

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE NOVEMBER 15, 2022 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: Jason Bunting, Paul Ritter, Joel Barickman, Gerald Earing, Steven Lovell, Scott Mennenga and Tim Shafer.

Absent: None.

Others Present: Additional County Representatives included: County Board Chair Kathy Arbogast, non-committee county board members Jim Blackard, John Vitzthum, James Carley, Robert Weller, Linda Ambrose, Marty Fannin, Mike Kirkton, William Mays and Seth Welch. County Executive Director Alina Hartley.

Committee Chair Jason Bunting commented about the agenda for this November 15, 2022 meeting. Paul Ritter then moved, seconded by Steven Lovell, that this agenda be approved as presented. This motion was approved by a unanimous voice vote;

Committee Chair Jason Bunting then referred to the minutes of the October 11, 2022 committee meeting. Tim Shafer moved, seconded by Gerald Earing, that these meetings minutes be approved as presented. This motion was approved by a unanimous voice vote;

Business:

Livingston County Zoning Case SU-9-22 – EDF Livingston Wind Project:

Documents related to this zoning case included in the committee packet for this meeting was a copy of the Livingston County Zoning Board of appeals Findings of Fact and Recommendation for Special Use Permit Application of the Livingston Wind Project, LLC., including proposed Zoning Board of Appeals conditions; a copy of a list of exhibits that were part of the Livingston County Zoning Board of Appeals public hearing review of this zoning case; a copy of the minutes from the September 12, 2022 Livingston County Regional Planning Commission Meeting, at which this zoning case was reviewed. In addition, a revised copy of the conditions was handed out to the committee members.

Scott Wentzell, project manager, and Ben Jacobi, a project attorney, were present at this meeting representing the applicant EDF, Livingston Wind Project, LLC. Mr. Wentzell presented a power point presentation to the committee about the proposed Livingston Wind Project, LLC. An explanation was then made about the proposed zoning board of appeals conditions, the applicant's review of those conditions with proposed revisions, and discussions about the revised conditions with Livingston County's attorney's regarding this zoning case.

John Heil and Alex Revis, attorney's from Heyl Royster were present at this meeting representing Livingston County. Mr. Heil remarked about the timeframe on which the conditions had been drafted, and about how he and his colleagues and negotiated the revisions to the conditions, of which is being referred to as the red line change document at this meeting. Mr. Heil then led a discussion on the review of the revisions in the red line document.

Mr. Heil started the discussion with revised condition 1 by mentioning the change in the proposed timeframe for the construction of this project. Mr. Wentzell explained their proposed revision to move the timeframe back on this project because of the potential needed time for them to get an interconnect agreement with ComEd, to finalize financing for the project, and to order and receive the equipment necessary to construct this project. Mr. Heil commented that it is not unusual for interconnect agreements to take several months or years to be finalized. Mr. Wentzell that related that he needs the permit to assure the company that they can move forward with the project. Dialogue then took place between Mr. Wentzell, the committee members and the non-committee county board members present, about the interconnect study and review process.

Mr. Heil then moved on to proposed revised condition number 4, in which a new definition for heavy equipment is being proposed. In proposed revised condition number 5, the words applicable and uncured or unwaived were added and agreed to be appropriate. It was also mentioned that potentially Dwight Township could be an applicable township for a road agreement, since the road on which the substation is planned to be located on is a township line road. In proposed condition number 10 a new timeframe for providing the soil erosion plan to the county was mentioned. In regard to proposed revised condition number 12 on complaints and resolution new language on a comment hotline was conversed about. Under condition number 13 Decommissioning and Security the new financial assurance text and a definition for diligently repairing were talked about in regard to the context in which they were being proposed. Under proposed revised condition number 14 it was noted that the Livingston County Ordinance number of 30 days had been inserted into this revised condition. A lengthy discussion then took place on the proposed revisions to condition 16 related to assignment. Mr. Wentzell commented about the financing of wind energy projects and how this issue prompted the proposed revisions to this condition. Mr. Heil related that this language is common in other business agreements that he has seen. In regard to condition 19 regarding above ground transmission lines and a proposed change in the setback distance to 25 feet from seventy five feet, Mr. Wentzell noted that the 75 feet is not in the code, and that in at least one area they need a 25 foot setback to allow for the proposed path of the transmission line to stay as it is proposed. Discussion took place about the circumstances regarding the reasoning for this proposed revision. Mr. Wentzell indicated that they would try to maintain the setback distance for the transmission line poles around 75 feet for the majority of transmission poles to be place for this project. Mr. Heil remarked that this is not a material change. In proposed condition number 29 the consistent note of financial assurance was mentioned. In condition number 32 the proposed revisions are intended to reflect and confirm the intent of the IDNR pertaining to setbacks, of having setbacks measured from the base of the wind turbine tower.

In regard to the proposed revision to condition number 33, Work on Substation Sites, the intent of the revisions is to clean up the exiting language. The acreage of the proposed ComEd substation was discussed, with Mr. Wentzell concluding that it will end up being about a 6 to 10 acre site. The discussion on this zoning case was then completed.

Steven Lovell then moved, seconded by Scott Mennenga, that this committee recommend to the Livingston County board that Livingston county Zoning Case SU-9-22 EDF Livingston Wind Project be approved with the conditions s revised. This motion was then approved by roll call vote. Bunting-Present; Ritter-Yes; Barickman-Yes; Earing-Present; Lovell-Yes; Mennenga-Yes and Shafer-Yes.

Livingston County Zoning Case ZT-2-22 – Livingston County Board –
Solar Zoning Regulations Moratorium:

Copies of the proposed moratorium, and copies of the zoning board of appeals meeting minutes pertaining to this moratorium were provided to the committee members. Mention was made that discussions at the Livingston County Regional Planning Commission meeting and at the Livingston County Zoning Board of Appeals public hearing considering this proposed moratorium related to the length of the proposed moratorium and to the wording of the proposed moratorium. Paul Ritter moved, seconded by Joel Barickman, that this committee recommends that Livingston county Zoning Cas ZT-2-22 Solar Zoning Regulations Moratorium be approved as outlined in the Livingston County Board application. This motion was then approved by roll call vote. Bunting-Yes; Ritter-Yes; Barickman-Yes; Earing-Yes; Lovell-Yes; Mennenga-Yes and Shafer-Yes.

Solar Farm Regulations Discussion:

A discussion then took place on how the committee may proceed on drafting or suggesting text to be drafted as part of a text amendment in relation to the solar farm regulations. Discussion took place in separating utility, community and residential projects within the regulations. Setback regulations were discussed. Having a special committee review drafting new solar farm regulations was also talked about. The committee agreed to review existing regulations from other counties at their next meeting as part of a continuation of this process of amending the solar regulations. Pending applications were mentioned.

2023 Deigan and Associates Proposal and Work Agreement:

A proposal and work agreement from The Deigan Group for continued environmental/solid waste landfill consultant services to Livingston County for 2023 was presented to the committee. And, for comparison purposes the existing 2022 agreement was also made available to the committee. Comments were made to the committee members regarding the changes in personnel and hourly billing rates. Steven Lovell moved, seconded by Gerald Earing, that this committee recommend the approval of the proposal and work agreement from The Deigan Group for continued environmental/solid waste landfill consultant services to Livingston County for 2023 . This motion was then approved by roll call vote. Bunting-Yes; Ritter-Yes; Barickman-Yes; Earing-Yes; Lovell-Yes; Mennenga-Yes and Shafer-Yes.

Solid Waste Report – Review of a synopsis of solid waste related documents:

Printed copies monthly synopsis document reviews were presented to and reviewed with the committee members. These reports and discussion on these reports for Livingston Landfill focused on reports regarding the IEPA extensions to review pending requests, the landfill gas system, NPDES reports and on well monitoring parameters relating to the Livingston Landfill. Monthly host fee information was also provided to the committee. A comment was made pertaining to removing litter along the I-55 right of way. A verbal report was made on a new manger taking over at Livingston Landfill, scheduled fence repair, the completion of the 2022 final cover project, on how the new cell area project is in hibernation for the rest of this year with it moving forward in 2023, 2022 gas system work is complete, extensive gas system work is planned for 2023, higher tonnage rates are to be seen for the immediate time frame with a decline to normal tonnage rates in the future and a new leachate line is planned for 2023. Committee chair Jason Bunting expressed appreciation to all that assisted with the November 5th. electronic recycling event.

Other Issues to Come Before the Committee:

Wind Energy Update:

The committee members were updated on the status of the anticipated application for the Heritage Prairie Renewables wind energy project. An open house pertaining to this proposed project is being planned to take place in the next few months. A special use application for this proposed wind energy project may then be filed in late Spring or Summer of 2023.

Solar Energy Update:

Further comments were made on the review of solar energy project special use applications that have been filed, and that will be reviewed under the current regulations.

Public Comment: None

Review and Approval of Bills:

Invoices presented were; An invoice with a total amount of \$ 680.00 from The Deigan Group for Professional Services for the period from October 12, 2022 to November 11, 2022 relating to landfill monitoring and technical reviews of Republic/Allied Waste's Livingston and Streator Area Landfills, for environmental/solid waste landfill consulting service. Four invoices from Dynamic Lifecycle Innovations in the amounts of \$500, \$600, \$600 and \$16.75 for costs related to the November 5, 2022 electronic recycling event. An invoice from Wet Bend – Diamond Bos. Insurance for insurance related to the November 5, 2022 electronic recycling event. Steven Lovell moved, seconded by Gerald Earing, that this committee approve the processing of these invoices. This motion was then approved by roll call vote. Bunting-Yes; Ritter-Yes; Barickman-Yes; Earing-Yes; Lovell-Yes; Mennenga-Yes and Shafer-Yes.

Adjournment:

Scott Mennenga moved, seconded by Paul Ritter, that this meeting be adjourned. This motion was approved by a roll call vote.

This meeting was adjourned at 8:00 pm.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission