

**City of Charleston**  
**BOARD OF ZONING APPEALS AND PLANNING**  
**CITY COUNCIL CHAMBERS**

**520 Jackson Avenue**  
**Charleston, Illinois**  
**Wednesday, January 31, 2018**  
**7:00 p.m.**

**MINUTES**

The re-scheduled **regular meeting** of the Charleston Board of Zoning Appeals and Planning scheduled for 7:00 p.m. was called to order on Wednesday, January 31, 2018, at 7:00 p.m. by Pat Adair, Vice Chairman.

Chairman Adair directed the City Clerk to call the roll and the following answered present to the call of his or her name.

Board Members **Present:** Pat Adair, Tim Jacobs, Jill Nilsen, Ryan Siegel, Lexe Volk, and Jim Wood. Board Member Jason Wavering entered at 7:01 p.m.

Board Member (s) **Absent:** None.  
*A quorum* was present.

Staff members Present: City Planner Steve Pamperin, City Attorney Rachael Cunningham, City Clerk Deborah Muller, and Code Official Alex Winkler.

Chairman Adair welcomed everyone and explained that the meeting was being tape-recorded and explained the Board's procedures.

City Planner Pamperin explained that the Board was a recommending Board only. For a favorable recommendation to Council, it would require 4 affirmative votes of the 6 members present.

Chairman Adair asked that those wishing to speak be sworn in at that time. He noted that they would need to approach the podium and state their names and addresses for the record when they spoke. Steve Pamperin was duly sworn in at this time.

The next order of business was approval of the minutes.

Chairman Adair called for a motion to approve the February 16, 2017 Minutes.

A **motion** was made by Tim Jacobs and seconded by Lexe Volk to approve the **Minutes** from the regular meeting of the Board of Zoning and Appeals & Planning on February 16, 2017.

A Roll Call vote showed Board Members Jacobs, Nilsen, Siegel, Volk, Wood and Adair voting in favor of the motion.

**Motion carried with 6—Yeas, 0—Nays.**

Chairman Adair called for a motion to approve the December 14, 2017 Minutes.

A **motion** was made by Ryan Siegel and seconded by Lexe Volk to approve the **Minutes** from the regular meeting of the Board of Zoning and Appeals & Planning on December 14, 2017.

A Roll Call vote showed Board Members Jacobs, Nilsen, Siegel, Volk, Wavering, Wood and Adair voting in favor of the motion.

**Motion carried with 7—Yeas, 0—Nays.**

Chairman Adair then introduced Item #4 on the agenda:

**Item 4. The Petition of the City of Charleston** petition of the City of Charleston for various amendments and revisions to the City of Charleston Unified Development Code Text (Zoning Ordinance, Subdivision and Development Standards), including but not necessarily limited to: 10-7 (Supplementary Conditions for Specific Uses) Section 22: Commercial Solar Energy Systems.

**Steve Pamperin, 520 Jackson Avenue**, representing the City of Charleston, then approached the podium. He gave the requisite background for the City's application with regard to commercial solar energy systems.

City Planner Pamperin noted that all Board Members had received copies of the Petition, Draft Ordinance and Exhibits.

The City had been doing a study for some time involving solar systems, the many aspects of solar systems—and the study included highest and best use of the land. The City had also been in contact with two solar energy companies.

Before City Planner Steve Pamperin presented the petition, he thanked Matthew Kauffman, Zoning & Outreach Manager for Cypress Creek Renewables of Tiskilwa (near Princeton), Illinois, and Ben Adamich of Geronimo Energy of Minneapolis for making the trip to

Charleston. He noted that these two had taken time out to come down and offer feedback and answer any questions

City Planner Pamperin then asked that the 2009 Comprehensive Plan Update and 2016 Zoning Map of the City of Charleston be entered into the record as exhibits; this was so done.

City Planner Steve Pamperin distributed Future Energy Jobs Act—A Win for Illinois Summary and Fact Sheet, which was entered into the record as Exhibit A—Email communications with Cypress Creek Renewables—specifically with Taylor Smith and also Matt Kauffman who was present. Mr. Kauffman had provided some industry comments that had been incorporated into the ordinance; and Exhibit C—Email communications with Ben Adamich with Geronimo Energy who had also provided industry comments that had been utilized in the ordinance.

City Planner Pamperin went through the suggested Findings of Fact and exhibits for the Board.

City Planner Pamperin highlighted a few items within the proposed ordinance and carefully explained proposed changes within the tables.

On Page 5—City Planner Pamperin read the following:

**10-7-22: COMMERCIAL SOLAR ENERGY SYSTEMS:**

A. Scope - The purpose of this subsection is to provide standards for commercial solar energy systems that capture energy from the sun and convert it to electricity. The provisions of this section are based on a facility that supports the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff.

B. Purpose - The City has adopted this regulation to achieve the following goals:

**1. Goal: To preserve the health, safety, and welfare of the City's citizens by promoting the safe, effective, and efficient use of active solar energy systems installed to reduce the consumption of fossil fuels.**

**2. Goal: Encourage the use of local renewable energy resources, including appropriate applications for solar.**

**3. Goal: Assist local businesses to lower financial and regulatory risks and improve their economic and environmental sustainability.**

**4. Goal: Efficiently invest in and manage public infrastructure systems to support development and growth.**

**5. Goal: Reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.**

**6. Goal: Enhance the reliability and power quality of the power grid.**

**7. Goal: Encourage local economic development, diversify the City's energy supply portfolio,**

and limit exposure to fiscal risks associated with imported fossil fuels.

**8. Goal:** Offer additional energy choice to local consumers and improve competition in the electricity supply market.

City Planner Pamperin read the following under Definitions:

COMMUNITY SOLAR PROJECT: An active solar energy system jointly owned by the customer-subscribers who will be the recipients of greater than 80% of the electricity (or a financial proxy for electricity) generated by the system, and which meets the following criteria: (A) a maximum size of 2 Megawatts (MW) of electricity output; (B) the minimum subscription per customer-owner is 200 watts of electricity output; (C) no individual subscriber can own or lease more than 40 percent of a project; and (D) it has been approved by the Illinois Commerce Commission and the Illinois Power Agency.

SOLAR FARM: A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

SOLAR GARDEN: A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) for the primary purpose of generating electricity for multiple households or businesses residing or located on-site or off-site from the location of the solar energy system. Solar Garden shall include Community Solar Projects.

He noted that one was on-site consumption and the other was commercial consumption.

For the purposes of this ordinance, City Planner Pamperin wanted to separate these definitions.

### C. Permitted Uses; Commercial Solar Energy Systems.

#### 1. Solar Gardens:

- a. Solar Gardens comprising an area less than or equal to 10 acres and which meet the conditions and requirements of this Section shall be allowed as a permitted or accessory use in the Agricultural or Government Districts, but shall be a conditional use on any Agricultural or Government zoned property within 500 feet of an airport.
  - b. Solar Gardens comprising an area greater than 10 acres and which meet the conditions and requirements of this Section shall be allowed as a conditional use in the Agricultural or Government Districts.
  - c. Solar Gardens may comprise all or part of a Planned Unit Development in the I-2 Heavy Industrial District.
2. Solar Farms which meet the conditions and requirements of this Section shall be allowed as a conditional use in the Agricultural or Government Districts. Solar Farms may comprise all or part of a Planned Unit Development in the I-2 Heavy Industrial District.

City Planner Pamperin noted the following on Page 8 of the proposed ordinance:

1. Lot Size.
  - a. Solar Gardens may be no smaller than two acres.
  - b. Solar Farms may be no smaller than 10 acres.

Board Member Jim Wood asked what the name was of the individual solar item that would be on a residential building.

Mr. Pamperin said that it would be a panel. He added that a permit would be required if there was a concern about weight on the roof.

City Planner Pamperin pointed out under Section K:

Visibility. Commercial solar energy systems shall be designed to be screened from routine view from public rights-of-way and residential uses on adjacent parcels. The commercial solar energy system shall be setback from the screening device or landscaping so as to not affect the operation of the system. The property shall comply with fencing, landscaping and screening requirements described in Section 10-8-5 of the City Code.

Glare; Reflection. All commercial solar energy systems shall be designed and installed to prohibit light reflection towards adjacent rights-of-way and any habitable portion of nearby structure that are not integrated into the system. Measures to minimize glare include selective placement of the system, screening, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

City Planner Pamperin pointed out under Section L that the same provisions applied. Additionally he pointed out the section on Decommissioning:

Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are abandoned, which shall mean not in use for 12 consecutive months for reasons other than repair and replacement. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning and removal of the facilities must be complete within one hundred eighty (180) days after they are abandoned or the owner delivers notice of cessation of use, provided the building official may grant extensions for force majeure events. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

City Planner Pamperin pointed out under Section L that the same provisions—Visibility and Glare also applied to solar farms.

City Planner Pamperin noted that the P.U.D. requirement allowed more flexibility as a City. The P.U.D. allowed them to have conversations about the benefits to the community.

City Planner Pamperin explained how comments from the both Ben Adamich and Matt Kauffman had been incorporated although in some cases—for instance they both liked 20 acre solar gardens—the City had remained with 10 acre solar gardens.

Any trenching would be in compliance with the Illinois Department of Agriculture—if you trench and take out top soil and clay beneath, the top soil would be replaced on top.

Chairman Adair swore in both Matthew Kauffman and Ben Adamich at this time. He noted that they would need to approach the podium and state their names and addresses for the record when they spoke.

**Ben Adamich, Geronimo Energy, 7650 Edinborough Way, Suite 725, Edina, Minnesota,** explained that generally they supported the proposed energy ordinance. Addressing questions as to why the limitation to 20-acre (mega-lots) plan.

City Planner Pamperin noted that this was the City of Charleston’s ordinance. They were trying to be proactive.

Board Member Jacobs said that asked if there was just a monetary benefit to the city and its citizens then of throwing energy back on the grid.

Mr. Adamich said that it was a centralized solar project. It would allow Ameren customers to virtually subscribe their electricity usage to the output of the solar project. It would be credited through the current program directly to their electricity bill. The project owner would bill the customer for the credit. Depending how the bill works, they would save money on their electricity bill.

Board Member Siegel said that then, in essence, it was a power purchase agreement kind of with yourself.

Mr. Adamich said that you were either owning it depending on the project owner, or by direct investment or through you didn’t own it and you were billed for the amount. The kind of model would be left up to the project owner. Everything was regulated.

Board Member Jacobs surmised that a power broker would contact the customer and they would sign up for a period of time—and that would be their supplier of energy.

Mr. Adamich – currently you would get your supply rate credited.

Anyone is a customer who subscribes.

Wavering said that he presumed they would want a minimum number of subscribers before they would proceed.

Mr. Adamich said that there were rules with regard to the number and size. You can anticipate very specific rules with regard to this.

Board Member Jacobs and Mr. Adamich exchanged technical information

City Planner Pamperin said that they saw solar farms as a wholesale activity whereas they saw the solar gardens as onsite consumption.

Board Member Jacobs said he was trying to look at this as you would look at giant windmill farms.

Mr. Adamich said that they would be happy to answer any other questions the Board had.

**Matthew Kauffman, Zoning & Outreach Manager, Cypress Creek renewables, 100 Main Street, Tiskilwa, Illinois**, said that he wanted to applaud the City for being proactive. Overall he was very happy with the changes that had been made in the Ordinance through this process.

City Planner Pamperin pointed out that this Ordinance was the result of work by City Attorney Cunningham, Ancel-Glink Attorneys and City Staff over a lengthy period of time.

Board Member Wood asked if he had similar plans for the County.

Mr. Kauffman said that they did.

Board Member Wavering asked if there were any other States that had this in place.

Mr. Kauffman said in Illinois in late 2016, they had begun to see this. He added that other states like Minnesota had been doing this for a while.

City Planner Pamperin said solar energy ordinances were beginning to be created by a number of communities now that the State of Illinois had been pro-active about solar incentives, so they were ahead of the curve.

Board Member Wavering asked if doing this was cost effective without a government subsidy.

Mr. Kauffman said that they were really getting competitive, but they still needed the subsidies because they were competing against old energy sources that had already paid their businesses down.

Board Member Siegel said that with solar energy you were buying over a lot of years. And every year it gets better.

Chairman Adair asked if there was any more Board Discussion.

There was not.

Board Member Jacobs said that he applauded the City for being ahead of the game—and he recognized that it took a lot of work to do so.

Board Member Wood noted that when the ordinance was in place, they would be early competitors for this sort of thing and more inviting.

The discussion came to a close and Chairman Adair called for a vote.

A **motion** was made by Ryan Siegel and seconded by Jim Wood to approve the City's Petition to amend the UDC Text regarding Title 10-7-22: Supplementary Conditions for Specific Uses: Commercial Solar Energy Systems.

A Roll Call vote showed Board Members Jacobs, Nilsen, Siegel, Volk, Wavering, Wood, and Adair voting in favor of the motion.

**Motion carried with 7—Yeas, 0—Nays.**

City Planner Pamperin told the Petitioner Jacobs that the petition would go before City Council at 6:30 p.m. on Tuesday, February 6, 2018, with a favorable recommendation. They were welcome to attend, although it was not a requirement.

Chairman Adair then introduced Item #5 on the agenda:

**Item 5. The Petition of the City of Charleston** petition of the City of Charleston for various amendments and revisions to the City of Charleston Unified Development Code Text (Zoning Ordinance, Subdivision and Development Standards), including but not necessarily limited to: 10-5-3(C) Nonresidential Land Use Matrix (Table 5-3) Principal Uses Permitted in Nonresidential Districts: Services (Schools) as Conditional Uses in the C-1 Neighborhood Service Commercial District.

**Steve Pamperin, 520 Jackson Avenue**, representing the City of Charleston as petitioner, approached the podium. He gave the requisite background for the City's application.

City Planner Pamperin noted that the following types of schools would be included in this C-1 District amendment: Boarding Schools, Elementary Schools, Private and parochial schools, Secondary schools, Vocational/technical schools.

City Planner Pamperin then asked that the 2009 Comprehensive Plan Update and 2016 Zoning Map of the City of Charleston be entered into the record as exhibits; this was so done.

City Planner Pamperin noted that all of these types of schools would require a conditional use permit.

Chairman Adair asked why dance/art/music schools was a permitted use.

Board Member Wood said that these schools were businesses and had small numbers of students and were not open for as lengthy periods of time.

A **motion** was made by Jim Wood and seconded by Tim Jacobs to approve the City's Petition for various amendments and revisions to the City of Charleston Unified Development Code Text (Zoning Ordinance, Subdivision and Development Standards), including but not necessarily limited to: 10-5-3(C) Nonresidential Land Use Matrix (Table 5-3) Principal Uses Permitted in Nonresidential Districts: Services (Schools) as Conditional Uses in the C-1 Neighborhood Service Commercial District.

A Roll Call vote showed Board Members Jacobs, Nilsen, Siegel, Volk, Wavering, Wood, and Adair voting in favor of the motion.

**Motion carried with 7—Yeas, 0—Nays.**

**Old Business:** The Comprehensive Plan Update Committee composition was discussed. Two members from the Zoning Board were needed. **Ryan Siegel and Jim Wood** volunteered to serve on the Committee.

It was noted that this Plan Update would not require a Zoning Map Amendment, it would just be a matter of revising the text of the Comprehensive Plan, and therefore the time involved should be substantially less than the prior update.

Chairman Adair called for a report of the Nominating Committee. The Nominating Committee's recommendations were as follows:

- **Chair—Ryan Siegel**
- **Vice Chair—Jason Wavering**
- **Secretary—Lexie Volk**

Chairman Adair called for a vote.

A **motion** was made by Tim Jacobs and seconded by Pat Adair to accept the Nominating Committee's slate of officers for 2018.

A Roll Call vote showed Board Members Jacobs, Nilsen, Siegel, Volk, Wavering, Wood and Adair voting in favor of the motion.

**Motion carried with 7—Yeas, 0—Nays.**

**New Business:** City Planner Pamperin noted that the next petition would be rescheduled from February 15, 2018 to March 1, 2018.

Chairman Adair asked if there were any other issues that needed to be discussed. Noting that no one had any other comments, he asked for a motion for adjournment.

A **motion** was made by Tim Jacobs and seconded by Lexe Volk to adjourn.

A Roll Call vote showed Board Members Jacobs, Nilsen, Siegel, Volk, Wavering, Wood and Adair voting in favor of the motion.

**Motion carried with 7—Yeas, 0—Nays.**

**Adjournment: 7:37 p.m.**

Respectfully submitted,

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Secretary Jason Wavering

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**Deborah Muller**  
City Clerk/Recording Secretary