

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES JANUARY 2, 2018 MEETING

The committee chair called the meeting to order at 6:00 pm at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Daryl Holt, Justin Goembel, Jason Bunting, James Carley, Patrick Killian, and Steven Lovell.

Absent: Paul Ritter.

Others Present: Additional County Representatives included: County Board Chairman Bob Young, and non-committee County Board member John Slagel and County Executive Director Alina Hartley. County legal counsel John Redlingshafer and Andrew Keyt. Interested citizens of the county were also present at this committee meeting.

Committee Chair Daryl Holt noted the agenda for this January 2, 2018. Justin Goembel then moved, seconded by James Carley, that the agenda for this meeting be approved as amended. This motion was approved by a voice vote of all ayes.

Committee Chair Daryl Holt then referred to the minutes of the December 5, 2017 committee meetings. Steven Lovell moved, seconded by Patrick Killian, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Business:

Review of Livingston County Zoning Case SF-1-18 – Daniels – A proposal to divide a larger parcel of land to create two parcels of land with each proposed parcel to be less than five acres in size, in rural Fairbury:

The zoning administrator reviewed his report pertaining to the proposed Daniels two lot subdivision. This report review included maps of the location of the subject property, aerial photographs of the subject property and surrounding areas, a plat of the proposed division of the property into two lots, a mention has to how this subdivision is related to the Livingston County Comprehensive Plan, and how any building areas would need to be analyzed in relation to a flood hazard area on the property. Mr. Daniels presence at this meeting and his availability for any questions was noted. Dialogue then took place regarding the waivers proposed subdivision, as being waivers generally approved for similar subdivision that have been approved in the past. Patrick Killian then moved, seconded by Justin Goembel, that this Agriculture, Zoning and Emergency Services Committee recommend to the Livingston County Board that Livingston County Zoning Case SF-1-18 be approved as proposed. This motion was approved by a unanimous voice vote

Committee review of the Livingston County Zoning Board of Appeals Report and Recommendations pertaining to Livingston County Zoning Case – ZT-3-17, proposed zoning text amendments regarding wind energy regulations:

The zoning administrator presented the committee members with copies of the Livingston County Zoning Board of Appeals Report and Recommendations for Application No: ZT-3-17 and a copy of the minutes from the November 6, 2017 Livingston County Zoning Board of Appeals meeting, at which the zoning board of appeals reviewed this proposed zoning text, in relation to the testimony and exhibits presented to them during the hearing process for zoning case ZT-3-17. Copies of these two documents are attached to these minutes for your reference as needed. It was noted that the Agricultural Zoning and Emergency Services Committee members had been emailed copies of the this Zoning Board of Appeals Report and Recommendation, along with all of the minutes to the zoning board of appeals hearing process for this zoning case, and in a separate email copies of exhibits presented to the zoning board of appeals during this hearing process were also sent to the committee members.

The zoning administrator provided a review of the Livingston County Zoning Board of Appeals Report and Recommendations for Application ZT-3-17. This review included mention of The Public Hearing, The Livingston County Regional Planning Commission review of this zoning case, of which minutes from that meeting are an exhibit as part of the record for this zoning case, and the Recommendation and Ordinance sections of this report and recommendations. A review of the exhibits of this report and recommendations was done with Exhibit A be a summary of the proposed changes, Exhibit B being a summary of the ZBA Recommendations, and a review of the attached ordinance draft in which these text amendments being proposed, with each proposed change gone over in the context of the ordinance.

Discussion took place in regard to considering adding the words at least before the 3.75 and the 1600 feet, as highlighted in green, on page 7 of the WECS regulations, to be consistent with the wording in this area, if this highlighted green area is to be considered by the committee. It was agreed that to be consistent the words at least can be considered to be added to these two areas. Discussion also took place on why the 3000 setback is reflected as 3250 in the ordinance. It was explained that the 3000 figure was part of the referendum concerning wind energy setbacks, and the testimony at the previous zoning text hearing indicated that 3250 is an appropriate setback, with a the timing of the referendum and the review of the previous zoning text case overlapping. The 3250 foot figure was ultimately agreed to be in the regulations.

Committee chair Daryl Holt commented that on the bottom of page 7 of the wind energy regulations, pertaining to the seven townships setbacks from primary structures, that one of the Livingston County Regional Planning Commission recommendations, was that if this recommended language was to stay in, that there are townships within these seven that border on townships with greater setbacks and that we should probably put in some wording that takes that into consideration. This proposed planning commission concept was then discussed. Dialogue then took place as to if this variance in setback regulations occurred on a county line road, how our county cannot dictate the regulations of an adjoining or any other county.

It was then confirmed that decommissioning factors are in place for wind energy projects that are developed. Determination of the non-functioning turbines being decommissioned as also conversed about.

Committee chair Daryl Holt then related that they did not plan on taking action tonight, but looking at a future meeting to make a recommendation after digesting the information given to them. Mr. Holt is pleased the zoning board agreed to most of the recommendations made with minor changes. Mr. Holt thinks it comes down to the seven townships in regard the setbacks for those townships as outlined in the proposed text amendment.

The zoning administrator then asked for some guidance as to what direction the committee would like to go, to provide time to draw up additional documents if needed. The committee agreed that the words at least should be added to the green setback language on the bottom of page 7, as discussed earlier in this meeting, in front of the 3.75 and the 1600/1640 feet. With the committee also agreeing to have the 1600 feet changed to 1640 feet. Committee members then agreed that the green setback language for the seven townships should be part of their recommendation.

Attorney John Redlingshafer commented it boils down to their role, as what they are doing, is that for policy reasons you need to make a decision on the universal proposal made by the Livingston County Zoning Board of Appeals. And, they can make a committee separate proposal to the county board after acting on the zoning board's recommendation. Hearing that setbacks for the separate townships are still being considered, then that can be discussed. It should be a two-step process acting on the ZBA recommendation and then making their own committee recommendation, without bringing in new evidence. Chair Holt then clarified with counsel that they should vote to accept or deny the ZBA recommendation, and then have a motion on some detail as what is going to the county board. Counsel can help shepherd through the committee's recommendation(s). A conversation then took place as to if a motion could be made at this point to act on the ZBA recommendation, of which could be done. Further comments, were made relating to this committee not taking the final action on this matter, the county board will be taking final action on this matter. The 30 day review period after the zoning board of appeals recommendation was then discussed, with Mr. Redlingshafer counselling that it may make more sense for the committee to act in February or March and to do both motions at one time after they have had time to review the ZBA recommendation and consider accepting or modifying that recommendation. Chair Holt agreed with this counsel, with a suggestion that they review each proposed change individually. It was discussed that any changes has to be within what was part of the evidence made to the zoning board of appeals during their hearings.

Committee chair Daryl Holt then guided the committee through a review of the draft text documents for the opinion of the committee members. Starting on the Hearing Facilitator – definition, the committee agreed with the ZBA to accept this language as was proposed in the application. Going to the procedures page, the committee agreed to accept the recommendation of the ZBA to remove the word Except and capitalize the letter F in For, along with accepting solar farms being added to number 3, as was proposed in the application. On page 3 of the wind energy regulations, the committee agreed with the ZBA to accept this language as was proposed in the application. On page 7 the committee agreed to have the language proposed in the application reinstated regarding setbacks for the seven townships listed, along adding the words at least before the setback numbers, with the exception of not having the words at least in front of the 1.10 in the last line of this section. And, that the language proposed by the Livingston County Regional

Planning Commission pertaining the greater setbacks for primary structures adjoining to townships with greater setbacks be added to this setback area. And, that the 1600 figure is changed to 1640 feet.

On page 8 the committee agreed that under (3) that setback language for the seven townships is put back in, and under (9) the committee agreed with recommendation of the ZBA to cross out the green highlighted language and insert the red highlighted language, of which in part was recommended by the Livingston County Regional Planning Commission. On page 10 the committee agreed with the ZBA to accept the language as proposed in the application. On page 12 the committee agreed with the recommendation of the ZBA to cross out the green highlighted word of setback and add the red highlighted words of measuring and requirements, of which in part was recommended by the Livingston County Regional Planning Commission. On page 13 the committee agreed with the ZBA to accept the language as proposed in the application.

The question of a different county bordering Livingston County, applying their own regulations was then discussed further. Each county needs to regulate their own ordinances, and they do not have control of the adjoining county regulations as they are separate jurisdictions. John Redlingshafer proposed that the zoning administrator recirculate documents on what was talked about, and that can be presented to the committee in February, with written word in front of them.

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

Printed copies of the planning commission monthly synopsis were presented to and reviewed with the committee members. These reports and discussion on these reports focused on landfill gas monitoring reports and planned work to the gas system. At the Streator Area Landfill gas well X-309 issue continues to be monitored. Host Agreement and monthly host agreement fund information was also provided to the county.

Other Issues to Come Before the Committee: None

Public Comments:

John Slagel in referencing the wind energy regulations on page 7 under setbacks, said that Dean and Helen had an idea to move the end of the green highlighted sentence phrase from any primary structure to the front of the green highlighted area after the word except, to read Except from any primary structure in... then removing the last highlighted phrase. It was noted that the first sentence ends in from any Primary Sentence. This proposed language change will be reviewed and considered.

Review and Approval of Bills: None

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

Justin Goembel moved, seconded by Steven Lovell, to go into executive session pursuant to 5/ILCS 120/2 (c) (11) – Litigation. This motion was approved by roll call vote; Holt-Yes, Goembel-Yes, Bunting-Yes, Carley-Yes, Killian-Yes, Lovell-Yes, Ritter-Absent.

Executive Session began at 7:15 pm.

Regular Session resumed at 7:40 pm.

Action Resulting from Executive Session: None

Adjournment:

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

This meeting was adjourned at 7:45 p.m.

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Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission