

CITY OF OLNEY
PLAN COMMISSION
AUGUST 6, 2018

AGENDA #1 “CALL TO ORDER” The meeting of the Plan Commission was called to order at 7:30 p.m. in the Council Chambers of the Olney City Hall, 300 S. Whittle Avenue, Olney, Illinois, with Wesley Tolliver presiding.

AGENDA #2 “ROLL CALL” The following Plan Commission members were present: Barb Roberts, Greg Eyer, Wesley Tolliver, Belinda Henton, Steve Eichhorst, and Pat Everette. David Abell, Vicki Lobacz, and Scott Jones were absent. Also present were Code Enforcement Officer Mike Mitchell, City Attorney Bart Zuber and City Clerk Kelsie Sterchi.

AGENDA #3 “APPROVE MINUTES OF THE PLAN COMMISSION MEETING ON MAY 7, 2018” Mr. Eichhorst moved to approve the minutes of the Plan Commission meeting on May 7, 2018, seconded by Mr. Everette. Mrs. Roberts, Mr. Eyer, Mr. Tolliver, Mrs. Henton, Mr. Eichhorst, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

AGENDA #4 “SWEARING IN” Mr. Tolliver asked that anyone wishing to testify on behalf of the items being discussed to stand and be sworn in. City Clerk Sterchi asked those standing to raise their right hand and “swear to tell the truth, the whole truth and nothing but the truth so help me God.” Barton Pitts (Nexamp), David Kosturik (Nexamp), David Atchley (Nexamp/MSA Professional Services), Diana Lynne Sturgeon, Basil Coffman, Gerald Michel, William Grove, Don Blank, and Donald Brian were sworn in.

AGENDA #5 “SPECIAL USE PERMIT: 906 W. MACK AVENUE & VACANT LAND WITH TAX ID 06-28-450-022” Nexamp, Mack Avenue Solar, LLC. representatives, came before the Plan Commission to request a Special Use Permit for the placement of a Community Renewable Generation Project at 906 W. Mack Avenue and vacant land with Property Index Number 06-28-450-022. Barton Pitts, David Kosturik and David Atchley were present to speak on the request.

Mr. Pitts wished to give a brief presentation so that those present would have a better understanding of the requests. He began by explaining that Nexamp was a Boston-based solar company that was founded in 2007 by two Iraqi war veterans. They began with rooftop projects and then moved on to larger solar projects.

Back in 2016, the Future Energy Jobs Act was signed, allowing for Nexamp to enter the Illinois market. The bill provided for incentives so that Illinois could start participating in the solar and wind energy markets. The Act would also authorize a certain number of such solar projects to be built in Illinois.

The projects proposed for Special Use Permits were community solar projects. Such projects could build up to two megawatt solar farms. This would translate to up to 15 acres of panels. The panels would connect to the grid and from there, the electricity would be sold to

residents and small businesses, also known as subscribers. Each subscriber would receive a 15% discount on the electric supply portion of their electric bills.

Mr. Pitts continued that Nexamp would be long term owners on the proposed solar projects. Unlike some other companies, Nexamp would not develop a site, flip it, and then sell it to someone else.

The proposed solar panels at the Mack Avenue site would be rack mounted on steel pilings. The mounts would go about 10 feet into the ground and would be fixed-tilt. Fixed-tilt panels would not rotate.

The proposed solar panels near Route 50 and Shipley Road would use a tracker system. The panels would rotate with the sun throughout the day. These types of panels would generate more power and would be more efficient.

Underneath either type of panel, meadow mix would be planted. An operations plan would also be in place for mowing and landscape maintenance.

Construction time should only take about three to four months. The only noises anticipated would be during piling and with any trucks coming to bring equipment. From that point, little to no noise would be generated from the inverter boxes in the center of the arrays. These boxes would generate ambient noise.

Increases in traffic due to the projects were also not anticipated. After the construction, only maintenance trips would be made at a frequency of approximately twice per year.

Mr. Pitts continued that existing taxes on the land would remain the same. As the developer, they would pay taxes on the improvements made. Additional tax revenue would be generated, and lower electric bills for subscribers. Any jobs created as part of the projects would only be temporary, and mostly during the construction phase.

Mr. Pitts was well aware of concerns from the public about what would happen if the developer was to go out of business and then the City or land owner would be responsible for cleaning up what remained. A Decommissioning Plan was included for each proposed project to show how Nexamp would be contractually obligated to decommission the areas to their original condition. Additionally, the State of Illinois passed a bill that would require such a Decommissioning Plan and a statement of financial security for these types of projects.

From the audience, Mr. Coffman asked if Nexamp had any security measures in place for the night time. Mr. Barton replied that a seven foot fence would surround the panels with a Knox Box at the gate for emergency personnel, if needed. No on-site security staff would be present. No security lighting would be needed either.

Several letters of disapproval and a petition of disapproval had been submitted in regards to the proposed project off of Mack Avenue. Mrs. Henton noted that many of the letters spoke of

rezoning. She clarified that the request was not for rezoning. The area would stay residential. The request was only for Special Use Permit.

From the audience, Mr. Brian asked if the Mack Avenue site's property owner, or the developers, resided at the location. Mr. Barton indicated not.

Mr. Coffman asked how surrounding property values would be affected. Mr. Pitts replied that since no similar solar projects yet existed in Illinois, he could only speak on other areas such as Massachusetts where much solar development had taken place. Massachusetts residential areas had not seen a downward effect in property values due to solar placement.

Mr. Brian had read that sites in central Illinois would have 300 foot to 600 foot setbacks from property lines. He did not see any setbacks proposed for the proposed Nexamp projects. Mr. Pitts replied that all of the Nexamp plans were in compliance with the setback requirements of the City of Olney Municipal Code.

For the Mack Avenue project, Mr. Brian noticed that two tracts of land were included on the application for Special Use Permit. A house currently sat on one of the tracts. Mr. Brian asked if the house was proposed to be demolished. Mr. Atchley replied that there were no plans to remove the house. Mr. Pitts added that the tract of land was needed as a part of the application because the project would require construction of gravel access roads leading to the area directly north of that tract.

Mr. Brian then asked how the plans impacted the existing easement. Mr. Atchley confirmed that a 30 foot easement for water and sewer was located at the site. All placements would be located offset of the easement.

Mr. Brian did not feel that the plans allowed much area for Nexamp to work. Mr. Atchley and Mr. Pitts told that the Mack Avenue site would fit 1.3 megawatts of solar, and would be plenty of area to generate electricity.

Mr. Blank asked how high the panels would be off of the ground. Mr. Pitts replied that the Mack Avenue arrays would be eight to nine feet high. The panels near Route 50 and Shipley Road would peak at 12 feet, but be down during the day.

Mr. Blank had been informed that electric utility bills would be additionally taxed to fund the incentives from the State. He asked if that was correct. Mr. Barton replied that the incentives did not come from any tax dollars, but did come from electric rate payers. Since June of 2017, Ameren and ComEd customers had a line item increase of 1.3% on their bills for that purpose (Renewable Portfolio Standard).

Mrs. Henton asked how the Mack Avenue site was selected for such a project. Mr. Pitts indicated that the challenging part of such project is finding an area that is serviced by Ameren or ComEd, and finding a landowner willing to allow use of land. The landowners of the Mack

Avenue site, Larry and Mitzi Pitts, were willing got work with Nexamp, and the area was served by Ameren.

Mr. Blank commented that he was not satisfied with Mr. Pitts' answer on how such projects would affect surrounding property values. Mr. Pitts understood, but noted that he could not give numbers for Illinois because no projects were yet located in Illinois. Ms. Sturgeon asked if the solar projects in Massachusetts were in residential areas. Mr. Pitts indicated that because of the dense population in Massachusetts, the solar development there had many surrounding residential areas.

Also from the audience, Jean Sorenson asked if the solar projects off of Route 50 and Shipley Road could be done without including Mack Avenue. Mr. Pitts confirmed.

Mr. Brian felt that he could speak for most of the Mack Avenue residents in that they did not want the project to be located in that area, and that they felt the zoning ordinances should offer protection.

Ms. Sturgeon commented that Betty Bower, 810 W. Mack, wanted Ms. Sturgeon to relay her concerns about the project being located right next to her home. Mrs. Bower had resided at her property for over 50 years, and enjoyed the peace, quiet, and country atmosphere.

Mr. Pitts asked if a concern of the public was the sight of solar panels. Ms. Sturgeon confirmed and felt they would be an eyesore. Mr. Barton offered that Nexamp would be happy to add greenery for additional screening. Mr. Pitts' offer did not appease Ms. Sturgeon or Mr. Blank. Mr. Brian added that the WalMart Supercenter was also supposed to add a visual barrier that never happened.

Mr. Blank was aware that the City owned property in the Industrial Park that should have plenty of space for such solar projects. Mr. Mitchell also believed that the Industrial Park was serviced by Ameren. Mr. Barton indicated that he would be happy to also speak with the City about such a location.

Wishing to speak from the audience, Roger Bastian was sworn in.

Mr. Bastian was surprised that area residents were already paying for such solar projects through Ameren. He also was not aware of the proposed project until other neighbors made him aware.

Mrs. Henton asked how a resident could become a subscriber to get the 15% discount, should the sites be placed. Mr. Pitts explained that residents would enroll through a website.

Mr. Everette asked if the sites would need retention ponds. Mr. Mitchell replied that would depend on forthcoming land surveys, if the Special Use Permits were approved.

Mr. Atchley added that with current calculations and the proposed addition of pasture grass, runoff would be greatly reduced. Nexamp would also need an erosion permit from the State.

Mr. Blank asked who created the topographical images and plans. Mr. Atchley replied that he had created the images and plans as an employee of MSA Professional Services, the engineering firm.

Mr. Coffman asked if the Mack Avenue site would be the first development that would lead to more in that same area. Mr. Pitts indicated that there were no other plans to develop near the Mack Avenue site.

Mr. Brian believed Mr. Pitts' statement to be untrue, commenting that two others present had been solicited for land usage off of Mack Avenue. Mr. Pitts stated that if so, those property owners were not solicited by Nexamp.

Mr. Blank felt that the Mack Avenue site should be dropped, and that Nexamp should investigate further into property within the Industrial Park.

Wishing to speak from the audience, Larry Pitts was sworn in.

Larry Pitts told the audience that he was the land owner of the tracts of land off of Mack Avenue proposed for Special Use Permit. He has spoken with his current renter at 906 W. Mack Avenue, and that person did not have a problem with the proposed project. He stated that he was not trying to upset the neighborhood, but trying to help the community because alternate energy sources were needed.

Looking at the plans, Mr. Eyer expected that the very first solar panel would be located about 480 feet off of Mack Avenue. He was unsure if those present understood that the actual solar panels would be so far back. City Attorney Zuber clarified that the purpose of having two tracts of land listed on the Special Use Permit application was because the southern tract would be used for the construction of the access roads.

Mr. Eyer asked who was funding the projects. Mr. Pitts replied that Nexamp's parent company was Diamond Engineering out of California. Diamond Engineering was an energy company looking to branch out into solar.

Mr. Eyer then asked how many subscribers would be allowed. Mr. Pitts replied that each megawatt could service approximately 300 subscribers. Subscribers could be from any Ameren service area, but Nexamp would want to have as many local subscribers as possible.

Mr. Eyer wondered if any landscaping plans were in place for the areas outside of the fencing. Mr. Pitts indicated that current plans only allowed for a fence. If there were additional screening concerns, Nexamp could add plans for greenery if it became a requirement for the Special Use Permit.

Mr. Eyer wondered if the sites on Mack Avenue would continue to be taxed as residential and the site near Route 50 and Shipley Road as agricultural. Mr. Pitts believed so.

Mrs. Roberts asked for the definition of "lay down area." Mr. Pitts replied that would be the area where equipment would be laid and parked during construction. Upon completion, the area would be planted with the meadow mix.

The Plan Commission then began to review factors to consider in determining zoning requests.

In reference to whether or not the request has a reasonable relationship to the public's health, safety, welfare or morals, Mr. Tolliver felt he would have to question that for the Mack Avenue request.

Another one of the considerations was for the determination of the extent to which the destruction of property values would promote the health, safety, morals or general welfare of the public. Because of the opinions provided against the Mack Avenue site, Mrs. Roberts did not feel that the Mack Avenue site would promote such.

Action on this item was taken under Agenda #6.

AGENDA #6 "SPECIAL USE PERMIT: VACANT LAND WITH TAX IDS 11-05-300-007 & 11-05-300-008" Nexamp, Olney Solar I, LLC., representatives came before the Plan Commission to request a Special Use Permit for the placement of a Community Renewable Generation Project at vacant land with Tax Ids 11-05-300-007 & 11-05-300-008.

No letters, petitions or verbal comments for or against the Special Use Permit requests near Route 50 and Shipley Road had been received by the City Clerk. From the audience, Mr. Grove indicated that he was present to speak against the Route 50 and Shipley Road projects, and distributed a letter of disapproval.

Mr. Grove told the Commission that he was a co-trustee for nearby land of 39 acres, and was strongly against the proposed Special Use Permits. He believed that land owners in the area had the intention of placing additional homes in the future. Mr. Grove was also shown a lease from another company wanting to do a solar project that would shift the responsibility of unproductive land to the landowner, and that the company would not assume any losses experienced from placement of such a project.

Mr. Grove continued that he had read that high amounts of electricity negatively affected people, land temperature, air temperature, wind flow, habitat, rainfall, and water runoff. Mr. Grove had neighbors with turkey egg production, and wondered what would happen if the birds quit laying eggs, became infertile, or started to produce deformed chicks.

Mr. Grove then asked if the panels were made with toxic chemicals. Mr. Barton replied that the panels were made of silconic glass and were not toxic. Mr. Eichhorst asked if the panels were made in the U.S. Mr. Pitts indicated that some were and some were not.

Mr. Grove continued that he felt property values would certainly decrease. He did not want to see good, agricultural land sacrificed.

In response to Mr. Grove's concerns, Mr. Pitts reiterated that the panels being used for the proposed projects were absolutely not toxic. Any effects to humans or animals would be negligible, and Mr. Pitts noted that humans are exposed to more electrical energy throughout a normal day. More and more people were also adding solar panels to their rooftops.

Mr. Grove felt that such projects should be far away from any homes. Mrs. Henton was unsure of where such a location would be.

Addressing Mr. Grove's concern of having the responsibility of decommissioning going to the landowner, Mr. Pitts reminded the Commission and audience that Nexamp would be contractually obligated to return sites to their original conditions.

Mr. Pitts did confirm that large scale solar projects with additions such as mirrors could cause some alternate issues. The panels being placed for these community renewable generation projects were a completely different kind. The panels would simply collect the sun that would hit the ground already, and not try to pull in any more.

From the audience, Mr. Michels asked if the City planned on adding the Route 50 and Shipley Road site to its tax base, if the Special Use Permit was approved. Mrs. Henton replied that the City would not. Mr. Eichhorst added that the parcels could not be annexed because they were not contiguous to City limits. It would take a very long time if the City limits were to expand there at all.

Mrs. Henton moved to recommend denial of the Special Use Permit request for Nexamp, Mack Avenue Solar, LLC., on 906 W. Mack Avenue and vacant land with Tax ID 06-28-450-022. She wanted to recommend denial because of the large opposition from nearby residents which made her believe it was not suitable for the currently zoned area. She also believed that the trend of development in that area would continue to be residential. While some benefits could come to the community, she did note that the residents would be opposed to noise and aesthetics. Mrs. Roberts seconded the motion. Mrs. Roberts, Mr. Eyer, Mr. Tolliver, Mrs. Henton, Mr. Eichhorst, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

Mr. Tolliver stated that the recommendation would be heard by the City Council at their August 13th meeting at 7:00 p.m. for formal approval or denial.

Mr. Eyer moved to recommend approval of the Special Use Permit requests for Nexamp, Olney Solar I, LLC., and Olney Solar II, LLC., on vacant land with Tax IDs 11-05-300-007 and

11-05-300-008, seconded by Mrs. Henton. Mrs. Roberts, Mr. Eyer, Mr. Tolliver, Mrs. Henton, Mr. Eichhorns, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

The recommendation would also be heard by the City Council at their August 13th meeting at 7:00 p.m. for formal approval or denial.

AGENDA #7 "SPECIAL USE PERMIT: VACANT LAND WITH TAX IDS 11-05-300-007 & 11-05-300-008" Nexamp, Olney Solar II, LLC., representatives came before the Plan Commission to request a Special Use Permit for the placement of a Community Renewable Generation Project at vacant land with Tax Ids 11-05-300-007 & 11-05-300-008.

Action on this item was taken under Agenda #6

AGENDA #8 "PUBLIC COMMENTS/PRESENTATIONS" No one from the public wished to speak.

AGENDA #7 "ADJOURN" Mrs. Roberts moved to adjourn, seconded by Mrs. Henton. Mrs. Roberts, Mr. Eyer, Mr. Tolliver, Mrs. Henton, Mr. Eichhorst, and Mr. Everette voted yes. There were no opposing votes. The motion carried. The Plan Commission meeting adjourned at 8:42 p.m.

Kelsie J. Sterchi
City Clerk