

RESOLUTION NO. #18-609

**Special Use Permit #18-213
Fulton Street Solar, LLC**

WHEREAS, the Marshall County Zoning Board of Appeals held a Public hearing on July 19, 2018, for ZBA #18-213 Application for Special Use requested by Fulton Street Solar, LLC (the "Applicant"), a limited liability company indirectly owned by Trajectory Energy Partners, LLC ("Trajectory"), submitting on behalf of the landowners, William E. Klein and Linda J. Klein, 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 11.38 acre tract on parcel 04-25-200-003, 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 #18-213 Application for Special Use and Variances;

NOW, THEREFORE, BE IT ORDAINED that the Marshall County Board hereby approves the Special Use Permit and Variances #18-213 to Fulton Street Solar, LLC.

Passed and Adopted at Lacon, Illinois, Marshall County, Illinois on this 9th day of August 2018, by a vote of 8 ayes, 1 nays, and 0 abstain.

3 - Absent



Gary Kroeschen, Chairman
Marshall County Board

ATTEST:



Jil Piper, Marshall County Clerk

**Marshall County Zoning Board of Appeals Public Hearing
July 19, 2018 –
Marshall County Courthouse – 7:00pm
ZBA # 18-213 Application for Special Use Permit and Variance**

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 8:16 pm by Acting Chairman, Ken McKee.

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

Zoning Administrator, Pat Sloan presented ZBA # 18-213 was received on June 21, 2018. Application for Special Use requested by Fulton Street Solar, LLC (the “Applicant”), a limited liability company indirectly owned by Trajectory Energy Partners, LLC (“Trajectory”), submitting on behalf of the landowners, William E. and Linda J. Klein, 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 11.38 acre tract on parcel 04-25-200-003 which is located in an Ag Zoning District. A variance to exceed the maximum lot coverage and construction schedule in an Ag District.

Pat Sloan stated that he will not repeat the criteria of the Special Use Permit findings of facts but they are the same as the last two times he stated them tonight.

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Pat Sloan presented the Certifications of Publication dated June 28, 2018 from the Lacon Home Journal. Administrator identified adjacent parcel locations as he presented certified letter receipts from adjacent property owners including the City of Lacon. All certified letters receipts were returned to the office.

In the statement by the petitioner, John Carson stated he would keep this statement brief because he felt he covered a lot of questions in the earlier hearing tonight. He proceeded to explain on a slide the site plan of the Fulton Street Solar, LLC. The land they are looking at is in the unincorporated part of Marshall County but is adjacent to the city limits of Lacon. We have had very good discussion with Mayor Wabel about this particular site and the access road would come from a parcel in between two houses and would connect to the power line on Fulton Street. We do have a different approach on screening with this project. Our proposal is on the western side of this project would be a solid vinyl fence. It would be 7 feet tall and provide a visual screening and this will have a pollinator planting all the way around this project.

Collen Callahan stated for this project there are three residential neighbors directly across the road from this proposed project. I called all three and was able to speak with them and John followed up later with specific information right to their door. I followed up again later and was able to share this suggested screening and followed up another time with more questions answered.

John Carson stated that the solar panels will be no closer 200 feet from the center of Fulton Street. I want to thank Mayor Wabel we have had very productive conversations and he supports the screening plan and I'm here to answer any questions about this project.

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Questions form the ZBA Members:

None

Communications Received by the Zoning Office:

Pat Sloan stated we received two calls.

- 1) Carol Fortino called and she is a land owner and she is opposed because she believes it will decrease the property values and aesthetics of the area.
- 2) Barry Logan and he is the director of the Marshall County Airport requests a glare study be conducted before the building permit is issued.

John Carson stated they will do a glare study and present that with the building permit application.

Pat Sloan also stated that this property is zoned Agriculture.

Testimony or Questions from Others:

Questions: My questions is moving your equipment in and out on the streets in that area who will fix the streets if you damage them?

Answer: John Carson answered, we do.

Question: Is that in writing because the contract is not with the city.

Answer: This is a little complicated because it is in the city of Lacon and the county and our intention is to fix roads in and out. It is in the plan with the building permit application.

Question: How much acreage be covered with solar panels.

Answer: About 12 acres we are squeezing in a little tighter here and there is a row of tress and we have access along this parcel. This area is the old railroad and is heavily filled with trees.

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Acting Chairman, Ken McKee asked:

Any more Questions from the ZBA or Others?

Question: The building permit would be County or City?

Answer: John stated they are planning on working with the city on the entrance way and the actual building permit would be with the county. We will not be building our access road on the city zoned property but on the Klein's property. We wanted to place it not directly in front of their house so we planned it in between those two houses.

A discussion on ownership of the Klein's property was verified by Pat Sloan.

Petitioner's Closing Statement: John Carson said he had nothing else to add.

The ZBA declined hearing the standards again.

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

Acting Chairman, Ken McKee stated no conditions are inconsistent with the Standards in the Ordinance.

Acting Chairman, Ken McKee asked for a motion to this hearing.

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 Variances ZBA #18-213 by Tim Gensler and seconded by Chuck Volker. A vote was called, All Ayes. Motion carried.

Rebecca Donna made a motion to adjourn the ZBA #18-213 hearing at 8:34 pm. Allen Volker seconded the motion. All Ayes, motion carried.