

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County

Woodford County Board Room
6:00 P. M. Tuesday, July 24, 2018

Minutes

These minutes were amended at the October 23, 2018 Hearing to correct an error in the Findings of Fact on petition 2018-11-S. A copy of the erroneous minutes can be found in the County Clerk's office.

1. Call to Order:

Mr. Smith called the meeting to order at 6:00 pm

2. Roll Call: Teresa Gauger, Jerry Lay, Kim Holmes, Jerry Smith and Rodney Noe were present.

Chairman Smith declared a quorum present.

Others present: Duane Kingdon

3. Approval of minutes for June 26, 2018.

Motion to approve made by Mr. Lay, seconded by Ms. Gauger. *Motion Carried.*

4. Swearing in and/or affirmation- completed for each petition.

5. Petitions Submitted for Review:

2018-13-V Worth Township –Tom Baker for a Variance in side yard setback to erect a shed in the Residential Single Family District, located on a 4.5 acre lot commonly described as 504 Justa Rd, Metamora, IL

- Swearing in and/or Affirmation: was completed for petition 2018-13-V

Mr. Baker explained that he wishes to erect a storage shed for tractor equipment. He explained there is only 23.5 foot side yard. Mr. Baker explained the shed he is intending to build would be 20.5 feet wide and would leave a 1.5 foot setback. Mr. Baker explained that without the variance the shed would only be 16 feet deep and would not fit the tractor equipment. The adjacent lot is vacant and the shed would not have water or electricity. Mr. Baker explained the sole use of the building is for dry storage. Ms. Gauger asked for any input from the neighbors. Mr. Baker stated that the neighbors were fine with the shed. Mr. Lay asked if there are any utilities next door. Mr. Baker stated no. The shed would have a 9 foot side wall and would match the house it would sit next to.

Motion to approve application 2018-13-V made by Holmes, seconded by Jerry Lay.

- **Findings by the Zoning Board of Appeals for Petition 2018-13-V:**

A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a variance. (Affirmative)

B. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district. (Affirmative)

C. The ZBA has found that the reasons set forth in the application justify the granting of the variance. (Affirmative)

D. The ZBA finds that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Affirmative)

E. The variance requested is the least amount of variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner. (Affirmative)

Roll call vote: Teresa Gauger – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Jerry Smith – *Yes*. *Motion carried.*

2018-16-V Montgomery Township – Jim Cumbow for a variance in side yard setback to erect a garage addition in the Agriculture District, located on a 2.1 acre lot commonly described as 209 County Road 1223 E. Deer Creek, IL.

• **Swearing in and/or Affirmation: was completed for petition 2018-16-V**

Mr. Cumbow explained that they wish to add a stall to their existing garage and the setback from the North property line is 38 feet. They have a 20 foot garage which would leave an 18 foot setback from the property line. He explained he discussed this project with his neighbors and the neighbors had no issue with the project. Mr. Cumbow stated that building this storage area on the south would not be possible. Mr. Cumbow explained that building the shed on the North side would be aesthetically pleasing. The remaining 18 foot setback would still allow access to the rear of the property. Ms. Holmes stated the only other reasonable place for the shed would be between the house and the road, which would likely require a variance as well. Mr. Cumbow explained the shed would match the house. Jerry Lay asked if it would increase the elevation. Mr. Cumbow stated no. No negative findings of the facts.

Motion to approve application 2018-16-V made by Gauger, seconded by Lay.

• **Findings by the Zoning Board of Appeals for Petition 2018-16-V:**

A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a variance. (Affirmative)

B. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district. (Affirmative)

C. The ZBA has found that the reasons set forth in the application justify the granting of the variance. (Affirmative)

D. The ZBA finds that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Affirmative)

E. The variance requested is the least amount of variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner. (Affirmative)

Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Jerry Smith – *Yes*, Teresa Gauger – *Yes*. *Motion carried.*

2018-11-S Cruger Township - Sol America Energy/George Mori for a Special Use to operate a 25 – 30 acre Solar Farm Energy System on a tract of land West/South West of Marshall Rd in Lakeview Acres Subdivision, Eureka, Illinois, located in the (AG) Agriculture District.

The notice was read, Swearing in and/or Affirmation: was completed individually for each person that presented testimony for petition 2018-11-S.

Andy Keyt, an attorney for Sol America Energy presented petition 2018-11-S. Mr. Keyt introduced himself as an attorney from Peoria and stated that he was recently retained by Sol America Energy in regards to their petition. Mr. Keyt states they submitted additional materials to the board and in those materials is a new petition filed in June which is supplemental to the original petition. In addition, the new materials include an informational packet from July that was sent to nearby home owners, informing them of the project details and contact information in case the nearby home owners had any questions. The materials also included a PowerPoint presentation that was going to be presented by Mr. Ryan Peters. A property evaluation that was done by the Petitioner's retained expert was included as well. Finally, the Illinois Department of Natural Resources' assessment of the property was also included. The materials packet was distributed before the meeting.

Mr. Keyt introduced the individuals that would be presenting to the board. Ryan Peters is from Sol America. Pete Corbet is with Sol America. Both Mr. Peters and Mr. Corbet are engineers. Pat Magar is going to give information on property evaluations. Mike Butler is a civil engineer that plans to address civil issues in the project.

Mr. Keyt states the Sol America has done roughly 40 projects around the country including, Maryland, Georgia, South Carolina. They are a quality company and well established in doing this type of work. Mr. Keyt feels that the Agriculture Ordinances in Woodford County allow for an activity such as this. Mr. Keyt feels they have met all of the requirements under the Solar Special Use Section for the recommendation of approval for the County Board. Mr. Keyt explains all of the requirements as follows; the maximum solar height of 18 feet, the actual project area must be at least 50 feet within the property line, must be at least 500 feet from the residence, fence height is met, lighting done in such a way that it shields it and is facing downwards, the noise would be 40-60 decibels or less measured from the nearest residence, there needs to be efforts to reduce the glare, all wiring will be done underground, requirements for outdoor storage met, and IDNR has completed a review. Mr. Keyt states Sol America is willing to do additional steps. Mr. Keyt informs the board that Sol America is willing to do vegetative blocks around the area on the Northeast sides so it blocks the view and mentions some homeowners could be provided with funds to do landscaping on the backs of their houses to block the view of the solar panels.

Mr. Keyt states that Woodford County also has Special Use Requirements and he understands it is difficult to wrangle all of this together. Mr. Keyt has taken into consideration the detriment in the health safety, and welfare of the people of Woodford County. Mr. Keyt states the other presenters would satisfy the adequate utilities requirements for access, drainage, etc.

Mr. Keyt states he would like to address his understanding of the concerns upfront. The first concern is the harm to property values. Mr. Keyt states they have someone who has done property evaluations of similar residents presenting tonight. Another concern is the runoff issues and soil erosion. Mr. Keyt states he thinks this project should help the issue because they are planting vegetation. Mr. Keyt mentions concerns with the water line being in the project area. He states the property is 50 acres, but the project will be in the Southern half of the parcel with the water line in the North half. Mr. Keyt states that the project only takes up about 18 acres and the water line would not be impacted by the project area.

Mr. Keyt explained that you can't just drop a solar farm anywhere in the county because there is a number of issues that play into it. Sol American reached out to many land owners in the county about doing a lease solar farm. This was the only land owner that showed interest. The property must be flat. The property needs to be located near a substation because the further away from the substation the more the electricity reaches off the line. Mr. Keyt explains that this location was conducive and

economically viable for the project. Mr. Keyt addresses the concern that this would take away from farm land forever. He states that isn't accurate because this is a 30 year lease and there is a decommissioning plan that would take the solar farm off site and will be turned back into farm ground.

Mr. Keyt thinks Sol America has gone above the requirements of Woodford County.

Ryan Peters introduced himself as someone from Sol America. He states Sol America has constructed 40 plus solar projects throughout the United States. Mr. Peters explains that a Community-Scale Solar Project typically has a 15-25 acre project area and produces approximately 2 megawatts. Mr. Peters states that these projects can help the community by increasing tax revenue because the property area now has a \$2 Million asset on it and increases the tax revenue coming off of it. Mr. Peters states that the state has estimated that it increases approximately the life of the site of 30 years, \$436,000 extra on top of the already agricultural assessed property value of the site. Mr. Peters states that there is potential for there to be main subscribers to this energy and it can help reduce the community's energy bill. Mr. Peters states they plan to hire someone locally to maintain the solar farm, whether its from managing the solar farm or keeping up with taking care of the vegetation.

Mr. Peters explains the remaining area of the parcel will be used at the discretion of the land owner and is currently being used as farm ground. He explains 5 adjacent parcels around the property are zoned residential and 5 other parcels are zoned as agriculture. Mr. Peters states they are proposing a 18 acre project area on the Southern portion of the property and the Illinois Department of Natural Resources has evaluated the property and they have determined adverse effects are unlikely.

Mr. Peters states there is a fence line around the 18 acre project area and the entire solar farm would be contained within the 18 acres. Mr. Peters said a portion of the fence would be along the road on the West side as an access road and the fence would be tied to the power pole. Mr. Peters says the water line is along the North side of the property and won't affect the project. Mr. Peters says they would work with whoever they would need to, to obtain that 30 foot easement. Mr. Peters discusses that the height of the project is 6-8 feet per the Woodford County Zoning Ordinance and the panel's maximum height would be about 9 feet off of the ground. Mr. Peters mentions the panels run on tracts and face according to the sun so at dusk the panels would be at their highest at 9 feet of the ground.

Mr. Peters explains the phases of the project. He states the first phase is the construction phase. He says the construction time is less than 16 weeks and that includes breaking ground to tying in to produce power. He states the maximum traffic would be 10-20 people working on the project and that Lake Street could see a slight increase in traffic with work trucks and vehicles dropping off supplies. He states the delivery trucks would only be present for 1-2 weeks. He states there would be a 10 foot wide access road so that any truck coming in and out won't track mud out to Lake Road and dirty the road. Mr. Peters discussed that there would be no concrete under the panels and that was a major factor in storm water management. The project area would be seeded in pollinator mix seed. He discussed that the storm water runoff would be minimized due to the lack of concrete and the growth of mature deep root grasses to absorb and slow water on the site. He stated that there should theoretically be less storm water issues once the projected plantings mature. Operations would produce 24 hours a day 365 days a week with peak production for 6 hours per day. Maintenance workers would be on site occasionally to maintain the vegetation and repair panels as needed. He noted that the decommissioning plan would include a bond to cover the projected cost of the decommissioning. Mr. Peters highlighted some of the common misconceptions of solar projects. He discussed that the panels contain no hazardous materials of chemicals, there is a very small amount of lead solder in the panels, less than what you would find in a shotgun shell. Damaged panels are repaired promptly to maintain production. Mr. Peters noted that if the panels break they crack across the glass and stay in one piece. Mr. Peters noted that the nearest home is 730 ft from the solar panel, greater than the 500 ft required by the ordinance. He stated that noise is not typically heard outside the project area and no noise would be heard at the 500 ft setback

required. Mr. Peters stated that there would be no lighting on the project, if it is required by the county then the lights would be shielded. He also discussed that there is no glare off the panels as they are coated and designed to absorb the sunlight for maximum production. Mr. Keyt asked Mr. Peters to explain his engineering experience. Mr. Peters stated he has 10 years' experience designing land development and large industrial sites. He noted he is licensed in South Carolina, Florida and Georgia. Ms. Pat McGarr, MAI, CRE, FRICS, CRS. Ms. McGarr noted she is a licensed appraiser in Illinois and 22 other states. She is a Governor appointed member of the Real Estate Appraisal Board. Ms. McGarr discussed that Indiana is approximately 5 years ahead of Illinois in regard to solar development. She noted that the first solar farm studied was the Streator Illinois, it is a 20 MW farm. Ms. McGarr discussed that she looks at the adjacent property and looks at the sales of surrounding properties since the solar farm was built, she compares that sales date to 4-9 comparable samples of like property. The only adjustments made is the adjustment for time. The methodology comes from the textbook from the appraisal institute, if there is a legitimate detrimental condition that exists it will be measurable and consistent.

Ms. McGarr explained that she searches all the properties surrounding the farm and found a home that sold in the vicinity four years after the solar farm was constructed, it was 479 ft to a panel. She noted the price was very consistent with the area.

Ms. McGarr continued to explain sales analysis for several solar farm facilities in Indiana, she noted that in one instance an Estate home was constructed adjacent to an existing solar farm, this indicates the solar farm is not deterring development.

Ms. McGarr was also able to analyze a solar farm installed next to a large existing subdivision with homes all built at the same time. She reviewed sales in 2014/15 and 2016/17 these were compared to a controlled area built by the same builder. She noted in this case the difference in unit price is minimal and they were appreciating at the same rate as well. This is an indicator that there is no detriment to the values.

Ms. McGarr also noted another estate home built immediately adjacent to an existing solar farm. She noted that overall there was no impact to the property values. She also noted that she also interviewed the assessor's office in 10 townships to determine if they had seen an impact on values or an increase in request to revalue properties. She noted that things that negatively affect values are things like quarries, levy's that have breached, etc. She noted the thing that brings value is a highly rated school district. She noted she does not feel this would negatively affect values.

Ms. Holmes asked about the estate homes constructed in the areas, and if she felt those homes were constructed there because there would be no further development in the area. Ms. McGarr stated there were large tracts of land around the home so they could have built elsewhere so she did not feel that was a factor. Mr. Lay asked Mr. Peters if he had ever decommissioned a project. Mr. Peters stated that he has not. Mr. Pete Corbett stated that he did not know of any that had been decommissioned as these typically have a 35 year life span and the industry is around 15-20 years old. Mr. Lay asked if the projects can be renewed after the initial lease. Mr. Corbett stated they could potentially, the panels would likely be changed out to newer technology. He did note if the farm is decommissioned that everything is removed and site is restored to its original state.

Ms. Gauger asked what would be done with the remainder of the project area that did not have panels. Mr. Peters stated that the area not included in the setback area could continue to be farmed if the property owner desires. Ms. Gauger asked what the distance between the panels would be when they are flat, Mr. Peters stated that there would be 18-20 ft. between the panels. Ms. Gauger asked if they would also operate the farm. Mr. Peters stated that they would initially operate the farm and could sell at some point, he understands that if the project is sold a new special use would be required. Ms. Holmes asked

if there are any greenhouse gasses emitted by the panels. Mr. Peters stated there are not greenhouse emissions or radiation. He noted that they provided a study to the interested parties and neighbors discussing those findings.

Ms. Holmes asked about the effect on birds. Mr. Peters stated that in some cases wildlife are increased due to the undisturbed nature of the ground. Mr. Lay asked the current use of the land. Mr. Peters stated it was agriculture. Mr. Gauger asked about lighting, Mr. Peters stated that lighting would only be installed if it was required by the county. Mr. Smith asked Ms. McGarr who would be at fault if a home is built closer than the 500 ft. Mr. Smith asked if Ms. McGarr felt the land to the south of the proposed farm would be worth less if the farm was constructed. Ms. McGarr stated that no she did not feel the land would be less desirable or a lower value because of the farm.

Interested Party Questions

Mr. Darryl Wilson presented a packet of information from the solar industry website. They also searched the news sites searching Solar. He discussed that the majority of these sites are not adjacent to the city. He noted that most in rural areas are further out away from cities, more than 500 ft.

Mr. Dennis Garey noted that he has four letters of testimony from local relators and builders.

“I have 25 years of experience in Real Estate sales serving Bloomington-Normal, Illinois and surrounding communities. It has been my pleasure to show homes in Eureka as well. IN my expert opinion, the presence of a nearby solar farm may have a negative impact on the market value of a residential home. Future sellers of existing homes could experience fewer prospective buyers and a lowered final sales price.” –Jean Hutson, Real Estate Broker/Interior Designer.

“I have 16 years of experience with real estate sales in the Eureka, Illinois area, and have lived in Eureka for 25 years. My personal residence is located a short distance from the site of the proposed solar farm (Special use Petition #2018-11-S). Based on the knowledge gained from my real estate experience and my time of residency in Eureka, my opinion is that the presence of a nearby solar farm will have a negative impact on the market value of a residential home. Existing homes that will be for sale in the future will have fewer prospective buyers and a lowered final sales price. There will be a greatly reduced number of people who will have an interest in building or buying a new home near the solar farm. I oppose approval of Special use Petition #2018-11-S.” – Ken Baxter, Broker.

“I have 39 years of experience with residential home construction in and around eureka, Illinois. My Company has built several new houses in the Lakeview acres subdivision in eureka near the proposed solar farm. The presence of a nearby solar farm will greatly reduce the number of people who will have an interest in building or buying a new home in that area. My experience has shown that prospective new home clients do not normally chose to live near a large commercial development such as the proposed solar farm.” – Joseph Quast.

“I have 14 years of experience with residential home construction in and around Eureka, Illinois. My Company has built several new houses in the Lakeview Acres Subdivision in Eureka near the proposed solar farm. The presence of a nearby solar farm will greatly reduce the number of people who will have an interest in building or buying a new home in that area. My experience has shown that prospective new home clients do not normally chose to live near a large commercial development such as the proposed solar farm.” – John Stanley, President Stanley Homes.

Mr. Art Anliker discussed that he purchased their home in the last month and a half. He discussed concerns over the ability for evergreens to grow tall enough to cover the panels. Mr. Anliker expressed concerns that the vegetative buffer is not maintained. He also discussed concerns over the timeline of

the project and future technological advancement. Mr. Anliker asked about the hazards associated with tornadoes. Mr. Corbett stated that the panels are rated to 150 mph.

Tim Boland stated he only had testimony and would present at the next phase.

Cecilia Hennessy LaBonté asked if the fence creek crossings would have barriers to prevent animal access. Mr. Corbett noted that they would not typically put additional fencing in the creek area. Ms. LaBonté asked if the vegetation maintenance would be with mowing or pesticides. Mr. Corbett stated they would mow. Ms. LaBonté asked about security concerns. Mr. Corbett noted there are minimal security concerns, typically the only problem they have is copper theft and that is during the construction phase.

Mr. David Prather discussed that the petitioner stated that the project will not increase runoff. Mr. Prather stated that there is no way to determine that without a study. Mr. Prather discussed that the fence would not be as tall as the panels on the high side of the property. Mr. Corbett explained that the panels would follow the topography of the ground. He noted that the north side looks like it would be at the top of the hill and the south side falls off. Mr. Corbett noted that he is unsure the precise location of the panels, they may be past the hill, they may be on top of the hill. Mr. Prather noted that the petitioners stated the mowing would be completed by contractor. He asked if there was a plan in place for the maintenance and if that plan would be communicated to a potential buyer. Mr. Peters stated that there is no plan at this time but the plan would be communicated if the property was transferred. He also noted that they must maintain production and access to the site so it is in the best interest of the facility to keep the site mowed and cleared. Mr. Prather noted that the petitioner had previously stated they had reached out to other land owners in the area about using their land and they did not receive much interest. He asked if that was unusual. Mr. Peters stated that interest varies. Mr. Keyt stated he objected to the relevance of the question. Mr. Prather asked Ms. McGarr if she had appraised property in Illinois, She stated she had, He asked if she had appraised property in Woodford County, she stated she had not. Mr. Prather stated that he felt that was relevant that she had not appraised anything in the County. Mr. Prather asked the closest county she had appraised, she stated Douglas, Tazewell and all over Illinois. Mr. Prather asked the proximity of the Grand Ridge Farm to the city. She stated it was rather close, from this city limits 1-2 miles. She stated they had to get city approval.

Scott Zimmer, Mayor, City of Eureka. Mr. Zimmer asked if any of the representatives from Sol America had read the Woodford County Comprehensive plan. Mr. Peters and Mr. Corbett both indicated they had. Mr. Zimmer asked if they were aware that the plan states that 5900 acres will be converted to residential use. They indicated yes. He asked if they were aware that the plan indicated most of that conversion would occur next to existing residential. They indicated yes. Mr. Zimmer asked if they were familiar with the Eureka Comprehensive plan. Mr. Peters and Mr. Corbett both indicated yes. Mr. Zimmer asked if they were aware that the plan has been revised because a subdivision has been vacated, which includes the area they plan to build as a future residential use area. Mr. Peters stated the copy that was available to them was last revised in 2014. Mr. Zimmer stated that as a living document those do get revised regularly and that area is in future planning for residential. Mr. Zimmer asked if they were familiar with the Woodford County Erosion, Sediment and Storm water Control Ordinance and if their storm water calculations were prepared as required for this petition. Ms. Jording stated that storm water plans are not required until the building permit phase. Mr. Zimmer asked if a scaled drawing was prepared. Mr. Peters stated they had. Mr. Zimmer asked to show that they had the required title block that shows the owner, engineer and date. Mr. Peters showed the requested items on the drawing. Mr. Zimmer asked if a title search was performed. Mr. Peters stated there was. Mr. Zimmer asked why the city water easement was missed. Mr. Peters stated he was unsure. Mr. Keyt asked if the document was recorded. Mr. Zimmer stated that the original water line was recorded. Mr. Keyt asked why the City was requesting an easement from the owner if there was an existing easement. Mr.

Zimmer stated that the original water line had an easement but the new line branch that was installed did not and they were working on an easement for that portion. Mr. Keyt asked for clarification on which line needed an easement. Mr. Zimmer stated the east portion of the line. Mr. Zimmer stated that during the meeting they had May 22 Sol America was unaware of the water line. At the Jun 26 meeting Sol America had with the City of Eureka, Sol America stated they would be 30- 40 ft off utilities. Mr. Zimmer noted that tonight Mr. Keyt stated they would be nowhere near the water line and later a different representative stated that the fencing would be right near the water line. Mr. Zimmer asked for the actual location. Mr. Peters stated that once the project is permitted the easement will be delineated and the building locations will be set so that they do not impede into that easement. Mr. Zimmer asked in the company asked if Ameren there were other substations available. Mr. Corbett stated there is more than just substations to consider, available land, willing owners, and noted they have other sites around Illinois. Mr. Zimmer noted that they were just concentrating on this area close to residential. Mr. Zimmer stated the special use application states that an applicant will demonstrate reasonable efforts to minimize incompatibility. Mr. Peters asked for clarification. Mr. Zimmer asked if they would like him to read the application and asked if they had read the application. Mr. Zimmer read from the application, item B. "Will not be injuries to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need to demonstrate complete" Mr. Keyt stopped Mr. Zimmer and noted he skipped "Not" Mr. Zimmer finished the sentence "the applicant shall demonstrate reasonable efforts to minimize incompatibility." Mr. Peters provided, "The properties surrounding the project site are mostly agricultural farmland and some residential area. The solar arrays and surrounding fencing will be low enough as to not have any measurable effect on the growth or yield of the crops cultivated on the surrounding farmlands by blocking sunlight. Likewise, no shadows should be cast upon the nearby residences by the site structures. Site vegetation will be maintained as to prevent any obstruction of adjacent properties. Any equipment surfaces that may produce a glare or glint will be strategically positioned in order to protect them away from adjacent roadways and residences. Additionally, there should be no potential for the release of air emissions, chemical spills, or contaminated stormwater runoff from the site. As a result of the above statements, the site project is not anticipated to have any undesirable impacts on the adjacent properties."

Mr. Zimmer asked if what was read qualifies as will not be injurious to the use and enjoyment of other properties in the area. Mr. Peters stated, Yes what he designed as an engineer is not injurious. Mr. Zimmer noted that many people had questions for the owner of the property, would they be able to answer questions on his behalf. Mr. Keyt stated he is not the attorney for the owner and cannot speak on his behalf. Mr. Zimmer stated that the owner or agent for the owner is required to be present. MR. Gibson stated the application is for the Special Use in general not for the land itself. Mr. Zimmer stated that it is frustrating that they were unprepared for the first hearing and were given 30 days, they were still unprepared and 30 days later and he is just making sure the application is complete as they have not done a good job meeting Woodford County's own rules. Mr. Zimmer asked if they had ever constructed a solar farm this close to a water main. Mr. Corbett stated he was unsure exactly where the water main was so he could not say but he had constructed solar farms near water mains before. Mr. Zimmer asked if he had ever constructed a solar farm within 30 ft. of a water main. Mr. Corbett stated he had. Mr. Zimmer stated that at the June 26 Sol America stated they like to base their choices on three criteria, proximity to substations, land evaluation site assessment, and proximity to residential. Mr. Zimmer asked if the land evaluation site assessment was completed. Mr. Peters stated that is was not required for the Special Use so none was completed. Mr. Zimmer noted this was a meeting between Sol America and the City of Eureka City Administrator and two board members. Mr. Zimmer asked if there was land any closer to residential that they are looking at. Mr. Zimmer asked if the goal is to build as close to residential as possible. Mr. Corbett stated his selection is based on whatever code will allow him to do. Mr. Keyt clarified that the phrase "you're trying to build closer to residential" he noted that is not what they are trying to do, in fact they have located the site on the back of the property, and if they wanted to build closer they would build on the front of the property. Mr. Zimmer noted that at the May 22 meeting the representative said they would use roundup, at the June 26 meeting at the City they

stated there would be no mowing maintenance, and tonight you said there would be mowing, which it is. Mr. Peters stated the June 26 meeting was informal and there is no record of what was said nor were they aware that meeting would be referenced here. Which is fine but he cannot confirm what was said June 26 but the standard plan is to mow the site. Mr. Zimmer asked how many homes the site can power. Mr. Peters stated 150 homes per megawatt, 300 total. Mr. Corbett stated that was a estimate as it can vary depending on the size and utilities of a home. Mr. Zimmer asked if any research was done on the number of homes not built because of a solar farm, he then noted there would be no way to research that and withdrew the question. Mr. Zimmer noted at the May 22 meeting the rep stated the goal would be to sell immediately and tonight they stated it may be later after construction. Mr. Corbett stated it depends on when a buy is interested in the project. Mr. Zimmer asked about the hazards of the panels if they are hit by a tornado. Mr. Peters noted that the composition of the solar panels was presented this evening and there if no hazardous materials in the panels. Mr. Zimmer asked if anyone could speak on the May 2018 filing against Edgefield County. Mr. Keyt asked what he is referring too. Mr. Zimmer stated that Sol America is suing a County because things aren't going well. Mr. Keyt objected to the relevance of the question. Mr. Zimmer asked if they could ask about the sun Edison litigation trust against Sol America. Mr. Corbett stated the suit is Sun Edison's bankruptcy and is not relevant. Mr. Zimmer stated that he felt anything to do with Sol America is relevant since they will deal with it the future.

Mr. Smith stated they would be taking a 10 minute recess.

Mr. Smith resumed the meeting, Mr. Smith noted he had not introduced Mr. Erik Gibson the Assistant States Attorney.

Mr. David Prather – Not Present

Ms. Tara Prather was affirmed, she asked Ms. McGarr if the a market for a home \$174,000 going to be a very different market than homes that sell for \$300,000. Ms. McGarr stated people that are buy them, it's the same to them, meaning at whatever price point. She noted that the data and research she has on detrimental conditions specifically study on a regression analysis of various priced homes and homes over a million dollars did reflect some affect, homes under a million dollars no change was seem. This was the only study she has seen with regard to price points where a difference was seen. Mr. Prather discussed that the study looking at tract homes would be comparable to their sub division that is all custom homes. Ms. McGarr noted that she is not comparing them, she looks for proximity to a farm and tries to minimize variables. She noted that a large tract home subdivision provides homogenous data and reduces variables. Ms. Prather discussed that in a market driven by opinion finding two people that value a home the same. Ms. McGarr discussed that she utilizes data not opinions, she uses actual sales to comparable homes. Ms. Prather asked if the state home at the end had a stand of trees between the property and the farm. Ms. McGarr noted it was the original property line so there were trees, scrub trees so you could see through them, but still trees. Ms. Prather noted that Mr. Peters stated there were plans to put a row of trees on the north end. Mr. Peters stated on the north and east side. Ms. Prather asked the purpose of the trees. Mr. Peters stated it was a vegetative buffer to help the line of site so you do not see the fence or panels. Ms., Prather asked how there could be no effect on property values if they were putting up trees to block the view. Mr. Peters stated this is something they do if the residents request it. Ms. Prather asked if it was common for residents to request them. Mr. Peters stated some do, some don't.

Mr. Kirk Prather – Not present

Mr. James Maccari – Not present

Mr. Jerry Riley – No Comment

Mr. Joe Baker was affirmed, he asked if the fence would impede wildlife where it crosses the water way, will the panels affect the waterway. He noted that there is a large amount of water drains off this land

into the waterways he stated that they indicated the solar panels on both sides of the water way will decrease the run off not increase the runoff. Mr. Peters noted that it would decrease erosion. Mr. Baker stated he found it hard to believe that this would not increase the runoff, and that they could not know that if they did not perform studies. Mr. Peters discussed that the established vegetation that deep root systems, the water coming off the panels is slowed by the vegetation and absorbed. Mr. Baker asked if they had built solar panels on both sides of water ways and that was the result. Mr. Peters noted that was storm water flow. Mr. Corbett stated there is no impact to being on both sides of the waterway. Mr. Baker noted that they had discussed vegetation, he asked Ms. McGarr if the lack of trees would affect property values. Ms. McGarr stated that was why the company was offering to place trees on the north and east sides as well as provide funds for the land owners to put buffer landscaping on their own properties.

Mr. Smith stated the testimony portion would now be opened. Mr. Gibson explained that evidence only could be presented at this point.

Mr. Darryl Wilson – no comment

Mr. Denis Garey had already presented some letters of testimony, he was called forward to hear any questions based on that testimony. Mr. Garey stated that the letters discuss that they feel the solar farm will affect property values.

Mr. Timothy Boland stated that he has been living in the area for two years and he has seen the area flood 3-4 times. He stated he felt there would be erosion issue during the construction phase

Ms. Cecilia Hennessey Labonté stated that climate change is real and she supports the project as a way to support renewable energy and decrease reliance on fossil fuels.

Mr. Eugene Rossetti – not present

Mr. David Prather discussed the wind issues he is concerned about, he presented a photo of a funnel cloud near the property, he discussed that they are building amongst homes, not in an industrial area. He discussed that the waterway runs under Dennis drive and drains into the lake, there is a significant amount of drainage off of this property. Mr. Prather submitted an additional 80 names to the petition in opposition of the solar farm previously submitted at the May 22 hearing.

Mr. Prather presented photos of existing Sol America farms from the company website and discussed that none of the farms have residential anywhere around them. Mr. Prather asked Ms. McGarr if the grand ridge farm was close to town. Ms. McGarr stated it was 1-2 miles from town. Mr. Prather showed a map showing the distance between the farm and Streator IL. Mr. Prather states it was 3.7 miles. Ms. McGarr stated it was 2 miles. Mr. Prather stated 3.7 miles, Ms. McGarr stated if you go up the road. Mr. Prather presented the other know built site in Illinois is at the University of Illinois at an industrial park. Ms. McGarr stated there is industrial and farm ground adjacent. Mr. Prather stated there is no residential near the farm.

Mr. Lay asked what crops were in the fields when the runoff photos were taken. Mr. Prather stated it was beans and corn and they were up.

Ms. Gauger asked the location of one of the run off photos. Mr. Prather noted that is on the South side of the road and spills toward the lake.

Mr. Butler stated that they are not increasing the impervious surface of the site, the same ground. Mr. Prather stated they are disturbing it. Mr. Butler said they would not, they drive piles in the ground and

place panels on top. Mr. Prather stated the truck and equipment. Mr. Butler stated no more that tractors, and considerable less than tilling. Mr. Prather stated 16-20 people would increase traffic. Mr. Butler stated they would be turning nuts. Mr. Butler discussed that the state requires stormwater and erosion control. Mr. Butler discussed that the construction area would be surrounded by silt fence to prevent silt from reaching the waterway. Mr. Prather asked if the expected to disturb the soil at all. Mr. Butler stated no more that driving on it and driving piles into the ground.

Mr. Scott Zimmer, Mayor, City of Eureka. Mr. Zimmer submitted a copy of the Eureka comprehensive plan future land use map, he noted the area is designated as low density residential. He presented maps showing those designations. He presented a section of the Eureka plan which states, "Communicate clearly with Woodford and Tri-Counties to establish mutually agreeable development goals and objectives in the City's extraterritorial area. Mr. Zimmer noted it also stated "Avoid land use conflicts between business and non-business use." Mr. Zimmer presented a map showing the two substations in eureka. Mr. Zimmer noted he had tried to communicate with the land owner and the owner had declined on both occasions. Mr. Zimmer stated they had hired an engineer to perform a storm water study and presented a letter stating: "Our office has also determined that improper maintenance of the grass alone may cause as much as a 10% increase in storm water runoff. Storm Water runoff could be expected to increase significantly more if access roads are constructed. This additional runoff would decrease the current capacity of the immediate downstream detention basin located in Lakeview Acres Subdivision." Water runoff and stormwater is a huge concern to the cit. Mr. Keyt objected to the hearsay portions of the letter. Mr. Zimmer presented portion of the Woodford County comprehensive plan stating: "According to the chart above, approximately 5,900 acres of land will be converted to residential use between 2010 and 2030. What land will be converted? For incorporated communities, it will most likely be land adjacent to current corporate limits so the new development have access to public water and sewer." Mr. Zimmer discussed the soil productivity map from Woodford County Comprehensive plan. He noted it was a concern that they would be taking productive land out of production. The map shows that this land is some of the most productive land in all of Woodford County. He also presented the future land use map which shows the commercial use areas, these areas are not near the city. Mr. Keyt asked the date on the Eureka Comprehensive plan, Mr. Zimmer stated the change occurred at the last board meeting, he stated that would have been July 16, 2018 meeting. Mr. Keyt discussed that Mr. Zimmer indicated the area is part of the future growth pattern for residential. Mr. Keyt noted the Mr. Zimmer also demonstrated the area is some of the most productive ground in the County. Mr. Zimmer indicated he did. Mr. Keyt asked if Mr. Zimmer found it inconsistent that this is some of the most productive farm ground and the city wants to build houses on it. Mr. Zimmer remarked, "touché".

Ms. Gauger asked if the City has previously made contacted Mr. Hartman to make him aware of the fact that the area was part of the future planning area. She also asked why the city had not worked to annex the area. Mr. Zimmer indicated he was unsure how long Mr. Hartman had owned the ground. Ms. Jording stated 2004. Mr. Zimmer stated that they tried to discuss things with him due to the solar farm going in. Mr. Zimmer noted he has only been mayor for a year and a half, he is still learning about pre-annexation and is unsure why some of these things have not happened in the past. Ms. Gauger discussed that the city is concerned about runoff, she noted that having homes in that area would increase runoff. Mr. Zimmer noted that the City has but strict stormwater runoff requirements in place to require holding basins and ponds. Mr. Butler noted that the letter indicated that improper maintenance of the grass could increase stormwater runoff by as much at 10%. Mr. Butler asked what improper maintenance would be. Mr. Zimmer stated he was unsure. Mr. Butler asked if the engineer took into consideration the increased root structure of the grass. Mr. Zimmer stated he did not know, he asked if Mr. Butler was an Engineer. Mr. Butler stated he was. Mr. Zimmer asked if he knew the answer. Mr. Butler stated he does not know what the engineer calculations included. Mr. Butler also asked if considered the reduced flow velocity from the grass being there year round. Mr. Zimmer stated

he did not. Mr. Zimmer offered to read the letter. Mr. Butler read that the letter stated: “Based on the above criteria, our office has determined that no significant impact should be expected if strict adherence to the above criteria are met. However, our office has also determined that improper maintenance of the grass alone may cause as much as a 10% increase in storm water runoff. Storm Water runoff could be expected to increase significantly more if access roads are constructed. This additional runoff would decrease the current capacity of the immediate downstream detention basin located in Lakeview Acres Subdivision.”

Mr. Butler noted that the letter states that if the company complies with the criteria: “1. The solar farm is to occupy the south 20 acres of tract “B” identified by parcel id number 13-23-200-006. 2. The solar farm will be composed of tracking type solar panels. 3. The solar farm will have grass planted under the solar panels and between rows of solar panels. 4. No paved access roads will be constructed. 5. Grass will be maintained in good order by a contractor.” Mr. Butler noted that the letter states if the do what they are proposing there will be no issues. He stated he agrees with the letter.

Mr. Clint Prather – not present

Ms. Tara Prather – no comments

Mr. James Maccari – not present

Mr. Jerry Riley – No Comments

Mr. Joe Baker – No Comments

Mr. Smith noted that there are individuals that are signed up to give comments.

Mr. Chris Syndram stated he lives cattycorner to the property and is the closest property in the country. He discussed that he is concerned about the effect on the town and why it goes here when there are thousands of acres in the county. He expressed concern over tornadoes and the effect on the area. He also asked why we are agreeing to a 30 year commitment. He stated the panels could be 18 ft high, it is on a hill and cannot be hidden. He expressed concern over the sound. He stated the farm will be 50 decibels, rural areas are typically 30 decibels. Corn rustling is 20 decibels. He stated there would be lights that are visible. He also discussed that they could use experimental technology. He did not know who benefits from this and disturb and disrupt Eureka. He stated the taxes received compared to residential are low. The only people that benefit are the company and the landowner.

Mr. David Prather stated that he lives the closet to the farm, if there is any risk to his property value of the safety of his family then its not right. This is not right this close to town, he stated they are not against solar technology, they just oppose it this close to town. He does not want there to be any danger to his children. He stated the taxes off of residential would be higher than those on the solar farm. He stated that Sol America could sell the property and they have no control over that.

Ms. Tara Prather stated that she would like to thank those that came out to support them. She thanked the Board for being advocates for the home owner. She expressed that we have a responsibility to maintain the blessings we have in Eureka.

Mr. Darryl Wilson thanked the board for listening to the members. He expressed that the homes are their biggest assets. The appraiser’s information is speculative at best. What works elsewhere may not work here. This will stunt the growth of Eureka and affect businesses and new homes in the area. He asked that they not approve the project.

Ms. Stacey Boland stated that the first two petitions the board asked if any neighbors had presented objections. Mr. Gibson stated this is the comments period. Ms. Boland stated she was opposed to the project and object to its approval.

Mr. Tim Boland stated he was a nearby land owner and he objected.

Mr. Cal Lyons – no comments

Mr. Dennis Garey stated that he is worried about the impact on the tax revenue. He noted that the special use states the ZBA should find the project will not be injurious. He noted he has presented letters from realtors and developers stating it will affect the development. It will affect the property values of the surrounding homes and that is injurious to them. Their property is within 100 ft of the property and they could take a financial hit.

Ms. Melissa Brown – No Comment

Mr. Bob Prather – No Comment

Mr. Steve Stewart – No Comment

Ms. Cecilia Hennessey LaBonté

Mr. Art Anliker stated that he felt everyone here is for solar, he stated to make this work the company is probably getting government assistance and credits. He stated they would maybe be less profitable if it is further away, and what this comes down to is profit vs. quality of life. He noted he has been in his home a month and a half and the area is lovely. He remarked that most people are surprised that they are looking to but a solar farm next to the fastest growing area of Eureka.

Mr. Scott Zimmer Mayor, City of Eureka discussed that everyone understands the importance of solar energy. He stated he cannot think of a worse location. It conflicts with eh Woodford County and City of Eureka comprehensive plans, it threatens the city infrastructure, namely the city water line, stormwater control which threatens the sewage treatment plant. It conflicts with the growth of the area. It conflicts with the comprehensive plan which states that the county will collaborate with other units of government. He states that it is clear that this application must be denied.

Ms. Mary Hutson was sworn in stated concerns with the 30 year contract, she stated that the technology in that time could be better and we would be unable to use newer technology.

Mr. Smith noted that concludes the audience participation.

Mr. Gibson stated we would now allow rebuttal.

Mr. Keyt thanked the board for their time and stated that they appreciate the comments from the public and the perspective they offer. He noted the information provided is based on the data they collected. He stated that some of the information provided by the opposition sometimes shades more towards opinion, some information was facts. He stated at this point the relevant inquiry is if they have met the requirements of a solar project under section 30 and if they have meet the special use requirements. He feels the requirements favors the petitioner.

He stated the max height of the panels will be somewhere around 8-9 ft. the setback from the nearest home required if 500 ft. they are 750 ft. The fence heights are 6-8 ft., they will comply with the fence requirements. The lighting, they will have none. Noise requirements will be met, the glare will be prevented, and wiring will be underground, no unrelated outdoor storage on site, and an Agriculture mitigation agreement will be in place, the Illinois department of natural resources letter in regard to the property itself. Sol America's wish is to be compatible with the area and are willing to take steps to alleviate concerns the neighbors have. They cannot alleviate all the concerns but they are willing to go above the code to minimize those concerns. He noted if you look at the special use factors as to whether this would be detrimental to the health and safety, welfare, whether this would be detrimental to others enjoyment of their property, if it would be injurious to the public, whether or not this would

impede normal and orderly development, whether adequate utilities and access roads and drainage, whether access will minimize traffic congestion, and finally whether this is consistent with the comprehensive long range plan. Mr. Keyt stated if you look at the evidence and the data they used to support that evidence, he thinks in consideration of the factors that it favors approval of this project. He stated they recommend to the board that they approve that request.

Mr. Smith asked if any other member had evidence in rebuttal. He stated that concludes the public input. Mr. Gibson noted the interested parties were allowed rebuttal. Mr. Smith stated that was all the rebuttal they were going to get.

Mr. Smith asked the board to address the findings. He asked they address the negative findings only. Ms. Holmes noted that when discussing the consistency with the Woodford county comprehensive long range plan, this is agriculture, it is by residential. In reading the Woodford County comprehensive plan and in consideration with the Eureka Long range plan which they included this as potential residential development that might be at odds with the special use request. Mr. Smith asked which finding she was addressing. Ms. Holmes noted G.

Mr. Smith asked for any additional discussion.

Mr. Smith asked if everyone had read through. Mr. Smith asked for a motion.

Mr. Lay made the motion to approve petition 2018-11-S as filed on April 18 by Sol America and George Mori for the Special Use, Seconded by Ms. Holmes.

Roll Call Vote: Jerry Lay – Yes, Curtis Heilman – Yes, Jerry Smith – No, Teresa Gauger – Yes, Kim Holmes – Yes. *Motion Carried*

Findings by the Zoning Board of Appeals for Petition 2018-11-S:

- A. **Will not be detrimental to the public health, safety, and welfare;** (Affirmative)
- B. **Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** (Affirmative)
- C. **Will not be injurious to the district in which it shall be located;** (Affirmative)
- D. **Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative)
- E. **That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative)
- F. **That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** (Affirmative)
- G. **Is consistent with the Woodford County Comprehensive Land Use Plan.** The ground is Agricultural by residential, In reading the Woodford County comprehensive plan and in consideration with the Eureka Long range plan which they included this as potential residential development that might be or seem at odds with the special use request.

Mr. Smith noted this will go to the County Board, he noted that no further testimony would be allowed at that time but a public input portion will be available.

6. Other Business to Come Before the Board:
 - Update on next month petition/s – at least 2 special uses filed, two more special uses expected with one being a solar farm, a rezoning is expected as well. The filing deadline is Friday July 27.
 - ZBA By-Law discussion - (if necessary) – None
 7. Executive Session (if necessary) - None
 8. Any action coming out of Executive Session
 9. Adjournment
- Mr. Lay made the motion to adjourn at 9:27, 2nd by Ms. Holmes. *Motion Carried.*

Lisa Jording, Secretary

Jerry Lay, Acting Chairman

Date