

LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION
LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. MADISON ST., PONTIAC, ILLINOIS 61764

VARIATIONS

APPLICANT FILING PROCEDURES

1. Complete the original application and any required attachments. Attachments are considered a part of the application.
2. File the application in the office of the Livingston County Regional Planning Commission, accompanied with the required fee. The Commission shall assign a case number to the application.
3. All fees shall be payable to the General Fund of Livingston County.
4. The Livingston County Regional Planning Commission shall advertise the notice of public hearing for each case to be held before the Zoning Board of Appeals.
5. The Livingston County Regional Planning Commission shall serve notice to the applicant and owners or occupants of property abutting the affected area not less than five (5) days prior to the hearing advising the location and nature of the subject matter contained in the application and the date, time and place of the hearing.
6. The applicant shall be billed by the Livingston County Regional Planning Commission for the cost of the required notice of public hearing. No final action shall be taken on any case until the cost of advertising the required notice of public hearing has been paid.

You may refer to the sheet that is part of the application package that refers to the example of fees that provides you with more information on the potential costs of proceeding with this property development.

LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION
LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. Madison St., Pontiac, Illinois 61764

APPLICATION FOR VARIATION – LIVINGSTON COUNTY ZONING ORDINANCE

<u>Applicant</u>		<u>For Office Use Only</u>	
Name	<u>Illinois Generation LLC</u>	Filed Date	_____
Address	<u>888 Westheimer Rd Suite 350</u>	Fee	_____ Case V-
	<u>Houston, TX 77006</u>	Receipt No.	_____
Phone	<u>713-308-4200</u>	Publication Cost	_____
<u>Owner(s)</u>			
Name	<u>See Appendix D of the SUP Narrative Application (Property Owners List)</u>	Receipt No.	_____
Address	_____	Hearing Date	_____ DATE FILED
			_____ Decision Date
Phone	_____ (attach list if necessary)	Approved	_____ Denied _____
<u>For Office Use Only</u>			

Legal description of property See Appendix F of the SUP Narrative Application (Lease Agreements)

Street address _____
Property interest of applicant Renewable Energy Development
Present Use Agricultural / Industrial Zoning District AG / I2
A variation in _____ requirements is request to allow for _____
on the above described property.
Specific distances (if applicable): _____

Attachment No. 1 – Submit a map drawn to scale (as required by the Zoning Administrator) of the area included in the application and the abutting area within 200 feet (additional area may be required by the Zoning Administrator) showing the zoning classification; dimensions and use of all buildings and/or structures (existing and proposed); driveways; parking areas; right-of-way lines for streets and roads; easements; provision for surface drainage; proposals for sewage disposal systems; distance of building(s) and/or structure(s) from front, side and rear property lines; and distance of building(s) and/or structure(s) from center of public access road(s).

See Appendix C of the SUP Application Narrative.
Additional Attachments – Submit additional attachments as required by the Zoning Administrator.

I (we) certify that all of the information presented above is true to the best of my (our) knowledge and belief.

Crystal Cottman
Applicant (s) Signature (s) Crystal Cottman, Authorized Signatory Date 2/21/24
Caton FENZ, Authorized Signatory 2/22/2024
Applicant Signature (s) _____ Date _____
Form 12

STATEMENT OF APPLICANT – OWNER STATUS

Indicate correct status by signifying with an X

X APPLICANT Illinois Generation LLC

 OWNER

 Individual (s)

 Alter ego or representative of individual (s)
(List the name (s) and address (es) of the actual and true principal)

 Corporation
(List the names and addresses of all officers and directors and identify by title; also list the names and addresses of all stockholders and shareholders owning an interest in excess of 20% of all outstanding stock)

 Business or entity doing business under an assumed name
(List the names and addresses of all true and actual owners)

 Partnership
(List the names and addresses of all partners)

X Joint Venture
(List the names and addresses of all joint venturers)

 Syndicate
(List the names and addresses of all syndicate members)

 Unincorporated Voluntary Association
(List the names and addresses of all members)

LIST OF NAMES AND ADDRESSES REQUIRED ABOVE

Pattern Energy Group LP
888 Westheimer Rd. Suite 350, Houston, TX 77006

ConnectGen LLC
1001 McKinney St. Suite 700, Houston, TX 77002

EXAMPLES OF FEES FOR VARIATIONS

Application Filing Fee: \$ 125.00

Publication Fee: Usually between \$40 and \$70. (The exact amount varies according to the length of the notice.)

Location Improvement Permit Fee: \$20.00 - \$100.00+ (The exact amount varies according to the type and size of the improvement.)

Other fees *may* be applicable, such as fees to the Livingston County Health Department.

Heritage Prairie Wind Variation Application Explanation

Applicant seeks a variation of a requested Special Use Permit for a proposed wind energy facility in Livingston County. The Heritage Prairie Wind project (“Project”) is a proposed 600-MW commercial-scale facility, with a portion of the proposed Project located in the townships of Dwight, Broughton, and Round Grove, within Livingston County.

The Project is seeking a variation of the application of the requirements of Section 56-619(e).

Specifically, the Project seeks to adhere to the requirements of state law 55 ILCS 5/5-12020(e)(2), which allows

a wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hour per year of shadow flicker under planned operating conditions.

Industry standard computer modeling utilizes local, historical climate data to make calculations relevant to determining shadow flicker. The data includes typical weather pattern information relevant to sunlight, such as cloud cover. The data utilizes actual local weather recordings, rather than assuming 100% sunshine each day of the year – as required under the ordinance – an unrealistic assumption in central Illinois.

Livingston County’s ordinance does not include the “industry standard computer modeling” language, as required by state statute. Instead, the ordinance includes a definition of the phrase “planned operating conditions,” which was not defined in the state statute. However, that definition runs directly counter to the “industry standard computer modeling” language of the state statute. If Livingston County’s definition is applied, then it forces the applicant to use a non-industry standard computer modeling to determine shadow flicker. The result is a more restrictive standard, which would be in violation of the state law’s strict mandate, which demands a county’s regulation must be “not more restrictive” than the requirements of the state law. (55 ILCS 5/5-12020(b)).

Accordingly, Applicant requests the Zoning Board of Appeals vary the application of Section 56-619(e) to this Special Use Permit by imposing only the requirements of 55 ILCS 5/5-12020(e)(2) and allowing the applicant to use industry standard computer modeling to determine shadow flicker.

STANDARDS FOR VARIATIONS

Members of the Zoning Board of Appeals shall require evidence that the proposed Variation Will not:

- 1) Conflict in any respect with the Livingston County Comprehensive Plan.

Comments: This variance will not conflict with the Livingston County Comprehensive Plan and is consistent with its direction to preserve farmland.

- 2) Impair an adequate supply of light and air to adjacent property.

Comments: This variance will not impair adequate supply of light and air to adjacent property.

- 3) Increase the hazard from fire and other dangers to said property.

Comments: This project and variance will not increase hazard from fire and other dangers to said property.

- 4) Diminish the taxable value of land and buildings in the vicinity and throughout the Jurisdictional Area.

Comments: This variance will not diminish the taxable value of land and buildings in the vicinity or throughout the Jurisdictional Area.

- 5) Increase or cause congestion in the public streets.

Comments: This variance will not increase or cause congestion in the public streets.

- 6) Otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of the Jurisdictional Area.

Comments: This variance will not impair the public health, safety, comfort, morals and welfare of the inhabitants.

- 7) The plight of the owner is due to unique circumstances.

Comments: The need for this variance is to comply industry standard to model shadow flicker impacts based on local climate conditions.

- 8) The variation, if granted, will not alter the essential character of the locality.

Comments: This variance will not alter the essential character of the locality.

- 9) Give the owner or occupant of the property in question privileges not generally held by other property owners or occupants in the same vicinity or district.

Comments: This will not extend any privileges to the owners or occupants of the properties subject to the variance.

The Board of Appeals will also consider the following criteria in reviewing the proposed variation.

- 10) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

Comments:

The current zoning ordinance requirements for shadow flicker will not allow the Project, for which the Special Use Permit is sought, to be constructed in the designed configuration and impede reasonable return of the Project.

- 11) The particular physical surroundings shape or topographical condition of the specific property involved would result in a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the restrictions were carried out.

Comments: This does not apply. The variance seeks to apply local climate conditions for shadow flicker models, rather than the 100 percent sunshine assumptions stated by the zoning ordinances.

- 12) The purpose of the variation is not based exclusively on a desire to increase the value of the property.

Comments: Please see response to Question 10.

- 13) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

Comments: The difficulty has not been created by the current landowners.