

## AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

### MINUTES OF THE AUGUST 2, 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, Daryl Holt and Bill Peterson.

Absent: James Carley, Justin Goembel and Paul Ritter.

Additional County Reps: County Board Chairman Marty Fannin, County Administrative Resource Specialist Alina Hartley. Non-committee county board member present was Vicki Allen. 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. 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 July 12, 2016 committee meeting and the July 21, 2016 continuation of the July 12, 2016 meeting were referred to the committee. Bill Peterson moved, seconded by Daryl Holt, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Emergency Telephone System Board (ETSB) Report: None – The ETSB did not meet during the past month.

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

The committee was notified that the zoning board of appeals would meet on this proposed text amendment at 7 pm on August 4th. to recess their meeting until a later date, when additional sound or noise information can be provided.

A Review of a Potential Referendum Relating to Wind Energy:

State's Attorney Seth Uphoff presented his draft resolution pertaining to an advisory referendum question relating to Wind Energy. Mr. Uphoff explained the different parts to this draft resolution document, including the draft ballot version of the referendum language, using the language approved by the county board at their last meeting. A committee member then inquired as to if this draft language should be put in the form of a question.

Mr. Uphoff related that he had researched this area, and that while the statutes mentions advisory referendums being in the form of a question, he cannot find references demanding the form of such

a question. Mr. Uphoff remarked that all of the actual and draft ballot referendums he has seen have been in the form of an actual question.

The committee chair asked that the proposed language be read, which Mr. Uphoff did so. The committee then began a discussion as to how the existing wording would need to be edited to form a question. The evolution of the current wording was mentioned. Then making the advisory referendum in the form of a question with preamble language describing more details of the advisory referendum was discussed. Mr. Uphoff commented on how the preamble language concept could be part of the overall question/referendum. As part of a review of the overall draft setback language, the potential waiver of setback requirements was discussed. Again, the need to word the referendum as a question was discussed, with Mr. Uphoff noting that the County Clerk will need to approve the final format. Dialogue continued as to putting the referendum in the form of a question. It was reasoned that though the draft referendum is not phrased as a question the language of the proposed referendum implies a question. With the committee considering to run the referendum as drafted.

Mr. Uphoff remarked that he had contacted the Attorney General's office again, regarding the county's request for an opinion relating to township requests on wind energy setbacks. Mr. Uphoff was informed that the AG's office has researched the question and they are in the process of circulating the question, with no timeline as to when an opinion will be reached. The AG's office noted the county's plans to have an advisory referendum in the overall wind energy setback subject area. Scenarios relating to an AG opinion were discussed. A dialogue then took place as to how the end wind energy text language will address specifics like a minimum 1600 setback, since an advisory referendum cannot address all of the specifics with one question. A minimum of a 1600 foot setback distance as a safety zone was then conversed about, in relationship as to how potential setback waiver language should be worded. How subsequent amendments to the wind energy regulations could address future unforeseen scenarios was commented about, regarding potential future wind energy development. A difference in waiver and variance language was remarked about, with a desire to leave such areas as potential waivers.

The overall language of the resolution was reviewed and edited with suggestions to change the word towers to turbines, must to may and by adding minimum in from the word distance. Dialogue then took place as to if the proposed referendum wording is to be changed, then the full county board would need to consider the new referendum language. Mr. Holt moved, seconded by Mr. Peterson, that this Agriculture, Zoning and Emergency Services committee recommend to the Livingston County Board, the approval of the draft advisory referendum resolution as edited, with the actual draft referendum language remaining as approved by the county board last month. The committee members and Mr. Uphoff then agreed that the County Clerk should review this proposal to assure it meets the guidelines for placing referendums on ballots. Mr. Holt's motion was then approved by voice vote.

#### 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, gas system reports, the status of the new cell under construction. A copy of a Deigan and Associates environmental consultant report was also noted.

A printed copy(s) of host fee information from the last month was also presented to the committee. Remarks were made about the recent Livingston Landfill open house.

Review of Livingston County Zoning Case ZT-2-16 – Solar Farms and Consideration of Application Fees:

Mr. Holt commented about his visit to the solar farm in LaSalle County. A need to increase or not to increase the setback distances as proposed by the zoning board of appeals was discussed, along with screening language. The committee discussed a possible visit to the solar farm located in a more developed area in the Champaign vicinity. Mr. Holt moved, seconded by Mr. Young to table the committee review of Zoning Case ZT-2-16, until their next committee meeting to allow for the committee to further research this proposal, and to allow time to personally inspect other solar farms.

2017 Budget(s):

The committee was presented with the draft 2017 land use plan budgets. Bill Peterson moved, seconded by Bob Young, that this Agricultural, Zoning and Emergency Services Committee recommend forwarding the draft 2017 land use plan budgets to the finance committee. This motion was approved by a unanimous voice vote.

Other Issues to Come Before the Committee: None

Review and Approval of Bills: None

Public Comments: None

Adjournment:

Then Bob Young moved, seconded by Bill Peterson, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 7:15 p.m.

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Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission