

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE MARCH 28, 2017 MEETING

The committee chair called the meeting to order at 5:00 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, James Carley, Marty Fannin, Steven Lovell, Paul Ritter.

Absent: None.

Others Present: Additional County Representatives included: County Board Chairman Bob Young and County Executive Director Alina Hartley. State's Attorney Randy Yedinak and Consulting Attorney John Redlingshafer. Several interested citizens of the county were also present at this committee meeting.

Committee Chair Daryl Holt noted the agenda for this March 28, 2017 meeting. Justin Goembel then moved, seconded by James Carley, that the agenda for this meeting be approved. This motion was approved by a voice vote of all ayes.

Business:

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:

Committee Chair Daryl Holt began a page by page review of the latest draft of the wind energy regulations text amendments relating to Livingston County Zoning Case ZT-3-16. On the title page the committee agreed to accept the amendments of adding Bats to Sec. 56-621 and Pre-application to Sec. 56-622. On Page 2 the committee agreed to accept the changes to the definitions of Article, Capability, Financial Assurance and Non-Functioning Wind Turbine. The committee agreed to reinstate the county version of Hearing Facilitator, which had been recommended to be deleted by the zoning board of appeals. On Page 3 the committee agreed to accept the amendments to the definitions for Primary Structure and WECS project. Continuing on Page 3 the committee agreed to accept the amendment to first sentence under Sec. 56-613 – Purpose. The committee also accepted the changes to Sec. 56-614 Applicability and Sec. 56-615 Prohibition both also on Page 3. On Page 4 the committee agreed to accept the changes to (a) at the top of the page and to (1) c. On Page 5 the committee agreed to accept the changes made to (6) (7) (c) and (d). No text changes were made to Page 6. On Page 7 the committee agreed to accept the changes made to (4) and (5). Then on Page 7 under Setbacks (1) the committee agreed to amend the recommended setback distance from 3000 feet to 3250 feet. This recommended change was made to reflect the results of the November advisory referendum to have the distance greater than twice of 1600 feet and to reflect a setback distance of 3250 recommended by Dr. Schomer at the zoning board of appeals public hearing for zoning case ZT-3-16, noted in UCLC Exhibit 2. Continuing on Page 7 (h) (3) the committee agreed with the recommended 1640 setback from adjacent property lines.

On Page 8 the committee agreed to the proposed amendment to (7) and (8), on (9) the committee discussed setback distances for transmission lines, discussing a clause to add unless located on a right of way, with a request to have this area researched, in part in reference to road agreements, and under (i) a slight amendment was made to correct the word severability. On Page 9 under b. (l) and (n) the proposed changes were accepted. Also on Page 9 on the bottom of the page (n) a discussion took place regarding allowing the movement of a turbine more than 50 feet such as 100 feet. The discussion reflected on the potential need and a potential noise issue. The 50 feet was left in for now, with plans for this to be further reviewed. On Page 10 text amendments under Sec. 56-619 – Operation (a) Maintenance (1) and (3) were accepted. On Page 11 under (e) Mitigation of Shadow Flicker (2) the county version of 30 hours was recommended instead of the 15 hours recommended by the Livingston County Zoning Board of Appeals. On Page 12 Under noise levels the committee requested that “Sound Pressure” be reviewed as where that phrase came from. The second paragraph of that section was accepted as amended, along with bats being added to Sec. 56-621 being accepted. On Page 13 the committee accepted the changes made to Sec. 56-623 – Liability Insurance, and to Sec. 56-624 (a), some slight amendments for composition/grammar were made. On Page 14, amendments to sections (d) and (e) were accepted. Then under Sec. 56-625 – Remedies amendments to (a) were accepted, and then under sections (b) and (c) the 90 days was amended back to 60 days.

These accepted amendments and changes will need to be a more formal draft for review at the next committee meeting.

Referenced Page numbers are from the revised text amendment resulting for this committee review.

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:

The committee agreed to consider recommending a new second text amendment which would reflect the November advisory referendum results for setback distances. So in referring to the Setbacks sections on Page 7 the committee is recommending a new text amendment to reflect a setback distance of 1.75 times the height of the tower or 1600 feet whichever one is greater under Setbacks (1), and under Setbacks (3) this would be a recommended setback to reflect a setback of 1.375 times the height of the tower from adjacent property lines. Both of these setback amendments would only be for the seven contiguous townships in the Northeast part of the county, which voted for the 1600 foot setbacks in the November advisory referendum.

These proposed amendments will need to be more formalized for review at the next committee meeting.

Other Issues to Come Before the Committee: None

Public Comments:

During public comments a discussion as to when the first wind energy wind regulations text amendment would become effective. A pending text amendment extending the existing moratorium and the possible second text amendment, may factor into this effective date. Public comments were also made to note some areas of grammar and spelling that should be reviewed and corrected as needed.

Executive Session Pursuant to 5/ILCS 120/2 (c) (11) - Litigation

Justin Goembel then moved, seconded by Jason Bunting, 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-Yes; Fannin-Yes; Lovell-Yes; Ritter-Yes. This executive session began at 7:05 pm.

Regular session resumed at 7:14 pm. No action was taken resulting from this informational executive session.

Adjournment:

Then Justin Goembel moved, seconded by Paul Ritter, 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