcel leading into the planned entrance gate on the south edge at the west side. He stated there will be an additional gate near the northeast corner primarily used to bring the cattle in and out. He noted at the bottom of the page is a zoomed in area of the site plan.
- Mr. Hill asked the property owner to explain the cattle grazing.
- Mr. Heberer, property owner stated there is a site plan that shows the layout of the proposed paddock system to be used for the cattle grazing. Mr. Heberer explained none of the land will be taken out of production of Agriculture.

Discussion

- Chairman Penny asked why this project has the fixed panels as opposed to the tracking system. (Mr. Hill stated in general his company is more comfortable building fixed tilt arrays, and they did not want to put the moving parts in with the live animals. He stated for that reason, they wanted to keep the arrays fixed.)

- Mr. Schneidewind asked if they are concerned with the cows destroying the invertors or panels in any way. (Mr. Hill stated any sensitive equipment will be fenced off or raised up in the area.)
- Mr. Schneidewind asked how the shrubbery the applicant mentioned on the southwest side property on the inside of the fence will be maintained. (Mr. Heberer stated they have not decided if the shrubbery will be on the inside or the outside of the fence and he may have to block off the cows from the shrubbery while they grow.)
- Mr. Howell asked the applicant if they will sell the development after it is up and running. (Mr. Hornacek stated the landowner is the host and StraightUp Solar will not personally own these systems, this project will be owned by Shine Partners.)
- Sue Schultz, Attorney representing Heberer Brothers explained there will be a lease between Heberer Bros., Inc and Shine Development and they will contract with StraightUp Solar to operate it and maintain it.
- Mr. Howell questioned why Shine Development did not present the case before the board. (Ms. Lochmann explained StraightUp Solar has partnered with Shine Development for the last 5-years and they design, maintain and build the system and Shine Partners brings the capital to the project and owns the project with its investors.) (Mr. Schneidewind stated the Special Use Permit will be given to Shine Development, if granted.)
- Ms. Edwards stated she visited the site today with Ms. Deitz. She stated this solar farm would be out in the rural area with little to no impact on any residential property owners. She stated she feels the land will still be used as a resource of the pasture along with the solar. Ms. Edwards feels like this is a perfect scenario.
- Ms. Edwards stated she spoke to an adjacent property owner, Mrs. Connors and she stated it was okay to speak on her behalf and that she has no opposition to the request and supported it.
- Mr. Schneidewind stated the LESA Rating on the property scored High. (Mr. Heberer stated the LESA score is based on the entire property, and the property contains some of the best soils in St. Clair County, however 12-acres of the proposed acreage is an old coal mine site (a shaft mine), he explained the host site is all HEL –highly erodible land.)
- Mr. Schneidewind asked if the gate on the far end of the property will be secured with the same emergency lock as the main gate on the Southwest corner. (Mr. Hill stated both gates will be padlocked with warning signs for the voltage inside with the emergency access box only at the main entrance.)
- Ms. Markezich asked if the solar farm will have its own address. (Mr. Heberer stated the 911-office will issue an address for the solar farm.)

- Mr. Schneidewind asked Mr. Heberer if he plans to put the fence on the property line or two foot away. (Mr. Heberer stated he would like for the fence to be 1 ft. off the property line with the trees on the inside. He explained if the trees are on the outside of the fence it will be harder for him to maintain the trees.)
- Mr. Schneidewind stated trees on the inside do not solve the issue of the neighbors looking at the fence. (Mr. Heberer stated he understands that.)
- Mr. Schneidewind stated the applicant will not be the one maintaining the trees, it will be Shine Development.
- Chairman Penny explained typically a protective fence that abuts a residential use, the board usually has them plant pines trees with grass planted under them, that will have to be mowed every two or three weeks. (Mr. Schneidewind added in previous cases the board approved Cardinal Dogwood trees.)
- Ms. Markezich stated in a previous case the trees were planted on the adjacent property owners property.

Public Testimony

- Brian Price, 6367 Countryside Lane stated he is representing his son (Maxwell Price) that is building a new home adjacent to the property, and was concerned regarding view and fencing.
- Dale Helms, 2921 Old Freeburg Road, Belleville stated the legal description is incorrect. (Chairman Penny stated his statement is noted for the record.)
- Mr. Helms asked how the electric will be connected with the grid. (The applicant explained the connection to Mr. Helms.)
- Ineligible Name – Old Freeburg Road stated she does not have any problems or questions with the request but would like to review the map of the project.
- Mr. Schneidewind confirmed life expectancy for the project is 30-years and the roadway will have 6 inches of rock off of Obstweg Road.
- Mr. Schneidewind asked if the trees planted will be on the entire West line. (The applicant answered along the West and the South in an “L” shape by Mr. Price’s property. Approximately ½ way down the Western line and a 1/8th down the South side past the gate.

Further Discussion

County Board Member, Michael O'Donnell stated he also visited the site and feels this area will be a good area for the solar project. Mr. O'Donnell stated he would like to see an agreement between the applicant and the adjacent property owner regarding the fence, and buffer.

Mr. Heberer stated for the record he will accept the 5 ft. setback for the trees, he stated he feels that will be adequate. Mr. Heberer stated the trees will be cardinal dogwood trees that will be planted outside of the fence.

MOTION by Howell:

In the matter of 2018-22-SP, on Applicant, Straight Up Solar, on behalf of Shine Development Partners' application for a Special Use Permit to allow two, 2.484-megawatt Solar Farm Energy Systems on 178.52 acres in an "A" Agricultural Industry Zone District, on the property commonly known as 3047 Old Freeburg Road, Belleville, St. Clair County, Illinois, based upon the application, testimony, and evidence received by the St. Clair County Zoning Board of Appeals, I hereby move and recommend that the Applicant's request for a Special Use Permit be approved for the following reasons and with the following conditions and restrictions:

This motion is based upon the following facts and findings:

1. The land in question is located in an "A" Agricultural Industry Zone District, is rural in nature, is adjacent to other farm fields, and there are limited residences nearby--two or three residences to the west and south-west and one to the north-east. Only one of the residences is in close proximity to the proposed Special Use located at 647 Obstweg Drive.
2. The Applicant is requesting a special use permit to construct two, 2.484-megawatt Solar Farm Energy Systems on a footprint of approximately 24 acres of the 178-acre parcel in question.
3. The project will include two sets of arrays—Heberer Shine Mine #1 (north array) and Heberer Shine Mine #2 (south array). Both arrays will consist of typical photovoltaic panels, mounted on RBI Solar racking, and will be 14 ft. from the ground at their highest point with a 30-degree tilt. Both arrays will consist of approximately 12 acres each. The height of all panels will not exceed the height limits of the St. Clair County Zoning Code.
4. Areas of bare ground under the panels will be covered with typical pasture grass, as the owner of the site desires to allow the area under the arrays to be used for the grazing of cattle.
5. The perimeter of the project site will be fenced with a 6-foot tall chain link fence with an additional 1 foot of barb wire. The fence will be installed 20 ft. from the arrays and 50 ft. from all property lines, except the west property line, which the Applicant and Owner has requested a variance to allow the fence to be 5 feet off of the property line; however, the solar panels will be at least 50 ft. off the west property line.
6. The Applicant will access the arrays from the south-west corner of the project area via a new gravel road of approximately 750 ft. in length. The

roadway will be excavated 3 inches, weed fabric installed, and at least 6 inches of rock shall be placed the entire length of the roadway. The entrance at this point shall be gated, with appropriate signage and an emergency access box.

7. Any sound created by the completed solar farm will be minimal and within the limits as provided by the St. Clair County Zoning Code, and an additional vegetation buffer and screening along the entire west edge of the solar array shall be installed and maintained by the Applicant.
8. The LESA score for the entire 178-acre site is 241 which is very high for agricultural retention. However, the Applicant's selected location on the property in question, near the pond, is not utilized as farm ground, is not flat, contains ditches, ruts and washouts that make the area selected for the solar facility considerably less desirable as farm ground. Further, no field tiles are impacted by the facility. In addition, the IDNR EcoCat Report indicates that there is no record of State-listed threatened or endangered species, INAI sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the proposed Special Use. The project site is not located in a flood plain.
9. The Applicant further agrees to provide a decommissioning plan as determined and approved by the County before a building permit will be issued.
10. Once the project has been constructed there will be no added traffic on a daily basis. The only additional traffic will be for periodic inspection and maintenance.
11. The point of interconnect with the power grid will be on the north-east corner of the facility.

I therefore conclude that:

The proposed design, location, development, and the operation of the proposed Solar Farm Energy System, as limited by this motion, adequately protects the public's health, safety and welfare, and physical environment; there will be a thorough decommissioning plan with financing in place for the decommissioning; little to no glare is expected onto adjacent properties; the site will be fenced with a vegetation screen or buffer installed on the west side of the entire facility; there will be coordination with emergency personnel; there will be storm and wastewater management procedures in place; the site will be seeded and maintained with appropriate pasture grasses; and the site will be appropriately maintained.

The proposed Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan, as the proposed special use is one considered in an Agricultural Industry Zoning District.

The proposed Special Use will have appreciable impact as the current use of the property in that it will make no more appreciable noise and will be appropriately screened from the adjacent residence located at 647 Obstweg Drive.

The proposed Special Use will have a positive impact on the County's overall tax base.

The proposed Special Use will enhance the provision of electric utilities to the area. The proposed Special Use will create no burden on existing utilities and provides a needed clean and renewable energy alternative.

The proposed special use will not lead to an increase in traffic after it is constructed as the only additional traffic will be vehicles visiting the site for periodic maintenance and inspection.

There are no facilities such as schools or hospitals near the proposed Special Use that require special consideration.

The proposed Special Use as limited by this motion, and with certain construction conditions and use limitations is compatible with adjacent uses and uses in the general vicinity.

The approval of the Special Use Permit is subject to the following additional conditions and restrictions:

1. Regarding the variance of the fence on the west side, the fence shall be placed 5 ft. feet from the west property line of the Owner's property, and the solar arrays inside the fence shall be placed at least 20 feet from the fence and 50 ft. from the property line with plantings of native shrubs of sufficient height to be installed outside the fence, to act as a screen or buffer along the entire western edge of the facility. All plantings shall be maintained at all times during the life of this Solar Farm Energy System. Maintaining of these plantings includes but is not limited to trimming, watering, and prompt replacement if any planting dies or is destroyed.
2. No overweight or oversized loads shall be delivered to the site, and the Applicant shall apply to the appropriate highway, road district or other authority regarding any necessary road permits and entrance permits.
3. The Applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval from the State of Illinois, or any other applicable governmental agency, and, if approved, on the anticipated start date of construction.

4. Construction hours shall be limited to Monday through Friday, 7:00 am to 6:00 pm. No construction work is to be done on Saturdays, Sundays, evenings, or holidays unless written approval is obtained from the St. Clair County Building and Zoning Department Administrator.
5. During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition, and the Applicant shall take measures to only remove trees that are necessary for the project.
6. All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
7. Any gate or entrance used for cattle purposes shall be secured at all times, include appropriate signage, and emergency access box.
8. The Applicant and all other subsequent lessees, agents, assigns, persons or entities that have any interest in, control over, or rights to the proposed Solar Farm Energy System shall adhere to all applicable requirements of the St. Clair County Zoning Code, including but not limited to Section 40-5-30, and all conditions and restrictions placed on this Special Use.
9. This Special Use is limited to 30 years from the first day of construction; however, within the year that this Special Use is proposed to expire and prior to the expiration date, the owner, lessee, or operator may petition the St. Clair County Zoning Board of Appeals for a modification of this Special Use to extend the expiration date.
10. The Applicant and Owner prior to either party selling, transferring, sub-leasing, assigning, or transferring any interest or control in this Solar Farm Energy System or the real property it is constructed upon, shall notify, in writing, the St. Clair County Zoning Administrator of any impending transfer at least 30 days prior thereto, supplying the Administrator with the name, address, contact number, and e-mail address of the new owner, purchaser, lessee, assignee, or other new party in interest, and the Applicant and Owner shall provide the Administrator any such additional documents and information requested by the Administrator regarding the transfer, lease, or assignment.

Motion to amend by Edwards: To clarify, that a vegetation buffer along the fence will be installed for a distance of half of the west side of the solar facility proceeding to the south-west corner of the solar facility fence in an easterly direction along the solar facility fence. The plantings shall be placed outside of the fence of the solar facility.

Second by Edwards.

A roll call vote:

Howell	-Aye
Deitz	-Aye
Edwards	-Aye
Penny	-Aye

Motion carried.

This case has been granted by this board and will be forwarded to the County Board for final consideration.

MOTION to adjourn by Edwards, second by Deitz. Motion carried.