

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 Special Meeting
(August 22, 2018)

The Planning and Zoning Committee of the DeKalb County Board met August 22, 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, Tracy Jones, Mark Pietrowski, and Craig Roman; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: Jim Hutcheson, Brad Belanger, Lisa Bergeron, Greg Millburg, and numerous members of the public; Mustafa Mohammad, of HBK Engineering; John Baker and Shanelle Montana, of EDF; DeKalb County Sheriff Roger Scott; and County Board Members: John Frieders, Tim Hughes, and Jeff Whelan.

CALL TO ORDER

Mr. Bunge, Planning and Zoning Vice-Chairman, called the meeting to order. Mr. Cribben arrived after the meeting began. Mr. Bunge informed the Committee that due to a death in the family, he was unable to prepare to be able to chair the meeting.

Mr. Bunge moved to have Mr. Pietrowski serve as chair for the August 22nd Committee meeting, seconded by Mr. Jones, and the motion carried unanimously.

APPROVAL OF AGENDA

Mr. Bunge moved to approve the agenda, seconded by Mr. Roman, and the order carried unanimously.

APPROVAL OF MINUTES

Mr. Jones moved to approved the minutes of the July 25th and August 9th Committee meetings, seconded by Mr. Bunge, and the motion carried unanimously.

PUBLIC COMMENTS

Dave and Sandra Davis, of 350Kiswaukee, suggested the Committee conduct greenhouse emissions inventory, and to use the findings of that inventory to aid in their decision making process. They also presented a written copy of their request to the Committee.

Lisa Bergeron, of the Concerned Citizens of DeKalb County, informed the Committee that in response to the questions and statements made at its previous meeting regarding the sound standards to be adopted, they had asked Mr. Richard James, of E-Coustic Solutions, to speak to the Committee regarding sound. She informed the Committee that Mr. James was unable to attend the meeting in person, but that she had him on speaker phone. Mr. James gave a detailed review of sound/noise as it related to wind turbines and made suggestions regarding the proposed regulations. He also provided a detailed review of the process and methodology he used to formulate his findings. Ms. Bergeron presented the Committee with a hard copy of the power point presentation Mr. James had intended to use for his presentation.

Chris Green, of Tri Global Energy, noted that he had attended the previous meeting and that most of what he had heard was negative towards wind. He then shared his experiences working on the repowering of the Mendota Hills project in Lee County, IL. He finished his statement by noting that many of the negative things being said about the wind turbines were not true. Mr. Pietrowski inquired about the process for decommissioning of towers in that project, and Mr. Green gave an overview of the steps that would be necessary. Mr. Jones inquired whether the existing towers were being replaced with new towers, and about how much of the foundation materials were required to be removed. Mr. Green responded that they were replacing the existing towers with new ones, and that the amount of material removed depended on the lease signed with the landowner; some required complete removal, while others only require removal to a depth of four feet.

Shanelle Montana, of EDF, noted that Mr. James, who spoke earlier, was a known anti-wind activist, and that the suggestions made by him were not reasonable. She asserted that the land owners they worked with were willing participants, who wanted to sign leases and be a part of these projects. She asked that the Committee take a balanced approach in developing the wind energy regulations.

Kathy Smith described growing up in Mendota Hills, and noted the affect the wind farm had on the area. She noted that many of the landowners deciding to participate in the project do not live on the land, and thus are not impacted by it.

Carol Sibley inquired as to the number of wind industry employees who live within a two mile radius of a turbine.

Kathy Androste read a passage from "On Being" by Christine Tippet, which emphasized the need for quiet and the value of silence.

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.

Julie Talley informed the Committee that she used to not be concerned about the wind turbines, until she learned more about them, and made a statement about why wind towers would be bad.

John Westburg talked about his cousin, who lives in Sweden, and his experiences with wind turbines, noting that he had no problems with noise.

Sandy Wittman asked the Committee to remember wildlife, and the number of bird and bat kills.

Ken Reinhart made a statement in support of the comments made by Kathy Stelford at the previous Committee meetings, regarding the need to protect the wildlife from the turbines. He recommended that a setback of five miles from any active eagles nest, and that the US Fish and Wildlife Service be consulted and submitted a copy of the US Fish and Wildlife Service Land-Based Wind Energy Guidelines. He also suggested that if any new nests build within this setback in the future, that the turbine be shut down. Additionally, he suggested that equal setbacks be set from the Kishwaukee River and County forest preserves and prairielands.

Phil Buchannan, of the Concerned Citizens of DeKalb County, gave a statement wherein he described the draft ordinance as fair and balanced, noted that the wind people always say objectors are anti-wind, and that most of the owners signing up to get turbines do not live on the land where they are going. He asserted that the purpose of zoning is to protect the neighbors, not just to help developers.

Byron Kent admonished the County for not requiring that EDF share the data they are getting from the wind testing towers they erected. He also accused the County Board of being in the pocket of the wind industry, and felt that the Board needed to vote against it.

Deborah Nestle asserted that the objectors were not a vocal minority, and does not believe that the majority of the citizens are for wind. She believes that a wind farm will have a bad impact.

Leslie Veneer asserted that any jobs created by a wind farm project would not be full-time jobs. She asked why acreage couldn't just be set aside for light industrial jobs instead.

Karen Johnson noted that her husband would benefit for a short time from the jobs created, but that they would lose far more in property value. She asserted that the only ones to benefit from wind turbines are those making money on them, and that there are very few of them.

OLD BUSINESS

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.

None.

NEW BUSINESS – SPECIAL USE PERMIT (SH-18-14)

Mr. Hiland informed the Committee that Summit Ridge Energy had requested a Special Use Permit to establish and operate a 2-megawatt, 15-acre solar garden on the east side of Tower Road, in Shabbona Township. He informed the Committee that a Public Hearing was held on July 26, 2018, at which no one spoke in favor or opposition to the request. He noted that the Hearing officer had recommended approval with conditions, and asked the Committee to consider the application and forward a recommendation to the full County Board.

Mr. Jones moved to recommend approval, with conditions of the Special Use request, seconded by Mr. Bunge, and the motion carried unanimously.

NEW BUSINESS – SPECIAL USE PERMIT (SH-18-15)

Mr. Hiland informed the Committee that Summit Ridge Energy had requested a Special Use Permit to establish and operate a 2-megawatt, 15-acre solar garden on the east side of Tower Road, in Shabbona Township, co-located with the previous request. He informed the Committee that a Public Hearing was held on July 26, 2018, at which no one spoke in favor or opposition to the request. He noted that the Hearing officer had recommended approval with conditions, and asked the Committee to consider the application and forward a recommendation to the full County Board.

Mr. Bunge moved to recommend approval, with conditions of the Special Use request, seconded by Mr. Jones, and the motion carried unanimously.

NEW BUSINESS – SPECIAL USE PERMIT (KI-18-17)

Mr. Hiland informed the Committee that Summit Ridge Energy had requested a Special Use Permit to establish and operate a 2-megawatt, 15-acre solar garden on the east side of Pleasant Hill Road, in Kingston Township. He informed the Committee that a Public Hearing was held on July 26, 2018, at which one person spoke in opposition to the request. He noted that the Hearing officer had recommended approval with conditions, and asked the Committee to consider the application and forward a recommendation to the full County Board.

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.

Mr. Jones moved to recommend approval, with conditions of the Special Use request, seconded by Mr. Cribben, and the motion carried unanimously.

NEW BUSINESS – SPECIAL USE PERMIT (KI-18-18)

Mr. Hiland informed the Committee that Summit Ridge Energy had requested a Special Use Permit to establish and operate a 2-megawatt, 16.19-acre solar garden on the east side of Tower Road, in Shabbona Township, co-located with the previous request. He informed the Committee that a Public Hearing was held on July 26, 2018, at which no one spoke in favor or opposition to the request. He noted that the Hearing officer had recommended approval with conditions, and asked the Committee to consider the application and forward a recommendation to the full County Board.

Mr. Cribben moved to recommend approval, with conditions of the Special Use request, seconded by Mr. Roman, and the motion carried unanimously.

NEW BUSINESS – AMEND WIND FARM MORATORIUM

Mr. Hiland noted that on March 15, 2017, the County Board approved Ordinance 2017-02, which established a period of assessment on commercial, electricity generating wind towers for eighteen months to analyze data regarding the County's first commercial wind farm and to develop comprehensive wind energy system regulations. He noted that more time was needed to complete the process of developing these regulations and recommended that the Moratorium be extended to December 31, 2018.

Mr. Jones moved to forward a recommendation that the period of assessment be extended to December 31, 2018 or until a fully adopted wind energy ordinance is in place, whichever comes first, seconded by Mr. Cribben, and the motion carried unanimously.

OTHER BUSINESS – WIND ENERGY WORKSHOP & DISCUSSION

The Committee reopened the discussion regarding the elements of a proposed wind energy ordinance.

Mark Vicary, the Mayor of the City of Genoa, addressed the Committee, noting that the reaction from his citizens had been a mixed bag, with some for and some (more) against. He noted that the City was in favor of the three (3) mile setback from municipal boundaries.

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.

Mr. Hiland noted that included in the Committee's packet was a rough draft ordinance for their review, and asked that they pay especial attention to the highlighted areas. He also noted the inclusion of three maps: the first depicting a 1.5-mile buffer around municipal boundaries and forest preserves; the second depicting a 3-mile buffer around municipal boundaries and a 1.5-mile buffer around forest preserves; and, the third depicting a 3-mile buffer around municipal boundaries and forest preserves.

Mr. Hiland informed the Committee that Terry Hannan, the DeKalb County Forest Preserve Supervisor, had informed him that he would be presenting the proposed forest preserve setbacks at the next meeting of the Forest Preserve Committee.

Mr. Jones complimented staff on the work that was done and suggested that the Committee review the draft ordinance page by page. Mr. Pietrowski agreed, but suggested that they focus on the highlighted material first.

The first item discussed was item 7.h.1 of the draft. Mr. Hiland noted that the Committee had designated a setback of six times the tower height from any property line. He noted however that the ordinance also included a provision whereby a participating owner could waive this setback requirement, but that the Committee had not discussed that minimum setback a tower must be from a primary structure.

Mr. Bunge moved to make the minimum setback a tower must maintain from a primary structure on a participating property be 1.1 times the height of the tower, seconded by Mr. Cribben, and the motion carried 3 to 2 (Jones, Roman).

Next was item 7.h.3, regarding the minimum setback from a municipal boundary. Mr. Hiland informed the Committee that he had highlighted this language because he wanted to suggest a change to what had been adopted, and using the maps that had been prepared, explained his suggested change. Further discussion occurred regarding the proposed language.

Mr. Bunge moved to require a developer proposing to place a wind turbine within the 1.5 to 3-miles zone from a municipal boundary must receive approval from said municipality to do so, seconded by Mr. Jones, and the motion carried 4 to 1 (Cribben).

Next was item 10.e, the Enforcement Fund. Mr. Hiland summarized the issues staff had with the language, and describes the difficulties that staff would have in enforcing it. The Committee then had an extended discussion with Mr. Hiland, Sheriff Roger Scott, and some wind industry members regarding the language, intent, and functionality of this section.

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.

The Committee agreed that the language needed to be revised and to have the following items incorporated into it:

- Change all references of Sheriff's Department to Sheriff's Office
- Owner/operator to pay cost of determining whether tower is out of compliance
- Enforcement fund to be an escrow account of \$10,000
- The costs of any third-party expert to be borne by owner/operator
- An escalating fine schedule

Mr. Bunge moved to revise section 10.e of the draft ordinance to include those items discussed above, seconded by Mr. Roman, and the motion carried 4 to 1 (Cribben).

Mr. Hiland noted that several of the items would require input from the State's Attorney Office, and further discussion with the Sheriff's Office to work out the details.

The Committee then discussed the item 11. Birds.

Mr. Jones moved to require that tower be setback no less than 1.5-miles from any active eagle's nest, and that all towers be fitted with an Identiflight, or equivalent, system, seconded by Mr. Bunge, and the motion carried unanimously.

Mr. Jones moved to have staff make the requested changes and to initiate the Text Amendment process for review and adoption of the proposed ordinance, seconded by Mr. Bunge, and motion carried 4 to 1 (Cribben).

ADJOURNMENT

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

Respectfully submitted,

Mark Pietrowski
Acting Chairman, Planning and Zoning Committee

MOA: moa

P:\Zoning\P&ZCommittee\Minutes\2018 minutes\08-22-18 P&Z Minutes.docx

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.