

MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
MONDAY, January 7, 2019
6:00 P.M.

1. Call to Order:
Chairman Parsons called the meeting to order 6:12 pm.
2. Roll Call: Blake Parsons, Andy Rokey, Jason Spence, and Charles Nagel were present. Justin Faulk was unexcused.
3. Approval of Monthly claims: Motion was made by Rokey to approve the claims, seconded by Spence. *Motion Carried.*
4. Approval of December 11, 2018 Minutes:
Motion was made by Rokey to approve the minutes, seconded by Spence. *Motion Carried.*
5. Public Input:
6. Unfinished Business:
 - Minonk Wind LLC Special Use - Meeting with company, Letter of Credit
Mr. Spence discussed that Mr. Minger is working on a date to meet with the company. He expects it to happen in the next week or two.
 - Review/recommend changes to Woodford County Zoning Ordinance Section 22 – Signs
Ms. Jording discussed that she has not been able to get with Mr. Minger on this due to the holidays
 - Permit Fees discussion
The committee discussed some potential changes to the fee structure. The committee requested some comparisons of like size counties fee structure and any recommendations for changes.
7. New Business:
 - Solar Farm Municipal setback - City of Eureka
Mayor Scott Zimmer from the City of Eureka discussed that the current regulations require 500 ft. setback from a residential dwelling. He would like the committee to consider that the law requires the city to sign off on subdivisions within 1.5 miles of a municipalities. He noted that 1.5 miles is the wind energy setback already and he would like the committee and the Board to consider placing a 1.5 mile setback from municipalities, noting that the municipality could sign off on reducing the setback in certain cases.
Mr. Parsons asked if anyone had any concerns. Mr. Spence noted that the 1.5 mile wind standoff is in the state statute, he questioned if there is anything in the solar statutes that whether allow or disallow such a restriction. He questioned if the county is able to give the municipality authority, he noted he has no issue with this he just wants to make sure everything is legal. The committee discussed reviewing the state regulations to ensure compliance. Mr. Parsons asked about the 1.5 mile subdivision requirement. Ms. Jording explained that the 1.5 municipal planning boundary requires subdivision plats within 1.5 miles of a city to be reviewed by the city. Additionally the city can require that division to comply with the city subdivision regulations. Mr. Nagel asked why there is a larger setback for wind. It was noted that the blades and safety are the reason. The Committee's consensus was that they would like Ms. Jording and Mr. Minger to review the verbiage options and check the legality. Ms. Jording asked how they would like to handle the varying the 1.5 mile and if they would like to give the option to vary at all. Mr. Zimmer noted that the wind section has the verbiage: *An incorporated village or municipality may approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.* Mr. Zimmer noted that could be added and change the existing setback of 500 ft. to 1.5 miles. Ms. Jording noted that the 500 ft. setback from dwellings cannot be changed as that is still required in the unincorporated area. The 1.5 mile setback would be added as an additional setback. Ms. Jording discussed that she was concerned over the lack of procedure to demonstrate that the municipality has given their approval if a reduction in the 1.5 mile is requested. Ms. Jording discussed if a variance to the 1.5 mile setback would work. Mr. Nagel asked if the ZBA has final say over variances. Ms. Jording noted they would but the petitioner has the burden of proof to prove the variance is necessary. The committee discussed what the proof would be from the municipality, Ms. Jording discussed it would likely be some form of resolution from the

City Council. Mr. Spence expressed concern over whether the County can give the “trump card” for approval to the city. He recommended any draft verbiage be sent to Mr. Minger for review. Mr. Parsons asked Ms. Jording to come up with verbiage outlining a 1.5 mile municipal setback with provisions for city approval to reduce the setback and take it to Mr. Minger for review. Mr. Jording discussed the ZBA petition timeline, the committee determined they would like to move forward for the February ZBA.

- Resolution to pay court reporter costs in vacation

Ms. Jording discussed that the Court Reporter bills us, we pay them and the petitioner reimburses us. If we pay within 30 days we pay a reduced fee. Mr. Parsons asked if there were any issues with this request. Motion to move to full board made by Nagel, seconded by Rokey. *Motion Carried.*

- Election of a Vice Chairman

Mr. Parsons opened nominations for a Vice Chairman, Mr. Nagel nominated Mr. Rokey, seconded by Spence. *Motion Carried.*

- High Impact Business verbiage Section 28. V. 18. Options to change sales tax exempt requirements or remove.

Ms. Jording explained that this is in the Wind Ordinance, she has spoken with other counties, the States Attorney and Board members, no one is entirely sure of this intent. She noted that the Wind farms may apply for a high impact business designation (HIB) which exempts them from sales tax for certain construction purposes. The ordinance states that if they receive an HIB designation we will require them to pay the county portion of the sales tax. Ms. Jording noted her concern is that there is no way to track this or enforce it, additionally, the company can simply go to a neighboring county to purchase the materials. This would drive business out of the county and could take business away from local companies. Mr. Spence noted that he is unsure the county is allowed to legally do this, if the state exempts it we cannot change that.

Ms. Jording will add the removal of this verbiage onto the ZBA petition for text amendment.

8. Planning and Zoning Issues:

9. Other:

- ZBA Hearing - ZBA hearing on Jan 22

Ms. Jording noted they will use the Hearing officer for the first time assuming no interested party forms are filed.

- Schedule special meetings (if necessary)

Ms. Jording noted that she will not be at the March meeting but she will have someone scheduled to take the meeting for the committee.

10. Executive Session (if necessary): None

12. Adjournment:

Mr. Rokey made the motion to adjourn at 7:00, seconded by Nagel. *Motion Carried.*

Lisa Jording, Secretary

Blake Parsons, Chairman

Date