

MINUTES OF THE LIVINGSTON COUNTY  
REGIONAL PLANNING COMMISSION MEETING  
HELD ON AUGUST 28, 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 7:10 p.m.

Roll call was taken.

Those present were: Joel Barickman, Ed Hoerner, Dee Woodburn, Michael Haberkorn, Verne Taylor, Shane Long, Dean Wahls, and Rudy Piskule

Those absent were: Jerry Gaspardo, Keith Bahler, and Jim Davis,

Board Members Present: James Carley and Bob Weller

Also Present: Interim Zoning Administrator Jordan Uselding, Assistant Zoning Administrator Trish Merlino, Jesse King, Ben Sych, Tom Ryan, and ReJean DeVaux

APPROVAL OF THE AGENDA:

The agenda to this meeting was motioned by Haberkorn, Piskule moved, seconded by Barickman that the agenda for this meeting be approved as presented for this August 28, 2023 meeting. This motion carried by a unanimous voice vote.

APPROVAL OF MINUTES

Minutes from the August 7, 2023 meeting were then mentioned by Haberkorn. Barickman moved, seconded by Taylor that the minutes be approved as amended. The motion carried by a unanimous voice vote.

BUSINESS:

**Case SU-10-23- North Road Solar 1, LLC**

This zoning case pertained to the review of a proposed special use to develop a 5 MW solar farm on approximately 26.5 acres of a 117.83-acre tract of land in an RA, Rural Residence, District located in unincorporated Pontiac.

King gave an overview of the case to RPC members.

Sych a representative of the applicant, then gave a presentation on the project which included information about their company as well as the site plan, location of the project, setbacks. screening, site equipment, design, tax revenue, community outreach and benefits to the community.

During the presentation, Sych mentioned that he had a discussion with King and was told that he didn't have to screen the northside of the project. King interjected and stated that he was told he

would have to apply for a variance to exclude the northside of the project. Sych stated they would proceed with screening the entire project.

Sych covered the environmental impacts of the project including a drain and tile probability study, glare study, noise study, property value impact study, storm water study and decommissioning plan.

A question was raised regarding what would happen to the front acreage of the property and Sych said that they were only leasing 26.5 acres and the property owner would have control of the remaining acreage.

A committee member asked if a LESA study had been done and Sych stated that they haven't received the report yet. Then he asked Sych if he knew what the soil productivity index was and he replied that it had a 126 PI. The same member then asked about battery storage and he replied that there would not be any battery storage on site. Another question was then asked about interconnectivity to ComEd and he explained that the agreement had not yet been signed but is due in February or March of 2024.

Another committee member asked if there is difficulty in getting solar panels due to new overseas tariffs being imposed and most of the panels come from China and Sych explained that it is getting more difficult to source solar panels due to tariffs but they are in negotiations with a company in Georgia and would like to get the panels from them, but was not concerned overall about getting panels. It was also brought up about the uncertainty about the community solar program and being awarded a project in the state and Sych explained that the lottery system had ended and explained the new block program and how it works. He also mentioned that they were 2<sup>nd</sup> in line in this area for interconnectivity which would help them in the block program. A member noted that the parcel is not zoned agricultural but residential and asked if this helps their position in the block program and he replied that he didn't know if it would help or not.

Discussion took place about the type of seed mixture being used and if sheep grazing was going to be used on the project. Sych explained that if a pollinator mix is used there will be no need for sheep grazing but if a perineal seed mix is used then sheep grazing will be used. A committee member then asked if sheep grazing is allowed in a RA residential district and King read the ordinance pertaining to uses in the RA residential district and since the sheep will not be razed or boarded on the property and will only be used when needed it will be a permitted use.

With there being no further questions, Piskule made a motion, seconded by Wahls this zoning case be recommended as presented for approval. Motion carried by a unanimous roll call vote. **Ayes:** Haberkorn, Barickman, Hoerner, Taylor, Wahls, Woodburn, Piskule, Long and **Nays:** None **Absent:** Davis, Bahler, and Gaspardo

### **Case SU-8-23 – Esmen Solar 1, LLC**

This zoning case pertained to the review of a proposed special use to develop a 5 MW solar farm on approximately 33 acres of a 40.37-acre tract of land in an AG, Agricultural, District located in unincorporated Pontiac.

Ryan a representative of the applicant, then gave a presentation on the project which included the site plan, location of the project, setbacks. screening, site equipment, design, tax revenue, community outreach. Ryan also went over the environmental impacts of the project including a drain and tile probability study, glare study, noise study, property value impact study, storm water study and decommissioning plan.

Ryan was asked if a LESA study had been done or does it have the same status as the previous solar project and he said that they haven't received it yet. DeVaux mentioned that the PI on this property was 116.

A committee member asked what the name of the bond company is that they will be using. Ryan and DeVaux didn't recall the name of the company and stated they will obtain that information and provide it to the zoning office.

Another committee member asked King if there was a previously approved solar farm a half a mile to three quarters of a mile west of this one on the same road and on the west side of the house in the picture and King replied yes. Ryan was then asked if they had contacted that neighbor who will be surrounded by 3 solar farms and Ryan replied that he had a conversation with him but they have not come to an agreement, noting they will do what they can to make the neighbor as comfortable as possible. King mentioned the neighboring homeowner was not present at tonight's meeting nor has he called or come into the office.

A question was asked why there was only a 20-year lease and Sych explained that the home owner has the option to extend the lease for 5 years for 4 times consecutively. A committee member asked so the land owner has the option to extend the lease and Sych clarified and said no it's the company's option to extend the lease. He was also asked if the transmission line that runs along the county blacktop will be able to support 3 solar farms connected to it. He said there was a study conducted showing it will support them.

With there being no further questions, Wahls made a motion, seconded by Barickman this zoning case be recommended as presented for approval. Motion carried by a unanimous roll call vote.

**Ayes:** Haberkorn, Barickman, Hoerner, Taylor, Wahls, Woodburn, Piskule, Long and **Nays:** None  
**Absent:** Davis, Bahler, and Gaspardo

### **Case SU-9-23 – Esmen Solar 2, LLC**

This zoning case pertained to the review of a proposed special use to develop a 4.99 MW solar farm on approximately 32.9 acres of a 40.3-acre tract of land in an AG, Agricultural, District located in unincorporated Pontiac.

Ryan a representative of the applicant, then gave a presentation on the project which included the site plan, location of the project, setbacks. screening, site equipment, design, tax revenue, community outreach. He also went over the environmental impacts of the project including a drain and tile

probability study, glare study, noise study, property value impact study, storm water study and decommissioning plan.

Ryan was asked about the 7 remaining acres of the parcel and he said that they were going to plant pollinators so that the land owner didn't have to maintain it.

A question was raised regarding the decommissioning amount and Sych explained that they took into consideration local labor rates and the amount of time it would take for the panels to come down, noting they didn't include salvage value into their decommissioning plan. He was also asked about the buried wires and he said that they would also be removed during decommissioning. DeVaux also mentioned that the PI on this property was 106. Another member asked does the decommissioning rate go up over the 20 years and over the 5-year increments and King said that in our ordinance that a review of the decommissioning plan is required every 3 years.

With there being no further questions, Hoerner made a motion, seconded by Taylor this zoning case be recommended as presented for approval. Motion carried by a unanimous roll call vote. **Ayes:** Haberkorn, Barickman, Hoerner, Taylor, Wahls, Woodburn, Piskule, Long and **Nays:** None **Absent:** Davis, Bahler, and Gaspardo

#### OTHER BUSINESS:

King mentioned that the committee needed to set aside a special meeting date for Heritage Prairie Wind who will be submitting their application at the end of September or the beginning of October. The committee set a date for Monday, October 23, 2023 at 6:00 p.m. so that there would be enough time for notice to go out for the hearing.

#### PUBLIC COMMENT:

Mark Heil expressed concern about flooding around Wolf Creek and Deer Creek with the construction of solar farms being built around them since he has already lost 8-10 feet of his property from flooding. Heil mentioned that tires need to be removed from the creeks and that one of his neighbors has had a problem getting funding for his house.

#### ADJOURNMENT:

Barickman moved, seconded by Woodburn, that the meeting be adjourned. This motion carried by a voice vote of all ayes.

This meeting was then adjourned at 8:30 p.m.

Respectfully submitted,

Patricia Merlino, Assistant Administrator  
Livingston County Regional  
Planning Commission