

1 AS APPROVED FEBRUARY 28, 2019

2
3 **MINUTES OF REGULAR MEETING**

4
5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
6 **1776 E. Washington Street**
7 **Urbana, IL 61801**

8
9 **DATE: January 31, 2019** **PLACE: Lyle Shields Meeting Room**
10 **1776 East Washington Street**
11 **TIME: 6:30 p.m.** **Urbana, IL 61802**

12
13 **MEMBERS PRESENT:** Frank DiNovo, Ryan Elwell, Jim Randol, Larry Wood

14 **MEMBERS ABSENT:** Marilyn Lee

15
16
17 **STAFF PRESENT:** Connie Berry, Susan Burgstrom, John Hall

18
19 **OTHERS PRESENT:** Ryan Peters, Tim O’Connell, Michael Butler, Lora Judy, Aaron Esry

20
21 **1. Call to Order**

22
23 The meeting was called to order at 6:30 p.m.

24
25 **2. Roll Call and Declaration of Quorum**

26
27 The roll was called, and a quorum declared present with one member absent.

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

32
33 **3. Correspondence**

34
35 None

36
37 **4. Approval of Minutes: November 1, 2018, November 15, 2018, and January 3, 2019**

38
39 Mr. Elwell entertained a motion to approve the November 1, 2018, November 15, 2018, and January 3,
40 2019, minutes.

41
42 Mr. Randol stated that the word “pile” on line 27, page 42 of the November 1st minutes should be revised to
43 indicate the word “tile”.

44
45 Mr. Elwell asked the Board if there were any required additions or corrections to the three sets of minutes.
46

1 Mr. DiNovo stated that on January 31, 2019, he emailed staff minor edits to the November 1st and
2 November 15th minutes. He asked staff if those edits had been inserted.

3
4 Ms. Burgstrom stated that Mr. DiNovo's minor edits have been inserted into the minutes.

5
6 **Mr. DiNovo moved, seconded by Mr. Wood, to approve the November 1, 2018, November 15, 2018,
7 and January 3, 2019, minutes, as amended.**

8
9 Mr. Elwell asked the Board if there were any additional additions or corrections to the three sets of minutes,
10 and there were none.

11
12 **The motion carried by voice vote.**

13
14 **5. Continued Public Hearing**

15
16 None

17
18 **6. New Public Hearings**

19
20 **Case 922-S-18 Petitioner: SolAmerica Energy, LLC via agent Ryan Peters, Environmental Engineer**
21 **with SolAmerica Energy, LLC, and participating landowner Phyllis Jane Sinclair Request: Authorize**
22 **a Community Solar PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including**
23 **access roads and wiring, in the AG-2 Agriculture Zoning District, and including the following waivers**
24 **of standard conditions: Part A. A waiver for a distance of 1,340 feet between a PV Solar Farm and a**
25 **municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5**
26 **B.(2)a. of the Zoning Ordinance; and Part B. A waiver for not providing a Decommissioning and Site**
27 **Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional**
28 **Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A. 3; and**
29 **Part C. A waiver for not entering into a Roadway Upgrade and Maintenance Agreement for waiver**
30 **therefrom with the relevant local highway authority prior to consideration of the Special Use Permit**
31 **by the Board, per Section 6.1.5 G.; and Part D. A waiver for not including a Landscape Plan as part of**
32 **the Special Use Permit application, per Section 6.1.5 F. (9) a(b)iv.; and Part E. A waiver for not**
33 **including a Weed Control Plan as part of the Special Use Permit application, per Section 6.1.5 P.(3).**

34
35 Mr. Elwell informed the audience that Case 922-S-18 is an Administrative Case and as such, the County
36 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
37 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
38 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
39 questions. He said that those who desire to cross-examine are not required to sign the witness register
40 but are requested to clearly state their name before asking any questions. He noted that no new
41 testimony is to be given during the cross-examination. He said that attorneys who have complied with
42 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

43
44 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
45 the witness register for that public hearing. He reminded the audience that when they sign the witness

1 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
2 there was no one.

3
4 Mr. Elwell asked the petitioners if they would like to present a statement regarding their request.

5
6 Mr. Tim O'Connell, attorney for the petitioner, whose address is 211 N. Broadway, St. Louis, MO,
7 thanked the Board and staff for their time and effort that has been put into the requested special use
8 permit. He said that Ryan Peters, Environmental Engineer for SolAmerica, and Michael Butler, Civil
9 Engineer with TRC Environmental Design Professionals, were hired for the SolAmerica project. Mr.
10 O'Connell stated that the Board has reviewed several applications over the past year; therefore, some of
11 the information that will be presented at tonight's public hearing will not be new, but they are excited
12 about the proposed project. He said that the proposed project is located on an ideal parcel just outside of
13 the Village of Homer which is currently used for farming and will continue to be used for farming. He
14 said that the request is for a 2 MW PV Solar Farm, and they believe that it is an exciting opportunity for
15 the residents and business owners to have the ability to purchase solar energy at a lower rate than they
16 can buy it now through a renewable energy source. He said that these opportunities are driven by the
17 Illinois Future Energy Jobs Act (FEJA) which is why the County has received so many applications from
18 different solar farmers. Mr. O'Connell stated that Ryan Peters has a PowerPoint presentation for the
19 Board which will provide the statement of their request.

20
21 Mr. Ryan Peters, Environmental Engineer for SolAmerica, stated that he is not registered in the State of
22 Illinois, but Michael Butler, Civil Engineer with TRC Environmental Design Professionals, is registered
23 in the State of Illinois. Mr. Peters reviewed the PowerPoint Presentation with the Board.

24
25 Mr. Peters stated that proposed solar farm is called the Champaign-Sinclair Community Solar Project.
26 He said that SolAmerica Energy, LLC specializes in the development of community-scale solar arrays,
27 such as this project, and have constructed and operated 40-plus solar projects throughout the eastern
28 United States, mainly in Georgia, North Carolina, South Carolina, and Florida. He said that
29 SolAmerica's mission is to help America drive towards an energy independent country through domestic
30 renewable energy, specifically solar energy. He said that FEJA was signed into law in December 2016,
31 which is a wide reaching energy legislation that, among other things, increases the amount of renewable
32 energy required in the state; establishes a program for Community Solar projects; and helps keep long-
33 term power costs low by diversifying the state's energy supply. He said that for the purposes of the
34 Illinois Power Agency FEJA, a Community Scale Solar Project has a 15 to 20 acre project area and
35 produces approximately 2MW (AC). The projects help your community by increased tax revenue,
36 potential for electricity bill cost savings, and local economic activity.

37
38 Mr. Peters stated that the subject property is a 75 acre parcel which is zoned AG-2, Agriculture and is
39 currently farmed. He said that the property is bordered by the railroad on the north, and agricultural
40 zoned properties to the north, south, west and east, and the nearest residential dwelling is over 1,500 feet
41 to the southwest. He noted that the western part of the subject property will continue to be farmed. He
42 said that SolAmerica proposes an approximately 15 acre project on the 75 acre parcel that will produce 2
43 MW. He said that the project will be within the 15 acre fence line, except underground, where they tie
44 into the point of interconnection with Ameren's existing infrastructure and existing poles. He said that
45 the project area is on the very northeast end of the subject property so that they could be as far away

1 from the Village of Homer and any residential properties as possible. He said that a Natural Resources
2 Information Report and EcoCAT evaluation has been completed and the report concluded that adverse
3 effects are unlikely. He said that the Point of Interconnection (POI) for the proposed project is at the
4 north end of the parcel next to the railroad, and the Homer substation is approximately 1.5 miles from
5 the POI.
6

7 Mr. Peters stated that the first aerial indicates a yellow line indicating the subject property, and the blue
8 line indicates the location of the project on the parcel. He said that the second aerial is an indication of
9 the location of the subject property in Champaign County. He said that the site plan indicates the
10 approximate 15 acre project located in the northeast portion of the subject property, and the Point of
11 Interconnection is directly north of the project area and the access will be on East South Street. He said
12 that the project is over 1,300 feet from the Village of Homer's border and the nearest residence is
13 approximately 1,700 feet from the project. He said that they currently do not have a landscape plan
14 proposed, but they are willing to work with the County if it is required, and given the location of the
15 project site, they only have a security fence around the perimeter and did not propose a landscape plan.
16

17 Mr. Peters stated that crystalline silicon based "tracker" solar panels will be used, with a maximum
18 height of 12 feet, which is a conservative maximum height. He said that most of the panels will be
19 mounted on steel piles and will sit approximately six feet off the ground, and since they are trackers they
20 will rotate with the sun. He said that the panels are 3' x 6' and at their highest point, sunrise and sunset,
21 they will be at 9 feet per that design. He said that the reason why they indicate 12 feet is because they do
22 not want any ground disturbance on the parcel, and due to the ground levels, they will need to raise some
23 of the panels to be the same height as the others, which could technically make it 12 feet off the ground
24 but at the same height as the other panels because they desire a flat distribution. He said that they will
25 plant native perennial, pollinator friendly vegetation to promote the growth of pollinating species, and
26 this is something that they have committed to with all of their projects in the state of Illinois, and it is a
27 good way to assist with the environment. He said that they will have a third-party consultant provide
28 information regarding the types of pollinating vegetative species to plant because they are not experts in
29 that field. He said that vegetative screening will be installed as required, and no security lights are
30 proposed. He said that the perimeter security fence will be 7 feet tall, and the transformer and inverters
31 will be strategically placed toward the center of the site to prevent any noise from being heard outside of
32 the project perimeter. He said that the main noise that is created is by the transformer, which is located
33 inside the project, and normally the decibel rating is 60dBA at the transformer but at the perimeter fence
34 line it is almost inaudible.
35

36 Mr. Peters stated that regarding storm water control, there are some drainage features which run through
37 the middle of the subject property and the project site is near the perimeter of those features. He said
38 that as part of the construction process, Michael Butler will design the storm water control plans and
39 those plans will be submitted to the State and the County during the permitting process. He said that
40 during construction they will have best management practices put into place, and those are either some
41 type of silt fence, filter socks, or something to prevent any erosion from leaving the site and getting into
42 any drainage features. He said that all construction is engineered and monitored, and they are
43 responsible to the State and the County for their practices. He said that during the active phase of their
44 project, after construction, they will plant perennial pollinating species that are low growth so there will
45 not be much maintenance on the site, but it also will assist with stabilizing the area and slow down storm

1 water as it comes off of their site. He said that any storm water coming from the site should be at a
2 lower velocity than it is currently.

3
4 Mr. Elwell asked the Board and staff if there were any questions for Mr. Peters.

5
6 Mr. DiNovo stated that after reviewing the communications between Ameren and SolAmerica he
7 understands the interest in the substation, but what he doesn't understand is why the project site is so far
8 away from the substation. He asked why the project site was not located on the west side of the Village
9 of Homer and closer to the substation.

10
11 Mr. Peters stated that the location of leased project site relies on property owner interest. He said that
12 they identify good electrical infrastructure, and then send out mailer information to properties in that
13 area to see if anyone responds indicating interest, and an informational meeting is set up for those who
14 do indicate an interest. He said that one and one-half miles is as far as they will get away from a
15 substation because it increases their interconnection costs, but if the infrastructure is good and in place
16 they can go further. He said that in this case, Ameren does have good infrastructure so at one and one-
17 half miles there is low interconnection cost.

18
19 Mr. Randol asked Mr. Peters to indicate SolAmerica's plans for field tile that is located in the project
20 site, because due to the drainage ditch there has to be some tile running through there.

21
22 Mr. Michael Butler, Civil Engineer with TRC Environmental Design Professionals, hired for the
23 SolAmerica project, stated that on behalf of SolAmerica, they are doing drain tile surveys for all of
24 SolAmerica's projects across the state, but due to the weather they have not completed the drain tile
25 survey for the subject property. He said that the plan is to have a drain tile survey completed to identify
26 any tiles on the parcel and make modifications to the pile locations, if needed to avoid the tiles, and
27 make any necessary repairs. He said that part of the process is evaluating the current condition of the tile
28 and working with SolAmerica to determine if preventive repairs are required now or run the risk of the
29 tile breaking in 10 years under the panels and incurring a costly and cumbersome repair.

30
31 Mr. Randol asked Mr. Butler if TRC Environmental Design Professionals would be handling this in 25
32 years if there is a tile issue.

33
34 Mr. Peters stated that it is in their best interest to have a properly working drain tile on the subject
35 property, because if the tile is not draining the site, the workers do not want a saturated site to work in
36 and they do not want to drown or kill off the prairie grass plantings. He said that SolAmerica has been
37 working with Mr. Butler's company on all of their sites and it is in SolAmerica's best interest to make
38 sure that the drain tile is good and in place during construction, and with the Agricultural Impact
39 Mitigation Agreement.

40
41 Mr. Wood asked Mr. Peters if the subject property had recently been tiled.

42
43 Mr. Peters stated no.

44
45 Mr. DiNovo stated that the topographic map indicates that there is a large area of internal drainage on

1 the eastern part of the site, at the 660' line.

2
3 Mr. Butler stated that the parcel gets relatively flat throughout this part of the site and it is a lower area,
4 but it has not been identified as a wetland area.

5
6 Mr. DiNovo stated that given the topography and the soils, he is pretty certain that there is a tile there.

7
8 Mr. Butler agreed, and this is an occurrence that they experience with every property that they review,
9 and they have to account for those tiles during the final design.

10
11 Mr. Randol asked if there is a road from CR 1150 traveling north.

12
13 Mr. Butler stated no.

14
15 Mr. Elwell asked Mr. Hall to indicate the area that would require the vegetative screen.

16
17 Mr. Hall stated that the solar farm has to be screened from any dwelling that is within 1,000 feet, and
18 since there are no dwellings within 1,000 feet, no vegetative screening is required unless the Board
19 requires it.

20
21 Mr. Elwell asked if waiver Part D. is necessary.

22
23 Mr. Hall stated that the landscape plan is where they establish the plantings inside of the fence;
24 therefore, Part D. is necessary.

25
26 Mr. Elwell asked the Board and staff if there were additional questions for the petitioners.

27
28 Mr. DiNovo stated that the Board has already approved a capacity of 6MW near Sidney and 6MW near
29 St. Joseph. He asked Mr. Butler to indicate the market for community solar subscriptions in the
30 immediate area in Champaign County.

31
32 Mr. Peters stated that anyone could become a subscriber within any service area. He said that if you are
33 located within the area of Ameren you can contact Ameren and sign up, but at that point it depends on
34 how many projects are selected in Ameren's area. He said that currently there are a lot of projects being
35 submitted to the lottery, so the more projects that are entered in Ameren's area the better because it
36 provides more opportunity for a site to be selected, although they do restrict the number of people who
37 can become subscribers per project, so the more projects that are located in Ameren's area the more
38 subscribers.

39
40 Mr. Wood asked Mr. Peters that for a project like this, in the event of an overload, is there anything in
41 place that would give Ameren the ability to control the energy coming from the substation. He said that
42 he has a residential solar array, and for safety reasons, in the event that the power goes out there is an
43 automatic cut-out.

44
45 Mr. Peters stated that Ameren is evaluating everything that they can right now. He said that their

1 interconnection fee, compared to other markets in other states, is relatively high and he believes that this
2 is so they can cover themselves for those types of ongoing studies, and they are conservatively predicting
3 the upgrades that they might or might not need. He said that what Ameren is providing SolAmerica
4 right now are very high interconnection fees and the hope is that Ameren will later realize that the high
5 interconnection fee is not needed, but SolAmerica must include the high fee in their budget.

6
7 Mr. Elwell asked how many residences would a 2MW community solar farm serve.

8
9 Mr. Peters stated that a rule of thumb is that each megawatt would provide power to 150 to 200 homes,
10 but that always depends on each home's required annual monthly load, so a 2MW solar farm could serve
11 between 300 to 400 homes.

12
13 Mr. Elwell asked Mr. Peters if he knew how many homes were in the Village of Homer.

14
15 Mr. Peters stated that he did not.

16
17 Mr. Elwell asked if the solar farm could produce more energy than the Village of Homer could handle,
18 or would Ogden be part of the service area as well.

19
20 Mr. Peters stated that a subscriber does not have to be from Homer; when SolAmerica looks for
21 subscribers, any one subscriber is limited to 40% of the energy produced. He said that in other
22 communities SolAmerica has looked at sewer treatment plants and schools as the main subscriber and
23 from there the energy would go to residential areas. He said that the energy does not have to go to the
24 Village of Homer specifically, but even though it is not a requirement, they work with the municipality
25 indicating that they would work with them first in finding subscribers.

26
27 Mr. DiNovo asked Mr. Peters if he knew the date of the second lottery.

28
29 Mr. Peters stated that the State has not indicated the date of the second lottery.

30
31 Mr. Wood asked if being picked in the lottery is required for the project.

32
33 Mr. Peters stated yes.

34
35 Mr. Hall asked Mr. Peters to indicate the outcome of their discussions with Homer.

36
37 Mr. Peters stated that he met with the Village of Homer during their meeting in December and presented
38 his PowerPoint presentation. He said that the Village of Homer was only looking for information and
39 was not intending to vote on the solar farm. He said that he answered a few of the Board's questions,
40 but overall the meeting went very well.

41
42 Mr. Elwell asked the Board and staff if there were additional questions for the petitioners.

43
44 Mr. Randol asked Mr. Peters to indicate the decibel level of the inverters.

45

1 Mr. Peters stated that the decibel level is 60dBA, although the specification sheet indicates 62 dBA.

2
3 Mr. Randol asked if any noise studies had been completed, and would the noise be noticeable at the
4 boundary line for the Village of Homer.

5
6 Mr. Butler stated no. He said that studies that have been completed on similar projects, and the studies
7 indicate that once you are 250 feet from the inverter the noise level drops below 35 dBA, and for a
8 project like this, the noise would be inaudible at the fence line.

9
10 Mr. Elwell asked the audience if anyone desired to cross-examine the petitioners, and there was no one.

11
12 Mr. Randol asked if there was any plan for expansion of the community solar farm.

13
14 Mr. Peters stated no, and if they did they would have to go through another interconnection study with
15 Ameren and obtain a new special use permit through Champaign County.

16
17 Mr. Elwell asked the Board and staff if there were additional questions for the petitioner, and there were
18 none.

19
20 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony
21 regarding this case.

22
23 Mr. Elwell called Lora Judy to testify.

24
25 Ms. Lora Judy, who resides at 2763 CR 1050N, Homer, stated that, unfortunately, she is the nearest
26 residence to the proposed solar farm and her property is indicated on the aerial map that was part of the
27 presentation. She said that she knew nothing about the proposed solar farm and she is disappointed that
28 the Village of Homer did not contact her regarding a meeting with the petitioners so that she could hear
29 their presentation. She said that she has completed research regarding solar farms and the amount of
30 cancer risks due to radiation absorbed into homes from the panels scares her, and she does not know if
31 this information is true or false. She said that it sounds like the solar farm will be an eyesore, but it
32 appears that the petitioners intend to remedy that with some barriers. She asked if there is anything that
33 she should know or be concerned about the solar farm. She asked if there was a solar farm nearby that
34 she could visit to gain a sense of what would be her view and how it will affect her property value. She
35 said that she is in the corporate limits of the Village of Homer and she has the best of both worlds, her
36 property is very secluded, and she has city water. She said that obviously she is not very happy about the
37 proposed solar farm and asked the Board if they would be if it were proposed next to their home. She
38 asked the petitioners why they chose this location, and why would they put neighbors at risk. She said
39 that the subject property consists of very good farm ground and is close to a municipality and residences;
40 there must be acreage available where that is not the case. She said that she knows of Ms. Sinclair and
41 that she lives in California, so Ms. Sinclair doesn't care how it affects surrounding neighbors.

42
43 Mr. Peters stated that they must be close to the substation and electrical infrastructure.

44
45 Ms. Judy asked Mr. Peters to indicate what substation he was referring to.

1

2 Mr. Peters stated that the substation location is on the west side of Homer.

3

4 Mr. DiNovo stated that the substation is just west of the high school.

5

6 Mr. Peters stated that the substation is within the Village of Homer's corporate limits. He said that the
7 solar farm has to be relatively close because for the energy that is being put onto the grid, the
8 infrastructure needs to be well maintained, and they are looking for three-phase power and the further
9 outside of town you get into one-phase line. He said that upgrading a one-phase line to a three-phase
10 line costs a lot of money but is necessary to be able to handle the amount of power that is being put onto
11 the grid. He said that if the solar farm is closer to town, there has to be load that can receive the power
12 that is being put on the grid, and Homer will be the load that will use the energy that is produced, and
13 this is the reason why community solar farms are closer to towns like this.

14

15 Ms. Judy asked if the energy is staying here and is not being sent out of the country.

16

17 Mr. Peters stated that the energy is staying here, and once it hits the Ameren line it will go to the closest
18 person that will take it.

19

20 Mr. Butler stated that with the way that the power grid works, the substation does not know if someone
21 is a subscriber or not, so the power goes to whoever turns the light switch on first. He said that there is a
22 relatively new solar farm at the University of Illinois that can be visited.

23

24 Ms. Judy asked Mr. Butler if he knew how many acres the University of Illinois Solar Farm consisted of.

25

26 Mr. Butler stated that the University of Illinois Solar Farm consists of 20 acres.

27

28 Mr. DiNovo stated that the panels at the University of Illinois Solar farm are fixed panels and not tracker
29 panels, and there was no planned ground cover vegetation planted, so weeds grow there because they
30 didn't think about it until after the solar farm was built.

31

32 Mr. Butler stated that the University of Illinois solar farm has graveled roads between the panels, but that
33 type of development has ceased over the last couple of years.

34

35 Ms. Judy asked if the petitioners were aware of any cancer risk for the nearby residents.

36

37 Mr. Peters stated that he is not aware of any study that indicates that there is a cancer risk, but there are
38 studies from North Carolina State University indicating a lot of research for solar farms, and all the
39 information that he has read states that as long as you are not living inside of the solar array for years,
40 you are not at a direct health risk.

41

42 Ms. Judy stated that, unfortunately, it is probably too early to know.

43

44 Mr. Peters stated that this is new technology in the state of Illinois and they do want people to
45 understand and be informed about these projects. He said that the technology and the type of panels that

1 they are using are Crystalline silicon based, which silicon is typically sand material, but there are cheaper
2 panels that are being produced that are not as efficient and are made out of Cadmium telluride and other
3 chemicals. He said that a lot of studies are based on these cheaper panels, and if they were to break and
4 stick in the ground for several years at a time, the chemicals could leach into the soil. He said that they
5 are using silicon based panels that are basically inert material, and he hasn't seen any studies that silicon
6 based panels could cause any type of cancer affect.
7

8 Mr. Elwell asked the audience if anyone else desired to sign the witness register and present testimony
9 regarding this case, and there was no one.
10

11 Mr. Elwell closed the witness register.
12

13 Mr. Randol asked if the grade is low enough north of the railroad so that the solar farm is not visible.
14

15 Mr. Elwell stated that he visited the property on CR 1100N, and he could not see anything past the
16 railroad track. He said that the future owner of the property at CR 1100N was asked if they would be
17 okay with a solar farm located south of the property, and they indicated that they would welcome the
18 opportunity to become a subscriber to a nearby solar farm.
19

20 Mr. Hall asked Mr. Peters if during his discussion with the Village of Homer, did they indicate anything
21 about having a Comprehensive Plan or a Land Use Plan for areas outside of the village.
22

23 Mr. Peters stated no.
24

25 Mr. Hall stated that he is not aware of any either, but sometimes people do not tell us about these things.
26

27 Mr. Elwell asked Mr. Peters if they will travel from the north, down IL Route 49, and then east on South
28 East Street to access the property.
29

30 Mr. Peters stated that it is likely that is the route that they would take because South East Street is the
31 best access point to the property.
32

33 Mr. Butler stated that during construction, which is a 6 to 10 week period, there will be steel framing
34 coming to the property, as well as the panels. He said that the traffic will not have oversized loads and
35 will come in on standard weight vehicles, and after construction there will essentially be no traffic at all,
36 except for one person visiting the site every six week period.
37

38 Mr. Elwell asked Mr. Butler to indicate the number of trucks that would be entering and leaving the site
39 per day.
40

41 Mr. Butler stated that he would anticipate 5 to 20 trucks, depending on what is being delivered and how
42 many workers are on the site.
43

44 Mr. Elwell asked how many positions would be created during construction.
45

1 Mr. Peters stated that when Mr. Butler indicated that 5-20 trucks would be entering and leaving the site,
2 that is at their highest volume, which is only one week during the 6 to 10 week construction period
3 because all of the deliveries will occur at one time. He said that typically there are 20 workers on site,
4 and that is when the panels are being connected to the steel pipes and they are normally there six weeks.
5

6 Mr. Elwell asked Mr. Peters to indicate the number of jobs that would be created for maintenance.
7

8 Mr. Peters stated that during the active phase of the project, 30 years, there will be a crew of 2 or 4
9 workers who will go to the site to replace panels, because the panels weigh 40 pounds each and are easy
10 to replace. He said that ground maintenance will depend on the type of maintenance that they have to do
11 for the types of species that they plant, but most of the pollinator species are low growth and typically a
12 small crew conducts 7 to 10 site visits per year.
13

14 Mr. Randol asked Mr. Peters if the defective panels that are replaced are left on the site, or are they
15 removed.
16

17 Mr. Peters stated that the panels would be taken away and recycled and disposed of properly. He said
18 that they do not have someone on the site every day, but they do monitor the systems every day. He said
19 that if something is not producing as it should, they receive email notifications indicating such. He said
20 that they are committed to producing the amount of energy that they promised and if they do not, they
21 are fined. He said that they want everything to be producing as much as it can and if it isn't, they are
22 aware of it and they send someone to the site as quickly as possible to check the system and conduct any
23 replacements that are necessary.
24

25 Mr. Randol asked when the drainage tile study would be completed.
26

27 Mr. Peters stated that the drainage tile study is part of their due diligence and would be completed prior
28 to their building permit.
29

30 Mr. Elwell asked if an archeological study had been completed.
31

32 Mr. Butler stated that they did a preliminary archeological review and that was submitted to the Illinois
33 Historical Preservation Society office on January 18, 2019. He said that no significant archeological
34 finds were found in the area, but this property is not in one of the high areas in the state for a research
35 area and they do not expect them to come back requesting anything further, but they are still waiting for
36 their response. He said that a recent archeological study was conducted at the water treatment plant and
37 nothing of any importance was found, and they would expect the same thing.
38

39 Mr. Elwell asked the Board how they would like to proceed.
40

41 Mr. DiNovo stated that the Board should review the special conditions of approval with the petitioner.
42 He said that the petitioner would need to decide if they desired to move forward with the final
43 determination tonight, but he noted that due to scheduling conflicts, he would not be in attendance for
44 the February 14th meeting.
45

1 Mr. Elwell stated that the Board will review the special conditions of approval with the petitioner.

2

3 Mr. Elwell read special condition A. as follows:

4

5 A. **The approved site plan consists of the following documents:**

- 6 • **Site Plan Sheets 1 through 5 received November 1, 2018, to include**
- 7 **clarification of the maximum height of the solar arrays.**
- 8 • **A Landscape Plan including Weed Control Plan to be approved by the**
- 9 **Environment and Land Use Committee prior to submittal with the Zoning**
- 10 **Use Permit Application.**

11

12 The special condition stated above is required to ensure that:

13 **The constructed PV SOLAR FARM is consistent with the special use permit**

14 **approval.**

15

16 Mr. Elwell asked the petitioners if they agreed with special condition A.

17

18 Mr. Peters stated that they agreed with special condition A.

19

20 Mr. Elwell read special condition B. as follows:

21

22 B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or**

23 **issue a Zoning Compliance Certificate on the subject property until the lighting**

24 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

25

26 The special condition stated above is required to ensure that:

27 **That exterior lighting for the proposed Special Use meets the requirements**

28 **established for Special Uses in the Zoning Ordinance.**

29

30 Mr. Elwell asked the petitioners if they agreed with special condition B.

31

32 Mr. Peters stated that they agreed with special condition B.

33

34 Mr. Elwell read special condition C. as follows:

35

36 C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**

37 **proposed PV SOLAR FARM until the petitioner has demonstrated that the**

38 **proposed Special Use complies with the Illinois Accessibility Code, if necessary.**

39

40 The special condition stated above is required to ensure that:

41 **That the proposed Special Use meets applicable state requirements for**

42 **accessibility.**

43

44 Mr. Elwell asked the petitioners if they agreed with special condition C.

45

1 Mr. Peters stated that they agreed with special condition C.

2

3 Mr. Elwell read special condition D. as follows:

4

5 **D. The Zoning Administrator shall not authorize a Zoning Use Permit until the**
6 **petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement**
7 **with the Illinois Department of Agriculture per the requirements established in**
8 **Paragraph 6.1.5 R. of the Zoning Ordinance.**

9

10 The special condition stated above is required to ensure that:

11 **That the land affected by PV SOLAR FARM is restored to its pre-**
12 **construction capabilities.**

13

14 Mr. Elwell asked the petitioners if they agreed with special condition D.

15

16 Mr. Peters stated that they agreed with special condition D.

17

18 Mr. Elwell read special condition E. as follows:

19 **E. A signed Decommissioning and Site Reclamation Plan that has been approved by**
20 **the Environment and Land Use Committee is required at the time of application for**
21 **a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**
22 **Zoning Ordinance, including a decommissioning cost estimate prepared by an**
23 **Illinois Professional Engineer.**

24

25 The special condition stated above is required to ensure that:

26 **The Special Use Permit complies with Ordinance requirements and as**
27 **authorized by waiver.**

28

29 Mr. Elwell asked the petitioners if they agreed with special condition E.

30

31 Mr. Peters stated that they agreed with special condition E.

32

33 Mr. Elwell read special condition F. as follows:

34

35 **F. A Roadway Upgrade and Maintenance Agreement signed by South Homer**
36 **Township and approved by the Environment and Land Use Committee, shall be**
37 **submitted at the time of application for a Zoning Use Permit.**

38

39 The special condition stated above is required to ensure that:

40 **To ensure full compliance with the intent of the Zoning Ordinance in a**
41 **timely manner that meets the needs of the applicant.**

42

43 Mr. Elwell asked the petitioners if they agreed with special condition F.

44

45 Mr. Peters stated that they agreed with special condition F.

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Mr. Elwell read special condition G. as follows:

G. A Landscape Plan compliant with Section 6.1.5 F.(9)a.(b)iv., which includes a Weed Control Plan compliant with Section 6.1.5 P.(3) and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.

The special condition stated above is required to ensure that:

To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.

Mr. Elwell asked the petitioners if they agreed with special condition G.

Mr. Peters stated that they agreed with special condition G.

Mr. Elwell read special condition H. as follows:

H. The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:

- 1. Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
- 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- 6. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**

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- 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
- 8. **Any updates to the approved Site Plan from Case 922-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The special condition stated above is required to ensure that:
The PV SOLAR FARM is constructed consistent with the Special Use Permit approval and in compliance with the Ordinance requirements.

Mr. Elwell asked the petitioners if they agreed with special condition H.

Mr. Peters stated that they agreed with special condition H.

Mr. Elwell read special condition I. as follows:

- I. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
 - 1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 - 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 - 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

The special condition stated above is required to ensure that:
The PV SOLAR FARM is constructed consistent with the special use permit approval and in compliance with the Ordinance requirements.

Mr. Elwell asked the petitioners if they agreed with special condition I.

Mr. Peters stated that they agreed with special condition I.

Mr. Elwell read special condition J. as follows:

- J. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**

- 1 1. **Maintain the pollinator plantings in perpetuity.**
- 2
- 3 2. **Cooperate with local Fire Protection District to develop the District's**
- 4 **emergency response plan as required by 6.1.5 H.(2).**
- 5
- 6 3. **Cooperate fully with Champaign County and in resolving any noise**
- 7 **complaints including reimbursing Champaign County any costs for the**
- 8 **services of a qualified noise consultant pursuant to any proven violation of**
- 9 **the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
- 10
- 11 4. **Maintain a current general liability policy as required by 6.1.5 O.**
- 12
- 13 5. **Submit annual summary of operation and maintenance reports to the**
- 14 **Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
- 15
- 16 6. **Maintain compliance with the approved Decommissioning and Site**
- 17 **Reclamation Plan including financial assurances.**
- 18
- 19 7. **Submit to the Zoning Administrator copies of all complaints to the telephone**
- 20 **hotline on a monthly basis and take all necessary actions to resolve all**
- 21 **legitimate complaints as required by 6.1.5 S.**

22 The special condition stated above is required to ensure that:

23 **Future requirements are clearly identified for all successors of title, lessees,**

24 **any operator and/or owner of the PV SOLAR FARM.**

25

26 Mr. Elwell asked the petitioners if they agreed with special condition J.

27

28 Mr. Peters stated that they agreed with special condition J.

29

30 Mr. Elwell entertained a motion to approve the special conditions as read.

31

32 **Mr. DiNovo moved, seconded by Mr. Wood, to approve the special conditions as read. The motion**

33 **carried by voice vote.**

34

35 Mr. Elwell asked the Board how they would like to proceed.

36

37 Mr. DiNovo stated that the petitioner requires a unanimous vote tonight for a favorable recommendation

38 to move forward to the Environment and Land Use Committee, and unfortunately, the same situation

39 will occur if the case is continued to the February 14th meeting.

40

41 Mr. Hall stated that the petitioner does not need a positive recommendation to move forward to ELUC

42 because they will move forward either way.

43

44 Mr. DiNovo stated that it would move forward with or without a positive recommendation. He asked

1 Mr. Hall to explain if the case would be presented with no recommendation.

2
3 Mr. Hall stated that it is fine point but will be an important point later. He said that the ELUC is always
4 told what the vote at the CCZBA was, and normally there is an inquiring ELUC member who wants to
5 know why the vote was they way it is being presented. He said that in this case, it could be explained
6 that if there were not four affirmative votes, and he hopes that they will be able to find that information
7 in the findings that the Board will prepare when they take final action.

8
9 Mr. DiNovo stated that the February 28th and March 14th dockets are full, so it reasonable to conclude
10 that the petitioner can decide if they desire the Board to act tonight with only four members present or on
11 February 14th with only four members present or continue to the March 28th meeting hoping that there
12 will be a full Board present.

13
14 Mr. Hall stated that those are the petitioner's alternatives, which is why the Board generally poses the
15 question to the petitioner if they desire that the current Board take action tonight or wait until a full
16 Board is present.

17
18 Mr. O'Connell requested a short recess.

19
20 **The Board recessed at 7:40 p.m.**

21 **The Board resumed at 7:43 p.m.**

22
23 Mr. Randol asked if the Board needs to have a detailed site plan prior to taking action.

24
25 Mr. Hall stated that the Board has as much of a detailed site plan for this solar farm as it has had any
26 other solar farm.

27
28 Mr. Randol stated that one of the conditions indicates a required detailed site plan indicating the
29 drainage tile, etc.

30
31 Mr. Hall stated that the Board has never required that, and as a practical matter there will not be a
32 detailed set of plans for the drainage tiles until they get into the project. He said that with the large 150
33 MW project that the Board reviewed recently indicating that they agreed to replace all of the drainage
34 tiles, that is a work in progress that will not be laid out ahead of time, so that is a difficult thing to try
35 and put into a special condition. He said that it occurred to him that, for the 150 MW case, a special
36 condition could have been proposed for ELUC to approve the final tile layout that is submitted to the
37 Department of Agriculture under the Agriculture Impact Mitigation Agreement, and requiring approval
38 by ELUC would stop any potential problems, but he did not find that necessary for this project.

39
40 Mr. Randol stated that the BayWa project is a lot different than a community solar farm project.

41
42 Mr. DiNovo stated that in the past, the Board received an independent estimate of the noise generated at
43 the project boundary.

44
45 Mr. Hall stated that for the community solar farm projects, the only independent estimate of the noise

1 generated at the project boundary was prepared by this staff. He said that this staff reasoned that 1,500
2 feet to the nearest dwelling does require staff's time to estimate the noise generated at the project
3 boundary.

4
5 Mr. DiNovo stated that Mr. Peters testified that they had contacted a number of landowners. He asked if
6 there were any other landowners who were interested but may have required a higher rent.

7
8 Mr. Peters stated that personally he is not aware of that information because he is not involved with
9 those types of things.

10
11 Mr. DiNovo asked staff if the petitioner filed the special use permit application before or after the
12 adoption of the ordinance.

13
14 Mr. Hall stated that the Documents of Record indicates that special use permit application was filed on
15 November 1, 2018.

16
17 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 922-S-18.

18
19 **Mr. DiNovo moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 922-S-18.**
20 **The motion carried by voice vote.**

21
22 **FINDINGS OF FACT FOR CASE 922-S-18:**

23
24 **From the documents of record and the testimony and exhibits received at the public hearing for**
25 **zoning case 922-S-18 held on January 31, 2019, the Zoning Board of Appeals of Champaign County**
26 **finds that:**

27
28 Mr. DiNovo asked if the Board would prepare the findings for the waivers first.

29
30 Mr. Hall stated that normally the Board would prepare the findings for the waivers prior to the third
31 finding (3a.) and work through findings 1. and 2. first.

32
33 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

34
35 Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this
36 location because the proposed solar farm has sufficient proximity to a substation with a capacity to
37 receive output from the solar farm, and has a transmission line that can economically be converted to
38 serve the development.

39
40 Mr. Elwell stated that the location of the solar farm is the farthest away from any residence or the
41 Village of Homer.

42
43 Mr. DiNovo added that any farther distance to the east would put it into Vermilion County, where no
44 local taxing body in Champaign County would receive any benefit; as far as we know, the Village of
45 Homer does not exercise its extraterritorial zoning authority in Vermilion County, and areas farther east

1 are not subject to any zoning.

2
3 Mr. DiNovo noted that the Village of Homer can zone unzoned unincorporated areas within its
4 extraterritorial jurisdiction and could zone one mile within Vermilion County. He said that the Village
5 of Ogden does zone land in Vermilion County, but Homer has not done this.

6
7 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
8 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**
9 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
10 **public health, safety, and welfare because:**

11 a. **The street has ADEQUATE traffic capacity and the entrance location has**
12 **ADEQUATE visibility.**

13
14 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has
15 ADEQUATE visibility.

16
17 b. **Emergency services availability is ADEQUATE.**

18
19 Mr. Randol stated that emergency services availability is ADEQUATE because the proposed solar farm
20 is within 1.5 miles of the Fire Protection District, and no comments have been received from emergency
21 services.

22
23 Mr. DiNovo stated that the site does not pose any fire hazard and is not occupied.

24
25 c. **The Special Use WILL be compatible with adjacent uses.**

26
27 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses because the subject
28 property is surrounded by AG-1 and AG-2 properties.

29
30 d. **Surface and subsurface drainage will be ADEQUATE.**

31
32 Mr. DiNovo stated that surface and subsurface drainage will be ADEQUATE because the project will
33 have a permanent vegetative ground cover which will reduce runoff; the underlying tiles will be
34 addressed in the Agricultural Impact Mitigation Agreement and in the Decommissioning and Site
35 Reclamation Plan. He said that no evidence was submitted that there are tiles across the site serving
36 other properties.

37
38 Mr. Randol stated that the drainage ditch crosses the subject property.

39
40 e. **Public safety will be ADEQUATE.**

41
42 Mr. Wood stated that public safety will be ADEQUATE because during the construction phase, there
43 should be resources on site to respond to any issues they may have, and after construction, there will not
44 be anyone on site except on a limited basis.

45

1 f. **The provisions for parking will be ADEQUATE.**

2
3 Mr. Wood stated that the provisions for parking will be **ADEQUATE** because there will not be anyone
4 after construction except for limited visits.
5

6 g. **The property IS WELL SUITED OVERALL for the proposed improvements.**

7
8 Mr. DiNovo stated that the property IS WELL SUITED OVERALL for the proposed improvements
9 because the site of the solar farm is 1,500 feet from the nearest dwelling, and is otherwise surrounded by
10 farmland. He said that it is also located in the same general area as the Village of Homer sewage
11 treatment plant and there is a large grain elevator located between the site and the larger part of the
12 Village.
13

14 Mr. Elwell stated that it is south of the Norfolk Southern railroad tracks.
15

16 h. **Existing public services ARE available to support the proposed SPECIAL USE**
17 **without undue public expense.**

18
19 Mr. Wood stated that existing public services ARE available to support the proposed SPECIAL USE
20 without undue public expense because there will not be a lot of need for public services at the site, and
21 they will truck their own water in for cleaning purposes.
22

23 i. **Existing public infrastructure together with the proposed development IS adequate**
24 **to support the proposed development effectively and safely without undue public**
25 **expense.**

26
27 Mr. DiNovo stated that existing public infrastructure together with the proposed development IS
28 adequate to support the proposed development effectively and safely without undue public expense
29 because the traffic generated during construction is small, and is negligible during operation; the
30 development requires no other public services; and we have no resident employees that would add to the
31 demands on the school system or other services.
32

33 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
34 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
35 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
36 and welfare.
37

38 Mr. Elwell asked if the Board would now move to Finding 6. reviewing the findings for the necessary
39 waivers.
40

41 Mr. Hall stated that the Board needs to review the necessary waivers to determine the waivers before
42 answering some of the parts of finding 3.
43

44 Mr. DiNovo asked if the Board should include the following text for the findings 3.a and 3.b.:
45 The requested Special Use Permit with the included waivers of standard conditions, SUBJECT

1 TO THE SPECIAL CONDITIONS IMPOSED HEREIN.

2
3 Mr. Hall stated that it could be added in 3.a. and 3.b.

4
5 **6. Regarding necessary waivers of standard conditions:**

6
7 **A. Regarding Part A of the proposed waivers, for a distance of 1,340 feet between a PV**
8 **Solar Farm and a municipal boundary in lieu of the minimum required one-half**
9 **mile (2,640 feet):**

- 10
11 (1) **The waiver IS in accordance with the general purpose and intent of the**
12 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
13 **the public health, safety, and welfare.**

14
15 **Mr. DiNovo moved, seconded by Wood, to consider the Part A. waiver separately because it is**
16 **substantive, and then review Parts B. through E. together because they are procedural and there**
17 **is no need to make separate findings for each of those. The motion carried by voice vote.**

18
19 Mr. DiNovo stated that the waiver IS in accordance with the general purpose and intent of the Zoning
20 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
21 because the proposed solar farm is located more than 1,500 feet from the nearest dwelling; there is a
22 grain elevator between the site and the village; it is located near the Village of Homer sewage treatment
23 facility, and is located near the Norfolk Southern railroad tracks.

- 24
25 (2) **Special conditions and circumstances DO exist which are peculiar to the land**
26 **or structure involved, which are not applicable to other similarly situated**
27 **land and structures elsewhere in the same district.**

28
29 Mr. Randol stated that special conditions and circumstances DO exist which are peculiar to the land or
30 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
31 the same district because the proposed solar farm is located more than 1,500 feet from the nearest
32 dwelling; there is a grain elevator between the site and the village; it is located near the Village of
33 Homer sewage treatment facility and is located near the Norfolk Southern railroad tracks.

34
35 Mr. DiNovo stated that it has access to a substation that has available capacity and a transmission line
36 that can be economically converted to the necessary 3-phase line.

37
38 Mr. Wood stated that the site is located entirely within one-half mile of a municipality, so without the
39 waiver it could not be constructed in this location.

40
41 Mr. Elwell stated that the project is located the farthest away possible from the Village or the nearest
42 residence while still being in Champaign County.

- 43
44 (3) **Practical difficulties or hardships created by carrying out the strict letter of**
45 **the regulations sought to be varied WILL prevent reasonable or otherwise**

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permitted use of the land or structure or construction.

Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because potentially viable sites for solar farms require access to a substation and an economical transmission line, and those are limited in number. He said that the petitioner has contacted multiple potential land owners with viable sites and has identified this site as the optimal site.

(4) The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the location of the property itself requires this waiver so that construction can take place.

(5) The requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. DiNovo stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure because the proposed solar farm is located as far from the Village as it can be while still being in Champaign County.

Mr. DiNovo moved, seconded by Mr. Randol, to adopt the findings with respect to Waiver A. The motion carried by voice vote.

Mr. DiNovo recommended that the Board read through all of the waivers and determine one set of findings for all them.

Mr. Wood stated that the waivers are only temporary and are a deferment with a stipulation that they have to comply prior to the issuance of a Zoning Use Permit.

- B. Regarding Part B of the proposed waivers, 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:**
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:**
- D. Regarding Part D of the proposed waivers, for not including a Landscape Plan as part of the Special Use Permit application:**
- E. Regarding Part E of the proposed waivers, for not including a Weed Control Plan as**

1 part of the Special Use Permit application:

2
3 (1) The waiver IS in accordance with the general purpose and intent of the
4 Zoning Ordinance and WILL NOT be injurious to the neighborhood or to
5 the public health, safety, and welfare.
6

7 Mr. Wood stated that the waiver IS in accordance with the general purpose and intent of the Zoning
8 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.
9

10 Mr. DiNovo stated that it is necessary to develop accurate costs and plans based on final engineering.
11

12 (2) Special conditions and circumstances DO exist which are peculiar to the land
13 or structure involved, which are not applicable to other similarly situated
14 land and structures elsewhere in the same district.
15

16 Mr. DiNovo stated that special conditions and circumstances DO exist which are peculiar to the land or
17 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
18 the same district because the site is so distant from the nearest dwelling, and is otherwise well located,
19 that detailed plans are not essential at this stage of approval.
20

21 (3) Practical difficulties or hardships created by carrying out the strict letter of
22 the regulations sought to be varied WILL prevent reasonable or otherwise
23 permitted use of the land or structure or construction.
24

25 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the
26 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
27 structure or construction because it is not practical to compile plans with the desired accuracy until final
28 engineering is complete, which cannot happen at this stage of project development.
29

30 (4) The special conditions, circumstances, hardships, or practical difficulties DO
31 NOT result from actions of the applicant.
32

33 Mr. DiNovo stated that the special conditions, circumstances, hardships, or practical difficulties DO
34 NOT result from actions of the applicant because the project viability is subject to the receipt of
35 Renewable Energy Credits (RECs) in a lottery conducted by the Illinois Power Authority, and it would
36 be impractical to require the submissions before the applicants will know if the project will go forward.
37

38 (5) The requested waiver, SUBJECT TO THE PROPOSED SPECIAL
39 CONDITION, IS the minimum variation that will make possible the
40 reasonable use of the land/structure.
41

42 Mr. DiNovo stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITION,
43 IS the minimum variation that will make possible the reasonable use of the land/structure because it is
44 tied to the only practical point of control given the uncertainty of the timing of approval given that the
45 timing of the project lottery is unknown at this time.

1
2 Mr. Wood stated that each of these waivers are subject to compliance prior to issuance of the Zoning Use
3 Permit.

4
5 **Mr. DiNovo moved, seconded by Mr. Wood, to adopt subsequent findings with respect to Waivers**
6 **B through E. The motion carried by voice vote.**

7
8 3a. **The requested Special Use Permit with the included waivers of standard conditions,**
9 **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the**
10 **applicable regulations and standards of the DISTRICT in which it is located.**

11
12 Mr. DiNovo stated that the requested Special Use Permit with the included waivers of standard
13 conditions, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the
14 applicable regulations and standards of the DISTRICT in which it is located.

15
16 3b. **The requested Special Use Permit with the included waivers of standard conditions,**
17 **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the**
18 **essential character of the DISTRICT in which it is located because:**

19
20 a. **The Special Use will be designed to CONFORM to all relevant County ordinances**
21 **and codes.**

22
23 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances
24 and codes.

25
26 b. **The Special Use WILL be compatible with adjacent uses.**

27
28 Mr. DiNovo stated that the Special Use WILL be compatible with adjacent uses.

29
30 c. **Public safety will be ADEQUATE.**

31 Mr. DiNovo stated that public safety will be ADEQUATE.

32
33 Mr. Wood stated that the requested Special Use Permit with the included waivers of standard conditions,
34 SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential
35 character of the DISTRICT in which it is located.

36
37 4. **The requested Special Use Permit with the included waivers of standard conditions,**
38 **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with**
39 **the general purpose and intent of the Ordinance because:**

40
41 a. **The Special Use is authorized in the District.**

42
43 b. **The requested Special Use Permit IS necessary for the public convenience at this**
44 **location.**

1
2 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
3 location.

- 4
5 c. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
6 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
7 **WILL NOT be injurious to the district in which it shall be located or otherwise**
8 **detrimental to the public health, safety, and welfare.**
9

10 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
11 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
12 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
13 and welfare.

- 14
15 d. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
16 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
17 **which it is located.**
18

19 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
20 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

21
22 Mr. Wood stated that the requested Special Use Permit with the included waivers of standard conditions,
23 SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general
24 purpose and intent of the Ordinance.

- 25
26 **5. The requested Special Use IS NOT an existing nonconforming use.**
27

28 *(Note from staff that Finding 6. Waivers was discussed prior to Finding 3.)*
29

- 30 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
31 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
32 **PARTICULAR PURPOSES DESCRIBED BELOW:**

- 33 A. **The approved site plan consists of the following documents:**
34 • **Site Plan Sheets 1 through 5 received November 1, 2018, to include**
35 **clarification of the maximum height of the solar arrays.**
36 • **A Landscape Plan including Weed Control Plan to be approved by the**
37 **Environment and Land Use Committee prior to submittal with the Zoning**
38 **Use Permit Application.**
39

40 The special condition stated above is required to ensure that:

41 **The constructed PV SOLAR FARM is consistent with the special use permit**
42 **approval.**
43

- 44 B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
45 **issue a Zoning Compliance Certificate on the subject property until the lighting**

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specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.

The special condition stated above is required to ensure that:

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**

The special condition stated above is required to ensure that:

That the proposed Special Use meets applicable state requirements for accessibility.

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**

The special condition stated above is required to ensure that:

That the land affected by PV SOLAR FARM is restored to its pre-construction capabilities.

- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**

The special condition stated above is required to ensure that:

The Special Use Permit complies with Ordinance requirements and as authorized by waiver.

- F. **A Roadway Upgrade and Maintenance Agreement signed by South Homer Township and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required to ensure that:

To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.

- G. **A Landscape Plan compliant with Section 6.1.5 F.(9)a.(b)iv., which includes a Weed Control Plan compliant with Section 6.1.5 P.(3) and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required to ensure that:

To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.

H. The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:

1. **Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 922-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The special condition stated above is required to ensure that:

The PV SOLAR FARM is constructed consistent with the Special Use Permit approval and in compliance with the Ordinance requirements.

I. A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:

1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations,**

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public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.

- 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
- 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

The special condition stated above is required to ensure that:
The PV SOLAR FARM is constructed consistent with the special use permit approval and in compliance with the Ordinance requirements.

J. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:

- 1. **Maintain the pollinator plantings in perpetuity.**
- 2. **Cooperate with local Fire Protection District to develop the District’s emergency response plan as required by 6.1.5 H.(2).**
- 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
- 4. **Maintain a current general liability policy as required by 6.1.5 O.**
- 5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
- 6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
- 7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

The special condition stated above is required to ensure that:
Future requirements are clearly identified for all successors of title, lessees, any operator and/or owner of the PV SOLAR FARM.

Mr. Elwell asked staff if there were any new Documents of Record.

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Mr. Hall stated that a new item 5. should read as follows: PowerPoint Presentation by Ryan Peters, SolAmerica Environmental Engineer, received January 31, 2019.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended.

Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended. The motion carried by voice vote.

Mr. Elwell entertained a motion to move to the Final Determination.

Mr. DiNovo moved, seconded by Mr. Wood, to move to the Final Determination for Case 922-S-18. The motion carried by voice vote.

Mr. Elwell informed the petitioner that currently the Board has one member absent; therefore, it is at the petitioners’ discretion to either continue Case 922-S-18 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. O’Connell requested that the present Board move to the Final Determination for Case 922-S-18.

FINAL DETERMINATION FOR CASE 922-S-18:

Mr. DiNovo moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:

The Special Use requested in Case 922-S-18 with the included waivers of standard conditions, be GRANTED WITH SPECIAL CONDITIONS to the applicant, SolAmerica Energy LLC, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:

Authorize a Community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, and

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:

Part A: A waiver for a distance of 1,340 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. of the Zoning Ordinance.

Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer

1 prior to consideration of the Special Use Permit by the Board, per Section 6.1.1
2 A.3.

3
4 **Part C: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement**
5 **or waiver therefrom with the relevant local highway authority prior to**
6 **consideration of the Special Use Permit by the Board, per Section 6.1.5 G.**
7

8 **Part D: A waiver for not including a Landscape Plan as part of the Special Use Permit**
9 **application, per Section 6.1.5 F.(9)a.(b)iv.**
10

11 **Part E: A waiver for not including a Weed Control Plan as part of the Special Use Permit**
12 **application, per Section 6.1.5 P.(3).**
13

14 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 15
- 16 **A. The approved site plan consists of the following documents:**
 - 17 • **Site Plan Sheets 1 through 5 received November 1, 2018, to include**
 - 18 **clarification of the maximum height of the solar arrays.**
 - 19 • **A Landscape Plan including Weed Control Plan to be approved by the**
 - 20 **Environment and Land Use Committee prior to submittal with the Zoning**
 - 21 **Use Permit Application.**
 - 22
- 23 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
- 24 **issue a Zoning Compliance Certificate on the subject property until the lighting**
- 25 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- 26
- 27 **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
- 28 **proposed PV SOLAR FARM until the petitioner has demonstrated that the**
- 29 **proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- 30
- 31 **D. The Zoning Administrator shall not authorize a Zoning Use Permit until the**
- 32 **petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement**
- 33 **with the Illinois Department of Agriculture per the requirements established in**
- 34 **Paragraph 6.1.5 R. of the Zoning Ordinance.**
- 35
- 36 **E. A signed Decommissioning and Site Reclamation Plan that has been approved by**
- 37 **the Environment and Land Use Committee is required at the time of application for**
- 38 **a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**
- 39 **Zoning Ordinance, including a decommissioning cost estimate prepared by an**
- 40 **Illinois Professional Engineer.**
- 41
- 42 **F. A Roadway Upgrade and Maintenance Agreement signed by South Homer**
- 43 **Township and approved by the Environment and Land Use Committee, shall be**
- 44 **submitted at the time of application for a Zoning Use Permit.**
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- G. **A Landscape Plan compliant with Section 6.1.5 F.(9)a.(b)iv., which includes a Weed Control Plan compliant with Section 6.1.5 P.(3) and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

- H. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
 - 1. **Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**

 - 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**

 - 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**

 - 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**

 - 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

 - 6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**

 - 7. **The telephone number for the complaint hotline required by 6.1.5 S.**

 - 8. **Any updates to the approved Site Plan from Case 922-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

- I. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
 - 1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures**

1 within the geographical boundaries of any applicable setback.

- 2
- 3 2. As-built documentation of all permanent soil erosion and sedimentation
- 4 improvements for all PV SOLAR FARM including any access road prepared
- 5 by an Illinois Licensed Professional Engineer.
- 6
- 7 3. An executed interconnection agreement with the appropriate electric utility
- 8 as required by Section 6.1.5 B.(3)b.
- 9

10 J. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with

11 the following specific requirements that apply even after the PV SOLAR FARM

12 goes into commercial operation:

- 13 1. Maintain the pollinator plantings in perpetuity.
- 14
- 15 2. Cooperate with local Fire Protection District to develop the District’s
- 16 emergency response plan as required by 6.1.5 H.(2).
- 17
- 18 3. Cooperate fully with Champaign County and in resolving any noise
- 19 complaints including reimbursing Champaign County any costs for the
- 20 services of a qualified noise consultant pursuant to any proven violation of
- 21 the I.P.C.B. noise regulations as required by 6.1.5 I.(4).
- 22
- 23 4. Maintain a current general liability policy as required by 6.1.5 O.
- 24
- 25 5. Submit annual summary of operation and maintenance reports to the
- 26 Environment and Land Use Committee as required by 6.1.5 P.(1)a.
- 27
- 28 6. Maintain compliance with the approved Decommissioning and Site
- 29 Reclamation Plan including financial assurances.
- 30
- 31 7. Submit to the Zoning Administrator copies of all complaints to the telephone
- 32 hotline on a monthly basis and take all necessary actions to resolve all
- 33 legitimate complaints as required by 6.1.5 S.
- 34

35 Mr. Elwell requested a roll call vote.

36

37 The roll was called as follows:

38 Lee – absent	Randol – yes	Wood – yes
39 DiNovo – yes	Elwell – yes	

40

41 Mr. Hall informed the petitioners that they have received a recommendation for approval. He said that

42 the case will be forwarded to the Environment and Land Use Committee for their meeting on February 8,

43 2019, at 6:30 p.m.

44

45 Mr. Randol stated that this has been the best suited application submitted to this Board for a solar farm.

1
2 Mr. Elwell stated that it is evident that a lot of thought went into this project's location in order to keep it
3 from nearby residences.

4
5 The petitioners thanked the Board and staff for their time and consideration regarding their proposed project.

6
7 **7. Staff Report**

8
9 None

10
11 **8. Other Business**

12 **A. Review of Docket**

13
14 Mr. Hall stated that Mr. DiNovo has indicated that he will be absent from the February 14th meeting.

15
16 Mr. Wood stated that he would be absent from the June 13th meeting.

17
18 Mr. Elwell stated that he would be absent from the June 27th meeting.

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

21
22 None

23
24 **10. Adjournment**

25
26 Mr. Elwell entertained a motion to adjourn the meeting.

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

30
31 The meeting adjourned at 8:35 p.m.

32
33
34 Respectfully submitted

35
36
37 Secretary of Zoning Board of Appeals