

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE FEBRUARY 16, 2023 MEETING

The meeting was called to order at 5:00 p.m.

Present: Paul Ritter, Gerald Earing, Joel Barickman, Rebekah Fehr, and Steven Lovell

Absent Jack Vietti

Also Present: Andrew Keyt

Committee Chair Earing commented about the agenda for this February 16, 2023 meeting. Steve Lovell moved, seconded by Rebekah Fehr that this agenda be approved as presented. This motion was unanimously approved by voice vote.

Business:

Zoning Ordinance Amendments for WECS & Solar – Required under HB4412 Public Act 102-1123

Committee Chair Earing noted the only item of business on the agenda and introduced Andrew Keyt, an attorney representing the county on this matter.

Andy began by suggesting that committee and board members take some time to read the new ordinance language that his office has drafted, give feedback to him and/or the zoning administrator, and meet later to begin the process of adopting the ordinance.

Andy pointed out that some of the language that was proposed in the new solar farm ordinance that the county had just worked on is in there, but the language that would violate the new law is crossed out.

There was then a question by a committee member as to what things could be added to the ordinance outside of the new state law. Andy explained that things that are not addressed specifically could be regulated by the county. Andy added that if any committee members have suggestions, that they direct those suggestions to him or the zoning administrator.

Andy went on to explain that as the ordinance goes through the hearing process, some changes could be made to it by the zoning board of appeals. A committee member questioned the process that the new ordinance will go through and it was clarified by the zoning administrator.

Andy further explained that some things are required by the new state law to be adopted into the new ordinance and that if there is anything else that the county wants to add to the state required language, evidence would need to be presented in order to properly adopt additional regulations. A committee member then asked who provides the evidence on those matters. Andy stated that typically an engineer or other professional would provide the evidence.

There was then a question on what the county should do if the new ordinance is midway through the process and a lawsuit on the new law is having some success. Andy explained that the county board could sit on it and not make a final vote on it until the results of the lawsuit are finalized. Andy further explained that in the interim, the state law would still apply where applicable and that the county's current ordinance would apply everywhere else. A committee member then asked if the county's wind ordinance would still be applicable.

Andy stated that it would depend on the wording of the injunction issued by the court. A county board member then asked if there was a way to have the new proposed solar ordinance automatically pass if the new law is successfully sued. Andy stated that it would probably not work.

Lastly, there was a question if the committee would be waiting until next month to take action on the draft ordinances. Chair Earing confirmed that the committee would be waiting until next month.

Randy Yedinak then gave an update on the working group of state's attorneys that are working on a potential lawsuit over the new law. Randy stated that Kane County has joined the group and are assisting in doing research for grounds on a potential lawsuit. Randy added that there is a trailer bill to HB 4412 that is being considered, but that it doesn't really address some of the main concerns with the new law. Randy concluded by stating that the working group is still mapping out their argument for a potential lawsuit.

Rebekah Fehr then proposed that the county board pass a resolution condemning Illinois HB 4412.

Public Comment:

The floor was then opened for public comment.

Adjournment:

Rebekah Fehr moved, seconded by Steve Lovell that this meeting be adjourned.

The motion carried by a voice vote of all ayes.

The meeting was adjourned at 5:39 p.m..

Jesse J. King, Assistant Administrator
Livingston County Regional
Planning Commission