Minutes of the ZBA Meeting Held on Monday May 1st 2023

Meeting was called to order at 6:30 p.m. Roll call was taken showing Zoning Board Members Clark Vanbuskirk, Paul Skoog, Beaver Miller, Steve Dykstra and alternate member Kevin Reibel in attendance. Representing the county was Jeremy Hughes and Christopher the Assistant States Attorney.

Notice for this public hearing circulated in the Mirror Democrat the week of April 12th 2023. Mailing notifications had been sent to all surrounding property owners of the subject properties within 250 ft.

The applicants Natasha & Jason Ritchie are seeking a building setback variance at their property 9734 IL Route 84 Savanna, IL. The request is to build a 24'x30' storage garage at 74 ft from the center of the state highway. Carroll County, IL building setback requirements specify a 100' building setback from the center of all state and county highways. The brief legal is the SW ¼ of Sec. 14 Savanna Township. Parcel ID 08-07-14-300-003.

A map exhibit was introduced identifying the location of the garage at the 74 ft building setback. The owners of the request were unable to attend. Jason was reported sick and Natasha mistakenly showed up early, but was needed on the property to deal with flooding.

The neighbors, Elizabeth and Dennis Louck, who live directly across the road from the request at 9699 IL Route 84, spoke to several questions they had as to why the building site had been selected, the concern of having additional storage around the building and possible sight limitations for the driveway located directly south of the selected building site. They asked for clarification on the process of the county granting a building setback variance and about conditions that can be recommended as a requirement, specifically about requiring a privacy fence. Marisa Hartman, the owner of a neighboring property 9737 IL RTE 84 was also present at the meeting and commented she also had the same concerns as her neighbors to the south.

The ZBA wanted to ask several questions to the petitioners regarding the request and their hardship reasonings, however, due to the petitioners not being present, the request was tabled for a future meeting. For the next meeting, the ZBA asked for a larger expanded map of the property, onsite pictures, a question to what direction the garage doors would face, the color and the possibility of a privacy fence.

The second item on the agenda was introduced. The applicants Joe and Bob Deckert are seeking a zoning amendment for their property located at 18776 Reifsteck Road Savanna, IL 61074. The request is for a zoning change from Industrial (I-1) to Recreational (Rec-1) in pursuit of creating a campground resort. The property is within the Savanna LRA Depot. The brief legal is the SE ¼ of Sec. 2 Washington (West) Township. Parcel ID 09-01-02-400-006.

Exhibits were introduced and included: A property line map, a zoning map, two pictures taken of the old barracks buildings, a copy of the notification letter, material provided by the IL Historic Preservation Agency regarding the restrictive covenants for disturbing the ground, an email response from the LRA and a complaint that has been made from a local resident concerning operating noise of trucks, trains and barges coming from the LRA area.

Jeremy reported he had meet with the owners for a tour of the property, including going through one of the barrack buildings. The floor was turned over the petitioners. They talked about their plan for development to include several phases starting with renovating the barracks buildings for seasonal bunk housing. They would create RV sites, a playground and pool/splash park, a par 3 golf course, a camp store that would also provide food. They talked about their understanding of the archaeological

preservation restrictions. They talked about the water and sewer being available and trying to expand into those tie ins by trenching. They would work with the IL Historic preservation in regards to permission to trench.

A question was called as to the history of the property. The property had been owned previously by Scott Lombardo, who had approached the county on several occasions to request special use permits and most recently a 2017 zoning amendment change from Commercial (C-1) to Industrial (I-1). Although the county had been receptive to the many requests made by Scott, no activity took hold during his ownership.

Jeremy explained he had been given 35 pages of deed covenants that regulate and restrict the use of the property, a copy did not make the packet but is available for review. The most restrictive being the IL Historic preservation Agency, archaeological preservation that would require a phase 2 archaeological study to before the covenants could be released. A written summarization by email was provided by Jeffery Kruchten, principal archaeologist of the IL Hist. P.O. A map of the sensitive areas of the property was also included and provided within packet. Those materials talked about the historical importance of the property, with potential to make it on the national registry. It was noted that a phase 2 study would require significant financial input from the property owners. This not something the owners were interested in pursuing at this time.

Amie Schoenhaar, the CEO of Riverport Rail business located within the depot, was at the meeting and spoke about concerns of the additional people using parts of the depot that are not public. She mentioned recent events of trespassing and theft, and that she was concerned that having additional public in the area may cause issues. She asked that signs or a policy be included to let future patrons of the campground know that the majority of the LRA area is strictly no trespassing and off limits. The petitioners did respond they would use signs and their policy would be that patrons do not step off the property. The letter that was provided from Rob Davies of the LRA was discussed. Rob was present at the meeting and expanded on his input from the letter provided by email and included in the packet. He talked about his meetings with the owners, stating that he appreciates the owners for being open to communication. The LRA does not have authority to prevent development; however, the LRA is concerned that there is currently a conflict with the Industrial components that are in the area and the plans for a recreational area including overnight camping and boarding. Rob also talked about the Port District Authority that has received significant state and federal grants to begin purchasing land to move their plans forward closer to development that would make the LRA depot an intermodal transportation hub and major river port for the movement of goods that would include additional rail, trucking, and a river barge terminal. This would expand upon the already growing industrial components of the area, creating additional activity, noise and potential hardship on a business trying to create a relaxing recreational area. The LRA policy has been working towards limiting and removing residential use in the area in preparing for the port authority working to execute their plan for development. Although Rob agreed that the development of a campground was not completely incompatible, he also said that the LRA can not stop the use of the property, and advises caution to the owners if they so choose to move forward. He agreed there could be some benefits to having a campground available in the depot, but also that the LRA is concerned about liability and future conflicts if the owners end up investing significant amounts of time and money that it would take to improve the property and buildings.

The zoning map was discussed as the LRA depot is already zoned appropriately as industrial, allowing for the expansion of many heavy uses.

An active complaint regarding noise generated from the LRA depot received from a county resident who lives south of the depot was included in the board packet. The complaint has been on file with the county for several years and focuses on the late hour and/or overnight idling of trains, trucks, and

the river barge engine noise from the river.

The finding of fact was executed and is included in the packet. The ZBA indicated that the future zoning uses are unknown, but likely may conflict if plans for a river/rail port are executed. They also wanted to include that the board take into consideration the concerns of trespassing, archaeological preservations covenants and the LRA concerns of liability of having a campground locate in an industrial zone. After the finding of fact, a roll call vote was taken with Clark, Beaver, Paul and Steve voting in favor of recommendation by the county board and Kevin Reibel abstaining from vote, noting a conflict of interest as he is also a member of the LRA board.

The ZBA moved on to the final item on the agenda pertaining to the continuation of Commercial Solar and Wind Ordinance Text Amendments as it relates to IL House Bill 4412, requiring counties to adopt changes by May 27th 2023.

The Zoning Board of Appeals first met Monday April 6th to discuss Commercial Solar and Wind Text Amendments counties are required to make as part of the passage of HB 4412, and the state siting requirements within 55 ILCS 5/5-12020. The ordinance language amendments reviewed and discussed have been on display on our County Website under the Zoning Board of Appeals Page since April 6th. The new ordinances language for Ch.725, SOLAR and Ch.750 WIND was compiled using sample documents produced by the IL Association of County Board Members in response to the new state siting requirements. They have been edited from their original form to help eliminate repetitive or confusing language and make them better fit for Carroll County use.

At the ZBA meeting, discussion focused on Counties Code 55 ILCS 5/5-12020 as it relates to the state siting standards for commercial wind and solar. To summarize some of the most important talking points, counties may establish their own ordinance standards for wind and solar facilities. Counties that do not want their own adopted standards are not required to have them. Counties may include all the state specified requirements, but may not include more restrictive standards than specified.

If a county chooses to adopt their own standards, that county is required to hold at least one public hearing. Ag Impact Mitigation agreements must be signed and in place before the public hearing. Any existing county ordinances not in compliance with the state siting requirements must be amended to comply within 120 days of enactment or by May 27th. All Setback requirements are set by the state and are to be applied equally across every county. Building setback, flicker and noise requirements can be waived by participating property owners. Fences for solar sites are required and must be between 6 to 25 ft in height. Counties may not set sound limitations for wind more restrictive than IL Pollution Board. Counties cannot adopt language that precludes or disallows. **A request for siting a facility <u>SHALL</u> be approved if in compliance with the state siting requirements.** All application fees, including special use and building fees, shall be reasonable and consistent with other projects of similar capital value. No other standards shall be used other than the states standards for construction, decommission, and deconstruction, and financial assurances that are more restrictive that the AIMA.

Counties may require vegetative screening, but no earthen berms. A county may require results/recommendations from IL DNR, IL Historic Preservation as well as Fish and Wild Life. Counties may require applicants to demonstrate avoidance from protected/sensitive lands. Counties may seek to maximize community benefits, including but not limited to: reducing stormwater runoff, flooding, erosion, improving soil health, increasing foraging habitat by requiring solar facilities to plant and maintain vegetative ground coverage and management plans. This may also be partially regulated by IL DNR guidelines in the future. Solar and Wind facilities may be required to enter into Road Use Agreements, holding them responsible for a <u>REASONABLE</u> cost of improving roads used during construction and making sure those roads are in safe operating condition. Road use

agreements shall not require the facility owner to pay costs, fees, or charges for road work that is not directly attributable to construction. The same can be applied to field drainage systems.

At the ZBA meeting there was a question called on the draft ordinance language for wind. Written within are several requirements that are not specifically mentioned as part of the state siting requirements. These may or may not conflict with the state requirements listed in 55 ILCS 5/5-12020. The most notable example being Section 4 D. Communication Analysis; Interference, which would require wind applicants to study, consider and potentially correct any electromagnetic wave inference the towers cause for cell phones, TV/Internet services and other radio communications.

After follow up research, it has been recommended to include such language. Counties are given the liberty to add ongoing operation requirements that are above and beyond the state siting requirements. Our ordinance amendments for both Wind and Solar have been written with a clause that if any of the language is found to be "invalid" or outside our abilities to regulate it could and would be eliminated at that time, while all other provisions remain severable.

At the May 1st ZBA Meeting, County Building Regulations Chapter 360 amendments were reviewed and discussed as to the fees Carroll County can charge for commercial wind and solar applications. The state siting regulations read as such "A county may not require permit application fees for commercial wind or solar that are unreasonable. All fees imposed shall be consistent with fees for project in the county with similar capital value". In this instance we have based our fees off of the fees collected for Commercial Cell Tower projects. The fee amendments have also been on display online. A formula that includes a fee of $1500 per megawatt generation capability has been recommended. This is similar to the formula that the Department of Revenue currently provides to County Assessors for valuing Commercial Energy Installations for property tax purposes.

There was discussion about setting a maximum cap on those fees, however; the ZBA moved to remove and strike the cap on fees. They are of the opinion that the fee should start without a cap and if the County Board wants to cap a fee in the future OR for a specific project that they could address that ability at that time.

As discussed in the meeting, it is important to note that many counties are asking for clarification from the state on several points of their new requirements. It is unlikely that these questions will be answered before the May 27th deadline. There are trailer bills being discussed that could amend the state siting requirements to further clarify these points.

The ZBA has recommend adoption of text amendments as presented at the May 1st meeting, with the only change of striking the cap of a maximum fee within Chapter 360. This recommendation includes the following text amendments:

1.) Strike Section 700-5.06 "Standards for Wind Energy Generating Facilities (WEGF) from Chapter 700 ZONING.

2.) Strike Chapter 725 "SOLAR FARMS"

3.) Adopt replacement Chapter 725 "SOLAR ENERGY FACILITY SITING ORDINANCE".

4.) Adopt new Chapter 750 "WIND ENERGY CONVERSION SYSTEMS SITING ORDINANCE".

5.) Amend Chapter 360 "BUILDING REGULATIONS" Sesc.360-3 Fees, #13 commercial solar building permit fee and add # 14 for Wind tower turbine building permit fees.