

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

Regular Meeting
7:00 p.m.

September 1, 2022

The meeting came to order at 7:00 pm

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

Others Present: Jesse King, Charles Schopp, Yessica Funez, Luis Izaguirre, Steve Rapp, Rebecca Taylor, William Brummel, Angela Padula, Brad Trainor, Seth Uphoff, Kiersten Sheets, and Patricia McGarr

Members Absent: Neil Turner, Richard Runyon, and William Flott

Approval of the Agenda:

Chair Huisman noted the agenda for this meeting with an amendment needed to remove zoning cases SU-11-22 and SU-10-22. Joe Stock moved, seconded by Dave Randolph that the agenda for this September 1, 2022 meeting be approved as amended.

This motion was then approved by a roll call vote.

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

Approval of Minutes:

Chair Huisman noted the minutes of the August 25th, 2022 meeting and stated that they would be approved at a later meeting so that the ZBA members had time to review them.

Business to be reviewed:

Case V-4-22 – Funez

This zoning case pertained to the review of a proposed variance in front yard setback requirements to allow for a front yard setback of 20 feet to a state right of way rather than the required 50 feet on property located in an AG, Agriculture, District near Graymont.

The assistant zoning administrator provided an overview of the case.

Yessica Funez and Luis Izaguirre, 7481 E. 1700 North Rd., Graymont, IL, were present at the meeting as representatives of the case and were sworn in. They explained that they are currently taking care of 7 children and need to add onto the residence in order to have space for everyone. They explained that they want to add a master bedroom onto the East side of the residence as well as replace and extend a front porch.

There was a question about obstructions to viewing 116 if someone were to be leaving the driveway of the residence. It was explained that the construction would not be getting any closer to the road and that there would still be sufficient line of sight.

There was then a question about what the anticipated completion time of construction would be. Luis responded that he believed it would be three to four weeks until it's completed.

With there being no other questions or comments from the board, Dave Randolph moved, seconded by Joe stock, that this case be approved.

This motion was then approved by a roll call vote.

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

ZM-1-22 – Hoffmeyer

This zoning case pertained to a review of a proposed zoning map amendment to allow for a change in zoning for a property currently zoned I1, Light Industrial to a classification of R2, Low Density Multiple Family Residence.

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

The applicant in this case was not present at the meeting. Therefore, Chair Huisman moved on to the next item of business.

Case SU-7-22 – Old 66 Solar

This zoning case pertained to the review of a proposed special use to allow for the development of a 2 MW solar farm in an AG, Agriculture, District/FP, Flood Plain, District located in unincorporated Pontiac.

The assistant zoning administrator provided an overview of the case.

Seth Uphoff then introduced himself, Kiersten Sheets, and Patricia McGarr who were all sworn in.

Seth Uphoff then coordinated with board members to ensure that all exhibits were present in the application packets that were provided to them.

Kiersten Sheets then provided an in-depth presentation of the Old 66 Solar project which included information about community solar in general as well as project specific information such as screening, access road location, and interconnect location.

There was then a question about the distance from the project to the cabin that is located to the North. Kiersten believed it was at least 100 feet.

Next, there was a question about whether the panels would be installed as the land lays or whether fill would be added. Kiersten stated that the panels would be installed with the lay of the land.

There was then a question about the location and setup of the inverter which was clarified by Kiersten.

A question was then posed as to whether or not the company would be willing to plant evergreens instead of seasonal plants and grasses. Kiersten responded by saying that the company would be willing to do that.

There was then a question about where the panels were sourced from. Kiersten explained that currently the solar panels are being produced in Georgia (United States), but was unsure if that would remain the case in two years.

Next, a question was raised about the timeframe on when this project would potentially be constructed. Kiersten stated that best case scenario, the project would be built by December of 2024.

Patricia McGarr from Cohn Reznick, then spoke as an expert witness on appraisals and property values in this case. Patricia introduced herself and her credentials and then gave a presentation on property value impacts that she has seen regarding solar farms. Patricia explained that in her experience, she has never seen negative impacts on property values or marketability as a result of the construction of a solar farm. Patricia then explained neighboring uses that do have negative impacts on property values.

There was a question to Patricia about whether or not local solar farms had been examined in her research for this project. Patricia explained that the Grand Ridge Solar project in Streator was examined by speaking with the local assessor who stated that they have not seen any noticeable impacts to property values as a result of that project. Patricia added that she had also spoken with Winnebago County and Champaign County about their local solar projects which revealed that there was also not a noticed negative impact to surrounding property values. Additionally, Patricia cited a 1,000 acre solar farm located in Chisago County, MN where approximately 900 properties sold in excess or consistent with market value.

There was then a question asked to Patricia about how far out from the solar project she goes to study property values. Patricia stated that they evaluate properties that are physically adjacent to the solar projects.

The floor was then opened for interested parties and objectors.

Rebecca Taylor, 1510 W. Reynolds St., Pontiac, IL 61764, was sworn in and then spoke as then spoke as a representative of the Livingston County Soil & Water District. Rebecca provided a presentation on the findings of the Natural Resource Information Report which concluded that the development of this project would have a “low impact” on agriculture.

Steve Rapp, 21952 N. 1710 East Rd., Pontiac, IL was sworn in and then spoke as an interested party in this case. Steve posed a question about the ability to recycle the materials from the solar panels. Steve pointed out a slide in the slideshow that was presented saying that 80% of the panels were recyclable. Steve wanted to know about the other 20% of the panels and whether or not they are also recyclable. Kiersten clarified the information saying that 80% of the panels are readily recyclable since they are made up of materials such as aluminum and glass. The remaining 20% is also able to be recycled, but that it’s more of a specialized industry.

Steve and Rebecca elected not to make closing statements.

Seth Uphoff then closed by covering the ZBA code and explaining how the Old 66 Solar project fulfills each of the elements of the ZBA code. Seth then went through the solar ordinance and explained how the project abides by each element of the county’s solar ordinance. Seth then demonstrated how the project is consistent with each of the special use considerations of the county and illustrated the limited impact of the acreage taken out of production compared to the total tillable acreage of the county as a whole. Lastly, Seth emphasized the importance of property owner rights and how people should be able to do what they wish with their property as long as it does not harm or endanger others.

With there being no other questions or comments from the board, Dave Randolph moved, seconded by Joe Stock that this case be recommended for approval.

This motion carried by a roll call vote.

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

Chair Huisman then announced a break in the meeting at 8:43 PM.

The meeting resumed at 9:01 PM

Case SU-8-22 – Broadlight Solar

This zoning case pertained to the review of a proposed 5 MW solar farm on property located in an AG, Agriculture, District located in unincorporated Pontiac near Rowe.

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

Seth Uphoff then ensured that each board member had each of the exhibits in their application packet.

Kiersten Sheets then provided an in-depth presentation of the Broadlight Solar project which included information about community solar in general as well as project specific information such as screening, access road location, and interconnection location.

There was then a question about whether the living screening would be planted on the inside or outside of the fencing around the project. Kiersten clarified that the living screen would be planted along the outside of the fence.

A question about the timeline of completion for this project then came up. Kiersten clarified that this project also had a best case scenario completion of construction date of December of 2024.

Patricia McGarr from Cohn Reznick then spoke as an expert witness on appraisals and property values on this case. Patricia explained that in her experience of appraising properties near solar farms, she has not seen an instance where the marketability or property values of homes and subdivisions near solar farms have been negatively impacted due to the construction of a solar farm.

Seth and Patricia then examined the Finkenbinder's property that borders the project to the Southeast as it relates to property value as well as project visibility from the property. Patricia explained that she physically visited the property and examined it. Through her research on the property, she concluded that the property recently sold for slightly less than asking price. Seth and Patricia also examined sight lines from the Finkenbinder property and illustrated the lack of visibility to the proposed project area from the house due to mature trees and accessory buildings. As a result of Patricia's study of the property, she concluded that there would be no consistent & negative impact to the property's value due to the construction of a solar farm.

The floor was then opened for interested parties and objectors.

Rebecca Taylor, 1510 W. Reynolds St., Pontiac, IL 61764, a representative of the Livingston County Soil & Water District. Rebecca provided a presentation on the findings of the Natural Resource Information Report which concluded that the development of this project would have a "high impact" on agriculture. There was a question to Rebecca about whether grass would be better than

pollinators for the project. Rebecca stated that grass would be better due to it being easier to control weeds.

William Brummel, 7 Smith Ln., Pontiac, IL, was sworn in and then spoke as an interested party/neighboring farmer in this case. William began by handing out a packet to board members that showed a drainage tile map that appeared to be on or near the project footprint of this case. William explained that the tile that runs underneath the project is a 12" drainage tile that is a main drainage tile for this area. William further explained that the 12" tile turns into a 15" tile as it progresses South to the creek. William stated that at a recent farm bureau meeting, he posed the question as to whether or not a solar farm should be constructed over a main drainage tile and was told that a solar farm should not be constructed over a main drainage tile.

There was then a question to William about whether he currently has access to the tile or not. William stated that if there were to be an issue on Joan Bolen's portion of the main tile, that he would contact her for permission to go onto her property.

William further voiced his concerns about whether or not he would be able to access the drainage tile if there was an issue since there would be a fence and potentially solar panels in the way of getting down to the tile to fix it. William explained that fixing a main tile is a time sensitive issue and that crop loss could result as a result of not fixing the tile in a timely manner. William further commented that the property has an elevation change of 9-10 feet and pointed out his concerns for the possibility of an effect on drainage from the property.

Seth Uphoff then argued that it appears that most of the 12" tile in question appears to be out in the buffer zone of the project and that only the North end and South end of the tile are inside of the project footprint

The process of tile repair was then discussed between Seth and William.

Seth and William then discussed crop insurance policy and how William could recoup his losses if he were to lose crops from a tile issue.

Seth then asked William if it was common for plastic tile to fail. William responded that he was not aware of any instances of that happening.

Seth then argued that William would have an additional layer of help since the county would be involved due to the special use that the property would have for the solar farm.

Seth then illustrated his opening remark in the exchange between him and William by directing board members to the application packet where some of the exhibits appear to show the outline of where the tile in question is located compared to the site map and further argued that the tile appears to mostly avoid the panels within the project.

Angela Padula, 22924 N. 1300 East Rd., Pontiac, IL, was sworn in and then spoke as an interested party in this case. Angela noted that Kiersten has been very helpful in understanding the project and

addressing her concerns. However, Angela pointed out that with all of the property improvements that the Finkenbinders have done recently, that wouldn't indicate to her that they were planning to sell their property anytime soon. Angela then pointed out that the area in question seems to be rapidly turning industrial in nature due to Enbridge's rapid development of their facility along with the landfill's continuous expansion. Angela then voiced her concern over the amount of farmground that continues to be taken out of production.

Brad Trainor, 1309 Kirkwood Dr., Pontiac, IL, was sworn in and then spoke as an interested party/neighbor farmer in this case. Brad stated his concerns over catching drainage water from the Bolen property that could potentially be carrying weeds that could then spread onto his farm property.

Seth Uphoff then provided a closing statement by illustrating how much farm ground would be taken out of production by this project as well as a hypothetical 10,000 acre project by showing a pie graph. Seth also, again, addressed the concerns with the drainage tile. Seth then continued by addressing the ZBA code and the LaSalle-Sinclair factors and explaining how the Broadlight Solar Project was consistent with each of them. Next, Seth reiterated the benefits of implementing solar into the county by its tax benefits as well as the benefit to ComEd customers who elect to subscribe to the project. Lastly, Seth emphasized the importance of property rights to the board and how property owners should be able to do what they wish with their property as long as it is not injurious to others.

With there being no further questions or comments from the board, Dave Randolph moved, seconded by Richard Kiefer that this case be recommended for approval to the county board.

The motion carried by a roll call vote:

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

Other Business:

The assistant zoning administrator noted that Prairie Dock Solar, a utility solar project, could potentially be filing an application within the next couple of weeks.

The assistant zoning administrator then reminded the board of the upcoming EDF Livingston Wind hearings at the Pontiac Township High School Auditorium.

Findings of Fact and Decision:

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

This motion carried by a roll call vote.

Kiefer –	Yes	Runyon – Absent – No Vote
Flott –	Absent – No Vote	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. Richard Kiefer moved, seconded by Joe Stock, that this meeting be adjourned.

This motion carried by a roll call vote.

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

This meeting was adjourned at 11:01 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