

MINUTES OF THE LIVINGSTON COUNTY
ZONING BOARD OF APPEALS
HELD ON JUNE 27, 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 6:16 p.m.

Roll call was taken.

Members Present: Joan Huisman, Bill Flott, Joe Stock, and Dave Randolph

Members Absent: Richard Kiefer, Bud Turner, and Richard Runyon

Others Present: Board Members: Bob Weller, Gerald Earing; Zoning Administrator Brittney Miller, Executive Director Alina Hartley, Zoning Administrative Assistant Angie Teske, Seth Uphoff (Uphoff Law), Becky Taylor (Livingston County Soil and Water Conservation District), Keith Slagel (applicant), Peizhi Yang (TotalEnergies Associate Director, Business Development), Courtney Preidis (landowner)

Approval of Agenda:

Chair Huisman called for any amendments or corrections to the revised agenda. Motion by Randolph, second by Stock to approve the revised agenda. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph and Huisman **Nays:** None **Absent:** Kiefer, Turner, Runyon

Approval of Minutes:

The ZBA reviewed the minutes of the June 6, 2024 meeting. Miller highlighted what was amended from the minutes. Motion by Flott, second by Randolph to approve the June 6, 2024 the amended minutes as written. **Motion carried on roll call vote with all ayes. Ayes:** Stock, and Flott, Randolph and Huisman **Nays:** None **Absent:** Kiefer, Turner, Runyon

Business to be reviewed:

V-4-24 Slagel

This zoning case pertains to the review of a proposed variance to reduce the required rear yard setback which is located on a .96-acre tract of land. The subject property is located in Section 34 of Avoca Township, in unincorporated Fairbury.

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

Slagel, applicant and property owner, stated that he proposes to change the rear yard setback from the required 40 feet to 20 feet. Slagel mentioned that he was in communication with the property owner behind his property and indicated that there were no issues with this request.

The floor was opened to the public.

Motion by Flott, second by Stock to recommend approval of V-4-24 as presented with standard conditions. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph and Huisman **Nays:** None **Absent:** Kiefer, Turner, Runyon

V-5-24, V-6-24, V-7-24 CS Anaconda 1A, 1B, 1C, LLC

This zoning case pertains to the review of proposed variances to eliminate the living vegetative buffer and fencing on the eastern side of Anaconda 1A, the eastern and western sides of 1B, and the western side of Anaconda 1C of 3 proposed 5MW solar farms on approximately 117.87-acre tract of land located in Section 35 of Reading Township in unincorporated Anaconda.

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

Uphoff, attorney, introduced the applicant and gave an overview of the solar project.

Peizhi Yang, representative for the applicant, explained that the project will consist of 3 co-located solar farms located on the same parcel. Yang indicated that the applicant requests to eliminate the vegetative buffer on the interior borders of the project, noting that the fencing and living buffer will surround the outside of the property.

The floor was opened to the public.

Courtney Preidis, questioned the height of vegetative buffer and fencing. Yang indicated that the maximum height of the solar panels at their peak axis will be 7 feet and that the fencing and vegetative buffer should reach the same height.

Motion by Randolph, second by Flott to recommend approval of V-5-24, V-6-24, and V-7-24 as presented with standard conditions. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph and Huisman **Nays:** None **Absent:** Kiefer, Turner, Runyon

SU-9-24, SU-10-24, SU-11-24 CS Anaconda 1A, 1B, 1C, LLC

This zoning case pertains to the review of proposed special uses to develop 3 co-located, 5MW solar farms on approximately 117.87-acre tract of land in an AG, Agriculture District located in unincorporated Anaconda.

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

Uphoff introduced the applicant and gave an overview of the solar project.

Yang introduced the company and the project, indicating that the solar panels will form a single axis tracker system, serving 2,250 homes in total.

Yang addressed the site plan, stating that without the vegetative screening, there will be equal spacing between all arrays across all 3 projects. Yang testified that the project will consist of 6 transformers, along with a gate along Route 23 with 24/7 remote surveillance, and will use agrovoltatics several times a year. It was noted that maintenance and check-ups will occur onsite, and this will be the sole time anyone is present at the site.

The decommissioning plan was addressed, noting that each project will come to \$550,000 without salvage, equating to \$1.65 million total.

A member questioned how to become a subscriber, to which Yang stated that all current ComEd subscribers are eligible and will need to apply online. A member questioned if the decommissioning will be purchased in Illinois, to which Yang stated that she was not sure at this time.

Questions were raised regarding the SPECS that were provided and if they will be used in the projects, to which Yang stated that right now they are being used, however, if plans change before construction, the new SPECS will be provided to the County Board.

A member questioned where the inverters for the project will be located, as well as the setbacks, to which Yang clarified the location of the inverters and showed the setbacks that are included with the presentation.

A member questioned if the Prevailing Wage Act will be followed, to which Yang indicated that the Prevailing Wage Act will be followed.

Yang stated that it would be followed.

The floor was open to the public.

Courtney Preidis questioned the benefits of local homeowners, to which Yang stated that the project will benefit ComEd users and low to moderate income homeowners. Preidis questioned what studies have shown regarding local home equity or taxes, effects of local wildlife, and neighboring impact of health to the neighboring residents and pets. Yang indicated that studies show that local home equity and taxes are not affected, that she does not have any information regarding the affects of wildlife, and that there are not any studies showing the health affects of neighbors and pets.

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

Alonzo Robert Clay, owner of property, testified to be in support of the project.

Courtney Preidis, testified in objection to this project, stating that there are no benefits, the project is too close to residents, and that the project will be loud and an eyesore.

According to Yang, a comprehensive sound study has been conducted, revealing that nearby residents would experience 38 decibels, which is considered very low. It was noted that the sound study meets the ordinance requirements.

Uphoff gave a closing statement, highlighting the benefits and noted that the project would not be an additional burden.

Motion by Randolph, second by Stock to recommend approval of SU-9-24, SU-10-24, SU-11-24 with the standard conditions of approval. **Motion carried on roll call vote with all ayes. Ayes:** Stock, and Flott, Randolph and Huisman **Nays:** None **Absent:** Kiefer, Turner, Runyon

Other Business:

Huisman reminded the members that the next Heritage Prairie Wind meeting will be July 10, 2024.

Review of Findings of Fact and Decision:

Motion by Flott, Second by Randolph to approve Findings of Facts as written. **Motion carried on roll call vote. Ayes:** Stock, Flott, Randolph and Huisman **Nays:** None **Absent:** Kiefer, Turner, Runyon

Public Comment: N/A

Report of Officers: N/A

General Discussion:

Adjournment:

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

The meeting was adjourned at 7:54 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,

Angie Teske, Zoning Administrative Assistant
Livingston County Regional
Planning Commission