

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

Regular Meeting  
7:00 p.m.

November 13, 2018

The meeting came to order and roll call was taken.

Members Present: Richard Runyon, William Flott, Cheryl Tate, Gerald Earing and Joan Huisman. Jim Blackard arrived late after the first case was reviewed.

Member Absent: Richard Kiefer

Cheryl Tate was introduced as a new member on the zoning board of appeals, and congratulations and appreciation was expressed to Gerald Earing and James Blackard on their election to the Livingston County Board and for their service on the zoning board of appeals. As members of the Livingston County Board they can no longer serve on the zoning board of appeals.

Agenda:

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Gerald Earing, that the agenda for this November 13, 2018 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Approval of the Minutes: None

Business:

Case V-18-18 - Bounds

This zoning request pertains to review of a request for a variance in the lot width requirements to allow for a proposed lot to have a width of 60 feet instead of 150 feet, in an AG, Agriculture, District. The property in question in this zoning case is a tract of land 3.79 acres in size, located in the Southeast Quarter of Section 17 in Avoca Township, at 19682 E – 1250 North Rd. The zoning administrator presented his report, exhibits and other information relative to the review of this zoning case.

Nicholas Ehrgott, 204 N. Main St., Pontiac, IL., an attorney representing of the applicant presented testimony relative to this zoning case. Mr. Ehrgott related the reasoning for the proposed two lot subdivision of the subject property and the reasoning for the proposed variance. Mr. Ehrgott also commented about an easement being in place so that the existing entrance could be used, for access to lot 2. Mr. Ehrgott mentioned that property values would not be affected, and he asked for the zoning board's approval.

The zoning board inquired as to if a drive could be put on the 60 feet if needed. Mr. Ehr Gott replied that if someone needed to a drive could be placed on these 60 feet. Mr. Bounds does not own the surrounding farm property, though he does farm the property.

No other interested parties presented testimony relative to this zoning case.

Mr. Ehr Gott had no closing comments.

Gerald Earing moved, seconded by William Flott, that the zoning board of appeals approve Livingston County Zoning Case V-8-18 to allow for a variation in the lot width requirements to allow for a lot to have a width of 60 feet instead of 150 feet in an AG, Agricultural, District.

This motion was then approved by a roll call vote.

Blackard – Absent – Did not vote

Kiefer - Absent – Did not vote

Runyon – Yes

Flott - Yes

Tate - Yes

Earing – Yes

Huisman – Yes

Case SU-11-18 – DG Solar

This zoning request pertains to review of a request for a special use that allows for solar energy project on 27.6 acres in the Northeast Quarter of Section of Eppards Point Township. The zoning administrator presented his report, exhibits and other information relative to the review of this zoning case, primarily being copies of the special use request reviewed and approved in 2018, by providing binder application material, and a copy of the existing findings of fact and decision were also presented and discussed.

Janet Ward, associate project manager, for DG Solar/ Nextra Energy Resources, 700 Universe Blvd., Juno Beach, Florida provided testimony relative to this zoning case. Janet Ward related that this project is as was presented previously. Janet Ward commented on how the decommissioning value was evaluated and it is \$322,600, for the full 4 megawatts. Janet Ward then provided information about being in the queue with Com Ed. A copy of a letter pertaining to the interconnection agreement was provided to the zoning board. Janet Ward then presented documents regarding the FEMA flood map that indicates that the subject property is not in a flood hazard area. Janet Ward also provided an operations and maintenance letter that explains how the operations and maintenance will be handled. Janet Ward then remarked that further studies for detailed plans would be done once this project is awarded by the state. Once this project is constructed they are planning on having a walk-through of the site with the fire department. Their company emergency response time would be within two hours. It was confirmed that the decommission cost was for both sites, so one site would be half that cost. The timing of a letter of credit or bond was discussed with this document being needed at the permitting stage of the project. Comments were made as to if all of the questions from the previous meeting had been answered.

The decommissioning costs with a 10% contingency added was discussed with consultant George Hart.

Becky Taylor, from the Livingston County Soil and Water Conservation District, 1510 W. Reynolds St., Pontiac, IL., presented her Natural Resource Information Report pertaining to the proposed DG Illinois Solar project. The zoning board members had printed copies of this report. Becky Taylor related to soils including the prime farmland on this site, and she mentioned a potential seeding mix and the LESA score for this site. Janet Ward then commented on proposed additional studies that would evaluate wet lands on the site. A consultation on the seeding would also take place.

No other interested parties presented testimony.

The draft conditions of approval were discussed.

In a closing statement Janet Ward requested the approval of the proposed two co-located 2 MW solar projects.

Jim Blackard moved, seconded by William Flott, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board Livingston County Zoning Case SU-11-18 be approved for two 2 MW Community Solar Farms, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this public hearing (s), with the conditions as agreed upon by the zoning board of appeals.

This motion was then approved by a roll call vote.

Blackard – Yes  
Runyon – Yes  
Tate - Yes  
Huisman – Yes

Kiefer - Absent – Did not vote  
Flott - Yes  
Earing – Yes

Cases SU-5-18 – Borrego - Weller and Cases SU-12-18 – Borrego – Beckman

These zoning requests pertain to reviews of request for a special use to allow for a 2MW solar energy project on a 74.6 acre tract on land in the West Half of the Northwest Quarter of Section 7 of Nevada Township for the Weller property. And, for a request for a 2 MW solar energy project on a 26.72 acre parcel of land located in the Southwest Corner of the Southwest Quarter of Section 2 of Reading Township. The zoning administrator presented had presented reports, exhibits and other information relative to the review of these zoning cases.

Brendon Downes, 1 North State, Chicago, IL., Kip Smith 1 North State St, Chicago, IL. and Mel Samarro, 1 North State St. Chicago, IL representing Borrego Solar, provided testimony relative to this zoning case. Using a power point presentation, of which a copy is in the zoning case files, Mr. Downes commented about the proposed 2 MW Weller Project.

Mr. Downes gave an overview of the Borrego Solar Company. Mr. Downes relayed that this project would be on about 11.8 acres of the property in Nevada Township. Mr. Downes comments about the Cohn Reznick property value impact study, that indicate property values in the area will not be adversely. Copies of this Cohn Reznick report were given to the zoning board members. Mr. Downes confirmed that this project would be a tracking system, but would not have battery storage.

Kip Smith then presented a power point presentation, of which a copy is in the zoning case files, about the proposed 2 MW Beckman Project. Mr. Smith related to the subject property being along Coalville Rd. in I2, District, noting a borrow pit on the property, with the Streator Landfill next to it. Mr. Smith noted that this is a smaller 10 acre site. The west and south boundary's will be screened by a landscape buffer. They will also provide training to the local fire department. Mr. Smith confirmed the planned buffer of trees on the Beckman project. The solar project will use basically the same equipment, except for more compact panels being planned for the Beckman site. Additional information was in the first application packet of which a copy had been presented to the zoning board members. Decommissioning cost of \$150,000 for each project was then discussed, and was part of documents submitted. The construction time frame was discussed as being within 18 months of the state approval in the adjustable block program. Detailed planning would need to be conducted once the state approves the project. The interconnect evaluation with ComEd was discussed. It was noted that neither project is located in a flood hazard area. The Special Use Standards comments on pages 11 through 17 of the power point were then read.

Becky Taylor, from the Livingston County Soil and Water Conservation District, 1510 W. Reynolds St., Pontiac, IL., presented her Natural Resource Information Report pertaining to the proposed Borrego projects, starting with the Weller property followed by her report on the Beckman site. The zoning board members had printed copies of these reports. Becky Taylor related to soils including the prime farmland on this site, and she mentioned a potential seeding mix and the LESA scores for these sites.

William Hoegger, Odell, presented comments as the property owner south of the Weller site. Mr. Hoegger commented that the proposed use is inconsistent with farmland and the property should remain as farmland.

No other interested parties presented testimony relative to this zoning case.

In his closing statement Mr. Downes thanked the zoning board members for their time, and he hoped that they had been provided with the information that they need.

Gerald Earing moved, seconded by James Blackard, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board Livingston County Zoning Case SU-5-18 be approved for a 2 MW Community Solar Farm, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this public hearing (s), with the conditions as agreed upon by the zoning board of appeals.

This motion was then approved by a roll call vote.

Blackard – Yes  
Runyon – Yes  
Tate - Yes  
Huisman – Yes

Kiefer - Absent – Did not vote  
Flott - Yes  
Earing – Yes

Cases SU-12-18 – Borrego – Beckman

William Flott moved, seconded by Gerald Earing, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board Livingston County Zoning Case SU-12-18 be approved for two 2 MW Community Solar Farms, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this public hearing (s), with the conditions as agreed upon by the zoning board of appeals.

Blackard – Yes  
Runyon – Yes  
Tate - Yes  
Huisman – Yes

Kiefer - Absent – Did not vote  
Flott - Yes  
Earing – Yes

Case SU-3-15 – Review - Ziegenhorn

This zoning case is in regard to a review of a special use allowing for a campground in an AG, Agriculture, District. The subject property in these zoning cases is an irregularly shaped parcel of land, located in Southeast Quarter of Section 16 of Indian Grove Township. The zoning administrator reviewed the report, exhibits and other pertinent information regard this zoning case. The septic system has been installed.

Steve Ziegenhorn, 20737 N. 87<sup>th</sup> Dr. Peoria, AZ., the campground developer and owner of the subject property presented testimony relative to this zoning case. Mr. Ziegenhorn remarked that he has been working on his septic, water and occupancy. In 2018 the state permit was issued for the construction of the cabins and the septic plans were finalized. Mr. Ziegenhorn commented on the septic system installation and approval by the county health department. Next was the construction of ADA restrooms and retrofitting of the cabins to meet state specifications. The cabins have been retrofitted, and the state plumbing inspector has signed off on the rough plumbing on the ADA bathrooms. The well water has been tested. Once the inspector signs off on the plumbing and the restrooms are completed the IDPH will need to issue an occupancy permit. He hoping to be open on May 1<sup>st</sup> of next year. He hopes to update the zoning board in April of next year. Fencing will be installed in the Spring of next year, with guidance from the road commissioner and Chuck. The state will renew their permit for 5 cabins each year up to 20 cabins to be permitted by the state. Mr. Ziegenhorn remarked about the potential of an RV dump station being installed, and about special events he may host such as weddings and reunions.

The 20 cabins being approved by the state mentioned was discussed in relation to 10 cabins previously related to the county, which led to a discussion on what Mr. Ziegenhorn is now proposing to develop on the property. Mr. Ziegenhorn wants to keep going with the initial occupancy. New cabins will need to be built to the south out of the floodplain area. Site plans were then discussed. Mr. Ziegenhorn said that RV's are not a factor now, with the septic system being based on cabin numbers, up to 20 cabins. The pavilion area was discussed. A proposed office was discussed, which is not planned to have a store. More cabins will require an updated application. (more than 10?) for now Mr. Ziegenhorn is wanting state approval and for the zoning board to continue approving what they have previously approved. It was related that a discussion on the future plans for the campground could take place next Spring. A copy of site plans can be provided to the zoning administrator. This zoning board is not approving more than what they have already approved at this time. The rail fence was then discussed, in relation to the curve of the road. This can be further discussed next Spring. Mr. Ziegenhorn will call to set up meetings when he is in the area, not at his home in Arizona in the winter. Water usage was then discussed.

Frank Nestor, 1806 Bob O'Link Dr. Pontiac, an area property owner commented that his concern that he had missed previously notifications of meetings so he can keep abreast of this property development of a campground.

No other interested parties presented testimony relative to this zoning case.

Mr. Ziegenhorn in his closing comments related that he wants to continue with this project.

James Blackard moved, seconded by, William Flott that Livingston County Zoning Case SU-3-15 – Review be approved allowing for the continuation of a special use allowing for a campground in an AG, Agriculture, District. Livingston County Zoning Case – Review be approved allowing for the continued location of the existing, in an AG, Agriculture, District with this zoning case to be reviewed again in six months, to look at the official site plans discuss next year's plans for the campground.

This motion was then approved by a roll call vote.

Blackard – Yes  
Runyon – Yes  
Tate - Yes  
Huisman – Yes

Kiefer - Absent – Did not vote  
Flott - Yes  
Earing – Yes

Case SU-2-15 – Review - Pflibsen

No representative of this zoning case was present at this meeting relative to presenting testimony relative to this zoning case.

This zoning case review will be scheduled to be reviewed again in January of next year.

Case ZT-1- 18 – Livingston County

This zoning case is in regard to proposed text amendments for the purpose of amending the text of the Livingston County Zoning regulations pertaining to solar regulations will also be delayed until January of next year. Since the state is inundated with applications, no new applications for community solar projects are expected for several months.

Other Business:

Approval of the Findings of Fact and Decision:

William Flott moved, seconded by James Blackard, that the findings of fact and decision for the zoning cases approved or recommended at this November 13, 2021 meeting be approved as drafted for Livingston County Zoning Cases in which final action was taken at this meeting. This motion was approved by a unanimous voice vote.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update:

The next meeting for the zoning board of appeals was discussed concluding that the next meeting could be scheduled for December 6th, at 7:00 pm, but this date has issues with a need for two new zoning board of appeals members, and at this time the filing date for new cases for next month has past.

Then James Blackard moved, seconded by Gerald Earing, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned 9:30 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,

Charles T. Schopp, Secretary  
Livingston County Regional