

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
July 9, 2018**

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

Members Absent: None

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

**County Board
Members Present:** Michael O'Donnell, County Board District #22
Robert Trentman, County Board District #14

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

There were no minutes presented at the meeting.

Public Comment

There were no comments from the public.

Old Business – Case #1

Subject Case 2018-03-SP -- Cathleen Lindauer TR, 5600 Douglas Road, Belleville, Illinois, Owners and South Belleville Solar, LLC, 7650 Edinborough Way - Ste 725, Edina MN, Applicants. This is a request for a Special Use Permit to allow a 4 MW Solar Farm Energy System on 40-acres in an "A" Agricultural Industry Zone District, on property known as 2200 State Street Road, Belleville, Illinois, in Smithton Township. (Parcel #13-04.0-200-011)

Ben Adamich – Geronimo Energy/South Belleville Solar LLC

- Mr. Adamich stated he has been before the board on two previous occasions and stated the application is the same.
- Mr. Adamich stated the only update to the proposal is the requested screening buffer that was added to the Southern and Eastern fence boundary along with a row of Cardinal Dogwoods to break up the fence line.
- Mr. Adamich stated he will answer any further questions from the Zoning Board members.

Discussion

- Ms. Edwards stated she visited the site twice and stated her concern was to protect the residents along Pecan Lane and she feels the buffer will obtain that goal.
- Ms. Gregory asked the applicant to confirm that he will plant grass under all of the solar panels. (The applicant confirmed under the array will be a lower growing grass mix and outside the outskirts of the array will be taller growing grass mix.)
- Ms. Edwards stated the advantage of this site is that the sub-station is adjacent to the parcel.
- County Board Member, Michael O'Donnell stated he and County Board Member, Bob Trentman visited the sites. Mr. O'Donnell stated he feels this is a good site for the solar array if approved.

Public Testimony

- Keith Sturgis, 2030 State Street Road, Belleville, Illinois stated he lives just North of the proposed site. He stated he is pleased that the applicant is working with the neighborhood, however he is concerned with the State of Illinois taxation of solar fields. He stated Sangamon County has the solar fields on hold until the Governor signs legislation on these fields. Mr. Sturgis urges the Zoning Board to not go further with these solar farms until the State gets their act together. (The applicant explained without State legislation, the St. Clair County Assessor would assess the value of the project.)

- Keith Sturgis stated if the Zoning Board approved this request before the decommissioning rules are set and then they change you will have to revisit this case. (Chairman Penny stated he is not sure he agrees with this statement.)
- June Cheatham, 2501 S. Illinois Street, Belleville stated this array will be right next door to her property. She stated there are four of these arrays proposed within a 1/8 of a mile area and she is concerned with property values. She also stated whether there is grass under the array or not these arrays will still be an eyesore.
- Gene Cheatham, 2501 S. Illinois Street, Belleville stated there still seems to be no financial amount of money put towards the decommissioning of the arrays. Mr. Cheatham stated he would like to go officially on record as being opposed to the zoning request and there are other better options of land to install these arrays such as landfills or some other rolling properties.

Further Testimony

Ms. Edwards stated she has been on the board for a very long time and this has been one of the most difficult cases.

Ms. Edwards stated she feels there should be a safety net on these arrays. She feels the array should not go with the land or the applicant and that if ownership changes then the new owner and applicant need to come back before this board and make sure they are in compliance with the original zoning and with the ordinance.

MOTION by Edwards:

In the matter of 2018-03-SP, on Applicant, South Belleville Solar LLC's application for a Special Use Permit to allow two 2-megawatt Solar Farm Energy System on 40 acres in an "A" Agricultural Industry Zone District, on the property commonly known as 2200 State Street 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:

This Special use Permit is limited to the applicants South Belleville Solar and the Cathleen Lindauer Trust, this includes applicant and owners prior to transferring, subleasing, assigning or transferring any interest or control in the solar farm must reapply for the Special Use Permit.

1. The land in question is located in an "A" Agricultural Industry Zone District, is rural in nature, and is adjacent to other farm fields and wooded areas. The applicant could easily put any type of farm industry on the property that they wanted, whether it be a chicken farm, pig, hog farm or etc.
2. Geronimo Energy is the sole member and owner of South Belleville Solar, LLC.

3. Geronimo Energy is a private corporation, headquartered in Minneapolis, MN that develops and operates renewable energy projects such as wind and solar projects.
4. South Belleville Solar is requesting a special use permit to construct up to two, 2-megawatt Solar Farm Energy Systems on a footprint of up to 40 acres of the 85-acre parcel in question. Construction will not begin until Spring 2019 at the earliest. The final size of the facility has not been determined, but it will not exceed the 40-acre site plan as submitted by the Applicant.
5. South Belleville Solar is seeking to win approval for this site to participate as a host of a Community Solar Project under the Illinois Adjustable Block Program.
6. The project will include typical photovoltaic panels, inverters, and either a fixed tilt or linear access tracking system.
7. The site is adjacent to a large utility substation to the northwest. An access road to the project will come from the northwest corner at the intersection of State Street Road and Park Road.
8. Areas of bare ground will be covered with a pollinator friendly seed mix outside of the panels and a shorter grass mix under the panels.
9. Once construction of the project begins, it is expected to take 4-6 months. During the period of construction, 25-35 trucks will be traveling to and from the site daily. The trucks will consist of pick-up trucks, semi-trailers, and other machinery. No overweight or oversized loads are expected.
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. Any sound created by the completed solar farm will be minimal and within the limits as provided by the St. Clair County Zoning Code.
12. The perimeter of the project site will be fenced with 6-foot tall chain link fence with 1-foot of barbed wire on top, and Cardinal Dogwoods, or a similar planting, shall be planted along the east and south fence lines to provide additional screening of the solar panels.
13. The proposed setbacks of the project area exceed County requirements. The nearest residence is hundreds of feet away from the project site.
14. The LESA score for the site is 178 which is a low value for agricultural retention.
15. The Applicant has provided studies that concluded there is no adverse impact to property values of residences near comparable solar farm facilities. No study has been produced showing an adverse impact to property values.
16. The siting of the project allows land along the Highway 159 corridor to be commercially or residentially developed in the future which is consistent with the County's comprehensive plan.
17. The proposed project will generate enough energy to power approximately 870 homes annually and avoid the emission of approximately 5,800 metric tons of carbon annually.

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 as the existing drainage tile will not be disturbed, there will be a thorough decommissioning plan in place with financing in place for the decommissioning, little to no glare is expected onto adjacent roadways and properties, the site will be fenced with certain plantings along the east and south sides, there will be coordination with emergency personnel, there will be storm and wastewater management procedures in place, the site will be seeded with grass and a pollinator mix, 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 it allows for residential and commercial development along the Highway 159 corridor while providing a use, that being solar energy, that is complimentary to residences.

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 roads and residences.

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

There proposed Special Use will enhance the provision of electric utilities to the area and is adjacent to an existing substation which provides for convenient interconnection with the electric system. 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. That the Special Use is limited to the applicant South Belleville Solar and Cathleen Lindauer Trust.
2. The additional screening of the east and south fence lines as indicated per the Applicant's plans shall have Cardinal Dogwoods, or similar plantings, along both fence lines, and such 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.

3. 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.
4. The Applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval under the Illinois Adjustable Block Program and, if approved, on the anticipated start date of construction.
5. 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.
6. During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition.
7. All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
8. The Applicant and all other subsequent leasees, 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.

Heberer Seconds.

Mr. Howell asked if this is ownership of the property or ownership of what has been installed. (Ms. Edwards explained ownership is limited to South Belleville Solar and the Cathleen Lindauer Trust.) She stated if there is an ownership change, it will ensure the new owners are in compliance with the Ordinance and the Zoning.

Mr. Penny asked Mr. Schneidewind for his opinion on this stipulation.

Mr. Schneidewind stated he believes Ms. Edwards is trying to ensure that the applicant is complying with the code, however, he disagrees that it is the boards authority to do that. He stated that it is the Zoning Director of the Zoning Departments authority/duty to make sure the applicant/owner is complying with the Zoning code.

Mr. Heberer stated he feels it gives more teeth for the administrator to be able to enforce rules and regulations. He stated he somewhat disagrees with Mr. Schneidewind.

A roll call vote:

Meister – Aye
Deitz – Aye
Howell – Aye
Heberer – Aye
Gregory – Aye
Edwards – Aye
Penny – Aye

This case has been approved and will be forwarded to the County Board for final approval on July 30, 2018.

Old Business - Case #2

Subject Case #2018-06-SP -- Robert L. & Nancy L. Reifschneider, James Reifschneider Declaration of Trust dated June 6, 2008, 2728 South Illinois Street, Belleville, Illinois, Owners and Innovative Power Systems, Inc., 2670 Patton Road, Roseville MN, Applicants. This is a request for a Special Use Permit to allow a 4 MW Solar Farm Energy System on 32-acres in an "A" Agricultural Industry Zone District, on property known as XXXX Mulligan Lane, Belleville, Illinois, in Smithton Township. (Parcel #13-04.0-400-002 & 13-04.0-402-002)

Evan Carlson, IPS, Inc.

Mr. Evan Carlson explained he hired a consultant that looked at topography maps and gave visibility at various points on the property. He stated the consultant generated six photos with different perspectives. The consultant concluded that screening on the east side of the property would be ineffective because you wouldn't be able to see it anyway. He concluded screening would be effective on the North and West side of the property. He stated per the consultants direction they would like to move the screening from the East to the West side of the property. Mr. Carlson stated other than screening changes, the application is unchanged.

Discussion

- Ms. Edwards explained she visited the site and Mr. Reifschneider was very generous and took her around the property and driving through the fields. Ms. Edwards stated they walked to the very end of Mr. Martin and Mr. Chouinards property and her only concern is the solar farm would start right at the end of these properties. She stated Mr. Reifschneider walked off 108 ft. onto the property and held up his hands so she could see where the fence would start. Ms. Edwards stated she felt this was really close to their property.
- Ms. Edwards stated her concern is to protect these property owners from the impact of the farms and doesn't feel the 50 ft. required setback is adequate for those properties. (Mr. Carlson stated if they were to receive approval they would be happy to put the fence as far away from the property line as required by the board. Mr. Carlson stated they already proposed screening.)
- Mr. Penny asked if it would be possible for the applicant to extend the tree break along the property. (The applicant stated there are trees proposed around that whole perimeter.)
- Mr. Schneidewind confirmed not only are there trees proposed around the Martin boundary and the Franke boundary but also proposing trees along Mulligan Lane all the way down to the Northwest corner. (The applicant stated that is correct and then following the perimeter all the way down the South end of the array.)

- Mr. Heberer stated off of Mulligan Lane the array should not be visible. (The applicant stated that is the plan.)
- Mr. Schneidewind confirmed the applicant is not only going to put the proposed emerald evergreens along the boundaries of the Martin's and the Franke's they will also run from the Northwest corner from the Martin's all the way down Mulligan Lane all the way down to the Northwest corner of Reifschneider's property and then that Northwest corner South all the way to the Southwest corner. (The applicant stated that is correct and it will go to the corner of the array.)
- Mr. Heberer asked if the trees will be on the inside of the fence or the outside of the fence. (The applicant stated the outside of the fence.)
- Mr. Meister asked if the ground around the trees outside the fence will be maintained. (The applicant stated they will contract with someone to mow the grass and maintain the trees.)

Public Testimony

- Tom Montgomery – 3224 Roan Hill Drive, Belleville, Illinois visited a solar array and was impressed with the fencing and the fact that it really couldn't be seen. Mr. Montgomery stated he would like to see that type of fencing and some trees.)
- Mr. Effinger, 720 S 11th Street stated he feels the Chouinard property can be screened completely with the right plant material. He suggests going with a double row of green giant arborvitae and put them 8 ft. on center and then another row 8 ft. on center within 3 to 5 years the property would be screened completely. The applicant stated this tree gets 8 ft. wide and 25 ft. tall.
- Jim Reifschneider stated his home is across the street and stated he enjoys his sunsets and is concerned about 25 ft. tall trees being planted.

Discussion

- Chairman Penny asked the applicant if he proposed a single-row or double row of trees. (The applicant stated he has a single row of trees surrounded by shrubs and other plants.)

Further Discussion

- County Board Member, Michael O'Donnell stated he prefers the other two sites over this one because there is nothing over there.
- Mr. Reifschneider questioned the restriction of ownership change at the previous hearing. He stated that restriction will complicate things, he stated in the Solar Farm regulations adopted by the Zoning Board of Appeals, there are stipulations to come to the Zoning Board every year and report the site with inspections every year. He stated this would be an unnecessary burden put on the owner of the property and the applicant. Mr. Reifschneider stated this is a 25-year project and it would be catastrophic if the next Zoning Board were to make them remove the panels if there is an ownership change.

- Ms. Edwards explained she feels there should be a safety net on these projects until it is proven that solar farms are beneficial to everyone in St. Clair County. She stated Mr. O'Donnell can remove the stipulation at the County Board meeting.
- Mr. Carlson also stated the stipulation could prevent problems for financing the Solar Farm.

MOTION by Deitz:

In the matter of 2018-06-SP, on Applicant Innovative Power System, Inc.'s request for a Special Use Permit for two co-located 2-megawatt Solar Farm Energy Systems on property at S. Illinois Street, Belleville, Illinois, permanent parcel numbers 13-04.0-402-002 and 13-04.0-400-002, in an "A" Agricultural Industry Zone District, based upon the application, testimony, and evidence of record, I hereby move and recommend that 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 currently used as farmland, is zoned Agricultural Industry Zone District, is rural in nature, is adjacent to other farm fields, and is adjacent and near to only three residences.
2. IPS is requesting a special use permit for a period of 35 years to construct and operate two co-located 2-megawatt Solar Farm Energy Systems on approximately 32-acre footprint.
3. IPS is a private corporation, headquartered in Minnesota that develops solar energy projects. These projects include numerous rooftop installations and 40 solar farms constructed in Minnesota, 4 to 5 of which are similar in size to the proposed facility.
4. IPS is seeking to win approval for this site to participate as a host of a Community Solar Project under the Illinois Adjustable Block Program.
5. The project will include typical photovoltaic panels, inverters, and either a fixed tilt or linear access tracking system.
6. The site will interconnect with a utility substation. An access road to the project will come from Illinois Route 159 and will be south of an existing single-family residence that is currently surrounded by farm ground.
7. Areas within the solar panels will be planted with a native pollinator friendly vegetation, and such will be mowed and maintained on an as needed basis.
8. Construction of the facility will take approximately 3 months, and the hours of construction will be between 8 a.m. and 6 p.m. There will be increased traffic during the construction phase but IL Route 159 can sufficiently handle the temporary increase. Appropriate sediment and erosion control will be used during construction.
9. Sound from the facility once completed will be minimal and within the limits as provided by the St. Clair County Code.
10. The perimeter of the project site will be fenced with a 7-foot chain link fence with 1-foot of barbed wire on top of it. Further, adjacent and along the property lines of

the Morton residence and Franke residence the applicant shall plant and maintain a vegetative screening of Emerald Green Eastern trees or similar planting.

11. The proposed setbacks meet or exceed the County requirements.
12. The LESA score for the site is 160, which is a low value for agricultural retention.
13. This project is consistent with the County's Comprehensive plan as the land along IL State Route 159 is to be commercially or residentially developed.
14. This project will provide a renewable energy source and can provide enough energy to power hundreds of homes annually.

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 in place with financing in place for the decommissioning, little to no glare is expected onto adjacent roadways and properties, the site will be fenced with certain plantings along the residences at the north-east corner 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 with native pollinator friendly vegetation, and the site will be appropriately maintained and farmed in areas.

The proposed Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan as it allows for residential and commercial development along the IL Route 159 corridor while providing a use, that being solar energy, that is complimentary to residences.

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 roads and residences.

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

There 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 additional screening on the north-east corner of the property along the Morton residence and Franke residence as indicated per the Applicant's revised plans shall have Emerald Green Easterns, or similar plantings, along the property lines, and such 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. The Applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval under the Illinois Adjustable Block Program and, if approved, on the anticipated start date of construction.
3. Construction hours shall be limited to Monday through Friday, 8:00 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.
4. 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.
5. During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition. Erosion control shall be used and appropriate storm water management shall be undertaken, if deemed necessary by the appropriate governmental agency.
6. All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
7. Along Mulligan Lane from the north-western corner of this property to the north-eastern corner of the property that touches the Morton property line the Applicant shall leave enough room to allow for planting of typical seasonal row crops to create a vegetative buffer adjacent to Mulligan lane. At least 25-feet wide of row crops shall be planted continuously along this line annually.
8. The Applicant and all other subsequent leasees, 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 40 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, leasee, 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 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, leasee, 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.

Ms. Gregory would like to make a recommendation that if the proper larger barrier of trees are not included in the project, that the Motion should be amended to include a setback of 200 ft. from Chouinard and Martin due to close proximity of residential homes for the benefit to protect public safety, health and general welfare. Ms. Gregory would also like to make a recommendation that the chain link fence would be subjected to the Zoning Administrator's approval.

Mr. Penny asked for a further explanation of what she is requesting. (Ms. Gregory stated she wants either trees or a further setback, if there is not a good enough barrier from the property lines. Ms. Gregory stated she suggests the giant arborvitae tree.)

Chairman Penny confirmed she is suggesting building them on 10 ft. centers and a double row.

Mr. Schneidewind stated the applicant will have to modify his plans prior to the County Board to include the additional row of trees on the North and West sides. The double row of trees will be around homes and everything else is per the original plan.

Second by Meister.

A roll call vote specifically for the amendment by Gregory:

Meister – Aye
Deitz – Aye
Howell – Aye
Heberer – Aye
Gregory – Aye
Edwards – Aye
Penny – Aye

Mr. Penny announced there is a 2nd proposed amendment.

Ms. Edwards would like to add a recommendation that the St. Clair County Zoning Board of Appeals that the Special Use Permit is limited to the applicant, Robert L., Nancy L. and James Reifschneider Declaration of Trust dated June 6, 2008 and Innovative Power Systems Inc. Ms. Edwards explained this includes applicant and owner prior to

transferring, subleasing, assigning, transferring any interest the applicant must file for a Special Use Permit.

Second by Gregory. A roll call vote:

Meister – Aye
Deitz – Aye
Howell – No
Heberer – Aye
Gregory – Aye
Penny – No

The original **MOTION** has been amended on vegetation, chain link fencing and now change of ownership requirement.

Second by Heberer on original Motion as amended. A roll call vote:

Meister – Aye
Deitz – Aye
Howell – Aye
Heberer – Aye
Gregory – Aye
Edwards – Aye
Penny – Aye

This case has been approved and will be forwarded to the County Board for final approval on July 30, 2018.

Old Business – Case #3

2018-07-SP -- Robert L. Reifschneider, Jennifer Reifschneider Lafontaine, Aaron J. Reifschneider, Ryan J. Reifschneider, Karen J. Jackson TR, Jean G. Lensch Family TR, & Julie Reifschneider, 2728 South Illinois Street, Belleville, Illinois, Owners and Innovative Power Systems, Inc., 2670 Patton Road, Roseville MN, Applicants. This is a request for a Special Use Permit to allow a 4 MW Solar Farm Energy System on 32-acres in an "A" Agricultural Industry Zone District, on property known as XXXX S Illinois Street, Belleville, Illinois, in Smithton Township. (Parcel #13-03.0-300-004 & 008)

Discussion

- Chairman Penny asked the applicant to explain the revision to this application.
- Mr. Evan Carlson, Applicant stated the revision to the application is the setbacks.
- Ms. Edwards stated she feels this site is best suited for a Solar Farm.
- Mr. Carlson stated that the Zoning Board will be seeing a lot of him if they require him to come back before the board each time there is a change in

ownership. Mr. Carlson requested for the larger parcels he would like to see that stipulation removed or suggested removing the landowner requirement.

- Mr. Schneidewind asked if compared to the last meeting has the project been moved or modified. (The applicant stated this project has no changes.)
- Mr. Heberer asked how many acres this parcel consists of. (The owner answered approximately 90-100-acres of property.)
- Mr. Heberer stated since this is a larger parcel of land he agrees to remove the stipulation of removing the landowner requirement since the property is in a Trust.)
- Mr. Heberer stated this parcel is a rolling piece of land and asked the applicant to explain the water runoff. (The applicant stated the water saturates into the ground at a better rate because of the pollinated seed mix, the velocity if anything will be slowed down.)
- Mr. Heberer stated he missed the last meeting and asked what testimony there was regarding hazardous substances contained in the panels. (Mr. Schneidewind stated at the last meeting there was testimony that there were no hazardous substances associated with the panels.)
- County Board Member, Michael O'Donnell stated this project is on a good amount of acres and feels this is a good site for the Solar Farm.

Public Comment

None.

Further Discussion

MOTION by Deitz:

In the matter of 2018-07-SP, on Applicant Innovative Power System, Inc.'s request for a Special Use Permit for two co-located 2-megawatt Solar Farm Energy Systems on property at S. Illinois Street, Belleville, Illinois, permanent parcel numbers 13-03.0-300-004 & 008, in an "A" Agricultural Industry Zone District, based upon the application, testimony, and evidence of record, I hereby move and recommend that that the Applicant's request for a Special Use Permit be approved for the following reasons and with the following conditions and restrictions:

I recommend the Special Use Permit is limited to the applicant and the owner Robert L. Reifschneider, Jennifer Reifschneider Lafontaine, Aaron J. Reifschneider, Ryan J. Reifschneider, Karen J. Jackson TR, Jean G. Lensch Family Trust, & Julie Reifschneider, and applicant, Innovative Power Systems, Inc.

My motion is based on the following facts and conclusions:

1. The land in question is currently used as farmland, is zoned Agricultural Industry Zone District, is rural in nature, is adjacent to other farm fields, and is adjacent and near to only one residence.

2. IPS is requesting a special use permit for a period of 35 years to construct and operate two co-located 2-megawatt Solar Farm Energy Systems on approximately a 32-acre footprint.
3. IPS is a private corporation, headquartered in Minnesota that develops solar energy projects. These projects include numerous rooftop installations and 40 solar farms constructed in Minnesota, 4 to 5 of which similar in size to the proposed facility.
4. IPS is seeking to win approval for this site to participate as a host of a Community Solar Project under the Illinois Adjustable Block Program.
5. The project will include typical photovoltaic panels, inverters, and either a fixed tilt or linear access tracking system.
6. The site will interconnect via currently existing utility lines with a utility substation to the south. An access road to the project will come from Illinois Route 159.
7. The proposed solar facility is set back over 800 feet from the Illinois Route 159 and is surrounded by farm fields and existing tree lines. The closest single-family residence to the proposed facility, the Bauer residence, has an existing tree line buffer between the residence and the proposed solar facility.
8. Areas within the solar panels will be planted with a native pollinator friendly vegetation, and such will be mowed and maintained on an as needed basis.
9. Construction of the facility will take approximately 3 months, and the hours of construction will be between 8 a.m. and 6 p.m. There will be increased traffic during the construction phase but IL Route 159 can sufficiently handle the temporary increase. Appropriate sediment and erosion control will be used during construction.
10. Sound from the facility once completed will be minimal and within the limits as provided by the St. Clair County Code.
11. The perimeter of the project site will be fenced with a 7-foot chain link fence with 1-foot of barbed wire on top of it.
12. The proposed setbacks meet or exceed the County requirements.
13. The LESA score for the site is 195, which is a moderate value for agricultural retention.
14. This project is consistent with the County's Comprehensive plan as the land along IL Route 159 is to be commercially or residentially developed.
15. This project will provide a renewable energy source and can provide enough energy to power hundreds of homes annually.

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 in place with financing in place for the decommissioning, little to no glare is expected onto adjacent roadways and properties, the site will be fenced and there will be row crops planted in the existing and adjacent farm fields on all sides, there will be coordination with emergency personnel, there will be storm and wastewater

management procedures in place, the site will be seeded with native pollinator friendly vegetation, and the site will be appropriately maintained and farmed in areas.

The proposed Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan as it allows for residential and commercial development along the IL Route 159 corridor while providing a use, that being solar energy, that is complimentary to residences.

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 roads and residences.

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

There 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 Applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval under the Illinois Adjustable Block Program and, if approved, on the anticipated start date of construction.
2. Construction hours shall be limited to Monday through Friday, 8:00 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.
3. 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.

4. During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition. Erosion control shall be used and appropriate storm water management shall be undertaken, if deemed necessary by the appropriate governmental agency.
5. All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
6. Typical annual row crops shall be maintained around the facility as currently existing today to provide a vegetative buffer.
7. The Applicant and all other subsequent leasees, 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.

Second by Howell.

Ms. Edwards asked to make an amendment of the Motion regarding the restriction that the Special Use Permit is limited to the current owners/applicants. Ms. Edwards would like to amend the recommendation that the Special Use Permit is limited to just the applicant because there are so many owners on the property it places an unusual hardship on the property owner.

Second by Meister.

A roll call vote:

Meister – Aye
Deitz - Aye
Howell – Aye
Heberer – Aye
Gregory – Aye
Edwards – Aye
Penny – Aye

A roll call vote for original motion:

Meister – Aye
Deitz - Aye
Howell – Aye
Heberer – Aye
Gregory – Aye
Edwards – Aye
Penny – Aye

This case has been approved by this board and will go before the County Board for final consideration.

Old Business – Case #4

2018-08-SP -- Robert L. Reifschneider, Nancy L. Reifschneider, James Reifschneider and Donna L. Reifschneider Declaration of Trusts dated June 6, 2008, 2728 South Illinois Street, Belleville, Illinois, Owners and Innovative Power Systems, Inc., 2670 Patton Road, Roseville MN, Applicants. This is a request for a Special Use Permit to allow a 4 MW Solar Farm Energy System on 32-acres in an "A" Agricultural Industry Zone District, on property known as XXXX S Illinois Street, Belleville, Illinois, in Smithton Township. (13-03.0-100-024)

Chairman Penny stated the applicant submitted revised materials for this application and asked him for an explanation.

Mr. Evan Carlson explained initially the road was moved on this parcel; then there was a larger setback from the property line.

- Mr. Schneidewind asked if there are any trees planned for the West side of the property closest to the Keller residence. (The applicant stated there is no vegetative screening proposed on that side.)
- Ms. Edwards stated she visited the property and this property is the closest to a subdivision which is approximately ½ mile away.
- Ms. Edwards stated to the North of this property is significant population and a well maintained residence.

Public Testimony

- Mr. Keller stated he has worked with the applicant on moving the road. The 50 ft. behind the pole barn is close. (The applicant stated they revised the setback from 50 ft. to 100 ft.)

MOTION by Deitz.

In the matter of 2018-08-SP, on Applicant Innovative Power System, Inc.'s request for a Special Use Permit for two co-located 2-megawatt Solar Farm Energy Systems on property at S. Illinois Street, Belleville, Illinois, permanent parcel number 13-03.0-100-024, in an "A" Agricultural Industry Zone District, based upon the application, testimony, and evidence of record, I hereby move and recommend that that the Applicant's request for a Special Use Permit be approved for the following reasons and with the following conditions and restrictions:

It is the recommendation that the Zoning Board of Appeals that the Special Use Permit is limited to the applicant and the owner. The Owners being Robert L. Reifschneider,

Nancy L. Reifschneider, James Reifschneider and Donna L. Reifschneider Declaration of Trust dated June 6, 2008 and the Applicant, Innovative Power Systems, Inc.

My motion is based on the following facts and conclusions:

1. The land in question is currently used as farmland, is zoned Agricultural Industry Zone District, is rural in nature, is adjacent to other farm fields, has high-voltage power lines intersecting the property, and is adjacent and near to only three residences.
2. IPS is requesting a special use permit for a period of 35 years to construct and operate two co-located 2-megawatt Solar Farm Energy Systems on approximately a 32-acre footprint.
3. IPS is a private corporation, headquartered in Minnesota that develops solar energy projects. These projects include numerous rooftop installations and 40 solar farms constructed in Minnesota, 4 to 5 of which are similar in size to this proposed facility.
4. IPS is seeking to win approval for this site to participate as a host of a Community Solar Project under the Illinois Adjustable Block Program.
5. The project will include typical photovoltaic panels, inverters, and either a fixed tilt or linear access tracking system.
6. The site will interconnect via currently existing utility lines with a utility substation to the south. An access road to the project will come from Illinois Route 159.
7. The proposed solar facility is set back over 400 feet from the Illinois Route 159 and is surrounded by farm fields on the north, south, and east sides. The two closest single-family residences to the proposed facility are west of the facility by approximately 150 feet.
8. Areas within the solar panels will be planted with a native pollinator friendly vegetation, and such will be mowed and maintained on an as needed basis.
9. Construction of the facility will take approximately 3 months, and the hours of construction will be between 8 a.m. and 6 p.m. There will be increased traffic during the construction phase but IL Route 159 can sufficiently handle the temporary increase. Appropriate sediment and erosion control will be used during construction.
10. Sound from the facility once completed will be minimal and within the limits as provided by the St. Clair County Code.
11. The perimeter of the project site will be fenced with a 7-foot chain link fence with 1-foot of barbed wire on top of it. Further, adjacent and along the entire west side of the facility the Applicant shall plant and maintain a vegetative screening of Emerald Green Eastern trees or similar planting.
12. The proposed setbacks meet or exceed the County requirements.
13. The LESA score for the site is 190, which is a moderate value for agricultural retention.
14. This project is consistent with the County's Comprehensive plan as the land along IL Route 159 is to be commercially or residentially developed.

15. This project will provide a renewable energy source and can provide enough energy to power hundreds of homes annually.

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 in place with financing in place for the decommissioning, little to no glare is expected onto adjacent roadways and properties, the site will be fenced and there will be traditional row crops planted in the existing and adjacent farm fields on all sides, there will be coordination with emergency personnel, there will be storm and wastewater management procedures in place, the site will be seeded with native pollinator friendly vegetation, and the site will be appropriately maintained and farmed in areas.

The proposed Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan as it allows for residential and commercial development along the IL Route 159 corridor while providing a use, that being solar energy, that is complimentary to residences.

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 roads and residences.

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

There 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. There shall be additional screening with Emerald Green Easterns or similar plantings on the entire west side of the facility, as indicated in the Applicant's revised plans, and such 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. Additionally, typical annual row crops shall be planted and maintained along all sides of the facility to serve as an additional vegetative buffer.
3. The Applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval under the Illinois Adjustable Block Program and, if approved, on the anticipated start date of construction.
4. Construction hours shall be limited to Monday through Friday, 8:00 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. 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.
6. During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition. Erosion control shall be used and appropriate storm water management shall be undertaken, if deemed necessary by the appropriate governmental agency.
7. All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
8. The Applicant and all other subsequent leasees, 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.

Edwards seconds.

Amendment by Heberer to revise the restriction of transfer of ownership to applicant only IPS, Inc.

Second Meister.

A roll call vote on the Amendment:

Meister – Yes
Deitz – No
Howell – Yes
Heberer – Yes
Gregory - No
Edwards – No
Penny - Yes

Amendment to Motion passed.

Motion for original motion as Amended. A roll call vote:

Meister – Yes
Deitz – Yes
Howell – Yes
Heberer – Yes
Gregory – Yes
Edwards – Aye
Penny – Aye

This case has been approved by this board and will now go before the County Board for final consideration.

MOTION by Meister for adjournment. Howell seconds.