

**MINUTES
LAND USE COMMITTEE
MARCH 27, 2023 @ 4:00 P.M.
ROOM 403**

MEMBERS PRESENT: Paul Rosenbohm – Chairperson, Eden Blair, James Dillon, Terry Ruhland, Sharon Williams, Matt Windish, Daniel Kelch

MEMBERS ABSENT: Linda Daley – Vice Chairperson;

OTHERS PRESENT: Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman, Gretchen Pearsall, - County Administration, Heather McCord – Finance, Kathi Urban, Andrew Braun - Planning & Zoning

Call to Order:

Mr. Rosenbohm called the meeting to order at 4:01 p.m.

Approval of Minutes:

A motion to approve the Land Use Committee minutes from January 23, and February 9, 2023, was made by Dr. Blair and seconded by Mr. Ruhland. A vote was taken on the motion and carried. (7-0)

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. Rosenbohm motioned to receive and file the reports.

Zoning Cases:

ZBA-2023-008, Petition of Peoria County

Ms. Williams made a motion to approve the text amendment and was seconded by Dr. Blair.

Mr. Braun summarized the case. Mr. Braun stated that this case went before the Zoning Board of Appeals earlier in March and was approved 7-0. Public Act 102-1123 was signed by the Governor of Illinois on January 27, 2023. This act sets maximum restrictions or provisions on wind and solar energy regulations at the county level. Throughout the state, different communities have different regulations, and this act will level the playing field by giving communities or counties one set of rules. The bill was originally filed on January 7, 2022, as HB 4412. Counties must adopt or amend ordinances within 120 days (May 27, 2023) in order to stay in compliance with the change in state law and retain local control.

Mr. Braun pointed out the major changes or significant impacts in the amendment. Mr. Braun went over the new definitions and changes to the zoning districts for which special uses are allowed, setbacks, decommissioning plans, road use agreements, and additional studies required for the application.

Mr. Braun stated that he was happy to answer any questions.

Mr. Ruhland asked if the County was bound by the street or roadway repair requirements set forth by the state. Mr. Braun stated that the county has always required a road use agreement or an agreement with the appropriate road official at the time of application for the special use. Applicants would go to the township road commissioner or the highway department and work out the details prior to coming to Planning and Zoning. The State is saying that we want to make sure that we're being consistent and that the County is not requiring anything more than they should be requiring; a condition that is safe for the driving public. This still leaves some room for interpretation, but the County can't go above and beyond those requirements.

Mr. Ruhland asked if solar arrays were the only situation where the county can require a road agreement to ensure that any damage that is done during the construction process is fixed. Mr. Braun stated that Mr. Ruhland was correct in the fact that certain townships have certain agreements that are required depending on the type of project. Mr. Braun stated that he couldn't speak for the County Highway Department as to whether they have those agreements in any other circumstances. The Department of Planning and Zoning enforces the UDO and the only kinds of projects requiring a road use agreement are for solar and wind projects.

Mr. Ruhland stated that he had one more question concerning setbacks and asked if he was correct to assume that the State statute is a minimum/maximum situation where a community in Illinois can't set stricter or more lenient rules. Mr. Braun stated that more lenient rules could be set if a county would so choose, but not more restrictive.

Mr. Ruhland stated that if this were to be the standard in a residential setting, a 150-foot setback from the nearest point of any outside wall for a non-participating residence would essentially, in a subdivision setting, outlaw ground mounted solar. Mr. Braun stated that these amendments apply to the community scale projects. With that type of setback regulation, it could possibly prohibit a solar farm from being developed in a residential zoning district.

Mr. Kelch asked how companies will determine what shape the road should be put back in. Mr. Braun stated that the County is going to continue to require road use agreements as part of the special use application process. Mr. Braun clarified that what the state is attempting to do is standardize the requirements so that there is a threshold or maximum for that improvement.

Mr. Braun stated that there may be additional amendments and clarification coming from the State.

A vote was taken on the motion and carried (7-0)

Subdivision Waivers:

WAV-2023-002, Petition of James Fowler

Dr. Blair made a motion to approve the waiver and was seconded by Mr. Windish.

Ms. Urban presented the case. 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 waiver request has been filed concurrently with road frontage waiver request #WAV-2023-003. The parcel is located on North Shane Road which is south of Brimfield Road. This is a 25-acre parcel with an existing single-family dwelling, a detached garage, and a barn. There is an existing well at the

property that currently serves the dwelling. The petitioner is proposing to divide the two acres, with the existing dwelling, and a garage, in order to sell it. He'd like to retain the agricultural land. He submitted a well report from a licensed well driller indicating that the existing well servicing the dwelling has a production rate of four gallons per minute which does exceed the three gallon per minute requirement in the ordinance. The closest public water supply is approximately .79 miles to the west in the Village of Brimfield. The Health Department had no objections on this request and staff has recommended approval.

A vote was taken on the motion and carried (7-0).

WAV-2023-003, Petition of James Fowler

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

Ms. Urban presented the case. A waiver from Sections 20-3.16.3.2.b.1 & 20-3.16.3.2.b.2 of the Unified Development Ordinance. These sections, respectively, require a minimum of 30 feet of public road frontage for parcels being created which are less than ten (10) acres in size and 60 feet of public road frontage for parcels being created which are ten (10) or more acres in size. The parcel currently has zero feet of public road frontage. It is landlocked but it does have access from an easement from the parcel to the west which is owned by a co-owner of the subject parcel. The petitioner proposes to extend that easement by about 10 feet to serve both parcels and then allow access to both without public road frontage. The Highway Department has recommended approval with a permanent easement being part of that recommendation. Staff recommends approval with the restriction that 20 feet of a perpetual easement for ingress/egress to the proposed parcels from North Shane Road be recorded at the time of recording of the subdivision plan for the proposed parcels.

Mr. Ruhland asked if this would be a permanent easement if the property to the west was sold to another owner. Ms. Urban stated that this was correct, that it will be a permanent perpetual easement.

A vote was taken on the motion and carried (7-0).

Public Comment;

There was no public comment.

Miscellaneous:

There was no business under miscellaneous.

Adjournment: Mr. Rosenbohm adjourned the meeting at 4:28 p.m.