

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE JANUARY 4, 2023 MEETING

The meeting was called to order at 6:01 p.m.

Present: Jason Bunting, Paul Ritter, Gerald Earing, Joel Barickman, Rebekah Fehr, Steven Lovell, and Jack Vietti

Absent

Also Present: Andrew Keyt, Alex Rives, James Carley, Bob Weller, Linda Ambrose, Marty Fannin, Jim Blackard

Committee Chair Bunting commented about the agenda for this January 4, 2023 meeting. Paul Ritter moved, seconded by Gerald Earing that this agenda be approved as presented. This motion was unanimously approved by voice vote.

Chair Bunting then noted the minutes of the December 27, 2022 meeting with a correction noted. Gerald Earing made a motion that was seconded by Jack Vietti that the minutes of the December 27, 2022 meeting be approved with a correction. The motion carried unanimously by a voice vote of all ayes.

Business:

Case ZT-1-22 – Livingston County Board

This zoning case pertained to the review of a proposed zoning text amendment to update Livingston County's solar farm ordinance.

The committee began by reviewing draft language that Andrew Keyt had developed after discussions from the committee's last meeting on the solar farm ordinance. Discussion began on the "fees" portion of the draft language. Barickman suggested extending the time frame in which applicants have to remit payment to the county as it relates to additional costs and the refunding of unused fee money to the applicants at the conclusion of the special use process. The committee agreed that it would be beneficial to extend the amount of time to 6 months. Additionally, the assistant zoning administrator noticed that there was an error in the language where the fee should be \$5,000 per megawatt instead of kilowatt for the special use application fee.

Discussion about the setback language that was drafted then took place. There was some confusion on a two subsections that were asked to be clarified by Andrew Keyt. Andrew clarified the setback distance of 660 feet from residential and non-residentially zoned parcels as well as the setback from primary structures.

A discussion on variances and setback waivers then took place. The committee discussed when they felt that waivers were necessary and when it would be necessary for applicants to seek a variance. The committee felt that waivers are necessary when the solar farm applicant wishes to get closer to a residence than what the ordinance would allow. Additionally, the committee felt that a variance to allow for solar farms to run onto contiguous land was necessary in order to ensure that all landowners are in agreement for the solar farm to be developed across multiple tracts of land. There was then a question as to whether or not waivers would transfer to new owners of homes where waivers were obtained for a solar farm. It was determined by the

committee after some discussion that it is the responsibility of the seller to disclose the waiver to a potential buyer of a home where a waiver had been obtained.

There was then a question as to why a variance between participating landowners was necessary. The zoning administrator responded that it was a good idea to keep in place to make sure that all landowners are in agreement within the project.

Discussion then took place on the variance language that was drafted. It was determined that the language was unnecessary because variances are already part of the ordinance and are inevitably needed when the ordinance is not able to be met.

The committee then moved on to the independent contractor portion of the draft language. Chair Bunting mentioned that the zoning office would like for the language to be changed so that the zoning office is not selecting the independent electrical inspection contractor, but is rather in a position to vet contractors that the applicants bring forth. The assistant zoning administrator explained that the solar farm applicants would likely have a broader range of contractors to select from that they routinely work with that could then be vetted by the zoning office before allowing them to come in and inspect the solar farms. The committee agreed with the change to the language of the third part inspection portion of the draft ordinance.

Chair Bunting recommended that the vote on this matter be withheld until a meeting at 5:30 prior to the county board meeting to make sure the language is satisfactory before sending it to the full board. The committee agreed with the suggestion.

Case ZT-2-22 – Livingston County Board

This zoning case pertained to the review of a proposed zoning text amendment to extend the temporary moratorium on new solar farm applications.

Chair Bunting explained that this text amendment is necessary in order to make sure that the county can remain in a moratorium while the new ordinance goes through the process of various hearings. Chair Bunting suggested an extension of 90 days which would extend the moratorium until the June 15th county board meeting. The committee agreed with the suggestion of a 90 day extension.

Paul Ritter then moved, seconded by Joel Barickman that ZT-2-22 be recommended for approval with a 90 day extension of the moratorium until the June 15th county board meeting.

The motion carried with a voice vote of all ayes.

Solid Waste Update

The assistant zoning administrator provided a solid waste update to the committee and explained that there was a request by the Livingston Landfill to scale back sampling on certain wells located in parcel “C” and parcel “D” from quarterly to bi-annually. The committee voiced its displeasure with the request and discussion took place as to whether the county had a say in it. It was explained that the documents are sent to the zoning office as a courtesy and that the formal request is sent to IEPA. The county would not be able to stop them from changing sampling frequency if the IEPA grants the request.

The assistant administrator further explained that the zoning office had received copies of Q4 sampling that took place where no concerns were noted.

Other Issues to Come Before the Committee

The assistant zoning administrator noted a handout that was passed out along with packets before the start of the meeting that appeared to be a draft senate bill for the state that seeks to set regulations for wind/solar energy at the state level. The zoning assistant administrator stated that it was passed along to him from the zoning email chain that he is part of. The zoning administrator noted that this is not uncommon for the state legislature to try this and that it has been happening every year for awhile.

The assistant zoning administrator then noted that it may be time to think about another e-recycle date if it is planned to be done in April like it was last year. Chair Bunting recommended that be put on next month's agenda to be discussed further.

Lastly, Chair Bunting thanked Chuck Schopp, the zoning administrator for his many years of service to the county as he retires.

Public Comment:

The floor was then opened for public comment.

Review and Approval of Bills

There was one bill in the amount of \$2,536.17 to Deigan & Associates for services rendered.

Gerald Earing moved, seconded by Paul Ritter that the bill be paid.

The motion carried by a voice vote of all ayes.

Adjournment:

Joel Barickman moved, seconded by Jack Vietti that this meeting be adjourned.

The motion carried by a voice vote of all ayes.

The meeting was adjourned at 7:10 p.m..

Jesse J. King, Assistant Administrator
Livingston County Regional
Planning Commission