

LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION

Livingston County Historic Courthouse
112 W. Madison St., Pontiac, Illinois 61764

REPORT

TO: LIVINGSTON COUNTY ZONING BOARD OF APPEALS
FROM: LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION
SUBJECT: REPORT ON SPECIAL USE FOR COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Applicant Name: Pleasant Ridge Energy LLC Address: One South Wacker Drive, Suite 1900
Chicago, IL 60606

Owner Name: Pleasant Ridge Energy LLC Address: One South Wacker Drive, Suite 1900
Chicago, IL 60606

Referred to Commission: February 2, 2015

Date of this Report: February 2, 2015

To the members of the Livingston County Zoning Board of Appeals

The above-designated application has been investigated by the Livingston County Regional Planning Commission as to the matter in which the proposed location and character of the special use will affect the Livingston County Comprehensive Plan.

The Commission recommends upon investigation that pertaining to:

Livingston County Zoning Case SU-7-14, as moved by Dee Woodburn, seconded by Eddie Hoerner, that what is presented in the Pleasant Ridge Wind Energy Application is not in compliance with the Livingston County Comprehensive Plan.

LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION
PONTIAC, ILLINOIS

MINUTES OF THE LIVINGSTON COUNTY
REGIONAL PLANNING COMMISSION MEETING
HELD ON FEBRUARY 2, 2015, STARTING AT 7:15 PM
IN THE LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. MADISON ST. PONTIAC, ILLINOIS

Chairman Mike Haberkorn called the meeting to order and roll call was taken.

Those present were: Mike Haberkorn, Scott Cranford, Eddie Hoerner, Verne Taylor, Keith Bahler, Rudy Piskule, Luke Bartlett, Dee Woodburn and Richard Runyon.

Those absent were: Jerry Gaspardo, Dean Wahls, Scott Sand and Shane Long.

APPROVAL OF THE AGENDA:

With no recommendations for additions or amendments to the agenda for this meeting, Dee Woodburn moved, seconded by Luke Bartlett, that the agenda for this meeting be approved as presented. This motion was approved.

APPROVAL OF MINUTES:

Minutes of the October 6, 2014 meeting were mentioned by Chair Haberkorn. There being no comments, Chair Haberkorn declared the minutes approved as written.

BUSINESS:

Case SP-1-14; Pertains to a request for the approval of a preliminary plat for a proposed 11 lot subdivision in an AG, Agricultural, District. The subject property in this zoning case, being a former stone quarry site, is a 53.34 acre tract of land, located in the Northeast Quarter of Section 5 of Indian Grove Township. Notice of public hearing has been made and surrounding property owners have been notified of this proposed special use. Mr. Schopp presented his report with exhibits and other information relative to this zoning case. Part of this information included a copy of an elevation survey for the subject property, a statement from the Livingston County Zoning Regulations regarding private streets and how signposts for private streets should be worded.

The zoning administrator suggested that the property owners consider increasing the easement on the north end of the property to 60 feet in width considering that a new road may be considered for this area in the future. Access points to the property were mentioned. Then the water, drainage and private sewer systems were mentioned. Donnie Simmons of the Livingston County Public Health Department has written a letter regarding the sewage disposal systems for this proposed land division, and some language has been placed in some proposed covenants and restrictions for this subdivision. Making the language in these documents read similarly will need to be part of any final plats of subdivision. One of the property owners for this proposed subdivision, Ken Fehr commented about this planned subdivision. A review and discussion about different aspects of this proposed subdivision then took place. How this plat may be refined when it would be proposed as a final plat was mentioned. Mr. Fehr related that his attorney had assisted in the proposed covenants and restrictions.

Rudy Piskule moved, seconded by Dee Woodburn, that the Livingston County Regional Planning Commission recommend the approval of Livingston County Zoning Case SP-1-14, a preliminary plat of an 11 lot subdivision, referred to as Stone Lake Estates. This motion was approved by a unanimous voice vote.

Case SF-1-15; Pertains to a request for a final plat of subdivision for a proposed 1 lot subdivision in an AG, Agricultural, District. The proposed subdivision is referred to as Dohman Subdivision, and the subject property in this zoning case is a 1.61acre tract of land, located in the East Half Northwest Quarter of Section 26 of Indian Grove Township. Notice of public hearing has been made and surrounding property owners have been notified of this proposed special use. Mr. Schopp presented his report with exhibits and other information relative to this zoning case. This proposed lot with an existing house is proposed to be divided off as part of land division regarding a family estate. This proposed subdivision was briefly discussed.

Then Verne Taylor moved, seconded by Luke Bartlett, that the Livingston County Regional Planning Commission recommend the approval of Livingston County Zoning Case SF-1-15, a final plat of a 1 lot subdivision, referred to as Dohman Subdivision. This motion was approved by a unanimous voice vote.

Case SU-7-14; Pertains to the review of the proposed Pleasant Ridge Wind Energy Project as this proposed project is being referred to the commission for investigation as to the manner in which the proposed location and character of the special use will affect the comprehensive plan. This review is only on how this project relates to how this application is compatible with the Livingston County Comprehensive Plan. The Livingston County Regional Planning Commission's recommendation in this zoning case is a non-binding recommendation of which the Livingston County Zoning Board of Appeals and the Livingston County Board can consider this recommendation as they see appropriate. The zoning administrator informed the planning commission members that this zoning case is an ongoing review during hearings being conducted by the Livingston County Zoning Board of Appeals. It has been noticed that some of the Livingston County Regional Planning Commission members have been attending some of the zoning board of appeals hearings pertaining to Livingston County Zoning Case SU-7-14. During this planning commission review it was noted that concerned citizens had not finished providing information at the zoning board of appeals hearing, and it was pondered as to if more evidence is needed to be presented to allow for a complete RPC review.

Mr. Schopp presented his report regarding Livingston County Zoning Case SU-7-14 – Pleasant Ridge Energy Project. As part of this report were copies of the Livingston County Comprehensive Plan, a copy of the applicant's report on Comprehensive Plan Compatibility Study, Pleasant Ridge Energy Project, Livingston County, Illinois. Also part of this report was a copy of the transcript from the November 18th, 2014 hearing held by the Livingston County Board of Appeals at which the Comprehensive Plan Compliance was discussed, and a copy of the transcript from the December 8th, 2014 hearing held by the Livingston County Board of Appeals at which the Comprehensive Plan Compliance is questioned. At this December 8th meeting a group of interested citizens questioned the proposed use regarding health, aesthetics and property values. The planning commission members had previously been advised that they could find the entire Pleasant Ridge Wind Energy Project application and material related to this project on the Livingston County website. As part of his report review Mr. Schopp in regard to the Livingston County Comprehensive Plan, Mr. Schopp remarked about the plans language on economic growth, Agricultural Land Goals with the areas of commercial and industrial goals, utility goals and open space and recreational goals also being part of the comprehensive plan. The agricultural base of the county was mentioned along with the comprehensive plan purpose. Then the Agricultural Land Use plan was

mentioned, along with the zoning ordinance, and a checklist for analysis for proposed land use changes.

In regards to the applicant's Comprehensive Plan compatibility study, the project description, along with the applicant's review of the comprehensive plan, the applicant's assessment of this section were noted.

Then the applicant's review of the checklist analysis for proposed land use changes and the applicant's conclusion were pointed out. In regard to the November 18th, 2014 zoning board of appeals hearing transcript, Ms. Blank's testimony for the applicant and how their application complies with the comprehensive plan was pointed out. In regard to the December 8, 2014 zoning board of appeals hearing transcript the questioning of the applicant's expert was pointed out.

The zoning/planning commission administrator had drafted recommendations for this planning commission review of this zoning case. One draft recommendation reflected that this application is compatible with the comprehensive plan. The second draft recommendation reflected that this application is not compatible with the comprehensive plan.

The regional planning commission members discussed this project. Dee Woodburn noted that in the last paragraph of page 8 of the applicant's Stantec document open space issues are mentioned, and impacts to wildlife is mentioned. Mrs. Woodburn expressed her concerns about this impact statement, when she compared this information to the information provided in the INDR report regarding this zoning case. The planning commission discussion then went to Section 4.1 on page 42 of the Livingston County Comprehensive Plan, the Zoning Ordinance section of the Comprehensive Plan. This discussion was based on the last sentence of the first paragraph of this section which states ... Under this broad objective, zoning regulations have four specific purposes; to promote health, safety, and the general welfare; to assure orderly development; to protect existing property improvement; and to conceive and enhance land values throughout the County. Referring back to page 8 of the applicant's Stantec document in the second paragraph in which cemeteries in the area are mentioned. Planning Commission member Keith Bahler mentioned that he had attended some of the zoning board of appeals hearings for this zoning case and he expressed his concerns. The residential goals of the comprehensive plan were mentioned, and how the proposed development could have an effect on residential development and property values. The review of past projects was mentioned, along with a discussion relating to setback distances. The projects effect on value was mentioned, as was perception issues. Planning Commission

member Richard Runyon then commented about the fourth bullet point on page 12 of the applicant's Stantec report.

This refers to municipal plans, and as Village President of the Village of Chatsworth president Mr. Runyon expressed that he did not believe that the Village of Chatsworth had been contacted about this statement so he questioned the value of this report. The planning commission discussion on this application, at times reflected on health safety, welfare and general compatibility of the application.

At the conclusion of this discussion, Dee Woodburn moved, seconded by Eddie Hoerner, that what is presented in the Pleasant Ridge Wind Energy Application is not in compliance with the Livingston Comprehensive Plan. This motion was approved by a unanimous voice vote.

PUBLIC COMMENT:

Throughout the hearing the public at times participated in the discussion, in part questioning how the RPC could make a decision when they had not reviewed all of the evidence. In reference a public pondering how many RPC members had in fact reviewed the hearings, planning commission member Eddie Hoerner noted that he had listened to all of the testimony up to this point, and he commented on his thoughts about the application.

During the agenda Public comment section, comments were made regarding the public's views on this proposed Pleasant Ridge Wind Energy project. During these comments the planning commission members were thanked for doing their homework and asking questions. The public also provided comments offering additional information about the project.

INFORMATIONAL UPDATE:

The planning commission members present were informed that their next meeting is scheduled for Monday March 2, 2015 at 7:00 pm.

ADJOURNMENT:

Keith Bahler moved, seconded by Verne Taylor, that the meeting be adjourned. This motion unanimously approved.

This meeting was then adjourned at 9:05 p.m.

Charles T. Schopp