

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on August 16, 2018 at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE **(X) denotes present**

(X) Chairman Chimento	(X) Committee Member Mares
(X) Committee Member Wulf	() Committee Member Sudeth
(X) Committee Member Spiro	() Committee Member Beaty
(X) Committee Member Lathan	

STAFF PRESENT:

Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission
Emily Prather, Associate Planner, Spfld-Sang County Regional Planning Commission
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission
Dwayne Gab, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of July 19, 2018 Minutes

Committee Member Don Wulf made a motion to approve the July 19, 2018 minutes.

Committee Member Tony Mares seconds the motion.

Motion carries 5/0/0

Docket 2018-037 Adam & Lyndsi Reid for property located at 6500 Block of Mechanicsburg Road, Springfield, IL 62712

PETITIONER(S): Adam & Lyndsi Reid

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request for Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow the public road frontage to be approximately forty (40) feet instead of the required eighty (80) feet in the "R-1" Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Pete Wagner was sworn in.

Wagner: They are zoning the timber to residential so they can build their house. The remaining leave agriculture.

ZBA Chimento: There are 72.4 acres in the whole deal?

Wagner: Yes, and we want to zone approximately 10 acres to residential and remaining 62 acres agriculture. The 10 acres is timber right now.

ZBA Chimento: The entrance is going to be off of Gabriel Road, correct?

Wagner: Yes, the entrance will be off of Gabriel Road. We have access off Mechanicsburg Road too but want to come off Gabriel Road and back to their house so we don't disrupt Mechanicsburg Road.

ZBA Chimento: Any questions? County Board? Objectors?

William Tarr was sworn in.

Tarr: I live at 6516 Mechanicsburg Road. My property borders Mr. Reid's property all the way back. It's where the "so-called" Rochester to Riverton Road will be put in to place years from now. The gentleman from highway department out north of Springfield had a map and was giving me figures of easements and easement was 226' west of my property line to the outside edge to the new road the plan to someday put through there. Now he's talking about just because there's a gate their on my property that was my gate from the farmer back in 1959. But anyway he was saying they have an "ok" to use the gate to access property. The subdivision road is West View and he's going to use the driveway to come out that way he's going to be right in line with the people that live across the road which is two residents that live across the road...Braner and Roesch. So I don't know about using this gate as coming in the back way I don't go for it. I have enough problems with people walking along my property.

ZBA Chimento: He has a rock road in there now.

Tarr: Yes, he does...does he have a back road going near my property?

Wagner: There is an entrance off Mechanicsburg Road, but they are going to use Gabriel Road for their access to their house.

Tarr: if they don't use that entrance off Mechanicsburg Road that's fine but if they do well ok.

Wagner: Well, it's still their property but they are going to use Gabriel Road.

ZBA Chimento: We are zoning the entrance we are zoning the timber portion.

Tarr: if he wants to build a house there, that's fine. I don't have a problem with that.

ZBA Chimento: Ok, any other questions? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 152 indicates the subject property is marginal requiring mitigating factors for non-agricultural development. The area has a rural residential trend and the property to be rezoned is heavily timbered making it unlikely to be economically converted to cropland. This property has frontage on both Gabriel Road and Mechanicsburg Blacktop and ingress/egress could be granted to either roadway. However, the owner proposes to utilize Gabriel Road for ingress/egress to the property. According to the Zoning Ordinance, the shortest side of a parcel adjacent to a roadway is considered to be the front yard which in this case is Gabriel Road. The definition also triggers the need for the lot width-depth variance. Absent a variance, this definition would require a minimum of 80 feet of frontage on Gabriel Road. If the owner were required to have 80 feet of frontage on Gabriel Road, more land would be removed from crop production. Staff finds that granting the variances to facilitate the division of land with the ingress/egress on Gabriel Road is more consistent with the trend in the area and provides safer conditions for access to the property. The Standards for Variation are met.

Committee Member Don Wulf made a motion to recommend approval of staff recommendation.

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2018-038 Text Amendment Changes To Chapter 17.37 Solar Farm Energy Systems (SFES)

Molly Berns: The resolution in front of you is to amend the solar farm energy ordinance. If you remember probably last fall we adopted a solar energy system Chapter 17.37 to the zoning ordinance. Since that time there have been several entities that have filed solar projects. A couple have come before this committee and in the middle of all of this due to what other counties have been doing in terms of setbacks and those kinds of things. There was a request by county board members that staff take a look at what other counties are doing and some existing solar farms and also take a look at the language and perhaps proposed text amendments for their consideration. We did that and then last month this was heard by the PHSWZ committee and they moved it forward to the zoning board of appeals. The first thing this amendment does is it clarifies what the definition of a solar farm energy system project area to mean that a single parcel of land greater than five (5) acres, or two (2) or more contiguous parcels of land totaling a minimum of five (5) acres on which a SFES will be constructed and operated. From a context standpoint that did not change it just clarified the language to make more clear and understandable. Number two it amends the setback language to clarify that the front, side and rear yard setbacks shall be a minimum of fifty (50) feet from the property lines which form the outside perimeter of a SFES. So in other words 50' from the actual equipment; again a clarification of language to make sure the ordinance was the way that it was intended to be. The third thing and this is a new item it adds language that the SFES shall not be located within two hundred and fifty (250) feet of an existing dwelling. The exception from this is, is if you have a solar farm project and someone owns the land and someone leases the land to a solar farm company and they also have a residence on the property then this 250' is exempted. The fourth amendment adds new language as well at least six (6) feet in height shall enclose and secure the SFES. Hazardous fencing such as barbed wire, electrically charged fencing or fencing with metal spikes is allowed providing such fencing is located at a height of at least six (6) feet above grade level. The old language said the fence needed to be between 6' – 8'; the Sangamon County Zoning Ordinance is specific in terms of its industrial fence regulations related to hazardous

fencing and as we were doing this amendment and I went to visit the solar farm in Streator; they had a chain link fence with angled 3-strand barbed wire and I thought...if someone wanted to proposed that, the ordinance didn't allow that on a draft. So this language clarifies to allow that if a provider wanted to propose that they could; however, doesn't require it. New language it adds that if a solar farm energy system is located between 250' and 500' from an existing dwelling then a landscaping screen must be provided for any part of the SFES that is visible to and located within five hundred (500) feet of an existing dwelling. The landscaping screen shall be located between the required fencing and the perimeter of the Solar Farm Energy System Project Area. The screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants. The landscaping shall not be required if the SFES is not visible to a dwelling by virtue of the existing topography as determined by the Sangamon County Zoning Administrator. It adds language to clarify that the Agriculture Impact Mitigation Agreement (AIMA) pertaining to the construction of a commercial solar energy facility has been executed with the Illinois Department of Agriculture. The ordinance that was passed last fall required that developer show proof an Agricultural Impact Mitigation Agreement filed with the Department of Agriculture. The legislative session that just ended in July amended that language that it would be a solar agricultural impact mitigation. This statement clarifies that that's the one we mean. The next item adds language and it requires that the PHSWZ committee approve the decommissioning plan. If you remember the ordinance has a decommissioning plan that the developer is required to submit. Under the current language it was to be reviewed by the committee but it was not required they approve it. This actually requires they have to vote to approve or disapprove and take action. The next language just modifies the calculation on an estimate of the decommissioning costs in future dollars at the time of filing certified by a professional engineer who shall use professional standards in compliance with State of Illinois law. The engineer shall be engaged under contract by the Sangamon County Engineer with all costs borne by the applicant. It goes on to require that the project owner/operator shall provide the Sangamon County with Financial Assurance to cover the estimated costs of decommissioning of the SFES. It goes on to require that the PHSWZ committee or its successor committee(s), of the Sangamon County Board may shall set an amount to be held in a bond, escrow or other acceptable form of funds approved by the Committee. The previous language said they may this says they shall. And the only other thing it does is "clean-up"; it just pulls the language down and brings continuity to the ordinance. The landscaping plan is a part of the site plan and so it will be reviewed by committee and if the developer is proposing something that's not acceptable then the committee can propose modifications to that plan.

ZBA Chimento: How big was LaSalle project?

Berns: 160 acres

Harrison: 140 acres was solar and cropland to the north and couple of wind turbines to the northeast corner.

ZBA Spiro: I have a question about the setbacks. I was a little confused it seems that they had the screening located within 500' of an existing dwelling. That would mitigate anything 250'; the other thing I had is how did they come up with 250'? I was asking Trustin about a house and how far you have to be with middle of right of way...I thought the 250' was little excessive so perhaps 150' would be good but maybe the extra space for the foliage?

Berns: True, and this is about definitions and the solar farm energy project area is parcels of land that they have under agreement with the property owner to use for the facility. The solar farm energy system is the actual equipment. The project area is the property lines and from that project area they can't put the equipment any closer than 50' by property line. 50' around all sides. If there is a house it has to be a minimum of 250' from the equipment, so basically if the equipment is 50' back from the property line then that would make the house limitation 200' from that property line.

ZBA Spiro: From the property line not the center of the right of way?

Berns: Right of way has nothing to do with this; it's more about the property line in this particular case and Trustin can step in and speak in minute.

Harrison: It's a straight line distance.

Berns: For those that meet the 250' but are 251' to 500' it requires that this landscaping go in, so it takes the second tier if you will to provide a visual barrier. Now as far as the distance and how we came upon that. We started with researching other states and within Illinois. We looked at it from a content with how other counties do and some counties have no setback requirements so it goes from 0' to 1,000' from a residence. And so at that point in time you look at a reasonable set. Mr. Stumpf, Mr. Fraase, Mr. Snell all three county board members went with county zoning administrator Mr. Harrison to Streator to visit the facility and it was the county board members indication at that point in time that 250' seemed like a reasonable approach, that's what staff put in there.

ZBA Spiro: DO you know what the setbacks are for this facility?

Harrison: I did measure from the aerial and from the road back they were just over 60' to the structure. And if you would put in how we would establish right of way they would have been right at 30' setback to the structure itself and then there's a residence on northwest corner and approximately 180' so probably 200' to the actual equipment itself. I think that's where board members felt standing here looking at the house 250' didn't seem too close.

ZBA Spiro: so at the 250' this project would still "fly"?

Harrison: Yes

ZPA Spiro: And that's the 160 acres?

Harrison: Yes.

ZBA Chimento: Any questions? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.

Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Motion to Adjourn:

Committee Member Don Wulf made a motion to adjourn.

Committee Member Tony Mares seconded the motion.

Motion Carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of August 16, 2018

Full record of minutes available upon request in the Zoning Department