Regular Meeting November 9, 2017
7:00 p.m.

The meeting came to order and roll call was taken.


Members Absent: Richard Runyon.

Agenda:

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Gerald Earing, that the agenda for this November 9, 2017 meeting be approved as presented. This motion was approved by a unanimous vote.

Minutes:

Minutes of past meetings have been presented are to be reviewed for approval at the December zoning board of appeals meeting.

Business:

Case V-5-17 – First Congregational UCC Church

This zoning case pertains to a request for a variation in zoning regulations requirements to allow for the division of a tract of a land, with a need for a variance on one of the proposed parcels that would have reduced frontage along a public road, so a variation in the lot dimension requirement for a lot to have 30 feet instead of 150 of frontage along a public road is being sought. The property in question is to be a 5 acre parcel of land in the Southwest Quarter of Section 1 of Nevada Township. The zoning administrator presented his report, exhibits, and other information relative to this zoning case.

Jim Patten, 28558 N – 2500 East Rd., Dwight, IL. and Joe Smith, 203 S. Union St., Dwight, IL. representing the applicant, First Congregational UCC Church, presented testimony relative to this zoning case. Mr. Patten explained that two brothers owned the property, with Melvin Burger having lived in the back house, before he died and he left property to the church. The front house was Glen Burger’s, and he is in a nursing home and his step son will be inheriting that tract of land. Mr. Patten then explained that sometimes a semi was parked in the lane blocking the lane.
Mr. Smith explained how frontage was lost in the will, leaving them access to the back property with the lane, but with them planning to sell the back house property they would like frontage to that house and buildings. Chair Huisman asked what the church was planning on doing with the property. Mr. Smith replied that they are planning on selling off the house with the farm buildings, with the church keeping the farm land. The time frame for this planned land division was discussed, with Mr. Patton unsure of the time frame, in that he does not know all of the details. An offer on the subject building site is contingent on this requested variance for 30 feet of frontage. Chair Huisman in referencing an aerial photo clarified where the subject house on the property is located. Mr. Earing asked if the existing drive is to be used or will a new drive be put in. Mr. Patton noted that the resident in the front house can be cantankerous so a new drive is being planned on the 30 foot wide area being proposed. It was clarified that two wells are located on the property. It was also clarified that the easement does exist now, in that the church has closed on the property, and the easement was part of that transaction, on the plat of survey. Mr. Patten and Mr. Smith had no other information to present.

No other interested parties presented testimony at this hearing.

No closing comments were made.

William Flott moved, seconded by James Blackard, that Case V-5-17 be approved allowing for the requested variation in zoning regulations requirements to allow for the division of a tract of a land, with a need for a variance on one of the proposed parcels that would have reduced frontage along a public road, with a variation in the lot dimension requirement to be 30 feet instead of 150 along a public road, on the property in question to be a 5 acre parcel of land in the Southwest Quarter of Section 1 of Nevada Township.

During the discussion of this motion this proposed configuration of the proposed 5 acre parcel was then confirmed.

This motion was approved by a roll call vote.

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Continuation of the Review of Cases SU-3-17 - O'Shaughnessy

This zoning case pertains to a review of a request for a special use to allow for a private family cemetery in an AG, Agriculture, District. The subject property in this zoning case is a seven acre parcel of land, located in the Northwest Corner of the Northeast Corner of Section 17 of Saunemin Township. The zoning board of appeals began their review of this zoning case on August 3, 2017, details of this review can be found in the minutes of the August 3, 2017 meeting of the zoning board of appeals. The zoning board of appeals recessed August 3, 2017 review of this zoning case to this November date of the zoning board of appeals meeting, requesting proof that the state has approved/confirmed the exemption for this cemetery that is being sought, that a draft copy of a
document to be recorded be provided to the zoning board of appeals, and that an easement be created.

The zoning administrator presented his report, exhibits, and other information relative to this zoning case. This report information included a letter from the applicant dated October 12, 2017, which outlined that they had received a Licensed Cemetery Exempt document from the Illinois Department of Professional Regulations. They had recorded property documents pertaining to the cemetery with the county clerk’s office, and their attorney is working on easement paperwork, so that the proposed cemetery could be accessed. This information included a copy of the Licensed Cemetery Exempt license from the Illinois Department of Financial and Professional Regulation. Copies of the property documents to be filed with the county clerk’s office were also provided to the zoning board of appeals members.

The applicant Donna O'Shaughnessy 25582 E – 1900 North Rd., Saunemin, presented testimony relative to this zoning case. Donna O'Shaughnessy clarified that each plot would be 3 feet wide by 8 feet long, some area were marked as 3 X 5. They are asking for an 18 plot allowance, which should be more than enough for their family cemetery needs. They also moved the cemetery property line in to 50 feet instead of 25 feet from their property line, and they have been talking to their attorney who is working on the access to easement, of which they plan on filing.

Mr. Cornale asked if the state license also provided a tax exemption. Donna O'Shaughnessy was not sure, as she knew that it exempted them from the cemetery care act since they are a family cemetery, but it is not believed they received a tax exemption. Donna O'Shaughnessy said they also registered with the state comptroller’s office, so that the cemetery is registered with them. The overall size of 50 by 50 was confirmed. Chairman Huisman asked about what document that their attorney was preparing. Donna O'Shaughnessy responded it is an access to easement document, which would allow family members or invitees after they have died or after the property is sold to access back to the cemetery.

No other interested parties presented testimony at this hearing.

In her closing comments Donna O'Shaughnessy thanked the zoning board, reflecting how it had been an educational experience for her.

Mike Cornale asked Donnie Simmons from the Livingston County Public Health Department as to if there was any issues with the water well. Mr. Simmons is not aware of any such issues. Mr. Blackard asked the applicant why the distance to the property line had been changed to 50 feet from 25 feet. Donna O'Shaughnessy thought that was a suggestion that had come from a previous meeting, and she confirmed that the property is surrounded by a farm field.

The zoning board of appeals then discussed potential conditions, such as if they could review this zoning case, if for instance the cemetery is not used in a period of time like five years. The difficulty in reviewing a cemetery was discussed, since the use will not be passed onto another family. Chair Huisman noted it is being issued to the O'Shaughnessy/Parrish Family, so if others from the family are to use the cemetery, the special use may need to be reviewed in case of other property owners. This would be the first cemetery with a review period, with the Chair wanting a review period even if it is ten years out, in case their plans change.
Richard Kiefer moved, seconded by Michael Cornale, that the zoning board of appeals approve Livingston County Zoning Case SU-3-17 a special use request to allow for a special use of a private family cemetery in an AG, Agriculture, District, with subject property in this zoning case being a seven acre parcel of land, located in the Northwest Corner of the Northeast Corner of Section 17 of Saunemin Township, with a condition that the zoning board of appeals reviews this zoning case in 10 years.

This motion was approved by a roll call vote.

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Case SU-3-15 – Review – Ziegenhorn Campground

This is a review of a special use allowing for a campground in an AG, Agriculture, District. The subject property in this zoning case is part of an irregularly shaped parcel of land located in Section 16 of Indian Grove Township. The zoning administrator presented his report, exhibits, and other information relative to this zoning case. This report noted state licensing requirements, the applicants previously provided exhibits and pictures and copies of the minutes from the December 10, 2015 and December 8, 2016 zoning board of appeals meetings at which this special use was approved and reviewed. Conditions placed on the approval of this zoning case are part of these minutes. At the time of the last review state licensing was still being sought. Also part of this report was two copies of letters from the Illinois Department of Public Health. One was a letter dated June 21, 2017 regarding the sewage disposal system for the proposed campground. The second IDPH letter dated October 27, 2017 granted permission to construct the tent site area, 3 toilet/shower buildings, a sanitary dump station and to utilize the 5 existing cabins to be served by a 4030 gallon sewage disposal system, as permitted by the Livingston County Public Health Department. This permission was with conditions as listed on this letter. A copy of correspondence from the Livingston County Public Health Department was also part of this report. This correspondence was dated October 30, 2017, of which was the reissuance of a private sewage disposal permit for the campground, with conditions. This correspondence also listed conditions, allowing for a maximum of 80 persons camping on the site at one time.

Stephen Ziegenhorn, 20737 N 87th Dr. Peoria, Arizona, presented testimony relative to this zoning case. Mr. Ziegenhorn handed out a bullet point typed update of this campground plans, a new map of the proposed campground, and copies of photos of the subject property. Steve Ziegenhorn then confirmed these are additional exhibits that he would like for the zoning board of appeals to consider. Chair Huisman marked the entire handout as Exhibit 1 with today’s date of November 9, 2017. Mr. Ziegenhorn went through the bullet point document, first noting he had started this campground project in May of 2013. Mr. Ziegenhorn then read the second, third and fourth bullet points on this exhibit. Mr. Ziegenhorn noted he has to follow his blueprints that he provided to the State of Illinois.
Mr. Ziegenhorn then reviewed what he indicated the state has approved for him, being 20 cabins, 20 wilderness tenting campsites, 110 Wilderness RV Campsites, 80 Person special events. He noted that this deviates from the county approving only 10 RV sites with 110 approved by the state, so he is coming back to the county and saying they have met all commitments and got all the permits, and they will be subject to inspections once the initial development of the campground is completed. They now want to proceed with this project. Chair Huisman asked if he was asking for the zoning board to revise the conditions placed on this zoning case, of which Mr. Ziegenhorn said yes he is asking for the revision to allow 110 instead of 10 RV wilderness camp sites. Chair Huisman reviewed the conditions the zoning board of appeals had placed on the approval of this zoning case. Mr. Ziegenhorn thought he had 20 approved cabins and not 10. 10 cabins had been proposed initially and that is what was initially approved, 10 cabins. Mr. Cornale asked about if the blueprint showed the spots for the cabins. Mr. Ziegenhorn said is shows the area but not the exact spot since they are all portable cabins. Mr. Ziegenhorn then commented about the septic system site. Mr. Cornale then asked about the 110 RV sites being on the plan. Mr. Ziegenhorn said they are not sites but wilderness sites which are random camping, like going to the fairgrounds in Fairbury. They intend to use it for special events such as when they need more RV camping for the special races in Fairbury, two to three weekends a year. Mr. Ziegenhorn confirmed that no electricity would be provided to the RV area. Mr. Ziegenhorn commented about how the races bring revenue to Fairbury and the County. Chair Huisman then asked if they want his permit conditions to be changed to allow for the 20 cabins, 20 wilderness campsites, 110 wilderness RV sites, and 80 person special events, of which Mr. Ziegenhorn confirmed that is what he is asking. Chair Huisman then inquired about the septic system, of which Mr. Ziegenhorn explained that they are going with a 7000 gallon tank with 1500 linear feet of leach field, a big big system. He believes the system is big enough to take all of it. Mr. Ziegenhorn then commented about the State of Illinois campground guidelines about usage for each cabin 700 gallons a day, wilderness campsites would use 500 gallons per day, the RV sites would use 2200 gallons per day and the picnic people would use 320 gallons per day for a total of 3,720 gallons per day and they are at 4,030. The State of Illinois is giving them a license to do this. Mr. Cornale then asked for the linear feet to be clarified, of 1500 linear feet. Mr. Cornale noted that the IDPH permitted was for 6500 linear feet of chamber laterals, in the June 21st letter. Mr. Ray Popejoy, Mr. Ziegenhorn's, plumbing consultant commented about the 6500 was for square feet. Chair Huisman asked the applicant what he is asking for. Mr. Ziegenhorn stated they want to move forward with this project. Chair Huisman noted that they have a special use with conditions, but Mr. Ziegenhorn is asking for what the state gave him with their license, revising the special use to what the state will permit. The 80 person special event for like a birthday party was explained. Mr. Ziegenhorn said it would be for 80 people above and beyond the campground capacity. If extras came possibly port a potties would be needed. Mr. Earing asked what the RV’s would be parked on, gravel. Mr. Ziegenhorn said they would be placed on the grass, in that they have 40 acres. Mr. Ziegenhorn said the area roads to the campground are asphalt. Mr. Ziegenhorn then commented about his planned shower houses, including an ADA shower house. Mr. Ziegenhorn said that all of the buildings that may be placed on the property are laid out in their plans. Mr. Ziegenhorn then read from his state permit. He noted he is initially approved for five cabins, and then for every five cabins the state will approve them separately, along with any buildings planned beyond the initial permit, including a potential office building. Mr. Ziegenhorn confirmed that the cabins will have electricity, hooked onto an RV post. The cabins are portable as they are constructed on skids. Mr. Ziegenhorn said his current office is his RV. Mr. Ziegenhorn said he needs the septic system put in.
Chair Huisman noted that what the zoning board approved is what Mr. Ziegenhorn proposed at previous meetings.

Mr. Ziegenhorn said he is now proposing what the site will ultimately be. Mr. Ziegenhorn related how they have turned people away, who want to use their cabins, but he is shifting to the proposed 20 cabins and more RV's, and it needs to fit taking the flood plain area into consideration. Mr. Earing asked if they would end up with a store out there. Mr. Ziegenhorn said that is not planned, except an office area with a convenient area. He does not plan on any food services, outside of a pop machine.

Donnie Simmons, Livingston County Public Health Department, 310 East Torrance Ave., Pontiac, IL. provided testimony to the zoning board of appeals. Mr. Simmons said that he believes that the June 21st letter from the state is garbage in that it is not relevant to the discussion he is going to have. Mr. Simmons had a handout that he provided to each of the zoning board of appeals members. He then went over his handout, starting off what the zoning board of appeals had approved. Mr. Simmons says he uses flow information from the state, and that was used in calculating what he approved for a septic system for the zoning board of appeals approved numbers. Mr. Simmons then moved down to the second part of his handout on design flows submitted to the IDPH, and he does not know where they came up with these numbers, of which would meet his county permit needs, but they were sent to the IDPH and not him. So Mr. Simmons says the June 21st letter is incorrect in that his permit was not issued on these numbers, he used the numbers at the top. Mr. Simmons then moved to the bottom section of his handout using what Mr. Ziegenhorn says the state has approved, but he is using his numbers in the gallons per day, and he comes up with over 10,000 gallons per day, which is a dramatic difference from what this board initially approved. So for him to use the new numbers a new permit would need to be issued by him, since the design would not allow for what is being asked for tonight. Chair Huisman asked him where he came up with the numbers he is using, of which Mr. Simmons said they are from the state licensing code, and he did note the numbers for the RV's is for without a bath area, but is it accessible for RV's using the bath house, so extra is built into that number. Mr. Simmons repeated the permit he issued was on what the zoning board had approved. Mr. Blackard questioned the 10 gallons per day for the birthday party. Mr. Simmons explained that is what is in the sewage code. Mr. Cornale questioned if 3 special events in one day would meet or go over the 10 gallons per day. Mr. Cornale then asked Mr. Simmons to clarify that his permit would still stand if Mr. Ziegenhorn would develop the campground as the zoning board of appeals had previously approved the campground. Mr. Simmons agreed to that statement, but his permit is not for the new design. Mr. Kiefer asked if they are assuming all 110 RV's would be on the property. Mr. Simmons said yes, in that they need to assume the maximum flow. Mr. Kiefer asked about how much water an RV carried. Mr. Earing said they can carry 55 gallons of water, but they generally dump before they leave. They come in full and they leave empty. An assumption they are going to dump is being made. Mr. Simmons is looking at the maximum amount of waste that may be dumped on the property. Mr. Simmons looks at the worst case scenarios. Chair Huisman asked about the handout middle section and the numbers used. Mr. Simmons said those numbers were provided by someone else. Mr. Simmons said he based the septic system as approved by the board. Mr. Kiefer questioned how many lineal feet would be needed for a 10,000 gallon tank. Mr. Simmons said it would be about 3000 feet, explaining that the 6500 square feet in the letter, is with 5 square feet per lineal foot being calculated was then discussed. So another septic tank would need to be added, and the septic field enlarged. The septic tank need to be 1.5 times the projected waste or 15,000 gallons of septic tank.
Mr. Simmons said if the zoning board approves these new numbers then he will go back to Mr. Ziegenhorn and note that his county septic permit is no longer compatible and a new design would be needed. Mr. Simmons could not answer Mr. Ziegenhorn of what exactly he would need. Ray Popejoy asked about the second part of Mr. Simmons handout with the 25 gallons per cabin, and that if there is history to prove what the usage is can you go with those numbers and he is wondering if those numbers are based on usage somewhere else. So if they have been approved why can’t they be used? Mr. Simmons said that has not been provided or asked of him, as he is just using what has been provided to him. Mr. Ziegenhorn said an engineer came up with the numbers. Mr. Popejoy the asked if they can get a permit if the state has approved these numbers. Mr. Simmons said he would want some sort of documentation or research to facilitate if those numbers can be used, as he is strictly using the sewage code. Mr. Ziegenhorn noted that this is a six month operation and that basically only about nine days of year the site would be at its maximum. Mr. Ziegenhorn said he could understand the 35 gallons per day if a toilet was in the cabin, but since that is not case the lesser flows could be used. Mr. Simmons said that is he willing to look at alternative data, but it has not been provided to him, and he is only using the data presented to him. Mr. Ziegenhorn said that John Riley from IDPH had approved this, and he has already bought the tanks. Mr. Popejoy asked what would be the more realistic number the 3720 or the 10,250. Mr. Simmons said the 10000 is more realistic with 100 RV’s. Mr. Simmons noted that Bayou Bluffs campground in the county has occasionally overloaded their system. Mr. Simmons then noted that the 35 gpd for the RV’s would include using the bathhouse. Mr. Ziegenhorn then commented as an RV'er he only dumps his tank a few times a month. Mr. Popejoy asked who do they need to find about the numbers from the state. Mr. Kiefer asked if Mr. Simmons was using a county or state code. Mr. Simmons is using state code numbers. Mr. Ziegenhorn asked if the code was for residences, of which Mr. Simmons said it is from a section of the code for campgrounds. Mr. Simmons then clarified that the sewage code and the plumbing code are not the same. Mr. Popejoy said if they come up with numbers that supersede the suggested code book numbers, would they be okay if they provided proof to back those numbers. Mr. Simmons said he would evaluate those numbers without committing himself to anything. Ray Popejoy said it may be more realistic view. Mr. Simmons would want to compare campgrounds for variables, and he will entertain historical numbers. Mr. Ziegenhorn asked if he can proceed with what is approved, can they add onto the septic later. Of which would be approved. He is okay as is; the expansion is what is in question.

Cheryl Hoffman, 5601 N - 2040 East Rd. testified that originally proposed it did not include what is being proposed tonight, and she hopes it is not approved tonight since that would be a big shock to the neighbors, thinking it was what was first planned, and the neighbors should be given a chance to respond. As township supervisor Cheryl Hoffmann does not think their road can hand 110 RVs. She asked in the past that there not be a lot of RV’s that could become a big party crowd. Big race weekend would not be unbearable, but his story has changed. Scott Rathbun, 310 S. 3rd St., Fairbury owns property near Steve and he has heard about the fair crowd, and his dealings with Steve Ziegenhorn, he expects it to be run professionally and he expects monitoring. Mr. Rathbun plans on building a house about a quarter of a mile away and he has no concerns, knowing Steve well.

Questions from the audience then began with Brad Beyers asking Mr. Ziegenhorn about how the scope of this project doubled since the last approval or review. Mr. Ziegenhorn related about how the state wanted a plan for what it could be, so they are the ones that drove this whole project. Mr. Ziegenhorn commented about how his architect recommended that they move forward with the whole plan at once. Mr. Ziegenhorn mentioned that the people of Fairbury have asked to camp at this place or relieve the problem with RV’s, on race weekends.
Mr. Ziegenhorn related how he has denied use until he can get all of the needed permits and approval, so he can make the government bodies happy. Mr. Ziegenhorn related that he is an individual putting a business together, and judgement is being passed on the unknown. Mr. Ziegenhorn noted that he is a business man that works at a high quality level, he then related how he wanted to help Fairbury, with people staying over for the races, and they wanted an outlet.

So Mr. Ziegenhorn went to the state to see what they would agree on. He is working to meet all of the state and county regulations, so he can move forward. Mr. Ziegenhorn then related about how crowded the camping is becoming in Fairbury on major race weekends, and issues associated with the campers. So this has evolved.

Chair Huisman suggested, that while Mr. Ziegenhorn came in and got approval for the campground as outlined in the county conditions on this zoning case, and it may have saved time if he had come in and asked the county for what he asked the state for relating to this campground. Mr. Ziegenhorn said the state looked at was approved and they said what they can do, and he related that it will take several years to build what is approved by the state. Mr. Ziegenhorn commented that part of the project had been approved, and he can add onto the septic field and at this point is looking for the answers so that he can do the right thing. Mr. Beyers asked how the 10 cabins became 20, and whether are the other 10 cabins going in the flood plain. Mr. Ziegenhorn that he would keep the cabins out of the floodplain. Mr. Cornale asked about how much occupancy he had had with cabins to date. Mr. Ziegenhorn noted no one had stayed in these cabins yet. Mr. Cornale then asked if he could start with what has been approved, with the plan still existing with the option to approve an increase in the future. Suggesting continuing the special use as it was approved for now, and he can come back ask for more RV’s in the future. Mr. Ziegenhorn said he need to plan a septic area for how large the septic system may become. The septic numbers were then debated.

Mr. Simmons then clarified that an engineer that Steve hired submitted an application to him with a design of the septic system and that is what he approved. Mr. Simmons does not design septic systems. He approves designs of septic systems. He looks at the maximum load, and what this board approved came close to the numbers submitted to him and that is what he based the permit on. Mr. Earing said Mr. Ziegenhorn wants to think bigger but needs to plan. Mr. Simmons, Mr. Earing and Chair Huisman asked Mr. Ziegenhorn what is he asking for tonight, continuation of his existing plan or for the larger plan approved by the state. Mr. Ziegenhorn said he went thru two years with the state and they had signed off on everything, and he was not aware of what Mr. Simmons is saying, but he needs to move forward with a plan. Mr. Ziegenhorn is concerned about how much room a septic field would take. Chair Huisman noted that Mr. Ziegenhorn can go forward on the current special use as it is, but if Mr. Ziegenhorn is asking to increase the project size and change the county conditions the zoning board needs to know that. Mr. Ziegenhorn clarified that the zoning administrator told him to update the zoning board on his plans, and now he needs to go back and review his plans, including the numbers used for the septic system, since he was unaware of Mr. Simmons view on this matter. Mr. Ziegenhorn noted he is not asking for a change tonight, but the zoning board knows what direction he wants to take, and he has received further direction on how to proceed from this evenings meeting. Chair Huisman reminded Mr. Ziegenhorn that he can only proceed on what they have approved. Mr. Ziegenhorn, the zoning administrator and the township road commissioner can meet to discuss the placement of a fence, which is one of the conditions. John Slagel, 308 Mirlynbeth, Fairbury, IL. noted the two to three weekends a year the town is overrun with campers on big race weekends, and he remembered with the Chatsworth gun club, they had been given some big event weekends each year and he questioned if a condition can be considered for three weekends with more RV’s and no dumping, as a compromise. Chair
Huisman said the zoning board is open to everything. No dumping was discussed, a dumping station would be required, and you cannot prohibit use of the dumping station. Mr. Ziegenhorn is said that with his future planning special events will be considered. Mr. Ziegenhorn said he wants to do this site correctly. Jeff Moser an area property owner commented that those that live close are okay with the original plan, but if it is to expand they would be surprised. Chair Huisman related they are just looking at what has been approved for tonight.

No other interested parties presented testimony.

In his closing statement Mr. Ziegenhorn said he will go back and make it right.

The zoning administrator indicated and the zoning board agreed that Mr. Ziegenhorn did not have to wait a year to come back to the zoning board.

Michael Cornale moved, seconded by Richard Kiefer, that the a renewal of Livingston County Zoning Case SU-3-15 be approved allowing for the continued special use that allows for the subject property to be used as a campground in and AG/FP, Agricultural/Flood Plain, District with the existing conditions that were set forth on this zoning case in previous meetings, with this case to be reviewed again in one year, unless the zoning administrator or the applicant determines otherwise.

This motion was approved by a roll call vote.

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Other Business: None

Findings of Fact and Decision: None

Public Comments: None

Report of Officers: None

General Discussion and Informational Update:

The next meeting is to be held on December 7, 2017 @ 7 pm.
Then Richard Kiefer moved, seconded by Bill Flott, that this meeting be adjourned. This motion was approved unanimously.

This regular meeting portion of this hearing was adjourned at 9:25 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