

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
January 7, 2019**

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

Members Absent: Patti Gregory & Steven Howell

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

**County Board
Members Present:** Michael O'Donnell, County Board District 22
Scott Tiemann, County Board District 26
Jana Moll, County Board District 19

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 Edwards to approve Minutes of December 3, 2018. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2018-19-ABV – MK Environmental Limited LLC, 4911 Cobblefield Pass, Smithton, Illinois, owner and applicant. This is a request for an Area/Bulk Variance to allow the division of 29-acres instead of the 40-acres required and with 50 ft. of frontage instead of the 200 ft. required in an “A” Agricultural Industry Zone District, on property known as XXXX Upper Saxtown Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-34.0-400-028)

Joseph Carter, Contract Purchaser

- Mr. Carter introduced himself and stated he is the proposed buyer from MK Environmental.
- Mr. Carter presented the site plan showing the proposed division of property. He explained the division would be 29-acres.
- Mr. Carter explained of the 29-acres, approximately 7-acres is in CRP until the end of 2020 and there is approximately 5-acres of tillable land.
- Mr. Carter stated his proposal. He stated he would like to put a lake on the property with a home and a barn. He further stated there will not be a commercial business on the property.
- Mr. Carter stated the division will be off of a 69-acre tract.

Discussion

- Mr. Meister asked if the remaining property will have access. (The applicant pointed out the access on the site plan.)
- Mr. Meister asked how much frontage the remaining piece will have. (Roger (inaudible last name) 8745 Nike Road stated there is 181 ft. of road frontage to the North, next to the house.)
- Mr. Meister asked if the triangle on the corner of Saxtown Road is owned by someone else. (Roger stated the entire corner is county right-a-way.)
- Ms. Edwards asked if public water is available in the area. (The applicant stated there is no public water available, he would install a well and an aeration system.)
- Ms. Edwards stated the Comprehensive Plan calls for Agricultural Preservation.
- Ms. Edwards stated she questions whether this division would be in compliance and in harmony with the general use of making this division as far as Agriculture use.
- Ms. Edwards questioned if this is the highest and best use of the property, to divide this portion of property off without land locking other parts of the property, changing the Agricultural preservation, the water flow and the use

of the property which is going from agricultural to residential. (Gentlemen stated this proposal is the highest and best use of the property because the best ground remains.)

- Ms. Edwards asked how many acres of a lake they want to construct. (The applicant stated the lake will be approximately 5 to 6-acres.)
- Ms. Edwards asked if there will be a dam. (The applicant stated it would require a dam with State approval.)
- Ms. Deitz asked the applicant if he had a professional surveyor look at the property. (The applicant stated he will hire a surveyor if the application is granted.)
- Ms. Deitz asked if Chad Steele owns the roadway, how could the division be completed. (The applicant stated when he placed his offer to purchase the property, he was told there is county access to the property.)

Public Testimony

- Jason Eccher, 4020 Upper Saxtown Road, Millstadt stated his property is in the center of this property. Mr. Eccher stated he disagrees with the information presented by the applicant. Mr. Eccher stated there is a stone monument in the center of that easement and on the surveyors map, his ground starts 20 ft. west and 20 ft. north and there is 40 ft. of easement right there. Mr. Eccher stated he objects to the applicant putting a driveway in there and understands the county code requires road frontage.
- John Schraeder, 4000 Upper Saxtown Road stated he is a Trustee and also a property owner to the North. He explained the CRP was put there because it was a nightmare getting back there through that ditch. Mr. Schrader stated he agrees with Mr. Eccher and does not feel that would be a good entrance on the corner of Upper Saxtown Road. Mr. Schraeder stated he was told by St. Clair County that there is a 40 ft. easement along the angles and the inside of that angle is owned by Chad Steele. (Mr. Penny confirmed the inside of the angle is owned by Chad Steele.)
- Mr. Carter stated he can move his driveway on the site plan to go along the easement and not over Mr. Steele's property. (Mr. Heberer stated if he moves the driveway, then his parcel would be on Mr. Eccher's property.)
- Mr. Traiteur stated the property owners along Saxtown Road own to the center of the road, the Township has an easement the properties to maintain the road and also stated there is a horrendous amount of water that flows through there that property.
- Mr. Steele stated he owns the property on that corner and his grandfather owned it before he did. He stated Mr. Eccher mows the corner because they have an agreement.

- James Probst – 3923 Vogel School Road stated he is the Trustee for the property west of this proposal. He stated his concern is housing popping up all over back there; he is also concerned with the 5-acre lake going in back there with the watershed in the area. (Mr. Heberer stated the lake will have to be engineered with a dam.)
- Bob Dillman – 6201 Triple Lakes Road, Millstadt stated he realizes the Zoning Board does not recommend a survey because of the cost, but this lake for instance could be right up to the property line. (Chairman Penny stated the board should move on from speaking of the lake and concentrate on the issue at hand this evening.)
- James Probst – 3923 Vogel School Road, Waterloo stated we are talking about 68-acres here but originally it was 78-acres when it was sold, there has already been a piece broken off of it, so it's been split once.
- Todd Shylanski, 3845 Lower Saxtown, Waterloo stated his property is directly to the South and pointed out that Zoning requires 40-acres with 200 ft. of frontage and he is opposed to a variance of that request.

Further Testimony

Chairman Penny stated he would like to take this case under advisement until the applicant can get an agreement in hand that says he has access to that road.

MOTION by Edwards to take this case under advisement, there has been testimony regarding the ingress/egress, who owns it and whether the applicant can make the needed requirements to meet county codes.

This case will be revisited on April 8, 2019.

Second by Heberer.

A roll call vote:

Meister -	Aye
Deitz	-Aye
Heberer	-Aye
Edwards	-Aye
Chairman Penny	- Aye

Chairman Penny stated this case has been continued until April 3, 2019. The applicant needs to bring in proof of certainty regarding the access. There will no further notices sent out for this meeting.

New Business - Case #2

Subject Case 2018-17-ABV- Rho, Inc., 5121 Manchester Avenue, St. Louis, Missouri, Owners and Tina Bailey, Klitzing Welsch Associates, 3019 S. Grand Blvd – Suite 100, St. Louis, Missouri, Applicant. This is a request for an Area/Bulk Variance to allow the construction of a commercial addition 20 ft. from the side property line instead of the 25 ft. required in a “B-2” General Business Zone District on property known as 3519 Frank Scott Parkway West, Belleville, Illinois in Stookey Township. (Parcel #07-13.0-400-039 & 07-13.0-400-048)

George Giudici, Applicant

- George Giudici presented site plans to the board and explained they are asking for a variance to be 5 ft. closer than the required setback to construct a new building on the property.
- Mr. Giudici stated the existing building on the property was built in 1979.
- Mr. Giudici stated they recently purchased the old ice plant, where the existing building will be demolished.
- Mr. Giudici stated there is business activity on this property from 7:30 AM to 4:30 PM, Monday through Friday.

Discussion

- Ms. Edwards asked what is done at the existing building on the property. (The applicant stated they distribute heating, air conditioning and refrigeration products.)
- Ms. Edwards asked how the applicants will enter and exit and if that will affect the property owners. (The applicant stated the entrance and exit is on the road coming off of Frank Scott Parkway.)
- Ms. Edwards questioned that if you are a surrounding property owner, the affect will be the back side of the wall of the building, where there will be no activity. (The applicant stated that is correct.)
- Mr. Meister confirmed with Mr. Schneidewind that the business is a permitted use in this zone district and the variance is only for the building setback. (Mr. Schneidewind stated that is correct.)
- Mr. Meister asked if there will be any activity on the back side of the building. (The applicant stated, the back of the building will have no activity, only grass and vegetation.)
- Ms. Edwards asked if there will be any windows on the back side of the building. (The applicant stated windows are not planned on the back side of the building.)

- Ms. Edwards stated generally the Zoning Board listens to the property owners that are impacted by the variance.

Public Testimony

- Donald Mueller, 218 Hickory Ridge, Belleville stated he is an adjacent property owner. Mr. Mueller stated the Ice Company was built at a 20 ft. setback, and he believes the setback used to be 20 ft. He also stated the ice company was always an eyesore.
- Douglas Hill, 5908 Erie Station Road, Belleville stated he has no objection to the applicant building 5 ft. closer to the property line, however his concern is there is a drainage problem. He explained where the existing loading dock is located, is a grassy area that absorbs some water. He feels once they put this very large building in, the runoff will run toward his property and his neighbors the Higgins' property. Mr. Hill stated they show a detention pond on their plans, but is not sure how much it will hold. Mr. Hill stated if they run their drains underground, it may solve the problem. (Mr. Guidici stated the civil engineer will adhere to all County standards for construction.)

Further Testimony

MOTION by Edwards to grant the case for the following reasons: The applicant is adding on to their business; the applicants will tear down an adjacent eyesore; the applicant has addressed the stormwater runoff issue and will monitor during construction, if stormwater should be addressed further; the applicant will not add additional stormwater to its property or to the neighbors. Therefore, it is the recommendation of this board that the general purpose and intent of the zoning ordinance is in compliance; the request will not be injurious but will be a solution to problems confirmed by the surrounding property owners; the request will not be detrimental to the public welfare; the request is not in conflict with the Comprehensive Plan; the request will not increase any hazards or fires or other dangers to said property; the request will not diminish the value of land & buildings in the immediate area or throughout the county; the request will not unduly increase traffic congestion on the public streets and highways and therefore is recommended for approval by this board.

Second by Deitz.

A roll call vote:

Meister -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 final consideration.

New Business Case #3

Subject Case #2018-30-SP – Rehkemper Partnership TR – Thomas Rehkemper, 9927 Canterleigh Drive, St. Louis, MO, owner and DG Illinois Solar, LLC, 700 Universe Blvd, Juno, Beach FL, applicants. This is a request for a Special Use Permit to allow a 4 (MW)(AC) Solar Farm Energy System consisting of two collocated 2-MW ground mounted PV arrays on 40-acres in an “A” Agricultural Industry Zone District on property known as 1217 Green Mount Road, Belleville, Illinois in St. Clair Township.

Adam Siegelstein, DG Illinois Solar, Applicant

- Mr. Siegelstein stated he will keep his presentation brief because the Zoning Board has heard several solar farm presentations.
- Mr. Siegelstein introduced the landowner, Mr. Thomas Rehkemper, a civil engineer, Kelton Kelly, an environmental consultant, Leslie Owens, and former congressman Bill Enyart who is a supporting consultant/attorney for the applicant.
- Mr. Siegelstein explained the parent of his company is called Nextair Energy Inc. which is nearly a 80 billion dollar publicly traded company focused on utilities and energy. He stated it has two main subsidiaries FPL –Florida Power Light and NextAir Energy Resources which is the largest producer of renewable energy in the word. DG Illinois Solar LLC is a wholly owned indirect subsidiary of NextAir Energy Resources.
- Mr. Siegelstein stated NextAir Energy Resources owns and operates three wind-farms and also owns and operates a 20 MW battery energy storage project and has invested over \$800 million dollars in the State of Illinois, and contribute in excess of \$4 million dollars in annual payroll in Illinois and in excess of \$3 million dollars in property taxes.
- Mr. Siegelstien stated this project is named the Belle Valley Project.

- Mr. Siegelstein stated this project will be a mounted fixed tilt project; the height of the system will be 8 ft. at the highest point; the solar project will also include a lithium ion battery energy system to make the solar system a little more efficient; the project will be surrounded by a 7 ft. high security fence; and at the entrance there will be emergency lighting, a lock box, warning signs and contact information.
- Mr. Siegelstein stated underneath the panels will be fully planted with low growth, shade tolerant grasses all year round.
- Mr. Siegelstein stated this project does not include a vegetative buffer along the main road simply because it abuts an industrial zone district.
- Mr. Siegelstein presented the site plan.
- Mr. Siegelstein stated a portion of the property is somewhat impacted by a flood plain – Zone A. He spoke to FEMA and IDNR and received no indication of risk for permitting the project, but stated flood plain permits if needed, will be acquired.
- Mr. Siegelstein stated because there is grasses grown underneath the panels year round, they are a net reducer of stormwater runoff and thus, such should be a positive impact to adjacent properties that suffer from excess runoff.
- Mr. Siegelstein stated the EcoCat was submitted on November 28, 2018 with no adverse conditions found.
- Mr. Siegelstein stated his company did some neighbor outreach and met with the neighbors on December 4th.
- Mr. Siegelstein stated the project will develop enough clean renewable energy to meet the demands of over 500 Illinois homes. He explained residential and commercial customers of Ameren may subscribe to this project because it is a community solar project that requires community solar subscriptions. He stated adjacent homeowners were very pleased with the prospect that they are likely to get savings in the form of bill credits. He stated there will be property tax revenues for the County; local job opportunities; and will contribute to Illinois renewable energy goals. He stated this proposal will not increase traffic, noise; pollution and will not be detrimental to the health or safety of the public.
- Tom Rehkemper, owner of the property introduced his family and let the board know his wife was a local landowner even though his mailing address is in St. Louis. Mr. Rehkemper stated he was approached by 5 or 6 companies for a solar farm and this company is the only one who offered credits to the neighbors on their electric bills.
- Mr. Enyart stated he would like to go through the factors that the St. Clair County code directs the Zoning Board to consider regarding whether to grant a permit request or not. Mr. Enyart stated 40-11-37 particularly factors whether the proposed design, location, development and operation will

adequately protect the public's health, safety, and welfare and physical environment. He stated the Engineers have answered those questions in that regard, the public is protected by the chain link fence, around the property. Should there be any flood considerations, they have addressed Mr. Meister's claims about that. The effect the proposed use may have on the value of the neighboring property and on the County's overall tax base. The neighboring property consists mostly of the Belle Valley Industrial park which is to the north and surrounding agricultural property. The use will not generate traffic, pollution, or noise, so any impact to those properties will be minimal. The impact on the tax base is the use will increase the tax base, the State has set a ceiling on the tax rate, but it will generate tax for the County; in terms of the availability and effect on public utilities, once construction is done which will take approximately 90-days, once that is done there will be minimal traffic except for maintenance which will provide local employment. In terms of public utilities, it will generate electricity with no demand for water, no demand for natural gas, which will be an improvement for the community. Belle Valley School is located approximately $\frac{1}{3}$ rd of a mile away, with no impact and the Belle-Valley Industrial park is nearby and is a compatible use.

Discussion

- Ms. Edwards asked since a portion of the project lies within the flood zone, if that is why the panels could be higher than 8 ft. (The applicant stated the panels have not actually been designed around the flood plain yet, the base flood elevation needs to be determined first. The flood plain is only a small portion of the Southeast corner of the property of approximately 5-acres.)
- Ms. Edwards asked if the panels are located in the flood plain, will they have to go any higher than 6 to 8 feet. (Mr. Kelly explained they have to determine what the requirement is, which is usually 2 ft. above the flood zone and that is for equipment not rated to operate under water, so the tip of a panel can be temporarily submerged and it functions fine that way. Electric connections and convertors and transformers all of those things have to be 2 ft. above base flood elevation. The applicant explained the panels will not go higher than 8 ft. The applicant stated the inverter pads, battery storage and road will all be out of the flood plain.)
- Mr. Meister asked the applicant to explain battery back-up. (The applicant stated it has not been determined if a back-up will be used but if it is used the size has yet to be determined but possibly 500 kw, which is generally about 4 to 6 parking spaces. This back-up makes the system more efficient by capturing energy that would otherwise be lost or clipped by the inverters and makes a more efficient solar project.

- Mr. Schneidewind asked the applicant to explain the size and structure of the battery back-up. (The applicant stated some of structures look like modular white blocks that are about 7 ft. high, or in small shipping containers.) (Mr. Schneidewind informed the applicant that shipping containers are not allowed in the County.)
- Mr. Schneidewind asked if the battery back-up building produces any noises. (The applicant stated there will be no noises from the building.)
- Mr. Schneidewind asked if this is a 4 MW or 2 MW project. (The applicant explained there will be 2 co-located 2 MW projects.)

Public Testimony

- Mike Munie – 1921 Hidden Lakes Drive, Belleville asked how many square feet or acres of panels will cover the site. (The applicant stated 4 MW is approximately 15,000 panels and each panel is generally 3'x6'.)
- Mr. Munie stated he owns property downstream from this property and is concerned with the stormwater runoff from this project. Mr. Munie stated the equilibrium on that site is at its limit and is concerned the grass will not grow under the panels and then there will be quite a few acres with no vegetation under it that will then accelerate the rate of runoff.
- Mr. Munie asked if there will be a BMP in place to catch the additional water. (The applicant stated there will be BMP's in place during construction and a silt fence and a rock construction entrance. He explained these things will provide protection during construction for adjacent property landowners or downstream areas. The applicant explained after that shade tolerant grasses which is a meadow grass will be planted. The applicant stated this is not a steep erodible soil and adding the grasses underneath will actually improve the erosion control, overall. The applicant stated there is about 7-acres total added panels and he is counting $\frac{1}{4}$ of that based on the IDNR guidance that a $\frac{1}{4}$ " will not infiltrate as pointed out in the diagram that is to show flow patterns, and it will still hit the ground of the panel in front of it, and is a widely accepted method. The applicant stated they are reducing the curb number so much, the water will absorb and shade tolerant grasses do grow because there is some sunlight getting to them. He also stated they will work with local Soil & Water Conservations to find a seed mix that works well in the soil they are planting in as well underneath solar panels.)
- Chairman Penny asked if the installation of the panels results in 1.75-or $1\frac{3}{4}$ acres in conventional black top parking lot. Chairman Penny asked if that includes the invertors and switches. (The applicant explained the 1.75% will be the impervious portion of the solar panels, the additional concrete pads and gravel that equals a little over a $\frac{1}{2}$ -acre with the road and invertors

and then the disconnected impervious which is the panels that are lifted off of the ground.)

- Mr. Munie stated the applicant mentioned a ¼ inch model, and asked if the applicant ran a 2 inch model. (The applicant explained the ¼" of rain is the assumption that the IDNR gives you for credit for the solar panels, the models have not been run yet, but the site is relatively flat and the slopes listed are not a steep erodible soil to start with and by adding the grasses underneath, it will improve the erosion control overall, for the life of the project.)
- Mr. Munie stated he researched these panels prior to the meeting and found some related articles, Kennedy & Jakes Consultants, and they mention these sites could add 15-50% increase in volume through the installation of solar panels. He stated he does not know if this is fact, but it certainly gives pause. The other concern is temperatures, what goes on with the adjoining temperatures, because as a neighboring farm there could be a 7 degrees increase. (The applicant stated he works for EDS Engineering and they have shown though those sites that their stormwater design meets all the requirements and ensures the adjoining properties aren't affected by the installation of this project. The applicant stated there are multiple layers of protection to adjacent landowners both on the stormwater side and the erosion side.) (The applicant also stated it has not been found that the temperature on adjacent properties will be affected due to the setback to the fence which is 20 feet from the panel to the fence and then additional setback of 30 ft. to the property line, so 50ft. to the additional property will not affect the temperature on the adjacent site.)
- Mr. Munie stated he is also concerned about property values being an adjacent property owner. (The applicant stated evaluations and studies have been done and there has been no discernible impact on adjacent property owners.)
- Mr. Bill Enyart stated the board should keep in mind that this facility would be immediately adjacent to an Industrial park, so the likelihood of diminishment in the value due to this solar energy project would certainly be minimal if any.
- Don Wiggins, 6000 Concordia Church Road, Millstadt stated he hasn't heard anything in the newspaper or a plan by St. Clair County of how many of these facilities they will have. (The applicant explained there are Renewable Energy Credit incentives that have drawn a lot of contractors to Illinois, it's a program sponsored by the Illinois Power Agency. There will be much more of a demand than a supply, and in all reality much of the projects will not likely be built because they will not receive the incentive.)
- Don Wiggins asked what is the guarantee that St. Clair County citizens won't get stuck with the bill of clearing this property if the demand for solar

panels no longer exist. (Ms. Markezich stated the applicants have to submit a 110% bond that the County will hold for decommissioning.)

- Mr. Meister asked what the current rate of permits there is versus the current number of applicants. (Mr. Enyart stated there are over 750 projects currently with only about 75 spots. Mr. Enyart stated 1 in 10 of these projects will be completed.)
- Mr. Meister stated the Special Use Permit granted by this board will expire after 2-years.
- Mr. Schneidewind asked if the useful life of the array is 30-years. (The applicant stated that is correct.)
- Mr. Munie asked if the coefficients are off, is there anything in place that the adjacent ground will not be over saturated. (The applicant stated the coefficients are based on empirical data that was collected many years ago based on that experimentation put forth by the USDA and the Soil & Water Conservation sector.)
- Ms. Edwards asked what St. Clair County has in place if the storm water runoff does not work. (Ms. Markezich stated St. Clair County has a storm water code that will be enforced.)

Further Discussion

County Board Member, Scott Tiemann stated he has not received any comments from neighbors and feels the plan presented by the applicant is well put together.

MOTION by Kent Heberer.

In the matter of Subject Case 2018-30-SP – I hereby move that this application 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 to the east, west, and south, is adjacent to industrial properties to the north, and there are no residential structures in close proximity to the proposed Special Use.
- 2) DG Illinois Solar, LLC, as owner and operator of the facility, is requesting a special use permit to construct two, 2-megawatt Solar Farm Energy Systems on a footprint of approximately 17.2 acres of the 19.72-acre parcel in question. Construction will likely begin in the Fall of 2019 with a 14-week construction timeline.
- 3) DG Illinois Solar, LLC is seeking to win approval for this site to participate as a host of a Community Solar Project under the Illinois Adjustable Block

- Program. It is anticipated that the proposed facility will supply enough energy to meet the demands of approximately 500 homes annually.
- 4) The project will include typical photovoltaic panels on a fixed tilt system, racking, one or more inverters, medium voltage transformers, and control cabinets. The total height of the combined solar energy system will be between 7 to 9 feet in height.
 - 5) All disturbed upland portions of the Project parcel will be permanently seeded with a native grass mix of low-growth seeds and wildflowers.
 - 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 7-foot tall chain link fence to surround the perimeter of the property.
 - 9) There will be one access point off Green Mount 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 195 which is a moderate value for agricultural retention. A portion of the subject parcel is located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency.
 - 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; 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.

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 hospitals near the proposed Special Use that require special consideration; however, there is a school nearby but said school is over 1,400 feet away with no direct access to this parcel in question, and thus, no special considerations are needed.

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:

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.

The Applicant shall cooperate to the fullest extent possible with the Federal Emergency Management Agency by obtaining the proper permits and meeting the appropriate design requirements necessary to prevent issues from the Special Flood Hazard Area that is present in the subject parcel.

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.

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.

During excavation, site prep, or disturbance of soil onsite, any topsoil shall be preserved and returned to its prior condition.

All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.

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.

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.

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.

Ms. Edwards asked to make an amendment that the panel heights range from 6.5 to 8 ft. in height. Such amendment was agreed upon by Mr. Heberer and the Board.

Second by Edwards.

A roll call vote:

Meister	-	Aye
Deitz	-	Aye
Heberer	-	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 #4

Subject Case #2018-31-SP, Rehkemper Partnership TR – Thomas J. Rehkemper, 9927 Canterleigh Drive, St. Louis, Missouri, owner and DG Illinois Solar, LLC, 700 Universe Boulevard, Juno Beach, FL, Applicants. This is a request for a Special Use permit to allow a 4 (MW) (AC) Solar Farm Energy System consisting of two co-located 2-MW grounded mounted PV arrays on 40-acres in an “A” Agricultural Industry Zone District on property known as XXXX Concordia Church Road, Belleville, Illinois in St. Clair Township. (Parcel #08-31.0-200-009)

Adam Siegelstein, DG Illinois Solar

- Mr. Siegelstein stated this project and the previous project are very similar so he will contrast some of the differences.
- Mr. Siegelstein stated this project will be owned and operated by DG Illinois Solar LLC indirect and wholly owned by Next Air Energy Resources.
- Mr. Siegelstein presented a site map that gives the general idea of where the site is located.
- Mr. Siegelstein stated this property is zoned Agricultural and abuts both Agricultural and Industrial zone parcels to the Southwest of this parcel is St. Louis Composting which used to be a BFI Waste Management Landfill, so that parcels abuts the property.
- Mr. Siegelstein stated this project will be a single access tracking system, the axis will track the sun from East to West and the panels move throughout the day so the height varies but at it will be approximately 8 ft. at the highest.
- Mr. Siegelstein stated this project will use inverters and interconnection equipment and may also be use lithium ion battery energy storage to optimize the production; there will be a 7 ft. security fence, emergency lock box, warning signs, the solar area will be 100% planted with low-growth, shade tolerant grasses; and a shaded buffer will be placed on the entire North edge of the parcel along Concordia Church Road and there will also be a vegetative buffer approximately 200 ft. along the Northern side of the East and West boundaries to partially buffer from the side view.
- Mr. Siegelstein stated like the last project the stormwater runoff will be reduced based on the planting of grasses and the entire area under the parcels. This project is not located in a flood zone.
- Mr. Siegelstien stated the EcoCat found no concerns.

- Mr. Siegelstein stated he met with the adjacent property owners on December 3, 2018 to discuss the project.
- Mr. Siegelstein stated DG Illinois Solar does strive to be a good neighbor and will take a very long-term view of its projects.
- Mr. Siegelstein stated the project benefits are they expect to have enough electricity for at least 500 Illinois homes, residential and commercial customers of Ameren can subscribe to the project, and that should reduce their costs via bill credits. He explained, if the full 4MW is built this project can provide up to \$28,000 in annual property taxes; there will be local jobs created and will contribute to Illinois renewal energy goals, the project will not increase traffic after it is constructed; there is no noise; the project is pollution free; and the project will not be detrimental to the public.

Discussion

- Mr. Meister asked if there will be a battery pack on this project. (The applicant stated there will be a battery pack.)
- Mr. Meister asked how close this project is to the sub-station. (The applicant stated the sub-station is approximately 365 ft. south of the intersection of Mine Haul Road and South 59th Street and about ½ mile away.)
- Mr. Schneidewind asked if this facility will have the same useful life of 30-years. (The applicant stated that is correct.)
- Mr. Schneidewind asked if the vegetative buffer will go across the entire front of the property line on Concordia Church Road and 200 ft. down each west and east side. (The applicant stated that is correct. He explained after they received feedback from the adjacent landowners, they incorporated some changes to their design for the aesthetics.)
- Chairman Penny asked the specific nature of the vegetation. (The applicant stated the trees will be 6 ft. tall placed 8 ft. on center from each other and staggered so there will be two rows to provide a better shield and they will grow to a mature height of around 8 ft. around to fill in the spaces. The tree will be a black hill spruce which is an evergreen.)
- Ms. Schneidewind asked on this site if the drainage goes to the South towards the lake or pond. (The applicant stated they are on the NWI as wetland areas and that means they cannot increase rate, you can see the majority of the site does flow down to the Southern border but there are some areas that flow in different directions. The applicant stated the numbers show that they are reducing the amount of water leaving the site.)
- Ms. Edwards asked if there is any correspondence from the City of Belleville. (Ms. Markezich stated she did not receive any correspondence.)

- Mr. Heberer asked why the applicant didn't propose the site to the South on the old BFI Systems property that Mr. Rehkemper owns. (The applicant stated they evaluated that property and that property would be much more costly to work with and a lot more civil engineering work and grading required, more destructive work to the lands and it would make the usable acreage a lot smaller than what they are looking at here on the northern parcel. The applicant stated perhaps in the future, there will be a site there.)

Public Testimony

- Lizabeth Poole, 5325 Concordia Road, Belleville stated she and her husband live directly across the street from this solar farm. Ms. Poole stated she built her home 20-years ago on her grandfather's property, and does not want to look out her front door at a solar farm. Ms. Poole stated Mr. Rehkemper stands to profit from this farm at the same time, she feels her property values will decrease.
- Doug Lobstein, 5501 Concordia Church Road, Belleville stated his property is directly across the street and stated he feels the same as he would not like to look at a solar farm, and the possible noise coming from the panels. Mr. Lobstein stated the Zoning Board has already granted 10 projects and the landowner's adjacent want to protect their property values more than anything.
(In response to the neighbor objection, Mr. Enyart produced a picture of the view across the agricultural land. He explained there are bull dozers and other heavy equipment operating on that site through the tree line, and his clients have heard the concerns and views, and so they have put up the vegetative buffer so instead of seeing the bull dozers and hearing the equipment on the industrial composting site, they are actually going to be seeing a screen of beautiful trees, rather than viewing the industrial site immediately to the South.)
- Tom Wiggins, 6000 Concordia Church Road, Belleville stated he was not invited to the meeting and is concerned with the stormwater runoff.
- Kathleen Glauber, 6001 Concordia Church Road, Belleville stated she is not adjacent but this is her neighborhood and she is concerned because they moved out to this area for the country and it seems like the people that want to put it here, do not live here.
- John Klaus, 4734 Frank Scott Parkway West, Belleville stated he is not directly impacted by the Solar Panel but as other neighbors have expressed, he moved out of the City to get away from this type of thing, once a solar farm is installed here, what is next. He stated Mr. Hankammer will be cheated out of farming "x" amount of acres of ground and is directly impacted.

- David Hankammer, 328 Harvest Street, Millstadt stated he does lease the property from Mr. Rehkemper and if the solar farm goes in, he will lose the lease. Mr. Hankammer stated that lot does drain to the South on Concordia Road, there is a storm sewer system in there that will need to be taken into account if the project goes through.
- Denise Rehkemper-Williams, Rehkemper Partnership stated there is the landfill in the area and questions the concern of noise of a hum as opposed to the other noises in the area of the landfill.
- Mr. Enyart pointed out that within walking distance of this area is a tavern/night-club that draws a considerable amount of traffic and noise that probably should be brought to the attention of the board. He stated in terms of moving to a quiet neighborhood, there is a tavern, industrial site, and motocross across the highway, those are all noise issues. Mr. Enyart reminded the board that the requirements to be considered under the County code under 40-11-37, clearly the public health, safety and welfare is protected here, the proposed SP will increase the County's overall tax base in light of the fact that it's already in an Industrial neighborhood the potential impact on neighboring property will be minimal. The applicant will install a vegetative buffer and submitted a photo that shows the properties will be shielded from seeing the panels due to the buffers. There will be no impact on public utilities, except a positive impact because they are putting power into the grid; traffic circulation after the 14-week construction phase will be minimal; there will be no special consideration due to schools which is ¼ mile away, and there is an industrial usage adjacent and they believe it is compatible with adjacent uses.
- Gentlemen – asked if the panels make noise when they move. (The applicant answered it would be inaudible.)
- Gentlemen – asked if there will be lighting. (The applicant stated the only light is at the front gate, the emergency lighting.)
- John Klaus stated he would rather hear a tractor than the steady hum of a solar panel and mentioned the property owner lives across the river in another State vs. the property owners who live around it.
- Tom Rehkemper, property owner stated he is also looking out for the neighbors and demanded there be a buffer along the road as well as the sides of the property, which was covered under the arrangement.
- Kathy Glauber asked how long it will take the buffer to grow in and if there's a storm how many times, would they replace the buffer. (The applicant stated the trees are planted at 6ft. at the time of planting, so that will cover a majority of the 6 ft. fence height and then they grow about a foot per year. The trees will be maintained per the operations and maintenance plan that will remain in effect until the end of the project.)

- Kathy Glauber asked if the fence is in place for vandalism. (The applicant stated the fence is to protect nearby property owners and the fence is required by the National Electrical Code.)
- Lizbeth Pool asked where the gate will be in relation to the map. (The applicant stated the gate will be at the Northeast corner of the site.)
- Dave Hankammer asked if the life span on these panels is 30-years, what happens after 30-years and will they be replaced. (The applicant explained the projects are expected to last 30-years but if they do not, they are obligated to return the land to its original use, if there is an economically viable way to keep the project in operation, the use will be extended.)
- John Poole asked the board members if they would want this project across the street from their homes.

Further Discussion

County Board Member, Scott Tiemann stated he was not contacted by adjacent property owners for or against, and feels the solar project will be a great asset to the area.

Ms. Edwards stated she hears the applicants complaints, however, they are up against a landfill, and you have these obnoxious odors from time to time, she stated she does not want to put the final nail in the neighborhood of their peaceful enjoyment and the value of their properties. She stated it is a tough decision.

Ms. Edwards stated she would like to go out to the property and make a visual inspection and stated she is not ready to vote on this case.

Mr. Enyart stated before the board members consider the motion if they take this case under advisement it will put the project beyond the lottery and would take this project out of consideration and it would in fact be denying the request for Zoning by continuing beyond the time-frame.

Mr. Siegelstein explained the lottery opens January 30th and is open for 14-days, so with County Board approval on January 28th, this would be the last possible cycle to get this project in.

Chairman Penny encouraged the applicant to present his application in a more timely manner in the future.

MOTION by Deitz to continue this case until April 8, 2019. Second by Edwards.

Motion carried.

A roll call vote:

Meister	-Aye
Deitz	-Aye
Heberer	-Aye
Edwards	-Aye
Penny	-Aye

Motion carried.

This case has been taken under continuation until April 8, 2019.

New Business – Case #5

Subject Case #2018-32-SP – Daniel & Gerald Schneider Et Al, 488 Rulison Ter, Loda, Illinois, owner and USS Tailor Solar LLC on behalf of US Solar, 100 N 6th Street, Suite 218C, Minneapolis, MN, applicants. This is a request for a Special Use Permit to allow a 2 MW Solar Farm Energy System on 16.3-acres in an “A” Agricultural Industry Zone District on property known as XXXX Mascoutah Avenue, Belleville, Illinois in Shiloh Valley Township. (Parcel #09-28.0-400-009)

Nathan Wozniak, USS Tailor LLC

- Mr. Wozniak explained US Solar is a Minneapolis based company that has a few dozen projects in Minnesota and is new in the Illinois market.
- Mr. Wozniak stated the future energy jobs act and the adjustable block program is why they are here.
- Mr. Wozniak stated the program launch is January 30th.
- Mr. Wozniak stated he expects the State of Illinois to open up additional rounds and if this project is not in the first round, they will submit it for the second round.
- Mr. Wozniak stated they would like to work within the 2-year Special Use Permit period.
- Mr. Wozniak stated they are proposing a 16.3-acre single-axis tracking system mounted on vibrated pilings or posts depending on the study and will peak at 9 to 10 ft. tall. The flat point will be about 6 ft. off of the ground.
- Mr. Wozniak stated the only concrete at the facility is for the transformer and meter pad, shown on the site plan.
- Mr. Wozniak stated in the Northeast portion of the property is a closed temporary sedimentation basin and berm and that will used to mitigate the

impact of the 100-year flood. He explained that may be shifted after engineering.

- Mr. Wozniak stated post construction this temporary sedimentation basin may turn into a permanent basin.
- Mr. Wozniak stated there is a portion of the project in the flood plain so further study will be done and the plans may have to be modified.
- Mr. Wozniak stated besides the 15 ft. access road into the facility, the remainder of the project will be planted with vegetation that is at least partial to full ground cover year-round with the deep roots will bring water into the ground rather than retaining water and will control impact to neighboring properties.
- Mr. Wozniak stated the tax revenue for these projects will generate approximately \$5-7,000 per Megawatt annually, so for this project there will be between \$10-\$14,000 dollars annually.
- Mr. Wozniak stated access to the fence will be locked, however emergency services will have access.
- Mr. Wozniak stated there will be lighting at the entrance that will be placed so that it will not be directed at adjacent properties.
- Mr. Wozniak stated the fence will be a woven wire fence style fence with wooden posts. Mr. Wozniak explained this type of fence speaks more to the agricultural character of the community. Mr. Wozniak stated this fence does meet the National Electrical Code.
- Mr. Wozniak stated there will be a decommissioning plan in place that will protect the landowner if the project is discontinued.
- Mr. Wozniak stated in the Soil & Water Conservation District report it indicates this area be slated for residential development, however the landowner has no interest in doing that. So, there may be a conflict with the Comprehensive Plan.
- Mr. Wozniak stated only two pieces of equipment at the site will make noise, the transformer and the invertors. There will be string invertors so there will be a number of them between the rows of panels, and at one meter the spec sheet for these makes a decibel level of 33 decibels at a distance of 50 ft. basically the noise drops down to below 10 decibels which is quieter than whispering. Mr. Wozniak stated the transformer is a little louder, similar to the hum you hear from a refrigerator that at a distance of 1 meter is 58 decibels for the size of the inverter that we have planned for a facility of this size. He stated the closest home is 350 ft. from the fence and the transformers are a couple hundred feet passed that and will be completely inaudible, He explained the inverter noise would be similar to a quiet rustling of tree leaves and that would be during the day when the panels are getting the most input. He stated, in all likelihood there will be no perceived volume outside of the fence line.

- Mr. Wozniak explained solar panels have an anti-reflective coating, so the reflectivity of a solar panel is less than 2% which is less than vegetation, so there will be no impact to glare.
- Mr. Wozniak explained there has been a property appraisal study that looked at 250 solar farms in 9 eastern states in both residential and agricultural areas similar to the conditions we have here, and it was indicated in the report that proximity to solar farms, there was no distinguishable impact to the property value of an individual home in that area.

Discussion

- Ms. Edwards asked the applicant if the solar array could be moved back on the property so it wouldn't be so visible. (The applicant explained moving the solar array south would put more of the solar array in the flood plain and creating an access road all the way down to the site would incur higher costs.)
- Ms. Edwards asked the applicant to explain the blue marks on the site plan. (The applicant explained this area is delineated as a wetland. He explained the only impervious material in that area would be posts and the mix of vegetation.)
- Mr. Heberer asked if the blue marks on the site plan are a place that water runs. (The applicant stated the drainage will run to the area Southwest.)
- Mr. Heberer stated the applicant will then be running additional water flow in a concentrated area onto an adjacent piece of property. (The applicant stated towards the center portion of this property and in his experience it is their job to work with the Army Corp of Engineers and to mitigate the impact. The applicant stated from a desktop survey, there is certainly more work and investigation to be done at this site.)

Public Testimony

- Dave Tiedemann, 800 Shiloh Station Road, Belleville stated he is the Supervisor of Shiloh Valley Township and also has property a few miles from this site. Mr. Tiedemann stated he is representing several of the adjacent property owners. He stated they are not opposed to solar farms, in fact some of them have solar panels on top of their machines sheds, including himself. They are opposed to a solar farm on prime farmground at this location. Mr. Tiedemann stated there is not a substation within miles of this location and no Industrial park. He stated the adjacent property owners would rather look at beans plants than solar panels with noxious weeds growing underneath them. Mr. Tiedemann also presented a list of property owners opposed to the request. Mr. Tiedemann presented

evidence with soil tax that shows this ground is some of the best ground in the State of Illinois. Mr. Tiedemann stated there is better ground, pastures and blighted areas where you can put these solar farms and not prime farmground. Mr. Tiedemann stated this creek in this area is notorious for flooding over the road and damaging the crops. Mr. Tiedemann stated unlike other solar applications granted by the board, there is not a substation connected to or close to this property. Mr. Tiedemann pointed out that only the Solar Company is present and the landowners are not. Mr. Tiedemann also stated he feels the property values will be affected. Mr. Tiedemann urges St. Clair County to slow down and allow the solar farms to see how these things turn out. Once the credits from Ameren come down and are gone, there won't be any solar farms built because they are not self-sufficient without money coming from the government.

- Mr. Wozniak stated in response to Mr. Tiedemann's comments: He stated other property owners were notified by mail and this is the property owner that was interested having a solar farm. He stated Mr. Tiedemann brought up the interconnection, and the sub-station is not within a mile radius however they are tapping into the lines at the road, from that point there will be 3 electric poles, two closest to the project side, the applicants will own two and the third one is Ameren's. He explained the distance to a substation shouldn't be a factor or viability for the hearing. Mr. Wozniak explained USS Tailor Solar LLC is a subsidiary of US Solar, so US Solar is a legitimate company. Mr. Wozniak stated in response to returning the ground to existing conditions, there are requirements set by the Department of Agriculture an institution that obviously has a commitment to sustain agricultural and the conditions are very stringent and they form sets forth a lot of protections so the ground is returned to the same condition, if not better. Mr. Wozniak stated the vegetation planted on site will be deep rooted and will channel water directly into the ground. He stated there has been many studies of planting and CRP does have a positive impact on runoff and drainage and that will be done and is better and efficient at retaining water than traditional row crops.
- Mr. Meister asked the applicant why he chose this parcel. (The applicant stated they chose this spot, looking at data available, topography, proximity to 3-phase power lines and one they could feasibly construct a project on, then a letter is sent to the owner of the property and then they work with property owners who want to work with them. There are people that live on the property and people that live miles away.)
- John Renner stated he owns several hundred acres of ground in the area and stated he is having a hard time swallowing that two absentee landlords are going to profit from this, the solar company will profit, the County will profit, but are you going to decrease my taxes because my land values are going down, I don't think you are.

- Paul Seibert, 2474 Schneider Road stated his farm is down the street and due east. Mr. Seibert stated approximately half of their farm is in the flood plain of Loop Creek and this project would drain into Loop Creek. He stated this creek floods dramatically and has increased since Scott Air Force Base built the housing. He stated his fields are under water repeatedly throughout the year and any additional runoff would be a serious detriment to his farm. Mr. Seibert stated he is concerned with the devaluation of his crop productivity with any additional stormwater.
- Jason Schneider stated he is the son of one of the people that are trying to propose this project along with his brothers and sisters and it was said they don't have the guts to be in front of neighbors and old school mates and family, but he stated he lives at 3609 Mascoutah Avenue and this is his back yard, and looking at the maps at the ditch goes through this proposed 20-acres, it is a major water fare, and Tom Renner receives the runoff. Mr. Schneider stated the point is, this is prime farmground and extra runoff will not help anybody.
- Mr. Wozniak stated in response that the facility being proposed will have vegetation that will be installed, and there is more evidence that it will improve runoff. (Mr. Penny stated he actually believes the runoff will decrease, but unfortunately the farmers whose livelihood depends on it, do not believe the testimony.)

Further Discussion

Jana Moll, County Board Member stated she is new to this process but she has spoken to six of the landowners/farmers in the area and they are all opposed to the project. The applicants stated this property is prime farmland and the project would be right up to the road. Ms. Moll stated the major issues were the prime farmland, the soil structure and the aesthetics. Ms. Moll stated she is not in favor of granting this request.

Chairman Penny suggested the board take this case under advisement for an on-site inspection.

Mr. Meister stated he is inclined to make a motion to deny the request.

Mr. Wozniak asked if the case was denied would the County Board have a vote on this case. Mr. Wozniak was advised that if recommended to be denied, it would still go to the County Board.

Chairman Penny asked the Applicant if he would prefer the Zoning Board deny the case, so that it goes to the full County Board. (The applicant stated he would

prefer the case be denied, so then he could then contact some of the neighbors and smooth out some concerns.)

MOTION by Heberer to deny this request for the following reasons: The LESA score of 234 is a very high number and the property is prime farmland and will take some of the most prime farmland out of production and truly goes against the Comprehensive Plan; and the County Board representative has asked to be denied.

Ms. Edwards amended the motion as follows: The proposed design, location, development and operation of this proposed Special Use does not adequately protect the public's health, safety and general welfare, the request is not consistent with the Comprehensive Plan and the Special Use Permit would have an adverse effect on the value of neighboring property and on the County's overall tax base; and the productivity of the surrounding Agricultural crop properties.

Ms. Edwards amendment was accepted by Mr. Heberer and the Board.

Second by Meister.

A roll call vote:

Meister	-Aye
Deitz	-Aye
Heberer	-Aye
Edwards	-Aye
Penny	-Aye

Motion carried.

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

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