

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE OCTOBER 11, 2022 MEETING

The meeting was called to order at 6:01 p.m.

Present: Jason Bunting, Gerald Earing, Joel Barickman, Scott Mennenga, Steven Lovell, and Tim Shafer

Absent Paul Ritter

Committee Chair Bunting commented about the agenda for this October 11, 2022 meeting. Chair Bunting noted that business items “a” and “e” needed to be switched. Bunting also noted a typo at the end of business item “b” that should be disregarded. Steven Lovell moved, seconded by Gerald Earing that this agenda be approved as amended. This motion was unanimously approved by voice vote.

Chair Bunting then noted the minutes of the September 7, 2022 meeting. Tim Shafer made a motion that was seconded by Gerald Earing that the minutes of the September 7, 2022 meeting be approved. The motion carried unanimously by a voice vote of all ayes.

Business:

Wind/Solar Discussion

There was then discussion about the potential upcoming moratorium on solar farm applications. Andrew Keyt, an attorney representing the county on solar issues, was phoned into the meeting.

The assistant zoning administrator explained to the committee the course of action that was taken at the previous week’s zoning board of appeals meeting and the basis of their decision. The specific language of the moratorium text that the ZBA did not like was explained to Andrew and the committee. Andrew clarified the language for the committee and explained that the text was legally sound. Andrew then explained the options the board had for amending the text.

There was then discussion on options for how the process could proceed. Andrew explained that since the ZBA held the public hearing on the matter, all of the legal requirements for the text amendment have been met and therefore, the county board could proceed with a vote. The zoning administrator noted that he had spoken with legal counsel years ago at a conference on this matter who explained that a 30-day public comment period was required for zoning map amendments, therefore allowing the same 30-day public comment period for text amendments would be the safe thing to do.

Chair Bunting stated that a 30-day public comment period would be allowed before proceeding with a full board vote on this issue.

The progress of the Livingston Wind project by EDF Renewables was then discussed among the committee. The assistant zoning administrator noted that there have been some things missing from their presentation that the ZBA has been wanting to see which has slowed the process down a bit. However, it was noted that there are meetings scheduled for October 20th and November 1st at this point and that it is anticipated that the case will be ready to go before the board at their November meeting.

Case SU-10-22 – Oxeye Solar

This zoning case pertained to the review of a proposed special use to allow for the development of a 4 MW solar farm in an AG, Agriculture, District located in unincorporated Pontiac near Rowe.

There was then a question by a committee member as to whether or not Trajectory Energy would be hiring local construction to build the project. Seth responded that the company would be utilizing local labor unions.

Mark Heil, 14 Rapp Ct., Pontiac, then spoke as an interested party in the matter. Mr. Heil asked whether or not the power from the solar farm would be directly fed into the grid. Mr. Heil further explained that they currently have issues out where he lives with power disruptions and wanted to know whether or not the solar farm would further exacerbate the issue. It was explained to Mr. Heil that the power would go into the grid, but should not cause any further issues than what he already has.

With there being no further questions or discussion, Gerald Earing moved, seconded by Steven Lovell that this case be recommended for approval to the county board.

The motion carried by a roll call vote:

Bunting:	Yes	Lovell:	Yes
Ritter:	Absent – No Vote	Shafer:	Yes
Earing:	Yes	Barickman:	Yes
Mennenga:	Yes		

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 located in unincorporated Pontiac.

Seth Uphoff presented the project to committee members and covered specifics of the project that were presented to the ZBA such as screening, tax revenue, and other information about the project.

There was a question from a board member in attendance about the LESA score of the soil on the subject property. Seth responded that he did not have that information readily available. The assistant zoning administrator offered to pull that information from the NRI report that he had handy, but it was not desired.

With there being no further questions or discussion, Steven Lovell moved, seconded by Scott Mennenga that this case be recommended for approval to the county board.

The motion carried by a roll call vote:

Bunting:	Yes	Lovell:	Yes
Ritter:	Absent – No Vote	Shafer:	Yes
Earing:	Yes	Barickman:	Abstain
Mennenga:	Yes		

Case SU-8-22 – Broadlight Solar

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

Seth Uphoff presented the project to committee members and covered specifics of the project that were presented to the ZBA such as screening, tax revenue, drainage tile mitigation, and other information about the project.

There was then a question about whether signatory contractors would be able to bid on this project. Seth explained that he could not answer that question, but Jon Carson, a representative of Trajectory Energy, could.

A question then came up about the consistency of tax revenue and how the revenue would change over time. Seth explained that since they cannot predict how tax rates will change over the life of the project, the figures that they provide for the tax revenue to the county over the life of the project are simply projections. A follow up question was asked as to what the tax rate would be once the project is decommissioned. Seth explained that he believes that it would go back to a tax rate of a tillable farm property would be at that point in time.

Julie Russow, 23301 N. 1040 East Rd., Cornell, then spoke as an interested party in this matter. Julie asked whether or not any of the Trajectory Energy sites would have battery storage. Seth responded that none of them would.

With there being no further questions or discussion, Tim Shafer moved, seconded by Gerald Earing, that this case be recommended for approval to the county board.

The motion carried by a roll call vote:

Bunting:	Yes	Lovell:	Yes
Ritter:	Absent – No Vote	Shafer:	Yes
Earing:	Yes	Barickman:	Yes
Mennenga:	Yes		

Case SU-5-22 – USS Man Solar

This case pertained to the review of a proposed 4 MW solar farm to be developed in an AG, Agriculture, District on property located in unincorporated Livingston County near Manville.

Ross Abby, a representative of US Solar, was present at the meeting as a representative of this case. Mr. Abby presented an overview of the case to committee members.

The assistant zoning administrator added an explanation to committee members regarding screening for neighboring property owners who have appeared at past meetings as opposing parties to the project. It was explained that the property owner whose property will be surrounded by the project will have screening around her property and that the neighbor to the East of the project will have screening as well. Although the neighbor to the East has supposedly spoken with the company about not wanting the screening. The assistant zoning administrator explained that there’s a condition within that screening condition for it not to be installed if they do not want it.

There was then a question as to whether or not Susan Spaniol-Fujinaga whose property would be surrounded by the project has sold her house yet. The assistant zoning administrator stated that as of the previous week's ZBA meeting, she had not yet sold it.

There was then a question about whether or not the company would use local labor for the construction of the project. Mr. Abby stated that they would let it out for bid to local contractors.

The assistant zoning administrator then asked Mr. Abby whether or not the project would be using battery storage. Mr. Abby stated that they have not made a final decision on battery storage yet.

It was further clarified by the zoning administrator that if any site plans would be changed from what was presented to the ZBA, that those changes would need to be reviewed by the ZBA at a later date.

Julie Russow then spoke again as an interested party in this matter. Ms. Russow asked committee members if they were aware of how their constituents felt on the issue of solar. Ms. Russow added a comment about the comprehensive plan and comments that were made at a previous meeting as to the changes in land use in the county that may need to be explained to the citizens if solar keeps getting approved.

Chair Bunting then explained the moratorium process to Ms. Russow and added that he along with other members of the board have received many phone calls on this issue and are working towards addressing it with the moratorium and potential ordinance change.

Ms. Russow concluded by saying that county board members may need to consider speaking to their constituents if the moratorium is not approved.

Bob Weller, a member of the county board, then asked Mr. Abby to explain a comment he had made during his presentation about "free power". Mr. Abby clarified by saying that the energy is collected from the sun. Mr. Weller then asked whether the project would be available to local citizens. Mr. Abby explained that power from their solar farm would be offered to local citizens.

There was then a question about whether or not there was a cost to subscribe to the solar project. Mr. Abby stated that there is a cost to subscribe to the service, but that discounts could be offered if there are unfilled subscriptions for the solar farm.

Chair Bunting then asked for a motion on this matter. No motions were made. Joel Barickman then commented that he could not recommend approval of this project due to the concerns he had for the 2 neighboring property owners who have continued to oppose the project and the company's lack of relations with them. Additionally, Barickman cited the lack of information presented to the committee on this project.

No recommendation was made by the committee on this case.

Solid Waste Update

The assistant zoning administrator provided a solid waste update to committee members and pointed out wells in the Livingston Landfill that had elevated levels of certain parameters that the landfill had applied for increased allowances on. The continued extension requests put into the IEPA by Republic were also noted.

Chair Bunting noted a damaged fence that has an unsightly appearance to it. The zoning administrator stated that he would contact the landfill management about the issue.

Recycle Event Scheduling Status

The assistant zoning administrator noted that everything is set for the E-Recycle event to be held on November 5th at the K Mart parking lot. The assistant zoning administrator noted that the only thing that he was waiting on was final confirmation from the insurance company on the event insurance. The assistant zoning administrator added that he had reached out to the probation office for help with the event and has also shared the flyer with all towns and villages in the county for them to share.

Other Issues to Come Before the Committee:

The assistant zoning administrator added that Prairie Dock Solar, the 2,000 acre solar project being developed near Cayuga, would be starting the hearing process in December.

Public Comment:

The floor was then opened for public comment.

Review and Approval of Bills:

Chair Bunting noted one bill for The Deigan Group in the amount of \$1,250 for landfill/solid waste review services rendered.

Steven Lovell moved, seconded by Scott Mennenga that this bill be paid.

The motion carried by a voice vote of all ayes.

Adjournment:

Steve Lovell then motioned, seconded by Joel Barickman that this meeting be adjourned.

The motion carried by a voice vote of all ayes.

The meeting was adjourned at 7:39 p.m..

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

