

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
July 22, 2020

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

PLEASE NOTE: In addition to standard (in-person) public comments and testimony, we will accept public comment during the public hearing portion of each case on the agenda below via call in and email. Individuals or groups wishing to comment can email statements to the Planning and Development Office at buildingandzoning@jodaviess.org until the close of public comment for each individual case to be held on Wednesday, July 22, 2020. Make sure to include the case number in the subject line.

Statements received will be read aloud as part of the record. The entirety of the statement will be placed in the official minutes.

We take very seriously the recommendations from the Centers for Disease Control and Prevention (CDC) to socially distance and the Governor’s Executive Order 2020-10, wherein no more than ten people can convene in one place. **We encourage you to submit your public comment via email** prior to the meeting if possible. Public comment and emailed comments will proceed in the order in which they are received.

If you choose to provide comment in person, requests must be received by the Planning & Development Office at buildingandzoning@jodaviess.org by 4:00 p.m. on the day of the meeting. Due to COVID-19, current policy allows only persons with urgent or essential business to enter the Courthouse. Any person who requests to enter the Courthouse may be subject to a screening process, including but not limited to answering medical questions and having their temperatures taken before being allowed to enter. Information on how to access Jo Daviess County Committee or County Board meetings will be displayed on each meeting agenda.

Roll Call Present:

Planning Commission:

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

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer - remote
John Hay, State’s Attorney Sandra
Schleicher, JDC Health Dept.
- ✓ Eric Tison, P&D Dept.
- ✓ Robert Heuerman, JDC Board Member
- ✓ Melissa Soppe, P&D Dept.

Mark Klausner and Eagle Ridge would like to extent their sympathy to the Family of Sue Roberts-Kurpis who passed away today, she was a resident of the Galena Territory.

Approval of Minutes: A motion was made by Tranel to approve the minutes of June 3, 2020. Seconded by Mapes. Voice Vote: All Ayes

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

New Business

Eagle Point Solar (Jim Pullen, President/CEO; Randy Ambrosy, COO; Larry Steffen, VP Sales; Tod Hollenback VP Design/Engineering; 2400 Kerper Blvd A-20, Dubuque, IA 52001) petitioner, and Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Variance in the front yard setback from a state highway, as permitted by Section 8-3G-5 A, from the required seventy five (75) feet from the property line to ten (10) feet, a sixty five (65) foot variation to install ground mounted solar panels/arrays on a portion of the subject property. Property is located in the PD Planned Development District (Mixed Use). Common Address: 104 Eagle Ridge Drive, Galena, IL – Case #20-32

Staff

- **Comprehensive Plan:** The Comprehensive Plan denotes the Territory properties as a whole consist of a mix of residential, commercial and open space opportunities, including active and passive recreation, consistent with the intent of the Planned Development District. Rezoning was approved by the County Board at their meeting in June.
- **Waste Treatment:** The existing Eagle Ridge Resort & Spa properties are served by public sewer and water systems. There are no septic systems in the area of the proposed installation
- **Access Considerations:** There is an existing network of roadways and entrances associated with this request that have been in place for many years. No changes to these access facilities are being proposed.
- **Other Considerations:** The request specifically references the location of ground mounted solar panels approved with the rezoning of the property in Case #20-14. The general position of the arrays has not deviated substantially from the location depicted as part of that application; a copy of the original location map is included. The setback requirement from state highways is 125' as measured from the centerline of the roadway, or 75' from the property line, whichever is greater, and is uniform, regardless of district. It is the measurement from the property line that is applicable to this request. The setback from Eagle Ridge Drive is met and not part of this application.
- Within the Planned Development District, the approval of the development plan may provide for such variations from regulations and such additional requirements as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such variations are consistent with the standards and criteria contained within; and further, that no modification of the referenced regulations shall be allowed when such proposed modification would result in:

Inadequate or unsafe access to the planned development:

1. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
2. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
3. A development which will be incompatible with the purposes of this title;
4. Detrimental impact on surrounding area including, but not limited to,

visual pollution. The burden of proof that the criteria above are not being violated shall rest with the developer

- At the time of rezoning to Planned Development District (Mixed Use), there was no information, documentation or testimony provided referencing an intent to change the required setback observed from state and federal roadways, nor any other road way setback.
- Adjoining residential parcels to the NW are zoned RP in accordance with their location in the Territory. The adjoining parcels to the north are zoned PD Mixed Use as a result of the recently approved application. Parcels to the West and South, not in the Territory, are zoned AG.

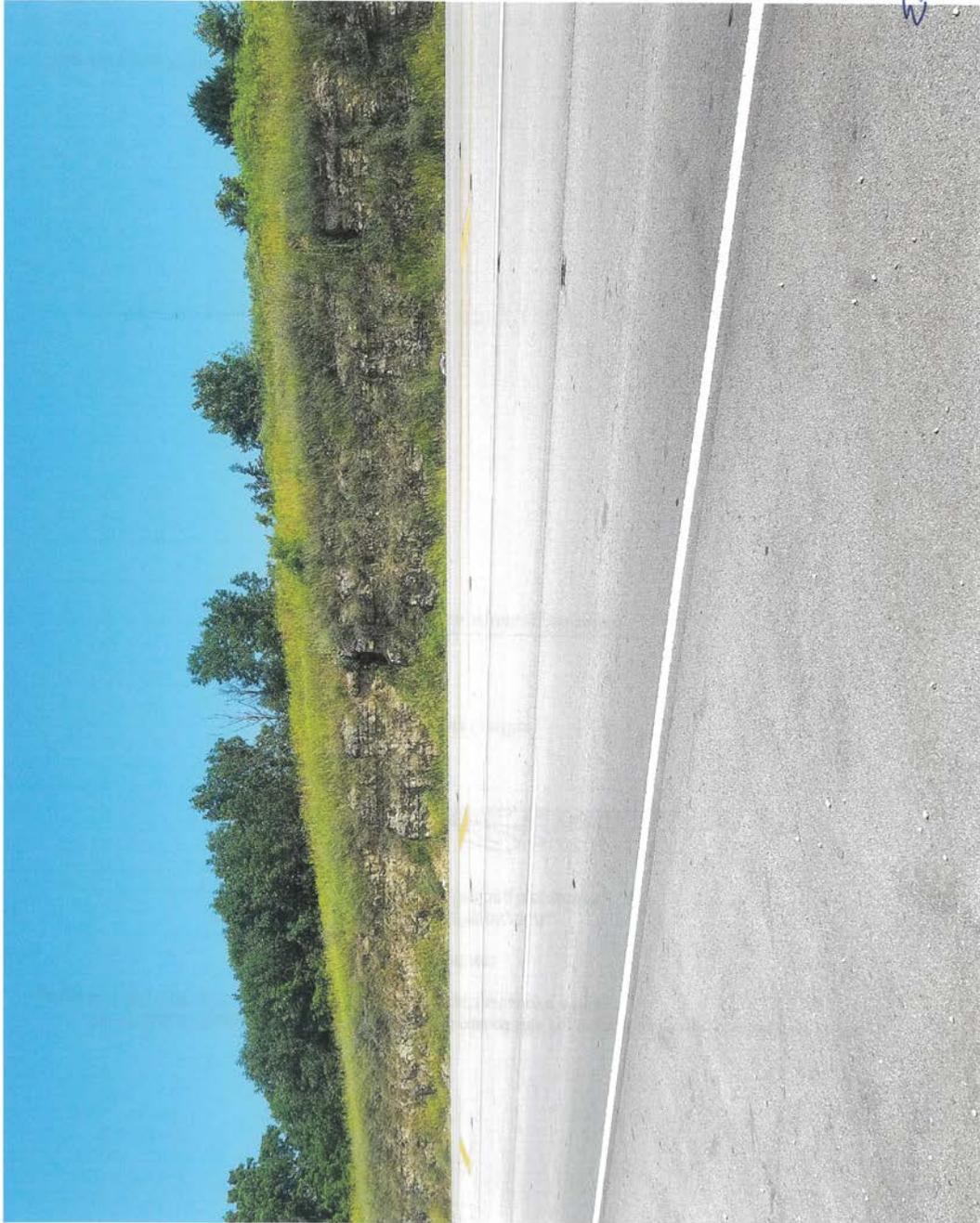
Philip Jensen, attorney representing owner

- We are here seeking a variance from the setback requirements that are found in the Zoning Ordinance. Our desire is to install state of the art solar panels that would produce sufficient electricity through the sun to meet the needs for electrical for the General Clubhouse. The site that we seek to install the solar array is before you in diagram and I would like to submit 2 pictures marked Exhibit 1 and 2 (inserted below testimony), showing the terrain of the parcel as one would be traveling on Highway 20 toward Galena. The parcel that we wish to install panels on is unique in a number of ways. First of all it has the disadvantage of being bounded by 2 roads, Highway 20 and Eagle Ridge Drive. Furthermore the site as you can see is irregularly shaped, narrow, it has a mound as depicted in Exhibit 1 and 2, and what isn't shown in the photographs, but is visible if you walked the parcel is a steep forested ravine. I think it is very important to note that the installation of solar in PD is allowable as a matter of right so we are not seeking permission to install the solar, there are a variety of locations within the confines of what constitutes the General, where it could be placed, but Mark Klausner desires to place it in the location that would have the least visibility. My point is if our variance request were denied, it doesn't stop the installation of the solar, what it would do is lead to a location far more visible to those traveling on Eagle Ridge Drive, I think a very good point to make. Six additional points 1- solar array is allowable, we don't need permission. 2 – While beauty is in the eye of the beholder, if this variance is approved it will guarantee the location of the solar array reduce or totally eliminates there visibility. We are in a unique circumstance, we are seeking a variance to minimize the visibility of an allowable use. I don't recall being in this circumstance ever before. Denial of the variance will not stop the installation of the solar array, but it would guarantee their location would be far more visible, something that Mark Klausner does not want to happen. 3 – The need for a variance only relates to the proximity to location to US Highway 20. Even with the setback requirements of Eagle Ridge Drive and Highway 20, the proposed location of the panels is entirely within the setback that is required from Eagle Ridge Drive. Mark is willing to work with Eric in the Planning Department if there was a need or a desire for some additional installation of shrubs or trees to even further hide the presence of the solar array. I would ask that it not be a condition, though Mark will give his work that he will work with Eric, and understand Marks desire equals or exceeds anybody else's when it comes to minimizing or completely avoiding what some could consider visual pollution, he desires that the area maintain its scenic integrity and that is what is driving us to seek the location of the solar panels where we are. Finally, installation is good for the environment, it has been a delight working with Eagle Point Solar, and they are on task, use state of the art equipment. I asked Dan at Eagle Point Solar the environmental benefits, installing the panels would be reducing the carbon footprint by 2,734 tons of carbon emissions. I couldn't grasp so another comparison or to

get that offset you would need to plant 68,000 trees which would be equivalent to saving 300,000 gallons of gasoline and the power that would be produced by the sun, if you used coal would require 2,870,000 pounds of coal. In conclusion we ask for the variance. 1- good for the environment 2- guarantee that it will have the least impact on visibility 3- Mark is willing to work with Planning & Zoning Department if there is some concern that there is some visibility and indeed there will be, marginal, but there is some visibility, but if you believe that the installation of some shrubs would be valuable, you have Marks word that he will work to accomplish that. Representatives from Eagle Point Solar are available via online and we have Mark, Thomas Ruhs, General Manager, and Marty Johnson, architect.

1x3





Diedrick asks about the drawings that were in the packet, one shows in a fairly straight line and the other one shows a staggered solar array. Which one should we be looking at?

- Tison indicates that the original installation drawing during the rezoning was the staggered one, but the straight line is the actual installation that is requested.

Mapes states that until you install these you never know what they will look like. Another one is being built in the county and one way you barely see it and come the other way it glares at you. That is my biggest concern that it is not glaring at you on Route 20.

- Philip Jensen states that Exhibit 1 and 2 do show the elevation and the natural topography that would in some respects shield it. I have been led to believe that if you are heading east (should be west) toward Galena there will be a period of time on Highway 20 when you get past the monument where you would see them. That is what Mark is willing to minimize if necessary with some plantings.

Mark Klausner, owner

- It is our goal and intention to make this a nice place, we don't want it to look like a factory. We have gone through great lengths to basically hide these panels, we have done a lot of drone work and Eagle Point Solar has been very professional company, we are going to great lengths to make this a nice place, we don't want it to look like a factory, this is the last item of our solar panels and I think it is a good one. This minimizes the visibility and anything less than this would be more visible from Eagle Ridge Drive, we want to be a good member of the community so we are trying our hardest to do the right thing and hide these things.

Gratton asks what the total length of that display is.

- Philip Jensen indicates there are about 300 panels, I would defer to Jim or Dan from Eagle Point Solar
- Marty Johnson indicates 350 feet, I think.

Diedrick asks about the elevation from the pavement to the top of the ridge, because this would be sitting on top of the ridge and that is not ground level to the highway.

- Marty Johnson indicates that the elevation changes the further you go west. At the far east end it is 10-12 feet above the road and quickly drops to about 25 feet, and then 35 feet. Another reason why the setback is being requested is when they did the highway realignment and the passing lanes with the 4 lanes wide of traffic with wide shoulders, and when they did the rock cut and pushed the right of way lines back a lot further because of how they did the excavation for the rock. The line is further back because of that. If you take it from the centerline of the right of way, we are within the tolerances of that, but because that right of way line back so much further when they built the highway and widened it, it is one of the issues we are having.

Diedrick asks about the panels themselves from the ground elevation to the highest peak of the panel, do we know that elevation.

- Marty Johnson states that most of these panels run horizontally and run 4 panels wide or they can rotate them and have 2 panels vertically. So those panels are going to be about 12-14 feet and they will start fairly low off the ground from 3-4 feet and they will be a ballasted type of situation because some of the ground is rock and it can't get the posts in the ground, they make a pre-cast concrete ballast and they bolt the steel posts to the concrete ballast that sits on the ground.

Diedrick asks if the panels themselves are fixed or rotate.

- Marty Johnson indicates fixed at a 30 degree tilt.

Public Testimony

Eric Tison read the following letters/emails received into public testimony:

1) To the Jo Daviess County Zoning Board of Appeals and Planning Commission: After reviewing the plans of Eagle Point Solar to place solar panels along Route 20, we urge the Commission to reject their request. While not opposed to solar energy, it is the placement of these solar panels that represent not only an eyesore to the area, but in our opinion will create a visual distraction that could result in serious accidents along Route 20. Given the diagrams provided to the Commission, there is no way that these panels will not be visible to drivers as

they proceed in either direction along Route 20. Instead of keeping eyes on the road, there is no way an array of solar panels of this size will not divert a driver's attention. For those of us that have homes in the Territory, this also represents an eyesore to the entrance of the area where we live and may possibly discourage future investment in the Territory. As first stated, our concern is not solar energy and as such we would encourage Mr. Klausner and Eagle Point Solar to evaluate other areas within Eagle Ridge of Galena LLC's property where the array of panels could easily be placed that would neither intrude on the landscape of the area, nor present safety concerns. Again, we urge the Commission to reject this request for a variance to accommodate what amounts to extremely visible two football field lengths of solar panel arrays along Route 20. Respectfully submitted, Alvin and Catherine Spector 23 Tamarack Row, Galena, Illinois 61036

2) Please read the following during your 7/22/20 meeting when the discussion on this request takes place. Thank you. I hope that this request will be denied for two reasons. First is a safety issue, as the commercial size of the proposed array so close to the road will be a distraction to drivers and will make the main entrance to Eagle Ridge and The Galena Territory a very dangerous place. Not so much a distraction for those of us who would get used to seeing it everyday, but for the hundreds of thousands of visitors to Galena and the county. Which is my second point, why, when Eagle Ridge has so much property that could be used, must this installation be placed where it requires a variance of codes put in place for good reasons, and it will be the first thing these visitors see entering Galena from the East. It is not in keeping with what attracts visitors to the area. Please enforce the current zoning and encourage Eagle Ridge to reconsider placement or configuration of this size array. It seems that the request is mostly about convenience and cost, not to have to use another location. Also, in Mark Klausner's sworn testimony during your last meeting he said, "we went to great lengths to locate, but basically hide the panels, we don't want to see them either, ..." Please hold him to this same level of care when proposing this large array. For perspective, the multiple arrays that have been built already, and 'hidden', are of much smaller sizes: 80 panels near the General course, 42 panels and 92 panels near the South course, 72 panels near the North course, and 72 panels near the East course. Allowing a variance for a commercial size 336 panel array on the most visible to the entire county parcel of land is potentially dangerous and unnecessary, given the acreage and other potential sites that Eagle Ridge owns. Thank you, Kristel Sprovieri 5 Traverse Ln

3) JO DAVIESS COUNTY BUILDING AND PLANNING COMMISSION RE: Case No. 20-32 (Eagle Ridge Solar) Dear Commission Members: Once again you are being asked to change zoning requirements to benefit Eagle Ridge Resort and Spa (Eagle Ridge). The first request a month ago, to install solar arrays on Eagle Ridge golf courses, impacted only the property owners in the Territory and the golfers staying at Eagle Ridge. The current zoning variance request will impact the entire County and the one million visitors that come to Galena. First, a 500 foot solar array 10 feet off Route 20 is a safety hazard. Please keep in mind that the length of this requested solar array is the size of almost 2 football fields. Route 20 already has a large number of vehicle accidents and deaths around the place proposed for the Eagle Ridge solar array. Addition of a 500 foot distraction so close to the road will only add to the danger of driving on Route 20. Second, please consider the aesthetics of such an enormous commercial array. Last month you felt aesthetics was not an important consideration regarding a zoning change that impacted only golf courses. Today, I urge you to consider aesthetics when you contemplate what a 500 foot commercial solar array will look like 10 feet off Route 20. Eagle Ridge owns an enormous tract of land. There is no reason why it cannot find a place to put this commercial solar array in a place that does not deter from the rural nature of our community. Please keep in mind that the solar array is meant to solely benefit Eagle Ridge so there is no reason why it

should be located more than a mile from the hotel. In last month's presentation, Eagle Ridge urged you to grant its requested zoning changes because it was the largest employer in Jo Daviess County and the owner of Eagle Ridge "loved" this community. This month, please require Eagle Ridge to show its love of this community by denying this zoning variance and requiring Eagle Ridge to find a place for its 500 foot solar array on other than the main road into and out of Galena. Thank you. Margery Newman 7 Oxbow Path, Galena, IL

4) Good Morning Zoning Board of Appeals and Planning Commission: Thank you for your service and commitment to Jo Daviess County. I am writing in regards to the proposed variance being considered for Eagle Ridge Resort & Spa located in the beautiful Galena Territory. Our family came out to the Galena Territory 15 years ago, and the number one reason was due to the beauty of the area including the trees, nature, wildlife, and scenic views for miles. How can you not like what Jo Daviess County and the Galena Territory provide from a beautification perspective? This is by far one of the most beautiful places in our state. For many of us in the community, this starts with our drive along US 20 and entering the Galena Territory through the wonderful entrance with the stone sign and hundreds of trees along the parkway of US 20 heading both east and west of the Territory. All of this is severely threatened by the proposed variance being brought to you by the new Owner of Eagle Ridge. He has already cut down 100's of trees and installed solar panels near the South golf course, which will become an eye sore for many once the Fall hits and the leaves drop. Now, we are threatened with more solar panels that I understand consists of a 500 foot long solar array ten feet off of Route 20 at the entrance of the Galena Territory. This is nearly two football fields long right by the shoulder of the road. I repeat, this is almost the length of two football fields. Please, and I urge you, to take immediate action to stop the madness here. We are so fortunate in this County to have wonderful spaces filled with trees, nature, and wildlife. The Galena Territory and what it represents is one of those spaces. In 2010, the Galena Territory became designated as a National Wildlife Federation Community Wildlife Habitat. This designation recognizes our Property Owner commitment to the native flora and fauna and supports our ongoing beautification efforts since our inception in the early 1970's. This designation, however, does not support and/or encourage the installation of two football fields of solar panels at the entrance to our community. We also have over 24 miles of trails winding through 1,700 acres of undeveloped and preserved woodlands and prairies. And those trails and walking areas include areas neighboring this proposed variance as some walk in those areas. Let's keep the Galena Territory one of the wonderful gems in our County. This journey begins when an Owner, guest, and even a future Owner enters the Galena Territory off US 20 and experiences the magic of the area via its beautiful trees, hills, views, wildlife, and abundance of animals. This doesn't happen when you have two football fields of solar panels as you enter our community. Please vote NO on this variance and support the beautification magic that has been developed and maintained by the Owners of the Galena Territory. Thank you for your time and service. Greg Moran 2 Juniper Court, Galena Territory Property Owner

5) I am for allowing the solar panel placement off Route 20. I believe we should do everything possible to help the new owner of Eagle Ridge. The success and improvement of Eagle Ridge is very beneficial to all of Galena and Jo Daviess County. Thanks – Barbara Smith 19 Sundance Trail, Galena

6) Good Evening. As a resident of the Galena Territory, and a tax payer of, and advocate for the beauty of Jo Daviess County, I wish to state my objection to the proposed installation of the solar panels adjacent to the entrance to the Galena Territory. Not only will they be a blight on the landscape; but a further distraction at an already tenuous intersection, on a stretch of highway

long deemed "hazardous", a view sadly proven out again just a few days ago. I am not opposed to technology; but surely these panels could be placed somewhere less obtrusive, if indeed they are needed at all. I would further like to convey to the board; that despite G.T.A. Board members recent claims to the contrary; they do not represent the majority of G.T.A. members in their assertion that "What is good for Eagle Ridge, benefits residents of the Territory". It truly is not the case, and that any such statements by G.T.A. Board members are NOT representative of their collective constituents; and should be discounted and ignored. Thank you for your consideration.
Mark Beadsworth 37 Lookout Trace

7) We deeply oppose the allowance of Mark Klausner of Eagle Ridge to install over 300 solar panels to be placed along Rt 20 right near the entrance to the GTA. If there is a petition to stop this, we would like to have our names added to the petition. Thank you. Sue and Bill Hubbard – Property owned in County via search GIS Website – 57 Shenandoah Drive, Galena, 4721 W Longhollow Road, Galena, and 3007 N Elizabeth Scales Mound Road, Scales Mound

Marty Johnson, own land across Highway 20

- I have 300 acres across Highway 20 from this request with Scott Lawlor. I am aesthetically minded hopefully as many in my career and my desire to be part of this beautiful county and development and being a property owner across the street, I view this as a positive situation.

Mark Klausner, owner

- I think a lot of those sentences are misguided and misunderstood, we did not take any trees down, let alone 168 trees, there were not trees taken down on the south course, which is a misrepresentation. People don't understand that solar panels have to be adjacent to the property, we can't put the one for the general by the inn, and they have to be adjacent. There are some people who just oppose everything just to oppose everything, if I said up they would say down, I said left they would say right. We want to be a valuable member of the community and this is a huge step forward for us.

Greg Pearce, 25 High Ridge Run, Galena via zoom was sworn in

- Along with being on the Board of Directors and holding the office of Treasurer of the Galena Territory, my wife and I are very proud full-time residents and citizens of Jo Daviess County. We are excited to see the investment in the community by Eagle Ridge as demonstrated by their commitment to renewable energy sources such as solar. Along with other notable investing that shows the vitality of the area this also shows the commitment to our area by Eagle Ridge which is the county's largest employer. We fully support Eagle Ridges request for the variance setback as it continues to make a huge positive difference for Jo Daviess County and Northwest Illinois in total. I want to thank you for your service each of you and the time you have provided me to express my opinion.

Philip Jensen, attorney representing owner

- We live in a beautiful society where people are free to express their opinions, but I hope that you will give the appropriate weight to opinions that is warranted. Opinions that are not based in fact should be of little value to you and in your decision. Let me state what is based in fact – 1 – installation of solar is allowable by right, I challenge any naysayer to identify a location that will have less impact on visibility than the location that has jointly been determined with Mark Klausner and Eagle Point Solar. There isn't a location that would have less impact on visibility. Couple that with the commitment that

Mark to even go beyond what the language of the ordinance require for the setback, ie the installation of some additional shrubbery or trees and you have the potential for a magnificent environmental benefit that will essentially have little or no visibility. We are in the unique position that we could be placing this array in numerous places that would be exceedingly visible and to some considered sight pollution. The location we are seeking absolutely minimized that and we will do further remediation if requested to make that visibility even less. So I think people need to be careful what they ask for, if some of the naysayers get their wish, they will get a solar array that is clearly visible, if they don't get what they wish, there ultimate desires will be met. There will be less visibility, I hope that will be taken into account by you.

Mark Klausner, owner

- To say that solar arrays along Route 20 is a dangerous distraction to me is a stretch. To say I see those solar panels and I am going to lose control of my car looking at those, how ridiculous.

Diedrick states that when we reviewed the other solar farms we had some concerns about visible site from roadways and there was discussion and was recommended that there be some type of bushes or landscaping to allow along the property lines and to break that up. I do know that they have started construction on the one on Highway 20 and that is a 20 acre solar farm, not a solar array, that is east of Stockton and another one near Apple Canyon Lake I believe was about 9 acres. I guess is that something that we would consider and my other concern is as we all know, I walked that property earlier this week and amongst the weeds and such and I will tell you that if those solar panels were installed there that solar array would have quite an issue with some of the undergrowth, what provision would be there once an array would be installed to maintain that, I could see where some of that growth was eye level at least and I would think that would cause some imposition on the solar array. Is there going to be a regular maintenance required once an array would be constructed.

- Thomas Ruhs indicates yes there would be. We have a full team landscaping maintenance operation on our resort, both from a golf course maintenance view and landscaping around all of our buildings, it would be maintained and standards would be set. There are about 12 employees, and about total 20 employees that do nothing but landscaping.

Bob Heuerman states that as far as planting bushes or trees for aesthetics value that would detract from the whole thing, you don't want to plant trees in front of a solar array.

- Thomas Ruhs states that the solar panels would be pointed south in direction, I don't think that will be a problem for us, you can't put 15 foot small trees there, that will have an impact on the productivity with the panels.

Mapes states we are here to just address the variance, they already have permission to build solar.

Gratton states that we are looking at the aesthetics or whether it is allowable or not, it is allowable. The thing that makes it not allowable in our ordinance is it is too close to the right of way. By denying this we say that is too close, not that we don't like the looks of it. First I want to talk about the corridor of Route 20 and that area from the other side of Elizabeth by Terrapin Ridge to Galena is a scenic corridor, we have been aware of that throughout our existence here and you don't see a lot of development because of that and that is not saying we are the aesthetics police on that, we are not, but it is a scenic corridor. I have some thoughts as far as design and I would like you to tell me what is wrong with it. If this is approximately 350 feet long, being on the property, if this provides you with the power you need in a single row of

panels, we have to maintain setbacks from Eagle Ridge Drive, what would happen if you condensed it into a double row instead of one long single row. This would accomplish several things, it would pull the east side away from the entrance, if I were the owner out there I would not want that to be my entrance, if you can pull it back by doing that you can screen this. You would not even know it was there, also would screen from the east side from traffic. I would like someone to tell me why I may not be thinking right on this. It would clean this end up and the other thing on the other side gets problematic as you go down the hill. You also pull this end in when you do that. You have the ability to screen, that can be within the setback on that side so that the people that are using your facilities are looking at beautiful shrubbery and not the back of solar panels. I think the back end of solar panels is the most unsightly part versus the front.

- Mark Klausner asks Marty Johnson if the second row would have to be elevated above the first row.
 - Marty Johnson states that the single row, Eagle Point Solar designed all of this, so I am speaking a little out of turn.
- Todd Hollenbeck – was sworn in – Vice President of Design and Engineering at Eagle Point Solar. The variance really allows us a lot more flexibility as far as the design and the effective productivity of the solar array. Trust me when I say we have been in the process for a while with the owner and I have one thing to say, they are very, very diligent about aesthetics, about how is it going to affect the look and feel of this project of our resort. And it can be battle sometimes, but we seem to work through them so this will just allow us the flexibility to do some of the things that you just stated Mr. Chairman, meaning we get to the point that there is a ravine and unfortunately I can't see any of the displays on my end that you are showing. There is a ravine that cuts into the center of the proposed property, but this variance will allow us be able to tweak it a little bit, my challenges on my end I have to make sure the production is good, the ownership is good in acceptance of the visibility and look and feel of this project. Our intent is to just not throw up a bunch of solar modules and live with it, we need to please several different people. I would be happy to answer any questions regarding the placement, can we do double row, we can, but it is just there is a negative dive toward the north so there is a few challenges that we have to deal with. We build a superior product, we pride ourselves on the construction, and if you have interacted with our crew or electricians they will say the same thing. It is a renewable resource, in my own opinion this is twofold, it is good for the inn, but also good for the environment.

Gratton states that information was good, but I didn't get an answer to what I asked.

- Mark Klausner states what I heard was there is a big ravine there.
- Marty Johnson states that we have been going through for 6 months designs with Eagle Point Solar and we have made them do multiple designs as all these different sites. To Todd's aspect, that was when we looked at the different designs and said no we don't like that aesthetically. One of the challenges with this site with the double rows is that they do 4 panels in an array with a 30 degree tilt, that puts the back of the panel higher up, then the spacing between that and the second row starts to get a lot larger especially if the grade starts to fall off, so if you set the first array on top, the second array is downhill of that. That downhill elevation is exacerbated by the shadowing effect of the first array, which states then instead of a 30 foot spacing you may need 40 or 45 foot spacing to get out of the shadows of the first array. My goal would be to see this as a double row if we can get it accomplished, but it is working with the engineering with the installer to accomplish that.
- Gratton states that you could accomplish that not by spacing, but make the pedestals taller in the back, if the grade goes down, I know it does, but you are going to have to clean up that area anyway, work with it so the rear t-posts have to be 5 feet taller than the

- front ones to make it work.
- Mark Klausner indicates that it will be very unsightly.
 - Gratton states you have the opportunity to screen that, if you get down there right now where you are going to put those, without taking anything out, everything on this end is hardly visible across the road.
 - Philip Jensen states that there is no setback that is being encroached from Eagle Ridge Drive, none yet whatsoever with the current configuration. It is only the proximity to Highway 20, as I spoke with Eagle Solar, the area of the panels closest to the setback are the area that they will be least visible. If you look at that diagram it is the area of the panels furthest from the setback that currently would be most visible. Again just a peculiar component of the configuration of the parcel and the configuration of the nature of the topography, but again Mark is committed to putting in whatever trees and shrubs are necessary to shield it, but as much as I love the chairman's idea, it would seem to me as the structure goes up in height it becomes more complex to shield it, where the lower to the ground it is they easier to shield it. Even were it possible to accomplish the setbacks by the elevation, the unintended consequence could be greater visibility. That is another conundrum that is being fixed.
 - Gratton states that I don't think you will create greater visibility because the land slopes away and what it allows you to do is put it at the same elevation your second row and you space that where you normally would if it were level ground. I am not here to design this, I just wanted to throw that out, please consider it, and I think you could make a better array with what I am suggesting. If we are talking visibility, there are two sides to this the Highway 20 side and the side across the road. I did not like looking at the rear of solar panels. I do think you want to soften that, how you do that, with most of the vegetation that you would have to take out there if you take out trees is considered invasive growth, cedar trees, I did not see a valuable tree until you got down into the ditch area. You have a lot of other options here to, you could make this a great selling point, make this a place for pollinators, butterflies. The plantings you do around this and under it has some shade, but people are doing that and making these even more environmentally friendly than the panel themselves. You can do that by doing the screening on the east side and the north side. I just ask that you consider it.
 - Mark Klausner states that Eagle Ridge is committed to anything that it would take to make this look green. This gives us a lower panel, if we have two rows the second row would have to be spaced farther back and have to be higher now looking at the ass end of the panels that are higher. This gives us the best look for this.

Public Testimony Closed

Standards for variance reviewed 1 – true; 2 –true – unique and different with rock cut and right of way for Highway 20; 3 – true; 4 – not true; 5 – discussion, questionable; 6 – true; 7- questionable if minimum Standards have been reviewed

Gratton states that you may be able to move it back further if you don't do double rows.

Diedrick asks if IDOT submitted anything.

- Tison indicates that IDOT did not provide any comments. I had a phone conversation with IDOT, they leave matters of land use regulations to the local jurisdictions.

Gratton states the standard 7 we are talking a big stretch here, rarely have we approved. I know we have denied 0 setback.

Tison states that you will also need to review the standards from the PD Development

Inadequate or unsafe access to the planned development:

1. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity; - traffic volume is not applicable.
2. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development; - no issue
3. A development which will be incompatible with the purposes of this title; - no issues
4. Detrimental impact on surrounding area including, but not limited to, visual pollution. – this is the only one that would be applicable here

Tison states that they did request during their rezoning process, they refined the location and stated that they are willing to work with my office to appropriately screen the back side that again is not the subject of this request, as pointed out before the subject of the request is to setback from Highway 20. It is possibly visible depending on where you are on Highway 20, so are they not meeting the standards based on the setback from Highway 20 and their willingness to screen the backside of these panels are the two questions you need to determine here.

Gratton states that I believe there is a possibility to alleviate some of that, if you want to call it visual pollution, I think it can be alleviated through minimum of screening.

Tranel states that it would be hard to tell what screening will be required until these are installed. I would think that should be included if this is granted.

Diedrick asks if that can be included in a variance, but if a special use permit we could.

- Tison states that at times conditions can be applied in variances, I can reference the commercial solar farm installations that were done, as part of those developers were required to submit a plan to the Department of Agricultural and there are a specific list of low growth and low maintenance flora and fauna that likely could be beneficial here. Petitioner requested it not be a condition, but I think in answer to #4 the visual pollution from the least aesthetically pleasing side of these panels can be alleviated with screening.
- Mark Klausner states that I want this to look like a nice place, we don't necessarily be told to put bushes and trees, and we will do it anyhow. If you gentleman walked the grounds across the street, you will see that the entrance to the main building have beautiful flowers in there. We spend a considerable sum to make our landscaping look top. I also want to go back to what Todd said, he didn't answer your question about one row versus two rows, he did answer in a way that this is the most cost effective, best looking, most efficient system based on their years of experience and expertise. I have to rely on his engineering and this will be the best look and we will take care of the foliage and the shrubbery, if that is the case, if you write it in, but you don't have to.

Gratton asks if anybody knows about the net metering of solar panels, where that location on a property has to be.

- Todd Hollenbeck indicates that net metering is a product of the energy provider. I would like a little more definition on the question, it is kind of open ended.
- Gratton states that if I am going to put solar on my 40 acre farm and I have a place to connect to the power line that is better than my line coming into my house, can I connect it at any place, meter it and apply or does it have to be on that particular meter that goes to the house or business in this case.
- Todd Hollenbeck typically everything Eagle Point Solar installs behind the meter, which means it is not on the Jo Carroll side of the meter, this offsets the consumption of energy

at that facility, what I can say in the proposed variance and location of the solar, this will require the least amount of solar modules to be installed on this facility at this position if we start changing the panels direction to the sun or angles of the panels which is the tilt angle, that may require more panels, more cost and more brush removal so we are trying to minimize the effect on the environment and removal of said brush and again make it the most visibly appealing as possible.

- Marty Johnson states that the chart shows the yellow line where it is underground boring from the array back to the building, going inside the building and hooking behind the meter and that is where all the power for the panels go into the system. When there is more power made than consumed it goes back into the meter.
- Gratton states that net metering you are both making and producing electricity, my question was does it make any difference where on the property you produce that if you can meter it going back to the grid and can you measure it coming back to your facility.
- Marty Johnson states there are 30 meters on Eagle Ridge property. It is like an extension cord, the longer the extension cord is to your power source, you get a line drop and you lose amperage, so they have engineered each one of these to minimize the voltage and line drop from the source of the panels to where it is being used. Mark stated earlier that we can't put all these panels a mile away and bore to it, we would have that mile of extension cord.
- Gratton states that I understand that, but we send electricity all the way across the United States and back at the speed of light, so I am just wondering at 400 feet how much, you might need bigger lines, but if you can hook onto an adequate line was my questions. I think this is pertinent to standard #7.
- Marty Johnson states that we looked at putting all the panels next to the driving range is. The problem was that the line was too far from an engineering standpoint couldn't get it to work, it was like 800 feet.

Mapes states they are asking for from 75 feet to 10 feet, a lot of people would like a variance like that so if we do one we will have to do for everybody.

- Philip Jensen states I don't believe that is correct. If everyone is treated equally there would be inherent inequality, you have to look at it based on the site plan, uniqueness of the lot, etc. If there is a lot that can accommodate less of a variance under no circumstance should you grant the 10 foot variance. If you have a lot that is bounded by 2 state highways, that has a ravine, and the like and the setback has been caused in large part by the expanded right of way then it seems to me that a 10 foot setback is appropriate, if those circumstances. If this was a flat lot, it wouldn't be appropriate, I think you have to treat each one uniquely based on the facts that are presented.

Gratton states the uniqueness and the difference here is the rock cut and the total distance from the highway. There is also a vertical difference in this. I remember granting one before that was close, but it was on a high area from the road, there was not going to be any change in the road. This road will not change in this area.

Mapes states there are others that are straight up and down and that double row would have solved a lot of issues here, would have gotten rid of the screening and everything else, but that isn't what they want.

Gratton states I hear that they are asking for flexibility within this area that if we grant the setback, they have two issues there. Eagle Ridge Drive does not have an issue the way it currently is laid out. I hope this is to scale, there is some flexibility to do some different things.

A motion was made by Diedrick to approve the variance request as presented from the required

Keith Brown, neighbor to the west

- Closest neighbors to the west. We are here to support Robert Haas and his request for variance. He has been a good neighbor.

Public Testimony Closed

Mapes states no issues, no other place to build it, close to the leg, only place to put it.

Standards for variance discussed 1 – met; 2 – met; 3 – met; 4 – met; 5 – met; 6 – met; 7- met
Standards have been met

Gratton states this is standard with many grain bin setups and we understand the logistics and placement need.

A motion was made by Mapes to approve the variance request as presented from the required eighty (80) feet to fifty (50) feet, a thirty (30) foot variation to place an agricultural accessory structure. Commonly known as 9462 S Good Hope Road, Elizabeth – Case #20-28 stating the following:

1. Standards for variance reviewed and all met

Seconded by Winter

| | | |
|------------|---------------------|-------------------|
| Roll Call: | Gary Diedrick – Aye | Mel Gratton – Aye |
| | Laura Winter - Aye | Ron Mapes – Aye |
| | Nick Tranel – Aye | |

Jim & Janice Craig (3503 Ebys Mill Road, Elizabeth, IL 61028) owners, have petitioned for a Variance in the front yard setback, as established in Title 8, Chapter 3, Article B, Section 8-3B-6 A1c Public Streets, from the required eighty (80) feet to twenty seven (27) feet, a fifty three (53) foot variation to place a new front porch/deck and detached accessory structure. Property is located in the R1 Single Family Residential District. Commonly known as 3503 Ebys Mill Road, Elizabeth – Case #20-29

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, however this parcel lies within the 1.5 planning radius of the Village of Elizabeth.
- Wastewater Treatment: A new septic system was installed in August 2018 to serve the 1 bedroom house on this property. The system is located approximately 200 feet northeast of the house and should not be affected by this variance.
- Access Considerations: There is an existing entrance onto Elizabeth Township maintained Ebys Mill Road that will not be altered by this proposal.
- Other Considerations: The property is located in Elizabeth Township on the north side of S Ebys Mill Road. The parcel went through a zoning process in 2015 (Case 15-04) in which the property was rezoned from AG to R1 Single Family Residential and a front setback variance of 54’ as measured from the centerline of the road, was approved to bring the position of the house into compliance. There is no recorded lesser setback for the property. Per the application, the owner would like to construct a new accessory front porch and an attached garage to the existing residence. The proposed additions will be no closer than ~~53~~ 27’ as measured from the centerline of the road. Adjoining

parcels to the north, south and west are zoned AG. The adjoining parcel to the east is zoned R2 Two Family Residential.

Eric states no adjoining landowners called.

Additional public and petitioners were sworn in

Jim Craig, owner

- We want to build a garage and a front porch. Right now there is basically a loading skid on legs at the front door, we want to build something more decorative with a little roof over the top. It will be farther from the road than the corner of the house. The garage that we want to build will be overlapping about 4 feet of the corn crib on the east side and come toward the road 21 feet. It will be even more than the 26 feet from the road because the way the road twists there.

Tison asks that the garage will not be any closer to the road than the porch already will be.

- Jim Craig indicates the porch will be 27 feet from the road, the garage will be approximately 35 feet from the middle of the road.

Gratton states that if we approve the 27 feet for the porch addition the other will be included in that setback, will be farther from the road.

Tison states that neither the additions will be closer to the road than the house already is.

Bob Heuerman asks when the house was built. I assume the corn crib is not a corn crib.

- Jim Craig indicates the house was built in the mid 1960's, remodeled it in the last 5 years when I purchased. The corn crib is not used for corn, it is used for storage, lawn mower and such.

Mapes asks if the corn crib could be taken away and the garage put in there.

- Jim Craig states that below the corn crib are stalls for animals that were used as one time, we just use it as storage, but it drops off. It is a concrete foundation, it would be very difficult, and it is only 10 foot wide in the front half and then drops down to 7-8 feet. It would be hard to park cars in there. The access is toward the front porch and could not easily get in.

Public Testimony None Public Testimony Closed

Gratton states this is similar to the request when he came through for the house variance

Standards for variance reviewed 1 – true; 2 – met; 3 – true, not exclusively; 4 – true; 5 – true; 6 – true; 7- true Standards have been met

A motion was made by Winter to approve the variance request as presented from the required eighty (80) feet to twenty seven (27) feet, a fifty three (53) foot variation to place a new front porch/deck and detached accessory structure. Commonly known as 3503 Ebys Mill Road, Elizabeth – Case #20-29 stating the following:

1. Standards for variance reviewed and all met

Seconded by Tranel

Mapes states the previous request for this property was to bring the house into compliance, now we are building extra, normally it wouldn't be a good variance, too close to the road.

Tison indicates that any residence related to this request needs to be completed within one year, certainly applied for, if this is approved, once County Board approves an ordinance they have one year from the date of ordinance, so my office will need to be contacted.

- Lyle Eaton indicated I made them aware of the extension, but they wanted to make sure it was approved before they did anything else. They are eager, they wanted to start 2 months ago.

Diedrick asks if the extension would come back to this board.

- Tison indicates yes it could, it does happen occasionally.

Gratton asks about an entrance into the property

- Lyle Eaton indicates there is an entrance already into the property that was existing.

Gratton also wants to make them aware that they may have additional fencing responsibilities.

There may be some pasture land next to them.

- Lyle Eaton states that across the road that property was sold to the neighbor that lives in the house right there. The request should only be to west of the road.
- Tison indicates that the image on the screen is possibly wrong based on the survey that was provided. We will confirm with GIS the legal presented matches what the property request is. Lyle's exhibit shows the outline of the property on the west side of the road only, with the east property line being the centerline of Dwyer Lane. The intent is to purchase the property up to the centerline of the Dwyer Lane.
- Lyle Eaton indicates that is correct.

Public Testimony None **Public Testimony Closed**

Standards for special use reviewed 1 – ok; 2 – ok; 3 – ok; 4 – ok; 5 – ok; 6 – ok Standards have been met

Gratton the only thing that we need to mention is the LESA score of 180, surrounded by mostly ag with several scattered residences.

A motion was made by Tranel to recommend approval for a Special Use Permit to allow for a non-agricultural residence on a lot less than forty (40) acres located on a portion of the subject property. Property is zoned AG Agricultural District. Common Location: TBD Dwyer Lane, Galena, IL - Case #20-30 stating the following:

1. Standards for special use reviewed and are all met

Seconded by Diedrick

| | | |
|------------|-------------------|---------------------|
| Roll Call: | Nick Tranel – Aye | Gary Diedrick – Aye |
| | Mel Gratton – Aye | Laura Winter – Aye |
| | Ron Mapes – Aye | |

Lyle J Eaton (12581 Fulrath Mill Road, Mt Carroll, IL 61053) petitioner, Shane Kass (5180 Park Place, Asbury, IA 52002) contract purchaser, and Donald & Sandra Wienen (171 E Hoffman Rd, Elizabeth, IL 61028) owners, have requested a Special Use Permit to allow for a non-agricultural residence on a lot less than forty (40) acres located on a portion of the subject property. Property is zoned AG Agricultural District. Common Location: TBD Corner of W Furlong Road and Dwyer Lane, Galena, IL- Case #20-31

Staff

- Comprehensive Plan: The Comprehensive Plan would indicate that this parcel is

located in Agriculture Preservation Area 2 and more than 3 miles north of Galena. Soil types for the proposed location are designated as 63% farmland of statewide importance, 9% prime farmland and 28% not prime farmland.

- Waste Treatment: A soil investigation will be required for installation of a septic system to serve the new residence.
- Access Considerations: There are locations along the Vinegar Hill maintained Dwyer Lane frontage of this proposed parcel that will have adequate sight distance.
- Other Considerations: This property is generally located north of Furlong Road and west of Dwyer Lane and will create a new parcel for a residence on the southernmost portion of what is currently a 174 acre lot. Per the application, the petitioner is requesting to create a new parcel encompassing 7.498 acres as shown on the exhibit. The new parcel, as proposed, does meet lot configuration requirements. A site visit confirmed the location of a wetland delineation in an area along the proposed north property line. If approved, special use for a residence must begin construction within one year, if no time extension is requested. The 2 acre parcel on the east side of Dwyer Lane is zoned R1 Single Family Residential District. All other adjoining parcels are zoned AG Agricultural.
- LESA: The Land Evaluation score on this property is 65.64 (above the County average), with an overall LESA score of 207.5. Some of the Site Assessment factors contributing to the overall score were the average slope (5/10 pts), the commitment to AG adjacent (15/25 pts) and the percent of AG land adjacent (15/25 pts). Additionally contributing factors related to development pressure, land conversion or other public values yielded max scores for all except fire district rating (0/15 pts).

Eric states adjoining landowners did call.

Lyle Eaton, surveyor

- The house location I believe is going to be in the middle of the western part of the property. The driveway I am not sure where that will be at. The safest place may be to put it off of Dwyer Lane.

Diedrick asks if the property has been tilled recently.

- Lyle Eaton indicates no it has not.
- Donald Wienen states that it was reseeded, I got rid of the weeds.

Tison indicates that the rest of the acreage from the parent parcel is north of these requests.

Gratton states the only difference here is the LESA score being a little higher. The two factors that changed that are more depth to the soil and type and the topography was not as steep. I think we have to look at this almost like you would whether it is in tree or a field, because the soil is the same. The adjacent soils are of same type. The only benefit would be saving some of the mature trees that exist by rezoning it. This is some of the better soils in the county.

Public Testimony None **Public Testimony Closed**

Steve Keeffer states that he did not check Furlong Road, only looked at Dwyer Lane.

- Gratton states the curve in the road might be the only impediment, the rest seemed to look ok.

- Steve Keeffer states that I would probably want to go back out and look at it again.
- Tison indicates the local road commissioner has jurisdiction, I don't think it is necessary for Steve to go back out again. Just as a possibility the entry point might be more feasible on Furlong. The portion of the property was more elevated at the corner, while they may have possibility for entry point on Dwyer, this might be closer here at the west side of the property on Furlong. As always when applying for building permit and address we get confirmation from the road commissioner for approval.

Standards for special use reviewed 1 – met; 2 – met; 3 – true; 4 – met; 5 – met; 6 – met
Standards have been met

A motion was made by Mapes to recommend approval of a Special Use Permit to allow for a non-agricultural residence on a lot less than forty (40) acres located on a portion of the subject property. Property is zoned AG Agricultural District. Common Location: TBD Corner of W Furlong Road and Dwyer Lane, Galena, IL- Case #20-31 stating the following:

1. Standards for special use reviewed and all met

Seconded by Winter

| | | |
|------------|---------------------|--------------------|
| Roll Call: | Mel Gratton – Aye | Laura Winter – Aye |
| | Ron Mapes – Aye | Nick Tranel – Aye |
| | Gary Diedrick – Aye | |

Reports and Comments:

Winter made a motion to adjourn at 9:15 PM. Diedrick seconded.

| | | |
|------------|---------------------|-------------------|
| Roll Call: | Ron Mapes – Aye | Nick Tranel – Aye |
| | Gary Diedrick – Aye | Mel Gratton – Aye |
| | Laura Winter – Aye | |

This meeting was held virtually. The public may attend in person; however we encourage you to attend via Zoom audio as follows:

This meeting will be held virtually. The public may attend in person; however we encourage you to attend via Zoom audio as follows:

Join Zoom Meeting

Time: Jul 22, 2020 07:00 PM Central Time (US and Canada)

<https://zoom.us/j/91078498183?pwd=U3dJSUJDZENGYZNLNS9CT0F0ZzFFZz09>

Meeting ID: 910 7849 8183

Password: 149929

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