

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
December 19, 2018**

**Call to Order:** Meeting to order at 7:00 p.m.

**Roll Call Present:**

**Planning Commission:**

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter  
Ron Mapes
- ✓ Gary Diedrick  
Jody Carroll, Alternate
- ✓ Peter Huschitt, Alternate

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer  
Sandra Schleicher, JDC Health Dept.  
John Hay, State's Attorney
- ✓ Eric Tison, Planning & Development
- ✓ Robert Heuerman, JDC Board Member
- ✓ Melissa Soppe, Planning & Development

**Approval of Minutes:** A motion was made by Huschitt to approve the minutes of November 28, 2018. Seconded by Diedrick. Voice Vote: All Ayes

Mel Gratton swore in all who might want to testify on any request this evening.

Geomedia was not available for viewing during the meeting.

**New Business**

**David and Denice Marquardt (215 W Cook Ave, Libertyville, IL 60043), owners, & Stephen and Jennifer Halm (737 Bridgeview Lane, Sugar Grove, IL 60554) contract purchasers,** have petitioned for a Variance from the required side lot line setback as established in Title 8, Chapter 5, Article B-46, B.4.a.; Building Siting and Orientation. Requesting to vary from the required twenty (20) feet to seventeen (17) feet for the deck, a three (3) foot variation; also requesting to vary from the required twenty (20) feet to sixteen feet, five inches (16' 5") for the fire pit, a three foot, seven inch (3' 7") variation, to allow for Guest Accommodations Use. Property is located in the RP Planned Residential District. Commonly known as 371 W Wachter, Galena IL 61036

**Staff**

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of tourism and the use of the homes for rental is a direct result of tourism.
- Wastewater Treatment: This home is served by an existing septic system which was installed in 2004. The system is sized properly for a 4 bedroom house without a garbage disposal. This variance request should not affect the septic system.
- Access Considerations: The property has an existing entrance onto Guilford

Township maintained Wachter Road. The entrance has adequate sight distance for the 35 mile per hour roadway.

- Other Considerations: The property is located in the Galena Territory and was constructed in 2004. The variance request applies to the location of the deck and fire pit in relation to the respective property lines as shown on the survey. Because this is a four (4) bedroom home, GA zoning requires a twenty (20) foot setback. Application materials for GA have been received but are still under review and subject to action on this application.
- The parcel abuts Association property to the south (rear). All surrounding residential parcels are zoned RP in accordance with their location in the Territory.

Stephen Halm, contract purchaser

- Requesting a three (3) foot variance for the deck and a three point seven (3.7) foot for the fire pit. The house is 91 feet from the adjoining house from structure to structure, which is more than double the limit required for the lot lines. The other side is a vacant parcel and we believe this would be a good fit for this property in terms of use as the property is well established in terms of renting. This is very good location in relation to other attractions in the Territory itself. Other properties around are rented through rental programs and this would be a reasonable addition for the use.

Greenspace to the rear only.

**Public Testimony**

None

**Public Testimony Closed**

Diedrick asks about the driveway grade and if that would be an issue.

- Steve Keeffer states that I did not check that.
- Eric states that the information is on the survey and it meets the requirements per the Guest Accommodations.

Winter asks if we heard from any neighbors.

- Eric states I did not talk to them, but we did have neighbors call in, no concerns were expressed to me.

Standards for variance reviewed 1 - true; 2 – true; 3 – true; 4 – true; 5 – true; 6 – true; 7- true

A motion was made by Huschitt to approve the variance request as presented stating the following:

1. Standards for variance are met

Seconded by Tranel

Roll Call: Peter Huschitt – Aye  
Nick Tranel – Aye  
Laura Winter – Aye

Gary Diedrick – Aye  
Mel Gratton – Aye

**Thomas Wiedman (as Trustee u/t/a date 7/18/02, 4101 S Pleasant Hill Road, Elizabeth IL 61028), owner and Theodore J Saclarides (342 Ingram Ln, Northfield, IL 60093) contract purchaser,** have requested a Special Use Permit to allow for a residence on a lot less than forty

(40) acres in the AG Agricultural District. Common Location: 4101 S Pleasant Hill Road, Elizabeth, IL 61028

### **Staff**

- **Comprehensive Plan:** This request is immediately adjacent to the Village of Elizabeth on the east property line.
- **Waste Treatment:** There are 2 existing septic systems on this property. One system serves a 3 bedroom house. This system was installed in 1993 and repaired in 2004. A second system was installed in 2000 to serve the garage building. Both of these systems were evaluated in November 2018 and found to be functioning properly at that time.
- **Access Considerations:** The property has an existing entrance onto Elizabeth Township maintained Pleasant Hill Road with adequate sight distance.
- **Other Considerations:** This property on S Pleasant Hill Road currently consists of 8.13 acres. The home was built in approximately 1993 and the existing accessory structure was added by permit in 2000. Property history search on this parcel revealed that the lot was created in 2005 at 7.40 acres. When purchased by the current owner, the recorded survey listed the parcel in its current size of 8.13 acres. The recorded survey is included; please note that it was requested by a prior property owner. Adjacent parcels to the north, west and south are zoned AG. Parcels to the east are within the Village of Elizabeth.
- **LESA:** The Land Evaluation score on this property is 47.47 (below the County average), with an overall LESA score of 146.47. Some of the Site Assessment factors contributing to the overall score were the size of the parent parcel (0/15 pts), the average slope of the site (0/10 pts) and the commitment to AG adjacent (5/25 pts). Additionally contributing factors were distance from community services (0/15 pts), availability of water/sewer utilities (both 6/10 pts) and the parcel is immediately adjacent to the Village of Elizabeth on the east property line (10/20 pts).

### **Joe Nack, attorney representing owner**

- Tom bought the property in 2005 from Dean Redfearn who owned all this property at the time and developed it. Dean was the one that put in the upper septic system for the accessory building since he finished the upstairs of it. This is used as extra sleeping area, not for rental. Tom bought the property as you see it today, he has put no additions on the buildings, and septic systems were all in place. It was discovered during the original sale that the septic system crossed over in to the other lot, so they had it resurveyed and added about ½ acre to get the septic on the same lot as the buildings. This came about when the contract buyer questioned what the upper building could be used for so an inquiry to the Zoning Office was done and found that the upper building cannot be used for Airbnb or rental or commercial and the lot itself is non-conforming. This in no way was caused by the buyer. This just brings everything into compliance. Nothing in the standards is negative, this is just housekeeping.

Heuerman asks about the surveys and when they were done.

- Joe Nack states that the surveys were done prior to Mr. Wiedman buying.

### **Public Testimony**

None

### **Public Testimony Closed**



setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. The project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.

- Potential Conditions:
  - Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
  - Locate and maintain existing drain tiles
  - Vegetation buffer on the North and East side of project area
  - A 7' chain link fence will be installed around the perimeter
  - Applicant requests 3 year extension of permit to begin construction
  - Use of native perennial plants to reduce stormwater runoff and erosion
  - If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
  - Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
- The property is approximately 125 acres. The wedding barn on the north side of Heller Lane was approved as case #16-45. Staff advised to seek the variance as both the solar farm and wedding barn can be considered principal uses. The parcel extends on both sides of Heller Lane. Surrounding parcels are zoned AG.
- LESA: The Land Evaluation score for this property was 64.80, with an overall LESA score of 186.80. Contributing factors to the score include the percent of land in AG (12/15 pts), the percent of AG land adjacent (max pts, 25) and the size of the parent parcel (max pts, 15). Additionally, the property is within 1.5 miles of Galena (12/15 pts), services are available for water (8/10 pts) and sewer (max pts, 10) and is consistent with both the County and City of Galena Comp Plans (0/10 pts each).

#### Matt Robinette, Bluestem Energy

- Renewable energy developer, owner and operator based out of Omaha, Nebraska. We were incorporated back in 2008 out of a 95 year old construction company named Boyd Jones Construction. We have over 700 MW of active developments across the Midwest from Colorado to Ohio and Minnesota to Texas. We typically work with distribution co-ops, and municipal utilities in providing them with local renewable energy. It is connected directly with their distribution connection. Our projects are on a much smaller scale; to date we have projects 1-14 MW in size. They are sized to our customers systems and by doing that we assure that 100% of the electricity our facilities produce gets used locally by the rate payers. This is price certainty through the life of the project. Communities see local economic develop where are projects are located, \$15M construction project. It would pay approximately \$63,000 annual property taxes and annual lease payments to our landowners which would assume would flow back into the community. Each site was selected based on technical analysis from Jo Carroll's system, then determining connection points.
- Every one of these sites will be different in size. It takes about 7 acres per megawatt of capacity; most of these are from 1.3 to 2 MW. These will be single axis systems with tracking systems that run north to south so the panels will follow the sun from east to west. At a 60 degree tilt they will be 9-10 feet off the ground. They will have a 7 foot

chain link fence surrounding site with a 12-16 foot wide road with access point, at or near the panels you will have the inverters, and the step up transformers for connection. The construction will take about 3 months, additional traffic during construction, but during operation and maintenance no additional traffic.

### Will Greene, Bluestem Energy

- Once testing the load capacity then we targeted landowners specifically.

Huschitt asks about the life of the system.

- Matt Robinette indicates about 25-30 years.

Huschitt asks about the framing material.

- Matt Robinette indicates that we would use either piles or screws depending on the exact geotech come back with in regards to the soil. You will have low voltage wiring that will run below the panels, then run back to the inverters.

Diedrick asks the location of the inverters and if it will have any security lights or manual lighting in case service is required.

- Matt indicates it will have manual lighting; it would be located within the fencing area, so it should not have access to the general public. We would run the underground collection from that point to the point of interconnect to Jo Carroll's system.

Tranel asks about the time extension.

- Matt Robinette indicates a three year extension for a total of 4 years to begin construction.
- Will Greene indicates that timeline works with the option period under our leases. If we don't proceed construction as soon as we would like, we do allow in time for unexpected events to occur if delay construction.

Gratton asks about the materials a typical solar panel consists of.

- Matt Robinette indicates they are silicon wafers that are encased in glass, a steel frame around the glass. Very common materials, they are recyclable at the end of the useful life.

Gratton asks if there would be any heavy metals included on the solar panels.

- Matt Robinette indicates no

Gratton states the panels can become damaged for various reasons they will be replaced as needed, correct.

- Matt Robinette indicates yes they would.

Gratton asks what type of screening you typically like to use and vegetation below the panels.

- Matt Robinette states typically native perennial grasses and or pollinators under the facility to help hold moisture and the ground. Screening we typically work with the local jurisdictions if they had any preference or the landowners as well. Typically we do something deciduous as well as evergreen, a couple rows of that screening. It would be more of a hedge type like 10-15 feet tall, whether cedars, junipers, or yews and maybe a dogwood for the deciduous type.

Huschitt asks if these projects are under the same jurisdiction that the state permitting process as the other solar farms that we have heard or not.

- Matt Robinette asks if you are talking about the Future Energy Jobs Act (FEJA) of Illinois, we believe these projects are viable with or without FEJA. Just because FEJA exists we have every intention to meet the January 15<sup>th</sup> deadline for submission.

Gratton asks if it is all of your projects

- Matt Robinette indicates yes for our projects. We do not have a power purchase agreement (PPA) yet or business contract in place yet this has to be negotiated yet.
- Will Greene states that the FEJA did have a positive impact on moving the state and co-

ops, Bluestem, and communities to look at Illinois. Eric indicates these six requests are within Jo Carroll's service area, the others were in ComEd service territory.

### **Public Testimony**

#### Patti Vincent, 7007 Heller Lane, Galena

- How does the energy get from farm to Jo Carroll?
  - Matt Robinette states that we will have a step up transformer at the facility, underground collection system that would run from the solar array to Jo Carroll infrastructure. The point of interconnect will be near the project entrance.
- It will be a cable underground?
  - Matt Robinette states that the underground collection will be 60 inches down, once it gets to the interconnection point, it would come above ground and we would put in a couple additional poles, there you would have meters to track the generation and safety equipment such as air switches so if something happened they could manually disconnect it from Jo Carroll's system. The cables will be underground with shortest path possible to the interconnect point. Then once above ground would be in the right of way along the road where the existing poles are today.
- What size of a cable?
  - Matt Robinette states that they would look similar to existing electrical wires that you see running across the county.
- I don't know if you are familiar with Heller Lane, it has 3 45 degree corners, it has blind hills, the original special use has brought in people that are not familiar with the road, I have a big concern about fire trucks and ambulances, getting through when people are parked on both sides of the road. I don't think Heller Lane is a place for commercial entity, it is farms. I am not against solar, you can go anyplace else, I think it is very small narrow road, and it drifts big time.

#### Dan Lennon, 519 Tana Lane, Joliet, owns 31.63 acres adjoining property request

- I own to the west of the request. I have the concerns Patti brought up as well as the interconnection point bordering my property.
  - Matt Robinette states that the interconnect point will be in that vicinity.
- Can you repeat what the appearance of the interconnection point would be?
  - Matt Robinette states that if there are distribution lines running along Heller Lane, our interconnection point will either run in parallel with their system or will run perpendicular to their system, but ultimately will connect where they already have distribution lines overhead and existing power poles. In addition to what is there, there will be 2-3 additional poles that would be set at that location, there will include revenue meters, safety equipment so the project could be disconnected from Jo Carroll's system if need be. It will not look any different than existing power poles and distribution equipment.
- The time frame of the project for construction.
  - Matt Robinette indicates ultimately this is a 2019 construction project. Realistically it would be summer to the third quarter of 2019 for construction start. Ultimately many things could come into play that could make it happen quicker or delay.
- This request is 14 acres; if this is approved do you have plans to expand on that.
  - Eric Tison indicates that they cannot do that without amending the use, the use is specific to 14 acres, and they cannot expand beyond that without permission.

- My concern is that if the 14 acres were approved at this time, they would have an in road into further expansion.
  - Eric Tison indicates that they cannot expand without permission from this Zoning Board and ultimately the County Board.
  - Gratton states that the transmission lines in Jo Daviess County and for Jo Carroll are limited in their carrying capacity and would this max out the lines that are existing.
  - Matt Robinette indicates yes, we are interconnecting directly to Jo Carroll system and we build to their minimum loads to ensure that 100% of our electricity will be used at any time. This is a proposed 2MW project, which maximized the opportunity on this Jo Carroll service line. Physically is there land to expand, yes, but technically the interconnection to Jo Carroll system there is not enough load for expansion.
- Question of the variance for more than one principal structure means what?
  - Eric Tison indicates that the principal structure that was permitted on the other side of the property by special use authorization from the County Board, this project could be considered a principal structure on its own that is why I asked the property owner to submit the variation request. One principal structure is allowed per zoning lot in the county, which is the reasoning.
- On the other sites that you have done, has there been any study done on the effect on the valuation of adjoining properties.
  - Matt Robinette states that there have been studies specific to the State of Illinois and Indiana, and nationwide. All the studies that we have reviewed to date show no negative impact on values or valuation of adjacent properties.
- Can you identify again what the lighting will be especially the night lighting.
  - Matt Robinette indicates there would be no lighting on the property other than a motion light at the step up transformer and the inverters for maintenance purposes, other than that no additional lighting at the array.
- I do share the concern of the 90 degree angles on Heller Lane, while it is not a trafficked road it is also one that does not go all the way through, so any traffic going in must come out the same way.
- In the previous overhead there was an orange section, what does that represent?
  - Will Greene indicates that is an area where no array may be, final engineering is not done for the sites for layout, but it could be either a waterway or drainage swale.
- What acreage is this site and this is the location it will be?
  - Will Greene indicates approximately 14 acres and yes.

**Public Testimony Closed**

Gratton states that the transmission of electricity will be collect it and connect into the power grid, beyond that there are no additional wiring or anything else, it is a minimal disturbance where that connection is. It is the same power lines that we look at everyday out there.

Standards for variance reviewed on multiple principal structures and uses - 1 - true; 2 – true; 3 – true; 4 – true; 5 – true; 6 – true; 7- true

A motion was made by Tranel to approve the variance request as presented stating the following:

1. Standards for variance are met





- Vegetation buffer not necessary (?)
- A 7' chain link fence will be installed around the perimeter
- Applicant requests 3 year extension of permit to begin construction
- Use of native perennial plants to reduce stormwater runoff and erosion
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
- Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
- The property is just under 80 acres and there are no structures. Surrounding parcels are zoned AG.
- LESA: The Land Evaluation score for this property was 36.17, well below the County average, with an overall LESA score of 179.17. Contributing factors to the score include the percent of AG land adjacent (max pts, 25) and the size of the parent parcel (12/15 pts). Additionally, the property is more than 1.5 miles from community services (max pts, 15), services are not available for water/sewer within 1.5 miles (max pts, 10) with moderate limitations for disposal (20/25 pts), and this is within 1 mile of Menominee (10/20 pts).

### Will Greene, Bluestem Energy

- The home adjacent has been demolished. This is a 10 acre request

Gratton asks if Sand Ridge Road is a dead end road.

- Eric Tison indicates it ends just past this property.

Huschitt asks about the interconnection point and the wiring from the site to the interconnection point.

- Matt Robinette indicates all wiring is done underground to the point of interconnect where they wiring comes above ground.

Gratton asks if that is within the right of way, on private property or easements need to be given.

- Matt Robinette indicates that we typically work with counties to get utility occupation permits to allow us to use the right of way.

Diedrick asks about the substation in the area and Rentech, you would still go to the point of interconnection, not anywhere else.

- Matt Robinette indicates we would go to the point of interconnection because of the circuit we are connecting to.

### **Public Testimony**

None

### **Public Testimony Closed**

Diedrick asks about the vegetation buffer if needed, I don't think it appears we need that since the house is gone. Any concern from the owner across the road.

- Eric Tison indicates no comments were received. I did not check the location where the house was torn down, if that lot could be built upon again. However unlikely, but if a request is received to my office would the applicant be willing to add vegetation at a later time if not included in the conditions.
- Matt Robinette indicates no.
- Eric indicates that if the zoning board does not require vegetation at this time, I will work with the project developer at a later time, we can advise them when a building permit has been received for this location and reach out to them to quickly rectify the situation,



commercial and industrial growth in areas which have the best capacity for supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. The City of Galena received a copy of this application and reported that this property lies within the area of interest and Contiguous Growth Area. The City's Comprehensive Plan indicates the proposed future zoning as Commercial. The proposed land use of "Public Services and Utilities" is allowed by right in all City Commercial districts [Section 154.406 (C)(8)].

- Wastewater Treatment: Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- Access Considerations: This property is accessed from Rawlins Township maintained Norris Lane. The proposed access is located in the bottom of a sag vertical curve. The sight distance is limited by crest vertical curves on both sides of the entrance. – Access is located in a dip in the road.
- Other Considerations: This request is located west of US Highway 20 and south of Midwest Medical Center on the south side of Norris Lane. The solar farm will be located in an area generally defined as the middle of the parcel, as per the exhibit. The AG district requires a front setback from Township roads of fifty (50) feet from the property line or eighty (80) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants 'Project Area Extent' for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. The project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.
- Potential Conditions:
  - Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
  - Locate and maintain existing drain tiles
  - Vegetation buffer on the North and South (?) side of project area
  - A 7' chain link fence will be installed around the perimeter
  - Applicant requests 3 year extension of permit to begin construction
  - Use of native perennial plants to reduce stormwater runoff and erosion
  - If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
  - Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
- The property is approximately 52 acres and there are no structures. Surrounding parcels are zoned AG.
- LESA: The Land Evaluation score for this property was 72.41, with an overall LESA score of 160.41. Contributing factors to the score include the commitment to agriculture adjacent (10/25pts) as well as the proximity to the City of Galena. Specifically, the property is within 700 feet of the municipal boundary (0/15 pts), services are available for water/sewer within .25 mile (both 4/10 pts) with few limitations for disposal (20/25 pts) and as mentioned above, is consistent with the Comp Plan for both entities (0/10 pts each).

Nothing additional to add

Huschitt asks what buildings are near

- Eric indicates there is a residence to the north and east of the requested site and Prairie Ridge as well as Midwest Medical Center

Gratton asks if any area along that road would be improved for access.

- Steve states if they got out of the dip get on top of the hill. When Prairie Ridge went in they had trouble with access entrance for site distance. They could push it west to get better site distance.

Gratton states that if we recommend in conditions to defer that to Steve and the road commissioner to get a better entrance.

- Steve states yes I would, this is a busy dead end road. They have Murphy Gardens and Prairie Ridge.

Eric states that we can work with the petitioner to get a better entrance

- Matt Robinette indicates we are willing to work with the county or jurisdiction to get best location.

Gratton states a lot happens along that road so if we can get a better entrance, that would help.

- Eric asks if that entrance was an existing farm entrance
- Will Greene indicates yes it is.
- Matt Robinette indicates that traffic at these facilities is next to nothing once construction is done.
- Eric states that you do have the construction phase of around 3 months and will be concerning on locations like this as well as the Heller Lane, where people wouldn't expect to have this type of traffic.

Winter asks where the interconnection point is.

- Matt Robinette indicates that interconnection point is right at the site entrance on the property. We do have to get to that point for this request.

### **Public Testimony**

None

### **Public Testimony Closed**

Gratton asks about the screening.

Discussion was talked about on the north side and possibly the east side toward Prairie Ridge and the hospital.

Winter asks if there were any concerns from neighbors or the hospital.

- Eric states the hospital did not touch the request, they would not have received a direct notice, I don't think anybody called on the request. Both sides of the project area are owned by the property owner. I had the south side in there for discussion because depending on where you are, if on the crest of the hill you might be necessary, but they do have a tree line on the south side of the property.

Gratton states that we do have a retirement home that is not shown on the aerial view that would have a visual of this, this will be low enough that they will be looking over top of this, but if screening to the north would alleviate most of that. Maybe the north and east is more important than the south.

Huschitt asks if we need special verbiage for the entrance concern



- Wastewater Treatment: Based on the proposal, there are no facilities that would require a septic system or water supply for this request. The existing septic system serving the house on this property is north of the house but south of the proposed project area. There is also a septic system serving 4441 S. Pleasant Hill Rd. to the east of the house that will be near this proposed project.
- Access Considerations: The property has an existing entrance onto Elizabeth Township maintained Pleasant Hill Road with adequate sight distance.
- Other Considerations: This request is located on the east side of Pleasant Hill Road. The solar farm will be located on the property, north of the creek. The AG district requires a front setback from Township roads of fifty (50) feet from the property line or eighty (80) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants 'Project Area Extent' for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. The project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.
- Potential Conditions:
  - Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
  - Locate and maintain existing drain tiles
  - Vegetation buffer on the West side of project area, parallel with Pleasant Hill Road and North side parallel with home
  - A 7' chain link fence will be installed around the perimeter
  - Applicant requests 3 year extension of permit to begin construction
  - Use of native perennial plants to reduce stormwater runoff and erosion
  - If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
  - Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
  - Floodplain compliance
- The homestead has an existing entrance on S Pleasant Hill Road. Surrounding parcels are zoned AG.
- LESA: The Land Evaluation score for this property was 57.68, with an overall LESA score of 190.68. Contributing factors to the score include the percent of land in AG (12/15 pts), the percent of AG land adjacent (max pts, 25), size of parent parcel (10/15 pts) and the commitment to agriculture adjacent (15/25pts). Additionally, the property is less than a quarter mile from Elizabeth (0/15 pts), services are available for water/sewer within 1.5 miles (both 8/10 pts) with moderate limitations for disposal (20/25 pts) and is partially consistent with the Comp Plan because it is within 1.5 miles of Elizabeth (10/20 pts).

Winter asks if any neighbors called.

- Eric indicates I did talk to a neighbor; they were questions of a general nature regarding project and potential construction long term, no specific concerns about the project itself.

Diedrick asks about the neighbor to the west of the project and across the road

- Eric state no they did not call in.

### Will Greene, Bluestem Energy

- The orange on the map in the slide indicates there is no solar within that area, it is a waterway.

Diedrick asks where the proposed entrance would be.

- Eric indicates the entrance would be to the south corner of the project area. Existing farm entrance.

Diedrick states this property seems to be more rolling property than the other properties, will that effect the installation of the panels.

- Will states that one of the criteria is the topography and it has an ideal topography because it is south facing. We either look for south facing or flat sites. These arrays will be single axis tracker; the array runs north south so you can work with east west slope because the rows are separated. The racking can work with the slope.

### **Public Testimony**

None

### **Public Testimony Closed**

Huschitt asks about the floodplain compliance, do we want to see this in the conditions or what jurisdiction do we have.

- Steve Keeffer, Floodplain Officer, states that if 300 feet away, I don't think they would require any type of permit. The elevation difference is a lot.

Standards for special use – 1- met, 2 - met, 3 – met, 4 – met, 5 – met, 6 - Additional Compliance – met

Standards for special use have been met

Diedrick asks where the interconnection point is

- Eric states the interconnect point is southeast of the project area.

Gratton asks if the interconnect point would be down in the floodplain

- Paul Girot, owner indicates it would not be in the floodplain.

A motion was made by Diedrick to recommend approval of the special use request for a commercial solar energy system on approximately seventeen (17) acres of the subject property stating the following conditions:

1. Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
2. Locate and maintain existing drain tiles
3. Vegetation buffer on the West side of project area, parallel with Pleasant Hill Road and North side parallel with home
4. A 7' chain link fence will be installed around the perimeter
5. Applicant requests 3 year extension of permit to begin construction totaling 4 years
6. Use of native perennial plants to reduce stormwater runoff and erosion
7. If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition

8. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
9. Standards for special use are met

Seconded by Winter

|            |                     |                      |
|------------|---------------------|----------------------|
| Roll Call: | Nick Tranel – Aye   | Mel Gratton – Aye    |
|            | Laura Winter – Aye  | Peter Huschitt – Aye |
|            | Gary Diedrick – Aye |                      |

**Bluestem Energy Solutions, LLC (Jon Crane, President, Adam Herink, VP, and Will Greene, Project Developer, 950 S 10<sup>th</sup> St, Suite 001, Omaha, NE 68108) petitioner, and Kenneth J and Mary E Koester (5194 N Pea Ridge Road, Scales Mound IL 61075) owners** have petitioned for a commercial solar energy system on approximately nine (9) acres of the subject property. Commonly known as: W Apple Canyon Road, directly across from address 7A216; address TBD

**Staff**

- Comprehensive Plan: In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. The County will encourage new commercial and industrial growth in areas which have the best capacity for supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. Additionally, the Comprehensive Plan would indicate that this parcel lies within an Agricultural Area, with 58.9% of soils identified as farmland of statewide importance and 41.1% of soils as prime farmland.
- Wastewater Treatment: Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- Access Considerations: This request contemplates a new entrance onto Thompson Township maintained Apple Canyon Road. Sight distance should be adequate, but removing the trees and brush along the property frontage would be beneficial.
- Other Considerations: This request is located east of North Pea Ridge Road and immediately adjacent to Apple Canyon Lake. The solar farm will be located on the north side of the owners adjoining parcels, as per the exhibit. The AG district requires a front setback from township roads of fifty (50) feet from the property line or eighty (80) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants ‘Project Area Extent’ for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. The project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.
- Potential Conditions:

- Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
- Locate and maintain existing drain tiles
- Vegetation buffer on the East side of project area and North side running parallel with ACL properties
- A 7' chain link fence will be installed around the perimeter
- Applicant requests 3 year extension of permit to begin construction
- Use of native perennial plants to reduce stormwater runoff and erosion
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
- Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
- The property owner has approximately 144 acres on both sides of the section line. The homestead has an existing entrance on N Pea Ridge Road, to the west and south of the proposed solar farm location. Surrounding parcels to the north, west and south are zoned AG. Adjoining parcels with frontage on West Apple Canyon Road are zoned RP in accordance with their location in ACL and are generally located to the north, east and south.
- LESA: The Land Evaluation score for this property was 77 (above the County average), with an overall LESA score of 210. Contributing factors to the score include the percent of AG land adjacent (20/25 pts), the size of the parent parcel (max pts, 15) and the average slope of the site (8/10 pts). Additionally, the property is located on an improved township road (10/15 pts), services are not available within 1.5 miles for sewer (max pts, 10), soils have moderate limitations for disposal (20/25 pts) and it is inconsistent with the Comp Plan (max pts, 20).

Eric indicates we did have inquiries from adjoining landowners on this request. Were concerns regarding the ACL properties and higher elevated than expected; I suspect it is unlikely that screening would prevent them from seeing the solar panels. This is pasture versus tillable. There were concerns but nothing I would categorize as a formal objection.

Nothing additional from petitioners.

### **Public Testimony**

Ron Hammer, 4744 NW Apple Canyon Road, Apple River, adjoining landowner to the north

- Where will they connect to Jo Carroll lines?
  - Eric indicates across the street from the project on Apple Canyon Road
- Asks about transformers, is it one per site
  - Matt Robinette indicates you would have multiple inverters, but would all be in one bin, step up transformer and underground collection, if the above ground connection is on the east side of the road we would bore under the road and then come above.
  - Ron Hammer indicates Jo Carroll infrastructure there is all underground.
  - Matt Robinette indicates we would interconnect where there existing infrastructure is.
- Any noise from this.

- Matt Robinette indicates it is a passive use, there would be a hum from the step transformer just like any other transformer you would see.

**Public Testimony Closed**

Gratton discusses if screening adequate from a residential area like this.

- Eric indicates this is the first location next to a residential like this and if you wanted to do more here, that is fine, I don't recall any homes on the north side of the request, which could be potential.

Diedrick states the buffer already there may be enough

- Eric states that I distinctly noticed this area was well elevated and likely would be looking down on the solar panels and back side.
  - Will Greene indicates it would be the profile view.
- Eric states this board does not have to concern itself with aesthetics and that is why they are not within ACL. I think the vegetative screening would be appropriate and consistent with other requests. I would stay consistent. The vegetation is not on the Koester property, there would be no screening on the east side of the project area or north side right now.
- Gratton states we can't dictate what happens on the right of way.
- Matt Robinette indicates if Jo Carroll's infrastructure is underground, in our interconnection is underground, I am not an engineer, so I am not 100% but I do still believe there would be safety equipment above ground. There would be a revenue meter and an air switch, which would consist of a pole with a steel bar on it that you could swing open to disconnect, whether that is above ground or underground. There would still be some type of infrastructure above ground.

Standards for special use – 1- met, 2 - met, 3 – met, 4 – met, 5 – met, 6 - Additional Compliance – met

Standards for special use have been met

A motion was made by Tranel to recommend approval of the special use request for a commercial solar energy system on approximately nine (9) acres of the subject property stating the following conditions:

1. Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
2. Locate and maintain existing drain tiles
3. Vegetation buffer on the East side of project area and North side running parallel with ACL properties
4. A 7' chain link fence will be installed around the perimeter
5. Applicant requests 3 year extension of permit to begin construction totaling 4 years
6. Use of native perennial plants to reduce stormwater runoff and erosion
7. If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
8. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
9. Standards for special use are met

Seconded by Diedrick

Roll Call:        Laura Winter – Aye  
                     Gary Diedrick – Aye  
                     Mel Gratton – Aye

Peter Huschitt – Aye  
Nick Tranel – Aye

**Bluestem Energy Solutions, LLC (Jon Crane, President, Adam Herink, VP, and Will Greene, Project Developer, 950 S 10<sup>th</sup> St, Suite 001, Omaha, NE 68108) petitioner, and Graham Property Inc (Dirk, Kurt, and John Eric Einsweiler, 11022 W Red Gates Rd, Galena IL 61036) owners** have petitioned for a commercial solar energy system on approximately twelve point three (12.3) acres of the subject property. Commonly known as: 7147 IL Route 84N, Galena IL 61036

### Staff

- Comprehensive Plan: In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. This location has a long history of mining as detailed below.
- Wastewater Treatment: Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- Access Considerations: This property has an existing entrance onto Vinegar Hill Township maintained Meridian Road. The sight distance for the entrance would be improved if the entrance was moved to the north. If you could push it north, the entrance has been there for many years.
- Other Considerations: This request is located east of IL Route 84, with additional frontage on N Meridian Road. The solar farm will be located on the south side of the ‘drive’ between the two roads, as per the exhibit. The AG district requires a front setback from Township roads of fifty (50) feet from the property line or eighty (80) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants ‘Project Area Extent’ for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. The project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.
- Potential Conditions:
  - Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
  - Locate and maintain existing drain tiles
  - No vegetation buffer required; project area will screened by existing trees
  - A 7’ chain link fence will be installed around the perimeter
  - Applicant requests 3 year extension of permit to begin construction
  - Use of native perennial plants to reduce stormwater runoff and erosion
  - If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition

- Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
- Copy of written authorization from appropriate state or federal agency to disturb property, prior to issuing building permit
- The property is just under 24 acres and all structures pre date adoption of the Zoning Ordinance. This is a registered mine site with the IDNR Division of Mines and Minerals known as Eagle Picher-Graham Mine. There may be traces of lead in tailings on this former mine site. Voluntary site remediation program from EPA could be explored to receive No Further Remediation Letter. Surrounding parcels are zoned AG.
- LESA: The Land Evaluation score for this property was 0 due to the dump/mine classification, with an overall LESA score between 145-155. Contributing factors to the score include the percent of land in AG (max pts, 15), the percent of AG land adjacent (max pts, 25) and the average slope of the site (0-10/10 pts). Additionally, the property is more than 1.5 miles from Galena (max pts, 15), services are not available for water/sewer within 1.5 miles (both max pts, 10) with severe limitations for disposal (max pts, 25) and it is inconsistent with the Comp Plan (max pts, 20). Lack of viable, alternative uses for the property should be taken into consideration with this property as well because of the prior mining operation.

Eric states there may be a lack of viable uses for this property and that should be taken into consideration. I highly doubt that the Health Department will be able to issue a septic permit on this parcel. No inquiries from adjacent property owners.

Will Greene, Bluestem Energy

- The property owner wanted us to look at this site specifically because you can't do anything else with it. We will be conducting our due diligence prior to building permit that we are allowed to build the solar farm here. It is an ideal location, since you can't row crop or build a house there.

**Public Testimony**

None

**Public Testimony Closed**

Gratton states that this is a site that may not have much re-adaptive usage because of the limitation it has on it. How could you better use this, this may be a better and higher use for the property. You do not see many properties with a land evaluation of 0. Is the site mostly tailings?

- Will Greene indicates the property owner told us that the mine shaft is to the north of the array across the dirt road. We will do our due diligence with the remediation situation to confirm.
- Eric states that I did not get confirmation that remediation was completed, but they may want to ask for a no further remediation authorization from the EPA. Whichever state or federal agency would be willing to issue that, they need written authorization before obtaining a building permit from us.

Eric states that I think the site was well screened, not that anything will grow.

Diedrick asks about any issues that might arise from having the tailings there that may interact or

react with the structure.

- Matt Robinette states that I don't think we are qualified to give an intelligent answer on that. We will do a phase one, historical aspect, with engineering of the design. They would look into the material below.

Eric indicates that this may have been linked to the Bautsch Gray Mine site, only in that Eagle Picher bought rights to the Bautsch Gray Mine site, they do not appear to be directly connected.

Winter asks about the entrance from 84N, if we need to add any wording.

- Eric states that I don't think there are any issues here, the address is off IL 84, and there will be an update for the address off Meridian Road.

Tranel asks about an easement to IL 84.

- Eric states that toward IL 84, there is another parcel and would assume an access easement to utilize the driveway, which is not necessary as they propose the Meridian Road entrance for this project.

Standards for special use – 1- met, 2 - met, 3 – met, 4 – met, 5 – met, 6 - Additional Compliance – met

Standards for special use have been met

A motion was made by Winter to recommend approval of the special use request for a commercial solar energy system on approximately twelve point three (12.3) acres of the subject property stating the following conditions:

1. Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
2. Locate and maintain existing drain tiles
3. No vegetation buffer required
4. A 7' chain link fence will be installed around the perimeter
5. Applicant requests 3 year extension of permit to begin construction totaling 4 years
6. Use of native perennial plants to reduce stormwater runoff and erosion
7. If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
8. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
9. Written authorization from appropriate state/federal agency to disturb property, prior to issuing building permit
10. Standards for special use are met

Seconded by Tranel

Roll Call: Gary Diedrick – Aye  
Mel Gratton – Aye  
Peter Huschitt – Aye

Nick Tranel – Aye  
Laura Winter – Aye

### **Reports and Comments:**

Tranel made a motion to adjourn at 9:55 PM. Winter seconded. Voice Vote: All Ayes