

AS APPROVED JUNE 14, 2018

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3 **MINUTES OF REGULAR MEETING**

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5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 **1776 E. Washington Street**

7 **Urbana, IL 61801**

8  
9 **DATE: April 12, 2018**

**PLACE: Lyle Shields Meeting Room  
1776 East Washington Street**

10  
11 **TIME: 7:00 p.m.**

**Urbana, IL 61802**

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13 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Ryan Elwell, Debra Griest, Jim Randol,  
14 Marilyn Lee, Brad Passalacqua

15  
16 **MEMBERS ABSENT :** None

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18 **STAFF PRESENT :** Connie Berry, Susan Burgstrom, John Hall

19  
20 **OTHERS PRESENT :** Phillip Geil, Ron Becker, Cory Willard, Suzanne Smith, Harry Ohde, Laura  
21 Schultz, AnnaMae Dziallo, Paul Lents, Jordan Mueller, Michael Witt, David  
22 Ruff, Wyatt Beasley, Patrick McIntosh, Tannie Justus, Chris Abrahamson,  
23 Dan Maloney, Chuck White, Ted Hartke, Colleen Ruhter, Patrick Brown,  
24 Stacey Gloss, Vince Koers, Alice Englebretsen, Rebecca Laurent, Tim  
25 Osterbur, Jim Rector, Chris Hitz, Jason Lindsey, Nathaniel Forsythe, Jeff  
26 Justus, Rich Rutherford, Stuart Levy, Michael Crosby, Sara MacTaggart,  
27 David Figueroa, Andy Robinson, Kathy Robinson, Margo Chaney, Jennifer  
28 Hixson, Cindy Shepherd, Sue Schwartz, Kathleen Robbins, Paul Lewis, Ed  
29 Lynch, Tom Smith, Tammar Geil, Richard Samson, Irma Samson, Becky  
30 Bennett, Jim Nonman, Andrew Moore, Bill Decker, Todd Short, M. Pope,  
31 Scott Lux, Carol Hannah, Ricky Hannah, Bernadette Tiemann, Carol Hays,  
32 Anthony Sawtaveuk, Chris Bromley, Michal Bryant, Kathy Shannon, Bob  
33 Withers, Justin Wise, James Ducey, Jason Cash, Jared Orcutt, Cory Willard,  
34 Chad Marshall, Cameron Finn, Jeffrey Deem, David Ruff, Shelley Place,  
35 Gary Place, Kelly Wolken, Jesse Cogdill, Kam Hixon, Pat McIntosh Skyler  
36 Tinsman, Levi Hermer, David Barcus, David Noreen, Corey White, Andy  
37 Schum, Ben Brandt, Kris Bolt, Joey White, Mark Catron, Leroy Schluter, V.  
38 Livengood, Aaron Esry, Matt Harriott, Jeffrey Snodgrass, Jerry Perkins, Tim  
39 Montague, Stuary Levy, Tyler Perkins, Claire Johnson, Marty Wilson, Kathy  
40 Schindler, Marina Manetti, Michael Crosby, Will Corum, Margo Chaney,

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44 **1. Call to Order**

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

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1 **2. Roll Call and Declaration of Quorum**

2  
3 The roll was called and a quorum declared present.

4  
5 Ms. Capel read the following email from Pius Weibel, Champaign County Board Chairman: During the  
6 recent Zoning Board of Appeals (ZBA) meeting on April 5, a person or persons purposely placed  
7 construction screws behind tires of vehicles parked in the northeast parking lot at the Brookens  
8 Administration Center. Fortunately for the vehicle owners, the screws were detected and most were  
9 removed prior to movement of the vehicles. Some of the screws were removed the next morning.  
10 Fortunately, the type of screw that was placed behind the tires has a small head and does not readily turn  
11 up when rolled over.

12  
13 It is believed that this event was motivated by a person or persons that have strong opinion(s) about the  
14 proposed solar farm amendment, which was the topic of the ZBA meeting that night. There is another  
15 similar ZBA meeting tonight, and another one planned for April 26. Future meetings which will cover  
16 this topic will include a County Board ELUC meeting and a regular County Board Meeting.

17  
18 The Sheriff will be providing extra security for these meeting, but attendees at all these meetings should  
19 check the area around their tires before departing.

20  
21 Ms. Capel requested that the audience either turns off their cell phones or place them on silent so that there  
22 are no interruptions during the public hearing. She requested that any conversations between audience  
23 members be taken outside of the meeting room so that the public hearing is not disturbed and the audio tape  
24 does not pick up the conversation as background noise. She said that minutes are transcribed from the audio  
25 tapes and if staff cannot clearly hear the testimony and Board discussion, the minutes will not be accurate.

26  
27 Ms. Capel requested that anyone present tonight should sign the attendance sheet.

28  
29 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the  
30 witness register for that public hearing. She reminded the audience that when they sign the witness register  
31 they are signing an oath.

32  
33  
34 **3. Correspondence**

35  
36 None

37  
38 **4. Approval of Minutes**

39  
40 None

41

1 **5. Continued Public Hearing**

2

3 **895-AT-18 Petitioner: Champaign County Zoning Administrator Request to amend the**

4 **Champaign County Zoning Ordinance as follows: Part A: Amend Section 3 by adding definitions**

5 **including but not limited to “NOXIOUS WEEDS: and “SOLAR FARM”; Part B: Add paragraph**

6 **4.2.1 C.5 to indicate that SOLAR FARM may be authorized by County Board SPECIAL USE permit**

7 **as a second PRINCIPAL USE on a LOT in the AG-1 DISTRICT or the AG-2 DISTRICT; Part C:**

8 **Amend Section 4.3.1 to exempt SOLAR FARM from the height regulations except as height**

9 **regulations are required as a standard condition in new Section 6.1.5; Part D: Amend subsection 4.3.4**

10 **A. to exempt WIND FARM LOT and SOLAR FARM LOT from the minimum LOT requirements of**

11 **Section 5.3 and paragraph 4.3.4 B. except as minimum LOT requirements are required as a standard**

12 **condition in Section 6.1.4 and new Section 6.1.5; Part E: Amend subsection 4.3.4 H. 4. to exempt**

13 **SOLAR FARM from the Pipeline Impact Radius regulations except as Pipeline Impact regulations**

14 **are required as a standard condition in new Section 6.1.5; Part F: Amend Section 5.2 by adding**

15 **“SOLAR FARM” as a new PRINCIPAL USE under the category “Industrial Uses: Electric Power**

16 **Generating Facilities” and indicate that SOLAR FARM may be authorized by a County Board**

17 **SPECIAL USE Permit in the AG-1 Zoning DISTRICT and the AG-2 Zoning DISTRICT and add new**

18 **footnote 15. to exempt a SOLAR FARM LOT from the minimum LOT requirements of Section 5.3**

19 **and paragraph 4.3.4. B. except as minimum LOT requirements are required as a standard condition**

20 **in new Section 6.1.5.; Part G: Add new paragraph 5.4.3 F. that prohibits the Rural Residential**

21 **OVERLAY DISTRICT from being established inside a SOLAR FARM County Board SPECIAL**

22 **USE permit; Part H: Amend subsection 6.1.1 A. as follows: 1. Add SOLAR FARM as a NON-**

23 **ADAPTABLE STRUCTURE and references to the new Section 6.1.5 where there are existing**

24 **references to existing Section 6.1.4; and 2. Revise subparagraph 6.1.1 A. 11c. by deleting reference to**

25 **Section 6.1.1A. and add reference to Section 6.1.1A.2; Part I: Add new subsection 6.1.5 SOLAR**

26 **FARM County Board SPECIAL USE Permit with new standard conditions for SOLAR FARM; Part**

27 **J: Add new subsection 9.3.1 J. to add application fees for a SOLAR FARM zoning use permit; and**

28 **Park K: Add new subparagraph 9.3.3 B.8. to add application fees for a SOLAR FARM County Board**

29 **SPECIAL USE permit.**

30

31

32 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign

33 the witness register for that public hearing. She reminded the audience that when they sign the witness

34 register they are signing an oath. She asked the audience if anyone desired to sign the witness register

35 and there was no one.

36

37 Mr. John Hall, Zoning Administrator, stated that earlier this week staff distributed a property value

38 impact study, and staff subsequently discovered that the author of that study did not authorize the

39 release. He said that staff received a new study by the same author, and that analysis included solar

40 farms located in Champaign, LaSalle, and Winnebago counties in Illinois, and Lake, Porter, Madison,

41 Marion, and Elkhart counties in Indiana. He said that this study is an attachment to Supplemental

1 Memorandum #8, dated April 9, 2018. He said that anyone who downloaded a copy of the unauthorized  
2 release of the first study can return it to staff, and staff will provide a copy of the new study that was  
3 authorized for release. He said that Supplemental Memorandum #9, with attachments, dated April 11,  
4 2018, has been distributed to the Board for review. He said that Supplemental Memorandum #9  
5 includes 27 different attachments and most of them are emails that staff has received, although included  
6 in those attachments is one non-email document: "Recommended noise level design goals and limits at  
7 residential receptors or wind turbine developments in the United States", by David M Hessler and  
8 George F. Hessler, dated June 21, 2010. Mr. Hall stated that the following studies were posted online:  
9 "Property Taxes and Solar PV Systems: Policies, Practices, and issues", by Justin Barnes, Chad Laurent,  
10 Jayson Uppal, Chelsea Barnes & Amy Heinemann, dated July 2013; "Oakland NC Property Values  
11 Impact Study", Kirkland Appraisals LLC, dated February 12, 2016; "Noise in Figures, European Agency  
12 for Safety and Health and Work", 2005, submitted by Rebecca Sinkes. He said staff did not attempt to  
13 categorize the emails received, although staff has received several emails indicating support of the  
14 proposed amendment, and continues to receive several emails in opposition of the proposed amendment.  
15

16 Mr. Hall distributed Supplemental Memorandum #10, with attachments, dated April 12, 2018, to the  
17 Board for review. He said that the memorandum consists of approximately 10 emails which are either in  
18 support of or in opposition to the proposed text amendment. He said that more robust photographs of the  
19 U of I Solar Farm taken at different distances are included in Attachment Q. He said that the  
20 memorandum summarizes comments received during two telephone conversations between Lezli Cline,  
21 5 James Court, Sidney, a member of the International Brotherhood of Electrical Workers (IBEW), and  
22 staff regarding the proposed amendment. He said that the memorandum includes proposed revisions to  
23 the ordinance, based on research and public input, as follows: A separation of one-half mile from the  
24 proposed PV Solar Farm, except for any power lines of 34.5 Kva or less, to the municipal boundary at  
25 the time of application for the Special Use Permit. He said that normally during a text amendment, staff  
26 attempts to work with the municipal staff and address their concerns, but typically this staff does not  
27 receive municipal comments until after the Champaign County Zoning Board of Appeals (CCZBA)  
28 makes a recommendation to the County Board, which is why there is a one-month time-period after the  
29 text amendment goes to the Environment and Land Use Committee (ELUC). He said that based on the  
30 testimony provided at the last public hearing by the Mayor of the Village of Sidney, staff thought that  
31 they needed to do something to show that they are interested in the Village of Sidney's concerns, and  
32 proposed the one-half mile separation. He said that per a comment by CCZBA member Frank DiNovo,  
33 staff revised the language for a municipal resolution regarding the PV Solar Farm by any municipality  
34 located within one-and-one half miles of the PV Solar Farm. He said that if we do not receive a  
35 resolution from the municipality, the Zoning Administrator is to report and document that ample notice  
36 was provided to the municipality for the ELUC and County Board meetings. He said that this will  
37 document that staff did everything possible to facilitate comments.  
38

39 Mr. Hall stated that the second change is in relation to separations from residential lots. He said that  
40 staff is recommending a 200 feet separation from the perimeter fence of the solar farm to the property  
41 boundary of a lot that is five acres or less in area; however, staff is recommending that this separation

1 only apply as a standard condition when the lot is bordered no more than two sides by the solar farm. He  
2 said that at the present time, staff does have some plans on file which indicate homes being bordered on  
3 two, three and four sides by the solar farm, and staff is prepared to propose that for any lot boarded on  
4 more than two sides, staff is not suggesting what the separation should be and it will be a determination  
5 by the CCZBA. He said that staff is suggesting that it shall exceed 200 feet as deemed necessary by the  
6 Board provided that the noise level caused by the PV Solar Farm complies with the Illinois Pollution  
7 Control Board regulations. He said that he is a little frustrated by that because it does not give the solar  
8 farm applicant any suggestion as to what that separation should be, yet on the other hand, it makes it  
9 clear that it will be whatever this Board deems necessary.

10  
11 Mr. Hall stated that staff is adding a new separation from electrical inverters, which should be inside the  
12 perimeter fence. He said that after looking at all the plans that are file at the Department of Planning and  
13 Zoning office, and the noise study from Massachusetts, staff is proposing the following: Electrical  
14 inverters shall be located as far as possible from property lines and adjacent dwellings consistent with  
15 good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall  
16 require specific approval and may require special sound deadening construction and noise analysis. He  
17 said that any developer that proposes to put an inverter closer than 275 feet to a lot line, regardless of the  
18 lot size, is put on notice that it will be an issue during the review. He said that when you add the 275  
19 feet to the 200 feet separation for a lot less than five-acres, you get a total separation of 475 feet to the  
20 inverter from the residential property line. He said that the noise study documentation that was provided  
21 indicates that such a separation should guarantee no violation of the IPCB noise limits. He said that  
22 noise from a new development should not be perceived as more than a doubling of the existing  
23 background noise level. He said that if you add the 275 feet to the 250 feet separation from a dwelling  
24 located on a lot larger than five acres, you get 525 feet, which should approximate what you should be  
25 getting in the other instance. He said that the whole point is that this will help with the noise levels.

26  
27 Mr. Hall stated that the next change is due to the comments received from drainage commissioner; Ray  
28 Griest. Mr. Hall stated that he does not know why there are not better standards for drainage district  
29 tiles, but staff is proposing a standard now. He said that when there isn't an existing easement on a  
30 drainage district tile, and many times there isn't, once the tile is identified there will be a 30-foot "no  
31 build" zone on either side of the tile that will need to be staked and flagged during construction so as to  
32 minimize any damage to that district tile. He said that this standard can be waived by the drainage  
33 district with a written authorization.

34  
35 Mr. Hall stated that there is another change to the proposed text amendment regarding the protection of  
36 best prime farmland. He read the proposed revision as follows: 9.(a)(1): The disturbance to best prime  
37 farmland caused by construction and operation of the PV Solar Farm shall be minimized at all times;  
38 9.(a)(2): The total amount of proposed disturbance to best prime farmland due to construction of solar  
39 photovoltaic arrays, interior access roads, transmission lines, and substations shall not exceed the  
40 disturbance that might otherwise occur due to construction of dwellings that are permissible by right  
41 absent the construction of the PV Solar Farm. The assumed disturbance caused by construction of the

1 dwellings shall assume dwellings of typical size and shall also include the related construction of  
2 driveways, septic systems (both active and reserve), and accessory buildings of typical size and quantity.  
3 He said that he is a little uneasy, because he knows that most of the solar farm developers desire 20 feet  
4 roads inside of the solar farm itself and in some instances, depending on how the analysis works out, the  
5 developer could be disturbing more best prime farmland than would be disturbed by the alternative  
6 residential development. He said that he wanted to make the Board aware of his concerns regarding this  
7 and he never intends to write something into the ordinance that he knows cannot be met, but he feels that  
8 we should do something similar to this and perhaps the Board will have a recommendation to improve  
9 the revision and make it less restrictive or actually reject it. He said that 9. (1)(3) indicates that  
10 disturbance to best prime farmland shall be offset by establishment of a vegetative ground cover within  
11 the PV Solar Farm that includes the following: i. The vegetative ground cover shall use native plant  
12 species as much as possible and shall be based on a site assessment of the site geography and soil  
13 conditions; ii: The species selected shall serve a secondary habitat purpose as much as possible. He said  
14 that he does not like writing standard conditions that indicate the words “as much as possible,” but in  
15 this case, it is necessary, and the Board can reject it. He continued to read: iii. Maintenance of the  
16 vegetative ground cover shall use a combination of management approaches to ensure safe, cost  
17 effective, reliable maintenance while minimizing environmental risks; and iv. The plan to establish and  
18 maintain a vegetative ground cover that includes native plant species as much as possible shall be  
19 detailed in a landscape plan included in the PV Solar Farm Special Use permit application. The  
20 landscape plan shall include the weed control plan required by Section 6.1.5 P.3.

21  
22 Mr. Hall summarized the revisions to proposed Section 6.1.5.1.3 regarding noise requirements. He said that  
23 he tried to make this amendment as short as possible, and he had a simpler noise analysis requirement than  
24 what we have for the wind farm; however, due to the concerns expressed by the public he does not believe  
25 that a simple amendment serves the purpose and the revision is an improvement to the existing wind farm  
26 noise requirements. He said that the revision requires identification of the 24-hour ambient background  
27 sound level; computer modeling of the anticipated sound level resulting from the operation of the proposed  
28 solar farm at all dwellings and other principal structures within 1,500 feet of the proposed solar farm; results  
29 of the ambient background sound level monitoring and anticipated sound levels shall be mapped indicating  
30 the noise contours within 1,500 feet of the proposed solar farm; and requires clear assumptions of the  
31 computer model’s construction and algorithms so that a competent third part can verify the anticipated sound  
32 data and levels. He said that for a community solar farm, the Board may require submission of a noise  
33 analysis as well.

34  
35 Mr. Passalacqua asked Mr. Hall if a maximum dBA level will be established.

36  
37 Mr. Hall stated that the amendment is retaining the Pollution Control Board’s noise levels.

38  
39 Mr. Passalacqua asked Mr. Hall to indicate the Pollution Control Board’s levels.

40  
41 Mr. Hall stated that the Pollution Control Board levels are 51 dBA during the daytime, and at this time he

1 cannot indicate the evening noise level although he does have the information with him and can provide it to  
2 the Board. He said that this amendment is not requiring any change to the PCB noise standard.

3  
4 Mr. Passalacqua stated that he thought that the evening noise level was 41 dBA.

5  
6 Mr. Hall stated that he will briefly review the proposed additions to the Finding of Fact. He said that a  
7 revision to item 16.B. regarding the purpose of the Zoning Ordinance. He said that Paragraph 2.0 (b) of the  
8 Ordinance states that one purpose of the zoning regulations and standards that have been adopted and  
9 established is to conserve the value of land, buildings and structures throughout the County. He said that  
10 staff summarized the two property impact studies that have been received to date. He said that the second  
11 impact study that was distributed to the Board tonight is not as robust as the one from the replacement study  
12 that staff received, but it is a study that has been used. He said that this evidence indicates that there will be  
13 no impact to adjacent or nearby properties by a solar farm.

14  
15 Ms. Griest stated that she read the studies and throughout them, it was indicated that there was no impact,  
16 although she felt that they lacked data on the comparative properties indicating their use. She said that she is  
17 a firm believer that data can be called to produce whatever result you are trying to achieve, if that statistician  
18 is so inclined, but she did not see that in these studies; however, she is not confident enough in what she read  
19 regarding the comparisons to be able to say that the study swayed her to be confident that there is no impact.  
20 She said that she is not confident in the bolded statement under 16.B(2) indicating that the ZBA has  
21 concluded that, in general, a photovoltaic solar farm will not harm the value of adjacent or nearby property.

22  
23 Mr. Hall stated that the reason why the statement is in bold lettering, is so that the Board can prepare a  
24 statement they all agree to. He said that he thought that the larger study did a good job of explaining why  
25 certain properties were not included, they threw out some properties for sound reasons, and none of the  
26 studies included properties that were bordered on more than one side by a solar farm. He said that in the big  
27 study, all the properties were across the street from the solar farm. He said that it isn't ideal, but according  
28 to people involved in the industry, it is the best study out there. He said that we need a statement from the  
29 Board that everyone agrees with, and hopefully we will get to that point.

30  
31 Mr. Passalacqua stated that if the studies are so strong, he would not have a problem with a requirement in  
32 the ordinance indicating that the property value is guaranteed by the petitioner.

33  
34 Mr. Hall stated that his recommendation would be to adopt a separation that would provide the same level of  
35 comfort.

36  
37 Mr. Passalacqua asked Mr. Hall if he sees his point. He said that the study is guaranteeing the people who  
38 are questioning whether their property would be valued less, and assuring them that it will not be. He said  
39 that this Board cannot say that they have a study that will guarantee the property owners in Champaign  
40 County that they will never have to question their property value because we have all this data.

1 Mr. Hall stated that he does understand Mr. Passalacqua’s point. He said that Grundy County has a one-line  
2 sentence requiring a property value impact study.  
3  
4 Mr. Elwell asked Mr. Hall who would pay for that property value impact study.  
5  
6 Mr. Hall stated that the applicant would pay for the study.  
7  
8 Mr. Elwell asked Mr. Hall if there could be a conflict of interest during the hiring of the appraiser  
9 completing the property impact study. He said that he could see some sort of bias that could occur with this  
10 process.  
11  
12 Mr. Hall stated that appraisers are held to a high standard, but the Board could go as far as to require  
13 reimbursement to the County for a required property value impact study.  
14  
15 Mr. Elwell stated that an appraisal would cost less than \$300.  
16  
17 Mr. Hall stated that these reports have multiple appraisals.  
18  
19 Mr. Hall stated that revisions are proposed for items 16.E (2) and (3), and to add a new item (4). He said  
20 that the revision to item 16.E (3) indicates that photovoltaic modules utilize non-glare glass so there should  
21 not be much glare. He said that staff reviewed and summarized noise, referring to the study from  
22 Massachusetts, separation and the fact that it should guarantee no noise violations, and staff still needs to add  
23 a listing of all public testimony regarding impacts to property values. He said that this an attempt to finally  
24 put that evidence together in the Finding of Fact for evidence regarding the impact on property value.  
25  
26 Mr. DiNovo asked Mr. Hall what would be an acceptable investigation regarding the location of district tiles.  
27 He said that he recalls a previous project where they had to dig trenches and pits across the anticipated line  
28 of the tile with a backhoe, and they had to go down five or six feet before they could use a probe. He said  
29 that if we are going to establish an easement requirement, then they would have to locate the tile precisely,  
30 and in a way that is acceptable to the drainage district.  
31  
32 Ms. Capel asked the Board if there were any additional questions for Mr. Hall, and there were none.  
33  
34 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the  
35 witness register for that public hearing. She reminded the audience that when they sign the witness register  
36 they are signing an oath. She asked the audience if anyone else desired to sign the witness register.  
37  
38 Ms. Capel stated that she will prioritize testimony from new witnesses. She said that if an email was sent to  
39 staff regarding this case, then that will be treated as previous testimony. She said that new witnesses will be  
40 heard first, and then she will return to the beginning of the list and call those who have previously testified or  
41 emailed their testimony.



1  
2 Ms. Capel informed the audience that this public hearing is for an ordinance regarding solar farms only. She  
3 said that the Board is not reviewing a permit for any specific solar farm, and no testimony will be accepted  
4 regarding a specific solar farm. She said that if the witness can generalize their concern regarding a certain  
5 circumstance, then the Board will accept the testimony, but if testimony describes a specific solar farm, she  
6 will ask the witness to stop their testimony or revise their testimony as it would apply to the ordinance only.  
7 She said that it appears that there are people who have signed the witness register in error, and if that is the  
8 case, when they are called they may indicate that they decline to testify.

9  
10 Ms. Capel called Stuart Levy to testify.

11  
12 Mr. Stuart Levy, who resides at 1108 Foley, Champaign, stated that he is in support of a solar zoning  
13 ordinance that will make large scale solar feasible. He said that his house is covered with trees, yet he is  
14 very interested in supporting solar energy and believes that solar energy development is an asset for our  
15 country and our individual county. He said that he cannot have solar on his roof due to the lack of sunlight,  
16 but he would like to take part in a community solar installation. He said that as people elsewhere have  
17 found, having renewable energy, such as solar, is economically valuable and it isn't just a bunch of people  
18 advocating for it, but they find that it makes money for the area where it is located and in use. He said that  
19 he would like to argue the statement that was previously made indicating a taking of best prime farmland.  
20 He said that a few years ago, one-third of Illinois corn was used for producing ethanol, and it is probably  
21 lower now, but a lot of Illinois corn is being grown to make energy. He said that to support the growth of  
22 that corn, a lot of pesticides and fertilizer must be applied to the ground. He said that if we convert from  
23 using land, not to produce food, but to produce energy by way of installation of solar panels, the land is  
24 fallow and it may even improve over time instead of being degraded during intensive farming practices. He  
25 said that he appreciates the comments about encouraging native plants to be planted, and one of the  
26 commenters recommended pollinator friendly plants to be planted on the margins of solar farms, and he  
27 supports that idea. He said that, as he understands it, there is statewide consideration to require elaborate  
28 plans that would have to be reviewed by the Illinois Department of Agriculture as to how the solar farm  
29 would be removed once it reaches the end of its life. He said that these requirements were setup for  
30 windfarms, although a wind turbine would have tons of cement at its base and it would be an incredible  
31 burden on the landowner to remove if it was left to their own devices. He said that he does not think that  
32 there are any cement bases for a solar farm.

33  
34 Ms. Capel asked the Board and staff if there were any questions for Mr. Levy.

35  
36 Mr. Passalacqua asked Mr. Levy to indicate how solar energy would make money for the community.

37  
38 Mr. Levy stated that he would assume that the solar farm would be taxed, because it is valuable property that  
39 would be taxable. He said that farmers may find that the solar farm is more profitable than row crop,  
40 because crop prices are miserably low and have been for years. He said that farmers may find that it is more  
41 profitable to grow sunlight on their farms than to grow row crops, and the landowners should have that

1 option without an obstruction by an ordinance that makes it all but impossible to do it.

2

3 Ms. Griest asked Mr. Levy if he has any involvement in the farming industry.

4

5 Mr. Levy stated no.

6

7 Ms. Griest asked Mr. Levy if he had any background knowledge regarding the economy of farming and how  
8 it works.

9

10 Mr. Levy stated no, although he does listen to the agricultural reports and he does speak with farmers.

11

12 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Levy, and there were  
13 none.

14

15 Ms. Capel called Michael Crosby to testify.

16

17 Mr. Michael Crosby, who resides at 512 S. Edwin, Champaign, stated that he serves as the lead pastor for  
18 First Mennonite Church of Champaign-Urbana. He thanked the Board for accepting his testimony, and for  
19 paying attention to all the factors that impacts their community, environmental concerns, economic impacts,  
20 aesthetics, etc. He urged the Board to avoid excessive decommissioning requirements and onerous setbacks  
21 that may prevent investment in solar energy in Champaign County. He said that his congregation, First  
22 Mennonite Church of Champaign-Urbana, chose to invest in renewable energy as an expression of their faith  
23 commitment to caring for the earth. He said that they installed photovoltaic solar collectors on their church  
24 roof in 2014, but unfortunately, they have a small roof, and the limited space cannot generate all the energy  
25 that they use. He said that they would love the opportunity to purchase additional solar energy, and  
26 community solar provides this opportunity, while also creating opportunities for investment in a vibrant  
27 future energy economy in Champaign County. He said that community solar will benefit all of us, if  
28 burdensome restrictions do not make it undesirable to investors and potential energy subscribers.

29

30 Mr. Crosby stated that he supports reasonable regulation that allows and encourages solar and does not make  
31 it unworkable or economically undesirable. He asked the Board members to please keep Champaign County  
32 open to solar projects that keep our air clean and benefit investors and potential subscribers like his church.

33

34 Ms. Capel asked Mr. Crosby if he would be willing to submit his written statement as a Document of  
35 Record.

36

37 Mr. Crosby submitted his written statement as a Document of Record.

38

39 Ms. Capel asked the Board and staff if there were any questions for Mr. Crosby.

40

41 Mr. Passalacqua stated that he has seen the solar project at the First Mennonite Church of Champaign-

1 Urbana, and it is quite extensive. He asked Mr. Crosby if, in his opinion, is the project better than, worse  
2 than, or has the same aesthetics as the solar farm that the University of Illinois installed.  
3  
4 Mr. Crosby stated the panels on the roof are more obscure than the University of Illinois solar project,  
5 although he does not find that the University of Illinois solar project is obtrusive, and it might even lighten  
6 his spirit a little bit when he drives past it and sees a large-scale community commitment to renewable  
7 energy sources.  
8  
9 Ms. Griest asked Mr. Crosby to indicate at what point he would consider a development of any size to  
10 become obtrusive, what is his boundary.  
11  
12 Mr. Crosby stated that it would depend on the location and placement, but he could not answer Ms. Griest's  
13 question with a single number, such as 10 acres, 50 acres or 100 acres, and it should be based on surrounding  
14 community and things like that.  
15  
16 Mr. Elwell asked Mr. Crosby if he could make the distinction between community solar development  
17 compared to utility solar development which could take up hundreds of acres.  
18  
19 Mr. Crosby stated that he is not sure if could make that distinction.  
20  
21 Ms. Capel asked Mr. Crosby to submit his written statement as a Document of Record.  
22  
23 Mr. Crosby submitted his written statement as a Document of Record.  
24  
25 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Crosby, and there were  
26 none.  
27  
28 Ms. Capel called Sara MacTaggart to testify.  
29  
30 Ms. MacTaggart was absent from the meeting.  
31  
32 Ms. Capel called David Figueroa to testify.  
33  
34 Mr. Figueroa was absent from the meeting.  
35  
36 Ms. Capel called Kathy Robinson to testify.  
37  
38 Ms. Robinson was absent from the meeting.  
39  
40 Ms. Capel called Margo Chaney to testify.  
41

1 Ms. Capel informed the audience that if they are repeating someone else's testimony, the Board has already  
2 heard it, and would appreciate it if witnesses would only make a quick reference to that previous testimony.

3  
4 Ms. Margo Chaney, who resides at 1602 Kingston Drive, Urbana, stated that she is present tonight as a  
5 representative for McKinley Presbyterian Church in Champaign. She said that her church is completing a  
6 new roof project and they researched the cost of installing solar panels as well, but they are very interested in  
7 the community solar project. She said that they are a small congregation of approximately 120 members and  
8 they were looking for a way to go with a clean energy option, and the community solar farm would provide  
9 them with that opportunity without having to purchase solar panels for their own roof. She said that the  
10 members of the church are concerned with the large setback considerations which would make it  
11 prohibitively expensive for the church.

12  
13 Ms. Capel asked the Board and staff if there were any questions for Ms. Chaney.

14  
15 Mr. DiNovo asked Ms. Chaney if the church had been in any discussions with any of the community solar  
16 parties that are interested in developing community solar farms in Champaign County.

17  
18 Ms. Chaney stated that they have been in discussion with such a party, but she is only a congregante and is not  
19 a staff member for the church; therefore, she does not have the most detailed information with her tonight.  
20 She said that she is on the Building and Grounds Committee and they did research the cost for the upfront  
21 cost of the solar panels, and they found that they would save a considerable amount of money that could be  
22 put towards the roof project.

23  
24 Ms. Capel called Jennifer Hickson to testify.

25  
26 Ms. Jennifer Hickson, who resides at 209 W. Indiana, Urbana, stated that she is also a member of the  
27 McKinley Presbyterian Church in Champaign, and she has solar on their home. She said that they have 18  
28 solar panels, some on the roof of their home facing south, and some on their garage facing east, and after  
29 having a pergola constructed they placed solar panels on it. She said that she is a fan of zoning regulations  
30 and she is happy that the County is considering allowing solar farms. She said that glare and noise are not  
31 things that they have experienced at all. She said that they had to request a waiver from Urbana so that they  
32 could place their pergola three inches closer to the property line than what Urbana's Zoning Ordinance  
33 allowed. She said that the pergola is lower than the roof of their house and they have not received any  
34 complaints from their neighbors. She said that since their solar system involved two separate projects, they  
35 have two inverters which are inside their garage, and she has never noticed any sound from them. She said  
36 that since she wears hearing aids, she would ask her husband if he has heard any noise coming from the  
37 inverters and he indicated that he has never noticed any noise. She said they installed a hammock under the  
38 pergola, and it is not very far from the back door of the garage and they still hear no noise.

39  
40 Ms. Hickson stated that she supports the requirement of providing some sort of ground cover underneath the  
41 solar panels, because when the University of Illinois originally installed their solar system, it looked

1 unsightly. She said that the University of Illinois contracted with a developer from the southwest to build  
2 their solar farm and weeds were an issue; the people from the southwest did not understand the complaints.  
3 She said that it is a good idea to have the large inverters inside a structure, but the distance to tie into the  
4 electrical grid, and things that would make it too expensive would make it prohibitive. She said that she  
5 supports zoning regulations, but the county needs to make sure that the people who live around the solar  
6 farm are comfortable, yet move the county forward technologically, economically, and renewable wise as a  
7 community. She said that she could understand a requirement for a berm or nice fence placed around the  
8 solar farm to make sure that the people who live near the solar farm are not affected.

9  
10 Ms. Capel asked the Board if there were any questions for Ms. Hickson.

11  
12 Mr. Randol asked Ms. Hixson if she had to live next to a commercial solar farm, what amount of acreage  
13 would she be comfortable with, 5 acres, 100 acres, or more.

14  
15 Ms. Hickson stated that she is not good regarding spatial things so she does not know.

16  
17 Mr. Randol informed Ms. Hickson that one square mile consists of 640 acres.

18  
19 Ms. Hickson stated that she loves being in the country, but she is a city girl and she thought that Urbana was  
20 too small when they relocated here. She said that it is doubtful that she would be anywhere that would have  
21 a large solar farm, but if the solar farm was landscaped and well maintained, it would be acceptable. She  
22 said that currently there are acres and acres of corn and soybeans and some people who drive from Urbana to  
23 Chicago, which is where she used to live, have stated that the land is too flat and there is nothing to look at,  
24 but her grandfather always told her that this is the most beautiful part of the country, because it is flat and we  
25 feed the world. She said that aesthetics is different for different people.

26  
27 Mr. Elwell asked Ms. Hickson if she would be in support of a lower dBA noise level than what is required  
28 by the state.

29  
30 Ms. Hickson stated that she does not know what the state's noise level is like, but if it is like crickets, which  
31 can be annoying at night, then she could see a lower noise level. She said that they do not have an insulated  
32 garage and she cannot hear the inverters that are inside of it. She said that an insulated structure surrounding  
33 the inverters would protect the neighbors.

34  
35 Mr. Elwell asked Mr. Hall if he has any documentation indicating what decibel rating a chainsaw or crickets  
36 would be considered.

37  
38 Mr. Hall stated that the Massachusetts study has an appendix in the back which discusses typical sound  
39 levels.

40  
41 Ms. Griest stated that Ms. Hickson testified that she is a city girl living in a smaller city that is more isolated

1 than a location like Chicago. Ms. Griest asked Ms. Hickson if she was looking at the noise level on  
2 Chicago's city streets due to the hustle and bustle of the traffic near the expressway, compared to the noise  
3 near her residence, would she notice a notable difference and would the city noise level for a solar farm be  
4 acceptable near her home. Ms. Griest stated that she has seen similar units as described in Ms. Hickson's  
5 testimony and heard the noise that they generate.

6  
7 Ms. Hickson stated that her inverters do not make noise similar to a city.

8  
9 Ms. Griest stated that some of the testimony received by officials has indicated that the noise level for the  
10 solar farm inverters is substantial, and they are not the same type of inverters that Ms. Hickson has in her  
11 garage, because they are much larger.

12  
13 Ms. Hickson stated that she grew up three houses from a railroad track, so she is very accustomed to noises.  
14 She said that she knows that people who live in the country desire to maintain their quiet atmosphere, which  
15 is fine, as long as there were accommodations made to limit the noise. She said that she doesn't hear  
16 anything when she rides her bicycle past the University of Illinois solar farm. She noted that she is not riding  
17 her bicycle at night, but she does ride when there are a lot of cars going past her.

18  
19 Mr. DiNovo stated that the meeting will go more quickly if we try to focus and only solicit factual  
20 information from the people providing testimony, at least as much as the person providing testimony may  
21 have. He said that he is having a hard time following the logic behind some of the questions that have been  
22 posed, but if questions could be focused on factual information, this process could go a lot quicker.

23  
24 Ms. Capel called Ron Becker to testify.

25  
26 Mr. Ron Becker, stated that he is present tonight to represent the Illinois Brotherhood of Electrical Workers  
27 (IBEW), whose local address is 3301 North Boardwalk, Champaign, although he resides in Livingston  
28 County. He said that the members of IBEW local constructed the Grand Ridge Solar farm in LaSalle  
29 County, and that construction employed over 50 IBEW union members for over eight months. He said that  
30 when union members are on a job site, they are spending money in the town's restaurants, taverns, hotels,  
31 etc., because they do not live in the town. He said that he contacted LaSalle County requesting information  
32 regarding how much yearly revenue the county receives from the solar farm, and they indicated that after the  
33 taxing bodies receive their funds, the county received \$27,000 per year. He said that if the same calculations  
34 used in LaSalle County are used in Champaign County, that would put approximately \$1.1 million dollars in  
35 Champaign County's coffers per year. He said that in LaSalle County, there are no greater setbacks required  
36 for a solar farm than there are for any other use, 10 feet from the property line and normal road setbacks,  
37 which he assumes is 30 or 35 feet; he was not provided that distance.

38  
39 Mr. Becker stated that a wind farm was constructed in Livingston County and it brings in \$450,000 per year  
40 to the county. He said that there was a proposal for additional wind farms in Livingston County, but their  
41 Board wanted 4,000 feet setbacks, thus there will not be another wind farm in Livingston County. He said

1 that there is a large landfill in the town where he resides, and the county receives \$220,000 per year from  
2 taxes for that landfill, but it gets \$3.5 million dollars per year in tipping fees for all the trucks that tip garbage  
3 there. He said that he would hate to see Champaign County squander an opportunity to help your tax base  
4 and residents. He said that if a farmer leases his land to a solar farm, the farmer is receiving three times  
5 more in revenue than if he were farming it or renting it out to farm. He encouraged the Board to carefully  
6 review their proposed setbacks for solar farms.

7  
8 Ms. Capel asked the Board if there were any questions for Mr. Becker.

9  
10 Ms. Lee asked Mr. Becker to explain how he came up with the \$1.1 million dollars in LaSalle County when  
11 he started out with \$27,000 per year.

12  
13 Mr. Becker stated that the solar farm in LaSalle County generates \$27,000 for the county. He said that the  
14 size of the solar farm that is proposed in Champaign County is 40 times larger than the solar farm in LaSalle  
15 County. He said that  $\$27,000 \times 40 = \$1.08$  million dollars for Champaign County. He said that he does not  
16 know if the tax rates are the same in both counties.

17  
18 Ms. Lee asked Mr. Beck to indicate the size of the solar farm in LaSalle County.

19  
20 Mr. Becker stated that the solar farm in LaSalle County consists of 30 acres. He said that LaSalle County  
21 recently approved four more solar farms; therefore, the IBEW members from his local will be involved in  
22 that construction.

23  
24 Ms. Capel asked the Board if there were any additional questions for Mr. Becker, and there were none.

25  
26 Mr. Becker submitted his written notes to the Board as a Document of Record.

27  
28 Ms. Capel called Harry Ohde to testify.

29  
30 Mr. Harry Ohde, who resides 9318 South Longwood Drive, Chicago, stated that IBEW is a recipient of  
31 FEJA funding, and he is the Executive Director of the IBEW Renewable Energy Fund, and they are an  
32 organization that will train the public, building officials, and installers about renewable energy in general.  
33 He asked Ms. Capel if he will have the opportunity to speak at the next public hearing regarding this matter.

34  
35 Ms. Capel stated yes.

36  
37 Mr. Ohde stated that at the next public hearing, he would present a report from his committee regarding solar  
38 farms in general, the pros and cons.

39  
40 Ms. Capel stated that Mr. Ohde could email his report to the Department of Planning and Zoning for  
41 inclusion in the April 26, 2018, meeting packet.

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Mr. Ohde asked Ms. Capel if he could provide a presentation at the April 26<sup>th</sup> meeting.

Ms. Capel stated that if Mr. Ohde would email the presentation, the Board would review that presentation upon receipt of their mailing packet for the April 26<sup>th</sup> meeting.

Mr. Ohde stated that he would email his report and presentation to staff.

Ms. Capel noted that time during the public hearings is at a premium; therefore, a presentation might be difficult to accomplish.

Mr. Ohde thanked the Board.

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

Ms. Capel called Laura Schultz to testify.

Ms. Laura Schultz, who resides at 510 E. Stoughton St., Champaign, stated that she is a senior at the University of Illinois, as well as a concerned citizen of Champaign County. She said that she currently serves as a co-president of the UIUC Beyond Coal, one of the subcommittees of Students for Environmental Concerns. She said that the Beyond Coal campaign is a subsidiary of the nationwide campaign started by the Sierra Club, and has been active on campus since 2011. She said that the goal of Beyond Coal is to encourage financial divestment of institutions, such as universities, from coal power and coal companies. She said that because our campaign's work is largely focused on divestment from fossil fuels, we rarely get the opportunity to advocate for clean and renewable energy, which is one of the reasons she was pleased to be here tonight.

Ms. Schultz stated that she is also pleased to be here because clean energy, including solar energy, is the way of the future. She said that regardless of your stance on the urgency of climate change, it is a fundamental and undeniable fact that our resources of coal and other fossil fuels will not last forever, and they will not renew within our lifetime, our grandchildren's lifetime, or our grandchildren's, grandchildren's' lifetime. She said that if we want to continue to have electricity and everything that it allows us, we must begin the transition to renewable energy.

Ms. Capel informed Ms. Schultz that the Board understands the philosophical background that she is presenting, but the Board needs testimony that is directly related to the ordinance that they are trying to craft.

Ms. Schultz stated that she is getting to the testimony that the Board requires for the ordinance. She said that though we are not in imminent danger of running out of fossil fuels just yet, beginning this transition sooner rather than later will do nothing but benefit us here in Champaign County. She said that developing and building renewable energy infrastructure now allows more time to improve these technologies, drives down



1 the cost, and prolongs our stocks of fossil fuels. She said that there are a number of economic and social  
2 reasons why renewable energy, and especially solar energy, deserves our protection in Champaign County,  
3 not persecution. She said that solar installation provides jobs in an industry that is expanding, and unlike  
4 coal, solar also increases tax revenue for local government, and provides the chance to receive state and  
5 federal incentives. She said that without an ordinance that allows the construction of solar farms, these  
6 incentives will instead go to other counties. She said that communities that use solar power instead of fossil  
7 fuels have a significantly higher quality of life; they do not have to breathe in fumes produced by fossil fuels  
8 and the plants that combust them. She said that Champaign County, from Rantoul to Champaign-Urbana  
9 and Sidney deserves to be a place where its residents can breathe clean, fossil free air. She said that for these  
10 reasons, UIUC Beyond Coal is in support of the development of solar power in Champaign County; as such,  
11 we ask that the solar ordinance include setbacks of no greater than 250 feet. She thanked the Board for their  
12 time and hoped that their concerns are taken into careful consideration.

13

14 Ms. Capel asked the Board if there were any questions for Ms. Schultz.

15

16 Ms. Lee stated that Ms. Schultz indicated that the incentives would go to other counties, but the incentive  
17 provided by the State of Illinois is intended to go to developers and not the counties.

18

19 Ms. Schultz stated that she is not an expert, so she cannot speak to that, but this is the information that she  
20 has received.

21

22 Ms. Capel asked Ms. Schultz to submit her written testimony as a Document of Record.

23

24 Ms. Schultz submitted her written testimony as a Document of Record.

25

26 Ms. Capel called AnnaMae Dziallo to testify.

27

28 Ms. AnnaMae Dziallo, who resides at 403 S. Coler, Urbana, stated that she is an active member of Beyond  
29 Coal at the University of Illinois, a student at the University of Illinois, and a tutor for children at Stratton  
30 Elementary School in Champaign. She said that she would like to highlight the impacts that an ordinance  
31 will have on future generations. She said that as someone who mentors and teaches the youth at Stratton  
32 Elementary, she deeply cares about their personal well-being and their community welfare. She said that  
33 over 50 years ago, a coal gasification plant closed at the intersection of Fifth and Hill Streets, and residents  
34 still suffer harmful health effects from leftover toxins in the soil, such as bleeding disorders, asthma,  
35 numbness and tingling, and eye problems that are linked to the site. She said that the reason why she is  
36 highlighting this information, is because it advocates for the investment and encouragement of regulations  
37 and ordinances that allow solar in these communities. She said that she is in full support of encouraging  
38 native pollinator plants, because this would reduce erosion, build organic matter, and provide a critical  
39 habitat and food sources for pollinators upon which surrounding farms are reliant. She said that she supports  
40 an ordinance requiring a separation distance of 250 feet or less from properties and roads.

41

1 Ms. Capel asked the Board if there were any questions for Ms. Dziallo, and there were none.

2  
3 Ms. Capel asked Ms. Dziallo to submit her written testimony as a Document of Record.

4  
5 Ms. Dziallo submitted her written testimony as a Document of Record.

6  
7 Ms. Capel called Paul Lewis to testify.

8  
9 Mr. Paul Lewis, who resides at 2 Stewart Lane, Sidney, stated that he does not have an opinion on this  
10 particular project, but he does have strong opinions regarding the process of how we got here tonight. He  
11 said that he served approximately 10 years on the Zoning Board for Sidney and was one of the people who  
12 wrote the comprehensive plan. He said that the Sidney Village Board always found that things went a lot  
13 smoother when a developer approached a local community, addressed concerns, and then went forward. He  
14 said there is not a lot of trust from the people of the Sidney community, particularly regarding the one and  
15 one-half mile rule, although he will commend the Board for including the one and one-half mile exclusion in  
16 the proposed ordinance. He said that he is considering adding a solar system to his residence, and he has  
17 talked to his neighbors regarding where he should put it, and he is concerned with placing a roof system on a  
18 new roof with a 50-year warranty. He said that if he places the solar system on the ground, it effects his  
19 neighbors and he takes that seriously. He said that we all need to be good neighbors, and he will send an  
20 email with his complete statement and concerns. He asked the Board to indicate when the text amendment  
21 will be forwarded to the County Board.

22  
23 Ms. Capel stated that it depends on how much public testimony the Board must continue to take.

24  
25 Mr. Lewis stated that there are plenty of people who do not live near the proposed solar farm, and the Village  
26 of Sidney would be glad to hand it off to them so that they can deal with the type of things that the Village is  
27 trying to deal with. He said that the Village of Sidney has not met with the developer yet, although it is his  
28 understanding that a meeting has been scheduled for April 25<sup>th</sup>. He said that it would have been a good  
29 policy for the developer to approach the people who live there first, because it would have made it a lot  
30 easier and would alleviate many of the concerns that this Board has heard. He said that he does not know  
31 how much the Board or staff gets paid, but it takes a lot of the Board's time and sometimes cases are really  
32 drawn out. He said that at one time, he was on the school board, park board, and the zoning board, and he  
33 didn't get home a lot, so he gets it. He said that he spoke to one of the staff members and they informed him  
34 that a notice was mailed to the Village of Sidney, although the Village of Sidney's staff consists of the water  
35 superintendent, his assistant, and one part-time clerk, so the Village of Sidney does not have a staff, but has  
36 trustees. He said that at one time, the Village of Sidney had a variance request and the petitioners did not  
37 show up, so one of the trustees got in his car to find them so that the petitioners did not think that the Board  
38 was trying to slip something by them, because not everyone reads the notice in the paper. He said that this is  
39 called a renewable energy source, but it is basically an industrial project, so it is important for the developer  
40 to meet with the people who will be most impacted and alleviate any concerns that they may have, as well as  
41 can be.

1  
2 Ms. Capel asked the Board if there were any questions for Mr. Lewis.  
3  
4 Ms. Griest stated that she looks at solar as an industrial application.  
5  
6 Ms. Capel called Jordan Miller to testify.  
7  
8 Mr. Miller decline to testify.  
9  
10 Ms. Capel called Michael Witt.  
11  
12 Mr. Witt declined to testify.  
13  
14 Ms. Capel called David Ruff.  
15  
16 Mr. Ruff declined to testify.  
17  
18 Ms. Capel called Wyatt Beasley.  
19  
20 Mr. Beasley declined to testify.  
21  
22 Ms. Capel called Pat McIntosh to testify.  
23  
24 Mr. Pat McIntosh, who resides at 204 N. Harrison, Sidney, stated that the handout included a study of  
25 acoustic and EMF levels that was published in 2012, but we are in 2018 and industry changes daily. He said  
26 that the study was completed six years ago, yet technology advances at the speed of light, no pun intended.  
27 He said that Mr. Becker testified about the Grand Ridge Solar Farm, and according to the handouts from  
28 staff, the Grand Ridge Solar Farm consists of 11.9 acres. He said that Mr. Becker indicated that the Grand  
29 Ridge Solar Farm generates \$27,000 per year for LaSalle County, so Mr. McIntosh did simple math and  
30 found that the proposed solar farm that no one is supposed to talk about would generate \$2,722,692.00,  
31 which is a lot of beans in the pot.  
32  
33 Ms. Capel asked the Board if there were any questions for Mr. McIntosh, and there were none.  
34  
35 Mr. DiNovo noted that the Grand Ridge Solar Farm in LaSalle County was referenced in the appraisal study  
36 and it is actually 160 acres.  
37  
38 Ms. Capel called Dan Maloney to testify.  
39  
40 Mr. Maloney, who resides at 1008 W. William St., Champaign, encouraged the Board to pass a reasonable  
41 ordinance that will allow for the development of community solar farms. He said that with the passing of the

1 Future Energy Jobs Act (FEJA), Illinois will play a major role in the solar marketplace and the Act will  
2 invest millions of dollars in Illinois infrastructure. He said that he does not want to see Champaign County  
3 missing out on their share of infrastructure improvements, jobs, and environmental benefits, but a too  
4 restrictive solar ordinance will do just that. He said that last year he had two commercial solar systems  
5 installed, one an 18kw system installed on the building that he owns in downtown Urbana, and he teamed  
6 with the Riggs brothers and they installed a 75kw system at the Riggs Brewery. He said that testimony has  
7 been received regarding aesthetic concerns, but he thinks that the Riggs Brewery solar system is really neat.  
8 He said that he would challenge people to visit the 75kw system at the Riggs Brewery during the day and  
9 listen to it to see if they can hear any noise. He said that he is excited about the prospect of community solar,  
10 because like those who have already testified, he cannot put a solar system on his house and community  
11 solar is the only way that he can participate. He said that he is deeply concerned about the setbacks that are  
12 being considered, and such setbacks will exclude solar farm development in Champaign County.

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

15  
16 Ms. Capel asked Mr. Maloney if he would submit his written statement as a Document of Record.

17  
18 Mr. Maloney indicated that he would email his written statement to the Board.

19  
20 Ms. Capel called Stacey Gloss to testify.

21  
22 Ms. Gloss declined to testify.

23  
24 Ms. Capel called Vincent Koers to testify.

25  
26 Mr. Vincent Koers, who resides at 603 W. Woodlawn, Danville, stated that his residence is in Vermilion  
27 County, and his county has experience that might be pertinent in Champaign County. He said that in their  
28 view, it is absolutely critical that the initial policies controlling wind and solar facilities be comprehensive,  
29 and sufficiently strict that they do not allow detrimental practices that will eventually come to be understood  
30 as punishing the lives and welfare of Champaign County residents. He said that future policy changes could  
31 be lessened, if they were sufficiently strict to begin with, but strengthening them becomes politically  
32 difficult. He said that from what he gathers at tonight's meeting, the Board has done a job of delving into  
33 the pie that represents this situation and dividing it in a way that the developers are getting this and that out  
34 of the pie, but these are pieces that this Board does not need to give away and there may be a time when the  
35 Board wishes it hadn't done that.

36  
37 Mr. Koers stated that it is crucial that the policies developed be strict enough to cope with the worst "bad  
38 actor" of promoters and contracts that may be contemplated, so that residents are protected, and that the quiet  
39 lifestyle of county residents is respected. He said that no one here tonight is going to admit that they are one  
40 of those "bad actors", but Mr. Koers will tell this Board that they do exist, and this Board will meet them.  
41 He said that this Board has heard testimony from residents of Urbana, who have no idea what 50dBA sounds

1 like, and they do not understand that the people who live in the country are there due to the peace and quiet  
2 of the countryside. He said that the people who live in the country would not be very happy with the sounds  
3 generated by the buses, semi-trucks, cars, etc. that rumble around in town. He said that people who live in  
4 town become used to those sounds, but people who live in the country are not used to it and will not be very  
5 happy if they come nose to nose with it. He said that getting away from it all has long been a goal of many,  
6 and those of us fortunate enough to have accomplished living amongst the quiet solitude of the typical rural  
7 environment deserve to have that quality of live preserved, not ripped away in the name of Green Energy.

8  
9 Mr. Koers stated that he speaks tonight as an adjunct member of the Stand Up to Coal group, who as he  
10 understands it, does not agree with him on this issue because he believes that they have listened to some of  
11 the bad actors and have convinced these folks that something really bad will happen if this ordinance is  
12 passed as it is being considered. He said that people in the countryside reserve the right to have their own  
13 solar system because they have been lead to believe that Champaign County is going to prohibit it, and he  
14 does know if that is true or not, but he would appreciate it if the Board would make that clear tonight. He  
15 said that people in the rural areas would like the right to install their own solar system if they so choose, but  
16 they do not want to listen to the noise. He said that the state noise level is 48 dBA and was bought and paid  
17 for by the State of Illinois industry, and not many people would be very happy while they are trying to sleep  
18 during noise that is 48 dBA, and 33 dBA would be a better noise level. He said that it is his understanding  
19 that the Board is considering 38 or 39 dBA, but it needs to be lower. He said that what the residents should  
20 be concerned about is the noise, humming and buzzing that will emanate from whichever system, solar or  
21 wind, and the limits the ordinance places on those sources. He said that other areas, such as Vermilion  
22 County, have found that taking the industry’s word for what constitutes objectionable noise is troublesome  
23 enough to make some people abandon or sell their homes and move away, and he does not believe that  
24 Champaign County wants that to happen.

25  
26 Mr. Koers stated that many issues remain unsettled, including noise and setbacks. He said that the  
27 developed policy noise limit design should be 34 dBA at the property line of a resident closest to the noise  
28 source, and time-weighted values may be acceptable, but in no case should exceed 39 dBA. He said that  
29 setbacks should apply from the property lines and not structures, and should exceed the recommendations of  
30 the manufacturers of the devices by 150%, and published examples of manufacturer’s maintenance  
31 recommendations should be included with any formal presentation. He said that in a recent case, a windmill  
32 was subjected to a 1,000 feet setback, wherein the manufacturer’s manual for maintenance told the  
33 technician if at 1,640 feet the windmill ran away, the technician needed to run like hell upwind. He asked  
34 why should there be required setbacks of 1,000 feet when the manufacturer indicates that you need to be  
35 1,640 feet away from it. He said that Vermilion County could not address this question, but this Board  
36 should be aware of this information, and remember that one size does not fit all when it comes to applying  
37 rules to wind farms or solar farms, because they are not all the same.

38  
39 Mr. Koers stated that provisions should be included to require funding programs to protect county residents  
40 from the costs associated with the operation of, and the eventual demise of, the facility. He said that people  
41 have testified that they do not want decommissioning agreements because it increases the cost, but everyone

1 would like to have their cake and eat it too, but the reality is that there are defunct systems elsewhere in this  
2 country of both solar and wind, because the people who put them in did not have the foresight to require that  
3 they be taken down some day and there was no provision as to what happens if the company goes bankrupt.  
4 He said that the wind farm in Vermilion County has been sold at least four times, and the solar farms will be  
5 sold as well. He said that many times it is like a shell game on who owns it when it gets so bad that it won't  
6 work anymore. He said that the Board needs to have reparations for individuals claiming the illegal taking  
7 of their property, which is part of the Constitution of the United States, because there will be lawsuits. He  
8 said that infringing on the economic health and welfare of their lifestyles is something that they can come to  
9 this Board and have redress for. He said that this Board should protect county taxpayers from  
10 decommissioning costs from either the failure due to bankruptcy or other economic failure, and funding  
11 programs to remove and restore and make whole the property adjacent to the former generation system. He  
12 said that when he first heard about solar farms, he thought, who could object to that, but he found that there  
13 are several people that can, and one of them is the farmer that has the field. He said that it might be said that  
14 the farmer can always remove the solar system and return the ground to row crop, but depending upon the  
15 type of solar panels, and there are a lot of different manufacturers, there are some that actually leak toxins  
16 onto the land. He said that he does not know enough about this to speak intelligently about it, but there is a  
17 good possibility that the toxins may affect the ability to grow food on that land. He said that it may be  
18 possible for the toxins to be removed from the soil, but he does not know where the verbiage is located in the  
19 ordinance that protects the landowner from this situation. He said that the landowner is not selling the land  
20 to the solar company, but is leasing the land to the solar company. He asked if the solar system could be  
21 destroying the underlying soils, so that it cannot be farmed anymore, and there should be something the  
22 ordinance which fixes the responsibility. He said the concept is that it is free, but there really isn't much in  
23 life that is free, wind is not free, solar is not free, but solar may be better than wind. He said that we should  
24 all go into this with our eyes wide open, and not just because it looks pretty and it sounds great, because  
25 when you listen to the salesmen, it all sounds great.

26

27 Ms. Capel asked Mr. Koers to submit his written statement as a Document of Record.

28

29 Mr. Koers submitted his written statement as a Document of Record.

30

31 Ms. Capel asked the Board if there were any questions for Mr. Koers, and there were none.

32

33 Ms. Capel entertained a motion for the Board to take a five-minute recess.

34

35 **Ms. Griest moved, seconded by Mr. Elwell, for the Board to take a five-minute recess. The motion**  
36 **carried by voice vote.**

37

38 **The Board recessed at 8:35 p.m.**

39 **The Board resumed at 8:42 p.m.**

40

41 Ms. Capel informed the audience that they are welcome to send an email to staff, or provide a written

1 statement in lieu of testifying.

2

3 Ms. Capel called Rebecca Laurent to testify.

4

5 Ms. Rebecca Laurent, who resides at 1005 W. Gregory Drive, Urbana, stated that she is a junior at the  
6 University of Illinois, and is present tonight to represent the Illinois Student Government, the official voice  
7 of the 40,000 undergraduate and graduate students that call this community our home. She said that last  
8 night, the Student Senate passed a resolution urging this board to support community solar development and  
9 reject setbacks greater than 250 feet. She said that anything greater than 250 feet would deprive  
10 homeowners and businesses in this community of the tremendous economic and environmental benefit of  
11 community solar, and it will effectively limit solar installations in Champaign County to rooftops only. She  
12 said that this is a major equity concern, as it excludes apartment dwellers, renters, and anyone not wealthy  
13 enough to buy their own solar panels; in other words, if these restrictive setbacks are put in place, the  
14 majority of Champaign County residents, and virtually every student, will be unable to access low-cost, safe,  
15 renewable, locally produced solar energy, and that is unacceptable. She said that she was pretty surprised to  
16 hear one of the Board members question the economic benefits of a solar farm, but that has been addressed  
17 by other speakers and she will not reiterate that. She said that the University of Illinois is committed to  
18 purchasing 120,000 MWh per year of clean energy by fiscal year 2020 and 140,000 MWh per year by fiscal  
19 year 2025 (Objective 6 of the 2015 Illinois Climate Action Plan). She asked if it wouldn't be nice to be able  
20 to support the local economy by purchasing that power from a solar farm within Champaign County. She  
21 said that the Board knows very well that she is not an expert on zoning or solar, but what you have before  
22 you are multiple impact assessments by people who are and who have found absolutely no evidence of  
23 negative property impacts, no noise or glare impacts. She said that putting unnecessary restrictions on solar  
24 does not make sense economically and it is not moral. She said that there is no legitimate reason for these  
25 excessive, unfair restrictions, so she will urge the Board to not require setbacks greater than 250 feet.

26

27 Ms. Capel asked the Board if there were any questions for Ms. Laurent.

28

29 Mr. Passalacqua asked Ms. Laurent if she believes that ruining someone's quality of life is moral.

30

31 Ms. Laurent stated that she would not say that at all.

32

33 Ms. Capel asked Ms. Laurent to submit her written statement as a Document of Record.

34

35 Ms. Laurent submitted her written statement as a Document of Record.

36

37 Ms. Capel called Jim Rector to testify.

38

39 Mr. Jim Rector, who resides at 9 Dunlap Woods, Sidney, stated that he has not heard any concerns regarding  
40 sprawl. He said that it is his understanding that a proposed solar farm will include 1,300 acres, but there is  
41 no reason why that solar plantation will not grow far beyond that size. He said that the substation at Sidney

1 transmits a great deal of power further east, and its capacity far exceeds the available solar space in our entire  
2 county. He asked the Board to indicate what the county will do to control the sprawl. He said that the  
3 developers are paying three to four times the rent for the land, and he could see the rest of the land in  
4 Champaign County turning into a solar farm and nothing more.

5  
6 Ms. Capel asked the Board if there were any questions for Mr. Rector, and there were none.

7  
8 Ms. Capel called Chris Hitz to testify.

9  
10 Mr. Chris Hitz, who resides at 204 East Main, Sidney, stated that he has heard several witnesses indicate that  
11 they have no capability of having solar at their homes, but that is their personal choice. He said that anyone  
12 has the ability to remove a tree and get solar, but if they choose not to, they have made their own choice not  
13 to have solar. He said that a person could offset a system, remove a tree, or donate a tree to someone who  
14 would like to have one. He said a survey from the Illinois State Water Survey indicates that there were only  
15 104 sunny days in Illinois, 167 days were cloudy and 94 were partly cloudy, so the solar panels will only be  
16 working half of the time.

17  
18 Mr. Hitz asked the Board to observe the current version of the ordinance and leave the one and one-half mile  
19 so the Village of Sidney can grow and the residents can develop their town. He also asked the Board to keep  
20 a good neighbor policy in the ordinance so that the neighbors' space in not invaded. He said that the  
21 developers do not believe that their solar farm is an obstruction, but who are they, because it isn't their  
22 backyard. He said that if his neighbor has a loud party, he can call the police, but if a solar farm generating a  
23 loud noise is next to a resident, the county will not make the company shut it down or remove it. He said  
24 that he has heard that a 500 feet setback is too far, but the 1,300 acres is huge and there is no reason why a  
25 solar farm should encroach on a resident's property, especially if they did not choose to be part of the solar  
26 farm.

27  
28 Ms. Capel asked Mr. Hitz if he had a written statement to submit as a Document of Record.

29  
30 Mr. Hitz stated that he did not have a written statement, but he would email the data from the Illinois State  
31 Water Survey.

32  
33 Ms. Capel asked the Board if there were any questions for Mr. Hitz, and there were none.

34  
35 Ms. Capel called Jason Lindsey to testify.

36  
37 Mr. Jason Lindsey, who resides at 606 Deer Run Drive, Mahomet, stated that he has farmland in Vermilion  
38 County and he would like to address something that has not been made 100% clear yet. He said that solar  
39 inverters do not make noise at night because the sun does not shine at night; thus, the panels are not  
40 producing energy. He said that according to previous testimony the sun only shines about 50% of the time,  
41 so if you take 50% of the days and no nights, that is only 25% of the time. He said that a lot of the comments



1 and frustrations seem to be mainly related to wind, and he is not discounting those, but the Board needs to  
2 make sure that the ordinance is related to solar. He said that the Board has repeatedly informed the witnesses  
3 that they should not discuss a specific project in their comments, but the Board needs to make sure that the  
4 proposed ordinance is not based on a specific project as well. He said that if community solar, which is  
5 generally 2 megawatts on 20 acres, has a 500 feet setback, it would eat up a lot of land and would be a huge  
6 impact on the project. He said that perhaps the Board should have some sort of scale reference in the  
7 ordinance that is different for different sized projects, because the Board seems very concerned about two  
8 square mile projects and not all solar projects are that size. He said that the ordinance should not be written  
9 as a one size fits all.

10  
11 Mr. Lindsey stated that previous testimony indicated that trees could be cut down or relocated, but you can't  
12 cut down your neighbor's tree just because it is blocking your ability to have personal solar. He said that if  
13 you are a church, student, non-profit organization, or anyone else who does not pay taxes, you cannot take  
14 advantage of the 30% tax credit. He said that when a community solar project is constructed, it is the  
15 developer who is paying the taxes on that solar farm that receives the 30% credit, and it eventually gets  
16 passed on to the church, student, non-profit or anyone else who is not paying taxes. He said that the Board  
17 should make sure that they are looking at other communities and counties in Illinois that have or are  
18 receiving solar farms, because if Champaign County's solar ordinance is too restrictive compared to other  
19 counties, the developers will simply go elsewhere. He said that, due to FEJA, there will be a lot of solar  
20 construction in the state of Illinois within a very short amount of time, so it is important to get the ordinance  
21 right. He said that he has an 18kw solar system at his business and he has two inverters in his office and if  
22 everyone in the meeting room was quiet, the buzzing that they hear is the amount of buzzing that he hears  
23 from the inverters in his office near his desk. He said that the inverters do make noise, and not all inverters  
24 are the same, but they definitely do not make noise at night.

25  
26 Ms. Capel asked the Board if there were any questions for Mr. Lindsey.

27  
28 Mr. Passalacqua asked Mr. Lindsey if his neighbors would not be concerned if he took out a pool and  
29 surrounded his yard with solar panels.

30  
31 Mr. Lindsey stated that he has no idea, but it would not be fields being sprayed with chemicals that would  
32 leach into their private wells.

33  
34 Ms. Capel called Nathaniel Forsyth to testify.

35  
36 Mr. Forsyth declined to testify.

37  
38 Ms. Capel called Rich Rutherford to testify.

39  
40 Mr. Rich Rutherford, who resides at 319 S. Scarborough, Sidney, stated that two weeks ago he found out  
41 about the proposed solar project, and his residence is less than three-quarters of a mile from it. He said that

1 the ordinances that are proposed look pretty good, but he does not believe that the majority of people realize  
2 how large the proposed project is really going to be; two square miles is huge.

3  
4 Ms. Capel stated that she understands that a specific proposed solar farm may be in his backyard, but his  
5 testimony tonight should only be regarding the ordinance.

6  
7 Mr. Rutherford stated that such testimony is difficult. He said that the one and one-half mile rule is  
8 important to the Village of Sidney, because they want to be able to control what goes in that area so that the  
9 village can grow. He said that the topic of a 250 feet setback is a broken record being played by all the  
10 supporters of solar, and that if a greater setback is required, the solar developers will go elsewhere. He said  
11 that there are homes in a proposed area that will be surrounded on three sides and a 250 feet setback is not  
12 sufficient. He said that there are supporters who have testified that they have private solar systems at their  
13 homes or business, and that is fine and dandy, but try dealing with a solar farm on three sides of your home  
14 or 1,300 acres of solar near your home. He said that the Village of Sidney is not trying to kill the solar farm  
15 deal, but the developers should at least be courteous to the residents and have setbacks of 500 or 1,000 feet  
16 from the property line, not the home.

17  
18 Mr. Hall stated that currently the ordinance proposes a 200 feet setback from the property line for lots less  
19 than five acres and bordered on no more than two sides, and if it is bordered on more than two sides the  
20 setback would be determined by the Board.

21  
22 Mr. Rutherford stated that the setback has not been determined for a lot that is bordered on three sides. He  
23 asked Mr. Hall to indicate what he believes will be the required setback for a home bordered on three sides,  
24 because leaving it up in the air is not good enough.

25  
26 Mr. Hall stated that leaving it up to the ZBA to decide is the strictest way to go, and he has no idea what this  
27 Board wants, which is why he did not try to guess at it.

28  
29 Mr. Rutherford stated that they are just trying to protect their way of living.

30  
31 Mr. Hall stated that the one and one-half mile area from the village is the county's zoning jurisdiction, and  
32 the fight over that one and one-half area is why we have a county zoning ordinance. He said that the one and  
33 one-half mile area is not completely up to the Village of Sidney, and it is an area with overlapping  
34 jurisdiction where the two governments should try to work together.

35  
36 Mr. Rutherford stated that is what the residents are asking for. He said that the solar developers did not  
37 come to the village to discuss their proposal so that everyone is on the same page, can be part of it, and make  
38 the best of it. He said that if such a project were proposed next to any of the supporters' homes, they would  
39 probably be against it too.

40  
41 Ms. Capel asked the Board if there were any questions for Mr. Rutherford, and there were none.

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Ms. Capel called Andy Robinson to testify.

Mr. Robinson indicated that he would email his comments.

Ms. Capel called Cindy Shepherd to testify.

Ms. Cindy Shepherd, who resides at 2010 Burlison, Urbana, thanked the Board for their public service and for watching out for the health and well-being of the Champaign County community. She said that she is the Central Illinois Director for a non-profit called Faith in Place. She said that they work with communities of all religious traditions on projects that build healthier communities by protecting the air, land and water that all God’s people share. She said that she works with people in Champaign, Peoria and Jackson counties, through interfaith groups, different houses of worship, different faith traditions, etc., putting together community solar projects to help protect community health and build economic resiliency through jobs and economic savings. She said that the project in Champaign County is potentially the farthest along, so she doesn’t want to jinx it, but it is a community 2 MW project that will potentially supply power to 10 communities of faith. She said that the fraction of a section of land that is needed is not very big, 20 acres, and is not as large as the solar project that we are not supposed to be talking about. She said that community solar only uses a fraction of a quarter section, and they need to be able to use all of it efficiently. She said that setbacks of over 250 feet would make tying into the grid potentially prohibitive, and would saddle non-profits who operate on people’s donations with big escrows for decommissioning. She said that the Board needs to make an ordinance for the smaller scale projects and for the people who are counting on them.

Ms. Capel asked Ms. Shepherd if she is suggesting that the Board have different standards for community solar.

Ms. Shepherd stated that staff and the Board are the experts, but whatever is determined needs to work for the small-scale projects. She said that the last time that she testified, she was accused of being a Communist, but she assured the Board that she is not, and in fact, she wants to encourage the Board to consider property rights of landowners who have invested in Champaign County land, and who have paid property tax on this land to support local schools, roads, staff, and so on. She said that the landowners now would like to lease their land for a use that does not pollute, does not degrade the soil, doesn’t smell up the neighborhood or release toxic chemicals into the water. She said that placing onerous limitations on the landowner’s ability to use their land as they please appear to be downright un-American. She said that questions of rights and responsibilities are spiritual questions, not just legal ones. She said that with this Board’s help, we should find a moral path of temperance, balance, and loving care for our neighbor, as well as looking out for our own self-interest, and future generations. She said that our children and grandchildren will be dealing with the climate degradation to the exact extent that we refuse to deal with now, and when they ask us what we did to try to transition from fossil fuel to renewables, what will we say, “We were afraid to try?” She said that we should be able to say that we talked, we listened, we tried to be fair and we worked it out, and we almost talked ourselves out of taking a chance on solar, but we thought of you and your future, and we made

1 it work.  
2  
3 Ms. Capel asked the Board if there were any questions for Ms. Shepherd and there were none.  
4  
5 Ms. Capel asked Ms. Shepherd to submit her written statement as a Document of Record.  
6  
7 Ms. Shepherd submitted her written statement as a Document of Record.  
8  
9 Ms. Capel called Sarah MacTaggart to testify.  
10  
11 Ms. MacTaggart was still absent from the meeting.  
12  
13 Ms. Capel called David Figueroa to testify.  
14  
15 Mr. Figueroa was still absent from the meeting.  
16  
17 Ms. Capel called Cory Willard to testify.  
18  
19 Mr. Willard declined to testify.  
20  
21 Ms. Capel called Suzanne Smith to testify.  
22  
23 Ms. Smith declined to testify.  
24  
25 Ms. Capel called Tannie Justus to testify.  
26  
27 Ms. Tannie Justus, who resides at 2268 CR 900N, Homer, stated that she would like to reference  
28 Supplemental Memorandum #9, Page 2 of Attachment L, and Pages 2 and 3 of Attachment N. She said that  
29 when she first saw a map of a proposed solar farm site near Sidney, she freaked out, because the darkened  
30 area on the map indicated that her property was literally surrounded. She said that residing on her property  
31 for 35 years and living her life of 59 years total in a farm setting, it was hard to conceive of being surrounded  
32 by the structures involved in a solar farm. She said that she does realize that some see a solar farm's beauty,  
33 but she does not. She said that she picked a rural life because of plant and animal life and quieter  
34 surroundings, not building type projects and structures. She said that she would love for her surroundings to  
35 stay that way, but life does not always go as you planned. She said that after serving 10 years as a township  
36 trustee, she looks at things a bit differently, and it cannot be just about her and her feelings, it is bigger than  
37 that. She said that her board service taught her to look beyond herself, and do the best she could for the  
38 township. She said that she can see that a lot of the Board and those present feel the same way.  
39  
40 Ms. Justus stated that her comments in the email on Attachment N refer to her home in Attachment L. She  
41 said that her comments are based on a drawing emailed to her by Patrick Brown, who is employed by a

1 company for the proposed Sidney site. She said that the drawing showed a 250 feet setback around her  
2 property, a 50 feet plant buffer, and placement of the panels and fencing. She said that after seeing the  
3 drawing, she felt more at ease if this were in fact to become reality, and any less setback would not have  
4 made her feel at ease. She said that she would like to see a plant buffer across the road as well, at least the  
5 distance of the property line, and that was not included on the emailed drawing. She said that she wished  
6 that the drawing in the email had been submitted by Mr. Brown for the Board, staff, and the audience to see.  
7

8 Ms. Justus stated that in researching noise and listening to testimony on noise levels with solar, it has boiled  
9 down to a lot of charts, and 35dBA to 50 dBA seems to be the target points. She said that her eyes see the  
10 charts, but they mean nothing to her ears. She asked if there could be a demonstration done so that people  
11 could hear what the different levels would be, as it would have more impact to those who are worried about  
12 the noise.  
13

14 Ms. Justus stated that she would like the Board to find a resident in an already established solar farm that  
15 butted up to them, one who would be willing to come before this Board to discuss what life has been like  
16 since living amongst the solar panels. Ms. Justus stated that she would like to hear that resident indicate  
17 what measures were taken around them, and whether or not those measures were sufficient. She said that  
18 this type of information could greatly help the permit process and would address a lot of concerns.  
19

20 Ms. Justus stated that in seeing the drawing from Mr. Brown indicating the 250 feet setback and the 50 feet  
21 plant buffer at the property line, plus talking to Mr. Brown, the inverters which seem to be the major noise  
22 concern would be placed no closer than the settled upon setback, which is hopefully no less than 250 feet.  
23 She said that when the project is close to a residence, the inverters could be moved further out into the  
24 project to increase that setback distance from residences even more, thus reducing noise levels, and this  
25 would help mitigate some of her noise concerns.  
26

27 Ms. Justus stated that she has told this Board, Mr. Brown, and others that she is not against solar  
28 development, but she was caught off guard by the proposed Sidney project that could be surrounding her.  
29 She said that it will be up to the County Board to pass or fail this project on its merits when it comes before  
30 them. She said that she is only trying to get fair protection for herself and others who could be affected by  
31 this project or others in the future. She said that she stands to get no monetary compensation for the project,  
32 and the only gain that she will achieve as a resident is permitting protections that are not unreasonable to any  
33 one side. She said that solar is happening nationwide, and if Champaign County has decided that they want  
34 to be a part of it, it will come down to a balancing act of details and making the solar ordinance as palatable  
35 as possible, to all involved. She said that this project is stirring emotion from a lot of us, but her board  
36 experience reminds her that she can give credence to the emotion, but at the end it has to come down to  
37 facts. She said thank you to all who have offered concerns, and details, and most of all to the Board for  
38 listening, reviewing and revising. She said that we should all remember that we never know when we could  
39 be sitting on the other side of the room. She said that she hopes that with facts, we calmly and respectfully  
40 come up with great solar ordinance that has benefits and protections for all involved.  
41

1 Ms. Capel asked the Board if there were any questions for Ms. Justus, and there were none.

2  
3 Ms. Capel asked Ms. Justus to submit her written statement as a Document of Record.

4  
5 Ms. Justus submitted her written statement as a Document of Record.

6  
7 Ms. Capel called Chris Abrahamson to testify.

8  
9 Mr. Abrahamson declined to testify.

10  
11 Ms. Capel called Chuck White to testify.

12  
13 Mr. Chuck White, who resides at 309 S. Bryan, Sidney, stated that he serves as the Village of Sidney  
14 President. He said that he would like to know if the County Board could determine a certain amount of  
15 acreage allowed for a solar project, and once that amount is reached, they are done. He said that the LaSalle  
16 project that was mentioned had no required setbacks. He said that he was hoping that one of the Board  
17 members would have asked whether there were any homes near the LaSalle project, but no one did. He  
18 asked that after the 10 or 30-year cycle of a solar farm, what happens to the panels, do they go to a landfill or  
19 are they recycled. He said that he certainly hopes that 1,300 acres of panels will not be stacked on the  
20 property.

21  
22 Ms. Capel asked the Board if there were any questions for Mr. White, and there were none.

23  
24 Ms. Capel called Patrick Brown to testify.

25  
26 Mr. Patrick Brown, Director of Development for BayWa-r.e. Solar Projects, whose address is 17901 Von  
27 Karman Avenue, Suite 1050, Irvine, California, thanked the Board and staff for their time and effort that  
28 they are putting into the proposed ordinance. He said that he appreciates the comments received from the  
29 industry and union folks, supporters for renewable energy, and the concerned citizens of the Sidney area. He  
30 said that it is important that the Board has the provided dialogue regarding a land use that is new to  
31 Champaign County. He said that he is not going to spend a tremendous amount of time discussing the  
32 proposed ordinance, because he will be back for the next meeting. He said that the testimony received from  
33 Tannie Justus provided the Board with a view of the land use process, and what he does not want if for the  
34 ordinance to determine how the development should go before the development had a chance to be  
35 developed. He said that the project that no one can talk about tonight, was started with an idea, which is  
36 something that this Board is familiar with because he was present during the hearings for the BMX track and  
37 witnessed the back and forth discussions between the petitioner and the Board. He said that each project  
38 needs to live and die on its own merits, and needs the opportunity to work with the community and the  
39 Board. He said that projects like this take several years, and currently they are in the infancy stage of  
40 developing a project. He said that during the first few months of the proposed project, he reached out to  
41 landowners to find out what works for them and for Baywa-r.e., and there is always a compromise at the end

1 of the day. He said that after attending these hearings, he has learned about tile drains, which is something  
2 he knew nothing about before he came here, and he also learned about best prime farmland. He said that he  
3 knew about prime soils, but knew nothing about what Champaign County requires on best prime farmland.  
4 He said that he has gained knowledge about what Champaign County thinks about surrounding a home on  
5 one, two or three sides, so there is an intricate process in developing a project that happens and occurs, and  
6 he hopes that this Board will develop an ordinance that allows that to happen. He said that if the Board  
7 recommends an ordinance that is too onerous for the developers, they will simply flip the page and go to the  
8 next county. He said that he is only being honest with the Board, and he looks at ordinances and regulations  
9 across the United States, and the developers look at those ordinances and regulations to see if they can  
10 develop in those locations, but sometimes it doesn't work out. He said that Champaign County did not have  
11 a solar ordinance so he thought that it might be a good idea to work with Champaign County and come up  
12 with a good ordinance that worked for community and industrial solar, but he recognizes that there is a  
13 balance, and no project ever ends the way that it starts.

14  
15 Mr. Brown stated that he understands that this Board does not consider the real estate taxes, but there was  
16 testimony regarding them. He said that there will be a lot of tax money paid on any solar project, and Illinois  
17 law has a property tax for wind, and what the State of Illinois has right now is similar to what the wind  
18 people pay. He said that staff can research the public records to determine the amount of taxes that the wind  
19 farm generates for the county, but Baywa-r.e. calculates that approximately \$100,000 dollars per year will go  
20 to the Village of Sidney for this one unspoken project. He said that he believes that a 250 feet setback is  
21 adequate, and the Board should have the discretion to work with a developer and the ability to make changes  
22 to the setback requirement. He said that a minimum discretionary setback is necessary, and the developers  
23 understand that they must request and receive a special use permit for their proposed land use, and it is not a  
24 slam dunk. He said that he may have to revise, eliminate, recalculate and reconfigure an entire project, but it  
25 is a work in process and it is understood that the project is in its infancy and it has to learn and grow, and  
26 compromise has to happen.

27  
28 Mr. Brown stated that new paragraph 6.2.5 F.9, regarding the protection of best prime farmland, is hard to  
29 quantify. He said that he has seen homesteads with 17 outbuildings and greenhouses, so the new paragraph is  
30 for him to quantify whether there will be a standard, or will the Board have discretion. He asked if there is  
31 any more thought regarding the new paragraph, because it seems a little loose. He said that his project has  
32 1,200 acres involved, 1,000 acres in the fence and 600 acres in solar panels. He said that when you remove  
33 the solar panels, it is actually 300 acres, but what is actually touching the ground, the substation, consists of  
34 8 acres.

35  
36 Ms. Capel stated that the roads are included.

37  
38 Mr. Brown stated that there are no roads proposed, unless they are required to install them. He said that only  
39 a small pickup truck or ATV will be within the solar farm. He said that they do not want to compact the  
40 ground with gravel, so the only gravel will be at the entryways and that is it.

41

1 Ms. Capel asked the Board if there were any questions for Mr. Brown.

2  
3 Mr. Passalacqua stated that there has been so much testimony indicating that inverters do not make noise,  
4 although Mr. Brown, a representative for the solar industry, has been very adamant that he does not want any  
5 noise regulations. He asked Mr. Brown to indicate the fear if there is a noise standard, when he has testified  
6 that the equipment is silent.

7  
8 Mr. Brown stated that he has never testified that the inverters do not make noise, and he has provided a  
9 rating sheet with a dBA setback that is logarithmic; and the farther you are away the noise goes down, but it  
10 is where and how you place the inverters. He said that if a baffling kit is installed or a concrete wall is  
11 constructed, the noise will go down 3 dBA. He said that he will not state that the inverters do not make  
12 noise, but at the end of the day, if an inverter is placed in the middle of the site and you stand 500 feet away  
13 from it, you will not hear it.

14  
15 Mr. Passalacqua apologized to Mr. Brown for quoting him incorrectly. He asked Mr. Brown to indicate why  
16 there is resistance in having a maximum noise dBA in the ordinance, when in fact, the inverters are very  
17 quiet.

18  
19 Mr. Brown stated that he would pivot to the Zoning Administrator, since it is his ordinance, and why a  
20 maximum noise dBA is not being proposed in the ordinance.

21  
22 Mr. Passalacqua stated that the draft ordinance was written by the Zoning Administrator, but the ZBA has to  
23 approve it.

24  
25 Mr. Brown stated that Champaign County does not have a noise ordinance.

26  
27 Mr. Hall stated that Champaign County does have a Nuisance Ordinance that is based on Illinois Pollution  
28 Control Board's rules.

29  
30 Mr. Brown stated that there is no noise ordinance in Champaign County, and creating one would take into  
31 account every land use that makes noise. He said that he has no problem providing a noise report from an  
32 acoustician. He said that the acoustician will model the project and they can tell the Board what the noise  
33 level will be at any location. He said that part of the fear is that the Board does not want to mitigate nothing.  
34 He said that, as an example, he worked in a jurisdiction, where there were no houses and only a giant  
35 mountain, and the nighttime noise, 7:00 p.m. to 7:00 a.m., was 45 dBA, and the project included shooting  
36 guns. He said that because their ordinance indicated that noise had to be mitigated at the property line, which  
37 was against a mountain of rocks; the project went away because the developer could not build a fictitious  
38 400 feet high wall to mitigate nothing. He said that once a Board starts mitigating nothing, the Board loses  
39 its discretion. He said that the Board can regulate noise by requiring a reasonable setback, and requiring the  
40 developer to provide noise modeling from an acoustician, which is much better than requiring an arbitrary  
41 dBA, because there is no science to it.



1  
2 Mr. Passalacqua asked Mr. Brown if Baywa-r.e. has constructed other projects within the United States.  
3  
4 Mr. Brown stated yes.  
5  
6 Mr. Passalacqua asked Mr. Brown if Baywa-r.e. still manages those projects.  
7  
8 Mr. Brown stated yes.  
9  
10 Mr. Passalacqua asked Mr. Brown to indicate the number one complaint after a project is constructed.  
11  
12 Mr. Brown stated that sometimes the farmer will contact Bayway-r.e. indicating that he is embarrassed by  
13 the weeds that are growing and that he wants it mowed, and that is in North Carolina where it rains almost  
14 every day. He said that complaints generally come from the landowners because the neighbor teases them  
15 about something on the property. He said that they do not receive any complaints, and invited the Board and  
16 staff to call other counties, such as Halifax County in North Carolina, or Fresno and Imperial Counties in  
17 California, to find out if they have complaints on file regarding the solar farms. He said that he goes on the  
18 sites regularly and there is no noise other than the wind blowing and ambient noise, but if you stand right  
19 beside an inverter, then you will hear a hum and that is natural, although you will hear nothing if you are 500  
20 feet from it. He recommended that the Board visit the University of Illinois solar farm so that they can see  
21 and hear a solar farm for themselves.  
22  
23 Ms. Lee asked Mr. Brown to indicate the number of projects that Baywa-r.e. has proposed in Illinois.  
24  
25 Mr. Brown stated that the proposed Sidney project is the only one that Baywa-r.e. has in Illinois.  
26  
27 Ms. Lee stated that she heard that there was another project south of Champaign County, but it has been  
28 placed on hold.  
29  
30 Mr. Brown stated no. He said that he has only signed one interconnection agreement with the Midcontinent  
31 Independent System Operator (MISO) and it is at the Sidney substation.  
32  
33 Mr. DiNovo asked Mr. Brown if he knows how many comparable substations there are, as the Board has  
34 heard that there are only two usable substations in Champaign County. He asked Mr. Brown how many  
35 substations there are throughout Illinois.  
36  
37 Mr. Brown stated that he could think of three, Kansas, Mahomet, and Sidney.  
38  
39 Ms. Capel noted that Kansas is not located in Champaign County.  
40  
41 Mr. Brown stated that they researched 20 in Illinois and narrowed it down from there. He said that one of

1 the reasons why he came to Champaign County is because he thought that it was a business-friendly county  
2 and the Zoning Administrator was very friendly and open to getting a solar ordinance completed.  
3  
4 Ms. Griest asked Mr. Brown why the utility solar farms are not proposed adjacent to industrial areas.  
5  
6 Mr. Brown stated that if he could find 600 acres of land that is zoned industrial, then that would be ideal, but  
7 such a scenario does not exist, unless the County wants to zone an area around a substation and do  
8 comprehensive planning. He said that typically, energy is not part of a comprehensive plan. He said that he  
9 has a master's degree in planning and he knows about these things, but energy is not planned.  
10  
11 Ms. Lee asked Mr. Brown to indicate the amount of land that a substation for the solar farm would require.  
12  
13 Mr. Brown stated that the amount of land required for a substation would equal the size of the Lyle Shields  
14 Meeting Room. He said that under the substation would be concrete, but around the substation, there would  
15 be gravel.  
16  
17 Mr. Elwell asked Mr. Brown if he had any objections to the 30 feet easement.  
18  
19 Mr. Brown stated no, unless there is a situation where the landowner refuses to grant such an easement. He  
20 said that he has spoken with drainage commissioners and there is an easement running through the site that  
21 he is interested in, and it is good practice to avoid that area.  
22  
23 Mr. DiNovo stated that if there was a landowner who did not choose to convey an easement, then there may  
24 be a circumstance where the Board has to waive the requirement.  
25  
26 Mr. Brown stated that, in his case, if that would happen he would work out an agreement with the drainage  
27 district and provide them a right of entry with reasonable notice and avoid it.  
28  
29 Ms. Lee asked Mr. Brown if he is solely talking about drainage easements.  
30  
31 Mr. Brown stated yes, and if they could not grant them an easement with rights, then they would work out a  
32 right of entry.  
33  
34 Ms. Lee stated that state law indicates that drainage districts have easements.  
35  
36 Mr. Brown stated that if it is an unrecorded easement, it doesn't exist, although they could have rights to it.  
37  
38 Ms. Lee stated that under the drainage code, the easement does not have to be recorded in the Champaign  
39 County Recorder's office, and has been filed in the Champaign County Circuit Clerk's office.  
40  
41 Mr. Brown stated the they have no objection to that at all, and they would work with any utility or anyone

1 else who has any rights to the property, they have to for financing and so that they can receive clear title for  
2 endorsements and sell the project. He said that it is in their best interest to work with any entity that has  
3 rights to the land.

4  
5 Ms. Griest stated that the proposed language is not requiring the landowner to record or grant an easement  
6 that is not currently on record, but is requiring the developer to observe the setback.

7  
8 Mr. Hall stated that Ms. Griest is correct.

9  
10 Ms. Capel asked the Board if there were any additional questions for Mr. Brown, and there were none.

11  
12 Ms. Capel called Alice Englebretsen to testify.

13  
14 Ms. Englebretsen was absent from the meeting.

15  
16 Ms. Capel called Tim Osterbur to testify.

17  
18 Mr. Tim Osterbur, who resides at 302 Witt Park Road, Sidney, stated that when speaking about setbacks, he  
19 does not feel that 500 feet is out of line for an industrial power plant. He said that there must be a difference  
20 in the ordinance between a community solar project that would not require a 500 feet setback or perhaps a  
21 250 feet setback, and a utility scale solar farm. He said that there must be different requirements for a 2-  
22 megawatt system from a 200-megawatt system. He said that 500 feet to a homeowner's property line is not a  
23 lot to ask for, and everyone has heard a lot of testimony regarding how quiet the inverters are, so if they are  
24 that quiet, the allowed noise level should be 36dBA with no issues. He said that a lot of testimony has been  
25 received regarding inverters in garages and the inverters cannot be heard, so if that is true, and the developer  
26 obviously is not, then why can't the allowed noise level be 36dBA. He said that there was someone who  
27 said that the sun does not shine at night so the inverters don't make sound at night, but what about the person  
28 who wants to take a nap on a Sunday afternoon. He said that we have to respect the property rights of the  
29 homeowners.

30  
31 Mr. Osterbur stated that he works for a certain taxing body and, as of today, there is no passed legislation to  
32 tax solar farms. He said that the solar farm is not a permanent structure and there is no taxing revenue to any  
33 municipality, township or county. He said that he has read information regarding inverters and the noise  
34 generated, and he found that you get what you pay for. He said that a good inverter can be purchased that  
35 will make lower noise, or you can buy a cheap solar panel with a cheap inverter and you get what you pay  
36 for. He said that the developers are going to come into Champaign County and put in the cheapest panels  
37 and inverters that they can, and then sell the system. He said that the developers do not care if it is a Cadillac  
38 system or a GEO Metro system, it doesn't matter to them. He said that on Saturday morning, he spoke to a  
39 solar developer for two hours and the developer told him that he has looked at several of these projects and  
40 the proposed project that we are not supposed to talk about will have inverters that are dirty and noisy. He  
41 asked the Board to set the setbacks at 500 feet around a residence, and a 36-dBA noise level.

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41

Mr. Elwell asked Mr. Osterbur if he is requesting a 500 feet setback for a community solar farm as well.

Mr. Osterbur stated if we are discussing industrial solar, then the setback should be at one mile or one and one-half mile.

Mr. Elwell asked Mr. Osterbur to indicate the difference between 10 community solar farms in one area, and one large industrial solar farm, regarding setbacks.

Mr. Osterbur stated that he is not sure.

Mr. Elwell asked Mr. Osterbur if he does not desire a different setback for community solar farms versus large industrial scale solar farms.

Mr. Osterbur stated that there should be a setback compared to the wattage. He said that he understands if someone desires a solar system for their own personal use, he has a 12,000-square foot building on his property and he has entertained the idea of putting a solar system on it as well. He said that he had 23 dirty pine trees that he removed last year, so he has the opportunity to install solar in that area. He said that he is not against solar energy, but if they are that quiet and they don't make any noise, then why can't a low dBA be required.

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

Ms. Capel called Jeff Justus to testify.

Mr. Jeff Justus, who resides at 2155 CR 900N, Sidney, stated that he understands that there is a proposed language in the ordinance for district tile, but during the last ten years when farming was economical, there have been hundreds of thousands of dollars spent and hundreds of thousands of feet of tile installed in the fields by farmers. He said that several of those tiles are very large, as large a district tiles, and were installed and paid for by the farmers themselves because they are not located in a drainage district. He asked how will the developer differentiate between a privately-owned tile and a district tile, unless the farmer or drainage commissioner is standing right there. He said that he is concerned about topsoil removal, and he has seen some pictures which did not clearly indicate whether topsoil had been removed or not, and perhaps Mr. Brown could provide input. He said that perhaps the ordinance should include language regarding topsoil, because if the topsoil is removed, the farm will be worthless. He said that, regarding decommissioning, he has not seen any blueprints for a proposed solar farm, but if the footings are taken two or three feet below the top of the surface, and the solar farm goes bankrupt, what happens. He said that after the lease expires the farmer may decide that he wants to pattern tile his farm, and if the footings are still in the ground they will be hit by the tiling machine that cuts down 4 to 12 feet below the ground, and the tile installer is not going to be happy. He said that the footings that the solar farm are placed upon should be required to be totally removed at decommissioning and not partially removed. He said that he is not sure what kind of smell the solar panels

1 will make when they catch on fire, but if it is an electrical or fiberglass fire, it will smell pretty bad. He said  
2 that his home is near a proposed project and if the solar farm catches on fire, the smoke could be toxic, he is  
3 not sure. He said that if there is a seven feet chain link fence around the solar farm then he would suppose  
4 that the fire department will just let it burn, although Mr. Justus is not to excited about it burning up to his  
5 backyard. He said that enough money should be set aside for decommissioning the project, so it will  
6 probably take millions of dollars to completely decommission a 1,300-acre solar farm, so a pretty good nest  
7 egg should be saved back for when this happens.

8  
9 Ms. Capel asked the Board if there were any questions for Mr. Justus, and there were none.

10  
11 Ms. Capel asked the audience if anyone desired to sign the witness register to provide testimony regarding  
12 Case 895-AT-18.

13  
14 Ms. Capel called Colleen Ruhter to testify.

15  
16 Ms. Colleen Ruhter, who resides at 910 CR 2200 E, Sidney, stated that she deeply appreciates the revision to  
17 paragraph 6.1.5 D.3., on page 3 of Supplemental Memorandum #10. She said that there are now two  
18 setbacks proposed, one from the property line and one from the inverters, but she is concerned that there are  
19 different requirements for personal property. She said that she is not sure where the five-acre breakaway  
20 came from because it was originally three acres, but it still seems like a very arbitrary point to say that one  
21 person's backyard is worthy of protection from unnecessary noise from a project such as this, but another  
22 person's backyard is not worthy and it is solely based on the location of the dwelling. She said that if she  
23 owned 35 acres and she had a pond in the back corner of her property where she likes to go fishing and listen  
24 to the birds, she is not allowed setback protection from the solar development, which is an infringement on  
25 her personal property rights. She said that there are people who buy properties and pay their taxes for the  
26 benefit of having solar, which is great and if she could afford it, she too would have a solar system on her  
27 property. She said that she purchased five and one-half acres so that she could have farm animals, a large  
28 yard and garden, but if there is no setback for those areas, then that portion of her property is being taken  
29 from her because she cannot enjoy it as it was intended. She said that her land is not the only five and one-  
30 half acres in the County which will be affected by this. She said that she has farm animals, such as bison, on  
31 her property and they are easily agitated, so having 45 or 50dBA ringing in their ears every day would not be  
32 preferred, because bison can run 20 miles per hour and jump over a six feet fence with no problem, and no  
33 fence will stop them if they are mad enough. She said that she no longer has bison on her property, but she  
34 is looking forward to buying chickens and pigs, and animals can hear sounds and noise levels that people  
35 cannot hear and her intention is to have animals that are raised in a good manner for them and if they are  
36 stressed it will affect the quality of meat that she is trying to produce. She said that study after study has  
37 proven that animals stressed at the point of being slaughtered affects their taste, let alone an animal that is  
38 stressed during its entire life from a noise that is on the other side of her property line. She said that the  
39 setback needs to be from the property line, and an arbitrary number is unnecessary, because for this project,  
40 there is only one home that is affected, but she is sure that there are a handful of other properties in the  
41 county which are larger than five acres that will have the same experience in the future. She said that at this

1 point she feels like she has a bull's eye on her chest.

2  
3 Ms. Capel stated that subparagraph 6.1.5 D. 3. (c) states the following: Additional separation may be  
4 required as deemed necessary by the Board. She said that there are very few pieces of property that will have  
5 this problem, and the Board can use its discretion to increase the setback. She said that the small number of  
6 properties that could be affected by this doesn't demand that the change should be made for every property,  
7 because it would make a significant difference regarding the amount of land that could be used for the solar  
8 farms. She said that the Board could certainly require an additional setback for situations like Ms. Ruhter's.

9  
10 Ms. Ruhter stated that she appreciated Ms. Capel's statement, but it is still an arbitrary statement, so does  
11 she have to lobby for her rights at the County Board.

12  
13 Ms. Capel stated that Ms. Ruhter would need to attend the Zoning Board of Appeals hearing for the solar  
14 farm project and testify before the Board, just as she is doing now.

15  
16 Ms. Ruhter asked Ms. Capel if the small amount of properties that this would affect is that cumbersome.  
17 She asked what happens to other people who will be in the same situation in twenty years.

18  
19 Ms. Capel stated that what Ms. Ruhter is saying is that, across the County there are probably very few pieces  
20 of property that are going to be affected by this.

21  
22 Ms. Ruhter stated that if it is only 1% then why not protect them.

23  
24 Ms. Capel stated that the amount of land that will be unavailable for solar farming is really significant. She  
25 said that if the Board is allowed to make exceptions for small properties like Ms. Ruhter's property rather  
26 than creating an ordinance that is onerous for the larger scale solar farms, it makes it possible that they will  
27 locate here. She said that one of the things that this Board is trying to do is strike that balance between  
28 respecting Ms. Ruhter's rights as a landowner, and respecting the County's desire to have solar production in  
29 Champaign County.

30  
31 Ms. Griest stated that someone who has a 35-acre tract in row crop, that is not part of a solar development  
32 project, probably does not care if there is a setback or not, so it is onerous and poor use of the land if the  
33 Board requires a 500 feet setback in those cropped areas. She said that an individual who has a livestock  
34 operation, etc., would be more unique and any noise or influence on the animals would be an issue that they  
35 would need to bring to this Board during the special use permit process. She said that almost everyone in  
36 this room has never seen the special use process. She said that in her opinion, the special use process is very  
37 tedious, because it gets down to the very specifics of each element of the project, and that is the time where  
38 the Board can determine that a certain parcel requires additional protection from the intended use, and the  
39 Board will decide what that protection distance should be. She said that, in her opinion, subparagraph 6.1.5  
40 D. 3. (c) is a better option than a fixed number.

41

1 Ms. Ruhter stated that the setback from a dwelling is 250 feet, but the setback from the property line for a  
2 larger parcel is only 10 feet.

3  
4 Ms. Capel stated that also goes to the same example that Ms. Griest provided. She said that on a 35-acre  
5 tract, if the house was 20 feet from the property line, there would be a 250 feet setback to the house.

6  
7 Ms. Ruhter stated that once the 250 feet radius from her house hits the property line the setback is only 10  
8 feet. She said that the panels may be along her property line until they get within 250 feet of her house, and  
9 then they would jump.

10  
11 Ms. Capel stated yes. She said that additional separation may be required as deemed necessary by the Board.  
12 She said that this Board is not insensitive to Ms. Ruhter's situation and the situation that Tannie Justus is in.  
13 She said that, as much as possible, the Board will do its best to make the ordinance work for everyone.

14  
15 Ms. Ruhter stated that she does appreciate the two separate setbacks regarding the panels and inverters,  
16 because they are two separate issues.

17  
18 Ms. Capel entertained a motion to extend the meeting to 10:20 p.m.

19  
20 **Mr. DiNovo moved, seconded by Mr. Passalacqua, to extend the meeting to 10:20 p.m. The motion**  
21 **carried with one opposing vote.**

22  
23  
24 Ms. Capel called Ted Hartke to testify.

25  
26 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, stated that he is very happy to see that this process  
27 is working, and he appreciates everyone who has brought items to the attention of this Board. He said that  
28 he does not believe that every solar farm is created equal, and the small solar farms should have an adequate  
29 smaller setback and the huge solar farms should have an adequate larger setback. He said that the Village of  
30 Sidney should maintain their one and one-half mile jurisdictional area, and the Village of Sidney should  
31 come up with how far they would like to have the panels from the Village of Sidney's homes. He said that a  
32 couple of people from Sidney discussed a 500 feet setback from a home to the fence or panel of the solar  
33 farm, and perhaps that would be a very good distance. He said that he agrees with the two-stage setback  
34 where the setback from the benign panel is different from the setback to a potentially noisy inverter.

35  
36 Mr. Hartke stated that he has made mistakes in the past, and one of those mistakes was driving to  
37 Bloomington and parking near a wind turbine for twenty minutes. He said that the wind turbine was 350 feet  
38 tall, and during that twenty-minute visit, his children became very bored and his wife was tired of wasting  
39 time and they left. He said that as they left the wind turbine's area, approximately 500 feet from it, he told  
40 his wife that all the noise concerns were bogus and that they had nothing to worry about. He said that it has  
41 been nine years since that visit, and he is embarrassed and ashamed to state that he left his home in

1 Vermilion County, and it was a hard lesson. He said that he does not want any of his Sidney neighbors to  
2 learn a hard lesson, because they hoped that the developers were nice people, and they hoped that the  
3 replacements of this Board in one or five years were sympathetic to neighbors and not pro-solar. He said  
4 that hope is not a strategy and he believes that the County needs to zone for a worst-case scenario. He said  
5 that if a solar developer or a church cannot live with a certain setback, then they should have the opportunity  
6 to approach every neighbor and village nearby and obtain a waiver. He said that each individual church,  
7 solar developer or the individual mega-solar farm operator, should contact the village and landowner that  
8 they will be next to and have them convince those towns and have the local people decide what is best in  
9 their own backyard and what that is worth to them.

10  
11 Mr. Hartke stated that the Board needs to put in waivers for every required setback or noise level, and if the  
12 Board allows a waiver for every single item, then the neighbor who signed the waiver is who must see, hear  
13 and live with it every day forward. He said that it is still a socialist and communist idea, that a church which  
14 is twenty miles away from a landowner can vote to take away the use of a landowner's own backyard. He  
15 said that he believes that everyone owns all their land and that they should be able to use it for whatever they  
16 want, and if you are a farmer who wants to have a solar farm, then great, use all of it, but when the use and  
17 enjoyment and the ability to use all that land crosses the property line is when there is trouble. He said that  
18 unfortunately, visibility, property value, and noise crosses the property line. He said that we continuously  
19 discuss the Illinois Pollution Control Standards that were created in 1968; those standards have not been  
20 updated and they were not anticipated for constant noise, and tonal noise had penalties, and wind farms had  
21 not been imagined. He said that it is inappropriate to fall back on those standards when all the modern  
22 health related guidelines indicate that adverse health impacts begin at 40 dBA, and he has submitted a lot of  
23 information that supports that fact. He said that he has been advocating for 39 dBA so that people can use  
24 their entire property without adverse health effects and not being stressed.

25  
26 Ms. Capel stated that the Board has already heard Mr. Hartke's testimony regarding noise, and asked him to  
27 provide new testimony rather than repeating himself.

28  
29 Mr. Hartke stated that his testimony regarding noise is important, because it seems to be testimony that is  
30 swept under the rug. He said that the developer indicated that there would be no gravel roads, but the plans  
31 that we are not supposed to be discussing indicate graveled roads through the solar farm.

32  
33 Ms. Capel informed Mr. Hartke that he cannot discuss a specific solar farm, because the Board does not have  
34 those plans before them tonight.

35  
36 Mr. Hartke stated that he believes that the County has a set of plans for the proposed project near Sidney.

37  
38 Mr. Hall stated that the County has several plans in the Department of Planning and Zoning office and there  
39 are no gravel roads proposed in any of those plans.

40  
41 Mr. Hartke stated that at the next meeting, he would present a set of plans that indicate gravel roads through



1 a proposed solar farm.

2

3 Ms. Capel asked if these plans were indicated on the Champaign County website.

4

5 Mr. Hartke stated yes.

6

7 Mr. DiNovo stated that this line of testimony is out of bounds, because it is about a special use permit case  
8 that has not been brought before the ZBA, and no testimony will be accepted about matters that are not  
9 before this Board.

10

11 Ms. Griest stated that if a gravel road were proposed in a solar facility, would it be included in the area that  
12 has been proposed to limit the disturbed area. She said that Mr. Hartke should save his testimony regarding  
13 a particular special use when the Board has the special use before them for discussion.

14

15 Mr. Hartke stated that he heard testimony from a developer tonight indicating that he would be seeking input  
16 from a community, and that testimony is inaccurate, because the developer has not attended any Village of  
17 Sidney's meetings.

18

19 Ms. Capel stated that Mr. Hartke's testimony is hearsay, and even if it were not hearsay, it has nothing to do  
20 with the ordinance.

21

22 Mr. DiNovo stated that Mr. Hartke's testimony was not germane and he objected to it.

23

24 Mr. Hartke stated that it is very difficult to voice a concern on something that is so controversial and should  
25 be challenged, and not taken at its word.

26

27 Ms. Capel stated that Mr. Hartke has had many opportunities to speak, but as he gets further and further  
28 away from the subject at hand, she or another Board member had to remind him to get back to the ordinance.  
29 She said that she understands Mr. Hartke's objections, but they have nothing to do with what the Board is  
30 reviewing now.

31

32 Mr. Hartke stated that he is disappointed that his criticisms are being deemed specific and project related and  
33 he will reserve those for a later hearing on a specific case. He thanked the Board for their time.

34

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

36

37 Ms. Capel asked the audience if anyone else desired to sign the witness register, and there was no one.

38

39 Ms. Capel closed the witness register for the April 12, 2018, meeting.

40

41 Mr. DiNovo stated that a witness suggested that solar farms are not subject to property tax. He said that he

1 looked up the Grand Ridge Solar Farm on the LaSalle County Assessor’s website, and found that the 20  
2 megawatts solar farm that sits on 160 acres has an assessed value of \$5,673,979 dollars. He said that LaSalle  
3 County is taxing solar farms with substantial assessed values.

4  
5 Ms. Capel asked the Board if there were any questions for staff, and there were none.

6  
7 Ms. Capel entertained a motion to continue Case 895-AT-18 to the April 26, 2018, meeting.

8  
9 **Ms. Griest moved, seconded by Mr. Passalacqua, to continue Case 895-AT-18 to the April 26, 2018,**  
10 **meeting. The motion carried by voice vote.**

11  
12 Mr. DiNovo stated that if the Board continues to receive this much testimony, the Board will have a problem  
13 working through the ordinance. He said that since the Board must allow public testimony, the Board could  
14 choose to not allow it until close to the end of the meeting so that the Board could spend the first part of the  
15 meeting to work on the ordinance.

16  
17 Ms. Capel stated that the Board always has that opportunity, but did not take it.

18  
19 Mr. DiNovo stated that with the amount of people present tonight, he would never propose to take testimony  
20 at the end of the meeting without prior notice; otherwise, it will be a very, very long night. He said that it  
21 appears that there will be at least one more meeting or even a special meeting is required.

22  
23 Mr. Hall stated that the Board could possibly hold a special meeting on May 3<sup>rd</sup> in this meeting room, but he  
24 is at the point where this case should be treated like any other zoning case. He said that the Board only  
25 working on this case every week is hurting the Department of Planning and Zoning staff.

26  
27 Mr. DiNovo agreed, but does not know how the Board will get this case wrapped up.

28  
29 Mr. Hall stated that apparently this case will not be wrapped up quickly.

30  
31 Mr. DiNovo stated that at some point the Board cannot work on the case until we stop taking testimony.

32  
33 Mr. Hall stated that this Board only spent 30 minutes at the beginning of tonight’s meeting discussing the  
34 ordinance, and he does not know why that occurred.

35  
36 Mr. DiNovo stated that he personally does not want to make numerous people wait hours so that they can  
37 present testimony. He said that if the Board is going to make people wait to testify until the Board has  
38 worked on the ordinance, then proper notice should be provided. He said that it is very warm in this room  
39 and it is unreasonable for the Board to expect people to sit here for two hours while the Board debates the  
40 ordinance amongst themselves.

1 Mr. Hall stated that perhaps the Board should value its own debate, and it is possible that such a debate is  
2 what the audience members are waiting to hear.

3  
4 Mr. DiNovo stated that he would be happy in closing the public hearing.

5  
6 Mr. Hall stated that if the Board closes the public hearing and stops taking public testimony, the Board will  
7 be subject to claims of not taking testimony, but if the Board is debating amongst themselves and the Board  
8 must stay late to let everyone testify, then so be it.

9  
10 Mr. DiNovo stated that is fine, but if that is the plan, then proper notice should be given so that everyone  
11 knows how the meeting will proceed.

12  
13 Mr. Hall asked the Board how they would like staff to announce the order of the meeting, such as putting an  
14 advertisement in the newspaper.

15  
16 Mr. DiNovo stated no, he said that there are plenty of people here tonight that can talk amongst themselves.  
17 He said that he just wants it to be clear that at the next meeting there will be no public testimony until the  
18 Board has finished debating the ordinance amongst themselves.

19  
20 Mr. Randol stated that it is his understanding that when the Board begins hearing the case at the meeting,  
21 that they are to listen to staff explain the information in the memorandums, and once that review is  
22 completed, the Board automatically moves to public testimony. He said that he agrees with Mr. DiNovo in  
23 that the Board cannot discuss the ordinance when there is a room full of people who want to testify.

24  
25 Ms. Griest stated that she agrees with Mr. Hall, because the Board has had several opportunities to discuss  
26 the ordinance prior to public testimony, and the Board has not taken advantage of any of that time in a  
27 serious manner. She said that the Board should go through the ordinance line per line, so that the Board can  
28 determine where they agree and disagree, and discuss the contentious subjects of noise and setbacks. She  
29 said that she knows the points where she agrees or disagrees, and she is pretty sure she knows where other  
30 Board members stand, but no one has committed that in the minutes or anything public. She said that once  
31 the audience hears the Board's debate, the public's concerns may be lessened or escalated and will bring  
32 their testimony focused on specific topics rather than big picture.

33  
34 Ms. Capel entertained a motion to extend the meeting to 10:30 p.m.

35  
36 **Ms. Griest moved, seconded by Mr. Elwell, to extend the meeting to 10:30 p.m. The motion carried by**  
37 **voice vote.**

38  
39 **Mr. DiNovo moved, seconded by Mr. Passalacqua, to arrange the April 26, 2018, meeting agenda so**  
40 **that Board discussion will occur for Case 895-AT-18 prior to public testimony.**

41

1 Ms. Capel stated that the agenda indicates public participation prior to the case hearings.

2

3 Mr. DiNovo stated that a note could be placed on the agenda indicating that Board discussion will occur  
4 prior to public testimony.

5

6 **The motion carried by voice vote.**

7

8 **6. New Public Hearings**

9

10 None

11

12 **7. Staff Report**

13

14 None

15

16 **8. Other Business**

17 **A. Review of Docket**

18

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

20

21 None

22

23 **10. Adjournment**

24

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

26

27 **Ms. Griest moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**  
28 **vote.**

29

30 The meeting adjourned at 10:20 p.m.

31

32 Respectfully submitted

33

34

35 Secretary of Zoning Board of Appeals