

MINUTES

LIVINGSTON COUNTY ZONING BOARD OF APPEALS

Livingston County Historic Courthouse

112 W. Madison St.

Pontiac, Illinois

Regular Meeting
7:00 p.m.

February 5, 2015

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

Members Present: Michael Cornale, John Vitzthum, Richard Kiefer, Diana Iverson, Howard Zimmerman, Joan Huisman and Gibs Nielsen.

Members Absent: None.

Agenda:

Howard Zimmerman moved, seconded by June Huisman, that the agenda for this February 5, 2015 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Richard Kiefer moved, seconded by Diana Iverson, that the minutes of the December 4, 2014 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business

ZT-1-14 - Livingston County Zoning Board of Appeals

This zoning case is in regard to the continued review/discussion of a request for the approval of an application of a text amendment for the purpose of amending the text of the Livingston County Zoning Regulations to add to Zoning Article VIII Wind Energy, Section 56-626, Property Value Agreement of the Livingston County Zoning Regulations concerning Wind Energy Conversion Systems.

The zoning administrator remarked to the zoning board of appeals that at their December 2014 meeting they had tabled their review of Livingston County Zoning Case ZT-1-14 to this February 5, 2015 meeting. The zoning board of appeals was informed by the zoning administrator that Mr. McCann is scheduled to testify at the Pleasant Ridge wind energy project hearing, and that some of the information provided to the zoning board of appeals at these ZT-1-14 hearings was from Mr. McCann, and the zoning administrator mentioned past comments of wanting to wait to make any decision on this case until after property value information being submitted pertaining to the Pleasant Ridge case had been completed.

Chairman Nielsen opened the floor for discussion and the zoning board considered as to if they would further delay this hearing until after the Pleasant Ridge information was submitted. The zoning board members agreed it would be better to get all of the information first regarding this matter. The status of the review of this zoning case was then discussed. Then the status of the county board committee reviewing the wind energy section of the county zoning regulation was talked about. This committee mainly discussed setbacks at their last meeting, and they are also waiting for additional information that may come out of the Pleasant Ridge hearings. The zoning administrator commented to the zoning board about their March meeting special uses to review, with a potential need to move their meeting up to 6:30 pm to allow more time for the entire review. Timeframes were then discussed. Two committees reviewing a similar issue was then discussed, along with the timing and how more information being presented is to be addressed. Questions on options on how to proceed with this review process were discussed. Mr. Cornale then suggested that this Zoning Board of Appeals table this review and request a joint meeting with the AG and Zoning Committee of the county board. This joint meeting idea was then considered by the entire zoning board of appeals.

Carolyn Gerwin on the county board remarked about the pros and cons of putting this issue off, and she feels that they can use the information they have to make a recommendation. Bekah Fehr commented that they are in the 3rd meeting of the review process and unless things change it will be a slow process that will challenge the moratorium time limits. She agreed that the upcoming McCann testimony will be of value to the review process. Bekah explained the committee review process. Steve Weeks noted that the original application was filed in August that this can be bogged down in the AG & Zoning Committee and that it is down to the point that this could go to the county board, and let them decide yes or no up or down. Chair Nielsen remarked about how he felt it was time to forward this to the county board. The zoning board then commented about needing a quality recommendation to the county board. Property appraisals versus real sale values were discussed. Property value past intentions was discussed in the past. The need to remain bipartisan was then mentioned.

John Slagel talked about the concern of a condition and the potential to have a text amendment done and in the ordinance, making it easier to have a condition based on the text amendment. The timing of amending the ordinance was then discussed. Carolyn Gerwin noted that proposed actual language may assist in understanding this property value guarantee matter. Carolyn then mentioned setbacks and how they are the best protection for homeowners, and if the setbacks are right then everything should take care of itself. She believes that a property value guarantee plan is a safety net. Carolyn noted that the wording will need to be done sooner or later. The moratorium timing was then discussed. Brad Steidinger mentioned that is a good time to test the wording with the county board regarding this property value guarantee issue. The committee joint meeting was then discussed. Howard Zimmerman made a motion to postpone this zoning case review until the March meeting. Further discussion about a joint meeting, and how to close this hearing out with how to write the text amendment took place. Mr. Zimmerman's motion died without a second.

John Slagel then commented that this group has heard the evidence and they have documents, including Steve Weeks amendment, and the Zoning Board can take time to go through it now.

Previous statement from the Pleasant Ridge meeting that they wanted to review all information on property value guarantees and some more information has yet to be presented. Mike noted that a lot of information has been presented that property is not devalued and does the public want them to move forward on that information alone. Mr. Cornale noted they need all of the information, including McCann's testimony. Mr. Cornale then commented that they should gather all of the information and it would be fruitful to have a joint meeting if that is within the legalities, to sit down with this committee reviewing wind energy regulations and then the zoning board can get their part in of what they feel is important regarding property values. How information from different hearings into this hearing was discussed as being a public record and incorporate in the record. A discussion about the March meeting on how to move forward on this matter then took place. So ideas to move forward with wording on this text amendment may be needed for the March meeting. Mr. Cornale mentioned that parts of several agreements may need to be put together to make the zoning board's recommendation. A need to have a working meeting ahead of that meeting was then rejected considering the Pleasant Ridge hearings review schedule. The possibility of this moving on was discussed. A collective need to move forward were discussed. Mr. Cornale believes that with a joint meeting both the zoning board and Ag & Zoning Committee can have a buy in to the proposal, or at least everyone would understand the reasoning behind any zoning board of appeals proposal.

Chairman Nielsen then asked for a motion to have a joint meeting. Mike Cornale moved that in light of not all of the testimony being presented at this point, to table this until the March meeting and he would like to invite the members of the ordinance review committee (Ag, Zoning and Emergency Services committee ad hoc) to their next meeting to additionally discuss this and have a conclusion, with Joan Huisman seconding this motion.

This motion then passed by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Yes	Iverson	- Yes
Zimmerman	- No	Huisman	- Yes
Nielsen	- Yes		

Findings of Fact and Decision: No action taken on Findings.

In Public Comments:

General Discussion and Informational Update: The Pleasant Ridge hearing schedule was discussed.

The Board was informed that their next scheduled meeting is to be held on March 5, 2015 at 7:00 p.m.

Then Howard Zimmerman moved, seconded by John Vitzthum, that this meeting be adjourned.
This motion was approved unanimously.

This meeting was adjourned at 7:55 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning
Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac,
Illinois.

Respectfully submitted,

A handwritten signature in blue ink, reading "Charles T. Schopp". The signature is written in a cursive style with a large initial "C".

Charles T. Schopp, Secretary
Livingston County
Zoning Administrator