

LIVINGSTON COUNTY BOARD
AGRICULTURE & ZONING COMMITTEE
MINUTES OF THE JULY 1, 2024 MEETING

Committee Chair Gerald Earing called the meeting to order at 6:06 p.m.

Present: Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steven Lovell, and Rebekah Fehr

Absent: Joel Barickman

Board Members Present: Bob Weller, Gina Manker, Craig Monson, and James Carley

Also Present: Zoning Director Brittney Miller, Executive Director Alina Hartley, Zoning Administrative Assistant Angie Teske, Mark Eppel (H.J Eppel & Company), Andrew Keyt (Heyl, Royster, Voelker & Allen, P.C), and Kiersten Sheets (Trajectory Energy)

Earing called for any additions or changes to the agenda. Motion by Ritter, second by Haag to approve the agenda as written. **Motion carried by voice vote with all ayes.**

The Committee reviewed the minutes of the June 3, 2024 meeting. Motion by Ritter, second by Vietti to approve the minutes as submitted. **Motion carried by voice vote with all ayes.**

Business:

SU-6-24 H.J Eppel & Company 1

This zoning case pertains to the review of a proposed asphaltic batch plant located on a 5-acre tract of land in an AG, Agricultural District. The subject property is located in Section 19 of Eppards point in unincorporated Pontiac.

Miller gave an overview of the of the case.

Mark Eppel, applicant, clarified that the parcel will be used to expand the existing batch plant and that the request is not for a new batch plant.

Motion by Ritter, second by Vietti to recommend approval as presented to the full county board.

Motion carried on roll call vote with all ayes. Ayes: Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

SU-7-24 H.J Eppel & Company 2

This zoning case pertains to the review of a proposed contractor storage yard located on a 2.87-acre tract of land in an AG, Agricultural District. The subject property is located in Section 18 of Eppards Point Township in unincorporated Pontiac.

Miller gave an overview of the of the case.

Eppel explained that the current use of the parcel is a lay down yard for the railroads and that the proposed use is to store the aggregate from the existing asphaltic batch plant.

Motion by Ritter, second by Lovell to recommend approval as presented to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

SU-8-24 Junegrass, LLC Phase 2

This zoning case pertains to the review of a proposed special use to develop a 2 MW solar farm on approximately 11 acres of a 41.20acre tract of land located in Avoca Township in an AG, Agricultural District located in unincorporated Pontiac.

Miller gave an overview of the case and stated that the applicant has requested a special condition regarding the noise study and elimination of the vegetative screening along the eastern portion of the project.

Kiersten Sheets, Project Development Manager, presented the committee with a site plan of the parcel, indicating that Junegrass Phase 1 and Junegrass Phase 2 share a parcel that is bisected by a creek. Sheets informed the committee that Junegrass Phase 2 seeks to remove the vegetative screening along the creek and indicated that this request aligns with the landowners' plan to hay both sides of the creek. Sheets stated that Junegrass Phase 1 has a vegetative screening that will face Junegrass Phase 2, and proposes that the same vegetative screening be implemented for Junegrass Phase 2.

There was discussion regarding the proposed request necessitating a variance, to which Andrew Keyt, attorney, gave his opinion, stating that the board is able to affix a reasonable condition to meet the substance of the ordinance.

Miller indicated that the committee should discuss the applicant's proposed request as to the noise complaint process. Sheets proposed a request to the committee that would allow for a tiered response for noise complaints. According to Sheets, conducting a 30-day noise study for every complaint isn't practical, and proposes a 24-hour study for the first two complaints, followed by a more extensive 30-day study for the third complaint.

Ritter made a motion to recommend approval of a special use permit for Junegrass Solar, LLC (Phase 2) with the conditions imposed by the Zoning Board of Appeals, and with the additional condition that if the Junegrass Solar, LLC (Phase 1) project is built, then the vegetative screening requirement for eastern side of the Junegrass Solar, LLC (Phase 2) be waived. Motion by Ritter, second by Lovell to recommend approval as presented to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

ZT-1-24 - Livingston County

This zoning case pertains to the review of a proposed text amendment to allow for the zoning of tourist homes as permitted uses in all districts.

Keyt was present to discuss the proposed amendments to the zoning ordinance.

Keyt gave an overview of the amendment.

Motion by Ritter, second by Haag to recommend approval of the proposed text amendment as written to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

ZT-2-24 - Livingston County

This zoning case pertains to the review of a proposed text amendment to amend the current definition of a Kennel and Kennel Operator to match the State of Illinois' Animal Welfare Act definition.

Keyt gave an overview of the amendment and noted that the Zoning Board of Appeals has requested to include cats to the definition of a kennel.

Motion by Ritter, second by Haag to recommend approval of the proposed text amendment as written to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

ZT-3-24 - Livingston County

This zoning case pertains to the review of a proposed text amendment clarifying the definition, powers, and duties of the Regional Planning Commission.

Keyt gave an overview of the amendment

Motion by Ritter, second by Haag to recommend approval of the proposed text amendment as written to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

ZT-4-24 - Livingston County

This zoning case pertains to the review of a proposed text amendment to define and clarify the zoning of airports and restricted landing areas.

Keyt gave an overview of the amendment and indicated that the Zoning Board of Appeals has requested to change the minimum setbacks of public use airports from 300 feet to 500 feet. Keyt explained that airports, heliports, vertiports, restricted land areas, helistops, and vertistops be prohibited in the R3, C4, and I3 zoning districts, and allowed only by Special Use Permit in all other zoning districts, as requested by the Zoning Board of Appeals. The Zoning Board of Appeals requested that any fencing shall be 6 feet in height.

Motion by Ritter, second by Fehr to recommend approval of the proposed text amendment with changes to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

Zoning Efficiencies- Reviews

This case pertains to the review of a proposed ordinance to streamline the zoning process in order to increase operational efficiency and reduce costs.

Keyt gave an overview of the amendment, addressing the ad hoc committee that was formed in February in relation to zoning efficiencies.

Discussion took place regarding the proposed ordinance and it was decided to add a condition that would allow solar and wind farm reviews or extensions required by the condition of approval to see the full County Board without seeing the Zoning Board of Appeals.

Motion by Ritter, second by Vietti to recommend approval of the proposed text amendment with the addition to the full county board. **Motion carried on roll call vote with all ayes. Ayes:** Gerald Earing, Paul Ritter, Michael Haag, Jack Vietti, Steve Lovell, and Rebekah Fehr **Nays:** None **Absent:** Joel Barickman

Other Issues to Come Before the Committee:

Discussion was had regarding the insurance amount for solar and wind farms required in the ordinance. It was noted that a developer will reach out to the Zoning Administrator to discuss any issues with insurance.

Miller stated that Vermillion Solar 1 has begun construction.

Solid Waste Update:

Miller reported that she met with the Livingston Landfill for a quarterly meeting and discussed the projects that have taken place this year and will continue to take place.

Public comment:

The floor was open for public comment.

Review and Approval of Bills:

Motion by Haag, second by Lovell to approve the bills as submitted. **Motion carried with all ayes.**

Adjournment:

Motion by Haag, second by Ritter to adjourn the meeting. **Motion carried with all ayes.**

The meeting was adjourned at 7:16 p.m.

Brittney Miller, Administrator
Livingston County Regional
Planning Commission