

MINUTES OF THE LIVINGSTON COUNTY
REGIONAL PLANNING COMMISSION MEETING
HELD ON JANUARY 9, 2023, STARTING AT 7:00 PM
IN THE LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. MADISON ST. PONTIAC, ILLINOIS

The meeting was called to order at 7:14 p.m.

Roll call was taken.

Those present were: Joel Barickman, Michael Haberkorn, Rudy Piskule, Keith Bahler, Dee Woodburn, and Shane Long

Those absent were: Dean Wahls, Scott Sand, Jerry Gaspardo, Verne Taylor and Ed Hoerner

APPROVAL OF THE AGENDA:

The agenda to this meeting was mentioned by Haberkorn. Dee Woodburn moved, seconded by Keith Bahler that the agenda for this meeting be approved as presented for this January 9th, 2023 meeting. This motion was unanimously approved by a roll call vote.

APPROVAL OF MINUTES

Minutes from the December 5th, 2022 meeting were then mentioned by Haberkorn. Joel Barickman moved, seconded by Shane Long that the minutes be approved as presented.

BUSINESS:

Case SU-21-22 – Rooks Creek Acres Wedding and Events

This zoning case pertained to the review of a special use request for a craft and service occupation in an AG, Agriculture, District to operate a wedding/event venue.

The assistant zoning administrator provided an overview of the case to planning commission members.

There was then a question about the bedroom that was listed in the floor plan of the venue. Jim Blackard, the applicant, was present at the meeting and explained that the bedroom was there from the previous owner who lived in there. Blackard added that he would like to use that bedroom as a space for the bridal party to prepare for weddings.

A question was then asked about how many floors there were in the venue. Blackard stated that there is only one floor and that there is also a hay loft which is currently not being used.

A planning commission member then asked Jim if the neighbors were okay with his special use request. Jim answered that he was not sure.

There was then a question about what type of material would be used for the parking area. Jim responded by saying that he would like to put rock in for a parking lot surface.

A question was asked about the logistics of how events would be insured. Jim explained that if there is alcohol, the vendors that are serving the alcohol will have their own insurance. Jim added that he is speaking with his lawyer to have a \$500,000 insurance policy per event of his own for the venue.

A question was then asked if there would be events during the week. Jim answered that there possibly could be. A follow up question was asked as to what types of events would be hosted besides weddings. Jim answered that he has recently been contacted about hosting a prayer breakfast.

There was then a question about whether or not anyone would be staying overnight at the venue. Jim stated that if there were, it would just be the bride and groom the night of the wedding.

A planning commission member then asked if there were any other similar uses in the area. Jim answered that there were not.

There was then a question about how many toilets were at the venue. Jim stated that there is currently a half bathroom and a 3/4 bathroom, but that he plans to convert a horse stall into a bigger bathroom.

A question was then asked about where vendors would setup. Jim answered that they would setup in a hallway that is inside of the venue.

A planning commission member then asked if the venue would be ADA compliant. Jim stated that he plans to make it ADA compliant.

Lastly, a planning commission member asked how big the parking area is. Jim stated that it is approximately one acre currently, but will have more once there is more area cleared.

Bill Tolbert then spoke as an interested party in this matter. Bill stated that he bought the property and moved out there for the quiet and privacy that the location offers. Bill voiced his concerns that noise from bands and crowds would affect those things. Bill also mentioned his concerns about the logistics of parking and where overflow parking would go if the area set aside on the property was not enough. Bill was concerned that the overflow parking would affect the neighbor's ability to use their properties. Bill also mentioned his concerns on the impact of the marketability of his house as a result of a wedding venue being in his backyard. Bill then mentioned the private drive on the East side of the property that goes between him and his neighbors to the North. Bill stated that when he bought the property, he was under the impression that there was an easement there and not ownership. Bill added that Jim frequently uses that entrance and that he was concerned about his privacy with his bedroom being on that side of the house.

Mark and Shari Johnson then spoke as interested parties in this matter. They stated that they have the same concerns as Bill and that they do not want a wedding venue in their backyard. Mark stated his concerns on intoxicated people who may be at the venue with houses nearby. Mark and Shari also voiced their concerns about the safety of the East entrance due to the fact that they've seen Jim driving at high rates of speed through there. Lastly, Mark added that since they reconstructed the

bridge on 116 in front of the subject property, vision at that entrance to 116 is much more difficult and not as safe. A planning commission then asked about drainage in that area. Mark explained that water drains through his property and into the Blackard's property. However, they do still get pooling of water in their front yard.

Linda Harner then spoke as an interested party in this matter. Linda voiced her concerns over the traffic flow in the area and that it would be significantly increased when there are events at the venue. Linda added that the proposed entrance to the venue is very narrow and that it's not a high quality road right now and she was concerned about who would maintain it. Linda also echoed the concerns of Mark and Shari Johnson on the visibility of getting on to route 116 since the reconstruction of the bridge.

A planning commission member then asked Jim what his response was to all of the opposition to his request. Jim stated that he would be open to shutting down outdoor noise earlier than closing time if that was desired. Jim added that the pasture on the property would continue to be used as pasture and that his wife has aspirations to have cows graze there eventually. Jim also stated that he plans to eventually plant a living buffer on the property to shield nearby houses from the venue once he has the money to do so.

Doug Sass then spoke as an interested party and asked the planning commission to consider the zoning of the property being agriculture in nature and also asked the commission to consider the expectations of the home buyers when they bought property in an agriculturally zoned area.

There was then discussion among the commission as to whether this could be considered a commercial use or not. The assistant zoning administrator stated that it could be, but it also fits with the craft and service occupation special use category for agriculture districts.

With there being no further questions or discussion, Rudy Piskule made a motion, seconded by Keith Bahler that this zoning case not be recommended for approval to the zoning board of appeals. Keith Bahler cited the lack of communication with neighbors as his reasoning for seconding the motion.

It was then clarified to planning commission members that a "yes" vote meant agreeing to not recommend the case for approval.

The motion carried by roll call vote:

Jerry Gaspardo –	Absent – No Vote	Dean Wahls -	Absent – No Vote
Michael Haberkorn –	Yes	Dee Woodburn -	Yes
Shane Long –	Yes	Scott Sand -	Absent – No Vote
Ed Hoerner -	Absent – No Vote	Joel Barickman -	Present
Verne Taylor -	Absent – No Vote	Rudy Piskule -	Yes
Keith Bahler -	Yes		

Case SU-14-22 – Allium Solar

This zoning case pertained to the review of a proposed special use to allow for the development of a 5 MW solar farm encompassing approximately 32 acres of a 158.48 acre tract in an AG, Agriculture, District located in unincorporated Pontiac.

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

Paul Bottum, a representative of the applicant, then gave a presentation on the project which included the location, size/scale of the project, tax benefits to the county, and specifics of the panel system that would be used.

There was then a request by a commission member on clarification on the tax benefit to the county. Paul explained that there is a fixed formula at the state level that determines the amount of taxes that would result from the development of this solar farm.

A planning commission member then asked if the nearest home to the East is owned by the landowner of the subject property. Paul answered that it is not.

Paul was then asked if he had spoken with that neighbor to which he responded that he had not.

A planning commission member then asked Paul if the ground was currently being farmed. Paul answered that it is.

There was then a question about how long the life of the project was and Paul answered that they have a 40 year lease with the landowner.

A planning commission member then mentioned the comprehensive plan and asked Paul how this project could be consistent with the comprehensive plan if they are removing farmground from production. Paul stated that the solar farm is a temporary use and that the land would be restored to farmground at the conclusion of the life of the project.

Doug Sass then spoke as an interested party. Doug urged the planning commission to use common sense when making their decision on this matter.

William Whitney then spoke as an interested party. William started by explaining that his family owns a 10 acre piece of property on Highway 170 in Sunbury Township and that they utilize the agriculture nature of the property to raise their own food. William added that he has a petition of opposition signed by 19 people who live in the area near the proposed solar farm site. William stated that he has three reasons for his opposition to solar farms in the country. William stated that the area is zoned agriculture and that agriculture means crops and barns, fields and fencing, sheds, horses, cows, chickens, trees, deer in the fall and hopefully pheasants too. William added that when he purchased his home, he believed that the area was zone agriculture and that it would remain that way. William argued that a solar farm is an industrial use and does not fit with the agriculture nature of the area. William further argued that it is a conflict of interest for the county to approve solar farms where the county stands to economically benefit from the construction of them. William added that the people of the county should have a vote as to whether or not solar farms should be developed throughout the county. Lastly, William argued that the materials submitted by the

applicant where the panels would be sourced from shows that they come from China due to the company's webpage being presented in mandarin. William argued therefore, allowing these projects to be developed in the county is directly benefitting the Chinese Communist party. William concluded by stating that if the county does not stop approving solar farms, that he is prepared to take legal action against the county.

Andy Bauman then spoke as an interested party. Andy stated that he is a farmer and that the soil where this project is proposed to be developed is some of the most productive soil in the county and is not the best place for a solar farm to be developed. Andy also added that the way that his residence is situated, he would be able to see this solar farm out of the front window of his residence and did not like the idea of that.

Rebekah Fehr then spoke as an interested party. Rebekah informed the commission members that according to the NRI report that was done by the county soil and water district, that this project would have a "high impact" to agriculture.

Brian Seeman then spoke as an interested party. Brian asked about how road agreements would work for solar projects. The assistant zoning administrator answered by saying that one of the conditions of approval for solar projects is that they must contact the local road authority prior to building permits being issued.

Cliff Gardon then spoke as an interested party. Cliff asked Paul if there had been any research done as to the wildlife in the area. Paul answered by saying that an EcoCat had been done which came back saying that the area was clear. Cliff added that there are many deer killed in the area and that putting up 8 foot chain link fences will impact the deer population even more. Cliff also asked Paul if a well would be drilled on the property. Paul responded by saying that there would not be.

Wyatt Sass then spoke as an interested party. Wyatt asked Paul if he knew whether or not there would be a fluctuation in property value after the development of a solar farm. Paul responded by saying that there has been no evidence that solar farms decrease the value of homes. Paul added that in some cases they have even increased the value of homes due to decreased energy prices by subscribing to the solar project.

With there being no further questions or comment, Shane Long made a motion, seconded by Joel Barickman that zoning case SU-14-22 not be recommended for approval.

The motion carried by roll call vote:

Jerry Gaspardo –	Absent – No Vote	Dean Wahls -	Absent – No Vote
Michael Haberkorn –	Yes	Dee Woodburn -	Abstain
Shane Long –	Yes	Scott Sand -	Absent – No Vote
Ed Hoerner -	Absent – No Vote	Joel Barickman -	Yes
Verne Taylor -	Absent – No Vote	Rudy Piskule -	Yes
Keith Bahler -	Present		

Case SU-15-22 – Beebalm Solar

This zoning case pertained to the review of a proposed 5 MW solar farm encompassing approximately 33 acres of a 142.61 acre tract located in an AG, Agriculture, District in unincorporated Odell.

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

Paul Bottum then gave a brief presentation on the project by informing planning commission members. Paul also informed planning commission members that this project has been approved by ComEd for interconnection into the grid.

There was a question by a commission member as to whether or not the ground was currently being farmed. Paul answered that it was currently being farmed.

Heather Glardon then spoke as an interested party. Heather stated that she and her husband have lived at their house across the road from the proposed site for 23 years. Heather added that her and her husband are frequently outside working in the yard and she does not want to look out from her front yard and see a solar farm.

Kia Whitney then spoke as an interested party. Kia stated that Paul Bottum had spoken with her and her husband before but when he came and spoke to them, he had very little information for them and he also didn't have a business card. Kia assured commission members that she is not anti-solar, but there is a time and place for solar development.

William Whitney then spoke again as an interested party and reiterated his previous points by saying that the county making decisions on solar farm developments is a conflict of interest and urged the commission to stop hearings on solar farms.

Doug Sass then spoke as an interested party. Doug asked commission members not to mistake his passion for disrespect and that he is so passionate about this topic because his family has been farming in the area since 1864. Doug echoed Kia's statement of there being a time and place for solar.

Rebekah Fehr then spoke as an interested party. Rebekah stated that based upon the results of the NRI report prepared by the soil and water district, this project is not consistent with the county's comprehensive plan.

Jason Dixon then spoke as an interested party. Jason talked about the possible health effects that can be created by solar farms with regard to electro-magnetic frequencies. Jason stated that cell phones also emit electro-magnetic frequencies and are known to cause cancer after enough exposure to it. Jason questioned how dangerous a large solar project's electro-magnetic frequencies could be for nearby homeowners. Jason asked the commission if any reports have been prepared regarding that issue. Jason added that if there hasn't been, how can this application move forward?

Paul responded to Jason's claims by saying that there is no electro-magnetic field that comes from the panels and that there is a very low level of voltage at the solar farm site which is similar to most

common household appliances. An audience member asked if there was an inverter to which Paul responded that there was. The audience member stated that that's where the danger is at.

With there being no further questions or comment, Rudy Piskule made a motion, seconded by Joel Barickman that zoning case SU-15-22 not be recommended for approval.

The motion carried by roll call vote:

Jerry Gaspardo –	Absent – No Vote	Dean Wahls -	Absent – No Vote
Michael Haberkorn –	Yes	Dee Woodburn -	Abstain
Shane Long –	Yes	Scott Sand -	Absent – No Vote
Ed Hoerner -	Absent – No Vote	Joel Barickman -	Yes
Verne Taylor -	Absent – No Vote	Rudy Piskule -	Yes
Keith Bahler -	Present		

OTHER BUSINESS:

The assistant zoning administrator then informed planning commission members of pending legislation at the state level that would regulate wind/solar at the state level rather than at the county level.

PUBLIC COMMENT: None

ADJOURNMENT:

Joel Barickman moved, seconded by Michael Haberkorn, that the meeting be adjourned. This motion was unanimously approved by a roll call vote.

This meeting was then adjourned at 9:29 p.m.

Respectfully submitted,

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