

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
6:00 P. M. Tuesday, February 26, 2019

Minutes

1. Call to Order:
Ms. Gauger called the meeting to order at 6:00 pm
2. Roll Call: Teresa Gauger, Jerry Lay, Kim Holmes, Curtis Heilman, and Rodney Noe were present.
Chairman Gauger declared a quorum present.
Others present: Blake Parsons, Erik Gibson and Lisa Jording
Motion for Teresa Gauger to be acting Chairman made by Holmes, seconded by Lay. *Motion Carried.*
3. Approval of minutes for January 22, 2019 and November 27, 2018.
Motion to approve November minutes as corrected made by Lay, seconded by Holmes. *Motion Carried*
Motion to table the January 22, 2019 minutes until March made by Holmes, seconded by Lay. *Motion Carried.*
4. Swearing in and/or affirmation- completed for each petition.
5. Petitions Submitted for Review:

2019-04-S Montgomery Township - Walnut Creek Organics, LLC. for a Special Use to operate a commercial organic grain storage operation, Walnut Creek Organics, LLC., located in the (AG) Agriculture District, on a 9.80 acres ±, part of Tract KZ-2 in the NW ¼ of Section 07 and T25N-R1E of the 3rd P.M. Woodford County, Illinois, and more commonly described as 402 State Route 117, Goodfield, Illinois.

Swearing in and/or Affirmation: was completed for petition **2019-04-S**

Mr. Pete Wettstein presented his petition and discussed they have erected a grain facility that he would like to be able to use for commercial grain storage and warehousing for organic grain. He noted that small organic farms in the area bring grain for them to store since they are one of the only organic facilities. He discussed the difficulties in moving the organic grain and the increase in demand for the organic product. Mr. Wettstein discussed that having this special use would allow them to operate as a commercial grain facility and dry and store for other farmers. He discussed licensing for warehousing is through the state and the process for certifying as an organic farm. Mr. Noe asked if they already had the licensing for dealer and warehousing through the state. Mr. Wettstein noted they are working on obtaining that licensing which will allow them to help local farmers find buyers and store the grain while waiting for buyers and pricing. Ms. Gauger asked if they have an approved entrance. Mr. Wettstein noted they have a new commercial entrance approved by IDOT. Ms. Holmes asked if they would look at rezoning in the future. Mr. Wettstein noted that he would like to keep it as AG district until its volume grows beyond a farm level operation. Mr. Lay asked if traffic would be the same as normal farming operations or if it would vary more based on buyers demand. Mr. Wettstein discussed that it depends on demand but moves mostly in April or May and they typically move it all. He also discussed that being a hard road will be a large benefit since most farms are on posted roads and cannot move grain in the spring. Ms. Gauger asked for clarification on the owner and operator. Mr. Wettstein stated Walnut Creek would operate the facility. Ms. Jording discussed that the reason they pushed for the special use over rezoning is that Agriculture related services require a Special Use in all districts. At this time his is within lot coverage requirements of Agriculture district. Ms. Holmes asked about the sign requested. Mr. Wettstein noted that it would be to assist trucks coming to the facility. Ms. Jording noted this is just identifying a regulation to follow since the sign section does not allow commercial type signs in agriculture district this would set provision and regulations to allow a sign.

Mr. Clay Edwards came forward to ask questions of the petitioner.

Mr. Edwards asked if grain has been co-mingled in the facility at this time.

Mr. Wettstein stated it did come off of multiple farms and that the buyer was storing at his facility. Mr.

Edwards asked if that buyer had a buyer's license. Mr. Wettstein noted that they started looking into the licensing and that was how they determined they should obtain the Special Use. Mr. Edwards asked if the

EPA inspections have been completed. Mr. Wettstein noted they have not been completed at this time. Mr. Edwards asked if it was built to commercial standards. Mr. Wettstein stated that he assumes the state will determine if he meets the requirements when they come out to do inspections.

Ms. Holmes asked if they planned to have septic on site. Mr. Wettstein noted he has spoken with the Health Department, but does not plan to have any septic needs at this time.

Mr. Clay Edwards was affirmed. He noted that his family has been farming for 25 years and he has worked in the grain industry for 10 years. He has testified as an expert in the industry and holds several licenses. Mr. Edwards expressed his concern that the facility was built as an Ag facility with the future intent to be a commercial facility. He noted that there is no grain buyer or warehousing license in place at this time. He noted that they are two different licenses and managed by different organizations. He noted he would like to see the land re-zoned since this is a permanent use. He would like to see all commercial practices cease until the licenses are obtained.

Mr. Gibson asked if Mr. Edwards had any testimony that the applicant does not meet the Special Use requirements. Mr. Edwards stated he wants to make sure the proper documentation is in place.

Mr. Wettstein noted they are trying to make it work and do the proper licensing. Mr. Wettstein asked if facilities that rent space from farmers they would need to have a dealer's license for that specific location. If grain is comingled then they would need to have a warehousing license.

Mr. Wettstein noted they are learning and trying to do everything required.

Ms. Holmes noted the Mr. Wettstein stated he will obtain all state and federal licensing and that he has acknowledged that he will obtain SWPPP when needed.

Mr. Wettstein concurred with that statement. Ms. Holmes asked if he was familiar with the pipeline easement and its location. Mr. Wettstein noted that he is familiar with its location.

Mr. Derek Stewart was affirmed. He noted that this has been a good thing for his farm as it is on a hard road and allows the organic farmers to get better prices. He noted that loading and unloading is safer and faster. The product is better with the commercial dryers and the on-site scale gives more accurate tracking of quantities.

Ms. Gauger asked for a review of the findings:

Findings by the Zoning Board of Appeals for Petition 2019-04-S:

- A. Will not be detrimental to the public health, safety, and welfare; (Affirmative)
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility; (Affirmative)
- C. Will not be injurious to the district in which it shall be located; (Affirmative)
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts; (Affirmative)
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided; (Affirmative)
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads; (Affirmative)
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.(Affirmative)

Motion to approve petition **2019-04-S** to operate a commercial grain facility with the stipulation to allow an on premise sign in accordance with section 22-1600 by Lay, seconded by Holmes:

Roll call vote: Teresa Gauger – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Rodney Noe – *Yes*. *Motion carried.*

2019-06-V Worth Township - Steven Peterson Jr., for a Variance for a construction of a home addition 50 ft. from the center line of the road. A reduction of 15 ft, in Single Family Residential District, located on 3.8 acre parcel on Lot 10 A Woodland Knolls, Section 30, T27N-R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1264 South Woodland Lane, Metamora, Illinois.

Swearing in and/or Affirmation: was completed for petition **2019-06-V**

Mr. Steve Peterson and Ms. Alisha Peterson were sworn in.

Ms. Peterson presented that they would like to construct a two story addition to their existing home. Due to the layout of the lot, the ravine to the north and septic and well to the south this is the only location an addition could be erected.

Ms. Holmes clarified that they will be adding three bedrooms and a bath. She asked if they had spoken to the Health Department. Ms. Peterson noted that they have spoken to Mr. Lane at the Health Department.

Ms. Jording noted they had no calls about the petition.

Ms. Gauger asked for the findings.

Findings by the Zoning Board of Appeals for Petition 2019-06-V:

A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a variance. (Affirmative)

B. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district. (Affirmative)

C. The ZBA has found that the reasons set forth in the application justify the granting of the variance. (Affirmative)

D. The ZBA finds that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Affirmative)

E. The variance requested is the least amount of variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner. (Affirmative)

Motion to approve petition **2019-06-V** to approve a home addition reducing the setback from 65 ft. to 50 Ft. by Holmes, seconded by Heilman:

Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Rodney Noe – *Yes*, Teresa Gauger – *Yes*. *Motion carried.*

2019-05-A Conservation, Planning and Zoning Committee to amend Section 24 Special Use, Section 28 Wind Energy Conversion Systems, and Section 30 Solar Energy Systems of the Woodford County Zoning Ordinance, amending regulations regarding Special Use application requirements, Wind Farm High Impact Business rules, and Solar Farm Energy System setbacks.

Swearing in and/or Affirmation: was completed for petition **2019-05-A**

Mr. Blake Parsons was sworn in.

Mr. Parsons presented the first change
Section 30-1200 C. 2).

Old:

- 2) Setbacks. 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 project area and solar panels will be kept at least 500 ft from a residence that is not part of the Special Use.

New:

- 1) Setbacks.
 - a) 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 project area
 - b) Solar panels will be kept at least 500 ft. from a residence that is not part of the Special Use.
 - c) Any SFES project that is within 1.5 miles of any corporate limits of an incorporated village or municipality must first be approved by the village or municipality by a resolution from that governing body.

The Board noted that a and b are not new so they could only discuss item c. Ms. Holmes asked if this would apply to all municipalities or only those with a comprehensive or future land use plan. Mr. Parsons noted it would be for all municipalities. Mr. Lay noted that the wind farms section uses “may approve” and the proposed change uses “must approve” He noted that we should make it consistent. Mr. Gibson noted this puts it on the municipality to approve. Mr. Parsons noted this would put it on the municipalities so it is not pushed back and forth. Mr. Gibson noted if you can do it two ways, you can have a hard boundary of 1.5 or a soft boundary of 1.5 with the municipality have the option to reduce that distance. Ms. Gauger asked if the same setback should be used for the WECS section or should be considered. Mr. Parson noted that they could certainly look at the issue. Ms. Holmes discussed that the WECS section can move individual turbines to be outside the 1.5 mile setback where for a SFES this requirement could knock out the entire project. Mr. Parsons noted that this was brought to the committee by a town Mayor to attempt to protect their residents. Mr. Gibson noted that if they are required to receive approval from the municipality they would have already explored other location options.

Mr. Noe asked if multiple municipalities have 1.5 mile jurisdiction, which would approve the project? Mr. Parson noted they would all have to approve it as written. The discussed that there are some areas where multiple municipalities would have jurisdiction. Ms. Holmes discussed that if they do not receive approval from the municipality then the ZBA would never see the petition. Concerns were discussed over the city making arbitrary decisions. Ms. Holmes discussed she would be more inclined if this was for municipalities with comprehensive or future land use maps only.

Mr. Gibson discussed if the city can pass a resolution on land that is outside their jurisdiction. Mr. Noe discussed his concerns that the municipality would be regulating land owners who have no representation on the village board. Mr. Noe also discussed his concern that a municipality could annex and extend the area they have control over. The timeline of annexation was discussed. Ms. Jording discussed that this should be sent back to the Conservation, Planning, and Zoning committee for further review.

Mr. Parsons presented changes requested to Section 28 V. 18.

Old:

18. **High Impact Business (HIB)** - If the Company decides to pursue an Enterprise Zone or a High Impact Business district that they will agree to pay the County's portion of the sales tax that would have normally been rebated at the rate the County is currently collecting for their share. (9/18/12)

New:

Removed in its entirety.

He discussed that this section is confusing and they were informed that this may go against statute. They are recommending removing the section and possibly adding in a new section later once further research has been completed. Ms. Gauger discussed that the income of the Wind farms was the benefit to the County. Mr. Parsons stated they will look into options in the future to make up for this. Mr. Lay discussed that he would like it to be re-worded as opposed to removed, once it is removed it is hard to get it back. Mr. Lay discussed the potential income from this section. Ms. Jording discussed that the section doesn't make any sense and no one is sure how to apply this to the company. She noted she has checked with several other counties and no one she spoke to has this in their ordinance. Mr. Parsons discussed that the current wind farm made their payment by agreement in the Special Use. This ordinance was not in place at that time. The board discussed if there is no way to calculate this payment amount or just no calculation method established yet. They discussed ideas on calculating the payment and how the current farm payment was calculated. Mr. Parsons noted they would discuss this item and determine a method to accomplish this in a reasonable way. Ms. Jording noted that the current farm payed \$40,000 per turbine, so maybe a flat rate would be an option. Mr. Gibson warned that the calculations have to be grounded in numbers and reason. He noted that this section doesn't make sense and it needs to be more specific. Ms. Jording noted that she just needs the section to be clarified so it makes sense and is enforceable. Mr. Parsons noted they would work on this further and bring it back to the Board.

Mr. Parsons presented Section 24-1100

Old: **Application.** Special Use Application shall contain the following:

New: **Application.** Special Use Application may require the following:

Ms. Holmes discussed that she felt this was taken care of in item H. which states "Additional information may be requested on a case by case basis:"

The Board discussed that the way it is written and what is required. Mr. Gibson stated that he felt the wording is bad. He recommended having A – G required and have the remaining information as may be required. The Board discussed possible wording that would work and clarify the section.

No action was taken on petition 2019-05-A.

- Other Business to Come Before the Board:

- Extension of petition **2018-08-S** Panola Township – Gerald & Roberta Kamphuis requests a special use to operate an event center and wedding venue, Stonebridge Stables, at 1420 State Route 251, El Paso, Il, which is in the (AG) Agriculture District.

Ms. Jording discussed that Mr. Kamphuis has been working towards being able to permit. He is pulling together many parts. The Special Use was heard in April. He has been given a 180 day extension. Ms. Holmes made a motion to grant an extension to 31 December 2019, seconded by Lay.

Roll call vote: Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Rodney Noe – *Yes*, Teresa Gauger – *Yes*, Kim Holmes – *Yes. Motion carried.*

- Extension of permit 17285-17 & 17286-17 For Alvin Schultz 1227 Sunset Dr.

Mr. Alvin Schultz was sworn in. Mr. Schultz discussed that he is working on the house, he is building it on his own and it is taking time. They are in the process of insulating and siding the house but it is time consuming. He noted that the house is a log home and the siding is installed individual logs at a time. It is very labor intensive and they are working from the back to the front. He noted that the outside of the house will be done this year. He noted that the interior will not be done this year. He noted they are staying in the neighbor's house next door. Ms. Holmes noted as long as it is safe and habitable they can close the permit. Ms. Jording discussed that if a bathroom and basic kitchen are completed and the exterior is completed then an occupancy can be issued. Ms. Jording noted that they have kept their state floodplain permit current as well.

Motion to approve and extension until 31 December 2019 for 1227 Sunset Dr., seconded by Lay. Roll call vote: Curtis Heilman – *Yes*, Rodney Noe – *Yes*, Teresa Gauger – *Yes*. Kim Holmes – *Yes*, Jerry Lay – *Yes*, *Motion carried.*

- Update on next month petition/s March 26

Ms. Jording noted that there will be a variance and a Special Use next month.

- ZBA By-Law discussion - (if necessary)

- Executive Session - None

- Any action coming out of Executive Session

- Adjournment

Ms. Holmes made the motion to adjourn at 8:50, 2nd by Mr. Lay. *Motion Carried.*

Lisa Jording, Secretary

Teresa Gauger, Acting Chairman

Date