

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE MARCH 7, 2017 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: Daryl Holt, Justin Goembel, Jason Bunting, Marty Fannin, Steven Lovell and Paul Ritter.

Absent: James Carley.

Others Present: Additional County Representatives included: County Board Chairman Bob Young and County Executive Director Alina Hartley, Non-committee county board members present were Joe Steichen, Carolyn Gerwin and John Slagel. Consulting Attorneys John Redlingshafer and Andrew Keyt from the legal firm of Heyl Royster. Several interested citizens of the county were also present at this committee meeting.

Committee Chair Daryl Holt noted the agenda for this March 7, 2017 meeting. Justin Goembel then moved, seconded by Paul Ritter, that the agenda for this meeting be approved. This motion was approved by a voice vote of all ayes.

Committee Chair Daryl Holt then referred to the minutes of the February 7, 2017 meeting. Then Paul Ritter moved, seconded by Jason Bunting, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Business:

ETSB Report: None

Solid Waste Report – Review of a synopsis of solid waste related documents and host fee information:

A printed copy of the planning commission monthly synopsis of landfill information and correspondence and a report from Deigan and Associates on much of the same information and correspondence were presented to the committee members. This correspondence primarily related to gas system reports, groundwater monitoring results. Repair to the gas system is taking place during this current period of time. Printed copies of host fee information were also presented to the committee.

The pick of the concentration of plastic and litter from Odell to Dwight on I-55 is a work in progress. American Disposal has been and will continue to work on this project. Committee expressed their disappointment in this litter issue being a continuing issue for several weeks. The truck trailer litter policy remains in place and is enforced when they are aware of problems. Republic Services is planning the construction of half of a new waste disposal cell this year.

Evaluation of Options on the Committee Review of the Livingston County Zoning Board of Appeals Report and Recommendation pertaining to Livingston County Zoning Case application ZT-3-16; a proposed text amendment regarding wind energy regulations:

And the –

Evaluation of Options on the Committee Review of the results on the Advisory Referendum on the distances between wind turbines and residences, and How these Results may be Incorporated into the Wind Energy Zoning Regulations:

County Consulting Attorneys John Redlingshafer and Andrew Keyt provided a briefing on their review of the status of the county wind energy regulations in relation to the committee's expressed options in moving forward with the county wind energy regulations. Mr. Redlingshafer remarked about the committee's time and effort of which they have put into this project, and he hoped to provide his best objective analysis of the committee's hard work. Mr. Redlingshafer commented on the wind energy regulations relating to the referendum results, the ZBA recommendation, limited potential of tweaking the ZBA/County proposed wind energy regulations. Mr. Redlingshafer respected the policy authority of the county board, and that he would work with this committee and the county board in guiding them through these matters, with advice and counsel on what has been worked on and is proposed, pertaining to the existing wind energy regulations text amendment and the referendum outcome. Committee members then began asking questions of Mr. Redlingshafer and Mr. Keyt. In regards to tweaking the ZBA recommendation, Mr. Redlingshafer mentioned that limited changes could be made, and that he would consult them on specific limited changes as they may come up. Committee questions pertaining to the wind energy setback referendum results were then asked regarding as to how these setback numbers could be incorporated into the zoning regulations. Mr. Keyt responded that such changes to the existing regulations would be substantial changes, that should be considered separately from the current wind energy text amendment application. Therefore, these issues may need to be addressed with a new application.

Mr. Redlingshafer and Mr. Keyt then remarked about the consideration of a map amendment, and how this would be a more involved process, requiring an extended time to review, in comparison to a text amendment. He also commented about how he thought from a legislative policy avenue it would be an alternative that he would not recommend at this point, in that it would need further evaluation. The committee then questioned about what avenues could be pursued to address the 7 to 8 townships that voted on the referendum to have lesser than 1600 foot setbacks. Mr. Redlingshafer and Mr. Keyt responded that they understand the committee position on this area, and they will work with the county to guide the county in how to pursue their position. Carolyn Gerwin commented about how she felt that an amendment to the comprehensive plan may assist in supporting a county position pertaining to wind energy development regulations.

The committee then discussed as to how they generally believe that they have only about 6 issues relating to the ZBA recommended wind energy text amendment that they can further discuss on tweaking. Mr. Keyt commented that that would provide legal counsel in this review in that there are limitations on how much tweaking of the ZBA recommendation can take place, and that they need to know more specifics as what is being considered for change. A need to schedule a special committee meeting was then discussed, at which this committee could discuss specific areas of the ZBA recommended wind energy text amendment they would like tweaked.

Legal counsel then mentioned that litigation in relation to the Pleasant Ridge Wind Energy project is pending, and that the committee should be briefed on the big picture of wind energy regulation issues in the county.

Justin Goembel then moved, seconded by Paul Ritter, that this committee go into executive session pursuant to 5ILCS/120/2 (c) (11) Litigation. This motion was approved by roll call vote; Holt-yes; Goembel-Yes; Bunting-Yes; Carley-Absent; Fannin-Yes; Lovell-Yes; Ritter-Yes. This executive session began at 6:35 pm.

Regular session resumed at 7:00 pm. No action was taken resulting from this informational executive session.

The committee then talked about scheduling a special meeting. A need for this committee to discuss beginning the process to consider another extension to the moratorium on WECS applications, was then discussed. The committee members concluded that they will schedule a meeting for 5:30 pm on March 16th, 2017, prior to the County Board meeting that evening, to discuss the moratorium extension issue. After discussion how long to consider the extension of this moratorium it was then the consensus of this committee that they consider a three month extension to the existing moratorium, when this issue is discussed at their March 16th committee meeting. Then the committee agreed to schedule a special meeting on March the 28th, 2107 at 5 pm to discuss the specifics of the ZBA recommendation regarding the wind energy text amendment.

Other Issues to Come Before the Committee:

The tornado that struck the rural Long Point area on February 28th demolishing one dwelling was noted. The committee was informed that a National Weather Service Weather Spotter's seminar is to take place in this historic courthouse on March 23, 2017 at 7:00 pm., with this meeting being open to the public.

Public Comments:

Carolyn Gerwin commented on input on the tweaking process regarding the ZBA recommendation regarding the wind energy text amendment. Committee Chair Daryl Holt related that he intended to have this committee lead the review and tweaking of the ZBA recommendation regarding the wind energy text amendment. John Slagel also commented on the tweaking of the ZBA recommendation regarding the wind energy text amendment. A dialogue then took place on the options on moving forward with the existing text amendment and then proposing a second text amendment to address the quandary of moving forward on the committees desire to incorporate the wind energy setback desires of 7 townships in the northeast part of the county.

Jeff Bryan, Tri-Point Schools Superintendent then discussed with Carolyn Gerwin her thoughts on amending the comprehensive plan.

Review and Approval of Bills: None

Adjournment:

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

This meeting was adjourned at 7:35 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission