

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

Regular Meeting
6:00 p.m.

August 10, 2023

The meeting came to order at 6:01 pm

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

Members Absent: Joan Huisman, Neil Turner

Board Members Present: Rebekah Fehr, James Carley, Bob Weller, Marty Fannin, Steve Lovell Mike Haag and Gerald Earing

Others Present: Zoning Administrator Jesse King, Assistant Zoning Administrator Trish Merlino, Attorney Kyle Berry, Hamilton Carrier, Michael Keith, Colleen Hollinger, Greg Dixson, Michael MaRous, Dan Gschwendtner, Colin Daining

Approval of the Agenda:

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

Business to be reviewed:

Case V-5-23 – Gschwendtner

This zoning case pertained to the review of a proposed variance to allow for a variation in road frontage requirements on property located in an AG, Agricultural, District in unincorporated Pontiac.

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

A committee member asked Gschwendtner why they were seeking the variance and Gschwendtner explained they are looking to sell the house and wanted to keep as much of the farm land together.

The floor was opened to public comment

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

Case SU-7-23 – Beckham Solar

This zoning case pertained to the review of a proposal to develop a 5 MW solar farm on approximately 66.7 acres of a 139.38-acre tract of land located in an AG, Agricultural, District in unincorporated Odell

King gave an overview of the case to ZBA members.

Berry gave a brief overview of all of the parties that would be testifying on behalf of the applicant.

Carrier a representative of the applicant, gave a presentation on the project which included information about their company as well as the site plan, location of the project, setbacks, fencing, site equipment, design, tax revenue, community outreach.

Keith a civil engineer explained the wetland study, Eco-Cat, SHPO, and decommissioning plan to the committee and their findings.

King asked about the decommissioning figures that they had submitted with their application and which figure they were going to submit to the committee at the end of their presentation.

Greg Dixon a civil engineer talked about the noise generation study that he had conducted for the project and said that noise generation from the project were within the acceptable limits of the Ordinance.

Collen Hollinger from Natural Resource Services gave a presentation on vegetation management and agrivoltaics.

Michael MaRous a general appraiser went over the market impact analysis study that he conducted and said there were no impacts on property values and that the project would be a positive to the community.

A question was asked about why there was an oval shape instead of a circle on the noise study and Dixon explained that oval shape represented multiple points on the project where noise would come from.

A committee member asked about the agricultural fencing that was being proposed around the perimeter of the project and about how secure it was. Carrier explained that agricultural fencing blends in to the landscape but it would keep larger animals out while letting smaller animals to come and go off of the property.

Discussion then took place about battery storage and any dangers that they may pose. Carrier explained that the batteries are fully encased in steel containers and each steel container has their own air conditioning unit to keep them from getting hot. He also said if one of the batteries were to catch fire that the fire would be contained in the steel container and not pose a danger to anyone. It was also mentioned that each facility is remotely monitored to detect problems with equipment.

A question was then asked about their Interconnection Agreement and Carrier told the committee that they have the agreement but once they sign and pay for it, then they only have 365 days to construct their project. Berry also explained that it is easier for a smaller project to interconnect on a transmission line than a large-scale project because a smaller scale project would go directly to Comed and the larger scale projects would have to first go to PJM where there are delays in getting interconnectivity.

Taylor, from the Livingston County Soil & Water District, corrected previous testimony from Keith that there was C and D slopes on the project and she told the committee that in her report there were mostly A and B slopes but no D slopes. She 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 for easier maintenance.

A question was asked about the range for a D slope and Taylor said it was approximately between 6 and 12.

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

Chair Runyon asked the other committee members if they had the conditions of approval and King reminded the committee that they needed to decide on one of the 2 decommissioning figures that were submitted with the application so that they could update the decommissioning bond in the conditions. Carrier said that they would go with \$212, 933.50 and King asked Berry if that figure would be ok with him and he replied yes. King then asked Berry if they were waiving the State Statue that requires us to deduct salvage value from the decommissioning cost and Carrier replied yes.

Randolph made a motion, seconded by Kiefer that this zoning case be approved with the new decommissioning bond. **Motion carried by roll call vote of all ayes. Ayes:** Stock, Flott, Kiefer, Randolph, and Runyon **Nays:** None **Absent:** Huisman and Turner

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.

Case SU-3-18 Miacomet Solar, LLC

King explained that they were previously at the last board meeting and have come to update their decommissioning plan from 2018 that was \$135,000 to \$180,000 from the new decommissioning plan that was submitted in July of 2023.

Colin Daining from TRC Companies, who represents Miacomet Solar, LLC explained the new decommissioning plan to the committee.

King was asked by a committee member how this decommissioning plan compares to other decommissioning plans and he explained that it is only a 2 MW solar farm and falls in line with others of its size and prior to construction would submit the difference between the 2018 figure and the 2023 figure.

Kiefer made a motion, seconded by Randolph that this zoning case be recommended for approval.

Motion carried by roll call vote of all ayes. Ayes: Stock, Flott, Kiefer, Randolph, and Runyon

Nays: None **Absent:** Huisman and Turner

Case SU-9-18 Vermillion Solar 1, LLC

Betz, who represents Vermillion Solar 1, LLC explained that the 2018 decommission plan was \$135,000 and that the 2023 decommissioning plan is a little lower than the 2018 plan but are willing to keep the bond at \$135,000. He then asked what form of bond that the County would prefer and King stated other companies have provided an irrevocable letter of credit and Betz said that would work for them.

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

Findings of Fact and Decision:

Stock then made a motion, seconded by Kiefer that the findings of fact be approved from the June Grass Solar and Granit Solar cases. **Motion carried by roll call vote of all ayes.**

Public Comment: None

Report of Officers: None

General Discussion: King told the committee members that Heritage Prairie Wind will be submitting their application in the next month and to start thinking about 2 dates to set aside, one in mid to late September and one in October.

Adjournment:

Kiefer 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 8:02 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