

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

Regular Meeting
7:00 p.m.

March 9, 2023

The meeting came to order at 7:03 pm

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

Others Present: Jesse King, Trish Merlino, Kyle Berry, Alex Mendelson, Emily Kahanic, Michelle Carpenter, Scott Osborn, Henry Mies, Linda Ambrose, Becky Taylor, Ryan Hanson, Craig Monson, Julie Flynn, Carla Staver, Mike Austin

Members Absent:

Approval of the Agenda:

Chair Huisman noted the agenda for this meeting with an amendment to remove Livingston Stone from the agenda and to add SU-14-22 – Allium Solar to “Other Business” on the agenda. William Flott moved, seconded by Dave Randolph that the agenda for this March 9, 2023 meeting be approved as amended.

This motion carried by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Approval of Minutes:

Chair Huisman noted the minutes of the February 9, 2023 meeting with a correction noted by the zoning administrator. Joe Stock moved, seconded by Neil Turner that the minutes of the February 9, 2023 meeting be approved as amended.

This motion carried by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Business to be reviewed:

Case SU-19-22 – TPE IL LI77 Solar

This zoning case pertained to the review of a proposal to develop a 4.5 MW solar farm on approximately 27 acres of land located in an AG, Agricultural, District in unincorporated Pontiac.

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

Alex Mendelson, a representative of the applicant, then gave a presentation of the project which included information about their company as well as the site plan, screening, site equipment and design, drainage tile, tax revenue, and location of the project.

There was a question during the presentation about how many subscribers the project could handle. Alex explained that the project could handle approximately 800 subscribers

Another question was raised during the glare study portion of the presentation about whether or not Alex performed the glare study. Alex stated that engineers who work for their company completed the study.

A question was then raised about whether or not the applicant knew which solar panels would be used in the project yet or not. It was explained that they did not know an exact make/model yet due to the fact that they change every year and that they would not know an exact panel until right before construction. The applicant added that the makes and models of panels submitted with their application would be similar to what they would use.

A board member then asked if Cohn Reznick would be testifying to the property value studies that were submitted with the application. The applicant responded that they were not going to present.

There was then a request by Michelle Carpenter to amend approval condition #12 to set a cap on the amount that could be spent on outside consultants. Michelle argued that when they decide to sell the project to another company that it would be difficult for them to describe how much cost might go into the project if left open. After some discussion, it was determined by the board that they should not amend the condition.

Emily Kahanic, a civil engineer from Kimley Horn, then gave a presentation that included information such as the landscaping and site plan, stormwater, ground cover, decommissioning, sound, wildlife, and cultural resources.

A board member then asked Emily how she had come up with the decommissioning figure that was presented. Emily explained that the cost is determined by the cost of labor as well as the cost of reseeded the site to return it to its original state.

A board member then asked if there was a breakdown of the individual line items to justify the decommissioning figure. Emily stated that they did not have that since it was not required by the ordinance.

A question was then raised as to the operations and maintenance of the site. Michelle explained that the company has been working with their architecture team to develop a landscaping plan that will fit with the site.

A question about mowing and fence maintenance was then asked. Michelle stated that ideally the fences will not need much maintenance unless they were to be cut for some reason, but she further explained that the frequency of mowing would depend on the season.

A board member then asked if the applicant's company would be maintaining the site or if someone else would be. Michelle stated that whoever buys the project from them would maintain the project site since they are just a developer and not an owner/operator company. To expand upon that information, a board member asked if they knew who the owner of the project would be. Michelle stated that they did not know and that there is a process that they go through in order to pick who they sell the project to.

A question was then asked if the applicant's company was all in Illinois or all in the United States. It was clarified that all of their businesses are located within the US.

There was then discussion on clarification of different aspects of the site plan.

Kyle Berry then requested for powerpoints and their glare study to be entered as exhibits. Discussion then took place regarding appendices J & H with regard to the property value study and the interconnect agreement. Some discussion then took place on the applicant's status with the ComEd interconnect agreement.

A board member then asked about whether or not a drain tile map had been submitted with the application. The applicant stated that there was not and that a study would be done prior to construction.

A question about lighting in the project site was then raised. Michelle explained that the only lighting there would be would maybe be a light switch near the inverter, but that it would be dim enough that it would not be visible to anyone outside of the project.

Linda Ambrose then asked the applicant who pays the taxes on the land once the project is developed. The applicants answered that they would be paying the taxes. Linda further asked the zoning administrator if a new special use would need to be granted if new ownership takes over the project. The zoning administrator clarified that one of the conditions of approval is that the applicant must notify the zoning office of a change of ownership with the new ownerships contact information. Linda then asked about what types of pollinators would be used in the project. It was explained that they are working with multiple groups to come up with seed mix that is appropriate for the site.

There was then discussion on the start and completion date. The applicants explained that the soonest they anticipate to begin construction would be 2025, but that it could be early 2026 as well.

There was then discussion about the state's approval process and why it takes so long to get through the process.

Becky Taylor from the Livingston County Soil & Water District then presented her findings from a Natural Resource Information Report that she completed for the project. As a result of her report, she determined that this project would have a "high impact" to agriculture. There was then a question from the board about the solar report in the applicant's application and if Becky had completed that report. Becky stated that she did not, but that it could easily be done online.

A board member then asked Becky about the "limited" soil that she had discussed during her presentation. Becky explained that the site would be more difficult to develop due to the frequent saturation of the soil on the subject property.

Kyle Berry then asked for clarification on the compatibility and wastewater scores that were in her report. Becky provided explanations for those scores.

A board member then asked about whether this property's productivity was low compared to the rest of the county. Becky explained that she felt it was in the mid range of soil productivity in the county, but not great compared to other soils in the county.

There was then a comment from the crowd about how difficult the ground is to farm.

Chair Huisman then called a break at 8:48 p.m.

The meeting was called back to order at 8:59 p.m.

Ryan Hanson, the superintendent of Flanagan-Cornell schools then spoke as an interested party. Ryan urged the board to approve this case and described the benefits that this solar project would have for his school district and the kids that attend the schools. Ryan then read a letter aloud from the superintendent of the Cornell school district that also spoke in support of the project.

Craig Monson then spoke to question Ryan on his testimony. Craig pointed out that the money coming from the solar farm would be temporary and would decrease over time. Craig questioned Ryan as to how the school district would manage the fact that they would budget for that money initially and would eventually decrease and then go away. Ryan responded by explaining that it would be a great benefit right now and that what happens down the road would be managed by a succeeding superintendent.

Julie Flynn then spoke as an interested party in this case. Julie introduced herself as the daughter of the property owner and explained to the board that she wants to keep the family's farmland for her children and grandchildren and that allowing this project to be developed would allow them to do that. Julie further explained that the soil on the ground is not great soil. Additionally, Julie explained the benefits of having pollinator plants be planted throughout the property and how it would help the soil improve for the future. Julie closed by explaining that she is an educator herself and has seen the benefits of the additional tax dollars that these projects bring in.

Carla Staver then spoke as an interested party. Carla introduced herself as the other daughter of the property owner and urged the board to consider approving this project because it would help local farmers in the county.

Mike Austin then spoke as an interested party. Mike introduced himself as the son of the property owner. Mike explained to the board that the subject property is tough ground to farm and that this project would help diversify his family's income. Additionally, Mike stated that this project would help the community by providing more tax revenue to schools and by allowing residents to sign up for discounted energy bills by subscribing to the project.

In closing, Emily addressed issues that were raised during the NRI presentation by Becky and explained that this project would improve the issues that the ground currently has.

Kyle Berry then closed by thanking the board for their time and explained that solar farms are a permitted special use in agriculture districts which means that the county board intended for them to be placed in the county. Kyle then explained how this project was consistent with the ordinance as well as how the project aligned with the LaSalle-Sinclair Factors.

Dave Randolph then made a motion, seconded by Neil Turner that this case be recommended for approval.

The motion carried by roll call vote

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

Case SU-20-22 – TPE IL LI18

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

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

Scott Osborn, a representative of the applicant, then gave a presentation of the project which included information about their company as well as the site plan, screening, site equipment and design, drainage tile, tax revenue, and location of the project.

Emily Kahanic, a civil engineer from Kimley Horn, then gave a presentation that included information such as the landscaping and site plan, stormwater, ground cover, decommissioning, sound, wildlife, and cultural resources.

There was a question for Emily about why the living buffer to the east did not go all the way to the southeast corner of the property. Emily explained that due to the shape of the property, it made it difficult to get the buffer all the way to that corner.

There was then discussion about the interconnection agreement with ComEd. Scott explained the process to board members and stated that he hoped to have an agreement with ComEd by the end of the month, but that they are in the queue.

A board member then asked if this project had the same construction timeline as the previous project. Scott stated that it did.

Becky Taylor from the Livingston County Soil & Water District then presented her findings from a Natural Resource Information Report that she completed for the project. As a result of her report, she determined that this project would have a “high impact” to agriculture. There was then a question from the board about whether Becky analyzed the whole parcel or just where panels would be. Becky explained that she looked at the whole parcel.

Henry Mies then spoke as the property owner of the subject property. Henry explained that him and his wife thought it would be a great idea because the project would help his soil as well as local schools. Henry felt as though this project is a win for the whole community. Kyle then asked Henry whether the field is hard to farm or not. Henry stated that it is difficult to farm due to the point rows and that the corners are frequently overplanted due to the concentration of seed which causes a loss of production.

Kyle then gave a closing statement to the board by explaining that the project meets the standards for the county and that the solar farm special use is in the ordinance for a reason. Kyle added that this project has a lower LESA score than the previous project and that this parcel is harder to farm.

Dave Randolph then made a motion, seconded by Neil Turner that this case be recommended for approval.

The motion carried by roll call vote

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

Other Business:

The board then discussed zoning case SU-14-22 and Bill Flott explained that he abstained from voting on this project due to the decommissioning figures that the project had and that the scrap value was higher than the decommissioning cost. There was then discussion as to whether or not the case should be reconsidered if the applicant were to reevaluate the decommissioning cost. It was determined that it was too late bring the case back to the ZBA.

The zoning administrator then discussed a possible date to set aside in addition to the scheduled April 6th meeting date.

Findings of Fact and Decision:

Dave Randolph then made a motion, seconded by Joe Stock that the findings of fact be approved from last month’s meeting.

The motion carried by roll call vote

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Public Comment: None

Report of Officers: None

General Discussion: None

Adjournment:

Dave Randolph then made a motion, seconded by Neil Turner that this case be recommended for approval.

The motion carried by roll call vote

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

This meeting was adjourned at 10:40 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, Administrator
Livingston County Regional
Planning Commission