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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(July 27, 2022)

The Planning and Zoning Committee of the DeKalb County Board met on July 27, 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, Roy Plote, and Craig Roman; and, Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: Greg Millburg, Manager of the DeKalb County Farm Bureau; Attorney Nicholas Stanford, Matt Walsh, and Michael Keith, representing Nexamp Solar; Jamie Walter; Mary Rita Nelson, representing the League of Women Voters; James Hutcheson; Brad Belanger, representing the Concerned Citizens for DeKalb County (CCFDC); John Lyon; Linda Tim; Meryl Domina; Tim Hakes; Dan Oceanus; John Mapes; Thomas Markham; Brian Young; William Heck, representing BAP Illini; and Katherine Andraski.

Call to Order / Roll Call

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order. Mr. Osland and Mr. West were not in attendance.

Approval of Agenda

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

Approval of Minutes

Mr. Frieders moved to approve the minutes of the May 25, 2022 Planning and Zoning meeting, seconded by Mr. Roman, and the motion carried unanimously.

Public Comments

Meryl Domina noted that she had recently been to a meeting hosted by the Citizens Utility Board regarding community solar. She summarized the topics talked about at the meeting and offered to set up a meeting with them, if the Committee was interested.

Tim Hakes read and submitted a statement prepared by Jon Lageman, in which Mr. Lageman indicated his belief that the approval of the industrial solar projects is a violation of the Comprehensive Plan and talked about the problems that solar development will create.

Mary Rita Nelson indicated that she was representing the League of Women Voters, which was in support of solar. She indicated that they felt that the setbacks did not need to be changed, that the

complaints were primarily related to neighbors not liking the look of the installations, and details some of the benefits of solar facilities.

Dan Oceanus indicated that he was a neighbor in objection to the special use permit application submitted Nexamp for their Genoa Road Solar projects 1 & 2. He related his belief that his concerns and objections had not been addressed at the public hearing, in particular his belief that the installations may adversely impact the point-to-point WIFI connection used by his neighbors, that Nexamp be held to a condition of the previously granted ordinance, in which the company agreed to never expand the facility to include the southern portion of the subject property, and his inquired about the carbon credits available on the site.

Brian Young indicated that he was a neighbor in objection to the Genoa Road Solar projects. He noted that he agreed with all of Mr. Oceanus' points, and felt that the Hearing Officer disregarded their concerns. He noted his concern about the potential for the sites to block their WIFI signal, and inquired why they could not be located in a better site. He also voiced his opinion that the setbacks should be changed.

Katherine Andraski read and submitted a statement she prepared describing her objections and concerns regarding the Owens Creek project and future industrial-scale solar projects. She detailed her concerns regarding the negative impacts of solar development, and indicated her support for revising the setbacks.

Brad Belanger distributed a copy of a statement prepared by the CCFDC regarding changes they wished to see made to the Solar Energy Systems (SES) regulations, which he also indicated had been emailed to the Committee members and staff, and summarized the contents of the statement. He also noted that Battery Storage Systems should be removed from the proposed changes and a moratorium enacted on that issue to so that staff can adequately explore the matter in greater detail.

John Lyons submitted and read a statement he prepared detailing his objections to allowing for large-scale solar projects. He recommended having the setbacks be set in regards to the scale of the project, and asserted his belief that no consideration was given to non-participating landowners in the previous solar ordinance.

Linda Tim submitted and read a statement she prepared detailing her objections to allowing for large-scale solar projects.

Attorney Nicholas Stanford, representing Nexamp, submitted site plans and prepared statement that detailed objections they had to some of the recommended conditions put forth by the Hearing Officer for the Genoa Road Solar projects, and asked the Committee to consider changing them.

William Heck, representing BAP Illini, LLC, informed the Committee that he was in attendance and available to answer any questions they may have regarding the special use permit application for the Whiskey Acres Site A solar project.

Old Business -

none

New Business –

Special Use Permit – KI-22-06 & KI-22-07 Nexamp – Genoa Road Solar 1 & 2

Mr. Hiland informed the Committee that Nexamp Solar was seeking approval for the establishment and operation of two co-located 2-megawatt solar gardens to be located on the east side of Genoa Road in Kingston Township. He related that these sites had originally been granted approval in 2019 in anticipation of the State solar lottery, but were not chosen at that time. He noted that in 2021 the State developed a new program, and that the applicant was coming forward for re-approval of the sites so that they could participate in the new program. Mr. Hiland reported that a public hearing was held on June 9, 2022, and that the Hearing Officer had recommended approval with conditions. He then directed the Committee's attention to the portion of the findings addressing Mr. Oceanus' comments. He explained that he had spoken with Mr. Oceanus, and noted that the Hearing Officer had originally neglected to mention receiving Mr. Oceanus's email statement. That he had informed the Hearing Officer, who then revised his findings to note that he had received it and taken it into consideration. Mr. Hiland then addressed some of the comments Mr. Oceanus had made earlier, pointing out that the conditions adopted for the previous ordinance had been recommended for inclusion in the proposed ordinance. He also noted that Nexamp was asking for some variations from those conditions. Mr. Hiland informed the Committee that items mentioned by Mr. Oceanus had been part of the previous ordinances, and had been added to the ordinances by the Board itself as Exhibit C.

Mr. Faivre inquired as to what some of the recommended changes were. Mr. Hiland related what occurred at the public hearing, in particular, the discussion regarding setbacks from and screening between the site and neighboring homes. He noted that at the public hearing, the screening plan agreed to was to go around the entire southern and western boundaries of the project sites. Mr. Faivre inquired as to who would approve the landscape plan. Mr. Hiland responded that ultimately the County Board would set the policy for who they want to be responsible for reviewing and approving the plan. Further discussion was had regarding landscaping required at other solar garden sites, and the potential negative impact of planting lots of trees near farm fields.

Mr. Hiland informed the Committee that he did not support changing the time limit to begin construction from eighteen months to thirty-six months. Explaining that such time limits had been applied to the proposed industrial-scale projects, which detailed the need for such a lengthy time period, and that community solar projects had not demonstrated the need for a lengthy a time period.

Mr. Roman moves to recommend approval, with conditions, of the two applications, seconded by Mr. Frieders.

Mr. Frieders moves to amend the recommendation to include the landscaping shown on the site plan submitted to the Committee by the applicant, seconded by Mr. Bagby.

Mr. Hiland talked about the proposed escrow account that had been included in the previous ordinances, but recommended that he talk with the County Engineer about it first before the County Board decided on whether it is needed or not. Mr. Stanford indicated that the problem Nexamp had with the provision was that it had no definitive amount set to it, which they would need to be able to properly plan for it.

A vote was called on the amendment to the motion to adopt the landscaping shown on the site plan submitted to the Committee as a condition of approval, and the motion was carried four (4) to one (1: RP).

Michael Keith explained that they would be hiring a drain tile expert to map out the tiles on the site before construction, and that they would develop a plan to manage those tiles. Mr. Hiland noted that the ordinances that have been approved for solar gardens have all included language requiring the protection and repair of drain tiles.

The Committee then discussed the matter of potential WIFI interference that might be caused by the facilities with Mr. Stanford and Mr. Oceanus. Mr. Stanford noted that one of the conditions of approval was the requirement that Nexamp have a study conducted on the impacts of the facilities on the WIFI signal being beamed across the site and to develop a plan to address any impacts found; however, he added that while they were willing to abide by the condition, they did not feel the condition was actually merited.

A vote was called on the amended motion for approval with conditions for the two applications, and the motion carried unanimously.

Map Amendment – CO-22-08 Terra Firma

Mr. Hiland informed the Committee that Terra Firma was seeking approval for a U-Haul rental facility and a vehicle storage yard to be collocated on the property located at 13567 State Route 38, Cortland. He explained that the current zoning district did not allow for the co-location of the two uses on the same property, therefore a map amendment was being sought to rezone the property to Planned Development – Industrial District (PD-I) which would allow for both uses. He noted his effort to have the Town of Cortland annex the property, given its close proximity to the Town, but that it was not interested in doing so. Mr. Hiland noted that a public hearing was held on June 9, 2022, and that the Hearing Officer had recommended approval with conditions.

Mr. Plote moved to recommend approval, with conditions, seconded by Mr. Bagby.

Mr. Bagby inquired as to how close the site was to Somonauk Road. Mr. John Mapes estimated that it was approximately one hundred (100) feet away from Somonauk Road.

Mr. Roman inquired whether there was a veterinarian clinic to the east of the property. Mr. Mapes responded that there was, but did point out that there was actually a narrow strip of undeveloped property between the subject site and the clinic property that was owned by the mobile home park to the north.

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

Special Use Permit – AF-22-09 BAP Illini – Whiskey Acres Site A

Mr. Hiland informed the Committee that BAP Illini Solar was seeking a special use to establish and operate a 2-megawatt solar garden in the southeast corner of the 81.46-acre property located on the southeast corner of Crego and Keslinger Roads. Mr. Hiland noted that a public hearing was held on June 30, 2022, and that the hearing officer had forwarded a recommendation of approval with conditions. Mr. Hiland then detailed the recommended conditions.

Mr. Frieders moved to recommend approval, with conditions, seconded by Mr. Roman, and the motion was carried unanimously.

Variation – FR-22-10 Markham

Mr. Hiland informed the Committee that Thomas Markham was seeking a variation to allow the expansion of his existing legal nonconforming garage on his property located at 6393 State Route 72, Kirkland. He explained that normally the Hearing Officer made Variation decisions, but that variations for nonconforming structures had to be approved by the County Board. Mr. Hiland noted that a public hearing was held on July 14, 2022, and that the hearing officer had forwarded a recommendation of approval with conditions.

Mr. Plote moved to recommend approval, with conditions, seconded by Mr. Bagby, and the motion carried unanimously.

Solar Energy Systems Regulations

Mr. Hiland informed the Committee that in response to Mr. Osland’s inquiry at the previous Committee meeting about the potential fees to be collected from the solar farms and gardens, the Committee packet included a sample spreadsheet he prepared. He then elaborated on how the building permit fees would be calculated and what the potential fee would be for projects of several sizes.

Mr. Hiland informed the Committee that he had a fruitful discussion with the attorney for the Illinois Power Agency, regarding what happens after Counties approve a solar project. He reported that the Agency was growing frustrated with ComEd and PGM, noting these entities essentially control which projects would be moving forward. It was noted that these companies need to hire more staff to handle the number of projects coming in, but are not doing so, and instead are planning on a “Big Halt”, which the attorney indicated meant that that the large industrial-scale projects were going to be untouched for two (2) years. Mr. Hiland noted that while the County tried to account for a certain amount processing time for the three approved industrial-scale projects in the County, this would see these projects expiring before they even have a chance to get started. He noted that the Committee would very likely see a proactive amendment put before either the Committee or the County Board, at their August meeting to address what is happening. Mr. Hiland then elaborated further upon the State process and how it affects the County.

Mr. Hiland noted that the Committee packet included proposed revisions to the County's solar regulations for their review, and then elaborated on the revisions. He reminded the Committee that if they wished to see revised language adopted before the elections, this matter would need to be forwarded to public hearing soon.

The Committee then discussed some of the revised and recommended terms, briefly talked about setbacks, and how the current ordinance language was developed. It was determined that the section on battery storage systems not be included at this time, and that instead a moratorium be placed on them while to allow the County more time to fully address the issue.

The Committee determined that given the need to get the matter before the County Board in a timely manner, they would schedule a special meeting to finalize the proposed language, so that the text amendment process could begin. After some more discussion, it was decided the special meeting would be held in the Gathertorium on either August 11th, 12th, 15th, or 16th. Mr. Hiland noted that the Committee members would be polled to determine which date would work best.

Other Business

None

Adjournment

Mr. Roman moved to adjourn the meeting, seconded by Mr. Frieders, and the motion carried unanimously.

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

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