

Planning & Zoning Committee

Planning Meeting

August 14, 2009

PRESENT: Supervisors Brennand, Diakoff, Egan, Thomson, Sievert. Jerry Bougie, Brian O'Rourke, Kathy Larson, Cary Rowe, Eric Fowle – ECRPC Director, John Bodnar – Corporation Counsel.

1. Minute Approval – July 6, 10, 24, & 28, 2009.

Motion by T. Egan to approve minutes as presented. Seconded by J. Sievert. Motion carried 5-0.

2. Request for Support of EPA Brownfields Assessment Grant Application – East Central RPC.

E. Fowle, Director of ECRPC, stated that ECRPC will be applying for a USEPA "Brownfields Assessment Grant" in order to implement specific recommendations within its Year 2030 Regional Comprehensive Plan pertaining to land use, the environment, and economic development. The anticipated project length will be three years, and will be 100% Federal funds.

C. Thomson expressed concern with regard to the estimated cost of certain portions of the project, and stated that he would not be supporting the project at the County Board level.

Motion to approve the resolution of the P & Z Committee supporting the project by J. Sievert. Seconded by J. Diakoff. Motion carried 4-1 (Thomson – Nay).

No further testimony was given on this agenda item.

3. Discussion of Borrow Pit Zoning exception.

J. Bougie gave a brief outline of legislation that has recently passed, which exempts local control of borrow pits that are associated with a DOT road project.

J. Bodnar stated that the legislation includes a statement that in short says that the borrow pit shall be "near to" the road project, but does not define "near to", therefore a borrow pit could be a great distance from the actual project.

P. Brennand stated that he would like to get this item on the agenda for the next Legislative Committee meeting.

No further testimony was given on this agenda item.

4. Wind Energy Ordinance Court decision – Ecker Bros vs Calumet County.

J. Bougie gave a brief overview of a recent court case in Calumet County that stated the County's Ordinance regulating Wind Energy systems was unconstitutional and therefore could not be enforced. This essentially would suggest that Winnebago County's proposed Renewable Energy Ordinance would be unconstitutional as well. However it was believed that Calumet County would be appealing the courts decision, therefore it was uncertain at this time what action Winnebago County should take at this time.

P. Brennand stated that the Committee would most likely adjourn the proposed ordinance an additional 120 days, and if no final decision in the previously mentioned court case has been made at that time, that the Committee would then withdraw the proposed ordinance.

No further testimony was given on this agenda item.

5. Motion to Adjourn

Motion by J. Diakoff to adjourn. Seconded by C. Thomson. Motion carried 5-0. Meeting adjourned at 8:30.

Brian O'Rourke – Recording Secretary