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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(January 25, 2023)

The Planning and Zoning Committee of the DeKalb County Board met on January 25, 2023 at 6:30 pm in the DeKalb County Legislative Center, Gathertorium, in Sycamore, Illinois. In attendance were: Committee Members: John Frieders, Jim Luebke, Terri Mann-Lamb, Jerry Osland, Roy Plote, and Suzanne Willis; and, Community Development Department staff: Derek Hiland and Marcellus Anderson. Also, in attendance were: Attorney Richard Larson; William Heck, representing Heliofidem; Scott Anderson; James Hutcheson; John Lyon; and Mr. & Mrs. Kordas.

Call to Order / Roll Call

Ms. Mann-Lamb, Planning and Zoning Committee Chair, called the meeting to order. Mr. Osland arrived just after Roll Call. (Committee Member Brad Belanger had to step down from the County Board, due to medical reasons, therefore his Committee seat would be empty until a replacement member had been appointed.)

Approval of Agenda

Mr. Hiland recommended that the agenda be amended to move the discussion regarding the Battery Storage Systems Text Amendment under Old Business to after the New Business items.

Ms. Willis moved to amend the agenda as recommended by Mr. Hiland, and to approve the agenda as amended, seconded by Mr. Luebke, and the motion carried unanimously.

Approval of Minutes

Mr. Plote moved to approve the minutes of the October 11, 2022 meeting, seconded by Mr. Osland, and the motion carried unanimously.

Public Comments

Maria Kordas noted that she and her Husband were the current owners of the property 10256 Somonauk Road, Hinckley, which is the property on which the Andersons were seeking approval for the establishment of an event venue. She noted that they supported the petition, and asked that the Committee recommend approval.

New Business

A. Terra Firma Equity Group – Request to Amend a Planned Development Industrial Site (CO-22-18)

Mr. Hiland noted that in August 2022, DeKalb County Ordinance 2022-14 was granted by the County Board, allowing for the creation of a Planned Development Industrial District on property located at 13567 State Route 38 to allow for the establishment and operation of a two businesses: a U-Haul storage and rental facility; and a storage facility for recreational vehicles, camping trailers, etc. He informed the Committee that shortly after the Ordinance had been approved, the petitioners informed him that they would no longer be operating the U-Haul portion of the business, and instead sought to utilize the entire property for the vehicle storage portion. Mr. Hiland explained that the proposed change would require seeking an amendment to the Planned Development. He noted that the petitioners were seeking such an amendment, and that on October 22, 2022, a public hearing was held by the County Hearing Officer. He noted that the Hearing Office had recommended approval of the amendment, with conditions, and that the Committee was asked to forward a recommendation to the County Board regarding the matter.

Motion: Recommend approval, with conditions, of the proposed amendment.

Moved by: Mr. Plote

Seconded by: Ms. Willis

Mr. Frieders inquired whether staff had anything to add to what the Hearing Officer recommended. Mr. Hiland responded that staff did not, but did indicate that the Town of Cortland was in support of the proposal.

The motion to recommend approval, with conditions, was carried unanimously.

B. Heliofidem Renewable Energy – Plote Somonauk 2 Special Use Request (SO-22-19)

Mr. Hiland informed the Committee that Cenergy Power, representing Heliofidem Renewable Energy, was seeking a Special Use permit for a 5-megawatt, 29.7-acre solar garden on a portion of a 157.19-acre property located on the southwest corner of Pine Road and Governor Beveridge Highway to be known as Plote Somonauk 2. He related a brief history of the proposed project, elaborated how changes in the State program had led to changes in the projects being brought forth for consideration, and on how this proposal differed from the one presented in 2018. Mr. Plote also shared a copy of a site plan for the original project proposal with the other Committee members.

Mr. Hiland noted that the public hearing had been held on November 17, 2022, and that the Hearing Officer was recommending approval, with conditions, of the petition, and that the Committee was asked to forward a recommendation to the County Board regarding the matter. Mr. Hiland did note that the residence on the opposite side of Pine Road from the project was no longer there.

Mr. Osland inquired whether the panels to be used were the same size as in the original project. William Heck, representing Heliofidem, answered that the technology was identical, that they would look the same, but be larger in acreage. Mr. Osland inquired whether the panels were always oriented north and south. Mr. Heck responded that tracker panels were typically oriented north-south and track east to west, but that fixed panels were usually more east-west oriented. He did note that there was also technology available that allowed panels to move in all directions.

Mr. Frieders noted that one of the site plans had shown the project as being closer to Governor Beveridge Highway and closer to the residence to the south. Mr. Plote and Mr. Hiland explained that the project site had originally been proposed to be south of Site 1, which is located in the northwest corner of the property, but upon further consideration had been relocated to the west of Site 1 instead. Mr. Frieders then inquired whether the access road would be moved. Mr. Hiland replied that the access would still be off Governor Beveridge Highway. Mr. Frieders asked for clarification about the location of the interconnection point. Mr. Plote and Mr. Heck elaborated on the location of the interconnection point and why it was in the location proposed.

Mr. Hiland then went over the various conditions recommended by the Hearing Officer. He noted that one of the recommendations the Hearing Officer had made was for vegetative screening between the project site and the two closest residences. He informed the Committee that the house that was shown on the map north of Pine Road was actually no longer there. Also, he noted that Site 1 which was located closer to the other residence had not been required to have screening, and while the County could require screening for Site 2, he explained why he did not think it made sense. He therefore recommended that the Committee remove the screening requirement, as they were no longer needed.

Mr. Osland inquired whether the proposed bill regarding siting regulations for solar facilities being considered by the State would impact this petition. Mr. Hiland explained that any petitions submitted before the County adopts revised regulations to match the State's requirements would be subject to the County's current regulations.

Motion: Recommend approval, with conditions, of the proposed Special Use.

Moved by: Ms. Willis.

Seconded by: Mr. Luebke

Mr. Osland inquired whether the subject property was Mr. Plote's personal property. Mr. Plote explained that the property was owned by a family trust, of which he was a member.

Mr. Hiland related that he had spoken with Mr. Plote regarding whether he could vote on this matter. He explained that the Committee was not a policy setting body, and only sent a recommendation to the full County Board to consider, he should be able to vote on that recommendation.

Mr. Osland asked Mr. Hiland that if Mr. Plote was allowed to vote on the matter, and it went through (which he assumed it would), wouldn't it be a concern about him voting on other solar projects because he would be biased on maybe promoting and doing this. Mr. Frieders noted, as a former Chair of the County Board, that 90% of the Board members are biased on 80%, maybe 100%, of the issues. Mr. Osland noted that biased on an opinion is one thing, but biased on a monetary value is another. Mr. Hiland elaborated on the process that the Hearing Officer takes to review petitions brought before him, highlighting that he looks at the technical merits of a petitions. He noted that he also viewed the Committee as a technical body, tasked to look at the technical merits of petitions, and to make recommendations based on those technical merits. He elaborated on the technical nature of the Committee and its responsibility to look at the technical merits of a

petition, and not to consider whether a project would be profitable to someone or not, or if it may be a conflict or not. The Committee proceeded into further discussion on the matter.

A Roll Call Vote was called on the motion to recommend approval, with conditions, of the petition. The motion carried five (5) yes to one (1: Osland) no.

C. Scott & Jessica Anderson – Planned Development Commercial Request: Event Venue (SQ-22-20)

Mr. Hiland informed the Committee that the Andersons were seeking establish and operate an event venue on the property located at 10256 Somonauk Road, Hinckley, and explained that to do what they were seeking to do would require rezoning the property to Planned Development Commercial. He noted that they would primarily host weddings, but also other events. He described the location of the property and elaborate on their plans for the property. He noted that the Hearing Officer had recommended approval, with conditions, and that they were being asked to forward a recommendation to the County Board.

Motion: Recommend approval, with conditions, of the petition.

Moved by: Ms. Willis.

Seconded by: Mr. Plote.

Mr. Anderson informed the Committee that he was available for any questions they had.

Mr. Frieders noted that another project had issues getting an architect stamp on the building plans, and inquired whether this would be an issue with their project. Mr. Anderson responded that they had an architect and that they had no issue doing so.

Mr. Hiland noted that the event venue would be a change in use, and that those structures used in the business would have to meet commercial code. He then elaborated on some of the changes that would be needed to do so.

Mr. Osland noted that the project would need some kind of fire suppression system, which would likely need a significant water supply and septic system. He suggested that Mr. Anderson look into this matter to make sure they would be able to meet the necessary requirements. Mr. Hiland noted that staff had already spoken with them about needing to meet these requirements.

Ms. Mann-Lamb inquired whether they planned to just prepare and use the one building, then move on to the next building. Mr. Anderson responded that while they would be focusing on getting the main building done first, work on some items, such as fire, water, etc., would be occurring in multiple buildings at the same time.

Mr. Frieders inquired whether there had been any negative feedback. Mr. Anderson said that the Village of Hinckley was in favor of the project and that some of the neighbors had also indicated their support.

Ms. Mann-Lamb inquired whether the Village had sought any information about traffic during an event. Mr. Anderson noted that the packet did contain information on how they were going to address traffic.

Mr. Frieders inquired whether they planned on gravelling their parking area or leaving it grass. Mr. Anderson indicated that part of it would be graveled, but noted that they did not want the property to look like something in the City.

Mr. Plote inquired about the material to be used for the fencing to be placed along the east side of the property. Mr. Anderson was hoping to have wooden fencing, but was open to suggestions from the Committee. Mr. Osland noted that extra thought needed to be given the type of fencing to be placed along the western and northern sides, given that the weather primarily comes from those directions.

Ms. Mann-Lamb inquired whether the Andersons would be living in the house. Mr. Anderson replied that they would not, and that the house would primarily be used for office space. Mr. Osland inquired if they planned to use it for a bed & breakfast. Mr. Anderson replied that they had no plans to do so.

Mr. Hiland then elaborated on the recommended parking requirements, and how and when portions of the parking area would be graveled or paved.

Mr. Plote noted that the plans called for a capacity of 250 people, and inquired as to what they would have to do if they wanted to go larger. Mr. Hiland elaborated on the different ways this issue could be addressed, noting that they would have to consult with staff to see what could be done and what would be required.

Mr. Plote noted that the staff report had identified that the parking area could actual hold far more parking than the Andersons had proposed to use. Mr. Hiland explained that when Mrs. Anderson had sketched out their proposed parking plan, she was unaware of the actual requirements for parking spaces, drive aisles, etc., and that their proposed parking would actually take up far less of the area they had designated for parking than they had realized. He then elaborated on the method staff recommended for determining how much of the parking needed to be paved or graveled.

Mr. Frieders warned Mr. Anderson to take into consideration that the area around the property is still active farmland and that there will be days when the normal farm operations will be kicking up dirt and making noise that could negatively impact events that are occurring.

Mr. Plote noted that the Committee members had received an email with some negative comments regarding the proposed use, in particular concerns regarding traffic entering and exiting the site. Mr. Hiland noted that staff had recommended that the Andersons devote staff to direct traffic flow into and out of the site. He noted that no parking would be allowed along Somonauk Road, and that consultation could be had with the County Engineer regarding whether a specific traffic study would be needed.

A Roll Call Vote was called on the motion to recommend approval, with conditions, of the petition. The motion carried unanimously.

D. Franklin Township Cemeteries Special Use Request (FR-22-21)

Mr. Hiland informed the Committee that Franklin Township Cemeteries owned and operated the Hicks Mill Cemetery in Franklin Township, and that they were seeking a special use permit to expand the cemetery onto an adjacent acre of land that the neighboring property owner had donated for this purpose. Mr. Hiland explained that cemeteries are a special use in the A-1 District, but because it had been founded back in the 1800's the Hicks Mill Cemetery did not have a special use ordinance associated with it, thus making it a legal nonconforming use. And that before an existing nonconforming use, that could be allowed as special use in that district, could be expanded, a special use would have to be applied for and approved for the use. Thus, the petitioners were seeking a special use permit for both the current cemetery and for the proposed expansion. Mr. Hiland noted that the Hearing Officer had recommended conditions, and that the Committee was being asked to forward a recommendation to the County Board.

Motion: To recommend approval, with conditions, of the petition.

Moved by: Mr. Luebke.

Seconded by: Mr. Frieders.

James Hutcheson inquired about the location of the proposed expansion and its proximity to neighboring residences. Mr. Hiland elaborated on the location, using the room monitors to display the proposed site plan.

A Roll Call Vote was called on the motion to recommend approval, with conditions, of the petition. The motion carried unanimously.

Old Business – Zoning Text Amendment for Battery Storage Systems (DC-22-15)

Mr. Hiland reminded that Committee that in October 2022, the County Board had been presented with proposed County Ordinance 2022-22, which was a proposed text amendment to add language regulating battery energy storage systems to the County Code. He noted that the Board determined that the matter was to be sent back to the Committee for further discussion, which is why the matter is on the Committee's agenda.

Mr. Hiland reminded the Committee that the County Board had been informed about State House Bill 4412, which contained language that would remove much of the local siting control and regulation of commercial wind and solar facilities, and that the County Board had passed a resolution in opposition to this bill at its January 2023 meeting. He then described to the Committee in detail about how staff had only become aware that the proposed bill via an inquiry from an associate, and how the language had been buried in a bill about health care workers. He noted that a number of people and counties around the State were moving to oppose it, and elaborated on his thoughts regarding how it had come about. Mr. Hiland warned that, as presented, it would remove a lot of local control over these uses. He informed the Committee that the Bill had landed on the Governor's desk on January 24th (yesterday). Mr. Hiland therefore recommended that the

Committee leave the matter on their agenda as an old business item until such time as there is a resolution on the bill, noting that if the Bill gets approved, then the County will be required to act quickly to change its Code to be in conformity with the new language. He added that he hoped that the Governor vetoes the bill or at least delays his decision on the matter, and that it gets reconsidered during the spring session, and that amendments get made.

Mr. Luebke noted they were working with their State reps to see where all this stands, whether to push to revise or to veto. Mr. Hiland noted that everything had been happening last week. He then noted that the good work the County had done in developing its ordinances for wind and solar, and how many other counties had replicated what the County had done.

Mr. Frieders was concerned with letting the battery issue wait, and felt that they should move forward with it and get something on the books. Mr. Osland noted that the proposed State language was much less restrictive than what the County had done and proposed.

John Lyons indicated that he was a member of the PICR Committee, and noted that they had stopped Senator Bill Cunningham (a sponsor of the Bill) from getting approval of such bills in the past. He reported that this would not be done until the spring session. He also talked about how the language had been added to the Bill in the middle of the night. And added that if it goes through, there will be a lawsuit, and suggested that the County join in the lawsuit.

Mr. Plote related information he had received indicating that there might be more support in those areas of the State served by Ameren.

Mr. Osland indicated that he did not think the Committee should do double work on battery energy storage systems.

Mr. Hiland commented that he hoped that the Bill, if it moves forward, is amended to make it better. He talked more about the changes the Bill will likely cause and reiterated his suggestion the Committee wait to see what the State does, and make changes as needed to abide by those changes.

When asked for his recommendation as to what to do, Mr. Hiland recommended that the Committee continue to leave battery energy storage systems on the agenda and asked that Committee members to review the proposed language that was remanded back to them and contact Mr. Hiland with their suggestions as to what should be changed to have it address the concerns raised by the County Board.

Ms. Willis noted that the present language was only about battery energy storage, and wondered whether thought should be given to the other types of energy storage being developed and used.

Mr. Plote inquired whether if the County does not adopt any language on it in the interim, if an application for battery storage came in, could they still put something in place and have it apply to the project, or would the language already have to be in place. Mr. Hiland indicated that it would have to be in place. He also asked Mr. Hiland to elaborate on what the Bill says about moratoriums. Mr. Hiland explained that if signed, the Bill would remove the County's ability to establish a

moratorium or cap on wind and solar projects. He then elaborated more on facts that the Bill would prohibit the County from having regulations more restrictive than what is called for in the Bill, and gave examples of County regulations that would have to change. He did note however that the language did leave a lot of unanswered questions that needed to be cleared and or cleaned up. Mr. Plote noted that the bill particularly called out against regulations that are “burdensome”; a term which he sees as having a lot of potential issues.

Mr. Osland suggested waiting a month before taking any action on the matter. Mr. Hiland asked the Committee to use the time to review the proposed language and to get back to him with any feedback they may have.

Other Business

Hiland reminded the Committee about the application for a Use Variance that had been submitted by Mr. Wood last year, but which the County Board had determined would actually require an application for a map amendment instead. He noted that Mr. Wood would be returning with the new application to move forward with his project.

Mr. Hiland informed the Committee that the Regional Planning Commission would be meeting on January 26th in the Gathertorium of the County Legislative Center.

Adjournment

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

Respectfully submitted,

Terri Mann-Lamb
Chairman, Planning and Zoning Committee

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