

MINUTES
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Regular Meeting
7:00 p.m.

July 5, 2018

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, James Blackard, William Flott, Gerald Earing and Joan Huisman.

Members Absent: Richard Kiefer and Richard Runyon.

Agenda:

Chair Huisman noted the agenda for this meeting. James Blackard moved, seconded by William Flott, that the agenda for this July 5, 2018 meeting be approved as presented. This motion was approved by a unanimous vote.

Approval of the Minutes:

The June 7, 2018 meeting minutes were distributed, but they were reviewed for approval at this meeting.

Business:

Case SU-7-18 – Borrego Solar Systems, Inc. - Murphy Site.

The zoning administrator presented an overview of this zoning case by mentioning copies of documents that have been presented to the board of appeals members, as a list and as are planned to be presented at this meeting. The zoning administrator explained that the exhibit copies before the zoning board of appeals are the ones listed on the list of Borrego documents for SU-7-18 numbers 7 through 28, with the pile of documents being in the order as listed on this exhibit list. Exhibits 1 through 7 are to be presented by the applicant at this meeting. This exhibit list and accompanying copies were reviewed. This zoning request AG, Agricultural, District. The property in question in this zoning case is a subdivided Quarter of Section 5 of Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Brennan Downes, Borrego Solar Systems, 1 North State St., Chicago, IL., Margaret Blum, Greenberg Farrow, 21 South Evergreen Ave., Arlington Heights, IL, Pat McGarr, Cohn Reznick, 200 S. Wacker St., Chicago, IL. Borrego Solar Systems, 1 North State St., Chicago, IL. and Mel Samaroo, Mike Massie of Massie and Quick, 115 NW 3rd Ave., Galva, IL representing the applicants, presented testimony relative to this zoning case.

Mr. Downes started by introducing three things into the record. He introduced an aerial photo board as exhibit 1, a site plan board as exhibit 2, exhibit 3 was a site plan enlargement board. Mr. Downes then introduced exhibit 4 A print copy of their power point presentation. Mr. Downes then began his comments on the Borrego Solar Livingston County Zoning Board of Appeals Special Use permit Request, SU-7-18. Mr. Downes began by giving company background on Borrego Solar System, Inc. Mr. Downes related that the proposed project is a to be a community solar project, as he reviewed the power point slide relating to types of solar. Mr. Downes then reviewed the power point slide relating to Illinois adjustable block program eligibility requirements, for an interconnection agreement, control of land such as a lease and non-ministerial permits such as a county special use permit. Mr. Downes then reviewed the specific site area power point slide copies of the property being 152 acres of which the solar project is proposed to be placed on 16 acres of this 152 acre site, with the 16 acres being .0024% of farmland in Livingston County, and the property will continue to be farmland once the solar project is decommissioned. Mr. Downes then reviewed the community outreach that they did on this proposed project. He then presented exhibit 5, a copy of Borrego Solar's letter provided to surrounding property owners and residents. The location of the land owner's son was noted. They did not receive any phone calls of any concerns. Mr. Downes then reviewed the Construction and Operations power point FAQ slide. Mr. Downes then presented exhibits 6 & 7 Cohn Reznick – Property Value Impact Study Proposed Solar Farm Livingston County, IL and Cohn Reznick – Borrego Solar – Property Value Impact Study, which conclude there will be no impact on area property values. Mr. Downes then reviewed the power point slide pertaining to other project benefits.

Pat McGarr from Cohn Reznick, reviewed these two property value exhibits, with a review of exhibit 7 a power point presentation copy on property values. Pat McGarr, began on exhibit 1 providing her background information. Pat McGarr the reviewed the slides pertaining to the area solar farms they used for comparison, including Grand Ridge Solar Farm in LaSalle County and solar farms in Indiana. She then related to the slide relating to property value impact study methodology. Pat McGarr then reviewed the power point slides regarding Grand Ridge Solar Farm – Streator, IL. No measurable impact was found pertaining to this solar farm. Pat McGarr then reviewed the slides regarding the Portage Solar Farm in Portage County Indiana. A home was developed next to his solar farm after the solar farm was developed. The IMPA Frankton Solar Farm – Frankton, IN, slides were then reviewed, followed by a review of the slides for Solar Farm 4, Dominion Indy Solar III, Indianapolis, IN. These slides showed some residentially developed subdivided property near these solar farms, with the solar farm having no effect on these residential values. A quick mention was made in regard to slides on the Valparaiso Solar LLC, IN. Pat McGarr then reviewed her slide of the Summary of Findings and Market Commentary, which included conversations with assessors, and they did not identify any impacts. The zoning board of appeals members discussed as to if landscape buffers had any impacts on property values. Pat McGarr did not know of any buffer requirements. Jim Blackard asked about how far their control groups went out from the site. Pat McGarr was unsure, due to the high value of the one nearby home. Time frames of homes being on the market were discussed. The differences between the list and sales prices were discussed.

The increased tax base was discussed, in relation to increasing the tax base in the area. Pat McGarr related that it is a positive to have a tax base on a project that is not burdening the community, like a solar farm.

Margaret Blum is the coordinator for this project from Greenberg Farrow, continued with presenting the power point presentation Exhibit 4, beginning with a slide pertaining to the project overview. The power point slide regarding system components was then reviewed, followed by the slides pertaining to the system components. Margaret Blum then reviewed the power point slide pertaining to health and safety. The slide pertaining to Solar Farms and Recycling was then reviewed. The slides on the compliance with standards of special uses were then discussed, and reviewed.

The Livingston County requirement for a fence being 8 feet high was discussed, and as to how the applicant can comply with the 8 feet fence. A 7 foot tall fence is a national electrical code requirement. They can comply with an 8 foot tall fence. The zoning board of appeals related that they should meet the requirement of an 8 foot tall fence. A discussion then took place regarding the interconnect being an overhead wire going across the road. The underground wiring on the site was then mentioned. They will comply with IDOT and ComEd requirements for the overhead wire. Mr. Downes explained that they have filed their application for their interconnection with ComEd. The assumed payment of taxes of \$225,000 was then discussed, as being part of the new formula. Tax economics of the project was discussed. Mr. Downes confirmed that they will be just leasing the solar farm area not the entire 152 acres. Mel Samaroo indicated it may be monitored in Massachusetts. If something happens at the site as a fire, a local fire department response will react. If a production issue occurs, their monitor will notice it and send out a local crew. ComEd will also monitor the site, which may create a need to take the system off of line.

A discussion on the proposed decommissioning plan exhibit 13 then took place. The zoning board of appeals members were informed were they could find the decommissioning information in their document copies. Zoning Board members inquired as to why they included in panel recycling figures while in the presentation they had noted no recycling market existed. Applicant representatives explained about how they expect for there to be recycling value for the panels in the future. The zoning board noted that with a past hearing, and that a company had been asked to provide an estimate of the cost of getting rid of the solar panels in the landfill. The applicant representatives agreed to update their estimate to reflect this decommissioning scenario. The zoning board then discussed with the applicant about financial security. Mike Massie representing the applicant indicated that they would comply how the county has outlined it in their regulations. The zoning board of appeals then requested an updated decommissioning figure, resulting from this dialogue. Drain tile damage and repair plans for damage tiles was then discussed. This included the applicant noting their plans to continue working with their drain tile expert. The zoning board inquired as to if the company had decommissioned any other solar farms. Mr. Downes replied that they had not decommissioned any other solar farms, in that the panels have a 25 year lifetime listing, so their projects are looked at to have 20 to 35 year lifespans.

The applicant indicated that their oldest commercial project was put in 2003. A potential upgrade to the project was then conversed about. The unknown economics of the future of the project, in regard to extending and/or upgrading projects was then mentioned as it makes it difficult to predict the future of these projects. The zoning board inquired as to if the panels are made in the United States. The applicant representatives indicated that the panels are made in foreign country. Exhibit 27 the U of I Historic Preservation Letter was talked about, as part of an archeological survey of the property, with an outcome of no concerns in this area. The Livingston County Soil and Water review was then conversed about, in that the applicant noted the NRI report had been completed.

Becky Taylor, presented the Natural Resources Information Report on the behalf of the Livingston County Soil and Water Conservation District, as their resource conservationist, at 1510 W. Reynolds St. Pontiac. Copies of the report had been provided to the zoning board of appeals members. Her reviewed included information that a land evaluation or LESA assessment had been completed, beginning on page 27 of the report. This assessment concludes that this site location has a high impact on agriculture. She then commented on being an advocate of preserving prime farmland. Becky then reviewed the custom soil resource report, which indicates that all of the soils on the site are prime farmland or prime farmland if drained. Sediment control and erosion was then reported on. The importance of establishing vegetation as soon as possible to control erosion was remarked about. It was reported that a wetland determination should take place on this property, so they can be protected during development. Hydric soils were then mentioned, along with poorly drained soils on the property. Comments were made that if drainage tiles would be damaged that they should be repaired per the information provide in this NRI report. She would like to see the comprehensive decommissioning plan to assure that the property can be productive once this project has ended.

Becky Taylor and the zoning board discussed this report, with Becky indicating that she had not seen the decommissioning plan, and she agreed that with some vegetative cover on the property could improve the drainage. It was agreed that the decommissioning plan copy would be provided to her. Wetland definitions were then discussed, as part of a discussion on wetlands. Potential seed mixes were then discussed, to include clover under the panels and potential wildlife or pollinators on the perimeter. The applicant agreed to include their seed mix with Becky Taylor. Differences in proposed seed mixes on proposed solar projects were discussed.

The property owner representative Roger Murphy noted his presence at the meeting along with his wife Jill, and he commented on the drainage of the subject property, and about how the watersheds separate on this property so he has a unique drainage situation.

The letter given to area residents was discussed, and Mr. Downes, using an aerial photo, related to what neighbors he visited and or left letters. Mr. Downes indicated that Mr. Murphy also talked with the neighbors and no concerns were brought up. Area property owners were then discussed as to how they were contacted.

No other interested parties presented testimony relative to this zoning case.

Then closing statements were made by Mr. Downes, who thanked the zoning board of appeals for their time. He expressed his belief that the facility will meet the needs of the special use process and requirements. He expressed that they are cognizant of the drainage concerns, and that is why they do work on land issues ahead of time.

Draft conditions were then provided to the zoning board of appeals members, by the zoning administrator. He noted pertaining to draft condition number 9 regarding decommissioning needed to be worded to reflect the intent of the zoning board of appeals members. They noted that the final decommissioning number had not been submitted. The potential decommissioning cost was discussed, with a need for the company to provide that figure. The zoning board then noted that Becky Taylor from the Livingston County Soil and Water Conservation Office had not seen the company decommissioning plans. The assumption that the property would be returned to agriculture property was then discussed.

Mike Massie, attorney for the applicant, requested a brief recess, of which was granted and took place.

After this recess Mike Massie remarked about the decommission cost estimate, and revising to take out the solar panel recycling value, then the decommissioning figure becomes \$150,000 and they are submitting that figure at this meeting. Becky Taylor then commented that she had seen a copy of the decommissioning plan and that this proposed decommissioning plan works for her. The \$150,000 was discussed in being in today's cost. A dialogue took place on submitting the \$150,000 decommissioning cost in writing, they applicant crossed out the old figure and replaced it with the \$150,000 on their decommissioning estimate exhibit page. The zoning board also clarified that they are requesting the 8 foot tall fence. Potential signage plans were discussed, along with emergency contact numbers. Mr. Downes submitted the revised decommissioning estimate cost document of which was marked as exhibit 29. The applicant acknowledged that they had reviewed the draft conditions.

William Flott moved, seconded by Gerald Earing, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case SU-7-18 be approved for a 2 MW Solar Facility, in an AG, Agricultural, District, as outlined in the application for this zoning case and as presented at the this public hearing(s), with the attached conditions.

This motion was then approved by a roll call vote.

Cornale -	Yes	Blackard -	Yes
Kiefer -	Absent (Did not Vote)	Runyon -	Absent (Did not Vote)
Flott -	Yes	Earing -	Yes
Huisman -	Yes		

Other Business: None

James Blackard moved, seconded by Gerald Earing, that the findings of fact and decision for this April 5, 2018 meeting be approved as drafted for Livingston County Zoning Case SU-4-18. This motion was approved by a unanimous voice vote. The findings of fact and decision for Livingston County Zoning Case V-3-18 will be drafted for approval at the next meeting.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update:

The zoning board of appeals was informed that their next meeting is to be held on August 2, 2018 at 7:30 pm.

Then Jim Blackard moved, seconded by Michael Cornale, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 9:45 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Charles T. Schopp, Secretary
Livingston County Regional
Planning Commission