

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

Regular Meeting  
6:00 p.m.

May 24, 2023

The meeting came to order at 6:04 p.m.

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

Others Present: Zoning Administrator Jesse King, Assistant Zoning Administrator Trish Merlino, Attorney Nick Standiford, Paul Bottum (Cultivate Power), Kiera Gavin (Cultivate Power), Craig Padar (GEI Consultants), Liam Sawyer (Kimley Horn), Jason Dixon, Clifford Gardon, Becky Taylor (Livingston County Soil & Water District), Julie Russow, Kia Whitney and William Whitney

Members Absent: Neil Turner

Chair Huisman announced the reconvened May 4, 2023 meeting at 6:04 p.m.

**Business to be reviewed:**

**Case SU-15-23 – Beebalm Solar**

This case pertained to the review of a proposal to develop a 5 MW solar farm on property located in an AG, Agricultural, District in unincorporated Livingston County.

King presented an overview of the case to ZBA members.

Bottum gave an overview of the project describing things such as the site plan, site location, tax revenue, and other things related to this particular project.

Sawyer then explained the new decommissioning figure to board members and explained the difference between the one that was previously submitted and this new figure was that this figure took into account a longer life span of the panels and other equipment.

There was then a discussion about screening for the project. King explained that as part of the conditions of approval, a living buffer consisting of semi-mature evergreen trees extending North and East no less than 500 feet has been included.

There were then questions about the location of the power poles as well as the proposed fencing for the project. Bottum explained the number and location of the new power poles and that there would be an 8 foot chainlink fence surrounding the entirety of the project.

There was then a discussion about clarification on the different labels that were on the site plan that was submitted. The labels were clarified by Sawyer and Bottum.

Padar then presented information to the board about the tile survey that was completed for this project site and explained the process of how the tile survey was completed. A question was asked as to whether any contact with the drainage districts took place. The applicants stated that there was not. Another question was asked as to when the study was conducted. The applicants stated that the tile survey was done in April.

Further discussion then took place about the decommissioning estimate and Sawyer explained the valuation process for the decommissioning estimate and how they arrived at the numbers that show up in the report.

A question about the timeline of construction was then asked by a board member. Bottum stated that construction would likely commence in early Spring of 2024 and conclude by August or September of the same year.

Bottum was asked if there would be any lighting within the project. Bottum stated that there would not be.

There was then discussion about the operation and maintenance plan as well as the seeding plan for the site. The applicants explained that they would maintain all property that was under lease with the property owners which would include mowing and weed control. They also related that a native pollinator friendly seed mix would be planted at the site with the goal of achieving a minimum IDNR scorecard rating of 85.

Discussion then took place about the proposed equipment that would be utilized for the project with regard to solar panels and the inverter.

The board then went through the conditions of approval with the applicant who indicated that they understood the conditions.

Huisman then opened up the floor for questions.

William Whitney then asked questions. He asked how the taxes are calculated for solar farms. It was explained that the taxes are calculated based on a formula through the Illinois Department of Revenue which considers the nameplate capacity of the project. Next, he asked how the project would achieve a 5 MW output. Bottum explained it all depends on the hemispheres and the location of the sun. He then asked if the project would be able to consistently provide enough energy for 1,100 homes as was indicated by the applicants. Bottum explained that it is an annualized figure and that it would fluctuate on a day-to-day basis depending on the weather conditions. He then

asked Bottum if he knew that JA Solar was based out of China to which Bottum indicated that he was aware of that. Next, he asked for Bottum to explain how this project is funded where Bottum stated that he was unsure exactly how and where the project would be funded from. He then asked about whether a safety study would be conducted to ensure the project would be safe for nearby residents. Gavin responded by assuring him that the panels are safe. He then asked if the panels are swapped out after 20 years. Sawyer explained that the panels are rated for 40 years, but Bottum added that if it made sense to replace the panels sooner than that, that it could be done. Lastly, he asked if there would be any cameras on site. Bottum answered that there would not be.

Dixon then approached to ask questions. Dixon asked if there would be a new lease after the current lease expired. The applicants explained that once the current lease term is up, that there would be an option for there to be an extension of the lease. Dixon then asked if there are any places to recycle the panels and other equipment. Bottum answered that there are currently 3 companies in Illinois that have recently gone into business due to the influx of solar development. Dixon added to his question by asking if they recycle all types of panels. Bottum stated that they do. Next, Dixon asked if soil tests are done after decommissioning is completed for the projects. The applicants stated that there are soil tests done. Lastly, Dixon asked about the procedure for putting out fires with solar panels, Bottum stated that there would be an immediate response from the fire department and that they would also have a representative responding to assist where needed. There was then discussion between Bottum and Dixon about what type of material would need to be used in order to extinguish a fire in the project site.

Kia Whitney then asked questions. She asked if there would be a filter on the inverter. Bottum responded that he didn't believe there would be. She then asked when they would plan on selling the project to another company. The applicants responded that it hasn't been worked out yet, but that it would likely be sold prior to construction. She asked further if the project would be sold prior to the completion of construction. The applicants responded that it would likely be sold prior to the completion of construction. She then further added what would happen with the decommissioning figure when the project is sold. Bottum explained that they would work with the new company to ensure they understood the conditions of the project. She then pointed out that there has not been an actual decommissioning plan described and was concerned about that. Sawyer then responded by describing the decommissioning process that would take place. She then asked the applicants to provide one study that proves that solar farms are safe. Gavin stated that there is a study out of North Carolina that covered this topic and showed that solar panels are safe and offered to send the study.

Gardon then asked questions. Gardon asked Bottum if there was any benefit of this project to neighbors in the area. Bottum explained that nearby property owners may subscribe to the project in order to receive a 15-20% discount on their monthly ComEd bill. Gardon then asked if they had considered snow drifting in the roadway as a result of installing fencing and trees. Bottum stated that they had considered it when developing the project. Gardon followed up that question by asking what kind of buffer would be installed. Bottum explained that it would likely consist of a mixture of

evergreen trees and deciduous shrubs. Glardon then asked if union labor would be utilized. The applicants stated that it has not been finalized yet, but that it would be considered. Next, Glardon asked if there would be a safety officer on-site during construction who is OSHA certified. Bottum stated that there would be a foreman on-site who is OSHA certified. Glardon then brought up his concerns about fire and asked what would be done to mitigate that. Bottum explained that there would be remote monitoring to make sure there are no anomalies in the project. Next, Glardon asked about a wildlife survey being completed to ensure there were not impacts to wildlife in the area. Gavin explained that an ECOCAT was completed for this project. Glardon responded that the study should be done by a wildlife biologist. Gavin further explained that a fish and wildlife survey would also be completed prior to construction.

Sawyer then further explained how the planting of the proposed native pollinator species would reduce the amount of surface water runoff from the project site.

Taylor then presented her Natural Resource Information report discussing different aspects of the site pertaining to the soil and other natural resources on the site. Taylor concluded that this proposed project would be a “high impact” to agriculture.

Kia Whitney then asked Taylor how the soil would be impacted from a solar farm being on it. Taylor responded by saying that as much as she loves farming, letting the ground rest with rooted species planted in it would be good for the soil. She then asked if Taylor had any concerns about the panels leeching into the soil. Taylor responded by saying that the soil is vulnerable to leeching from farm equipment and other sources of pollution, but is not an expert on solar panels so she did not feel comfortable weighing in on the matter.

Huisman then called a break at 7:43 p.m.

Huisman then called the meeting back to order at 7:51

Huisman then opened up the floor for public testimony.

Glardon then spoke and voiced his displeasure that the solar farm would be about 100 yards from his front door and that he doesn't want to look at it everyday. Glardon also relayed his concerns about the potential fire hazard that the solar farm posed and how he and his wife would know that there is a fire going on across the road if there would be no fire alarms or any other notification system. Glardon also noted the potential hazard that drifting snow would be due to the installation of new fencing and trees. Further, Glardon emphasized that there is no benefit to the local residents and that all of the power generated by the solar farm would go to Chicago and not Livingston County. In conclusion, Glardon noted that safety was his biggest concern.

Russow then spoke. Russow began by handing out exhibits to the board members and explained what she handed out to them. There was then discussion between Huisman and Russow about which documents she had authored herself. Russow pointed out the documents that she had personally authored. Huisman noted that only documents authored by her would be allowed in as

exhibits unless she had the author of the other documents present to testify to them. Russow then proceeded to explain the document she authored that details issues that she found within a Cohn Reznick report that was submitted for another project. Russow pointed out that Cohn Reznick supports ESG (Environmental, Social, and Governance) which Russow felt made the reports that they make for solar farms to be biased. Russow then pointed out that the language that they use in their reports only use the words “adjoining” and “adjacent”, but do not list any distances from solar farms. Next, Russow pointed out that they frequently use the words “consistent and measurable” when talking about property value impacts. Russow argued that it means that there are some negative property value impacts. Lastly, Russow pointed out that an assessor that was referenced in one of the studies is a retired assessor. Russow then gave a brief overview of the rest of the documents that she handed out. To close her testimony, Russow challenged the benefit of renewable energy and argued that fossil fuel energy is much better. Russow further argued that property values will be negatively impacted by solar farms and that we should not be taking farmground out of production even if it is not as productive, because the ground can still be used.

William Whitney then spoke. He began by presenting a petition signed by 22 people who oppose the solar farm. He then began stating his reasons for opposing the solar farm. His first reason was that the property is zoned agricultural and that it should remain being used for that purpose. Second, he stated his concern over where the money was coming from to fund the project and argued that the money is coming from the taxpayers. Third, he explained his safety concerns about the solar farm regarding the long-term impacts to the soil and water in the area. Fourth, he argued that coal and nuclear power are better energy solutions than wind and solar energy. Fifth, he stated that the Lambert’s who are the property owners never contacted anyone in the area to see if they were okay with the solar farm in the area and added that it should only be allowed with the consent of nearby property owners. Lastly, he argued that the tax money from these solar farms is not the solution for improving schools and pointed out that some of the most funded schools in the country are still doing poorly. A board member then asked him if he believed that there is an endless supply of fossil fuels. He responded by stating he believed that nuclear energy could be an endless source of power.

Kia Whitney then spoke. She emphasized that she is vehemently opposed to this project and all “solar power plants”. She further stated that no one consented to living next to this solar project and urged board members to see the big picture and to uphold the constitution by denying this project. She then went on to list her objections to this project. First, she stated that solar energy is unreliable. Second, she stated that solar energy is cost prohibitive due to how expensive it is to construct the project versus their benefit. Third, she argued that these companies are intentionally targeting agricultural land and taking them out of production for these solar farms. Fourth, she stated her concerns over the health effects to people and animals that live in the area of the solar farms from the EMF radiation that they produce. Fifth, she stated there is a lot of corruption that goes into the approval and siting of these solar projects and believed that it is not right. Sixth, she stated that the fact that most of the components are made in China, who is an enemy of the United States, is concerning. Lastly, she stated that climate change is a hoax. She then pointed out that there are much better locations for these solar farms than on farm land such as the old K-Mart, the Dwight

Prison property, or anywhere along Interstate 55. She then defined the county's ordinance definition of farm and argued that this is not a farm. She then concluded her testimony by discussing the health effects that these solar farms have on people and animals and that we should not be supporting China.

Huisman then allowed for closing comments.

Kia Whitney made a closing comment by stating this whole process is pathetic.

Standiford made closing comments by addressing some of the arguments made by members of the public during their testimony such as privacy and safety concerns by stating that the project will not have any cameras, is far enough away from residences that it should not be a fire hazard, and that the amount of EMF radiation emitted by the inverter is about as much as a household microwave emits. Standiford further supported his client's proposal by referencing Taylor's comments about the benefit it will have on the soil, the fact that it is not a significant construction process, the Lambert's right to use their own property, the net reduction in drainage issues due to the cover crop that would be planted, the tax benefits, the discounted ComEd bills for residents, and the compensation for lost fossil fuel and coal plant facilities that will be lost in the state.

Huisman then explained the exhibits that she would be allowing as evidence into the record.

Randolph then made a motion, seconded by Kiefer that this case be recommended for approval with the stipulation that a study of historical artifacts be done prior to construction. **Motion carried unanimously by a roll call vote of all ayes.** Ayes: Stock, Flott, Kiefer, Runyon, Randolph, Huisman. Absent: Turner.

### **Case ZT-5-23 – Livingston County Regional Planning Commission**

This zoning case pertained to the review of a proposed zoning text amendment that would update the ordinance definition of a camping facility.

King gave an overview of the case to board members.

A board member asked if this would have a negative impact to anyone in the county. King stated that he was not sure of that, but that this proposed new language is less restrictive than the current ordinance definition of a camping facility.

There was a concern raised that some of the language from the state statute had been removed regarding the Mobile Home Park Act and the board felt that it may open up a loophole for someone in the future. The board felt that it may be beneficial to mirror the state's language to prevent that. King stated that the county already has an ordinance that regulates mobile homes and didn't feel that it was necessary to include that portion of the state statute.

Randolph then made a motion, seconded by Flott that this case be recommended for approval with a recommendation to mirror the state language. **Motion carried unanimously by a roll call vote of all ayes.** Ayes: Stock, Flott, Kiefer, Runyon, Randolph, Huisman. Absent: Turner.

**Other Business:**

King noted upcoming zoning cases coming before the ZBA.

**Review of Findings of Fact and Decision:**

There was then a motion by Flott, seconded by Randolph to approve the signing of the Findings of Fact and Decision. **Motion carried unanimously by a roll call vote of all ayes.** Ayes: Stock, Flott, Kiefer, Runyon, Randolph, Huisman. Absent: Turner.

**Public Comment:** None.

**Report of Officers:** None.

**General Discussion:** Randolph suggested adding an agenda item to a future meeting to discuss time limits on public comment.

**Adjournment:**

Flott then made a motion, seconded by Stock that this meeting be adjourned. **Motion carried unanimously by a roll call vote of all ayes.** Ayes: Stock, Flott, Kiefer, Runyon, Randolph, Huisman. Absent: Turner.

This meeting was adjourned at 9:06 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

