

Piatt County
Zoning Board of Appeals

February 27, 2020
Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, February 27, 2020 in Courtroom 1 of the Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read and Nusbaum announced there was a quorum. Attending were: Wax, Jerry Edwards, Jim Harrington, Kyle Lovin, Dan Larson and Keri Nusbaum.

County Board members in attendance were: Ray Spencer, Randy Shumard, Shannon Carroll and Dale Lattz.

MOTION: Harrington made motion, seconded by Lovin to approve the minutes from January 23, 2020 as written. On voice vote, all in favor, motion carried.

New Business: Variation

Paul B. Rawlins was sworn in. Ronald P. Rawlins and Paul B. Rawlins applied for a variation to allow for a single family dwelling to be built on 2 acres of A-1 agriculture land located at 434 N 1375 East Road, Atwood IL. Paul is the son of Ronald and would like to build a home for his family on the family farm. Piatt County zoning ordinance requires a minimum of 20 acres for a single family dwelling in A-1 zoning. The zoning board members discussed the zoning factors.

VARIATION ZONING FACTORS- Rawlins

1. Will the proposed use compete with the current use of the land?
The ZBA agreed (5-0) that the proposed use would compete with the current use of the land, which is currently being farmed. However, it is a family farm, and this will allow another family member to live on the farm.
2. Will the proposed use diminish property values in surrounding areas?
The ZBA agreed (5-0) that the proposed use would not diminish property values.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
The ZBA agreed (5-0) that a denial of the variance would not promote the health, safety or welfare of the public.
4. Would denying the variance create a hardship for the landowner?
The ZBA agreed (5-0) that denial would not create a true hardship. It would create an inconvenience for the family
5. Would granting the variance create a hardship for the surrounding property owners?
The ZBA agreed (5-0) that there is no evidence that granting the variance would create a hardship for surrounding property owners.

6. Is the property suitable for its current use?
The ZBA agreed (5-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?
The ZBA agreed (5-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
The ZBA agreed (5-0) that there is no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use?
The ZBA agreed (5-0) that the subject property is not non-productive, as it is being farmed.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
The ZBA agreed (5-0) that granting the variance would not compete with the comprehensive plan.

MOTION: Harrington made motion, seconded by Larson to recommend approval to the County Board for their consideration. Roll was called. Harrington – Yes, Larson – Yes; Lovin – Yes; Edwards – Yes; Wax – Yes. All in favor.

The County Board will consider the matter at their next regular meeting on March 11, 2020 at 9 a.m.

The next order of business was the Text amendments to the Piatt County Zoning Ordinance WECS ordinance. The county board returned certain items of the previously recommended WECS ordinance for consideration by the ZBA. Those items were:

Page 5 – move Item #4 under VI Fees to Item #9 under V Special Use Application

Page 7 - Add “approved by the FAA” and remove “from Tesla, Detect, or Vestas”.

Page 9 – VII, Design and Installation

L. 1. change the word “approval” to read “application”.

L. 4. Change the word “approval to read “application”.

L. 3. Change the distance of 3.75x to 1.1x.

Page 12 – VIII. Operation

B. 1. Remove the words “take necessary steps to”. Add “There may be an extension of up to 60 days if mutually agreed upon by both parties.

2. Remove the words “take necessary steps to”. Add “There may be an extension of up to 60 days if mutually agreed upon by both parties.

Page 14 – Noise Levels

Remove – The noise emitted by the WECS shall not exceed 30 dB measured at the exterior wall of any residence which exists or for which a building permit has been issued at the date of the application.

Add – The noise design limit for each wind energy system shall not exceed 50 dBA measured as the average dBA at the location of the nearest non-participating residence from the relevant wind energy conversion system. The dBA level, however, may be exceeded during short term events such as utility outages and/or severe windstorms. The WECS shall comply with State Pollution Control Board regulations at all times.

On the Piatt County WECS FEE SCHEDULE

- Add and amend to read “Should the actual costs of the County ZBA or County Board in connection with the special use application process” exceed \$150,000.

Travis Hermann was sworn in: He thanked the ZBA members for their service. He is a trustee of a family farm and the owner operator of an aerial application company. He said there are safety issues for aerial application, and the costs are higher to a farmer in a wind farm area. He is opposed to the wind project and believes that it would be detrimental to the health, safety and general welfare of the public. He is also concerned about noise levels.

Claudia Coil was sworn in: She is a poultry farm owner near Mansfield and a recently retired cardiac nurse. She has concerns about the possible health issues caused by wind turbines, including infrasound, low frequency and “airborne pressure waves”.

Ted Hartke was sworn in. He gave a PowerPoint presentation about his experience living near a wind project. His family had sleep problems. He also cited concerns about sound and property values.

Dave Olinger was sworn in; He is part of a group which has made suggestions for changes and additions to the WECS ordinance. He went through some of the changes they recommend.

Renee Nicholson was sworn in. She is a resident of Jefferson Grove. She is concerned about home values, and she doesn't want her small town Monticello affected.

Valerie Swain was sworn in. She lives near Mansfield. She is concerned about setbacks, light pollution and property values.

Gary Kambic was sworn in. He is concerned about property values, sound, flicker and loss of farmland.

Chairman Loyd Wax called for a recess.
The ZBA began session again at 2:46 p.m.

David Streiker, counsel for Goose Creek Energy spoke. He said anyone who referenced any other research should be discounted. He said not all property is the same, and other things affect property values besides wind turbines. He said good neighbor agreements are between two parties, and should not be part of testimony. He said the mechanics liens are between the contractors and have nothing to do with the developer,

Michael Maroos, speaking for Goose Creek, spoke about property values, and addressed some of the cases brought up by Ted Hartke.

Ted Hartke cross examined Mr. Maroos about some of his statements regarding sale values.

Mike Hankard, speaking for Goose Creek energy, spoke about the sound requirements. He said there is no evidence of infrasound bearing on human health. Mr. Edwards asked about any difference in sound with differing heights of turbines. Hankard said the taller height turbines turn slower so they are quieter. Wax asked about the effects of foliage with the seasons on the sound. Hankard said there is little effect. He said Hartke asserts repeated abandonments of homes, but there were only 5 in the United States. Ted Hartke cited research by a Dr. Schomer which says that 39dB or less have no affects on humans. Mr. Hankard does not agree with that and says most people have not problems with the IPCB effective limit of 46 db.

Edwards said a demonstration of the difference in sound at 35 dB and 50 dB would be helpful.

Alan Moore of Goose Creek Energy was sworn in. He addressed facts given by Hartke regarding mechanics liens. He said those were the result of payment disputes between contractors and the Illinois law at the time. He said the taller the project can be, the larger the generator capacity, the fewer the turbines. They are proposing a 300 MW wind farm. Currently 2-2.5 kw is available, but by the time they would build the project, a larger capacity may be available. Harrington asked if the project can be adjusted to fit an ordinance. Moore answered yes, but it may not be as lucrative or efficient as desired. Edwards asked Moore to explain the lighting detection. Edwards asked about the ADLS lighting. Moore said that the system picks up radar signals and kicks on the lights when a plane enters the airspace. Renee Nicholson asked if there is a gag order in the good neighbor agreement. Moore said that Apex does not and does not force anyone to participate in a project. Ted Hartke stated he is still available to answer questions.

The ZBA members considered the changes sent back by the County Board. The ZBA would like to address each item separately.

MOTION: Jerry Edwards made motion to send these changes back to the County Board, seconded by Jim Harrington.

The members discussed the items sent by the county board.

MOTION: Edwards amended his motion to recommend approval to the County Board of the proposed changes **EXCEPT** Page 9 L.3 **AND** the Noise Levels on Page 14 are **not** recommended to be changed. Harrington seconded the amendment of the motion. Roll was called. Edwards- Yes; Harrington – Yes; Larson – Yes; Lovin – Yes; Wax – Yes.

Page 5 – move Item #4 under VI Fees to Item #9 under V Special Use Application

All the ZBA members agreed with this change.

Page 7 - Add “approved by the FAA” and remove “from Tesla, Detect, or Vestas”.

All of the ZBA members agreed with this change.

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L. 3. Change the distance of 3.75x to 1.1x.

Jerry Edwards thought meeting in the middle would be more appropriate. He said that 1.1x seems close. Loyd Wax said maybe 2.5 or 2.0x might be more appropriate.

Dan Larson, Kyle Lovin and Jim Harrington would like to keep the 3.75x. Jim Harrington said he would like to have more information before a change.

THIS ITEM IS NOT RECOMMENDED.

Page 12 – VIII. Operation

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All of the ZBA members agreed with this change.

2. Remove the words “take necessary steps to”. Add “There may be an extension of up to 60 days if mutually agreed upon by both parties.

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The ZBA members all agreed that these changes would require more research. Wax proposed a limit of 46, in keeping with the IPCB standards. Harrington, Larson, Edwards and Lovin did not agree to the change. They would prefer a demonstration of the differences in the noise levels. Harrington proposed leaving it at the 30 dba currently shown in the proposed WECS ordinance.

THIS ITEM IS NOT RECOMMENDED.

On the Piatt County WECS FEE SCHEDULE

- **Add and amend to read “Should the actual costs of the County ZBA or County Board in connection with the special use application process” exceed \$150,000.**

MOTION: Larson made motion, seconded by Harrington, to recommend approval of the WECS FEE SCHEDULE with the proposed changes. Roll was called, Larson – yes; Harrington – yes; Lovin – Yes; Edwards – Yes; Wax – Yes; All in favor and the motion carried.

The County Board will consider this at the March 11 meeting.

Public Comments: Mr. Coile and Renee Robinson thanked the board. Amanda Pankau asked why the original existing WECS ordinance should be changed, and why the noise levels in the 2009 ordinance should be changed.

MOTION Edwards made motion, seconded by Harrington to adjourn. All in favor. The meeting was adjourned at 4:04 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer