

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

Regular Meeting
6:00 p.m.

February 1, 2024

The meeting came to order at 6:09 pm

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

Members Absent: Richard Kiefer

Board Members Present: Steve Lovell, James Carley, Bob Weller, and Gerald Earing

Others Present: Zoning Administrator Brittney Miller, Executive Director Alina Hartley, Attorney Seth Uphoff, Tom Ryan, Dean Smith, Brian Perschnik, Becky Taylor (Soil & Water Conservation District), Matthew Kwiatkowski, Matthew Clementi, Mark Frego

Approval of the Agenda:

Chair Huisman requested that the agenda be amended to show that Pontiac Renewables is requesting a 4.99 MW solar farm, rather than a 1.998 MW solar farm. Motion by Flott, second by Stock to approve the agenda as amended. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, and Huisman **Nays:** None **Absent:** Kiefer

Approval of Minutes:

Chair Huisman noted that the set of minutes included in the packet were previously approved at the last meeting and the minutes from the January 18, 2024 meeting were not yet available for review.

Business to be reviewed:

Case SU-19-23 – 1400 E. Solar 1, LLC

This zoning case pertains to the review of a proposed special use to develop a 5 MW solar farm on approximately 30 acres of a 104.3-acre tract of land in an AG, Agricultural District located near Blackstone.

Miller gave an overview of the zoning case to the committee.

Uphoff gave a brief introduction to the project.

Tom Ryan, a representative of the applicant, gave a site overview and introduction of the company. Ryan requested that the original site plan be amended to show that the gravel access road that entered on 3200 North Road be moved directly out to 1400 East Road, noting that the point of interconnection will not be moved.

Ryan stated that the lease to use the property will be active for 20-40 years and they will use a local native seed mix along with sheep grazing, in lieu of mowing, to help improve the soil.

Ryan reported a preliminary drain tile study has been conducted and the parcel has more tile than usual, however, an official drain tile survey will be done upon approval. Uphoff stated that once the official drain tile survey is finished and approved, the tile company will consult with neighboring land owners to accommodate the drainage needs for all landowners. It was also noted that the tile company will coordinate with any drainage districts that may be impacted by the site.

Uphoff noted that a previous concern with the Regional Planning Commission was that the project was located on the wettest portion of the land, to which Ryan stated that they chose that portion due to the wetland and the soil not being used as farm land.

Ryan requested an alternative buffer of tall grasses or native shrub to be placed in the north and west sides of the property that will still meet the height requirements of the living buffer. Ryan indicated that the purpose of the request was to find the easiest way to remove the buffer during the decommissioning process. After discussion, the applicant rescinded the request.

The decommissioning plan was addressed, noting that it came to \$252,509.99, not including salvage.

Ryan stated that the project will pay roughly \$470,254 in property tax revenue over 20 years and that they received a letter of support from Adam Dontz of the Greater Livingston County Economic Development Council, as well as the Streator High School Superintendent, Scott Cameron.

A member questioned how the noise study was conducted, to which Dean Smith the engineer for New Leaf Energy stated that the manufacturer provided the information based upon specific calculations.

Taylor testified regarding the soil information for the subject parcel and determined that this request would be a "High" impact to agriculture.

Requests were made regarding proof of the interconnection agreement and AIMA agreement, to which the applicant stated will be emailed to be entered in as evidence.

Huisman called for a recess at 7:21 p.m.

Huisman called the meeting back to order at 7:35 p.m.

The floor was opened to the public.

Motion by Flott, second by Stock to approve zoning case SU-19-23. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, and Huisman **Nays:** None **Absent:** Kiefer

Case SU-20-23 – 2700 E. Solar, 1 LLC

This zoning case pertains to the review of a proposed special use to develop a 5 MW solar farm on approximately 35.3 acres of a 113.97-acre tract of land in an AG, Agricultural District located in unincorporated Dwight.

Miller gave an overview of the case to ZBA members.

Ryan gave a project site overview to the ZBA members, indicating that this project will be identical to the previous project. Ryan stated that all surrounding residents have been notified, with one adjacent resident having concerns with site lines to the project. Ryan assured the resident that there will be screening along the project, however, New Leaf will take extra measures to accommodate the resident. Uphoff indicated that another resident requested clarification regarding the evergreen buffer potentially shading out the crops. Ryan assured the resident that the setback conditions from the property line and height of the trees would not shade any crops.

The decommissioning plan was addressed, noting that it came to \$231,808.62, not including salvage.

Ryan stated that the project will pay roughly \$506,818 in property tax revenue over 20 years and that a letter of support was issued from Adam Dontz of the Greater Livingston County Economic Development Council and the Dwight Public School Superintendent.

Ryan stated that the lease to use the property will be active for 20-40 years and they will use a local native seed mix along with sheep grazing, in lieu of mowing, to help improve the soil.

Taylor testified regarding the soil information for the subject parcel and determined that this request would be a “High” impact to agriculture.

Perschnick stood before the committee stating that his father owns the farm to the south and was concerned about drainage, indicating that their farm will drain onto the solar farm. Perschnick requested a drainage agreement be put forth.

Motion by Stock, second by Flott that zoning case SU-20-23 be approved. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, and Huisman **Nays:** None **Absent:** Kiefer

Case SU-1-24 Pontiac Renewables, LLC

This zoning case pertains to the review of a proposed special use to develop a 4.99 MW solar farm on approximately 30.5 acres of a 46.6-acre tract of land in an AG, Agricultural District located near Pontiac.

Miller gave an overview of this case to the committee.

Kwiatkowski provided an introduction of the company and gave a project site overview, noting that a parcel between Deerfield Road and the solar project will help to block the solar farm.

Clementi stated that the wires will be 5-feet underground until the point of interconnection, in which the wires will be above ground. Clementi stated that the panels are made of an anti-glare material and will not create any noise. Clementi proposed an additional temporary gravel access road that will allow for the materials to be placed during construction.

Frego reported on the battery energy storage system and how it would work. Frego stated that the Pontiac Fire Department has been notified and does not see any concern with the project. Questions were raised regarding monitoring, communication with the fire department, BESS disconnection, and fire suppression. Frego stated that the company has 24/7 monitoring and emergency procedures set in place to inform the fire department in the case of an emergency. Frego stated that the BESS can be disconnected and that an emergency shut off is onsite. Frego informed the committee that in the event of a fire, water will suppress the fire, however, letting the battery burn will reduce the charge and stop it from working.

A question was raised regarding the weight of the BESS container, to which Frego stated that the container will weigh 46 tons and put together offsite then brought onto the property.

Members questioned if local residents have been notified, to which it was noted that the Phoenix Apartments manager had questions regarding visual concerns. It was noted that the owners of the condos were given flyers and that the Jehovah's Witness Kingdom Hall was notified without any concerns.

Kwiatkowski stated that agrovoltaics will be used and sheep will graze the property in lieu of mowing, noting that outside contractors will be monitoring the agrovoltaics. A question was asked regarding the safety of the sheep, to which Kwiatkowski indicated that a fence will be in place to keep the sheep from the battery. The sheep will graze a few times a year for 3-5 days at a time, and a well will be in place for the sheep.

The applicants requested to use the existing tree line as part of the living buffer requirements. After discussion, the request was rescinded and it was noted that a new site plan with a different vegetative screening would be forwarded to the Zoning Office. A committee member expressed concern that the solar farm would be visible from I-55, to which it was noted that the property is slightly raised on the western portion of the property, which would allow the trees to appear higher, thus hiding the solar farm.

Taylor testified regarding the soil information for the subject parcel and determined that this request would be a "Medium" impact to agriculture.

Motion by Runyon, second by Stock to approve zoning case SU-1-24. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, and Huisman **Nays:** None **Absent:** Kiefer

Other Business:

Case SU-7-23 – Beckham Solar, LLC (Review)

This case was not heard due to time restraints. It was noted that this will be reviewed first on the agenda in March.

Case SU-19-22 – TPE IL LI177 (Review)

This case was not heard due to time restraints. It was noted that this will be reviewed second on the agenda in March.

Case SU-20-22 – TPE IL LI18 (Review)

This case was not heard due to time restraints. It was noted that this will be reviewed third on the agenda in March.

Findings of Fact and Decision: N/A

Public Comment:

The floor was open for public comment.

Report of Officers: N/A

Adjournment:

Motion by Flott, second by Stock to adjourn the meeting. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, and Huisman **Nays:** None **Absent:** Kiefer

This meeting adjourned at 9:46 p.m.

Materials regarding these proceedings are on file at the Livingston County Regional Planning Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Brittney Miller, Zoning Administrator
Livingston County Regional
Planning Commission