

**Report of the
Solar Zoning and Special Use Review Committee
June 13, 2019**

The meeting was called to order at 5:00 P.M. by Chairman Reising. Roll call indicated that Fox, Hopkins, Sulser and Youman were present. Reising declared a quorum.

Fox moved and Youman seconded to approve the report of May 28, 2019 as minutes. The motion passed via voice vote.

Youman stated that he has a draft document regarding notifications for zoning hearings, but it was not distributed. He will distribute prior to the next meeting so it can be discussed.

Hopkins discussed the Supervisor of Assessment and Planning & Zoning Committee (APZC) involvement in the zoning process, and provided a document that states as follows: *I feel it would be better to have the Assessing and Zoning Committee review and discuss the rulings of the Planning Commission and ZBA before it is put before the whole County Board. Therefore, if Board Members have questions concerning the issues, the committee will be better informed to answer Members questions. The Assessing and Zoning Committee would not make a recommendation for voting, neither in favor nor against.*

Discussion ensued.

Reising asked the Committee for discussion regarding special uses. Discussion ensued regarding enforcement of conditions, revocation of special use, and tracking and monitoring of special uses.

Youman discussed the possibility of establishing an "ag-industrial" zoning district to replace many special uses currently allowed in the AG-1 zoning district.

Fox proposed a verbiage change to re-name "solar farm" in the Zoning Ordinance to "solar energy conversion system, commercial", and to add "private solar energy conversion system" to the list of allowable accessory uses. Discussion ensued. Fox will work with Reibel to finalize verbiage.

Reising initiated discussion regarding updating the Comprehensive Plan. Youman asked when last complete update of Comprehensive Plan was done; Reibel responded that it was done in 2012. Youman stated that we should begin planning for a complete update of Comprehensive

Plan for 2021 or 2022. Youman asked Reibel to prepare information for the Committee about the comprehensive planning process for next meeting.

Reising asked for any other discussion. Reibel suggested that Ogle County may want to consider a review of the entire zoning ordinance in the near future, and may want to consider creating a "unified development ordinance".

Reising asked for public comment. There was no public comment.

The Committee discussed a date for the next meeting of this Committee. It was the consensus of the Committee members to meet June 25, 2019 at 5:00 P.M.

Reising declared the meeting adjourned at 5:44 P.M.

**Report of the
Solar Zoning and Special Use Review Committee
June 25, 2019**

The meeting was called to order at 5:00 P.M. by Chairman Reising. Roll call indicated that Fox, Hopkins, Sulser and Youman were present. Reising declared a quorum.

Sulser moved and Hopkins seconded to approve the report of June 13, 2019 as minutes. The motion passed via voice vote.

Reising stated that the Committee will discuss Youman's draft document of recommendations.

Youman introduced recommendation #1 regarding notifications. Discussion ensued regarding the most restrictive setback, the IL Livestock Management Facilities Act, and an appropriate distance for notifications to landowners for zoning hearings. Reibel offered to prepare verbiage regarding additional notifications.

The committee discussed recommendation #2 regarding tracking of special uses. Reibel explained how special use records are maintained. Discussion ensued regarding expiration of special uses and tracking/monitoring of same. An annual review of special uses was discussed. Reibel noted that he does prepare an annual report on zoning activity, including special uses, amendments, variations, violations and zoning certificates.

The committee discussed recommendation #3 regarding updating the comprehensive plan.

The committee discussed recommendation #4 regarding the use of special use versus map amendment. The concept of establishing a new zoning district was discussed at length.

It was determined that the recommendations document would be finalized based on the committee discussion.

Timing of submitting recommendations to Executive Committee was discussed, and it was determined that July is too soon.

Reising asked for public comment.

Keith Poole, Ogle County Farm Bureau, urged caution in establishing a new zoning district and exercise due diligence.

Brian Duncan, Ogle County Farm Bureau, stated that one size does not fit all for Ogle County - the east side is different than west side. Mr. Duncan added that special uses allow consideration to location, size of special use, etc.; map amendment rather than special will not allow special projects. Mr. Duncan further stated that special use has worked very well for Ogle County.

Attorney Jim Rodriguez asked if the solar farm special use conditions would be discussed. Mr. Reising responded that this committee may not delve into that topic unless directed to do so by Executive Committee.

The Committee discussed a date for the next meeting of this Committee. It was the consensus of the Committee members to meet July 11, 2019 at 5:00 P.M.

Reising declared the meeting adjourned at 6:27 P.M.

Solar Zoning and Special Use Committee Recommendation #1

Insight:

The Solar Zoning and Special Use Committee identified that a minor enhancement could be made in notification process of adjacent property owners pertaining to subject Re-Zoning/Special Use requests. At times notification of adjacent property owner may not cover the most restrictive setback limitations for the subject Re-zoning/Special Use. The below recommendations ing property unit Solar Zoning and Special Use Committee

Recommendations for Consideration:

- **Enhancement to adjacent property owner notifications**
- **Enhancements to signage---Consider larger sign and verbiage referencing County Website**
- **Protocol augmentation to Government Body Notifications**
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Notifications will be published in a newspaper and sent to adjoining property owners and to interested official bodies once a hearing date is set. County staff will issue all required legal notices on applicant's behalf for the following:

Publication in a local general circulation newspaper

Notice must be published in a local general circulation newspaper not less than 15 days and not more than 30 days prior to the hearing date.

Notice will also specify electronically where zoning information is available. County Website, etc. where subject zoning application and details are made available.

All County signage that are placed to notify the public off property being affected will have website listing where information can be obtained

Notification of all adjoining property owners

Notice must be mailed (certified) to all adjoining property owners with the address of where each tax bill is sent. Those on the list will be sent a legal notice of public hearing by certified mail, which must be sent not less than 15 days and not more than 30 days before the hearing.

Notice will also be sent to all adjacent property owners that could be impacted by largest restrictive zoning regulation setback for the subject property being zoned or Special Use being applied. Note, largest Setbacks should not exceed a quarter of a mile.

- For instance:
 - AG Area and Confinement Operations of 1000 feet
We should discuss what is most restrictive Setback and apply 1000 feet may not be most restrictive
 - Two (2) Adjacent Property Owners in any direction for Industrial Rezoning
 - Three (3) Adjacent Property Owners in any direction for rezoning or Special Use in Residential Areas
Maybe the most restrictive setbacks really only apply to AG Areas
We can discuss at our next committee meeting

Notification of Governmental Bodies

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Notice must be mailed (certified) to all interested official bodies with the County District, Villages, and/or Municipalities of impacting request. This shall include but not limited to: Township Supervisors, all villages and or municipalities within 1 ½ miles of the subject parcel, all fire protection and school districts covering the subject parcel, and the highway commissioner(s) and ip(s) in which the subject parcel is located. Those on the list will be sent a legal notice of public hearing by certified mail, which must be sent not less than 15 days and not more than 30 days before the hearing. County staff will compile this list for Applicant.

Solar Zoning and Special Use Committee Recommendation #2

Insight:

The Solar Zoning and Special Use Committee identified that the County could enhance the tracking and issuance of Special Uses. There is no formal database issued or reviewed to track issuance of Special Uses for the purpose of trending activity across County.

There is no formal process to explicitly follow up on any Special Use and any associated conditions unless typically a formal complaint is made.

Finally Special Uses granted follow assignment to land and typically would only be discontinued if subject Special Use is not in place for a 12 month period. However as highlighted above this is not typically followed up on or inspected unless some other formal action such as property sale occurs or issuance of a formal complaint. Therefore a Special Use may go on for some period of time without direct follow up by County.

Example:

- Property Owner X owns House and 30 acres in Scot Township and request Special Use to convert one of property owners Farm Building into a machine shop
- Special Use was granted in 2002
- Property Owners stops using Machine Shop in 2012
 - Nothing triggers review or elimination of Special Use
- Property Owner X sells House and 30 Acres to Property Owner Y in 2017
- Given no formal process occurs in reviewing tracking of Special Use, the subject special use may not be eliminated
- Property Owner Y decides that give Machine Shop already exists there is no reason to check in with County or submit any notification or permit
- Special Use continues

Recommendations for Consideration:

- Formalize Database of all issued Special Uses and Re-Zoning Changes
 - Go back at least 25 years
 - Keep records going forward for all Special Uses Issued
 - Categorize Special Uses by type
- Enhance tracking and trending of Special Uses and Re-Zoning Changes
 - Have Zoning Committee review historical and last Quarter issued Special Uses
 - Have County Board review historical and current year issued Special Uses Annually
 - Determine if County should have more formal process of trending and assessing issued Special Use Permits and Re-Zoning

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Solar Zoning and Special Use Committee Recommendation #3

Insight:

The Ogle County Ogle County, Illinois Amendatory Comprehensive Plan has not undergone a complete re-write/review since 2012. Additionally, it is apparent that the Comprehensive Plan is not reviewed consistently via normal Committee business (Supervisor of Assessments –Planning and Zoning or Long Range Strategic Planning) or discussed strategically or collectively as a full County Board.

Recommendations for Consideration:

- Make preparations to initiate full Comprehensive Plan review given existing plan is over eight (8) years old
 - Start preparation, process and assignments
 - Time rewrite with upcoming 2020 Census Data
 - Assign members to address inconsistencies between Comprehensive Plan and Amendatory Zoning Ordinance, Chapter 16 of the Ogle County Code
 - Determine if we want to utilize outside consultant
 - Assess mechanisms to improve participation with Townships and Public
 - Establish budget
- Optimize assessment on County Development including long range growth and zoning
- Discuss as County Board purpose and insights to be captured as part of Comprehensive Plan

Solar Zoning and Special Use Committee Recommendation #4

Insight:

Special Use may be overly used as a vehicle to allow exceptions for Land Use. This is particularly true for AG-1 Zoned Agricultural District.

- There are a number of Special Uses that essentially are industrial in nature and if allowed as written fundamentally change the character of the land from agriculturally based.
- Examples included below with many not clarifying scale, size of operation, or delineation of Private or Commercial Operation.
 - Airport or Aircraft Landing Field
 - Aircraft Service and Repair
 - Commercial Kennels
 - Construction Shops
 - Ethanol and Biodiesel Production Facilities
 - Excavation, Extraction, Screening, Mining, Crushing, Washing or Quarrying
 - Firearm Range
 - Junk yards
 - Motor Carrier Facility Class I and Class II
 - Self-Service Storage Facility
 - Small Rural Business (Size)
 - Solar Farm
 - Oil and/or Gas Well Drilling
 - Wind Energy Conversion Systems Commercial
- These Special Uses allowed essentially allow “scattered, indiscriminate industrial type development within areas best suited for agriculture and orderly industrial type development be facilitated
 - We call out Urban Development but are allowing sporadic industrial development on AG-1 Land (16-5-1, Section A Purpose and Intent)
- Many of Special Uses seem to be redundant to consideration in Industrial District but seem to be put in place to facilitate requests to expedite/streamline process for landowners.

Recommendations for Consideration:

- Create new Agricultural Zoning District referred to as “AG-IND” standing for AG Industrial
- Apply all Agricultural Commercial type Special Uses listed above to be applied for this new AG-IND District and eliminate from AG-1 District
 - Examples listed above would necessitate re-zoning of such Agricultural Land for this Purpose
- AG-IND use and rezoning consideration would be on preserving prime farm land
- Benefits and compromise of such change include
 - AG-IND land would be at same tax base as AG-1 if associated Industrial Application not in place
 - AG-IND land would still be used for current AG-1 uses unless industrial Special Use was in place
 - Addresses concerns of re-zoning land to Industrial which would then allow for all “Industrial” type developments unless land was rezoned back to AG-1
 - Supports County to optimize and plan for AG-IND type business
 - Eliminates concern of industrial type uses being applied in AG-1 land that fundamentally changes character of land