

RESOLUTION NO. #18-68

**Special Use Permit #18-211  
Sparland Solar, LLC**

**WHEREAS**, the Marshall County Zoning Board of Appeals held a Public hearing on July 19, 2018, for ZBA #18-211 Application for Special Use requested by Sparland Solar, LLC (the "Applicant"), a limited liability company indirectly owned by Trajectory Energy Partners, LLC ("Trajectory"), submitting on behalf of the landowners, Mark L. Monier and Karen S. Monier, for development of a 2 MW community solar energy project. The Applicant proposes to develop a 2 MW community solar project on previously cultivated land on an approximately 15.86 acre tract on parcel 09-10-401-001, which is located in an AG Zoning District. A variance to exceed the maximum lot coverage area and timeline of construction in an AG District is requested.

**WHEREAS**, the Marshall County Zoning Board of Appeals voted to recommend approval of ZBA #18-211 Application for Special Use and Variances;

**NOW, THEREFORE, BE IT ORDAINED** that the Marshall County Board hereby approves the Special Use Permit and Variances #18-211 to Sparland Solar, LLC,.

Passed and Adopted at Lacon, Illinois, Marshall County, Illinois on this 9<sup>th</sup> day of August 2018, by a vote of 7 ayes, 2 nays, and 0 abstain.

3-Absent

  
\_\_\_\_\_  
Gary Kroeschen, Chairman  
Marshall County Board

ATTEST

  
\_\_\_\_\_  
Jill Piper, Marshall County Clerk

**Marshall County Zoning Board of Appeals Public Hearing  
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Marshall County Courthouse – 7:00pm  
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**Zoning Board of Appeals Members Present:** Acting Chairman, Ken McKee, Rebecca Donna, Allen Toepper, Chuck Volker and Tim Gensler.

**Members Absent:** Chairman, Kyle Schumacher and Dennis Bogner.

**Others present:** Andy Stash, Chairman of Zoning Committee, Gary Smith, Peoria Journal Star, Pat Sloan, Zoning Administrator, Susie Simmons, Secretary and interested individuals (see attendance sheet attached).

The hearing was called to order at 7:06 pm by Acting Chairman, Ken McKee.

The individuals that wished to speak were sworn in by Acting Chairman, Ken McKee.

Zoning Administrator, Pat Sloan addressed the audience with a statement that the agenda has been changed to make it more streamlined.

Zoning Administrator, Pat Sloan presented ZBA # 18-211 was received on June 21, 2018. The Special Use Permit requested by Sparland Solar, LLC (the "Applicant"), a limited liability company indirectly owned by Trajectory Energy Partners, LLC ("Trajectory"), submitting on behalf of the landowners, Mark L. Monier and Karen S. Monier for development of a 2 MW community solar energy project. The Applicant proposes to develop a 2 MW community solar project on previously cultivated land on an approximately 15.86 acre tract on parcel 09-10-401-001, which is located in an AG Zoning District. A variance to exceed the maximum lot coverage area in an AG District and timeline of construction is requested.

Pat Sloan stated the hearing tonight is to take testimony and evidence on the following special use zoning criteria.

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1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the special use will not be injurious to the use or enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
5. The adequate measures have been or will be taken to provide ingress and so designed as to minimize traffic congestion in the public streets.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Pat Sloan presented the Certifications of Publication dated June 28, 2018 from the Lacon Home Journal. Administrator identified adjacent parcel locations as he presented twenty four certified letter receipts from adjacent property owners including the Village of Sparland except for three landowners that did not return receipt. One certified letter came back as non-deliverable was Sparland Community Cemetery.

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In the statement by the petitioner, John Carson stated he has a power point presentation to give and this is his third time at this ZBA. Joining him with information and outreach will be Colleen Callahan. He is starting with general information that will pertain to all three projects presented tonight and then focus on the Sparland project. The projects we are talking about tonight are 2 mg community solar projects meaning they will benefit subscribers and be a part of the project. John talked about some updates that have happened since he was here last in April. All three projects will be using all union labor and share the saving to subscribers of these projects with Marshall County. The legislature passed three laws pertaining to solar. First they have unified the tax revenue and have adopted the same laws they have used for wind farms. The uniformed assessment will be \$219,000.00 per mega-watt and based on the mill right we estimate on average that will be about 15,000.00 additional tax revenue per project with the six we have proposed in Marshall County that could be up to \$90,000.00 tax revenue per year. The second change is we will have to file with the state a decommissioning plan which Marshall County has already established in their ordinance so that will not be a problem. The third law was to establish a pollinator standard that the State of Illinois will direct and all three projects tonight already have that in the plans. I wanted tell you that all the financing for all the projects have been set up with a company called NRG and they are the third largest renewable energy company in North America. They have experience in community solar as well and the largest solar that is set up in the Midwest is in Minnesota and they have been a big part of those projects as well.

Colleen Callahan addressed the ZBA Board and audience about the outreach she has been involved with this project. Once the lease options is signed by the property owner, municipality or organization she reaches out to that surrounding community that wants to know more about solar. We create fliers and project information and then I go door to door and talk with neighbors and adjacent property owners about the solar project. If they are not home I leave a flier as an invitation to the open house educating the community about solar projects. For this project we were able to meet at the Baptist Church for our open house. I have also been invited to meet with the Baptist Church committee and they have voted yes in support of this solar project. More information can be obtained about Colleen Callahan's statement is available at the Marshall County Zoning Office.

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John Carson presented a map of the area the Sparland Solar is going to be located. They have made some changes based on conversations with adjacent land owners that had issues with the project. Lines have been moved, trees have been added to the screening plan for those closer to the project. The updates can be obtained at the Marshall County Zoning office. John Carson also made videos of the land showing with flags where the locations of the panels would be. John stated he would be happy to answer any questions from the ZBA and the audience.

Questions from the ZBA Members:

Question: Where is NRG based out of?

Response: California

Question: Will it have a chain length fence around it?

Response: Yes, 7 feet tall with no barbed wire on top, 25 feet from the panels on most of it and the driveway will come off of Route 17.

Question: How many panels does this involve.

Response: 7,000

Communications Received by the Zoning Office:

Pat Sloan stated we received four all together.

- 1) Sharon Gehrig opposed because it is too near homes and the Baptist Church.
- 2) Ron Gehrig is here tonight and is opposed because it would conform to the R-2 District and will reduce property values.
- 3) The Conrads stopped by on July 3<sup>rd</sup> and they are here tonight so I'll let them speak for themselves.
- 4) Kevin Sager called and is supportive of the solar farm project.

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**Testimony or Questions from Others:**

**Statement:** Jill Conrad presented the zoning committee with a list of signatures that are against this solar project. She and her husband is against the solar farm and are concerned of future expansions and feel it will decrease their property values. Also concerned with the construction of the solar panels and believes some of the components are toxic to the environment. Another concern is that most of the solar panels are manufactured in China and Mexico their safety standards are in question. She also took pictures of her surrounding property and presented them to the ZBA where she lives and what her view will be of the solar panels.

Robert Conrad stated that the proposed red cedar trees will take several generations to reach maturity to provide any screening from their property.

**Statement:** Joyce Harant stated she is from Peoria and is involved with an organization called Central Illinois Health Community Alliance which has worked to get the renewable energy act in place. She is in support of this project. She presented the ZBA Committee with print outs from the renewable energy website that she works with.

**Statement:** Joyce Blumenshine stated she is from Peoria and is involved with an organization Peoria Families Against Toxic Waste. Is a strong believer in renewable energy primarily for the future for our children and the benefits to the planet? Also there is economic benefit for farmers it is a steady source of income. Solar farms when they are complete, and the panels are removed the soil will have much nutrients and will be more valuable farm ground. I support this solar project.

**Statement:** Rachael O'Reilly stated there is 195 countries are in a climate crisis and I think we should be following suit we only have one earth. In 2017 we had 16 natural disasters it was the very expensive year, the weather is becoming more erratic with severe storms this is a global issue. We need to be moving forward with solar. You talk about solar being an eyesore in 50 years kids will not have a habitable planet to live in. We need to think of the future generations.

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Statement: Paul Flynn stated he is business manager of the IBW Local 34 Electrician Union and I represent 17 counties and that includes Marshall County. We do have 10 members of this union residing in Marshall County. I support this project on behalf of the men and women who will build this project and I have been working with John in all 17 counties and he is the only solar developer that resides in Illinois. He is the only developer that has promised to use local labor. I have been dealing with about thirty other developers who are from New York, Georgia, California and all of them plan on bringing in workers. I believe John is a man of his word and will do what he says he will do and on behalf of the men and women who bid this project I give you my support.

Statement: Amy Ziegler stated I'm one of the neighbors and I want to state for the record we have not been contacted about this project. My biggest question is Mr. Monier owns a lot of farm ground where there is hardly any neighbors why he chose to put it where it's going to effect a lot of people. He could put it out by his house where it won't affect many people. I'm wondering if anyone has done a traffic study on Route 17 there is a lot of traffic, farmers hauling grain to the elevators, school will be starting soon what about the parents going back and forth? My concern isn't so much when it's operational but when it's being constructed how do you know how much traffic that will be for the people that live across from it. They have to back out of their driveways that is a concern for me. Is the trees going to be all the way around it or just for the church and the Conrads? As far as economics I also own farm land and I know what crops are going for I don't think that is an issue for this property owner. Last but not least you have been on my property the driveway that runs along the field is personal property and I don't know what your intension are in it. You come in and out on the gravel road and you stir up dust and my neighbors who are elderly should not have to deal with that.

**Question:** How much tax revenue does this solar panel farm generate?

**Response:** About \$15,000.00 per project.

**Question:** Okay so on the internet when your home is located by a solar farm it lowers the value by 40%. Now you have all these homes around this solar farm with their values going down so that house is worth less, you are going to lose about that much or more from taxes every year and you are not going to gain anything. Why are you putting these solar panels right next to these houses when you could put in behind the township shed where it would not affect so many homes? I know it's

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another person's property. Another thing why don't you change the footprint instead of being 400 feet wide why not narrow it down to 200 feet wide and that would make a narrow strip. The cedar trees don't mean nothing by the time they are mature enough to screen the panels they will probably be junk. Putting a narrow strip will ease the eye sore of the panels and have a shorter entrance road why you don't want to do that I don't know.

Zach Zeigler stated it would ease the eye sore on your side of it but not us. I will have to go by that every single day when I go home. It's already hard enough to see around that corner now with having corn in that field. I have a 2 year old son I have four day a week. The farmer has four hog houses next to his home that the foot print of the project would fit in that space and would not affect all of us. It is located on Yankee Lane with little or no traffic.

The audience started debating back and forth so Pat Sloan the Zoning Administrator stepped in and stated that we have a site plan that was submitted with this hearing and then we have a new one presented tonight that the board will consider it is the one back here on the board. We are not considering any other site plans tonight. You are welcome to discuss other locations but they will not be considered tonight.

Questions: Is there going to be any glare coming off these panels that is going to affect the traffic on Route 17?

Response: No these panels absorb sunlight and have an antiglare coating on them.

John Carson started addressing the questions that have been stated from the audience. John Carson apologized to Amy Zeigler for driving on her property and did not know that it was a private drive. He also stated they would not use her private drive for any of the construction or operations of this project.

John showed the audience a slide of the Denver Airport with a solar farm next to it. It showed the panels are black with no glare and they don't act as a mirror so airports are increasing in the number of solar farms on airport property. Property values are a very valid concern. The Illinois Solar Energy Association Commission has done a study in two counties in Illinois Winnebago County and LaSalle County and two additional sites in Indiana. The study did property values that sold near the solar farms versus not near solar farms and found no negative values. John



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showed everyone a couple of projects on his slides where the land owners and surrounding schools are very excited about having a solar farm near them. John stated that these projects only work where the electric load is needed. In Sparland there is a substation that goes west out of town for about 15 miles and you will see solar farms along where these substations are and that is where the demand is greatly needed.

John asked Colleen Callahan to address the audience with some of her facts about solar panels. She apologized to Amy Ziegler and stated she did stop at her house.

Amy stated she did not receive any notification.

Another audience member stated he was Amy's neighbor and did not receive any notification either. He is against this project because he said he paid a premium for his view and does not want his property values to go down. Unless you put trees all along the road there that is all we will see is the solar panels. He stated he is expecting at least a 40% property value drop and will be a major blow if we try to sell out house.

John Carson showed several slide where he put a 14 foot high flag in the corn field where the panels will start compared to the house along the northern edge of the site plan and around where the Baptist Church is.

Can you put trees along the east and to the south so our view it not totally solar panels?

John stated that they could discuss the possibility of that. Also he addressed the audience that Marshall County has a decommissioning plan in their ordinance that states we have to have over \$30,000.00 before the project begins construction so if we go away or something happens to this project the money is there to decommission this site back to its natural state. On traffic after construction there will be only one person every other month coming to the site and this is not a heavy construction site like building a factory or a hog farm. This is about a truck or two a day with construction time frame 2 to 3 months.

Question: Is there going to be a bucket fund when our property values do decrees?

Response: I guess I don't believe there will be a decrees, we've seen this in New York, Arizona and solar is growing across the country so it will be a common thing

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to see. Our studies we have done show no evidence of decreased values. We will be offering everyone in Marshall County saving from these projects on electricity.

**Question:** So you are not going to put together a fund for property values?

**Response:** No we are not.

**Question:** How much money does Mark Monier receive each year for this project?

**Response:** He will get a rent payment per acre basis that isn't public information. It is higher than most farmers make on that acreage a year.

**Question:** How much?

**Response:** It's a \$1,000.00 an acre a year and that's about the average these projects costs.

**Question:** How much per year?

**Response:** We have about 15 acres so that will be about \$15,000.00 a year.

**Question:** We would like to suggest as his neighbors he move it to an area where we don't have all this residential. He could move it out where his hog lot is.

**Acting Chairman, Ken McKee** stated we are not here to discuss moving this project just about the project how it was submitted.

I understand, but he could take a suggestion because I live on the farm adjoining this farm so I can speak with some authority.

**Robert Conrad** stated he and his wife are planning on selling their house because we are going to move out where are daughter lives out of state. The Lemons next door are also going to be retiring and selling their house and if other neighbors sell to they are going to go for less money. Then when someone come in and buys those houses your taxes and property values go down. Then where will you be? That's something to think about.

**Question:** What is the life expectancy of these solar panels?

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Response: 40 years they are very well constructed and if any panels need to be replaced they will be.

Amy Zeigler stated that in the future you could send letters to all the adjacent land owners before the hearing so we can have a public hearing before hand. So everybody is notified because we did not get notified there was an open house. So what other recourse do we have? We need meetings before we get to this point so we can be heard and people to know how they will be affected.

Response: I'm sorry that you were not notified but I did drop them off at all the houses.

Another audience member stated that he did not receive any notice.

Colleen Callahan stated the houses that she visited and I even ran out of fliers and ran back to home in Kickapoo to get more. If no one was home I put them in between the storm door or under a potted plant or wherever I thought that was in sight of the entrance way that the home owner would see. I don't doubt that you did not receive a notice but I tried to notify all the neighbors. I also publicly apologize for you not knowing about the public meeting it was not because of lack of effort we are trying to do the right thing.

Amy Ziegler made a suggestion to mail or maybe put in the local paper so everyone even those outside of the Sparland area be aware of what is happening here. Maybe even the Lacon people could have been involved in this thing.

Colleen Callahan did call the mayor of Sparland and left a message two messages and she did not return my calls. I called a third time and she did answer and said it was a bad time to talk and I asked her when it would be a better time to call and I did call back at that time she said and she didn't answer. The question comes could have I cast that net more broadly the answer is yes but it wasn't accomplished.

Petitioner Closing Statement: John Carson stated that he thinks he has covered most of the concerns but would welcome any more questions from the ZBA and others.

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**Board discussion and identification of findings inconsistent with the Standards in the Ordinance.**

Ken McKee asked Pat Sloan if he wanted to read the standards again.

Pat Sloan read the standards and stated the committee has heard evidence on all of these criteria:

1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the special use will not be injurious to the use or enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
5. The adequate measures have been or will be taken to provide ingress and so designed as to minimize traffic congestion in the public streets.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Acting Chairman, Ken McKee asked the board if they have any other questions at this time.

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Hearing none it is time to make a decision and motion on this Special Use Permit and Variances.

After determining that the application meets the Standards for Special Use Permit a motion was made to recommend to the Marshall County Board to grant Special Use Permit and Variance ZBA #18-211 by Tim Gensler and seconded by Chuck Volker. A vote was called, All Ayes. Motion carried.

Tim Gensler made a motion to adjourn the ZBA #18-211 hearing at 8:10 pm. Allen Volker seconded the motion. All Ayes, motion carried.