

MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
TUESDAY, March 14, 2017
5:30 P.M.

1. Call to Order:
Chairman Kingdon called the meeting to order at .
2. Roll Call: Duane Kingdon, Doug Huser, Bryant Kempf and Tom Karr were present. Andy Rokey was excused. Others present: County Board Chairman Stan Glazier, County Board members Jason Jording, County Engineer Lindell Loy and Assistant States Attorney Jason Spence
(*set time to adjourn)
3. Approval of February claims
Motion was made by Huser to approve the claims, seconded by Kempf. *Motion Carried.*
4. Approval of February 14, 2017, minutes:
 - Approval of February 14, 2017 Regular session Minutes
Mr. Karr stated he did not vote in favor of the motion. Mr. Huser and Mr. Kingdon stated they did not remember it that way. Mr. Kempf indicated he recalled Mr. Karr voting Nay. Mr. Kingdon stated he did not hear the Nay vote. Motion to approve the regular minutes by Huser, seconded by Kempf. *Motion Carried with Karr dissenting.* Mr. Karr made a motion to amend the minutes to show him voting no on item #11, seconded by Huser. *Motion Failed.*
 - Approval of February 14, 2017 special Public Hearing Minutes
Motion to approve the Public hearing minutes made by Huser seconded by Kempf. *Motion Carried.*
 - Approval of February 14, 2017 session 1 Executive session minutes – release or keep confidential
Motion to approve and release the executive session minutes made by Karr, seconded by Huser. *Motion Carried.*
 - Approval of February 14, 2017 session 2 Executive session minutes – release or keep confidential
Motion to approve and keep confidential, seconded by Huser. *Motion Carried.*
5. Public Input:
Mr. Huser discussed his concern that the committee voted on the composition of the hiring committee for the Zoning Administrator position and that direction was not followed. Mr. Kingdon, Mr. Glazier and Mrs. Holmes were directed to complete the preliminary review and accomplish the hiring process. Based on the excerpt from the January 10, 2017 Conservation, Planning and Zoning Committee Meeting:

Zoning Administrator position – Discussion ensued regarding a committee for the purpose of selecting candidates to interview for the position. Mr. Karr thought perhaps two CP & Z members and the Zoning Administrator could begin the review process on January 20. Mr. Kempf thought perhaps all five committee members could be on the search committee for reviews. Motion was made by Mr. Huser to have the County Board Chairman, Stan Glazier, the CP & Z Chairman, Duane Kingdon, and the Zoning Administrator, Kim Holmes, do the preliminary reviews and bring the results to CP & Z for final decision. 2nd by Mr. Rokey. There was more discussion. 4 ayes. Mr. Karr voted nay. Motion carried. It was noted that all appointments go through County Offices. Mr. Karr stated he would like to review the applications himself. To be on February agenda.

Mr. Huser questioned why the direction of the committee was not followed. Mr. Kingdon stated he called the County Clerk to inform her that he would be reviewing the resumes and Mr. Karr appeared during that review. He stated that in the interest of an open and honest process he allowed Mr. Karr to participate. Mr. Karr noted that since one of Mrs. Holmes employees had applied to the position he did not think it fair to make her be involved in the process. Mr. Kempf noted he understood the logic but the decision was made, he would have liked to attend if that is what was going to happen. Mr. Kingdon and Mr. Glazier both discussed that they allowed Mr. Karr to participate in the interest of cooperation. Mr. Huser discussed that they bent over backwards to accommodate board members to get a consensus and instead they ended up with the fiasco that was last month's Board meeting. Mr. Kingdon noted in the future he will follow the committee direction precisely.

Mr. Kingdon moved to the 6th item in unfinished business first.

6. Unfinished Business:

- Minonk Wind LLC Special Use - Decommissioning and Security discussion – ASA Jason Spence update –
 - a. County verified complaint for reimbursement of Patrick Engineering report cost and reimbursement for County State's Atty office work done for Minonk Wind LLC

- 2016/17 Budget discussion* -

- Zoning Ordinance discussion* Section 28 WECS - security and roads – Kingdon

Mr. Kingdon asks for this item to be left on the agenda for next month.

- Subdivision Code – discussion and possible action to Subdivision Code Article VI Section 6.2 and 6.7 (Subd Code is a resolution, not an ordinance)

Mr. Kingdon asked Mr. Spence would need to be done about section 6.2 and 6.7. Mr. Jording stated those sections were passed a resolution not ordinance. Mr. Spence recommended the subdivision code be reviewed, cleaned up and retitled as the subdivision ordinance and then be passed in its entirety as an ordinance. Mr. Kingdon asked for this item to be left on the agenda. Mrs. Jording will review the current code and discuss issues with Mr. Spence.

- Variance processing through Hearing Officer

Mr. Karr discussed this issue was brought up many years ago for uncontested variances, he feels it would be a good idea for uncontested variances. Mr. Kingdon discussed the Zoning Board of Appeals is meeting for special use anyways they could hear the variance. Hearing officer would only be used when the ZBA was not scheduled to meet. Mr. Huser discussed this would save money by having one individual to the variance as opposed to the five-member ZBA. Mr. Karr discussed this could also shorten the process. Mr. Huser made motion to postpone this item until next month, seconded by Kempf. *Motion carried.* Mr. Karr discussed these might need to be reviewed as well

- States attorney discuss procedures for variance to the ordinances or Codes not under ZBA jurisdiction

Mr. Huser made a motion to suspend the rules of Mr. Loy and Mr. Spence could speak, *motion carried* by unanimous consent.

Mr. Spence provided the committee with an appeal procedures of the subdivision code he recommended inserting it at Section 9 of the Subdivision Code. Mr. Spence noted that the highway access ordinance also be amended. This amendment lays out the appeal procedure as well as a variance procedure. Mr. Spence discussed that an individual could appeal the plat officer's decision to the C.P. & Z. committee. This would also include an appeal procedure for a hardship to strict compliance with the ordinance, the appeal would be to the Woodford County Board. Mr. Spence also stated the subdivision code could be amended to limit its application to certain lots. Mr. Spence also noted that since the highway department will be using the appeal procedures for the highway access ordinance it makes sense for it to be the same as subdivision code. Mr. Huser noted that article 9.1 subdivision code states that modification shall not nullify the purpose of the comprehensive plan for this resolution he noted that variances would nullify this resolution. Mr. Spence stated that hardships would have to be fact intensive and must be closely reviewed. Mr. Huser discussed how far back you go to determine who created the hardship. Mr. Spence discussed if someone is requesting a variance to come into compliance as a result of a hardship they should be granted a variance. If the other did not create the hardship they should be eligible for variance. Mr. Spence noted you either put a variance procedure in place or people could sue to be able to build on their property. Mr. Huser discussed if you divide land into larger than 5 acre tracts is subject to the subdivision code. Mr. Spence discussed that if the committee would like him to rewrite the subdivision code to remove contradictions he could. Mr. Jording discussed that individuals could sue the county regardless of the appeals and variance procedure. He noted this will be the decision in the circuit court. Mr. Huser asked Mr. Spence if the state statute requires a variance procedure. Mr. Spence noted the county so does not give specific guidance on the issue. Mr. Spence stated he agreed with Mr. Jording this does not necessarily need to be put in the subdivision code and it can be left the court. Mr. Kingdon discussed he felt the committee had more knowledge to determine if a variance should be granted in the court. Mr. Huser discuss that there is favoritism and variances he stated he feels a variance system does not work. Mr. Huser discussed the variance should not go against the intent of the ordinance. Mr. Kempf discussed that in every variance requested is granted why do we have the ordinance. Mr. Huser noted that some things in this ordinance are necessary. Mr. Spence noted the highway access ordinance only applies County roads, Township roads are not subject to the highway access ordinance. Mr. Jording discussed the subdivision code appears presumes that all divisions are being platted, particularly concerning is that it states all roads shall be public. Mr. Jordan discuss this issue is more complicated. Mr. Spence noted we should have a plat ordinance and a subdivision ordinance. Mr. Jording discuss this is a bigger issue of the ordinance and that's nonconformity with state law. Ms. Burdett discussed you could not see where subdivision code states that if you do not get a plat you must follow the rest of the code. Mr. Spence and Mrs. Jording discussed the subdivision code applies also

divisions of land and Woodford County. Mrs. Jording discussed the subdivision code applies to all divisions of land, paragraph 5.5 exceptions applies to the procedure in the subdivision code not to the design standards and the remainder of the code. Ms. Burdett asked who had to follow the design standards. Mrs. Jording discussed the subdivision code applies to all divisions plan and Woodford County. The committee discussed at the subdivision code is an ordinance or resolution. The code contradicts itself, in some places it refers to itself as a resolution and in others an ordinance. Mr. Huser made a motion to postpone till next month, seconded by Kempf. *Motion carried.*

7. New Business:

- Solar Farms and Solar Panel costs and regulation requirements

Mr. Kingdon discussed that he's done some research on solar farms. Mr. Kingdon ask Mr. Spence if the committee should begin working on a solar farm section for the zoning ordinance. Mr. Kingdon discussed his concerns about cleaning up solar farms and the cost associated. He discussed the need to provide the Zoning Board of Appeals with guidance on special use relating to solar farms. Mr. Spence stated he would need to review the information they would be a better position to provide information next month Mrs. Jording discussed the zoning offices received several calls regarding solar farms and private home systems. She noted the ordinance currently does not discuss solar systems of any kind. The state has seen an increase in interest recently restraining noted many other counties in the state to similar interest in solar farms. She discussed the zoning is currently charging accessory dwelling based on size of the system. Mr. Spence discussed the owner department of commerce and economic opportunity as information. Mr. Glazier asked if there is an update on the Minonk windfarm lawsuit. Mr. Spence stated Mr. Minger would be at the county board meeting to provide an update.

8. Planning and Zoning Issues:

- No petitions for March
 - Greider Subdivision Plat - Information Only
- The committee reviewed the plat and saw no issues.
- Determine plats which require C.P.&Z review

The committee consensus was that all subdivision plats come to the C. P. & Z. Committee.

9. Other:

- Tri-County Regional Planning Commission report - None
- Schedule special meetings (if necessary) - None

10. Executive Session (if necessary):

Motion to go to executive session for 5 ILCS 120/2 (c)(11) litigation, where action against, affecting or on behalf of the particular public body has been filed is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

Roll call vote: Duane Kingdon – yes, Doug Huser – yes, Bryant Kempf – yes, Tom Karr – yes. *Motion carried.*

11. Any action coming out of Executive Session: - None

12. Adjournment:

Motion to adjourn at 7:56pm made by Karr, seconded by Kempf. *Motion carried.*

Lisa Jording, Secretary

Duane Kingdon, Chairman

Date