

MINUTES (Revised)
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Recessed Meeting Continuation
7:00 p.m.

July 6, 2017

The meeting came to order.

Members Present: Michael Cornale, Richard Kiefer, Richard Runyon, William Flott, Gerald Earing and Joan Huisman.

Members Absent: Connie Casey

Business:

Case ZT-3-17 - County Board of Livingston County

This is the continuation of the recess review of a zoning case that pertains to the review of an application for zoning text amendments to Chapter 56, Zoning, Code of Ordinances, Livingston County, Illinois, which focuses on the most recent considerations for amending the Livingston County wind energy regulations. Proposed text amendments are to Sec. 56.1- General Definitions to add the definition of Hearing Facilitator, are to Article VIII, Wind Energy, Code of Ordinances, Livingston County, Illinois, and to Sec 692-Procedures-9b.

Livingston County Chair Joan Huisman made an opening statement that she planned to keep everything in check at this meeting, apologizing to Mr. Holt about using the reference of being in the hot seat. Joan Huisman related that persons speaking would need to get close to the microphone to seat, therefore needing to sit near the zoning board of appeals, instead of speaking from the back of the room. Joan Huisman, then noted that she had asked State's Attorney Randy Yedinak, Bob Young and whatever attorney that would representing the zoning board to meet and discuss the procedures of how this hearing should be conducted by, and how all needed to work together so that a good record is made for a proper decision to made for the county. Joan Huisman then explained that Tom Blakeman would review the process to relieve tension between the zoning board members and the county board members with everyone understanding what their roles are, and that everyone is just doing their jobs. This meeting did take place and we are working on it. Chair Huisman also noted that she had brought up the issue that Mr. Flott had been on the County Board for a number of years and that there could be the perception that he is not impartial, only acting on the evidence presented, while she acknowledged that Mr. Flott has a lot of background on this matter, which can be helpful or appear to be impartial. Chair Huisman then stated that with Randy Yedinak's , Bob Young's, and Tom Blakeman's input, they all felt that Mr. Flott can be impartial since he did not have anything to do with the text amendment before the zoning board. Chair Huisman noted that she thought an easy way around this would be for Mr. Flott to recuse himself, and they do not feel that is necessary. So we will move forward with Mr. Flott sitting and hearing and acting accordingly on the evidence presented. Mr. Huisman then explained that we will

start this evening's part of the hearing with where we had left with Mr. Holt still being available to testify. Chair Huisman then noted this text amendment being a little confusing in that a text amendment had been reviewed in recent months and acted upon, so they were given tonight from the zoning administrator the actions taken on the last text amendment. So hopefully this helps clear up any questions of where we are at and why we are here.

Roll was then taken.

Mr. Schopp commented that had distributed copies of the Livingston County Board of Appeals Findings of Fact and Recommendation and a copy of the ordinance in which the county board approved ZT-3-16. Including the regulations resulting from that text amendment.

Attorney Tom Blakeman representing the Livingston County Zoning Board of Appeals on procedural guideline matters. Mr. Blakeman noted that the zoning text amendment is question is being proposed by the Livingston County Board as the applicant. In order to act on the request a public hearing must be conducted by the zoning board of appeals. He stated that a copy of the text amendment may be submitted to the Livingston County Planning Commission for their review and recommendation, of which the ZBA may use as part of their guide as a recommendation to the county board. The planning commission has review this mater and their recommendation will be part of these review proceedings. A concurring vote of 4 members is need for the ZBA to make a recommendation to the county board. The ZBA has authority to recommend changes to the proposed text amendment; any proposed changes are not binding to the county board, with the county board ultimately to approve the zoning text amendment. Mr. Blakeman noted that the hearing began on June 8, 2017 being recessed to reconvene this evening. Additional hearing dates will be scheduled at the direction of the ZBA and announce at the end of meeting. The chairperson of the ZBA presides at these meetings with the authority to control and proceedings and may set limits on testimony and the scheduling of witnesses to conduct the hearing in an orderly manner. The ZBA is not limited to the strict rules of evidence, and they may question a witness at any time. The ZBA may exclude irrelevant or repetitious testimony and any other testimony or evidence that the chair does not find pertinent to the proceedings. The ZBA also requested that any evidence be presented by a party. The order of proceedings is that The County will make their presentation followed by other units of government, followed by parties represented by an attorney and then parties not represented by an attorney. After the parties have testified that shall be cross examined in the following order, noting that witnesses must be sworn and subject to cross examination. The order of cross examination is the ZBA, units of local government, interested parties represented by an attorney, other interested parties not represented by an attorney and finally by the county as the applicant. No redirect or cross examination is to take place. The chair of the ZBA has the right to intervene if any inappropriate cross examination is taking place. Evidence can be in form of testimony and/or exhibits. If exhibits are to be produced, if possible ten copies should be made available, so that the ZBA, the county and attorneys can have copies. If possible the exhibits should be marked to be properly identified in the record. After the testimony and cross examination is concluded the county staff will make a brief presentation, including publication notices. Thereafter, brief closing arguments will be allowed by those that testified, with attorneys making the closing argument for those that they represented. The order of closing statements shall be the applicant, units of government, parties represented by attorneys, and then other interested parties not represented by an attorney. No new evidence can be introduced during the closing statement, and after the closing statements have been completed the ZBA will close the hearing and debate on the proposed text amendment. The ZBA shall report their findings and recommendation to the county

board, which may cause an ordinance to be drafted for consideration by the county board. The ZBA recommendation may be with or without changes. The recommendation of the ZBA is only a recommendation for the county board for their consideration. In the event that no ZBA practice, Roberts Rule of Order will be used regarding any points of order. No court reporter is being used; the zoning administrator is the secretary of the ZBA and is responsible for keeping minutes of the proceedings and a record. If case of appeal the record will be transcribed and kept by the secretary and provided to the party appealing the decisions.

Chair Huisman proceeded with Daryl Holt, noting he had previously been sworn. Mr. Holt noted that in February the AG and Zoning Committee recommended to the county board that outside counsel be hired, with this outside counsel being hired being, Heyl – Royster, and John Redlingshafer of Heyl-Royster is presented at this meeting, and Mr. Holt turned it over to him. Mr. Redlingshafer was then sworn. John Redlingshafer, 300 Hamilton Boulevard, Peoria is his office address. Mr. Redlingshafer, thanked the zoning board of appeals for an opportunity to speak before them, and he noted how his law firm had been contacted for their involvement. Mr. Redlingshafer noted that thought and deliberation had gone into this as he has seen from his work in this. He noted that the careful consideration of the Agriculture, Zoning and Emergency Services Committee in preparing this text amendment, respecting the ZBA procedures and protocols. We are present to provide spoken evidence and documents to make a decision. Mr. Redlingshafer noted the seven townships with unique characteristics, and they also voted in favor of a setback in that area. The Agriculture and Zoning Committee in March gathered not to only approve the WECS ordinance plus changes to seven townships. On advice of counsel certain substantive changes were recommended because while approving substantial changes previously recommended by the ZBA, this committee thought more should be carved out, after considerable debate and discussion. Mr. Redlingshafer did anticipate while a text amendment, that upon his advice, this amendment affects seven townships as part of the whole as opposed a map amendment affecting limited parcels. Mr. Redlingshafer noted that differing setback distances would be discussed, and it was his recommendation to proceed with a text amendment. Secondly, questions on spot zoning were mentioned by Mr. Redlingshafer, and he does not believe that this proposal is spot zoning. It is the accumulation of countless months and years and balancing recommendations of the zoning board of appeals, interested citizens and the county board. Countless positions for an area of a diverse county that requires additions attention.

Mr. Redlingshafer then asked that would like to call Mr. Holt back for questioning for additional testimony. Mr. Redlingshafer then questioned Mr. Holt, with Mr. Holt confirming that he is the chair of the Agriculture, Zoning and Emergency Services committee, and that at the March 2017; this committee deliberated the changes proposed in this text amendment. Mr. Holt then noted that the county board had agreed with 38 of the 46 proposed changes made by the zoning board of appeals, from their review of the previous WECS text amendment. Because a lot of the proposed changes were something not thought of or was better than the proposed. Mr. Holt then related that the committee felt that these five text amendment areas needed to be further reviewed. Mr. Redlingshafer began questioning Mr. Holt again, as to counsel recommending the proposed substantive changes needed to go back through the ZBA review process, of which Mr. Holt agreed. Then relating to the first change of adding the definition of hearing facilitator, Mr. Holt then commented on the committee's thoughts on the hearing facilitator. Mr. Holt noted that Mr. Walters and Mr. Cornale had done good jobs as acting ZBA chairman during previous hearings on WECS proposals, but that the committee thinks they asking them to do two jobs, one to run a meeting and also asking questions and making decisions, so the committee thought that it would help to have

someone run a meeting. Mr. Holt noted the mention of a Hearing officer in the Illinois Compiled Statutes with the hearing officer is a person that runs the whole show, and the committee did not want that, they wanted the ZBA to be involved with them making a recommendation. So they wanted a person to handle the meeting, a hearing facilitator. The hearing facilitator should have a legal background and take some of the load off of the ZBA, while helping the process. Mr. Redlingshafer asked Mr. Holt to clarify that the hearing facilitator would not circumvent the process at all; similar to what Mr. Blakeman is doing. Mr. Holt noted it would be similar to what Mr. Blakeman and Mrs. Huisman is doing this evening. Mr. Redlingshafer then asked Mr. Holt to confirm that the language distinguishing this as an option to use a hearing facilitator, of which Mr. Holt agreed to. Mr. Holt then confirmed that the hearing facilitator would not vote. Mr. Redlingshafer then moved onto the proposed WECS amendments being proposed. Mr. Holt confirmed that along with the minor grammatical changes more substantial changes are being proposed as such as to setbacks, right of way issues, shifting tower basis. Mr. Redlingshafer then noted the proposed setbacks under Sections 56-618, and how these setbacks may affect Round Grove, Dwight, Nevada, Broughton, Union, Odell and Sullivan Townships, with Mr. Holt reading that the proposed setbacks from a Primary Structure in these townships be, 3.75 times the height of the tower or 1600 feet whichever is greater. Mr. Holt then noted the words at least be added before the 3.75, the 1600 and the 3250. Mr. Redlingshafer then moved into the part of the committees deliberation of the concept that pertained to the referendum results, while the committee also discussed other issues relating to this proposed text amendment. Mr. Holt related that other considerations were that other wind mill companies are developing in the area, and that when they asked for the referendum they did not know how it would turn out. As it happened the referendum reflects a cluster area, not a checkerboard area, which may allow for development. Mr. Holt then noted that the Cayuga ridge has as wind resource, and that area has less housing density and the ground is not the best, being a less productive soil, so WECS development could economically be beneficial to the farmers in the area. Mr. Redlingshafer then noted the eighth township voting in favor of lesser setbacks as part of the referendum. Mr. Holt confirmed that it is located in a different corner of the county, with better soils and more dense development. And he did not feel they should be part of this ordinance since that township is separated from the other townships under discussion. Mr. Redlingshafer then noted the proposed setbacks from adjacent property lines under h 3 are being considered. The proposed adjacent property line setback of 1.375 times the height of the tower was stated. Mr. Holt then commented about how it has been taken into consideration that the setbacks in theory could vary with the adjoining townships of which would maintain the 3250 foot setbacks, so that the adjoining townships are not infringed upon. Mr. Redlingshafer then referred to h 9, regarding setbacks from transmission poles and above ground transmission lines with a new approval clause by proper government, township, county or state. Mr. Redlingshafer inquired of Mr. Holt as to if this was in regard to public safety and welfare, of which Mr. Holt agreed relating to his observations of existing power lines. Then Mr. Redlingshafer moved forward to n to a section that would affect the entire county, in which it allows for a turbine siting to move up to 100 feet, of which Mr. Holt confirmed, with the reason being the base of the tower being approximately 60 feet and it moved only 50 feet it may resolve closeness to tiles and issues, and he noted the noise level consideration, while the minimum setback distance from a home should be maintained. Mr. Redlingshafer then noted the proposed Sec. 56-620 setback language change regarding noise levels and setbacks regarding local points of measurement. Mr. Holt agreed that this was just a clarification of what was being expressed in this section. Mr. Redlingshafer then noted clarifications of Applicant and Owner or Operator proposed text amendment language. Mr. Redlingshafer concluded with Mr. Holt.

Mr. Blakeman suggested that Mr. Holt could be cross examined now and that they wait to cross examine Mr. Redlingshafer after he concludes his presentation. Chair Huisman then began questioning Mr. Holt, beginning with questions on Reading Township being township number 8 voting for lesser setbacks, and that this township was not included for reasons given, but what did Mr. Holt mean about how they can get them if they want them. Mr. Holt noted that they could put wind mills with some permits. Chair Huisman inquired about how they she believes the text amendment excludes Reading Township to allow for the regulations to apply to them as it reads now. Mr. Holt then related that the board would need to change the regulations, and that it does not work well with developing that area as one township, and he questioned as to how much interest there would be in developing one township, unless it would be part of a development in another township. Mr. Holt commented that they were not included in that they were one township with more dense population, and including them he questions the benefit. Mr. Holt related that he had discussed with the township supervisor explaining that it is an isolated township. Chair Huisman then questioned about the soil in the seven townships being less productive soil, Mr. Holt that Chuck would cover that area, though his personal experience indicates it is less productive. Chair Huisman then inquired about how the hear facilitator would apply only to wind farms and solar farms, as Mr. Holt mentioned. She question the placement in the general definitions in the regulations would affect all zoning. Mr. Redlingshafer said that Chuck could address that area.

Then ZBA member Michael Cornale asked Mr. Holt about if the current ordinance would allow wind turbines at 1600 feet, with Mr. Holt noting that the current ordinance has a setback distance of 3250 feet. Mr. Cornale then asked Mr. Schopp as to if the current ordinance allows waivers, Mr. Redlingshafer said that Chuck could address this also. Mr. Cornale and Chair Huisman then expressed their thoughts on the importance of this waiver text language, that would allow the 1600 foot setback distance. Mr. Holt indicated that he is familiar with the waiver text language, but he feels that serves as business decision between land owners and a wind farm company of which he would stay away from. Mr. Holt related that he prefers a minimum setback of 1600 feet, while referring to waivers to property lines and public roads. Mr. Cornale then asked if Mr. Holt agreed that the waivers would allow for the property owner forfeit their rights to property values nuisance concerns or negative health effects, of which Mr. Holt said he would agree with that statement. Mr. Cornale then inquired about the 1640 setback distance; Mr. Holt said that Chuck would present something. Mr. Cornale then asked about 1640 and ease of development in the seven townships, and is Mr. Holt aware of testimony from Mr. Massie that with the current ordinance it is not impossible to develop, it makes it more difficult, of which Mr. Holt replied that he is aware of that testimony. Chair Huisman then asked Mr. Holt about changing the siting allowance from 50 feet to 100 feet in regard to the width of a turbine base and as to if that is from a specific turbine or were did that come from. Mr. Holt said that Chuck would present that. ZBA member Richard Kiefer inquired as to if the committee had any consideration about Nebraska and Waldo townships with existing wind turbines, and with the vote no, how would a proposed expansion be handled. Mr. Holt replied that was not discussed. To Mr. Holt, but since the township saying they want the setback at 3250 it may be hard to expand the existing sites. Mr. Kiefer then confirmed that the waiver language does come into play with those two townships.

A question was asked by Mayte Callegas, 27575 E – 3000 North Rd. Dwight, as why if the interest is in the Cayuga Ridge area, why can't that be specified within the changes. Mr. Holt responded that this area has Cayuga Ridge in it and that Cayuga Ridge has a greater wind velocity. Mayte Callegas the asked if the push to change the regulations being based on the referendum of she considers an opinion poll, and it was not an overwhelming yes vote, so is there another reason for this text amendment push. Mr. Holt said it would help farmers. Mayte Callegas questioned as to if it would detract from other development in the area. Mr. Holt gave his opinion that he did not think so, but is aware past testimony that said otherwise. Mayte Callegas inquired again about how wind turbines could affect area development. Mr. Holt remarked that he does not like wind turbines as others, but they are a form of economic development. Mr. Holt stated that he is irritated when sees that they are not running. Mayte Callegas then inquired about the definition of a primary structure. Mr. Holt said it was a house. The placement of the primary structure definition was explained.

John Vitzthum, 24313 E - 1800 North Rd., Pontiac, inquired about the comment of Mr. Holt about less density areas being mentioned and as to how the setback area would affect that. Mr. Holt said it gave room to develop. Mr. Vitzthum then related then the bigger setback should be okay protecting those that do not want them, with waiver protecting others. Mr. Holt commented that with an area of 3250 foot setback, and he was not aware of areas that do not have residential development with square miles. Mr. Vitzthum inquired what the process of protection would be for people that do not want them that close. Mr. Redlingshafer inquired about the latitude of questioning. Chair Huisman stated that she felt Mr. Vitzthum was within latitude given statements made by Mr. Holt. Mr. Vitzthum restated his question as to why change regulations if the waiver option is still an option. Mr. Holt stated he personally does not like the waiver as it can serve as way to buy rights, and if you are concerned with health concerns then stay with an appropriate setback. Mr. Vitzthum asked Mr. Holt how many wind mills meeting Mr. Holt had attended. Mr. Holt responded that he attended about 37 to 38 meetings. Mr. Redlingshafer questioned the relevance. Chair Huisman then stated if question needs to be answered later it can be.

Judy Campbell, 28816 N – 800 East rd. Manville, asked about how Mr. Holt assists a farmer, of which Mr. Holt confirmed. Mrs. Campbell inquired about the yields in the areas he farms. Of which Mr. Holt gave a general answer.

Mr. Redlingshafer then apologized for the order of testimony.

Then Charles Schopp, 112 W. Madison St. Pontiac, IL. was sworn in. Mr. Redlingshafer questioned Mr. Schopp, whom stated that one of his jobs is the county planning and zoning administrator. Mr. Redlingshafer asked Mr. Schopp if he worked with the Agriculture, Zoning and Emergency Services Committee of which Mr. Schopp agreed, and that over the course of years he has researched and consulted with that committee.. Mr. Redlingshafer then asked about the referendum ballot, and Mr. Schopp handed out county exhibit number 2 a specimen ballot with the November 8th referendum question regarding the distance of wind turbines from residences. Mr. Redlingshafer asked that Mr. Schopp confirm the information on the draft ballot language, then upon being questioned about what is marked as county exhibit 3 will be copies of the County Clerk's referendum results, of which copies were distributed to the zoning board of appeals members. Mr. Redlingshafer inquired of Mr. Schopp as to if a person could induce that 8 townships voted in favor of 1600 as a distance between wind turbines and residences, and Mr. Schopp confirmed that seven of them as named in ZT-3-17.

Mr. Redlingshafer then inquired about some research done by Mr. Schopp for the committee about feasibility of wind farms, including wind speeds and where areas are more viable for wind. Mr. Redlingshafer then introduced county exhibit 4, a copy of a wind resource map. Mr. Schopp then explained what this wind map depicted, with area in question, the seven townships in the zoning application, having higher wind speeds being measured. Mr. Redlingshafer then asked if being on ridge would be a factor in the wind speeds, of which Mr. Schopp agreed with. Mr. Redlingshafer then address a ridge map, county exhibit 5 a copy of the Livingston County Hazard mitigation plan indicating a ridge. Mr. Schopp related that the dark line on this map depicts the Cayuga Ridge. Mr. Redlingshafer then asked about the Ridge in relation to a moraine, of which Mr. Schopp commented about. At this point county exhibit 6 was handed out, and Mr. Schopp explained that basically this map is a Moraine Map taken from an application for a landfill siting in Livingston County, and he commented on this map. Mr. Redlingshafer then switched to county exhibit 7, Livingston County Soil Survey information. Mr. Redlingshafer questioned about the soil survey copies presented to the zoning board members. Mr. Schopp commented about the soil legend, and Mr. Redlingshafer asked about the productivity depicted on the map. Mr. Redlingshafer and Mr. Schopp further commented on the soil group classifications. Mr. Redlingshafer then asked that county exhibit 8 be distributed, County Clerk information relating to density. Mr. Schopp explained that this information came from a recent County Clerk yearbook, and this is being used as an exhibit in that it shows US census information in a concise format, that separates the corporate and total population. Mr. Redlingshafer asked about the data that the area has less density, and Mr. Schopp indicated that breaking out the rural areas from the incorporated areas you can note the less dense rural areas, in comparison to other parts of the county. Mr. Redlingshafer then introduced county exhibit 9 a map that Mr. Schopp constructed which shows the text amendment subject area in comparison to and in between the wind farms built in Livingston and Ford counties. Mr. Redlingshafer then had exhibit 12 be provided to the board, a copy of a turbine foundation plan. Mr. Schopp explained that this foundation plan is from the Pleasant Ridge application and it is a document from that application that depicts a typical foundation plan for a wind turbine. Mr. Schopp pointed out that this exhibit shows that a planned tower foundation can be 54 feet wide. Mr. Redlingshafer inquired and Mr. Schopp confirmed that this width is a reason why the county is asking for an increase in this turbine movement up to 100 feet. Mr. Redlingshafer then referred to Mr. Schopp's report, marked as County Exhibit 1 and it was distributed. Mr. Schopp then confirmed that he prepares such reports for cases reviewed by the zoning board of appeals as a normal operations procedure to inform them what is happening before the meeting. Mr. Redlingshafer then asked that in part this report was prepared through Mr. Schopp working with the AG & Zoning Committee, and being present at the a March 28, 2017 meeting of that committee, of which Mr. Schopp confirmed. Mr. Schopp confirmed that this is a collaboration of different inputs, through the committee. Mr. Redlingshafer then asked about health safety and welfare issues in general, as an introduction to county exhibit 11, a Nordex Safety sheet, which was distributed to the zoning board of appeals members. Mr. Schopp explained that this was part of the Pleasant Ridge zoning case review, in which it was used regarding safety distances from turbines. In this case it is a Nordex Turbine document which indicates a safety area of 500 meters, and the next two pages show the meters being converted into feet, with the 500 meters converting into 1640 feet. Mr. Schopp that his testimony has nothing to do with Pleasant Ridge, just that this exhibit serves as an example.

Chair Huisman inquired about county exhibit 10 of which she did not have. This County Exhibit 10 is a copy of the Livingston County Regional Planning Commission minutes, with notes on the draft language change, and copies were handed out to the zoning board members.

Mr. Redlingshafer asked Mr. Schopp that these minutes are from the June 2017 regional planning commission meeting and prepared by Mr. Schopp., of which Mr. Schopp confirmed. At the request of Mr. Redlingshafer Mr. Schopp summarized these minutes, including the back page of the document of recommended changes made by the Livingston County Regional Planning Commission minutes. Mr. Schopp reviewed the three proposed changes as outlined on the last page of this exhibit 11 as an attempt to clarify the intent of the proposed draft language. Mr. Redlingshafer then asked and Mr. Schopp confirmed that these area just a recommendation from the Planning Commission. Mr. Redlingshafer then moved to the topic of hearing facilitator asking Mr. Schopp to offer thought to the definition of hearing facilitator and why it was added to the General Definitions. Mr. Schopp explained that it had been pointed out that it had been approved in the previous text amendment, but that it had not been incorporated into the actual procedures. So the report document, it was Mr. Schopp's idea that it should be placed in the general definitions and special use review section of the regulations to formally incorporate the use of a hearing facilitator in the special use hearings. Mr. Schopp expressed that it did not hurt to put the definitions to help clarify the matter. Then in regard to the special use procedures proposed language the hearing facilitator would only be for wind energy systems. The hearing facilitator would only be for wind farm special use applications, not for solar farms. The solar farm reference in this section is cleaning up the previously approved solar farm regulations, and the hearing facilitator does not apply to the review of solar farms. Mr. Redlingshafer that asked if it simply provides a definition at the beginning since it is mentioned in beginning since it is mentioned in the general procedures section of the zoning regulations, of which Mr. Schopp confirmed. Mr. Redlingshafer asked and Mr. Schopp confirmed that this is not changing any other special use cases.

Mr. Schopp was then questioned. Mr. Cornale asked about if under the current ordinance would wind farm development be allowed at 1600 feet. Mr. Schopp agreed that wind farm development would be allowed at 1600 feet. Mr. Cornale asked if the waivers would allow for the property owners to waive their rights regarding reduced property values, nuisance concerns and negative effects. Mr. Schopp said that would be a possibility. Mr. Cornale asked if it would be impossible to gather the waivers for this purpose. Mr. Schopp had no opinion as to if this would be possible or impossible. Mr. Cornale then asked Mr. Schopp as the zoning administrator if he believes in his professional and ethical opinion are sound zoning decisions based on popularity or by following a process in a local zoning ordinance that can consider overall use of land, impacts on surrounding property uses, people and entities. Mr. Schopp agreed with the second part of the statement made by Mr. Cornale. Then Mr. Cornale was asked to repeat his question of which he did, and Mr. Schopp agreed with the second part of the question after the or, and Mr. Schopp confirmed that zoning decisions should not be made on popularity. Mr. Cornale then asked if there was any language in Comprehensive Plan 2020, that asks for a ballot question or a referendum to make a zoning decision. Mr. Schopp answered to the best of his knowledge that no such language existed in the comprehensive plan. Mr. Cornale asked if as the zoning administrator what are the goals associated with agricultural land. Mr. Schopp replied it would be easier to answer with a copy of the comprehensive plan, but it is basically the preservation of high quality agricultural land. Mr. Cornale asked as to if any statements are made in the comprehensive plan that would mandate that wind turbines be built in an agriculture footprint. Mr. Schopp answered there are no mandates that wind turbines be built in an agricultural footprint. Mr. Cornale asked that the question posed on the ballot was a non-binding referendum, of which Mr. Schopp agreed so to the best of his knowledge, agreeing it was not a mandate, but as an advisory referendum. As Mr. Cornale looked at the soil map the Ag and zoning committee made the decision because the soil is poor, and in looking at the color yellow, would Mr. Schopp agree that color is over half of the map.

Mr. Schopp agreed that is a large portion of the map. So Mr. Cornale asked in taking that into consideration more than those seven townships should be developed with wind turbines. Mr. Schopp agreed that more than seven townships had those soil classifications. Mr. Cornale then asked about the county clerk and the density calculations, inquiring about the unincorporated portion for looking at the density. Mr. Schopp related in using the exhibit that some incorporated areas have a higher densities, so his reference was to the census data provide for incorporated area versus unincorporated area. So it said that those areas had less density. Mr. Cornale then asked on that same premise were the votes broken out, of which Mr. Schopp replied that he did break out the votes. Mr. Cornale then related that someone in a community could be voting for something to negatively effect and land owner. Mr. Schopp state that someone living in a community like Dwight could vote on the matter affecting the unincorporated area. Mr. Cornale asked if these changes follow the recommendation of the ad hoc committee. Mr. Schopp did not remember, but this second text amendment came after the ad hoc committee had dissolved. Mr. Cornale then commented on the first text amendment from the ad hoc committee process, and the second text amendment based on the Ag and zoning committee's intention. Mr. Schopp noted that through the ad hoc committee and thereafter the Ag and Zoning Committee was always open for input and comments. Mr. Cornale then referred to county exhibit 11, the Nordex document. Mr. Schopp clarified that they area turbine manufacturer. Mr. Cornale asked if we in the county had used Nordex turbines. Mr. Schopp that they had not been used in the county. Mr. Cornale asked as to what type of turbines have been used in the county, Mr. Schopp said Gamesa's. Mr. Cornale asked if GE or Vestas had been used. Mr. Schopp repeated that Gamesa's are used in the county. Mr. Cornale then asked about product information about the 1640 distances, and why are we using Nordex. Mr. Schopp related that it was based on information used before for consistency. Mr. Cornale stressed that we did not have the types of information we utilize. Mr. Schopp indicated it may be available but he did not have it. Mr. Cornale asked in regard to a hearing facilitator, what did Mr. Schopp think about the public involvement during the hearing process. Mr. Schopp responded that he thought it was fairly involved. Mr. Cornale asked about moving forward how does Mr. Schopp think the public should interact. Mr. Schopp expressed he thinks they should be given an opportunity to testify before the board. Mr. Cornale asked about how do you think how persons can remained involved in the process while not feeling intimidated by time restraints and with the legal jargon that may persist with the use of a hearing facilitator. Mr. Schopp replied that it is difficult to predict the future, as to if it is unknowns if time restraints would be in place and that legal jargon has been used in past hearings, and it is hard to answer a comparison from the past to the future. Mr. Cornale then asked about cost and time savings that may be associated with a hearing facilitator, with Mr. Schopp agreeing he could not speak to that. Mr. Cornale inquired about there being no evidence as to the use of a hearing facilitator would expedite the process at all. Mr. Schopp agreed. Mr. Cornale asked if Mr. Schopp is aware of any medical conditions resulting from turbines placed within 1600 feet of a home. Mr. Schopp related that he did not want to get into all the testimony from past hearings having heard both sides. Mr. Cornale repeated his question, and Mr. Schopp as to if he is personally aware or aware from past testimony, that no he is not personally aware of anybody, but as Mr. Cornale he has heard past testimony. Joan Huisman asked that the second part be clarified. Mr. Schopp stated that he has heard the same testimony that they have heard in the past. Chair Huisman asked if that testimony from the past still stands, and Mr. Schopp indicated that he cannot make that judgement for them. Mr. Cornale then asked Mr. Schopp if he is familiar with the hedonic pricing of homes as presented by the LBNL study. Mr. Schopp said he is not familiar as it was phrased, off the top of this head. Mr. Cornale asked if he was familiar with the hedonic model study from the Berkley lab. Mr. Schopp said he is familiar with that model. Mr. Cornale asked what are we basing protecting home values within 1600 feet.

Mr. Schopp related that we sat thru a series of hearings on wind farm issues with testimony on both sides of the issues and that it is an extremely hard thing to determine. Mr. Cornale asked him if he that that the Hoen study was a key component of Invenergy, with Mr. Schopp agreeing that they presented evidence to it. Mr. Cornale then asked about the LBNL August 2103 study on page 32 states the further that inside a half mile the coefficients are more negative and less positive than their between a half and one mile counterparts, perhaps suggestive to a small property value impact very close to turbines. Mr. Schopp related that he is not familiar with that statement or the context of the statement. Mr. Cornale gave it to Mr. Schopp, looking at Page 32, highlighted area. Mr. Cornale asked why this statement is not be used in our determination as part of the comprehensive ordinance regarding values and enjoyment of adjacent land owners. Mr. Schopp state he would want to go through it to gain the context instead of just commenting on the one sentence. Mr. Cornale and Mr. Schopp agreed that Mr. Schopp had a copy and they agreed to leave the question open. Mr. Redlingshafer asked if this would be entered as an exhibit, discussion on how it could be entered as an exhibit took place, it was clarified that this document is Pleasant Ridge Exhibit 36, from a previous hearing.

Joan Huisman then noted she will hold off on asking questions now, but may have some for Mr. Redlingshafer. UCLC 13 – is exhibit for the comprehensive plan.

Chair Huisman asked that county exhibit 9 be clarified, with Mr. Schopp then replying that the gap between the dark lines on this map shows townships in this map, mainly Broughton and Sullivan townships.

Zoning Board member Bill Flott asked about Mr. Schopp's professional opinion as to if WECS companies would be interested in developing areas under the current ordinance or do most companies look for areas where the ordinance is less restrictive. Mr. Schopp said he cannot speak for companies, that is it possible they would look for areas easier to develop, and that they probably look at all of the factors.

Chair Huisman, asked about the exhibit indicating 1640 feet as a safe distance. Mr. Schopp stated he was seeking continuity from information provided before, to show the figure was not pulled out of the air, and using a past document showed some continuity. Mr. Schopp agreed it came from a safety manual, and that he would need to revisit the hearing transcript to provide the context of this documents use. Chair Huisman then asked in regard to exhibit 10 the planning commission June 5th meeting minutes, and as to if these minutes had been approved, of which Mr. Schopp replied that these have not been approved they are in draft form. Chair Huisman wanted to know when they would meet again in that she wanted to know if they have any additions or changes. Mr. Schopp indicated that their next scheduled meeting is August 7th. Chair Huisman then asked if the productivity of the soil was all based on soil type, as she related as she drives through their every day she believes they are less dependent on the ground as they are closer to the development and more opportunities for employment, while the areas in the southeast and southwest areas of the county are more dependent on farm income. So did anyone look at the income to support families as true dollars and cents? Mr. Schopp answered that he only looked at soil types, not at the taxing factors etc. But similar soil types would be similar taxed. Chair Huisman was trying to clarifying the fourth point. Mr. Schopp referred back the soil survey exhibit that shows soils with lower productivity, yes other areas has this soil, but Cayuga ridge has a lower productivity soil, and people farming the area could discuss with her. Chair Huisman then question soil productivity and income, and that more soil types should be considered. Mr. Schopp said he just looked at the soil types.

Chair Huisman ask in Mr. Schopp's opinion what is the driving factor for this suggested amendment, and in using the order of the numbered reason in his report and with the reference to the referendum being mentioned first is it the most important factor. Mr. Schopp related that the referendum is part of it but you need to look at the uniqueness of everything put together to drive the whole thing. Chair Huisman went to question on the turbine placement being moved from 50 feet to 100 feet being a material change, and what changes would not be considered material and she needs to revisit this area, questioning if moving it 100 feet would not be a material change. Mr. Schopp agreed that yes it moving it 100 feet would not be considered a material change. She will look back and refresh herself on why it is at 50. The 54 foot turbine pad was then discussed, as a clarification, with Mr. Schopp noting a past condition had the distance at 200 feet so the 100 feet is a reduction from that distance, and it had not been in the ordinance originally. Chair Huisman inquired about the 1600 being a highlighted proposed distance change but 1640 is being used as the distance. Mr. Schopp explained that the 1600 foot was the wording in the referendum and the 1640 is for consistency in the safety sheet, and he is comfortable with it being 1640. Board member Richard Runyon asked that after this became the rule would there be a need for future hearings, when we are done approving ordinance changes. Mr. Schopp answered that he could not predict the future, as wind energy is a changing energy. Chair Huisman asked to clarify the question as to if it would include special use requests for a wind farm. Mr. Schopp related that if the text amendment currently being discussed is approved there is a possibility that a special use may be filed requiring a hearing, because someone could make an application. Mr. Blakeman asked to clarify as to if any more text amendments may be pending. Mr. Schopp replied that he is not aware of any more planned text amendments, but that this has been a frustrating issue for a number of years and we do not know what may happen tomorrow, and that none are planned. Mr. Kiefer inquired about a hearing over the 1640 and who may bring that application. Mr. Schopp explained that some of the land that was part of the considered K4 project in that area is still being leased. So depending on a lot of variables an application could be filed. But, it may not be filed do to business factors, but as leased land it could happen.

Mr. Blakeman noted that Chuck would be back to answer questions pending a review of documents. So he making it sure that we are leaving it open to ask Chuck questions, and Mr. Blakeman questioned if more information could be presented. Chair Huisman and Mr. Blakeman discussed this issue, with Chair Huisman's thought that if no more testimony is planned now then only questions could be asked. Mr. Schopp related that he planned to answer questions on information in the study, instead of the one sentence. So can more data be brought forward, which then could be questioned. Mr. Schopp wants to put his answer into the context of the document. Since it is a new area Mr. Blakeman wanted to clarify the situation. Chair Huisman would be open to more testimony as long as everyone has an opportunity to work on. Mr. Cornale pointed out that it can be significant portion of their decision regarding the negative impacts on property value. Mr. Blakeman then clarified with Chair Huisman that the question could be answered and supplemental information could be presented. Zoning Board member Bill Flott asked if they were speaking for the whole board, and Mr. Blakeman replied that as the Chair of the zoning board can make those calls. Mr. Flott said he does not want to hear any more of the studies. Chair Huisman remarked we had not heard about those studies as part of this text amendment review. Mr. Flott said he heard the one sentence. Chair Huisman then clarified that yes question can be answered and more testimony can be made. Mr. Redlingshafer asked if it would good to end at this point depending on the time and the point of testimony.

A discussion took place on recessing this meeting and potential dates to meet. This discussion was in part in regard to regular meeting needs to be addressed. Availability for meeting dates was discussed. August 3 was discussed as a date to recess to, August 10th date had conflicts. A discussion on moving the August 10th. meeting to August 3rd. A need for specific dates was noted. Use of the 3rd as a regular meeting was discussed. Mr. Schopp said that he can scramble and make it happen. County Board Chair Bob Young informed the zoning board that he has been in contact with Connie Casey and she has conflicts and he will be bringing a new ZBA member to the county board this month. A potential to move the September meeting to the 31st of August. With this issue being discussed on the 31st.

Mr. Cornale moved, seconded by Richard Runyon, to recess this zoning case to August 31st, 2017 at 7:00 pm.

This motion was approved by a voice vote of all ayes.

This meeting was recessed at 9:50 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Charles T. Schopp, Secretary
Livingston County Regional
Planning Commission