

LaSalle County Zoning Board of Appeals

AGENDA

April 19, 2023 Government Complex

5:00 p.m. Room 250

The meeting will be live streamed on LaSalle County's YouTube Channel:

<https://www.youtube.com/channel/UCjwHFloW13M224SgVU95Ifg>

A link is also available at www.lasallecountyil.gov on the main page.

Any person wishing to have a written comment read at the meeting, or introduce evidence at the hearing, shall submit such statement/evidence at least 24 hours prior to the hearing by mailing to LaSalle County Land Use Department, 119 W. Madison Street, Rm 107, Ottawa, IL 61350 or emailing it to landuse@lasallecountyil.gov. Each statement/comment will be limited to 5 minutes. Zoning Board of Appeals rules of procedure are available to review at <https://lasallecountyil.gov/528/Zoning-Board-of-Appeals>

- I. Call to Order
- II. Approve or Dispense of Previous Meeting Minutes
- III. Open Meeting
 - A. **23-06 SU Bumpus Boating LLC (Special Use: Campground) (Recessed from 3/15/2023)**
(1130 N 27th Rd) Utica Township (19-24-107-000)
 - B. **23-09 SU Rebbec / Grantham Solar LLC (Solar Farm)**
(IL 251 and Base Road) Groveland Township (37-31-305-000)
 - C. **23-02 MA Wayne Hayes (Map Amendment RR to AC)**
(979 N 24th RD) Deer Park Township (20-34-409-000)
 - D. **23-10 SU Wayne Hayes (Guest Accommodations)**
(979 N 24th Rd) Deer Park Township (20-34-409-000)
 - E. **Text Amendments: Sections 3.1, 4.24, 4.25, 4.27, 4.28, 7.1-4, 10.1-3, 10.1-4,** (Proposed amendments include Definitions, Wind/Solar/Battery Storage, and Industrial Use changes)
- IV. Public Voice (time limit of 3 minutes per speaker, with maximum of 30 minutes for all comments)
- V. Recess/Adjourn Meeting

April 19, 2023, ZBA MINUTES

The LaSalle County Zoning Board of Appeals met on April 19, 2023, at the LaSalle County Governmental Center. Chairperson Sandi Billard called the meeting to order at 5:02 PM

Members present at the LaSalle County Governmental Complex were: Fred Seville, Monty Whipple, Jim Maierhofer, Deb Lane, and Larry Louis.

Members absent: Tim Aussem, Gary Blankenship Alternate 1, and Larry Langston Alternate 2.

Motion by ZBA member Jim Maierhofer, 2nd by Fred Seville to approve the minutes of the March 7, 2023 meeting.

Aye = All Nay = None Abstain = None

Motion by ZBA member Jim Maierhofer, 2nd by Fred Seville to approve the minutes of the March 15, 2023 meeting.

Aye = All Nay = None Abstain = None

Motion by ZBA member Deb Lane, 2nd by Larry Louis, to open the recessed hearing from 3/15/2023.

Aye = All Nay = None Abstain = None

Petition 23-06 SU: Bumpus Boating LLC

PIN: 19-24-107-000

Purpose: Campground

Motion by Fred Seville, 2nd by Monty Whipple to recommend to the County Board for the petition to be approved.

Aye = All Nay = None Abstain = None

Motion passed

(see Findings of Fact A-1)

Petition 23-09 SU: Rebbec / Grantham Solar LLC

PIN: 37-31-305-000

Purpose: Solar Farm

Motion by Monty Whipple, 2nd by Deb Lane to add conditions.

Motion by Deb Lane, 2nd by Larry Louis to recommend to the County Board for the petition to be approved with the following conditions:

1. The solar farm owner/operator shall provide sufficient security for decommissioning of the facility. The decommissioning cost shall be approved by the County, considering the engineer's estimate.
2. Proof of completion of all required studies, reports, consultations, certifications, agreements, and approvals shall be provided by the applicant in order to demonstrate compliance with provisions of the LaSalle County Zoning Ordinance prior to issuance of the building permit.

3. The owner shall adhere to all IDNR recommendations included in the EcoCat Review and all LaSalle County Soil and Water Conservation District recommendations.
4. Installation of all solar farm components shall follow the 2003 National Electric Code (or newer edition).
5. The applicant shall follow all emergency response planning and BESS requirements of the most recent amended zoning code applicable at the time the building permit is submitted.

Aye =All Nay = None Abstain = None

Motion passed to recommend to the County Board that the petition be approved with conditions.
(see Findings of Fact A-2)

Petition 23-02 MA: Wayne Hayse
PIN: 20-34-409-000
Purpose: Map Amendment RR to AC

Motion by, Larry Louis 2nd by Monty Whipple to recommend to amend with conditions*:

1. *No ancillary structures or recreational vehicles shall be rented for habitation.*

Aye =All Nay = None Abstain = None

Motion by Monty Whipple, 2nd by Larry Louis to recommend to the County Board for the petition to be approved with conditions.

Aye = Whipple, Maierhofer, Louis Nay = Seville, Lane Abstain = None

Motion passed to recommend to the County Board that the petition be approved with conditions.*
(see Findings of Fact A-3)

**It announced later in the hearing that conditions could not be added to a Map Amendment, so conditions should be disregarded for the map amendment.*

Petition 23-10 SU: Wayne Hayse
PIN: 20-34-409-000
Purpose: Guest Accommodations

Motion by Monty Whipple, 2nd by Larry Louis to recommend to amend with conditions:

1. *No ancillary structures or recreational vehicles shall be rented for habitation.*
2. *A plat shall be recorded of the PUD depicting the (2) single family home sites (from Ord 21-24).*
3. *In the event of the destruction of one of the existing single family home structures, only one single-family home shall be allowed to exist on the subject property (from Ord 21-24).*

Aye =All Nay = None Abstain = None

Motion by Jim Maierhofer, 2nd by Larry Louis to recommend to the County Board for the petition to be approved with conditions.

Aye = Whipple, Maierhofer, Louis Nay = Seville, Lane Abstain = None

Motion passed to recommend to the County Board that the petition be approved with conditions.
(see Findings of Fact A-4)

Text Amendments to the LaSalle County Zoning Ordinance amending the following ordinance sections:

3.1, 4.24, 4.25, 4.27, 4.28, 7.1-4, 10.1-3, 10.1-4

(Proposed amendments include Definitions, Wind/Solar/Battery Storage, and Industrial Use Changes.)

After review of the proposed amendments the following motion was made:

Motion by Fred Seville and seconded by Deb Lane to forward and recommend to the County Board that the amendments be approved with changes.

Aye = All Nay = None Abstain = None

Motion passed to recommend to the County Board that the text amendments be approved with changes.
(see Findings of Fact A-5)

Public Voice: Doug Stockley announced that the 2023 LaSalle County Comprehensive Plan was complete and the public hearing will take place on May 3, 2023 after the Land Use meeting; and encouraged public attendance.

Motion by Fred Seville; 2nd by Jim Maierhofer to adjourn at 8:00 PM.

Aye = All Nay = None Abstain = None

In Attendance: *Sign In Sheet available for review*

Minutes by: Lauren Grumieaux

FINDINGS OF FACT (A-1)

				Meeting Date:	4/19/2023
Petition #	23-06 SU	Pin #	19-24-107-000	Township	Utica
Owner/Applicant	Bumpus Boating LLC				
Purpose:	Campground	Pursuant to Section:		7.1-4 E	

Sec. 14.10-5 Standards for Special Uses

A.) That the granting of any Special Use is in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's Comprehensive Plan for development; and specifically, that the granting of the Special Use will not:

	Seville	Whipple	Maerhofer	Lane	Louis	Aussem	Blankenship, Alt 1	Langston, Alt 2	Billard, Chair
1. Will Not: Impair an adequate supply of light and air to adjacent property	Y	Y	Y	Y	Y				
2. Will Not: Increase the hazard from fire or other dangers to said property	Y	Y	Y	Y	Y				
3. Will Not: Diminish the value of land and buildings in the vicinity of the proposed Special Use	Y	Y	Y	Y	Y				
4. Will Not: Unduly increase traffic congestion in the public streets and highways	Y	Y	Y	Y	Y				
5. Will Not: Increase the potential for flood damages to adjacent property	Y	Y	Y	Y	Y				
6. Will Not: Incur additional public expense for fire protection, rescue or relief	Y	Y	Y	Y	Y				
7. Will Not: Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of LaSalle County nor will it otherwise create a nuisance	Y	Y	Y	Y	Y				

Motion by Seville, 2nd by Whipple to recommend to the County Board for the petition to be approved.

Y	Y	Y	Y	Y	Y				

Motion Passed.

FINDINGS OF FACT (A-2)

				Meeting Date:	3/15/2023
Petition #	23-09 SU	Pin #	37-31-305-000	Township	Groveland
Owner/Applicant	Rebbec / Grantham Solar LLC				
Purpose:	Solar Farm	Pursuant to Section:	7.1-4 NN		

Sec. 14.10-5 Standards for Special Uses

A.) That the granting of any Special Use is in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's Comprehensive Plan for development; and specifically, that the granting of the Special Use will not:

	Seville	Whipple	Maierhofer	Lane	Louis	Aussem	Blankenship, Alt 1	Langston, Alt 2	Billard, Chair
1. Will Not: Impair an adequate supply of light and air to adjacent property	Y	Y	Y	Y	Y				
2. Will Not: Increase the hazard from fire or other dangers to said property	Y	Y	Y	Y	Y				
3. Will Not: Diminish the value of land and buildings in the vicinity of the proposed Special Use	Y	Y	N	Y	Y				
4. Will Not: Unduly increase traffic congestion in the public streets and highways	Y	Y	Y	Y	Y				
5. Will Not: Increase the potential for flood damages to adjacent property	Y	Y	N	Y	Y				
6. Will Not: Incur additional public expense for fire protection, rescue or relief	Y	Y	Y	Y	Y				
7. Will Not: Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of LaSalle County nor will it otherwise create a nuisance	Y	Y	Y	Y	Y				

Motion by Whipple, 2nd by Lane to amend with conditions

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Motion by Lane, 2nd by Louis to recommend to the County Board for the petition to be approved with conditions

Y	Y	Y	Y	Y	Y				

Motion Passed with conditions:

1. The solar farm owner/operator shall provide sufficient security for decommissioning of the facility. The decommissioning cost shall be approved by the County, considering the engineer's estimate.
2. Proof of completion of all required studies, reports, consultations, certifications, agreements, and approvals shall be provided by the applicant in order to demonstrate compliance with provisions of the LaSalle County Zoning Ordinance prior to issuance of the building permit.
3. The owner shall adhere to all IDNR recommendations included in the EcoCat Review and all LaSalle County Soil and Water Conservation District recommendations.
4. Installation of all solar farm components shall follow the 2003 National Electric Code (or newer edition).
5. The applicant shall follow all emergency response planning and BESS requirements of the most recent amended zoning code applicable at the time the building permit is submitted.

FINDINGS OF FACT (A-3)

				Meeting Date:	3/15/2023
Petition #	23-02 MA	Pin #	20-34-409-000	Township	Deer Park
Owner/Applicant	Wayne Hayse				
Purpose:	RR-AC	Pursuant to Section:			14.9

Sec. 14.9-3 Findings for Amendments

Where the purpose and effect of the proposed Amendment is to change the zoning district classification of particular property, the Zoning Board of Appeals shall make findings and transmit a recommendation to the County Board based upon the evidence presented to it in each specific case with respect to the following matters:

	Seville	Whipple	Maierhofer	Lane	Louis	Aussem	Blankenship, Alt 1	Langston, Alt 2	Billard, Chair
1. Is the proposed change suitable and/or consistent with the existing uses of property within the general area?	Y	Y	Y	N	Y				
2. Is the proposed change suitable and/or consistent with the zoning classifications of the property within the general area?	N	N	N	N	N				
3. Is the property best suited for the uses permitted under the existing zoning classification?	Y	N	Y	Y	N				
4. Is the proposed change consistent with the trend of development, if any, that has taken place since the property was placed in its present zoning classification?	N	Y	Y	N	Y				
5. Is the property vacant as zoned, if so, how long (<i>consider in context with land development in the general area</i>)?	N	N	N	N	N				
6. Are property values being diminished by particular present zoning restrictions?	N	N	N	N	Y				
7. Is the requested change consistent with the Comprehensive Plan?	N	Y	N	N	N				

Y	Y	Y	Y	Y					

Motion by Louis, 2nd by Whipple to amend with conditions*

- 1. *No ancillary structures or recreational vehicles shall be used for rental habitation.*

Motion by Whipple, 2nd by Louis to recommend to the County Board for the petition to be approved with conditions.

N	Y	Y	N	Y					

Motion Passed with 3 conditions*

**It announced later in the hearing that conditions could not be added to a Map Amendment, so conditions should be disregarded for the map amendment.*

FINDINGS OF FACT (A-4)

				Meeting Date: 3/15/2023	
Petition #	23-10 SU	Pin #	20-34-409-000	Township	Deer Park
Owner/Applicant	Wayne Hayse				
Purpose:	Guest Accommodations			Pursuant to Section:	7.2-4 E

Sec. 14.10-5 Standards for Special Uses

A.)*That the granting of any Special Use is in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s Comprehensive Plan for development; and specifically, that the granting of the Special Use will not:*

	Seville	Whipple	Maierhofer	Lane	Louis	Aussem	Blankenship, Alt 1	Langston, Alt 2	Billard, Chair
1. Will Not: Impair an adequate supply of light and air to adjacent property	Y	Y	Y	Y	Y				
2. Will Not: Increase the hazard from fire or other dangers to said property	Y	Y	Y	Y	Y				
3. Will Not: Diminish the value of land and buildings in the vicinity of the proposed Special Use	Y	Y	Y	Y	Y				
4. Will Not: Unduly increase traffic congestion in the public streets and highways	Y	Y	Y	Y	Y				
5. Will Not: Increase the potential for flood damages to adjacent property	Y	Y	Y	Y	Y				
6. Will Not: Incur additional public expense for fire protection, rescue or relief	Y	Y	Y	Y	Y				
7. Will Not: Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of LaSalle County nor will it otherwise create a nuisance	Y	Y	Y	Y	Y				
Motion by Whipple, 2nd by Louis to amend with conditions:									
1. <i>No ancillary structures or recreational vehicles shall be used for rental habitation.</i>									
2. <i>A plat shall be recorded of the PUD depicting the (2) single family home sites (from Ord 21-24).</i>									
3. <i>In the event of the destruction of one of the existing single family home structures, only one single-family home shall be allowed to exist on the subject property (from Ord 21-24).</i>	Y	Y	Y	Y	Y				

Motion by Maierhofer, 2nd by Louis to recommend to the County Board for the petition to be approved with conditions.

N	Y	Y	N	Y					
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Motion Passed with 3 conditions.

FINDINGS OF FACT (A-5)

Meeting Date: **4/19/2023**

Purpose:	3.1, 4.24, 4.25, 4.27, 4.28, 7.1-4, 10.1-3, 10.1-4	Pursuant to Section:	14.9
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Seville	Whipple	Maierhofer	Lane	Louis	Ausem	Blankenship, Alt 1	Langston, Alt 2	Billard, Chair
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Motion by Seville and seconded by Lane to recommend to the County Board that the Text Amendments be approved with changes	Y	Y	Y	Y	Y			

Motion Passed - SEE CHANGES ON NEXT PAGE

ADDITIONAL RECOMMENDED CHANGES BY ZBA 4/19/2023

UNDERLINED: NEW TEXT

STRIKE THROUGH: DELETED TEXT

SOLAR

Section 4.25-3 Coordination with Emergency Responders

- A. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the Commercial Solar Energy Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the Commercial Solar Energy Facility.
- B. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Commercial Solar Energy Facility.
- C. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Solar Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Commercial Solar Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annually basis.

WIND

Section 4.27-3 Coordination with Emergency Responders

- A. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the Commercial Wind Energy Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the Commercial Wind Energy Facility.
- B. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Commercial Wind Energy Facility.
- C. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names,

titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Wind Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Commercial Wind Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annually basis.

BESS

Section 4.28-3 Coordination with Emergency Responders

A. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the BESS Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the BESS Facility.

B. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the BESS Facility.

C. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated BESS Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Commercial Solar Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annually basis.

Section 4.28-1

F. Concrete bollards shall be installed protecting the BESS when the BESS is adjacent to interior roadways/parking or adjacent to perimeter fence.