

Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(May 23, 2018)

The Planning and Zoning Committee of the DeKalb County Board met May 23, 2018 at 6:30 p.m. in the DeKalb County Legislative Center, Gathertorium, in Sycamore, Illinois. In attendance were Committee Members: Kevin Bunge, Dan Cribben, Steve Faivre, Tracy Jones, Mark Pietrowski, Craig Roman, and Suzanne Willis; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: Jim Hutcheson, Brad Belanger, and numerous members of the public; P. J. Saliterman, of EDF; Larry Smith; Roger Scott, DeKalb County Sheriff; Chief Deputy Andrew Sullivan; and County Board Members: John Frieders, Tim Hughes, Dianne Leifheit, and Roy Plote.

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order.

APPROVAL OF AGENDA

Ms. Willis moved to approve the agenda, seconded by Mr. Cribben, and the order carried unanimously.

APPROVAL OF MINUTES

Mr. Pietrowski moved to approve the minutes of the April 25th meeting, seconded by Mr. Jones, and the motion carried unanimously.

PUBLIC COMMENTS

Brad Belanger submitted a copy of “Exhibits Submitted to the DeKalb County Planning and Zoning Committee for the Wind Ordinance Workshop” prepared by Concerned Citizens for DeKalb County, and noted that they would discuss the materials contained therein when the Committee reached the workshop portion of the meeting.

John Lyon, of Mayfield Township, informed the Committee that Mr. Art Bingham could not attend the meeting due to a prior commitment, and had asked that Mr. Lyon, who would be attending the meeting, read a letter he had prepared addressing his concerns regarding the proposed EDF wind farm. The letter relates that Bingham met numerous times with Alan Hughes, a representative of EDF, regarding them possibly participating in the proposed EDF wind farm. The letter indicated that Mr. Bingham had concerns regarding the potential effect of a wind turbine on farmland drainage systems on their property, and their dissatisfaction with the responses provided by Mr. Hughes. The letter asks that the Committee consider requiring “any electrical generation project component” be setback a minimum of at least 500 feet from any known or located farmland drainage systems. Mr. Lyon then submitted copies of the letter to the Committee for their perusal.

NEW BUSINESS – SPECIAL USE PERMIT

Mr. Hiland informed the Committee that the DeKalb County Sheriff's Department was requesting approval for a Special Use and a Variation for a proposed 350 foot communication tower on property located at 31900 Irene Road, Kirkland in Franklin Township, as part of their upgrade of the DeKalb County 911 System. Mr. Hiland stated that a public hearing was held on May 17, 2018. Mr. Hiland noted that the Hearing Officer's Findings indicate that given the significance of the variation sought that the County Board would be the appropriate body to determine whether the variance should be granted.

Mr. Pietrowski moved to recommend approval of the Special Use Permit and the requested variance, seconded by Mr. Cribben.

Ms. Willis requested more information on the nature of the proposed towers. Mr. Faivre indicated that he had attended the public hearing and related what he had learned, and Deputy Sullivan provided additional details on the nature of the safety features of the tower.

Mr. Bunge inquired whether it would be appropriate to revise the regulations for communication towers. Mr. Hiland described what process to do so and also presented other alternatives for addressing the issue. After further discussion, Ms. Willis suggested that the Committee revisit the subject of revision of the regulations at a later date, and focus on the towers being discussed that evening.

The motion to recommend approval of the Special Use Permit and Variance was carried unanimously.

NEW BUSINESS – SPECIAL USE PERMIT

Mr. Hiland informed the Committee that the DeKalb County Sheriff's Department was requesting approval for a Special Use and a Variation for a proposed 350 foot communication tower on property located on Miller Road approximately 1170 feet west of Waterman Road, in Afton Township, as part of their upgrade of the DeKalb County 911 System. Mr. Hiland stated that a public hearing was held on May 17, 2018. Mr. Hiland noted that the Hearing Officer's Findings were the same as for the previously discussed tower.

Mr. Pietrowski moved to recommend approval of the Special Use Permit and the Variance, seconded by Mr. Cribben, and the motion was unanimously approved.

OTHER BUSINESS – WIND ENERGY WORKSHOP & DISCUSSION

Mr. Faivre informed the audience that the purpose of the workshop was to gather information and input from the public regarding the minimum setback requirements for wind energy systems. He then opened the floor to the public.

Larry Smith gave a presentation wherein he recommended a minimum setback equivalent to 3.1 x the height of the tower (from grade to the tip of the blade) from all residences, which would equal

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approximately 1525 feet for the towers proposed by EDF, a minimum setback equivalent to 1.1 x the height of the tower from all public roadways and neighboring property lines, which would equal 550 feet for the EDF towers, and the creation of a health guarantee agreement, which would work similar to a property value guarantee, to address any health related complaints. Mr. Smith described his research and how he developed his recommendation, and also submitted a written version of his statement to the Committee.

Anne Carlson, of South Grove Township, rebutted Mr. Smith's statement, asserting that the residents living near wind towers were under a gag order, and unable to publicly express any complaints they may have. She then asserted that she was also aware of a situation wherein the property value guarantee did not work.

Mel Hass, of Milan Township, took exception to the statistics presented by Mr. Smith, stating that his own experiences living close to a wind tower did not agree with Mr. Smith's findings. Mr. Hass also asserted that he had reported his complaints to the Sheriff's Department and to the County Board.

Kathy Stelford, of Sycamore Township and founder of Oaken Acres Wildlife Center, informed the Committee that there are currently five, possibly six, active bald eagle nests in DeKalb County, with two or three of the nests being located in the northwest quadrant of the County along the Kishwaukee River, and that Bald Eagles require a range of at least one mile radius around their nests. She informed the Committee that she had learned from a fish and wildlife agent that newer, more "bird friendly" blade designs exist and asked that the Committee require that such blades be used. She then submitted a picture of "Freddy" the bald eagle, who was injured after running into a wind turbine.

Rick Cashion, of Lindenwood, Illinois, informed the Committee that he had been asked to come speak about his experiences living next door to property containing a wind turbine. He explained that he was unaware that a turbine was to be built on the neighboring school property when he purchased his house. He described the issues raised regarding the wind turbines construction, its placement near the school's baseball diamonds, its partial destruction after a lightning strike and the company's response to this, and his community's eventual removal of it. He expressed distrust of the companies owning the towers.

Andrew Heinisch, of Kingston Township, expressed his opinion that wind towers are a nuisance to non-participating residents. He noted that the regulations do not require that the companies use the best technologies or practices available. He described an alternative practice whereby the use of the red warning lights located at the top of the towers could be reduced, and submitted a copy of an Advisory Circular from the FAA regarding "Obstruction Marking and Lighting". Mr. Heinisch also recommended that the company be required to use serrated blades to reduce the noise produced by the turbines to at or below the ambient noise level for the area, and suggested that minimum setbacks from forest preserves and pipelines also be included in the regulations.

Zach Sheedy, of South Grove Township, described a variety of health concerns related to the presence of wind turbines. He then suggested that the Committee review a copy of the Mars Hill Wind Turbine Project

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Health Effects study by Dr. M. Nissenbaum, for further information about the negative health effects produced by wind turbines.

Russell Talley, of Genoa, expressed his desire to maintain a county lifestyle, and asked for a show of hands for those who liked wind farms (3) and those who didn't (most of the audience). Mr. Talley then suggested that the Committee review a copy of an affidavit submitted to the Adams County Board regarding the negative effects of wind farms on property values. He noted that few of the most important items in that report were: that wind farms dramatically change the character of the neighbor because of their industrial nature; that properties up to two miles away had experienced value losses; sleep disturbances on properties up to two miles away; and a range of 25% to 40% value loss to homes. He added that the report likened the approval of wind energy projects is the equivalent to a regulatory taking.

P.J. Saliterman, of EDF, responded to several of the statements made by the previous speakers. He noted that while their studies did show a there was a tendency for property values to decline a little bit immediately following the announcement of a new project, but that the effect is negated by the time the project has gone into construction. He refuted the statement that they have gag orders on residents, pointing out that the contracts signed by the participant land owners grants the company an easement on the property allowing for the operation of the turbines, including allowing for any noises or other affects that may occur. He also refuted many of the other claims made by the previous speakers regarding negative affects produced by wind turbines. He then submitted a handout produced by EDF regarding wind energy setback ordinances – best practices.

Clay Netzley, of Kingston Township, suggested that each wind turbine be required to have forty acres and that the turbine be located in the center of it.

Eric Manheim, of Sycamore Township, questioned the need or benefit of allowing another wind farm.

Mr. Talley expressed his distrust of any report provided by the EDF, and suggested that the Committee only use studies not funded by EDF or its partners. He also stated that any funds gathered as part of a property value guarantee be County controlled and directed.

Katie Smith, of South Grove Township, related her and her family's negative experiences living near a wind farm constructed in Lee County, in particular she referenced the noised produced. She asserted that the wind farms do not benefit the rural residents, only the company, the land owner, and the County.

John Cardinalli expressed his opinion that the proposed wind farm would not be good for the community.

Vernon Johnson expressed his opinion that a wind farm was not needed and that removing farmland to create one would be a mistake.

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Rita Yerkes, of Genoa, expressed her belief that property values will be negatively affected, and asserted that the County will only lose tax monies. She stated that her family would be looking to move out of the County should the wind farm be approved.

Brad Belanger refuted Mr. Saliterman's statement that EDF does not have a gag order, submitting a copy of a DeKalb Wind Farm lease and asserted that the Confidentiality portion of the contract was in effect a gag order.

Mr. Sheedy responded to a comment made previously that only "1 in 100 people would be affected", stating that if that one was a member of his family, it would ruin his life.

Mr. Pietrowski asked Mr. Saliterman to respond to Mr. Belanger's assertion regarding the confidentiality clause of the lease. Mr. Saliterman responded that the confidentiality clause is to protect the company from having the lease being published in the paper or being handed over whole-cloth to other folks. He asserted that EDF had no problems with anyone wanting to consult with their neighbors, advisors, attorneys, or families. He then noted that it was not a gag order, but that the contract gives the company an easement to operate on the property, including causing noise, shadow flicker, etc. He noted that the property owner does not have to like it and they can complain about it, but that at that point, the property owner has signed an agreement to allow those things to occur. He also noted that he could not speak for the FPL, but that EDF did not have anything preventing people from complaining.

Mr. Pietrowski inquired as to what was the closest site EDF had to DeKalb County. Mr. Saliterman responded that the Pilot Hill & County Creek projects, which extends across Kankakee, Ford, and Iroquois Counties would be the closest.

Kurt Bechle expressed his disagreement with the statements made in the ads run by EDF, and recommended that the minimum setback be at least one mile from property lines.

Tom Mangan, of South Grove Township, inquired whether Committee member Tracy Jones had made any agreements with EDF, to which Mr. Jones replied no. Mr. Mangan also recommended that the minimum setback be one mile from the footprint to the pad to property lines and roads.

Mr. Heinisch suggested that properties containing non-participating property owners should have far greater setbacks than those of participating owners.

Mr. Hass noted that the County's use of a Special Use Permit to regulate the previous wind farm was a mistake, and that the establishment of a wind energy ordinance is needed. He noted that his residence is only half of a mile away from the nearest wind turbine, and stated that they could clearly hear the construction workers talking while they were up on the tower. He recommended that the County limit the height of future towers to four hundred feet. He also related his own experience dealing with shadow flicker at his home. Mr. Hass recommended that the County should have a Decibel meter to track the noise produced by the towers and to measure the noise levels on a regular basis, and that this should be

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paid for by the developer of the tower. Mr. Hass also submitted an agenda from the Illinois Windworking Group, from their 2011 Siting, Zoning, & Taxing Wind Farms in Illinois Conference.

Mr. Cardinali agreed that if the County were to track the noise levels, then the costs for this be paid for by the developer.

Ms. Willis asked Mr. Saliterman to speak on the differences in efficiency between linear vs random placement of wind turbines. Mr. Saliterman noted that a grid pattern would be most efficient, but that placement of towers is most often dictated by what is available and meets the required setbacks, participants vs non-participants, etc.

Karen Forbes Johnson expressed her issued with an ad run by EDF in the Daily Chronicle.

Mr. Pietrowski addressed the audience saying that the Committee was interested in fact driven peer-reviewed research, whether for or against. The Committee is not listening on the ads. They want facts and personal experiences with wind turbines, and research from other communities.

Andrew Heinisch, Jr., a fifteen year old Kingston resident, read a statement expressing his concerns about the proposed wind farm, the direction that County has taken in the recent past, and his worry about the future state of the County if projects such as the wind farm are allowed to proceed.

Laurie Thrower, of Mayfield Township, noted that Mr. Saliterman did not live in proximity to any wind towers, and related to the Committee the stories of two families with devastating health effects living near the FPL wind farm.

Lisa Bergeron, speaking on behalf of the Concerned Citizens of DeKalb County, gave a presentation detailing the contents of the "Exhibits Submitted to the DeKalb County Planning and Zoning Committee for the Wind Ordinance Workshop", which was distributed to the Committee members. She described matrix they created, their methodology, and their results and recommendations. As part of the presentation, Ms. Char Johnson, informed the Committee about a serious health issue she has which would be highly impacted by any shadow flicker produced by a wind turbine. In summary, their recommendations were:

- Minimum setback of 6,562 feet from the property lines of non-participating properties,
- Setbacks may be waived by property owners, but in no case should be less than 200 feet greater than the safety/evacuation zone as defined in the manufacturers unredacted safety manual,
- Minimum setback of 3,960 feet from public roads, gas & oil lines, third party transmission lines, and communication towers,
- Minimum setback of 2 to 3 miles from school property lines and forest preserves,
- Minimum setback of 3 to 5 miles from municipalities and unincorporated villages,
- Minimum setback of 5 miles from migrating bird habitats, marshes, and bald eagle nesting locations.

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Mr. Bechle noted that the cheapest way to make energy was nuclear.

Mr. Hass asserted that penalties needed to be in the ordinance to keep the wind farm in check, noting that compliance diminishes over time. Mr. Hass then spoke about a recently established effect, known as the “night time inversion factor”, which addresses the differences in noise levels at different times of the day and various factors that can affect them. He noted that a baseline noise level needs to be established before the towers go in.

ADJOURNMENT

The Committee agreed that it would hold a meeting in June at its regular date and time, and asked that Mr. Hiland prepare a skeleton of the ordinance, so that they could work on filling in the missing parts.

Ms. Willis motioned to adjourn, seconded by Mr. Bunge, and the motion carried unanimously.

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

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