

Dewitt County Board Meeting

July 14

6:00pm

Meeting was called to order at 6:00pm by Chairman Newberg.

Roll was answered by Tilley, Wickenhauser, Ennis, Ferguson, Houser, Matthews, Newberg, Nimmo, Pruser, Redman, Reece. Absent members Ritter.

To Dana Smith

You are hereby directed to call a meeting of the DeWitt County Board. The purpose of said meeting is to conduct the business of the County.

Tom Swercheski, Jane Ann Thomas, Becky Fatheree spoke to the board in favor of the SUP.

Dana Korneman, Don Waddell, Jodi Turney, Phil Luetkehans, Andrea Rhoades, and Teri Wilson spoke in opposition to the SUP.

Motion by Reece second by Wickenhauser to approve SUP S-250-2019.

Motion by Ferguson second by Ennis to table SUP S-250-2019 and send back to ZBA. Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.

Motion by Ferguson second by Ennis to amend condition #1 by adding language:

- a. "Alta Farms shall curtail Project wind turbines as soon as reasonably feasible after a National Weather Service (NWS) issuance of a severe thunderstorm warning and/or tornado warning for DeWitt County. Curtailment shall continue for the duration of the warning and consist of feathering the wind turbine blades to minimize rotation. Alta Farms shall implement this curtailment strategy throughout the life of the Project unless and until modifications to this strategy are mutually agreed upon by Alta Farms and the NWS based on NWS recommendations and/or advances in technology, science or weather prediction methods.

Alta Farms shall provide access to 10-meter precipitation, wind speed, and wind direction data that is available from an Alta Farms meteorological tower in the Project Area to the NWS in a format and delivery method mutually agreed upon by Alta Farms and the NWS. "

***Failure to curtail turbine operation by the owners of Alta Farms during a severe weather or tornado warning for DeWitt County shall cause the owners of Alta Wind Farm to pay a penalty to DeWitt County \$5000 per event. They should also curtail when a severe weather warning is issued for Logan County because of the proximity of the towers near the eastern boundary of Logan County. DeWitt County shall require a written agreement with the NWS for a curtailment plan. Aye: Tilley, Ennis, Ferguson, Houser, Matthews, Pruser. Nay: Wickenhauser, Newberg, Nimmo, Redman, Reece. Motion carried.***

Motion by Ferguson second by Ennis to Amend condition 9 by adding language:

“Alta Farms shall enter into a Decommissioning Agreement with the County prior to issuance of the first Building Permit for a wind turbine. The Decommissioning Agreement shall be consistent with the DeWitt County Code of Ordinances and the Agricultural Impact Mitigation Agreement. **“At no time will this draft plan be considered as the final Decommissioning Plan for DeWitt County unless approved by the County and it’s approved engineer.**

**Aye: Tilley, Ennis, Ferguson, Houser, Matthews, Pruser. Nay: Wickenhauser, Newberg, Nimmo, Redman, Reece. Motion carried.**

Motion by Ferguson second by Ennis to Amend condition 10 by adding language:

“Alta Farms shall comply with the Illinois Drainage Code, 70 ILCS 605/1 et seq., and obtain all necessary consents or approvals from the various Drainage Districts in which facilities are constructed.”

**No road construction can begin until the Drainage Districts with structures in the road right of ways approves. The drainage districts are individual units of governing bodies with permanent easements, the land owner has no right to allow any work other than farming to occur within the drainage easements.**

**Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

Motion by Ferguson second by Ennis to **DELETE CONDITION 11**

“ Alta Farms shall employ dust control measures consistent with the Road Use Agreement executed with the County during Project construction. Only lignin, water or other measures which may be approved by the local road authority shall be used for dust control on local roads and access roads.”

**This is already included in the Road Agreement. Aye: Tilley, Wickenhauser, Ennis, Ferguson, Houser, Matthews, Pruser. Nay: Newberg, Nimmo, Redman, Reece. Motion Carried.**

Motion by Ferguson second by Ennis to Amend condition 12 by adding “DeWitt County Board”

“Alta Farms shall implement the recommendations of the Illinois Department of Natural Resources (IDNR) as detailed in the IDNR letters dated May 11, 2018 and July 23, 2019 and as committed to by Alta Farms response to the IDNR dated June 4, 2018. Regarding IDNR Recommendation #3, it is noted that over the life of the project advances in technology, science, species behavior, etc. may result in different recommendations and/or better alternatives for bat conservation. If such circumstances arise and are

mutually agreed upon by **DeWitt County Board**, Alta Farms and IDNR, modified bat conservation measures may be implemented. “ **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

Motion by Ferguson second by Ennis to Amend condition 14 by adding language:

“Alta Farms may commence road work pursuant to the Road Use Agreement(s) prior to the issuance of Building Permits for WECS structures.

***Road work shall not begin until a fully executed agreement with the Drainage Districts impacted by the project is provided to the County Engineer.***

*Note: The reason for amending is because of the proximity of the Drainage District easements on the road right of way it shall be a requirement to have the agreement with the Drainage Districts finalized before construction begins.* “ **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay:**

**Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

Motion by Ferguson second by Ennis to Amend condition 18 to add language:

“As a part of the Building Permit submittal for each wind turbine, Alta Farms shall submit a Final Site Plan demonstrating that final WECS structures are sited in compliance with the DeWitt County Code of Ordinances. Final WECS structures and meteorological towers may not be shifted from the locations depicted in the Project Site Plan to the Final Site Plan by more than 100 feet, shall remain on a Participating Property identified in the SUP Application and shall remain in conformance with the DeWitt County Code of Ordinances, including all relevant setback and sound requirements. On the Final Site Plan, underground cable and private access roads may be sited anywhere on a Participating Property in compliance with relevant standards of the DeWitt County Code of Ordinances.”

***If towers are moved a new sound and shadow flicker study shall be provided before any building permits are issued. Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.***

Motion by Ferguson second by Ennis to Amend condition 18 to Delete:

“As a part of the Building Permit submittal for each wind turbine, Alta Farms shall submit a Final Site Plan demonstrating that final WECS structures are sited in compliance with the DeWitt County Code of Ordinances. Final WECS structures and meteorological towers may not be shifted from the locations depicted in the Project Site Plan to the Final Site Plan by more than 100 feet, shall remain on a Participating Property identified in the SUP Application and shall remain in conformance with the DeWitt County Code of Ordinances, including all relevant setback and sound requirements. On the Final Site Plan, underground cable and private access roads may be sited anywhere on a Participating Property in compliance with relevant standards of the DeWitt County Code of Ordinances.”

***If towers are moved a new sound and shadow flicker study shall be provided before any building permits are issued. Aye: Tilley, Ennis, Ferguson, Houser, Matthews, Pruser, Nay: Wickenhauser, Newberg, Nimmo, Redman, Reece. Motion Carried.***

Motion by Ferguson second by Ennis to Amend condition 21 to add language:

“Alta Farms may replace equipment during the life of the Project with like-kind equipment, which shall include technology and equipment with similar physical and mechanical characteristics without the need to re-permit. Alta Farms will hire an independent, licensed professional civil, mechanical or electrical engineer to evaluate the proposed modifications and their compliance with the Code of DeWitt County and conditions of the SUP. Upon completion of the engineer's analysis, Alta Farms will provide a report to the County. In the event of a complete re-powering of the Project, which shall include replacement of the wind turbine nacelle and associated internal mechanical components and wind turbine blades of more than 50% of the Project WECS in less than a given 24-month time period (for reasons other than acts of God), re-permitting shall be required under the terms of the Code of DeWitt County and other regulations then in effect. “

***No repowering or increasing in size of generators will be allowed without reapplying for a new permit. Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.***

Motion by Ferguson second by Ennis to Amend condition 21 to read.:

“Alta Farms may replace equipment during the life of the Project with like-kind equipment, which shall include technology and equipment with similar physical and mechanical characteristics without the need to re-permit. Alta Farms will hire an independent, licensed professional civil, mechanical or electrical engineer to evaluate the proposed modifications and their compliance with the Code of DeWitt County and conditions of the SUP. Upon completion of the engineer's analysis, Alta Farms will provide a report to the County. In the event of a complete re-powering of the Project, which shall include replacement of the wind turbine nacelle and associated internal mechanical components and wind turbine blades of more than 50% of the Project WECS in less than a given 24-month time period (for reasons other than acts of God), re-permitting shall be required under the terms of the Code of DeWitt County and other regulations then in effect. “

***Aye: Tilley, Ennis, Ferguson, Houser, Matthews, Pruser. Nay: Wickenhauser, Newberg, Nimmo, Redman, Reece. Motion Carried***

Motion by Ferguson second by Ennis to amend by adding condition 24. Alta Farms shall offer a lease to all owners of real property that is not part of the SUP located within 1/2 mile of a final location of a Project wind turbine submitted for a building permit This lease to be offered shall be substantially similar to the form of lease included in the Alta Farms SUP Application Attachment C4. Said Lease shall compensate landowners annually for the life of the project to offset the owners for the inconvenience and nuisance of having property and living in the proximity of the wind towers. Landowners accepting this lease will be considered participating owners in calculating allowable shadow flicker. This lease will not be used for any construction purposes and will be at an initial rate of:

a. \$15.00 per acre of leased land with a minimum payment of \$500.00.

b. \$500 for an occupied residence that is occupied, existing anywhere on the leased land at the time of the SUP Application, and

c. \$500.00 for an occupied residence that is, existing within 1/2 mile of one or more wind turbines.

To show compliance, Alta Farms shall include with the building permit application for each turbine, a list of the property owners of the property within ½ mile of said turbine that is not part of the SUP or already leased. Copies of the offer letters sent and proof of delivery via national carrier such as FedEx or UPS will be provided with the building permit application.

Leases will clearly state that construction of any type will never be allowed.

[These land owners would be considered participating and the lease payment for the nuisance of owning land adjacent to a turbine would cover any surcharges by aerial spray applications](#)

***Aye: Tilley, Ennis, Ferguson, Houser, Matthews, Pruser. Nay: Wickenhauser, Newberg, Nimmo, Redman, Reece. Motion Carried***

***Motion by Ferguson second by Ennis to amend by adding condition 25.***Alta Farms II shall identify local aerial pesticide and fertilizer applicators through the Illinois Aerial Applicators Association and contact them to propose, review, discuss, and establish mitigation strategies for aerial applications on properties within ½ mile of an approved wind turbine. Alta Farms II shall reimburse any aerial application surcharge incurred by an adjacent non-participating land owner within 60 days of submission statement from the landowner[Reimbursement would be made to non-participating, non paid adjacent landowners only](#)***Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.***

***Motion by Ferguson second by Ennis to amend by adding condition 26.***The SUP, all setback waivers identified in the SUP, and conditions included with the SUP shall run with the life of the SUP.***Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.***

***Motion by Ferguson second by Ennis to amend by adding condition 27.***Alta Farms shall coordinate with all local emergency service providers to ensure impacts to emergency services are mitigated in accordance with the Road Use Agreement.***Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.***

***Motion by Ferguson second by Ennis to amend by adding condition 28.***The Zoning Administrator and other agents designated by the County Board shall have access to the WESF at all times during construction and maintenance to conduct inspections of the work being performed. In order to ensure safety of all persons on site, prior to any person entering any portion of the construction site, such individual must follow the required safety protocols:

a. During construction, prior to entering the project for the first time, each individual must have completed a site orientation and safety training, and before each visit those individuals must [a] coordinate with the project coordinator, [b] sign in and out at the project job

site trailer, [c] designate locations on the site that will be visited, and [d] comply with all site safety requirements at all times.

b. Prior to the start of construction, Alta Farms will set up a meeting with the Zoning Administrator to introduce the Project Site Coordinator, provide contact information and discuss safety protocols. During operations, persons conducting inspections at the Project must coordinate such visits with the Project Site Coordinator in advance and sign in and out of the Project Site. **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

**Motion by Ferguson second by Ennis to amend by adding condition 29.**

. Within 12 months following Notice of Commercial Sale, Alta Farms shall submit a post construction noise profile study conducted by an expert sound consultant mutually agreed upon with the County verifying the WECS meets the noise requirements of Chapter 153 of the DeWitt County Code of Ordinances. Post construction sound measurements shall:

a. Be based on good engineering practices and industry recognized international standards for measurements of WECS noise emissions.

b. Include measurements taken at not less than 6 locations chosen by the expert sound consultant on Participating property spread throughout the area to verify compliance. The locations chosen shall be selected to indicate probable noise levels at non participating occupied residences. The duration of monitoring will be for 1 calendar year to allow for changing seasons and ground cover conditions.

any ground truthed noise study that indicates any violation of the limits set by the IPCB shall be immediately mitigated **Aye: Tilley, Ennis, Ferguson, Houser, Matthews, Pruser. Nay: Wickenhauser, Newberg, Nimmo, Redman, Reece. Motion Carried**

**Motion by Ferguson second by Ennis to amend by adding condition 30**Lighting of facilities shall be established to protect the non-participating properties and the night sky from unnecessary light pollution. **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

**Motion by Ferguson second by Ennis to amend by adding condition 31.**All generating units will be required to operate utilizing noise reduction serrated blades and in the noise reduction mode. Violations of noise limitations shall be mitigated and the property owner that has been violated shall be held harmless.. **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

**Move by Ferguson second by Ennis to amend by adding condition 32.**Delete turbine #36 and turbine #55 from the project. [Turbine 36 accounts for 35 homes impacted by shadow flicker and turbine 55 accounts for 27 homes impacted by shadow flicker. All of these homes are non participating..For the entire project a total of 21 homes are considered participating that are going to receive shadow flicker. Since the power from 44 turbines will provide all of the power allocated to connect to the grid it would be prudent to delete location #36 and #55, and reduce the impact on the nonparticipating community](#) **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

**Move by Ferguson second by Ennis to amend by adding condition 33**Allowable shadow flicker allowed on non-participating residences shall be [15 hours per year](#).[Non-participating residences are defined as those residences receiving no payment from Alta Farms II](#)[This was discussed in detail by the ZBA.](#) **Aye: Tilley, Ennis, Ferguson, Houser, Matthews. Nay: Wickenhauser, Newberg, Nimmo, Pruser, Redman, Reece. Motion Failed.**

*Motion by Tilley second by Pruser to adjourn at 8:23pm. With all in favor.*