

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

Regular Meeting  
7:00 p.m.

August 25, 2022

The meeting came to order at 7:08 pm

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

Others Present: Jesse King, Charles Schopp, Brian Pflibsen, Ryan McQuigg, Brenene Brady,  
Ryan Magnoni, Seth Uphoff, Kiersten Sheets, Andrew Lines

Members Absent: Neil Turner

**Approval of the Agenda:**

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Richard Runyon that the agenda for this August 25, 2022 meeting be approved as presented.

This motion was then approved by a roll call vote.

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

**Approval of Minutes:**

Chair Huisman noted the minutes of the July 7, 2022 ZBA meeting with a correction noted. Dave Randolph moved, seconded by Joe Stock that the July 7, 2022 minutes be approved as amended.

The motion carried by a roll call vote:

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

**Business to be reviewed:**

**SU-2-15 – Pflibsen (Review)**

This zoning case pertained to the review of a previously approved special use for property in an C1, Local Business, District to be used as an indoor shooting range and a rental services business in South Streator.

The assistant zoning administrator provided an overview of the case.

Brian Pflibsen, 104 W. Livingston Rd., Streator, was present at the meeting as a representative of this case. Brian noted that the classroom is done as well as the adjacent lounge where people can go to rent guns and other things for the range. Brian noted that they are now working on finishing up the range portion which is the last room that needs to be completed. Brian added that the bullet trap is complete, but that they are currently working on the steel ceiling. Brian stated that the booths and ventilation also need to be completed.

Brian was then asked when he anticipates to be completely done. He stated that he was hoping to be done by the end of the year.

With there being no other questions or comments from the board, William Flott moved, seconded by Dave Randolph that this case be approved with another review to take place in one year.

This motion was then approved by a roll call vote.

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

**V-2-22 – SU-3-18 – Miacomet Solar (Review)**

This zoning case pertained to a review of a previously approved special use that allows for property located in a C3, General Business, District to be used as a junkyard/recycling center in unincorporated Pontiac.

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

Ryan McQuigg, 732 S. Financial Place, Chicago, was present at the meeting as a representative of this case. Ryan noted that since the original approval, they have added a living screen to the West side of the property on the site plan and have altered the access road due to a gas main located on the property, but that everything else is the same. Ryan anticipated construction to begin on the project in the Spring of 2023 and believed the project would be complete around September of 2023.

There was then a question about the conditions of the zoning case and it was determined that the significant completion date should be adjusted to December of 2023. Ryan believed that was sufficient time to meet their needs.

With there being no further questions or comments from the board, Joe Stock moved, seconded by Richard Kiefer, that the case be approved with a modification to the conditions for completion by December of 2023.

This motion carried by a roll call vote.

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

### **Case SU-6-22 – Brady**

This zoning case pertained to the review of a proposed special use to allow for property located in an AG, Agriculture, District to host a privately owned/operated audiology office located in unincorporated Dwight.

The assistant zoning administrator provided an overview of the case.

Brenene Brady, 31085 E. 2800 North Rd., Dwight, was present at the meeting as a representative of the case. Brenene stated that she currently works full time up in Morris, but that she had recently hired an assistant up there. As a result, she was hoping to split her time between Morris and working from home. Brenene added that there is currently no other similar types of businesses in the area, so she would like to help with that.

Brenene was then asked about staffing and hours of operation. She stated that she would have normal business hours and would be the only employee.

There was then a question about ADA accessibility. Brenene stated that her building would be ADA compliant.

Next, there was a question about when she anticipated to have her building built and to be operational. Brenene stated that she hoped to build the building this fall and be operational by next Spring/Summer.

Lastly, there was a question about sales tax on hearing aids. Brenene stated that there is a 1% sales tax.

With there being no other questions or comments from the board, Dave Randolph moved, seconded by Richard Kiefer that this case be approved with a review to take place in one year.

This motion carried by a roll call vote.

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

### **Case SU-5-22 – USS Man Solar**

This zoning case pertained to a proposed special use to allow for a 4 MW solar farm in an AG, Agriculture, District located near Manville.

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

Ryan Magnoni, 435 ½ W. Roscoe, Chicago, was present at the meeting as a representative of this case. Ryan provided a presentation which consisted of the benefits of solar and the increasing need of energy. Ryan also discussed specific details of the project such as setbacks, potential battery storage, and the types of panels that would be used in the project.

There was then a question about the potential timeline for construction. Ryan was unsure of a construction timeline due to the unpredictable nature of the state’s process, but hoped that construction could begin in the fall of 2023.

There was then a question about whether the project had to surround a property owner’s residence like the site plan illustrates. Ryan responded by saying that it did because the setback requirements along with the size of the project limited the ability for changes.

There was then a question about the life of the project. Ryan stated that the project’s life would be about 20 years with options to extend the lease after that.

Next, a question came up about whether or not there would be any buildings constructed on the property. Ryan stated that there would not be unless it was decided to install battery storage in the project.

A question was asked about the size of a battery storage building. Ryan answered that they were about half the size of a shipping container. The location of the battery storage unit was then also clarified.

The interconnection agreement with ComEd was then inquired about. Ryan stated that it was no longer required as part of the application to the state, but that they have submitted a preapplication and that the study was currently being done.

The points system associated with application to the state was then discussed. Ryan was asked if they knew where they were at on the scale for available points. Ryan stated that he was not sure and that the actual scoring system had just been released this week.

The floor was then open for interested parties and objectors.

There was then a question as to why the woodland part of the property was studied. Rebecca stated that it was done since it is part of the property. Rebecca also mentioned that ponding could be an issue on this property which could cause issues with growing vegetation.

Drainage tiles were then discussed and Ryan added that if any drainage tiles are damaged during construction, that they would be repaired.

Susan Spaniol-Fujinaga, 9375 E. 3000 North Rd., Manville, then spoke as an adjacent landowner. Susan noted that she was currently in the process of selling her home and that she is worried about losing the enjoyment of her country property if the project is constructed. She was asked how long she has lived at that house which she replied that she had lived there for 25 years. She was also asked how big her property was to which she stated that it was about 1.71 acres. Next, Susan was asked when she had heard about the solar project. Susan stated that she had heard that it was a possibility back in January or February of this year, but didn't know that it was actually happening until she received the notice in the mail in late July for the meetings in August. Susan was then asked about vegetative screening to which she stated that she currently only had trees on about half of the West side of her house, but that the rest was open. Susan stated that she was okay with the company planting a living screen around her property. Susan then stated that she has put a down payment on a duplex and that she planned to move later this year. She was asked if she had put her down payment down before or after she knew about the project. She stated that she had done it before she knew about the project. Ryan then explained how he and his company had tried for over a month to contact her by phone and by mail.

Dave Lentman, 31841 N. 800 East Rd., Streator, then spoke as an interested party. Dave explained that he was the tenant farmer of the subject property and that the farm ground would be a good fit for the solar farm due to the fact that the soil was not as productive as other places in the county.

With there being no other public comment, Chair Huisman gave an opportunity for closing statements from all that spoke. Ryan gave a closing statement thanking the board for their time and consideration of the project.

Chair Huisman then noted that the applicants in this case were missing several mapping documents for their project which included maps of drainage tile, topography, FEMA FIRM map, and others. Since those items were missing, Chair Huisman recommended a motion to table this case until the following week's board of appeals meeting.

Richard Kiefer the motioned, seconded by Richard Runyon, that this matter be tabled until the following week's board of appeals meeting.

This motion carried by a roll call vote.

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

### **Case SU-2-22 – Bluestem Solar**

This zoning case pertained to a proposed special use to allow for a 5 MW solar farm on property located in an AG, Agriculture, District in unincorporated Pontiac.

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

Seth Uphoff, 5901 Prospect Rd. Suite 201, Peoria, then introduced himself as legal counsel for this project. Seth then introduced Kiersten Sheets, 624 W. Streitmatter Rd., Edelstein, and Andrew Lines, 1 S. Whacker Dr., Suite 3550, Chicago.

Seth and Kiersten then provided an in-depth presentation of community solar in general as well as detailed information about the site project and operations.

Due to there being noted concerns about the safety of the intersection located in the Southwest corner of the project, Seth and Kiersten then showed photos of the current state of the intersection which showed the location of currently planted corn and compared it to the site plan which they argued improved the safety of that intersection by improving sight lines.

Seth then introduced Andrew Lines for a presentation. Andrew explained his credentials as an experienced appraiser and extensive work and studies that he has done as an appraiser. It was clarified that Andrew has testified as an expert appraiser several times before. Andrew testified that he had conducted an extensive study of the potential impact of a solar farm going onto the subject property and there is no indication that there would be a consistent and measurable impact to surrounding properties of this project.

The floor was then opened for interested parties and objectors.

Rebecca Taylor from the Livingston County Soil and Water District then provided an overview of the Natural Resource Information report that was conducted on the subject property. The overview consisted of discussing the watershed, erosion, wetlands, woodlands, land evaluation, decommissioning considerations, and a soil analysis.

Deb Bressner, 16336 E. 1500 North Rd., Pontiac, then spoke as a nearby property owner. Deb voiced her concerns over the dangerous intersection on the Southwest corner of the project. Additionally, Deb was concerned about who would be able to enforce regulations regarding maintenance of the property. The assistant zoning administrator then responded by saying that the zoning office would be able to monitor the sites and relay complaints to the company that need to

be addressed. If they are not taken care of, the assistant administrator assured Deb that a fine could be assessed. Deb then reiterated her concerns about the intersection and insisted that visibility issues need to be addressed.

Roger Bressner, 16336 E. 1500 North Rd., Pontiac, then spoke as a nearby property owner. Roger also spoke about his concerns over the safety of that intersection and wanted to ensure that it would be taken into consideration when they are developing this project.

Pam Teske, 15231 N. 1625 East Rd., Pontiac, then spoke as an adjoining land owner. Pam spoke about how she would be looking to sell this house sometime within the next few years and that she was concerned about whether or not anyone would want to live that close to a solar farm. Pam also spoke about how she will rely on the money she receives on the sale of the house to support her for the rest of her life.

Bill Metz, 10278 N. 1800 East Rd., Fairbury, then spoke as a land owner of the subject property. Bill argued that no one has ever said anything to him about there being visibility issues at the intersection and that as far as taking farm ground out of production, there would be nothing stopping him from planting alfalfa or nothing at all in his field which wouldn't require special approval from the county.

Chair Huisman then opened the floor for closing statements by all that spoke.

Seth Uphoff chose to make a closing statement by illustrating how the Bluestem solar project fits each of the considerations that the ZBA considers when making its recommendation. Seth also further explained how the project abides by each item of the solar ordinance.

Dave Randolph then made a motion, seconded by William Flott, that the zoning board of appeals recommend this case for approval to the county board.

This motion carried by a roll call vote.

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

### **Other Business:**

#### a. Status of Zoning Case SU-2-18 – Threshermen Solar

The assistant zoning administrator then asked the board if the recent passing of an expanded project for the Threshermen Solar project should count as a review of the old case that was only 2 MW on the same property. The board decided that since the new project was in the same location as the original project, that it could count as a review for the original 2 MW project.

#### b. Case SU-9-22 – Livingston Wind Scheduling

After discussion amongst the board members, dates for the ZBA to hear this case were agreed upon.

**Findings of Fact and Decision:**

William Flott moved, seconded by Richard Kiefer, that the Findings of Fact and Decision be approved.

This motion carried by a roll call vote.

Kiefer –	Yes	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. Dave Randolph moved, seconded by Joe Stock, that this meeting be adjourned.

This motion carried by a roll call vote.

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

This meeting was adjourned at 11:36 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



