

**GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
1700-2000 BLOCK OF JOSTES ROAD, ROCHESTER
SANGAMON COUNTY, ILLINOIS**

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, **River Maple Solar III, 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 Commercial Solar Energy System (CSES)**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 2023** 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 a 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 **9th Day of May, 2023** that the following request(s) on the above described property is hereby approved:

FILED

MAY 04 2023

Don J. May
Sangamon County Clerk

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

Signed and passed by the Sangamon County Board in session on this 9th day of May, 2023.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

Legal Description

For Parcel ID: 23-02.0-400-005

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 2, EXCEPTING A SMALL PIECE IN THE SOUTHWEST CORNER OF SAID DESCRIBED HALF SECTION LYING ON THE SOUTH SIDE OF THE ROAD IN A CONE SHAPE, SUPPOSED TO BE 39 OR 40 RODS ON THE SOUTH LINE AND 8 RODS MORE OR LESS ON THE WEST LINE, IN TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS;

EXCEPT ANY INTEREST IN THE COAL, OIL, GAS AND OTHER MINERALS UNDERLYING THE LAND WHICH HAVE BEEN HERETOFORE CONVEYED OR RESERVED IN PRIOR CONVEYANCES, AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL, OIL, GAS AND OTHER MINERALS, IF ANY.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2023-007

ADDRESS: 1700-2000 Block of Jostes Rd., Rochester, IL 62563

PETITIONER: River Maple Solar III, 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 Commercial Solar Energy System (CSES).

AREA: 78.5 acres

COMMENTS: Yes

OBJECTORS: Yes

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Staff reviewed the materials submitted by the applicant and determined that the proposal complies with Public Act 102-1123, signed into law on January 27, 2023.**

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: **2023-007**
River Maple Solar, LLC)
)
) PROPERTY LOCATED AT:
) **1700-2000 Block of Jostes Road**
) **Rochester, IL 62563**

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 **April 20, 2023** 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:

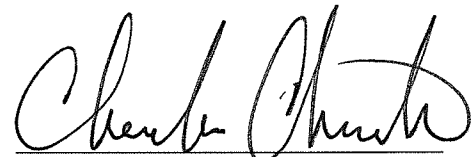
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1700-2000 Block of Jostes Rd., Rochester, IL 62563** 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 **Agricultural**.
5. That the proposed land use of said property is **Commercial Solar Energy System and cropland**.
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 Commercial Solar Energy System (CSES)**.
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 Commercial Solar Energy System (CSES).**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **Anthony Mares**, 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 Commercial Solar Energy System (CSES).

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Richard Thompson, George Petrilli**

NO: **JD Sudeth**

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

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

Case #: **2023-007**

Address: **1700-2000 Block of Jostes Rd., Rochester**

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 proposed Commercial Solar Energy System complies with the setbacks and other provisions in Public Act 102-1123 signed into law on January 27, 2023.
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.
The proposed Commercial Solar Energy System complies with the setbacks and other provisions in Public Act 102-1123 signed into law on January 27, 2023.
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.
The proposed Commercial Solar Energy System complies with the setbacks and other provisions in Public Act 102-1123 signed into law on January 27, 2023.
- (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