

MINUTES OF THE LIVINGSTON COUNTY
ZONING BOARD OF APPEALS
HELD ON AUGUST 8, 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 6:01 p.m.

Roll call was taken.

Members Present: Bill Flott, Joe Stock, Dave Randolph, Richard Kiefer, and Richard Runyon

Members Absent: Bud Turner, Joan Huisman

Others Present: Board Members: Bob Weller, Gerald Earing, Rebekah Fehr, Mike Haag, Jim Carley; 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), Peizhi Yang (TotalEnergies), Bob Clay (landowner), Sidonie Shira (Apex Clean Energy), Julie Russow

Approval of Agenda:

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

Approval of Minutes:

The ZBA reviewed the minutes of the June 27, 2024 meeting. Motion by Stock, second by Runyon to approve the minutes as written. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph, Runyon, and Kiefer **Nays:** None **Absent:** Turner, Huisman

Business to be reviewed:

V-8-24 CS CS Long Point 2A, LLC and V-9-24 CS CS Long Point 2B, LLC

This zoning case pertains to the review of proposed variances to eliminate the living vegetative buffer and fencing on the southern side of a proposed co-located 5 MW solar farm, and the northern side of a proposed co-located 5MW solar farm on approximately 78.24-acre tract of land located in Section 2 of Long Point Township in unincorporated Long Point.

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

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

Peizhi Yang, representative for the applicant, explained that the project will consist of 2 co-located solar farms located on the same parcel. Yang indicated that the applicant requests to eliminate the vegetative buffer and fencing on the northern and southern portion of the proposed solar farms.

The floor was opened to the public.

A member noted that if either of the solar farms do not get built, the variance should be null and void.

Motion by Stock, second by Kiefer to recommend approval of V-8-24 and V-9-24 as presented with a condition that if either solar farm is not built, the variance becomes null and void. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph, Runyon, and Kiefer **Nays:** None **Absent:** Turner, Huisman

SU-12-24 CS Long Point 1, LLC

This zoning case pertains to the review of a proposed special use to develop a 5 MW solar farm on approximately 26.91 acres of a 39.79-acre tract of land in an AG, Agriculture District located in Section 1 of Long Point Township in unincorporated Long Point.

Uphoff proposed the combination of SU-12-24, SU-13-24, and SU-14-24 to be presented and voted on at once, in which Chair Randolph accepted.

SU-13-24 CS Long Point 2A, LLC and SU-14-24 CS Long Point 2B, LLC

These zoning cases pertains to the review of two proposed special uses to develop two co-located 5 MW solar farms on a 78.24-acre tract of land in an AG, Agriculture District located in Section 2 of Long Point Township in unincorporated Long Point.

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

Uphoff introduced Peizhi Yang as the project developer, and Bob Clay as the landowner.

Yang presented the site plan for CS Long Point 1, LLC, highlighting the access road, living buffer, fencing, point of interconnection, fence, equipment pads, inverters, switch boards, and signage.

Yang presented the site plan for CS Long Point 2A, LLC, and CS Long Point 2B, LLC, highlighting the access road, living buffer, fencing, point of interconnection, fence, equipment pads, inverters, switch boards, and signage. Yang stated that the parcel will contain 4 transformers total and will be located in the center of the parcel, separating the solar arrays.

Yang testified that the project will be using agrovoltatics and a pollinator friendly habitat, that the project will have a lifespan of 35 years, and that the noise study complies with the ordinance.

The decommissioning plan was addressed, noting that it came to \$550,000 for each solar farm, with a total of \$1.65 million between all three solar farms.

A member questioned the interconnection agreement status, to which Yang stated that all three solar farms are currently in the queue and will be accepted in late September.

A question was raised regarding CS Long Point 2A, LLC, and CS Long Point 2B, LLC sharing the same inverters and switches, to which Yang stated that each solar farm will have its own inverter and switch, however, they are just located in the same spot.

The floor was opened to the County Board members. A member noted the wooded area located in the site plan and questioned if the same landowner of the solar farms also owns the wooded area, to which Yang stated that the wooded area is owned by a separate landowner.

The floor was opened to the public questions.

Julie Russow questioned the number of panels for all 3 solar farms. Yang indicated that she did not have the particular answer in front of her, however, the application notes the number of panels that each solar farm will have. Russow stated that prior solar farms have indicated that the solar panels have a 15-20 year lifespan and questioned how the solar panels will last 35 years, as previously testified. Yang indicated that the system will be monitored throughout the lifespan and will be replaced as needed. She indicated that the modules should last over 25 years and that the panels should last longer, also noting that the warranty of the panels covers 25 years.

Bob Clay, landowner, testified in support of the project. When a member questioned about the nearby wooded area, Clay clarified that he owns a small portion of the woods and that this specific section will remain unchanged.

Taylor testified regarding the soil information for the subject parcel and determined that this request would be a “High” impact to agriculture. Questions were raised regarding the impact of the soil improving after the project is complete, to which Taylor indicated that the soil is very productive and would remain the same level of productivity.

The floor was open for public testimony.

Uphoff distributed an image from the Livingston County GIS, highlighting the nearby wooded area. This image was intended to provide clarification to the members and serve as evidence.

Uphoff made a closing statement, stating that TotalEnergies will own and operate the solar arrays, that all ordinance requirements are met, and that in the event that CS Long Point 2A, LLC or CS Long Point 2B, LLC is not built, the variance for living buffer becomes null and void.

Motion by Stock, second by Flott to recommend approval of SU-12-24 CS Long Point 1, LLC, SU-13-24 CS Long Point 2A, LLC, and SU-14-24 CS Long Point 2B, LLC as presented with standard conditions. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph, Runyon, and Kiefer **Nays:** None **Absent:** Turner, Huisman

SU-15-24 Rooks Creek Solar, LLC

This zoning case pertains to the review of a proposed special use to develop a 5MW solar farm on approximately 31 acres of a 41.56-acre tract of land in an AG, Agriculture District located in Section 3 of Eppards Point Township in unincorporated Pontiac.

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

Sidonie Shira, representative for Apex Clean Energy, introduced the company and its' goals for the project. Shira presented the site plan of the solar arrays, highlighting the 150 foot setback, vegetative buffer, point of interconnection, fencing, and wetland. Shira indicated that the interconnection agreement with ComEd has been fully funded since May 2023.

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

Shira noted that the landowner had written a letter from the landowner in support of the project. A question was raised if the landowner lives on the parcel, to which Shira indicated that the landowner does not live on the parcel and that the house that is pictured on the site plan is a separate parcel and that the new landowner was recently notified of the solar farm.

The decommissioning plan was addressed, noting that the project will come to \$520,103 subtotal and with salvage, the amount comes to \$619,524.

The floor was open to the public.

Motion by Kiefer, second by Stock to recommend approval of SU-15-24 Rooks Creek with the standard conditions of approval. **Motion carried on roll call vote with all ayes. Ayes:** Stock, Flott, Randolph, Runyon, and Kiefer **Nays:** None **Absent:** Turner, Huisman

Other Business:

Miller informed the members that she has extra copies of the transcripts for the Heritage Prairie Wind Farm hearings.

Review of Findings of Fact and Decision:

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

Public Comment: N/A

Report of Officers: N/A

General Discussion: N/A

Adjournment:

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

The meeting was adjourned at 7:44 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