

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE FEBRUARY 6, 2023 MEETING

The meeting was called to order at 5:59 p.m.

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

Absent:

Also Present: Andrew Keyt

Committee Chair Earing commented about the agenda for this February 6, 2023 meeting. Paul Ritter moved, seconded by Steve Lovell that this agenda be approved as presented. This motion was unanimously approved by voice vote.

Chair Earing then noted the minutes from the January 4th and January 12th, 2023 meeting. Jack Vietti made a motion that was seconded by Paul Ritter that both sets of minutes be approved as presented. The motion carried unanimously by a voice vote of all ayes.

Business:

Illinois HB 4412 Discussion

The assistant zoning administrator informed members of the committee that Illinois HB 4412 had been signed by the governor on January 27th and was declared to be effective immediately. The assistant zoning administrator added that the county has 120 days to implement the new law into the ordinance which works out to be the end of May.

Andrew Keyt, an attorney representing the county on the matter, then spoke on the new law. Andrew stated that the primary issue that the county needs to address are setbacks which were increased with the new proposed solar ordinance. Andrew explained that most counties that his firm are representing are either solely implementing the new law and nothing else or they are implementing the new law and adding things of their own to the ordinance. Andrew explained to committee members that adding things in addition to the new state law could be tricky due to the law stating that there cannot be any regulations that are more restrictive than the state law.

Randy Yedinak, the Livingston County State's Attorney, then discussed his office's involvement with other state's attorneys throughout the state in looking into a potential lawsuit over the implementation of the new law. Randy recommended that the county implement the new state law while they continue to look into avenues of a potential lawsuit.

There was then a question about the status of the county's moratorium due to the implementation of the new law. Andrew explained that the county's moratorium is likely no longer valid with the new law being effective immediately that explicitly forbids temporary or permanent restrictions on wind/solar development.

There was then a question about whether or not the county should implement the new state law guidelines to the ordinance if the county is looking into a lawsuit that could invalidate the new state law if the lawsuit is successful. Randy responded by saying that he understands that time is of the essence in this matter and that

the working group of attorneys he is collaborating with will continue to look into grounds to sue the state over the new law.

There was then discussion on potential new wind farm development coming up in the county. Pattern and Tri Global Energy were discussed and a committee member pointed out that representatives from Tri Global Energy are currently seeking leases for their project that would come in from Woodford County. There was a question if the new law had height restrictions to wind turbines. Andrew explained that there is not, but that the wind farm companies simply had to have a designation of no hazard from the FAA.

A committee member then suggested that the county pass the new state law and then immediately begin working on other things that could be added in later to the ordinance. Randy affirmed that they could do that.

There was then a question about whether a stipulation could be added to the new ordinance that it be implemented if the new state law is successfully struck down. It was explained that they could not do that because it would mean that the county did not adopt the new state law into the ordinance.

The assistant zoning administrator then asked Andrew if the language of the new state law could be added into the current zoning text amendment case that is currently in the process. Andrew stated that the solar language could be added to that zoning text amendment, but that the county should do a separate text amendment for the wind ordinance.

Paul Ritter then explained that he felt it would be in the county's best interest to proceed with adopting the new state law to the county's ordinance and made a motion to do so. Steve Lovell seconded that motion.

The motion carried with a roll call vote of all ayes.

Spring 2023 E-Recycle Event Discussion

The assistant zoning administrator mentioned that the county is due for another recycling event and inquired about dates that were available for committee members. After some discussion, it was determined that April 1st, 2023 would be the date and that the zoning administrator should seek permission to use the K-Mart parking lot again.

Solid Waste Update

The assistant zoning administrator provided a solid waste update to the committee where it was noted that there were no new significant data to report. The assistant administrator noted that the landfill would be seeking a special use for a borrow pit at some point this year for cover soil.

Heritage Prairie Wind Project Update

The assistant zoning administrator provided an update to committee members by explaining that Pattern intends to have an open house in Pontiac at the golf course on March 14th where they will have a morning and afternoon session. Further, they intend to file a special use application sometime in mid-June.

Other Issues to Come Before the Committee

The assistant zoning administrator reported the recent retirement of the zoning administrator and that he has accepted the administrator position. The assistant zoning administrator added that a new assistant has been hired to replace his position as he moves into the administrator position.

Public Comment:

The floor was then opened for public comment.

Review and Approval of Bills

There was one bill in the amount of \$3,729 to Deigan & Associates for services rendered.

Steve Lovell 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 7:05 p.m..

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