

MINUTES OF THE LIVINGSTON COUNTY
ZONING BOARD OF APPEALS
HELD ON JUNE 6, 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 6:00 p.m.

Roll call was taken.

Members Present: Joan Huisman, Bud Turner, Bill Flott, Joe Stock, and Richard Runyon

Members Absent: Richard Kiefer, Dave Randolph

Others Present: Board Members: Bob Weller, Craig Monson, Gerald Earing; Zoning Administrator Brittney Miller, Executive Director Alina Hartley, Zoning Administrative Assistant Angie Teske, Seth Uphoff (Uphoff Law), Andy Keyt (Heyl, Royster, Voelker & Allen, P.C), Becky Taylor (Livingston County Soil and Water Conservation District), Mark Eppel (applicant), Kiersten Sheets (Trajectory Energy Project Development Manager), Andrew Schad, INCE (Westwood Noise Control & Acoustics Specialist)

Approval of the Agenda:

Chair Huisman called for any amendments or corrections to the revised agenda. Motion by Stock, second by Runyon to approve the revised agenda. **Motion carried on roll call vote.**

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

Approval of Minutes:

The ZBA reviewed the minutes of the May 9, 2024 meeting. Miller highlighted what was amended from the minutes. Chair Huisman requested the minutes be amended to remove the language concerning the amendment of the minutes. Huisman stated that reference to the State's Attorney's memo could remain or could be included as part of the minutes. Discussion took place regarding the content of the minutes as well as the requested amendment.

Motion by Turner, second by Stock to approve the May 9, 2024 the amended minutes as written.

Motion carried on roll call vote. Ayes: Turner, Stock, and Flott, **Nays:** Huisman, Runyon **Absent:** Kiefer, Randolph

Business to be reviewed:

SU-6-24 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 zoning case to the ZBA members.

Mark Eppel, applicant and property owner, explained to the members that the parcel was purchased with the intent to expand his asphaltic business, as well as additional product storage for mixing material at the plant. Eppel indicated that there will not be any additional buildings added to this location.

Eppel clarified that he only purchased 5 of the 115 acres that was indicated on the application.

Eppel was asked if he will be adding an entrance to this new property. He explained that he already had a gated entrance on his existing property to gain access to the new property.

A member reviewed the special use conditions that would apply to this case and he met all of these conditions.

Taylor gave an overview of the Natural Resource Information Report for this case, indicating that this case is a high impact to agriculture.

The floor was opened to the public.

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

SU-7-24 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 zoning case to the ZBA members.

Mark Eppel, applicant and property owner, purchased this parcel with the intent to use as storage for rock and gravel, as well as recycle material for his business. Eppel indicated that a shop and office may be erected in the future.

Discussion was had regarding the previous use of the property as well as fencing the parcel. Eppel noted that the parcel was previously used as a batch plant and is not currently being used as farm land. It was indicated that a fence will surround the parcel.

The floor was opened to the public.

Motion by Stock, second by Turner to recommend approval of SU-7-24, with the standard conditions of approval. **Motion carried on roll call vote with all ayes.**

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

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 zoning case to the ZBA members.

Uphoff gave a brief overview of the project and introduced Kiersten Sheets. Sheets presented the solar farm, highlighting the ordinance requirements and how the project will meet each requirement.

Andrew Schad informed the members that he conducted an assessment of the noise study associated with this project. The study was conducted cumulatively with Junegrass 1 and 2, and complies with all relevant standards and limitations set by the State of Illinois.

Schad noted that Trajectory is requesting a change to the noise complaint procedure process, whereby the Zoning Administrator will request a written document and will determine if the complaint had a reasonable cause to be determined a complaint, and if so, the owner/operator of the project will then inspect the noise levels for 24 hours. After discussion, it was decided that the company may use their requested complaint procedure process, however, will follow the ordinance regarding noise complaints.

A member noted that the vegetative living buffer does not surround the perimeter, as required by ordinance. Sheets stated that the reasoning was due to the fact that a creek runs through the middle, separating Junegrass 1 and 2, and felt that the fencing along Junegrass 1 would be sufficient. It was decided that the living buffer will surround the perimeter of the parcel.

Sheets gave overview of the decommissioning plan for this project with an estimated cost of \$217,384 which is noted in the application provided by the applicant.

Sheets stated that Junegrass 1 is proposed to start 2027 and requested that both Junegrass 1 and 2 start at the same time, however, the ordinance states that special use permits expire after 2 years. The applicant rescinded the request.

The floor was open to the public.

Taylor noted that the NRI report that was conducted for Junegrass 1 was conducted for both Junegrass 1 and 2, and is a high impact for agriculture.

Motion by Turner, second by Stock to recommend approval of SU-8-24, with the standard conditions of approval, standard noise complaint zoning ordinance, expiration date of 2 years, and

vegetative buffer around entire perimeter. **Motion carried on roll call vote with all ayes. Ayes:** Runyon, Stock, Turner, Flott, and Huisman **Nays:** None **Absent:** Kiefer, Randolph

Huisman called for a recess at 7:54. The meeting reconvened at 8:07.

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 gave an overview of the amendment.

The floor was open to the public.

Motion by Runyon, second by Turner to recommend approval of ZT-1-24. **Motion carried on roll call vote with all ayes. Ayes:** Runyon, Stock, Turner, Flott, and Huisman **Nays:** None **Absent:** Kiefer, Randolph

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.

A member requested that the amendment should mirror the state definition and include cats.

The floor was opened to the public.

Motion by Flott, second by Turner to recommend approval of ZT-2-24 as amended. **Motion carried on roll call vote with all ayes. Ayes:** Runyon, Stock, Turner, Flott, and Huisman **Nays:** None **Absent:** Kiefer, Randolph

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, stating that the Regional Planning Commission's intention is to focus on the county's land usage and comprehensive plan, thereby scaling down the types of cases that the Regional Planning Commission will hear.

A member raised a question asking how each case not listed will be determined upon hearing of the Regional Planning Commission, to which Keyt stated that the Zoning Administrator and board will determine what cases are sufficient to be heard by the Regional Planning Commission.

The floor was opened to the public.

Motion by Flott, second by Stock to recommend approval of ZT-3-24 as written. **Motion carried on roll call vote. Ayes:** Stock, Turner, Flott, and Huisman **Nays:** Runyon **Absent:** Kiefer, Randolph

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.

There was discussion regarding the proposed codes and setbacks of airports. It was noted that when determining the setbacks, the Ag/Zoning committee approved a 300-foot setback. Upon discussion, the members requested to change the 300-foot setback to a 500-foot setback, as well as eliminating “walled” from the proposed fencing regulations.

The floor was opened to the public.

Motion by Runyon, second by Turner to recommend approval of ZT-4-24 as amended. **Motion carried on roll call vote. Ayes:** Runyon, Stock, Flott, and Huisman **Nays:** Turner **Absent:** Kiefer, Randolph

Other Business:

V-1-24 Dehm (Review)

This zoning case pertains to the review of a proposed 2 lot subdivision of property located in Section 22 of Pike Township, near Chenoa, IL.

Miller gave an overview of Dehm case, noting that the previously required 30-foot frontage road would cause additional issues and would require other variances. Miller addressed the two easements on the applicant’s plat of survey and indicated that attorney Andrew Keyt reviewed the case. Keyt stated that upon reviewing the case, he determined that an identity of ownership and an easement is sufficient. The ZBA took no action on its’ prior ruling stand.

SU-6-23 – Granite Solar, LLC (Review)

This zoning case pertains to the review of a previously approved special use to allow for the development of a 5 MW solar farm in an AG, Agriculture District located in unincorporated Fairbury.

Due to time restraints, this case was not heard and was tabled until the next meeting.

SU-5-23 – Junegrass Solar, LLC (Review)

This zoning case pertains to the review of a previously approved special use to allow for the development of a 2 MW solar farm in an AG, Agriculture District located in unincorporated Fairbury.

Due to time restraints, this case was not heard and was tabled until the next meeting.

Review of Findings of Fact and Decision:

Huisman requested that a change be made to address the required 30-foot frontage road in V-1-24 conditions of approval.

Motion by Randolph, Second by Turner to approve the amended findings of fact. **Motion carried on roll call vote.** **Ayes:** Runyon, Stock, Turner, Flott, and Huisman **Nays:** None **Absent:** Kiefer, Randolph

Public Comment: N/A

Report of Officers: N/A

General Discussion:

Miller provided the members with a schedule outlining upcoming cases. Additionally, Miller highlighted the need to schedule two dates related to future business matters.

Adjournment:

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

The meeting was adjourned at 9:34 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