

**Winnebago County Board  
Zoning Committee Meeting**  
Winnebago County Administration Building  
404 Elm Street, Room 303,  
Rockford, IL 61101

~Minutes of Wednesday, June 26, 2024 – 5:30 P.M.

**Members Present:**

Jim Webster, Chairman  
Angie Goral (*arrived at 5:32 P.M.*)  
Paul Arena  
Dave Tassoni  
Aaron Booker (*left at 6:10 P.M.*)  
Tim Nabors

**Staff Present:**

Troy Krup, Planning & Zoning Officer  
Karl Palmquist, Planner  
Lafa Vaughan, Chief Assistant State’s Attorney  
Sherry Zack, Assistant State’s Attorney  
Donna Kelly, Assistant State’s Attorney

**Members Absent:**

John Guevara

**Others Present:**

Jim Rodriguez, Attorney  
John Penney, County Board Member

**AGENDA:**

A. Call to Order @ 5:31 P.M.

B. Roll Call

C. Approval of May 21, 2024 Minutes

D. Public Comment

E. Agenda Items:

1. TA-01-24: An Ordinance Amending the Unified Development Ordinance (UDO) Regarding Commercial Wind Power Generating Facilities / Wind Farms (aka Commercial Wind Energy Facilities) and Solar Farms (aka Commercial Solar Energy Facilities)

**ZBA Recommendation: *APPROVAL with ZBA amendments (7-0)***

2. SU-04-24 A SPECIAL USE PERMIT (AN AMENDMENT TO ENABLE RETAIL SALES OF PRE-PACKAGED ALCOHOL) FOR AN AGRI-BUSINESS THAT ALLOWS U-PICK OPERATIONS (I.E. AN APPLE ORCHARD AND RASPBERRY / PUMPKIN PATCHES), A CIDER MILL AND A PETTING ZOO, INCLUSIVE OF TRADITIONAL ACCESSORY USES (I.E. GIFT / SNACK SHOP, PARKING, ETC.) IN THE AG, AGRICULTURAL PRIORITY DISTRICT requested by Mike and Lynn Edwards, on behalf of Edwards Apple Orchard West, Inc. for the property that is commonly known as 8218 Cemetery Road, Winnebago, IL 61088 in Burritt Township.

Part of PIN: 10-11-100-001

C.B. District: 1

Lesa Rating: NA

Consistent W/2030 LRMP – Future Map: NA

**ZBA Recommendation: *APPROVAL with ZBA conditions (5-0)***

3. Z-03-24 A MAP AMENDMENT TO REZONE 5.02+- ACRES FROM THE AG, AGRICULTURAL PRIORITY DISTRICT TO THE IH, HEAVY INDUSTRIAL DISTRICT requested by Seward AG Supply, Inc., property owner, represented by James Lengjak, Manager / CEO, for the property that is commonly known as 16222 3<sup>rd</sup> Street, Seward, IL 61077 in Seward Township.

PIN: 13-21-327-006

C.B. District: 1

Lesas Rating: Low

Consistent W/2030 LRMP – Future Map: YES

**ZBA Recommendation: APPROVAL (5-0)**

F. Other Matters

1. Discussion with Rodgers Ready Mix & Materials, Inc. representatives

G. Adjournment

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**MINUTES:**

A. Call to Order

Mr. Webster called the meeting to order at 5:31 P.M.

- B. Roll Call was taken; 6 members present at time of roll call (see above for listed specifics).

C. Approval of May 21, 2024 Minutes

**A motion to approve the meeting minutes of May 21, 2024** was made by Mr. Nabors, seconded by Ms. Goral. **Motion to approve the May minutes PASSED (6-0).** Accordingly, the May Zoning Committee *minutes* are approved.

- D. Public Comments: The Zoning Committee is a public meeting, not a public hearing. Testimony is given to the Zoning Board of Appeals on the zoning petitions before us tonight. No more testimony will be taken. Committee members may ask questions of petitioners or others present who testified earlier for clarification with the Chairman's consent. The recommendation of the Zoning Board of Appeals and the Zoning Committee go to the full County Board for a decision, Thursday, June 27, 2024. The County Board will lay the petitions over to the July 11, 2024 County Board meeting for a decision. However, the County Board may in certain instances suspend the rules and make a decision, Thursday, June 27, 2024. If you have any questions concerning these petitions or the meeting schedule, please call the County Planning and Zoning Office at (815) 319-4350. The rules of the County Board will no longer allow non-County Board Members to address zoning items at the County Board Meetings.

*No comments from the public were presented to the Committee for consideration.*

Mr. Webster, Chairman, moved item number one to the number three spot. As such, he explained that he will 1<sup>st</sup> proceed with the special use permit, and then the map amendment, then text amendment (ordinance) and finally the discussion under other matters.

E. Agenda Items:

2. SU-04-24 A SPECIAL USE PERMIT (AN AMENDMENT TO ENABLE RETAIL SALES OF PRE-PACKAGED ALCOHOL) FOR AN AGRI-BUSINESS THAT ALLOWS U-PICK OPERATIONS (I.E. AN APPLE ORCHARD AND RASPBERRY / PUMPKIN PATCHES), A CIDER MILL AND A PETTING ZOO, INCLUSIVE OF TRADITIONAL ACCESSORY USES (I.E. GIFT / SNACK SHOP, PARKING, ETC.) IN THE AG, AGRICULTURAL PRIORITY DISTRICT requested by Mike and Lynn Edwards, on behalf of Edwards Apple Orchard West, Inc. for the property that is commonly known as 8218 Cemetery Road, Winnebago, IL 61088 in Burritt Township.

Part of PIN: 10-11-100-001

C.B. District: 1

Lesas Rating: NA

Consistent W/2030 LRMP – Future Map: NA

**ZBA Recommendation: APPROVAL with ZBA conditions (5-0)**

**Motion to approve a Special Use Permit, an amendment to enable the retail sales of pre-packaged alcohol, for an Agri-Business that allows u-pick operations in the AG District with ZBA conditions** was made by Mr. Nabors, seconded by Mr. Arena. Discussion followed. **Motion to approve PASSED (6-0)**. Accordingly, the ZC recommends the approval of case SU-04-24 with ZBA conditions.

3. Z-03-24 A MAP AMENDMENT TO REZONE 5.02+- ACRES FROM THE AG, AGRICULTURAL PRIORITY DISTRICT TO THE IH, HEAVY INDUSTRIAL DISTRICT requested by Seward AG Supply, Inc., property owner, represented by James Lengjak, Manager / CEO, for the property that is commonly known as 16222 3<sup>rd</sup> Street, Seward, IL 61077 in Seward Township.

PIN: 13-21-327-006

C.B. District: 1

Lesas Rating: Low

Consistent W/2030 LRMP – Future Map: YES

**ZBA Recommendation: APPROVAL (5-0)**

**Motion to approve a Map Amendment to rezone 5.02+- acres from the AG, Agricultural Priority District to the IH, Heavy Industrial District** was made by Mr. Booker, seconded by Ms. Goral. Discussion followed. **Motion to approve PASSED (6-0)**. Accordingly, the ZC recommends the approval of case Z-03-24.

1. TA-01-24: An Ordinance Amending the Unified Development Ordinance (UDO) Regarding Commercial Wind Power Generating Facilities / Wind Farms (aka Commercial Wind Energy Facilities) and Solar Farms (aka Commercial Solar Energy Facilities)

**ZBA Recommendation: APPROVAL with ZBA amendments (7-0)**

This is a continuation from the prior ZC meeting on May 21, 2024. TA-01-24 was initially motioned for approval (at the May meeting), and then laid-over to this meeting. Discussion followed.

**Motion to amend Section 17.10 (G) of TA-01-24 (An Ordinance Amending the Unified Development Ordinance (UDO) regarding Commercial Wind Power Generating Facilities/Wind Farms (aka Commercial Wind Energy Facilities) and Solar Farms (aka Commercial Solar Energy Facilities)) to read as:**

If the facility owner or operator does not complete decommissioning within the periods prescribed by Section 17.10 A, the County may take such measures as it deems necessary to complete decommissioning, and shall be entitled to draw on the financial assurance required by Section 17.10 D to pay the costs associated therewith. In the

event partial or otherwise insufficient financial assurance has been posted to cover the full costs of decommissioning the facility, the facility owner shall reimburse the County for the costs incurred by the County associated with decommissioning the facility, including, but not limited to, the costs for removal and disposition of facilities and equipment. The facility owner shall reimburse the County for the full amount of said costs within thirty (30) days of having received written notice from the County of the amount of the costs so incurred. Failure by the facility owner to fully reimburse the County within thirty (30) days, may result in legal action by the County against the facility owner and any other appropriate party.

Made by Mr. Arena, seconded by Mr. Booker. **Motion to amend PASSED (6-0).**

Discussion followed.

**Motion to amend Section 17.10 of TA-01-24 (Solar/Wind Ordinance) to include:**

- I. If the facility owner or operator does not provide the County with Financial Assurance(s) as required by this Section 17.10 and the executed Agricultural Impact Mitigation Agreement, including but not limited to the Financial Assurance(s) required at specific anniversaries of the Commercial Operation Date, or, if the facility owner or operator is not compliant with any other provision of this Ordinance, the Planning and Zoning Officer may revoke the permit as set forth in Section 6.4, and/or the County may seek legal action against the facility owner or operator.

Made by Mr. Arena, seconded by Mr. Tassoni. **Motion to amend PASSED (6-0).**

Discussion followed.

And lastly, a vote was then taken on the original motion made at the May 21, 2024 ZC meeting by Mr. Tassoni, seconded by Mr. Booker– **a motion to approve TA-01-24** (An Ordinance Amending the Unified Development Ordinance (UDO) Regarding Commercial Wind Power Generating Facilities / Wind Farms (aka Commercial Wind Energy Facilities) and Solar Farms (aka Commercial Solar Energy Facilities)), **with ZBA amendments** (and now also inclusive of ZC amendments). **Motion to approve PASSED (6-0).** Accordingly, the ZC recommends the approval TA-01-24, inclusive of both ZBA amendments and the ZC amendments (as noted above and in prior May minutes).

- F. Other Matters *Discussion with Rodgers Ready Mix & Materials, Inc representatives.* A Court Order from the 1980's regarding a batch plant was discussed; more specifically the ability to now apply for an extension to continue plant operations. Questions about the status of the site, how far it has expanded over the decades, and what their preferred extension limit were addressed. The consensus of the committee was either a 5 or 10 year extension would be appropriate, but the representatives of Rodger Ready Mix would prefer a longer term, somewhere around 20 years. No action was taken, as it was decided the matter will be discussed again, after further thought, at a future meeting but it was noted that the matter should be revisited "sooner rather than later" since the Order expires in May 2025 (if not extended).

#### H. Adjournment

**Motion to adjourn** was made by Mr. Webster, seconded by Ms. Goral. **Motion to adjourn PASSED (5-0).** Accordingly, the meeting was adjourned at 6:36 P.M.

Respectfully submitted, Michael Embry