

IROQUOIS COUNTY
ZONING BOARD OF APPEALS
August 25th, 2026
7:00 p.m.

Acting Chairman Wayne Wagner called the meeting to order and said this is an official meeting of the Zoning Board of Appeals. Everyone was asked to stand for the pledge of allegiance. He asked the Zoning Administrator to read the official notice of the meeting.

After the notice was read, Mr. Wagner said at each meeting the Board introduces themselves and everyone in attendance introduces themselves. In attendance were Wayne Wagner, Artesia Township; Jerome Finley, Middleport Township; Bill Rogan, Douglas Township; Donita Brault, Martinton Township; Steve Rapp, Ash Grove Township; Alicia Johnson, Onarga Township. Also, in attendance were County Board Members Kathleen Perkinson, Jamie Bakken, Donna Crow and Steve Huse, Zoning Administrator Julie Feller; Zoning Deputy Clerk Madi Ussery; Andrew Keyt with Heyl Royster, Conditional Use applicant Jacob Rinehart. Members of the public present were John Wycherly, Brett O'Conner, Ben Adamich, Keith Bolan, Barb Bolan, Katie Neshiem, Jim Griffin, Thomas Hill, Patrick Brown, Ron Haase, and Roger Gustifson.

Mr. Wagner asked for a motion to approve the Minutes from the previous meeting. Motion was made by Mr. Rogan and seconded by Finley. Motion was carried by Voice Vote.

Mr. Wagner asked who would be speaking to give the presentation of the case and asked them to step forward to be sworn in. Mr. Wagner swore in Mr. Jacob Rinehart. Mr. Rinehart explained to the committee the business he was wishing to put onto his property will be a small-scale operation and will specialize in repairs of golf carts, small trailers, utility repairs and customizations. Mr. Rinehart mentioned hours of operation will be 6 pm- 10 pm Monday- Friday and 8 am to 8 pm Saturday. All repairs and customizations will be inside the barn, Mr. Rinehart also made mention noise will not be an issue due to using quite modern handheld battery power tools. Mr. Rinehart also mentioned all environmental waste will be dumped into a 2 X 50-gallon drum and removed by a licensed environmental waste specialist when full. Tire waste will also be disposed of to a proper facility. Mr. Rinehart informed the committee that his closest neighbor is ¼ mile from his property, and no neighbors have had any concerns with this proposed business. Mrs. Feller asked if he had the service contracts for the waste removal and tires in place and Mr. Rinehart said he would send them over to the office.

Mr. Rapp read "1. Proposed Use. The Applicant proposes to establish and operate a business within an existing shop/building located on the subject property. The proposed business will utilize the existing structure and property for business-related activities consistent with the submitted application and site plan."

Mr. Finley read "2. Compatibility With Surrounding Property, the proposed conditional use is compatible with the existing character and development of the surrounding area.

The proposed business will be conducted primarily within the existing shop/building, and the use will not substantially alter the physical character of the property.”

Mr. Wagner read “3. Public Health, Safety, and General Welfare. The establishment, maintenance, and operation of the proposed conditional use, subject to compliance with all applicable County regulations and any conditions imposed by the County, will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed use will not create unreasonable hazards or conditions that would adversely affect surrounding properties or the general public.”

Mr. Rogan read “4. Impact on Neighboring Properties. The proposed conditional use will not be injurious to the use and enjoyment of neighboring properties for purposes already permitted under the applicable zoning regulations. The proposed business is not anticipated to create unreasonable noise, traffic, odors, lighting, dust, or other conditions that would substantially interfere with neighboring property owners' reasonable use and enjoyment of their property. Based upon the evidence presented, the proposed use will not substantially diminish property values within the surrounding neighborhood.”

Ms. Jonson read “5. Orderly Development. The establishment of the proposed business will not impede the normal and orderly development or improvement of surrounding property for uses permitted within the applicable zoning district. The proposed use makes reasonable use of an existing shop/building and does not require development that would be inconsistent with the existing development pattern of the surrounding area.”

Mrs. Brault Read “6. Access and Transportation. Adequate access to the property is available through existing roads and driveways. The proposed use is not expected to create an unreasonable burden on existing roadways or access facilities. Any required improvements to entrances, driveways, parking, or access shall be completed in accordance with applicable County and roadway authority requirements.”

Mr. Rapp read. “7. Utilities and Facilities. Adequate utilities and necessary facilities are available or will be provided to serve the proposed use. The Applicant shall obtain any required permits and approvals for electrical, plumbing, building, septic, water, or other improvements associated with the proposed business.”

Mr. Finley read “8. Compliance With County Regulations. The Applicant shall comply with all applicable provisions of the Iroquois County Zoning Ordinance, building and construction requirements, health requirements, fire and life-safety requirements, environmental requirements, and any other applicable federal, State, County, township, or municipal regulations.”

Mr. Wagner read “9. Conditions. The Conditional Use Permit shall be limited to the business and activities described in the application and presented to the Zoning Board of Appeals. Any substantial change in the nature, intensity, or operation of the business may require additional zoning approval. The Applicant shall maintain the property in a

manner consistent with the approved conditional use and shall comply with all conditions imposed by the County.”

Mr. Rogan read “Conclusion and Recommendation. Based upon the foregoing Findings of Fact and the evidence presented at the public hearing, the Iroquois County Zoning Board of Appeals finds that the proposed conditional use satisfies the applicable standards of the Iroquois County Zoning Ordinance. The proposed conditional use: Will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; Will not be injurious to the use and enjoyment of neighboring property or substantially diminish property values; Will not impede the normal and orderly development and improvement of surrounding property; and has adequate or will have adequate utilities, access roads, drainage, and necessary facilities.”

Mr. Wagner said “Do we have a motion to approve the Finding of Facts”

Mr. Rogan stated, “I’ll make the motion.”

Mrs. Brault said, “I’ll second it.”

Roll call vote was taken to approve the Finding of Facts-Motion Carried.

Mr. Wagner stated, “Do we have a motion to approve the Conditional Use with the stipulation of receiving the waste contracts”

Mr. Rogan stated, “I’ll make the motion.”

Mrs. Brault said, “I’ll second.”

Roll call vote was taken to approve the Zoning Change and the motion carried.

Mr. Rinehart was informed of date and time for the Tax and Zoning Committee Meeting and next County Board Meeting.

Mrs. Julie Feller read the Legal Notice for Text Amendments to the existing Commercial Solar and Wind Ordinances and the creation of new Standalone Battery Energy Storage Systems. Mr. Wagner introduced Mr. Andrew Keyt as the facilitator for the rest of the hearing. Mr. Keyt explains we must bring our ordinances up to date to comply with state statute set June 1st. Mr. Keyt suggested the board combines the evidence to make the hearing go by fast and because of similarities.

Mr. Keyt starts off these changes happening to the wind and solar ordinances. In the text amendments after receiving a Conditional Use permit, the facilitators are now allowed 5 years to submit build plans rather than two years as stated in the current to comply with State Statute. Another change in the wind and solar ordinance is capped fee amounts. In the current ordinance, fee amounts for conditional use were allowed \$5,000 for every MW up to \$250,000, now the county can only charge \$5,000 for every MW up to \$125,000. When applying for the building permit it will be \$5,000 for every MW up to \$75,000. Stated in the new ordinance, whatever funds are unused the county keeps and if the out-of-pocket costs exceed the money received from the developer, we can require the money to pay remaining cost. Another change occurring is screening around the project will only be required on side with non-participating landowners if requested rather than all around

screening. The max height for screening is now 5 ft to prevent damaging drain tile. Another change is the vegetative screening will need to be submitted at the time of the conditional use application. The ordinance now requests an annual report for each project due on February 1st each year. Mr. Keyt listed change request made by the public for the draft Solar Ordinance to the Board which include, 1. the Farmland Drainage plan be provided to the county, impacted drainage district and any mutual drain tile, 2. all wire be in a CAB system or the electrical cabling be under the panels, 3. Including invasive weeds into the obnoxious weeds report along with a height requirement for weeds along fence lines, 4. If the access road to the project is going to be within 25 ft of a non-participating land owner property the company and the neighbor will need to work out an agreement, but the county cannot require a setback for access roads. 5. Recommendation of adding if there is visitable damage to panels reporting to the Zoning Office within 24 hours and an estimated time of repair to the Emergency Response. 6. All tile whether Mutual or not will need to be reported. Changes regarding the Wind Ordinance includes, 1. Community meetings to let the community know there will be a conditional use permit filed, notice for the meeting is supposed to be sent out 90 days before the meeting but want to shorten it to 30 days. The notice will also need to be published in local newspaper and sent to all property owners within 1.5 miles of the project; the request is to have it posted in three public places along with being posted on the developers' website. 2. All tile will need to be identified before Conditional Use can be submitted. 3. To submit the drain tile survey to the Mutual Drain tile but not to the county until its time to apply for a building permit. Mr. Keyt suggests the board should allow this to give the facilities the proper time to figure out building plans without affecting surrounding tile. 4. To add a clause stating all connect/ power lines must be buried unless otherwise approved by the county. 5. Any roads used by the project and have been degraded in result of this must be repaired by the developer changed to repaired by the facility owner. 6. Another changed requested is all properties within 1.5 miles of the project be changed to all properties within 1.5 miles of all towers will need to be notified. 7. Have sound checks upon a receipt of a complaint alleging a violation of the IPCB regulation that the county zoning regulations, or once every season. 8. The ordinance states Noise levels at nonparticipating properties may be tested upon request of the county Zoning Administrator, the request to take that out was made but ultimately left in. 9. lock metal gate or lock chain at the access road entrances of the of all wind turbine generator locations was removed due to other projects having just the gate rather than a gate with a fence around the project. 10. Request to make the years on a conditional use 35 or 40 years rather than the 30 years stated in the ordinance. Next Mr. Keyt is explaining the changes and request to the Battery Storage System Ordinance. Request 1. Add the mutual tile order to the Farmland Drainage Plan just like in wind and solar 2. No building on top of tile. Mr. Keyt suggested the site either be retiled or not build on it due to blocking access to the tile, and wants to add the provision all developers have to avoid preventing access to that mutual drainage tile or the drainage district tile. 3. Mr. Keyt also suggests like the Solar Ordinance the county add that the developer must provide photos within the last 30 days showing compliance with weed management plan. After Mr. Keyt was done with his explanation, he asked members of the public if there were any question. Mr. Patrick Brown asked for clarification on the timing (before or after construction) for the survey for obnoxious or invasive weeds. Mr. Keyt tells him it will need to be submitted before the building permit can be issued. Mr. Brown asks since there can be a change to the vegetative screening plan

and the farmland drainage plan between the Conditional Use Permit and the Building Permit; would this also apply to the Decommissioning Plan. Mr. Keyt informs him there could be a change to a Decommissioning Plan before a Building Permit is issued. Mr. Ben Amich asked if regarding mutual tile if it would be more appropriate to handle tile-related matters in the AMA post Conditional Use Permit rather than before the Conditional Use Permit due to the county having say in their turbines get placed. Mr. Keyt explains that the county could prefer it be submitted before the CUP due to surrounding properties getting notices and giving them opportunities to tell if there is known personal tile in the properties. Mr. Adamich explains to Mr. Keyt that a wind farm will be different due to not dealing with tile in a fenced area and less disagreement between the two farmers due to both having access to the "tile". Mr. Roger Gustifson commented on Mr. Adamich's statement by saying with wind farms there are road accesses, turbines and underground wire, all of which could possibly affect the underground tile along with the crane used to build the turbine. Mr. Gustifson continues the turbine may not be on tile, but the other factors of the project can also affect the tile underneath. Mr. Keith Bolan explains he is a farmer and his dad was the drainage commissioner for 34 years for Bureau County. Mr. Bolan further explains he has seen patterned tiles in fields with turbines on them. He states that this can be done and does not disagree with the drain tile survey. He disagrees with the timing of when the survey needs to be submitted. Mr. Keyt explains again that the county has had a project not show all the tile and a neighbor came in and explained where it was, if the neighbor had not come in the county could have no idea of the tile and the project could have built over it. Mr. Brown tells Mr. Keyt that Scout had an Open House 60-70 days ago. Feedback Scout received from members of the Gilman area is the Watseka Newspaper is not circulated on the west side of the county as much as it is in Watseka. They suggested to advertise via Facebook social media and/ or Radio. Mr. Keyt explained you can't put that as the only form of publication but you could add to the ordinance as well as social media and Radio. Mr. Ben Adamich and Mr. Jim Griffin both were sworn in to give testimony. Mr. Adamich explained he was with Geronimo power and just had some follow-up questions to go along with Mr. Keyt's explanation. Mr. Griffin asked for the pre-application meeting requirement if to reduce mailing requirements if instead of sending out 1.5 miles from the project bound to rather 1.5 miles from each turbine. Mr. Griffin also explains the notification of this pre-application public meeting needing to be sent out 60-90 days before the application needs to be filed is hard because after hearing public feedback the company could potentially change the application to better fit with the public's request. Mr. Griffin explains that privately owned drain tile is typically not regulated by the county opposed to mutual tile, and is hoping to remove privately owned drain tile from the required Farmland Drainage Plan before the Conditional Use is approved. Lastly Mr. Griffin recommends if the county chooses to keep the Conditional Use for 30 years it be 30 years from the Commercial Operation date not from the Building Permit issuance. Ms. Johnson asks Mr. Griffin if the company was formally Notional Grid Renewables and the same one that sued a county for "dragging their feet", Mr. Griffin explains he is not aware of any law suit. Mr. Adamich tells the board the Geronimo Power project will spread between Ford & Iroquois County and stay mostly on the western half of I57. Mr. Adamich told the board there are 115 leases signed for just Iroquois county, so for notice requirements there would be multiple thousands of letters having to be sent out. Due to there being a large project area but turbines being spread out a lot of the letters required to

be set out will have no effect of the people receiving the letters and just be costly to the project. Ms. Johnson asks if the project is projected to make \$284 Million over the next 20 years, why would having to mail out notice of a public hearing “Break the Bank”. Mr. Adamich states again that the mailing should be calculated from the proposed turbines not from the project boundaries. Mr. Adamich feels that they have become active in the community and sending out so many letters is useless when it can be posted in the paper, posted online and at public meetings, and not every farmer leased into the project will be hosting a turbine. Ms. Donna Crow spoke up and made Mr. Adamich aware there are only 2 active newspapers within Iroquois County, so newspaper notification is not the most effective. Mr. Griffin stated under state statute where no mailing was required to be sent to surrounding properties for the hearing everyone was present in now so why would they be required to send to all neighboring properties. Mr. John Wycherley was sworn in to give additional testimony. Mr. Wycherley expresses he thinks the 90-day notification is not helpful due to feedback from the Community might push them past the 90 days before the application can be submitted. Mr. Wycherley recommended staying within 30-60 days. Mr. Wycherley also recommended if the county is set of allowing a 30 conditional use then to make the start date from the first day of operation or 35 from when the building permit was issued.

Mr. Keyt read the find of fact for the Wind and Solar Text Amendments. WHEREAS, the Iroquois County Zoning Board of Appeals held a public hearing to take evidence and discuss the proposed text amendment to the Commercial Wind Energy Facility Ordinance (Ordinance), and make a recommendation to the County Board on the proposed text amendment to the Ordinance; WHEREAS, the public hearing was properly noticed pursuant to the Illinois Counties Code, and the hearing notice was published in a newspaper of general circulation pursuant to 55 ILCS 5/5-12014; WHEREAS, the appropriate agenda posting occurred pursuant to 5 ILCS 120/2.02; WHEREAS, the Iroquois County Zoning Board of Appeals reviewed the following exhibits; Exhibit A – Proposed Iroquois County Commercial Wind Energy Facility Ordinance. Exhibit B – 55 ILCS 5/5-12020 – Commercial Wind Energy Facilities and Commercial Solar Energy Facilities. WHEREAS, the Iroquois County ZBA heard testimony provided by counsel for Iroquois County on the issues related to the Ordinance, and such testimony is reflected in the stenographic record of the meeting; WHEREAS, the complete record of proceedings and evidence is retained by the Iroquois County Planning and Zoning Department at 1001 East Grant Street, Room 108C, Watseka, Illinois; and WHEREAS, the Iroquois ZBA makes the following Findings of Fact in relation to the proposed evidence: The proposed text amendment will promote the health, safety, and welfare of the county and its residents and is in the public interest: The Ordinance will implement certain design standards on CWF including setbacks, fencing, signage, emergency response, shadow flicker, noise, road use requirements and decommissioning requirements which will allow for the development of CWF within the community while limiting negative impacts of projects. Without these protections in place we find that the potential developments pose undue risks (such as shadow flicker, noise, decommissioning risks and road damage, etc...) on the community and insufficient protections to guard against those safety risks and financial risks associated with a CWF. We also find the siting statute (55 ILCS 5/5-12020) largely directs the requirements set forth herein. The ZBA has also considered testimony and evidence of the public and

developers regarding the ordinance and has made its recommendations therein. The proposed text amendment is consistent with the purposes and intent of the zoning ordinance: The proposed amendment aims to achieve the overall objectives of the zoning ordinance of Iroquois County by seeking to promote the protection of its residents, its roads, tax payer funds, while also promoting development within the County. The proposed text amendment is consistent with the goals, objective, and policies of the comprehensive plan: The proposed amendment meets the comprehensive plan objectives. See parts 1 and 2 above.

Mr. Keyt asked for a recommendation for the Wind Text Amendment to be sent to the county board with the considered amendments made during the hearing. Rogan made a motion to accept with the changes outlined for recommendation. This motion was seconded by Brault. Roll Call Vote was taken, motion carried.

Mr. Keyt asked for a recommendation to the county board in relation to the Solar Text Amendment. Motion was made by Finley and seconded by Rogan. Roll Call Vote was taken, motion carried.

Mr. Keyt read the finding of facts for the Battery Energy Storage System Text Amendments. WHEREAS, the Iroquois County Zoning Board of Appeals held a public hearing to take evidence and discuss the proposed text amendment to the Battery Energy Storage System Ordinance (Ordinance), and make a recommendation to the County Board on the proposed text amendment to the Ordinance; WHEREAS, the public hearing was properly noticed pursuant to the Illinois Counties Code, and the hearing notice was published in a newspaper of general circulation pursuant to 55 ILCS 5/5-12014; WHEREAS, the appropriate agenda posting occurred pursuant to 5 ILCS 120/2.02; WHEREAS, the Iroquois County Zoning Board of Appeals reviewed the following exhibits; Exhibit A – Proposed Iroquois County Energy Storage Systems Ordinance Exhibit B – 55 ILCS 5/5-12024 – Energy Storage System. WHEREAS, the Iroquois County ZBA heard testimony provided by counsel for Iroquois County on the issues related to the Ordinance, and such testimony is reflected in the stenographic record of the meeting; WHEREAS, the complete record of proceedings and evidence is retained by the Iroquois County Planning and Zoning Department at 1001 East Grant Street, Room 108C, Watseka, Illinois; and WHEREAS, the Iroquois ZBA makes the following Findings of Fact in relation to the proposed evidence: The proposed text amendment will promote the health, safety, and welfare of the county and its residents. The Ordinance will implement certain design standards on ESS including setbacks, fencing, signage, emergency response, system certifications, vegetation, noise, and decommissioning requirements which will allow for the development of ESS within the community while limiting negative impacts of projects. Without these protections in place, we find that the potential developments pose undue risks (such as fire and potential toxicity) on the community and insufficient protections to guard against those safety risks and financial risks associated with a BESS. We also find the state statute (55 ILCS 5/5-12024) largely directs the requirements set forth herein. The proposed text amendment is consistent with the purposes and intent of the zoning ordinance: The proposed amendment aims to achieve the overall objectives of the zoning ordinance of Iroquois County by seeking to promote the protection of its residents, its

roads, tax payer funds, while also promoting development within the County. The proposed text amendment is consistent with the goals, objective, and policies of the comprehensive plan: The proposed amendment meets the comprehensive plan objectives. See parts 1 and 2 above. NOW, THEREFORE, BE IT RESOLVED based on the evidence submitted, the Iroquois County ZBA recommends the Iroquois County Board approve the proposed ESS Ordinance attached hereto as Exhibit A.

Mr. Keyt asks for a motion on a recommendation to the county board as to the energy storage system. Mr. Rapp made the motion to approve with the changes included. Motion was seconded by Wagner. Roll Call Vote was taken, motion carried.

There was no New Business.

There was no Old Business.

Mr. Wagner made a Motion to Adjourn the Meeting.

Mrs. Brault 2nd the motion.

Motion carried by voice vote

The meeting adjourned at 9:17 p.m.