

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
November 19, 2008**

**Call to Order:** William Tonne called the meeting to order at 7:00 p.m.

**Roll Call Present:**

**Planning Commission:**

- Melvin Gratton
- ✓ Susie Davis
- ✓ William Tonne
- ✓ Nick Tranel
- ✓ Dave Jansen
- ✓ Karl Lawfer(Alternate)

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer
- Matt Calvert, JDC Health Dept.
- Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- Ron Mapes, JDC Board Member
- ✓ Marvin Schultz, JDC Board Chair

**Approval of Minutes:** A motion was made by Dave Jansen to accept the October 22 & 23, 2008 minutes. Seconded by Susie Davis Voice Vote: All Ayes Abstain: Nick Tranel

William Tonne swore in all who might want to testify on any request this evening.

**New Business**

**Thomas Bourette, owner,** requesting a Supplemental Special Use Permit to allow for additional structures for petitioners existing logging business. Current Zoning: Ag-1 General Ag District, Lot of Record, Common Location: 8701 Illinois Route 84 South, Hanover

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan Land Use Map would recognize this area to be designated as Agriculture. This request is off of Illinois Route 84 just outside of Hanover. The Comprehensive plan shows the Village desires growth in this direction.
- Waste Treatment: The septic system is located to the northwest of the existing structure, and the well is located 30 feet southeast of the existing structure. The proposed shed will be located approximately 60 feet to the southeast of the existing structure and will not affect the well or septic system as long as vehicle traffic avoids the septic area during the construction phase.
- Access Considerations: In 2007 when this request first came through IDOT indicated they had reviewed the request stating only that the County maintain its setback requirements, and that they have no plans of any major roadwork that would require the purchase of additional right-of-way. Again IDOT was notified and have indicated they would like petitioner to widen the access. IDOT has an application process that petitioner would have to abide by.

- Other Considerations: Buffering was done between petitioner and its neighbor to the south. This structure could help to keep the machinery under cover. I have not received comment from the Village of Hanover.

Tom Bourette, owner

- The new structure would be to the south east of the existing building. Building will be 36 wide x 54 long and I need the height to get the log truck in the building so the doors will be 14 high x 16 wide and will be on north and south ends of the building. This structure would be in line with the existing structure, but would be slightly smaller than the existing building on the property. I would like to extend the entrance 8 feet, because turning to the south is tight.

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

- Tonne states that he would be observing the current setbacks, no public testimony against

A motion was made by Susie Davis to recommend approval with the following conditions:

1. Wider access per IDOT requirements, approximately 8 feet.
2. Setback requirements met
3. Will keep machinery under cover

Seconded by Nick Tranel

Roll Call: Karl Lawfer – Aye  
 Nick Tranel – Aye  
 Dave Jansen – Aye  
 Susie Davis – Aye  
 Bill Tonne – Aye

**Acciona Wind Energy USA LLC, petitioner & Elton & Sandra Olson, owners,** requesting a Special Use Permit to allow for the temporary placement of a wind test tower. Current Zoning: Ag-1 General Agriculture District. Common Location: East Side of North Mammoser Road, approximately 1,600 feet south of Chelsea Road.

**Staff Report**

- This is a request by Acciona Wind energy USA, petitioner, for a Special Use Permit to allow for a temporary meteorological study tower. Location: 1<sup>st</sup> Tower: East side of N. Mammoser Road, approximately 1,600 feet south of Chelsea Road.
- Petitioner would like to install a temporary meteorological study tower. Request # 08-49 on N. Mammoser Road is an 80 meter tall tower. The purpose of these towers is to collect wind data in the area.
- Wind Farms have just recently been recognized in our State Statutes, which

regulate and define the test towers:

(55 ILCS 5/5-12020)

Sec. 5-12020. Wind farms... Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data..... (Source: P.A. 95-203, eff. 8-16-07.)

- Although petitioner has requested up to five years of use, the recent passed state regulations will limit the use to three years.

Linda states that she is working with the State's Attorney to review and determine if this would fall under the three year requirement or due to the fact petitioner is going through the public hearing process a five year limitation could be applied. If they chose to approve with five years, and the State's Attorney indicates we are limited to three, it could then be adjusted at the County Board meeting.

#### Richard Murphy, Acciona Energy

- We are a co-developer of the Eco-Grove Wind Farm. We are proposing some study towers, 80 meter (about 263 feet), tower is already FAA permitted, we are aware of the setback requirements of 1.1 times the height. We are hoping to have some flexibility on the field placement of the test tower, but within the constraints of the FAA permit as long as we adhere to the 1.1 times the tower height for setbacks. I agree with the interpretation of Linda if the request goes to public hearing then they may approve for a longer time than three years, but would wait to consider county counsel.
- The test tower height is usually at the hub height of a wind tower. At different heights along the test tower there will be measurements taken.

#### **Discussion:**

- Jansen asks if the intention is to put additional wind towers in that area.
  - Richard Murphy states we are looking at expanding the project and look forward to working with the community and county officials toward a successful project for all parties.
- Davis asks if you can see wind towers not very far, what is the reasoning for the test towers.
  - Richard Murphy states that you need to look at the investment, financial, and scientific way of placing these towers. That is why these test towers are needed.
- Davis asks why you need five years instead of three like the State recommends.
  - Richard Murphy states that I can not make judgment on the States viewpoint, we may have enough data in the three years, but, the more time to collect data the better it is. As we are all aware climates change and the data is essential to have.
- Tonne states that you would reclaim the sites and dismantle the towers.
  - Richard Murphy states that is what our plan is and we will comply with the terms of the permits we receive.

- Jansen states that this is just a test tower; it has no other future use, is that correct.
  - Richard Murphy states that yes they are just a test tower, but there are long term meteorological towers that are usually with an improved wind tower facility and they are also used for power performance of the wind towers to make sure they are working properly.
- Lawfer asks about what is involved with the footprint as far as the base of the structure.
  - Richard Murphy states that a cylindrical concrete base with outriggers, it is a lattice type tower, three feet across built on a concrete base, with four or five cables staggered going up the tower to support it.
- Tonne asks about setback of the tower of the 1.1 times the tower height from property lines and so forth, but not necessarily the cables supporting.

### **Public Testimony**

#### Steve McIntyre

- Questions if you have applied for the FAA permit or if you have received it.
  - Richard Murphy states that we have filed it and have received the permit.
- Did you apply to the State or the FAA?
  - Richard Murphy states that it was the FAA and it is called a Determination of no hazard
- Asks about the lighting requirements on an 80 meter tower.
  - Richard Murphy states that the lighting is dictated by the FAA and there is lighting required on this tower.

### **Public Testimony Closed**

### **Discussion:**

- Davis asks if these have to follow the standards for a Wind Energy request.
  - Linda Delvaux states that these are not subject to the more rigorous standards as an actual wind energy conversion unit would, test towers don't have the moving blades or other issues. They do need to meet the 1.1 times the tower height setback.
- Jansen asks about the Statute if we can only give three years can they ask for an extension.
  - Linda Delvaux states that would depend on what the State's Attorney says on the time frame and whether they can get the extension or not. County Board could make the change if necessary.

A motion was made by Dave Jansen to recommend approval with the following conditions:

1. Meet all FAA requirements
2. Meet all State requirements
3. Setbacks are met
4. 5 year time limitation, with reclamation to take place after removal of the test tower.

Seconded by Nick Tranel

Roll Call: Nick Tranel - Aye

Dave Jansen – Aye  
Susie Davis – Aye  
Bill Tonne – Aye  
Karl Lawfer – Aye

**Acciona Wind Energy USA LLC, petitioner & Kent Family Farm Partnership (Scott Kent, Brock Kent), owners,** requesting a Special Use Permit to allow for the temporary placement of a wind test tower. Current Zoning: Ag-1 General Agriculture District. Common Location: South Side of Winslow Road, approximately ¾ mile east of Stagecoach Trail.

### **Staff Report**

- This is a request by Acciona Wind energy USA, petitioner, for a Special Use Permit to allow for a temporary meteorological study tower. Location: 2<sup>nd</sup> Tower: South side of Winslow road, approximately ¾ miles east of Stagecoach Trail.
- Petitioner would like to install two temporary meteorological study towers. Request # 08-50 on S. Winslow Road is a 60 meter tall tower. The purpose of these towers is to collect wind data in the area.
- Wind Farms have just recently been recognized in our State Statutes, which regulate and define the test towers:  
(55 ILCS 5/5-12020)  
Sec. 5-12020. Wind farms... Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data..... (Source: P.A. 95-203, eff. 8-16-07.)
- Although petitioner has requested up to five years of use, the recent passed state regulations will limit the use to three years.

### **Richard Murphy, Acciona Energy**

- This request is 60 meters (about 197 feet); this tower does not fall under FAA requirements.

### **Public Testimony**

#### **Steve McIntyre**

- Is the 197 feet to the top of the blade?
  - Richard Murphy states that there are no blades on this tower; they have anemometers all along the tower.
- Is there a small building of any type or lighting for the building?
  - Richard Murphy states that our intention is to have them be solar powered, but it wouldn't say that we wouldn't put in electric service, but that is just the current plan.

### **Public Testimony Closed**

A motion was made by Nick Tranel to recommend approval with the following conditions:

1. No lighting required
2. 5 year time limit, with reclamation to take place after removal of the test tower.
3. Meet all States requirements
4. Setbacks are met

Seconded by Dave Jansen

**Further Discussion:**

- Davis asks why it wouldn't be beneficial to have a light on this request.
- Tonne states that 200 feet is not that tall.

Roll Call:     Dave Jansen – Aye  
                  Susie Davis – Aye  
                  Bill Tonne – Aye  
                  Karl Lawfer – Aye  
                  Nick Tranel – Aye

**Reports and Comments:**

Linda Delvaux states that the County Board sent the Text Amendment back to the Zoning Board for further public hearing and potential amendments to the draft submitted by County Board Members. We are looking to get the information out to the public and let them review the amendments and would do the public hearing after the 1<sup>st</sup> of the year. We have sent to the papers a press release of where the document can be viewed.

Marvin Schultz states that reorganization meeting is set for December 1, 2008 for County Board Members.

Welcome Kyle Embry, from the Soil & Water Conservation Office who is taking over doing the Natural Resource Inventory Reports for the Planning Commission/Zoning Board of Appeals.

December Planning Commission Meeting is set for December 30, 2008.

Nick Tranel made a motion to adjourn at 7:45 PM. Susie Davis seconded. Voice Vote: All Ayes