

DeKalb County Government  
Sycamore, Illinois

**Planning and Zoning Committee Meeting**  
(August 26, 2020)

The Planning and Zoning Committee of the DeKalb County Board met virtually on August 26, 2020 at 6:30 pm via Zoom. In attendance were Committee Members: Steve Faivre, John Frieders, Tracy Jones, Mark Pietrowski, Roy Plote, Craig Roman, and Suzanne Willis, and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: Greg Millburg, of the DeKalb County Farm Bureau; Pete Stephens, DeKalb County Finance Director; Ann Anderson; Kathy Lampkins; Linda Drolsom; Anita Zurbrugg, and Charles Brown.

**CALL TO ORDER / ROLL CALL**

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order.

**APPROVAL OF AGENDA**

*Mr. Roman moved to approve the agenda, seconded by Ms. Willis. A roll call vote was called, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. Plote moved to approve of the minutes of June 24, 2020 Committee meeting, seconded by Mr. Frieders, A roll call vote was called, and the motion carried unanimously.*

**PUBLIC COMMENTS**

Mr. Pietrowski noted that the County Board had changed their public comment section to allow for speaking on any topic during the public comments portion of the Committee meeting.

Ms. Linda Drolsom informed the Committee that she wanted to address the Committee regarding the proposed 40-acre rule amendment.

Mr. Brown informed the Committee that he wanted to address the Committee regarding the proposed 40-acre rule amendment he wrote.

Mr. Bemis informed the Committee that she wanted to address the Committee regarding the proposed 40-acre rule amendment.

Mr. Stoddard informed the Committee that he and his client, Mr. Shere, were available to answer any questions that the Committee had regarding his Use Variance application.

**OLD BUSINESS**

None.

**NEW BUSINESS**

### **USE VARIANCE – (FR-20-26) SHERE**

Mr. Hiland informed the Committee that Leroy Shere was seeking Use Variance for the construction of a single-family residence on property located on a vacant property located on West County Line Road, in Franklin Township. He informed them that the public hearing was held on August 6, 2020, and that the Hearing Officer had recommended that the request be approved, with conditions.

*Ms. Willis moved to recommend approval of the Use Variance, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*

### **SPECIAL USE PERMIT – (MI-20-28) MILAN TOWNSHIP**

Mr. Hiland informed the Committee that Milan Township was seeking an amendment to Special Use Ordinance 1975-9 to allow for the expansion of the Township property and the construction of two new storage buildings on property located at 14989 Shabbona Road, in Milan Township. The Township also requested that variations be granted from the setbacks for the new structures. He informed them that the public hearing was held on August 6, 2020, and that the Hearing Officer had recommended that the requests be approved, with conditions.

The Committee discussed the nature and need for the setback variation requests. Mr. Hiland informed the Committee that the Hearing Officer had approved of the variations, pending approval of the Special Use amendment request by the County Board.

*Mr. Plote moved to recommend approval of the Special Use Amendment, with conditions, seconded by Mr. Jones. A roll call vote was called, and the motion carried unanimously.*

### **SPECIAL USE PERMITS – SOLAR GARDEN PERMIT ESTABLISHMENT**

The following twenty-one Special Use requests were all submitted by their respective companies to re-establish previously approved Special Use Permits. In each of the following cases, Mr. Hiland explained that the companies listed below were all seeking Special Use permits to allow for the construction and operation of 2-megawatt Solar Gardens, which had been previously approved in 2018 and 2019 in anticipation of being selected to participate in the State Community Solar program. However, none of these projects were selected to participate in the program, and the expiration dates of their associated Special Use Ordinances passed with no action taken the companies. He noted that the companies were subsequently informed that the program would be extended, however, to remain eligible for the program, they would have to apply for and be granted a new Special Use Ordinances for the proposed Solar Gardens. Mr. Hiland noted that the submitted plans were all substantially the same as those submitted previously, with some revisions to address concerns raised during the review and approval of the original ordinances. Mr. Hiland also noted that in each case a public hearing was held, with the Hearing Officer recommending approval with conditions. The Committee had few questions and little discussion was had regarding these requests. In the interest of avoiding needless repetition, the following items will just list the location of the project sites, whether the property had collocated sites, and the action taken by the Committee.

### **SPECIAL USE PERMIT – (MI-20-05) BORREGO SOLAR**

Borrego Solar sought approval for a Solar Garden on Elva Road, in Milan Township.

*Mr. Pietrowski moved to recommend approval of the Special Use Ordinance, with conditions, seconded by Mr. Roman.*

Mr. Hiland elaborated on the interconnection arrangement developed by Borrego Solar to address the County's concerns regarding excessive utility poles.

*A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (KI-20-06) SUNVEST SOLAR – KINGSTON 1**

Sun Vest Solar sought approval for a solar garden on northeast corner of State Route 72 and Pleasant Hill Road, in Kingston Township.

*Mr. Jones moved to recommend approval of the Special Use Ordinance, with conditions, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (KI-20-07 & KI-20-08) SUNVEST SOLAR – KINGSTON 2 & KINGSTON 3**

Sun Vest Solar sought approval for two (2) co-located solar gardens on southeast corner of State Route 72 and Pleasant Hill Road, in Kingston Township.

*Mr. Pietrowski moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (FR-20-09 & FR-20-10) SUNVEST SOLAR – KIRKLAND 1 & KIRKLAND 2**

Sun Vest Solar sought approval for two (2) co-located solar gardens on the east side of Pearl Street, in Franklin Township.

*Mr. Jones moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Frieders. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (SO-20-11 & SO-20-12) CENERGY – PSCS 1 & PSCS 2**

Cenergy sought approval for two (2) co-located solar gardens on the southwest corner of Pine Road and Governor Beveridge Highway, in Somonauk Township.

*Mr. Pietrowski moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Ms. Willis. A roll call vote was called, and the motion carried with six (6) yes and one (1) abstain (Mr. Plote).*

**SPECIAL USE PERMIT – (FR-20-19 & FR-20-20) SUMMIT RIDGE ENERGY – HEINSOHN 1-1 & HEINSOHN 1-2**

Summit Ridge Energy sought approval for two (2) co-located solar gardens on the west side of Pearl Street, in Franklin Township.

*Ms. Willis moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (FR-20-21 & FR-20-22) SUMMIT RIDGE ENERGY – HEINSOHN 2-1 & HEINSOHN 2-2**

Summit Ridge Energy sought approval for two (2) co-located solar gardens on the northeast corner of Wolf Road and Pearl Street, in Franklin Township.

*Mr. Jones moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Frieders. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (FR-20-23) SUMMIT RIDGE ENERGY – HEINSOHN 3**

Summit Ridge Energy sought approval for a solar garden on east side of Pearl Street, in Franklin Township.

*Mr. Pietrowski moved to recommend approval of the Special Use Ordinance, with conditions, seconded by Mr. Plote. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (KI-20-24 & KI-20-25) SUMMIT RIDGE ENERGY – HOPPE-NITZBERG 1 & HOPPE-NITZBERG 2**

Summit Ridge Energy sought approval for two (2) co-located solar gardens on the east side of Pleasant Hill Road, approximately 2,560 feet south of State Route 72, in Kingston Township.

*Mr. Jones moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (SH-20-17) SUMMIT RIDGE ENERGY – BOIGENZAHN 2**

Summit Ridge Energy sought approval for a solar garden on east side of Tower Road, in Shabbona Township.

*Mr. Pietrowski moved to recommend approval of the Special Use Ordinance, with conditions, seconded by Mr. Jones. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (SO-20-18) SUMMIT RIDGE ENERGY – FRIEDERS 1**

Summit Ridge Energy sought approval for a solar garden on southwest corner of Somonauk and Pine Roads, in Somonauk Township.

*Mr. Jones moved to recommend approval of the Special Use Ordinance, with conditions, seconded by Mr. Plote. A roll call vote was called, and the motion carried with six (6) yes and one (1) abstain (Mr. Frieders).*

**SPECIAL USE PERMIT – (AF-20-13 & AF-20-14) SUMMIT RIDGE ENERGY – MOORE 1 & MOORE 1a**

Summit Ridge Energy sought approval for two (2) co-located solar gardens on the east side of State Route 23, approximately 1,400 feet south of Minnegan Road, in Afton Township.

*Mr. Pietrowski moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*

**SPECIAL USE PERMIT – (SO-20-15 & SO-20-16) SUMMIT RIDGE ENERGY – ENGEL 1 & ENGEL 1a**

Summit Ridge Energy sought approval for two (2) co-located solar gardens on the east side of Somonauk Road, approximately 2,000 feet south of Hidden Oaks Road, in Somonauk and Sandwich Townships.

*Mr. Roman moved to recommend approval of a Special Use Ordinance, with conditions, for both sites, seconded by Mr. Pietrowski. A roll call vote was called, and the motion carried unanimously.*

## **OTHER BUSINESS**

### **DISCUSSION OF POTENTIAL 40-ACRE RULE TEXT AMENDMENT**

Mr. Hiland informed the Committee that their packet contains a text amendment proposal that was prepared by Attorney Charlie Brown and Committee member Steve Faivre regarding proposed changes to the 40-acre rule.

Mr. Brown elaborated on the proposed changes and what they hoped to achieve with the changes.

Ms. Linda Drolsom indicated her support of the proposed changes, related how she felt the current code has hurt her family.

Mr. Mark Bemis voiced his support of the proposed text amendment, and his issues with not being able to sell off the house on a smaller parcel.

Mr. Jones inquired about the suggestion to change the minimum lot size from 40-acres to 80-acres in 2025. Mr. Brown and Mr. Faivre elaborated on the reasoning behind the development of the 80-acre minimum.

Mr. Frieders noted that the livestock industry was concerned about the potential for more people to move out into the rural areas and how their presence could adversely affect livestock operations. Mr. Frieders also voiced other concerns he had with the proposed language. Mr. Faivre and Mr. Brown elaborated on how they developed the text language and about the various protections in State Law for livestock operations. Mr. Jones agreed that Mr. Frieders had valid concerns and noted that while the people presenting today where all people who understood agriculture, the next owners of these properties likely wouldn't have that understanding.

Mr. Plote voiced his concerns with the proposed change to 80 acres and noted how difficult it will make it for people to acquire these lots.

Mr. Frieders noted that he did not think the 40-acre rule should change and that they should be focused helping people affected by the application of the 40-acre rule prior to 1998.

Mr. Frieders inquired whether the proposed changes would encourage development. Mr. Faivre asserted that the proposed changes would not, and Mr. Jones agreed, noting that he believed the language just helped people disadvantaged by not being able to meet the 1979 requirement of the 4.02.D.2 Split process.

Mr. Pietrowski asked Mr. Hiland for his input. Mr. Hiland responded that the primary question is just what do we want to become as a County. He noted that he was bothered by the number of comments in Mr. Brown's memo about how the "the County" operates. He noted that no one walks away unaware of the rules and regulations. He noted that he did agree with the proposal to a degree. He explained that the County never acted in opposition to the State or County Board wishes in the application of a minimum acreage size prior to 1998, and explained how it was understood that this was a something that the County was allowed to do. He noted that the Unified Comprehensive Plan that the County adopted says the County wants to protect and preserve farmland, and how the County regulations are designed to do that. He noted that the State's definition of agriculture was not well written, related how he has had conversations with state

representatives concerning this shortcoming. Mr. Hiland tasked the Committee to consider whether the County wants to be more like the Counties to the east of it or the west of it, and cautioned that we need to think about the consequences of adopting the proposed text amendment. Mr. Hiland agreed that people who could have split off houses, but followed the rules, should be able to split off the houses. He cautioned that the Committee shouldn't forget that land ownership changes over time, and talked about how it affects how those residences relate to surrounding agriculture uses.

Mr. Pietrowski noted that he had been asked about how to protect family farms, and asked whether anyone had considered developing a different zoning district, which the County could then look at on a case by case basis. Mr. Jones responded that he felt the proposed changes did help the family farm, by giving them flexibility. The Committee then had an extended discussion about this issue.

Ms. Ann Anderson related how she spoke to the Committee the year before, and related her story and how the current rules are hindering her from building a new house on her property.

Mr. Plote voiced that the problem is that the regulations are "one size fits all" in nature.

Mr. Faivre noted that he felt the Committee should address this issue this fall, and that he wanted to schedule a special meeting to address to continue this discussion. He noted that they would need to have the special meeting before September 10. Then it could be sent to a public hearing and then get back to the Committee in September, and then to the County Board by October. Mr. Roman noted that the only day he had available was September 2<sup>nd</sup>. It was noted that the Finance Committee would be meeting that night. Mr. Hiland noted that the Committee could possibly meet at 5pm on the 2<sup>nd</sup>, but that it wasn't really enough time to get material together for it. Mr. Hiland informed the Committee that he would look into it and let everyone know if 5pm on the 2<sup>nd</sup> could work by the afternoon of August 27.

## **DISCUSSION OF LANDSCAPING PLAN FOR BETHANY ROAD SOLAR GARDEN**

Mr. Hiland informed the committee that he had received a landscape plan from USS Solar solar garden project on the south side of Bethany Road, just west of Airport Road. He shared the image of the proposed landscape plan with the Committee and explained that a condition of their Special Use Ordinance was that he had to approve of an appropriate landscaping plan that addressed the concerns of the neighboring property owners, and he was seeking the input of the Committee members. Mr. Faivre asked Mr. Hiland forward he plan to the Committee members so they could review it.

Mr. Pietrowski asked whether staff could reach out to the neighboring property owners to get their opinions. Mr. Hiland explained that there was no easy way to do that. Mr. James Hutcheson commented that the company had been required to consult with all the neighboring properties to the east. Mr. Hiland corrected him by noting that he did not believe the Ordinance approving the Special Use did not contain any such provision, but that he would review it and send a copy of the ordinance to the Committee members.

## **ADJOURNMENT**

*Mr. Jones moved to adjourn the meeting, seconded by Mr. Plote, and the motion carried unanimously.*