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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(October 11, 2022)

The Planning and Zoning Committee of the DeKalb County Board met on October 11, 2022 at 6:30 pm in the DeKalb County Community Outreach Building, Five Seasons Room, in DeKalb, 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: County board Members: John Emmerson, Kathy Lampkins, and Maureen Little; Brian Gregory, DeKalb County Administrator; Andrew Sullivan, DeKalb County Sheriff; Mr. & Mrs. Jeff Wood (son) and Susan Wood (mother); James Hutcheson; John & Sandy Lyon; Brad Belanger; Linda Timm; Andrew Timm; Jamie Walter, Jim Walter; Tim Hakes; John Lagemann; and Katherine Andraski.

Call to Order / Roll Call

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order. Mr. Bagby arrived late to the meeting, and Mr. West was not in attendance.

Approval of Agenda

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

Approval of Minutes

Mr. Roman moved to approve the minutes of the September 28, 2022 meeting, seconded by Mr. Osland, and the motion carried unanimously.

Public Comments

Maureen Little noted that she was a representative for County Board District 2, and indicated that she was in support of the Wood Use Variance application and pointed out that it would be a great addition to Kingston Township.

John Emerson noted that he was the other representative for County Board District 2, and indicated that he was in agreement with Ms. Little in supporting of the Wood Use Variance application.

Jeff Wood noted that his Use Variance application was on the agenda, and gave a brief history of his situation.

Brad Belanger read a statement in which he expressed his dissatisfaction that the Committee had not listening to the concerns of the citizens of DeKalb County regarding the proposed text

amendments to update the solar regulations and add battery energy storage system regulations. He asserted that the matter was being “ramrodded” through to beat the upcoming elections, and recommended that the Committee delay the vote on the proposed amendments.

John Lyon read and submitted a statement in which he noted that he was opposed to the proposed text amendment as written, describing the changes he felt should be made and where he agreed or disagreed with the Hearing Officer’s suggestions. He asserted that the battery energy storage system ordinance should be a separate item from the solar regulation update. He expressed his belief that the Committee was not listening to the concerns of citizens.

Katherine Andraski read a statement in which she detailed her issues with the proposed text amendments, and detailed some of the changes that needed to be made. She accused the County Board of being “in bed” with the solar companies, and said that it needed to slow down on passing the proposed text amendments.

Linda Timm stated that she agreed with the previous opponents to the proposed text amendments. She asked the Committee to not approve them as drafted, noting the need to delay the process so more research can be done.

Tim Hakes noted that he also supported approval of the Wood Use Variance. He noted that he did not support solar, and noted that this Committee and the County Board would be held responsible for all of the negative effects that they will create.

Andrew Timm stated that he was also not in support of the proposed text amendments. He stated that had refused to attend the meetings and hearings regarding the proposed text amendments due to the “very obvious corruption” going on. He also claimed to be an expert in solar-related fields, and asserted that the what is being done is not correct and called for more research to be done before anything was adopted.

John Lagemann voiced his support for the Wood Use Variance request. He also stated his opposition to the proposed solar regulations, noting his issues with the current and proposed ordinances and with how the process for the proposed text amendment had been carried out. He accused the Committee of being contemptuous of citizens’ concerns, and of railroading the proposed language through the process.

Jamie Walter stated that he and his family were in support of solar, and described the ways in which they have worked to support and promote solar development in the County. He noted his feelings that a lot of fearmongering had been going on regarding solar developments. He asserted that a lot of the people were in support of solar development and the proposed text amendment, but that they did not attend the meetings and hearings because they did not feel they had anything to add regarding the matter.

Sandy Lyons voiced her objection to Mr. Walter’s characterizing the various stated objections to the proposed text amendment as fearmongering.

Andrew Timm Also voiced his objection to Mr. Walter's characterization, and reasserted his claim that his objections were based on his being a scientist who has researched this issue. He also reasserted that the way the Committee was processing the proposed text amendment was railroading.

Old Business -

None

New Business

A. Heliofidem Renewable Energy – Whiskey Acres Site B Special Use Request

Mr. Hiland informed the Committee that Cenergy, representing Heliofidem Renewable Energy, was seeking a Special Use permit for a 5-megawatt, 22-acre solar farm on a portion of an 81.46-acre property located on the southeast corner of Keslinger and Crego Roads, to be known as Whiskey Acres Site B. He noted that the public hearing had been held on September 22, 2022, and that the Hearing Officer was recommending approval, with conditions, of the petition.

Mr. Frieders inquired whether this petition would be affected by anything the Board did with the proposed text amendment. Mr. Hiland noted that this project would come under the existing regulations. He explained that if the text amendments were adopted, they would only impact projects submitted after their adoption by the County Board. Mr. Frieders inquired if battery energy storage systems would also fall under this. Mr. Hiland responded that battery energy storage systems were not mentioned in the current regulations, and reminded the Committee that the County's codes are proscriptive, meaning that they are not currently allowed. He also noted that if an existing site were to seek to establish to add a battery energy storage system, they would have to comply with the new regulations.

Mr. Plote inquired whether there had been any negative comments regarding this petition. Mr. Hiland responded that there weren't any.

Mr. Roman moved to recommend approval of the petition, with conditions, seconded by Mr. Frieders, and the motion carried four (4) yes to one no (JO).

Mr. Bagby arrived.

B. ESP Solar – Whiskey Acres Site C Special Use Request

Mr. Hiland informed the Committee that Cenergy, representing ESP Energy, was also seeking a Special Use permit for a 5-megawatt, 22-acre solar farm on a portion of the previously mentioned 81.46-acre property located on the southeast corner of Keslinger and Crego Roads, to be known as Whiskey Acres Site C. He noted that the public hearing had been held on September 22, 2022, and that the Hearing Officer was recommended approval, with conditions, of the petition. He noted the similarities between the two sites and showed the Committee the Site Plan showing their locations in relation to each other.

Mr. Roman moved to recommend approval of the petition, with the conditions, seconded by Mr. Frieders, and the motion carried five (5) yes to one no (JO).

C. Wood Use Variance Request

Mr. Hiland informed the Committee that Charles Jeffery Wood and his mother Susan Wood were seeking a Use Variance to allow him to build a single-family residence on the vacant property located on the southeast corner of Ault and Maple Roads. He noted that the hearing was held on September 22, 2022, and that the Hearing Officer had received correspondence both for and against the petition. He noted that the Hearing Officer had recommended denial of the petition, due to it not meeting all of the criteria needed for a Use Variance. At Mr. Faivre's request, Mr. Hiland provided a more detailed explanation of the differences between a Rezoning, a Use Variance, and a Special Use. He then showed them a list of the criteria for a Use Variance, and elaborated more on the Hearing Officer's reasoning for his recommendation for denial; explaining how the approval of exceptions, like Use Variances, were detrimental to the 40-acre rule. He noted that ultimately it was up to the County Board to decide whether this petition merited approval or not.

Mr. Faivre noted that he had thought that the County had an exception for agricultural lands no longer being used for farming. Mr. Hiland responded that he was unaware of any such rule being in place.

The Committee then had an extended discussion regarding petition, the possible precedence it might set, and other options Mr. Wood could explore. The discussion ended with Brian Gregory, the County Administrator, suggesting that the Committee hold off on taking action and look into the possibility of a Planned Development being sought instead. More discussion was had about this suggestion.

Mr. Hiland reminded the Committee that they were required to forward the item to the Board for consideration or back to the Hearing Officer for further input. He also noted that since the Hearing Officer had recommended denial of the request, to be approved, it would have to be passed with a favorable vote of at least $\frac{3}{4}$ of all the members of the County Board.

Mr. Roman moved to forward the petition to the County Board for consideration, Seconded by Mr. Osland.

Mr. Frieders moved to amend the motion to recommend that the County Board postpone action on the petition until its November 16, 2022 meeting to allow staff time to consult with the Woods regarding amending their petition to seek a Rezoning instead of a Use Variance, seconded by Mr. Frieders, and the motion carried.

A vote was had for the amended motion to forward the petition to the County Board for consideration carried unanimously.

D. Zoning Text Amendment

Mr. Hiland reminded the Committee that they had directed staff to pursue zoning text amendments to update the County's regulations on solar energy systems and to establish regulations for battery energy storage systems. He noted that the Hearing Officer had supported the text amendments, but had also included some thoughts for the Committee and County Board to consider as they reviewed the proposed language.

Mr. Roman moved to recommend adoption of the proposed text amendments that would update the regulations for solar energy systems and adopt regulations for battery energy storage systems, seconded by Mr. Plote.

The Committee discussed whether the proposed language for battery energy storage systems was ready to be adopted at this time or not.

Mr. Frieders moved to amend the motion to recommend that the County Board postpone adoption of the proposed Battery Energy Storage System Ordinance to allow for further discussion on the matter, seconded by Mr. Osland, and the motion carried four (4) yes to two no (SF, RP).

The Committee has a discussion on the height of ground mounted solar panels and whether to impose a maximum height on them.

Mr. Bagby moved to amend the proposed text amendment to limit the maximum height, when oriented at maximum tilt, of a ground mounted solar energy system to twelve (12) feet, seconded by Mr. Plote, and the motion carried unanimously.

The Committee had a discussion about whether the setback of a solar facility from an occupied structure on a neighboring property remain three hundred (300) feet, or if it should be replaced with a ratio of one hundred (100) feet for every three (3) feet of height of a solar energy system.

The Committee then discussed whether public input should be allowed during the Building Permit process for a solar energy system.

Mr. Plote moved to amend the motion to not include the Hearing Officer's suggestion that the County Board consider allowing for public input during the Building Permit process for solar energy systems, seconded by Mr. Bagby, and the motion carried unanimously.

The Committee has further discussions regarding changing the text to utilize a ratio of one hundred (100) feet for every three (3) feet of height of a solar energy system for the setback of a solar facility from an occupied structure on a neighboring property.

Mr. Osland moved to amend the proposed text amendment to change the minimum required setback of a solar farm or garden from the nearest outer wall of an occupied structure not on the subject property from "... three hundred (300) feet ..." to "... one hundred (100) feet for every three (3) feet of height of the solar energy system, when oriented at maximum tilt, ...", seconded by Mr. Bagby, and the motion carried unanimously.

The Committee discussed moving the requirement for a full drain tile survey from being required at the time of submission of the Special Use application to being submitted prior to the Site Development Permit. It was determined that staff would make that change.

Mr. Frieders inquired whether the State had regulations restricting community solar sites from “daisy-chaining” with each other. Mr. Hiland responded that he did not know if there were any such restrictions. Mr. Frieders inquired whether the County could impose such restrictions. Mr. Hiland noted that the County Board is able to review all Special Use applications that come before it.

A vote was had for the amended motion to recommend adoption of the proposed text amendments, and the motion carried unanimously.

Other Business

The Committee unanimously moved to reschedule its regularly scheduled Committee meeting from Wednesday, November 23, 2022 to Tuesday, November 22, 2022.

Adjournment

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

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

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