

MINUTES
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Regular Meeting
7:00 p.m.

January 5, 2017

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, John Vitzthum, Richard Kiefer, Richard Runyon,
William Gerber, Connie Casey and Joan Huisman.

Members Absent: None.

Agenda:

Chair Joan Huisman mentioned the agenda. Then John Vitzthum moved, seconded by Michael Cornale, that the agenda for this January 5, 2017 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chair Joan Huisman mentioned the minutes from the last meeting. Then John Vitzthum moved, seconded by William Gerber, that the minutes of the December 8, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case ZT-1-17 – County Board of Livingston County

This zoning case request pertains to a review of a proposed text amendment for the purpose of amending the text of the Livingston County Zoning Regulations to add Zoning Article VIII Wind Energy, Section 56-632, extending a moratorium on the Livingston County Zoning Regulations concerning Wind Energy Conversion Systems. This proposed extension of this moratorium is for a three month period extending the moratorium from March 1, 2017 through May 31, 2017. The zoning administrator reviewed his report relating to this zoning case. He noted that this zoning text case provided an option to the Livingston County Board to either approving an amendment to the wind energy zoning regulations at their February 2017 meeting, or they may approve this moratorium extension allowing for more time for the county board to complete their review of the county wind energy regulations. The county board is considering seeking further legal counsel on how they may proceed with approval of new wind energy regulations.

The zoning board of appeals was informed that though a quorum was not present for the business meeting to be held on January 4, 2017, that it was the consensus of the Livingston County Regional Planning Commission members present at this meeting that they would recommend the approval of this zoning case, after they were briefed on this zoning case.

The zoning board of appeals members discussed this zoning case, and how one option the county board may have is to send the draft wind energy zoning text amendment they are reviewing back to the zoning board of appeals. The Agriculture, Zoning and Emergency Services committee review of this zoning case was explained, as a normal process of the County Board. The application statement in regard to the Agriculture and Zoning Committee continuing public hearings was explained being continuous from previous moratorium zoning text amendments and was left in as all committee meetings are public meetings. A discussion took place as to what would happen if the zoning board of appeals does not pass this zoning case. It was explained that the zoning board of appeals would be making a recommendation to the county board, with the county board making the final decision on whether to approve a text amendment to extend this moratorium. The zoning board of appeals expressed weariness of reviewing extensions to this moratorium, though they see no harm in having this moratorium extended. The zoning board of appeals reasoned that they would be given more time if this matter was sent back to them. They questioned if it should be extended longer. The zoning board of appeals statutory administrative review of this zoning text was explained. The formality of making a recommendation was reasoned. The zoning board of appeals expressed their frustration of this continuation of this review, either extend the moratorium longer or act on the existing text amendment. The zoning administrator explained that if no action is taken on the moratorium or text amendment, the wind energy regulations would revert back to the existing ordinance. The preference is for it not to revert back to the old ordinance. The committee's review was discussed. This committee has the zoning board of appeals recommendation documents, for their review.

John Slagel, 308 Mirlynbeth, Ln. Fairbury, IL. complimented the zoning board of appeals on their wind energy zoning text amendment documents, and their reasoning.

The committee remarked that though they are tired of reviewing this matter, though they may want to recommend extending this moratorium to give new county board committee member's adequate time to review this matter. How committee changes could be coming back to the zoning board was discussed. This discussion in part was in regards to what procedures would be followed, as to committee changes being recommended to the text wind energy ordinance text amendment and as to if these recommended changes would come back to the zoning board of appeals.

No other interested parties presented testimony relative to this zoning case.

No closing statements were made.

John Vitzthum moved, seconded by Michael Cornale, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board the approval of Livingston County Zoning Case ZT-5-16, that pertains to a request by the County Board of Livingston County for a proposed text amendment with the purpose of amending the text of the Livingston County Zoning regulations to add Article VIII wind energy, Section 56-632, extending an existing moratorium pertaining to filing of a special use application(s) concerning Wind Energy Conversion Systems for a three month period from March 1, 2017 to May 31, 2017.

This motion was approved by a roll call vote.

Cornale - Yes
Kiefer - Yes
Gerber - Yes
Casey - Yes

Vitzthum - Yes
Runyon - Yes
Huisman - Yes

Other Business:

Findings of Fact and Decision:

After reviewing the draft details of the Finding of Fact and Decision, John Vitzthum moved, seconded by Connie Casey, that the Findings of Fact and Decision for this January 5, 2017 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments: None

General Discussion and Informational Update:

The zoning board of appeals members were informed that their next scheduled meeting will be held on February 9, 2017.

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

This regular meeting portion of this hearing was adjourned at 7:34 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,



Charles T. Schopp, Secretary
Livingston County
Regional Planning Commission