

CITY OF OLNEY  
PLAN COMMISSION  
DECEMBER 3, 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 Steve Eichhorst presiding.

AGENDA #2 “ROLL CALL” The following Plan Commission members were present: Barb Roberts, David Abell, Greg Eyer, Vicki Lobacz, Belinda Henton, and Steve Eichhorst. Scott Jones, Wesley Tolliver, and Pat Everette 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 AUGUST 6, 2018” Mrs. Henton moved to approve the minutes of the Plan Commission meeting on August 6, 2018, seconded by Mrs. Roberts. Mrs. Roberts, Mr. Abell, Mr. Eyer, Mrs. Lobacz, Mrs. Henton, and Mr. Eichhorst voted yes. There were no opposing votes. The motion carried.

AGENDA #4 “SWEARING IN” Mr. Eichhorst 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 Atchley (Nexamp/MSA Professional Services), and several audience members 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, and David Atchley were present to speak on the request. The Special Use Permit request was originally heard on August 6, 2018, and the Plan Commission recommended denial. However, since that time, Nexamp, Mack Avenue Solar, LLC., had made some amendments to the design of the proposed site, and wished to be heard again.

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. Approximately 400 to 500 projects would be submitted to the State from developers, but only 75 projects would be granted as a result of the “lottery.” The deadline for project submissions was set for January 15, 2019.

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.

Another benefit as a result of such a project would be that taxes would grow without the need for additional public services. In addition to property taxes, Mr. Pitts explained that this particular project would generate about \$8,000.00 in additional tax revenue for the City.

Recalling some of the prior concerns, Mr. Pitts indicated that the only noise coming from the project would be from the inverter and transformer. Noise-making equipment would be located in the middle of the site. Sound from the equipment would not be audible from 150 feet away.

If approved, construction on the project would begin early in 2019. The construction process would produce about 25 temporary jobs.

From the panels, cable would be trenched out to poles that would connect to the power line on Mack Avenue. The local Fire Department would also participate in training, in case of emergency, and a Knox Box would be installed.

Mr. Pitts was also aware of concerns related to water runoff, if installed. He indicated that meadow mix would be planted. This would help to absorb water, and would reduce runoff.

Mr. Pitts continued that no pesticides would be used. Additionally, the panels would not need to be cleaned very often because the Midwest provided enough rain and snow to help keep them clean.

The panels would produce some electromagnetic fields (EMFs). However, Mr. Pitts indicated that the EMFs would be extremely low, and similar to that produced by televisions or other small appliances.

CohnReznick provided a study performed by certified appraisers on how solar projects affected surrounding property values in residential areas. Because there were not many solar projects in Illinois, not many Illinois examples could be given. Studies from Streator, Illinois, Frankton, Indiana, and Porter County, Indiana, were provided. CohnReznick researched sales of homes adjoining solar farms, and compared those numbers to sales in the same county with comparable square footage, to evaluate the statistical difference. CohnReznick's studies concluded that no consistent, negative impact was found to adjacent property. Additionally, the tax assessors in these towns indicated that they did not see impact on residential real estate sales in relation to proximity to solar farms.

Mr. Pitts then showed visuals via Powerpoint. Nexamp's amended plan would include screening of 10-foot Arbor Vitae trees. The panel site would be approximately 450 feet away from Mack Avenue. Renderings of four different viewpoints were also shown. Mr. Pitts

indicated that as much or as little screening could be added, depending on what the Council desired. Nexamp proposed a \$10,000.00 screening fund that could be provided to the City in order to manage the screening, or Nexamp could perform the work themselves.

Mr. Pitts continued that the Olney/Richland/Newton/Jasper Enterprise Zone ran near the site area. He informed the audience that the Enterprise Zone was a designation of areas in the counties that would be appropriate for future development. The Enterprise Zone offered tax incentives in order to promote commercial, industrial, and manufacturing businesses. Mr. Pitts felt that if such development were to come so close east of the site, that a solar farm would be a nice buffer transitioning residential to commercial areas.

Mr. Pitts informed the group that Ameren and ComEd customers were already being billed for such projects. For example, Ameren's bill showed a line item for Renewable Energy Adjustment that charged \$0.00135000 per kWh. Therefore, solar projects would be popping up all throughout Illinois, so Olney had the potential to receive part of that benefit.

Mr. Eichhorst asked how close the site would be to any existing structures. Mr. Pitts replied that the closest structure was 150 feet away, but that most residences were about 400 feet away from the site. Mr. Eichhorst pointed out that a few residents still owned land surrounding their homes.

Mrs. Roberts recalled that the Plan Commission had suggested that Nexamp explore other properties in Richland County. She wondered if other sites had been sought. Mr. Pitts replied that Nexamp had sought many other sites. One of the major issues was that sites must be connected to Ameren or ComEd at the distribution level. Several sites outside of City limits were linked to electric co-ops. At the Mack Avenue site, an Ameren substation was located nearby.

Mrs. Roberts then asked if sites in the Industrial Park were explored. Mr. Pitts indicated that he had spoken to the Mayor about that option. The Mayor had told him that certain qualifications needed to be met in order to be placed there, such as a certain number of full-time employees.

Mr. Eichhorst asked if property north of WalMart had been considered. Mr. Pitts indicated property north of WalMart had not been explored. Because of the time crunch of the impending deadline, Nexamp would not be seeking any other sites until Round 2 of the program.

Mrs. Henton recalled that Nexamp was going to try and speak with homeowners on some of the screening amendments, and to clarify some facts. She wondered if that had been done. Mr. Pitts replied that contact was attempted. He had sent letters to a few residents, and exchanged e-mails with some, as well. Other residents were either not interested in speaking to him, or simply did not respond.

Mrs. Henton asked if any of the residents had changed their mind. All members of the public that were in the audience audibly declared, "No."

Mrs. Roberts then expressed concern with Nexamp's promise of landscape screening. She recalled how such screenings were included in other area projects, but had yet to be placed. Mr. Pitts replied that Nexamp was happy to provide the funds for the City to manage.

Property owner of the sites in question, Larry Pitts, stated that he would personally guarantee that landscape screening was placed.

Mr. Abell was not available to attend the last meeting of the Plan Commission. He asked the audience if anything in Mr. Pitts' presentation this evening had addressed their concerns. Again, members of the public in the audience audibly declared, "No."

From the audience, Don Brian felt that the neighborhood remained united in their opposition of the Special Use Permit request. He felt that maintenance issues could present enforcement issues, and could provide for legal action. Mr. Pitts reiterated that was again one of the reasons Nexamp offered to provide funds to the City.

From the audience, Don Blank felt that having only one Illinois location provided in the property value study did not give much of a guarantee. He strongly felt that the proposed project was dangerous for surrounding property values. Mr. Blank agreed that solar energy was important, but he did not feel it belonged in the proposed location. He felt that the area should remain the way it had been bought, built, and lived in by the residents.

Basil Coffman then wished to speak. He was upset about the Enterprise Zone being so close to his property. He felt it was arbitrarily done without notifying residents. Mr. Eichhorst informed Mr. Coffman that an Enterprise Zone was established years ago. Enterprise Zones do not change zoning, but are created as areas where certain incentives are available businesses that may come into that area. Like any other project, if land is not zoned properly, the project could not be placed unless a rezoning or Special Use Permit was granted.

Mr. Coffman also felt that CohnReznick's study was completed by the solar company's consultants, and was a conflict of interest.

Dave Lawless asked how far away noise could be heard from the site, and if any studies were done on safe distances for EMFs. Mr. Pitts reiterated that no noise would be audible from a distance of 150 feet, and the EMFs would be extremely low frequency.

Addressing Mr. Coffman's comment on the CohnReznick study, Mr. Pitts pointed out that the study was completed by certified appraisers who could stand to lose their license and reputation if they reported numbers and information that was false.

Mrs. Roberts felt that most people wanted clean energy, but she stated that she respected the people. She was aware of groups that were trying to attract people to Olney and populate here, but she also felt that the City should treat the people they already had with kindness.

Rezoning and Special Use Permits were in place as exceptions and/or changes to the rule. Mrs. Roberts felt that could be possible for the Industrial Park. Mrs. Henton clarified that the Industrial Park actually had guidelines, not requirements, in regard to industry and jobs. Mrs. Roberts felt that low cost energy might be just as important as industry and jobs.

Lynne Sturgeon then stood and read a message she had received from Roger Bastian. Mr. Bastian was unable to attend the evening's meeting due to a personal issue. Ms. Sturgeon read Mr. Bastian's statement of opposition against the proposed Special Use Permit.

Mr. Coffman read some definitions he had found regarding "Special Use Permits." He pointed out that the word "harmonious" was key. He then looked up the meaning of "harmonious," and did not feel that the project would provide for harmony.

Mr. Eyer asked Larry Pitts how long he had owned the land in question. Larry Pitts replied he had owned and farmed the land for 17 years. Mr. Eyer was aware that corn often got to be nine feet tall, which would be the same height as the panels. He also pointed out that such crops were much closer to Mack Avenue than the solar site would be.

Mr. Eyer continued that looking north past the proposed site, WalMart was a large part of the horizon, and appeared to be at least twice as high as the proposed screening. He also felt that a row of trees would be aesthetically pleasing, and that noise would not be an issue.

Mr. Eyer also felt that having 200 residents able to save 15% on their electric bill would certainly be a benefit. The money saved could be spent in the community instead of being sent to Ameren in Missouri.

Mrs. Roberts pointed out that the addition of six utility poles would also provide for a visual change in the neighborhood.

Larry Pitts told the Commission of his concerns regarding farming chemicals over the past few years. He was worried that chemicals could become more and more dangerous, and that having solar on the site would be a better option.

Betty Bower told the Commission that she felt a vote should be taken of the audience's opinion.

Mrs. Lobacz asked the members of the audience if they were opposed to the visual aspect of the project, opposed to the idea of change, concerned over property values, or for some other reason. Mrs. Bower replied that she felt it was a step in the wrong direction.

Mr. Abell asked if anyone in the audience was opposed to solar projects, in general. The audience replied that they were not generally opposed to solar projects, just opposed to one being in their neighborhood.

A woman from the audience stated that she did not want to see the project outside of her window each day. Mr. Eyer pointed out that she would actually be seeing trees, and that those trees would be one and a half football lengths away from the street. Mr. Eichhorst added that the trees would start out smaller than nine feet. Mr. Pitts agreed. He stated that when purchased, the trees would be about six feet tall.

Another gentleman from the audience asked who would receive the electric discount. Mr. Pitts replied that the discounts were given on a first come, first serve basis.

Mr. Brian argued that one business could subscribe and take all of the benefit. Mr. Pitts indicated that was not possible as 75% of discounts needed to be given to small subscribers.

Mr. Brian then pointed out that the Special Use Permit application was for two parcels. If granted, the solar project could technically be extended much farther south towards Mack Avenue. Mr. Pitts indicated that Nexamp had no plans to go closer to Mack Avenue. In addition, when plans are submitted for the lottery, if granted, the plans could not be deviated any more than 5%.

Another member of the audience asked how long the project was proposed to stay at the site. Mr. Pitts replied that the lease would be for 20 years with the option to extend for 10 more years. It was Nexamp's intention to be there for 30 years. Past that, Nexamp could choose to re-panel or decommission the site. There was a law in place that required a financial security deposit to ensure that decommissioning dollars would be available so that such projects could not just be abandoned.

The same audience member asked if Nexamp planned to sell. Mr. Pitts replied that Nexamp had no intentions of selling, and that they were a long-term player.

Addressing Mr. Eyer, the audience member asked if he would rather look at a beautiful corn field or solar panels. Mr. Eyer replied he would rather look at trees.

Mr. Eichhorst then called for a motion.

Mrs. Roberts moved to respect the opinions of those present and recommend denial of the amended Special Use Permit request for a community renewable generation project at 906 W. Mack Avenue and Vacant Land with Tax ID 06-28-450-022 as applied for by Nexamp, Mack Avenue Solar, LLC., seconded by Mrs. Henton. Mrs. Roberts, Mrs. Henton, and Mr. Eichhorst voted yes. Mr. Abell, Mr. Eyer, and Mrs. Lobacz voted no. The vote was tied.

Mr. Eichhorst told the audience that the decision would next be heard by the City Council on December 10, 2018, at 7:00 p.m. He reminded the audience that the City Council would have the final decision on the application, and not the Plan Commission.

For informational purposes, Mrs. Henton suggested that one of the "no" voters indicate why they voted in the manner they did. Mrs. Lobacz replied that she felt there were not enough real estate studies available to know how property values would be affected. She was aware that

solar energy was coming, and wanted to see Olney get in on the “ground floor.” She understood that people do not always favor change, but felt that the City needed to look at the bigger picture.

AGENDA #6 “PUBLIC COMMENTS/PRESENTATIONS” No one from the public wished to speak.

AGENDA #7 “ADJOURN” Mrs. Roberts moved to adjourn, seconded by Mr. Abell. A majority affirmative voice vote was received. The Plan Commission meeting adjourned at 8:49 p.m.

Kelsie J. Sterchi  
City Clerk