

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE JANUARY 6, 2015 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, Justin Goembel, Daryl Holt, Paul Ritter, Mark Runyon and Bill Peterson.

Absent: None.

Committee Chair Flott noted the agenda, remarking that no one is present to provide information for agenda item 2a and there are no bills to review as part of agenda item 5. Paul Ritter then moved, seconded by Daryl Holt, 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 November 4, 2014 committee meeting were referred to the committee. Paul Ritter moved, seconded by Bill Peterson, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

ETSB Report: No Report

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 has not reviewed this request because of a lack of a quorum at one meeting and because of the hazardous weather and winter storm warning on January 5, 2015. This land development proposal is being presented to the committee at this time for the committee members initial input on this proposal. The committee inquired about the potential total number of lots that may be part of this subdivision, with Ken Fehr who was present at this meeting representing the subject property owners and subdivision developers. The committee then questioned Mr. Fehr regarding the road, water, septic, and access off of Route 24 aspects of this proposal. This proposed subdivision will be brought back before this committee after the regional planning commission has been given another opportunity to review this proposal.

Review of Livingston County Zoning Case ZT-2-14, a Proposed Zoning Regulations Text Amendment, for a Six Month Moratorium on the Processing or Action upon New WECS special uses applications:

Tom Blakeman as legal counsel to the committee officially presented this proposed text amendment to the committee. The committee was informed that the Livingston County Zoning Board of Appeals had held a public hearing on this zoning case, and that this zoning board of appeals recommends the approval of this moratorium. The committee members were informed that the zoning board of appeals discussed the options of extending this moratorium out to twelve months, before making their recommendation for the six month moratorium.

Bob Young moved, seconded by Paul Ritter, that the Agriculture, Zoning and Emergency Services Committee of the Livingston County Board recommend to the County Board that the County Board should approve the proposed zoning text amendment to Chapter 56, Schedule VIII, Code of Ordinances Livingston County, Illinois, proposing a six (6) month moratorium on Livingston County, Illinois, delaying the processing or acting upon any special use application for the construction and operation of a wind energy conversion system filed after the date an ordinance is adopted by the County Board authorizing the moratorium as a text amendment.

This motion was then approved by roll call vote: Flott-Yes, Young-Yes, Goembel-Yes, Holt-Yes, Ritter-Yes, Runyon-Yes and Peterson-Yes.

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

The committee chair related that comments made regarding decommissioning during the zoning board of appeals hearing(s) pertaining to the Pleasant Ridge Wind Energy Project has initiated thoughts for a more involved review of the decommissioning plan for the Pleasant Ridge Wind Energy Project. The zoning administrator informed the committee, that Patrick Engineering, whom the county is using as a consultant on this project, is in the process of compiling a proposal to work on this decommissioning plan review for the county. This proposal should be ready for the committee to review next week. Therefore, the committee may want to consider recessing this meeting until a time prior to the County Board meeting on January 15th, at which time the committee can review and make any recommendations regarding a proposal from Patrick Engineering. After a discussion about this proposal it was the consensus of the committee to review any Patrick Engineering proposals on January 15th prior to the County Board meeting.

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 CAAPP and NPDES monitoring and reports, leachate sampling results and an acceptance reports pertaining to the development of a new cell area, D-8SW. 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. The committee was informed of the decommissioning of two gas wells, because of low production. Information on the Streator Area Landfill gas well X-309 was also part of this report. Host agreement information was also presented to the committee.

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. Previous special committee member Mark Runyon is now a regular member of this committee.

A tentative schedule - for continuation of the Pleasant Ridge Wind Energy project hearings January 12th at the Walton Centre in Fairbury, January 14th and January 21st at Pontiac Township High School, January 22 at Walton Centre in Fairbury, January 26th at Pontiac Township High School and January 28th at Walton Centre in Fairbury. This January 28th meeting will probably need to be rescheduled because of a conflict. Potential additional dates will be scheduled as needed.

The county has contacted the Illinois Institute for Rural Affairs regarding any updates to their wind zoning attributes. The county hopes to have updated information provided to this committee as soon as it is available. This information would provide some information as to how counties in Illinois are currently addressing the zoning of wind projects.

Committee Chair Flott then remarked about how people have differing opinions on wind energy siting regulations. Several people have expressed their opposition to wind energy projects, while residents in the Tri-Point school district area have commented about how a wind energy project is placed in their area their school district would benefit their school district with the extra tax revenue that would be generated by this project. Therefore, the committee chair was seeking the general overall opinion of the committee as how to proceed with this wind energy ordinance review process. The committee then discussed advisory referendums and issues pertaining to advisory referendums. At the end of these discussions it became somewhat apparent that this committee would like to move forward with this review process seeking ordinance reasonable changes that may be more stringent than the existing regulations while at the same time allowing for further wind energy projects to be proposed for Livingston County.

The committee began 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 page by page review of this document was started by the committee. On the definitions page it was expressed that the Financial Assurance definition will need to be amended to clarify this definition. On that same page regarding Gary Kahle's suggestion to add livestock confinement buildings as primary structures, the committee discussed the intent of this request. It was agreed that this should be further discussed how to specifically address livestock confinement buildings as primary structures. The committee then focused on the bottom of the first page of Section 56-616 – Siting approval application. This review discussion focused on visual simulation language, as submitted by Judy Campbell. This discussion involved into a real need of viewable angles since wind farms are in the area and in travelling through them you have a sense of their visual appearance, with the discussion going to requesting four viewable angles of the entire wind farm proposal, with the discussion proceeding to four viewable angles for each proposed wind turbine. This proposal will also be further reviewed. This wind ordinance review then moved to discussing Judy Campbell's proposal for evidence of operational feasibility including proven wind resources. Mr. Reinkemyer commented that certain company proprietary information cannot be provided to address such a request. Mr. Reinkemyer also commented that a company would not want to invest millions or hundreds of millions of dollars on a project if the wind resources are not available. The committee discussed what financial assurance information may be requested, available, and what would be needed to address such a request. The committee will continue to review this proposal to see if some compromise information may be available to address this evidence request. The committee then continued by reviewing Judy Campbell's suggestion that Construction shall not begin until the Applicant shall provide evidence of a power purchase agreement. The discussion on this issue concentrated on the fact that not all wind farms have power purchase agreements to sell their power. This issue will also be reviewed further.

With the next issue to be reviewed being property values that may take some time, the committee chair chose to continue this ordinance review at a future committee meeting.

Other Issues to Come Before the Committee: None

Public Comment:

Megan Dassow suggested that the committee be more communicative with what they are reviewing, so that those in attendance are more aware of the specific discussion points. Nate Kelson and Harvey Zehr also commented about this committee process of the ordinance review.

Review and Approval of Bills: None

Adjournment:

Then Justin Goembel moved, seconded by Paul Ritter, that this meeting be recessed until 5:30 pm on January 15, 2015, with this recessed meeting to also be held in Historic Courthouse. This motion was approved unanimously.

This meeting was adjourned at 7:55 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission