

DeKalb County Government
Sycamore, Illinois

Planning, Zoning and Development Committee Special Meeting
(September 25, 2024)

The Planning, Zoning, & Development Committee of the DeKalb County Board met on September 25, 2024 at 6:30 pm in the DeKalb County Legislative Center, Gathertorium, in Sycamore, Illinois. In attendance were: Committee Members: John Frieders, Rhonda Henke, Laura Hoffman, Jim Luebke, Terri Mann-Lamb, and Jerry Osland; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also, in attendance were: Ellingsworth Webb, DeKalb County Board Chair; Maroua Jabouri and Attorney Seth Uphoff, representing CS Clare, LLC; Tim Hakes; James Hutcheson; and John Lyon.

Call to Order / Roll Call

Mr. Hiland called the meeting to order. Mr. Plote was not in attendance, and Ms. Mann-Lamb arrived after the meeting had begun.

Approval of Agenda

Committee Action: Ms. Hoffman moved to approve the agenda, seconded by Ms. Henke, and the motion carried unanimously.

Approval of the Minutes of the July 24, 2024 Planning, Zoning, & Development Meeting

Committee Action: Mr. Luebke moved to approve the minutes of the July 24, 2024 meeting, seconded by Ms. Henke, and the motion carried unanimously.

Public Comments

John Lyon read a statement detailing his concerns regarding the proposed CS Clare Commercial solar development. He distributed copies of his statement to the Committee.

Tim Hakes distributed copies of the statement he read at the public hearing for the CS Clare Commercial project citing his objections to the proposed project, highlighting that with the approval of this project, his property will be completely surrounded by commercial solar projects.

Maroua Jabouri, representing the proposed CS Clare commercial solar project, introduced herself to the Committee, noted that the proposed project had been designed to meet the County's standards for such projects, and talked about the potential benefits of the project.

Ms. Henke, speaking as a private citizen, addressed the Committee regarding an event that occurred on September 21, 2025, on Scout Road in Franklin Township. She noted that she was pleased that the DeKalb County's legal, law enforcement, and administration departments were

working together to develop a plan to curtail these types of activities. She acknowledged Mr. Hiland efforts to address the matter, given that the County Code does not outright prohibit rodeo-style events, and detailed some of the restrictions that had been placed on the event. She pointed out that it was not a perfect solution, but noted that the Community Development Department did not have the manpower nor the authority to enforce or investigate reports of animal cruelty. Ms. Henke expressed her hope that the new considerations being brought before the full board by the taskforce will at least allow for first aid in the event of an emergency and veterinary care and oversight of all animals involved.

Ordinances

Ordinances O2024-10 — An ordinance approving a Special Use Permit request for a 4.2-megawatt commercial solar energy system (CSES) located on the west side of Johnson Road in Mayfield Township. (P.I.N. 05-17-100-002)

Mr. Hiland informed the Committee that CS Clare was seeking to establish and operate a 4.2-megawatt CSES on the west side of Johnson Road. He noted that a public hearing was held on September 5, 2024, and that Hearing Officer had recommended approval with conditions.

Committee Action: Mr. Luebke moved to recommend approval, with conditions, of the petition, seconded by Ms. Hoffman.

Ms. Hoffman inquired about the concerns Mr. Lyon raised regarding the proposed landscaping and screening. Ms. Jabouri elaborated upon the proposed landscaping and screening to be installed. Ms. Hoffman inquired whether or not they had plans to replace any plantings that died off, and Ms. Jabouri replied that they did. Ms. Henke inquired as to what their time frame was for replacement. Ms. Jabouri responded that in the first few years of operation, they typically perform site maintenance three to four times a year to make sure the plants get started as expected. Afterwards, the site maintenance usually drops to about twice a year, or more if needed.

Ms. Hoffman asked the petitioners to address the comments concerning the lack of a 3-phase line passing near the proposed site. Ms. Jabouri noted that when this matter had been brought up at the public hearing, their engineer had indicated that a new 3-phase line would be coming from the north down Johnson Road to the project site, and that they already had an executed interconnection agreement with utility company to pay for it.

Ms. Hoffman noted that she understood the life of a solar panel be around twenty years, and asked the petitioners if that was true or not. Ms. Jabouri responded that the panels could actually last up to thirty to thirty-five years. Ms. Hoffman then asked if there was any reason to expect that the farmland could not be replanted after that time. Ms. Jabouri explained that all of the equipment would be removed from the site, per the requirements of the AIMA (Agricultural Impact Mitigation Agreement), and the farmland would be returned back to its original condition. She also noted that they were required to have a Decommissioning Bond in place to insure this happened.

Mr. Hiland directed the Committee's attention to the monitors where he had brought up a copy of the proposed landscaping/screening plan, and talked about some of the details shown on it. He noted that as a committee, they have the ability to say that five feet at planting was not sufficient and could instead recommend that a greater height be required at planting. He reminded the Committee that they have talked in the past about how long to allow for the ground cover and other vegetation to come in, and noted that both the County Engineer and the DeKalb County Soil & Water Conservation District (SWCD) have indicated that it takes at minimum three years for the native planting to take hold. He reminded the Committee about the financial guarantee that gets submitted for the Site Development Permit, which guarantees that the vegetation comes in as required. Mr. Hiland also noted that if the plantings ever fall out of line with plans approved by the County, the petitioners would be noticed and given a period of time to correct the issue, and if no action was taken to remedy the situation, then County Board could rescind the Special Use Ordinance.

Mr. Frieders inquired as to what the ground cover will look like when it comes in. Mr. Hiland pointed out that the petitioners were considering using agrovoltatics, which would look different from a standard native planting mix. Ms. Jabouri noted that if they did go with an agrovoltatics system, they would work with the sheep raisers to develop a seed mix, which would have to be approved by the SWCD. She noted that if they do not use agrovoltatics, they will use a pollinator-friendly/ native planting mix. Ms. Henke commented that the Clare Solar CSES approved near her was going to use agrovoltatics and talked about some of the plans they had put forth. Ms. Jabouri commented on some of the ways in which their proposed site would be different from those plans.

Mr. Frieders inquired as to what other projects the petitioners have in the area. Ms. Jabouri noted that in Illinois, one of the completed projects was a site in Urbana, which she believed was about 20-acres, and 5-megawatts.

Attorney Seth Uphoff showed the Committee some pictures of what an operational commercial solar site in Kane County looks like.

Ms. Henke commented on how the State mandated regulations put in place in 2023 removed much of the County's ability to control commercial solar sites. She noted, however, that the County does have some things it can do. She noted that while she understands that Mr. Johnson was in his right to use his land as he sees fit, she does not feel it is right that Mr. Hakes property was being completely surrounded by commercial solar fields. She expressed her belief that the screening will not truly block the view of the solar sites. She noted that she could not in good conscious vote in the affirmative for the project.

Ms. Mann-Lamb arrived at the meeting.

Ms. Hoffmann inquired whether there was anything in Illinois State law that would protect a property owner from being completely surrounded by commercial solar sites. Mr. Hiland responded that there was not. He pointed out that some counties in the state were doing much less than what DeKalb County is doing, and explained that he felt that doing less was not a good neighbor policy to follow. He then talked about why landscaping is beneficial, and discussed things

that could or could not be done. Ms. Henke reiterated her feeling that the proposed project resulting in Mr. Hakes property being completely surrounded was legal, but not right.

Ms. Mann-Lamb inquired whether there was a way to bring in a different type of screening. Mr. Hiland described what had been proposed and noted that the Committee could ask the petitioners for better suggestions or to do more than what was proposed, if it wanted. Ms. Jabouri noted that the screening is proposed to be approximately five to six feet at planting, and is expected to grow to panel height within one to two years. The Committee then discussed their thoughts on the landscaping and what could or should be done.

James Hutcheson noted that there had been opposition to the view of a CSES that had been proposed near the DeKalb Taylor Municipal Airport and inquired as to what happened with that project. Mr. Hiland responded that the developer provided a row of trees for the screening requirement. Mr. Hutcheson asked if the residents were happy with that. Mr. Hiland responded that he did not know, as he had not surveyed those residents, nor had he heard anything from them about that project.

Ms. Mann-Lamb inquired as to the length of the Hakes' driveway to the proposed site. Ms. Jabouri responded that it was about 500 feet from the project site to their house.

Mr. Osland opined that the State must have a minimum standard regarding screening and what is expected, and he expected the petitioners to meet, if not exceed that requirement. Atty Uphoff noted that the 90% blockage mentioned by Mr. Lyon was from the DeKalb County Code, not State law. He pointed out that the proposed landscaping/screening plan had been prepared by landscape engineers with the requirements of the DeKalb County Code in mind. He informed the Committee that he had been informed that the taller the tree at planting, the greater the mortality rate of the trees, and that it is better to plant smaller trees for better long-term results. He also noted that the only times that the panels would be at maximum tilt is in the early morning and in the early evening, and that for most of the day they are below maximum tilt. Thus, even if the trees are only five to six feet at planting, the panels would only be visible above the trees for a small portion of the day. Mr. Osland asked Atty Uphoff if there was a state minimum for how much blockage screening must provide, and Atty Uphoff replied that there was not. Mr. Osland commented on how the "thickness" of a tree's foliage is more important than the height, as a thicker tree would provide better screening than just a tall tree. Atty Uphoff and Ms. Jabouri elaborated more on the proposed screening, noting that it will consist of a twenty-five (25) foot wide band, extending out from the fence, composed of different varieties of plants and trees so as to provide for year-round screening.

Mr. Frieders inquired whether the panels were seven-foot tall themselves or if they were seven-foot tall when mounted. A discussion was then had regarding exactly what maximum tilt means, the height of the panels, and how the tracking panels operated.

Atty Uphoff noted that it had been suggested that they should try to work out an agreement with Mr. Hakes. He noted however that he doubted any such discussions would be forthcoming as Mr. Hakes had made it very clear that he is totally against these projects from initiation. Atty Uphoff also noted that while there was potential for the other project (Owens Creek Solar) to come to

fruition, the CS Clare project should not be judged based on that project. He noted that the neighboring farms could just as easily build a line of grain bins or pole barns, with no input from anyone, that would obstruct their view just as much. He posited that the situation has less to do with actual height of the panels than what Mr. Hakes wants to see. He cautioned the Committee from starting to allow people to have a “viewpoint veto”, which would be allowing people to veto anything that is not in their preferred view.

Committee Action: A roll call vote was held on the motion to recommend approval with conditions, and the motion carried with four yes (JF, LH, JL, TML), one no (JO), and one abstention (RH).

Resolutions

(none)

FY2025 Budget

Mr. Hiland informed the Committee that department heads that report to this Committee had until Sunday, September 22, 2024, to submit appeals regarding the FY2025 budget to the County Administrator. He reported that he had not received any appeals from any of these departments. He noted that the Committee had all heard Brian Gregory’s (the previous County Administrator) summary on the budget, which was also posted online for public consumption. Mr. Hiland explained that this agenda item had been put on the agenda for all of the Committees for full transparency that no one had submitted an appeal based upon the proposed budget that is online.

Mr. Hiland informed the Committee he would answer any questions they may have. No questions were forthcoming.

Considerations / Discussion Items

(None)

Old Business

(None)

New Business

Ms. Mann-Lamb asked that the matter of the rodeo events be added to a future agenda so that further discussion could be had on the matter. Mr. Hiland asked the Committee members, before the next meeting in October, to contemplate and consider what land use requirements and regulations that the Committee would be enacting or wanting to put in place that would control beyond what the County currently has in place. He clarified that these would be land use language related to the health, safety, and welfare of residents of the County.

Adjournment

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

Respectfully submitted,

Terri Mann-Lamb
Chair, Planning, Zoning, & Development Committee

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