

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

Regular Meeting  
7:30 p.m.

September 9, 2021

The meeting came to order at 7:36 pm

Members Present: Dave Randolph, Joan Huisman, William Flott, Joe Stock, Richard Runyon

Others Present: Jesse King, Charles Schopp, Art Haskins, Joseph Horn, and Rebecca Taylor

Members Absent: Richard Kiefer and Neil Turner

**Approval of the Agenda:**

Chair Huisman noted the agenda for this meeting. Dave Randolph moved, seconded by Joe Stock that the agenda for this September 9, 2021 meeting be approved as presented.

This motion was then approved by a roll call vote.

|           |                  |                           |
|-----------|------------------|---------------------------|
| Kiefer –  | Absent – No Vote | Runyon – Yes              |
| Flott –   | Yes              | Stock – Yes               |
| Randolph- | Yes              | Turner – Absent – No Vote |
| Huisman - | Yes              |                           |

**Approval of Minutes:**

The minutes of the August 5, 2021 meeting were then noted to the zoning board members with no amendments noted. William Flott moved, seconded by Joe Stock, that the minutes be approved as presented.

This motion was then approved by a roll call vote.

|           |                  |                           |
|-----------|------------------|---------------------------|
| Kiefer –  | Absent – No Vote | Runyon – Yes              |
| Flott –   | Yes              | Stock – Yes               |
| Randolph- | Yes              | Turner – Absent – No Vote |
| Huisman - | Yes              |                           |

**Business to be reviewed:**

**SU-11-21 – Flanagan Solar**

This zoning case pertained to a proposed 147 acre solar farm to be constructed on the Flanagan Terminal of Enbridge located in Esmen Township to the North of Pontiac.

The assistant zoning administrator then presented an overview of the case to board members.

Art Haskins, 8234 Ryan Park Dr., Houston, TX, then gave a brief presentation accompanied by a PowerPoint to present an introduction of Enbridge's future goals and objectives including a net zero carbon emissions by 2050 as well as existing Enbridge solar projects.

Joseph Horn, 303 Armory Dr., Indianapolis, IN, then provided a presentation from the same PowerPoint explaining the specifications of the proposed solar panels themselves as well as more information regarding details on the installation and operation procedures that would be involved with the solar installation.

Lastly, Mr. Haskins provided information to the board members regarding the proposed fencing installation around the solar project which was to be a six foot chainlink fence with barbed wire around the top of the fence.

During the initial presentation, it was mentioned that the solar panels would be monitored offsite, a board member asked where they would be monitored from. Mr. Haskins stated that he did not know exactly where the panels would be monitored from at this time.

There was then a question about how the energy generated from the solar panels would be used. Mr. Haskins explained that the panels would primarily power the Enbridge facility and that excess energy could be put back into the grid.

Next, there was a discussion about the process of decommissioning the site. Mr. Haskins explained that Enbridge's plan is to use solar energy indefinitely and that once the initial panels are no longer useful, they would then replace them with new panels. Mr. Haskins added that if it ever became necessary for Enbridge to decommission the site in its entirety, that it would be self-funded by Enbridge.

The discussion then turned to connection to the grid. It was explained that the solar farm would be connected to the grid via the substation that is located on Enbridge's property. Haskins and Horn were questioned about the ownership of the substation being Enbridge or ComEd. The need for a connect agreement with ComEd was mentioned by Chair Huisman if the substation was owned by ComEd.

Horn and Haskins mentioned that Enbridge would like to put a sign up on the outside of the solar farm property. The assistant zoning administrator explained that the sign would be a separate

building permit outside of the solar farm and that it would need to comply with the county ordinance standards.

There was then a question about the height of the panels. Mr. Horn explained that the maximum height of the panels would be 9 feet when they are standing vertically.

Next, a board member asked if the posts to hold the panels would be driven into the ground or cemented. Mr. Horn stated that the posts would be driven.

The board then asked about interested parties and if surrounding property owners were properly notified. The assistant zoning administrator explained that every surrounding property owner within a mile radius of the subject property were notified.

Concern was then noted about potential glare from the panels being a traffic safety issue for motorists on the roadways near the solar farm. Mr. Horn explained that the solar panels would be coated with an anti-glare material to prevent that. Mr. Horn added that the glare caused by the sun shining off of a snow covered ground is far worse than what the solar panels would produce.

The issue of noise from the solar farm then came up. Mr. Horn explained that there would be a “slight humming” noise coming from the inverter that could be heard if you were on the premises nearby, but no noise would be heard from outside of the property.

Becky Taylor, 1510 W. Reynolds St., Pontiac, IL, from the Livingston County Soil and Water District then presented an overview of the Natural Resource Information report that was conducted by her office on the subject properties. It was determined by her office that this project would have a medium impact to agriculture, but that her office did not have any objections to the proposed project.

No closing statements were elected to be made by any of the interested parties.

With no other questions or concerns raised, Dave Randolph moved, seconded by Richard Runyon that zoning case SU-11-21 be approved.

There was then discussion as to whether draft condition #14 regarding a living buffer of evergreen trees should be planted along Route 23 to obscure the solar farm from traffic. It was agreed upon by board members that due to the area already being industrial in nature, it was not necessary to require a buffer.

Dave Randolph’s motion was then amended to include the removal of draft condition #14.

The motion was then approved by roll call vote:

|           |                  |          |                  |
|-----------|------------------|----------|------------------|
| Kiefer –  | Absent – No Vote | Runyon – | Yes              |
| Flott –   | Yes              | Stock –  | Yes              |
| Randolph- | Yes              | Turner – | Absent – No Vote |
| Huisman - | Yes              |          |                  |

**Other Business:**

The assistant zoning administrator provided an update to board members regarding the Pontiac Flying Service legal case by informing them that, according to Judici.com, it appeared that their decision on the case had been overturned by the judge presiding over the case. The assistant zoning administrator stated that more information would be provided to them when it became available.

The board was then given an update on prospective wind projects that existed in the county. The assistant zoning administrator informed them that he and the zoning administrator had met with representatives of the EDF Renewables project slated for the Northeast corner of the county a week prior and that they were currently awaiting FAA approval before they proceed any further and that it appeared that Spring hearings would be likely. In addition, board members were notified that the wind project projected to start in Woodford County and extend into Livingston County had also contacted the zoning office and stated that they were still interested and still working on developing the project. However, due to the county not increasing the allowable tower height, it is possible that the project may not come into the county. Lastly, the assistant administrator noted that the zoning office had not received any word from the Heritage Prairie wind project for months at this time.

The assistant administrator then notified board members that the next meeting was scheduled for October 7<sup>th</sup> at 7 PM.

**Findings of Fact and Decision:**

Dave Randolph moved, seconded by Joe Stock, that the Findings of Fact and Recommendation be approved.

This motion was then approved by a roll call vote.

|           |                  |                           |
|-----------|------------------|---------------------------|
| Kiefer –  | Absent – No Vote | Runyon – Yes              |
| Flott –   | Yes              | Stock – Yes               |
| Randolph- | Yes              | Turner – Absent – No Vote |
| Huisman - | Yes              |                           |

**Public Comment:** None

**Report of Officers:** None

**General Discussion:** None

**Adjournment:**

The chair then asked for a motion to adjourn. William Flott moved, seconded by Dave Randolph, that this meeting be adjourned. This motion was approved by roll call vote.

This motion was then approved by a roll call vote.

|           |                  |          |                  |
|-----------|------------------|----------|------------------|
| Kiefer –  | Absent – No Vote | Runyon – | Yes              |
| Flott –   | Yes              | Stock –  | Yes              |
| Randolph- | Yes              | Turner – | Absent – No Vote |
| Huisman - | Yes              |          |                  |

This meeting was adjourned at 8:35 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,

Jesse J. King, Assistant Administrator  
Livingston County Regional  
Planning Commission