

**MINUTES
LAND USE COMMITTEE
January 29, 2019
4:00 P.M.
ROOM 402**

MEMBERS PRESENT: James Dillon – Chairman; Kate Pastucha, Brian Elsasser (arrived 4:30 p.m.), Matt Windish, Sharon Williams

MEMBERS ABSENT: Barry Robinson

OTHERS PRESENT: Larry Evans - State's Attorney's Office; Scott Sorrel, Shauna Musselman - County Administration; Kathi Urban, Andrew Braun - Planning & Zoning; Doug Gaa – Peoria County Sheriff’s Office; Michael Butler, Kip Smith, Phil Carlson, Pamela Parmenter – zoning cases petitioners and owners; Christine Francis Ozuna-Thornton, Kathleen Dunbar, Ken Dunbar – zoning case objectors; Matt Price, Pam Price, Jason Miller – Peoria County residents

Call to Order:

Mr. Dillon called the meeting to order at 4:16 p.m.

Approval of Minutes:

A motion to approve the Land Use Committee minutes from December 18, 2018 was made by Ms. Williams and seconded by Ms. Pastucha. A vote was taken on the motion and carried. (4-0) (Mr. Robinson was absent.) (Mr. Elsasser absent for vote.)

Reports/ Other Minutes/Updates:

Tri-County Regional Planning Commission Minutes: No questions or comments.

Unsafe Structures: No questions or comments.

Development Summary: No questions or comments.

Mr. Dillon made a motion to receive and file the reports.

Zoning Cases:

001-19-U, Petition of Robert C. Wilson Jr.:

Ms. Williams made a motion to approve the special use request with restriction and was seconded by Ms. Pastucha.

Ms. Urban summarized the case. A Special Use as required in Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the A-2 Agricultural District. The petitioner proposes to divide 2 acres from an existing 9.558 acre parcel in order to sell an existing single family dwelling. The parcel is located on Evans Mill Road in Radnor Township. There are 0 consents and 0 objections on file. The petitioner intends to sell the existing house and 2 acres to the current tenant and maintain the remaining acreage. The request is consistent with the area as there are approximately 7 parcels nearby that are similar in size. The parcel had a low LESA score, which

is a low rating for agricultural protection. The Health Department had no objection and the Radnor Township Road Commissioner had no comment. The request is consistent with the Peoria County Future Land Use Form Map. Staff has recommended approval with one restriction and the Zoning Board of Appeals concurred.

A vote was taken on the motion and carried. (4-0) (Mr. Robinson was absent.) (Mr. Elsasser absent for vote.)

005-19-U, Petition of Todd & Pamela Parmenter:

Ms. Pastucha made a motion to approve the special use request with restriction and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use as required in Section 20-5.2.2.2.c of the Unified Development Ordinance. This section allows for a special use for animal hospitals, animal clinics and commercial kennels. The petitioner proposes to operate a commercial kennel on a 7.763 acre parcel in the "A-2" Agriculture Zoning District. The petitioner breeds Brittany Hunting Dogs. Kenneling and training services are occasionally offered for customers at the site in addition to the breeding operation. The parcel is located on Route 91 in Radnor Township and there is another kennel located approximately 1/3 of a mile to the north of this location. There are 0 consents and 1 objection on file. The petitioners' site plan indicates that an addition will be built to the existing barn to accommodate the expanding kennel business. The adjacent properties are within the jurisdiction of the City of Peoria to the north, zoned "A-2" Agriculture and City of Peoria to the east, and zoned "A-2" agriculture to the south and west. The adjacent land uses are agricultural to the north, agriculture and residential to the south and west, and agricultural and a medical facility to the east. The ordinance allows for a special use for commercial kennels in the "A-2" Agriculture District provided that the following conditions are met: (1) the size of the lot is two or more acres, (2) the kennel is not located closer than 200 feet from any off-site residential building or 100 feet from any property line unless maintained within a completely enclosed building, and (3) no objectionable odors are noticeable beyond the lot line. The petitioners meet all the conditions to operate a commercial kennel. The Health Department did comment that a new septic may be needed and IDOT had no comment. The proposed use is consistent with both the City of Peoria Future Land Use Plan map and the Peoria County Comprehensive Land Use Plan. The proposed special use is also consistent with the Peoria County Smart Growth Strategy to generate economic opportunity and stability. Staff recommended approval with a restriction regarding the comments from the Health Department and the Zoning Board concurred unanimously.

Ms. Urban pointed out that the objector lives on the other side of the access driveway, which is shared by several homes in the area, including the petitioner. The objector was concerned that this request would result in an increase in traffic for the shared driveway. Additionally, the well is shared by all the homes in this area and is located on the objector's property. The objector was concerned that the use would increase the demand on the well. Ms. Pastucha asked if the Health Department would require another well, and Ms. Urban responded that the Health Department had commented that the petitioner would need a permit if they chose to put in a new well as part of the expansion, but a new well would not be required.

A vote was taken on the motion and carried. (4-0) (Mr. Robinson was absent.) (Mr. Elsasser absent for vote.)

007-19-U, Petition of Steve Durdel:

Ms. Williams made a motion to approve the special use request and was seconded by Ms. Pastucha.

Ms. Urban summarized the case. A Special Use request from Section 20-5.8.2.1.n.1 of the Unified Development Ordinance, which allows for a Tavern, not exceeding a floor area of five thousand (5,000) square feet, if located closer than five hundred (500) feet from any residential district, religious institutions, or school in the "C-2" General Commercial Zoning District. The petitioner proposes to bring a tavern located closer than five hundred (500) feet from any residential district, into compliance with the Unified Development Ordinance. The parcel is located on Southport Road in Kickapoo Township. The tavern has operated from this location since the 1930's and is currently permitted as a nonconforming use. The ordinance states that states that the use cannot be expanded or enlarged by additions to the structure unless it is brought into conformance. The petitioner recently added a deck to the tavern without a permit. In order to keep the deck, the use would need to be brought into conformance. According to the petition, the existing hours of the tavern are 10 AM – 2 AM Sunday through Saturday and food is served twice per week on Thursday and Friday nights. Because the building is located in a floodplain, improvements to the parcel would be required to comply with Section 20-7.14 Floodplain Regulations. No comment was received from IDOT. The proposal is consistent with the Peoria County Comprehensive Land Use Plan. Staff has recommended approval and the Zoning Board of Appeals concurred.

A vote was taken on the motion and carried. (4-0) (Mr. Robinson was absent.) (Mr. Elsasser absent for vote.)

008-19-U, Petition of SolAmerica Energy, LLC:

Ms. Pastucha made a motion to approve the special use request with restrictions and was seconded by Mr. Windish.

Ms. Urban summarized the request. A Special Use request from 20-5.2.2.2.h of the Unified Development Ordinance. This section allows for a special use in the "A-2" Agriculture Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. The proposed 2-megawatt solar area will be 17.9 acres of a 113.5-acre parcel located on W Truitt Rd. in Hallock Township. The substation is approximately 0.8 miles east from the site and the estimated cost of interconnection is \$2 million. There is 1 consent and 4 objections on file. The consent came from Joyce Blumenshine of the Sierra Club and the objections were from adjacent owners who were concerned that the development would impact property values and take farm land of production. The distance from the array to the nearest single-family dwelling is approximately 0.4 miles north. The surrounding use in the area is mostly agriculture and the use has been designed for minimal impact on surrounding properties. If granted, the use is required to obtain building permits and stormwater and erosion control permit prior to construction and the applicant must maintain a decommissioning plan with financial security. The LESA score is 208.8 out of 300, a medium rating for agriculture protection. The Health Department had no objection. The County Highway Department had no objection but requires the property owner meet with their staff for an access permit before access to the subject parcel is granted. The request is consistent with the Peoria County Land Use Plan Environmental Stewardship principle that private entities utilize environmentally-friendly technology. The use is supported by the Peoria County Growth Strategy to generate economic opportunity and stability. Staff has recommended approval with 8 restrictions and the Zoning Board concurred.

A vote was taken on the motion and carried. (4-0) (Mr. Robinson was absent.) (Mr. Elsasser absent for vote.)

Mr. Elsasser arrived at this time.

009-19-U, Petition of Chillicothe Solar 1, LLC:

Ms. Pastucha made a motion to approve the special use request with restrictions and was seconded by Mr. Windish.

Ms. Urban summarized the request. A Special Use request from 20-5.2.2.2.h of the Unified Development Ordinance. This section allows for a special use in the "A-2" Agriculture Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. Also, A Special Use request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the "I-2" Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. The request spans two parcels located on Old Galena Road, just north of Caterpillar, in Medina Township. The site will be 2 megawatts that occupy approximately 12 acres across those 2 parcels. The substation is approximately 5.1 miles southwest from the site and the estimated cost of interconnection is \$515,000. There is 1 consent and 0 objections on file. The consent was from Joyce Blumenshine of the Sierra Club. The distance from the array to the nearest single-family dwelling is approximately 262 feet to the west. The site is designed to minimize the impact on the surrounding properties. If granted, the use is required to obtain building permits and stormwater and erosion control permit prior to construction and the applicant must maintain a decommissioning plan with financial security. The LESA score is 168.8 out of 300, a low rating for agriculture protection. On the parcel adjacent to the south, there is an existing gravel access road off N. Old Galena Rd., which has been proposed as the singular entrance and exit for the subject area. However, according to the petitioner, there is no known easement for ingress/egress to the proposed development at this time. One of the proposed restrictions requires an easement for use of this access road. The request is consistent with the Peoria County Land Use Plan Environmental Stewardship principle that private entities utilize environmentally-friendly technology. The use is supported by the Peoria County Growth Strategy to generate economic opportunity and stability. Staff has recommended approval with nine restrictions and the Zoning Board has concurred.

Christine Francis Ozuna-Thornton stated she had some concerns about solar development. Ms. Urban stated that for this case, Ms. Ozuna-Thornton had discussed her concerns with the number of workers during construction and how this development would impact property taxes. Mr. Dillon explained that no new testimony could be given and that comments must be limited to what was discussed at the Zoning Board hearing. Any new evidence presented to board members could not be considered.

A vote was taken on the motion and carried. (5-0) (Mr. Robinson was absent.)

010-19-U, Petition of Phil Carlson & Stantec Consulting:

Ms. Pastucha made a motion to approve the special use request with restrictions and was seconded by Ms. Williams.

Ms. Urban summarized the request. A Special Use request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the "I-2" Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section

7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. This site proposes two co-located 2 megawatt sites on a parcel located at the intersection of Old Galena Road and Route 29 in Medina Township. The substation is located approximately 4 miles to the northwest. The estimated cost of interconnection is \$975,000 and \$4,400,000 for each site respectively. There are 2 consents and 5 objections on file. The consents came from Tracy Fox and Paul Basso, who is the son of the property owner. The parcel is zoned "I-2" Heavy Industrial. Surrounding zoning is "I-2" Heavy Industrial to the north, south, and west. Surrounding zoning is "R-2" Medium Density Residential to the east. The nearest equipment will be approximately 325 feet to west of the nearest principal residential dwelling. The project has been designed to minimize impact to adjacent parcels. In addition to a perimeter fence, the petitioner has proposed landscape screening on the north, south, and east sides of the property. If granted, the use is required to obtain building permits and stormwater and erosion control permit prior to construction and the applicant must maintain a decommissioning plan with financial security. The LESA score is 143.6 out of 300, a low rating for agriculture protection. The Illinois Natural Heritage Database shows both the Decurrent False Aster and Indiana Bat may be in the vicinity of the project location, however the IDNR has concluded that adverse effects are unlikely. The impact to the transportation system is limited with the greatest impact being during the construction of the project. After construction is complete, the site will be unmanned and monitored remotely and maintenance of the site will take place as needed. IDOT and the County Highway Department had no objection. The Peoria County Future Land Use Form Map designates this area as Agriculture and River Freight. Land Uses allowable in the River Freight Land Use Form include agriculture, open space, and industrial. The use is less intensive than other industrial uses. The request is consistent with the Peoria County Land Use Plan Environmental Stewardship principle that private entities utilize environmentally-friendly technology. The use is supported by the Peoria County Growth Strategy to generate economic opportunity and stability. Staff recommended approval with 8 restrictions and the Zoning Board concurred unanimously.

Ms. Pastucha asked if the site was currently farmed, and Ms. Urban responded that this was correct. Mr. Carlson stated that he felt the project was adequately presented and met all requirements of the Special Use. Mr. Carlson added that the restrictions were agreeable. Mr. Carlson also added that he felt the objections were either addressed, unfounded or adequately rebutted.

Ms. Ozuna-Thornton stated that she was glad that the petitioner was changing the location of the solar project because of the location of an ancient burial ground on this site. Ms. Ozuna-Thornton stated that she felt it was unfair that she did not receive a letter of notification. Mr. Dillon responded that neighboring land owners are the ones notified, which Ms. Ozuna-Thornton is not. Mr. Dillon stated that a sign was also posted, and the request was published in the newspaper to notify the general public of the hearing. Mr. Dillon stated that although the process might seem quick, it is actually a 2-3-month process that travels through multiple steps before approval. Mr. Dillon stated that some would say that the process even takes too long. Ms. Ozuna-Thornton stated that she felt this project was threatening the river and the native wildlife.

Kathleen Dunbar stated that she had to request a notification for the hearing. Ms. Urban explained that Ms. Dunbar was adamant that she receive an adjacent owner letter and so staff sent her one as a courtesy even though she was not an adjacent owner. Ms. Dunbar stated that she was concerned about the electro-magnetic fields from solar development and how it would affect the bees and birds in the area. Ms. Dunbar was also concerned about the use of hazardous materials in the panels and how it would affect ground water. Ms. Dunbar stated that she was not objectionable to solar in rural areas, but that this was not the proper place for it. Ms. Dunbar

stated that the representative from the Sierra Club had stated at the hearing that solar was good for the future, but Ms. Dunbar stated that she did not know if she could believe that. Ms. Dunbar stated that she was mostly concerned about the development's impact on the birds.

Ms. Urban explained that Ms. Ozuna-Thornton and Ms. Dunbar were not adjacent owners to the proposed site and so they did not receive letters of notification. Ms. Urban explained that it was discovered at the January 10th hearing that the Peoria Park District was not notified along with the railroad. Because these two entities are adjacent owners to the subject parcel, there was a special hearing that took place on January 28th in order to allow these entities the opportunity to comment. Ms. Urban explained that notice was mailed within the 15 day requirement of the special hearing. Ms. Urban stated that neither agency testified at the hearing, nor did they send comments to the department prior to the hearing. Because there was no new testimony given at the January 28th hearing, the Zoning Board adopted their previous findings and upheld the previous recommendation of approval.

Ms. Ozuna-Thornton stated that she could not trust that 30 years from now that the solar project would still be beneficial. Ms. Ozuna-Thornton stated that there was nothing in place to protect the future. Mr. Dillon responded that the developer must have financial security in place to ensure that the removal of the project will be completed in the event that a company ceases to exist, or the life of the project is complete. Mr. Dillon added that there are also restrictions in place that limit the project in specific ways. Ms. Ozuna-Thornton asked who would be around in 30 years to enforce these rules, and Mr. Dillon responded that the organization of Peoria County would be. Mr. Dillon added that these cases were a product of the state passing the Future Energy Jobs Acts and then gave an explanation of the act. Mr. Dillon stated that a lottery would determine who would receive the available energy credits, which means that not every site that received zoning approval would actually be developed. Ms. Ozuna-Thornton stated that this project is different because it is near the river.

Mr. Carlson stated again that there were a number of objections raised that have no basis in fact, such as the concern with the electro-magnetic fields. Mr. Carlson referenced a 2012 study done by the Massachusetts Clean Energy Center, which concluded that there was no increase to the electromagnetic fields in an area due to solar development. Mr. Carlson stated that existing power lines would have a higher amount of electromagnetic radiation than solar.

Ken Dunbar stated that he was concerned with the number of people who would be near this site on a daily basis considering that the site was near a school and the Caterpillar office. Mr. Dunbar stated that he did not feel that enough is known about the long-term effects of solar for it to be developed in this populated area. Mr. Dunbar stated that he also believed the proposed solar development would affect the local wildlife.

A vote was taken on the motion and carried. (4-1) (Mr. Elsasser voted no.) (Mr. Robinson was absent.)

Subdivision Waiver:

W01-19, Petition of Robert C. Wilson, Jr.:

Mr. Elsasser made a motion to approve the subdivision waiver and was seconded by Ms. Williams.

Ms. Urban summarized the request. The petitioner, Robert C. Wilson Jr., seeks approval of a waiver from Section 20-8.3.4.1.b.2.a of the Unified Development Ordinance. This section requires a new minor subdivision to have public water supply. This case was filed concurrently

with the previously discussed zoning case 001-19-U to split 2 acres from a 9.558 acre parcel. The petitioner has submitted a well construction report from a licensed well driller for the remaining acreage indicating the production of 10 gallons per minute, which exceeds the requirement of 3 gallons per minute. The closest public water supply is approximately 2.5 miles to the east in the Village of Dunlap. The Health Department had no objection and staff has recommended approval of the request.

Ms. Pastucha asked why the waiver was needed since the well was adequate. Ms. Urban stated that subdivisions are required to have public water, and the waiver would allow the subdivision to be served by a well.

Miscellaneous:

Mr. Dillon stated that most of the board was aware that there was a proposed hog farm near Princeville and there were several people in attendance who wanted to speak about the issue. Mr. Dillon prefaced the conversation by stating that the county had no jurisdiction over the specific matter and no legal authority to make any type of recommendation.

Pam Price introduced herself as a resident of Princeville who lived close to the property proposing the development of the hog farm 1 mile south of the town. Ms. Price stated that the owner was proposing 2480 head of hog on this site, which would be coming from TriOak Foods in Iowa, which is a large pork producer. Ms. Price stated that this would create a huge demand on water and added that the hogs would also produce a large amount of waste over the course of a year. Mr. Dillon stated that the proposer of this development is well aware that anything over 2500 head of hog would revert the case to local authority. Ms. Price stated that she had called the Illinois EPA to ask if they would inspect this site and they have no authority to do so at this size. Ms. Price stated that she can understand the property owner's desire to develop the property, but she cannot see any benefit to this type of development. Ms. Price stated that the negative impacts on the environment and the water are concerning.

Ms. Urban stated that she had spoken with the Department of Agriculture and had learned that the county was not eligible to hold a public meeting concerning the proposed development because of the number of proposed hogs being under the threshold that would allow the local authority to hold a hearing. Ms. Urban stated that in this case, the Department of Agriculture has full jurisdiction. They do the plan review and all inspections for the project. Ms. Urban stated that both Senator Weaver and Representative Spain were contacted about the issue and are aware. Ms. Urban stated that Senator Weaver's office would be referring people to the Illinois Farm Bureau and the Illinois EPA. Ms. Urban added that Mr. Spain's office would be referring people to the Livestock Facility Act so that people understood the laws in place. Mr. Dillon stated that the county was unaware of the project until about a week prior because of citizens who had reached out. Mr. Dillon stated that he was disappointed that Senator Weaver and Representative Spain were not doing more to help with the issue at a higher level, especially considering that the local government had no authority to comment on the proposal.

Ms. Price stated that it was worth noting that if the project were expanded in the future, it would not require input from local government as long as the additions were under the size limitations previously discussed. Ms. Price stated that they could do this an unlimited amount of times in the future and still not require local government input as long as the additional size was under the 2500 head requirement. Ms. Pastucha asked if there are any other hog facilities of this size in Peoria County, and Ms. Price responded that there was one west of Princeville. Mr. Elsasser stated that it was far removed from homes. Ms. Pastucha stated that there were no rules that the county could put in place to help resolve the issue, and Mr. Dillon explained that state statute

allows for agricultural exemption for many things. Ms. Price stated that there are counties rising up against these kinds of developments. Ms. Price stated that these types of facilities are showing up all over the state, which is concerning. Jason Miller stated that the reason Illinois is getting many developments of this type is because surrounding states are starting to regulate them more strictly. Ms. Urban asked what counties in Illinois were fighting it, and Ms. Price stated that she did not have a list, but she could get a list to Ms. Urban another time.

Mr. Dillon stated that he felt Representative Spain and Senator Weaver should be contacted to try and enact some change at a state level. Mr. Dillon stated that staff would keep the board updated with any new information if any new information was received. Matthew Price stated that there are 15 families near the proposed area of the hog farm and none of them were interested in having the farm in this location. Mr. Price stated that he had concerns about the development affecting property values and also affecting the nearby waterways.

Mr. Dillon stated that interested board members could exchange contact information with the Prices and encouraged everyone to speak with their state representatives because they would have a better chance of making changes at the state level since the county had no jurisdiction in this matter.

Adjournment: Mr. Dillon adjourned the meeting at 5:50 p.m.

Recorded by: Ellen Hanks, ZBA Administrative Assistant