

MINUTES OF THE LIVINGSTON COUNTY
ZONING BOARD OF APPEALS
HELD ON MARCH 7, 2024, STARTING AT 6:00 PM
IN THE LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. MADISON ST. PONTIAC, ILLINOIS

The meeting was called to order at 6:11 p.m.

Roll call was taken.

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

Members Absent: Dave Randolph

Board Members Present: Steven Lovell, Gerald Earing, and Bob Weller

Others Present: Zoning Administrator Brittney Miller, Executive Director Alina Hartley, Director of Environmental Health Donnie Simmons, Hamilton Carrier (Ironwood Renewables), Daniel Solorzano (Dimension Renewable Energy), Emily Kahanic (Kimley-Horn and Associates), Alex Mendelson (Turning Point Energy), Scott Osborne (Turning Point Energy), Tammy Adkins (McGuire Woods), Chad Herman (Herman Brothers Lake & Land Management), Ann Borgeoise (Neighbor), Chris Matich (Livingston Stone Company), Gary Peters (Howard & Howard), Nilden Adiloff (VCNA Prairie), and David Riordan (Kankakee Valley Construction)

Approval of the Agenda:

Chair Huisman requested to amend the agenda moving all reviews of decommissioning plans first before Case SU-2-24. Motion by Stock, second by Runyon to approve the agenda as amended.

Motion carried on roll call vote. Ayes: Stock, Flott, Runyon, Kiefer, and Huisman **Nays:** None **Absent:** Randolph

Approval of Minutes:

Chair Huisman called for approval of the minutes from the January 18, 2024 meeting. Motion by Stock, second by Runyon to approve the minutes as presented. **Motion carried on roll call vote.**

Ayes: Stock, Flott, Huisman, and Runyon **Nays:** None **Abstain:** Kiefer **Absent:** Randolph

Chair Huisman called for approval of the minutes from the February 1, 2024 meeting. Motion by Flott, second by Runyon to approve the minutes as presented. **Motion carried on roll call vote.**

Ayes: Stock, Flott, Huisman, and Runyon **Nays:** None **Abstain:** Kiefer **Absent:** Randolph

Business to be reviewed:

Case SU-7-23 – Beckham Solar, LLC – Review of Decommissioning Plan & Amendment

This zoning case pertains to the review of a decommissioning plan of a previously approved special use to develop a 5 MW solar farm on approximately 66.7 acres of a 139.38-acre tract of land in an AG, Agricultural District located in unincorporated Odell. This zoning case requests to amend the previously approved Resolution #2023-09-52 to allow for solar trackers rather than fixed tilt panels, as well as relocation of the access road.

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

Hamilton Carrier, a representative of Ironwood Renewables, reintroduced the company and requested that the members allow for solar trackers rather than fixed tilt panels, as well as a relocation of the access road to the southern portion of the property, as ComEd does not have direct access to the point of interconnect. Carrier stated that Resolution #2023-09-52 had a typo, showing that the expiration date was incorrect and had been amended by Miller to show the correct expiration date being December 31, 2025. Carrier introduced Daniel Solorzano as the new project manager, as Dimension Renewable Energy have become the new owner of the project.

Solorzano introduced the company and reported that the decommissioning plan still comes to \$212,923.50, as previously approved. Solorzano noted that the change of solar trackers does not change the cost of the project or the decommissioning plan.

A question was raised regarding SPEC sheets for the proposed solar trackers. Carrier stated that the company has not chosen the brand that will be used, as they wanted approval before making that step, however, a SPEC sheet can be given as soon as possible. Carrier noted that the solar trackers will be the same height as the original proposed fixed tilt panels.

The floor was opened to the public.

Motion by Flott, second by Stock to recommend approval of the decommissioning bond, along with the change in company, use of solar trackers, and relocation of the access road. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, Kiefer, and Huisman **Nays:** None **Absent:** Randolph

Case SU-19-22 – TPE IL LI177 – Review of Decommissioning Plan

This zoning case pertains to the review of a decommissioning plan of a previously approved special use to develop a 4.5 MW solar farm on approximately 27 acres of a 38-acre tract of land in an AG, Agricultural District located in unincorporated Odell.

Miller gave an overview of the case to ZBA members.

Tammy Adkins, a legal counsel for the applicant, introduced Alex Mendelson from Turning Point Energy and Emily Kahanic from Kimley-Horn and Associates. Adkins reported that Turning Point

energy will provide an update of the project and a request for recommendation of approval of the decommissioning plan and acceptance of the surety bond as financial security.

Mendelson gave a presentation on the benefits of the use of surety bonds, as well as an update on the project, noting that the project estimates to start in June 2024 and be complete by December 2024.

Kahanic addressed the decommissioning plan, stating that it came to \$318,666.00 not including salvage.

The floor was open to the public.

Motion by Flott, second by Stock to recommend approval of the decommissioning bond and any changes to the project. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, Kiefer, and Huisman **Nays:** None **Absent:** Randolph

Case SU-20-22 – TPE IL LI18 – Review of Decommissioning Plan

This zoning case pertains to the review of a decommissioning plan of a previously approved special use to develop a 5 MW solar farm on approximately 28 acres of a 48-acre tract of land in an AG, Agricultural District located in Pontiac.

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

Adkins reported that Turning Point Energy will provide an update of the project, as well as a request for recommendation of approval of the decommissioning plan and acceptance of the surety bond as financial security.

Scott Osborne, a representative from Turning Point Energy, gave a presentation on the benefits of the use of surety bonds and provided an update on the project, noting that the project estimates to start in June 2024 and be complete by December 2024.

Kahanic addressed the decommissioning plan, stating that it came to \$356,773.00 not including salvage.

The floor was open to the public.

Motion by Flott, second by Runyon to recommend approval of the decommissioning bond as presented. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, Kiefer, and Huisman **Nays:** None **Absent:** Randolph

Case SU-10-18 – Vermillion Solar II, LLC – Review of Decommissioning Plan

This case was not heard as there were no representatives present.

Case SU-2-24 – Voights' Event Center

This zoning case pertains to the review of a proposed special use to operate a wedding/event venue on property located on a 240-acre tract of land in an AG, Agricultural District in unincorporated Pontiac.

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

Chad Herman, legal representative, gave an overview of the project, reporting that the applicants will convert 4 grain bins into cabins for overnight accommodations, remove 2 existing grain bins for space to host events, and eventually build a home on the eastern portion of the property. Herman noted that the applicants are aware of the surrounding manufacturing and mining taking place in the area and intend to have a good neighboring relationship with the surrounding companies.

Questions were raised regarding hours of the events, employees, signage, and the tentative plans in the future. Herman stated that the grain bins will be overnight rentals via Airbnb, thus making the hours vary as needed, and that the events will typically be held on weekends during the warmer seasons. Herman indicated that the family plans to be the only employees onsite, aside from event coordinators and the subcontractors for the event. Herman stated that if the applicant chooses to have any signage, it will follow the ordinance.

The floor was open to the public for questions.

Donnie Simmons questioned the number of bedrooms per grain bin, the number of bedrooms in the dwelling, drilling a water well, how many weeks per year the events will be held, and how the overnight rentals will work. Herman stated that each grain bin will have 2-3 bedrooms, which will occupy between 8-12 people and each Airbnb will be rented out as one unit. Herman informed Simmons that the applicant hopes to use the quarry for water, however, if there is no access to the quarry, the applicant will treat the lake with chemicals to allow for healthy water.

Ann Borgeoise, a neighbor north-west of the property, stated that a residence has not used the lake for 45 years and questioned where the applicant proposes to get drinking water for the tenants of the rentals and the events. Herman stated that the applicant intends to drill a well or treat the lake with chemicals. Borgeoise questioned how the property will be taxed, however, the members of the ZBA did not have access to that information. Borgeoise questioned the noise and light of the events, to which Herman indicated that the applicant will have a landscaping buffer that will help to keep noise and lighting at a minimum.

Chris Matich, a neighbor to the east, stated that he is not opposed to the event venue, but wanted to make the members and applicants aware that the Livingston Stone Company has heavy traffic flow and emits very loud noises that cannot be mitigated. Matich stated that the hours for his business run Monday through Friday until midnight.

Gary Peters, attorney for Livingston Stone Company, stated that he would like to request an agreement with the applicant indicating that the applicant cannot make future objections to the

noise and dust debris being present, as the applicant chose the area for the event knowing that mineral extraction is taking place nearby.

The floor was open for public comment.

Borgeoise reiterated her concern for the water table being compromised.

Nilden Adiloff, a neighbor to the west and north, stated that she hopes the applicant has taken consideration of the noise and traffic of the quarry, adding that she hopes the applicant has also considered any safety factors from being that close to a mineral extraction site. Adiloff stated that the hours of operation for VCNA Prairie are Monday through Thursday from 6 a.m. until 4 p.m. and occasionally on Saturdays. Herman and Adiloff discussed the 570-foot berm that separates the Voights' property from the quarry, indicating that the mineral extraction from the Voights' property line is across the lake.

David Riordan, a neighbor on the north and eastern corner, stated that there is heavy traffic to his business, Kankakee Valley Construction. Riordan stated that his company operates from March until December, Monday through Friday from 3 a.m. until 6 p.m., and occasionally on Saturdays.

Herman stated that the applicants recognize the existing businesses, including noise and dust factors, and that the applicants will not have any future objections to any nuisances or disturbances the businesses may cause.

Motion by Flott, second by Runyon to recommend approval for SU-2-24, with the conditions that the hours and employees are not limited, as well as the applicant complying with the Livingston County Health Department requirements. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Runyon, Kiefer, and Huisman **Nays:** None **Absent:** Randolph

Findings of Fact and Decision: N/A

Public Comment:

The floor was open for public comment.

Report of Officers: N/A

General Discussion:

Discussion took place regarding the absence of Dave Randolph and whether or not he would need to be re-appointed to the ZBA. Hartley stated that they the ZBA should take the advisement of the State's Attorney in this matter, noting that the State's Attorney advised that the minutes and Findings of Fact be amended to reflect Randolph's absence with no re-appointment necessary.

Hartley reported that an ad hoc committee was formed to discuss efficient measures to facilitate meetings. Hartley gave a brief overview of what was addressed, noting that the Ag & Zoning

committee has been made aware of the potential changes and have requested additional time to review the Resolution presented.

Adjournment:

Motion by Flott, second by Runyon to adjourn the meeting. **Motion carried on roll call vote.**

Ayes: Stock, Flott, Runyon, Kiefer, and Huisman **Nays:** None **Absent:** Randolph

The meeting was adjourned at 8:12 p.m.

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

Respectfully submitted,

Brittney Miller, Zoning Administrator
Livingston County Regional
Planning Commission