

FILED

CASE#2021-033
RESOLUTION NUMBER 5-1

AUG 26 2021

**GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
4890 POLECAT CREEK ROAD AND 9500-11000 BLOCK OF STATE ROUTE 4,
CHATHAM, IL
SANGAMON COUNTY, ILLINOIS**

Don J. King
Sangamon County Board

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Sangamon Solar LLC**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Solar Farm Energy System (SFES)**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **August 19, 2021** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the Conditional Permitted Use**; and,

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **14th Day of September, 2021** that the following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Solar Farm Energy System (SFES).

Signed and passed by the Sangamon County Board in session on this 14th day of September, 2021.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

OWNER: CHARD FARMS LLC
PIN: 28-14.0-100-002

The West Half of the West Half of Section 14, Township 14 North, Range 6 West of the Third Principal Meridian, Situated in Sangamon County, Illinois.

Also, referred to and described by tax identification number 28-14.0-100-002.

OWNER: RUTKOSKI BROTHERS, INC.
PIN: 28-13.0-300-003

That part of the South 1/2 of Section 13, Township 14 North, Range 6 West of the Third Principal Meridian, lying West of the State Road, Situated in Sangamon County, Illinois.

Also, referred to and described by tax identification number 28-13.0-300-003.

OWNERS: ANNA TWYFORD 2011 TRUST & TWYFORD FAMILY TRUST
PINS: 28-24.0-100-009 & 28-13.0-300-007

Parcel 1:

All that part of the North Half of the South Half of Section 13 lying East of the Old Springfield and St. Louis State Road and West of the right of way of the Chicago and Alton Railway COMPANY.

EXCEPT that tract sold to Robert E. Twyford and Anna M. Twyford by deed recorded October 12, 1993 as Document Number 93-44328.

ALSO, EXCEPT that tract sold to Robert E. Twyford and Anna M. Twyford by deed recorded January 28, 1997 as Document Number 97-03457.

All of the above in Township 14 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois.

Parcel 2:

All that part of the following described property located West of the right of way of the Chicago and Alton Railway Company:

1. All that part of the West Three-Quarters of the South Half of the South Half of said Section 13, lying East of said Old Springfield and St. Louis State ROAD.
2. So much of the North Half of the Northwest Quarter of said Section 24, as lies East of the Old Springfield and St. Louis ROAD.
3. The Northwest Quarter of the Northeast Quarter of Section 24.

EXCEPTING that part thereof conveyed to the Department of Public Works and Buildings of the State of Illinois for highway purposes by deed dated AUGUST 26, 1916 AND recorded in said Recorder's Office in Book 188 of Deeds, page 348; all in Township 14 North, Range 6 West of the Third Principal Meridian.

FURTHER EXCEPTING that part sold to People State of Illinois, for the use of the Department of Transportation, being a part of the South Half of Section 13 and the North Half of Section 24, Township 14 North, Range 6 West of the Third Principal Meridian, said tract being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 68, Section (G, H) RS- 5 on file in the Office of the Department of Transportation of the State of Illinois in Springfield, Illinois.

All of the above in Township 14 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois.

Also, referred to and described by tax identification numbers 28-24.0-100-009 & 28-13.0-300-007.

OWNER: JOHN DOWSON, INC.
PIN: 28-23.0-200-002

THE WHOLE OF THE NORTHEAST QUARTER, AND THE EAST HALF OF THE NORTHWEST QUARTER, OF SECTION TWENTY-THREE IN TOWNSHIP FOURTEEN NORTH, RANGE SIX WEST OF THE THIRD PRINCIPAL MERIDIAN.

AND

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE IN TOWNSHIP FOURTEEN NORTH, RANGE SIX WEST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-THREE IN TOWNSHIP FOURTEEN NORTH, RANGE SIX WEST OF THE THIRD PRINCIPAL MERIDIAN,

EXCEPTING THAT PART CONVEYED TO THE DEPARTMENT OF PUBLIC WORKS AND BUILDINGS OF THE STATE OF ILLINOIS, FOR HIGHWAY PURPOSES, BY DEED RECORDED IN VOLUME 188 OF DEEDS, PAGE 343, IN THE RECORDER'S OFFICE OF SANGAMON COUNTY, ILLINOIS.

ALL SITUATED IN SANGAMON COUNTY, ILLINOIS.

Also, referred to and described by tax identification number 28-23.0-200-002.

OWNER: JOHN DOWSON, INC.
PIN: 28-24.0-100-006

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR, TOWNSHIP FOURTEEN NORTH, RANGE SIX WEST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE SPRINGFIELD AND ST. LOUIS HARD ROAD, EXCEPT THE RIGHTS OF WAY OF THE CHICAGO AND ALTON RAILROAD COMPANY AND OF THE ILLINOIS TRACTION SYSTEM, AS SUCH RIGHTS OF WAY ARE NOW LOCATED AND CONSTRUCTED OVER AND ACROSS SAID PREMISES
AND

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR, TOWNSHIP FOURTEEN NORTH, RANGE SIX WEST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SPRINGFIELD AND ST. LOUIS HARD ROAD.

Also, referred to and described by tax identification number 28-24.0-100-006.

[THE PROJECT EXCEPTS THEREFROM THAT PORTION LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF THE RAILROAD RIGHT-OF-WAY. IT IS INCLUDED FOR FULL DISCLOSURE AS TO A POSSIBLE FUTURE PHASE.]

OWNER: JOHN DOWSON, INC.
PIN: 28-24.0-300-004

THAT PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-FOUR IN TOWNSHIP 14 NORTH, RANGE 6 WEST OF THIRD PRINCIPAL MERIDIAN LYING WEST OF THE SPRINGFIELD AND ST. LOUIS HARD ROAD.

ALSO, THAT PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-FOUR IN TOWNSHIP FOURTEEN NORTH, RANGE SIX (6) WEST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF SAID SPRINGFIELD AND ST. LOUIS HARD ROAD AND EXCEPTING THEREFROM THE RIGHTS OF WAY OF THE CHICAGO AND ALTON RAILROAD COMPANY AND OF THE ILLINOIS TRACTION SYSTEM, AS SUCH RIGHTS OF WAY ARE NOW LOCATED AND CONSTRUCTED OVER AND ACROSS SAID PREMISES.

Also, referred to and described by tax identification number 28-24.0-300-004.

[THE PROJECT EXCEPTS THEREFROM THAT PORTION LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF THE RAILROAD RIGHT-OF-WAY. IT IS INCLUDED FOR FULL DISCLOSURE AS TO A POSSIBLE FUTURE PHASE.]

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2021-033**

ADDRESS: **4890 Polecat Creek Road and 9500-11000 Block of State Route 4, Chatham, IL 62629**

PETITIONER: **Sangamon Solar LLC**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Solar Farm Energy System (SFES).**

AREA: **978 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval of the Conditional Permitted Use for the Solar Farm Energy System. The petitioner is proposing to meet or exceed all the specific setback, screening, and other requirements of the Solar Energy System Ordinance. After reviewing the petition and evidence submitted, staff finds that the proposed Solar Farm Energy System will have minimal impact on the character of the surrounding area.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2021-033
Sangamon Solar LLC)	
)	PROPERTY LOCATED AT:
)	4890 Polecat Creek Road and
)	9500-11000 Block of State Route 4
)	Chatham, IL 62629

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **Conditional Permitted Use** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner(s); that legal publication has been made pursuant to law; and that a public hearing was held on **August 19, 2021** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **4890 Polecat Creek Road and 9500-11000 Block of State Route 4, Chatham, IL 62629** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District**.
4. That the present land use of said property is **Cropland**.
5. That the proposed land use of said property is **Solar Farm Energy System**.
6. That the request(s) for the subject property is **pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Solar Farm Energy System (SFES)**.
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **Conditional Permitted Use** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following request(s) is **hereby approved**:

- **Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Solar Farm Energy System (SFES).**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, which was duly seconded by **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **is hereby approved:**

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Solar Farm Energy System (SFES).

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro**

NO: **Phil Sidles**

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: **2021-033**

Address: **4890 Polecat Creek Road and 9500-11000 Block of State Route 4, Chatham**

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

The petitioner is proposing to meet or exceed all the specific setback, screening, and other requirements of the Solar Energy System Ordinance. After reviewing the petition and evidence submitted, staff finds that the proposed Solar Farm Energy System will have minimal impact on the character of the surrounding area.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

Based on the information submitted as evidence with the petition, staff believes that this finding is met.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

Negative impacts regarding this standard are not anticipated.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

N/A

- (b) Manufactured home parks - must meet the requirements of Chapter 17.48 Large Scale Development.

N/A

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

N/A

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A