

AS APPROVED MARCH 28, 2019

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE:	October 18, 2018	PLACE:	John Dimit Meeting Room 1776 East Washington Street Urbana, IL 61802
TIME:	6:30 p.m.		

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

MEMBERS ABSENT: Jim Randol, Ryan Elwell

STAFF PRESENT: Lori Busboom, Susan Burgstrom, John Hall

OTHERS PRESENT: Jeff Housega, David Jones, Bob Glasa, Wally Worley, Barbara Swinford, Tami Fruhling-Voges, Paul Swinford, Becky Smith, Brian Hartwig, Andrew Lines, Jason Grissom, Amy Antonioli

1. Call to Order

The meeting was called to order at 6:35 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present, with two members absent.

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

3. Correspondence

None

4. Approval of Minutes (July 26, 2018, August 16, 2018, and August 30, 2018)

Ms. Capel entertained a motion to approve the July 26, 2018, August 16, 2018, and August 30, 2018, minutes.

Mr. DiNovo stated that not all the members present tonight attended each meeting. He requested that each set of minutes be approved separately. He noted that it does appear that the present Board attended the August 16th and August 30th meetings.

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Mr. DiNovo moved, seconded by Mr. Passalacqua, to approve the August 16, 2018, and August 30, 2018, minutes, as submitted. The motion carried by voice vote.

Ms. Lee moved, seconded by Ms. Capel, to approve of the July 26, 2018, minutes, as submitted.

Mr. DiNovo stated that the July 26th minutes should be tabled to a later meeting so that the Board members who attended the meeting could present for the motion to approve them.

Ms. Capel stated that July 26th minutes would be tabled for approval and would be placed on the agenda for the October 25, 2018, meeting.

5. Continued Public Hearing

None

6. New Public Hearings

Ms. Capel entertained a motion to call Cases 906-S-18 and 907-S-18 concurrently.

Mr. DiNovo moved, seconded by Mr. Passalacqua, to call Cases 906-S-18 and 907-S-18 concurrently. The motion carried by voice vote.

Case 906-S-18 Petitioner: FFP IL Community Solar LLC, via agent David Dickson Request: Authorize a Community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District and including the following waivers of standard conditions: Part A. A waiver for a distance of 135 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.; and Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A. 3. Location: 40-acre tract in the Northeast Quarter of the Southeast Quarter of Section 3 of Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township and commonly known as the farmland approximately 600 feet north of Schuren Nursery on the westside of CR 2200E.

Case 907-S-18 Petitioner: FFP IL Community Solar LLC, via agent David Dickson Request: Authorize two Community PV Solar Farms with a total nameplate capacity of 4 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions: Part A: A waiver for a distance of 238 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM, per Section 6.1.5 B.(2) of the Zoning Ordinance; and Part B: A waiver for locating a PV SOLAR FARM within the Contiguous Urban Growth Area (CUGA) in lieu of outside the CUGA, per Section 6.1.5 B.(2) of the Zoning Ordinance; Part C: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A. 3.; and Part D: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or

1 **waiver therefrom with the relevant local highway authority prior to consideration of the Special**
2 **Use Permit by the Board, per Section 6.1.5 G. Location: Part of a 153.23-acre tract in the**
3 **Northwest Quarter of Section 12 of Township 19 North, Range 10 East of the Third Principal**
4 **Meridian in St. Joseph Township, and commonly known as the farmland at the southwest corner**
5 **of CR 2350E and CR 1700E.**
6

7 Ms. Capel informed the audience that Cases 906-S-18 and 907-S-18 are Administrative Cases and as such,
8 the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time,
9 she will ask for a show of hands for those who would like to cross-examine, and each person will be called
10 upon. She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
11 questions. She said that those who desire to cross-examine are not required to sign the witness register but
12 are requested to clearly state their name before asking any questions. She noted that no new testimony is to
13 be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the
14 ZBA By-Laws are exempt from cross-examination.
15

16 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
17 witness register for that public hearing. She reminded the audience that when they sign the witness register
18 they are signing an oath. She asked the audience if anyone desired to sign the witness register and there was
19 no one.
20

21 Ms. Burgstrom, Senior Planner, stated that these cases were originally scheduled to be opened on September
22 13th; however, Case 903-S-18 with the same petitioner, was also scheduled for that same meeting and took
23 up the entire meeting time. She said that Cases 906-S-18 and 907-S-18 were not opened for discussion and
24 were continued to tonight's meeting.
25

26 Ms. Burgstrom stated that Supplemental Memorandum #2 dated October 11, 2018, for Cases 906-S-18 and
27 907-S-18 was included in the mailing and indicated that since the September 13th meeting, the petitioners
28 have been able to either reduce or eliminate the number of waivers required for the two sites. She said that
29 the Part A. waiver for Case 906-S-18 is no longer required because the petitioner changed the site plan so
30 that it is compliant with the Zoning Ordinance. She said that the waiver for Part B., now Part A., indicates a
31 distance of 135 feet from the CR Conservation Recreation Zoning District, which is directly across the street
32 from the subject property for the St. Joseph West site. She said that the waiver for Part C., now Part B.,
33 refers to the requirement for submission of a Decommissioning and Site Reclamation Plan and what that
34 plan must include. She said that a Draft Decommissioning Plan was submitted prior to the first meeting, but
35 time has not allowed some things to be completed, such as cost estimates that would be more likely be ready
36 at the time of the permitting phase rather than during the special use permit phase, and because of the nature
37 of how some items have to be held off, the petitioner has requested the proposed the waiver. She said that
38 the waivers included in Parts D. and E. are no longer necessary because the petitioners have provided a
39 waiver from the Road Upgrade and Maintenance Agreement for Case 906-S-18, St. Joseph West. She said
40 that the road adjacent to the St. Joseph West facility is IDOT's jurisdiction, and a waiver was provided by
41 IDOT regarding the Road Upgrade and Maintenance Agreement, so that waiver is not necessary. She said
42 that Part E. is no longer required because the petitioner moved the site of the inverter, which earlier was
43 pretty close to the roadway, to the center of the solar farm and that meets the County's requirements.
44

45 Ms. Burgstrom stated that for Case 907-S-18, the Part A. waiver is no longer necessary. She said that
46 originally, the PV Solar Farm was proposed to be 224 feet away from a non-participating property 10 acres

1 or less in area, but the petitioners have changed their separation to be at least the 240 feet, which is required
2 by the ordinance. She said that Part B, now Part A., requires a waiver of 338 feet in lieu of one-half mile
3 (2,640 feet) between a municipal boundary and a PV Solar Farm. She said that geographically the Village of
4 St. Joseph's boundary is on the north side of the I-74 right-of-way and is basically the property line for the
5 subject property. She said that Part C., now Part B., is a waiver for locating a PV Solar Farm within the
6 Contiguous Urban Growth Area (CUGA) in lieu of outside the CUGA. She said that St. Joseph has a
7 CUGA area and the proposed site is within that area. She said that the CUGA is something that was defined
8 as part of the Land Resource Management Plan (LRMP) process, and in areas within the CUGA the
9 Village's Comprehensive Plan would indicate that they plan to develop an area on their boundary line within
10 five years that would include sewer extension. She said that the subject property does fall within the CUGA,
11 but since the adoption of the LRMP in 2010, this area has not been developed. She said that it has been 8
12 years since the adoption of the CUGA, a five year plan, and this area has not yet been developed. She said
13 that Part D. is no longer necessary because the petitioner has moved the PV Solar Farm electrical inverter at
14 least 275 feet from the solar farm perimeter fence lines. She said that Part E, now Part C., is a common
15 waiver for all of the solar farms because the information will not be ready until the permitting phase. She
16 said that Part F., now Part D., is required for the updated Roadway Upgrade and Maintenance Agreement
17 because staff does not have a waiver in hand, although it is expected soon. She said that if the agreement or
18 waiver is received prior to the Final Determination, then Part D. could be stricken.
19

20 Ms. Burgstrom stated that Supplemental Memorandum #2 for each case includes public comments
21 forwarded to staff and the Resolutions from the Village of St. Joseph, which objected to the requested
22 Special Use Permit for both solar farms, and underlined revisions to the special conditions for both cases.
23

24 Ms. Capel asked the petitioner if they would like to make a statement regarding the nature of their request.
25

26 Mr. Jason Grissom stated that he is the Development Project Manager for Forefront Power, and his address
27 is 4415 Twisted Tree Drive, Austin, Texas.
28

29 Ms. Amy Antonioli, Attorney for ForeFront Power, stated that her business address is 233 S. Wacker Drive,
30 Suite 6600, Chicago, Illinois.
31

32 Mr. Brian Hartwig, Engineer with TRC Environmental, stated that his business address is 230 W. Monroe
33 Street, Suite 630, Chicago, Illinois.
34

35 Mr. Andrew Lines, Principal Valuation Advisory, with Cohn Reznick, stated that his business address is 200
36 South Wacker Drive, Suite 2600, Chicago, Illinois.
37

38 Mr. Grissom stated that in 2017, Illinois passed the Illinois Future Energy Jobs Act (FEJA) which created
39 programs to help manage the growth of solar in Illinois. He said that the proposed project is a community
40 solar farm, which is one of the programs under FEJA, and he is pretty certain that this Board has seen an
41 influx of proposed solar projects in Champaign County. He stressed that there is a cap on FEJA regarding the
42 number of projects that can be constructed in Illinois, and for the first lottery it is 150 megawatts, so with
43 this application, ForeFront is requesting a seat at the table, but there is no guarantee that the project will ever
44 get built and the lottery in 2019 will determine that. He said that ForeFront is a small company with 55
45 employees, and they have offices in San Francisco and New York, working with 23 markets, Illinois being
46 one of their biggest markets due to FEJA. He said that ForeFront will be the owner/operator of the solar

1 farms and they have no intent in selling them after they are constructed. He said that they plan to work with
2 tax equity banks and be a long term owner with local operation and maintenance employees. He said that
3 ForeFront has experience developing over 800 MW of capacity across more than 1,000 projects.
4 He said that, personally, he has 10 years of experience with solar and has worked in the field as the Project
5 Manager, and could certainly answer any questions that the Board may have regarding the technical side of
6 the solar plants.

7
8 Mr. Grissom stated that their goal is to be long term partners with the local community. He said that they
9 have spent a lot of time ensuring that the projects are compliant with local ordinances, and that the
10 equipment is not threatening to nearby residents and municipalities. He said that the projects are temporary
11 and will not exist on the site for centuries. He said that they have a 20-year Power Purchase Agreement with
12 Ameren and after that 20-year period, the site will go back to its original state or will be better due to the
13 natural pollinator plantings.

14
15 Ms. Antonioli distributed copies of the Power Point presentation to the Board and staff so that they could
16 follow along with the verbal presentation and take notes.

17
18 Mr. Grissom stated that an 11" x 17" site plan, page 20 of the Power Point presentation, would also be
19 distributed to the Board and staff for review. He said that Case 907-S-18 is for the Woodard Trust St. Joseph
20 East Site, which is a 4 MW/AC site; the panels run north and south and are 19.44 feet apart. He said that the
21 site plan is approximately 32 acres on a 157 acre parcel located at 1699-1653 CR 2350E, St. Joseph. He said
22 that there would be an all-weather access drive from CR 2350 East. He said that Ameren would be the utility
23 provider and the St. Joseph HV substation is approximately 1,930 linear feet to the northeast to the point of
24 interconnection where they would tie into Ameren's grid. He said that the EcoCAT was completed per
25 ordinance requirements, and the National Heritage Database indicates that there may be a Big Eyed Chubb, a
26 protected species, in the vicinity. He said that the EcoCAT did not identify any protected natural resources in
27 the area, and they will take all mitigation measures to ensure that no natural resources are disturbed in the
28 area. He said that the subject property is zoned AG-1, Agriculture, and the soil conditions are thought to be
29 conducive for pile driving and trenching activities, which is why they chose this particular site. He said that
30 the site is relatively flat and there should not be much grading required, and they will protect the current
31 natural flow. He said that the subject property is located outside of the mapped floodplain, and any ponding
32 concerns would be addressed on the final civil plans and would be submitted with the building permit. He
33 said that the location of drain tiles would be incorporated into their surveyor's scope, and this is done during
34 all projects per Illinois statute. He said that they intend to have a qualified drain tile survey to locate any
35 drain tiles, and when they are located, they will design around those tiles. He said that if they cannot avoid
36 them, they will hire someone to relocate the tiles and ensure that the drainage flow is as it needs to be; in
37 most cases, they would install more up-to-date drainage tiles.

38
39 Mr. Grissom stated that a Class 5 compacted gravel access road would be constructed off of CH 20, and they
40 are working with the St. Joseph Township Highway Commissioner and their email correspondence is
41 included in the packet. He said that once the project is constructed, the frequency of visits will be minimal
42 and there will only be one to two operation and maintenance personnel that would visit the facility two or
43 three times a year, depending upon the operations and maintenance agreement. He said that they not only
44 use the Locus Monitoring System for security but also for radiance and weather data points to ensure that the
45 system is producing the volume that it needs to be per the Power Purchase Agreement with Ameren. He said
46 that a 911 system will be put into place for this project, but nothing is necessarily flammable, and it is like

1 any electrical board in a residence. He said that as part of the final plan, they would have placards in place
2 along the fence with contact information regarding an emergency. He said that one of the placards will have
3 a direct number to ForeFront regarding any questions, and this is typical of any plan set.
4

5 Mr. Grissom stated that the project is a single axis tracker project that essentially sits on piers that are
6 approximately four feet off the ground. He said that the tracker moves from -60 degrees to 60 degrees
7 following the sun during the day and they use a computer monitoring system to make sure that the panels
8 have perfect radiance. He said that the transformers are contained and locked and are in compliance with the
9 National Electrical Code for enclosures. He said that there is no exposed wiring at the inverters, and the
10 power from the panels is DC, so it is not going to electrocute anyone. He said that part of the finalized plan
11 set will include the stormwater management plan, which will be compliant with the State and County
12 requirements. He said that pollinator friendly seed mixes will be integrated into the local habitat and they
13 will work directly with the Illinois State Historic Preservation Office and Illinois Department of Natural
14 Resources to ensure full adherence to their requirements. He said that the seed mix would help reduce water
15 flow and erosion and will typically reach a height of two feet. He said that their Operation and Maintenance
16 crew would visit the facility every three months to make sure that the plantings are maintained and that
17 aesthetically the facility looks good. He said that the facility site is 725 feet from the nearest residential
18 dwelling and 450 feet from the edge of I-74. He said that since the last public hearing, they worked on a
19 landscape buffer that would be located on the south and west sides of the facility, mitigating any views from
20 the public along I-74 or the neighbors to the west. He said that the landscape buffer could be whatever if
21 best for the community and neighboring landowners, but typically they plant White Spruce trees because
22 they work well in Illinois, although they have used Red Dogwood trees as well. He said that they are willing
23 to work with the neighboring landowners and the County to plant what is best for that area.
24

25 Mr. Grissom stated that the duration of construction for a 4 MW facility is approximately 16 weeks. He said
26 that this particular site should produce enough electricity to serve approximately 650 homes. He said that
27 they have completed some tax considerations with these particular sites and what they will produce for the
28 county. He said that US Senate Bill 486 was just passed, and it provides between \$4,000 to \$6,000 dollars
29 per megawatt per year to the County for tax benefits. He said that they have worked hard with the County to
30 avoid any of the waivers that they could, other than the Conservation District waiver for St. Joseph West.
31 He said that all of the materials, modules and inverters are inert and innocuous, and will not do anything
32 toxic to the ground or the area around the facility. He said that their marketing team conducted an outreach
33 campaign throughout the area, although due to the radius they were not able to reach everyone, so they
34 recently reached out again to make sure that everyone had the most recent site plan. He said that they have
35 tried to be a good neighbor and they want to continue to work with the County and the community to ensure
36 that they are a good neighbor. He said that ForeFront believes that this is a good project and they are excited
37 about the community solar program in Illinois. He said that ForeFront has worked with other state solar
38 programs in Minnesota and along the east coast and they have seen community solar facilities being very
39 successful and driving the energy prices down in those areas. He said that the proposed community solar
40 facility in Case 907-S-18 will be an asset to the surrounding community.
41

42 Ms. Capel asked that the site plan and screening agrees with the site plan that she received in August, but the
43 site plan that she received in October indicates vegetative screening along the entirety of the eastern
44 boundary. She asked which site plan is correct.
45

46 Mr. Grissom asked Ms. Capel if she is discussing the site plan included in the latest special use permit

1 application. He said that the vegetative screening can be placed wherever the Board requires it, and if it is
2 best for the community to have the vegetative screening entirely around the facility, then that is what they
3 will do. He said that he pulled the site plan from the original special use permit application, but perhaps he
4 did not pull the most current, and either way they will install vegetative screening buffer wherever they are
5 required to do so. He said that currently everything is perceptual, and the site plan will be tweaked during
6 the permit phases.

7
8 Ms. Capel stated that at some point, the site plan has to mean something so that the Board knows what they
9 may be approving.

10
11 Mr. Grissom stated that he agrees. He said that ForeFront wants to make sure that any visual concerns are
12 remedied and will work with the Board and the community in placing the landscape buffer where it is
13 needed.

14
15 Mr. Grissom stated that regarding Case 906-S-18, it is a smaller site with a proposed 2 MW. He said that the
16 proposed site is tighter, 13 acres, and the row spacing is 14.26 feet apart. He said that subject parcel is
17 owned by the Beatrice Woodard Trust, the same landowner in Case 907-S-18, and is located at 1724-1798
18 CR 2200E, St. Joseph. He said that based on the site plan, the proposed access would be via an all-weather
19 drive from County Highway 12, also known as the Flatville Road. He said that they would be tying into the
20 utility, Ameren Illinois, at the St. Joseph low voltage substation, which is roughly 1,950 linear feet away
21 from the point of interconnect. He said that EcoCAT was performed for the project, and obviously part of the
22 subject property is located in the mapped floodplain, so they revised the site plan to avoid the mapped
23 floodplain as much as possible. He said that a small corner of the facility will fall within the floodplain, but
24 it is what it is, and they can work with it during the final site plan by lowering the footprint and sizing up the
25 modules. He said that the property is zoned AG-1 Agriculture and the soils conditions are very conducive to
26 this type of site, Sandy Loam and Silty Loam, which are easier for them to drive piles in to set the trackers.

27
28 Mr. Grissom stated that the property is relatively flat, and the drainage goes down to the river and the
29 contours on the site plan indicate the area's natural flow. He said that the drain tile locate will be
30 incorporated into their project scope and they will hire a drain tile specialist to locate the drain tiles and
31 ForeFront will either relocate the drain tiles or design the project around the drain tiles. He said that the
32 access road will consist of a Type 5 all-weather compacted gravel that will sustain the weight of a fire truck.
33 He said that they are working with the St. Joseph Township Highway Commissioner regarding the letter of
34 no objections, as indicated in Case 907-S-18, and the same Operations and Maintenance manager will be
35 responsible for both solar facilities. He said that all of their sites are very similar in that they will use the
36 same Locus Monitoring System that will monitor the weather data and the security for the facility. He said
37 that just like the previously mentioned facility, this solar farm will have transformers that are contained,
38 locked and NEC compliant. He said that they will have string inverters, and specifications were included in
39 the application packet. He said that he submitted a noise study to Ms. Burgstrom regarding the inverters, and
40 they only get up to 60dB, which is the loudest piece of equipment that they have on the site, and at the
41 property line the noise generated will only be 28 dB. He said that he has experience with many inverters, but
42 with this particular type you can barely hear it. He said that when you are next to the inverter the sound is
43 much like a small vacuum, but at the fence you will not be able to hear it operating.

44
45 Mr. Grissom stated that the piles that will be used are galvanized steel 6" x 9' piles that will be driven four
46 feet into the ground at a spacing of 16 feet in an 80 foot line. He said that the same type of tracker will be

1 used for this solar farm and will track the sun from a negative 60 to 60 degrees during the day and at the end
2 of the day it stows back to where the sun will come up the next morning. He said that the trackers are very
3 smart and the tallest height that they will get is 10 to 12 feet when they are stowed. He said that they will
4 have a six foot tall fence at both sites, and for security purposes they will have one foot of barbed at the top
5 of the fence. He said that they do not have to have the barbed wire, but they do need to stay within the NEC
6 code on certain items like fencing for the project. He said that the site did have some natural resources
7 identified close to it, but to be honest, when they picked the site it was nine months ago, and they did not
8 know the ins and outs of the Champaign County Ordinance.

9
10 Mr. Grissom stated that the tax implications for this site would be similar to the previously mentioned site,
11 and the basis per megawatt would mean that the County would receive \$4,000 to \$6,000 per year per
12 megawatt. He said that the specifications for this facility are similar to the previously mentioned site, other
13 than this site is smaller, and they worked around the floodplain as much as possible. He said that the
14 industry has gotten to the point where nothing toxic will be on the sites and the sites are very innocuous and
15 for the most part, it will not be an eyesore or a fire hazard. He said that they have tried to work with the
16 community regarding the landscape plan and have proposed it to be along the north and east sides of this
17 project, and they would consider adding additional landscape where the Board desires. He said that they are
18 leaning towards planting White Spruce trees that will be ten foot on staggered rows and will provide an
19 adequate screen to hide the project. He said that they tried to notify everyone within 500 feet of the proposed
20 facility, although it appeared that they had missed a few landowners, so they sent out more documentation to
21 ensure that everyone knew about ForeFront and its proposed project in their area, and he could submit a copy
22 of the documentation as a Document of Record for the Board's review. He said that in the documentation,
23 they list a website that would answer any questions that anyone may have regarding the proposed facility,
24 and if the question is not answered through the website, the person can leave their name and number and
25 someone from ForeFront will contact them to discuss their questions or concerns.

26
27 Ms. Capel asked the Board if there were any questions for Mr. Grissom.

28
29 Mr. DiNovo asked Mr. Grissom if the 20-year leases had renewal options.

30
31 Mr. Grissom stated yes. He said that there are two 10-year options because if they need to replace some
32 panels and everything is working well within in the community solar facility's area and Ameren is agreeable,
33 they have an option for two, 10-year renewals. He said that currently they are in a two-year option to lease
34 because no one knows whether or not they will gain approval from this Board or how the lottery process will
35 go.

36
37 Mr. Passalacqua asked Mr. Grissom if they ever pursue purchasing the property.

38
39 Mr. Grissom stated no, because they do not want to tie themselves to the land long term. He said that
40 obviously, a key to the project is having a willing landowner who will receive a more reliable source of
41 income.

42
43 Mr. Passalacqua stated that it sounds like they are offering more than five times the going rate for cash rent,
44 which to him does not sit well. He asked Mr. Grissom why they would offer a landowner five times the
45 going rate.

46

1 Mr. Grissom stated that he could not get into what they offer, but he does not believe that it is five times the
2 going rate of cash rent.

3
4 Mr. Passalacqua stated that he has heard differently.

5
6 Mr. Grissom stated that he could not divulge what the lease amount is, but it isn't as much as what Mr.
7 Passalacqua would think.

8
9 Ms. Griest stated that Mr. Grissom indicated that they are still in discussions with the St. Joseph
10 Township Highway Commissioner regarding the road agreement, although the mailing packet included a
11 letter from IDOT indicating that they were granting a waiver. She asked Mr. Grissom if the letter from
12 IDOT referred to both facilities.

13
14 Ms. Burgstrom stated that for Case 906-S-18, there is a waiver from IDOT because CR 2200E is under
15 IDOT's jurisdiction, but for Case 907-S-19 there is an unsigned road agreement with Rod Maddock, St.
16 Joseph Township Highway Commissioner.

17
18 Ms. Griest stated that she was attempting to clarify Mr. Grissom's testimony indicating that for Case 906-S-
19 18, he was waiting on the signed road agreement.

20
21 Mr. Grissom apologized for his mistake.

22
23 Ms. Griest stated that the Salt Fork Drainage Ditch is not a river, because rivers have special designations,
24 rules and classifications in Illinois, but to be clear, this is a drainage ditch and it is important to make note of
25 that.

26
27 Mr. DiNovo asked Mr. Grissom to be aware that such is not a consensus opinion.

28
29 Ms. Griest stated that it is the law, because drainage ditches have a different jurisdiction than rivers and this
30 is not a river. She said that Mr. Grissom indicated that the panels would be 10 to 12 feet tall when stowed.
31 She asked Mr. Grissom if the panels are 10 to 12 feet tall or as it is elevated on the pedestal.

32
33 Mr. Grissom stated that the panels are 10 to 12 feet tall as it is elevated on the pedestal. He said that the
34 panels themselves are only 3' x 6'.

35
36 Ms. Griest stated that both of the site plans designate a seven foot chain link fence, although Mr. Grissom
37 testified that a six foot fence was proposed with one foot of barbed wire on top. She said that the site plans
38 are important, as they become part of the record and what the petitioner is held to for construction; therefore,
39 Mr. Grissom should be aware that there is a conflict that must be rectified.

40
41 Mr. Grissom clarified that fence is six feet tall with one foot of barbed wire on top, thus the seven feet.

42
43 Ms. Griest stated that she understands the math, but the site plan indicates a seven foot tall chain link fence.
44 She said that Mr. Grissom's description of the fence and the site plan do not match.

45
46 Mr. Grissom stated that is a simple fix and that was an oversight on the engineer's part. He said that the site

1 plan will be corrected to reflect the actual height of the fence with the barbed wire.

2
3 Ms. Capel asked the Board if there were any additional questions for Mr. Grissom.

4
5 Ms. Lee stated that page 21 of the presentation indicates an option site that is directly south of the proposed
6 Site 1.

7
8 Mr. Grissom stated that the option site indicated on page 21 is the entire parcel, because they have an option
9 on much more than they actually design and fence in for latitude and the ability to make any necessary
10 adjustments. He said that the option site is 133 acres, but he understands the confusion with the option site
11 indicated on page 21 and how it relates to the site plan on page 20.

12
13 Mr. Grissom stated that Andrew Lines, Principal Valuation Advisory with Cohn Reznick, is present to
14 address any the land value questions that the Board may have.

15
16 Ms. Capel called Andrew Lines to testify.

17
18 Mr. Andrew Lines, Principal Valuation Advisory with Cohn Reznick, stated that he is present tonight to
19 address any questions that the Board may have regarding property values as it relates to existing solar farms.
20 He said that solar farms are fairly new, and people are justifiably concerned that there may be an impact on
21 land values for adjacent properties. He said that Cohn Reznick is a national accounting, advisory, and tax
22 firm and is probably 12th on the list for national accounting firms. He said that Cohn Reznick has two major
23 specialties, one being real estate and the other being renewables, so they have a lot of clients around the
24 United States and abroad. He said that Patricia McGarr with Cohn Reznick is a Member of the Appraisal
25 Institute (MAI), Counselor of Real Estate (CRE) Fellow of the Royal Institution of Chartered Surveyors
26 (FRICS), and a Certified Review Appraiser (CRA). He said that Ms. McGarr is a Certified Real Estate
27 Appraiser in several states, and in 2017 she was appointed by Governor Rauner to sit on the State of Illinois
28 Department of Financial and Professional Regulation's Real Estate Appraisal Board, and now serves as
29 Vice-Chair. He said that the Finance and Professional Regulation's Real Estate Appraisal Board regulates
30 appraisers, like himself, and any other residential or certified general appraiser, and helps enforce and dictate
31 what the rules are for performing appraisal assignments.

32
33 Mr. Lines stated that he is also a state certified appraiser and a Member of the Appraisal Institute (MAI), and
34 obtained his degree from Syracuse University, which he would note has the same colors as the University of
35 Illinois. He said that approximately one and one-half years ago, they were approached by a solar developer
36 to begin researching sites for solar development in Illinois, which was triggered by the State of Illinois
37 Future Energy Jobs Act (FEJA). He said that in looking for published studies to review they searched the
38 internet, contacted other appraisers, and found that no published studies were available, and that could be
39 because solar development is relatively new, or it could be because the solar farms do not generally cause a
40 negative impact to adjacent property values. He said that they conducted a study by identifying existing
41 solar farms from a number a websites that indicated where they were located and their size. He said that they
42 addressed each existing solar farm in the state of Illinois, although Illinois has had far less solar development
43 than some of the surrounding states. He said that Indiana has had three times the amount of solar
44 development, so even though they would have like to have stayed in Illinois to do their research, due to the
45 lack of data they had to research solar farms in other states. He said that they would find an existing solar
46 farm and use the existing GIS systems to identify properties that were immediately adjacent to the existing

1 solar farm and monitor which property sold. He said that they would take the sales data and compare that
2 one sale to a group of comparable sales and determine whether or not the average unit prices were similar or
3 different. He said that one of the counties that they have worked with asked them how they knew that the
4 test group that was identified were the same, and what about before the solar farm, were they the same then.
5 He said that they prepared a study comparing before and after property analysis, and he will speak about that
6 analysis later in his presentation. He said that they spoke with the local assessors and real estate brokers
7 because they see a lot of this type of data. He said that assessors see a lot of this data, so they contacted a lot
8 of brokers and assessors where solar farms are located and asked them if they had seen any discrepancy
9 between houses and farmland that is immediately adjacent to existing solar farms and reconciled the data.
10 He said that their study includes research and analyses of existing solar farms and the property value trends
11 of the adjacent land uses, including agricultural and residential properties; review of published studies; and
12 discussions with market participants.

13
14 Mr. Lines stated that the City of Streator in LaSalle County has a 20 MW/AC solar farm which is 10 times as
15 big as the St. Joseph West site and 5 times as big as the St. Joseph East site. He said that LaSalle County is
16 not that far and the Board could go visit it to see that it is a fairly large project. He said that the City of
17 Portage in Porter County, Indiana, has a smaller community solar project and it is a 1.5 MW project. He said
18 that an existing solar project that is similar to the proposed solar facilities is located in a suburban, yet rural
19 area outside of Indianapolis, in Marion County, on a parcel totaling 134 acres. He said that the surrounding
20 uses consist of agricultural land to the east, west and south, and a single family subdivision to the north. He
21 said that this solar farm is an 11.9 MW project, which is much larger than the proposed facilities. He said
22 that a 1 MW project exists in the Town of Frankton, in Madison County, Indiana, and is situated in a fairly
23 rural area located on a 12-acre parcel with the surrounding uses consisting of single family homes to the east,
24 agricultural land to the south, west and north, and some baseball fields as well. He said that a 1.3 MW
25 project is located near the City of Valparaiso in Porter County, Indiana, situated in a fairly rural area of two
26 contiguous parcels totaling 27.9 acres. He said that the surrounding uses consist of vacant land to the north,
27 and single family homes to the east, south, and west. He said that they analyzed 15 adjoining property sales
28 in test areas and 63 comparable sales in control areas. He said that all of the methodology that is used comes
29 from a text book that they use in their industry, and the text book is titled *Real Estate Damages, Applied*
30 *Economics and Detrimental Conditions*, written by Randall Bell.

31
32 Mr. Lines stated that one of the ways that they can identify if a particular use has a detrimental influence on
33 an adjacent property is by using a paired sales analysis. He said that they will look at Test Areas, which are
34 sales located adjacent to existing solar farms, and Control Areas, which is a group of otherwise similar
35 properties not located adjacent to existing solar farms. He said that Randall Bell states the following in his
36 text book: "If a legitimate detrimental condition exists, there will likely be a measurable and consistent
37 difference between the two sets of market data; if not, there will likely be no significant difference between
38 the two sets of data."

39
40 Mr. Lines stated that for Solar Farm 1: Grand Ridge Solar Farm in Streator, Illinois, they numbered all of the
41 adjoining parcels around the solar farm, and discovered that the parcel identified as #12, a 2,300 square foot
42 home, had sold for approximately \$186,000, and was located northwest of the solar farm with an unimpeded
43 view of the solar farm. He said that their Control Area Sales consisted of 5 very similar sales with similar
44 age, acreage and square footage of the home, and when compared to median prices per square foot, the home
45 that sold and was closest to the solar farm had a sale price higher than the average five home sales in the
46 Control Area Sales. He said that it does not mean that homes that are closer to a solar farm will have higher

1 property value than anyone else, but that is a data point and it will be considered before they reconcile to the
2 end. He said that the home that sold was 480 feet from the nearest solar panel. He said that for Solar Farm
3 2: Portage Solar Farm in Porter County, Indiana, there were a group of five homes that were immediately
4 adjacent to the solar farm, not abutting, but they do touch. He said that the value of the home to the south,
5 circled in red on page 42 of the presentation, had a .10% difference in value than the seven homes in the
6 controlled area. He said that the farmette, identified as #1, sold for \$8,000 per acre, which is typical for
7 farmland in this area, and was improved with the construction of a 4,255 square foot home with four
8 bedrooms and five bathrooms and a pool, attached garage and pond. He said that in April of 2018 the
9 property sold for \$465,000, which was two years after the solar farm had been constructed. He said that this
10 proves that the market does not fear the investment of land that is immediately adjacent to a solar array. He
11 said that Solar Farm 3: Dominion Indy Solar III in Indianapolis, Indiana, is a large 12MW solar farm with a
12 large subdivision near it, which is similar to the situation at the St. Joseph sites. He said that the solar farm
13 opened in 2013 and sales of the homes were found between 2014 and 2017, and they compared the row of
14 homes in the subdivision near the solar farm with the same type of homes in the northern part of the
15 subdivision the solar farm could not be seen, and a subdivision that was further away from the solar farm
16 with similar homes constructed by the same contractor, and they found through two different analysis that
17 the median price per square foot between the two areas was insignificant. He said that the positive adjusted
18 median level price per square foot of 3.40% and 1.36% means that the homes near the solar farm sold for
19 more than the homes that were not near the solar farm. He said that there was a piece of land immediately
20 adjacent to the 12 MW solar farm, and that land was developed with a large home with an in-ground pool
21 constructed within 150 feet of the solar panels. He said that there is natural screening and brush between the
22 home and the solar panels, but the home is still 150 feet away and you would think that there would have
23 been concerns about impacts from the solar farm being that close to the home. He said that the home sold
24 for \$450,000 dollars and is the second piece of evidence indicating that someone has invested a lot of money
25 next door to an existing solar farm. He said that he previously mentioned the before and after Analysis, but
26 the Board may be thinking that the test subjects were or were not performing as well as everyone else. He
27 said that they tracked the sales before the solar farms were developed, which was before the end of 2012, and
28 when they charted the test sales, indicated in blue on page 49 of the presentation, and compared those sales
29 to the sales after the construction of the solar farm in the Control Area, indicated in orange, they found that
30 the sales were very similar. He said that they graphed the sales using the FHFA
31 House Price Index for East North Central Indiana, and they found that the homes were depreciating the same
32 and essentially appreciating the same, and there was no big difference between them, thus supporting the
33 integrity of their study.

34
35 Mr. Lines stated that the Adjusted Median Price per Square Foot in the Paired Sale Analysis for the solar
36 farm in Frankton, Indiana, only had a difference of .56% and 1.81% in favor of the homes that were closer to
37 the solar farm, thus not seeing an adverse impact. He said that the Adjusted Median Price per Square Foot in
38 the Paired Sale Analysis for the homes sold near the solar farm in Valparaiso, Indiana, had a difference of
39 3.09% and -3.06%. He said that he was happy to see a negative 3.06%, because that tells him that their data
40 went in both directions and is an indication that something else is going on which is affecting the sales
41 prices, and it probably isn't the small community solar project. He said that the Summary of Findings
42 regarding the Paired Analyses for the five solar farms and the average variance in sale prices for test to
43 control area was +2.18% in favor of homes near the solar farms. He said that the marketing time averages
44 were 162 days for adjoining test sales and 171 days for control area sales, very similar in all the facets. He
45 said that Summary of Findings indicates the feet from panel to house and some of those were as much as
46 1,300 feet and as low as 145 feet. He said that based on the evidence, they are not seeing a consistent

1 negative impact trend that has occurred to adjacent property that could be attributed to proximity to the
2 adjacent solar farm. He said that they spoke with numerous county assessors and real estate brokers and not
3 one of those professionals were seeing any of those trends either. He said that none of the assessors
4 indicated that anyone has challenged their assessment based solely on the fact that they were now adjacent to
5 a solar farm. He said that they continue to update their study, and if someone is upset about a 2 MW they
6 would really be upset about a 100MW solar facility like the one in Chisago County, Minnesota. He said that
7 not only is the Chisago County solar facility huge, but it surrounds a group of homes that are in the middle of
8 the sprawling solar development. He said that they spoke to a real estate broker that sold two of the homes
9 next to the Chisago County solar facility and the broker saw no impact from the solar farm and the homes
10 sold within 45 days after they hit the market. He said that Jeff Keefe, Chisago County Assessor, indicated
11 that he had not seen any adverse impacts due to the solar facility. He said that the homes that are in the
12 middle of the Chisago County solar facility have solar panels on all four sides of their properties. He said
13 that the developer of the massive solar farm believed that he would need this land area to complete the solar
14 project, so he had all of the four homes appraised and made offers to each of the homeowners and paid them
15 a huge premium to get those people off of their properties. He said that during development, the solar farm
16 developer discovered that he did not need the properties and subsequently sold all four homes within
17 60 days after they were placed on the market, selling for more than what was indicated on the appraisal, with
18 the exception of one home that was actually purchased by the original owner.

19
20 Mr. Lines stated that an 8 MW solar farm was constructed in Nixa, Missouri, and according to Adam Grady,
21 real estate agent for a buyer, one of the new owners paid a premium for the yard and valued the privacy that
22 backing up to the solar farm provided. He said that a solar farm constructed in Jefferson County, Colorado,
23 is adjacent to Whisper Creek residential development, just outside of the City of Arvada, has the capacity for
24 1.2 MW of power, which is enough to power 300 homes. He said that all of the homes in
25 Whisper Creek back up to the solar farm and the study indicated that there was a .48% difference in the
26 adjusted Median Price per square foot.

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

29
30 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Grissom or Mr. Lines.

31
32 **The Board recessed at 8:00 p.m.**

33 **The Board resumed at 8:06 p.m.**

34
35 Mr. Robert Glasa, who resides at 1753 CR 2200E, St. Joseph, stated that he is the neighbor north of the
36 proposed solar farm for Case 906-S-18, St. Joseph West. He said that testimony indicated that the solar
37 farm would be located at 1724-1798 CR 2200E, St. Joseph. He asked if he is confused about his address or
38 is the developer confused about their address, because he does not want to end up in the middle of a solar
39 farm.

40
41 Mr. Grissom stated that their engineer used Google Map and related programs to obtain the parcel address,
42 and 1724-1798 CR 2200E, St. Joseph, is the address that was determined.

43
44 Mr. Glasa stated that the United States Post Office delivers his mail to 1754 CR 2200E, St. Joseph, so he is
45 very concerned about the determined address for the proposed solar farm.

1 Mr. Grissom stated that he understood Mr. Glasa's concern. He said that they lean on their engineer to
2 know what they are doing, but he will try to have the address narrowed down and rectified.

3 Mr. DiNovo stated that, typically, undeveloped properties do not have addresses. He said that addresses are
4 established by the location of the driveway, and if there is no driveway there is no address.
5

6 Mr. Grissom stated that Mr. DiNovo's statement makes sense. He said that he believes that the engineer
7 chose the best address sequence that they could.
8

9 Mr. Glasa stated that he was confused about the statement regarding the fence height with the barbed wire.
10 He said that testimony indicated that the petitioner must follow the National Electrical Code (NEC), and he
11 assumes that they are willing to do other things for compliance. He asked Mr. Grissom to indicate what they
12 are compelled to do in regard to NEC requirements and barbed wire.
13

14 Mr. Grissom stated that NEC requires a fence that is six to eight feet tall, but it does not specify that barbed
15 wire has to be part of that fencing, and the NEC does provide a safety range.
16

17 Mr. Glasa stated that the barbed wire could be eliminated from the fencing.
18

19 Mr. Grissom stated yes.
20

21 Mr. Glasa stated that there was a lot of discussion regarding the landscape buffer. He asked Mr. Grissom to
22 indicate the type of landscape buffer that will separate the 240 feet between his property and the proposed
23 solar farm. He asked how the 240 feet would be maintained.
24

25 Mr. Grissom stated that this area can be landscaped as well, or the land could still be farmed.
26

27 Mr. Glasa stated that he is not a farmer, but he would appreciate seeing the land remain in crop production.
28 He asked Mr. Grissom if the 240 feet is part of the lease agreement, would they sublease the land back to the
29 farmer.
30

31 Mr. Grissom stated that is an option, but the lease is determined by the site plan. He said that agriculture is a
32 very sensitive topic in Illinois and the site plan can be adjusted to accommodate implements, etc. and they
33 do it all of the time.
34

35 Mr. Glasa asked Mr. Grissom if they have not leased the property yet, but only have an option to lease the
36 land pending the final site plan.
37

38 Mr. Grissom stated yes, the option does not indicate what would be included in the final lease agreement.
39

40 Mr. Glasa asked Mr. Grissom if the final lease agreement indicates that the 240 feet separation is part of it,
41 would Mr. Grissom would be amenable in talking to him about what would occur on that 240 feet.
42

43 Mr. Grissom stated yes.
44

45 Mr. Glasa stated that noise discussion was helpful, but since the inverters have been moved to the center of
46 the project, away from the north property line, what decibel reading is predicted to be audible at the

1 property line and compliant with the ordinance.

2
3 Mr. Grissom stated that they use string inverters which are on mounted on posts in the center of the arrays.
4 He said that the County Planner's report indicates that the decibel reading at the property line is 28 dBA.

5
6 Ms. Capel stated that the Board requires a copy of the report that he handed Mr. Glasa.

7
8 Mr. Glasa asked Mr. Grissom if high speed or cellular internet would be brought to the site.

9
10 Mr. Grissom stated that high speed internet would be brought to the site.

11
12 Mr. Glasa asked Mr. Grissom to indicate why they decided to be more compliant with the ordinance and
13 reduced the requested waivers.

14
15 Mr. Grissom stated that because they originally thought that the lottery program would open in September,
16 they rushed and worked with the County in submitting their original application in May. He said that in
17 working with the County, staff indicated that they would have to wait until the solar ordinance is approved
18 by the County Board to ensure that their application is compliant. He said that they adjusted and designed
19 the site plan so that they could get into the anticipated September lottery without knowing whether or not the
20 design complied with the County's ordinance. He said that when the ordinance was finally adopted by the
21 County, they had already submitted their application, which put them between a rock and a hard place, so
22 they stuck with the old application that requested many waivers, but once they realized that those requests
23 would not be copasetic, they went back and amended the site plan and eliminated many of those waivers.

24
25 Mr. Glasa asked Mr. Grissom if the lottery date is actually in January.

26
27 Mr. Grissom stated that the lottery is supposed to begin on January 15, 2019.

28
29 Ms. Capel asked the audience if anyone else desired to cross-examine Mr. Grissom or Mr. Lines.

30
31 Mr. Paul Swinford, who resides at 1750 CR 2200E, St. Joseph, stated that his property is directly across
32 from the driveway. He said that when this process first began, he received a packet by a private carrier, and
33 inside of that packet was a display indicating the company and its history. He said that he constructed his
34 home in 1971, and what caught his eye in the packet was the statement "community improvement."

35
36 Ms. Capel informed Mr. Swinford that he is presenting new testimony. She asked Mr. Swinford to only ask
37 Mr. Grissom questions regarding his testimony, and then present new testimony at the appropriate time.

38
39 Mr. Swinford stated that he will present his information during public testimony.

40
41 Ms. Capel asked the audience if anyone else desired to cross-examine Mr. Grissom or Mr. Lines.

42
43 Mr. Wally Worley, who resides at 2160 CR 1700N, St. Joseph, stated that he resides southwest of
44 the proposed project. He said that he does not want an unimpeded view of the subject property, and he
45 noticed that the landscape plan has changed two or three times now. He said that the site plan indicates the
46 landscape buffering is proposed for the project to conform to county requirements, and a low growth,

1 minimum maintenance, native perennial plant community will be established that is beneficial to songbirds
2 and pollinators and it will reduce stormwater runoff and soil erosion at the site. He asked Mr. Grissom if he
3 had personally been at the subject property.

4
5 Mr. Brian Hartwig, Project Manager, stated yes.
6

7 Mr. Worley stated that the subject property is a crowned site and the water runs in three different directions.
8 He said that there is no soil erosion protection in any direction that the water runs, and the buffer zone is all
9 the way up to the road to the east and way off the fence line to the south, but there is nothing proposed to the
10 west. He said that he would like to submit a formal request to the Board that he desires a buffer zone to
11 prevent erosion on all sides of the property, and to prevent him from having to view this project.
12

13 Ms. Capel noted that Mr. Worley is presenting testimony and cross-examination is not the time to do so.
14

15 Mr. Worley asked Mr. Hartwig to indicate how many sites in Illinois have landscape buffers entirely around
16 the project.
17

18 Mr. Hartwig stated that there seems to be a misunderstanding about the purpose of the buffer. He said that
19 the landscape buffer proposed on the north and east side of the property is to block visual appearance
20 of the solar farm and is not intended as part of erosion mitigation. He said that as part of the project, the
21 entire property will be planted with native grasses and they will offer and provide the erosion control.
22

23 Mr. Worley asked Mr. Hartwig what or who decides the location of the buffers.
24

25 Mr. Hartwig stated that the buffers are to impede the view of the panels.
26

27 Mr. Grissom stated that the buffers are located to mitigate the view of the solar panels from the adjacent
28 homes. He said that if Mr. Worley would like a landscape buffer on his side of the project, then they would
29 work with Mr. Worley.
30

31 Mr. Worley stated that he would certainly appreciate that, and will make that formal request when it is
32 appropriate to do so. He asked if White Pines or White Spruce trees would be planted in the buffer area.
33

34 Mr. Grissom stated that they work with their landscape engineer, but they have used White Pine and
35 White Spruce trees in projects in Ogle County. He said that originally arborvitae and Red Dogwood were
36 proposed.
37

38 Mr. Worley asked if there were other facilities in Illinois that could be visited.
39

40 Mr. Grissom stated that currently they do not have any solar facilities in Illinois, but they work with Illinois
41 Licensed Landscape Architects in other counties as to what will be the final landscape buffer. He said that
42 currently there have only be 82 MW constructed in Illinois.
43

44 Ms. Capel asked the audience if anyone else desired to cross examine Mr. Grissom, Mr. Lines, or Mr.
45 Hartwig.
46

1 Mr. David Jones, who resides at 1752 CR 2200E, St. Joseph, stated that his home is just north of Mr.
2 Swinford's property. He said that testimony indicated that there were certain types of grass and seed
3 proposed to be planted, and only two or three times per year there would be an operations and maintenance
4 crew on each site; therefore, he assumes that the grass would only be mowed during those times.

5
6 Mr. Hartwig stated that the grass would only be mowed and maintained during those visits.

7
8 Mr. Jones stated that grass needs to be mowed more often than two or three times per year.

9
10 Mr. Hartwig stated that these are not fescue grasses but are native grasses and forbs. He said that the starting
11 point is IDOT Class 5A seed mix, and the specific types of seed in this mix can easily be found on the IDOT
12 website. He said that the mix has slow, deep rooting grasses that are resistant to drought and disease and
13 would be found in the Illinois area natively. He said that grasses are also bee pollinator and butterfly
14 friendly habitats as they migrate throughout the United States, and that is something that the state of Illinois
15 has negotiated as part of all solar farms throughout Illinois and is expected of any developer.

16
17 Mr. Jones stated that it was mentioned that there may be a certain area between Mr. Glasa's property and the
18 project that may not be needed and would be leased back to the landowner to farm, but it seems that that
19 area is very narrow and would be difficult for a combine or other modern equipment to maneuver and could
20 lead to livestock grazing on the property, but he would hope that is not the case.

21
22 Ms. Capel stated that Mr. Jones is presenting testimony. She said that the petitioner only indicated that if the
23 area was not required for the project that it could be leased back to the landowner for agriculture.

24
25 Mr. Jones stated that it was stated that the landowner could use the area for agricultural purposes, and
26 agriculture involves livestock.

27
28 Ms. Capel stated that the Board is not here to speculate about a piece of land that may or may not be leased
29 by the petitioners.

30
31 Mr. Jones stated that he would like to be clear that he is opposed to livestock in this area, especially if it
32 were hogs.

33
34 Ms. Capel informed Mr. Jones that he can present his testimony at the appropriate time during the hearing,
35 but now is not that time.

36
37 Ms. Capel asked the audience if anyone else desired to cross-examine the petitioners.

38
39 Ms. Beck Smith, who resides at 1663 CR 2200E, St. Joseph, stated that her parents are Paul and Barbara
40 Swinford, and their property is her childhood home. She asked the petitioner if they would plant adult
41 White Spruce trees or would they be saplings.

42
43 Mr. Grissom stated that six foot tall White Spruce trees would be planted, and they would grow to 8 feet tall
44 when fully grown.

45
46 Ms. Smith stated that CR 2200E is elevated above the property; therefore, even with the landscape buffer,

1 anyone traveling down CR 2200E would be able to see the solar farm.

2
3 Mr. Grissom stated that he could not answer Ms. Smith's question. He said that they are willing to work
4 with the community regarding different types of species of plants, especially if there is a concern about the
5 adult height, but typically they use White Spruce trees in the buffer area. He said that everyone is getting
6 stuck on the White Spruce trees, but there are many different options.

7
8 Ms. Smith stated that she does know if everyone is getting stuck on the White Spruce discussion, but that is
9 what was indicated in the testimony. She said she assumes that a final plan must be submitted indicating
10 what will actually be done at the property.

11
12 Mr. Grissom stated that as part of the final 100% plan, they will have a 90% plan at submission for the
13 building permit, and at that time there will be some back and forth finalization to complete the final 10%.
14 He said that in other counties they have planted varieties of plants and some of those plants were not proper
15 for screening but were aesthetically pleasing to the people around them.

16
17 Ms. Smith asked Mr. Grissom if he had met any of the adjacent neighbors from this property.

18
19 Mr. Grissom stated no.

20
21 Ms. Smith stated that the property values were discussed during testimony, and if you are going to sell your
22 home that is wonderful. She asked if property values are going to increase due to a property's location near
23 a solar farm, then she would assume that the property taxes would increase as well.

24
25 Ms. Capel stated that Mr. Grissom may not be able to reply to Ms. Smith's question.

26
27 Ms. Smith stated that Mr. Lines discussed resale values.

28
29 Mr. Lines stated that the resale value that he presented to the Board indicated an average of 2% for homes
30 that were right next to a solar farm as compared with homes that were located further away from the solar
31 farm, and that is what they saw in their study average data, but is not to say that once the solar array is
32 installed homes across the street would increase in value by 2%. He said that he would contend that any of
33 the homes in this area would rise or fall in step with local market conditions.

34
35 Ms. Smith stated that she wanted to make sure that it's not a selling point in indicating that property values
36 would increase due to the installation of the solar farm. She said that she is not aware that anyone present
37 intends to sell their homes, and the neighbors directly across the street from her parents just purchased their
38 home and are terribly disappointed in the fact that this may happen. She asked if the maintenance would
39 only occur every three months.

40
41 Mr. Grissom stated that it depends upon the Operations and Maintenance Agreements.

42
43 Ms. Smith asked Mr. Grissom to indicate the size of the placards on the fence.

44
45 Mr. Grissom stated that there would be different sizes of placards, 2' x 2' and 3' x 3', and are mandated by
46 the NEC requirements for the solar sites.

1

2 Ms. Smith stated that it has been established that the property is located in the mapped floodplain. She
3 asked what happens to the equipment when the water gets deep.

4

5 Mr. Grissom stated that they go into deep engineering with matters such as this, and they are actually
6 building a solar farm in a detention pond in another area. He said that there are many ways to mitigate
7 flooding, such as raising the panels so that they are not under water, and their engineers will review 50-
8 year and 100-year flood plain data during the design.

9

10 Ms. Smith asked if the panels could be raised after the final specifications were approved by the County.

11

12 Mr. Grissom stated that most of the time the ordinance indicates the maximum height of the panels. He said
13 that financially they cannot go past a certain level, due to steel prices and the upkeep costs, because when
14 you have to stand on a ladder to maintain the panels, the project is not as financially feasible.

15

16 Ms. Smith stated that the Supplemental Memorandum indicates the following: other waivers may be
17 necessary.

18

19 Ms. Capel stated that Ms. Smith could ask her question during public testimony.

20

21 Ms. Smith stated that the statement is indicated on the petitioner's presentation.

22

23 Ms. Capel stated that the statement is on staff's Supplemental Memorandum #2 and did not come from the
24 petitioner.

25

26 Ms. Smith asked why she could not pose a question regarding the memorandum at this time.

27

28 Ms. Capel stated that questions related to the memorandum can be posed to the Board during public
29 testimony. She said that at this time the only questions that can be posed to the petitioners must be related to
30 testimony that they presented.

31

32 Mr. Hall stated that the case, as it is currently presented, has all of the waivers that are required, and there
33 should be no additional waivers, otherwise the case would need to be re-advertised.

34

35 Ms. Smith asked if answering the question was that hard.

36

37 Mr. Hall stated that answering the question was not hard, but these rules have been adopted to make sure
38 that everyone has time to speak during the allotted meeting time. He said that no one is trying to penalize
39 people, but these are complicated rules and it was not the Board's decision to allow cross-examination, but
40 it is required to by law, so the Board would like to do it as quick as possible and honor everyone's rights.

41

42 Ms. Smith stated that one of the reasons why so many people are in attendance tonight is due to the
43 requested waivers, and she assumed that they could just answer that question. She asked what would
44 happen if additional waivers are required.

45

46 Ms. Capel stated that this line of questioning is over, and asked Ms. Smith if she had any additional

1 questions regarding the petitioner's testimony only, and if not, we should move on.

2

3 Ms. Capel asked the audience if anyone else desired to cross-examine the petitioners.

4

5 Ms. Lee asked if it would be helpful to indicate that this is two-step process: one is that they can cross-
6 Examine, and two is that they can present testimony.

7

8 Ms. Capel stated that she and staff have covered this process more than once during this hearing.

9

10 Ms. Capel called Amy Antonioli to testify.

11

12 Ms. Antonioli, Attorney for ForeFront, stated that she is not presenting testimony, but would like to ask the
13 petitioners a few questions regarding their testimony.

14

15 Ms. Capel asked Ms. Antonioli if she is cross-examining the petitioners.

16

17 Ms. Antonioli stated that she is re-directing. She said that Mr. Grissom indicated that ForeFront has not
18 constructed a solar farm in Illinois but would use White Spruce as part of the landscape buffer. She asked
19 Mr. Grissom if a landscape has been approved with the use of White Spruce as a landscape buffer.

20

21 Mr. Grissom stated not yet.

22

23 Ms. Antonioli asked Mr. Grissom to indicate what permits have been approved with the use of White
24 Spruce as a landscape buffer.

25

26 Mr. Grissom stated that no one has had a specific landscape plan through the special use permit, and it has
27 mainly only been an agreement with the landowners to mitigate what they say is an eyesore.

28

29 Mr. Hartwig stated that typically a landscape plan comes as part of a 30% or 90% design in which you would
30 work with the County or State in conjunction with a landscape architect or engineer to determine which
31 species are appropriate for the soil types, and then solicit opinions and input from the landowners and
32 adjacent neighbors to determine what is aesthetically agreeable. He said that this is typically decided at the
33 final game set and not during the conceptual process.

34

35 Ms. Burgstrom stated that she received a letter from David and Sandra Barcus, 1758 CR 2200E, St. Joseph,
36 and gave a copy of the letter to the Board for review. She said that David and Sandra Barcus would like the
37 solar ordinance that was adopted by the County Board on August 23, 2018, to be upheld in full, and this is in
38 reference to the proposed St. Joseph West Solar Farm, Case 906-S-18, and if the proposed property is found
39 to not be suited for solar farm use, then the petitioners should look for a more suitable property.

40

41 Ms. Capel called Bob Glasa to testify.

42

43 Mr. Bob Glasa, who resides at 1753 CR 2200E, St. Joseph, stated that he attended the last public
44 hearing regarding these cases, and despite the instructions provided tonight regarding the testimony and
45 cross-examination process, he would not have understood it. He said that he realizes that the Board is
46 required by law to allow cross-examination, but the process could be improved because reasonable

1 people with valid concerns do not always understand when they are allowed to speak. He said that in his
2 letter he raised the question about his property being identified as 11.2 acres, and it took staff a little bit to
3 task on that issue because he could find no records indicating that acreage. He said that the reported acreage
4 was in error and he accepted it as that, and he does not want to leave that issue lingering to indicate that
5 anyone was trying to be sneaky, it was a mistake and that sort of thing happens and he accepts that. He said
6 that he appreciates the proposed screening and the fact that ForeFront is willing to work with the County,
7 but the people who are truly affected by the solar farm are the ones in this room tonight, yet they all go
8 home, and the final plan is approved by the County. He asked how the people who are mostly affected can
9 be sure that the ultimate screening plan includes the neighbor's input and was considered.

10
11 Mr. Hall stated that staff could add a special condition indicating that the Environment and Land Use
12 Committee would have to approve a specific landscaping plan, and neighbors would receive notice. He said
13 that the Environment and Land Use Committee (ELUC) meeting is completely different than a Zoning Board
14 of Appeals, but it would still give the neighbors a venue in front of elected County Board members to
15 provide opinions regarding the proposed landscaping plan, and he would guess that ELUC would not
16 approve the landscaping plan without a review by the neighbors. He said that staff cannot provide a
17 guarantee of anything, but it is one way to move from the public hearing with a condition that would
18 guarantee that the neighbors would have a chance to review the proposed landscaping plan in the future.

19
20 Mr. Glasa asked Mr. Hall if there is anything that precludes their direct communication with ForeFront,
21 should they be willing to entertain that, whether it would be a card or a set of plans requesting review and
22 suggestions regarding the landscape plan.

23
24 Mr. Passalacqua stated absolutely not, and the Board always recommends that the petitioner and the
25 neighbors play nice prior to the case coming before this Board.

26
27 Mr. DiNovo stated that they should both play nice after as well.

28
29 Mr. Glasa stated that he is still skeptical and is not in favor of the project, but he greatly appreciates that
30 changes that have been made to the project in order to make it better. He noted that he appreciated the
31 allowed time to present comments regarding the home values as well, but he is still not in favor of the
32 project and is willing to be a good neighbor, although he would like to see the ordinance followed and
33 enforced. He also noted that he appreciates the fact that ForeFront is willing to work with the neighbors that
34 will be closest to the solar farm, and local channels as well.

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

37
38 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Glasa, and there was no one.

39
40 Mr. DiNovo stated that during the review of the Finding of Fact, the Board needs to specify the degree of
41 how much the Board wants to weigh in on landscaping. He said that the Board is not going to get into
42 species and planting distances, but the Board should be prepared to specify where the screening needs to be
43 beyond what is required in the ordinance.

44
45 Ms. Lee stated that the petitioner testified that the seed mix that they would use is the same seed mix as what
46 IDOT recommends. She asked if the seed mix is the same type that IDOT uses along their freeways.

1

2 Ms. Capel asked Mr. Hartwig to address Ms. Lee's question.

3 Mr. Hartwig stated that IDOT has several different classifications of seed mixes that they use, and the one
4 that is proposed for this project is only one of those seed mixes. He said that this is the same type of seed
5 mix that is generally seen, but it is not used everywhere. He said that he cannot speak for IDOT, but these
6 tend to be low growing and flowering plants, and there is a long list of plants that are acceptable for this
7 class including forbes and grasses. He said that IDOT has general guidelines that they are allowed to work
8 within to have more of one and less than another or certain groups, but this is a starting point that is easily
9 understood and has defined parameters that everyone can agree upon. He said that they generally speak with
10 a local agency who is familiar with soil types and plants that exist, and the local agency will provide
11 direction regarding the best plants for those soil types. He said that most counties have experts in these
12 areas, such as the University of Illinois, who are often very happy to work with ForeFront's landscape
13 architects to determine which plants within the IDOT designation are best for the soil types at the project
14 location.

15

16 Ms. Capel called Tami Fruhling-Voges to testify.

17

18 Ms. Tami Fruhling-Voges, who resides at 407 N. 3rd Street, St. Joseph, stated that she is the current
19 Mayor for the Village of St. Joseph, and her testimony will include both solar farms proposed by ForeFront.
20 She said that the location of the solar farms is a concern for the Village of St. Joseph, and one of the farms
21 entails more concerns by the Village of St. Joseph than the other. She said that the biggest concern that the
22 Village of St. Joseph in regard to the overall Zoning Ordinance, is that normally the Village would have a
23 say so within one and one-half mile of its boundary, but the approved solar ordinance reduced that to one-
24 half mile. She said that the Village of St. Joseph is concerned that they do not have any input regarding what
25 comes within one-half mile of their boundaries. She said that when she received her first letter, it indicated
26 the special use permit process and noted that a municipality does not have protest rights, which is a concern
27 because municipalities are concerned about what goes near the boundaries and how it will affect potential
28 growth in the next twenty years. She said that St. Joseph does have a comprehensive zoning map and the
29 areas for the proposed solar farms are indicated on their map as agriculture but leading to those properties
30 there is residential growth and some commercial uses. She said that the Village of St. Joseph has been
31 looking at this area for various things, and years ago they would do pre-annexation agreements with various
32 projects that would come their way. She said that it is true that the Village of St. Joseph may be slow in
33 moving in that direction, but it is not because there is no potential. She said that the county has always
34 encouraged compact growth for urban development, which makes sense. She said if the Village of St.
35 Joseph were to move to the north, the proposed solar farms would be large obstacles to maneuver around to
36 continue for that growth pattern to be close to their boundary. She said that the Village of St. Joseph
37 prepared a Resolution of Protest against having the solar farms so close to their boundary. She said that the
38 St. Joseph East solar farm is less than one-half mile from the municipal boundary, and they are not in favor
39 of the requested waiver, and the solar farm near Schuren's Nursery is a little over one-half mile off the
40 Village of St. Joseph boundary, but is within their one and one-half mile extra-territorial jurisdiction.

41

42 Ms. Fruhling-Voges stated that the petitioner has repeatedly indicated that they desired to be neighbor
43 friendly, and working with the community, although she has had little communication with ForeFront. She
44 said that she received a letter and a packet early in the summer and she had to send a response via email
45 indicating that she received that packet, which she did. She said that she has only received two phone calls
46 from Mr. Dickson asking if she had any questions, although no one from ForeFront asked to come to a

1 Village of St. Joseph Board meeting to address the Board with any of the concerns that the Board or the
2 community might have. She said that she gets the impression that ForeFront checked off the things required
3 by the County Board, and her email response indicating that she received their packet was just another check
4 off the list of requirements. She said that the solar company that received approval from the County Board
5 for a solar farm north of the Sportsman Club communicated very well with the Village of St. Joseph and
6 attended two of the Village of St. Joseph's Board meetings to address their concerns. She said that she was
7 very pleased with the interaction with that solar company. She said that she has concerns about the
8 petitioner's statements that they have been working well with the community and she doesn't know what has
9 transpired with the landowners and the neighbors in that area, but from the Village of St. Joseph's
10 perspective, she has not gotten that impression.

11
12 Ms. Fruhling-Voges stated that in regard to property values, she understands property appraisals and studies,
13 and she also understands that there is not a lot of information out there with solar farms, but she has found
14 that appraisals are just appraisals, and it is really only about what someone is willing to pay for the property.
15 She said that when she looks at the properties that will be affected by the solar farm, and in a rural
16 community it is not so much what the property appraised for but what someone will pay for the property and
17 the quality of life that the property will bring to the owner, and the buffer surrounding the solar farm would
18 affect that quality of life. She said that the area is a natural setting and the installation of two solar farms
19 will be a huge change to an area.

20
21 Ms. Fruhling-Voges stated that at a previous meeting it was mentioned that St. Joseph has not had a study
22 completed regarding growth north of Interstate 74, but she has only been Mayor for a one and one-half years
23 and since she has been on the Board, the topic of a study for growth to the north has been discussed many
24 times. She said that just because St. Joseph has not moved to the north does not mean that they never will,
25 and there are many municipalities in Champaign County which would have never dreamed 20 years ago that
26 their communities would have grown to the degree that they have. She said that they are currently in a study
27 for expanding the sewer plant and they are looking at avenues to encourage growth in the community, so just
28 because what has been done in the past in regard to St. Joseph moving north does not dictate to her as Mayor
29 where she wants St. Joseph to grow in the future. She said that St. Joseph is along the interstate and it has
30 not kept residential areas on the south side from expanding.

31
32 Ms. Fruhling-Voges stated that the buffer zone for St. Joseph East is only indicated on the east side and she
33 encouraged the petitioner to install a buffer completely surrounding the solar farm, because only some of the
34 homes on the south side of the interstate have privacy fences to block the view. She said that if St. Joseph
35 grows towards the St. Joseph East solar farm, there will be homes that would have to view the solar farm due
36 to the lack of a buffer and that would be a meaningful impact as to what could develop to the north and west.
37 She said that the St. Joseph West solar farm is near the CR Zoning District and the County put a lot of
38 thought into the zoning districts, and she is not sure why the County put a restriction of one-half mile,
39 2,640 feet, separation from the solar farm to the CR district. She said that the waiver requests a separation of
40 135 feet, but the County found it necessary to require a one-half mile separation from a solar farm to the
41 CR district, so what negative impact the solar farm would have to the CR district when there is only a 135
42 feet separation. She said that the property is located in a mapped floodplain and the Village of St. Joseph
43 would not want homes or limited commercial growth in that area, so in working with their comprehensive
44 plan she would consider that area to be more conservation due to the flooding. She said that if anyone is
45 familiar with the area, flooding is a huge concern and she noticed that in moving the direction of the solar
46 farm it will be further into the flood area. She said that the Village of St. Joseph does have to keep the

1 floodplain in mind too, because any kind of flooding upstream does affect the Village in the end and how the
2 water gets out of flood areas. She said that everyone should keep in mind that any kind of obstruction in the
3 mapped floodplain could potentially be a problem further downstream for drainage. She said that she does
4 not know what would be placed in the flood area, but if it ends up in the river, then it affects the Village.
5 She said that the neighbors are concerned about their property values and the livelihood of their homes, and
6 her concern as the Mayor of St. Joseph is, yes, they prefer to have more of a say so as to what happens within
7 their one and one-half mile jurisdiction and she would prefer working with ForeFront more directly to ensure
8 that the future growth of the Village is being protected. She said that if the solar farm moves forward, she
9 would hope for better communication in the future so that they can work together toward the future and
10 determine how the solar farm would impact that future.

11

12 Ms. Capel asked the audience if anyone desired to cross-examine Ms. Fruhling-Voges.

13

14 Ms. Antonioli asked Ms. Fruhling-Voges if the solar company that spoke with the Village of St. Joseph was
15 a community solar farm.

16

17 Ms. Fruhling-Voges stated yes.

18

19 Ms. Antonioli asked Ms. Fruhling-Voges if that community solar farm was located within the jurisdiction of
20 the Village of St. Joseph.

21

22 Ms. Fruhling-Voges stated that the solar farm was located less than one-half mile from the municipality.

23

24 Ms. Antonioli asked Ms. Fruhling-Voges if the special use permit application was approved.

25

26 Ms. Fruhling-Voges stated yes.

27

28 Ms. Capel asked the Board and staff if there were any questions for Ms. Fruhling-Voges.

29

30 Mr. DiNovo asked Ms. Fruhling-Voges when the Village of St. Joseph adopted their new comprehensive
31 plan designating future development, was it based on population projections during the time span of the
32 plan. He asked how the Village of St. Joseph decided to designate as much land as they did for future
33 residential.

34

35 Ms. Fruhling-Voges stated that they worked with the Champaign County Regional Planning Commission
36 and under their guidance they came up with the most reasonable and approachable comprehensive plan. She
37 said that the plan was updated in 2013 and it looks very different from the original plan. She said that the
38 original plan was prepared by what the Board at the time wanted to see happen quickly, where the current
39 Board is more realistic. She said that there is already substantial residential growth in the area of St. Joseph
40 West and there are three existing commercial businesses, and years ago they entered into an annexation
41 agreement with the Clingan property in anticipation of future growth.

42

43 Ms. Capel asked the Board and staff if there were any additional questions for Ms. Fruhling-Voges, and
44 there were none.

45

46 Ms. Capel called Paul Swinford to testify.

1
2 Mr. Paul Swinford, who resides at 1750 CR 2200E, St. Joseph, stated that he appreciates the opportunity to
3 voice his concerns and questions. He said that he has been in the engineering, mechanical contracting and
4 industrial hydraulics for several years, so when you see something new you have the tendency to see if they
5 are in place or not. He said that he has lived across from a corn field since 1971, and asked why they would
6 put a solar farm in a corn field, and he does not say this to ridicule, but he read through the information
7 which indicates that they look for sites with brown ground, and he applauds that. He asked the petitioner if
8 they looked for brown ground during their search for property near St. Joseph, and if so, did they find any,
9 and if they didn't he could offer one. He said that he knows this information because he travels back and
10 forth from Champaign to St. Joseph on Route 150, and there is a railroad spur where the railroad track is
11 gone and the County built a bike path which travels from Urbana to St. Joseph for almost five miles. He
12 said that he measured the area and then looked at the proposed footprint for St. Joseph West and 2.4 solar
13 farms could be constructed at this location; the land is still graveled, and the power lines are still existing,
14 which only feeds service to two homes and the grain elevator. He suggested that if this comes to fruition,
15 ForeFront should give this area some thought, because he believes that the County owns that ground. He
16 said that he would like to see the County make double money off of this project, not him and not the
17 landowner, and it would be a great move for both entities. He said that he looked at the property and
18 thought that he should point this property out to ForeFront to investigate instead of farm field. He said that
19 he sat in the County Board room and noticed the plaque with the County seal, and the seal includes three
20 ears of corn, an open book, and the scale of justice, and he thought to himself that the solar farm is definitely
21 in the wrong place. He said that it isn't that he does not want the solar farm or that the community does not
22 need it, but it should be in the right place, and that is why he objects to it. He said that ForeFront is right on
23 the money here, and when they come to an area like this because subject property is not \$8,000 ground, but
24 it isn't intended for this use quite yet. He read an article regarding stopping sprawl, and he agreed with it,
25 because he is very conservative and believes that you use what you have, and you make it work. He said
26 that he has managed large construction projects and he believes that he could put the solar farm in this area
27 and make it work good for ForeFront, because there would be less maintenance, more privacy available,
28 easier to maintain and the site would be a winner. He said that if the solar farm is denied, which he would
29 recommend because the highest and best use of the land is agriculture. He said that a denial does not mean
30 that there isn't a place for the solar farm in Champaign County, but it isn't at the proposed location. He said
31 that ForeFront is going to be amazed when they get to the railroad spur area, because there is a paved bike
32 path that could accommodate a small service vehicle, and there is plenty of footprint to construct the
33 proposed solar farm without requesting the waivers. He said that his suggestion for the proposed solar farm
34 to be along the railroad spur is not because he is being greedy, but he does not want to see this thing across
35 from his home and he would like to see the eagle fly along the drainage ditch and deer that roam the area.
36 He said that there is a way for ForeFront to get what they want and the County to gain the revenue from it,
37 and he hopes that the petitioners accept his testimony as good news, not bad news. He said that he would be
38 happy to run the project for the County at no cost, and he believes that everyone would be happy with the
39 result.

40
41 Ms. Lee stated that the land that Mr. Swinford is referring to originally had an easement to the railroad, and
42 the agreement was that the easement would only last as long as the railroad had operations. She said that
43 federal legislation allowed Rails to Trail which trumped the original agreement between the landowners
44 and the original railroad when the agreement was first executed. She said that technically, the land is not
45 owned by Champaign County and is owned by the people that own the land underneath it. She noted that
46 the easement was originally for the railroads, but it is now for the Rails to Trails projects, and that is where it

1 stands and it is not Champaign County owned ground at all.

2

3 Mr. Swinford asked if the land could be negotiated for this use.

4

5 Ms. Capel stated that this line of questioning is speculative and not appropriate for the hearing, but Mr.
6 Swinford could ask those questions outside of the public hearing process.

7

8 Mr. DiNovo stated that the economics of these facilities relate to their proximity to certain types of features
9 of the transmission system. He asked the petitioner to indicate how far the solar farm could be from the
10 substation and have it work economically.

11

12 Mr. Grissom stated that it is completely dependent upon the substation and the type of transformer and
13 protection at the substation. He said that even for a smaller grade substation, 69Kv, if there were eight
14 projects in Ameren's queue, it would cost a lot of money to get 2,000 feet, but if there was only one project
15 on the que and the transmission lines could service a 2MW solar farm, they could go 50,000 feet and it
16 would still be financially viable. He said that there are a lot of variables involved and a lot of it is dependent
17 on the capacity that the substation.

18

19 Mr. DiNovo asked, given what ForeFront knows about the substations near St. Joseph, what is the practical
20 distance to run a connection.

21

22 Mr. Grissom stated that these substations are already financially viable, and they have already received the
23 supplemental review, which is a detailed study from Ameren that indicates the farthest distance possible
24 without signing the interconnection agreement, and they are within their financial threshold. He said that
25 Ameren is actually under their financial threshold, as far as interconnection upgrades. He said that the
26 distance is completely dependent upon what the queue is for the substation, but a substation with half the
27 capacity that it is rated for is 20,000 feet and \$1 million dollars in upgrades.

28

29 Ms. Capel asked the Board and staff if there were additional questions for Mr. Grissom or Mr. Swinford,
30 and there were none.

31

32 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Swinford, and there was no one.

33

34 Ms. Capel called David Jones to testify.

35

36 Mr. David Jones, who resides at 1752 CR 2200E, St. Joseph, stated that he is speaking to the St.
37 Joseph West solar project and using the project's site plan he described the location of his home. He said
38 that he has resided on his property for 20 years, and during that time he could attest that at least four or five
39 times the water has come up to the point where the proposed panels would be underwater. He said that the
40 lease is for a 20 to 30 year time period, so at least four or five times during that lease period some of
41 the panels will be completely submerged underwater. He said that the petitioner indicated that this would be
42 DC voltage and no one could be shocked by it, but Mr. Jones disagreed. He said that the solar farm will
43 have tracker systems that would follow the sun during the day, east in the morning and west in the evening.
44 He said that the transformer is likely to also be underwater four or five times during the lifetime of
45 the project if it is placed in the location indicated on the site plan. He said that he assumes that the DC
46 would be converted to 3-phase. He said that a single phase transformer creates noise, and he assumes that a

1 3-phase transformer would make even more noise. He said that he understands that the transformer would
2 be located in the center of the solar farm but would the transformer lines run above or underground.
3 Mr. Grissom stated that the transformer lines would be underground.

4
5 Mr. Jones stated that the petitioner testified that they had constructed a solar farm in a retention pond. He
6 said that east of St. Joseph, along Route 150, there is a conservation area of just water and it could be a
7 possible site for the solar project.

8
9 Mr. DiNovo asked Mr. Jones if he had ever seen water over CR 2200E.

10
11 Mr. Jones stated that he has seen the water within one foot of the roadway and lapping under the bridge at
12 Heather Hills.

13
14 Mr. DiNovo stated that the topographic map indicates the elevation near the bridge is 666' m.s.l. and the 100
15 year flood elevation is approximately 668' m.s.l., so only the very outer fringe of the site comes within the
16 100 year flood, at a depth of less than one foot. He said that if the high water in the neighborhood is 668'
17 m.s.l., then it appears that part of the site may flood, but only to a depth of one foot or less. He said that the
18 large parts of the property do flood up to depths of over four feet, but the height of the panels is proposed
19 to be at the highest point of the property.

20
21 Mr. Jones stated that the interconnection points, at their proposed location, would be underwater, and that
22 causes him great concern when he walks out his front door. He asked if there would be something radiating
23 through the ground that could be a safety hazard when he touches something or steps in a puddle in his front
24 yard.

25
26 Mr. Hartwig stated that the solar farm would be built per NEC requirements, which would include any safety
27 devices that would stop any electrical operation should there be a ground fault or any other kind of electrical
28 malady which would cause health and safety issues.

29
30 Ms. Capel asked the Board and staff if there were additional questions for Mr. Jones, and there were none.

31
32 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Jones, and there was no one.

33
34 Ms. Capel called Wally Worley to testify.

35
36 Mr. Wally Worley, who resides at 2160 CR 1700N, St. Joseph, stated that he has lived in St. Joseph for
37 54 years of his life, and he has put a lot of money, time and effort in his property. He said that he and his
38 wife have lived at their property for 16 years, and his wife does an immaculate job in taking care of the yard
39 and his neighbors would attest to that. He said that he spends a lot of time outside on his property with his
40 kids and now his grandchildren, and he has spent a lot of sweat, time and money in making the property his
41 family's home. He said that since they spend a lot of time outdoors, he is concerned about the quality of life
42 due to a solar farm being next door, the noise omitted, and how it would affect the quality of their lives and
43 the surrounding environment for wildlife.

44
45 Mr. Worley thanked the Board for the opportunity to speak tonight and vent. He said that he spent a lot of
46 time reviewing the site and the information, and he has a lot of questions and concerns if the project is

1 allowed to move forward. He said that the proposed site plan indicates a landscape screen/buffer, but he
2 requested that a landscape screen/buffer be placed on his side of the project because he does not want to be
3 able to see the project. He said that it was his understanding that originally the project would take up 14
4 acres, but is now 12.3 acres of solar panels. He asked how much of the area would have flat surface with the
5 solar panels, because the neighbors to the north had to construct detention basins to catch the runoff from
6 their roofs and driveways. He said that there will be a lot of tilted surfaces in the solar project causing
7 runoff and he doesn't see any retention ponds being required, and any water affects the area and St. Joseph a
8 lot. He said that he does not understand how the solar project is going to benefit the community, unless it is
9 sent to the grid and everyone benefits from the energy created by the solar farm.

10
11 Mr. Grissom stated that the energy does go to the grid, and this particular community solar project goes on
12 Ameren's grid, and the people from the community can purchase subscriptions which will help mitigate
13 peak power production, for instance, in the summer time, and will lower their bill.

14
15 Mr. Worley asked Mr. Grissom to indicate the percentage of reduction.

16
17 Mr. Grissom stated that their experts have determined a 15% reduction.

18
19 Mr. Worley asked if anyone who signs up would get a 15% reduction in their power bill.

20
21 Mr. Grissom stated yes, but ultimately it is up to Ameren. He said that ForeFront will sell subscriptions to
22 the community which would help lower their monthly power bill. He said that because it mitigates some of
23 the peak power production it also helps lower the power bill of those who do not purchase a subscription.

24
25 Mr. Worley asked if those people live on the east coast or Chicago.

26
27 Mr. Grissom stated no, just people in Ameren's district.

28
29 Mr. Worley asked how much of the project is tax based funded. He asked what percentage of funding for
30 the solar farms come from the State of Illinois, is it 50%.

31
32 Mr. Grissom stated that they receive renewable energy credits for the projects.

33
34 Mr. DiNovo stated that the State of Illinois is not putting any tax money into this, but if you are an Ameren
35 customer, the renewable energy credits are paid for by their customers. He said that the renewable credits
36 are not paid for by taxes, but by Ameren customers.

37
38 Mr. Worley asked if people have to sign up for the renewable energy credits.

39
40 Mr. DiNovo stated no, it is already on your bill, but buying a subscription helps get some of that back. He
41 said that all of Ameren's customers in Champaign County can get some of it back if there is a solar farm
42 our county; otherwise, all of the money that Ameren customers in Champaign County are paying is going to
43 other areas.

44
45 Mr. Worley stated that one of proposed solar farms is near a conservation area, Salt Fork Ditch, where deer,
46 birds, raccoons, geese, beavers, turkeys, otter, and mink, etc. can be seen regularly. He asked if there are

1 any studies indicating the solar farm's effect on nearby wildlife.

2
3 Mr. Grissom stated that an EcoCAT report was completed and any study that is required by county and State
4 statute, and ForeFront would abide by those findings. He said that as far as what they have identified, only
5 the Big Eyed Chubb is an identified protected species. He said that if there are deer in the area they should
6 be smart enough to see the fence and just go around it and adjust their path.

7
8 Mr. Worley asked Mr. Grissom if he had ever heard about the lake effect caused by solar farms.

9
10 Mr. Grissom stated no.

11
12 Mr. Worley stated that Scientific American, based in California, indicates lake effect is when a flock of birds
13 believe that a solar farm is a lake, so they land on it, and thousands of birds are killed due to this. He stated
14 that he is surprised that the petitioners have not heard of this with solar panels.

15
16 Mr. Grissom stated that he has not heard about lake effect with multi-crystalline panels with anti-reflective
17 modules, which produce no glare. He said that they may be talking about the thin filmed or different types
18 of modules, which could cause a mirrored effect, and that is what is commonly used in California. He said
19 that he has been working with solar panels in solar farms and he has never heard of a flock of birds landing
20 on a multi-crystalline panel.

21
22 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Worley.

23
24 Mr. Hartwig stated that he would like to address Mr. Worley's concern regarding stormwater runoff and
25 flooding, because it is a very common concern that they hear, and it is not what people sometimes believe.
26 He said that the solar arrays do not act the same as the roof on a house or barn, because as it rains, the
27 droplets will slide off and run underneath the tent of the next array, thus not causing a mass runoff. He said
28 that the deep rooted native grasses that will be planted would actually reduce runoff and allow the soils to
29 store more water in the root system than a crop would; therefore, less ponding would be seen over time. He
30 noted that it does take a couple of years for the deep rooted native plants to develop. He said that they
31 realize that the subject property is phenomenal farmland and is some of the best around, but at the end of
32 the lease when the solar farm is removed, the soil will be better than it is currently. He said that farmers
33 rotate crops on purpose because nutrients are taken from certain crops that are planted year after year, but the
34 roots that are developed by the native plants create carbon and other nutrients and they put it back into the
35 soil, making it better and more productive for the person who will come in and reclaim the land for farming.

36
37 Mr. Worley stated that he assumes that Mr. Hartwig learned all of his information in school. He asked Mr.
38 Hartwig if he was or has ever been a farmer.

39
40 Mr. Hartwig stated that he is the first generation in his family to not grow up on a farm, but he spent most of
41 his childhood visiting the farms on both sides of his family with his parents.

42
43 Mr. Worley stated that it just doesn't make sense why a home on 16 acres needs a retention pond, but a 12
44 acre solar farm does not.

45
46 Mr. Hartwig stated that it is because of the lack of impervious area occurring.

1
2 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Worley, and there was no one.
3
4 Ms. Capel asked the Board and staff if there were any questions for Mr. Worley, and there were none.
5
6 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
7 regarding Cases 906-S-18 and 907-S-18, and there was no one.
8
9 Ms. Capel closed the witness register for both cases.
10
11 Ms. Capel asked the Board and staff if there were any questions for the petitioner, and there were
12 none.
13
14 Ms. Capel asked the Board if they desired to move to the Findings of Fact.
15
16 Mr. DiNovo stated that the sooner that these cases are finalized, the better. He said that he had completed
17 an estimate of the property tax generation for the two solar farms, just as he has for all other proposed solar
18 farms, and he realized that he made a large mistake for Case 907-S-18 and rendered the numbers to be half
19 of what they should have been. He said that he revised the spreadsheet and it does not affect the first year,
20 but did the remaining columns, and nearly doubled the property tax revenue for the solar farm in Case 907-
21 S-18. He said that he wanted to put the property tax revenues in context rather than just throwing the
22 numbers out there, and for the first year of a 2 MW project would generate \$436,000 dollars in new assessed
23 value and a 4 MW solar farm would generate twice that amount. He said that for both projects there will be
24 approximately \$1.3 million dollars in additional assessed value, and he thought that it would be worthwhile
25 to look at other assessed values to see what that means. He said that the current assessed value for the
26 Pioneer Seed Plant located on Route 150 is \$1,679,000 dollars, so the proposed projects are not equal to one
27 Pioneer plant. He said that all real estate on both sides along Warren Street and Lincoln Street in St.
28 Joseph have an assessed value of \$182,000 dollars, so the St. Joseph East site is equivalent to that block in
29 terms of total assessed value. He said that whether the glass is half empty or half full, twice as big as it
30 needs to be, is up to each individual person to decide, but he wanted to put the numbers in some sort of
31 context.
32
33 Mr. Passalacqua stated that the petitioner previously indicated their projected tax benefit to the County as
34 \$4,000 dollars per megawatt.
35
36 Mr. Grissom stated that their projection was based upon SB486, Standardization of Property Tax Value for
37 Commercial Solar Systems.
38
39 Mr. Passalacqua asked Mr. DiNovo why his figures are greater than those projected by the petitioner's.
40
41 Mr. DiNovo stated that he did not understand the petitioner's projections, because the law specifies that for
42 the first year the assessed value is \$218,000 dollars per megawatt, which would generate \$15,000 dollars in
43 tax revenue for the taxing bodies in St. Joseph Township. He said that the way the law is written, the base is
44 inflated with the Consumer Price Index, (CPI) and deflates at the same time, and has a floor on it bottoming
45 out in year 19 at \$6,000 per MW.
46

1 Mr. Grissom stated that he was trying to generalize and did not use appreciation and depreciation. He said
2 that he was going by what SB486 indicates, and that bill was passed and signed by the Governor in August.
3 Mr. DiNovo stated that after year 19 the base is inflated and rises with the CPI and there is no more
4 depreciation. He said that he ran a sensitivity analysis on this and frankly he could not, within any
5 reasonable bound of assumptions, make any big changes. He said that he assumed a 2% inflation rate but
6 going up and down one or two percentage points did not really change anything. He said that the
7 calculations are simple, and because there is a formula written in the law, we can precisely calculate the
8 assessed value, and it doesn't depend on the judgement of the township assessor. He said that there are a
9 few assumptions that have to be made, the main one being what is inflation going to look like, and the only
10 other assumption that needs to be included in the calculus is net. He said that when he indicated \$60,000
11 dollars in revenue, he was indicating net above the current revenues received from the parcel as farmland.
12 He said that there could be some assumptions regarding the rate in farmland values, but these are the only
13 two variables and the statute indicates how this is done, and it is only arithmetic.

14
15 Mr. Grissom stated that Mr. DiNovo's analysis is more detailed and he was only going off of what he
16 read in SB486, which is safe bet because they standardize it.

17
18 Ms. Antonioli asked Mr. DiNovo if he prepared an analysis for each solar farm.

19
20 Mr. DiNovo stated yes, and for the east site you just divide by 2, although there is a little bit of
21 difference due to the soil types.

22
23 Ms. Capel entertained a motion to extend the meeting to 10:15 p.m.

24
25 **Mr. DiNovo moved, seconded by Ms. Griest, to extend the meeting to 10:15 p.m. The motion carried**
26 **by voice vote, with two opposing votes.**

27
28 Ms. Capel asked the Board how they would like to proceed.

29
30 Ms. Lee asked staff why the Right to Farm is not indicated a special condition for either case.

31
32 Mr. Hall stated that the Right to Farm is a requirement in the Ordinance, and staff does not propose a special
33 condition for every requirement if it is already included in the Ordinance. He said that special conditions are
34 only for things that have not yet been fulfilled.

35
36 Mr. DiNovo asked staff to indicate possible dates for continuance that would get these cases to ELUC in a
37 timely fashion.

38
39 Mr. Hall stated that the first date for continuance is November 15th.

40
41 Mr. DiNovo stated that November 15th would not allow for the January 15th lottery deadline.

42
43 Mr. Grissom agreed.

44
45 Mr. Hall stated that the petitioners have the choice to move straight to the County Board in December.

46

1 Ms. Lee asked how that would work.

2
3 Ms. Burgstrom stated that if there is no ELUC meeting scheduled in December, the petitioner has the right
4 to choose not to go through ELUC at all and move straight to the County Board.

5
6 Ms. Lee stated that the BayWa-r.e. case was originally scheduled for the November 15th meeting, but it was
7 moved up to the November 1st meeting, and asked if the same thing could occur with these cases.

8
9 Mr. Hall stated that the petitioner for the BayWa-r.e. case had already submitted all of the submittals for a
10 November 1st meeting date, and they will be here for that meeting. He said that he doubts that petitioner
11 would be willing to reschedule, because the petitioner is aware that the Board would be losing two members
12 at the end of November and they would like to have their case heard under the existing Board.

13
14 Ms. Antonioli stated that when she read the agenda description it indicated that there is a line of applicants
15 and the next available meeting would be January 2019. She said that if that means that they do not receive a
16 15 minute extension tonight and are pushed of to January, then they would disagree.

17
18 Ms. Capel stated that a 15 minute extension would resolve the matter of continuance, because she would not
19 be able to have enough Board members present for the final determination. She said that the case does need
20 to
21 be continued, and if the cases are finalized at the November 15th meeting, the petitioners can request to skip
22 ELUC and go straight to the County Board for final approval.

23
24 Ms. Antonioli asked if is possible for the case to continued to a meeting held tomorrow.

25
26 Mr. DiNovo stated that in December the County will have a County Executive and he does not know what
27 role she will play in setting the agenda.

28
29 Ms. Burgstrom stated that the same petitioner is returning before this Board on October 25th for Case 903-S-
30 18, and that case has gone through several hours of discussion. She said that it is possible that these two
31 cases could be continued to the same meeting because Case 903-S-18 may not take a lot of time to finalize.

32
33 Mr. Hall asked Ms. Burgstrom if her suggestion is realistic.

34
35 Ms. Burgstrom stated that no homework has been recommended to the petitioner, so in that regard it is
36 realistic.

37
38 Mr. Passalacqua informed the petitioner that a 15 minute extension would not be enough time to finalize
39 these cases.

40
41 Ms. Burgstrom stated that normally each case would take 30 to 45 minutes to complete each Finding of Fact.

42
43 Mr. DiNovo stated that he would like to think that zoning cases should not be resolved because the
44 petitioner runs out of time, and in this case, there is a January 15th time limit. He said that this Board not
45 acting in a timely way is denying the petitions when it is the County Board's authority to make the decision.

46

1 Mr. Hall noted that this petitioner was scheduled for a meeting two weeks ago, and they cancelled because
2 they were not ready.

3 Mr. Passalacqua stated that the Board cannot change the way it does things in Champaign County due to
4 some deadline outside of the county.
5

6 Mr. DiNovo proposed that the Board complete one of the cases tonight, and continue the other case to the
7 October 25th meeting. He said that all it takes is the Board staying late. He said that if the Board does this,
8 ELUC has the opportunity to properly review this and forward its recommendation to the full County Board.
9

10 Ms. Griest stated that even though Mr. DiNovo is willing to stay late, she is not because she has to be at
11 work at 5:00 a.m.
12

13 **Ms. Griest moved, seconded by Mr. DiNovo, to continue Cases 906-S-18 and 907-S-18 to the October**
14 **25th meeting, and if not completed, the two cases would be continued to a later date, if necessary.**

15
16 Mr. DiNovo requested that the October 25th meeting begin at 6:00 p.m.
17

18 Ms. Burgstrom stated that approximately 80 packets for October 25th meeting were mailed indicating a 6:30
19 p.m. start time. She said that she can re-advertise, but it would create confusion.
20

21 Ms. Griest asked if it would cause confusion if the Board only handled the continued case during that time
22 frame, because she would rather do that than stay until midnight.
23

24 Mr. Hall stated that he does not believe that would cause a problem, although people would be walking in
25 and interrupting the meeting.
26

27 Ms. Burgstrom noted that the October 25th meeting is to be held in the John Dimit Room.
28

29 Mr. DiNovo recommended that the Board could deal with one of the continued cases, and then move to
30 scheduled case, and then finish the meeting with the other continued case. He asked Ms. Griest if she would
31 accept a friendly amendment to the motion as follows:
32

33 **Ms. Griest moved, seconded by Mr. DiNovo, to continue Cases 906-S-18 and 907-S-18 to the October**
34 **25th meeting beginning at 6:00 p.m. with cases being heard in the following order: 1. Case 906-S-18; 2.**
35 **Case 898-S-18; and 3. 907-S-18. The motion carried by voice vote.**
36

37 7. Staff Report

38
39 None
40

41 8. Other Business

42 A. Review of Docket

43
44 Mr. Hall stated that the County Board approved Cases 894-S-17 and 897-S-18, Community Power Group,
45 LLC, at tonight's County Board meeting. He said that there was actually a suggestion on the floor at the
46 County Board to vacate county zoning within all municipal ETJs, and suggested that staff prepare an

1 amendment to the ordinance for review.

2

3 Mr. DiNovo asked if the suggestion was in the form of a motion.

4

5 Mr. Hall stated no, and the Chair of ELUC was strongly against it.

6

7 Mr. Passalacqua announced to the audience that the meeting on October 25th will begin at 6:00 p.m., and the
8 meeting will be held in the John Dimit meeting room.

9

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

11

12 Ms. Griest asked staff if tonight's petitioner would be given the option as to which case they would like to
13 have heard first at the October 25th meeting.

14

15 Mr. Hall stated that he would assume that they would begin with Case 906-S-18.

16

17 Ms. Griest stated that she would like to offer the petitioner the option as to which case they would like to be
18 heard first and provide that decision to staff prior to preparing the agenda.

19

20 Ms. Capel stated that since she would open the witness register, she would call both cases concurrently.

21

22 Mr. DiNovo stated the he would like staff to consult with the State's Attorney regarding whether the Board
23 has to accept public testimony, especially if there is not going to be any additional documentary evidence
24 that people need to respond to. He said that he does not see any reason why the Board could not go directly
25 to the Findings of Fact without taking additional testimony, because everyone has had a fair opportunity to
26 testify, unless the Board has a question that they would like to pose to someone while working on the
27 Findings of Fact.

28

29 Mr. Hall stated that he will send the question to the State's Attorney, but he could not guarantee an answer
30 before the October 25th meeting. He said that the question goes against everything that the Board has been
31 instructed to do by that office.

32

33 Ms. Lee stated that there was a question posed regarding how and when notices are mailed out.

34

35 Mr. Hall stated that staff sends out notices per the statutory time limit.

36

37 Ms. Lee asked Mr. Hall to indicate the statutory time limit.

38

39 Mr. Hall stated a minimum of 15 days.

40

41 Ms. Lee stated that part of the question was how staff determines who would receive the notice.

42

43 **10. Adjournment**

44

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

46

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

2

3 The meeting adjourned at 10:13 p.m.

4

5

6 Respectfully submitted

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10

11 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT ZBA //

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