

MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
TUESDAY, October 23, 2018

SPECIAL JOINT MEETING WITH ZONING BOARD OF APPEALS

1. Call to Order:

Mr. Kingdon called the meeting to order at 7:18 p.m.

2. Roll Call:

Present: Duane Kingdon, Doug Huser, Bryant Kempf. Excused: Blake Parsons & Andy Rokey

3. Public Input: None

4. Unfinished Business:

- Amendments to Section 24 Special Use, Section 28 Wind Energy Conversion Systems, and Section 30 Solar Energy Systems of the Woodford County Zoning Ordinance, amending regulations regarding Special Use approval, Wind Farm Decommissioning, and Solar Farm Energy System permitting times.
- Changes as recommended by the Zoning Board of Appeals

2018-28-A County Wide - Conservation, Planning and Zoning Committee to amend Section 24 Special Use, Section 28 Wind Energy Conversion Systems, and Section 30 Solar Energy Systems of the Woodford County Zoning Ordinance, amending regulations regarding Special Use approval, Wind Farm Decommissioning, and Solar Farm Energy System permitting times.

- Swearing in and/or Affirmation: was completed for petition **2018-28-A**

Mr. Kingdon explained that they would walk through the text changes they are requesting. Mr. Kingdon noted that they took the original paragraph in the ordinance and broke it out to make it clearer and added some clarification.

- a. *Removal of all structures (including transmission equipment and fencing) and debris to a depth of five (5) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.*

Mr. Kingdon noted that the removal depth was increased from four ft. to five ft. as that was more agronomically correct. Mr. Huser also noted that that was the depth in the solar section as well.

- b. *An estimate of the decommissioning costs certified by an independent professional engineer, approved by the County, in current dollars. The engineer providing this estimate shall be engaged under contract by the Woodford County Board and all costs associated with this engagement shall be borne by the applicant;*

Mr. Kingdon noted that this was to make it clear who would pay the bill for the engineer.

- c. *The decommissioning plan shall state how the facility will be decommissioned, the financial resources, of which estimated salvage value is not to be included, necessary to accomplish decommissioning.*

- d. *The applicant shall provide the county with a new estimate of the cost of decommissioning the WECS project every five (5) years, due on the anniversary of the date the special use was granted or at such other times as determined by the Conservation, Planning and Zoning Committee, under the same conditions as set forth in this Section above. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the WECS project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.*

Mr. Kingdon noted that the 3 years was moved to 5 years to match the solar section and the date the plan will be due is set.

Mr. Kingdon noted that they added the cessation of operations. Ms. Holmes clarified what the intent is for terminating operations, if it is 6 months after operation have ceased that the financial security can be pulled for decommissioning. Ms. Holmes and Mr. Kingdon discussed that the intent was to add some teeth to the ordinance, Ms. Holmes concern was how to enforce this. She noted that the County Board would need to revoke and that could be difficult. Mr. Huser noted that it would probably have to take legal action to decommission a project.

Ms. Holmes stated concerns that the county retain the right to request their own report and the company would have to pay for it. Mr. Kingdon noted they wanted to be sure that what they have learned from the current farm is included in the ordinance. Ms. Jording noted that the State's Attorney has reviewed the changes.

Mr. Losher discussed that perhaps the county should handle the decommissioning reports and the company will pay for it, it puts the onus on the county. Ms. Jording discussed that the county has RFP and bidding requirements that makes it more involved to do the decommissioning reports themselves but it could be done.

- e. *Upon review of the decommissioning plan, the Conservation, Planning and Zoning Committee, or its successor committee(s), of the Woodford County Board shall set an amount to be held in surety bond in the amount of 110% of the estimated cost. The plan shall state that Woodford County shall have access to the project and to the funds to effect or complete decommissioning six (6) months after cessation of operations or facility abandonment; and,*

Mr. Logan was sworn in. He discussed that he supports what they are trying to do but he asked if they should get an outside attorney with experience in wind farm law to be sure this is defensible in court. Mr. Huser noted that the C. P. & Z. committee has asked for an outside attorney to be hired to handle the wind issues.

Mr. Kingdon discussed that this is the same as what was previously in the ordinance except that they specified surety bond.

- f. *A written agreement will be prepared, establishing upon what conditions the funds will be disbursed. A written financial plan shall be approved to ensure that funds will be available for decommissioning and land restoration;*

Mr. Kingdon explained that this is very similar to the solar section.

- g. *The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.*

Mr. Kingdon noted this is already in the ordinance.

- h. *The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount of the surety bond and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.*

Mr. Kingdon noted that the only change was to keep everything as surety bond.

Section 24 Special Use

24-1500 C. C. Upon the recommendation of the ZBA, the Woodford County Board may, without further public hearing, may approve the recommendation for the special use, ~~reject the petition for the special use,~~ or it may refer the petition back to the ZBA for further consideration.

Mr. Huser noted that he asked this be changed to match State Statute.

Section 30 Solar Energy Systems

30-1200 B. Solar Farm Energy Systems shall require a Special Use within all zoning districts, and shall be subject to the procedures and standards included in Section 24 Special Uses unless otherwise stated in this Chapter. Solar Farm Energy Systems must obtain permits within 15 months of approval by the County Board of Woodford County.

Mr. Huser discussed that this was requested to allow for the state lottery system and keep them from having to come back to request extensions continually. The board discussed what the time should be, they concluded that 15 months would be sufficient and they could always return for a second 15 month extension.

The ZBA made a motion to approve the petition and took a roll call vote.

Mr. Huser and Mr. Kingdon thanked the ZBA for working with the committee on all their text amendments over the years as they are both leaving the board.

5. Adjournment:

Motion to adjourn made at 8:15 p.m. by Huser, seconded by Kempf. *Motion Carried.*

Lisa Jording, Secretary

Duane Kingdon, Chairman

Date