

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
November 5, 2018**

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

Members Absent: Alexa Edwards

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

**County Board
Members Present:** Dave Tiedemann, County Board District 19
Bryan Bingel, County Board District 7
Michael O'Donnell, County Board District 22

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 Meister to approve Minutes of October 15, 2018. Second by Heberer.
Motion carried.

Public Comment

There were no comments from the public.

Announcement

Subject Case 2018-26-SP – Mark Koehne, Koehne Plumbing & Heating LLC will not be heard at tonight's meeting. This meeting has been postponed until February 4, 2019.

New Business – Case #1

Subject Case #2018-14-ABV – Thomas & Laura Jewett, 4553 Mascoutah Avenue, Mascoutah, Illinois and Bruce & Kathleen Fleshren, 4547 Mascoutah Avenue, Mascoutah, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the reconfiguration of the property lines of two existing parcels that contain less than the required 40-acres required in an "A" Agricultural Industry Zone District, on property known as 4547 & 4553 Mascoutah Avenue, Mascoutah, Illinois in Shiloh Valley Township. (Parcel #09-26.0-400-011 & 012)

Zoning Board Member, Marcy Deitz will not participate in this case due to a conflict of interest.

Elaine LeChein, Attorney representing Mr. Fleshren

- Ms. LeChein explained the property owners realized the existing property lines were not what they believed them to be.
- Ms. LeChein explained the Fleshren's would like to purchase approximately 2,000 square foot of property from the Jewett's to square up the property.

Discussion

- Ms. Markezich explained the Fleshren's in-ground swimming pool was built across the property line.
- Chairman Penny asked how long the error has existed. (Mr. Fleshren stated the error has existed for over 20-years.)
- Chairman Penny asked if the variance is granted will the property meet county setbacks. (Ms. Markezich stated the property would be in compliance.)

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Dave Tiedemann testified that he has spoken to both parties involved in this variance and is in favor of the Zoning Board granting the request.

MOTION to approve request by Meister for the following reasons: The applicants presented a map and drawing of the reconfigured property lines; the applicants and County Board Members are in favor of this request; and granting the request would resolve boundary issues.

Second by Gregory.

A roll call vote:

Meister	-	Aye
Gregory	-	Aye
Howell	-	Aye
Heberer	-	Aye
Deitz	-	Abstain
Chairman Penny	-	Aye

This case has been approved by this board.

New Business - Case #2

Subject Case #2018-15-ABV – William Galle, Berniece Galle & Dennis Galle, 11943 Erb Road, Marissa, Illinois, owners and Justin Gale & Victoria Galle, 412 N. Lebanon Street, Mascoutah, Illinois, applicants. This is a request for an Area/Bulk Variance to allow the division of 5-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 11943 Erb Road, Marissa, Illinois in Marissa Township. (Parcel #21-01-.0-400-005)

Victoria Galle, Applicant

- Ms. Galle stated she and her husband would like to divide off 5-acres from her grandparents 35-acres of land that would include the farmhouse.
- Ms. Galle stated her grandparents have owned the home for 70-years and she would be the fourth generation to live in the home.
- Ms. Galle explained they would like to divide off the home and the outbuildings.

- Ms. Galle stated her grandparents are living in an assisted living center and the home is unoccupied at this time.

Discussion

- Mr. Meister asked if the family farms the property. (Ms. Galle stated the farm ground is rented out to local farmers.)
- Mr. Schneidewind stated the LESA rating on the property is 200-moderate, however the applicant will divide the house place and farm buildings so it will not jeopardize the farm ground.
- Chairman Penny asked if the remaining property will be sold. (The applicant stated her grandparents will retain the remaining property and will continue to lease the farm ground to the local farmers.)
- Ms. Deitz asked if the reason for the division is for them to purchase the home. (The applicant stated that is correct.)
- Mr. Howell asked how many heirs there are to the property. (The applicant stated there is one heir, her father who lives adjacent to this property.)
- Mr. Meister stated he is somewhat familiar with the property and the family and is in favor of the request.

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Bryan Bingel stated he received no objections from neighbors in opposition to the variance. He stated he spoke to some of the local landowners that are in full support of granting this request. Mr. Bingel stated he feels this is a great use of the property because it will minimize the impact on the farmland.

MOTION by Gregory to grant this request.

Second by Meister.

A roll call vote:

Meister	-	Aye
Gregory	-	Aye
Howell	-	Aye
Heberer	-	Aye
Deitz	-	Aye
Chairman Penny	-	Aye

This case has been approved by this board.

New Business Case #3

Subject Case #2018-26-SP – Mark Koehne, Koehne Plumbing & Hearing LLC, 1301 Waverly Drive, Collinsville, Illinois, owners and applicants. 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 Plumbing Company in a “SR-3” Single-Family Residence Zone District on property known as 7931 N Illinois Street, Caseyville, Illinois in Caseyville Township. (Parcel #03-09.0-204-033)

This case has been postponed until February 7, 2019 and will not be heard at tonight’s meeting.

New Business Case #4

Subject Case 2018-25-SP, Daphene Hoffman Living Trust, Bruce Hoffman TR, 1228 Hoffman Estates Drive, Columbia, Illinois, owners and Ride on St. Louis, Inc. 6068 Windsor Harbor Lane, PO Box 94, Kimmswick, MO, applicants. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H)(3) to allow Therapeutic Horse Services in an “A” Agricultural Industry Zone District on property known as 1231 Hoffman Estates Drive, Columbia, Illinois in Sugarloaf (South) Township. (Parcel #11-03.0-300-004 & 11-10.0-100-021)

Marita Wassman, Applicant

- Ms. Wassman stated she is the Program Director for Ride on St. Louis.
- Ms. Wassman explained Ride on St. Louis is a 20-year old non-for-profit in the State of Missouri.
- Ms. Wassman explained Ride on St. Louis is an equine assisted activities and therapeutic horsemanship program.

- Ms. Wassman stated her organization is premiere association with the professional association of therapeutic horsemanship international and there are over 800 centers worldwide. She explained there are less than 250 that are premier centers.
- Ms. Wassman stated if this business is granted this will be the only premier center South of Peoria and out of 36 centers in Illinois and Missouri they are the only center that will serve the metropolitan area of St. Louis.
- Ms. Wassman explained the organization serves individuals with disabilities and addresses people with disabilities. She explained the physical benefits are sitting on top of the horse which strengthens your core and developing riding and corrective reflexes that sends signals to your brain. She stated they serve people with physical disabilities, mental disabilities and/or development delays and the movement wakes up the brain and often individuals begin to communicate when they have not. Many children and adults their first words were said on top of a horse.
- Ms. Wassman stated there is also a spiritual aspect with Ride on St. Louis, there is a minister on-site that volunteers to speak with individuals and pray no matter what the religion is and offer support to get through any serious conditions they may be in.
- Ms. Wassman stated they would like to move to this location and have a forever home and be able to serve many more individuals.
- Ms. Wassman stated they plan to build a barn with 14-stalls on the 52-acre site with ample room for turn-out.
- Ms. Wassman stated some of the property will be farmed and they would like to raise their own hay for the horses.
- Ms. Wassman stated they will put in a road and the site will be way up the top of the hill away from the boundaries and neighbors and will be very private.
- Ms. Wassman explained there is one area on Hoffman Estates Drive that is a private road at the very beginning and they received permission from the property owner to put in a curve-out so that if there is two-way traffic, there would be a very clear area for the traffic to pull over for oncoming vehicles.
- Ms. Wassman stated she has met with most of the neighbors in the area and they are in favor of RideOn St. Louis to operate at this location.

Discussion

- Ms. Deitz asked if there are concerns with the nearby quarry. (The applicant stated she spoke with the Quarry. She stated she had a previous location near a quarry and the horses did not react to the blasts. She also had an attorney look into the specifics of the blasts and would like to get a schedule of the blasts and then they can train their staff and volunteers in

case a blast goes off. She stated the neighbor also stated they had horses and they were never affected by the blasting.)

- Colleen Ruiz, Attorney for the applicant also stated with respect to the quarry, these horses are currently located by a railroad and are accustomed to noise and disturbances from that. She also stated she spoke to quarry and they may be willing to provide notice prior to blasting in the area and they are also required to use an air-horn prior to the blast.
- Ms. Markezich stated she did speak to the quarry operators and they could not guarantee they would give the applicant notice of the blasting and were not willing to put it in writing.
- Mr. Howell asked if the quarry is not willing to notify the applicants of blasting, would that be a deal breaker for the business. (The applicant stated that would not be a deal breaker but would require further training of the volunteers.)
- Mr. Howell asked the Zoning attorney if someone is hypothetically injured on this property as a result of the blast, could there be a liability. (Mr. Schneidewind stated the quarry is an existing quarry, a quarry that was previously permitted for expansion in 1998 up to the Hoffman property, and the thing tonight is to make sure the applicant has full knowledge that they are moving towards a possible nuisance, rather than the quarry moving to them.)
- Mr. Howell stated he is in favor of the operation but is concerned with granting the business and then a massive lawsuit resulting because of the existing quarry.
- Mr. Meister stated he does not feel the business is compatible with the area due to the nearby blasting.
- Ms. Deitz asked what the access road looks like going into this property. (The applicant stated the access is a gravel road that comes off of the private road, Hoffman Estates Drive, and then there would be a continuation of that road to their site.)
- Mr. Meister asked if there is some type of low-water bridge on this property. (The applicant stated there is a low-water bridge and Ride On St. Louis will maintain and upgrade the bridge that is currently on the property.)
- Ms. Gregory stated she taught special needs children for 18-years and has experience with horse therapy. She stated she has a niece that is 32-years old and lives at Beverly Farms with severe autism and she never spoke a word in her life until about 4-years ago and with the exposure to the horses she is speaking in full sentences. Ms. Gregory stated this is a wonderful program and would be great for the area.
- Mr. Schneidewind asked the applicant to explain hours of operation, number of employees, number of clientele on the property at one time, to the board so they can get an understanding of the business aspect. (The

applicant stated there will be a small amount of people on the property each day, approximately 5 to 10 people starting at 7:00 AM when the horses are fed with 1 to 2 caretakers or volunteers to feed the horses; then there would be a physical therapist, a horse trainer and then the clients usually are scheduled for 9:00 AM and there are never more than three clients per hour. Later in the day, one therapist will leave and in the evening there will be designated certain days for late hours (after school hours) and they will see 2 to 3 clients. There will be no operation on Sunday, maybe just an odd training day or a make-up day now and then. She stated there may be a clinic now and then on Saturday and that may be the only times they operate on Saturdays or Sundays. Some days will operate in the morning and some days will start in the afternoon and go until 8:00PM at night.)

- Mr. Schneidewind asked when the applicant anticipates building the 40' x 180', 14- stall barn. (The applicant stated they are applying currently to the USDA for the rural community loan and they are in the pre-application process and are shooting for Spring or the beginning part of 2019.)
- Mr. Schneidewind asked when the 80' x 135' indoor arena will be built. (The applicant submitted a new site plan that showed all of the proposed buildings. She stated Phase I will be the indoor riding arena. Phase II will be done in 2023, which will consist of offices, larger restroom areas, and a classroom. The black area is the parking lot and at first this will be a gravel parking lot with special care for the riders that have disabilities.)
- Ms. Markezich asked when the home will be built for the caretakers. (The applicant stated the caretakers residence has not been confirmed at this time, the current operation does not have a caretakers residence.)

Public Testimony

- Bruce Hoffman, 1228 Hoffman Estates, Columbia, Illinois stated the end of their property abuts the quarry property but the actual mining of the quarry is ¼ to ½ mile away from the property line and they are working away from the property line instead of coming closer to it. Mr. Hoffman also stated he has horses and has been riding the horses while they are mining and the horses do not react because they get accustomed to it.
- Norman Schaefer, 412 Quarry Road stated he is the tenant farmer on this property and also the tenant on the quarry property. Mr. Schaefer stated when he is on the property the quarry will come out and say we are going to blast in 10-15 minutes and they are usually minimal and are not really heard out in the fields.
- Chris (inaudible last name)– 612 Hickory Manor, Arnold, Missouri stated his daughter Eve rides at Ride On St. Louis. He stated he understands the concerns regarding blasting nearby. He stated over the past ten years if there are any issues with a horse, the ride will be cancelled. The staff pays

very close attention to the temperament of the horses, and the horses are selected very carefully.

- Bruce Hoffman stated the Chief of Police in Columbia is very excited about this program and would like to possibly bring troubled teens out to the program for volunteering and other children to develop a passion for horses. The Chief is thrilled this business is a possibility. Mr. Hoffman stated he has been approached by developers on many occasions interested in purchasing this property, the property overlooks St. Louis and has a beautiful view. Mr. Hoffman stated he visited the applicant's facility and it brought tears to his eyes, how the children come to life on the animals. Mr. Hoffman stated money is not an issue, it's what the applicant can bring to the community and offer to the community.
- Unknown Man – stated the property is close to Interstate 255 for access and the location is prime for this business and stated he feels the location is ideal.
- Jan Vernier, 22 Sandwedge Drive, Belleville stated she has been with the applicant when someone wants to donate a horse, she is very particular about the kind of horse.
- Claire Schaeffer, 412 Quarry Road, Columbia stated she feels Columbia would be lucky to get this type of business.

Further Discussion

- Mr. Meister asked what will be done in the remainder of the building. (The applicant stated the end of the building will have a classroom area, an office, a feed room, and an open space for the horses which is about 36 x 30 ft. She also stated the mounted deck will be in that area. She also stated there will be a sensory trail around the facility.
- Mr. Meister stated he is concerned with the compatibility with the area; he stated the Quarry cannot move to another location because that is where the rock is at. Mr. Meister asked if there is a no-harm clause that could be written that would protect the quarry. (Mr. Schneidewind stated the Zoning Board cannot put that in the stipulation, but the board could stipulate the applicant place signs about the property warning their customers of the quarry operations there, but as far as contractual obligation that some 3rd party would benefit from, the board would not be in a position to do that.)
- Ms. Ruitz, Attorney for the applicant explained she does not feel like it is her clients responsibility to protect the quarry. She stated the Quarry has zoning requirements that were considered by this board and have their own federal laws they have to comply with.
- Mr. Meister stated he feels the business would encroach on the quarry.

- Ms. Gregory asked the applicant if they currently carry liability insurance and asked the applicant if they have been required to use the insurance. (The applicant answered they have not used their liability insurance and they have an excellent record.)
- Chairman Penny stated he is in favor of this operation but his reservation is, will the board create a scenario where people are at risk for a potential injury or a scenario where everybody now has to protect their own interests and the quarry is open to potential litigation that does not exist as we sit here today. Chairman Penny stated he does not feel comfortable moving forward with the case without further data from the quarry. Chairman Penny stated he would like to ask how aggressively are they going to be moving towards the area where there potentially going to be sited at and what is the impact of the blast going to be in relation to this activity. (Ms. Ruiz stated this is a public meeting and the quarry was fully aware of this meeting.) (Chairman Penny stated as the hearing stands, he is opposed to the proposal.)
- Chairman Penny stated before he votes, he would like to afford the opportunity for the Quarry to testify. The Quarry is under no obligation to do anything, they can start blasting tomorrow. The Quarry is a permitted use and has been for decades, and people that develop in that area are forewarned that a quarry that uses blasting to extract stone is your neighbor.
- Mr. Schneidewind asked the applicant how they get rid of the horse manure. (The applicant stated they would like to use the property for Agricultural so that would leave a lot of pasture, so a lot of the manure will be used for fertilizer and they have a manure spreader and then rotate different pastures where the manure will be spread out.
- Mr. Meister the property is karst topography and suggests the applicant contact the IDNR regarding number of animals allowed in this area.

Ms. Markezich stated she spoke with County Board Member, June Chartrand and she is concerned for the karst topography.

MOTION by Gregory to take this case under advisement until they receive more information from the Beelmans and revisit this case in February.

Mr. Schneidewind stated the Beelman's are under no obligation to provide the board further information.

A roll call vote:

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

Motion carried.

This case will be continued on February 7, 2019.

New Business – Case #5

Subject Case #2018-16-ABV – Arlene Nolte TR, 37 Rhineland Place, Millstadt, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 16-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 5102 Floraville Road & XXXX Floraville Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-35.0-200-012 & 12-36.0-100-001)

Joe Moerchen – TWM, Inc.

- Mr. Moerchen explained his company was approached to survey this property and make a division.
- Mr. Moerchen stated the owner and advisor were not aware of the zoning restrictions on the property.
- Mr. Moerchen stated the owners would like to cut out an area of this parcel that has less than 40-acres. This area had an old homestead and there is a large pond.
- Mr. Moerchen stated the remaining property is farm ground that will remain in farming.
- Mr. Moerchen stated the owners would like to sell the 16-acres for a homesite.
- Mr. Moerchen stated each of the three parcels will have their own frontage.

Discussion

- Mr. Schneidewind asked if there is a third division of the property of 15-acres. (The applicant stated the division on the South end will be conveyed

to the property owner (the Stehl's) to the West and the tract remaining will be more than 40-acres and does not require a variance.)

- Mr. Schneidewind asked what the 3-acres on the site plan indicated by the red line is for. (The applicant explained that is the 100 ft. of frontage required and will remain tillable to give the property access to Floraville Road.)
- Mr. Schneidewind asked if there will be an easement recorded for access. (The applicant explained each parcel already owns property to the road.)
- Mr. Schneidewind asked if they were going to build another road. (The applicant stated he expects they will continue to use the shared driveway for the residential 3-acre tract and the 16-acre tract, as it is now.)
- Mr. Schneidewind asked if the 87-acre tract will use the shared driveway. (The applicant stated the 3-acre strip will be access for the 87-acre parcel, unless they come up with an agreement to use the driveway in the future.)
- Mr. Schneidewind stated the 3-acre strip access for the 87-acre parcel is located in the floodway. (The applicant stated that property is still tillable.)

Public Testimony

- Jeff Stehl, 5110 Floraville Road, Millstadt stated he wants to make sure that with the 100 ft. easement cut up through there, that he has access to the farmground to the South. (Ms. Markezich stated this is not an easement this is property that will be owned.)
- Jeff Stehl stated he wants to make sure he has access to that ground. (Mr. Schneidewind explained this board would not grant you access to that ground, it would be between the owners to secure access.)

Further Discussion

- Mr. Schneidewind asked if there are plans at the auction to discuss the access to the property. (Dave Schumacher stated he will conduct the Auction. He explained the 16-acres currently has 25- feet of frontage; the 3-acres has 25 ft.; the 87-acres will have access down that new strip of ground.)
- Mr. Schneidewind asked Mr. Schumacher if there are plans that the 3-acres and the 16-acres gives the purchaser of the 87-acres an easement across their property. (Mr. Schumacher stated the access would have to be provided.)
- Ms. Deitz asked the reason for the 16-acre division auction. (Mr. Schumacher stated the 16-acre division is for a houseplace with the pond. The farmer will not want the grass or the lake and the guy buying the 16-

acres will not want the farm ground. He stated it makes the ground more valuable and in the process will not take tillable farm ground out of production.)

- Ms. Deitz asked Mr. Moerchen if he did a survey of the property. (Mr. Moerchen stated he found a 1947 survey that shows the 50 ft. road that goes back. He stated they will wait for Zoning approval before surveying the property.)
- Mr. Schneidewind stated the Zoning Board can put stipulations on the Area/Bulk Variance in regards to the easement. (Mr. Moerchen stated there could be a contingency at the sale, if the property is purchased by separate owners that there be an easement over the existing driveway that would be shared.)
- Mr. Schneidewind stated Mr. Steele would need a contingency that there will be access over the existing driveway and over the 3-acres.
- Mr. Schneidewind stated the most the board could do, if they decide to grant this request is to require that whoever buys the 16-acres and whoever buys the 3-acres would be required to grant an easement across the existing roadway to whoever purchases the 87-acres and to Mr. Steele and an easement over the 3-acres which is whoever, bought the 87-acres. Mr. Schneidewind stated the attorneys for the estate could draft the easements.

County Board Member, Michael O'Donnell stated he is not opposed to granting the divisions, however he has concerns with the access to the property.

MOTION by Deitz to deny the application for the following reasons: The County's Comprehensive Plan of 2011 shows this property as Agricultural Preservation; the existing Zoning is in agreement with the Comprehensive Plan; the owner/applicant are creating a hardship due to their desire to sell the land and obtain the highest value for it; therefore, I make a motion to decline this application.

There was no second by the Zoning Board Members.

MOTION by Heberer to grant the application for the following reasons: There is hardship but the applicants are willing to work together to get the most money for the property. The condition of the hearing will be that the applicants get all of the easements and access issues worked out prior to the auction for the 87-acres and Mr. Steele's property and the remaining ground will be consolidated together.

Second by Gregory.

A roll call vote:

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

Motion carried.

This case has been granted by this board.

New Business – Case #6

Subject Case #2018-24-SP – Steven W. Lindauer Living TR, 5600 Douglas Road, Belleville, Illinois, owners and Phil Carlson, Stantec Consulting Services, Inc. on behalf of OYA Solar IL, L.P., 2335 Highway 36 West, St. Paul, Minnesota, applicant. This is a request for a Special Use Permit to allow 2, 2 MW Solar Farm Energy Systems in an “A” Agricultural Industry Zone Districts on property known as 2403 & 2407 S. Illinois Street, Belleville, Illinois in St. Clair Township. (Parcel #08-33.0-403-002)

Phil Carlson, Stantec Consulting Services, Inc.

- Mr. Carlson stated he is representing the property owner Steven Lindauer.
- Mr. Carlson stated this board approved rezoning of this property at last months Zoning Board Meeting.
- Mr. Carlson stated this solar farm will be located on a 40-acre parcel with 2, 2-MW systems.
- Mr. Carlson submitted a narrative to the Zoning Board outlining the intensity of the project, the activities on the property, the impact on surrounding properties.
- Mr. Carlson stated panels will be a maximum 6 ft. tall, surrounded by a fence and vegetation to screen it, and they are very quiet and do not create any smoke, odor or noise and seed and a wildflower mix will be planted under the panels.
- Mr. Carlson explained there is an access road in the middle of the property on the North side on Park Lane and all of the wiring will be underground which will come up to a couple of equipment boxes which go up to

overhead poles out to the grid. He stated the poles already exist down to the substation.

Discussion

- Mr. Penny asked if the separation allows for two bids in the auction state lottery regarding community solar permits. (The applicant stated that is correct.)
- Mr. Meister asked if the licensing will be given in 2MW and will there be two licensed required to build the 4MW. (Mr. Stantec stated that is his understanding, that a license is required per every 2 MW.)
- Ms. Deitz asked how many years the applicant is asking for the Special Use Permit. (The applicant stated there is a 25-year lease with the utility company.)
- Mr. Schneidewind asked what the useful life of the facility. (The applicant stated the panels are warranted for 20-25 years, but they are expected to last 25 – 30 years.
- Mr. Meister asked if this property adjoins the substation. (The applicant stated the substation is just off the Southwest corner of the property.)
- Mr. Heberer asked if they will plant trees on the property. (The applicant stated they will plant a dogwood that will provide a significant screening and such plantings will be on the North, West and East sides of the facility.
- Mr. Schneidewind asked the owners if they will continue to farm along 159. (The owners stated that is correct.)

Public Comment

Keith Sturgis, 2030 State Street Road just North of the property. Mr. Sturgis he appreciates what the board did last time by putting disclaimers by what you thought was a good idea, but stated the County Board Member removed those disclaimers at the County Board Meeting. Mr. Sturgis stated he will not spend his time getting upset about this project even though this project is just South of his 10-acres of ground. Mr. Sturgis finds it ironic that at the last meeting he was asked whether he would like 240-homes or a solar farm South of his property and stated he feels this is getting personal.

Mr. Sturgis stated he appreciates the work the Zoning Board does, but believes it will be overturned by the County Board, so they should go ahead and pass the request.

MOTION by Deitz:

In the matter of 2018-24-SP, on Applicant, OYA Solar IL, L.P.'s application for a Special Use Permit to allow two, 2-megawatt Solar Farm Energy System on

47.28 acres in an “A” Agricultural Industry Zone District, on the property commonly known as 2403 & 2407 South Illinois Street, 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, is in close proximity to an electrical substation, is abutting a parcel that has been previously approved for a Solar Farm Energy System, and there are only three residential structures in proximity to the Special Use—two across Park Lane, and one that shares a common property line with the subject property.
2. OYA Solar is requesting a special use permit to construct two, 2-megawatt Solar Farm Energy Systems on a footprint of approximately 36 acres of the 47-acre parcel in question. Construction will likely begin in 2019 with a six to eight-month construction timeline.
3. OYA 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.
4. The project will include typical photovoltaic panels of approximately 3 ft x 6 ft in size, mounted on racking with a tracking system, and inverters.
5. Areas of bare ground under the panels will be covered with an Array Area Grass Mix and outside of the panels is to be planted with an Open Area Native Pollinator Mix.
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, and native shrub plantings such as Cardinal Dogwoods shall provide additional screening of the solar panels on the west and east fence lines and the north fence line along Park Lane.

9. There will be one access point off of Park Lane to access the solar array, which shall be gated with appropriate signage and 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 173 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 certain shrub plantings along the west, east and north sides; 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 roads and residences.

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 additional screening along the west, east, and north sides as per the Applicant's plans shall utilize Cardinal Dogwoods or native shrubs or similar plantings of sufficient height, along the fence line, 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. 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 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, 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.
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 Gregory.

A roll call vote:

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

Motion carried.

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

MOTION to adjourn by Meister, second by Howell. Motion carried.