

LIVINGSTON COUNTY BOARD  
AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE  
MINUTES OF THEIR AUGUST 5, 2014 MEETING

The committee chair called the meeting to order at 6:10 p.m. at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Bob Young, Bill Flott, Mike Ingles, Ron Kestner, Bill Peterson, Earl Rients and Paul Ritter.

Absent: None.

Committee chair Young noted that a revised agenda was in order and Mr. Young stated that he is moving Public Comment to be before Business on the agenda, Paul Ritter then moved, seconded by Bill Flott that this agenda for this meeting be approved as amended. This motion was approved by a voice vote of all ayes.

Minutes of July 8, 2014 committee meeting were referred to the committee. Earl Rients moved, seconded by Mike Ingles, that these minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Public Comment:

Acknowledging the large group of interested citizens present at this committee meeting, Committee Chair Young remarked that is not a public hearing regarding a potential Invenergy wind energy development. Therefore, comments presented this evening will not be part of the record for making a decision pertaining to a potential Invenergy special use application. If or when Invenergy files an application for the county to review pertaining to a proposed siting of a wind energy project you are encouraged to attend and participate in these hearings. Testimony and comments made during those hearings will become part of the record on which the decision to approve or deny an application is to be based. The primary siting hearings will be conducted by the Livingston County Zoning Board of Appeals, of which will make a findings and recommendation to the Livingston County Board, of which will first be reviewed by the Agriculture, Zoning and Emergency Services Committee of the Livingston County Board. Committee Chair Young then confirmed that only nine people that had signed up to address the committee and he requested that the comments be limited to a few minutes by each speaker. The meeting then proceeded to the public comments. These public comments were made assuming that Invenergy is going to seek a special use application for a wind energy development in a portion of Southeastern Livingston County, and the people making comments all have interest in property in this area of the county.

Justin Goembel, the Belle Prairie Township Road Commissioner and a Belle Prairie Drainage district representative, remarked about how field drainage tiles will be damaged by a wind energy development. Mr. Goembel questions the cost of the repair of the tile and he questioned who would bear the cost of this repair, including unknown long term tile damage and repair costs. Then Harvey Zehr commented to the committee on his concerns on the decommissioning of wind energy developments. Mr. Zehr questioned the use of bonds and letters of credit as avenues of credit of insuring decommissioning.

Mr. Zehr questioned the corporate structure of the ownership of wind energy developments; pondering if a project goes bankrupt as a subsidiary company would the main corporation be responsible for completing the decommissioning. Mr. Zehr mentioned that variations in recycling amounts and decommissioning costs are always occurring, and if a company would go bankrupt and not enough funds are available who would be responsible for decommissioning a wind turbine and tower, the land owner or the county. Then Jimmy Vincent then commented about property values, providing a handout that provided some on line information relating to wind projects and property values. This information addresses the question, "Do Wind Projects Adversely Affect Proximate Residential Property Values?" Mr. Vincent also noted that literature addresses health impacts, and visual and audible aesthetics. Mr. Vincent further commented on the percentage by which values of homes may be reduced by wind projects.

Cindy Kaisner then commented to the committee about the potential real value or lack of value of green energy. Cindy Kaisner remarked about how wind energy accounts for about 4 % of the total amount of energy produced and that if a cost to benefit study were to be done on green energy the economics of developing wind energy may be questioned. Cindy Kaisner quoted Warren Buffet about good business, with Cindy questioning if wind energy production is good business. Deiter Albert then commented to the committee about the production tax credits that have been provided for generating wind energy and that without these production tax credits wind energy is not a sustainable business. Mr. Albert further commented about how some congressmen have discussed letting these production tax credits expire. Mr. Albert commented that wind may be dead, and that other forms of energy production are more effective. Then Kelly Kinate commented to the committee about how the county is in part responsible for protecting the land owners. Mr. Kinate requested that the county complete a proper due diligence on wind energy developments. Mr. Kinate asked that the county research why wind energy trends have changed in Germany and Europe overall. Mr. Kinate then noted that though schools will get additional tax revenue from wind energy development, but questioned on how are overall property values will be affected and will tax revenues decline with a decrease in property values created by wind energy development. Mr. Kinate further commented about the decline in the census in the county, questioning if wind energy development will help maintain the census or create another reason for more people to move away from the county.

Nelson Zehr began his comments to the committee by relating his family's history of owning land in Livingston County since 1887. Mr. Zehr related that he believes that some land owners that have signed contracts with Invenenergy now regret signing those agreements. Mr. Zehr then referred to a handout that he had provided to the committee members, commenting first about a letter from his parents Warren and Delores Zehr, of which a copy was part of the handout. This letter concludes that now is not the time to sell their heritage and view scape. The remainder of Mr. Zehr's handout mentions, Public Health and Safety Issues, Economic Issues, Production Agriculture Related Issues, Issues about damage to Existing Infrastructure and National Energy Policy issues. Nelson Zehr concluded with a comment about how landowner sentiment may be changing regarding wind energy development and fewer land owners may be willing to sign up for wind energy contracts today, in comparison to the past. Then Lori Scharer commented to the committee about how she had gone to the July 21<sup>st</sup>, 2014 open house that Invenenergy had pertaining to the proposed wind energy project. Lori Scharer expressed her disappointed that she got few direct answers, that they were unsure on the number of towers they would build, they were unsure of all the benefits that they may provided the county, just several vague answers to her questions. Lori Scharer commented about how a wind energy development may have a negative impact on Livingston County and that this Invenenergy project should not be allowed.

The final person signed up to give comments was Rebekah Fehr a part owner of 160 acres within the proposed footprint of the Pleasant Ridge Invenergy wind farm project. Rebekah Fehr presented a handout to the committee members to support her ideas on a need to amend the county ordinances relating to wind energy. She is suggesting ordinance changes related to set back requirements (1000 feet from participating property owners and 2,300 feet from property lines of non-participating property owners). Rebekah then suggested an amendment to address shadow flicker (no shadow flicker at any time within one mile of non-participants property or a participant's primary structure.) Rebekah then suggested an amendment to address noise levels (not to exceed 35 decibels from 7a to 10p and 30 decibels from 10p to 7a, with sound measurements being A weighted, property owners could waive such requirements). Rebekah Fehr then addressed a potential amendment pertaining to a property value protection plan for property within two miles of the project. Rebekah Fehr also attached to her handout a copy of a letter from the superintendent of Armstrong Schools that noted he has noticed more students with headaches and loss of sleep being attributed to a wind farm. Rebekah Fehr then asked for the committee to postpone or place a moratorium on any decisions on new wind energy applications until the current wind ordinance in Livingston County is revised and completed.

Committee Chair Young then thanked those that gave public comment. Mr. Young then noted that no wind energy application has been filed and once an application is filed hearings will be set up by the zoning board of appeals, of which the public is invited to participate.

#### ETSB:

Mr. Ingles remarked that the ETSB had met earlier in the day and that they are continuing to review their budget, and that they plan on having a draft budget for this committee to review at their September meeting. One of the issues being discussed is how much to budget for repairs to old fragile equipment that is being scheduled to be replaced. In regard to a question about new radios, Mr. Ingles remarked that they are still investigating the option of switching over to a Starcom radio system, as part of reviewing their tower situation and the potential of future government regulations pertaining to narrow banding. Then Mr. Ingles explained that they are also continuing to look at updated/new computer system(s) (including a new CAD system), and a new/updated mapping program.

#### Landfill/Solid Waste Issues Briefing:

A copy of Deigan and Associates Livingston Landfill submittal reviews was given to the committee members, along with the regular monthly synopsis of landfill information and correspondence from the county planning commission office. Host agreement information was presented to the committee, waste amounts and fees were slightly up during the last reported month.

#### Quarry Issues:

The zoning administrator reported that he had met with representatives of Prairie Materials, and that they presented an operations plan showing the sequence in which they plan on quarrying the property that they have under lease. Prairie Materials does plan on going back to the Seeman south property and finish quarrying that area in a few years. Therefore they are planning on keeping the overburden pile in place, in that it will be used to fill some of the initial quarry operations when they return to the site. Prairie Materials is willing to discuss joint concepts of using a portion of their property for recreation in the future, and they offered tours to committee members interested in their operations.

Other issues were presented to the committee members:

County Board member Carolyn Gerwin expressed that she thought that this would be an appropriate time for this committee to further discuss wind energy regulations. Committee chair Young related that he did not believe this topic needed to be discussed any further at this meeting. Carolyn Gerwin questioned this opinion, and then went on to comment on how she believes the committee should consider amending the county zoning regulations as they apply to wind energy setback regulations and other regulations related to wind energy. Carolyn Gerwin then provided some reasoning for her request to review the county wind energy regulations. She related that a department at Western Illinois University tracks county wind ordinance changes, of some have reflected an increase in setback distances. Carolyn Gerwin would like a moratorium to study all potential changes to the county zoning regulations. There was no desire of the committee to continue with this discussion at this time.

Review and Approval of Bills: None

Then Ron Kestner moved, seconded by Mike Ingles, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 7:10 p.m.

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Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission