

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE AUGUST 13, 2015 MEETING

The committee chair called the meeting to order at 5:00 pm at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Bill Flott, Bob Young, James Carley, Justin Goembel, and Daryl Holt.

Absent: Paul Ritter and Bill Peterson.

Additional County Reps: County Board Chair Marty Fannin, County Administrative Resource Specialist Alina Hartley, Non-Committee County Board Members Mike Ingles, Carolyn Gerwin, Vicki Allen and Mark Runyon. State's Attorney Seth Uphoff and County Attorney Tom Blakeman were also present.

Committee Chair Flott noted the agenda. Justin Goembel then moved, seconded by Daryl Holt, that the agenda for this meeting be approved as amended. This motion was approved by a voice vote of all ayes.

Consideration of extending Livingston County's existing moratorium on the processing or acting upon any special use applications for wind energy projects:

An explanation was made about the reasoning for this extension of the existing WECS moratorium, because of the ongoing committee review of the county wind energy regulations, and because of the timing in which hearings would need to be completed prior to the existing moratorium expiring.

Then as part of this ongoing committee review, a discussion took place pertaining to the Indian Grove Township resolution to the Livingston County Board in which this township is requesting Indian Grove Township specific WECS setback distance regulations.

A discussion then took place on the reasoning of the three month time period for extending the moratorium, and how there has been a desire to move forward on this matter in a timely manner. The zoning regulations text amendment process was then discussed further. John Slagel, of the Indian Grove Township Planning Commission, remarked that the Indian Grove Township resolution could stand alone at this time. The need to use the moratorium extension as a safety net was then explained. Carolyn Gerwin mentioned the potential to extend this to a six month moratorium extension, which was followed by a discussion on the legal issues of extending the moratorium for a longer period, took place. Mr. Uphoff related that the past history of this moratorium is a known factor, and in reviewing possible timelines to review the WECS regulations may be equally defensible, as it all may relate to the reasonableness of the review. A six month extension would move this moratorium out to April 2016.

A potential referendum was then mentioned, as part of the wind energy regulations review. Committee chair Flott then explained his “Let the Voters Decide Proposal”, primarily for the benefit of those present at this meeting that were not at the August 10th committee meeting at which this proposal was first discussed. A discussion that took place on this potential advisory referendum, which could let voters voice their opinion on wind energy and wind energy project setbacks. This discussion then reflected on how the results of such a referendum could create checkerboard zoning areas, and to as if this is good zoning practices. Procedural issues were then discussed, which led to the committee discussing a potential six month extension to the WECS moratorium. Options to the reviewing the wind energy regulations and the moratorium were then discussed. Then the meeting discussion involved more township planning commissions, and who is represented by township government and by municipal government, and potential referendum results of towns vs. rural areas. This discussion led to another comment for a need for a six month moratorium extension, because of all of the options under discussion.

Committee chair Flott then mentioned a proposal from the Pleasant Ridge UCLC group of adding ordinance language to create a 12 month waiting period for any new WECS applications to be filed after a county board denial. This would also be a text amendment issue. This proposal was then discussed, in part as to how this issue is not related to the Indian Grove resolution issue.

Mr. Holt then made a motion to recommend that this Agriculture, Zoning and Emergency Services Committee recommend that the Livingston County Board direct and instruct the Livingston County Zoning Board of Appeals to send notice and conduct public hearings on a proposed zoning text amendment to Chapter 56, Schedule VIII, Code of Ordinances, Livingston County Illinois, proposing a three (3) month extension to the existing moratorium on Livingston County, Illinois delaying the processing or acting upon any special use applications for the construction and operation of a wind energy conversion system filed after the date an ordinance is adopted by the County Board authorizing the moratorium as a text amendment. The Chairman and Secretary of the County Board are authorized to sign the application for a zoning text amendment and submit it to the attention of the Livingston County Zoning Administrator for processing. This motion then failed because of a lack of a second to the motion.

Mr. Goembel then moved, to recommend that this Agriculture, Zoning and Emergency Services Committee recommend that the Livingston County Board direct and instruct the Livingston County Zoning Board of Appeals to send notice and conduct public hearings on a proposed zoning text amendment to Chapter 56, Schedule VIII, Code of Ordinances, Livingston County Illinois, proposing a six (6) month extension to the existing moratorium on Livingston County, Illinois delaying the processing or acting upon any special use applications for the construction and operation of a wind energy conversion system filed after the date an ordinance is adopted by the County Board authorizing the moratorium as a text amendment. The Chairman and Secretary of the County Board are authorized to sign the application for a zoning text amendment and submit it to the attention of the Livingston County Zoning Administrator for processing, with this motion being seconded by Mr. Holt.

This motion was approved by roll call vote: Flott-Yes, Young-Yes, Carley-Yes, Goembel-Yes, and Holt-Yes. The zoning administrator was instructed to edit the proposed moratorium to reflect this as a proposed six month extension and that language about existing applications is reinserted into the application document.

Other Issues to Come Before the Committee:

The review process of the Indian Grove Resolution was further discussed, in part as a stand alone issue or as an issue to be part of any WECS regulations amendments. The timing of this review and the mention of sunset clauses were then conversed about.

This Indian Grove Township resolution issue is on the agenda for the county board meeting to follow this meeting, so this issue will be further discussed at that meeting.

Adjournment:

Then Justin Goembel moved, seconded by James Carley, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 5:50 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission