

MINUTES  
CONSERVATION, PLANNING, AND ZONING COMMITTEE  
WOODFORD COUNTY, ILLINOIS  
MONDAY, August 12, 2019  
6:00 P.M.

1. Call to Order:  
Chairman Parsons called the meeting to 6:00 pm.
2. Roll Call: Blake Parsons, Justin Faulk, Andy Rokey, Jason Spence and Charles Nagel were present.  
Also Present: Barry Logan, Emily Barker & John Krug
3. Approval of Monthly claims: Motion was made by Nagel to approve the claims, seconded by Rokey. *Motion Carried.*
4. Approval of July 8, 2019 Minutes:  
Motion was made by Spence to approve the minutes, seconded by Rokey. *Motion Carried.*
5. Review of Executive Session Minutes: November 13, 2008, February 10, 2009 Session 1, February 10, 2009 Session 2, March 10, 2009.  
No action this month will review in September.
6. Public Input:  
Ms. Susan Johnson of El Paso addressed the wind turbine setback issue. She discussed the beauty of the land and the disruption the current windfarm has caused. She also discussed the wind company's good neighbor contract which outlines impacts the turbines may cause, these impacts were disconcerting that the contract also specified the issues that she would not be able to complain about such as flicker and flashing lights. Ms. Johnson expressed her support for increasing setbacks to something similar to Iowa which is 1.5 miles or Livingston County which has changed their setback to six times the turbine height or 3250 ft. whichever is greater. She asked the committee to protect the ground in the County.  
  
Ms. Vickie Kingdon of El Paso discussed that in the hearings when the setbacks were changed to four times the height. Mr. John Krug stated that they should follow the example of Livingston County since they have more experience with Wind farms. She asked that the committee to bring the standards to Livingston Counties standards now.  
  
Mr. John Krug of El Paso discussed that the first turbine was a set footage, they then followed the example of Livingston County and changed to a times the height approach so that the taller the turbine gets the greater the setback. He noted that he comes not just as a Board member but as a homeowner who will live in the footprint of the wind farm. He noted that he does not have a contract with the wind company. This is a sound number that works in the county and it should be kept.  
  
Mr. Gary Lutjens of Normal noted that he farm in Woodford and Livingston counties. He ask what the setback distance is measured from. Ms. Jording explained that the setback is measured from the residential portion of the farm determined by the Woodford County aerial map in conjunction with the GIS land use layer.  
  
Mr. Tim Johnson of El Paso he discussed that it makes sense to keep the multiplier so it grows with the turbine height. He would like them to consider that if Livingston County has determined it necessary to increase the setback then Woodford should consider the same.

Mr. Jon Boehne of El Paso discussed he owns property in the wind area and agrees with them on that but noted he is here to speak on the recreational cannabis. He noted that El Paso has passed a ban on cannabis businesses in the city and he felt it would be appropriate to pass the same in the County.

Ms. Emily Barker of Kappa presented a PowerPoint outlining the issues and concerns relating to the legalization of recreational cannabis. She emphasized her opposition to the use of recreational cannabis.

#### 7. Unfinished Business:

- Minonk Wind LLC Special Use - MOU Update

Mr. Spence noted this will outline the process of how the decommissioning report will be passed and how to pass the report. He noted it is almost complete. He noted that no action is really needed, this is more of a guide. He recommended that Mr. Krug sign it, no other action is needed.

- Text amendment petition verbiage finalization
  - Section 22 – Signs
  - High Impact Business verbiage

Mr. Erik Gibson, ASA explained that he and Ms. Jording had spoken with the state of this issue and it was determined that the company does not get rebated on the county portion of the sales tax, they are only rebated the state portion. He noted this would only be applicable to the items purchased in the County. He noted he doesn't know that this is needed in the ordinance at all, it doesn't really get the county anything. Mr. Parsons discussed that the in the past the County received checks from the previous windfarms however that was based on an agreement with the windfarm. Mr. Parsons asked if everyone is in agreement here. Mr. Spence made the motion to strike the entire paragraph and replace it with "reserved", seconded Rokey. *Motion Carried.*

- Chickens in residential verbiage
- Special Use application requirements verbiage
- ZBA Petition Fees

Mr. Parsons noted this is going to the ZBA this month.

- Jay Hockenbury - Street name change request

Ms. Jording noted she checked into the Honorary Street name. She noted that other cities and counties in the state have programs which have an associated fee. Mr. Nagel noted the important thing is to have criteria in place to determine what qualifies for approval. The committee came to the consensus that they would like to look at establishing criteria and come up with a plan on how to accomplish this.

- Permit Fees discussion - None
- Tall Structure ZBA status.

Mr. Parsons noted that he presented this at ZBA and their recommendation was to not approve. Mr. Parsons discussed the concerns expressed by ZBA and that the petition will go to the ZBA as an Ordinance. Mr. Nagel asked about who has the final word on ordinances. Mr. Parsons explained that Ordinance changes are decided by the County Board. Ms. Jording noted that Special Use are difference from ordinance changes. Mr. Nagel clarified that while the ZBA made a no recommendation the County Board has the final say. The committee discussed that the recommended changes where to match state standards. Mr. Parsons explained that there was some disagreement over if the standards were application standards of operational standards. Mr. Parsons asked Ms. Jording of her concerns. Ms. Jording noted that the main concern was the intent of the board for enforcing the ordinance as proposed. The committee and Ms. Jording discussed how the office would address the ordinance in relation to new tall structures. Mr. Parsons noted that this will go to the full board. Ms. Jording noted that the recommendation will include their denial recommendation. Mr. Nagel asked that someone make sure the full board understand what they may do once the issue gets to the full board. Mr. Parsons noted the decision should be made individually outside the fog of any other issue. Ms. Jording asked for further clarification on the intent of the ordinance and how to enforce it. Mr. Spence noted that if you find out there is a violation you go to the states attorney and let them deal with it. Ms. Jording noted that if someone comes in and wants to build a cell tower she needs to be able to tell them if they can. Ms. Spence noted that she would just tell them state statute and if they don't comply with statute the judge will take it

down. Ms. Jording noted that it shouldn't get to that point, she should interpret and enforce the ordinance if possible. Ms. Logan noted that the state is going to enforce it. Ms. Jording noted the state wouldn't protect the heliports that don't receive public funds at all according to the state rep. Mr. Logan noted that when it is designated that this is the area they will use. Ms. Jording noted that according to the State rep at ZBA once a heliport is approved they don't touch it, they walk away and if tall structures are built all around the heliport then it gets shut down. Mr. Logan noted that Ms. Jording was correct, on private heliports they will not protect them but what they will do is define where that is and it would be simple for Ms. Jording to protect those areas. Mr. Logan noted that the state would monitor if the heliport is in compliance with what it takes to run a heliport. Ms. Jording agreed. Mr. Logan noted that much of this is getting misinterpreted, he noted they are laying out what is guaranteed that the county will protect. Mr. Parsons noted that if someone wants to apply for a heliport they have to abide by certain parameters. Mr. Faulk noted that as far as enforcing, if they are not in compliance and fail to meet the setbacks then it should go to the courts. Ms. Jording clarified that her understanding is she will protect the approach fans. Mr. Logan noted that the specified areas would be protected, areas that already do not meet the requirements do not need to be protected. Mr. Logan noted that just because these areas are protected doesn't mean that is the only direction they can use, they can come in from any direction they deem safe. Mr. Rokey and Mr. Parsons discussed the changes to the existing heliports and if they have defined approaches. Mr. Logan noted that applicants start with IDOT for preliminary approval, it then goes through the county, then to IDOT and on to FAA. Mr. Nagel asked if currently we protect 5,000 ft. Mr. Logan noted that is how it is being interpreted. Mr. Nagel asked if with state statute is there enough room take off and land. Mr. Logan noted there is. Mr. Nagel asked if you needed more room to land a helicopter. Mr. Logan noted you did not. Mr. Faulk asked if the amendment would prevent anyone that currently has a heliport or is applying for a heliport from having one. Mr. Parsons noted he did not believe so. Mr. Parsons noted we had wind and aviation people giving presentations that had to be stopped. Mr. Parsons noted there was an acting chairman and only three members in attendance. Ms. Jording noted that the ZBA hearing is available for review on the website if anyone is interested. Mr. Rokey noted he just wanted to know how existing things would be grandfathered in and how that would work. Mr. Spence noted since the new statute allows more freedom they would apply the not ordinance rules. The committee discussed the safety aspect of the 4000 -5000 ft. adjustment. Mr. Spence noted that they should move on.

#### 8. New Business:

- Setbacks on non-participating dwellings for Wind projects

Mr. Parsons noted that he has reviewed Livingston County's ordinance and noted they had increased their setbacks to 6 x the height or 3,250 ft, whichever is greater. He noted that he just felt this should be looked at. The consensus was that we are fine where we are.

- Discussion of new state cannabis law

Mr. Parsons noted that the feeling is to prohibit the recreational aspect of cannabis within the county. Mr. Spence noted they should ask the State Attorney office to draft verbiage enacting a full prohibition. Mr. Parsons noted they had two examples from Morton and UCCI. Ms. Jording noted they should be able to have a simple section in the ordinance prohibiting. She noted it would have to go through ZBA. Mr. Nagel noted this would not include Industrial Hemp which is different. Mr. Rokey clarified that this doesn't criminalize it in the County. Mr. Parsons noted this just restricts businesses being established in the county. Ms. Barker noted she believes there is an end date for enacting ordinances.

#### 9. Planning and Zoning Issues:

- Cusac Subdivision approval

Motion to send to full board for approval made by Faulk, seconded by Rokey. *Motion Carried.*

- Appointment of Ansel Burditt as Zoning Board of Appeals Alternate member to fill the expired term of Curtis Heilman for the 5 year term expiring 1 August 2024

Motion to approve and send to full board made by Nagel, seconded by Faulk. *Motion Carried.*

- Appointment of Martin Clinch as Zoning Board of Appeals Regular member to fill the expired term of James Loshier for the 5 year term expiring 1 August 2024

Motion to approve and send to full board made by Nagel, seconded by Rokey. *Motion Carried.*

- Appoint of Kim Holmes as Zoning Board of Appeals Chairman for the remainder of the 5 year term expiring 1 August 2022

This item was pulled from the agenda. Ms. Jording noted that Ms. Holmes declined the Chairman nomination.

10. Other:

- ZBA Hearing - August 27

- 6 petitions – 2 variance, 2 special use, 1 map amendment, 1 text amendment

Mr. Parsons noted he would like to have a quorum for this meeting to address any changes the ZBA may have during the hearing. Mr. Nagel and Mr. Spence noted they would attend along with Mr. Parsons.

Ms. Jording explained the pending petitions coming before the ZBA this month.

- Schedule special meetings (if necessary)

10. Executive Session (if necessary): None

11. Any action coming out of Executive Session:

12. Adjournment:

Mr. Faulk made the motion to adjourn at 7:00 p. m., seconded by Spence. *Motion Carried.*

\_\_\_\_\_  
Lisa Jording, Secretary

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Blake Parsons, Chairman

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Date