

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES JULY 10, 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, Steven Lovell, Patrick Killian, and Mike Ingles.

Absent: Jason Bunting, James Carley and Paul Ritter.

Others Present: Additional County Representatives included: County Board Chair Bob Young, Non-committee County Board members John Slagel and Linda Ambrose, and County Executive Director Alina Hartley. Harlan Knapp representing Livingston County Zoning Case ZM-1-18, Scott Novak representing Cypress Creek Renewables on solar applications, Livingston County Zoning Cases SU-2-18 and SU-2-13 was also present, along with several interested citizens pertaining to the proposed Defenbaugh Livestock Management facility.

Committee Chair Daryl Holt commented about the agenda for this July 10, 2018. Patrick Killian moved, seconded by Steven Lovell, that this agenda be approved as presented. This motion was approved by a voice vote of all ayes.

Committee Chair Daryl Holt then referred to the minutes of the June 5, 2018 committee meetings. Mike Ingles 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:

Committee Review of Livingston County Zoning Case ZM-1-18 – Knapp:

The zoning administrator reviewed a copy of a report that had been provided to the committee members, pertaining to Livingston County Zoning Case ZM-1-18 – Knapp, a proposal by Harlan Knapp to amend the zoning classification on the subject property from an AG, Agriculture, District classification to a C3, General Business, District classification. A plat of the subject 2 acre tract of land, just east of Fairbury was also provided to the committee members. The applicant Harlan Knapp was present at this meeting to answer any questions that anyone may have had of him. Mike Ingles moved, seconded by Patrick Killian, that this Agriculture, Zoning and Emergency Services committee recommend the approval of this proposed zoning map amendment. This motion was approved by a unanimous voice vote.

Committee Review of Solar Energy Special Use applications – SU-2-18 – Threshermen Solar LLC. And SU-3-18 - Miacomet Solar LLC:

The zoning administrator noted that the committee members had previously been provided with application information regarding these two zoning cases and he then reviewed with the committee members the information that had been provided to the committee members for this meeting.

This information included a list of the application exhibits, the Livingston County Regional Planning Commission's recommended approval documentation for this zoning cases, and lists of the conditions that are part of the Livingston County Zoning Board of Appeals recommended approval of these zoning cases. The zoning administrator related that during the zoning board of appeals hearing a representative of the application questioned as to if language in conditions could be amended to make the proposed projects more marketable, though he had no suggestions on how to amend the conditions. Therefore, optional language for conditions Number 8 and Number 12 was provided to the committee. The language in condition Number 8 regarding a review of this zoning case has a shifting of phrases with an added phrase of, although no such review will alter the status or validity of the special use permit as proposed and approved. The language in condition Number 12 was amended by adding the word reasonable after the word county. Committee Chair Holt commented about how the Threshermen solar farm area was to be moved south to avoid a pipeline, and how the company had agreed to provide a living screen upon the request of a resident south of the proposed solar farm site. Chair Holt also commented on the property value documents showed no change in property values, and about how a living screen was also proposed for the Miacomet Site, to help shield the solar farm from neighbors west of the site. Scott Novak representing Cypress Creek Renewables on solar applications, Livingston County Zoning Cases SU-2-18 and SU-2-13 was present to answer any questions. No questions were asked of him. Mike Ingles moved, seconded by Patrick Killian, that this Agriculture, Zoning and Emergency Services Committee recommend to the Livingston County Board, that Livingston County Zoning Case SU-2-18 Threshermen Solar be approved, concurring with the recommendation of the Livingston County Zoning Board of Appeals, including the conditions attached to the zoning board of appeals recommendation, as modified by this committee. This motion was approved by a unanimous voice vote. Then Mike Ingles moved, seconded by Patrick Killian, that this Agriculture, Zoning and Emergency Services Committee recommend to the Livingston County Board, that Livingston County Zoning Case SU-3-18 Miacomet Solar be approved, concurring with the recommendation of the Livingston County Zoning Board of Appeals, including the conditions attached to the zoning board of appeals recommendation, as modified by this committee. This motion was approved by a unanimous voice vote.

#### Committee Review of Livestock Management Facilities Regulations – Defenbaugh:

The committee review of the proposed Defenbaugh Swine confinement building, began with the zoning administrator asking the proposed developer the status of this Illinois Department of Agriculture permit, and about the status of water for this proposed project. Kevin Defenbaugh indicated that he has a verbal approval for his planned swine confinement from the Illinois Department of Agriculture, and that they plan on drilling a well before starting the new building. Nic Anderson, livestock business developer, for the Illinois Livestock Development Group, commented well concerns, and about how wells can be pressure tested, to help gauge the water draw down in the area of the propose well and building. Mr. Anderson further discussed well testing, and about how the Illinois Water Survey is a source for history of area wells. A discussion on how around 720,000 gallons of waste will be knifed into the soil on the area fields, providing soil nutrients. Crystal Middleton, an area land owner and resident, expressed her concerns about this potential development including about how her well could be affected by the proposed development, and about how she be could be affected with the animal waste being knifed in the fields around her. She also expressed concerns for her family's health, their property value and outside enjoyment of their property.

Bob Young commented about hog facilities are built in rural areas. Dale Middleton remarked about the history of the development of his property in the area of the proposed swine facility, and about how there are no swine facilities in the area, but now one is proposed to be 1.25 miles from his residential property. He believes that this proposed development will negatively affect the area. Danielle Middleton related as to how she discussed this proposed swine facility with a representative of the Illinois Department of Agriculture, Bureau of Environmental Programs who expressed that they will approve this permit if the applications meets their criteria. A petition signed by area residents and landowners was mentioned, and as to how the concerned citizens are willing to present this petition to the county. Water usage was commented upon again. Nic Anderson commented on the amount of water that pigs use is less then what people use. Mr. Anderson mentioned that the IEPA would be responsible for environmental complaints after this structure is built, and he commented about how Illinois is more stringent in approving livestock facilities in comparison to other states, with Iowa and Indiana requiring lessor setback distances for instance. The 980,000 gallon building waste pit was then mentioned, in context of the application of this waste to area fields. The project developer may not own enough area land to apply this waste, but will apply it using agreements with area land owners. Property value concerns were mentioned again. Nic Anderson commented about the agricultural industry value of this proposed development. Committee member Mike Ingles related that though he understands residents' concerns, this committee or the county board is limited in that the State of Illinois is responsible for approving livestock facility projects, not the county. Concerned residents questioned the proposed developers as to why this swine facility is not being located closer to where they live, along with road usage issues. The petition was accepted by the committee and it will be forwarded to the Illinois Department of Agriculture. The discussion continued regarding the areas already discussed.

Solid Waste Report – Review of a synopsis of solid waste related documents and a briefing on the host fee extension.:

Printed copies of Diegan and Associates reviews and the planning commission monthly synopsis were presented to and reviewed with the committee members. These reports and discussion on these reports focused on landfill groundwater monitoring results, landfill gas monitoring reports and NPDES reports at Livingston Landfill, and groundwater and gas monitoring reports from the Streator Area Landfill.

In addition, copies of the Deigan & Associates submittal of correspondence pertaining to results of split sampling groundwater at Streator Area Landfill was also presented to the committee.

Host Agreement and monthly host agreement fund information was also provided to the county. The county is continuing on moving forward with extending the current Livingston Landfill Host Agreement

Committee Review of 2019 Departmental Budgets:

Proposed draft budgets for Regional Planning and Zoning, Zoning Board of Appeals, Solid Waste, and ESDA were presented to the committee. Mike Ingles moved, seconded by Patrick Killian, that this committee approve that these draft budgets be forwarded to the Finance Committee for their review. This motion was unanimously approved by voice vote.

Other Issues to Come Before the Committee

Nuisance issues update; The Payton's are to return to court on August 20<sup>th</sup>. regarding their property nuisance. Mr. Klehm next hearing is to be on August 16<sup>th</sup>, regarding his waste hauling business. Mr. Kern has two August dates and a September 17<sup>th</sup> date, regarding his port a potty business in Campus, and they are still working on serving papers to Mr. Galvan regarding his school bus issue. The zoning administrator related that solar farm project properties closer to towns, and in some flood zoned areas have been mentioned and he is proposing a text amendment to clarify solar farms being limited to AG and I2 areas, to clarify the intent of these regulations.

Public Comment: None

Review and Approval of Bills:

An invoice with a total amount of \$7,441.00 from Deigan and Associates, LLC for Professional Services for the period from May 1, 2018 to May 31, 2018 relating to landfill monitoring and technical reviews of Republic/Allied Waste's Livingston and Streator Area Landfills, for environmental/solid waste landfill consulting service to Livingston County was submitted and explained to the committee. Patrick Killian moved, seconded by Steven Lovell, that this committee approve the payment of these invoices. This motion was approved by a unanimous voice vote.

Executive Session Pursuant to 5/ILCS 120/2 (c) (11) – Litigation - None

Action Resulting from Executive Session- None

Adjournment:

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

This meeting was adjourned at 7:30 p.m.

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Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission