

MINUTES OF THE LIVINGSTON COUNTY
REGIONAL PLANNING COMMISSION MEETING
HELD ON MARCH 6, 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 7:07 p.m.

Roll call was taken.

Those present were: Jerry Gaspardo, Joel Barickman, Dee Woodburn, Keith Bahler, Verne Taylor, and Shane Long

Those absent were: Rudy Piskule, Ed Hoerner, Dean Wahls, and Michael Haberkorn

APPROVAL OF THE AGENDA:

Due to the fact that Chair Haberkorn was absent, the vice chair Gaspardo assumed the chair position for the meeting.

The agenda to this meeting was mentioned by Chair Gaspardo. Verne Taylor moved, seconded by Joel Barickman that the agenda for this meeting be approved as presented for this March 6th, 2023 meeting. This motion carried by a unanimous voice vote.

APPROVAL OF MINUTES

Minutes from the February 6th, 2023 meeting were then mentioned by Gaspardo. Joel Barickman moved, seconded by Dee Woodburn that the minutes be approved as presented. The motion carried by a unanimous voice vote.

BUSINESS:

Case SU-1-23 – Livingston Stone

This zoning case pertained to a request to operate a mineral extraction site in an AG, Agricultural, District/FP, Flood Plain, District in unincorporated Pontiac.

The zoning administrator gave an overview of this case to commission members.

Chris Match, a representative of the applicant, then provided testimony regarding the application. Chris described the product that Livingston Stone produces and further explained that their product primarily has an agricultural use in animal feed as well as other agricultural uses. Chris then talked about how their quarry operation is different from other quarries in the area in that they do not provide their product for large projects like wind farms. Therefore, Chris added that they do not go through their ground nearly as fast as other quarries do. Chris then further explained Livingston Stone operations and how they process their product.

A commission member then asked if they check for field tile prior to starting their operation. Chris responded by affirming that they do. Chris added that they will also reclaim the ground back to farmground once quarrying has been completed.

There was then a question about how many employees work at Livingston Stone. Chris stated that there are 13 employees at the facility.

The zoning administrator then noted to commission members that a copy of a nearby solar farm project's NRI report was provided due to the fact that Livingston Stone still needs to have an NRI report done by the soil & water district. The zoning administrator added that the solar project was approximately a mile away from the subject property and that solar project's NRI report indicated a "high impact to agriculture".

There was then a question about the haul road that the facility would use. Chris then explained the work he has done with the county highway department to improve the crossing between the main facility and the subject property to prepare for their truck traffic. A subsequent question was then asked about whether the crossing was far enough from the road that it would not be a hazard for traffic that is passing by. Chris explained that there have been no safety concerns with regard to their proposed crossing and that people who are traveling at the crossing are already slowing down for the nearby stop sign anyways. Chris also assured the commission that truck drivers who would be crossing the road would be yielding to traffic on the county highway as well.

The zoning administrator then read a letter of opposition that was submitted to him via email from Andy Bauman who is a concerned nearby property owner. The letter discussed concerns regarding consistency with the county comprehensive plan, potential damage to the well for his home, blasting at the facility and its potential to damage the foundation to his home, noxious weeds concern, property value concerns, as well as concerns about excess dust coming onto his property. Chris then addressed these concerns by explaining that their facility has been there for many years and that they have not had any foundation or well issues on their property that is the closest to the blasting that they do. Chris also reiterated to the commission that they plan to return the ground to farmground once they are done quarrying the property.

There was then a question about the source of water for the wells and whether or not there was an aquifer in that area. Chris stated that it is just ground water that the wells utilize and that there is not an aquifer in that area.

A commission member then asked about the company's plans to control noxious weeds. Chris explained that noxious weeds have not been a problem as of yet and that they have never received any complaints about them, but assured the commission that they could address any concerns that are raised with them. There was then discussion about the berms that will be developed on the subject property. Chris stated that they will be seeded to control weed growth.

Gerald Earing then spoke as an interested party and noted that this business is great for the county and that they provide a useful product to local farmers.

Linda Ambrose then spoke as an interested party and asked why Livingston Stone has not needed a special use permit until now since they've been in business for so long. The zoning administrator answered that up until this point, all of the ground that they had been quarrying began prior to zoning being established in the county. The zoning administrator added now that they are looking to

expand, they must get a special use permit. Linda also asked about the company's past reclamation to which Chris explained that all of the ponds in the area of the plant were reclaimed by Livingston Stone. Lastly, Linda asked how deep the rock is that they are looking to extract. Chris stated that they typically go about 9-10 feet deep to extract the rock that they're looking for.

Rebekah Fehr then spoke as an interested party and asked about Livingston Stone's blasting schedule and if they notify anyone about it. Chris stated that the times that they blast varies, but would be willing to notify area landowners when blasting will take place if they would like them to. The zoning administrator then further explained that there is a condition in the special use that allows for property owners within a half mile to request to be notified when blasting will occur. The zoning administrator added that the half mile was what he had found from previous mineral extraction special use cases.

Justin Voights then spoke as an interested party in this case and discussed all of the issues that Livingston Stone has had complying with IEPA regulations and noted that they recently had 9 violations levied against them from the IEPA which included topics such as dust and annual report submittal. Justin also discussed his concerns with the possible health issues as a result of breathing in the dust that is emitted from the property as well as the effect to his property.

Gary Peters, an attorney representing Livingston Stone, then spoke on behalf of Livingston Stone. Gary addressed the IEPA violations cited by Justin Voights and explained that all annual reports have been submitted by his client. In addition, Gary further explained that an outside environmental consultant was hired by his client to investigate the violations issued by the IEPA to determine if they truly were in violation of state standards. Gary explained that the results of the various tests conducted by the outside environmental consultant concluded that his client was well below state standards on their emissions.

Chris then added that they consistently monitor silicone levels and that their employees wear N-95 masks to prevent inhalation of dusts.

There was then a question about whether or not the violations were an open case against Livingston Stone. Chris responded by saying that he believed that it is an open case.

A planning commission member then related that he felt that this use fits the area.

Justin Voights then added that the violations against Livingston Stone have not been responded to within the 45 days that were required by the state after the violations were issued late last summer.

Gary Peters then rebutted by explaining that his client was not notified of the violations until this past January and that they responded to them in February.

There was then a motion by Joel Barickman, seconded by Dee Woodburn that the planning commission recommend approval of this zoning case to the zoning board of appeals.

The motion carried by unanimous roll call vote of all ayes.

Case SU-19-22 – TPE IL LI77 Solar

This zoning case pertained to a proposal to develop a 4.5 MW solar farm in an AG, Agricultural, District in unincorporated Pontiac.

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

Alex Mendelson and Emily Kahanic then gave a presentation on the proposed solar project covering topics such as the project design, tax revenue information, consistency with the county's regulations, and other pertinent information about their project.

Kyle Berry, an attorney representing the applicants, then spoke to the project's consistency with the county's comprehensive plan.

There was then a question about the seeding plan for the site. Alex explained that they are working with a consultant to develop a seed mix that would work best for the site.

A question was then asked about whether or not the Defenbaugh's were in support of the project who live to the southeast of the project. Alex explained that he spoke with someone at the residence briefly who was trying to contain a dog and provided them with an information sheet, but never heard back from them. There was then discussion about the residence directly to the east of the project. Alex explained that the house belongs to the landowner of the project site and that it is currently rented out and that he did speak with the tenant of the property. Alex stated that the tenant seemed to be in support of the project based on the conversation that they had.

There was then a question about how many projects have been approved in Illinois. Alex stated that he thought there have been approximately 8 projects of theirs approved in the state so far.

A commission member then asked if the 2 applications that they had on file were all that they were going to do in the county. Alex responded by saying that is all that they intend to submit at this time.

A planning commission member then pointed out that he disagreed with the applicant's assertion that the project complies with the comprehensive plan.

Alex rebutted by explaining why he felt that this project would be a benefit to the community.

There was then a question to the zoning administrator about how complaints on the project would be taken care of. The zoning administrator stated that any complaints could be directed to the zoning office which would then be relayed to the company. If the complaints were not addressed, the zoning office would have the ability to issue fines for unaddressed complaints.

A planning commission member then asked if the projects are usually sold off after approval. Alex stated that they usually are, but that any subsequent owners must still comply with the conditions of the special use.

A planning commission member then voiced his belief that this project complies with the county's comprehensive plan.

Rebekah Fehr then spoke as an interested party and pointed out that this project scored a 15/15 on the compatibility score from the NRI Report that was prepared by the Livingston County Soil & Water District which means that it is not compatible with the area. Rebekah then asked if this project is an LLC. Alex explained that it is an LLC owned by Turning Point Energy.

Rodger Austin then spoke as an interested party in this case. Rodger explained to the commission that this would be a great benefit to him, his family, the local schools, and the community.

Julie Flynn then spoke as an interested party. Julie also related that this would mean a lot to her parents and that as an educator, she has personally seen the benefits that increased tax revenues from renewable energy projects bring to schools.

Keith Bahler then made a motion to recommend approval of this case to the ZBA citing his belief that the project is consistent with the comprehensive plan and that no opposition had showed up to speak against this case. The motion then died due to a lack of a second to the motion.

No other motion was made which resulted in no recommendation to the ZBA from the planning commission.

Case SU-20-22 – TPE IL LI 18 Solar

This zoning case pertained to the review of a proposed 5 MW solar farm in an AG, Agricultural, District in unincorporated Pontiac.

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

Scott Olson, a representative of the applicant, then gave a brief overview of the project and mainly covered aspects of this project that were different from the previous presentation such as nearby owner communication and site plan differences.

A planning commission member then stated his frustration over the new state law regarding wind/solar regulations.

Kyle Berry then spoke again and reminded the planning commission that they are judging this case alone and not any other potential solar farms nor the new state law.

Henry Mies then spoke as an interested party in this case who identified himself as the owner of the subject property and stated that he had served on the planning commission for a number of years. Henry added that he is getting older and that he would like to keep his farm property in the family so that his kids can have something for themselves in the future. Henry stated that adding a solar farm would allow him to do that.

Keith Bahler then made a motion to recommend approval of this case to the ZBA citing his previous comments about consistency with the comprehensive plan and no opposition. The motion then died due to a lack of a second to the motion. No other motion was made which resulted in no recommendation to the ZBA.

OTHER BUSINESS:

The zoning administrator notified the commission of the date of their next meeting and mentioned that the new ordinance may be on that agenda.

PUBLIC COMMENT: None

ADJOURNMENT:

Shane Long moved, seconded by Verne Taylor, that the meeting be adjourned. This motion carried by a voice vote of all ayes.

This meeting was then adjourned at 9:26 p.m.

Respectfully submitted,

Jesse J. King, Administrator
Livingston County Regional
Planning Commission