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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Special Meeting
(February 23, 2022)

The Planning and Zoning Committee of the DeKalb County Board met on February 23, 2022 at 6:30 pm in the DeKalb County Legislative Center, Gathertorium, in Sycamore, Illinois. In attendance were Committee Members: Tim Bagby, Steve Faivre, John Frieders, Jerry Osland, Roy Plote, and Craig Roman, and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: Brian Gregory, DeKalb County Administrator; Liam Sullivan, Administrative Analyst for DeKalb County; Greg Millburg, DeKalb County Farm Bureau; John Lyon; James Hutcheson; John Lageman; Chuck Beisner, representing FFP Community Solar LLC; Louise Fitzgerald; and Ruth & Thomas O'Donnell.

Call to Order / Roll Call

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order. Mr. West was absent, and Mr. Osland arrived approximately fifteen minutes after the meeting began.

Approval of Agenda

Mr. Plote moved to approve the agenda, seconded by Mr. Bagby, and the motion carried unanimously.

Approval of Minutes

Mr. Plote moved to approve the minutes of the November 30, 2021 Planning and Zoning meeting, seconded by Mr. Frieders, and the motion carried unanimously.

Public Comments

John Lageman expressed his appreciation of the County's decision to revisit the solar ordinance regulations and make changes to address concerns raised by himself and others. He submitted a document outlining his thoughts and suggested changes that he felt needed to be made, and provided a brief summary of that document.

John Lyon read a statement prepared by the Concerned Citizens for DeKalb County group, outlining the list of changes they felt needed to be made to the solar ordinance. He then distributed copies of the statement to the Committee, along with some additional back up materials regarding noise emissions from solar inverters.

Old Business -

none

New Business – O’Donnell Special Use Permit, KI-21-27

Mr. Hiland informed the Committee that the O’Donnells had applied for a Special Use for a commercial kitchen to be operated out of their residence at 31775 Lanan Road, in Kingston Township. He reported that a public hearing was held on December 2, 2021, and that Hearing Officer Dale Clark had forwarded his Findings of Fact to the Committee in which he recommended approval, with conditions.

Mr. Plote moved to recommend approval of the Special Use Permit, with conditions, seconded by Mr. Roman.

Mr. Plote inquired whether the County had anything else like the proposed use. Mr. Hiland responded that he was not aware of any other uses that were individually commercial kitchens, but that such uses are part of several existing agribusinesses in the County.

Mr. Bagby noted that, from the ordinance, no person should be employed other than a member of the family residing on the premises, and inquired as to how such a condition would be enforced and if enforcement would be complaint based. Mr. Hiland noted that it would be primarily complaint based, and talked about the reasoning behind the conditions. And added that the O’Donnells were presented with the conditions and indicated that they had no issue with them. He finished by noting that if there was a complaint to come in, it would be investigated, and if found in violation of the conditions of the Special Use ordinance, it could compromise the legality of the special use.

A vote was held on the motion to recommend approval, with conditions, of the Special Use Permit, and the motion was carried unanimously.

New Business – FFP IL Community Solar Special Use Permit, SH-21-28 & SH-21-29

Mr. Hiland informed the Committee that ForeFront Power (FFP) had received approval for Special Use Permits in 2019 for two (2) collocated 2MW solar gardens on property located on Preserve Road in Shabbona Township, in anticipation of them being chosen to participate in the State’s Community Solar program. He noted that these sites were not chosen in that lottery, and that their Special Use Permits subsequently expired after no action had been taken on the projects. Mr. Hiland informed the Committee that in 2021, the State restarted its Community Solar program and that FFP was seeking to re-establish their special use permits so that they could participate in the program. He noted that a public hearing was held on January 27, 2022, and that the Hearing Officer was recommending approval, with conditions.

Mr. Bagby moved to recommend approval of the Special Use Permits, with conditions, seconded by Mr. Frieders.

Mr. Frieders inquired as to how long the original Special Use Permit was good for. Mr. Hiland responded that the solar special use permits applied for in 2018 and 2019 were given eighteen

(18) months to get through the State program in lieu of the one year expiration that is typical for special uses. He noted that a representative for FFP, the participating property owners, and a neighboring property owner were present at the meeting. He also informed the Committee that an issue regarding drainage tiles was raised at the public hearing, but that the applicant and the neighboring property owner agreed to work together to find a resolution.

Mr. Plote inquired whether the acreage in this application was the same as the previous application in 2019. Mr. Hiland responded that he understood that it was. They then had a brief discussion regarding how technology changes have impacted how much area solar projects currently need versus previous years.

A vote was held on the motion to recommend approval, with conditions, of the Special Use Permits, and the motion was carried unanimously.

New Business – Solar Energy Systems Regulations

Mr. Hiland informed the Committee that staff was seeking direction and discussion regarding the solar energy systems (SES) regulations. He reminded them of the process the County Board used to develop the existing SES regulations, and then talked about the various opinions that have been put forth regarding the regulations since that time. He noted that the memorandum in the Committee packet contained a list of several highlighted areas that had been raised regarding this topic. Mr. Hiland noted that he was seeking discussion and direction as to what changes the Committee would like to see implemented, and that based on the Committee's feedback, staff would create language reflecting those directions to bring back before the Committee for them to review. Then, after the Committee had made any changes deemed necessary, he would initiate the Text Amendment process to adopt the proposed changes.

Mr. Plote noted that screening around houses, hours of operation, and setbacks were all the issues that came up with the three (3) industrial-scale solar projects submitted to the County in 2021. Mr. Hiland talked about how each of these issues were, and could be, addressed, both through the use of new text language, or as a condition to the special use permit ordinance approving of the SES.

Mr. Frieders noted that it seemed like it would be difficult to capture each of these items on an individual basis each time a project came through. Mr. Hiland noted that every special use was to be considered on its own merits, and that every special use will have its own issues to address. He agreed that the County could not create an ordinance that addressed everything, but discussed some reoccurring items that have been addressed with each new SES application. Mr. Frieders opined that it would be easier to remove something from an ordinance for a particular project than to put it in. Mr. Hiland discussed the pros and cons of new text language versus special use conditions.

Mr. Plote noted the discussions regarding plantings that had been raised during previous application reviews, expressing his dislike of heated arguments over about specific details of trees to be planted. He inquired whether the current ordinance had any existing language addressing these sorts of details. Mr. Hiland responded that the DeKalb County Code has a landscaping requirement as part of the parking regulations, but nothing directly related to solar. He added that if the County Board wanted, they could put into the Code specific requirements for plantings

related to SES. Mr. Osland stated that the County should just require that berms be installed to screen SES, which he felt could easily be constructed to the necessary size, and that could even be planted on, if needed.

Mr. Osland inquired whether permits for SES were based on the size of the property or on the power generated. Mr. Hiland responded that that special use permits are tied to the parcel of land, which is tied to acreage. He noted that all of the community solar sites have been 2MW, but that the facilities vary significantly in size (acreage) based on various factors.

Mr. Osland inquired whether the fees were all the same. Mr. Hiland responded that special use permit fees are based on a schedule that applies to all special use permits, that building permit fees for SES are based on voltage produced, and that Site Development Permits have a set fee. He then elaborated on the different permits. Mr. Osland then put forth a hypothetical situations wherein technological upgrades allow an approved solar project to either be able to produce more voltage with the same number of panels or the same voltage using fewer panels. Mr. Hiland gave a detailed explanation of how any such changes would or would not affect the required fees and taxes.

Mr. Plote inquired about who actually verifies the actual output of a facility. Mr. Hiland explained that the output of a facility is verified by the company, noting that their contracts with the utility companies are based on the amount of voltage produced. Mr. Plote inquired whether any improvements to the panels or output of the facility would require County approval. Mr. Hiland verified that was true, noting that any changes to the panels (or other equipment) would require building permits, and that if the changes resulting in an increase beyond the approved megawatts would require that they revisit the special use ordinance.

Mr. Faivre noted that he liked the topics highlighted by Mr. Hiland in his memorandum. Mr. Hiland asked to Committee to let staff know if there were any particular items that they wanted staff to work on to present at its next meeting.

Mr. Hiland related a discussion he had with Dean Johnson and Jeff Woodyatt, of the DeKalb County Soil and Water Conservation District, about questions they had regarding the role the County wanted them to play in this process, and relating the direction that they felt should be taken regarding the types of plants required in and around SES facilities. He noted that he asked them to be prepared to receive an invite to appear at one of the future Committee meetings to elaborate on their comments.

Mr. Plote related some of the practices occurring in Europe regarding the planting of crops in and around SES.

Mr. Frieders noted that more information was needed regarding setbacks, and how increasing setbacks affects these projects. Mr. Hiland related how the DK Solar project was impacted by the increased setbacks. He noted questions raised by the applicant regarding what could be (or would be allowed to be) done with these setback buffer areas, noting that the existing ordinance did not really address the issue of what land uses could occur in the setback areas, and talked about what little was talked about previously regarding the issue.

Mr. Osland related his experiences moving around ground materials and the potential impacts on drainage. He then asked about what was done if a drain tile was damaged. Mr. Hiland noted that specific language had been included in the approved special use ordinances requiring the protection of drain tiles. Mr. Gregory also noted that the County had a pretty strict drainage ordinance in place.

Mr. Hiland offered two other issues that he felt that the Committee would like to think about while they were considering proposed changes. First, he related the research he had done regarding battery storage for SES, and that they consider whether or not it was a technology the County would want to incorporate in the future. Secondly, he informed them of the current language regarding fencing for SES, and recommended that it be amended to prohibit cyclone fencing and require that ag-fabric or woven wire fencing be used instead, and elaborated on his reasons why.

Mr. Faivre commented that he felt it would be helpful to gather insights from other zoning officials across the state regarding their legislation.

Mr. Plote inquired whether any of the other companies had mentioned batteries. Mr. Hiland replied that none had so far.

Other Business – Meeting Time for 2022

Mr. Hiland asked whether the Committee was still satisfied with 6:30 pm meeting time, or if they would prefer a different start time.

After a brief discussion, the Committee agreed to stay with the 6:30 pm meeting time.

Adjournment

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

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

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