

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE JULY 22, 2015 MEETING

The committee chair called the meeting to order at 9:00 am at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Bill Flott, Bob Young, Justin Goembel and Daryl Holt.

Absent: James Carley, Paul Ritter and Bill Peterson.

Additional Wind

Energy Regulations

Review Members: Rebekah Fehr, Jeff Reinkemeyer, Mark Runyon and John Slagel.

Additional County Reps: County Board Chair Marty Fannin and County Administrative Resource Specialist Alina Hartley.

Committee Chair Flott noted the agenda. Justin Goembel then moved, seconded by Bob Young, 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.

Continuation of the Process of Reviewing the County's Wind Energy Regulations:

Committee chair Flott related that he is seeking to have this committee reach a compromise on issues which may have multiple options and opinions on how to amend the wind energy regulations. Mr. Flott commented about how he would like to end up with reasonable wind energy regulations once this amendment process has concluded. Committee member Daryl Holt commented that an amendment document should not reflect an opposition to wind energy, but allow for each application to be reviewed on its' own merit. Mark Runyon also reflected that each wind energy application needs to be reviewed on a case by case basis.

The committee continued 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 review of this document continued, with this document appearing on the screen in the meeting room for all to see. Alina Hartley was editing the document as the discussion proceeded.

This wind energy regulations review continued with a discussion on the definition on Financial Assurance as to how this definition shall reflect decommissioning. This definition will be amended to clarify the intent. It was also proposed that a new definition on Financial Capability be created. This new financial capability definition will request that the applicant shall provide assurance to the county that they are capable of building and operating a WECS project. Language for this condition was discussed, with part of this discussion reflecting as to if the parent company/companies should be included in seeking the financial information. A discussion took place as to if specific requirements, such as a corporate guarantee should be required or should the definition be left open. The definition for primary structure will still need to be discussed in further detail, in that varying opinions on confined livestock housing as a primary structure exists.

Adding wind energy regulations on Shadow Flicker on a dwelling/primary structure was discussed, with the initial discussion on language that would allow up to 30 hours of shadow flicker per year. A discussion on shadow flicker on residences of non-participating land owners and waivers then took place.

The use of a hearing officer or a hearing facilitator to conduct public hearings for the review of special use wind energy applications was then discussed. A consideration of adding language that a hearing officer, appointed by the Chairman of the County Board, with the consent of the County Board, shall preside over all WECS hearings. The hearing officer shall make a recommendation to approve or deny the application to the county board. Some comments on use of a hearing officer reflected a desire to continue to have the multiple person zoning board of appeals conduct the WECS hearings. So this discussion then related to the use of a hearing facilitator that would rule on questions of order and ensure that the WECS hearings are run in efficient and orderly fashion, with the zoning board continuing to make a recommendation at the conclusion of WECS hearings. This area will require legal review.

Setback distances were then discussed, and how noise standards at least in part dictate setback distances from turbines to primary structures. To accommodate IPCB noise standards and discussions that were part of the Pleasant Ridge Wind Energy hearings a measurement at a point so many feet out from a primary structure was discussed. John Slagel provided copies of a Common Windmill Distances "Cheat Sheet", which was referred to during the setback distance discussions. Mr. Reinkemeyer presented a constraints map, with a new setback analysis pertaining to Iberdrola's Streator Cayuga Ridge South wind energy project. This constraints map reflected that if setbacks of non participant setbacks would have been 1800 feet, only 11 of the 150 turbines would remain, questioning the feasibility of the project. Infrasound issues and population density were part of this setback distance discussion. As this discussion concluded a decision was made to consider a setback of 3.75 times the height of the tower or 1,600 whichever is greater, from a primary structure, with the additional consideration of having this distance measured 150 feet from the center point of the primary structure, to the center of the WECS tower foundation. (This last consideration is to in part address noise discussions, Mr. Reinkemeyer may have further comments on this consideration(distance)).

As part of the setback discussion John Slagel commented on the pending Indian Grove Township ordinance at which they are requesting Indian Grove Township specific setback distances be part of the county wind energy regulations. At a previous meeting this committee reasoned that this setback distance requirement can become part of the discussion of amending the county wind energy regulations. At this committee meeting the committee indicated that they would like to look at this proposal again at their August 4, 2015 committee meeting. The proposed Indian Grove setback distances are included on the Common Windmill Distances "Cheat Sheet" that Mr. Slagel provided.

For at least the time being the committee agreed to maintain the existing setback distance of 1.1 times the height of a tower from public roads, third party transmission lines, and communication towers.

Setback distances from adjacent property lines were then discussed. During this discussion how other zoning ordinance address this requirement was related to, including LaSalle County requiring this setback distance to be 1.25 times the height of the tower, as opposed to Livingston County's existing 1.1 times the height of tower setback distance. At the end of this discussion a consideration of having WECS towers set back a distance of 1.375 times from the adjacent property lines, with waivers possible was made.

School Setback issues were discussed in part in relation to 1.5 mile municipal statutory issue and a waiver on that setback. At this point this committee is reluctant to add regulations just for schools, with municipal regulations are in place.

A discussion took place on non-binding advisory referendum(s). This discussion in part was about individual township referendums, a county wide referendum(using the results from the separate precincts), and how advisory referendum results may be used. Questions on referendum language and the timing of referendums were also discussed. This committee will discuss this issue further in the future.

Public notification of the public of the proposed project area was discussed. At this point the committee is recommending that at least 90 days prior to any WECS application being filed with the county, the applicant shall make a reasonable effort to help educate the public, through mailers, newspaper notices and public information meetings.

The pending state legislation pertaining to an Agriculture Impact Mitigation agreement was mentioned, and it was noted that this legislation is waiting the governor's signature.

The changes that took place at this meeting to the document titled, "Livingston County Wind Energy Ordinance Review, Ag, Zoning & Emergency Services Committee", will be reviewed and be incorporated into further discussions on the review of the county's wind energy regulations.

Other Issues to Come Before the Committee: None

Public Comment:

This committee plans to have another meeting to discuss potential amendments to the Livingston County Wind Energy Regulations on August 10, 2015, with this meeting to start at 1:00 pm., at the Historic Courthouse, 112 W. Madison St., Pontiac.

Adjournment:

Then Daryl Holt moved, seconded by Justin Goebel, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 3:10 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission