

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE AUGUST 10, 2015 MEETING

The committee chair called the meeting to order at 1:00 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 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, non-committee county board member Carolyn Gerwin.

Committee Chair Flott noted the agenda. Daryl Holt then moved, seconded by Justin Goembel, 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 noted the presence of Adam Dontz, chief executive officer of the Greater Livingston County Economic Development Council, and he asked Mr. Dontz as to if he had any comments. Mr. Dontz remarked about he believes that proposals should be looked at in the context of the zoning regulations, and as to if they meet those regulations. Mr. Dontz then related that the business/economic development aspects of proposals should also be evaluated.

Then Bekah Fehr as a representative of the UCLC remarked on the opinions of the UCLC. Bekah related that they would like to have fewer daytime meetings with more evening meetings being considered, which may allow for more comments on issues. Bekah then related that at this time the UCLC is not in agreement with some of the proposals some of the major items, including setbacks, which are being discussed by this committee. The review of these wind energy regulations need more input. She also questioned some of the details that may be part of any potential referendums. Bekah further commented on a need to review other options and solutions. One idea is to extend the proposed 90 day public awareness to a longer period of time, with a wider range of wind energy company notice(s) to the area property owners, than what was previously discussed.

Committee chair Flott then handed out his proposals entitled, "Let the Voters Decide Proposal". The first proposal would be to recommend the changes to the ordinance that this committee has discussed and reviewed. The second proposal pertains to a countywide referendum that the county could possible use to determine which areas of the county would prefer more restrictive ordinance language, similar to the

proposed Indian Grove Township setback language. The third proposal referred to a potential sunset clause in the Indian Grove Resolution, if it were to be agreed to be recommended.

Mr. Dontz then noted that the results of the potential referendum that Mr. Flott suggested, can result in a checkerboard with two different sets of zoning regulations. It was noted that an alternative to the suggested referendum would be a concept to just let the townships decide, with it being further remarked that this could create 30 different sets of township zoning suggestions within the county. A remark was made about a need to look at the practical and procedural concerns of the potential outcome of such a referendum and how these concerns should also be considered.

The value of having waiver language in proposed setback language was then discussed. It was then mentioned that transmission lines are a separate issue. The need for a legal review of any proposed sunset clause language was then discussed, after the concept of a sunset clause was further explained. A discussion then took place in regard to as if any applications for a wind energy project would be pursued in Indian Grove Township. Jeff Reinkemeyer representing Iberdrola indicated that it would be unlikely that Iberdrola Renewables would pursue any development in Indian Grove Township. Dialogue then took place pertaining to the language in the last paragraph in the Indian Grove Township resolution, which in part reflects how setback waivers can be pursued. Allyson Sand representing Invenergy expressed her agreement with Mr. Reinkemeyer's comments about how the proposed Indian Grove Township language would make those areas less attractive to pursue development of wind energy projects. Reference was made to the review of wind energy projects, and how two more townships maybe considering planning commissions. Carolyn Gerwin commented on the Indian Grove Township proposal. She also passed out a document titled, "The trend in setbacks from wind turbines." Waiver and opt out language was further mentioned, with the conversation then turning to Let the voters speak. Mr. Dontz questioned the procedure and the basis of some of the issues being discussed.

Committee chair Flott then remarked on the two schools of thought on the setback issue(s), with township suggestions and the Iroquois County precedence then being mentioned. The need to review these issues was then mentioned. The most recently revised working document on the county wind energy regulations was presented. Discussion on this document took place and some definition discussion then took place. Then Mr. Reinkemeyer commented about extending the 90 day pre-application public information period and how companies are not sure of pursuing applications until 90 days prior to their intended application filing date, which led to a discussion on communication with property owners.

John Slagel then passed out copies of and explained a graph which depicts 1000 Hz sound levels and distances to closest turbines in the proposed PR project. Manufacture discussed safe zones of 500 meters or 1640 feet were then discussed, including potential waivers of if waivers should be allowed within this distance, if safe zone area setbacks are eventually used in determining setback distances. Noise limits then became part of the discussion along with school setbacks, and how this can be perceived as an arbitrary discussion. Then the discussion turned to measuring noise levels at a certain distance from a primary structure, 100' to 150' then dictates the setback distance. The legality of a hearing officer vs. a hearing facilitator will be reviewed. Would there be qualifications for such a position, or would this position be filled as suggested by the county board chair with the approval of the county board. The county board review of the Indian Grove Township proposal was then discussed.

Potential details of the suggested referendum were then discussed, with a suggestion that referendum language be reviewed. Mr. Slagel noted that the property value guarantee issue is still before the zoning board

of appeals, with this issue waiting legal review. Then a concept of adding language to specify that another application cannot be filed for at least 12 months, after an application has been denied, to prevent the waste of resources. A discussion on how a checklist or checklists are used in determining the completeness of wind energy project special use applications. The discussion returned to defining when a new application can be filed, and as to how that would be determined, with factors of the same physical area etc. being discussed vs. a new project with a differing number of turbines and layout in a similar area. A way to buffer the costs of application reviews was mentioned as a reason for such a potential requirement.

The consideration of and reasoning for extending the existing moratorium was then discussed. The committee then discussed meeting at 5:00 pm on August 13<sup>th</sup> to consider a recommendation for extending the moratorium.

Other Issues to Come Before the Committee: None

Public Comment:

Post construction wildlife monitoring was discussed, and a consideration of adding details or parameters for wild life monitoring was discussed. Ag mitigation and the 90 day notification period, or possible extension of such a period was mentioned.

Previous discussions on wind energy issues were mentioned. Contracts, time limits, disclosure of leases and MET tower placements were mentioned as avenues as to when wind energy projects may be considered for an area, and a desire to become better informed of these actions.

The committee then considered the many issues under discussion pertaining to the wind energy regulations, and the concept plan of “Let the Voters Decide Proposal” presented earlier at this meeting by committee chair Flott. Then Daryl Holt moved, seconded by Justin Goembel, that this this committee recommend that continue the consideration of moving forward with this plan. This motion was approved by roll call vote. Flott-yes, Young-yes, Carley-absent, Goembel-yes, Holt-yes, Ritter-absent, Peterson-absent.

Adjournment:

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

This meeting was adjourned at 4:00 p.m.

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Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission