

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE JUNE 7, 2016 MEETING

The committee chair called the meeting to order at 6:00 pm at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Bill Flott, Bob Young, James Carley, Justin Goembel, Daryl Holt, Paul Ritter and Bill Peterson.

Absent: None.

Additional County Reps: County Board Chairman Marty Fannin, County Administrative Resource Specialist Alina Hartley. Non-committee county board members present included Vicki Allen, Mark Runyon and Carolyn Gerwin. Livingston County State's Attorney Seth Uphoff. Several citizens of the county were also present at this committee meeting.

Committee Chair Flott noted the agenda remarking that he is planning on reviewing business items c and d first before going back to business item a. Paul Ritter then moved, seconded by Justin Goembel, that the agenda for this meeting be approved and reviewed as remarked by the committee chair. This motion was approved by a voice vote of all ayes.

Minutes of the May 3, 2016 and May 10, 2016 committee meetings were referred to the committee. Daryl Holt moved, seconded by Paul Ritter, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Briefing on the Review of the Wind Energy Regulations Text Language:

The zoning administrator explained that at the zoning board of appeals meeting later this week on June 9th, he plans on just briefing the zoning board members on the proposed amendments to the Livingston County Wind Energy Regulations. And, at that meeting will discuss a hearing schedule for the zoning board to conduct formal hearings on these proposed amendments. Because of hearing notices these hearings would not begin before the last week of June, with July being considered as the primary time to conduct these hearings.

A Review of a Potential Referendum Relating to Wind Energy:

Committee Chair Flott asked that Livingston County State's Attorney Seth Uphoff to brief the committee on the potential wording of a potential referendum relating to wind energy. Mr. Uphoff commented that originally it was thought that the wording of such a referendum would need to be more complex, but now more general language for a potential referendum is being considered. Mr. Uphoff then emphasized that results of any referendum would need to be analyzed with a reason and purpose, such as a relation to population density, that such results cannot be judged arbitrarily. Mr. Uphoff then related that two alternatives to wording a potential referendum are being considered. The first alternative is a simpler the better consideration that reads; "Do you support the development of wind farms in Livingston County, Illinois." Yes ___ No___.

The current second alternative is more complex in that it relates to setbacks and reads; “Unless a property owner agrees otherwise, do you support increasing the minimum distance that a wind turbine must be placed from a residence, from 3.75 times the height of the wind turbine to 10 times the height of the wind turbine and do you support increasing the minimum distance that a wind turbine must be placed from a property line, from 1.275 times the height of the wind turbine to 4 times the height of the wind turbine? These are yes and no questions. A third alternative to wording a referendum was commented about, with the word township being added to alternative two with the third alternative to read; “ In your township, unless a property owner agrees otherwise, do you support increasing the minimum distance that a wind turbine must be placed from a residence, from 3.75 times the height of the wind turbine to 10 times the height of the wind turbine and do you support increasing the minimum distance that a wind turbine must be placed from a property line, from 1.275 times the height of the wind turbine to 4 times the height of the wind turbine?

State’s Attorney Uphoff related that a final decision on the referendum did not have to be made for about two months, and he suggested that the committee members mull over the proposed referendum language alternatives, and come back at a future meeting to make a specific recommendation regarding potential referendum language. A discussion then took place between Mr. Uphoff and county board members, that in general pertained to some of the simplistic wording of a potential referendum. Committee member Daryl Holt then suggested that the words of “In my township do you support...” be added to the simple alternative one potential referendum wording. Educating the public about a potential referendum was then discussed. Committee member Paul Ritter pondered as to if a set of questions could be used for this potential referendum area. A discussion then took place as to how educating the public on multiple questions could be more challenging. County Board member Carolyn Gerwin commented about how a poll or survey done by mail could be an alternative to asking a wind energy related question as a referendum question. Amber Severson suggested placing a referendum question in the wind energy regulations that would not be formally asked until a company showed interest in a particular township(s). And, that possibly the county should review their landfill documents to relate to wind energy. The methodology of reviewing the results of referendums was also mentioned. Committee member Bob Young stated that he would like to resolve the current situation and that placing a county wide referendum on the ballot in the near future is what he believes is the an answer to resolving what he believes is the current situation. Dean Steidinger and County Board chair Marty Fannin mentioned a need to review any referendum on a non-arbitrary basis. A discussion then took place on reviewing the results of referendum questions, and potential methodology of reviewing such questions. Mr. Uphoff remarked that some of the law on referendums is vague and he would like some time to further review some this law(s). So a suggestion of deferring any recommendation on a proposed referendum until July was considered. Committee member James Carley questioned why a burden should not be placed on a wind company by creating language to have the wind energy company present two sets of setback options to property owners when they discuss the project with property owners. The feasibility of this issue was questioned, and State’s Attorney Uphoff questioned if such language would be legal or would it be creating a type of spot zoning.

The alternatives to the potential language of a referendum were then discussed, with an added alternative of 1a with the township language being added to alternative 1. Committee Chair Flott discussed with Mr. Uphoff if some alternative language to alternative 2 and 3 could be considered regarding setback numbers on wording it to reflect setbacks without numbers. Mr. Uphoff suggested to the committee that unless they are positive of how they want to move forward on this potential referendum language they should consider mulling it over, to see if any middle ground on the alternatives of a potential referendum language can be further considered at a future committee meeting, since he will need more time to consider options mentioned at this meeting. Then other options on potential referendum wording were mentioned such as not adding definitive language after yes or no, as ___ Yes, I do support wind energy development in my township or ___ No, I do not support wind energy development in my township.

A consensus was then made by the committee members that an example(s) of potential referendum language can be provided to the full county board at their June meeting, to be discussed as a non-action item, with a plan to have the committee to come back in July and make a recommendation on specific recommended referendum language.

Emergency Telephone System Board (ETSB) Report:

County Administrative Resource Specialist Alina Hartley provided a typed report from ETSB to the committee members, of which the committee accepted.

A Review Regarding the Consideration of Assessing Fees on Stone Quarry Products:

The committee members were informed that the zoning administrator did contact some other counties, including Kankakee County, to see if those counties assess quarry fees/ a depletion tax. None of the counties contacted, Kankakee, Will, LaSalle or Kane assess quarry fees. Kane County does require a license with a license fee being assessed. The committee members asked that this matter be further investigated.

Follow-up on a Potential Amendment to the Zoning Regulations Text, Section 56-940 Violation and Remedy:

The committee members were presented with a draft text amendment that would increase fines in the Livingston County zoning regulations to match those in the Illinois State Statutes, at \$500. Then Justin Goembel moved, seconded by Paul Ritter, that this Agriculture, Zoning and Emergency Services committee recommend to the Livingston County Board that the Livingston County Board be authorized to instruct the Livingston County Zoning Board of Appeals to move forward with a public hearing and review of the proposed text amendment administration and enforcement section of the Livingston County Zoning regulations, increasing the potential fines to match the Illinois State Statutes. This motion was approved by roll call vote. Flott-yes, Young-yes, Carley-yes, Goembel-absent, Holt-yes, Ritter-yes, Peterson-yes.

Solid Waste Report:

A printed copy of the planning commission monthly synopsis of landfill information and correspondence was presented to the committee members. Information on the results of split sample tests taken Deigan and Associates was part of this report, which indicates nothing of concern. Information revised closure/post closure care costs were also provided to the committee. It was noted under the correspondence a printed copy(s) of host fee information from the last month was also presented to the committee.

Other Issues to Come Before the Committee:

The committee was updated on the Iberdrola Cayuga Ridge wind energy project and the planned company actions resulting from the two turbine fires. In regard to the first turbine fire they plan on completing the removal of the old part later this month, with plans to begin assembly of the new turbine shortly thereafter. They will then plan on disassembling the second turbine damaged by fire while the cranes are on site.

The committee was informed that the Kinder Morgan Compressor station work on the south edge of the county has begun.

Review and Approval of Bills:

Two Invoices with a totaling amount of \$8,872.78 from Deigan and Associates, LLC for Professional Services for the period of January 28, 2016 to May 31, 2016 relating to landfill monitoring and technical reviews of Republic/Allied Waste's Livingston and Streator Area Landfills, for environmental/solid waste landfill consulting service to Livingston County was submitted to the committee. Bob Young moved, seconded by Bill Peterson, that this statement be approved for payment. This motion was approved by a unanimous voice vote.

Public Comments:

James Rhode representing Livingston Stone Company noted that the company that he represents produces Ag lime and he questioned the economics of assessing a quarry tax. Mr. Rhode noted they are in a competitive business and increases in cost could affect them, and that they sell their products to Livingston County farmers. Mr. Rhode expressed that he would like to keep his company competitive without any additional fees. Mr. Rhode did confirm that about 50% of his products are sold out of the county. The depletion tax aspect was then discussed along with how grain trucks going to elevators also cause damage to local roads. The committee wants to continue to explore their options in regard to quarry fees.

John Slagel noted that if his previously proposed Indian Grove wind energy setback language could be part of wind energy regulations text amendment, then the concept that committee member James Carley was proposing would be incorporated as part of the wind energy regulations.

Adjournment:

Then James Carly moved, seconded by Paul Ritter, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 7:25 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission