

CASE # 2011-062
RESOLUTION NUMBER 7-1

AN ORDINANCE ESTABLISHING A MORATORIUM
OF CHAPTER 17.49
WIND ENERGY CONVERSION SYSTEMS

WHEREAS, the County of Sangamon (the "County") previously approved an amendment adding Chapter 17.49 to the County Zoning Code to provide regulation for the installation and operation of wind energy conversion systems; and

WHEREAS, substantial changes have occurred in the technology and practices for the construction and development of wind energy conversion systems since the County passed the amendment adding Chapter 17.49 to the County Zoning Code; and

WHEREAS, the development of wind energy conversion systems in other communities has raised questions about the potential impact of wind tower setback and the impact of construction and operation of wind energy conversion systems on public health, welfare and safety; and

WHEREAS, the County desires to revisit the standards applicable to the installation and operation of wind energy conversion systems within the County to ensure appropriate protection of the health, welfare and safety of the citizens of the County, and

WHEREAS, the County intends to conduct multiple public hearing to gather information to assist in considering amendments to the provisions of Chapter 17.49 of the County Zoning Code; and

WHEREAS, in order to ensure that assessment of possible amendments to Chapter 17.49 of the County Zoning Code is undertaken objectively and dispassionately, the County desires to conduct such hearings and related assessment and evaluation independently of any particular application for Conditional Permitted Use for wind energy conversion systems; and

WHEREAS, no application for Conditional Permitted Use or other zoning approval is currently pending before the County relating to the construction of a wind energy conversion system and no Conditional Permitted Use or other zoning approval has been granted by the County for the construction of a wind energy conversion system; and

WHEREAS, the Sangamon County Zoning Board of Appeals recommended approval of the proposed moratorium, as Exhibit A attached hereto and made a part of this resolution.

FILED

JAN 03 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED, by the Members of the Board of Sangamon County, Illinois, in session this **24th day of January, 2012** that the request for a moratorium as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this **24th day of January, 2012**.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY
BOARD

Tim Moore /ck

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

LINDA FULGENZI

SAM SNELL

JASON RATTTS

LINDA DOUGLAS WILLIAMS

GREG STUMPF

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

SECTION I

The above recitals are hereby specifically incorporated into the terms of this ordinance. Based on these recitals, the County hereby amends Chapter 7.49 of the County Zoning Code to establish a nine (9) month moratorium, from the date of adoption of this Ordinance, on the County processing or acting upon any Conditional Permitted Use application for the construction and operation of a wind energy conversion system within the boundaries of the County pursuant to Chapter 17.49 of the County Zoning Code.

SECTION II

This ordinance hereby repeals and supersedes, for the time described in Section I, any and all ordinances, sections, articles or provisions of the County Code of the County that conflict herewith to the extent of such conflict.

SECTION III

That during the nine (9) month moratorium, the County intends to do the following: conduct multiple public hearings over the course of several months to gather information relating to the construction and development of wind energy conversion systems; analyze the information gathered at such public hearings and consider potential amendment to the Chapter 17.49 of the County Zoning Code; and, if the County determines to potentially amend Chapter 17.49 of the County Zoning Code, undertake the text amendment process with the Public Health, Safety and Zoning Committee, the Zoning Board of Appeals and the full County Board in accordance with all applicable legal requirements.

SECTION IV

That during the existence of this moratorium or any extension thereof, it shall be unlawful for any person, firm, corporation or other entity to construct or establish a wind energy conversion system within the boundaries of the County.

SECTION V

That this ordinance shall be in full force and effect from and after its passage, approval and publication.

RECAP
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2011-062

ADDRESS: N/A

PETITIONER: **The Public Health, Safety and Zoning Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A


AREA: N/A

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)
The Public Health, Safety and Zoning)
Committee of the Sangamon County)
Board)
)
)

DOCKET NO: 2011-062

PROPERTY LOCATED AT:
N/A

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **moratorium of Chapter 17.49 Wind Energy Conversion Systems** has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **December 15th, 2011** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required finding and standards of the Sangamon County Zoning Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **moratorium** is in the public interest and is not solely in the interest of the petitioner (s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **moratorium** be approved.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Charles Chimento** to recommend **approval** of this petition, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, John Luchessi

NO:

ABSENT: Marvin Traylor


RECORDING SECRETARY