

Piatt County
Zoning Board of Appeals

September 22, 2022
Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, September 22, 2022, at the Community Building located at 201 N State Street, Monticello. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were Wax, William Chambers, Jim Harrington, Kyle Lovin, States Attorney Sarah Perry and Keri Nusbaum. County Board members in attendance: Ray Spencer, Jerry Edwards.

MOTION: Lovin made motion, seconded by Harrington to approve the minutes from July 28, 2022, as written. On voice vote, all in favor and the minutes were approved.

Public Comments:

Melissa Godbee regarding remote testimony. Kelly Vetter regarding wind project approval Jim Reed regarding the protection of prime farmland via a solar ordinance. Ken Hermann advocated for a property owner right to use farm ground as they wish.

New Business

A text amendment to Article IX of the Piatt County Zoning ordinance is proposed as follows:
ARTICLE IX. HEIGHT REGULATIONS

- A. MAXIMUM HEIGHT LIMITS ESTABLISHED FOR BUILDINGS AND STRUCTURES ARE AS FOLLOWS:
 - 1. Forty-five (45) feet in all districts.
 - 2. The above height limits may be exceeded in the following instance:
Agricultural grain bins, located in A-1 Agriculture zoning district, may be erected to a height not exceeding 70 feet. All applicable setback restrictions must be adhered to. A building permit is required.

The ZBA members considered the zoning factors for text amendments.

ZONING FACTORS FOR TEXT AMENDMENTS (9-22-22)

- 1. Does the proposed text amendment promote the health, safety, morals, or general welfare of the public?
Yes. The ZBA voted unanimously (4-0) that the amendment does promote the health, safety, morals or general welfare of the public.
- 2. Will the proposed text amendment be injurious to the use and enjoyment of other property within the immediate vicinity?

No. The ZBA agreed unanimously (4-0) that there is no evidence that the text amendment would be injurious to the use and enjoyment of property within the immediate vicinity.

3. Will the proposed text amendment diminish property values of other property within the immediate vicinity?

No. The ZBA agreed unanimously (4-0) that there is no evidence the text amendment would diminish property values in the immediate vicinity.

4. Does the proposed text amendment take into consideration whether there is adequate infrastructure (i.e., roads, utilities, drainage)?

Yes. The ZBA agreed unanimously (4-0) that the text amendment does take into consideration whether there is adequate infrastructure.

5. Is the proposed text amendment in harmony with the overall comprehensive plan of the county?

Yes. The ZBA agreed unanimously (4-0) that there is no evidence otherwise and the text amendment is in harmony with the overall comprehensive plan.

6. Would the proposed text amendment compete with or impede the existing zoned uses of other property within the zone

No. The ZBA agreed unanimously (4-0) that the text amendment would not compete with or impede the existing zoned uses of other property.

7. Would the proposed text amendment create a hardship on landowners within the zone?

No. The ZBA agreed unanimously (4-0) that the text amendment would not create a hardship on landowners within the zone.

8. Would it create a hardship on landowners within the zone if the text amendment were not made?

Yes. The ZBA agreed unanimously (4-0) that if the text amendment were not made a hardship or inconvenience could be created for future use.

9. Would the proposed text amendment have a harmful impact upon the soil?

No, The ZBA agreed unanimously (4-0) that the text amendment would not have a harmful impact on the soil.

MOTION: Harrington made motion to approve the proposed text amendment, as the Zoning Board of Appeals finds that the proposed amendment to the text of the *Piatt County Zoning Ordinance* is consistent with the public interest and is in the best interests of the citizens of Piatt County, Illinois. Seconded by Lovin. Roll was called. Ayes – Chambers, Lovin, Harrington, Wax. All in favor. The motion carried.

Adoption of Rules and Procedures for upcoming public hearings. The Rules and Procedures are still in process.

Motion: Harrington made motion, seconded by Chambers to table the adoption of rules and procedures to the next regular meeting. Roll was called. Harrington, Chambers, Lovin and Wax – Aye. All in favor and the motion carried.

On September 1, 2022, Nexamp Solar LLC applied for a Special Use Permit for a 3MW ground mounted distributed generation solar garden facility for property zoned A1 Agriculture located at 703 North State Route 32, Cerro Gordo. Matt Walsh was sworn in to present the application. The proposal is for a 22-acre parcel with 16 acres having solar panels installed. He explained the components of the project, the area and how it is monitored. He explained the site design details, including the plans for erosion control.

James Neff, the owner of the property was sworn in. The farm has been family owned since 1940.

Matt Clementi, an engineer with Stantec was sworn in to address the design in more detail.

Kelly Vetter asked questions about any tax assistance the company could get. Harrington asked Clementi about drainage in the area. Chambers asked for an explanation of weed control.

Audience members: Sandy Coile asked if the company had other projects in the area (Urbana and Sidney) Claudia Coile asked about recycling when the project is decommissioned. Melissa Godbee asked about the noise. Mr. Walsh noted that NexAmp is willing to install additional trees or shrubs as necessary.

The ZBA members reviewed the SUP factors.

ZONING FACTORS – Cerro Gordo Solar

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?
Yes. The property is zoned A-1 agriculture. The ZBA agreed (4-0) that the current restriction promotes the health, safety, morals and welfare of the public.
2. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?
No. The ZBA agreed (4-0) that granting the SUP would not be detrimental to the safety, comfort, or welfare of the community.
3. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?
No. The ZBA agreed (4-0) that granting the SUP would not be injurious to the use and enjoyment of other property in the immediate vicinity.
4. Will granting the special use diminish property values of other property within the immediate vicinity?
No. The ZBA agreed (4-0) that there is no evidence that granting the special use would diminish the property values of property in the vicinity.

5. Is there adequate infrastructure to accommodate the special use, if granted (i.e., roads, utilities, drainage)?
Yes. The ZBA agreed (4-0) that there is adequate infrastructure.
6. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?
Yes. The ZBA agreed (4-0) that there is adequate ingress, egress and there should be no congestion.
7. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county?
Yes. The ZBA agreed (4-0) that the use would be in harmony with the comprehensive plan.
8. Would the special use, if granted, compete with or impede the existing zoned uses of other property within the zone?
No. The ZBA agreed that the special use would not compete with or impeded existing uses.
9. Would the special use, if granted, create a hardship on other landowners within the zone?
No. The ZBA agreed (4-0) that the special use would not create a hardship on other landowners.
10. Would denying the special use create a hardship on the applicant?
No. The ZBA agreed (4-0) there would be inconvenience and difficulties, but not a true hardship.
11. Is the subject land suitable for the special use and is the subject land suitable for the current zoned use?
Yes. The ZBA agreed (4-0) that the land is suitable.
12. Is the applicant's property, as presently zoned, vacant? If so, how long has it been vacant?
N/A
13. Would the special use, if granted, have a harmful impact upon the soil?
No. The ZBA agreed (4-0) that there would be no harmful impact on the soil.
14. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? 196.4
15. Does the SUP conform to the regulations of the zoned district? The Zoning Board must find that there is a public necessity for the special use.
The ZBA agreed (4-0) that it conforms. The ZBA agreed (4-0) that there is not a public necessity.

MOTION: Chambers made motion to recommend approval with the condition that a vegetation screen will be added on the West side of the project. Harrington seconded the motion. Roll was called. Lovin, Harrington, Chambers, Wax – Aye. All in favor and the motion carried.

329 Frontier Piatt, LLC, 1115 Solar Development LLC c/o New Leaf Energy, Inc. applied for a Special Use Permit for a 4MW AC ground mounted community solar farm on property zoned A1 Agriculture located a 2240 N 375 East Road, Deland IL

Tom Ryan was sworn in and explained the project. The location has been changed since it was originally approved in 2019. The project area is 47 acres, but only 26 acres will be an array field. A pollinator mix will be planted, and a screen of trees will be planted on the perimeter of the project. A glare study was presented which showed no glare would be present.

Tom Huddleston, an agriculture engineer, was sworn in and explained the drainage improvements planned for the area.

Jenny Park, an attorney for the Swartz family asked about a drainage agreement and if the drainage district had approved the proposed improvements.

Kelly Vetter asked about the corporations in ownership of the company.

The ZBA reviewed the zoning factors.

ZONING FACTORS – 329 Frontier Piatt LLC Solar

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?
Yes. The property is zoned A-1 agriculture. The ZBA agreed (4-0) that the current restriction promotes the health, safety, morals and welfare of the public.
- 2 Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?
No. The ZBA voted (3-1) that granting the SUP would not be detrimental to the safety, comfort, or welfare of the community.
- 3 Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?
The ZBA agreed (4-0) that if there was damage caused to the drainage system it could be injurious to the use of other property.
4. Will granting the special use diminish property values of other property within the immediate vicinity?
No. The ZBA agreed (4-0) that there is no evidence the SUP would diminish property values in the vicinity.

5. Is there adequate infrastructure to accommodate the special use, if granted (i.e., roads, utilities, drainage)?
Currently no. But the ZBA agreed (4-0) that the proposed drainage improvements would accommodate the special use.
6. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?
Yes. The ZBA agreed (4-0) that there are no issues with ingress and egress.
7. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county?
Yes. The ZBA agreed (4-0) that the special use would be in harmony.
8. Would the special use, if granted, compete with or impede the existing zoned uses of other property within the zone?
Yes. The ZBA agreed (4-0) that it is possible it would compete with the agriculture use if drainage issues are not addressed.
9. Would the special use, if granted, create a hardship on other landowners within the zone?
No. The ZBA agreed (4-0) that if the drainage is addressed it will not create a hardship.
10. Would denying the special use create a hardship on the applicant?
No. The ZBA agreed (4-0) it would create an inconvenience if the owner cannot use it as he wishes.
11. Is the subject land suitable for the special use and is the subject land suitable for the current zoned use?
Yes. The ZBA agreed (4-0) that the property is suitable.
12. Is the applicant's property, as presently zoned, vacant? If so, how long has it been vacant?
N/A
13. Would the special use, if granted, have a harmful impact upon the soil?
No. The ZBA agreed (4-0) that there is no evidence it would have a harmful impact on the soil.
14. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? 218.6

15. Does the SUP conform to the regulations of the zoned district? The Zoning Board must find that there is a public necessity for the special use. The ZBA agreed (4-0) that the SUP conforms to the zoned district. The ZBA agreed (4-0) that there is not a public necessity for the special use.

MOTION: Chambers made motion to recommend approval to the county board with the condition that a written agreement is reached with the drainage district. Lovin seconded the motion. Roll was called. Harrington, Lovin, Chambers, Wax – Aye. All in favor and the motion carried.

These recommendations will be considered by the County Board at their meeting on October 12, 2022.

MOTION: Harrington made motion, seconded by Lovin to adjourn. On voice vote, all in favor and the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer