

MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
TUESDAY, April 10, 2018
5:30 P.M.

1. Call to Order:

Chairman Kingdon called the meeting to order at 5:30 pm.

2. Roll Call: Doug Huser, Blake Parsons, Duane Kingdon, Andy Rokey and Bryant Kempf were present.

3. Approval of Monthly claims: Motion was made by Huser to approve the claims, seconded by Rokey. *Motion Carried.*

4. Approval of February 13, 2018 Meeting Minutes

Motion to approve the February minutes made by Huser, seconded by Rokey. *Motion Carried with Kingdon and Kempf abstaining*

Approval of March 13, 2018 Meeting Minutes

Motion to approve the March minutes made by Huser, seconded by Parsons. *Motion Carried.*

5. Public Input: None

6. Unfinished Business:

- Minonk Wind LLC Special Use - Meeting with company, Letter of Credit
Mr. Minger discussed that he is waiting to hear from the attorney regarding the lawsuit, Mr Minger stated he will draft something and request is be completed and returned in 7 days or he will file for a court date. Mr. Rokey stated he felt it is time to pull the special use, this has been going on for 6 years and its time to do something about it. Mr. Huser concurred that we do not have the letter of credit and they have not been complying with their special use. Mr. Minger stated he will send the letter to complete the lawsuit and a letter of violation for not having the letter of credit on file. MR. Kingdon asked the committee if the consensus was to pull the special use. Mr. Rokey asked what happens if we pull the Special Use. Mr. Minger stated he will check into the issue and review the Special Use verbiage. Mr. Huser noted that they are not in compliance with the road agreement either and they need to be held accountable.
- Zoning Ordinance discussion* Section 28 WECS - security and roads – Kingdon
Mr. Kingdon discussed that the Special Use section requires a road agreement with security for both construction and decommissioning. He noted that he would like it to show that Special uses must be reviewed for the necessity for a road agreement. Ms. Jording noted that the surety is listed but needs to be specified that it should be put up prior to beginning construction and is held for the life of the special use. Mr. Huser discussed Highway is developing a standard road agreement. The committee discussed that the WECS, Solar and Special use sections need to have the same road agreement and surety standards. Ms. Jording will review and present some verbiage, it was recommended that all special uses are reviewed for the need for a road agreement and the surety requirements should be detailed in the road agreement.
- Review/recommend changes to Woodford County Zoning Ordinance Section 22 – Signs
Mr. Huser asked about sign restrictions. Mr. Minger noted that he has spoken with the Attorney General and the consensus is that as long as the signs are not interfering with safety and visibility. Mr. Huser discussed that if there is a freedom of speech issue then the sign section should be changed to reflect this recommendation. Mr. Parsons discussed that enforcing in depth sign ordinances will be costly to the county. Mr. Minger stated that he will review the sign section to determine changes are needed. Mr. Huser discussed that agriculture signs and advertising signs are regulated differently from political signs and they should be treated the same. The committee discussed who has authority to pull the signs, where the public right of way is located and enforceable.
- Discuss establishing commercial Development Zones/Standards for recommending Re-zoning vs. Special Use
- Permit Fees discussion
The committee discussed that perhaps the fees should be reviewed so that petitioners are covering the cost of the hearings, the county should not subsidize the expense of bringing the board in for the hearing. Ms. Jording discussed that some counties have major and minor special uses with different fees. Mr. Parsons stated he would be in favor of raising the fees back up to at least cover the cost. Mr. Huser

discussed that his concern is that those that follow the rules are punished with greater expense while those that do not comply with the rules do not see enforcement because they go unreported. Mr. Huser discussed that the people trying to do things right have to pay, and those that do not follow the ordinance are allowed to continue. Unless every violator is identified and brought into compliance the rule followers should be given a break.

- Court reporter for ZBA Hearings

The committee discussed with Mr. Minger how to have a court reporter at the ZBA, Mr. Minger stated he was concerned over the Court Reporter being discretionary. Mr. Minger recommended that the court reporter requirement be for specific high interest special uses such as wind, solar and gravel pits. Mr. Minger will review. Ms. Jording will determine what is appropriate and recommend verbiage to the Committee. It was also discussed that if the Committee feels there is a need for a court reporter outside the specified topics the county can pay the cost.

- Zoning ordinance changes required from proposed subdivision code changes

- Subdivision Code Changes and recommendations

Mr. Minger stated he reviewed the draft himself and stated he had some comments. He recommended removal of language referencing the comprehensive plan. It was discussed that the comprehensive plan is a guide and is not regulatory so it does not need to be listed since the plan stands on its own and we are still directed to use it for planning purposes. Mr. Parsons discussed that it may put off the wrong signal. Mr. Minger recommended striking it because the verbiage says “shall comply” he noted that this could potentially put the county in a bind if there is ever a suit over the plan language. Mr. Huser noted that the plan will still be used as guidance even if it is not referenced in the plan.

Remove:

4.1 Glossary of Terms

THOROUGHFARE PLAN: A part of the Comprehensive Plan which sets forth the general location, alignment, and dimensions, and the identification and classification of existing and proposed roads.

Remove: 5.11 Conformity with comprehensive plan: The layout of the subdivision shall be in conformity with the comprehensive plan.

Remove: “and with the comprehensive plan”

6.33 Final approval of a final plat shall be granted by the County Board with the recommendation of the Plat Officer on the basis of its conformity with a preliminary plat as approved, and with all pertinent laws, rules, regulations and particularly with the technical requirements of Articles VIII & IX of this Ordinance ~~and with the comprehensive plan.~~ The Plat Officer shall present the Final Plat to the Conservation, Planning and Zoning Committee for recommendation to present to the County Board. The Plat Officer shall present the Final Plat to the County Board for approval and signature. The Plat Officer shall notify the Subdivider and his engineer of the action taken.

Remove: “The design of the subdivision shall be in harmony with and shall conform to the comprehensive plan and shall be in accordance with good subdivision design principles not otherwise set forth herein.”

7.13 Monumentation shall be in accordance with the procedures and requirements of the Plat Act. ~~The design of the subdivision shall be in harmony with and shall conform to the comprehensive plan and shall be in accordance with good subdivision design principles not otherwise set forth herein.~~

Remove: “the comprehensive plan or”

11.1 GENERAL

Where, on appeal, the Conservation, Planning and Zoning Committee finds that extraordinary hardships may result from strict compliance with this Ordinance, it may recommend to the County Board a Variance of the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the purposes of ~~the comprehensive plan or~~ this Ordinance. (Amended July 20, 2004)

Remove: “and which also provides such covenants or other legal provisions as will assume conformity to the purposes of the comprehensive plan.”

11.2 CONSERVATION PLANNING AND ZONING COMMITTEE

The standards and requirements of this Ordinance may be modified varied by the Conservation, Planning and Zoning Committee in the case of a plan or a program for a planned development for a community, or a neighborhood unit, which in the judgment of the Committee shall exceed the minimum requirements for adequate public space and improvements for circulations, recreation, light, air and service needs of the tract when fully developed and populated ~~and which also provides such covenants or other legal provisions as will assume conformity to the purposes of the comprehensive plan.~~ (Amended July 20, 2004).

Remove: “All existing and proposed accesses are hereon shown and I certify that all proposed accesses meet minimum spacing and site distance requirement.”

This is to certify that I, _____, an Illinois Land Surveyor, NO. _____, have surveyed and subdivided the property as described and as shown by the annexed plat, which is a correct representation of said survey and subdivision. ~~All existing and proposed accesses are hereon shown and I certify that all proposed accesses meet minimum spacing and site distance requirement.~~ All distances are shown in feet and decimals thereof. Does not meet state standards of practice.-Per Highway Dept.

The committee discussed adding a provision that the surveyor shall coordinate with the County Highway Department to coordinate the access location prior to the plat being submitted to the County for signature. Ms. Jording will develop some verbiage for this and place it into an appropriate locations.

The committee discussed having a fee payable to the Highway department for an Access fee or plat review fee. Mr. Minger discussed that the Highway engineer is responsible for signing off on the access so he doesn't understand why the Highway engineer would be the one to verify the access meets requirements.

Mr. Huser discussed that the surveyors need to work with the Highway department to determine entrance locations prior to drawing up the plat to avoid duplication of effort. The committee discussed that perhaps a requirement should be added that the surveyor and Highway engineer should coordinate a meeting at the site to determine access location before the plat is drawn. Mr. Minger and Ms. Jording will develop some verbiage.

7. New Business:

- Minonk Wind LLC/Algonquin update and status
- Minonk Wind Annual Inspection Report

8. Planning and Zoning Issues:

9. Other:

Mr. Kingdon discussed having two members attending ZBA. Mr. Huser discussed the county board rules specify when a per diem can be paid. Ms. Jording pulled the Board rules which states per diem is pair if invited by the committee chairman or directed to attend by the Board or the County Board chairman.

- Tri-County Regional Planning Commission report
- ZBA Hearing - April 24
 - 2018-08-S Event Center/Wedding Venue
 - 2018-09-V Front yard setback

Ms. Jording discussed that two petitions are on the agenda. She also noted she expects one or two solar farm petitions next month and discussed that one is in Spring Bay Township and the other is Clayton Township.

- Schedule special meetings (if necessary)

10. Executive Session (if necessary): None

11. Any action coming out of Executive Session: None

12. Adjournment:

Mr. Rokey made the motion to adjourn at 7:45, seconded by Kempf. *Motion Carried.*

*monthly agenda item

Lisa Jording, Secretary

Duane Kingdon, Chairman

Date