

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

Regular Meeting
6:00 p.m.

December 7, 2023

The regular meeting came to order at 6:05 pm

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

Members Absent: Neil Turner

Board Members Present: Linda Ambrose, Bob Weller, and Gerald Earing

Others Present: Regional Planning/Zoning Director Brittney Miller, County Board Executive Director Alina Hartley, Ryan Magnoni (USS Solar), Becky Taylor (SWCD), Kiersten Sheets (Trajectory Energy Partners), Michelle Harms, Troy Harms, Dave Rice

Approval of the Agenda:

Chair Huisman called for any additions or corrections to the agenda with none requested. Motion by Flott, second by Kiefer to approve the agenda as presented. **Motion carried on roll call vote with all ayes.** Absent: Turner

Approval of Minutes:

Chair Huisman called for approval of the December 1, 2023 revised minutes from the November 9, 2023 meeting. Motion by Flott, second by Randolph to approve the minutes as presented. **Motion carried on roll call vote with all ayes.** Ayes: Stock, Flott, Kiefer, Randolph, Huisman, and Runyon
Nays: None Absent: Turner

Business to be reviewed:

Case SU-10-22 – Oxeye Solar (Review)

This zoning case pertained to the review of a previously approved special use to allow for the development of a 4 MW solar farm in an AG, Agriculture, District located in unincorporated Pontiac near Rowe.

Miller gave an overview of the case to the ZBA members.

Sheets stated that construction of the project has not commenced, due to not receiving responses for credit that will go towards the Adjustable Block Program. Sheets is requesting the project receive a one-year extension.

Huisman questioned if the extension will impact the interconnection agreement and asked Sheets to clarify what the Adjustable Block Program is. Sheets stated that the extension will not affect the interconnect agreement, as payment with Commonwealth Edison is continuous. Sheets explained that in order to receive renewable energy credits for the community solar project, application to the Adjustable Block Program is a requirement. Sheets noted that the process of application for the Adjustable Block Program can take more than a year, and as a result, has halted the process of the project. Discussion took place regarding continued extensions changing the project.

Chair Huisman opened the floor to the public.

Rice questioned the committee how long the applications for the solar projects last once they are approved, echoing the discussion regarding continued extensions changing the project. Huisman agreed with the statement, adding that the decommissioning plan will be different once project starts construction.

Motion by Flott, second by Randolph that a 1-year extension for zoning case SU-10-22 – Oxeye Solar be recommended for approval. **Motion carried on roll call vote with all ayes.** Ayes: Stock, Flott, Kiefer, Randolph, Huisman, and Runyon Nays: None Absent: Turner

Case SU-7-22 – Old 66 Solar (Review)

This zoning case pertained to the review of a previously approved special use to allow for the development of a 2 MW solar farm in an AG, Agriculture, District/FP, Flood Plain, District located in unincorporated Pontiac.

Miller gave an overview of the case to the ZBA members.

Sheets stated that construction of the project has not commenced, due to not receiving responses for credit that will go towards the Adjustable Block Program. Sheets is requesting the project receive a one-year extension.

Motion by Randolph, second by Stock that a 1-year extension for zoning case SU-7-22 – Old 66 Solar be recommended for approval. **Motion carried on roll call vote with all ayes.** Ayes: Stock, Flott, Kiefer, Randolph, Huisman, and Runyon Nays: None Absent: Turner

Case SU-2-22 – Bluestem Solar (Review)

This zoning case pertained to a previously approved special use to allow for a 5 MW solar farm on property located in an AG, Agriculture, District in unincorporated Pontiac.

Miller gave an overview of the case to the ZBA members.

Sheets stated that construction of the project has not commenced, due to not receiving responses for credit that will go towards the Adjustable Block Program. Sheets is requesting the project receive a one-year extension.

Motion by Stock, second by Flott that a 1-year extension for zoning case SU-2-22 – Bluestem Solar be recommended for approval. **Motion carried on roll call vote with all ayes.** Ayes: Stock, Flott, Kiefer, Randolph, Huisman, and Runyon Nays: None Absent: Turner

Case SU-8-22 – Broadlight Solar (Review)

This zoning case pertained to the review of a previously approved special use to allow for a 5 MW solar farm on property located in an AG, Agriculture, District located in unincorporated Pontiac near Rowe.

Miller gave an overview of the case to the ZBA members.

Sheets stated that construction of the project has not commenced, due to not receiving responses for credit that will go towards the Adjustable Block Program. Sheets is requesting the project receive a one-year extension.

Motion by Stock, second by Kiefer that a 1-year extension for zoning case SU-8-22 – Broadlight Solar be recommended for approval. **Motion carried on roll call vote with all ayes.** Ayes: Stock, Flott, Kiefer, Randolph, Huisman, and Runyon Nays: None Absent: Turner

Case SU-21-23 – Harms Country Farms, LLC

This zoning case pertains to the review of a proposed special use to operate a wedding/event venue on property located in an AG, Agricultural District in unincorporated Chenoa.

Miller gave an overview of the case to ZBA members.

Harms distributed a packet detailing the wedding venue. The packet showed an aerial photo of the property, a south-western view of the property detailing the parking lot and locations of buildings, previous wedding photos, restroom and washing stations, a rendering of a forthcoming bridal suite facility, and the location of the forthcoming bridal suite facility. Harms summarized her business plan, as well as the forthcoming bridal suite facility that will be built to accommodate her customers, their guests, as well as her own family, as the family garage has previously been used for the bridal suite.

A question was asked regarding vendors and whether the Livingston County Health Department has been notified, to which Harms stated that the customers hire their own vendors and that multiple discussions with the Livingston County Health Department have taken place. Questions were asked regarding hours, employees, signage, impacted neighbors, and ADA accessibility. Harms stated that weddings will be held on the weekends and that customers rent the venue from Thursday-Sunday at noon. Harms mentioned that she and her husband will be the only employees, signage will only be

placed during the wedding, there are no complaints from neighbors, and the venue is ADA accessible and that restrooms will also be ADA compliant.

Due to an error in the zoning office, this case had not been seen by the Regional Planning Commission, therefore, the case will be tabled until January 4, 2024.

Motion by Flott, second by Randolph that zoning case SU-21-23 – Harms Country Farms be tabled until the January 4, 2024 meeting. **Motion carried on roll call vote with all ayes.** Ayes: Stock, Flott, Kiefer, Randolph, Huisman, and Runyon Nays: None Absent: Turner

Case SU-19-23 – 1400 East Solar, LLC & Case SU-20-23 – 2700 East Solar, LLC

Due to an error in the zoning office, these cases have not been seen by the Regional Planning Commission. The applicant has agreed to delay these cases until the February 1, 2024 meeting.

Other Business: N/A

Findings of Fact and Decision: N/A

Public Comment: N/A

Report of Officers: N/A

General Discussion: A question was asked regarding a wind farm update, to which Hartley stated that the company is experiencing delays at this time and currently does not have a projected date of application.

Adjournment:

Motion by Flott, second by Stock that the meeting be adjourned. **Motion carried on roll call vote with all ayes.** Absent: Turner

This meeting was adjourned at 6:46 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,

Brittney Miller, Zoning Administrator
Livingston County Regional
Planning Commission