

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.

August 31, 2017

The meeting came to order and roll call was taken.

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

Members Absent: None

Mr. Blackard was greeted as a new member of the zoning board of appeals.

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.

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Chair Huisman chose to start back into where they were at with Mr. Cornale asking questions of Mr. Schopp. Mr. Cornale then spoke asking a procedural question of Chuck being the secretary but in this instance also acting as a witness, believing that a conflict exists that should be addressed. Since he prepares the minutes. Mr. Blakeman asked if a separate secretary would be needed, of which Mr. Cornale remarked that they are left with no option. Mr. Blakeman asked if it would someone else from the county. Mr. Cornale said procedurally it would need to be someone else that they approve. Mr. Blakeman stated that the rules do not address a secretary pro tem. Mr. Cornale said that generally the zoning administrator just presents the case with facts and not opinions. Mr. Cornale was concerned about minutes be biased to Mr. Schopp's opinion. Mr. Blakeman noted they are submitted for the board's approval and they can change anything they find inappropriate. Mr. Cornale then said they may then be expected to go through them with a fine tooth comb. Mr. Blakeman said they have not gone through something like this before. Mr. Cornale agreed that they have not been in this situation, but as Chuck as progressed in his role from zoning administrator to witness a whole new area is crossed that they need to sort through it. Mr. Blakeman said as far as taking minutes, possibly Alina Hartley could serve that purpose. Mr. Cornale commented she would need to be approved. Mr. Blakeman if she is willing to do the minutes. County Board Chair Bob Young noted she is still a county employee. Mr. Cornale asked if she would present any testimony during this case, of which Mr. Blakeman answered no.

Mr. Cornale indicated that Mr. Schopp had significantly changed roles by presenting testimony, instead of simply facts, and takes notes. Chair Huisman agreed with a question to why Chuck and why not someone else. Mr. Redlingshafer noted that Mr. Schopp's opinions are coming from questions from the zoning board members, as he is looking at the exhibits introduced with facts on the documents, and that they thought Chuck was most qualified to introduce that evidence. Zoning Board member Gerald Earing asked if the same situation existed at Prairie Central. Mr. Cornale said he acted as secretary at those hearings, but did not present testimony, nor took questioning. Mr. Blakeman noted that a court reporter was at the wind farm siting hearing in Fairbury, but with text amendments the secretary compiles minutes, so therefore in this case is there a conflict. Mr. Blakeman gave his take on this as it is not a conflict, but if so Alina can be used, because no other ZBA members are in position to do so. Mr. Cornale agreed on the ZBA members not being in position to do so, with him further commenting that in trying to bring up the new member up on the information, all the new information to the new member is being presented to him by someone who presented testimony. Mr. Blakeman noted that members miss meetings and they can review minutes and exhibits. Mr. Cornale that no such minutes exist at this point. Mr. Blakeman noted it is a procedural matter with the ZBA. Chair Huisman agreed with Mr. Cornale that this is an unusual situation with the zoning administrator presenting testimony, so it is up to the ZBA to see how they all feel about it, and do they want to take the time to review the minutes in detail on their own time, unless they want to do it on the record at a hearing, which is her preferred way to address them. Zoning Board member Richard Kiefer asked if it would only be the minutes of which Chuck has given testimony. Chair Huisman did not know how to separate them out, and that tapes would need to be available to make sure memories are correct and accurate, to put into writing. So tapes may need to be reviewed so no slant is made in the minutes. Mr. Blakeman asked if the perceived conflict would last beyond Chuck's testimony, what about subsequent witnesses. Mr. Cornale's perception was that the conflict would continue, with his bias being established and presented an opinion then the bias exists and the minutes could be spun to the bias. Zoning Board member Bill Flott related that he thought Chuck was a professional and that he can handle it and it is much to do about nothing. Mr. Kiefer is not in favor of going through the minutes, so if someone wants to take minutes while he is testifying that is okay, but Chuck could continue after that. Chair Huisman mentioned minutes as a summary, and she questioned the flow as they are general and they may not be clear, and she believes the only way to make this work would be to review all minutes. Mr. Kiefer noted if someone else takes minutes during his testimony would that suffice. Chair Huisman assumed that Chuck reviews the tapes for his minutes. Mr. Blakeman noted that the tapes would be available to other parties. Mr. Schopp remarked that he uses his notes and the tapes both, generally minutes are in the general chronological order of the meeting, not always using specific names. Chair Huisman said if they are to change horses to only have one person doing them, such as Alina, without going back and forth now would be the time instead of switching going forward, and then review the minutes as always without having to go through them with a fine tooth comb. Mr. Redlingshafer expressed that Chuck is a professional and would do a good job. Mr. Blakeman noted he could not assign Alina, but with the County Board chair present he can express his thought. Mr. Blakeman noted that Alina takes minutes for several other meetings and is capable of doing these minutes. County Board Chair Bob Young echoed Mr. Flott's opinion that Chuck is a professional and he has the experience of writing such minutes, and asking Alina is asking a lot of her to thrust into the role. Mr. Young does not see a problem in that with any minutes including their committee minutes people can say things with opinions, which can be reviewed. Mr. Young does not think it is fair to change like this. Possibly it could have been addressed if it had been brought up at the beginning. Mr. Cornale related that in no other situation has Chuck presented evidence and opinion and that is the difference.

Chair Huisman noted that she inquired at the first meeting who was the testifying, Chuck or someone else of which was not clear at the time. Chair Huisman with her personal opinion she was comfortable with Chuck taking the minutes and providing testimony, and they will go through the minutes in detail even if it takes extra meetings with the tapes available, though it may be a weight off of Chuck to have someone else take minutes. So if Chuck continues on she would like for the zoning board to review the minutes together and maybe there would not be an issue, but if so it would be dispelled. So she asked as to if the zoning board if they are comfortable with that. Mr. Kiefer asked if the minutes would influence the decision they would recommend. Mr. Cornale believed it may with the new member since that would be the only record for those absent. Mr. Blakeman noted the minutes can be reviewed. Of which Chair Huisman would be comfortable with that. Mr. Blackard confirmed that he is the only new member now. Mr. Blackard said he would catch up, by going through minutes asking questions of the zoning board members as needed. Mr. Runyon after coming in late was briefed on the question if Chuck has a conflict. Mr. Runyon noted a potential conflict but they can go over the minutes. Mr. Kiefer is okay with that, and Mr. Earing is okay. Chair Huisman then noted they would need to go over the minutes. Mr. Earing wanted to make sure that they would not lose tonight. Mr. Cornale related that Chuck is a professional but that a conflict exists, and he does not think you can act in dual roles and that it would be a lengthy process going through the minutes, and that *in the* end they may wish someone else took the minutes. Then Chair Huisman noted for the record that she believes there is a conflict but she is comfortable with Chuck continuing, but it will take more time to review the minutes.

Zoning Board member Bill Flott then asked a procedural question, about dual roles, and is Mr. Cornale doing dual roles in presenting an exhibit. Mr. Blakeman noted that the first document mentioned was the comprehensive plan, of Mr. Cornale agreed paraphrasing his question about referendum action being or not being mentioned in the comprehensive plan that could change zoning practices. Mr. Schopp then commented that it was answered no that the comprehensive plan does not reflect that. Chair Huisman asked if the document was being presented. Mr. Blakeman mentioned that he had marked it as exhibit 1. Mr. Cornale noted that it was presented, but Chuck noted in the first meeting and exhibit from previous meetings, of which Mr. Cornale believes it allows all other exhibits and testimony from previous hearings to be allowed in these hearings. Mr. Blakeman noted that those exhibits were presented, the Nordex exhibit and the second exhibit about tower base dimensions, and in his opinion that does not open the door to the entire thing. It would be appropriate to ask questions about those exhibits. Mr. Cornale then related that if those exhibits are allowed then more exhibits should be allowed. Mr. Flott took his question back at this point asking to move on. Mr. Schopp said that the soil survey was used in a different context, and Mr. Cornale may ask to review the tapes in reference to that. Mr. Cornale agreed they should get moving. Mr. Blakeman express his opinion that to go beyond what the exhibits deal with may be inappropriate only questioning what was testified to, but not go into every aspect of previous hearings. Mr. Cornale disagreed with that, in that the scope covered issues to be reviewed like the *detriment* to health, the *detriment* to property values. Mr. Blakeman said that property values are not being considered in this text amendment hearing as they have been in special use hearings. Mr. Cornale noted that past evidence on diminishing value of property closer to a resident is relevant. Mr. Blakeman related that is relevant to a wind farm hearing more than a text amendment hearing. Mr. Blakeman noted that a wind farm ordinance already exists, with the proposed changes just for seven townships. Mr. Cornale noted that setbacks proposed to be changed with those townships could have a negative effect on people's property values and welfare and things a zoning body should consider before making a decision. Mr. Blakeman stated those points are more for a special use review and not a text amendment.

Mr. Cornale said no that in that past testimony of turbines within 1600 could have multiple issues. Mr. Blakeman addressed conflict believing that the zoning board should not be presenting any evidence but reviewing the evidence presented. Chair Huisman related the question as to if one exhibit from a prior hearing is allowed then are all of them allowed. Chair Huisman took that questioned under advisement to allow time for it to be researched and figured out. So questions pending will need to be delayed until that is figured out. Chair Huisman asked Mr. Blakeman if he was concerned about Mr. Cornale bringing things into evidence of which Mr. Blakeman agree he was concerned about. Chair Huisman referred to the Comprehensive plan and to why that was marked as an exhibit. Mr. Blakeman marked it to be properly identified. Chair Huisman noted that the comprehensive plan is a county document and it does need to be an exhibit. Mr. Kiefer said it can be part of the deliberations, and Chair Huisman said it is available to anyone wanting the document. Going back to exhibits and a conversation between Chair Huisman, Tom Blakeman and Mike Cornale, Mr. Cornale clarified that he did not ask for the comprehensive plan to be marked as a an exhibit, and the zoning board of appeals agreed it does not need to be an exhibit as Mr. Runyon related it is a tool they can use to be guided by. Mr. Blakeman then mentioned the property value guarantee report Mr. Cornale had referenced, from a previous hearing. Chair Huisman said that would be addressed as part of the research as to what past exhibits may be accepted. Mr. Runyon asked about how far you can possibly go back. Chair Huisman related that she would look into that as far as documents based on prior decisions, on evidence at those hearings, with the same ordinance section which was just revised is back in front of them to be reviewed for other reasons, so she will review evidence presented at the prior text amendment hearings also. Mr. Schopp then asked if it is allowed to have past exhibits allowed would that allow for the county to also to present additional past exhibits in the future, as rebuttal material. Chair Huisman agreed if allowed additional material could be presented. Mr. Cornale then agreed that his questioning is on hold.

Mr. Schopp was then available for additional questioning. The precise text amendment being considered was explained to Mr. Blackard, as being part of County Exhibit 1 with the proposed amendment being in green. Phil Luetkehans asked about how waivers to setbacks could be part of siting a wind farm, with a variance also being possible. Mr. Schopp agreed that a variance would be allowed. Mr. Luetkehans asked that wind farm companies would have legal ways to reduce the setback, of Mr. Schopp said was correct. Mr. Luetkehans asked if to best of Mr. Schopp's knowledge as to if any Vestas had been built in Livingston County, Mr. Schopp said not to best of his knowledge. Mr. Luetkehans then referenced County Exhibit 1, and the text amendment of which he also had confusion regarding section 56-692 the hearing facilitator language, and he read it to be for any special use the county board intended, though Mr. Schopp said that was not the intend. Mr. Schopp agreed that was not the intent. Mr. Luetkehans looked at ways to make it cleaner, suggesting that the word accept be moved to after the word systems, and that would clean up their concerns. Mr. Luetkehans then asked about the AG opinion sent back to Livingston County in the fall of 2016, of which Mr. Schopp agreed that he had seen. Mr. Luetkehans asked if he agreed that a zoning opinion cannot be based solely on referendums and that we are not doing that here. Mr. Schopp agreed with the second part of the question, but he did recall the opinion well enough to answer the first part of the question. Mike Machete 1900 East – 3100 North, asked if how the condition of crops and soils changes the setbacks from 3200 to 1600 feet, can anyone answer that question, how does that change his safety. Mr. Schopp said that the discussion on soil and crops was not a point on safety factor. Mr. Schopp noted the exhibit from the Nordex turbine in which a safety figure for 500 meters was listed. Mr. Machete the noted that a distance of 3200 was established in a prior case. Now he is concerned as to how the setback is being reduced from 3200 feet to 1600 feet, and is safety being considered.

Mr. Schopp replied that safety is being considered. Mr. Machete asked again about the soils, but he will be more prepared the next time as he is happy with the 3200 feet. Tom Kulasik, 27575 E – 3000 North Road, asked about the new safety factor as to if the safety factor is from a wind turbine company. Mr. Schopp answered that this exhibit does come from a wind energy company. Mr. Kulasik asked if the studies were based on their own information. Mr. Schopp did not know what the studies were based on. Mr. Kulasik asked if the county or Mr. Schopp are considering an extra safety factor of 1.5 to 2 times that figure since industry is not always precise on their safety systems as seen in Texas and or places, though those may be extremes being chemical plants. Industry does not always get it right and government should step in and say what is right, and we need a factor, and has the county looked at other safety factors. Mr. Schopp replied that other safety factors have been looked at through the years, from when setbacks were 1200 feet and at 3250 feet in the county. Mr. Kulasik stated that when they fall apart they do to stop at a certain distance, and the county should look at that. Mayte Callegas then asked about the referendum not being the sole reason for the text changes, asking what other changes there were. Mr. Schopp noted that in presenting his exhibits the other factors were mentioned. Mayte Callegas considers that just information, not an answer. She wanted to know the trigger of the referendum. Mr. Schopp noted if you reviewed the history of the county board and the Agriculture, Zoning and Emergency Services committee of the county board it was discussed in detail. Mr. Schopp confirmed that the county board is the applicant in this zoning case. John Slagel asked if this was the Ag and Zoning Committee submitting this. Mr. Schopp replied that the county board was the applicant. Mr. Blakeman noted that the board had approved the application based on a recommendation of the committee.

Mike Cornale to be clear, wanted to confirm we are relying on the Nordex document, while we do not have Nordex or any of their affiliates service turbines in our county. Mr. Schopp replied that we do not have any Nordex turbines in the county and he is unaware of who has service agreements in the county. Mr. Cornale asked that we are heavily relying on the Nordex document though we do not have any turbines installed in the county. Mr. Schopp replied that it is a document that provided evidence to you as an appropriate setback distance that can be found in other places, if they so desired other information can be brought in. Mr. Blakeman noted that the zoning board can apply the weight of this evidence as they seem is appropriate. Mr. Cornale said it is a document that throws the figure out there. Mr. Blakeman said the board can judge the weight of the document as a lot a little or none, being the zoning boards call as part of their deliberation. Mr. Cornale said without the document there is no basis for 1600 feet. Mr. Cornale asked Mr. Schopp as to if he has found if any similar setbacks exists within the turbines with the county. Mr. Schopp has not found and does not know if they exist. Chair Huisman asked about Reading Township not being part of this text amendment. Mr. Schopp answered that Reading Township is not contiguous to the seven townships in question, they have a higher quality of soil, and that they have more residential development in the township, that is more spread out. So development would be limited to the 2 miles to west edge of the township and a small arear to the south, limiting areas in the township they be developed especially considering wind farms have been developed in multiple townships, not just in sections of one township. Chair Huisman then asked about the residential areas being more spread out. Mr. Schopp noted the residential areas of South Streator, the area around Woodland School, and in the landfill area, and the unincorporated area of Ancona. It is unknown if anyone would waive them. Mr. Earing asked about a wind turbine at Woodland School. Mr. Schopp said it was proposed but not developed. John Vitzthum asked about the waiver. The language would need to be reviewed on this waiver question, and it was reviewed with a minimum of 1.1 times the height of the tower.

Mr. Redlingshafer indicated that the county is done with witnesses, pending the Chairs ruling on the allowance of exhibits and evidence.

So we moved on to Jeff Bryan, Tri-Point School Superintendent, 121 Crescent Lane, Cabery, Illinois. Mr. Bryan was sworn in, on the behalf of his school district. Mr. Bryan passed out printed copies of information he would refer to in his presentation. Mr. Blakeman marked the first one as Tripoint exhibit 1, Evidence for the development of separate and distinct wind energy code ordinance for the identified townships. Mr. Blakeman then confirmed that Tripoint Exhibit 2 would be the Farm Bureau LINK document, and Tripoint Exhibit 3 would be land use impact, Tripoint Exhibit 4 would be the limited rate fund document and then the potential revenue spread sheet, and the final document from the Illinois Department of Revenue on wind energy device evaluation. Mr. Bryan said that the first three points on his evidence sheet have been discussed and he has no further comments on them. Mr. Bryan did address soil productivity differences and farm land assessed values since they have a large impact on the ability of a school district to raise revenue. Mr. Bryan remarked about farm land assessment in relation to soil productivity index numbers with soils around here being the 115 to 120 range which is better than deep southern Illinois. Mr. Bryan referenced the section of his first exhibit on soil productivity or lack of. Mr. Bryan explained about how he went through the soil survey maps and listed them on the next page. Four prominent soils in this area of the seven contiguous townships are Bryce Silty Clay, Swygert Silty Clay Loam, Clarence Silty Clay Loam and Rowe Silt Clay, on page four of his exhibit. The productivity ratings are listed as 122, 118, 107 and 111. Then in contrast some of the predominant soils in other areas of the county are Ashkum Silty Loam with a productivity index of 127, Andres Silt Loam with a productivity index of 135, Chenoa Silt Loam 129, Elliot Silt Loam 125 and Reddick Silt Loam 130, with these numbers being different and higher. Mr. Bryan then explained what that means for when he seeks a levy, so he needs to work with the productivity index and how to tax the soil according to that production ability. Which is referenced on the next page, farmland assessed values. Mr. Bryan then mentioned the LINK document and its mention of certified value, a value he applies his taxes to. So if uses an average soil productivity index of 114 in his area so the certified value is \$323.01 per acre, and when his certified fund tax is applied it generates so many dollars. Tripoint levies a tax of \$2.80 per \$100 assessed valuation. So in multiplying the tax rate he generates \$9.04 per acre. If he had a soil found in another part of the county with a PI of 129, that same tax rate generates \$19.97 per acre a difference of \$10.93 an acre, almost a \$7,000 difference on a section of land. So the difference can be compared to the value of wind turbines of which the state has put forth a formula, found in the last supporting document in his packet. The formula values every megawatt of power with a trending factor. So those wind turbines are drastically important to the economic viability of his school district. The big thing he wanted to point out is the poor soils in this part of the county, and he wanted to show how that affected the different taxing bodies.

Mr. Bryan then wanted to talk about land use impact in regard to the development of turbines. In reading the wind ordinances of Livingston County, he noted three purposes, one is safety and that is being addressed. Two other purposes are to facilitate economic opportunities for local residents and the third is to promote wind energy. And he does not believe those last two areas have been addressed. Mr. Bryan then related that we are in a balancing act in regard to economic opportunities, in comparison to safety and the property values of those that do not want turbines, vs the economic opportunities to those that do want wind energy for extra income. He believes that the setbacks of 3250 from a primary structure and 1640 from property lines are detrimental to economic development for those that want wind turbines on their farms and the promotion of wind energy.

So using basic information Mr. Bryan noted that a setback of 3250 feet eliminates 760 acres from a potential wind farm development. He realizes that waivers are possible but if a neighbor opposes getting a waiver another land owner may lose an opportunity for wind development on a half section of ground. In comparison a 1600 foot setback eliminates 185 acres. So the difference in the 760 acres and 185 acres is 575 acres. Mr. Bryan then related to property line setbacks, that could be more damaging, with setback of 1640 being measured from every angle, 392 acres can be eliminated with a 40 acre example. In comparison using the 1.375 distance 78 acres are eliminated a difference of 314 acres. And 80 acre field would eliminate a difference of 377 acres, and a 160 acres field would eliminate a difference of 413 acres. So the large setbacks create a tremendous impact on those farmers that desire to boost their economics. Mr. Bryan then gave a specific example on Tripoint, in regards to tax rates and returns. He noted that funds are limited, with the different funding categories of transportation, education, building, working cash and health safety. Mr. Bryan noted that his school district has been on financial watch list. They plan to levy the maximum allowed in each of their funds. Last year they ran a deficit balance, so they are a district looking for revenue. They do a truth and taxation to bump up their levy request to capture all money possible. They will need to continue to do that to build their cash reserves. Mr. Bryan then referred to the spread sheet he included in his hand out documents to show what a 200 megawatt project would do this his district. He went through this spread sheet concluding that additional \$1,235,520 would be generated. He noted it would not last forever, with the depreciation factor built into the formula. Yes new funds will decrease each year but he can manage that, and that the new money coming in is a much more important fact then losing some funding each year thereafter. Mr. Bryan then addressed how their state aid may be affected. Mr. Bryan is not sure with the new funding formula only being signed four hours ago. Under the old formula they get about \$500,000 of state aid each year, he noted that wind turbines recently placed in the Ford and Kankakee counties are part of his school district, he has 92 new turbines in his district to produce 184 megawatts adding revenue to the school district starting in the summer of 2018. In using the old formula only speaking on his district, he spoke on the three tiers used, and how it is calculated. He is willing to give away \$140,000 to get 1.2 million dollars.

Questions of Mr. Bryan began with zoning board member Mr. Earing asking Mr. Bryan to confirm that he had school structures in Cullom, Kempton and Piper City, of Mr. Bryan did. Mr. Earing noted that those buildings are in poor shape. Mr. Bryan agreed, noting that they have the oldest smallest gymnasium in the Illinois. Mr. Earing asked if new development would help every taxing body, of which Mr. Bryan agreed. Mr. Bryan stressed there is more than just safety there is economic opportunity. He has one new house built in his school district in the last five years, so their economic opportunities are limited. Chair Huisman inquired about the limited new construction in the area. Mr. Bryan commented on the limited new construction in his area including machine sheds. Mr. Bryan noted they have a an EAV of 66 million dollars, used as part of their formula calculations, and the 92 turbines added in Ford and Kankakee County will add 44 million to their EAV. Mr. Bryan said they came on line in January and they will be taxed in 2017 payable in 2018. Chair Huisman noted she is struggling with safety in comparison to dollars, so where does Mr. Bryan stand on this issue. Mr. Bryan noted that they do not build a wind turbine right next to a school. Mr. Bryan then used an example of a speed limit in school districts, being 20 mph and 70 on the interstate, with the areas not being the same, and his area is not like the areas around Pontiac, in that they do not have the same number of houses in the country, reflecting housing density. Chair Huisman then asked why the waiver would not work for that area. Mr. Bryan noted the one owner can take out 760 acres, over a mile square.

Chair Huisman questioned the vote in the towns being inconsequential, so how are the people in rural areas with small pieces of property protected. Mr. Bryan replied they get the 1600 foot setback, more than what some people in the county already get, in looking at the wind turbines already built. So Mr. Bryan pondered between the points of safety or perceived safety, that can't be measured. Mr. Bryan then referred to the document about the safety zone as a starting point. Chair Huisman commented about the sensitivity issue and with the waivers if enough people want it, the waiver would cover it, and does Mr. Bryan know the people in his area and if they are in favor and not opposed. Mr. Bryan noted the thing that is waived is economic opportunity. Chair Huisman thought they reached a happy medium, with sensitivity to residents. Mr. Bryan related about a sensitivity issue in that they needed to go peanut free in a school to accommodate one student with an allergy, and in the end sensitivity is a judgement call. Chair Huisman inquired as to the bulk of the area of the students in his school districts as to if they are coming from town or the rural area. Mr. Bryan indicated they are coming from in town, with the percent's being 80 to 90 percent in town and about 15 % rural with the farms now being larger farms.

Mr. Earing then asked about farmers paying taxes versus taxes being paid in town. Mr. Bryan noted that you would need to look at specific properties to look at that. Mr. Bryan did note that the largest amount of their revenue comes from farm land assessments. Mr. Bryan then noted his unlimited funds like tort and health and safety can be imposed on the taxpayers. Mr. Bryan then related about the increased EAV and how it would reduce tax rates, in that more people are paying for the funds he needs. Mr. Bryan clarified he would not reduce his fixed rate funds, but he will only levy what he needs to use for his unlimited funds. Chair Huisman asked which townships are in his school district, of which Mr. Bryan said only Broughton and Sullivan are in his school district. Mr. Kiefer inquired about the percentage of levy that comes from Livingston County. Mr. Bryan said that right at 25 % comes from Livingston County. Mr. Blackard asked about the standard home owner compensation for a wind farm being \$3,500 a megawatt, and as to where he got that figure. Mr. Bryan replied that he got information from Ford County and the Kelly Creek project developer. Mr. Bryan agreed that that could go up, but he has never been involved in any negotiations. Mr. Blackard then asked why the 1600 feet from property lines is a killer. Mr. Bryan commented about all of the empty tracts with low density and if those property owners do not want to sign a waiver adjoining land owners are affected because you need to go out 1640 all the way around.

Phil Luetkehans asked if Mr. Bryan was advocating for a setback less than 3250 for just the seven townships or all of Livingston County. Mr. Bryan replied it is only for the seven townships. Tom Kulasik asked about the farm thing with the soil and what are the lowest number and the highest number. Mr. Bryan noted the lowest number is 47 and the highest number is 147. Mr. Kulasik noted that 114 was used for this area, so how are they sampled and how often is it sampled. Mr. Bryan referred to the soil survey that is long standing. Mr. Bryan then discussed laws on how productivity is used in a formula to tax farm land. Mr. Kulasik asked how many turbines could be put in Broughton and Sullivan townships. Mr. Bryan could not answer that. Then Mr. Kulasik and Mr. Bryan discussed the wind turbine assessment/taxing factors. Mr. Kulasik then asked if a wind turbine is within 1600 feet of a school. Mr. Bryan noted the existing ordinance has a setback distance of 1.5 miles from a school. Mr. Kulasik said a concern of safety and setback distances. Mr. Bryan used his speed limit example again on different areas. Mr. Kulasik then commented on how hydraulic oil in the turbines could travel more than a mile under the right wind conditions. Mr. Bryan noted that he did not present evidence about that. Mr. Kulasik asked for a little leeway in this comments. Chair Huisman agreed with Mr. Kulasik that he could present evidence later on in the hearings. Chair Huisman inquired about a turbine being closer than 1600 feet from a school.

Mr. Bryan said that turbine was in Ford County which has different regulations, and he thinks it is about 1500 feet from his school. Chair Huisman asked if it was waived. Mr. Bryan thinks the town did waive that. Mike Fineman with The Paper in Dwight asked about the setback distance in Ford County. Mr. Bryan said he was not sure but less than 1600 feet. Carolyn Gerwin then asked for confirmation as to if the new school funding formula will affect his school funding. Mr. Bryan agreed it would, but that for this year he knows he will not receive less this year in that this year is hold harmless, but he has not seen the new formula. Mrs. Gerwin asked about when he expects to get it and will he be presenting those numbers. Mr. Bryan related that a similar mechanism may be in the new formula to address a greater ability to pay. Mr. Bryan related that they get about \$220,000 in formula money, and it is not expected to go up much. Mr. Bryan noted it is a brand new law and he is not sure what it has in it.

Zoning Board member Michael Cornale inquired as with Mr. Bryan being present representing the school district with interests in Broughton and Sullivan Townships, of which Mr. Bryan agreed. Mr. Cornale then asked about the other five townships and as to if he did not care about them. Mr. Bryan said he did not care about them as the superintendent of Tripoint schools, but as an educator he is concerned about the welfare of other school districts and their ability to generate revenue. Mr. Cornale then referred to the spread sheet he presented, with the assumption of how much power. Mr. Bryan said he based it on the recent wind farms built in other counties using the 200 megawatt figure for demonstration math purposes, but a line is included for tax receipts per megawatt so one can adjust figures per megawatts. Mr. Cornale inquired about the land footprint of those the recent wind farm developments. Mr. Bryan said that the Kelly Creek is more compact, including one and a quarter townships. Pilot Hill is more stretched out so they are different, and that Pilot Hill would be larger than two townships. Mr. Bryan noted in the text amendment being discussed any potential wind energy development cannot be larger than six miles wide. Mr. Cornale then asked about depreciation and end of life and the expected revenue at the end of life. Mr. Bryan remarked that with the CPI, over the period of 20 years he would expect possibly a 30 percent decrease, going from 1.2 million to 800,000. Mr. Cornale then asked that the end of its useful life will it continue to generate revenue. Mr. Bryan said as long it is operating it will be taxed, but the project will go off the tax rolls once it is decommissioned. Mr. Cornale then asked about the transition year between end of life and decommissioning what would happen with the general state aid. Mr. Bryan noted the state aid lags about a year behind, but at one point he will not get the 220,000 in state aid so he will need to be a good fiscal manager anticipating this change. Mr. Bryan agreed that he will be back to answer further questions. Carolyn Gerwin then asked if numbers had been run with the loss of other property value within the district. Mr. Bryan said he had not run the numbers. Mr. Earing asked if the property values go up when a wind turbine is built. Mr. Bryan having no training in that area could not answer that question. Mr. Cornale then asked about a turbine being taxed and however the soil factor does not change, so there is no increase in land value, with the taxing being through the formula, of which Mr. Bryan agreed. Mr. Runyon asked about how close to the Ford County line a wind turbine has been placed. Mr. Bryan believes it is less than Livingston County current setback. It may 1.1 times the height from road ways. Mr. Bryan asked about a closing. Chair Huisman said that will come later.

Phillip Luetkehans gave testimony on behalf of the UCLC. Mr. Luetkehans related that the UCLC is not taking a position on the amendment to oppose it, at this time, but they will what is necessary to defend the record of the previous ZBA hearing, zoning case ZT-3-16. Mr. Luetkehans had two exhibits, first was UCLC Exhibit 1. Mr. Luetkehans noted that UCLC stands for United Citizens of Livingston County, an organization active in the wind energy issues for the last few years.

Mr. Luetkehans commented that exhibit one is safety manuals for GE, Nordex and Vestas with distances of 500 meters or 1640 feet being listed, of which they feel is the absolute minimum distance from a safety distance. Mr. Luetkehans commented on UCLC exhibit 2 addressing the issue of the 50 foot movement of a wind tower, since the suggestion of 100 feet would be more palpable to the wind companies. This exhibit shows what would happen if you moved wind turbines in Pleasant Ridge, with the number of feet on the top of each sheet. So you see starting on the second page and if you moved wind turbines 50 feet some points would go over 41 decibels, not a huge number that could be planned for. Mr. Luetkehans went on explain how the charts in exhibit 2 are configured, and how they work when looking at them. If more turbines are moved, the decibels become higher. On the page with 100 feet of movement so more and more go above the 41 decibel limit. Moving on to 150 and 250 feet more and more of them go over the 41 point limit, with at 250 feet even moving one turbine you go over the 41 decibel limit, on all but three of them. Mr. Luetkehans related that they can live with 100 feet but at 250 feet it is way too much. Chair Huisman asked what do the points represent. Mr. Luetkehans that they were turbine sites and the names beside them were people John Slagel knew. Mr. Luetkehans noted that 41.0 decibels is the nighttime limit. Mr. Earing asked who came up with the noise levels for this. Mr. Luetkehans replied that was done as part of a computer program used by wind farm companies. Mr. Luetkehans confirmed that these were points from the Pleasant Ridge applications. Mr. Earing wanted to know how far back those points were from the turbines. Mr. Luetkehans replied it was over 1600 and probably closer to 2000 feet. Mr. Earing questioned about safety as to if a blade would come off and hit in the middle of a field. Mr. Luetkehans restated that he thinks the minimum safety distance is 1640 feet. Mr. Earing noted it is easier to be hurt on a highway. Mr. Luetkehans stayed away from answering that as he is not an expert on that matter. Mr. Luetkehans stated that he is trying to avoid prior testimony, though it was made regarding the 3250 foot setback, with that being in that record. Chair Huisman questioned that on page 10 of the amendment Section n. Mr. Luetkehans noted that only a 50 foot setback distance is in the current regulations, and he is only talking about changing that distance from 50 feet to 100 feet. Mr. Kiefer asked if they are okay with 100 feet, of which Mr. Luetkehans said they are willing to live with 100 feet, but not at 250 feet which is a huge change.

Mr. Kulasik asked about the IPCB and the 41 limit. Mr. Luetkehans related about how this is nighttime noise limit. Mr. Kulasik did not want them abused. Mr. Luetkehans related this would be at any distance the limit remains the same. Mr. Kulasik questioned how close one need to get to 44 decibels would. Mr. Luetkehans does not have that information. Carolyn Gerwin asked about what size of turbine is being used in the safety manuals in exhibit 1. Mr. Luetkehans noted that the GE manual is for the 1.5 MW turbines. Carolyn Gerwin asked if bigger turbines would have bigger setbacks. Mr. Luetkehans did not know. Mr. Earing questioned about noise levels and how blade pitch etc. changes decibels. Mr. Luetkehans explained that their exhibit is based on the maximum rate of speed allowed, and that is to plan for the worst case scenario. Mr. Cornale commented that more evidence is out there that explains this.

Chair Huisman discussed future meeting dates. September 7, was discussed and clarified as being a regular meeting. Other dates discussed concluded on September 11th as being a date to recess this hearing to. In the following week September 18th was agreed to as another date. Chair Huisman said that 7:30 works better for her to start meetings on Monday's. Then the regular meeting date in October was discussed, October 5th.

Mr. Earing made a motion, seconded by Mr. Blackard, to recess meeting to September 11th at 7pm.

This motion was approved by a unanimous voice vote.

This meeting was recessed at 10:00 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