

LIVINGSTON COUNTY ZONING BOARD OF APPEALS
CASE SU-7-14
PLEASANT RIDGE WIND ENERGY PROJECT

June 4, 2015

6:30 PM

Livingston County Historic Courthouse
112 West Madison Street
Pontiac, Illinois

BOARD MEMBERS

Michael Cornale, Acting Chair

John Vitzthum

Howard Zimmerman

Diana Iverson

Joan Huisman

Tom Blakeman, Attorney for Zoning Board of Appeals

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ORIGINAL

1 (Commencing at 6:30 p.m.)

2 **CHAIRMAN CORNALE:** All right. We'll go
3 ahead and get going this evening. Chuck, roll call
4 please.

5 **MR. SCHOPP:** Okay, this is the June 4th
6 continuation hearing of the Livingston County Zoning
7 Board of Appeals review of Livingston County Zoning
8 Case SU-7-14, the Pleasant Ridge Energy, LLC,
9 Pleasant Ridge Wind Energy Project. Michael
10 Cornale.

11 **CHAIRMAN CORNALE:** Here.

12 **MR. SCHOPP:** John Vitzthum.

13 **MR. VITZTHUM:** Here.

14 **MR. SCHOPP:** Richard Kiefer. Diana
15 Iverson.

16 **MS. IVERSON:** Here.

17 **MR. SCHOPP:** Howard Zimmerman.

18 **MR. ZIMMERMAN:** Here.

19 **MR. SCHOPP:** And Joan Huisman.

20 **MS. HUISMAN:** Here.

21 **CHAIRMAN CORNALE:** All right, thank you.
22 Our 36th evening together. We draw to a close. Mr.
23 Blakeman has a few comments he'd like to make
24 regarding the findings of fact and recommendation

1 a public hearing over 36 dates in three locations.
2 Witnesses -- a list of the witnesses who testified
3 is set forth in the document and a brief description
4 of what they said. Also summarized is rebuttal,
5 surrebuttal and closing arguments. And then there
6 is a list of the three standards for special use
7 with the third standard broken down in three parts
8 followed by the eight guidelines and the
9 recommendation.

10 Now, with regard to the findings of the
11 Zoning Board of Appeals, Standard 1, the proposed
12 special use is to be located in a district wherein
13 such use may be permitted. The proposed response is
14 the application meets this standard of special use.

15 Standard 2. Requirements set forth in the
16 article for such special use will be met. The
17 response is the applicant did not satisfy this
18 standard.

19 Standard 3(i), special use is consistent
20 with the spirit, purpose and intent of these
21 regulations. The response is the applicant
22 generally satisfied the standard, but this finding
23 is subject to and modified by other more specific
24 findings set forth herein.

1 that has been prepared based upon our decisions from
2 the meeting on Tuesday evening. Each condition --
3 well, I'll let him go through this. If we have any
4 other clarifications or comments, we'll make it
5 after he goes through.

6 **MR. BLAKEMAN:** Okay. You have in front of
7 you the Livingston County Zoning Board of Appeals
8 findings and recommendation or proposed findings and
9 recommendation, again based upon your discussion
10 from the previous evening, for Application Number
11 SU-7-14, Pleasant Ridge Wind Energy Project.

12 The first nine pages of the document are a
13 review of the procedures that were followed.
14 There's a summary of the project, 136 towers, and a
15 general description of the area where they're
16 located, the components of the project, turbines,
17 transmission lines, substation, construction
18 headquarters, laydown area.

19 The application is subject to the
20 Livingston County Zoning Ordinance which is Chapter
21 56 of the Livingston County code. The application
22 was filed on August 20th, 2014, but the Planning
23 Commission made a determination that it was not in
24 compliance with the Comprehensive Plan. We've held

1 Standard 3(ii), the special use will not
2 substantially and permanently injure the appropriate
3 use of neighboring property. The response is the
4 applicant did not satisfy this standard.

5 Standard 3 (iii), special use will not be
6 detrimental to public convenience and welfare. The
7 response is the applicant did not satisfy this
8 standard.

9 Now, with regard to the eight guidelines,
10 if the proposed project is consistent with all
11 aspects in all respects to the Livingston County
12 Comprehensive Plan and the zoning section of the
13 county code. The response is the applicant did not
14 demonstrate compliance with this guideline.

15 Guideline number 2, it will not be
16 detrimental to or endanger the public health,
17 safety, morals, comfort or general welfare. The
18 response, the applicant did not demonstrate
19 compliance with this guideline.

20 Number 3, is located in the zoning
21 district where such use is permitted. The response
22 is yes, as a special use.

23 Number 4, it complies with the
24 requirements set forth in the zoning district where

1 it's to be located, and all requirements as set
2 forth in Section 56-692 of the Livingston County
3 code special use requirements and procedures of the
4 Livingston County code, except in each instance as
5 such regulations may be modified by the Board of
6 Appeals. The response is the applicant did not
7 demonstrate compliance with this guideline.

8 Number 5, it will not be injurious to the
9 use and enjoyment of other property in the immediate
10 vicinity for the uses already permitted or
11 substantially reduce the value of neighboring
12 property. The response is the applicant did not
13 demonstrate compliance with this guideline.

14 Number 6, it will not impede orderly
15 growth, development, and improvement of surrounding
16 properties for those uses permitted in the zoning
17 district. The applicant -- the response is the
18 applicant did demonstrate compliance with this
19 guideline.

20 Number 7, it is provided or will be
21 provided with adequate utilities, access roads,
22 drainage and necessary facilities. The applicant
23 did demonstrate compliance with this guideline.

24 Number 8 and final guideline, it is

1 provided with ingress and egress and so designed as
2 to minimize traffic congestion in the public
3 streets. The response is the applicant did
4 demonstrate compliance with this guideline.

5 With regard to the recommendation to the
6 county board, and again as you are all aware this is
7 merely a recommendation, based upon the findings
8 stated above, the Zoning Board of Appeals hereby
9 recommends to the Livingston County Board that the
10 application for Special Use Number SU-7-14 for the
11 installation of a wind energy conversion system be
12 denied.

13 Does anybody have any questions?

14 **CHAIRMAN CORNALE:** Any questions? Any
15 questions down there? All right. With that, if we
16 don't have any further questions regarding this
17 document, we feel that it is an adequate
18 representation of what we have discussed at Tuesday
19 night's meeting, can I get a motion to have this
20 document signed by myself as acting chair?

21 **MS. HUISMAN:** I'll make that motion. I'll
22 motion to approve the findings of fact and
23 recommendation to deny the application for Special
24 Use Number SU-7-14 and authorize the acting chairman

1 to sign the proposed document on behalf of the ZBA.
2 **CHAIRMAN CORNALE:** All right. Can I get a
3 second?

4 **MS. IVERSON:** I'll second.

5 **CHAIRMAN CORNALE:** All right, Iverson
6 seconds. Discussion?

7 **MS. HUISMAN:** Call for the question.

8 **CHAIRMAN CORNALE:** Call for the question.

9 **MR. SCHOPP:** Michael Cornale.

10 **CHAIRMAN CORNALE:** Yes.

11 **MR. SCHOPP:** John Vitzthum.

12 **MR. VITZTHUM:** Yes.

13 **MR. SCHOPP:** Richard Kiefer. Diana
14 Iverson.

15 **MS. IVERSON:** Yes.

16 **MR. SCHOPP:** Howard Zimmerman.

17 **MR. ZIMMERMAN:** Yes.

18 **MR. SCHOPP:** Joan Huisman.

19 **MS. HUISMAN:** Yes.

20 **MR. SCHOPP:** Okay.

21 **CHAIRMAN CORNALE:** All right. With the
22 recommendation signed, the next step for this
23 particular document and the process, I understand
24 that Thursday, June the 11th, at 6:00 p.m., that the

1 county board will consider our recommendation for
2 the project. I understand the meeting will be at
3 the high school. Is that correct, Chuck?

4 **MR. SCHOPP:** Yes, it is correct.

5 **CHAIRMAN CORNALE:** Okay, all right. So
6 next Thursday, the 11th, at 6:00 at the high school.
7 With that, I don't believe there's anything else.

8 Can I get a motion to adjourn our meeting?

9 **MR. VITZTHUM:** I'll make that motion.

10 **CHAIRMAN CORNALE:** Vitzthum motions to
11 adjourn. Can I get a second?

12 **MS. IVERSON:** I'll second.

13 **CHAIRMAN CORNALE:** Iverson seconds. All
14 in favor?

15 **ALL MEMBERS:** Aye.

16 **CHAIRMAN CORNALE:** Opposed? All right,
17 thank you.

18 (Adjourned at 6:40 p.m.)
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1 STATE OF ILLINOIS)
2 COUNTY OF FORD) SS
3

4 I, June Haeme, a Notary Public in and for
5 the County of Ford, State of Illinois, do hereby
6 certify that the following Livingston County Zoning
7 Board of Appeals Case SU-7-14 hearing was taken at
8 the Pontiac Historic Courthouse, 112 West Madison
9 Street, Pontiac, Illinois, on June 4, 2015.

10 That the said testimony was taken down in
11 stenograph notes and afterwards reduced to
12 typewriting under my instruction and that the
13 transcript is a true record of the testimony given.

14 I do further certify that I am a
15 disinterested person in this cause of action; that I
16 am not a relative, or otherwise interested in the
17 event of this action, and am not in the employ of
18 the attorneys for either party.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and affixed my notarial seal this 15th day of
21 June, 2015.

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