

LEE COUNTY AD HOC COMMITTEE

Ron Conderman, Chairman
Craig Buhrow
Mike Pratt
Gene Bothe
Tom Fassler

Keith Bolen
Alan Pfeifer
Mark Wagner
Chris Henkel, Zoning Officer
Alice Henkel, Clerk

The Lee County Ad Hoc Committee met on Thursday, November 18, 2010, at 7:00 p.m. in the Old Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and Clerk Alice Henkel called the roll. The following members were present: Craig Buhrow, Mike Pratt, Gene Bothe, Tom Fassler, Keith Bolen, Alan Pfeifer, and Mark Wagner.

The committee started out with the review of the County's conditions for Public Service. The condition currently reads:

“Public Services:

1. Roads. Any proposed access roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to issuance of a building permit.

Any road damage repairs caused by the transport of the facility's equipment, the installation of same, or the removal of same, must be completed to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and the County Engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by the Township Road Commissioner or the County Engineer may be required by the Township Road Commissioner or the County Engineer to insure the township or the county that future repairs are completed to the satisfaction of the unit of local government.”

Chairman Conderman introduced Lee County Highway Engineer Dave Anderson, and explained that the committee wanted to know whether or not anything needed to be added or removed from the County's wind energy systems standards with regards to the roads (Section H-15:6(a) & 6(b)).

Mr. Anderson explained that, presently, the County and the wind energy system developer enter into a Road Agreement that sets forth the responsibilities the developer must adhere to concerning the roadways of Lee County. The agreements include roadway maintenance and protection standards, and require the approval of the township road commissioner.

The County has a generic road agreement form that developers most often use as a template. The road agreements vary from one to the next. The County hires a private attorney, not the State's Attorney, to draft these road agreements.

Once the developer and township road commissioner have worked out an agreement, Mr. Anderson must approve the agreement. Once he signs off on the agreement, it goes before the County Board for final approval.

Mr. Anderson stated that, thus far, he does not have any complaints regarding the current County process concerning County roadways.

Mr. Wagner asked Mr. Anderson how much authority the township road commissioner has. Mr. Anderson responded that the commissioner has a lot. To further clarify, Mr. Wagner asked if it were possible for the township road commissioner to prevent wind turbines from coming into his township. Mr. Anderson could not answer that question but stated that it would be possible for a township road commissioner and the developer to not be able to reach an agreement. Mr. Wagner asked what would happen if the township road commissioner and the developer did not reach an agreement. Mr. Anderson has not had this happen and therefore is not sure what would happen.

Mr. Wagner has many concerns about the effect these projects may have on the roads and wants to see that the County is protected from possible road degradation and damage. Mr. Anderson explained that the road agreements are designed to protect the roadways.

Mr. Wagner asked about access roads. Mr. Anderson explained that all access roads must be approved by the County.

Mr. Wagner stated that he would like to see some form of documentation on the condition of the roadways before and after these projects to make sure the roads are repaired correctly. Mr. Anderson said that is pretty standard.

Mr. Fassler explained that he lives near Shady Oaks Road, a township road, which is in very poor condition due to wind farm traffic. Mr. Fassler had difficulty driving farm equipment down the road because it basically has been reduced to mud. He wanted to know what the County should be doing about this. Mr. Anderson said that perhaps perpetual care should be covered in the road agreements for on-going projects.

When road repairs are done to County roads, Mr. Anderson has to sign-off on the repairs.

It was asked if the County receive a bond for roads affected by these projects. Mr. Anderson explained that the developer provides a letter of credit to the County. Should the developer default, and leave an unfinished project, the County has the right to use that letter of credit to repair the roads.

The township road commissioners can consult with Mr. Anderson at any time during the road agreement drafting process.

Mr. Anderson was asked if he has ever had a developer who has not adhered to the terms of the road agreement. So far, he has not. It is a learn-as-you-go process and he is learning what works and what doesn't.

Mr. Anderson has met with other counties, such as Bureau County and DeKalb County, and their officials to discuss the impact of wind farms on the roadways.

When it was suggested that the County adopt one standard road agreement that would have to be followed by all wind energy projects, Mr. Anderson stated he would advise against it. Since each project is different, and the roadways in each project are different, it is necessary to be able to draft a road agreement that is specific to the project. Several members of the committee agreed with Mr. Anderson's position.

Mr. Pratt stated that he feels what is currently stated in the conditions is sufficient. However, he wants to make sure there isn't anything that should be added to ensure Mr. Anderson has the proper authority and power to enforce the terms of each road agreement.

The committee agreed with Mr. Pratt. Mr. Anderson assured them that if a developer is not willing to comply with the terms of the road agreement, then the County will be able to draw the letter of credit in order to make the necessary repairs. The letter of credit is essentially the County's insurance policy.

Mr. Anderson agreed to attend the December 2nd meeting in case the committee has further questions or comments.

The committee agreed to table this discussion to the December 2, 2010 meeting.

The committee proceeded to review the County's conditions for Waste Management. The County current conditions are as follows:

“Waste Management:

1. Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.
2. Hazardous Waste. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner with all local, state and federal rules and regulations.”

With regards to Number 1, Mr. Henkel stated that there is really no solid waste generated from these projects.

If there was solid waste created and someone called to complain, it would be Mr. Henkel's job to contact the developer and request clean up. If the developer does not clean up waste as directed, Mr. Henkel would have the State's Attorney contact the developer regarding clean up.

The term "timely manner," as found in the current County conditions refers to the life of the project. This terminology was deemed sufficient by the committee.

Tom Fassler made a motion to accept #1 under Waste Management, as it currently reads. Gene Bothe seconded the motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

The committee proceeded to review Number 2 under Waste Management, which deals with hazardous waste.

There does not appear to be any hazardous waste created by these projects.

Gene Bothe made a motion to accept Number 2 under Waste Management, as it currently reads. Craig Buhrow seconded the motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

The committee continued with the review of County's conditions for Signage, which is stated as follows:

“Signage:

1. Signage regulations are to be consistent with ANSI and AWEA standards. Signs warning of high voltage shall be posted at least at the entrances of the facility.”

Signs warning of high voltage are to be posted on the structures and equipment.

Since signage is to be consistent with ANSI and AWEA standards, the County does not have much to do with it.

Tom Fassler made a motion to accept Signage, as it currently reads. Mark Wagner seconded the motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

Next was the review of the County's conditions for Aesthetics. The County's conditions for Aesthetics are stated as follows:

“Aesthetics:

The following items are recommended standards to mitigate visual impact:

1. Coating and Coloring: Non-reflective, unobtrusive color. Black blades are acceptable for mitigation of icing.
2. Turbine Consistency: To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.
3. Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
4. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines that are buried should be at a depth consistent with local utility and telecommunication underground lines standards until the same reach the property line or a substation adjacent to the property line. If any overhead transmission line is installed, it shall follow local utility standards for pole height and design.”

With regards to Number 1 under Aesthetics, it was brought up that the turbines, as they are currently painted, produce a glare when the sun reflects off of them; however, it was also mentioned that a glare is created when the sun reflects off a new metal grain bin or new metal machine shed roof. If the County wanted to require wind turbines to be painted in a manner that does not produce glare, the County would have to make it required for all structures that may possibly create a glare.

With regards to black blades, the committee agreed to strike this from the current conditions because it is not applicable. At one time, black blades may have been proposed as a way of dealing with ice on turbine blades; however, it has never been proposed in Lee County, nor has anyone ever seen black blades on a wind turbine.

Mark Wagner made a motion to amend Number 1 under Aesthetics to read as follows:

- “1. Coating and Coloring: Non-reflective, unobtrusive color.”

Mike Pratt seconded this motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

With regards to Number 2 under Aesthetics, it was proposed that the County should consider limiting the height of the turbines.

It was noted that over time, installing taller towers, while more visible, has resulted in fewer towers and in the towers being spaced further apart. Also, limiting tower height may hamper new technology as it is developed.

Craig Buhrow made a motion to accept Number 2 under Aesthetics as it currently reads. Tom Fassler seconded the motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

With regards to Number 3 under aesthetics, it was noted that the FAA dictates how many turbines must be lighted, as well as which turbines are to be lighted.

It was suggested that the County require developers to use “audio-video warning systems” (AVWS), a type of technology that activates lighting on turbines, as well as prompting a verbal warning to the pilot, when an aircraft comes within a certain distance of the turbines. This type of lighting is in the process of being approved by the FAA.

The problem with this suggestion is that the County will not be able to enforce this only for wind turbines. The County would have to require use of AVWS on all towers in the County that are over a certain height, including cell phone towers, and grain legs.

Additionally, new technology may be developed that is better than AVWS and the County does not want to limit what form of lighting the developer decides to use.

While the County does not want to tell the developers what type of lighting technology it is to use, it does want to limit lighting as much as possible.

Mike Pratt made a motion to amend Number 3 under Aesthetics to read as follows:

- “3. Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as the minimum required by the FAA. The net effect of that lighting shall be to minimize the effect to the night sky.”

Gene Bothe seconded this motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

The committee proceeded by addressing Number 4 under aesthetics.

After the substation, all transmission line must be underground.

Mr. Henkel recommends that all overhead transmission lines, such as those found along Route 26, be approved by the County. However, since it would apply to all overhead transmission lines and not just those related to wind energy project, it was suggested that it may be more appropriate to address this issue by adopting an ordinance specifically addressing this issue.

There was concern that the current conditions do not make it clear enough that transmission lines are to be buried. The committee agreed that a variance would be required in case some lines cannot be buried, such as crossing a creek.

Mike Pratt made a motion to amend Number 4 under Aesthetics to read as follows:

- “4. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines that are to be buried should be at a depth consistent with local utility and telecommunication underground lines standards until the same reach the property line or a substation adjacent to the property line. A variance is required through the Zoning Board of Appeals for all overhead transmission lines to be installed before a substation and shall follow local utility standards for pole height and design.”

Alan Pfeifer seconded this motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

The issue of paid advertising was brought up in relation to aesthetics. The committee agreed that they did not want to see paid advertising displayed on any part of the wind turbine.

The committee agreed to create Number 5 under Aesthetics to address paid advertising. This would not apply to turbine manufacturer’s name that may be found on turbine equipment.

Thomas Fassler made a motion to create Number 5 under Aesthetics to read as follows:

- “5. Advertising: No paid advertising shall be permitted on any part of a wind turbine.”

Alan Pfeifer seconded this motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

The committee continued with the review of County’s conditions for Fire, which is stated as follows:

“Fire:

1. The following permit standards shall be followed to reduce risk of fire:
 - a. Adherence to applicable electrical codes and standards. Removal of fuel sources, like vegetation from immediately vicinity of electrical gear and connections.
 - b. Utilization of twistable cables on turbines.”

A clerical error was noted in Number 1a. Also, the committee agreed to strike Number 1b as it is likely no longer applicable.

Mike Pratt made a motion to amend the County’s condition for Fire to read as follows:

“Fire:

1 The following permit standards shall be followed to reduce risk of fire:

- a. Adherence to applicable electrical codes and standards. Removal of fuel sources, like vegetation from immediate vicinity of electrical gear and connections.

Tom Fassler seconded this motion. All were in favor, resulting in a 7 – 0 vote. Member Keith Bolen did not vote.

Chairman Conderman made a statement with regard to public testimony. He explained that a public hearing was held on July 8, 2010, at which time the public was allowed to provide testimony with regards to wind farms. The committee will not be accepting comments from the public during the Ad Hoc Committee meetings.

On the motion of Chairman Conderman, and seconded by Craig Buhrow, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Alice Henkel

By: _____