

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: April 5, 2018

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Ryan Elwell, Debra Griest, Marilyn Lee, Brad Passalacqua

MEMBERS ABSENT: Jim Randol

STAFF PRESENT: Susan Burgstrom, Lori Busboom, John Hall

OTHERS PRESENT: Shawn Walker, Kara Walker, Kiley Wolken, Bernadette Tiemann, Kathy Schindler, Marty Wilson, Rob Keller, Dan Weisman, Teri Weisman, Elise Doody, Christine Walsh, Sue Schwartz, Rebecca Sinkes, Rich Rutherford, Christ Hitz, Aaron Esry, Shari Hensch, Bill Hensch, Jeremy Ruhter, Colleen Ruhter, Charles White, Larry Brand, Jim Nonman, Jeff Snodgrass, Nellie Snodgrass, Jeff Justus, Erica Justus, Mark Catron, Tannie Justus, Mary A Sigler, Becky Bennett, Tim Osterbur, Jeff Evosovich, Rich Walden, Cory Willard, Marcia Riggs, Ted Hartke, Marc Miller, Robert Mumm, Jane Mumm, Mary White, Leroy Schluter, Andrew Moore, Todd Short, Jerry Young, Chris Bromley, Michael Bryant, Joseph White, Matthew Herriott, Mike Wishall, Annette Wishall, Tiffany McElroy-Smeltzer, Steven Herriott, Daniel Herriott, Richard Samson, Irma Samson, Jim Rector, Patsi Petrie, Floyd Barbee, Jennifer Jensen

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present, with one member absent.

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath.

She noted that no additional copies of the Supplemental Memorandums are available for the audience tonight, although they are available for viewing on the Champaign County website. She said that if someone would like a hard copy of the Supplemental Memorandums, they should contact staff with their address and

1 they will be mailed to you tomorrow, or you can visit the Department of Planning and Zoning office after
2 10:00 a.m. to pick up a copy personally.

3 **3. Correspondence**

4
5 None

6
7 **4. Approval of Minutes**

8
9 None

10
11 Ms. Capel noted that only 33 people have signed the attendance sheet, although there are certainly more than
12 that present tonight. She requested that anyone present tonight sign the attendance sheet.

13
14 Ms. Capel requested that the audience either turns off their cell phones or places them on silent so that there
15 are no interruptions during the public hearing. She requested that any conversations between audience
16 members be taken outside of the meeting room so that the public hearing is not disturbed and the audio tape
17 does not pick up the conversation as background noise. She said that minutes are transcribed from the audio
18 tapes and if staff cannot clearly hear the testimony and Board discussion, the minutes will not be accurate.

19
20 Ms. Capel requested that Mr. Hall provide an overview and background regarding the text amendment, and
21 why these public hearings are necessary regarding Case 895-AT-18.

22
23 Mr. John Hall, Zoning Administrator, stated that towards the end of 2017 he received serious inquiries
24 regarding Champaign County’s regulations related to solar farms. He said that there are no standards for
25 solar farms at this time, and given the number of inquiries that he had in January 2018 he proposed to the
26 Environment and Land Use Committee (ELUC), which is the committee that deals with land use issues, to
27 amend the Champaign County Zoning Ordinance. He said that he presented a draft version of the ordinance
28 to ELUC at their February meeting, although they did not have enough time to consider what was proposed
29 but they did believe that it was valid enough to proceed with the public hearing and authorized it to move
30 forward to the Zoning Board of Appeals (ZBA) for consideration. He said that this public hearing began on
31 March 1st and he naively thought that the public hearing could be finished by March 29th, but that did not pan
32 out. He said that with the receipt of zoning cases, this Board has through the month of April to complete
33 Case 895-AT-18, but the Board should not fill rushed at the end of April if they are not finished with this
34 case. He said that the Board has plenty of time to put together a good amendment, and at this point staff has
35 received five solar farm applications for Champaign County and he anticipates receiving more. He said that
36 after this the ZBA makes their recommendation the case will be forwarded to ELUC for review the proposed
37 amendment and either affirm the recommendation by the ZBA or send it back to the ZBA. He said that if
38 ELUC does not send the proposed amendment back to the ZBA, the proposed amendment will stay at ELUC
39 for one month so that municipalities have a chance to comment on it, but that is only a month and given the
40 kind of business that municipalities must deal with in one month is kind of rushed, although it should not be
41 a surprise to anyone. He said that in June, given the new schedule, he hopes that the County Board can take
42 action on the proposed amendment. He said that currently, staff has five solar farm cases that have been
43 docketed for public hearing.

44
45 Ms. Capel asked Mr. Hall if the public has additional opportunities to present input after the proposed
46 amendment leaves the ZBA.

47

1 Mr. Hall stated that concerned members of the public can certainly attend meetings for ELUC and the
 2 County Board. He said that at both ELUC and the County Board there is only one hour for public
 3 participation, and that one-hour limitation applies regardless of how many issues are on the agenda. He said
 4 that the public will have a chance to speak at two ELUC meetings and at least one County Board meeting,
 5 and then if the public is interested in a particular solar farm, they will have the opportunity to provide
 6 testimony once those public hearings begin.

7
 8 Ms. Capel noted that comments from the public can be emailed to staff at the Department of Planning and
 9 Zoning.

10
 11 **5. Continued Public Hearing**

12
 13 **895-AT-18 Petitioner: Champaign County Zoning Administrator Request to amend the Champaign**
 14 **County Zoning Ordinance as follows: Part A: Amend Section 3 by adding definitions including but**
 15 **not limited to “NOXIOUS WEEDS: and “SOLAR FARM”;** Part B: Add paragraph 4.2.1 C.5 to
 16 **indicate that SOLAR FARM may be authorized by County Board SPECIAL USE permit as a second**
 17 **PRINCIPAL USE on a LOT in the AG-1 DISTRICT or the AG-2 DISTRICT;** Part C: Amend Section
 18 **4.3.1 to exempt SOLAR FARM from the height regulations except as height regulations are required**
 19 **as a standard condition in new Section 6.1.5;** Part D: Amend subsection 4.3.4 A. to exempt WIND
 20 **FARM LOT and SOLAR FARM LOT from the minimum LOT requirements of Section 5.3 and**
 21 **paragraph 4.3.4 B. except as minimum LOT requirements are required as a standard condition in**
 22 **Section 6.1.4 and new Section 6.1.5;** Part E: Amend subsection 4.3.4 H. 4. to exempt SOLAR FARM
 23 **from the Pipeline Impact Radius regulations except as Pipeline Impact regulations are required as a**
 24 **standard condition in new Section 6.1.5;** Part F: Amend Section 5.2 by adding “SOLAR FARM” as a
 25 **new PRINCIPAL USE under the category “Industrial Uses: Electric Power Generating Facilities” and**
 26 **indicate that SOLAR FARM may be authorized by a County Board SPECIAL USE Permit in the AG-**
 27 **1 Zoning DISTRICT and the AG-2 Zoning DISTRICT and add new footnote 15. to exempt a SOLAR**
 28 **FARM LOT from the minimum LOT requirements of Section 5.3 and paragraph 4.3.4. B. except as**
 29 **minimum LOT requirements are required as a standard condition in new Section 6.1.5.;** Part G: Add
 30 **new paragraph 5.4.3 F. that prohibits the Rural Residential OVERLAY DISTRICT from being**
 31 **established inside a SOLAR FARM County Board SPECIAL USE permit;** Part H: Amend subsection
 32 **6.1.1 A. as follows: 1. Add SOLAR FARM as a NON-ADAPTABLE STRUCTURE and references to**
 33 **the new Section 6.1.5 where there are existing references to existing Section 6.1.4; and 2. Revise**
 34 **subparagraph 6.1.1 A. 11c. by deleting reference to Section 6.1.1A. and add reference to Section**
 35 **6.1.1A.2;** Part I: Add new subsection 6.1.5 SOLAR FARM County Board SPECIAL USE Permit with
 36 **new standard conditions for SOLAR FARM;** Part J: Add new subsection 9.3.1 J. to add application
 37 **fees for a SOLAR FARM zoning use permit; and Park K: Add new subparagraph 9.3.3 B.8. to add**
 38 **application fees for a SOLAR FARM County Board SPECIAL USE permit.**

39
 40 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign
 41 the witness register for that public hearing. She reminded the audience that when they sign the witness
 42 register they are signing an oath. She asked the audience if anyone desired to sign the witness register
 43 and there was no one.

44
 45 Mr. John Hall, Zoning Administrator, distributed Supplemental Memorandum #7, with attachments, dated
 46 April 5, 2018, to the Board for review. He said that the new memorandum starts out summarizing
 47 communications received since the March 29, 2018, public hearing. He said that on April 2, 2018, staff

1 received an email from Patrick Brown, BayWa-r.e. Solar Projects LLC, (Attachment B) with an attachment
2 regarding a completed sound study by the manufacturer of an inverter that they commonly use. Mr. Hall said
3 that on April 2, 2018, staff received an email from Ted Hartke, (Attachment C) which included his response
4 to testimony given at the last public hearing. Mr. Hall said that on April 3, 2018, staff received an email
5 from Jason Arrasmith, (Attachment D) a Sidney Village Trustee, and his email highlights residents' concerns
6 heard at the Village of Sidney regular board meeting on April 2, 2018. Mr. Hall said that on April 3, 2018,
7 staff received an email from Valerie Hopkins Bernard, (Attachment E) a resident of Philo, who indicated that
8 she is opposed to the allowing solar and wind farms in Champaign County and asked that if they are
9 allowed, that responsible regulations protecting residents and wildlife be approved. Mr. Hall stated that on
10 April 3, 2018, staff received a phone call from Lezli Cline, a Sidney resident, expressing her opposition to
11 any solar farm that seeks to develop on productive agricultural land. Mr. Hall stated that on April 5, 2018,
12 The County Star printed an article by Christine Walsh, titled, *County ZBA to meet about solar farm on*
13 *Thursday* (Attachment G). Mr. Hall stated that on April 5, 2018, staff received an email from Jonathon
14 Manuel, Resource Conservationist with the Champaign County Soil and Water Conservation District,
15 (Attachment H) regarding pollinator friendly grass seed mix. Mr. Hall stated that Ms. Burgstrom requested
16 any known studies regarding solar impacts on soil from Morgan White, University of Illinois Sustainability
17 Coordinator. Ms. White requested a response from Professor Scott Willenbrock, Professor Physics and
18 Provost Fellow for Sustainability at the University of Illinois at Urbana-Champaign. On April 5, 2018,
19 Professor Willenbrock sent a study created for Cypress Creek Renewables by Tim O'Connor, Ecobiologist
20 with Fields of Green, titled "Illinois Soil Conservation and Revitalization Using Native Vegetation"
21 (Attachment I). Mr. Hall stated that due to the concerns regarding separation from adjacent dwellings, on
22 April 5, 2018, Ms. Burgstrom took several photos of the University of Illinois Solar Farm in order to
23 illustrate distance from solar farm equipment (Attachment J). He said that the distance varies depending on
24 the topography and the height of the solar array at any particular solar farm, but staff thought it was
25 important information to provide the Board.

26
27 Mr. Hall stated that the memorandum summarizes testimony from the March 29th meeting, which will be
28 added as evidence under item 16.E.(4) of the Findings of Fact. He said that the Board heard testimony from
29 Cindy Shepherd, Central Illinois Outreach Director for Faith in Place; Colleen Ruhter, 910 CR 2200E,
30 Sidney; Scott Willenbrock, Professor Physics and Provost Fellow for Sustainability at the University of
31 Illinois at Urbana-Champaign; Ted Hartke, 1183 CR 2300E, Sidney; Tim Osterbur, Sidney Township
32 Supervisor, 302 Witt Park Road, Sidney; Jeff Justus, 2155 CR 900N, Sidney; Patrick Brown, BayWa-r.e.
33 Solar Projects LLC; Tim Montague, 2001 Park Ridge Drive, Urbana; Anne Parkinson, 1604C Lyndhurst,
34 Savoy; Drainage Commissioner Ray Griest, 1802 Cindy Lynn, Urbana, who is not a drainage commissioner
35 for any areas where there are pending solar farm applications; and Daniel Herriott, 30 Dunlap Woods,
36 Sidney.

37
38 Mr. Hall stated that at the March 29, 2018, public hearing, the Board had made it clear that they wanted to
39 consider the minimum separations at tonight's meeting; therefore, staff provided Attachment F, as a
40 comparison of separation distances by land use in the Champaign County Zoning Ordinance. He said that the
41 table lists all the required separations for Special Use Permits that are in the ordinance. He said that the table
42 lists all separations by distance, and some are required to be 2,000 feet plus an additional 300 feet from side
43 and rear yards, that only applies to some types of manufacturing special use permits. He said that the wind
44 farm separations are 1,200 feet from non-participating dwellings, and 1,000 feet from participating
45 dwellings. He said that we know that the wind farm separation is intended to mitigate safety, noise, and
46 overall property impacts. He said that there are other separations that a wind farm must abide by that are not
47 included in the table. He said that there is a series of uses that require a separation of 500 feet, some of which

1 requires side and rear yards of as much as 300 feet, and others don't require any additional side or rear yard
2 separation. He reviewed the uses which require the 500 feet separation as follows: penal or correctional
3 institutions requires a 300 feet side and rear yard; public or commercial sewage lagoon requires 200 feet side
4 and rear yard; blast furnace or foundry requires 100 feet side and rear yard; livestock sales facility and
5 stockyards requires 100 feet side and rear yard; sewage disposal plant requires 100 feet side and rear yard;
6 slaughterhouse requires 50 feet side and rear yard are to mitigate odor, noise and appearance, at a minimum.
7 He said that some of these uses were included in the Zoning Ordinance upon adoption and we do not exactly
8 know what impacts these separations were to mitigate. He said an amusement park requires a 500 feet
9 separation and 50 feet side and rear yard; landscape waste facilities, a relatively new use, requires a 20 feet
10 side and 30 feet rear yard; gasoline and volatile oils storage requires additional separation, or screening may
11 be required. He said that major rural specialty business requires side and rear yard and setback to be the
12 same as for the zoning district. He said that at this point, the 500 feet separation for a major rural specialty
13 business is really an insurance policy because it is a very general category and any number of things can be
14 proposed, and most of which probably do not require the 500 feet separation, but most of these separations
15 have been in the ordinance since day one and it isn't real clear as to what was intended. He said that the
16 major rural specialty business was recently adopted in a relatively recent zoning case that is less than 20
17 years old and if staff had time they could see what evidence was provided to justify the 500 feet separation,
18 but staff has not had time to do that since the March 29th meeting. He said that apparently the separations
19 were to mitigate odor, noise and appearance; when staff has time, they could go back and review the zoning
20 case for a major rural specialty business.

21
22 Mr. Hall stated that there is a separation of 300 feet is for a meat, fish, and poultry preparation and packaging
23 and for animal fat and oil manufacturing, with 50 feet side and rear yards. He said that the next class of
24 separations is 200 feet, which includes outdoor commercial recreational enterprise with a side and rear yard
25 and setback the same as the district. He said that for a kennel, the 200 feet separation is for the side and rear
26 yards, but this separation is to the nearest dwelling or residential district. He said that for a truck terminal,
27 railroad yard and freight terminal, the side and rear yard and setback are the same as for the district. He said
28 that for a cemetery or crematory, the separation distance to a dwelling or residential district is 100 feet, and
29 requires a 50 feet side and rear yards. He said that he did not indicate what zoning districts these uses were
30 allowed in but, for example, plastic and rubber manufacturing, petroleum refining and fuel ethanol
31 manufacturing are only allowed in the County's heaviest industrial zoning district (I-2). He said that the use
32 must be in the I-2 district, but it still must be a minimum 2,000 feet plus the 300 feet side and rear yard from
33 the nearest dwelling or residential district.

34
35 Mr. Hall stated that after preparing the table, staff does not find that a solar farm presents the impacts as
36 meat, fish and poultry preparation and packaging, or animal fat and oil manufacturing, because there is no
37 odor, there is some noise, and it is conceivable that some people would not like the appearance of a solar
38 farm and some people believe that there is some impact to property value. He said that if you compare a
39 solar farm to a use like Humko, a business in Champaign that is no longer in operation, a solar farm does not
40 merit the same separation; however, that is a decision for this Board. He said that at the last meeting, the
41 solar farm was to have a 100 feet separation to the property line of a three acre or smaller lot, but staff
42 bumped up the lot size to five acres or less and increased the separation to 200 feet. He said that a large part
43 of the change was because staff realized that there were some participating dwellings within one of the
44 proposed solar farms, which means that someone lives on land where they have agreed to lease to the solar
45 farm and it is on land on which they live. He said that this is similar to the wind farm ordinance, which
46 includes participating and non-participating separations. He said that when staff reviewed for solar farms, it
47 was decided that if you lease with a solar farm on land where you live, no minimum separation will be

1 recommended, except that there must be enough land area kept around the dwelling to meet the minimum
2 zoning lot requirements, which is one acre in the AG-1 district and 30,000 square feet in area in the AG-2
3 district. He said that similar to the wind farm separations, if you are a non-participating landowner, you
4 should have a minimum 200 feet separation from your property line to the fence of the solar farm, which is
5 another new change since the last public hearing. He said that this revision means that separation is to the
6 fence, which automatically means that anything in the solar farm must be on the other side of that fence. He
7 said that if it's a large property with a dwelling on it, larger than five acres, staff is recommending that the
8 minimum separation to the dwelling from the solar farm fence be 250 feet, which is 50 feet greater than the
9 separation to the lot line and it is intended to account for the fact that in the AG-1 district, a house must be
10 no less than 20 feet from the lot line. He said that these two things are not the same, but if you have a home
11 on 35 acres and someone proposes a solar farm next door, the solar farm must be no less than 250 feet from
12 the house and only 10 feet from the property line, around the fields, and that is to ensure that there will be no
13 interference with farming activity. He said that a redundant note has been included indicating the following:
14 additional setback may be required as deemed necessary by the Board, and that should be understood for all
15 the requirements for a solar farm.

16
17 Mr. Hall stated that staff did find some time to work on things like drainage district tile and noise studies for
18 solar farms larger than community solar farms, but staff did not have time to put that information in written
19 form for tonight. He said that he does not want the Board to think that this case is ready for final action
20 tonight, because it is not.

21
22 Mr. Hall stated that an attachment to Supplemental Memorandum #7 is a copy of an article from today's
23 issue of the County Star which summarizes last week's public hearing. He said that the article should be
24 included as a Document of Record for Case 895-AT-18.

25
26 Ms. Lee stated that at the last public meeting, she questioned the distance between the solar farm and
27 dwellings on properties that are greater than five acres in area. She said that page 5 of the new memorandum
28 discusses the separation for properties not participating in the solar farm, and she believes that the same
29 separation for five acres or less should be required for properties that are greater than five acres. She said that
30 the same type of situation with a dwelling being close to the property line could exist on a property that is
31 greater than five acres. She said that there should not be any separation differences between properties that
32 are five acres or less and properties that are five acres or greater, because both properties could have the
33 same situation regarding the proximity of the dwelling to the property line.

34
35 Mr. Hall stated that the side yard for a dwelling in the AG-1 zoning district is 15 feet and the rear yard is 25
36 feet. He said that, regarding the side yard, the proposed amendment provides greater separation to a dwelling
37 on a lot greater than five acres than it requires for a lot that is less than five acres, but that applies only to the
38 dwelling. He said that once you are more than 250 feet to the dwelling it drops to back to the minimum 10
39 feet, and he cannot stress this enough, if this Board sends the proposed text amendment to the County Board
40 requiring a 200 feet separation around properties it will be criticized for wasting best prime farmland. He
41 said that if that is what the ZBA wants to recommend, then that is what the Board should do, but he took a
42 lot of criticism at the County Board for thinking along those same lines. He said that agricultural land, in
43 terms of almost any impact that you could think of, is the same as a solar farm and is an industrial use, and
44 he cannot provide justification for requiring a greater separation.

45 A p
46 Ms. Lee stated that, as Ms. Griest mentioned at a previous meeting, this is some of the best farmland in the
47 world and some of the articles mention that there is a proposed solar farm that is just shy of 1,300 acres. She

1 said that Champaign County has goals to protect best prime farmland and she could see this use in another
2 county that does not have our beautiful flat farm ground; therefore, the other county may be a more
3 advantageous place to locate a solar farm than here in Champaign County. She said that we keep talking
4 about protecting our best prime farmland, but almost 1,300 acres is a huge amount. She said that Ms. Griest
5 previously mentioned a 500 feet separation. Ms. Lee stated that 250 feet is not very far when you consider
6 something that may be on all three sides of a homestead.

7
8 Mr. Hall stated that he understands Ms. Lee's concerns. He said that regarding the use of best prime
9 farmland, we also have a goal indicating that Champaign County wants to encourage renewable energy
10 sources, and the best place for that goal to play out against the best prime farmland goal is at the County
11 Board. He said that he made it explicitly clear to ELUC that this text amendment was coming to the ZBA
12 without requiring the need of a maximum lot size on best prime farmland. He said that this doesn't mean
13 that ELUC is going to support that when it comes back, but it does mean that ELUC was willing for it to
14 come to the public hearing. He said that he does want this Board's concerns about best prime farmland
15 included in the Finding of Fact so that the County Board knows that the ZBA had that concern, and whatever
16 the ZBA wants to recommend to the County Board can be recommended.

17
18 Ms. Lee stated that at the last meeting, Mr. Hall stated that the ZBA did not have to approve or could reject
19 the utility scale solar farms and only approve the community solar farm. She asked Mr. Hall to explain the
20 community solar farm, because they require a lot less acreage. She asked Mr. Hall if the community solar
21 farms are covered under the proposed amendment as well.

22
23 Mr. Hall stated that each community solar farm is 2 megawatts, and as of today, there is a proposal for more
24 than one community solar farm located right next to another. He said that it is conceivable that there could
25 be several community solar farms that together are much larger than any one, so he is not so certain that a
26 given community solar farm is that much different from a larger solar farm, at least in the aggregate. He said
27 that the proposed amendment does indicate that if the highway commissioner, county engineer, IDOT, or the
28 relevant jurisdiction does not feel that there is a need for a road use agreement for a 2- megawatt solar farm,
29 then they can exempt that by providing a written exemption. He said that this is the only difference in this
30 amendment between a community solar farm and a larger solar farm. He said that a community solar farm
31 was intended to provide anyone the opportunity to subscribe to renewable energy and it was restricted to a
32 size of no more than 2-megawatts so that it could have locational flexibility, and the only distribution need is
33 easy access to a three-phase line. He said that community solar farms can go in a lot more places, and the
34 ordinance does not contain any language limiting the number of community solar farms that could be located
35 in any given area; he is not encouraging that and is only pointing it out. He said that in terms of what a ZBA
36 member may see in the future, they will have to ask themselves what the practical difference is between one
37 large solar farm and several community solar farms lumped together. He said that the ZBA can disagree
38 with what the Illinois Power Authority has determined is the state goal regarding a renewable energy
39 portfolio, but if the State of Illinois is going to have a meaningful renewable energy achievement, it is going
40 to have to take advantage of its electrical infrastructure. He said that obviously counties with the population
41 of Champaign County have much more electrical infrastructure than most of counties to the south of here,
42 and unfortunately, we also have most of the best prime farmland, so any individual can indicate that they do
43 not care about renewable energy, but the state is taking a different approach, and what is important here is
44 what approach the County Board wants to take. He said that we do not know what approach the County
45 Board will take regarding solar, but we do know that they were supportive of wind farms, or at least he feels
46 that they were supportive, while others would say that the County Board did everything they could to prevent
47 wind farms other than just prohibiting them, but nonetheless they did adopt wind farm standards. He said

1 that he does not know what the County Board's attitude is regarding solar farms, and that remains to be seen.
2
3 Ms. Capel asked Mr. Hall if the setback on a larger piece of property is 10 feet to the property line.
4
5 Mr. Hall stated yes, after you are more than 250 feet from the dwelling.
6
7 Ms. Capel stated that in her scenario, there is no dwelling, and if someone desired to construct a home on
8 that property, they could not build that home within 250 feet of the solar farm.
9
10 Mr. Hall stated that nothing in the proposed amendment would prevent that, and the property owner would
11 live with that separation.
12
13 Ms. Capel stated that it would be the property owner's choice.
14
15 Ms. Griest stated that it was previously mentioned that there were five pending applications. She asked Mr.
16 Hall to indicate the total acreage involved in those five applications. She said that the Board has heard that
17 there are 1,299 acres involved in the one application, but what is the total for all five applications.
18
19 Mr. Hall stated that the area in total inside the fence of those farms is not more than 1,400 acres.
20
21 Ms. Griest asked Mr. Hall if the 1,299 acres that has been referred to is inside or outside of the fence.
22
23 Mr. Hall stated that it is outside of the fence.
24
25 Ms. Griest asked Mr. Hall if the fence is going to go on ground that is currently in farm production;
26 therefore, they will be taking land out of production on both sides of the fence. She asked how many acres
27 are being taken out of production, and what is the difference in acreage that is required to be set aside in the
28 setback from 100 feet to 500 feet. She said that there are two areas in the County that are the only potential
29 areas for these type of projects, and Sidney is one of those locations. She said that she would like to see
30 calculations regarding how much land would be involved in order to achieve the required setback so that she
31 can address the County Board's concern about wasting best prime farmland with the setback, but to do that
32 she needs to know what is the difference. She said that she understands that it is 400 feet in one straight line,
33 but what is it in total acreage, because she doesn't believe that it is that much in total acreage.
34
35 Mr. Hall stated that Ms. Burgstrom prepared an analysis for that, but it was not distributed and frankly, the
36 Board was lucky to receive the memorandum that they did, as it came off the press at 5:00 p.m.
37
38 Ms. Burgstrom stated that she does not have the analysis with her tonight, but it was a relatively small
39 amount of land. She measured looking at 100, 200, and 500 feet separations and the additional acreage
40 between the lot line of a residence and 500 feet was approximately 150 acres.
41
42 Ms. Griest stated that what is proposed is not 500 feet from the lot line, but from the dwelling.
43
44 Ms. Burgstrom stated that the 500 feet was a worst-case scenario, and the 100 feet was in the teens for
45 acreage.
46
47 Mr. Hall stated that the current separation is 200 feet from the lot line.

1
2 Ms. Griest stated yes, for lots that are five acres or less.
3
4 Ms. Lee stated that the separation is only 10 feet when the parcel is larger than five acres.
5
6 Mr. Hall stated that within 250 feet of the dwelling it is 250 feet.
7
8 Mr. Passalacqua stated that he appreciates the photographs that were taken at 250 feet and it illustrates to
9 him that 250 feet is not far enough away from a dwelling.
10
11 Mr. Hall stated that the handout was successful.
12
13 Ms. Griest agreed, and she recommended that the handout be provided to the County Board during
14 discussions of wasted space.
15
16 Mr. Hall asked the Board, with the 200 feet separation, what would be the best landscaping between a
17 neighbor and the solar farm. He said that he believes that the best landscaping would be to keep that area in
18 production, but that is the decision of the solar farm and the farm owner, and he is not recommending that
19 the ZBA require it, although if the separation were 500 feet, he would not see why the area would not be
20 kept in production.
21
22 Ms. Capel stated that it would not be wasting best prime farmland.
23
24 Mr. Passalacqua stated that the Board was provided valuable information from a scientist indicating that the
25 planting of native grasses is the best way to preserve the soils, so perhaps there will be 500 feet of native
26 grasses.
27
28 Mr. DiNovo stated that currently we have a provision with respect for screening that allows for the developer
29 to enter into an agreement with the landowner in lieu of meeting the County's specified screening
30 requirements. He asked Mr. Hall if he sees any reason why a waiver could not be allowed if the developer
31 and the landowner negotiate an agreement on separation distances. He said that one way of allaying the
32 Board's concerns is if the developer wants to use the land more efficiently and they are willing to cut a check
33 to the homeowner and the homeowner is willing to take that check in lieu of the separation, then it is a win-
34 win.
35
36 Mr. Passalacqua asked Mr. DiNovo to explain how this situation works when the dwelling changes hands.
37
38 Mr. DiNovo stated that if the current owner agrees to diminish the value of the property by accepting a check
39 from the developer, then that is their choice. He said that the person entering into the agreement with the
40 developer, and who ultimately sells the house, will be the person who absorbs any loss that occurs. He said
41 that it is up to the current owner to decide what is their best option.
42
43 Mr. Hall reminded the Board that all the requirements for a solar farm are subject to a request for a waiver;
44 nonetheless, the Board could include that language, because down the road when someone does request a
45 waiver, the Board should determine why they should approve that waiver.
46
47 Mr. DiNovo stated that the Board could sit here and guess what the best arrangement is for the landowner,

1 but if we could allow for them to do something else that they like better, then that is better for the landowner
2 than having them live with this Board's best guess.

3
4 Ms. Capel stated that if the setback were 500 feet, the screening requirement would probably change.

5
6 Mr. Hall stated that staff did not recommend any change to the screening requirement, because some people
7 might prefer having a permanent screen from 480 to 500 feet away, and maybe they are not too concerned
8 about the other 480 feet, but he does not know. He said that staff thought that they had made screening a
9 minimum and so staff was only dealing with the separation, but obviously the two are interrelated, and one
10 could imagine some kind of scheme where the separation is part of the screening. He said that he does not
11 want to make this any more complicated than necessary. He said that he is heartened that one of the Board
12 members does not feel that 250 feet of separation is not enough, which puts the solar farm in the same class
13 and animal fat and oil manufacturing.

14
15 Mr. Passalacqua stated that the representative from the solar farm does not want to be compared to anything
16 else, and he is not comparing it to anything else.

17
18 Ms. Lee stated that for the next meeting, she hopes to provide information regarding how much best prime
19 farmland is being taken out of production each year. She said that she asked for permission to obtain this
20 information and she believes that the United States Department of Agriculture Farm Service Agency
21 (USDA-FSA) would be the best agency to assist her with this information. She said that there are articles
22 indicating the amount of increased crop production necessary to feed the world in 20 to 50 years, and even
23 though she cannot guarantee that she will have this information for the next meeting, the information is
24 available.

25
26 Mr. Elwell asked Mr. Hall to indicate how high the vegetation would be if native grasses, bushes or
27 evergreens are planted. He said that with the 250 feet separation, he is still seeing through the fence and
28 seeing all the solar arrays, whereas, if there was 6 feet of vegetation, the perspective might change.

29
30 Mr. Hall stated that the document from Scott Willenbrock (Attachment I) indicates native species. He said
31 that the species they are reviewing in the document are not over three feet tall.

32
33 Ms. Capel stated that those plant species are for underneath the solar arrays.

34
35 Mr. Passalacqua stated that his bluestem grows over eight feet.

36
37 Mr. Hall stated that staff was thinking that around the fence, taller species would be planted that are expected
38 to grow up to seven feet tall, but you must work hard to get a good stand of those plant species. He said that
39 no one knows, but there could be a good seed bank out there, and once the species are established, they
40 should grow to be seven feet tall. He said that all the solar applications that staff has received are the single
41 axis tracking panels, which have a maximum height of eight feet and at noon they are presumably not over
42 four or five feet tall. He said that another change indicated in the new memorandum is that these separations
43 are for installations where the panels are not more than eight feet tall.

44
45 Mr. DiNovo stated that the areas with the prairie grass will have to either be mowed or burned on a regular
46 basis, so in order to have a continuous screen present, there will have to be two parallel strips of grass that
47 could be mowed or burned during alternate years, otherwise there will be large periods of the year where

1 there is nothing there. He said the greater separation distance may accommodate that, but you are not going
2 to have constant screen with one grass strip.
3
4 Mr. Hall stated that staff is open to suggestions from the Board on how to change that.
5
6 Mr. Passalacqua stated distance makes the heart grow fonder.
7
8 Ms. Griest stated that there was discussion about leaving the buffer around the dwellings in production so
9 that best prime farmland is not being wasted. She said that as we all know, corn grows much taller than
10 many of the buffers that are proposed, but the corn and soybeans that are typically planted in this area would
11 serve as an adequate alternative to prairie grass. She said that corn and soybeans would not provide year-
12 around buffering, but if the separation was large enough to where it made farming those tracts feasible, then
13 perhaps those crops would serve as an adequate buffer and could serve as an option for the Board regarding
14 screening when considering any types of waivers or specifics regarding buffers.
15
16 Mr. Hall stated that he assumes that by keeping 200 feet or 500 feet buffers in production, there is a cost for
17 that, because it will be more expensive to farm than farming a 160-acre field. He said that many times, a
18 wide expanse of cropland is what neighbors planned to look at in the first place.
19
20 Mr. Passalacqua stated that it also falls into one of the Board's premises regarding the general characteristics
21 of the district in which it is located. He said that farmland production is what the neighbor expected when
22 they moved into the area.
23
24 Mr. Hall cautioned the Board against any 500 feet separation. He said that in the new memorandum, Ms.
25 Burgstrom recounted the three counties in Illinois which have a 500 feet separation, and one county is happy
26 with their 500 feet separation; one did not reply to staff's inquiry; and one county, Knox County, is in the
27 process of reducing their 500 feet separation to 100 feet, because a solar farm decided not to locate there due
28 to the required 500 feet separation, at least that is what staff was told, but staff cannot confirm it.
29
30 Mr. Passalacqua stated that the Board pushed hard for the 1,200 feet separation for the wind farms, and the
31 public indicates that 1,200 feet is not enough.
32
33 Mr. Hall asked Mr. Passalacqua why he would say that 1,200 feet is not an adequate separation for the wind
34 farms.
35
36 Mr. Passalacqua stated that complaints have indicated such.
37
38 Mr. Hall stated that staff has not received one complaint regarding the wind farm located in Champaign
39 County.
40
41 Mr. Passalacqua stated that the Board has received testimony indicating that the 1,200 feet separation is a
42 problem.
43
44 Mr. Hall stated that the Board received testimony from a person who resided by a wind farm in Vermillion
45 County, and testified that the required separation was a problem.
46
47 Ms. Capel asked the Board if there were any additional questions for Mr. Hall.

1
2 Mr. Elwell asked Mr. Hall if the 500 feet separation would make it more cost effective for the landowner to
3 keep that area in production. He said that it cannot be very convenient for the landowner to farm a 250 feet
4 strip.

5
6 Ms. Griest stated that it comes down to the size of the equipment owned by that landowner. She said that
7 many of the larger farming operations and their chemical and fertilizer companies have extremely large
8 equipment that requires more area to operate and turn around in. She said that there will be more end rows
9 for the area and generally, end rows are less productive, thus the landowner's yield will decline. She said
10 that there are probably several farmers in the audience that could provide more information regarding the
11 required area to operate today's equipment. She said that if a landowner is a specialty farmer who grows
12 fruits and vegetables, then the 500 feet would be an ideal tract for them, but with industrial row crop
13 farming, the 500 feet will be challenging with large equipment.

14
15 Ms. Capel asked the Board if there were any additional questions for Mr. Hall, and there were none.

16
17 Ms. Capel stated that the Board would begin taking public testimony. She said that she would first call
18 witnesses that have not previously provided testimony regarding this case. She requested that testimony not
19 be repeated, and if a witness has a written document, they do not have to read it to the Board, but could
20 summarize their statement. She said that the written statement should be submitted to the Board as a
21 Document of Record, and the Board will read the entire statement when it is included in their next mailing
22 packet. She said that Board is working on the ordinance only, and no solar application has been presented to
23 this Board for the Sidney area; therefore, if the witness is concerned about the proposed Sidney solar farm,
24 the Board would appreciate it if testimony is provided in general to all solar farms, as opposed to just the
25 proposed Sidney solar farm.

26
27 Ms. Capel called Cory Willard to testify.

28
29 Mr. Cory Willard, who resides at 503 S. David, Sidney, stated that he sat on the Board for the Village of
30 Sidney for six years, and his concerns related to solar farms are not only towards the Village of Sidney, but
31 for all areas in Champaign County. He said that he was on the Board for the Village of Sidney, and people
32 had to jump through hoops in order to build within one and one-half mile of Sidney. He said that the
33 fertilizer plant and residents that only wanted to construct their home had to jump through hoops, although
34 the Village of Sidney is being told that this is not the case for an industrial solar farm. He said that he
35 considers a proposed solar farm to be an industrial complex, and both the Village of Sidney and Champaign
36 County have given a lot to the electrical grid and at night you cannot see stars, because it looks like a factory
37 exists on the east side of town and the substation is lit up better than some of the factory areas located in
38 Champaign and Urbana. He said that a proposed solar farm near Sidney is a huge concern for Mr. Willard,
39 his wife and his children, because they moved to Sidney to raise their children and to have the rural life. He
40 said that the issue that he has regarding solar farms in Champaign County is that, per the direction of the
41 Board, urban sprawl is coming and everyone deals with it, but you cannot build a home without having 3 to
42 5 acres, which for 1,300 acres is 260 homes, yet one entity can come in and propose to just wipe that out
43 without much public comment from the people who are directly affected by the eyesore or industrial
44 complex. He said that he is no expert, but Champaign County has given a lot to the grid system, because we
45 have as many highline poles and high-tension delivery lines that he can think of anywhere else close, and
46 you don't see as many arteries feeding into the grid as what Champaign County has currently. He said that
47 the Village of Sidney just happens to be in the center of this, and there is another substation near Kansas,

1 Illinois, and there is hardly anything down there. He said that he is not wishing this type of industrial mess
2 on the people of Kansas, but he is asking the Board to receive the testimony from his friends and neighbors
3 of Sidney and other people from Champaign County regarding the proposed use. He said that there is a
4 reason that Mr. Hall's office has been inundated with applications for solar farms, because the solar farm
5 companies see Champaign County as being easy for the picking due to the weakness in our current
6 ordinance. He said that there will be pro's and con's regarding wind farms; Sidney residents can see the
7 current wind farm in Champaign County and can view the blinking lights every night. He said that there are
8 issues with the wind farms, but the setbacks for solar farms and the proposed industrial solar farm complexes
9 are less than those for the wind farm. He asked Mr. Hall if the decibel rating requirement is less than the
10 wind farm.

11
12 Mr. Hall stated that the decibel rating requirements are the same as the wind farm.

13
14 Mr. Willard asked if the solar farm developers would have to guarantee that.

15
16 Mr. Hall stated that they will have to provide engineering documentation, and then they will have to
17 guarantee it.

18
19 Mr. Willard stated that he is concerned about what happens when the government money runs out. He said
20 that it is his understanding that once a solar farm is constructed it will be sold to someone else; therefore, the
21 developer will pillage our community, build the solar farm, and move on to the next area. He said that the
22 residents have taken their monetary investments to bring their families to these communities and this county.
23 He said that his great-great grandfather was one of the founders of Champaign County, and he did not stop
24 here because the horse died and he did not want to pull the wagon, but stopped because of the productive
25 farmland and the opportunities that he saw for this County. He said that for his village and many of the other
26 communities, the setbacks that are in the proposed ordinance will hobble them, and it may not be within the
27 next ten or fifteen years, but there will only be highlines and nothing else. He said that they will have to tell
28 their children that they should have been here when it was a great place to be in twenty years ago. He said
29 that he is concerned that the solar farm developers do not desire to escrow enough money to clean up the
30 solar farm at the end of its term, and that does not sit well with him. He said that if they issue a performance
31 bond, that bond is useless if the company goes defunct; therefore, it is just another surrender in his village's
32 backyard. He said that he has trust in the Board members and he believes in this process.

33
34 Ms. Capel asked the Board and staff if there were any questions for Mr. Willard, and there were none.

35
36 Ms. Capel called Leroy Schluter to testify.

37
38 Mr. Leroy Schluter, who resides at 8 Wesley Court, Sidney, stated that he is a trustee for the Village of
39 Sidney. He thanked the Board and staff for allowing public comment tonight. He said that he is one of
40 seven trustees for the Village of Sidney, and most of the members of the audience are from the Sidney area.
41 He said that the Village of Sidney had a Board meeting this past Monday night and a letter from Jason
42 Arrasmith, Village of Sidney Trustee, dated April 3, 2018, was included as an attachment to the new
43 memorandum. Mr. Schluter stated that most of his concerns were addressed in Mr. Arrasmith's letter,
44 although he is disappointed in the fact that the Village of Sidney had meetings in March and April, and there
45 was no representation from the Baywa-r.e. company to address the concerned residents of the Village of
46 Sidney or Sidney Township. He said that he would have thought that a company who intends to construct a
47 project consisting of 1,300 acres would have had some representation at the Village of Sidney's Board

1 meeting. He said that the Village of Sidney Board meeting had a full crowd in attendance and it was a
2 standing room only situation. He said that the Village of Sidney Board of Trustees did a non-binding vote to
3 see how many trustees were in favor of the project, and of the five of the seven trustees present, all five
4 voted in opposition of the proposed project. He said that Chuck White, Village of Sidney President, asked
5 the members in the audience if anyone was in favor of the proposed project, and not one hand was raised in
6 favor, and it was a unanimous disapproval of the pending project.
7

8 Mr. Schluter stated that he understands that the way the proposed ordinance is written, the Village of Sidney
9 has no jurisdiction within one and one-half miles of the village regarding the solar farm. He said that the
10 Village of Sidney trustees feel that regardless of whether it is a wind farm, solar farm, hog farm, trucking
11 operation, slaughter house, or whatever, that they should have a say about what goes in that area. He said
12 that the proposed solar farm would provide zero income for the Village of Sidney.
13

14 Ms. Capel stated that most of the testimony that Mr. Schluter is providing had to do with a specific solar
15 farm and the time for that testimony is when the Board has that permit application in front of them, and now
16 is not that time. She asked Mr. Schluter to voice his concerns in a general way that could help the Board
17 create an ordinance.
18

19 Mr. Schluter stated that the Village of Sidney and its constituents are concerned about the noise levels, and if
20 a solar farm will be constructed near Sidney, they request the noise be kept at 39 dBA or less. He said that
21 they are also concerned about the effects of a solar farm regarding property value, village growth, and
22 decommissioning after the life of the solar farm. He said that he and most of the people present tonight
23 come from an agricultural background and they are all concerned about a proposal that would take 1,300
24 acres of the best farm ground out of production, and this will not only be in Champaign County or the State
25 of Illinois, but in the world.
26

27 Ms. Capel asked the Board and staff if there were any questions for Mr. Schluter, and there were none.
28

29 Ms. Capel called Elise Doody-Jones to testify.
30

31 Ms. Elise Doody-Jones declined to testify.
32

33 Ms. Capel called Charles White to testify.
34

35 Mr. Charles White, who resides at 309 S. Bryan St., Sidney, stated that he is the Village of Sidney's
36 President. He said that Mr. Schluter voiced many of the Village of Sidney's concerns regarding a proposed
37 solar farm being so close to town, and the Village of Sidney not having much input on what is going on. He
38 said that one of the memorandums mentioned the concerns of the people who reside near Sidney and how
39 they do not want it in its proposed location. He said that the same memorandum included testimony
40 indicating that the proposed solar farm would provide benefits to Sidney because it would be a tourist
41 attraction. He asked the Board to indicate how many would drive through Sidney to see a tourist attraction,
42 or a solar farm, and he would guess that none of the Board would do so.
43

44 Ms. Capel asked the Board and staff if there were any questions for Mr. White, and there were none.
45

46 Ms. Capel asked the audience to keep their applause to a minimum as it impedes the audio for the
47 transcriptionist.

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Ms. Capel called Michael Bryant to testify.

Mr. Michael Bryant, who resides at 21 South Scarborough Court, Sidney, stated that he realized that he had sat in the audience for over one hour listening to testimony and realized that he has no idea who he is addressing when he presents his testimony. He said that it is his understanding that the Board members are part of the County Board.

Mr. Hall stated that the audience is addressing the Champaign County Zoning Board of Appeals, not the County Board, and each Board member has a nameplate sitting in front of them.

Mr. Bryant appreciated the information, and if he was sitting in the middle of the room he would have seen those nameplates, but he is not.

Ms. Griest stated that the Champaign County Zoning Board of Appeals (CCZBA) member information is listed on the Champaign County website. She said that the CCZBA information is on the website so that the public knows who the members of the CCZBA are, the township where they reside, and their contact information.

Mr. Bryant stated that he is not familiar with this process, but he has a family and he has concerns. He said that his home would be located approximately 500 feet from a proposed solar plant. He said that he disagrees with the term, “solar farm,” because a farm would indicate that a product is planted and grown in the earth and harvested. He said that he would like to be notified when someone can go to a grocery store and purchase what is harvested from a solar farm. He said that he does not understand everything about this process, and he is sure that if he is wrong during his testimony that it will be pointed out to him, but what he is asking is that the CCZBA and the County Board allows each city or village to decide what is in their own best interest. He said that he does not believe that the Village of Sidney or its residents believe that having a solar plant or transmission line, or electrical grid, should be located within one and one-half mile of their boundary without obtaining the Village of Sidney’s permission. He said that he would say that the CCZBA members are probably a lot smarter than he is about these things, and that the CCZBA is able to write the ordinance so that each city and village could choose whether they want a solar plant in their back yard, or whether he wants it next to his pool, or whether he wants his kids to play near it. He said that when you live in the rural areas with no obstruction, you can hear a dog bark that is 500 feet away, and that is what he has currently, and hearing dog bark is not anywhere near what he believes his family will be hearing from the proposed solar panels. He said that CCZBA may have scientific evidence from someone who discredits his belief, but all he is asking for this Board to do, is realize that each town in Champaign County should have rights, at least that is what he grew up believing. He said that if the CCZBA decides to overrule and overtake those rights, then it will be up to the CCZBA, but he is asking that the CCZBA not do that and allow the city and villages to decide what is done within their one and one-half mile. He said that if a solar farm plant wants to build outside of a city or village’s jurisdiction and they want to put it within 10 inches of a property line, then that will be the CCZBA’s decision, but he is asking the Board to honor the Village of Sidney and all other cities and villages in Champaign County as equals.

Ms. Griest asked Mr. Hall to review the state statute regarding why some municipalities have those one and one-half jurisdictions, and others do not, based on their incorporation. She asked Mr. Hall if the Village of Sidney would have protest rights for a special use permit proposed within their one and one-half mile jurisdiction.

1
2 Mr. Hall stated that no one has protest rights on a special use permit anywhere in Champaign County.

3
4 Ms. Griest asked Mr. Hall if Champaign or Urbana could protest a special use permit for a solar farm within
5 their one and one-half mile jurisdiction.

6
7 Mr. Hall stated no.

8
9 Mr. DiNovo stated that is not a matter of Champaign County policy, but under state law, a county cannot
10 delegate its authority to other units of government.

11
12 Mr. Hall stated that anytime there is a special use permit within one and one-half miles of a municipality,
13 staff sends a notice to that municipality. He said that staff rarely receives comments, but they are always
14 given the opportunity to submit them. He said that anyone who believes that receiving special use permit
15 approval from the Champaign County Board is not jumping through hoops has never tried to receive
16 approval from the County Board for anything. He said that this is a significant hoop to try to jump through.

17
18 Ms. Griest stated that this process is just a phase for getting an ordinance on the books, and the special use
19 permit phase, in her opinion, is much more onerous on the applicant than this part of the process. She said
20 that the CCZBA listens to a lot of testimony on each and every special use case, and the Board can be very
21 specific on each of those special use cases.

22
23 Ms. Capel stated that this is when the Village of Sidney will have the opportunity to provide their comments
24 regarding a special use permit. She said that notice would be mailed to the Village of Sidney regarding a
25 proposed special use permit for a solar farm that is within their one and one-half mile jurisdiction.

26
27 Mr. Bryant stated that he is pretty sure that he just heard this Board indicate that, as a citizen, he does not
28 have the right to protest. He asked the Board if he is correct.

29
30 Mr. DiNovo stated that using the word protest in a technical legal sense, on some kinds of zoning cases, a
31 municipality can enact a protest resolution, which is what he was previously referring to, and if they do, the
32 County can only rezone the property or amend the ordinance with a three-quarter majority of the County
33 Board. He said that this process only occurs with text amendments and map amendments, and does not
34 apply to special use permits. He said that citizens can write letters, call their elected officials, and attend
35 meetings all that they want, but whether that action triggers the requirement for a three-quarter majority vote
36 by the County Board, only applies to certain types of zoning cases.

37
38 Mr. Hall stated that Mr. Bryant should encourage Mr. White and the other trustees that if what we have
39 heard tonight is true, then as soon as this amendment is referred to ELUC, the Village of Sidney's Board
40 should issue a letter of protest to the text amendment, which will trigger the requirement for a three-quarter
41 majority vote by the County Board, which he believes is 17 out of 22 Board members, and they would have
42 to approve it or it would not be put into place.

43
44 Mr. DiNovo stated that these rules are established by the Illinois State Legislature and not Champaign
45 County. He said that the County can only do certain things and the State of Illinois made those rules, not
46 them.

47

1 Ms. Capel called Chris Bromley to testify.

2
3 Mr. Chris Bromley, who resides at 201 Austin Drive, Sidney, stated that his concerns are not just with the
4 Village of Sidney, but for the entire County. He said that he fears that if the one and one-half mile
5 jurisdiction is not honored for the Village of Sidney, the proposed solar farms will be located on the edge of
6 their town, and it will affect property values. He said that solar panels are not glorious to look at, but sunsets
7 are glorious to look at. He asked if the prairie grass that is being proposed around the solar farms will be
8 treated like the, “no mow” zones on campus, because those areas looks like someone just ran out of gas for
9 their lawnmower and they look like garbage. He asked if there is any information which indicates if property
10 values are decreased due to the size of the proposed solar farm, would the developer be required to give the
11 neighbors fair market value for their homes, because this is where they live. He said that there is no value in
12 the proposed solar farm for anyone in the Village of Sidney, or anyone who lives around it.

13
14 Ms. Capel asked the Board and staff if there were any questions for Mr. Bromley, and there were none.

15
16 Ms. Capel called Rich Rutherford to testify.

17
18 Mr. Rich Rutherford, who resides at 319 S. Scarborough, Sidney, stated that what he distributed was the first
19 time that he has seen what is proposed regarding the proposed solar farm near Sidney. He said that the first
20 page indicates the layout proposed for the solar panels, and one thing that is not shown is the Village of
21 Sidney. He said that second page indicates black marker indicating where the solar panels for the proposed
22 solar farm near the Village of Sidney will be located. He said that this map indicates why people are saying
23 that they want the authority within their one and one-half mile jurisdiction; it’s too close to Sidney. He said
24 that the third page indicates where the grain elevators are located, and the large white building that this
25 Board approved years ago is considered an indoor football stadium by the residents of Sidney. He said that
26 next to the white building is his sister’s property and a large tract of land, which is being surveyed for the
27 same proposed solar farm. He asked what is going to keep the proposed solar farm from not getting closer
28 and closer to Sidney after the initial one is approved, because nothing is in the proposed ordinance to stop
29 them, unless there is a range that the developer cannot get into. He said that the photograph on page four of
30 the handout was taken at the corner of the area where the proposed solar farm will be located, and it was
31 muddy that day so he did not want to go into the field, but that is how close the proposed solar farm will be
32 to the Village of Sidney, and that is entirely too close. He said that when the proposed solar farm was being
33 talked about it was stated that it would only be southeast of town, but two weeks ago, he found out that it
34 was spreading out and is getting closer to the Village of Sidney. He said that the handout distributed at the
35 Village of Sidney’s Board meeting on Monday night was the first time that he saw this map and he noticed
36 that Sidney was not included on it. He said that he believes that the reason why Sidney is not indicated on
37 the map is because the developer does not want people to know how close this is to Sidney, and they want to
38 just ram this project down everyone’s throat, and that situation has happened to him before when Grand
39 Prairie Cooperative constructed their building. He said that the building was supposed to have a buffer of
40 250 feet, but when they poured the concrete for the building they were 20 feet closer than they were
41 supposed to be, but they were not going to tear out the concrete and redo it again, so now he must just live
42 with it. He said that they must live with the loud sounds coming from the fans at the Grand Prairie facility,
43 so noise already exists, and now even more noise is proposed for his community. He said that he has
44 pictures indicating when Grand Prairie opens the vents for the new facility, and it literally looks like it is
45 snow is falling on his home every night. He said that his family has lived in the Sidney area since the 1900’s,
46 and the map that indicates Rutherford Crossing, was names after his grandfather. He said that he is very
47 passionate about Sidney, and it appears that a company from California is wanting to come in and push their

1 product off on the town. He said that if the California company really cared about the citizens of Sidney,
2 they would have tried to work with the Village of Sidney and attend their meetings so that they could address
3 some of the citizen's concerns, but they are not, they have gone to the County first. He said the proposed
4 project has been pretty quiet, but people are starting to hear about it and the California Company and this
5 Board should be prepared, because the citizens of the Sidney community are going to fight this. He said that
6 he hopes that the Board has compassion for the citizens of Sidney, because it will lower their property values
7 due to appearance, noise related issues, etc. He said that the map indicates a rural home that will have the
8 solar farm on three sides of it, and the 500 feet separation is not going to mean anything to the property
9 owners because they will be completely surrounded. He said that he believes in clean energy, but there are
10 ways to go about it, and there are not ways, and ramming it down a community's throat is not the way to do
11 it. He hopes that the Board considers the concerns from the citizens of the Sidney community, and he is glad
12 that everyone has a map that indicates the proximity of the proposed solar farm near Sidney, in lieu of having
13 a map that doesn't show the town. He said that the one and one-half mile jurisdiction is a big deal to the
14 Sidney community and they would appreciate decibel levels under 39dBA. He said that he isn't saying that
15 the proposed project will not happen, but the developer should at least work with the Village of Sidney and
16 not kill the town. He said that it is his understanding that this is the first stage of the process, and if they are
17 proposing to take 1,300 acres of productive farmland today, what will stop them from taking more and more
18 land. He asked if the 1,300 acres includes all five solar farm permit applications for Champaign County, or
19 does the first permit application include 1,300 acres, and more acreage is included with the other permits.

20
21 Mr. Hall stated that one permit application includes 1,300 acres, and more acreage is included with the other
22 four permits, and the four together are less than 100 acres in total.

23
24 Mr. Rutherford asked Mr. Hall if the total is now 1,700 acres, one at 1,300 acres and 100 acres for each of
25 the other four permits.

26
27 Mr. Hall stated no. He said that 1,400 acres is the total acreage for the five permits, and that is what he told
28 the Board members earlier. He said that this is the first map that this Board has seen of the proposed Sidney
29 solar farm, because they are not reviewing the Sidney solar farm.

30
31 Mr. Rutherford stated that he hopes that his testimony and handouts will assist the Board with their
32 determinations.

33
34 Ms. Capel asked the Board and staff if there were any questions for Mr. Rutherford, and there were none.

35
36 Ms. Griest stated that she appreciates Mr. Rutherford's testimony, but it is mainly geared towards a specific
37 case that this Board is not currently reviewing. She said that currently, what the Champaign County Zoning
38 Board of Appeals is charged with is writing a blind ordinance that will deal with all the possibilities and not
39 just the specifics of one possibility. She asked for the audience to have patience with the Board when they do
40 not deal specifically with the individual factors of an individual case, because it is not that this Board is
41 being disrespectful or disregarding of the witness' concerns but these concerns should be voiced when the
42 Board is reviewing a special use permit for a specific case.

43
44 Mr. Rutherford stated that Ms. Griest's comments are fine and dandy, but since the witnesses have voiced
45 their concerns about a specific special use permit, will they be sent notification regarding the meeting date
46 for that specific case. He said that people have signed the witness sheets and provided their addresses, and
47 they do not want the meeting to occur without them knowing about it, because that happens all of the time;

1 things get swept under the rug and things are run through before anyone knows it. He said that if now is not
2 the time to present testimony and evidence, then the citizens of the Sidney area would like to be notified as
3 to when is the right time. He said that rather than placing a small ad in the paper regarding the Zoning Board
4 meeting, a letter should be sent to everyone who has signed the registers indicating that the meeting involves
5 their area and they should attend the meeting. He said that he is concerned that there will only be one hour
6 allotted for public testimony at the meeting.
7

8 Ms. Griest stated that Mr. Hall indicated that there is only one hour allotted for public testimony at the
9 Environment and Land Use Committee and the County Board, not the Zoning Board of Appeals.
10

11 Mr. Rutherford asked how much time would be allotted for public testimony at the ZBA meeting.
12

13 Ms. Capel stated that when the special use permit for a specific area is before the ZBA, the audience will
14 have a wide-open opportunity to present testimony.
15

16 Mr. Hall stated that staff will place an advertisement in the paper, which will cost several hundred dollars,
17 but a notice will not be mailed to every resident in Sidney.
18

19 Mr. Rutherford stated that if a notice is sent to the Village of Sidney, then the Board members would make
20 sure that the residents of Sidney are aware of the meeting.
21

22 Mr. Hall stated that the Village of Sidney will receive notice of the public hearing for the special use permit.
23

24 Mr. Rutherford stated that he hopes that his testimony provided some light on the Village of Sidney's
25 concerns.
26

27 Ms. Capel called Colleen Ruhter to testify.
28

29 Ms. Colleen Ruhter, who resides at 910 CR 2200E, Sidney, stated that she has presented testimony at
30 previous public hearings and will attempt to not repeat her concerns that were previously stated, but she is
31 concerned about noise and setbacks. She said that plans for an un-named solar farm proposed in Champaign
32 County indicates the use of a Sunny Central Inverter. She researched this information on the internet last
33 night and found that the specifications for that inverter indicate a noise emission of 66.4 dBA at 10 meters
34 (32.8 feet) away. She said that she also found a noise calculator on the Georgia State University's Hyper-
35 physics website, and did some basic calculations regarding setbacks; 100 feet equals 56.7 dBA; 250 feet
36 equals 48.8 dBA; to get below 40 dBA the setback from the inverter has to be 686 feet; to get below 39 dBA,
37 which testimony indicates is a reasonable number, a 770 feet setback is required. She said that there needs to
38 be a separate setback from the panels and the inverters, because these are two separate concerns regarding
39 property use, viewing and noise limits. She said that if the inverters are placed on the edge of the property,
40 much like the ones at the University of Illinois' solar farm, there needs to be 770 feet from the inverter to a
41 residence and a property line, but if the inverter has a separate setback where they are in the interior of the
42 solar farm and the noise can be mitigated, then that would be a better solution. She said that the setbacks
43 from the residence should be the same regardless of the acreage, and it should be from the property line. She
44 said that just because she owns five and one-half acres near a proposed solar farm doesn't mean that she
45 should be driven from her yard. She said that if there were to be a phase 2 or 3 of the solar farm near Sidney
46 that no one is supposed to talk about, and the landowner on the back side of her house decided to become a
47 part of it, she would literally have a solar farm within 15 feet of her vegetable garden. She said that if an

1 inverter was placed on the edge of that expansion of the solar farm, she could have noise levels at 65 dBA
2 near her vegetable garden and she would not be able to enjoy the use of her land, and it would basically be
3 taking her land hostage. She said that this situation would apply throughout Champaign County, and surely
4 there are more people, other than she and her husband, who own more than five acres across from a proposed
5 solar farm, regardless whether it is now or twenty years from now, these things are going to continue and she
6 needs to be able to make use of all her land and walk from one corner to the other. She said that the noise
7 level limit should be at the property line and she should not be forced to not use a portion of her yard that is
8 more than 250 feet past her house just because she is fortunate enough to own land that is more than 250 feet
9 past her house. She that she really disagrees with how the draft ordinance is currently written.

10
11 Ms. Ruhter called the Board’s attention to erosion, specifically related to construction projects. She said that
12 the ILR10 Erosion Control State Permit, is a state law, but she believes that it needs to be explicitly written
13 into the ordinance that every construction permit must adhere to it. She said that an ILR10 requires an
14 erosion control permit for any construction that disturbs more than one acre. She said that as background
15 information, she is a registered professional engineer in the State of Illinois and she has seven years of
16 experience in stormwater management, pollution protection and erosion control; she said that this is what
17 she does and is what she has done for many years. She said that she worked on the federal government level
18 and the local government level and she has reviewed erosion control applications hundreds of times, and she
19 knows what this stuff is. She said that from past experience, she highly recommends that the ordinance
20 require in-state design engineers to do the erosion control designing, because you want people involved who
21 are familiar with our state regulations and how to design for them. She said that you want someone who
22 knows what they are talking about and knows how to design an erosion control setup so that it is done
23 properly, especially on this large of a scale. She said that there are requirements such as silt fence, stabilized
24 construction entrances, stockpiles, site stabilization, sediment basins, and soil and mud being kept off the
25 roadways and out of drainage ditches. She said that the project will go for public review, and she can
26 promise that when the un-named project goes near her house, or any other project in the County, goes for
27 public review, she will be reviewing those and will be making public comment. She said that they have 30
28 days public comment period at the Illinois Environmental Protection Agency (IEPA). She said that as a
29 member of the general society and a citizen of the environment, polluted stormwater is a concern for all of us
30 and she has called the IEPA in the past reporting erosion control not being in compliance for projects that
31 she has had no direct concern about, other than her being a citizen concerned about the greater good and
32 pollution, and that is often for jobs that are only one or two acres at a time. She said that she has seen
33 hundreds of projects where erosion control is taken for granted or hardly used, or actually abused, where
34 pollution becomes ridiculous, so seeing a project of 1,300 acres in her own front yard will be very hard to
35 manage for a contractor and the County needs to take this project and all other projects seriously when it
36 comes to erosion control. She said that she would like to be reassured that stormwater pollution caused by
37 the solar projects will not be tolerated, because if there are issues with any construction projects that are with
38 120 feet of her house or anywhere that she drives past in the County, the IEPA gets a phone call from her,
39 and this will happen, and she just wanted to make that point abundantly clear.

40
41 Ms. Capel asked Mr. Hall to review the Stormwater Control Management and Erosion Control Ordinance.

42
43 Mr. Hall stated that is a lot to review. He said that Champaign County does not require anyone to get an
44 ILR10 unless they are located within the MS4 area, because the County does not have the resources to
45 enforce that outside of the MS4 area. He said that he generally does not approve a Land Disturbance and
46 Zoning Use Permit Application for something like this until he knows that the ILR10 has been applied for,
47 and he believes that Champaign County does an excellent job of reviewing for erosion control in wind farms

1 and everything else, and we will do a good job with this too, but we will have to wait and see.
2
3 Ms. Ruhter asked Mr. Hall if he is telling her that they won't have to have an ILR10 for this project.
4
5 Mr. Hall stated that Champaign County will not require it.
6
7 Ms. Ruhter stated that state law requires it.
8
9 Mr. Hall stated that he will not approve the Land Disturbance and Zoning Use Permit until he knows that
10 they have applied, and he does that for everyone, even though it is not written in our ordinance; he makes
11 sure that there is an ILR10 that has been applied for, because he does not want to get into bad shape with the
12 EPA, but Champaign County is not required to enforce the ILR10 outside of the MS4 area, and that is the
13 truth.
14
15 Ms. Capel asked the Board and staff if there were any questions for Ms. Ruhter, and there were none.
16
17 Ms. Capel called Tannie Justice to testify.
18
19 Ms. Justice declined to testify.
20
21 Ms. Capel called Patrick Brown to testify.
22
23 Mr. Brown declined to testify.
24
25 Ms. Capel call Elise Doody-Jones to testify.
26
27 Ms. Elise Doody-Jones, who resides at 2025 Burlison, Urbana, stated that she is glad to see that the Board is
28 holding so many meetings regarding the solar ordinance, and as a resident of Champaign County, she would
29 like to see more solar in the area so that we have a little bit more independent energy that is local. She said
30 that this is a growing area, and she wanted to express that she believes that one benefit that everyone would
31 get is that the tax level would go higher. She asked staff if she was correct regarding the increased tax level
32 for the Sidney properties.
33
34 Mr. Hall stated that he assumes that the tax level will go up, but there is pending legislation that will affect
35 that. He said that what the Board should be most concerned about is the impact on property values overall,
36 and not whether the property value of the land with the solar farm will go up or not. He said that, just like
37 with wind farms, an increase in tax dollars is a good thing provided that you are controlling for the impacts
38 on adjacent lands.
39
40 Ms. Doody-Jones stated that would impact the entire County, because as she watched the news this morning,
41 Champaign County has a nursing home, jail, and other things that the County needs to pay for, correct.
42
43 Ms. Capel stated that if the property values of the surrounding properties go down, it is balanced out.
44
45 Ms. Doody-Jones stated that some of things that are included in the ordinance, such as, instead of chemicals
46 to control the grasses underneath the panels the Board is suggesting prairie grasses. She asked if this the
47 County's requirement or is it the will of the solar company.

1
2 Mr. Hall stated that the type of plantings underneath the solar panels are up to the solar company. He said
3 that the proposed solar ordinance only requires that vegetation be controlled.
4
5 Ms. Doody-Jones asked if the vegetation could be controlled chemically.
6
7 Mr. Hall stated that it is controlled chemically on the other 600,000 acres in Champaign County, so the
8 County would be hard pressed to say why it couldn't happen on this land.
9
10 Ms. Doody-Jones stated that she did not realize that industrial type chemicals were used on the other
11 farmland.
12
13 Mr. Hall stated that it isn't put on all of it, but the County would be hard pressed to say why chemical
14 herbicides could be used on the surrounding farmland and not the land housing the solar farm. He said that
15 if the County Board wants to impose that requirement in the amendment, then they can.
16
17 Ms. Doody-Jones stated that one of the benefits of having a solar farm is that the chemicals would be taken
18 out of the land for a while.
19
20 Mr. Hall stated that is an option for the landowner.
21
22 Ms. Capel asked the Board and staff if there were any questions for Ms. Doody-Jones, and there were none.
23
24 Ms. Capel called Ted Hartke to testify.
25
26 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, stated that he has found inconsistent information
27 coming from the Champaign County Department of Planning and Zoning, and he sat here tonight and
28 listened to it again and it burned his ears and rubbed him very raw. He said that the Board has been
29 continuously told that there is no other proposed special use permit that has the one and one-half mile
30 protection for a municipality, which is incorrect. He read the following from Section 6.1.4A.2. of the
31 Champaign County Zoning Ordinance: "The wind farm for County Board Special Use Permit shall not be
32 located in the following areas: (a) Less than one and one-half mile from an incorporated municipality that
33 has a zoning ordinance." He said that this takes care of a lot of the municipalities in Champaign County. He
34 said that he wants it to be very clear that the Village of Sidney and other municipalities desire the same
35 protections for a solar energy farm as they do for a wind renewable energy farm. He said that the next time
36 he hears that there is no one and one-half mile protection for other special uses, he will yell out loud from the
37 audience and will probably be kicked out of this building.
38
39 Mr. Hartke distributed a two-sided, four-page handout to the Board and staff for review. He said that page
40 one of the handout has the title, Noise/Sound Levels "Simplified" at the top. He said that for the record, he
41 abandoned his home, which was 1,665 feet from the nearest wind turbine and the next wind turbine was
42 2,225 feet from his home. He said that the wind turbine that was 2,225 feet was up-wind from him,
43 therefore he was in the exhaust of the wind and noise of that turbine, and it was the one that he would have
44 chosen to tear down. He said that he definitely knows what noise limits caused his family sleep deprivation
45 and discomfort inside their home. He said that the first two paragraphs on the handout describes how loud
46 decibels are and how the scale works and the last two lines of the second paragraph states as follows: If you
47 live or work in the city, the noise outside your window during the day is about 50 dBA; at night, 40 dBA.

1 He reminded the Board that the solar farm developer is requesting a 45 dBA, and he reminded the Board that
2 the Illinois Pollution Control Board (IPCB) noise limits that are included in the current ordinance prepared
3 by John Hall, Zoning Administrator, thus far, refer to the IPCB noise level, which is about 45 to 47 dBA, and
4 at those noise levels he and his family abandoned their home in Vermilion County. He said that at the bottom
5 of page 1 of his handout is The World Health Organization (WHO) recommended night noise limits, which
6 is 40 dBA. He read the following information from the handout: Sleep is a biological necessity and
7 disturbed sleep is associated with poor health; there is strong evidence that night noise causes an increase in
8 heart rate, arousal, changes in sleep stage, awakening and use of medicine; there is limited evidence that
9 night noise is related to hypertension, heart attacks, depression, changes in hormone levels, fatigue and
10 accidents. He said that he can testify to all those statements, as his family were all medicated while they
11 lived near the wind farm. He continued to read from the handout as follows: The report identified a number
12 of vulnerable groups. Although children have a higher waking threshold, they are equally or more reactive
13 to night noise than adults and require greater amounts of sleep. Mr. Hartke stated that the developer for the
14 proposed solar farm near Sidney has testified that in the morning there will be at 45 dBA noise level from
15 the inverters. Mr. Hartke continued to read the handout as follows: For example, the threshold level for
16 waking in the night and/or too early in the morning was 42dBA, whereas the threshold for heart attacks was
17 50 dBA.

18
19 Mr. Hartke stated that he did something similar to what Ms. Ruhter did, and he wanted to find something
20 that has actually been measured for a solar farm somewhere in the United States. He said that the Oregon
21 Department of Transportation has a solar project and they measured the noise levels of panels that were 50
22 feet away, and those noise levels were 64 to 65 dBA. He said that at distances much further away were
23 measured and at 800 feet the noise level was 40 dBA, which is where adverse health effects begin. He said
24 that 1,336 feet the noise level was at 36 dBA. He said that the chart at the bottom half of the page is where
25 he took a 66 dBA noisy inverter at 50 feet and every time you double the distance the dBA goes down 6
26 decibels. He said that the health risk zone includes 42-54 dBA, and at 42 dBA the distance was 800 feet and
27 adverse health effects begin at 40 dBA for long-term exposure, and it is his understanding that the inverters
28 will make noise as long as the sun is shining. He said that the health safe zone, 36 dBA, is at 1,600 feet. He
29 said that all his sources for the noise levels associated with the distance chart are located at the bottom of
30 page 2. He said that his previous testimony has been provided to the Board and each time he has called for a
31 maximum noise level of 39 dBA. He said that page three he includes two graphs. He said that the graph at
32 the top of page 2 illustrates the noise level by which people become highly annoyed, and at 33 dBA 6% of
33 people are highly annoyed, and at 40 dBA 25% of people are highly annoyed. He said that he has requested
34 39 dBA, and if 23% of the citizens from Sidney showed up, they would be highly annoyed, because Mr.
35 Hartke, the engineer, didn't provide a low enough number. He said that his fear is that he is going to be held
36 accountable by his neighbors who live near him, and who he drives through their town twice per day, and
37 that he will recommend a dBA that is too high, and he is beginning to get a little bit worried that 39 dBA
38 may be too high and that it needs to be 35 dBA. He said that the bottom chart he wants to point out where
39 widespread complaints begin. He said that IEPA case studies indicate that widespread complaints begin at
40 33.5 dBA.

41
42 Mr. Hartke stated that page 4 of his handout is titled, "Notice to Champaign County ZBA members." He
43 said that there have been several full-time residents who live here in Champaign County who have voiced
44 valid concerns regarding the proposed solar farm, and these residents will most likely continue to live in
45 Champaign County for their lifetime. He said that two of the presenters with Sidney addresses include
46 Colleen Ruhter and Ted Hartke, both of which are licensed Illinois Professional Engineers, and they are held
47 to protecting the health, safety, and welfare of the general public, and at the end of the last ZBA meeting they

1 were very insulted.

2
3 Mr. Hartke stated that he spoke with Patrick Brown of Bay-wa r.e. Solar after the conclusion of the previous
4 meeting and he told him that his worries centered around the noise limits and sound levels of inverters and
5 transformers. Mr. Hartke said that he told Mr. Brown that he needed to work with the neighbors and agree to
6 keep noise levels below 39 dBA, and Mr. Hartke boldly suggested to Patrick that his company could or
7 should purchase the homes of the neighbors who did not want to live amongst the solar panels and be boxed
8 in with the chain link barrier fence. Mr. Hartke said that the ultimate waiver that Mr. Brown could get to
9 build whatever project he wanted would be to simply purchase the homes, as all his problems and challenges
10 from Mr. Hartke would simply go away. Mr. Hartke said that Mr. Brown’s snide response was as follows:
11 “This isn’t my first rodeo, as long as I can handle or avoid these people who wear these tinfoil hats.” Mr.
12 Hartke stated that as a licensed engineer, he did not appreciate being called a person who is a fear monger,
13 who wears a tin foil hat, and he hopes that his comment was not directed towards this Board where Mr.
14 Brown was trying to convince the Board that all the concerned people are crazy, tin foil hat wearing country
15 bumpkins. Mr. Hartke said that Mr. Brown’s attempt to intimidate and humiliate citizens who are
16 vulnerable to being called crazy or fear mongers who wear tin foil hats, he rejects this notion, because Mr.
17 Brown has resorted to name calling because he is frustrated that he has no other response to their questions.
18 Mr. Hartke stated that Mr. Brown is relying on this Board to be naïve and dismiss private use and enjoyment
19 of land when the effects of his project encroach across private property lines.

20
21 Mr. Hartke stated that he will summarize the changes promoted by Mr. Brown and Baywa-r.e. as two simple
22 words: Trespass Zoning. He said that any setback distance for noise or safety hazard area based upon
23 anything besides a property line allows an encroachment onto non-leased area. He said that this is true for
24 wind turbines and solar farms in regard to continuous and regular impacts such as noise, glare and flicker.
25 He said that he is still asking that the ordinance include a noise limit of 39 dBA maximum for all new
26 projects which produce noise onto private lands. He said that he believes that the comparison to animal fat
27 and oil manufacturing setback is very pathetic, and he has never heard of such of a business, and questions if
28 there is one in Champaign County. He said that just because it has a pathetic setback that hasn’t been
29 addressed for as long as the ordinance has been in existence, he doesn’t believe it is a fallback safety
30 measure excuse to use the same setback for an animal fat and oil manufacturing facility as for a solar farm.
31 He said that he believes that you can still farm a 200 feet, 400 feet, or 800 feet strip of land, and that the
32 noise level chart used to space out solar farm noise and make the setback at 1,000 feet from the inverters.
33 He said that noise impacts are 100% avoidable, such as the use of noise barriers, noise sheds, or placing the
34 inverters in the center of the project and away from people. He said that the audience and the Board have
35 been lectured that the State of Illinois mandates that Champaign County will have renewable energy, but it is
36 not the ZBA’s job to meet any state mandate made up in Springfield, because we don’t trust those people
37 anyway, so why would we trust them with a state mandate. He asked if Champaign County having renewable
38 energy is actually in the Champaign County Ordinance, and did the Board have hearings about this. He said
39 that the goal of Champaign County should be to protect the people who live here so that we can have an
40 awesome community, regardless of any blowback or church that wants to come to the Board and tell them
41 that they would like to have solar but they have too many trees that tower over their homes.

42
43 Mr. DiNovo stated that he is glad to see data and measurements from an installed facility, but wondered if
44 Mr. Hartke had the opportunity to review the actual study.

45
46 Mr. Hartke stated that he has not had time to review the entire study.

47

1 Mr. DiNovo stated that it is available online.
2
3 Mr. Hartke stated that Ms. Ruhter discovered the study online and found the name and size of the inverter,
4 which is a 66.4 dBA machine.
5
6 Mr. DiNovo stated that Mr. Hartke's numbers seem higher, and he would be interested to hear Mr. Hartke's
7 comments on the study.
8
9 Mr. Hartke stated that he would happy to supply those comments to the Board. He said that we are not
10 supposed to talk about one specific solar project, but all potential solar projects in Champaign County, and
11 he wants to use a typical standard of 1,000 feet for this type of machine, but if they use a super quiet inverter
12 and they can provide the specifications to prove it, then perhaps a waiver could be an option, as long as the
13 neighbors agree. He said that the waiver situation really gets the Board out of trouble, because if the
14 neighbors agree to that waiver they cannot hold the Board liable, but if the Board takes away the rights of
15 those neighbors to use their garden or property and not have a nuisance noise, the Board is liable, as it has
16 given away those neighbors' rights to use their land. He said that the neighbors should have the right to
17 choose for themselves, and the solar company is counting on this Board to give away the farm and fall on
18 your face; please do not do that.
19
20 Mr. Elwell asked Mr. Hall to indicate what the IEPA has for a dBA noise limit, and is he correct that it is 50
21 dBA.
22
23 Mr. Hall stated that the IEPA noise standard is divided into octave ranges, so there is no single number in the
24 Illinois Pollution Control Board regulations, but when he used a noise criteria calculator on the internet - he
25 cannot vouch for its accuracy - he found that a daytime noise exposure allowed to residential land equates to
26 51.7 dBA, and the night time exposure allowed to residential land equates to 37.5 dBA. He said that one
27 reason why his calculations may be off is because he could not find a noise calculator that went down to a
28 31.5 octave band, really low, and this is part of the problem with wind farms. He said that he knows that the
29 single number that he is equating it to is not completely accurate, but it is the best that he can do.
30
31 Mr. DiNovo stated that, in other sources, he has seen 51 dBA cited for Illinois. He said that Class A land is
32 the terminology for the IPCB rules regarding residential land.
33
34 Mr. Elwell asked if the Board should have ample data points on strong appeals to stop noise.
35
36 Mr. Hall stated that the IPCB rules lets residents perceive what amounts to a quadrupling of the noise, which
37 is a noticeable increase. He said that the only alternative is to establish a different noise criterion that will
38 stand up in court, but the Board will not get that from staff and would have to hire an acoustician to prepare
39 a new noise standard that can be enforced. He said that to a certain extent, he does agree with Mr. Hartke's
40 concerns; on the other hand, he does not expect to have a solar farm that operates at the maximum allowed
41 by the IPCB rules. He said that he is confident that it will be below the IPCB rules, but that doesn't mean
42 that there will be no complaints.
43
44 Mr. Hartke stated that he would love to answer Mr. Elwell's question.
45
46 Mr. Elwell stated that he comes from a background in health care and evidence based practices, which is
47 pretty important in nursing. He said that he can provide any type of graph that he wants to present in one

1 way or another, but his understanding is that, per previous testimony, 50 dBA and above would cause chaos
2 in the streets, but he does not see that.

3
4 Mr. Hartke stated that the reason why Mr. Elwell does not see chaos in the street is because we are talking
5 about constant noise, and 50 dBA is like a traffic situation during rush hour, and it is over quickly, and it is
6 not a constant noise. He said that when Mr. Hall plugged in his octave band limits he came up with a dBA
7 of 51.7 dBA, but that does not account for penalties whether it is an impulsive or tonal noise, and there are
8 penalties of 6-8 dBA. He said that the table on top of page 3 of his handouts indicates adjustments and
9 penalties, and one of the adjustments is for year-round noise, so if you are driving a tractor during planting or
10 harvest season, it is not counted because it isn't year-round, but for quiet rural areas there is a -10 dBA
11 penalty. He said that when you are in the rural area there are no dogs barking, no traffic, because you are
12 located in the quietest part of the county. He said that for the no experience situation, these are people who
13 have moved to a rural area and drive to the urban areas, there is a -5 dBA penalty, and then there are tones
14 and impulsive noise which is another -5 penalty. He said that for Ldn to Leq, impulsive noise is more for the
15 wind turbines when the blades make the "whoosh" sound while turning, and then there is a quiet time in
16 between, and then another whoosh; it is impulsive and those averages receive a -6 dBA penalty. He said that
17 when you look at the recommendations by acousticians, Hayes McKenzie Group, Dan Driscoll,
18 Rand/Ambrose, are all part of research studies for wind turbines and they all call for a 33 dBA. He said that
19 Dr. Schomer goes throughout Illinois recommending a 39 dBA maximum noise limit for wind turbines,
20 although the chart indicates 33.5. He said that the 33.5 does not include his -6 dBA penalty for the
21 impulsive noise that a wind turbine has, but a solar panel does not have. He said that the charts were not
22 made to look like they are important, and they have never been rejected or ignored or addressed by any wind
23 company developer that he has heard of, and the only time that the charts have been glossed over, ignored or
24 rejected was by County Board members or ZBA Boards. He said that Mr. Hall informed the Board that the
25 County would need to hire an acoustician to come up with a lower noise level, but that is not true. He said
26 that Iroquois County has a 30 dBA night time and 35 dBA daytime maximum noise limit for all wind
27 turbines. He said that Ford County is working on a noise limit that is 40 dBA during the daytime and 35
28 dBA at night for wind turbines, and that was as of their April 2, 2018, meeting. He said that Mr. Hall's
29 comment that the County would have to hire an acoustician is bogus, because many counties are requiring
30 much lower noise limits. He said that he believes that Champaign County has the ability to 100% prohibit all
31 wind and solar farms and perhaps that should be the Board's choice. He said that certainly allowing the
32 small villages to decide what is best for their neighborhoods is the right thing to do, because they are the
33 ones who live there, and they would do a lot better of a job in making that decision for themselves, as the
34 neighbors could make their decision whether to sign a waiver or give away the entire property and go
35 elsewhere. He said that there are a lot of options that the Board could do, and he hopes that the Board does
36 not sell out the people who live in Champaign County and choose to continue doing so, or are called crazy
37 tin foil hat wearing people. He said that he does not mean to lecture the Board, but he is pretty upset that he
38 feels as though he has to beat it into the Board's head. He said that he does not want to wear out his
39 welcome, because he lives in Champaign County and one day he may need to ask for a favor from the Board
40 in the future.

41
42 Ms. Capel asked the Board if there were any questions for Mr. Hartke, and there were none.

43
44 Ms. Capel called Jeremy Ruhter to testify.

45
46 Mr. Jeremy Ruhter, who resides at 910 CR 2100E, Sidney, stated that noise can be mitigated in many ways:
47 shielding, housing around the inverters, and asking a company to do things like that for public health should

1 not be obstacle for deciding these factors, and in his opinion, the Board should base their decisions on public
2 health and not what the Board sees as being economically feasible for one company. He said that it is great
3 that the Board wants to encourage innovation and make renewable energy a priority, but certainly we should
4 all be able to work together and figure out how to make the ordinance. He asked that in setting an arbitrary
5 acreage of three acres or five acres, what makes the difference if there is a home on the property. He asked if
6 he could build on the rest of his property because there is a solar farm that is 15 feet away from it, as it
7 appears that his freedom is being infringed upon. He said that it does make sense for there to be a
8 delineation between 10 or 15-acre properties versus a residential home, but it is still people's land and they
9 should have the right to decide how they use that land. He said that if something is built that is really noisy
10 adjacent to that land, it will prevent the landowner from being able to use their property as they choose. He
11 said that he does not see why this must be so complicated, because if someone lives there, be respectful of
12 them. He said that the five-acre notion makes no sense, because he owns 5.5 acres currently and part of that
13 acreage is used for pasture for livestock, and he works on his acreage every day and he does not want his
14 animals to have to hear 67dBA from a solar farm that is 15 feet away from them. He said that he is an
15 electrical engineer, and he has a master's degree in electrical engineering from Purdue University, and for a
16 long time he worked in Washington, D.C. with the National Telecommunications and Information
17 Administration (NITA), which is the governing body that oversees a lot of the regulations associated with
18 electromagnetic emissions, and they work hand in hand with the Federal Communications Commission
19 (FCC). He said that when he discovered that a solar farm was proposed near his home, he wanted to see
20 what kind of acoustical and electromagnetic noise would occur. He said that he is an avid ham radio nerd
21 and he likes his software defined radios and he likes knowing that he will be able to use them and not have
22 to worry about the noise flora from those radios being wiped out because someone placed a noisy inverter
23 200 feet away from it. He said that electromagnetic radiation profligates much further than acoustic, and it is
24 hard to codify how far that kind of stuff should be set back, but the FCC requires these devices to have a Part
25 15B license. He said that when he tried to look up the license for the Kodiak Series inverters that are
26 planned for the proposed solar farm near Sidney, he found that no license has been issued yet, at least there is
27 no reference on the FCC website. He said that he cannot tell the Board what the electromagnetic emissions
28 will be, but the conversation should not be about what they are going to use, but should be about what the
29 public should have to tolerate, and written into the ordinance. He said that this goes back to the argument as
30 to whether the solar farm will be like a pig plant, hospital, or power plant. He asked the Board to indicate
31 the separation distance for a power plant to a residential property.

32

33 Mr. Hall stated that a power plant is not in the ordinance.

34

35 Mr. Ruhter asked Mr. Hall if someone could construct a power plant next to someone's home.

36

37 Mr. Hall stated not unless it is a wind farm, and at this time, there are no requirements in the ordinance for a
38 power plant.

39

40 Mr. Ruhter stated that this information is surprising.

41

42 Ms. Lee asked Mr. Hall if he previously indicated that power plants are exempt from zoning.

43

44 Mr. Hall stated that he does not recall making that statement. He said that if it were a power plant being
45 built by a utility it could be exempt.

46

47 Ms. Lee stated the utility is what Mr. Hall's statement referred to, because the Board had a question about

1 the Sidney location.
2
3 Mr. Hall stated that the Sidney location is a substation, not a power plant.
4
5 Mr. Ruhter asked Mr. Hall to indicate the separation distance for a substation from a residential property.
6
7 Mr. Hall stated that there is no required separation to a substation, except in this amendment we are
8 proposing 500 feet setback for the solar farm substation.
9
10 Mr. Ruhter asked why 500 feet was determined for a substation, and what public health concerns are there in
11 relation to a substation.
12
13 Mr. Hall stated that he is not aware of any evidence where there are public health concerns related to a
14 substation, and he picked 500 feet because it is perceived as an eye-sore and no one wants to be close to it,
15 and that is one part of the solar farm and no one needs to be close to it.
16
17 Mr. Ruhter stated that he believes that 500 feet is reasonable thing to ask, because substations do emit a lot
18 of energy, even when they are properly installed and assembled. He said that things do wear over time and
19 they will eventually emit some sort of emissions, but the only problem is that no one is ever out there
20 measuring those emissions, so when the neighbors across the street find that their television stations are not
21 coming in as good as they used to, or their wireless communications are not as good as they should be, they
22 don't know why. He said again, that no one measures the emissions, and they do not build it into their
23 ordinances. He said that at a bare minimum, anyone who is building these things should be required to obtain
24 an FCC license, and that they have that license ready before they submit for approval, not two years
25 afterwards.
26
27 Mr. Hall asked Mr. Ruhter if he is indicating that a solar farm must obtain an FCC license.
28
29 Mr. Ruhter stated that the inverters do, Part 15B.
30
31 Mr. Hall asked Mr. Ruhter if the manufacturer must obtain the FCC license.
32
33 Mr. Ruhter stated yes.
34
35 Mr. Hall asked Mr. Ruhter if the National Electrical Code incorporates the FCC requirement.
36
37 Mr. Ruhter stated that he does not know. He said that the solar panels themselves do not emit, but the
38 inverters do. He said that this was a huge problem in Europe and he could provide the Board with sources
39 indicating that one in three solar projects were fraudulent, and they reported that they had the appropriate
40 license, but they did not. He said that people's amateur radios stopped working and they had various
41 problems with their communications. He said that we already have safety requirements to control this stuff,
42 but we must make sure that people are following those requirements, and are aware of those requirements
43 before they plan these projects. He said that acoustics should not be that big of a problem, set the inverters
44 back and house them. He said that it isn't like the solar company is not going to build them anymore
45 because they are noisy, especially if there is a monetary incentive; he said that it shouldn't be too much to
46 ask for a hut to be put around the inverter to mitigate any noise. He said that whether this is a burden on a
47 company should not be a consideration for the Board during their process of writing an ordinance, because if

1 the current company can't figure it out, someone else will.
2
3 Ms. Capel asked the Board and staff if there were any questions for Mr. Ruhter.
4
5 Mr. Elwell asked Mr. Ruhter to indicate who must obtain the FCC license, the manufacturer of the solar
6 plant, or Bayway-r.e.
7
8 Mr. Ruhter stated that it is his understanding, that as long as you submit an application to the FCC you can
9 go ahead and begin selling and constructing, because the FCC does not want to inhibit free enterprise, but if
10 they are in violation of their Part 15B license, then they absorb the risk, and they will be fined and will
11 receive the shutdown notice.
12
13 Mr. Elwell asked Mr. Ruhter to indicate who "they" are.
14
15 Mr. Ruhter stated that "they" are the company that builds and manufacturers the inverters. He said that if
16 they are selling the inverters without a license, then they are absorbing the risk of impeding on other
17 communication devices in the area around them. He said that he does not know why they have not gotten
18 their license yet, because it can be a very lengthy process and this is very noisy equipment used in a very new
19 type of technology, and his guess is that it is being tabled waiting on a rules committee to finalize what
20 should be the FCC rules. He said that the FCC does not want to tell people to not build solar plants, but the
21 licenses are not there, which means, that on the manufacturer's cut sheet for the Sunny Central Inverter, it
22 indicates pending near the manufacturer's code, and when you search the FCC website there is no license
23 number. He said that it may be that the FCC is just backlogged and the site hasn't been updated yet. He said
24 that as a ham radio guy that scares him, because in Europe the Netherlands ham radio guys noticed that the
25 shorter wave bands, under 200 megahertz, were impacted by the solar inverters. He said that it isn't going to
26 be on day one, because they will be clean, but 10 or 15 years down the road when those inverters are worn
27 down and the connections become loose, no one is going to be out there measuring the emissions, and the
28 neighbors' television stations will not be coming in as clear as they used to no one will know why. He said
29 that these things must be monitored and watched, because there is an impact that will occur to the
30 community that is around them.
31
32 Mr. Hall asked Mr. Ruhter if when he looks at the SMA cut sheet for the 2750 EV that is proposed for a
33 future solar farm, should he be looking at the EMC standards.
34
35 Mr. Ruhter stated yes, and it indicates pending.
36
37 Mr. Hall stated that it actually states the following: Modified Class A Part 15.
38
39 Mr. Ruhter stated that is what they are going after, but if you look at the other side of it, where it states EMC,
40 it indicates pending. He said that if you go onto the FCC website and you type in Sunny Central, you will not
41 find a license, and he is sure that they may have already received it and the website has not been updated,
42 because the FCC is very backlogged with this type of stuff. He said that the cut sheet that he saw from the
43 manufacturer indicated that the EMC standards were still pending, and it is understandable because there are
44 a lot of hoops to jump through. He said that his point is that, when the Board considers setbacks, there is
45 more to consider than just sound and visual, because even if they vent very little energy, when you have
46 1,300 acres of them there is something called additive interference and they could combine the interferences
47 and propagate in ways that they cannot expect. He said that when the joints and connectors start failing, they

1 will emit noise in unknown ways that will be very uniform and it is going to be random, so there is the
2 potential for causing huge headaches, and it is going to be hard to detect that stuff as well. He said that at a
3 bare minimum, the Board should expect a Part 15 license at the time, proving that they have gone through
4 the FCC process and they have received their license. He said that he isn't saying that SMA hasn't done that
5 yet; he just hasn't been able to find it, but that should be regardless of the argument and the conversation
6 should be that it is required. He said that the federal government requires it, but they cannot regulate all that
7 stuff, and they rely on complaints, because who is going to go out there with a ham radio and complain. He
8 said that he does not want to be a case study for a 1,300-acre solar farm.

9
10 Mr. Passalacqua asked Mr. Ruhter if the type of interference that he is describing is over the air signals, such
11 as for televisions and cell phones.

12
13 Mr. Ruhter stated that this is where he might have to wear a tin foil hat, because he might sound like a
14 lunatic. He said that when the connections start to wear they can blast out at miscellaneous frequencies, and
15 that is where it becomes troublesome, because you are dealing with such high power that is 2,700 kilovolts,
16 which is a massive amount of energy. He said that he does not want to get into too much electromagnetic
17 theory, but when you have an opening like that from wear, it acts like a tiny little antenna that will broadcast
18 out these miscellaneous frequencies and you cannot predict where they transmit at; they may interfere on
19 different frequency bands. He said that unless you actually have someone on site to monitor it, it is hard to
20 say if it is really coming from the solar farm, or is it because his car has been running too long in the garage.

21
22 Mr. Passalacqua asked Mr. Ruhter if it is possible that after wear and these joints are emitting the power into
23 the atmosphere that we see half of the cell phone signal that we are used to, or satellite signals are weaker.
24 He said that he is not sure what miscellaneous signals may be affected.

25
26 Mr. Ruhter stated that it is complicated, because cell phone signals jump around, so there is a certain band,
27 they will jump out of it quickly. He said that it is too vast to try to categorize them all here tonight.

28
29 Mr. Passalacqua stated that the potential is there for it to affect numerous things.

30
31 Mr. Ruhter stated yes, if the company is not doing their due diligence to make sure that the radio frequency
32 interference (RFI) is being properly mitigated, and from what he has seen, most of them do and they send out
33 people with their little antennas and they discover where the noise is coming from, but we are talking about
34 1,300 acres and that would be a huge, daunting task. He said that it is good that the solar farm will be
35 located in the country, but there are people who live there too, and there is no reason why their homes should
36 be impacted.

37
38 Ms. Lee stated that she has high speed internet that started out transmitting from an antenna on the top of the
39 elevator in Sidney.

40
41 Mr. Ruhter stated that he has the same internet service at his house.

42
43 Ms. Lee asked Mr. Ruhter if her internet service could be affected.

44
45 Mr. Ruhter stated that he does not want to be a fearmonger, but the potential for all these things to be
46 impacted remains to be seen, and depends on the amount of maintenance completed by the solar company.
47 He said that it will be hard for a consumer to determine if poor reception is from the solar farm or a

1 thunderstorm that is brewing in the area, but if you lose service on a nice sunny day, it might be easy to say
2 that there may be a correlation there, and someone needs to be mindful of that stuff. He said that he is not
3 trying to discourage solar, because he believes that it is a great technology; the point is that there is a risk of
4 impacting a lot of people with this amount of energy, and it seems the Board should do their due diligence to
5 make sure that people are protected from that, which is why he is surprised that there is nothing in the
6 ordinance about power plants.

7
8 Ms. Capel asked the Board and staff if there were any additional questions.

9
10 Mr. DiNovo stated that the study from Massachusetts that is on the website also addresses EMF noise and
11 perhaps Mr. Ruhter should look at that as well.

12
13 Mr. Ruhter stated that when he went to school EMF stood for electro-motor force, but now they call it
14 electromagnetic frequency, or something like that, but it is all the same spectrum.

15
16 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Ruhter, and there were
17 none.

18
19 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
20 regarding Case 895-AT-18.

21
22 Ms. Capel called Max Kummerow to testify.

23
24 Mr. Max Kummerow, who resides at 3604 S. Vine St., Urbana, stated that he is a landowner of agricultural
25 land that he has under cash rent. He said that he has noticed that there is a lot of damage to soils under our
26 current agricultural practices and fears that we are on a track to have some pretty severe problems with our
27 agricultural land within a century or less. He said that he looked at a piece of land in Indiana the other day
28 and the top soil was almost gone. He said that it occurred to him that the solar farms, as opposed to
29 worrying about how much agricultural land will be taken out of production, perhaps we should think of this
30 as a rest for the land for 40 years. He said that putting the ground under some kind of grass that does not
31 cause erosion and rebuilds organic matter would be much like what the Conservation Reserve Program
32 (CRP) tries to accomplish. He said that in terms of the agricultural land impacts, he believes that short term
33 you are taking land out of production, but long term the land will be better because of it being out of
34 production.

35
36 Mr. Kummerow stated that there are a lot of details to consider in the solar ordinance, such as weed control,
37 as it might be a bigger issue than what people think because even though you could spray under the panels,
38 mowing would be difficult. He said that he lives next to soybean fields on two sides and he is concerned
39 when an airplane flies over him spraying herbicide and each year they add more chemical to kill the weed
40 resistant weeds, so he is not sure that it is safe living by a field either. He said that he is not sure if he would
41 like to live by a solar farm, but it isn't risk free either way we do it. He said that we are going to have to get
42 our power without fossil fuels, and those of us who read about climate change believe that we should do it
43 quickly and leave 80% of them in the ground, but people who don't believe in climate change would have to
44 admit that when you burn a gallon of gas you don't have another gallon unless you pump it somewhere and
45 eventually those fields give out. He said that we must do this and the details need to be worked out as soon
46 as possible, and most people would agree that solar panels are better than the huge wind turbines, and wind
47 and solar are our only two choices, unless you want to go nuclear which is probably more costly and worse.

1 He said that solar power is the number one option that we need to go to and that should be in everyone’s
2 mind when they think about this stuff.

3
4 Ms. Capel asked the Board and staff if there were any questions for Mr. Kummerow and there were none.

5
6 Ms. Capel called Kathy Schindler to testify.

7
8 Ms. Kathy Schindler, who resides at 551 CR 2200E, Broadlands, stated that she is a farmland owner and she
9 actually does the farming herself, along with her fiancé, and her farmland has been in her family for well
10 over 100 years. She said that she is in the area where some of the solar farms are going to be, actually across
11 the road, and she is hurt that they would think about taking some of the best prime farmland in Champaign
12 County, and what was said previously, in the world. She said that they drove back from Denver, Colorado,
13 and noticed land that was sitting vacant or idle, and that land did not feed people. She said that Frito-Lay is
14 right beside them and they grow Frito-Lay corn that supplies food to everywhere in the United States and the
15 world. She said that she does not see any advantage to the solar farm on this prime farmland, regardless of
16 whether it is located in Champaign County or any other county. She said that there is land that is laying
17 vacant that could be used wisely for this purpose rather than taking some of the prime farmland around
18 Sidney. She said that the farmland that is being taken close to Sidney is scary, because Sidney has an
19 opportunity to grow. She said that Frito-Lay has supplied jobs to the area, and she does not see the solar
20 farm offering any jobs. She asked that as the equipment gets old, would it be maintained. She asked if the
21 proposed solar farm will be considered as Phase I, and how many other phases will there be which will take
22 up more land. She asked if more acreage will be sought when they complete the 1,300-acre solar farm,
23 would there be a Phase II and Phase III. She said that the proposed solar farm near Sidney was so hush hush,
24 that when the farmers would ask what the solar company was paying per acre, they were not supposed to say
25 anything, and that is unreasonable. She said that if the field is taken up next to her field and a tile is broken,
26 and it runs into her field where she has planted a crop, she will be very upset, because they will not be able to
27 get to the tile to fix it due to the solar panels. She said that there will be many problems that the landowners
28 next to the solar farm area will have to deal with, but they don’t think about those landowners, but she does
29 and so does anyone else. She said that she is not getting the “x” amount of dollars that have been talked
30 about, but is working hard for many long hours to raise good crops and feed many people, and there is plenty
31 of land around that solar panels can be placed on that will not take up prime farmland. She asked if anyone
32 can answer her question regarding how many phases there will be, because she had heard that the solar
33 company eventually wants up to 8,000 acres for this specific farm.

34
35 Ms. Griest stated that she is not lecturing Ms. Schindler, but reminding her that the Board is not discussing a
36 specific solar farm during these hearings. She said that discussion regarding a specific project would be
37 more appropriate during a special use hearing when it is presented to this Board, but in order to get there, the
38 Board must complete the process of amending the ordinance. She said that the testimony that the Board is
39 looking for during these hearings is the generalized testimony that would apply countywide, such as drainage
40 and erosion. She said that several people have mentioned the economics of the solar farm, but this Board
41 strives very hard to look at the ordinances objectively without considering the economics as a primary factor,
42 and the Board is not in this to make sure that person A. or person B. has an economic competitive advantage
43 over another, or one developer has a better or lesser advantage. She said that this Board wants to be
44 completely neutral on those things, and the Board tries to distance itself from whether it generates more tax
45 revenue or things that are economic for the County, because the Board will provide a pure recommendation
46 to the County Board. She said that if the witnesses could speak for the ordinance stage, that would be very
47 helpful.

1
2 Ms. Schindler stated that her main concern is if they are choosing any area, wherever it may be, she does not
3 understand why they must choose the prime farmland, when they could choose an area that is not considered
4 best prime farmland.

5
6 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
7 regarding Case 895-AT-18.

8
9 Ms. Capel entertained a motion to extend the meeting to 10:15 p.m.

10
11 **Mr. Passalacqua moved, seconded by Ms. Griest, to extend the meeting to 10:15 p.m. The motion**
12 **carried by voice vote.**

13
14 Ms. Capel called Mike Wishall to testify.

15
16 Mr. Mike Wishall, who resides at 547 CR 900 E, Tolono, stated that he farms and has three solar systems.
17 He said that someone brought in a solar panel for tonight's hearing, and the sound that the solar panel is
18 making is the sound that his systems make, zero noise. He said that there has been a lot of testimony which
19 questions the decisions that this Board needs to make, and as someone who has been before this Board for a
20 case, the Board does an excellent job. He said that Mr. Hall and his staff have put a lot of time into this
21 amendment, and these meetings are not the time for a lot of the remarks that have been made. He said that
22 the Board is trying to write the solar farm policy for all of Champaign County, and this is not the time or the
23 hearing for which many of the previous comments have been made. He said that the policy needs to be in
24 place first, and then when specific solar cases are heard, that is the time to talk about it and attempt to make
25 it work for everyone. He said that he does promote solar, but the proposed project for the Sidney area is out
26 of the scope of solar that he is involved with, but we must get energy from somewhere. He said that the
27 reason why a specific location was chosen is due to the location of the substation, and if the substation was
28 not in its current location, then the developer would be somewhere else in Champaign County. He said that
29 he does not know how much the Sidney substation can handle, but he does not believe that it could handle
30 8,000 acres of solar panels without expanding the substation, which would mean that there would be more
31 poles and wires. He said that for this meeting, the Board must have the opportunity to recommend the
32 guidelines, and then everyone can move forward with the rest of it.

33
34 Ms. Griest thanked Mr. Wishall for addressing the Board. She asked Mr. Wishall to indicate the output for
35 his solar system.

36
37 Mr. Wishall stated that he has only been allowed 10 kilowatts, because that is all that Eastern Illinois Electric
38 Cooperative would allow. He said that if he could install a 35 or 40-kilowatt system, then that would supply
39 all the required energy for the farm, but he is not allowed to have that large of a system, although if he was
40 an Ameren Illinois customer he would have a 35 or 40-kilowatt system.

41
42 Ms. Lee asked Mr. Wishall if he has a three-phase system.

43
44 Mr. Wishall stated that solar energy works on any type of power system, but his system is a single-phase
45 system.

46
47 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Wishall, and there were

1 none.

2
3 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
4 regarding Case 895-AT-18, and there was no one.

5
6 Ms. Capel stated that the Board would take a five-minute recess.

7
8 **The Board recessed at 9:55 p.m.**

9 **The Board resumed at 10:00 p.m.**

10
11 Ms. Capel stated that it was previously mentioned that the ZBA members' contact information is listed on
12 the Champaign County website, although any questions or concerns should be directed to the Department of
13 Planning and Zoning staff and not the Board, because the members cannot discuss the meeting or cases
14 outside of the public hearing.

15
16 Ms. Capel requested that the Board provide direction to staff, as to what information is required for the next
17 public hearing regarding this case.

18
19 Ms. Lee asked if the next public hearing will only be about Case 895-AT-18.

20
21 Mr. Hall stated yes. He said that if the Board is not aware of any required information now, then fine, but
22 staff wanted the opportunity to ask the Board prior to adjournment.

23
24 Mr. Elwell stated that he has tried to find information regarding property values for residences near a solar
25 farm, but the information that he was able to find was in regard to properties near wind farms. He asked Mr.
26 Hall if staff has been able to find any information regarding this matter.

27
28 Mr. Hall stated that he too has searched for any useful evidence regarding property values for residences near
29 a solar farm, and he has been unsuccessful, perhaps because there isn't any out there.

30
31 Mr. Elwell stated that the Board has received testimony regarding property values, although the Board
32 should base their decisions on proven data, and not "it's in my backyard," testimony.

33
34 Mr. DiNovo stated that he looked on Google Scholar, because he would expect that if there were any studies
35 published in appraisal journals they would show up there, but he was not able to find any. He said that one
36 thing that might be helpful, are summaries of noise standards published by different authoritative bodies. He
37 said that as he remembers, they are probably 40 dBA, but it would be good to know if we had something
38 other than IPCB standards, because he is not sure if the state has revisited their noise regulations for some
39 time. He said that perhaps information is available from federal or other state agencies, as it would be nice
40 to have a consensus from health agencies regarding that question. He said that since the next public hearing
41 for this case is next week, he hesitates to ask staff for more information.

42
43 Mr. Hall stated that Mr. DiNovo provided staff with a noise study. He asked Mr. DiNovo if, based on that
44 study, are there any real noise concerns regarding an inverter in a solar farm.

45
46 Mr. DiNovo stated that he likes the studies that measured noise after installation. He said that maybe this
47 information is in that document, but he doesn't remember. He said that perhaps it would be good if the

1 Board had a set of authoritative standards to compare those numbers to, because the only one that the Board
2 has is the IPCB standard and he does not know if that is state of the art. He said that there are other
3 agencies, like the World Health Organization, that specify lower numbers than that.

4
5 Mr. Hall asked Mr. DiNovo if he is proposing to adopt lower noise standards for a solar farm, or is he
6 proposing to adopt a new noise standard for the entirety of the rural area, which is lower than the IPCB rules.

7
8 Mr. DiNovo stated that he would consider making it more stringent if there was solid authority behind it.

9
10 Mr. Hall asked Mr. DiNovo if he had any idea how long those hearings would take.

11
12 Mr. DiNovo stated that he has spent his whole life in the State of Illinois, but he does not necessarily accept
13 what comes out of Springfield as gospel. He said that he would be interested to see what those things look
14 like, but he doesn't want to create a lot of work either.

15
16 Ms. Lee stated that when Ameren increased the capacity for their substation near Sidney, they also upgraded
17 their poles that carry the electricity to Indiana, and those poles went through her farmland and other
18 properties east of Sidney. She said that the Board has discussed the use of Champaign County's best prime
19 farmland, and perhaps there is land that is not considered best prime farmland that could be used for the solar
20 farm which is sending energy to Indiana.

21
22 Mr. Hall stated that the whole point to the Illinois Rivers Transmission Project was not to send more energy
23 to Indiana, but send it all the way to the east coast. He said that it was a national upgrade of infrastructure,
24 and no one knows how much of the electricity going through Champaign County substations is used in this
25 area, but perhaps Ameren could provide that information.

26
27 Mr. DiNovo stated that we do know that a large percent of the energy used in Champaign County is
28 transmitted across other counties.

29
30 Mr. Passalacqua stated that he appreciates the pictures regarding the University of Illinois solar farm. He
31 asked staff if there is data from that solar farm and what type of noise those inverters make, and if the
32 University of Illinois completed a noise study.

33
34 Mr. Hall stated that he does not know if the University of Illinois completed a study, but they did place
35 inverters along the edge, and that should not happen in any solar farm that this Board will review.

36
37 Mr. Passalacqua stated that the University of Illinois has meter reading and studies on everything that they
38 do, so perhaps they have already completed a noise study for their solar farm. He said that he would
39 complete some research to see if he can find anything online.

40
41 Mr. Hall stated that one good noise study has been entered as a Document of Record, and as far as he knows,
42 the University of Illinois has not done anything for their solar farm.

43
44 Ms. Griest stated that Mr. Hall indicated that having the inverters near the perimeter of the solar farm should
45 not happen in any of the solar farms that will be reviewed by this Board, and will be a factor during the
46 special use process. She asked Mr. Hall if language should be in the ordinance that indicates that the
47 inverters are not allowed to be along the perimeter of the solar farm.

1
2 Mr. Hall stated no. He said that, he assumes, that locating inverters is an engineering judgement and he does
3 not want to pre-judge what an engineer believes is best. He said that when it comes to this Board, and if they
4 have inverters around the edge of the solar farm, this Board should hold them to prove that there will not be
5 any noise issues. He said that he has not seen any inverters along the edge of any of the solar farm
6 application plans that staff has on file currently, but there are some inverters that are closer to the edge than
7 most. He said that every time he talks to the developers, they indicate that the submitted plan with the
8 special use permit is not the plan that will be reviewed by the Board.

9
10 Ms. Griest stated that the solar farms will be like other things that the Board has reviewed, in that the site
11 plan will evolve, and when they get it done they will let us know. She said that, regarding noise, the Board
12 has heard testimony that presented a reasonable reason for a greater setback for the inverters rather than the
13 panels. She asked staff if they could provide any information to validate a greater setback, because the
14 testimony appeared to have some valid factors that were worth exploring.

15
16 Ms. Lee asked Mr. Hall if the same setbacks will be applicable for the community solar farm inverters.

17
18 Mr. Hall stated that the same standards will apply.

19
20 Mr. DiNovo stated that some of the community solar farms are contiguous. He asked Mr. Hall if those solar
21 farms were under the same ownership and operation.

22
23 Ms. Griest asked Mr. Hall if, in order to be considered separate, do they have to be under separate ownership
24 and operation. She asked if there is any prohibition of the two contiguous solar farms being under the same
25 ownership on two different sites.

26
27 Ms. Capel entertained a motion to extend the meeting to 10:30 p.m.

28
29 **Ms. Griest moved, seconded by Mr. Elwell, to extend the meeting the 10:30 p.m. The motion carried**
30 **by voice vote.**

31
32 Mr. Hall stated that with the proposed amendment, the only difference between a commercial solar farm and
33 a community solar farm is in regard to the road use agreement. He said that he does not see any benefit in
34 having them under separate ownership, and staff would make the highway commissioner aware that there is
35 not only one community solar farm there under one ownership, but however many are proposed. He said
36 that we can handle that with the way that the amendment is currently written.

37
38 Ms. Griest stated that as long as there is a requirement that they must be in contact with the highway
39 commissioner, and obtain their sign-off on the project. She said that she does not know how many road trips
40 will be necessary to bring everything in, but it will depend on the time of year and the type of road for their
41 access as to whether it will be an issue or not.

42
43 Mr. Hall stated that they must have a road use agreement, unless they get a written exemption, so in this
44 regard, the amendment is not set up to fail.

45
46 Ms. Capel entertained a motion to continue Case 895-AT-18 to the April 12, 2018, public hearing.

47

1 Ms. Griest moved, seconded by Mr. Passalacqua, to continue Case 895-AT-18 to the April 12, 2018,
2 public hearing. The motion carried by voice vote.

3

4 **6. New Public Hearings**

5

6 None

7

8 **7. Staff Report**

9

10 None

11

12 **8. Other Business**

13 **A. Review of Docket**

14

15 Mr. Hall asked the Board if they desired to start the April 12, 2018, meeting at 6:30 p.m.

16

17 Mr. Passalacqua stated that if the meeting continues to begin at 7:00 p.m. he would actually have time to eat
18 dinner prior to attending the meeting.

19

20

21 **9. Audience participation with respect to matters other than cases pending before the Board**

22

23 None

24

25 **10. Adjournment**

26

27 Ms. Capel entertained a motion to adjourn the meeting.

28

29 **Ms. Lee moved, seconded by Ms. Griest, to adjourn the meeting. The motion carried by voice vote.**

30

31 The meeting adjourned at 10:17 p.m.

32

33

34 Respectfully submitted

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39 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT ZBA //

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