

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE JULY 12, 2016 MEETING

In the absence of committee chair, the committee vice-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: Bob Young, Justin Goembel, Daryl Holt and Bill Peterson.

Absent: Bill Flott, James Carley and Paul Ritter.

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

In the absence of Committee Chair Flott, Committee Vice-Chair Young noted the agenda. Justin Goembel then moved, seconded by Bill Peterson, that the agenda for this meeting be approved as presented. This motion was approved by a voice vote of all ayes.

Minutes of the June 7, 2016 committee meeting were referred to the committee. Daryl Holt moved, seconded by Justin Goembel, 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 remarked that the zoning board of appeals began their hearings on the review of the proposed wind energy text language on July 7, 2016. A copy of Reinkemyer exhibit 1, which was presented at the July 7, 2016 zoning board of appeals meeting, was presented to the committee members. Committee members will be provided access to future exhibits. The committee was notified that the zoning board of appeals would resume their hearings on this proposed text amendment at 7 pm this evening immediately after this meeting. The committee was also informed that a third zoning board of appeals meeting pertaining to this text amendment is scheduled for July 19th. 2016 at 7 pm, in the Historic Courthouse in Pontiac.

A Review of a Potential Referendum Relating to Wind Energy:

Committee Vice-Chair Young remarked that he would like to see the wording of a referendum relating to the wind energy to be kept simple. Mr. Young commented that he would like to see the committee agree to draft referendum language at this meeting, so that such draft referendum language can be forwarded to and acted upon by the full county board at their July meeting next week. Livingston County State's Attorney Seth Uphoff related to the committee that generally at this time the potential wording of a potential referendum relating to wind energy is a political decision, in that the different variations of potential referendum wording discussed last month can be considered as appropriate referendum wording. Mr. Uphoff again 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 or based on a popular vote.

Committee member Daryl Holt remarked about how he and interested citizen Helen Steidinger, had exchanged emails, based on potential referendum language suggested by Helen's legal advisor Mr. Phil Luetkehans. Mr. Holt believes that specific distances should be part of referendum language as an addition to this suggested language base. This proposed language would read something like; In my township, a yes vote would mean that I support leaving the distance of 1600 feet between wind turbines and homes/property lines as they are, with a no vote increasing this distance more than double and would reduce the number of wind turbines built in Livingston County.

The committee members discussed this language, in part discussing the yes/no vote element of the language.

Committee member Bill Peterson then commented that he prefers simpler language as better language, going back to Referendum Question – Alternative No. 1; Do you support the development of wind farms in Livingston County, Illinois? Yes_____, No_____. Interested citizen's attorney Phil Luetkehans expressed his concern about such language, in that he does not want the language to suggest a ban of wind energy projects. Mr. Luetkehans remarked that having setback language in a potential referendum language would help in providing justification for decisions on language and setbacks later.

Non-committee county board member Carolyn Gerwin, suggested that some language be considered supporting statutory language of the reasons for zoning such as wording relating to health, safety, property values and quality of life. States Attorney Uphoff is not sure how, without further consideration, such detailed statutory language would be appropriately written into potential referendum language. In that the more detailed the potential language becomes the more education on the language would need to be made. The Indian Grove township proposal about wind turbine setbacks was then brought into the discussion. How the public would need to be educated on potential referendum language was further discussed. Carolyn Gerwin then commented on possibly creating a zoning overlay district, which would be a separate wind energy district allowing wind energy development with regulations applying to that new district. Committee Vice-Chair Young mentioned a need to justify changes on other factors such as density. Mrs. Gerwin then noted that they could use existing census information to move forward with reviewing density related wind energy areas. Committee member Justin Goembel commented about options to the setback wording mentioned in the Holt/Steidinger/Luetkehans potential referendum wording. Then dialogue took place on varying setback suggestions of 4000 feet, 1600 feet or another distance such as 2000 feet. The Indian Grove Township option was then discussed, with Keith Bittner of Indian Grove Township board explaining the reasoning for their setback option. Dialogue on appropriate setback distances then took place, with the importance of including the option for waivers being included in potential text language. An option of creating the 4000 foot setback was then discussed, in which the burden of getting approval of the land owners would be placed on the wind farm companies. A 4000 foot setback distance referendum being simple general language was talked about. John Slagel noted that the Indian Grove proposed language is not designed to prevent wind farm development. The Vice-Chair noted his desire to draft language for potential referendum language at this meeting was expressed. After discussion on how to move forward, Daryl Holt moved, seconded by Justin Goembel, for this Agricultural, Zoning and Emergency Services Committee recommend to the full county board potential referendum language to read; In my township, a yes vote would support having a distance of 1600 feet between wind turbines and homes/property lines as they are, a no vote increases this distance more than double and would reduce the number of wind turbines built in Livingston County. Discussion took place on the wording of this proposed referendum language, with a conclusion being made that it would be wise to review this wording and that this meeting should be recessed until county board's July meeting date, July 21st, with this committee meeting at 5 pm prior to the County Board meeting on that date. Mr. Holt and Mr. Goembel agreed to withdraw their motion to allow for the state's attorney to consider draft wording similar to Mr. Holt's proposed motion on the referendum language.

Solid Waste Report:

A printed copy of the planning commission monthly synopsis of landfill information and correspondence was presented to the committee members. This correspondence primarily related to ground water monitoring reports and to gas system reports. A printed copy(s) of host fee information from the last month was also presented to the committee. A mention was made that Livingston Landfill will be holding an open house on July 29, 2016.

Capital Budget – Land Use Plan Updates:

The committee reviewed the extension of a capital budget request pertaining to land use plan updates. Justin Goembel moved, seconded by Bill Peterson, that this Agricultural, Zoning and Emergency Services Committee support this capital budget request pertaining to land use plan updates. This motion was approved by a unanimous voice vote.

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 reviewed and accepted.

Other Issues to Come Before the Committee: None

Review and Approval of Bills: None

Public Comments: None

Adjournment:

Then Daryl Holt moved, seconded by Bill Peterson, that this meeting be recessed until July 21, 2016 @ 5:00 pm. This motion was approved unanimously.

This meeting was adjourned at 6:55 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission