

MINUTES OF THE CITY OF PONTIAC PLANNING & ZONING BOARD

The City of Pontiac Planning and Zoning Board held a meeting on Monday, February 13, 2022 at 4:30 p.m. in the City Hall Council Chambers to consider the following:

Bundleflower Solar, LLC, petitioner, requests a Special Use Permit for a solar farm in an A-1 District, authorized by Table 4.04.1 of the Pontiac Zoning Ordinance. Petitioner requests a variance from Section 4.06.13(6) to decrease the 1500-foot setback requirement to 100-foot setback. Section 4.06.13(6) states that any solar farm near Route 23 shall be set back at least 1500 feet from nearest right of way line of said highway, and a 1500-foot setback would preclude the development of the Solar Project. Finally, petitioner is requesting to rezone said parcel from a B-3 Business and Wholesale District to A-1 Agricultural District, contingent upon approval and construction of project. The legal description is as follows: LOT 1 OF KELLY SUBDIVISION TO THE CITY OF PONTIAC, COUNTY OF LIVINGSTON, AND STATE OF ILLINOIS, AS SHOWN ON THE FINAL PLAT FOR SAID SUBDIVISION RECORDED AS DOCUMENT NUMBER 2016R-01282, with a parcel number of 15-15-16-426-003.

The following members were present: Tim Fogarty, Paul Giordano, Tim Lewis, Matt Stock, Rick Baier, and Pat Martin. Bill Abraham was absent. Also present were David Wilson from the Building and Zoning Office, Seth Uphoff, attorney for petitioner, Kiersten Sheets, representative for Petitioner, several audience members, and City Administrator, Jim Woolford attended via zoom. With a quorum being present, the meeting began at 4:35 p.m.

Tim Lewis made a motion to approve the minutes from the December 12, 2022 meeting, and with a second from Rick Baier and a unanimous yes vote, the minutes were approved. Julie Russow, (23301 N. 1040 E. Road, Cornell, IL) stood before the Board requesting that tax information in petitioner's presentation be stricken from the record to which Mr. Schrock stated that all information is relevant and will be beneficial or detrimental to any decision making from the Board members. Seth Uphoff, lawyer for petitioner, stood before the Board discussing the reasons for the special use, variance, rezoning request, and mentioned to the Board that the petitioner is asking for a 37 month window to start project, rather than the normal 12 month request. Kiersten Sheets, representative for petitioner, stood before the Board with a presentation about the projected 2-megawatt solar farm. Ms. Sheets stated that of the 29 acres of the land, the 5 acres along 4H Road and Route 23 will not be rezoned and that owners will be able to lease out to whom they see fit. The solar farm project will offer free subscriptions to local residents that will give a 20% discount on utility bills and will power between 300-400 homes, which will save local residents about \$51,000 in total. Mr. Uphoff then asked Ms. Sheets a series of questions regarding the project, stating that all wiring excluding the point of interconnection will be underground, that each panel will not be higher than 20', there will be no lighting, each concrete pad will be about 8x10' and preformed which are easily removed, and that there is no sound coming from the solar panels at the fence line. Ms. Sheets then presented the screening of the fence showing pollinator friendly plants will be

placed to help improve water and soil, reduce erosion, and improve pollinator population. Ms. Sheets then spoke about the project creating a tax revenue increase that is provided by the state law. The solar panels are made of glass and aluminum, which are non-toxic and all lead has been removed. Mr. Uphoff questioned about any battery storage as well as traffic onsite, to which Ms. Sheets stated that no battery storage will be onsite and that all parking will be onsite, with 12-18 employees. Any traffic after the project is finished will be any maintenance and landscaping crew a few times a year.

John Kelly, owner of lot and local business owner, stated that the purpose for the purchase of the land was to move the John Deere dealership to this location to expand, however chose to choose purchase property across from the dealership instead. Mr. Kelly then decided to either continue to farm the area or choose alternate sources, however, since the area is not good farm ground, he chose to look into a project with a better return. Mr. Kelly then stated that he believes that this project will add value to the property and will be a nice site approaching town. Mr. Uphoff then stood before the Board stating that after doing research and studies with accessors and realtors across the nation, it appears that there is no negative impact on property values or marketability.

Paul Giordano then opened comments from the audience, and with no one in favor of the project, Jackie and Justin Fry (14820 East 1830 North Rd., Pontiac, Illinois) stood before the Board strongly objecting the project. Mr. and Mrs. Fry stated that their home is directly across from the project and will be 150 feet from their children's bedrooms and that this project will continue to have a negative impact on their children and family. Mr. and Mrs. Fry stated that studies in Rhode Island and Texas have shown that property taxes increase with properties close to solar farms. Mr. and Mrs. Fry also stated that the greenery that petitioners are recommending will not hide the fence or solar panels and that the solar panels are made with a hazardous chemical and if broken, the rain will wash the chemicals through the ground and impact their well water.

Kyle DeLong (14373 North 1700 East Rd., Pontiac, IL) and local business owner then stood before the Board, stating that this project and other solar projects is a blatant redistribution of tax money and that nearby values will decrease. Mr. DeLong also stated that any statistics mentioned are always one sided and that any research can show statistics for the opposing argument. Mr. DeLong mentioned that solar farms are fire hazards as seen throughout the country. Mr. DeLong wants the Council to think of the residents of Pontiac or allow them to vote themselves, as the principals of the people of Livingston County should be the main concern over making a profit.

Julie Russow (23301 N. 1040 E. Road, Cornell, IL), mother of Jackie Fry, gave a presentation with articles showing the opposition against solar farms. Mrs. Russow showed her concern to the Board on behalf of her family as well as any inconsistencies found in the petitioner's application.

Tom Kerr (603 S. West St. Pontiac, IL), read an article to the Board stating that many solar farms have faced bankruptcy and that petitioner has not commented on any bankruptcies. Mr. Kerr also showed concern over hazardous wastes being put into the ground and rain runoff carrying these wastes into our water.

Amanda Dixon (201 N. Washington St., Graymont, IL), stood before the Board showing concern over the lack of proof of nontoxic chemicals and any future hazards.

Kia Whitney (28837 N. 1500 E. Road, Blackstone, IL), stood before the Board with concern about the future of the children and grandchildren. Ms. Whitney stated that the “green” movement that is being pushed does more damage than good.

Jodie Luss (325 Nelson Rd., Morris, IL) questioned the Board if anyone would like a solar farm in their backyard.

Linda Drach (302 Carol Ct., Pontiac, IL) spoke about her concern with the government increasing levels of exposed toxicity and cancer-causing hazardous materials. Ms. Drach stated that although no one can be sure how detrimental the toxicity is right now, but in the future, children today will be the ones to suffer.

Mr. Uphoff stood before the Board with a rebuttal, showing the Board research he has found that opposes the audience’s theories. These will be attached with the Minutes. Mr. Uphoff also stated that as Mr. Kelly’s property rights as an owner, the audience cannot dictate what Mr. Kelly does with his property.

Jason Dixon (201 N. Washington St., Graymont, IL) stated that homeowners do not have true property rights in the nation as intended by the Founders, as homeowners have to pay taxes and that the government can take away the property if taxes are not paid. Mr. Dixon also stated that everyone has a right to speak and be heard, as anyone can do their own research and be educated on a subject.

Helen Capko (7551 East 2550 North Rd., Cornell, IL) questioned the integrity of the experts, as these experts are likely progressives and are pushing the “green” agenda. Mrs. Capko also stated that America is supposed to be governed by the common folk and that it is up to the common folk to change the government.

Julie Russow was appointed to be the final speaker for closing statements. Mrs. Russow thanked the Board for listening to any comments and concerns. Mrs. Russow stated that the residents of the City were shocked that the City would consider such a project, and asked the Board to read over the petition that she has provided. Mrs. Russow also stated that a petition in favor of the solar project was not shown and that no one was in the audience in favor of the project.

Alan Schrock read the objection letters that were provided to the City from Jackie and Justin Russow, Marty Hatzler, and read aloud that email response that was given to Marty Hatzler from Brittney Miller. Mr. Schrock also stated to the Board that the Board's duty is to focus on the variance, special use permit, and rezoning. Mr. Schrock also stated to the audience that the Board does not get to make the final decision and that the Planning Commission Board is a neutral entity and solely focuses on the zoning ordinances. With discussion within the Board, Pat Martin made a motion to the City Council to deny the variance, special use permit, and rezoning, as a solar farm in the area would be an eyesore to the area coming into town from Route 23. With a second from Matt Stock, one no vote, and 5 yes votes, the motion was approved.

With no further discussion, Tim Lewis made a motion to adjourn the meeting and with a second from Pat Martin, and a unanimous vote, the meeting was adjourned at 7:11 p.m.

Minutes written and submitted by

Brittney Miller
Building and Zoning