

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE FEBRUARY 3, 2015 MEETING

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

Present: Bill Flott, Bob Young, James Carly, Justin Goembel, Paul Ritter and Bill Peterson.

Absent: Daryl Holt.

Committee Chair Flott noted the agenda. Paul Ritter then moved, seconded by Justin Goembel, that the agenda for this meeting be approved as outlined by the committee chair. This motion was approved by a voice vote of all ayes.

Minutes of the January 6, 2015 committee meeting and the minutes of the January 15, 2015 recessed portion of the January 6, 2015 committee meeting were referred to the committee. Bob Young moved, seconded by Paul Ritter, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

ETSB Report:

ETSB member Bill Peterson reported that the immediate past Sheriff Al Lindsey is going to serve as an consultant regarding the new radio system.

Review of Livingston County Zoning Case SP-1-14, Stone Lake Estates Subdivision:

This property development proposal pertains to an application for the approval of a preliminary plat of subdivision. This is a proposed 11 lot subdivision to be located in Section 5 of Indian Grove Township. This is planned to be a residential subdivision with lots bordering a pond area left from a mineral extraction operation that was conducted on this property. The Livingston County Regional Planning Commission reviewed this request at their meeting on February 2, 2015. The planning commission is recommending the approval of this proposed subdivision. The report pertaining to this land division was reviewed with the committee. This is a preliminary plat and a this proposal will come back through the review process again as a final plat. Paul Ritter moved, seconded by Justin Goembel, that this committee concur with the Livingston County Regional Planning Commission recommendation that this preliminary plat of subdivision be approved. This motion was approved by a voice vote of all ayes.

Review of Livingston County Zoning Case SF-1-15, Dohman Subdivision:

This property division proposal pertains to an application for the approval of a final plat of subdivision, to allow for a 1.61 acre lot or parcel of land to be divided off of a larger tract of land. The report pertaining to this this land division was reviewed with the committee. The Livingston County Regional Planning Commission reviewed this request at their meeting on February 2, 2015.

The planning commission is recommending the approval of this proposed subdivision. Justin Goembel moved, seconded by Paul Ritter, that this committee concur with the Livingston County Regional Planning Commission recommendation that this final plat of subdivision be approved. This motion was approved by a voice vote of all ayes.

Other considerations pertaining to the review of the proposed Pleasant Ridge Wind Energy Project Special Use:

A tentative schedule - for continuation of the Pleasant Ridge Wind Energy project hearings on February 9th at Pontiac Township High School, and on February 10, 17, 18, 23 and 25th at the Walton Centre in Fairbury has been noted. Potential additional dates will be scheduled as needed.

Solid Waste Report:

A copy of a planning commission monthly synopsis of landfill information and correspondence was presented to the committee members. The monthly information synopsis relating to Livingston Landfill focused on report copies pertaining to Clean Air Act Permit Program (CAAPP) and NPDES reports. The extended review time requests for the IEPA to take action on some of their landfill permits was mentioned, along with methane gas surface monitoring results. Gas Monitor probe X311 still has high results. The committee was informed of the decommissioning of two gas wells, because of low production, and about the installation of new gas system components. The committee was informed that the fourth quarter trucked leachate analysis did not exhibit characteristics of hazardous waste. Information on the Streator Area Landfill groundwater monitoring report was also part of this narrative. Comments were made about the Hoosier Gas to Energy Facility. Host agreement information was also presented to the committee. Mention was made as to a more detailed discussion on the Livingston Landfill layout will take place at a future meeting.

Continuing the Process of Reviewing of the County's Wind Energy Ordinance:

Special committee members present at this committee meeting were, Rebekah Fehr, Jeff Reinkemyer and John Slagel. These special committee members are providing input to the regular committee on the County's Wind Energy Ordinance and potential changes to this ordinance.

Committee Chair Flott related as to how this committee would continue their the review of the document titled, "Livingston County Wind Energy Ordinance Review, Ag, Zoning & Emergency Services Committee". This is the document handed out at the November 4, 2014 committee meeting that incorporates the comments received on the wind energy ordinance into the existing ordinance. A copy of this review document was shown on the screen in the committee room so all present could follow along with the discussion. Mr. Flott had everyone number their pages so it would easier to communicate about this document. A review of this document then resumed on page 7 regarding visual stimulation was discussed. In part this discussion was about the viewable angles in which such photos or images create a view(s) which do not depict a realistic view(s) of the planned development. Judy Campbell commented about her intent of this suggestion. The committee had a consensus that would be benefit to requiring this proposal, in that it may be hard to agree upon unbiased views. The discussion then moved onto Number 8 on page 8 of this document about evidence of operational feasibility. Mr. Reinkemyer noted that this is an involved issue with business plan proprietary issues.

Number 9 on Page 8 then entered the discussion pertaining to evidence of a power purchase agreement (PPA). Mr. Reinkemyer then started a discussion on the marketing of energy and how PPA's are not always a component of marketing energy, and how to treat this as other businesses.

Mr. Schopp agreed to attempt to work on new financial assurance language that could incorporate the intent of number 8, if that is not agreed upon this area can be further discussed. Number 9 may be addressed with language that asks for a plan on how the developer plans on marketing the energy prior to the issuance of permits. The county can acknowledge that the marketing plan may change as marketing conditions may change. Moving on to (d) on page 9 Judy Campbell explained her intent on this denial language was because of an unknown future. Since this may have some legal issues, this was added to a list of issues to be reviewed by attorneys for legal review as this process continues. Suggestion Numbers 3 and 4 on page 12 pertaining to signage were discussed. Enforcement and construction issues were also discussed regarding contact numbers that may be placed on such signage. These areas will be incorporated into the ordinance, with final language to be drafted and approved.

This wind energy ordinance discussion then continued onto a discussion about setbacks. It was agreed that in measuring setbacks the center of the turbine would be one of the measuring points.

Then committee chair Flott made some scale drawings on the marker board. The initial drawing represented a 1500 foot setback from a house; a 1700 foot arc was then made. The discussion then went to yard areas making an assumption of yards being 300 to 315 feet in width or depth depending on how it is looked at. Then a scenario of adding 315 feet to the previously discussed 1500 feet was made to create a conceptual setback of 1815 feet from houses. What is considered a reasonable setback distance was then debated.

Mr. Reinkemyer then related that turbine layouts exceed the current setback requirement because of a need to comply with noise and flicker requirements. Mr. Reinkemyer noted that listed setback distances are arbitrary and that turbine designs, such as height and generator size; along with noise compliance issue contribute more to dictating setback distances. The drawings on the board were further discussed. Visibility and safety zone issues were then discussed as part of these setback issues. Copies of a document titled, "Wind Turbines Use Up More than 1 Acre. In Reality, Turbines take land use away from Neighbors!" This graph depicted what the creator N. McCabe considered non-buildable areas and what they considered as a debris hazard zone limit. John Slagel suggested a setback distance of one mile from a non-participating residence or have that property owner sign a waiver. The two sides of property rights were then discussed. Iroquois County setback requirements were also mentioned. Mr. Flott and Mr. Reinkemyer then discussed numbers of turbines setback distances and the dependency of turbine numbers for a project. Mr. Reinkemyer mentioned again how objective issues such as sound and shadow flicker help to determine adequate setbacks. Mr. Slagel commented further about home owners and land owners rights and why he believes area land owner's permission for wind energy sites is important to him. Then multiple people joined in the discussion on the different scenarios of how to consider setbacks, along with the varying views of proper setback distances. In order to finish on an issue the committee could agree on, in going to the bottom of page 13 were pipelines was suggested to be added as area to be setback from this pipeline word was taken out because pipeline companies have experience in working with the construction of wind energy facilities, and they dictate how their pipelines are protected depending on the construction issue. At that point the committee chair chose to continue this ordinance review at a future committee meeting.

Other Issues to Come Before the Committee:

The reappointments of Joan Huisman and Scott Sand to the ZBA and RPC Respectively were mentioned to the committee.

Public Comment:

John Dassow commented on wind energy development related safety issues, and a need to consider the size of a project. Harvey Zehr commented about the rights of all the people in regards to use and enjoyment of their land.

Review and Approval of Bills: None

Adjournment:

James Carley moved, seconded by Justin Goembel, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 8:05 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission