

MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
TUESDAY, September 11, 2018
5:30 P.M.

1. Call to Order:

Acting Chairman Parsons called the meeting to order at 6:23 pm.

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

3.

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

5. Approval of August 14, 2018 Minutes:

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

6. Public Input: None

7. Unfinished Business:

- Minonk Wind LLC Special Use - Meeting with company

Ms. Jording noted that she did not know if there was any result from the August Court date. She stated to her knowledge we had not received payment. Mr. Huser noted that the wind company had damaged a road and were sent a bill they have not received payment for yet. Mr. Huser discussed that we continue to let this company mess around and we need to get outside council to handle this. Mr. Parson asked what they wished to do about this. Mr. Huser discussed that it is out of the committees hands. The Zoning Administrator has been notified and she has taken it to the States Attorney, it is now up to him to deal with. He noted the by the letter of the law the Zoning Administrator interprets and enforces the ordinance. She has sent it to the State's Attorney. Ms. Jording noted that while she interprets and enforces she does not have the ability to fine. Mr. Parsons asked what happens if they hit a dead end at all avenues. Mr. Huser discussed that the Special Use states that the county can hire outside council and the company has to pay for it. Mr. Parsons questioned is an outside attorney is hired what guarantee do we have that they will pay. Ms. Jording discussed that it would go to court and a judge would determine if payment is required.

Mr. Huser discussed that he would like outside council. Ms. Jording asked how they would like to handle that. Mr. Huser stated he feels we should write a letter requesting outside council. Mr. Huser discussed that this Special Use has been done incorrectly from the beginning and now we are having a hard time getting compliance.

Mr. Huser made a motion to request to Mr. Minger that he follow the violation procedure, seconded by Kempf. *Motion Carried.* He discussed that he would like them to comply within 30 days or we pull the Special Use. Mr. Parsons asked if the outside legal counsel request should be included in the letter. The consensus was that that be included. Ms. Jording asked who the letter should be from. Mr. Huser noted it should come from the C. P. & Z. Committee.

- Text amendment verbiage change – WECS decommissioning requirements

Ms. Jording presented the draft text amendment. Mr. Parsons noted the timeline needs to be added. Mr. Huser asked if this was the entirety of the old decommissioning requirements. Mr. Huser discussed that he felt that they had put something about an independent engineer about three years ago. Ms. Jording noted that was included. Ms. Jording noted she will add the decommissioning report timeline.

- Wind Farm Roads and securities

Mr. Parsons asked about the road agreement requirements. Ms. Jording discussed that the Special Use section requires all Special Uses be evaluated for a road agreement before commencing the Special Use. Mr. Huser asked if the Wind section discusses road agreements. Ms. Jording read from Section 28,

14. Roads-

- a. *Any proposed access roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to the granting of the Special Use permit. Any road damage caused by the transport of the facility's equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer*

will require remediation of road repair upon completion of the project and are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by the Township Road Commissioner or the County Engineer shall be required by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

Mr. Huser discussed that the road agreement should be entered into before the Special Use is granted. Mr. Huser stated he felt it should be before the Special Use is granted. Ms. Jording noted that section 24 states:

24-1400 D. All Special Uses shall be evaluated by the Road Authority to determine the necessity of a Road agreement.

Said road agreement shall be in place prior to commencing the Special Use. (7/17/18)

The committee discussed if the road agreement should be established prior to the Special Use being granted or before commencing the Special Use. Mr. Huser stated he would research this for next month. Mr. Huser asked when the petition for ZBA needed to be filed. Ms. Jording stated September 28. Mr. Parsons and Mr. Huser asked that the text amendment be filed and published as required and the final details will be determined next month.

- Review/recommend changes to Woodford County Zoning Ordinance Section 22 – Signs
Mr. Parsons asked if there was any new information. Ms. Jording noted that Mr. Minger did state he was working on this item but had nothing to present yet.
- Permit Fees discussion- None

8. Planning and Zoning Issues:

Ms. Jording asked for Mr. Parsons to sign off on paying the Court Reporter bill in vacation so we could pay the lower rate.

9. Other:

- Tri-County Regional Planning Commission report – None

Mr. Huser discussed that he had suggested the States Attorney give a short brief to the County Board on what you can and can't do with ZBA and procedures. Ms. Jording noted that Mr. Gibson, ASA had already discussed conducting some training for the ZBA members as well.

- ZBA Hearing - ZBA hearing September 25

Ms. Jording noted there is a Special Use for a wedding venue, a Variance for side yard setback, and the Solar Farm near Eureka will be back to complete their hearing.

- Schedule special meetings (if necessary)

- Zoning Conference September 20, 2018

Ms. Jording discussed that four ZBA members are attending along with herself, Mr. Gibson the ASA will attend if Court allows. Ms. Jording noted if anyone is able to attend the day of we can pay at the door.

Mr. Huser discussed that somewhere it states that the board can vote yes, no or send back to ZBA, he discussed that he thinks it may be in the ordinance. Ms. Jording found it in the ordinance section:

*24-1500. **Circumstances.** (06/20/06) C. Upon the recommendation of the ZBA, the Woodford County Board may, without further public hearing, grant the petition for the Special Use, reject the petition for the Special Use, or it may refer the petition back to the ZBA for further consideration.*

He discussed that that section needs to be amended to match the statute.

10. Executive Session (if necessary):

12. Any action coming out of Executive Session:

13. Adjournment:

Mr. Huser made the motion to adjourn at 7:06, seconded by Kempf. *Motion Carried.*

Lisa Jording, Secretary

Blake Parsons, Chairman

Date