

DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD: TAZEWELL COUNTY

COMMITTEE: LAND USE

DATE/TIME: Tuesday, March 12, 2024, at 5:00 p.m.

PRESENT: Greg Sinn, Mark Goddard, Jay Hall, Kaden Nelms, and Chairman Kim Joesting

ABSENT: Randi Krehbiel, Russ Crawford and Sierra Smith

STAFF PRESENT: Jaclynn Workman, Community Development Administrator; Matt Drake, Assistant States Attorney; and Melissa Kreiter, Community Development Chief Deputy

OTHERS PRESENT: Stephen Chase, Silas Scott, Elton Rocke, Erich Schmidgall, Clay Moushon and Tim Baer

CALL TO ORDER: Chairman Joesting called the meeting to Order at 5:03 p.m.

PUBLIC COMMENT Mr. Elton Rocke brought to the attention of the Committee Alto's announcement regarding their intent to carbon capture and install a sequestration well on site at their Pekin location. He feels there is monetary incentive driving this decision, due to plummeting stock and also delays of the Wolf Carbon pipeline. He and his group have safety concerns and also fear that Alto will allow other's to deposit into the proposed well located in Tazewell County.

Member Hall questioned whether or not this was driven by Federal Mandates?

Mr. Rocke stated that the federal government is trying to reduce the overall carbon footprint. The desire to move more swiftly is suspected due to the potential changing leadership and the impact this could have on funding and incentives currently available.

MINUTES: Moved by Hall, seconded by Nelms, to approve the minutes of the February 13, 2024 Land Use Meeting. On voice vote, **motion declared carried.**

NEW BUSINESS:

**LU-24-07
AMENDMENT 66
WIND ORDINANCE**

Chairman Joesting presented the committee with the summary of amendments to Tazewell Wind Ordinance. These amendments included: inclusion of ADLS lighting if FAA approved, repair of drainage tile during maintenance periods (not construction and decommissioning only), submittal of annual inspection reports to Community Development, disposal of waste, increased liability insurance and also listing the County as an insured party, updates to decommissioning requirements to be compliant with the requirements of the State of Illinois and including conservation districts as a permissible zoning districts for such use (not intentionally omitted with previous amendments).

Member Sinn mentioned that, although all amendments presented by the public were not all included, the ordinance is much better than it had been.

Following discussion, moved by Hall, seconded by Nelms to recommend approval of LU-24-07, Case No. 24-07-A to the Tazewell County Board.

On voice vote, **motion declared carried, unanimously.**

**LU-24-08
AMENDMENT 67
SOLAR ORDINANCE**

Chairman Joesting presented the committee with the summary of amendments to Tazewell Solar Ordinance. These amendments included: approval of a variance by the County Board rather than written approval of the non-participant, drainage tile repairs, decommissioning updates and inclusions of conservation district.

Member Sinn noted that this was more language clean up, but he would like to see the liability insurance evaluated due to the increasing size of solar projects.

Following discussion, moved by Sinn, seconded by Hall to recommend approval of LU-24-08, Case No. 24-08-A to the Tazewell County Board.

On voice vote, **motion declared carried, unanimously.**

**LU-24-09
AMENDMENT 68
ZONING CODE**

Chairman Joesting presented the committee with the summary of amendments to Tazewell Zoning Code. These amendments include: nonresidential outdoor lighting restrictions, Class A implementation increased to two years following approval, updates to extension requests of an approved petition and filing and retention of applications.

Following discussion, moved by Nelms, seconded by Goddard to recommend approval of LU-24-09, Case No. 24-09-A to the Tazewell County Board.

On voice vote, **motion declared carried, unanimously.**

**DISCUSSION:
Annual Inspections**

Member Sinn questioned whether studies or inspections were conducted by someone staffed by the Facility (wind or solar) or if they hire personell as independent consultants.

Administrator Workman stated, for example, noise modeling is done prior to construction and evaluated in most cases by an independent consultant for compliance with the EPA requirements. Although we do not reiterate the specific standards of the EPA, included items such as this in the local ordinance enables the County the ability to assist with enforcement, due to necessary compliance with the authority having jurisdiction over the approved petition for special use.

**Uses Not Specifically
Identified in Code**

Assistant State's Attorney, Matthew Drake, reiterated his written comments to the Committee regarding uses not identified in the

Zoning Code. He is concerned, although historically zoning uses not specified have been considered prohibited uses, this decision could be appealed. He would recommend including uses not identified in order to regulate or prohibit exclusively.

Member Hall recommends looking to the EPA for concerns related to an injection well penetrating the aquifer.

Administrator pointed out that the EPA must review and approve the application for any Class VI injection well to be installed.

Member Sinn stated area agriculture could stand to lose at least 25 center per bushel if Alto were to close. Mr. Sinn said Alto closing could have a major impact on the area farmers and would like to have something written into the code, which could have tough regulations, but not an impossible act.

Members Goddard and Sinn would like more information on injection wells before making a determination whether or not they are safe and what details should be included to regulate them.

It was the consensus of the committee to have Administrator Workman contact and present experts to the Committee in order to educate them on the benefits and risks of injection wells in order to properly address the use within the Zoning Code.

**Building Inspector/
Fees**

Administrator Workman informed the Committee of the resignation of the building inspector. The position is being posted, however it is a narrow field with required credentials. In the interim, the Department will utilize the contractual inspectors more frequently. Our electrical inspector charges \$65 per inspection and our plumbing inspector, whom is required to be a licensed plumber by the State of Illinois, charges \$75 per inspection. For a new dwelling, each inspector will conduct a minimum of three inspections. Current electrical and plumbing permit fees for a new dwelling is \$55.00 each, due from the property owner, The County is paying \$195.00-225.00 to have required inspections conducted. The discussion is with the intent to gage whether or not the Committee feels this is a service the County should continue to cover, or if the fee to the user should be increased.

Chairman Joesting and the Committee have requested fee details to further evaluate.

Agri-voltaic

Administrator Workman discussed integrating common agricultural practice into solar farm facilities. She attended the Rural Community and Economic Development Conference recently and this topic was discussed in breakout seminars. Ms. Workman and Mr. Tim Baer have discussed this previously, and although Ms. Workman does not feel this is something the County can make mandatory at this time, staff can encourage mixed agricultural uses, to include row crops being planted or grazing of agricultural animals within the facility boundaries.

Member Sinn also mentioned an email received from Mr. Baer regarding compensation to non-participants of a particular project.

ASA, Matthew Drake, will look into the details of the request and provide an email update.

**Clay Moushon/
Agri-tourism**

Mr. Moushon discussed his desire to develop a craft distillery in the Farmdale area of Tazewell County. The County currently does not identify craft distilleries, however, Mr. Moushon is more interested in developing the distillery as an agri-tourism use. Mr. Moushon will grow the crops on his land that will be utilized in the distilling process and plans to have a tasting room in the future.

Administrator Workman stated that the area proposed includes several zoning districts and is identified as a community growth area according to the future land use map. The location of the existing structure, proposed as the rack house, is zoned R-1 and is on 6+/- acres. The land utilized to grow crops is partially located in the City of East Peoria, county zoned light industrial (I-1) or county zoned low density residential (R-1).

Member Sinn questioned regulation due to the proposed use as agricultural, such as Ackerman Farms in Morton.

Administrator Workman noted that Ackerman Farms was approved for a Home Commercial Business to operate the agri-tainment business. Although it is agricultural in nature, it shifts to a commercial use, which you may not otherwise want to allow in any district.

Mr. Moushon pointed out the requirements and limitations of the State of Illinois with the agri-tourism designation, one of which is an operating farm with 3-5 acres. The property to the north of the proposed primary site is currently in the City of East Peoria, however the City seems receptive to a de-annexation. The City does have a craft distillery ordinance, however, they do not have a designation for agricultural use within the City of East Peoria. It is not Mr. Moushon's desire to develop the distillery in a business type setting, rather keep it agricultural in nature.

It was the consensus of the committee to have Administrator Workman prepare a Zoning Code amendment to include agri-tourism for the Committee's review.

STAFF REPORT

Administrator Workman presented the Committee a Staff Report detailing revenues, expenses and other office related activity for the month and year to date. This item was for discussion purposes only. No action was taken.

NEXT MEETING:

The next meeting of the Land Use Committee will be held on **TUESDAY, April 9, 2024 at 5:00 p.m.**

RECESS:

There being no further business, the meeting recessed at 6:11p.m.

Jaclynn Workman, Secretary