

Piatt County
Zoning Board of Appeals

October 22, 2020
Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, October 22, 2020 in Courtroom 1 of the Courthouse and via Zoom. Chairman Loyd Wax called the meeting to order. The roll was read and Nusbaum announced there was a quorum. Attending were: Wax, Jerry Edwards, Bruce Stoddard and Nusbaum.

County Board members in attendance: Renee Fruendt attended via Zoom.

MOTION: Edwards made motion, seconded by Stoddard to approve the minutes from August 27, 2020 as written. Roll was called. Edwards – Yes; Stoddard – Yes; Wax – Yes. Motion carried.

New Business: Review and recommendation of Text Amendment; Setbacks. Article VII, L. 1 and L. 3.

Alan Moore of Apex was sworn in. He reviewed previous reports submitted including economic, ice shed and property value and acoustic studies. He stated setbacks must be changed in order to allow wind development. He shared maps showing the possibilities of 1.3x setbacks, 3x setbacks and 3.75x setbacks. He said a 3.75x setback would effectively ban wind development and would give neighbors veto power.

Chris Hermann asked Moore what is the percentage of owners who live in the footprint? She stated that countywide the number is 16%.

Claudia Coil was sworn in. She is concerned about the health and safety of citizens who may be in the area of wind farm. She cited studies of health impacts of low frequency sound on humans and livestock. She submitted a list of locations who have implemented or are considering 1 mile setbacks.

Max Jubricio deferred his time. Travis Hermann was sworn in. He said the ZBA has received no compelling evidence to change the 3.75x setback they approved in 2019. He cited two news articles from the Pantagraph in September 2020 which reported three separate incidences of blade failure in Chenoa IL.

Robert Scott, representing PowerUP Illinois was sworn in. He supports evidence based setbacks and said that there are no recorded injuries due to blade failure. Fairness and safety should govern zoning rules.

Tui Lynch was sworn in. He is a 4th generation Piatt Co resident. He is in the electrical workers union. Wax asked if the jobs for the project would be local. There are approximately 20 electrical union workers in Piatt County who would be employed by the wind project. He doesn't know about the other trades.

Mark Gershon, attorney for Apex was sworn in. He talked about the economic impact and the benefits of wind energy. Claudia Coil asked about the costs to the county and the farmer. He countered that the state has requirements and there are national studies indicating no safety concerns.

John Jordan was sworn in. He is a landowner who has signed a lease with Apex. He believes that Goose Creek Energy is a good community neighbor. They donated \$5,000 for a new roof at the legion in Mansfield. He works in nuclear energy, and there are two nuclear plants in danger of closing in Illinois. Wind can compete. He thinks Piatt should go along with the requests of Apex, as the county needs to balance their budget.

Dave Olinger on Zoom asked if there would be six homes in a half mile affected if a turbine was placed on Jordan's property. Jordan asked what he meant by affected and said he doesn't know.

Amanda Pankau, on Zoom was sworn in to speak. She lives in rural Piatt County; she is an ecologist who has worked in the energy sector. She is an advocate for local economic development. She is a supporter for wind energy and says it would help economic recovery.

There were letters read into the record from Chris Hermann, Chris SanAntonio, AGCI, Vic Zimmerman, Jane Evans.

Dave Olinger from Mansfield was sworn in. He said that 1.5 mile setback is too close to towns. The leases can last from 30-50 years. He said of 15 memorandums of lease, only 1 who has signed is a resident. Gershon responded that 3 of the signors were residents of Piatt County.

Motion: Jerry Edwards made motion, seconded by Bruce Stoddard to amend the setback from primary structures from 3.75 to 1.3x tip height.

The ZBA members considered factors as recommended by SA Dana Rhoades. (L. 1.)

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public? Yes. The ZBA members agreed 3-0 that it does.
2. Will imposing this restriction or setback be injurious to the use and enjoyment of other property within the immediate vicinity? No. The ZBA members agreed 3-0 that it would not. It is more restrictive than that on the books right now.
3. Will approving the 1.3x setback diminish property values of other property within the immediate vicinity? There has been evidence on both sides. The ZBA agreed 3-0 No.
4. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)? N/A
5. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county? The setback was previously set at 1.1x. This is more restrictive so should not compete with the comprehensive plan.
6. Does creating this restriction compete with or impede with the current zoned uses of other property within the zone? The board agreed 3-0 that there is already an ordinance. This will not compete or impede with the zoned uses.
7. Would the ordinance as proposed create a hardship on other landowners within the zone? The board agreed 3-0 that it offers more protection to the neighboring landowners.
8. Would denying the 1.3x ordinance create a hardship on the applicant? The ZBA agreed 3-0 that it would not.
9. Is general restriction appropriate for A-1 land? The ZBA agreed 3-0 that it is.
10. If the amendment is granted and approved will it have a harmful impact upon the soil? The ZBA agreed 3-0 it is not more harmful than the 1.1x was.
11. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? N/A

Roll was called. Edwards – Yes; Stoddard – Yes; Wax -Yes. The motion carried.

Motion: Edwards made motion to amend L.3 to be a distance of 1.3x or 1000 feet, whichever is greater. Stoddard seconds.

The ZBA members considered factors. (L. 3)

1. Does this change of distance promote the health, safety, morals, or general welfare of the public? Yes. The ZBA members agreed 3-0 that it does.
2. Will imposing this restriction or setback to 1.3x or 1000' be injurious to the use and enjoyment of other property within the immediate vicinity? No. The ZBA members agreed 3-0 that it would not. It is more restrictive than that on the books right now.
3. Will approving the setback as amended diminish property values of other property within the immediate vicinity? The ZBA agreed 3-0 No.
4. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)? N/A
5. Would the amended setback be in harmony with the overall comprehensive plan of the county? The ZBA members agreed it would be (3-0)
6. Would increasing this restriction compete with or impede with the current zoned uses of other property within the zone? The ZBA agreed will not compete or impede with the zoned uses. (3-0)
7. Would changing the ordinance as proposed create a hardship on other landowners within the zone?
The board agreed 3-0 it would not. It is tougher than what is currently on the books.
8. Would increasing the setback create a hardship on a future landowner?
The ZBA agreed 3-0 that it would not.
9. Is general restriction appropriate for A-1 land? The ZBA agreed 3-0 that it is.
10. If the amendment is granted and approved will it have a harmful impact upon the soil?
The ZBA agreed 3-0 it would not.
11. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? N/A

Roll was called. Edwards – Yes; Stoddard – Yes; Wax – Yes. The motion carries.

The County Board will consider this recommendation at their next regular meeting on Thursday, November 12, 2020 at 9 a.m.

Public Comments: Gershon asked the proposal for L.1 to be read and questioned the verbiage for L. 3.

MOTION: Stoddard made motion, seconded by Edwards to adjourn. Roll was called. Stoddard - Yes; Edwards – Yes; Wax – Yes. All in favor. The meeting adjourned at 9:13 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer

2021 Zoning Board of Appeals Meetings

All meetings begin at 1:00 PM, unless otherwise noted

The Zoning Board of Appeals Committee of the Piatt County Board will meet for their regular meetings in Room 104 of the Courthouse on the following dates:

Thursday, January 28, 2021

Thursday, February 25, 2021

Thursday, March 25, 2021

Thursday, April 29, 2021 7:00 PM

Thursday, May 27, 2021 7:00 PM

Thursday, June 24, 2021

Thursday, July 22, 2021

Thursday, August 26, 2021

Thursday, September 23, 2021 7:00 PM

Thursday, October 28, 2021 7:00 PM

Thursday, November 18, 2021

Thursday, December 16, 2021

The meetings are open to the public. Anyone interested may attend.

Chairman

Date