

# ZONING TEXT AMENDMENT APPLICATION FOR PARTIES IN INTEREST

*For Office Use*

Application # \_\_\_\_\_

Application Fee: \_\_\_\_\_  
Publication, mailing, and hearing costs are the responsibility of the applicant and separate from the application fee.

## Contact Information:

Date of Application: June 5, 2020

Applicant's Name(s): Protect Christian County, LLC Applicant's Address: 141 N. Chestnut St. Assumption, IL 62510

Phone Number: 217-216-3215 Cell Number: \_\_\_\_\_ Email: (info@protectchristian county.com)

Agent/Attorney Name: Phillip A. Luetkehans Agent/Attorney/Firm: Luetkehans, Brady, Garner & Armstrong, LLC

Agent/Attorney Phone Number: 630-917-6475 Email: pal@lbgalaw.com

## Application History

Have any previous applications been made for a similar text amendment to the Christian County Zoning Ordinance?

Yes  No

If yes, please provide specific details (Date, application number, etc.)

Request made on October 14, 2019 and November 6, 2019

## Interested Party Status

Please state the basis for your being a "Party in Interest," as that term is used in Christian County Zoning Code § 1-11-36:

Protect Christian County, LLC is a Christian County LLC owned and managed by residents and property owners of Christian County.

**Text Amendment**

1. Identify the specific section(s) of the Zoning Ordinance sought to be amended, including section number.

Ordinance Regulating the Siting of Wind Energy Conversion Systems

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Ordinance No. 02008 ZN 004

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2. What is the existing text requested to be eliminated, if any? (The ZBA prefers that the applicant provide a (1) copy of the proposed amendment redlined on top of the existing version of the text, and (2) a clean copy of the proposed new text in proposed final form.)

See attached.

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3. What is the proposed text, if any? (The ZBA prefers that the applicant provide a (1) copy of the proposed amendment redlined on top of the existing version of the text, and (2) a clean copy of the proposed new text in proposed final form.)

See attached.

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4. State the reason(s) for the proposed text amendment(s):

To provide the County an opportunity to analyze and study the many issues  
which arise from wind energy conversion systems.

I, the applicant, hereby declare under penalty of perjury that the above information is true and correct to the best of my knowledge. I also certify that I understand that I am responsible for the initial application filing fee due at the time of submission of the application, the costs of notice (including publication and mailing), and court reporter costs at the ZBA hearing.

Applicant's Signature: 

Application's Printed Name: Philip A. Luetkeho-

Date: 6/5/20

**ZONING ADMINISTRATOR'S RECEIPT**  
**Application for Text Amendment by Party in Interest**

Application Number: \_\_\_\_\_

A. The Christian County Zoning Administrator certifies the following:

that this Application for Text Amendment to the Zoning Code is complete;

the initial filing fee has been paid in full; and

Applicant has submitted 16 copies of the Application.

B. This application will be transmitted to the ZBA:

with comments or recommendation.

without comments or recommendation.

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Christian County Zoning Administrator

Date

Initial ZBA Hearing Date: \_\_\_\_\_

**1-11-25          SIX MONTH MORATORIUM ON ISSUANCE OF SPECIAL USE PERMITS FOR WECS.**

**A.** Notwithstanding anything contained in this Ordinance to the contrary, a moratorium is hereby placed on the issuance of permits for the development, placement, construction, operation or modification of any Wind Energy Conversion System (“WECS”) for a period of six (6) months from the date of this ordinance unless otherwise extended by the County Board.

**B.** During the six (6) month moratorium period, the County will investigate the impact of WECS on the public's health, safety and welfare and determine whether the County’s WECS Ordinance should be revised to update the standards and regulations therein to provide appropriate regulations and standards for the development, placement, construction, operation and modification of WECS in the County.

**C.** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**D.** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

**XV. SIX MONTH MORATORIUM ON THE ISSUANCE OF SPECIAL USE PERMITS FOR WECS.**

**A.** Notwithstanding the foregoing contained in this Ordinance, a moratorium is hereby placed on the issuance of permits for the development, placement, construction, operation or modification of any WECS for a period of six (6) months from the date of this ordinance unless otherwise extended by the County Board.

**B.** Development of Revised Regulations and/or Standards. During the six (6) month moratorium period, the County will investigate the impact of WECS on the public's health, safety and welfare and determine whether the County's WECS Ordinance should be revised to update the standards and regulations therein to provide appropriate regulations and standards for the development, placement, construction, operation and modification of WECS in the County.

**C.** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**D.** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

----- Original Message -----

Subject: Protect Christian County Text Amendment

Date: 2020-06-09 18:05

From: Phil Luetkehans <[pal@lbgalaw.com](mailto:pal@lbgalaw.com)>

To: "[BJacobi@okgc.com](mailto:BJacobi@okgc.com)" <[BJacobi@okgc.com](mailto:BJacobi@okgc.com)>, "[vince.harris@ctitech.com](mailto:vince.harris@ctitech.com)" <[vince.harris@ctitech.com](mailto:vince.harris@ctitech.com)>

Mr. Jacobi and Mr. Harris,

I have been asked to provide a supplemental Interested Party statement to the Protect Christian County LLC's Text Amendment Application. I have been referred to the definition of Interested Party in the Articles of Rules and Procedures that was enacted earlier this year that defines Interested Parties as: "All persons and entities with a direct economic interest in the proposed action, but only where such interest is greater than that of the general public."

While I understand the use of this definition for a variation or zoning relief for a particular parcel, I do not believe it is a proper or appropriate standard under Illinois law for a Text Amendment. Text Amendments by their definition can economically affect many if not all of the parcels that are affected by it. By being residents of Christian County and living adjacent to or near areas where wind turbines may be proposed, my clients are economically affected by any changes to the Wind Energy Conversion Systems section of the Zoning Ordinance.

Further, the Attorney General's Office has opined that private citizens in Illinois may petition for text amendments "even if they do not have an ownership interest in the property affected." 1977 Op.Atty.Gen. No. S-1252. This position is consistent with the Counties Act which does not create any limitation on who may apply for a Text Amendment. 55 ILCS 5/5-12014. I am also not aware of any case limiting text amendments to Interested Parties having an interest greater than that of the general public. I would also note that Christian County is not home rule and, hence, does not have the right to pass policies in contravention of state statute.

Notwithstanding the above, per your request, I would supplement that section of our application to read as follows:

Protect Christian County, LLC has been formed and acts to educate the public and work with the Christian County Board and the public to strengthen ordinances that currently leave citizens vulnerable. Its members and managers have legal interests in property in Christian County that are adjacent to and near properties where wind energy conversion systems have been proposed and, hence, would be economically and otherwise affected by the ability to place wind turbines adjacent to or near their properties. Locating wind turbines adjacent to or near their properties would affect their health, safety and welfare due to their close proximity.

If you have any questions, wish to discuss this matter more thoroughly or need any further information, please do not hesitate to contact me.

Very truly yours,

Phil  
PHILLIP A. LUETKEHANS  
Principal

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