

MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
MONDAY, June 10, 2019
6:00 P.M.

1. Call to Order:

Chairman Parsons called the meeting to 6:00 pm.

2. Roll Call: Blake Parsons, Jason Spence, Justin Faulk, Andy Rokey, and Charles Nagel were present.

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

4. Approval of May 13, 2019 Minutes:

Motion was made by Nagel to approve the minutes, seconded by Faulk. *Motion Carried.*

5. Public Input: None

6. Unfinished Business:

- Minonk Wind LLC Special Use - MOU Update

Mr. Spence noted he is still working on finishing the MOU with Minonk Wind and should have something next month.

- Review/recommend changes to Woodford County Zoning Ordinance Section 22 – Signs

Mr. Nagel stated he would like to finish this, he asked for something to come next month for the committee to approve pending States Attorney review.

- Permit Fees discussion
- High Impact Business verbiage

Ms. Jording noted that Mr. Gibson should be speaking to the Deputy General Counsel at DCEO about this issue in the next few days. Mr. Parsons noted the ZBA wants to keep this, he asked if the committee is ok with this and it is legal do we want to leave this alone. The committee all agreed. Ms. Jording noted that even if the HIB is kept that Mr. Gibson recommended re-wording it to clarify the requirement. Mr. Spence noted if verbiage changes are recommended they would be happy to review them.

Mr. Spence asked that changes specific to Heliports be added to the agenda next month.

- Chickens in residential verbiage

- a. Mr. Parsons reviewed the changes recommended, the proposal was to add “*Lots which are more than two (2) acres but less than ten (10) acres may have up to six (6) Chickens. Roosters are not permitted*” to sections 13-1100 B and 14-1100 B in the residential single family and residential multi-family districts.

- Special Use application requirements verbiage

Mr. Parsons discussed the changes recommended:

H. *Additional information may be requested on a case by case basis.*

- a. *Site plans containing a minimum of the following:*

- i. *Scaled drawing.*
- ii. *Title block showing owner, developer, engineer, and date of drawing.*
- iii. *All property lines and structures existing and proposed.*
- iv. *Utility easements and sewer and water systems, existing and proposed.*
- v. *Drainage, existing and proposed.*
- vi. *Erosion and storm water control plan.*
- vii. *All setbacks, yards, and buffer strips as required for the type of special use requested.*
- viii. *Additional information may be required on a case by case basis.*

- b. *That all special use requests which require sewage disposal be accompanied by an Application/Permit for Private Sewage Disposal System according to the rules and regulations as specified by the County and/or State Health Department. (02/27/12)*

Ms. Jording noted that the Site plan information slid over so that the site plan information was under item H.

Ms. Jording asked about adding the Heliport changes to the Special use section under Specific Special Uses and adding any specific requirements.

Mr. Logan asked about increasing the notification buffer for heliport applications. Ms. Jording noted that they notify all properties within 250 ft. Mr. Logan noted that heliport applications affect a 5000 ft. radius. The notification should be higher so people are aware. Ms. Jording cautioned that if the notification was increased we would need to use that buffer for all petitions. Mr. Logan asked if the notifications could be increased for just the heliports. Ms. Jording noted she was unsure of the legal consequences of that but could check with the States Attorney. Ms. Jording discussed the mailing costs for the public notices. Ms. Jording recommended that they look at adding the mailing costs to the fee schedule. Mr. Parsons asked to add some verbiage to the list of changes.

The committee discussed when a larger notification area should be used. Mr. Rokey expressed that this should go on the agenda for discussion next month since this could be difficult to determine which petitions should be increased. Ms. Jording explained how the notification lists are pulled and the timeline the notifications must be completed in, increasing the setback would add significant workload to the office if all petitions ended up with an increased area.

7. New Business:

- Tall Structure Ordinance Changes to Setbacks discussion

Mr. Logan presented his proposed changes to the tall structures ordinance. Mr. Logan provided some diagrams showing our existing setbacks and the state requirement. Mr. Logan discussed the difference between two setbacks and discussed that it appears the current ordinance has been interpreted wrong since it does not address helicopters specifically. He discussed that private heliports are required by the state to have two defined approach/takeoff paths a minimum of 90 degrees apart. Mr. Logan provided a red line draft of the ordinance showing the changes. He noted he has worked with the Assistant States Attorney on changes to section V. to further clarify the specific restriction to tall structures near heliports.

Mr. Logan noted that specifically what they are doing with these changes is defining everything and bringing us into compliance with state statute. Mr. Gibson (ASA) noted the title for section V. should be changed to clarify that it is restrictions to the structures around heliports not to the heliport itself.

Ms. Jording expressed her concern over how to adjust the maps to reflect this change. Mr. Gibson noted that they current heliports were never guaranteed 360 ft. of protection. Mr. Spence stated if petitioners wanted the approach paths they would need to FOIA the state. Ms. Jording noted that she still needs to be able to protect for the tall structures in those paths. Mr. Spence noted that the person building the tall structure they have to check with the state for what the heliport approaches area and if they do not meet those they can be denied. Mr. Logan noted Mr. Gibson recommended we put in to the Zoning ordinance that a heliport must define at what the approaches will be. Mr. Logan noted we should be looking at it as we are guaranteeing two approached. Mr. Gibson noted that you would put the circle in and when items are built you would pie it down until two directions are left.

Ms. Jording asked how to correct the maps to agree with this change. Mr. Gibson discussed that these restrictions are on the tall structures not the heliport. Ms. Jording noted the maps currently protect 360 degrees out to 5000 ft. Mr. Logan noted the heliports are required to have two approaches

Ms. Jording discussed that she is concerned about not letting a tall structure make it to the ZBA if it falls into a protection area. Mr. Gibson stated that when the Zoning ordinance change is put into place the existing heliports can come in and define their approaches. Ms. Jording asked in the existing heliports already have approaches defined. Mr. Logan noted that he does know some have. Mr. Parsons asked what they have saying they are approved. Ms. Jording noted they get an approval letter from the state, it can take a year or more to get that approval. Ms. Jording asked if the heliports are to start being protected once the Special Use is granted or once the IDOT/FAA approval is issued. Mr. Logan suggested that once the initial site survey is conducted you have an idea of where the area will be, but it does not mean anything until it is approved by the FAA. Mr. Spence noted that until the IDOT/FAA approval is issued it is not valid.

Mr. Logan asked if the three recent applicants understand the process. Mr. Rokey noted that once ZBA approves the special use nothing is protected until the FAA approves.

Mr. Nagel noted that these applicants should know the process and there are two other steps. Mr. Logan asked if the heliports had been approved contingent on approval by IDOT and FAA. Ms. Jording noted one was approved contingent on following all state and federal regulations, two were not. Mr. Logan asked if the two that were not approved contingent on the state and federal regulation should have been. Mr. Nagel noted that the process takes care of that, the contingency is not needed. Ms. Jording noted that siting letter states the required steps.

Mr. Spence made the motion to approve the tall structures ordinance changes presented by Mr. Logan and Mr. Gibson, including the change to section V. title to read: "*Design and layout requirements for a tall structures by a heliport.*" Seconded by Nagel.
Motion Carried.

- ZBA Petition Fees

Ms. Jording explained Mr. Spence asked for this fee breakdown. She noted that most months the ZBA ran at a deficit. She noted that the months where there was a surplus are months when large petitions were on the agenda such as large map-amendments, met towers, or solar farms.

She discussed that it would make sense to increase the Special Use fees. Mr. Nagel noted that we should be as close to breaking even as possible. Mr. Parsons discussed that he felt variances should be increased to \$60.00 and the Special Use should be increased to \$200 for the first 5 acres and \$10 for every acre over 5. Ms. Jording asked that we better define when we charge the additional acreage costs as it is not currently defined. Mr. Nagel noted that Ms. Jording should identify these items that should be defined in the ordinance.

The committee further discussed the fee structures, they agreed Map Amendments should use the same fees as Special Use, \$200 for the first 5 acres and \$10 for every acre over 5. Appeals should be \$60.00 and Sign Variances should be \$60.00.

Mr. Parsons discussed petitioning to the July ZBA

Ms. Jording noted that to go to the July ZBA they would need to decide now to allow for publication. Mr. Parsons discussed that August would be a better option then, The Committee was advised to plan for a special meeting to coincide with the August ZBA.

8. Planning and Zoning Issues:

Mr. Jerry Smith, Chairman of the ZBA discussed some of his concerns with the most recent Hearing. He noted that there was a lot of criticism on the hearing and the procedure, particularly that at the last meeting they did not allow discussion by objectors until after the vote. Mr. Parson noted there should be some by-law discussions at the next meeting. Mr. Parsons noted that the zoning would now be requiring anyone wishing to speak to sign up. Mr. Smith discussed that he was concerned about not allowing the public to present public comments during the hearing. Mr. Parsons noted that if the public comment is before the petition is heard and a member relies on that information for their decision then there could be an issue. Mr. Spence noted that the procedure is court based but these individuals are not party to the petition. Mr. Rokey noted they should do what the States Attorney recommends. Mr. Spence noted the public comment should move to the beginning of the meeting. Mr. Nagel noted that everyone should have an opportunity to be heard. And should be at the beginning of the meeting. Ms. Jording noted the she and Mr. Gibson are pulling other counties procedures and by-laws to clean things up because the current ones are confusing. Mr. Parsons noted that several individuals discussed going to the County Board to address petitions and that is not allowed. Ms. Jording discussed the recent law suit with Sol America in which the judge was extremely hard on the county for allowing any input at all at the county board, the judge specifically noted that this should not be allowed as it would be considered testimony. Mr. Krug added that we should explain at County Board that based on the court decision we cannot allow any additional comments.

Mr. Nagel noted that he felt they should allow public comment at the beginning and each individual should be given 3 minutes. Mr. Logan asked why the procedure was not followed. Ms. Jording noted she believed a legal argument was made but she was not involved in that discussion. Ms. Jording noted that she would like to have some draft by-laws to present to the ZBA at the next hearing. Mr. Spence recommended bring the ZBA in for June since no petitions are on the agenda they could come in to discuss. The committee discussed the scheduling of the meeting and what is best.

9. Other:

- ZBA Hearing - No Hearing
- Schedule special meetings (if necessary)

10. Executive Session (if necessary):

11. Any action coming out of Executive Session:

12. Adjournment:

Mr. Rokey made the motion to adjourn at 7:40 p. m., seconded by Faulk. *Motion Carried.*

Lisa Jording, Secretary

Blake Parsons, Chairman

Date