

Piatt County
Zoning Board of Appeals

September 28, 2023

Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, September 28, 2023 in Room 104 of the Piatt County Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were William Chambers, Dan Larson, Kyle Lovin and Keri Nusbaum. Jim Harrington was absent.

County Board members in attendance: Todd Henricks, Jerry Edwards.

MOTION: Chambers made motion, seconded by Lovin to approve the minutes from August 24, 2023 as written. On voice vote, all in favor and the minutes were approved.

Public Comments: None

Oakley Road Solar LLC applied for a Special Use Permit for a 5MW ground mounted Commercial Solar Energy Facility for property zoned A1 at N 000 East Road and Oakley Road, Cerro Gordo IL. Jack Curry from NexAmp and Matthew Clementi from Stantec were sworn in. They explained the project to those present. The project would add approximately \$32,000 per year to the tax base. The panels will rotate to follow the sun and will be no more than 20 feet tall. They requested that the project be approved to be constructed further North than shown to allow the property owner, Mr. Williams to farm more contiguous ground. The project will cover about 32 acres. There is a drainage ditch located on the property, and the ZBA members voiced concern about that. Larson said that a large amount of water flows through the area during heavy rain. A fence is required around the project, and there is concern that the fence could become clogged up with field debris and cause flooding. There were no objectors. The ZBA considered the Zoning factors.

ZONING FACTORS – Oakley Road Solar LLC

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 (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 special use would not be injurious to other property within 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 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)?

The ZBA agreed (4-0) that the road is not in great shape, but there is access. There is a drainage ditch on the property.

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 adequate measures in place.

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?

No. The ZBA agreed (4-0) that the Special Use would not impede the use of other property within the zone.

9. Would the special use, if granted, create a hardship on other landowners within the zone?

No. The ZBA agreed (4-0) that there is no evidence it would 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?

Yes. The property is vacant and is being farmed.

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? 163.9

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 the special use is a reasonable request.

MOTION: Larson made motion seconded by Lovin to recommend approval to the county board to allow a Special Use for Oakley Road Solar LLC to place a commercial solar facility with a 100 foot setback from the North property line, with the following conditions.

1) applicant shall provide a hydrology study and a plan for fencing which will allow for adequate drainage and/or flow of field debris on both north and south portions of the project.

2) The plan is to be reviewed and approved by the Piatt County engineer.

Roll was called, all in favor and the motion passed.

The County Board will consider the request at their next meeting on October 11 at 9 a.m.

MOTION: Lovin made motion, seconded by Chambers to adjourn. On voice vote, all in favor and the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer