

Minutes of the Land Use and Development Committee Meeting

The Land Use and Development Committee of the McLean County Board met on Thursday July 5, 2018 at 3:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Chuck Erickson, Members, Don Cavallini, Laurie Wollrab, Ryan Scritchlow and George Wendt

Members Absent: Members Jacob Beard and Mark Johnson

Other Board Members Present: George Gordon and Catherine Metsker

Staff Present: Mr. Bill Wasson, County Administrator, Mr. Don Knapp, Assistant County Administrator, Eric Schmitt, Administrative Services Director, Ms. Jessica Woods, First Civil Assistant State’s Attorney, and Ms. Mallory Snodgrass, Recording Secretary

Department Heads: Mr. Phil Dick, Director of Building and Zoning,

Elected Officials Present:

Others Present: Jim Thoennes, Chip Smith, Kent Dennis, Phil Reynolds, Wayne Aldrich, Michael Brown, Anna Ziegler, Mike Swartz and Garrett Talgot

Chairman Erickson called the meeting to order at 3:30 p.m.

Chairman Erickson presented the bills as of July 1, 2018 reviewed and recommended by the County Auditor. The prepaid total and fund total is \$1,682.36. He asked for any objections to the bills.

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AS OF 7/1/2018
EXPENDITURE SUMMARY BY FUND

Land Use Committee

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$1,682.36	\$1,682.36
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			\$1,682.36	\$1,682.36

COMMITTEE CHAIRMAN



COMMITTEE CHAIRMAN

Motion by Scritchlow/Cavallini to recommend approval of the Land Use and Development Committee bills.
Motion carried.

Chairman Erickson asked for appearance by members of the public. Mr. Jim Thoennes voiced his concern on the building of homes on the Cowden Track. Mr. Thoennes is looking for clarification on building/zoning rules and cost from Phil Dick regarding Cowden Track. He claimed that building rules have changed each year for different people costing him time and money. Mr. Thoennes is requesting standard set of rules and regulations that cannot be changed, but must be followed by all citizens in this area for building and zoning on the Cowden Track.

Chairman Erickson thanked Mr. Thoennes for addressing the committee and stated the committee would take the matter under advisement and consider Mr. Thonennes's statements.

Member of the public Mr. Chip Smith voiced his concerns on the building regulations of Cowden Track. He is looking for clarification from Phil Dick on the ownership of land and building regulations. Mr. Smith expressed his concern about having to sign a Land Usage Permit so that houses can be built.

Member of the public Kent Dennis discussed the process he went through to build a house on Cowden Track. He stated he was first told there was no way to build a house as there would have to be a shared driveway. After further discussion of other shared drive ways, it was decided that a house could be built and further discussion on how much land Mr. Dennis could have without having to be in a subdivision occurred. He stated Chip and Mr. Dick told him numerous times that this was the last house that could be built on the Cowden Track. He expressed his concern that people with more money are treated differently when they go to buy land and build. Mr. Dennis stated that everyone should be treated the same in the county regardless of their income. He stated he asked for rules on what he needed to do to comply and build a house and was told it was a thick book. Mr. Dennis questioned how many more houses were going to be built on the farmland and stated he is looking for a set of building rules that are the same for everybody.

Member of the public Phil Reynolds is looking for clarification on how many houses can be built on Cowden Track. He is looking for a set of rules and regulations for building from Phil Dick.

Chairman Erickson thanked everyone and stated that the committee would take under consideration the concerns addressed. He encouraged them to contact their county board

members Jim Soeldner and Scott Murphy with further concerns. Chairman Erickson stated that no decision would be made today on the issue, further investigation is required.

Chairman Erickson presented for action a request by James and Gail Rafferty for a waiver of preliminary plan requirements in a one-lot subdivision final plat for the Rafferty Subdivision, File No. S-18-04. Mr. Phil Dick went over where the property was located and indicated it is a farm dwelling that is being set aside on a smaller acreage that has been reviewed by The County Health Department and the County Highway Department and recommend approval.

Motion by Cavallini/Scritchlow for approval of request by James and Gail Rafferty for waiver of preliminary plan requirements and one-lot plat for Rafferty Subdivision, File No. S-18-04.

Motion Carried.

Chairman Erickson presented the Request by McLean County Regional Planning Commission to approve a Regional Planning Service Agreement for their fiscal year July 1, 2018 through June 30, 2019. Phil Dick stated this has been reviewed by the Executive Committee of the Regional Planning Commission.

Motion by Scritchlow/Wollrab for approval of the Request by McLean County Regional Planning Commission to approve a Regional Planning Service Agreement.

Motion Carried

Chairman Erickson presented for action the Request by McLean County Solid Waste Management Technical Committee to approve an Electronic Waste Recycling Intergovernmental Agreement between the City of Bloomington, Town of Normal and McLean County and the Ecology Action Center. Mr. Michael Brown stated under the New Consumer Electronics Recycling Act that fully goes in affect next year, the cost for transportation and disposal/recycling of electronic waste will be fully covered under the new state-wide system. He stated there are still existing costs as new regulations do require that all in-system sites now police those sites in terms of electronic waste coming in to be sure it is only from residential sources, appropriate items are brought, and from local country residents. There is now a requirement that the site is staffed whereas historically the Normal E-waste facility was not staffed. Mr. Wayne Aldrich stated the Town of Normal has been operating an E-waste disposal site since 2002. The new act requires additional duties as far as collection of the E-Waste. A new building has been completed for collection of E-waste recycling and should be operational this summer. Mr. Aldrich stated the law states electronics have to be separated into certain categories. He reported that they have a great relationship with the vendor that take the recyclables. The vendor parks a semi at the building site in a loading bay and leaves it there for a week, then electronic waste is hauled off to their facilities for further processing. Mr. Aldrich stated their responsibility is to collect the materials. The new facility will be staffed with intern type positions that will help residents unload materials, confirm they are from McLean County and regulate commercial waste. Certain labor, administrative, and equipment costs will be addressed. Member Scritchlow asked why is the cost sharing divided one third, one third, one third as opposed to what was done Household Hazardous

Waste agreement. Mr. Aldrich stated it's a type of agreement that has been used in the past very often, just split in third with other Governmental agencies. Mr. Wasson stated, part of the county staff's evaluation of split payment is that we began to make a transition to more population-based agreements. Mr. Aldrich stated they would like to track where waste is coming from, the first question being, are you a resident of McLean County? He stated that they would do their best to collect information on where E-waste is coming from. Member Scritchlow asked if an update be given after the first year to see where E-waste is coming from. Mr. Wasson stated he believes that committee members will receive solid waste reports on an annual basis, in advance of the auto renewing of split payment. Member Cavallini stated, this program has been collecting electronic waste overtime and questioned how many residents outside of the county have delivered electronic items. Mr. Aldrich stated that disposal of electronic waste by those outside of the county happens as well as commercial waste. The new facility will cut down on this because it will be staffed and there will be cameras in place.

Motion by Wollrab/Cavallini for approval of the Electronic Waste Recycling Intergovernmental Agreement between the City of Bloomington, Town of Normal and McLean County and the Ecology Action Center.
Motion Carried.

Chairman Erickson indicated the next item on the agenda were Items for Information, 2018 First Quarter EAC Solid Waste and Recycling Education Activity Report. Mr. Brown addressed this stating activities under the Solid Waste Program Agreement Education Outreach Related Services first quarterly report information was from January 2018 through March 2018. Mr. Brown said the numbers were not super high yet, but they are busy getting the word out. Member Wollrab thanked Mr. Brown for all of his hard work and the results that were presented. No Questions were asked.

Chairman Erickson moved to EAC Press Release detailing the 2017 McLean County waste generation recycling rates. Mr. Brown stated for calendar year 2017 there was an increase in the recycling rate by approximately 1%. This continues an upward trend in recycling. Member Wollrab congratulated Mr. Brown on increasing the recycling rate but questioned the production of more trash at the same time. She stated she knows that efforts are in place to reduce these rates and asked how those efforts were going. Mr. Brown stated source reduction in the waste management hierarchy is the highest priority and it is also the most difficult to implement. He stated businesses and big corporations have much more success in source reduction as they can design their own processes, but this is much more difficult to implement on the consumer scale. He stated the most success he has seen in source reduction is in times of strong recession. Member Cavallini asked how much longer the lifespan of the landfill is? Mr. Brown stated he had not seen the latest report but thinks it is just a couple months, it is his understanding late summer or early fall. No further questions were asked, Chairman Erickson thanked Mr. Brown.

Chairman Erickson presented the next item on the agenda, Discussion of Section 350-43 OO (3) of the McLean County Code (solar power generating facility). Ms. Anna Ziegler, Assistant Manager, Mr. Mike Swartz, Manager and Garrett Talgot, Office of General Counsel came to

speak on behalf of McLean County Farm Bureau. Ziegler stated McLean County Farm bureau is a voluntary member organization who represents farmers and farmland owners. She stated they have approximately 65% of farmland owners and operators in the county as members. She stated they were here today to give some background information and data about agriculture in the county as a basis and also to give information regarding Agricultural Impact Mitigation Agreements (AIMA). Additionally, she stated they would talk about some specific issues regarding solar energy. Ms. Ziegler gave background information about agriculture land use in the county. She stated the size on an acre and that the definition that USDA uses for a farm is a property that has \$1,000.00 in sales per year. She referred to the McLean County Agriculture Land and Farms document, this gave a historical look at how much land there is in the county in farms according to the 2012 Census of Ag there was approximately 692,000 acres, 91% total land area in the county that is land and farms. She referenced the next page which documented 93% of the land is considered prime farm land. The document further broke down crop production, the economic impact, and the last page breaks down the 692,000 acres and how it is used. She stated in the state it takes approximately 1,200 acres to be a full-time farmer. She referred to the Census of Ag, stating the average farm size is 465 acres. Ms. Ziegler noted there is a difference between and farmland owner and a farmland operator. She stated they have about 1,400 farm operators in the county and 828 of those listed farming as primary occupation. She stated 80-85% of land in this county is rented acreage.

Mike Swartz stated they did not come to lay out anything in particular about renewable energy, wind farms, or solar he stated their interest is to just give some general information and bring everyone's knowledge up to a specific level. He stated renewable energy is looked at as what do we do between land use and the county and personal property rights. He stated the majority of the time, 51% or more, Farm Bureau is going to land on the point of personal property rights over land use. He discussed involuntary taking of land and the interstates taking land out of production. He stated there were some board members concerned with land use and taking 20, 30, 40 acres out for the production for a solar farm. Mr. Swartz stated their interest is that is a personal property rights issue, that land for solar or wind farm is not involuntarily being taken. He stated the land is not taken out of production like an interstate highway would take land out of production. Farm bureau would say that a wind farm or a solar farm is not taking the land out of production, its delaying its production. The landowner receives a different income for how that ground is being used. Once the wind farm or solar farm equipment is removed the land can go back into production. Mr. Swartz addressed AIMA. Mr. Talgot came to present some information on AIMA and answer questions.

Chairman Erickson summarized the position of the McLean County Farm Bureau is that they do not have a concern at present about Farm Land coming out of production for solar farms or wind farms. Mr. Talgot agreed with Chairman Erickson. Mr. Talgot stated Illinois Farm bureau has a policy that supports wind and solar farms. He stated as the solar bill was passed though the chambers down in the general assembly in Springfield this year and the bill was signed on June 29, 2018 by the Governor. Chairman Erickson confirmed that what has been provided in the packet is now the statue in the State of Illinois. Member Scritchlow stated it appears that Farm Bureau is taking the long-term view of looking at land that can

come back into production. He asked when looking at that long-term view is there a point when we will have too many wind or solar farms? Mr. Swartz stated there is a saturation level for anything, even for wind farms. He stated that wind farms may be at capacity but he is not sure about solar farms. Mr. Talgot stated AIMA's are now required. Wind AIMA's must be instated much earlier than for solar. Mr. Talgot stated as you read over the language there is going to be more of a tendency for the solar developers to negotiate more of the AMIA provisions with their land owners, maybe well before the AMIA is ever signed. He stated templates of AMIAs' are still being drafted so he is not sure what will be required. Mr. Talgot said he was here as a resource for any questions. Member Cavallini asked if Farm Bureau surveys its membership. Mr. Swartz stated that Farm Bureau policy is developed by farmer representatives across Illinois. Once a year the delegates from across the state of Illinois, go to an annual meeting in Chicago and policy is addressed. He stated that Farm Bureaus policy is from the Illinois Policy Book. Ms. Ziegler stated much like the county board you represent constitutes, Farm Bureau elects their board of directors, and those board of directors are then delegates to the policy process. Member Cavallini questioned the statistical basis to the policy that Farm Bureau has developed. Ms. Zeigler stated at times they have conducted surveys and that they hear from their members when they have a concern.

Chairman Erickson asked about language of an irrevocable letter of credit, or cash escrow as opposed to performance bond. Mr. Talgot stated there were a couple of things about a letter of credit that might be a bit more valuable than other options. He stated a letter of credit are easier to collect on, where a bond from a shorty company requires further investigation on if the bank should pay the bond out. A cash escrow is always great to have although a cash escrow in terms of bankruptcy can produce issues. Mr. Talgot gave the example if a solar developer was to go bankrupt and they had put escrowed cash into a decommissioning account what would the bankruptcy trustee think of the escrowed cash? Mr. Talgot stated that the bankruptcy trustee would say that cash is in the bankruptcy trust, and that money needs to be given to them.

Chairman Erickson stated that Ms. Ziegler questioned concern about the decommissioning standards for the solar farms. He stated this is what has been presented and asked Ms. Ziegler if this is what she would like to see added to the ordinance? Ms. Ziegler stated it was a suggestion as a basis for discussion. She stated that decommissioning was one of Farm Bureau's primary concerns because they would like to see the land have the ability to return to farming at the end of the life cycle of the solar and wind projects. Member Wollrab asked if Farm Bureau had an idea what is cost to have a professional engineer provide an estimate on decommissioning cost. Mr. Talgot stated they did not know. Ms. Wollrab stated that we do want to be sure the farm ground is returned to a usable state. She question how does Farm Bureau remedy compaction at the end of a construction project and what is the cost? Mr. Talgot stated compaction can be remedied in various ways. He stated when compaction starts at the surface, the remedy would be a tractor going out with a ripper. Member Wollrab questioned if this was something you would envision being measured? Mr. Talgot stated that it was difficult to measure but he thought in instances of short term construction would be remedied by ripping.

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Chairman Erickson asked about the phrase, exclusive any salvage value. Mr. Talgot stated he thinks salvage value is a guess. He stated you do not know the value of materials in ten years. To recoup salvage value you have to have someone to buy the equipment and there must be a market for that. He thinks that there will be a need for someone with some expertise on how to market this equipment. Mr. Talgot stated he thinks it is prudent for the county to not look at salvage value just to take the number and base the decommissioning costs off that number. Ms. Ziegler added in the most recent zoning hearing the applicants stated there is a net benefit to decommissioning.

Chairman Erickson asked administration if the Land Use Committee would be inclined to put this on the agenda next month. Mr. Wasson stated in consultation with the administrator's office that anything could be put on the agenda. Mr. Erickson asked that this be put back on the agenda. Mr. Wendt agreed this needed to be put back on the agenda.

Member Scritchlow asked Farm Bureau about waiting to get an AIMA until a permit has been issued as opposed to going through the special use process. Mr. Talgot stated that was suggested language from other counties. He stated he thinks that the permit to construct is the same as the special use process in some counties. He stated that could vary depending on the county. Member Scritchlow asked if they wanted that to happen during the special use process if it would place any undue burden on the solar companies that were wanting to do it. Mr. Talgot stated he did not think so.

Chairman Erickson called for any other questions. No questions were asked. Mr. Erickson thanked the Farm Bureau representatives for coming.

Chairman Erickson indicate that the next item on the agenda was the positions filled report. Mr. Wasson stated that there were no positions under the purview of Land Use filled in the last 30 days.

Chairman Erickson stated that the next meeting would be on August 2, 2018 at 3:30.

Chairman Erickson asked if there was anything further from the Committee; hearing nothing, he asked for a motion to adjourn.

Motion by Scritchlow/Cavallini to adjourn the July 5, 2018 Land Use Committee meeting.
Motion Carried.

The meeting was adjourned at 4:52 p.m.

Respectfully Submitted,

Mallory Snodgrass
Recording Secretary