

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
September 26, 2018**

**Call to Order:** Meeting to order at 7:00 p.m.

**Roll Call Present:**

**Planning Commission:**

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter
- ✓ Ron Mapes
- ✓ Gary Diedrick
- ✓ Jody Carroll, Alternate
- ✓ Peter Huschitt, Alternate

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer
- Sandra Schleicher, JDC Health Dept.
- John Hay, State's Attorney
- ✓ Eric Tison, Planning & Development
- ✓ Robert Heurman, JDC Board Member
- ✓ Melissa Soppe, Planning & Development

**Approval of Minutes:** A motion was made by Carroll to approve the minutes. Seconded by Diedrick. Voice Vote: All Ayes Abstain: Winter & Gratton

Mel Gratton swore in all who might want to testify on any request this evening.

Huschitt motioned to appoint Nick Tranel as temporary chair. Seconded by Diedrick. Voice Vote: All Ayes

**Unfinished Business**

**OneEnergy Development** (Bill Eddie, CEO; Travis Bryan, COO; Kristin Martinez, CFO; Jennifer Barnes; Scott Bixby, 2003 Western Ave., Suite 225, Seattle, WA and Eric Udelhofen, Project Development Director, 100 S. Baldwin St., Suite 300F, Madison, WI; and Ecosystem Integrity Fund II, LP, 20 Richelle Ct., Lafayette, CA 94549), petitioners and Rogers Brothers Partnership (Rodney B. Rodgers, 3949 N Kupersmith Rd., Stockton; Steven M. Rogers, 5210 Fiedler Rd., Warren; Cynthia Rogers, 3949 N Kupersmith Rd., Stockton; Diane Rogers, 5210 N Fiedler Rd., Warren) owners, have petitioned for a commercial solar energy system on up to forty (40) acres of the parent parcel in order to develop two (2) adjacent solar photovoltaic farms totaling up to four (4) MW of alternating current capacity. Commonly located on IL Route 78, Warren, IL; address to be determined

**Staff**

- Comprehensive Plan: In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. The County will encourage new commercial and industrial growth in areas which have the best capacity for

supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. Illinois Route 78 is designated as a scenic route for its entire length outside of the CGA.

- Wastewater Treatment: Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- Access Considerations: The property has an entrance onto IDOT maintained Illinois Route 78. While the property appears to have adequate sight distance, IDOT has jurisdiction over access.
- Other Considerations: This request is located on the west side of IL 78 and immediately south of the Warren corporate limit. The AG district requires a front setback from state roads of seventy five (75) feet from the property line or one hundred twenty five (125) feet from the centerline, whichever is great, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants 'Project Area Extent' for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. Per the application, the project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.

Potential Conditions:

- Agricultural Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution, per application
- Locate and maintain existing drain tiles, per application
- Vegetation buffer on East side of project area, per application
- A 7' chain link fence will be installed around the perimeter, per application
- Applicant requests 2 years to begin construction
- Use of native perennial plants to reduce storm water runoff and erosion, per application
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition

Adjacent properties to the north are within the Village of Warren, as are most all of the parcels on the east side of the subject property. Parcels to the west and south are zoned AG.

LESA: A Land Evaluation Site Assessment was conducted to assist the ZBA/Plan Commission with their analysis of this request. The Land Evaluation score for this property was 77.65, with an overall LESA score of 189.65.

Contributing factors to the score include a large parcel (max pts), the percent of AG land adjacent (max pts) and the commitment to agriculture adjacent (max pts). Additionally, the property, on its northern limit, lies immediately adjacent to Warren (0 pts), on a state road (5 pts) and is within .5 miles of utilities (6 pts).

Tison - No new information to be presented

Huschitt talks about the AIMA and the assurance commitments of the decommissioning. Why would it not be required at year one, but in the AIMA they have it staggered over many years. If make 100% now then county does not have to come back to go over that.

Tison indicates that I have highlighted a list of potential conditions in the staff report and if you

would like to add a direct financial assurance in the form of a performance bond and/or a engineers certified estimate of decommissioning costs to be submitted prior to the issuance of a building permit that would be reasonable and also give the developer time to provide that material.

Tison indicates that it would be appropriate to entertain a motion to approve and go through the standards, if the zoning board desires. Any additional conditions that are required would need to be submitted to my office prior to issuing the building permit.

A motion was made by Diedrick to recommend approval of the community solar farm on IL Route 78, Warren with the following conditions:

1. Signed Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
2. Locate and maintain existing drain tiles
3. Vegetation buffer on East side of project area
4. A 7' chain link fence will be installed around the perimeter of the solar farm
5. Two (2) years to begin construction
6. Use of native perennial plants to reduce storm water runoff and erosion
7. If facility ceases to produce electricity on continuous basis for more than 12 continuous months, the equipment must be removed and site restored to original condition
8. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning

Seconded by Carroll

Mapes asks about along Route 78 to put any buffer for visual

- Tison indicates that was the condition - vegetation buffer on east side of project area

Standards for Special Use Permit reviewed A - agreed; B – met; C – no concerns; D – building permit will cover this, met; E – met; Additional Compliance - met

Roll Call:	Gary Diedrick – Aye	Ron Mapes – Aye
	Jody Carroll – Aye	Nick Tranel – Aye
	Peter Huschitt – Aye	

**OneEnergy Development** (Bill Eddie, CEO; Travis Bryan, COO; Kristin Martinez, CFO; Jennifer Barnes; Scott Bixby, 2003 Western Ave., Suite 225, Seattle, WA and Eric Udelhofen, Project Development Director, 100 S. Baldwin St., Suite 300F, Madison, WI; and Ecosystem Integrity Fund II, LP, 20 Richelle Ct., Lafayette, CA 94549), petitioners and Eugene and Paula Schick, Trustees (9873 E Stagecoach Trail, Warren, IL) owners, have petitioned for a commercial solar energy system on up to forty (40) acres of the parent parcel in order to develop two (2) adjacent solar photovoltaic farms totaling up to four (4) MW of alternating current capacity. Commonly located on East Stagecoach Trail, just west of N Slaughterhouse Road; address to be determined.

### Staff

- Comprehensive Plan: In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes

the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. The County will encourage new commercial and industrial growth in areas which have the best capacity for supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. Stagecoach Trail is designated as a scenic route for its entire length outside of the CGA.

- Wastewater Treatment: Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- Access Considerations: The property has an existing access point onto Jo Daviess County maintained Stagecoach Trail with adequate sight distance. Any modifications to the existing entrance will need to be coordinated with the Jo Daviess County Highway Department.
- Other Considerations: This request is located just west of Warren near N Slaughterhouse Road with an entrance proposed off of Stagecoach. The AG district requires a front setback from County roads of sixty (60) feet from the property line or one hundred ten (110) feet from the centerline, whichever is great, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants 'Project Area Extent' for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. Per the application, the project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.

Potential Conditions:

- Agricultural Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution, per application
- Locate and maintain existing drain tiles, per application
- Vegetation buffer on NE side of project area, per application
- A 7' chain link fence will be installed around the perimeter, per application
- Applicant requests 2 years to begin construction
- Use of native perennial plants to reduce storm water runoff and erosion, per application
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition

Surrounding properties are zoned AG.

LESA: A Land Evaluation Site Assessment was conducted to assist the ZBA/Plan Commission with their analysis of this request. The Land Evaluation score for this property was 77.19, with an overall LESAs score of 136. Contributing factors to the score include a fairly large parcel (12 pts), the percent of AG land adjacent (max pts) and the commitment to agriculture adjacent (max pts). Additionally, the property lies just over 1 mile from Warren (12 pts) is accessible via County road (8 pts) and is within 1.5 miles of sewer and water utilities (8 pts).

Tison - No new information to be presented and covers the additional potential conditions

Mapes asks about vegetation on Stagecoach Trail

- Tison states that this was specific to the northeast side paralleling the homestead. This

was elevated from the Stagecoach Trail entrance, you can certainly ask for additional screening, You would have to look up to see this and it will be set back 110 feet from Stagecoach Trail, it did not seem to be necessary when I visited the site.

Huschitt comments that he would like to add the financial assurance of the bond for 100% of decommissioning costs be submitted prior to issuing building permits.

A motion was made by Huschitt to recommend approval of the community solar farm named Sorrel on East Stagecoach Trail, Warren with the following conditions:

1. Signed Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
2. Locate and maintain existing drain tiles
3. Vegetation buffer on northeast side of project area
4. A 7' chain link fence will be installed around the perimeter of the solar farm
5. Two (2) years to begin construction
6. Use of native perennial plants to reduce storm water runoff and erosion
7. If facility ceases to produce electricity on continuous basis for more than 12 continuous months, the equipment must be removed and site restored to original condition
8. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning

Seconded by Mapes

Standards for Special Use Permit reviewed A - met; B – met; C – met; D – met; E – met;  
Additional Compliance - met

Roll Call:	Jody Carroll – Aye	Nick Tranel – Aye
	Peter Huschitt – Aye	Gary Diedrick – Aye
	Ron Mapes – Aye	

**OneEnergy Development** (Bill Eddie, CEO; Travis Bryan, COO; Kristin Martinez, CFO; Jennifer Barnes; Scott Bixby, 2003 Western Ave., Suite 225, Seattle, WA and Eric Udelhofen, Project Development Director, 100 S. Baldwin St., Suite 300F, Madison, WI and Ecosystem Integrity Fund II, LP, 20 Richelle Ct., Lafayette, CA 94549) and Sherman Cox (6035 E Stagecoach Trail, Apple River, IL) owners, have petitioned for a commercial solar energy system on up to forty two (42) acres of the parent parcel in order to develop two (2) adjacent solar photovoltaic farms totaling up to four (4) MW of alternating current capacity. Commonly known as 6035 E Stagecoach Trail.

### Staff

- **Comprehensive Plan:** In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. The County will encourage new commercial and industrial growth in areas which have the best capacity for supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. Stagecoach Trail is designated as a scenic route for its entire length outside of the CGA.
- **Wastewater Treatment:** Based on the proposal, there are no facilities that would require a septic system or water supply for this request.

- Access Considerations: The property has an existing access point onto Jo Daviess County maintained Stagecoach Trail with adequate sight distance. Any modifications to the existing entrance will need to be coordinated with the Jo Daviess County Highway Department.
- Other Considerations: This request is located just west of Apple River near the intersection of E Stagecoach Trail and N Scout Camp Road. With this location, the front lot line is adjacent and parallel to Scout Camp Road. The entry point to this parcel is found on a side lot line, parallel with Stagecoach Trail, on the north side of the property. Conditions of the easement to access the property should be clarified by the applicant. The AG district requires a front setback to County roads of sixty (60) feet from the property line or one hundred ten (110) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants 'Project Area Extent' for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. Per the application, the existing structures are not part of the project site and will not be modified. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. A Land Lease agreement has been submitted. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.

Potential Conditions:

- Agricultural Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution, per application
- Locate and maintain existing drain tiles, per application
- Vegetation buffer on North side of project area, per application
- A 7' chain link fence will be installed around the perimeter, per application
- Applicant requests 2 years to begin construction
- Use of native perennial plants to reduce storm water runoff and erosion, per application
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition

Surrounding properties to the north, west and south are zoned AG. Adjacent parcels to the east are zoned AG, or within the corporate limits of Apple River.

LESA: A Land Evaluation Site Assessment was conducted to assist the ZBA/Plan Commission with their analysis of this request. The Land Evaluation score for this property was 61.94, with an overall LESA score of 182.94.

Contributing factors to the score include a large parcel (max pts) and the percent of AG land adjacent (max pts). Additionally, the property is immediately adjacent to Apple River (0 pts) and within .25 miles of utility service (4 pts). Moderate limitations exist for septic (20 pts).

Tison - No new information to be presented and covers the additional potential conditions

Huschitt comments that he would like to add the financial assurance of the bond for 100% of decommissioning costs be submitted prior to issuing building permits.

A motion was made by Huschitt to recommend approval of the community solar farm named Vervain on East Stagecoach Trail, Apple River with the following conditions:

1. Signed Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
2. Locate and maintain existing drain tiles
3. Vegetation buffer on north side of project area
4. A 7' chain link fence will be installed around the perimeter of the solar farm
5. Two (2) years to begin construction
6. Use of native perennial plants to reduce storm water runoff and erosion
7. If facility ceases to produce electricity on continuous basis for more than 12 continuous months, the equipment must be removed and site restored to original condition
8. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning

Seconded by Mapes

Standards for Special Use Permit reviewed A - met; B – met; C – met; D – met; E – met;  
Additional Compliance - met

Roll Call:	Peter Huschitt – Aye Ron Mapes – Aye Nick Tranel – Aye	Gary Diedrick – Aye Jody Carroll – Aye
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**New Business**

**Dynamic Energy Solutions, LLC** (Michael S. Perillo, Owner/CEO, Brett Thibodeau, COO, Andrew Smith, CFO 1115 Signal Hill Lane, Berwyn, PA 19312 and Greg Boyer, VP-Operations, 18 S Michigan Ave., Floor 12, Chicago, IL 60603), petitioners, Dynamic Energy Solutions, LLC (Tony Orr, SrVP – Legal, 1550 Liberty Ridge Dr., Suite 310, Wayne, PA 19087) developer, Micah Fuchs (18 S Michigan Ave, Floor 12, Chicago, IL 60603) Project Development Director, and John C Curtiss, Trustee and Stephanie J Curtiss (1330 S Curtiss Rd., Stockton, IL 61085), Tony Jones and Isabel Jones (11563 E Stockton Rd., Stockton, IL 61085) owners, have petitioned for a Special Use to allow for development of a community solar project. Commonly located approximately 2 miles east of the Village of Stockton on the south side of US Highway 20; address to be determined.

**Staff**

- **Comprehensive Plan:** In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. The County will encourage new commercial and industrial growth in areas which have the best capacity for supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. US Highway 20 is designated as a scenic route for its entire length outside of the CGA.
- **Wastewater Treatment:** Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- **Access Considerations:** The property has frontage along IDOT maintained US Route 20. While the property appears to have locations where adequate sight distance is available, IDOT has jurisdiction over access.
- **Other Considerations:** This request is located on the south side of US Highway 20, approximately 2 miles east of the Village of Stockton. The AG district

requires a front setback from state roads of seventy five (75) feet from the property line or one hundred twenty five (125) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. The 'Project Area' for the placement of the solar farm, per the application, will encompass +-40 acres, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards.

- Per the application, the project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed. An Agricultural Impact Mitigation Agreement (AIMA) will be required by the Department of Agriculture.

Potential Conditions:

- Signed AIMA through the Department of Agriculture, with decommissioning plan, to be submitted upon execution, per application
- Locate and maintain existing drain tiles
- Integrative landscaping of project area, per application
- A chain link fence will be installed around the perimeter of the solar farm
- Applicant request an additional year to begin construction
- Use of native plants and seeds to reduce stormwater runoff and erosion
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition, per application

All adjacent properties are zoned AG.

LESA: A Land Evaluation Site Assessment was conducted to assist the ZBA/Plan Commission with their analysis of this request. The Land Evaluation score for this property was 69.41, with an overall LESA score of 216.41. Contributing factors to the score include a large parcel (12/15 pts) with a gentle slope (8/10 pts), the percent of AG land adjacent (max pts, 25) and the commitment to agriculture adjacent (20/25 pts). Additionally, the property lies just over 1.5 miles from Stockton (max pts, 15), with no water or sewer services available (max pts, 10), on a state road (5/15 pts), with few limitations on soils for septic (10/25 pts).

Micah Fuchs, Dynamic Energy

- Originally from Champaign and now live in Chicago, have been in clean energy technology for the last 10 years, solar specifically for the last 5 years.
- The State of Illinois is opening up an approval process at the end of the year based on the bill passed in 2017; still getting all the specifics ironed out right now, but application submissions are due January 15, 2019. The goal is to stimulate economic growth and creating jobs locally through green energy development. We are focused on community solar and the people that are eligible to participate are within the utilities territory. Focus is on local folks as the subscribers to the project. The funding comes from a separate utility budget, separate from the state budget. Dynamic Energy has been around for 10 years and has done projects all over the Northeast and Midwest. The company is from beginning of selecting the site, design, construction, and operation and maintenance of the project. In Massachusetts, we end up owning about half the projects. Pictures of previous projects were shown. Subscribers could sign up and they would get a credit on

their ComEd bill; that person would have a contract with Dynamic Energy. The State of Illinois is regulating all the marketing practices, establishing the consumer protections that are participating. This request is a couple miles outside of Stockton; this is 40 acres of a larger parcel. The closest buildings are about 500 feet away from the perimeter and 700 feet on the other side. The full square is 40 acres, but the actual space being used is just over 30 acres. The setbacks are listed on here as well. This is split into 2 adjacent projects, just because the way the State program is set up. You can co-locate 2 2MW projects next to each other. We would do a drain tile survey. This proposal is for a tracker mounted system, it would follow the sun during the day. They are mounted on a post, maximum height is 8 feet, about the same height as corn at the end of the season, the modules themselves are just over 6 feet total. The movement of the panels is at the same speed as the sun, which you are not seeing much movement throughout the day, minimal noise coming from it, like a low conversation on the site to off-site you will not hear any of the noise. Overview of AIMA (Agricultural Impact Mitigation Agreement), protect the landowners and maintain the quality of the farmland for any projects that use or lease farmland, must be signed 45 days before construction, financial assurance, and decommissioning standards, installation standards, protection for all drain tile, indemnification of the landowners within those deconstruction standards with equipment that needs to be removed and demolition of site. Working on the permits and the utility approval process in 2018, January 2019 State program opens up, if awarded February – August would be engineering and procurement, then July – November 2019 would be construction based on approvals from the State. There could be delay in the State approval, because they are still ironing out the details, and that is why we ask for the additional year. Over the life of the project there will be little traffic, maybe a pickup truck doing maintenance, landscape maintenance few times a year. No impact to soil or water from the materials on the project, the foundation are driven posts like a 4x4 post, spaced throughout the site with minimal compaction of soil, similar to farm machinery driving the site. Drainage is protected by the AIMA requirements, drain tile survey and if any damaged would be replaced as part of the construction process. Community benefits would be the tax revenue of the life of the project and expects to be \$700,000 to \$1 million. The land itself has to be returned to similar condition it is now prior to the solar. The emissions reduction is removing 1,500 cars from the road, lower, clean energy to the community. Dynamic Energy signs up the customers themselves and would be from 10-20% discount based on what the final contract would come out at.

Tison asks of the pictures you showed, were they fixed or tilt arrays.

- Micah states that they were fixed arrays, the difference would be the tracker is slightly elevated and the posts would be slightly taller, but the orientation would be similar.

Huschitt asks about the Saratoga Springs picture that was shown, how many MW was that.

- Micah states that I believe this was 2 MW and would be half the size of this request.

Diedrick asks about the material of the panels, and if we had a grass fire, would that be a hazard.

- Micah states that the panels are primarily glass and silicon. The impact on the electrical system, we have a string inverter, which have shutoffs throughout the site. It all can be disconnected at the interconnection site as well. The materials are similar to what would be used in household electrical equipment and safeguards built in.

Diedrick asks about the control of the inverter from a remote location

- Micah states there is automatic disconnect logic built in to the system, utility has smart inverter rebate to use those and it would be automatic disconnect built in if there was a short somewhere. The remote monitoring is where the data is transferred back to and does consistent monitoring which is operation, maintenance and preventative

maintenance.

Diedrick asks about training local fire or emergency personnel so they would be aware of potential hazards if called to a scene

- Micah states that we would work with local fire department to make them aware of the technology that is being used, but not sure of a specific training program.

Diedrick asks about subscribers in the ComEd area, they can be anywhere in their territory.

- Micah states that is correct, the goal is to work with folks in the community because they would be more likely to sign up because it is more tangible connection to where there power is coming from.

Huschitt asks how the subscribers are aware of this.

- Micah states that we do direct outreach to folks through mailers, other advertising channels, or community town halls.

Gratton asks about the type of anchoring system that will be used and how many panels per post.

- Micah states that we are showing I-beam driven pile, if the geotech survey shows that if it needed a screw pile we would use that. The soil seems to maybe work well with driven piles. You would have a row of panels of 6-8 panels per post, not sure on that.

Gratton asks about the view from Highway 20, if that will be the rear of the panels.

- Micah indicates that it will be the side of the panels that will be seen; the back of the panel consists of black plastic.

### **Public Testimony**

#### **John Schultz, County Board Member 362 N Pilot Knob Road, Galena**

- Curious what the rental rate is, I have heard it is \$1200 per acre per year. This would be \$4800 per year with total for life of project \$1,680,000 or \$42,000, why aren't you buying the property?
  - Micah states that it a good question and in this case it is what the owners are comfortable with, the owners here were interested in leasing, we are open to purchasing because we are the long term operator of project.
- In favor of this property, we have more than sufficient agricultural products, insufficient amount of tax revenue. I wish you success in the project.

#### **Sharon Mellicker, 14812 E Stockton Road, Kent, IL adjoining**

- Here also with my dad Bud Pearce. We live directly south of this request, because the property is on a slant we are going to see it, no matter what; we have a wide open view from both of our houses. I don't think anyone else will have this same type of view. We are not against the project, but wondering if something can be planted on the south side of it to help cover it from our view point.
  - Tison measures they are about ¾ mile from the request.
  - Micah states we are interested in working with neighbors for the project; we have included landscaping in others to minimize impact on neighbors. We are happy to work with a better solution for this area.

### **Public Testimony Closed**

Tison states that if you recommend approval you could add a condition for additional screening on the south side of the project, which would need to be submitted prior to issuing the building permit, I think developer would be agreeable to that.

Gratton states that are the conditions in previous requests adequate for this request as well.

Tison states that you may want to have that financial assurance like the other requests for this



- Waste Treatment: This home is served by an existing septic system which was installed in 1995. The system is located southeast of the house and is sized for 2 bedrooms. The request should not affect the existing system or well.
- Access Considerations: The property has an existing entrance onto Hanover Township maintained Reusch Road. The existing entrance has adequate sight distance for this lower speed aggregate surface roadway.
- Other Considerations: This property currently consists of approximately 18.76 acres and is located east of S Pleasant Hill Road near the intersection of S Tower Road in Hanover Township. There is an existing home on property built in 1995. History of the parcel, according to County records, indicates that prior to 2008 the parcel had rectangular shaped property lines with the NE corner of the parcel across Reusch Road. While undersized at approximately 20 acres, at the time it would have been considered a Lot of Record. In September of 2008, an exchange of land between adjacent property owners at the time, caused a reconfiguration of the parcel to its current form in which, the entire parcel was drawn so that it was now on the south side of Reusch Road and consists of approximately 18.7 acres. This action resulted in an illegal non-conforming parcel, because of the size of the parcel, with a house. The applicants would like to place an accessory structure to the East of the driveway and in front of the house. All surrounding parcels are zoned AG.
- LESA: The Land Evaluation score on this property is 45.86 (below the County average), with an overall LESA score of 169.86. Some of the Site Assessment factors contributing to the overall score were the size of the parent parcel (0/15 pts), the average slope of the site (0/10 pts) and commitment to agricultural adjacent (15/25 pts). Additionally contributing factors were distance from community services (15/15 pts), availability of water/sewer utilities (both 10/10 pts) and consistency with the Comp Plan (0/20 pts).

Heuerman asks if they are building a house or an accessory structure.

- Tison indicates an accessory structure

Gratton states in order to do that we need to bring the property into compliance.

Audrey Jones, owner

- Asking for the special use permit to bring our property into compliance. We purchased the property in January 2018, this was never disclosed to us, we had no idea that it was not in compliance. I don't know if we would have purchased if we had known it was not in compliance. We are trying to set a good example and do the right thing and bring it into compliance.

Diedrick asks if the accessory structure will have any utilities run to it and how will it be used for

- We would like to a little bit of hobby farming so we would like it to be an AG building. But also my fiancé is a County Deputy and I am a State Conservation Officer so we have a lot of equipment that is government equipment and we would like to get that equipment inside. We don't get any additional funding to have it there, but I have a boat, I am a sonar operator and I want to be able to hook up to that boat and go and not have to go drive 40 minutes to another storage shed provided by the State in order to respond.

**Public Testimony**

Randy Appleby, adjoining landowner 167 East Reusch Road, Elizabeth

- I have given property to conservation. I would like to support this request; it will help

save the State money as well as the County.

John Schultz, County Board Member, 362 N Pilot Knob Road, Galena

- I fully support this. I don't think we should have this impediment for people to build things in the County, I think this forty (40) acre rule is quite silly. It lends itself to only people being able to afford it buying the property to have 40 acres sitting idle.
  - Gratton states that if you would like to talk about that sometime I would be glad to

**Public Testimony Closed**

A motion was made by Mapes to recommend approval of the special use request for a single family home on less than forty (40) acres.

Seconded by Winter

Standards for special use – A- met, B - met, C – met, D – met, E – met, Additional Compliance – met

Standards for special use have been met

Roll Call:	Nick Tranel – Aye	Gary Diedrick – Aye
	Laura Winter – Aye	Ron Mapes – Aye
	Mel Gratton – Aye	

**RamonaLisa, LLC (James W Vincent, 1480 US 20 West, Elizabeth IL 61028 and Robert Dickinson, 3405 Acorn Road, Downers Grove, IL 60515) owners** are requesting a Map Amendment from AG Agricultural District to C Commercial District. Commonly address: 7650 US Highway 20 West, Galena IL 61036

**Staff**

- Comprehensive Plan: The Comprehensive Plan would indicate that this parcel is not in the Contiguous Growth Area of Galena and just outside the 1.5 mile development ring. The Plan also states that the County is strongly supportive of commercial and industrial growth, recognizing existing businesses for the contribution they have made to the local economy and tax base over the years. Such existing businesses have the greatest likelihood of new job creation. The County will work to retain businesses as well as the jobs they provide.
- Waste Treatment: This property is served by an existing septic system and well. A drainfield was installed in 1986 and is located east of the main building. The septic tank was existing at that time. The size of the septic tank is unknown. The existing drainfield is designed for 400 gallons of flow per day in optimal soil conditions. Soil borings should be completed to determine if the existing system is appropriate for soil conditions. Based on the information submitted in the application, this design could be adequate for 5 employees and minimal customer usage daily. Any changes to the building or its use would require an upgrade to the system. Plumbing from any additional buildings must also be connected to the septic system.
- Access Considerations: The property has an existing entrance onto IDOT maintained US Route 20. While the entrance appears to have adequate sight distance, IDOT has jurisdiction over access.
- Other Considerations: The parcel is located south of Mount Hope Road on the

east side of US Highway 20W in East Galena Township; approximately 1.76 acres. It was previously home to Country Cast, a cast iron foundry, and considered a legal, non-conforming use. Foundry operations ceased earlier this year (mid-May) and a material auction took place earlier this month. The new owner/applicant is proposing to rezone the property to Commercial in order to locate a plumbing service business within the existing principal structure. The original building dates from approximately 1984 with additions constructed in 1986 and 1993. There is an accessory building behind the principal structure constructed in 1993. Any permitted uses allowed in the Commercial district could be located within the principal structure, and the applicant may choose to remove and replace the structure at his discretion. As such, upon rezoning of the property, the following use limitations are required within the Commercial district:

- Transition Belts: A transition belt not less than twenty feet (20') in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a lot zoned for any use other than commercial, manufacturing or industrial.
- Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specification contained in the Zoning Ordinance.
- Business Operations: All business, storage, servicing, or processing shall be conducted within a fully enclosed building, except as follows:
  1. Businesses of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.
  2. Outdoor storage which does not occupy more than twenty percent (20%) of the gross lot area as an accessory use to the principal use provided such outdoor storage area has been specifically approved through a site plan review by the zoning administrator.
  3. The parking of trucks as an accessory use, when used in the conduct of a permitted use shall be limited to vehicles of not over one and one-half (1<sup>1/2</sup>) tons' capacity when located within one hundred fifty feet (150') of an R-1 or R-2 district boundary line.
- Lighting Fixtures: Exterior lighting fixtures shall be in accordance with lighting regulations contained in the Zoning Ordinance.
- Fencing: A solid or semisolid fence, hedge or wall at least six feet (6'), but not more than eight feet (8') high, with no more than thirty percent (30%) open space per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right of way. Said fence or wall shall be maintained in good condition by the owner(s) of the property in the C district. Coordination with the Health Department would be necessary and required if any plans to replace the existing structures are considered. If a new building is constructed in the location of the existing drainfield, most of it would likely be excavated when building the new structure. There may be difficulty in identifying a location away from disturbed ground for a new septic system that would meet setback requirement from the well. All parcels surrounding the property are zoned AG.

LESA: The Land Evaluation score on this property is slightly above the County average with an overall LESA score of 186. The contributing factors to scores for the Site Assessment portion of the LESA were the percent of agricultural

land adjacent (15/25 pts), the size of the parent parcel (0/15 pts) and commitment to agriculture adjacent (5/25 pts). The property's distance from services (15/15 pts), availability of water/sewer services (both 10/10 pts) location out of the 1.5 mile planning area while also not part of a contiguous growth area is reflected in the Comprehensive Plan score (20/20 pts).

Michael Toepfer, attorney 122 ½ N Main St, Galena & Bill Vincent, owner 1480 Rt 20 W, Elizabeth

- Why don't we recognize the parcel for the use it has and make it conforming as a commercial property. The original building dates from 1966. The planned use is for a plumbing service, 4-6 employees, have it be an income producing property for the county. There is a need for a plumber for the area. This is just outside of the 1.5 mile area of Galena. Bill Vincent is a successful business owner in the County, not only in the area of tourism with Grant Motel and LeFevre Inn, construction service with Vincent Earthmoving as well.

Gratton asks where the septic system drainfield is located

- Bill Vincent indicated that it is on the southeast corner of the lot.\

### **Public Testimony**

None

### **Public Testimony Closed**

Diedrick states that it is pretty straightforward.

Gratton states in most ways it is, talked with Eric about the zoning configuration and the usage and how it fits with the Comprehensive Plan and where it is located. I don't think it is a black and white issue. I am totally in support of what Mr. Vincent wants to do; I think it is a great adaptive use for the current property. My concern is should this property be rezoned commercial. I think we want to make sure which way we are going in the future, since we rewrote the Zoning Ordinance and Comprehensive Plan. With single family previously you had to rezone to residential property and we were getting colored spots on our Zoning Map, but now we have it remain AG with the special use. I think the key is to keep like and compatible usage together and integrity of the Ag district intact. Should this request be going forward as a commercial use, it has in many respects has an appearance of being commercial or should it be like others via a special use in the Ag District. Since we have changed the ordinance and Comprehensive Plan what uses like this have we changed to commercial.

- Terrapin Ridge Motel – was within 1.5 miles of Elizabeth

Gratton states that uses that need water and sewer within the contiguous growth area.

- Guys Trucking – special use permit was requested, this previously came forward as a lumber yard for commercial zoning and was denied, same to reuse the existing building that was there.

Gratton talks about the special use with rural businesses when found to be compatible with existing uses. This is what we did at Guys Trucking. Under commercial it states permitted when found to be compatible with uses in the commercial district, nothing indicates to me that this is compatible with commercial district because nothing is commercial around it.

Gratton states another would be Weber Concrete, an existing business that wanted to add, not change the use to conforming.

- Tison states that the business use was not requested to change; they needed to provide

additional accessory building, not necessarily the same type of request. Maybe ask for long term plans for the requested site from owner.

- Gratton states that long term is good, but may change at any time. Is this the precedent we want to set, the existing status of property is legal, non-conformity has been in place since 1966 which pre-dates zoning, exists legally. Look at the use table in the ordinance and see what is permitted in the commercial district, once you change it, we are saying those can go there. Legal, non-conformity, how many of those are in the county, there are a lot in the county, do we move them into a new district that may or may not be compatible with everything around it or do we use the special use clause that allows us to make them rural business uses when compatible with existing uses.

Mapes states that I don't want to mess with Mr. Vincent's plans; I think they are great and somehow want to do this. Also unsure about the commercial uses that would be allowed. Special use would allow him to put his plumbing business.

- Bill Vincent indicated he called the State of Illinois and wanted to make it commercial, they states that would be fine as long as you are doing something that is similar to what you are doing, but if you sold to McDonald or Wal-Mart, the access will be cut off, you will have no access.
- Gratton states that if we change this to commercial it would allow McDonalds to come in there
- Bill Vincent states they would cut off the access
- Gratton said that it could go in there if they get that approval for access, that is just the access, but if we change to commercial and a lot of other uses, the lot may not be big enough for some of those uses, but that is not what we are doing, we are saying that all the other permitted uses listed are okay to be there. You also have to abide by all the requirements in the Commercial District, transition screens and lighting. We could make it easier in a special use request.
- Bill Vincent states that I was advised to go Commercial from Eric.
- Tison did approach me and by definitions of the ordinance and the uses he brought forward and the parcel location in spite of its small size this meets the minimum district requirements in the commercial zoning. There are a myriad of uses that will be allowed, he would have to abide by the commercial district requirements, setbacks, I intended to bring as a special use and interpreted as not being special or unique. It is on state highway, it is on the wrong side of Galena right now.

Heuerman states that Mr. Vincent is coming here in good faith and going to put a plumbing business in here, not as soon as he gets approval put slot machines and dancing girls or something. If not happy with commercial, go with special use, I am sure that would be alright.

John Schultz states that the ordinance lists things that are permitted and not of things not permitted, this would be simpler. I am in favor of the request

Gratton asks if closer to town from this we have a request to change to commercial do we think that is going to be right, we set precedence, is this what we want in the ag district.

Huschitt states that this is different because it has been a commercial business since the 1960's, if a farm owner wants to split off 2 acres for commercial; I view that totally different because this is a legal, non-conformity location. It may change the business aspect of the county.

Diedrick states that if we go with commercial then if the county grows and business expands, someone can say that is commercial, why can't we be commercial. I can see that could be an issue later. If it is a special use then there is not an argument for that. I am leading toward the

special use versus commercial.

Winter states you draw the line that this is pre-existing, it has been there before, it is not a farmer selling off 2 acres for commercial, I agree with Huschitt.

Gratton states that I agree with you, but I am coming to a different conclusion. Once you enact zoning a grouping of businesses become legal non-conformities that are existing and what happens when they want to change that.

Mapes talks about one that was on the other side of Stockton that was a special use similar to this came through.

Winter states if we don't do commercial and do a special use, he is a good business man and wants to expand to electrical as well, will he have to come back to us for the special use every time he wants to add something.

- Tison indicates yes, any change in use if this is a special use would need to be amended every time. If this was commercial and wants to add additional and meets the commercial he could just do it. The contributing factor is the size of the parcel, the length of existence at this location. Making this a special use which is what initially though when he came was what I was thinking, but if long-term we miss something, or someone else wants to do something different, that is not business friendly and makes it a lot harder.

Tranel asks if he would consider the special use

- Bill Vincent states no, I would sell it. I was advised by your people to do this, this county is not business friendly, it is just crazy, and I am trying to get jobs plumbers. It drives me crazy; I paid a lot of money and have taken your advice. I walked through all the hoops. I would just sell it. It doesn't make sense.

Gratton states that we are in support of what you want to do, but are we doing this correctly in a zoning aspect and how we get there.

Heuerman states that we have stifled the residential with your 40 acre rule, and now we are heading for the businesses. Other businesses will not come here. You put everyone through a trial, last month with goat yoga that was criminal with what they did with her.

Michael Toepfer states that LeFevre Inn with tourism wanted to expand to weddings and other things and had to fight tooth and nail to get that in. Vincent Earthmoving he has expanded that in Elizabeth, I don't think every change should have to come back and ask for permission.

Huschitt states that someone stated there were 4 different businesses at this location over time, so this tells me that every time those businesses would have changed the use they would have had to ask for permission. If the county adopted the regulations why are we second guessing the commercial in a location that is a conforming commercial lot?

Mapes states that if this was initially commercial no issues, but it was agricultural, I don't want to sit on this board and stop growth, I want economic development, if zoning is stopping it, we need to look at zoning ordinance again.

Gratton states that I don't think the solar people thought the special use was wrong. This board is not anti-business, you have not sat here, and we are pro-business and certain standards that get adopted.

Michael Toepfer states that this property did not pop up.

Tison states that I have been made aware of concerns with NWIL Economic Development and she has expressed her frustrations with me. We in the department try to make things fit with the path of least resistance. The long standing legal, non-conformity here is the qualifier for the commercial zoning.

A motion was made by Tranel to recommend approval of the Map Amendment from AG Agricultural to C Commercial District:

Seconded by Winter

Standards for rezoning were reviewed. – a - met, b – no, not diminished, c – not conclusive, d – public need, e – suitable LESA 186, f – 3.5 to 4 months, property has not been zoned, g – yes, h - does not comply w/county plan, outside of 1.5 miles, but long standing basis of non-conforming use, which would be consistent with proposed zoning, county has a plan.

Roll Call:	Laura Winter – Aye	Nick Tranel – Aye
	Gary Diedrick – Aye	Mel Gratton – Nay
	Ron Mapes – Aye	

**Reports and Comments:**

Peter, Gary, and Eric attended IACZO seminar on Solar Energy and gave a short informational on it.

Tranel made a motion to adjourn at 9:30 PM. Winter seconded. Voice Vote: All Ayes