

LIVINGSTON COUNTY BOARD
AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE
MINUTES OF THE MARCH 1, 2023 MEETING

Committee Chair Gerald Earing called the meeting to order at 5:00 p.m.

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

Absent:

Also Present: Zoning & Planning Administrator Jesse King and Attorney Andrew Keyt (Heyl Royster)

Earing called for any additions or corrections to the agenda with none requested. Motion by Vietti, second by Ritter to approve the agenda as presented. **Motion carried with all ayes.**

The Committee reviewed the minutes of the February 6, 2023 and February 16, 2023 meetings. Motion by Ritter, second by Barickman to approve the minutes as presented. **Motion carried with all ayes.**

Business:

Zoning Ordinance Amendments for WECS & Solar – Required under HB4412 Public Act 102-1123

King explained that the draft ordinances were created based on our current wind and solar ordinances and the proposed amendments were developed by the Committee. Keyt discussed the current draft of the wind and solar ordinances and the boards options for adding language to the drafts.

A question was raised on when the 120-day mark would hit from when HB4412 was passed. It was clarified that the bill was signed on January 27th, 2023, which would make May 27th, 2023 the deadline. Discussion took place regarding what would happen if the County is not in compliance with the new state law by May. The Committee questioned if there was a lawsuit filed before the May 27th deadline, could a moratorium be enacted. Keyt explained that it would depend on how the injunction is worded as to whether or not that would be a viable option.

The possibility of needing to change the ordinance language again was discussed due to an impending trailer bill at the state level which makes changes to HB4412. The Committee was concerned that they would need to make more changes if the trailer bill is passed. Keyt stated that there is a possibility that the trailer bill could be passed subsequent to the original bill and that the ordinance would need to be updated to reflect those changes as well. Keyt explained changes can be made to the ordinances throughout the process prior to the Zoning Board of Appeals.

Keyt reported that he changed the language in the wind ordinance to accommodate the new state law regarding the turbine height restrictions. Keyt stated he left the 500ft height restriction in the ordinance in case a wind developer could not provide determination of no hazard for a higher turbine, but added the FAA no hazard designation caveat to follow the state law.

Concerns were previously raised to County Board Members about representatives from wind and solar companies going door-to-door seeking support on their projects. The committee suggested that peddler permits should be added to the ordinances requiring these representatives to undergo a background check and pay a permit fee to the County to be able to advertise, as well as, wear a badge so they can be easily

identified and be held accountable if there are any issues. Keyt advised he would look into the Solicitor Act to see if the County could require wind and solar representatives to register with the County before soliciting.

Keyt was approached with suggestions from the Committee to add language on the wind ordinance including doppler radar considerations and to require testing by a licensed acoustician and ornithologist. Keyt explained the ornithologist test is usually covered during the EcoCAT natural resources review. The Committee also would like to require wind farms to submit yearly maintenance reports to the Zoning Office.

The committee addressed decommissioning and salvage values as it relates to the financial assurance that the County receives. Keyt suggested adding the LaSalle-Sinclair factors to the ordinance as well as the fees associated with wind farm applications.

Keyt discussed possible changes in the solar farm ordinance stating building permits not be issued until the Zoning Office receives decommissioning financial assurance. A question was raised regarding if the County could limit the number of special uses that are issued each year, in which Keyt advised them they could not. Keyt did agree to look into whether or not the LESA score could be considered.

Spring 2023 E-Recycle Event Discussion

King mentioned that the Committee had previously agreed on a date of April 1, 2023 for the E-Recycle Event, but he would be out of town that weekend and suggested to reschedule the E-Recycle Event to April 8, 2023 instead. The committee agreed on the new date.

Public Comment

The floor was open for public comment.

Adjournment

Motion by Lovell, second by Ritter to adjourn the meeting. **Motion carried with all ayes.**

The meeting was adjourned at 7:25 p.m.

Jesse J. King, Administrator
Livingston County Regional
Planning Commission