

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

Regular Meeting  
6:00 p.m.

July 6, 2023

The meeting came to order at 6:05 pm

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

Board Members Present: Rebekah Fehr, James Carley, Bob Weller, Linda Ambrose and Gerald Earing

Others Present: Zoning Administrator Jesse King, Assistant Zoning Administrator Trish Merlino, Attorney Seth Uphoff, Kiersten Sheets, Mark Quarles, Bill Metz, Joshua White, Becky Taylor, Svetlana Mikheyeva, Tye Keppler, State's Attorney Mike Regnier, Bill Metz, Julie Russow, John Gallup and Tarry Knauer

Members Absent: Richard Runyon

**Approval of the Agenda:**

Chair Huisman noted the agenda for this meeting. Randolph moved, seconded by Flott that the agenda for this July 6, 2023 meeting be approved as presented. **Motion carried by roll call vote of all ayes.**

**Approval of Minutes:**

Chair Huisman noted the minutes of the April 27, 2023, May 31, 2023 and June 8, 2023 ZBA meetings. Rich Kiefer moved, seconded by Joe Stock that three sets of minutes be approved as presented.

**Business to be reviewed:**

**Case SU-5-23 – Junegrass Solar**

This zoning case pertained to the review of a proposal to develop a 2 MW solar farm on approximately 19 acres of land located in an AG, Agricultural, District in unincorporated Pontiac.

King gave an overview of the zoning case to the board.

Uphoff gave a brief introduction to the project.

Sheets, 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, decommissioning and recycling.

A question was asked about the height of the components and Sheets explained the only component that would be greater than 30 ft. would be the interconnection pole and is typically located outside of the fenced in area of the project.

Sheets was then asked if they have been in contact with local fire protection districts and her reply was not yet but planned on doing so in the near future. A county board member then asked Sheets if she could get a copy of the letter of support from the Boys and Girls Club of Livingston County to them and she replied yes.

Uphoff introduced Quarles as his witness. Quarles, a scientist from the BBJ Group explained his credentials and some of the work that his company performs. He then began to talk about studies that were done on panel breakage and leachability and how panel breakage and leaching rarely occurs even with extreme weather like hurricanes, tornadoes and thunderstorms. A study from the International Environmental Agency was discussed and the vigorous testing that was conducted on the panels and the level of damage that occurred. The study found that breakage rarely results in delamination and if there was leakage it was only negligible.

A ZBA member asked Quarles if the metals are recyclable because of the way they are encased in the solar panel and he said yes.

The floor was then opened to the public for questions on Quarles's testimony.

Julie Russow asked Mr. Quarles why he didn't mention hail in his presentation and if he was aware of the hail storm in Nebraska that damaged solar panels. Quarles told her that hail would have been covered under extreme weather in his presentation and said he was aware of the storm.

Metz who is the property owner where the solar panels were going to be placed explained how this project would benefit him and how he would be getting more money from the solar farm than renting out his land to be farmed when he retires.

Taylor, from the Livingston County Soil & Water District, then testified regarding the soil information for the subject parcel and determined that this request would be a "High" impact to agriculture. She also suggested using grass and clover to be used under the solar panels because they wouldn't get too tall and interfere with the operation of the panels.

Huisman called for a recess at 7:23 p.m.

Huisman called the meeting back to order at 7:33 p.m.

The floor was opened to the public.

Gallup a nearby neighbor expressed concern about chemicals leaching into his well and his property value declining.

Uphoff asked Gallup if he knew what kind of chemicals his farming neighbors were using and if he was worried about those chemicals getting into his well and his reply was he didn't know what chemicals that they were using.

Knauer said that she understands the need for power but also sees the need for more food. The property currently has corn planted on it and sees the need to preserve farm land.

Russow also agreed that we need to preserve farm land. She also compared solar farm companies to salesmen and said that they have the financial advantage over the average citizen. It was also mentioned that the expert did not answer her question about the hail storm in Nebraska.

Uphoff in closing asked the committee to modify condition #16 suggesting a vegetative buffer instead of evergreens to be used. Huisman then went thru the exhibits with Uphoff and explained which exhibits would be accepted and not accepted.

Randolph made a motion, seconded by Stock that this zoning case be approved with condition #16 being revised as proposed by Uphoff. **Motion carried by roll call vote of all ayes. Ayes:** Stock, Flott, Kiefer, Randolph, Huisman **Nays:** None **Absent:** Runyon

### **Case SU-6-23 – Granite Solar**

This zoning case pertained to the review of a proposal to develop a 5 MW solar farm on approximately 40 acres of land located in an AG, Agricultural, District in unincorporated Pontiac.

King gave an overview of the case to ZBA members.

Uphoff gave a brief introduction to the project and asked the committee to accept previous testimony and exhibits that would also apply to this case. Huisman said she would accept the previous testimony and exhibits.

Sheets then gave a brief presentation on Granite Solar.

Taylor, from the Livingston County Soil & Water District, then testified regarding the soil information for the subject parcel and determined that this request would be a "High" impact to agriculture. She also suggested using grass and clover to be used under the solar panels because they wouldn't get to tall and interfere with the operation of the panels.

The floor was then opened to the public. No public comment was made.

Uphoff in closing asked the committee to modify condition #16 suggesting a vegetative buffer instead of evergreens to be used.

Randolph made a motion, seconded by Turner that this zoning case be approved with condition #16 being revised as proposed by Uphoff. **Motion carried by roll call vote of all ayes. Ayes:** Stock, Flott, Kiefer, Randolph, Huisman and Turner **Nays:** None **Absent:** Runyon

### **Review of Comprehensive Decommissioning Plans of Previously Approved Solar Farms.**

This agenda item pertained to the review of the decommissioning plans of solar farms approved in 2018 that are ready to apply for building permits.

King gave an overview and noted that this was Case SU-11-18 Pontiac Solar I & II.

White, who represents Pontiac Solar I & II explained the decommissioning plan that was submitted to the committee. Huisman asked when they were going to start their project and he replied that they hoped to start the first week of August. White was then asked if they have already submitted their decommissioning fee with their application and White said that they hadn't and wanted to wait until the amount was finalized. After further discussion it was agreed upon to keep the same amount that was submitted in the 2018 decommissioning plan. White said that they would submit a decommissioning bond before construction began.

Stock made a motion, seconded by Kiefer that this zoning case be recommended for approved. **Motion carried by roll call vote of all ayes. Ayes:** Stock, Flott, Kiefer, Randolph, Huisman **Nays:** None **Absent:** Runyon

King gave an overview and noted that this was Case SU-3-18 Miacomet Solar, LLC.

Mikheyeva, who represents Miacomet Solar, LLC, explained the decommissioning fee to the committee. Huisman asked if they had an updated decommissioning plan and she said yes and that they were told to keep the 2018 decommissioning plan. Huisman mentioned that the decommissioning plan needs to be updated every 3 years and that a new one should be submitted for review. The committee agreed with Huisman and said that after the updated decommissioning plan was received that they could come back for review at the next committee meeting for further discussion.

Flott made a motion, seconded by Randolph to table this zoning case to the next committee meeting. **Motion carried by roll call vote of all ayes. Ayes:** Stock, Flott, Kiefer, Randolph, Huisman and Turner **Nays:** None **Absent:** Runyon

### **Discussion of Limitations on Public Comment**

Regnier explained the difference between public comment, testimony and the rights of the chair person on limiting public comment.

The committee discussed adopting a 3-minute time limit for public comment. Regnier said that this could be accomplished in one of two ways. The 3-minute time rule could be read before every

meeting or adopt them in the committee's rules but suggested that the rule still be read at the meetings so that everyone had a clear understanding of the rule. A question was asked about how it was written in the County Board's rules and he read it to them. Huisman asked him if there were any other rules that they should adopt at their meetings and Regnier suggested not spending time to think of more rules. After further discussion the committee agreed to adopt the 3-minute time limit from the County Board into their rules.

Randolph made a motion, seconded by Turner to adopt the County Board's public comment time limit rule into the committee's rules. **Motion carried by roll call vote of all ayes. Ayes:** Stock, Flott, Kiefer, Randolph, Huisman and Turner **Nays:** None **Absent:** Runyon

**Other Business:** None

**Findings of Fact and Decision:**

Flott then made a motion, seconded by Kiefer that the findings of fact be approved from the Prairie Dock Solar case. **Motion carried by roll call vote of all ayes.**

**Public Comment:** None

**Report of Officers:** None

**General Discussion:** None

**Adjournment:**

Flott then made a motion, seconded by Stock that this meeting be adjourned. **Motion carried by a unanimous roll call vote of all ayes.**

This meeting was adjourned at 9:24 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,

Patricia Merlino, Assistant Administrator  
Livingston County Regional  
Planning Commission