

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
(July 25, 2018)

The Planning and Zoning Committee of the DeKalb County Board met July 25, 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, and Suzanne Willis; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: Jim Hutcheson, Larry Smith, Brad Belanger, Lisa Bergeron, and numerous members of the public; John Baker, of EDF; Bill French, of Sun Vest Solar, Inc., and County Board Members: Tim Bagby, John Frieders, Tim Hughes, Diane Leifheit, Maureen Little, Roy Plote, Chris Porterfield, and Stephan Reid.

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order, and noted that Mr. Roman was not in attendance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Willis moved to approve the minutes of the July 12th Committee meeting, seconded by Mr. Bunge, and the motion carried unanimously.

PUBLIC COMMENTS

Mr. Hiland distributed an updated version of the Planning and Zoning Committee Wind Ordinance Timeline and Issues, informing the Committee that there was a formatting error in the one included in their meeting packet.

Kathy Stelford, of Oaken Acres, informed the Committee that the organization was planning to replace a barn on their property and presented an argument as to why she believed the property should be treated as an agricultural activity. She also asked that Committee consider treating 501.C.3 organizations as exempt from the County regulation.

Mark Stelford, of Oaken Acres, stated that Oaken Acres should be treated as an agricultural exempt property, noting that part of the barn to be replaced would be used for maintenance of the property.

Brad Belanger, speaking for the Concerned Citizens of DeKalb County, presented the Committee with two handouts: the first was an editing version of a wind energy ordinance containing suggested revisions; and the second discussed suggested setbacks for wind turbines and gave examples of setbacks being used in other locations.

OLD BUSINESS

None.

NEW BUSINESS – SUN VEST KIRKLAND 1 SPECIAL USE

Mr. Hiland informed the Committee that Sun Vest Solar was seeking a Special Use Permit to construct and operate a Solar Garden on property located along Peal Street in Franklin Township. He informed the Committee that a public hearing was held on July 12th and that the Hearing Officer recommended approval, with conditions, of the request.

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

NEW BUSINESS – SUN VEST KINGSTON 1 SPECIAL USE

Mr. Hiland informed the Committee that Sun Vest Solar was seeking a Special Use Permit to construct and operate a Solar Garden on property located at the northeast corner of State Route 72 and Pleasant Hill Road in Kingston Township. He informed the Committee that a public hearing was held on July 12th and that the Hearing Officer recommended approval, with conditions, of the request.

Mr. Jones moved to recommend approval, with conditions, of the request, seconded by Mr. Cribben.

Mr. Pietrowski noted that Ms. Laverna Lyons, the property owner located to the north of the proposed project site, had raised a complaint at the public hearing about the appearance of the solar garden. He noted that at the public hearing, Mr. Bill French, of Sun Vest Solar, had agreed to meet with Ms. Lyons and Tim Hughes, County Board member, to try to resolve the issue, and

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asked Mr. French if an accommodation had been worked out. Mr. French described the meeting and informed the Committee that Sun Vest had developed a screening plan they hoped would address all of Ms. Lyons concerns. Mr. Hughes confirmed this, and provided more detail about the discussions.

The motion to recommend approval, with conditions, was carried unanimously.

NEW BUSINESS – SUN VEST KINGSTON 2 SPECIAL USE

Mr. Hiland informed the Committee that Sun Vest Solar was seeking a Special Use Permit to construct and operate a Solar Garden on property located at the southeast corner of State Route 72 and Pleasant Hill Road in Kingston Township. He informed the Committee that a public hearing was held on July 12th and that the Hearing Officer recommended approval, with conditions, of the request.

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

OTHER BUSINESS – WIND ENERGY ORDINANCE & DISCUSSION

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

The Committee addressed the topic of the enforcement of the regulations of the proposed ordinance. After a prolonged discussion between the Committee members and members of the audience, the following elements were compiled:

Enforcement

- Enforcement of the regulations of within the wind energy ordinance would be through the DeKalb County Sheriff's Department.
- The petitioner will establish an "Enforcement Fund" that will be under the control of the County, with the minimum amount to be contained in the fund to be determined by the County Board.
- The fund will initially be used to acquire the necessary equipment for the Sheriff's Department to determine if a tower is in violation of the regulations adopted in the ordinance.

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- If a violation is reported, the Sheriff's Department will investigate the complaint. The deputies will log the hours spent, gas used, etc., which will then be used to determine their costs to investigate the complaint.
- If the a tower is found to be in violation:
 - The sheriff's deputy will contact the company and the company will immediately shut down the tower until such time as the violation has been resolved to the satisfaction of the County.
 - A fine (amount to be determined) will be drawn from the fund.
 - A reimbursement of the costs incurred by the Sheriff's Department will be drawn from the Enforcement Fund.
- The company must maintain the required minimum level of the fund. The fund is to be re-capitalized after withdrawal by the County.

Mr. Jones moved to include an Enforcement Fund, to include the elements listed above, seconded by Ms. Willis, the motion carried unanimously.

The next topic discussed was sound limits on wind turbines. Mr. Faivre distributed a handout containing proposed wind turbine siting sound limits (attached). The Committee then discussed the elements of the proposed language found in the handout.

Ms. Willis moved to include the language contained within the handout, striking item 3.a General Clause, seconded by Mr. Bunge, and the motion carried unanimously.

Mr. Faivre then suggested that there was no need to address Economic Impacts in the proposed ordinance. The other Committee members agreed with him.

The Next item was whether to include a Property Value Guarantee. The Committee briefly discussed the matter.

Mr. Cribben moved to not have a property value guarantee in the ordinance, seconded by Ms. Willis, and the motion carried unanimously.

Discussions of the various minimum setback requirements to be included came next. The Committee agreed setbacks should be measured to the property line of non-participating properties.

Mr. Pietrowski moved to establish a 1.5 mile setback from a municipal boundary, seconded by Ms. Willis.

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Various members of the Committee, other County Board members, and other members of the audience contributed to the discussion.

Mr. Jones moved to continue further discussion of the minimum setback from a municipal boundary to the next Committee meeting to allow time to gather input from the local municipalities, seconded by Mr. Faivre, and the motion carried unanimously.

A short discussion about the minimum setback from a forest preserve followed. Ms. Stelford informed the Committee that they should also consider including a setback from known eagle nesting sites and offered to forward information regarding the location of these nests to the Committee. The Committee ended the discussion by agreeing to contact the DeKalb County Forest Preserve Supervisor to get his input on the matter.

The required minimum setback from a roadway was the next item of discussion.

Mr. Jones moved to treat a roadway as the same as a property line in terms of minimum setback requirements, no second was forthcoming, the motion died.

After further discussion of the setback, the following motion was made.

Ms. Willis moved to establish a minimum setback from Roadways, 3rd party transmission lines, and Communication Towers of two (2) times the height of the wind turbine, and the motion carried five to one (Cribben).

A prolonged discussion regarding the minimum setback from non-participating property lines followed, with much input from the audience and back and forth discussion among the Committee members.

Mr. Jones moved to establish a minimum setback of from a non-participating property line of 6,000 feet, or, 3,000 feet with the inclusion of permanent, constantly active monitoring equipment stationed along the property line, able to shut down the tower if conditions would create a violation of the ordinance, seconded by Ms. Willis. A Roll Call vote was called. The motion failed, two ayes (Bunge, Jones) to four nays (Cribben, Faivre, Pietrowski, Willis).

Mr. Jones moved to establish a minimum setback of from a non-participating property line of 3,000 feet with the inclusion of permanent, constantly active monitoring equipment stationed along the property line, able to shut down the tower if conditions would create a violation of the

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ordinance, seconded by Mr. Pietrowski. A Roll Call vote was called. The motion carried, four ayes (Bunge, Jones, Pietrowski, Willis) to two nays (Cribben, Faivre).

Mr. Faivre noted that further discussion on the proposed wind energy ordinance would be continued at the Committee's next meeting.

ADJOURNMENT

Mr. Hiland informed the Committee that a special meeting was scheduled for August 9th to continue discussion of the proposed wind energy ordinance.

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

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

MOA: moa

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PROPOSED WIND TURBINE SITING SOUND LIMITS

1. Audible Sound Limit

- a. No Wind Turbine or group of turbines shall be located so as to cause an exceedance of the pre-construction/operation background sound levels by more than 5 dBA. The background sound levels shall be the L_{90A} sound descriptor measured during a pre-construction noise study during the quietest time of evening or night. All data recording shall be a series of contiguous ten (10) minute measurements. Measurements shall cover a minimum of 30 minutes. The ten (10) minute period with the lowest L_{90} levels shall be used for this test. L_{90A} results are valid only when L_{10A} results are no more than 15 dBA above L_{90A} for the same time period. Noise sensitive sites are to be selected based on predicted worst-case sound emissions (in L_{EQA} and L_{EQC}) which are to be provided by developer.
- b. Test sites are to be located along the property line(s) of the receiving non-participating property(s).
- c. A 5dB penalty is applied for tones or when the sound emissions fluctuate in amplitude or frequency over time in reasonable synchronicity with the blade revolution.

2. Low Frequency Sound Limit

- a. The sound levels from the wind turbine at the receiving property shall not to exceed the lower of either:
 - 1) $L_{EQC} - L_{90A}$ greater than 20 dB outside or inside any occupied structure, or
 - 2) A maximum not-to-exceed sound level of 50 dBC.

These limits shall be assessed using the same nighttime and wind/weather conditions required in 1.a.

Turbine operating sound immissions (dBA and dBC) shall represent worst case sound immissions for stable nighttime conditions with low winds at ground level and winds sufficient for full operating capacity at the hub.

3. General Clause

- a. Not to exceed 35 dBA at any property line of non-participating properties.

4. Requirements

- a. All instruments must meet ANSI or IEC Type 1 Precision sound level meter performance specifications.
- b. Procedures must meet ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards.
- c. Measurements must be made when ground level winds are 2m/s (4.5 mph) or less. Leaf rustle, insect, bird, and other sounds not properly considered as part of the steady background sound shall be excluded. Wind shear in the evening and night often result in low ground level wind speed and nominal operating wind speeds at wind turbine hub heights.
- d. IEC 61400 procedures are not suitable for enforcement of these requirements. ANSI standards shall be followed for testing and modeling procedures.

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