

**MINUTES OF REGULAR MEETING**

---

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61801

<b>DATE:</b>	<b>April 26, 2018</b>	<b>PLACE:</b>	<b>Lyle Shields Meeting Room</b>
			<b>1776 East Washington Street</b>
<b>TIME:</b>	<b>7:00 p.m.</b>		<b>Urbana, IL 61802</b>

---

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

**MEMBERS ABSENT:** None

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

**OTHERS PRESENT:** Tannie Justus, Larry Wood, Charles White, Jonathan Livengood, Andrew Moore, John Bzdawka, Frank Rubenacker, Phillip Geil, Tammar Geil, Paul Lewis, Jonah Messinger, Jerry Perkins, Dorothy Neumann, Patrick Brown, Tim Osterbur, Tim Montague, Daniel Herriott, Scott Willenbrock, Geri Theobald, Bernadette Tiemann, Stacy Gloss, Vince Koers, C. Pius Weibel, John Althaus, Anna Barnes, Will Corum, Peter Kane, Theodore P. Hartke, Alejandro Lleras, Rod Schweighart

---

**1. Call to Order**

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

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

The roll was called and a quorum declared present.

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 (March 15, 2018 and March 29, 2018)**

Ms. Capel stated that minor corrections from Mr. DiNovo have been inserted into the March 15, 2018, and March 29, 2018, minutes. She said that since the corrections were minor, they will not be read into the record.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

Ms. Lee requested that the approval for the March 15, 2018, and March 29, 2018, minutes be under separate motions, because she was absent from the March 15<sup>th</sup> meeting.

Ms. Capel entertained a motion to approve the March 15, 2018, minutes, as amended.

**Ms. Griest moved, seconded by Mr. Elwell, to approve the March 15, 2018, minutes, as amended. The motion carried by voice vote, and one member abstained.**

Ms. Capel entertained a motion to approve the March 29, 2018, minutes, as amended.

**Ms. Lee moved, seconded by Mr. DiNovo, to approve the March 29, 2018, minutes, as amended. The motion carried by voice vote.**

Ms. Capel informed the audience that the Board will discuss Case 895-AT-18 prior to public testimony. She requested that all cell phones be placed on silent. She asked the audience to conduct private conversations outside of the meeting room so that the meeting is not disturbed. She said that if anyone desires to send staff an email in lieu of testifying tonight, then they should note staff’s email address that is listed on the screens.

Mr. DiNovo asked Ms. Capel if Mr. Becker or Mr. Ohde were listed on the witness register.

Ms. Capel stated no.

**5. Continued Public Hearing**

**895-AT-18 Petitioner: Champaign County Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: Part A: Amend Section 3 by adding definitions including but not limited to “NOXIOUS WEEDS: and “SOLAR FARM”; Part B: Add paragraph 4.2.1 C.5 to indicate that SOLAR FARM may be authorized by County Board SPECIAL USE permit as a second PRINCIPAL USE on a LOT in the AG-1 DISTRICT or the AG-2 DISTRICT; Part C: Amend Section 4.3.1 to exempt SOLAR FARM from the height regulations except as height regulations are required as a standard condition in new Section 6.1.5; Part D: Amend subsection 4.3.4 A. to exempt WIND FARM LOT and SOLAR FARM LOT from the minimum LOT requirements of Section 5.3 and paragraph 4.3.4 B. except as minimum LOT requirements are required as a standard condition in Section 6.1.4 and new Section 6.1.5; Part E: Amend subsection 4.3.4 H. 4. to exempt SOLAR FARM from the Pipeline Impact Radius regulations except as Pipeline Impact regulations are required as a standard condition in new Section 6.1.5; Part F: Amend Section 5.2 by adding “SOLAR FARM” as a new PRINCIPAL USE under the category “Industrial Uses: Electric Power Generating Facilities” and indicate that SOLAR FARM may be authorized by a County Board SPECIAL USE Permit in the AG-1 Zoning DISTRICT and the AG-2 Zoning DISTRICT and add new footnote 15. to exempt a SOLAR FARM LOT from the minimum LOT requirements of Section 5.3 and paragraph 4.3.4. B. except as minimum LOT requirements are required as a standard condition in new Section 6.1.5.; Part G: Add new paragraph 5.4.3 F. that prohibits the Rural Residential OVERLAY DISTRICT from being established inside a SOLAR FARM County Board SPECIAL USE permit; Part H: Amend subsection 6.1.1 A. as follows: 1. Add SOLAR FARM as a NON-ADAPTABLE STRUCTURE and references to the new Section 6.1.5 where there are existing references to existing Section 6.1.4; and 2. Revise subparagraph 6.1.1 A. 11c. by deleting reference to**

1 **Section 6.1.1A. and add reference to Section 6.1.1A.2; Part I: Add new subsection 6.1.5 SOLAR**  
 2 **FARM County Board SPECIAL USE Permit with new standard conditions for SOLAR FARM; Part**  
 3 **J: Add new subsection 9.3.1 J. to add application fees for a SOLAR FARM zoning use permit; and**  
 4 **Park K: Add new subparagraph 9.3.3 B.8. to add application fees for a SOLAR FARM County Board**  
 5 **SPECIAL USE permit.**

6  
 7 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign  
 8 the witness register for that public hearing. She reminded the audience that when they sign the witness  
 9 register they are signing an oath. She asked the audience if anyone desired to sign the witness register  
 10 and there was no one.

11  
 12 Ms. Capel called John Hall, Zoning Administrator, to testify.

13  
 14 Mr. John Hall distributed new Supplemental Memorandum #12 dated April 26, 2018, to the Board for  
 15 review. He said that the memorandum has several public comments attached, and separate from the  
 16 memorandum is an email received today from Terry McFall.

17  
 18 Mr. Hall stated that Supplemental Memorandum #12 reviews two recommended changes to the text of  
 19 the ordinance. He said that staff recommend revising section 6.1.5B.(2)a. regarding the separation  
 20 distance from municipalities. He said that rather than someone asking for this later, staff is  
 21 recommending the following: (a) No part of a PV Solar Farm shall be located within a contiguous  
 22 urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign  
 23 County Land Resource Management Plan, and there shall be a separation of one-half mile from the  
 24 proposed PV Solar Farm, except for any power lines of 34.5 Kva or less, to any municipal boundary at  
 25 the time of application for the Special Use Permit. He said that the CUGA is defined in the Land  
 26 Resource Management Plan as unincorporated land within the County that meets one of the following  
 27 criteria: 1. Land designated for urban land use on the future land use map of an adopted municipal  
 28 comprehensive land use plan, intergovernmental plan or special area plan, and located within the service  
 29 area of a public sanitary sewer system with existing sewer service planned to be available in the near to  
 30 mid-term (over a period of the next five years; or 2. Land to be annexed by a municipality and located  
 31 within the service area of a public sanitary sewer system with existing sewer service or sewer service  
 32 planned to be available in the near to mid-term (over a period of the next five years or so); or 3. Land  
 33 surrounded by incorporated land or other urban land within the County. He said that one of the  
 34 attachments to the memorandum is a map from the Land Resource Management Plan that shows the  
 35 CUGA within the County.

36  
 37 Mr. Hall stated that staff is recommending one revision to the Draft Finding of Fact. He said that the  
 38 Board may recall at a previous meeting that staff had proposed that the Board would find that a PV Solar  
 39 Farm will not likely harm the value of adjacent or nearby property, but alternative text is being proposed  
 40 for Item 16.B(2) as follows: The ZBA reviewed two property value impact studies for photovoltaic solar  
 41 farms and both studies found no significant impact to home values due to adjacency to a photovoltaic  
 42 solar farm, although most of the solar farms in the studies were no larger than 3 megawatts and none of  
 43 the studies included any adjacent properties that were bordered on more than two sides. The ZBA has  
 44 concluded that, in general, a photovoltaic solar farm is not likely to harm the value of adjacent or nearby  
 45 property but greater separations may be warranted when a PV Solar Farm borders a residential property  
 46 on more than two sides. He said that if the Board has already new language for Item 16.B.(2), then that  
 47 is fine, staff is only trying to be helpful.

1  
2 Mr. Hall stated that part of the final action for this case is determining which decommissioning  
3 requirements will be recommended to the County Board, and staff has provided Attachment K to  
4 Supplemental Memorandum # 5 dated March 22, 2018, (provided again as Attachment J to the current  
5 memorandum). He said that staff was not sure how far the Board would get with this case tonight, but  
6 staff wanted to make sure that the Board had those alternative decommissioning standards with them  
7 when they do take action. He said that staff hopes that the Board can support those alternative standards,  
8 but if not, staff is willing to assist the Board in documenting why the Board does not feel that they can  
9 recommend those. He said that should the Board decide to use the alternative Decommissioning  
10 standard, a statement can be added to the Finding of Fact under Item 16.B.(5)i. He said that approval of  
11 this statement would remove the original Decommissioning Plan from the amendment. The statement is  
12 as follows: "The Zoning Board of Appeals hereby recommends the Alternative Decommissioning  
13 standard that was included as Attachment K to Supplemental Memorandum #5 dated March 22, 2018."  
14 He said that if the Board cannot make that recommendation, then the Board could indicate that they do  
15 not recommend for the following reasons, and staff can document why the Board does not believe that  
16 those standards are acceptable.

17  
18 Mr. Hall stated that also attached to Supplemental Memorandum #12 are many emails from the people  
19 who have provided previous comments, two articles from the *County Star*, and now the email from  
20 Terry McFall.

21  
22 Mr. Passalacqua stated that the alternative standard requires 125% assurance of the decommissioning,  
23 although the original was 150% of the proposed construction costs, which is where his comfort level is  
24 located.

25  
26 Mr. DiNovo asked the Board and staff if the review will start at the beginning of the ordinance, or does  
27 the Board want to discuss decommissioning first.

28  
29 Ms. Lee stated that she is concerned about 1,299 acres of farmland being taken out of production.

30  
31 Ms. Capel stated that the Board is only discussing the ordinance tonight, not the proposed solar farm  
32 near Sidney.

33  
34 Ms. Lee stated that the County has an ordinance which protects best prime farmland.

35  
36 Mr. Hall asked Ms. Lee if she saw the County's policy regarding the conversion of best prime farmland  
37 for nonresidential development, there is no limit. He said that the County Board has not established any  
38 limit for the conversion of best prime farmland nonresidential discretionary development.

39  
40 Ms. Lee stated that this Board is to make sure that best prime farmland is protected.

41  
42 Mr. Hall stated that the Board has no policy guiding them to minimize conversion of best prime  
43 farmland for nonresidential discretionary development.

44  
45 Ms. Lee stated that protecting and preserving best prime farmland has not gone by the wayside. She said  
46 that she has information indicating how much farmland production has been lost over the last 40 years in  
47 Champaign County. She said that she will submit her information to staff as a Document of Record.

1 She said that the highlighted plat book pages are dated as 2017, 1988, and 1976. She said that the  
2 township which had the most significant loss of farmland was Champaign Township, but Mahomet, St.  
3 Joseph, and Tolono Townships also had a significant loss of farmland. She said that when we discuss  
4 the loss of best prime farmland, it isn't the price of the farmland that is important, but the loss of  
5 production for the future. She said that it may be that our grandchildren may not see it, but we will be at  
6 a point where the existing farmland will not be able to produce the amount of food that the world needs,  
7 so we need to protect our best prime farmland for that reason. She said that it is the long view that we  
8 must look at, and not the short-sided view that we are looking at now. She said that we must look into  
9 the future, which is why it is so important that we protect that land for food production.

10  
11 Mr. Elwell asked Ms. Lee if there was a noticeable change between 1976 and 2017.

12  
13 Ms. Lee stated yes. She said that each section consists of 640 acres, except the area of Champaign  
14 County where east met west. She said that the maps indicate the amount of farmland that has been taken  
15 out of production around the municipalities.

16  
17 Mr. DiNovo stated that if we use the most consistent regularly reported data that the County has, which  
18 is the acreage in Champaign County that is assessed as farmland for tax purposes, which is a little less  
19 than the total amount of farmland since not everything is assessed as farmland, the numbers are pretty  
20 good because no one is going to let their land be assessed at a higher cost category if they can get it  
21 assessed as farmland. He said that in 1984, there was approximately 582,000 acres assessed as farmland,  
22 and in 2016, there were 263,000 acres. He said that between 1984 and 2016, the County went from 91%  
23 of its acreage being assessed as farmland to 88%, which was a consistent decline until 2009, and since  
24 then the rate of change has fallen drastically. He said that during the early periods, it was about 700 +/-  
25 acres a year, but over the last nine years, it has dropped to about 130 acres per year, on average, and this  
26 is probably due to economics. He said that throughout the 1990s into the early 2000s, Champaign  
27 County turned the screws down on rural subdivisions, and there basically are not many rural  
28 subdivisions any more. He said that after past recessions, subdivision activity would fall drastically and  
29 then come back up, but this time it hasn't come back up and it is hard to say what we could expect from  
30 that. He said that if the Board and staff desires, he could distribute graphs that he created regarding this  
31 information.

32  
33 Ms. Lee stated that the Village of Savoy is going to take 640 acres out of production for development,  
34 and the area along Interstate 57 has been taken out of production for the Carle Fields development, so  
35 there is more than 130 acres involved in those two developments.

36  
37 Mr. DiNovo stated that it could be looked at as if the glass is half full or half empty, and he does not  
38 know if the numbers are indicating that it is too much or if it is what we could expect.

39  
40 Ms. Lee stated that it is her understanding that Mr. Hall, according to an email from Ms. Burgstrom,  
41 does not trust the tax assessing records for Champaign County, which is why she produced the copies of  
42 the plat book indicating that there is a decrease in the farmland acreage.

43  
44 Mr. DiNovo stated that the same question arose when this information was reviewed during  
45 big.small.all. He said that the way that farmland was measured was by reviewing aerial photographs, and  
46 anytime there was a question, the intern would drive to the site for review. He said that what was  
47 discovered, based on aerial photographs from 1988 to 2005, was an average of 563 acres each year

1 converted, but during the same period if you were to look at the assessor's records, there were 774 acres  
2 per year converted. He said that the assessor's numbers likely undercount the actual acres of land being  
3 farmed. He said that if there is land in an area that is proposed to be subdivided but it hasn't been  
4 physically developed yet, the undeveloped land may be in a special category even though it is actually  
5 being farmed. He said that if anything, the assessor's number somewhat undercounts the actual amount  
6 of farmland, but he wouldn't put too much weight on it because it depends how things are exactly being  
7 assessed and he does not believe that they are overly optimistic.

8  
9 Mr. Passalacqua asked Mr. DiNovo, if with this data, is he proposing a more or less stringent ordinance.

10  
11 Mr. DiNovo stated that Champaign County is 998 square miles and is a very big place, and if you live in  
12 Champaign, Urbana, or Savoy, you see a lot of change. He said that visually there is a lot going on  
13 around those municipalities, but in the rest of the County there is not a lot going on. He said that even  
14 with the historical rates of farmland conversion, in 250 years, two-thirds of Champaign County could  
15 still be farmland, but if the average rate of farmland conversion continued like it has during the past nine  
16 years, then in 1,000 years Champaign County will still be two-thirds farmland. He said that it is a  
17 subjective judgement as to how pessimistic you are about what is going to happen with farmland  
18 globally with increases in productivity and technology, so if you are pessimist it looks bad and if you are  
19 an optimist then probably not too much.

20  
21 Mr. Passalacqua asked Mr. DiNovo to tell the other Board members what the data tells him.

22  
23 Mr. DiNovo stated that his personal judgement is that we can't do anything in the County without  
24 converting best prime farmland, which is what surrounds Champaign and Urbana. He said that in order  
25 to allow growth, some of the best prime farmland is going to have to converted, so regardless of what  
26 else this Board does, it is going to happen. He said that perhaps the Board should look at the conversion  
27 of best prime farmland as trading one resource for another, and is it worth it.

28  
29 Mr. Passalacqua stated that although there is nothing in writing indicating restricting conversion, we do  
30 have an extensive amount of time spent creating a LESA score system so that we can judge how  
31 wonderful our wonderful ground truly is. He said that in every case this Board hears, whether it is for a  
32 house, shed, or septic system, one of the main criteria is how best prime farmland will be protected, at  
33 least until now.

34  
35 Mr. DiNovo stated that the Land Resource Management Plan also has policies that state the County is  
36 going to reduce greenhouse gas emissions and encourage renewable energy.

37  
38 Mr. Passalacqua stated that the County also has a policy indicating that we will be good neighbors to our  
39 fellow neighbors in the County. He said that there has been a lot of testimony as being pretty rich from  
40 people are in support of the solar ordinance and who have addresses on Vine St., Maple St., etc. He said  
41 that a lot of the supportive people would never see a solar farm during their daily life or travel.

42  
43 Mr. DiNovo stated that the Land Resource Management Plan, like all other comprehensive plans, has  
44 policies that address everything, and those policies are not always going to be congruent. He said that  
45 like all comprehensive plans, it doesn't tell you what happens if Policy A interferes with Policy B, and  
46 who wins. He said that are ways to argue one way, and there are ways to argue the other, but what the  
47 Land Resource Management Plan does tell him is that the County Board is not only interested in best

1 prime farmland because there are other considerations that are important enough to include in the Plan.  
2 He said that given that we are not talking about destruction of the underlying soil resource, it is his view  
3 that this is only partially inconsistent with the desire to preserve best prime farmland and is fully  
4 consistent with other policies.  
5  
6 Mr. Passalacqua asked Mr. DiNovo if he does not believe that this would be considered a complete  
7 conversion, what are his thoughts about allowing the panels to be placed right up to the neighbor's  
8 house.  
9  
10 Mr. DiNovo stated that is another kettle of fish, and we should deal with one issue at a time.  
11  
12 Mr. Elwell asked if the Board agrees with the study regarding a solar farm on two sides of property, and  
13 that there was no impact to property value.  
14  
15 Mr. Passalacqua stated that if he were looking at a home near a solar farm and one that was not, he  
16 would buy the one that wasn't, but that is his personal opinion.  
17  
18 Mr. Elwell asked Mr. Passalacqua if his opinion is objective or subjective.  
19  
20 Mr. Passalacqua stated that it suggests that he believes the value would go down, but he is only one  
21 person.  
22  
23 Mr. Elwell stated that there is data that indicates that there is no harm to the value.  
24  
25 Mr. Passalacqua stated that there is so much data that he would like to require the solar company to  
26 guarantee these people their property value.  
27  
28 Mr. Elwell asked Mr. Passalacqua if property value can be guaranteed.  
29  
30 Mr. Passalacqua stated that an appraiser would look at the property itself and if it was a dump they  
31 would not indicate that the value was low due to the solar farm, but if it did have a good comparable  
32 with something elsewhere not so located, he believes it would have a negative effect.  
33  
34 Ms. Griest stated that regarding the study, she thought the sample was small, and the opportunity to  
35 collect a sample that would be substantial enough to ascertain whether it did or did not affect the  
36 property value did not exist. She said that although the study was fine for what it was, it was not  
37 adequate to convince her one way or another because she thought the sample was too small and not  
38 representative of our situation. She said that the study did not deal with the locations and types of  
39 properties that this Board is looking at.  
40  
41 Mr. Randol stated that he agreed with Ms. Griest. He said that the study was done in Kankakee County,  
42 which is totally different from Champaign County, and the out of state data is totally different from what  
43 we have here in Champaign County. He said that, based on their study, it may not change the value of  
44 the property, but he agrees with Mr. Passalacqua as to if he were looking at a property to purchase with a  
45 solar farm next to it, he would not purchase that property.  
46  
47 Mr. DiNovo stated that he might feel exactly the opposite, because he would know what would be

1 around him and would know that the use would not be intrusive. He said that he does not anticipate  
2 buying a property that is in that kind of a circumstance, so his opinion is irrelevant, because you don't  
3 really know how you would feel or what you would do until you are actually in that position. He said  
4 that there are so many variables that go into valuing a piece of real estate, and it would be nice if there  
5 were more studies. He said that it is hard to argue when you have studies prepared by professional  
6 appraisers and it is hard to prove that they are wrong based on your own subjective judgement.  
7

8 Ms. Griest stated that Mr. DiNovo is assuming that she is disputing that the study is wrong, but that is  
9 not what she said. She said that the study was not adequate to convince her that it would be relevant for  
10 Champaign County's sample, because when you look at the North Carolina study, which looks at a large  
11 tract with mature trees thus isolated from nearby properties, it is a completely different situation than in a  
12 central Illinois county where it is flat and you see nothing for miles. She said that if 1,500 acres is  
13 surrounded by trees and no one lives near it because it is completely isolated, then we can have an  
14 entirely different discussion than we do where a solar farm would be placed in rural areas where it could  
15 be seen for miles with no obstruction. She said that this use is an industrial application in a rural farm  
16 setting. She said that Ms. Smith from Homer submitted her comments in writing, Attachment M. of the  
17 memorandum, indicating that she and her husband installed a modestly sized solar system on their  
18 property and they did have some concerns or issues that have been discussed by the Board. She said that  
19 she believes that in North Carolina, the study is probably spot on, because you cannot see what is on the  
20 other side of the trees, but in Kankakee County, there were no adjacent properties that had the solar farm  
21 on more than two sides.  
22

23 Mr. DiNovo stated that one of the studies involved the Grand Ridge Solar Farm in LaSalle County and  
24 there are houses across the road.  
25

26 Ms. Griest stated yes, but they qualified that there were none in the development that surrounded it.  
27

28 Mr. Elwell asked Ms. Griest if she indicated that if the solar farm was isolated, this would this be a  
29 completely different discussion.  
30

31 Ms. Griest stated that if the solar farm was completely isolated and surrounded by trees so that you could  
32 not see it, she would have a different opinion on what the impact would be on neighboring properties.  
33 She said that if you want to pick up a solar farm and put it in the middle of a bunch of trees, then the  
34 discussion of setbacks would be less prevalent in lieu of putting a solar farm in wide open spaces next to  
35 residents.  
36

37 Mr. Passalacqua stated that he is not hung up on permanent conversion of farmland.  
38

39 Mr. Elwell noted that the conversion of best prime farmland was Mr. Passalacqua's point.  
40

41 Mr. Passalacqua stated that his point is that he does not believe that it is not injurious to the district. He  
42 said that if there is a good reclamation agreement and the money is available, then he does not disagree  
43 that it can be farmed, but he does not think that the use is good for the district, and he is not talking  
44 about the crop loss, but the neighbor loss.  
45

46 Mr. Elwell stated that evidence has been received indicating that there is no difference in property value.  
47 He said that the Board can dispute whether the study was in North Carolina, California or Illinois; the



1 evidence indicates that there is no change in property values.  
2  
3 Mr. Passalacqua stated that he does not believe that is true for this type of setup.  
4  
5 Mr. Randol stated that the study does not pertain to Champaign County.  
6  
7 Mr. Passalacqua asked Mr. Elwell if, as a realtor, could he market a house next a solar farm for the same  
8 price as a home that was not located next to a solar farm.  
9  
10 Mr. Elwell stated that he would have to complete a Comprehensive Market Analysis, and would use  
11 comparables.  
12  
13 Mr. Passalacqua stated that Mr. Elwell would have to find a home that is next to a photovoltaic solar  
14 farm.  
15  
16 Mr. Elwell stated no, it is so new that a comparable would be difficult to find.  
17  
18 Mr. Passalacqua stated that this is the reason why he cannot believe that the value would not be affected.  
19  
20 Mr. Elwell stated that because it is new here, does not mean that it is new in other places.  
21  
22 Mr. Randol stated that if the Board was talking about putting a solar farm where the old Urbana or  
23 Champaign city dumps were located, which is not best prime farmland, then he would have an entirely  
24 different outlook because nothing is being done with those properties. He said that the acreage on these  
25 properties is sitting vacant and nothing is being done or proposed on them. He said that it wouldn't be a  
26 1,200-acre area, but the key for the developer is because the proposed area is near an upgraded  
27 substation, yet this Board has approved other upgraded substations within the last year.  
28  
29 Ms. Griest noted that the upgraded substation was not owned by Ameren.  
30  
31 Mr. Randol stated that he does not care who owned it.  
32  
33 Ms. Capel stated that those upgraded substations are in the jurisdiction of Eastern Illini Cooperative,  
34 which is not part of the state's incentive program.  
35  
36 Ms. Griest stated that she understands Mr. Randol's point, because this is a countywide ordinance.  
37  
38 Mr. DiNovo stated that the Board could summarize the situation regarding property value impacts. He  
39 said that there are two studies submitted as evidence, which indicate that there is no impact to property  
40 value, but those studies included small samples, and the study from North Carolina is for a very different  
41 environment. He said that the Board cannot say that the studies settled the question regarding property  
42 value impacts, but the Board also has no other comparable evidence on record to prove otherwise.  
43  
44 Mr. Passalacqua asked Mr. DiNovo if he is comfortable with the revision for Item 16.B. (2).  
45  
46 Mr. DiNovo stated that the revision for Item 16.B. (2) may be too strong.  
47

1 Mr. Passalacqua asked Mr. DiNovo if he would be comfortable with Item 16.B. (2) if it indicated that  
2 the Board has no direct evidence indicating a negative effect to property values.  
3 Mr. DiNovo stated that something like that characterizes the extent of the Board’s knowledge, because  
4 the Board does not have well established evidence of a negative effect. He said that he is not comfortable  
5 with the Board assigning a probability to a negative effect.  
6  
7 Mr. Passalacqua agreed with Mr. DiNovo.  
8  
9 Ms. Capel asked the Board if they were finished with their discussion regarding best prime farmland.  
10  
11 Ms. Griest stated no. She said that she heard what Mr. Hall and Mr. DiNovo discussed earlier during  
12 this hearing, and she knows what she has read regarding how historically the County Board and the ZBA  
13 over the years have interpreted the Land Resource Management Plan and the protection of farmland.  
14 She said that she has a significant dilemma in adhering to her responsibilities as they pertain to the Land  
15 Resource Management Plan with respect to the preservation and protection of best prime farmland, but  
16 yet the Land Resource Management Plan has direct conflict when it indicates encouragement for other  
17 items. She said that best prime farmland is listed first in the Land Resource Management Plan, and as  
18 she generally interprets things that are generally in policies, they are generally in a hierarchal order, and  
19 in this case, they are not even in the same section, so the policy itself that this Board is supposed to  
20 administer and protect has direct conflict within it. She asked how the ZBA, as good stewards for the  
21 County, administer the policy properly when they have two different directives.  
22  
23 Mr. Hall stated that the Board does not have two different directives because the policy is very clear. He  
24 said that there are no limits on the conversion of best prime farmland for non-residential discretionary  
25 development. He asked how there could be a conflict when there is no limit.  
26  
27 Ms. Griest stated that if it is commercial development, non-residential discretionary development, then  
28 no LESA would be applied to the requested development.  
29  
30 Mr. Hall stated that for map amendments a LESA score is always calculated, but he cannot provide any  
31 guidance as to why a LESA score is required when there is no limit on the conversion of best prime  
32 farmland for non-residential discretionary development. He said that absolutely without a doubt, there is  
33 no limit on the conversion of best prime farmland for non-residential discretionary development, and we  
34 do not have a maximum lot size for those kinds of things, although we do obtain a LESA score. He said  
35 that there is no other development that he knows of, like a solar farm, that disturbs so little. He said that  
36 it is true that the solar farm will cause conversion of best prime farmland, but in terms of disturbance,  
37 the Board will find that it is less than alternative by-right development. He said that he is sorry that the  
38 Board is so agonized over this issue, but to him, it is literally a non-issue.  
39  
40 Ms. Griest stated that it is a significant issue for her, and she does not understand why historically the  
41 Board has put petitioners through such agony if there are no limits for conversion of best prime farmland  
42 with non-residential discretionary development applications. She said that individuals who apply for  
43 various applications of use go through a lot of agony for conversion.  
44  
45 Mr. Hall stated that there is nothing in the ordinance which states that someone cannot propose to rezone  
46 land that is scored with an LE of 100, and that is what this Board is talking about tonight. He said that  
47 you cannot propose a solar farm on best prime farmland, there is nothing else like that in the ordinance,

1 but the Board does deal with that in the context of any given approval, and he has been uncomfortable  
2 with that since the adoption of the Land Resource Management Plan, because if you look at the Land  
3 Resource Management Plan, it's apparently not an issue. He said that he wished the Board had better  
4 guidance, but that is all we have.

5  
6 Mr. DiNovo stated that normally, we are looking at small increments of land and not parcels over 1,000  
7 acres. He said that the Board has approved developments on best prime farmland, but the Board has  
8 looked the other way because it only consisted of three or four acres. He said that what applies to the  
9 other kinds of land uses, are uses that have a lot of potential in other locations, especially residential, so  
10 conceivably the LESA score could be applied and say that the use is okay but not in this location. He  
11 said that the large projects are restrained because they need proximity to a major substation; you are  
12 basically saying that the Board is either not going to allow them at all, or the Board is going to have to  
13 swallow hard and allow it. He said that he is not going to have to swallow hard because the solar farm is  
14 not destroying the underlying soil resource, and if our concern is about the long-term availability of that  
15 soil resource to produce food and fiber, we are not really destroying it. He said that if there comes a time  
16 when we are so short of farmland and we need it, it will presumably be more valuable as farmland than it  
17 is as a solar power plant and the land will be reconverted. He said that his own judgement is, that given  
18 the entirety of the Land Resource Management Plan, he does not see how the Land Resource  
19 Management Plan can be read in such a way that it absolutely bars this use, it is not consistent with  
20 reading the entirety of the plan.

21  
22 Ms. Griest stated that she is not stating that the Land Resource Management Plan bars it, but it is in  
23 conflict, and Mr. Hall disagrees. She said that the Land Resource Management Plan states opposing  
24 things within the policy.

25  
26 Mr. DiNovo stated that one thing the Land Resource Management Plan is very clear about is that it  
27 places a low value on residential development relative to agriculture. He said that the Land Resource  
28 Management Plan is more ambiguous when you get away from residential development.

29  
30 Ms. Griest asked Mr. Hall if his comment indicating that there are no maximums was referring to there  
31 being maximum lot sizes for residential development, but there is no maximum lot size for any other  
32 type of development. She asked Mr. Hall if that is the crux that he is trying to convey to the Board.

33  
34 Mr. Hall stated that the Land Resource Management Plan incorporates a limit on the amount of best  
35 prime farmland that can be converted for residential uses. He said that this limit has never been adopted  
36 in the ordinance, but it is included as a policy and it has never contained a limit for non-residential  
37 discretionary development.

38  
39 Ms. Griest asked Mr. Hall if that limit is the number of by-right residential lots laid out, assuming that  
40 they are all three acres in size, which is a mathematical calculation and not an actual platted statistic,  
41 correct.

42  
43 Ms. Lee stated that the Board has had several cases where this has been discussed. She said that during  
44 the Ehler Brothers' case, the Board discussed the conversion of best prime farmland.

45  
46 Mr. Hall stated that the Board discusses it during every case, and he is not proposing that the Board not  
47 discuss it when the Board reviews solar farm developments, and he did an analysis of that.

1  
2 Ms. Lee stated that it isn't prohibiting the Board from saying that they want to protect best prime  
3 farmland when they do it for the solar thing now.  
4  
5 Mr. Hall asked Ms. Lee to clarify her statement.  
6  
7 Ms. Lee stated that there is nothing saying that the Board cannot state that they intend to protect best  
8 prime farmland. She said that Mr. Hall previously indicated that the Board could reject industrial type  
9 solar farms.  
10  
11 Mr. Hall stated that Ms. Lee's statement is still not clear.  
12  
13 Mr. Randol asked Mr. Hall if the Board could set a size limit on a proposed solar farm, just like they set  
14 limits for setbacks, etc.  
15  
16 Mr. Hall stated that the Board would need to establish a basis for that.  
17  
18 Mr. Hall stated that perhaps that is what Ms. Lee is trying to recommend.  
19  
20 Mr. DiNovo stated that one thing that County should think about is an upside limit of how much  
21 Champaign County wants to devote to electrical energy generation.  
22  
23 Mr. Hall asked Mr. DiNovo why the Board would only pick on electrical energy generation. He said this  
24 is why something like this is literally dangerous, doing it on a one-off basis.  
25  
26 Mr. DiNovo stated that the appropriate place for this would be for the County to have a numerical target  
27 for how much farmland they would allow to be converted. He asked Mr. Hall if setting numerical  
28 targets was discussed during the Land Resource Management Plan.  
29  
30 Mr. Hall stated no. He said that we have not been able to implement the one target set for the conversion  
31 of best prime farmland for residential development, so we have a policy that we cannot implement,  
32 much less a policy for conversion for electrical generating facilities.  
33  
34 Ms. Lee asked why this Board cannot start implementing it for this situation for this ordinance.  
35  
36 Mr. Hall stated that this is the Champaign County Zoning Board of Appeals and not the Champaign  
37 County Board, but if the ZBA wants to recommend this to the County Board with some kind of limit like  
38 that, then it should be documented why it needs to be done, because he will not be able to defend that on  
39 his own.  
40  
41 Ms. Lee asked Mr. Hall why he indicated at a previous meeting that the Board could state that they did  
42 not want to have that much farmland used for a solar farm.  
43  
44 Mr. Hall stated that he does not understand what Ms. Lee is referring to, but it could be the analysis  
45 regarding the disturbance of best prime farmland. He said that the analysis compared the difference  
46 between the solar farm plan that he was reviewing and the alternative by-right development, and the  
47 difference was very small and certainly not worth the discussion that it is getting here tonight. He said

1 that the Board can go back to that analysis tonight, but that is the only time that he has suggested that the  
2 Board consider something like that.

3 Mr. DiNovo stated that this issue goes to whatever finding the Board makes relative to the policies in the  
4 Land Resource Management regarding farmland. He said that in terms of this ordinance, the Board is  
5 not confronting that issue and the Board must get away from thinking that they are approving a specific  
6 project. He said that the Board does not want an ordinance that bars all these projects, because  
7 conceivably someone might want to put one on the face of the moraine near the Rising substation where  
8 the soil isn't as productive. He said that the Board can distinguish between sites when it comes down to  
9 that, but in terms of the ordinance, the Board could flag this to the County Board, but he does not believe  
10 that a change is required to the ordinance itself, because this Board is not deciding on a particular  
11 project.

12  
13 Mr. Randol stated that he was not on the Board when all of the discussions took place during the wind  
14 farm hearings. He asked Mr. Hall if there was a limit on the size of area that the wind farms would be  
15 expanding into.

16  
17 Mr. Hall stated that there are 30 wind farm turbines in Champaign County, and each of those takes up  
18 less than one acre of land and none of it is on best prime farmland. He said that there is no limit on best  
19 prime farmland, although there was talk of a proposed wind farm in southeast Champaign County that  
20 would have been on best prime farmland, but that has not materialized and it is unlikely that it is going  
21 to.

22  
23 Mr. DiNovo stated that at the end of the day, this is going to be about the findings. He said that when  
24 the Board gets down to preparing the findings, the Board could go into this issue in more depth. He said  
25 that he had some general comments that he wanted to make before the Board gets into the nitty gritty.

26  
27 Ms. Griest stated that the specific policy that causes her the most heartburn is Policy 4.1.1, which states  
28 as follows: "Commercial agriculture is the highest and best use of land in the areas of Champaign  
29 County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not  
30 accommodate other land uses except under very restricted conditions or in areas of less productive  
31 soils." She said that the phrase "will not" in the last sentence specifies a directive that is specific to  
32 protecting those soils, so how do we work around that directive.

33  
34 Mr. Hall stated that his work around is the number of conditions that are proposed for the solar farms,  
35 and he doesn't have that number in his head, but he can tell the Board that statewide, our ordinance is  
36 very restrictive.

37  
38 Ms. Griest stated that helped her, because we are emphasizing the "or" rather than the "and".

39  
40 Mr. Elwell asked if it is an assumption that the solar farm will physically derogate the soil. He asked if  
41 when the Board is talking about preservation of best prime farmland, is the Board not talking about the  
42 proposed 40 years when the acreage will not be in production. He asked if the Board is actually talking  
43 about the crops that the acreage will not be able to produce, which has nothing to do with the soil.

44  
45 Mr. Hall stated that the Land Resource Management Plan does not talk about preserving best prime  
46 farmland, but it does talk about limiting residential development on best prime farmland and it doesn't  
47 talk about that for non-residential development. He said that it does say that agriculture is the highest

1 and best use of the land, but it also states that other land uses can happen under very restrictive  
2 conditions or on non-less productive soils.

3 Mr. Elwell stated that the Board appears to have the consensus of preserving best prime farmland. He  
4 said that he contends that this is probably one of the better ways to preserve best prime farmland because  
5 it is laying fallow for decades. He said that he does not know that the premise that a solar farm will have  
6 a negative impact on best prime farmland, because it is only being taken out of production for 40 years,  
7 and rather than harvesting corn, the owner will be harvesting the solar energy year-around.

8  
9 Ms. Lee stated that Mr. Elwell is making the assumption that the soil will be in as good condition as it  
10 was before the solar farm was started.

11  
12 Mr. Elwell asked Ms. Lee if she had any evidence to prove otherwise.

13  
14 She said that hail may or may not break the glass on the solar panels. She said that metal can be cleaned  
15 up fairly easy, but glass from the panels in a hail storm would spread the glass on the land which would  
16 affect future crop production. She said that Mr. Elwell's assumption that the land will be in the same  
17 condition after the solar farm as it was before the solar farm, is not reasonable.

18  
19 Mr. Passalacqua stated that is why the reclamation agreement is a necessity and such an instance should  
20 be made part of the reclamation agreement. He said that Ms. Lee's concern is a good reason why the  
21 County must make sure that the finances are available so that the land could be made as good, if not  
22 better, as it was before the solar farm was constructed, and it is another good reason why we should have  
23 a strong ordinance.

24  
25 Ms. Lee asked Mr. Passalacqua if he could imagine what it would take to get glass out of the dirt.

26  
27 Mr. Passalacqua stated that today's technology can remove gas and oil from dirt, so if the money is  
28 there, the work can be done.

29  
30 Mr. DiNovo stated that if there is land that has not been cultivated for over 20 years, and during those 20  
31 years there was a permanent vegetative cover, the permanent vegetative cover reduces erosion, because  
32 farmland is bare during at least eight months out of the year. He said that with the vegetative cover,  
33 there are better root systems which are improving the soil, and microbium that is improving the soil, and  
34 you don't have twice per year heavy equipment compacting the soil. He said that there are a lot of things  
35 going on making the soil in better condition in 20 years than having it farmed for 20 years. He said that  
36 looking over the policies, he believes that Ms. Griest is correct in the fact that there is a lack of clarity.  
37 He said that Policy 4.1.6. states, "provided that the use, design, site and location are consistent with  
38 County policies regarding minimizing the conversion of farmland." He said that the only policy that  
39 really talks about minimizing the conversion of farmland is Policy 4.1.1. He said that there is an  
40 ambiguity in respect to Goal 4 and Objective 4.1., because the Board can approve the use, but is still  
41 supposed to minimize the conversion of farmland.

42  
43 Mr. Hall stated that he would contend that Policy 4.1.6. refers to Policy 4.1.5. with that language and not  
44 Policy 4.1.1. He said that Policy 4.1.5. establishes how much land can be converted for by-right uses,  
45 and that is what he believes it is referring to, and Policy 4.1.6 includes a limit on how much farmland  
46 can be converted.

47

1 Mr. DiNovo stated that Policy 4.1.6. is referring to conversion of farmland for residential.

2  
3 Mr. Hall stated yes, and it specifically doesn't include a limit for the other kind.

4  
5 Mr. DiNovo stated that under Policy 4.1.6, items 1-5 refer to subparagraphs a., b. and c. He said that the  
6 Board is supposed to be looking for a consistency in policies regarding the minimization of the  
7 conversion of farmland. He said that Policy 4.1.5. seems to be mostly talking about creating smaller lots  
8 in development, so there is an ambiguity here. He said that the policy says both minimize and that the  
9 Board is not barred from approving non-residential.

10  
11 Ms. Griest stated that the Board has beaten this topic to death and should move forward.

12  
13 Mr. DiNovo stated that so far, the Board has been moving forward on the basis of the Zoning  
14 Administrator's interpretation, that under the absence of an amendment, solar farms will be treated as if  
15 they were wind farms. He said that in that case, in the absence of the amendment, we will end up with  
16 some extremely stringent regulations that will be hard to apply to solar farms, and there have been  
17 suggestions made that the larger solar farms will not happen in Champaign County if they must comply  
18 with those regulations. He said that this means that the investment will go to another county, and it  
19 means that the County could lose jurisdiction with solar farms due to an annexation agreement, because,  
20 for a smaller development, they could find a site where they could sign an annexation agreement with a  
21 municipality and then the Board would lose all their ability to protect the adjacent landowners, as they  
22 will be at the mercy of the city council or Village Board who are not politically accountable to them.

23  
24 Mr. Randol stated that such an instance would occur if the land were solely owned by the solar farm  
25 developer. He said that if there are individual owners of the tracts of land involved, it might be hard to  
26 have them all agree in signing an annexation agreement.

27  
28 Mr. DiNovo stated that he could easily see a landowner signing an annexation agreement, especially if  
29 they are only one mile away from the municipality and they do not expect annexation to occur any time  
30 soon. He said that he could see the municipality including tax abatements with the annexation  
31 agreement so that the landowner does not have to pay higher municipal taxes, and he could see how the  
32 annexation agreements could be made very attractive, especially if the landowner is going to be making  
33 two or three times as much with the solar farm than they would with cash rent or crop production. He  
34 said that it also occurred to him that it is possible, if the amendment fails, that someone could challenge  
35 the Zoning Administrator's interpretation and claim that instead of treating solar farms like wind farms,  
36 the County should be treating solar farms like gas turbine peaker plants, and he would suspect that this  
37 Board is not likely to overturn the Zoning Administrator's interpretation. He said that it is a fairly  
38 straight forward matter under that *Administrative Review Act* for someone to appeal the Board's  
39 Administrative decision to the circuit court, and if the case gets a conservative judge who is skeptical of  
40 the value of intrusive government regulations in the first place, a favorable determination may occur for  
41 the court case and the Board may wind up treating these things as special use permits with no standards.  
42 He said that there are a couple of different ways where reporting out a portion of the amendment that  
43 can't be passed might be worse than what this amendment might do, and that is his only underlying  
44 point. He said that if local governments prove to be obstacles for developing these facilities, which is  
45 not inconceivable, since there are some powerful players signed up for this, such as Ameren,  
46 Commonwealth Edison, and Exelon, who are all backed by FEJA, that we wouldn't see a move to pre-  
47 empt local authority. He said that they have done it before with coal mining and cell towers, so there are

1 reasons why Champaign County wants to have their own rules, because conceivably we could be worse  
2 off if we don't.

3 Mr. DiNovo stated that the term solar farm is unfortunate, because we should think about these as power  
4 plants. He said that they may not have smoke stacks or cooling towers, but they should be thought of as  
5 power plants, because they have impacts and benefits. He said that in the absence of renewable power  
6 plants we are relying more on conventional power plants, which means that somebody somewhere is  
7 living with and dealing with the impacts of a conventional power plant. He said that somebody  
8 somewhere is living with the impacts of mountain top removal so that coal can be retrieved, and  
9 somebody somewhere is living with the impacts of fracking, and somebody somewhere must live with  
10 pipelines crossing their property. He said that the farther away our energy resources are from the place  
11 that they are used, somebody somewhere is going to have to deal with the more and bigger power lines  
12 crossing their land. He said that keeping all of this in perspective, we need to balance the localized  
13 impacts with the larger issues. He said that he provided data to the Zoning Administrator, but questions  
14 have been raised as to how Champaign County will benefit from one of these solar farm facilities. He  
15 said that one benefit that has been mentioned was the opportunity for residents of Champaign County to  
16 participate in community solar developments, but that is not exactly accurate. He said that you can  
17 participate in solar development anywhere within the same utility service area, so there is no reason why  
18 people who are in Champaign and Urbana cannot invest in community solar developments that are  
19 constructed elsewhere in the Ameren service area, which is very large. He said that there are significant  
20 revenues that come into some landowners and that is money that flows into Champaign County in the  
21 form of land leases. He said that another significant numerical benefit for the solar farms is the property  
22 tax that accrues for these things. He said that the Grand Ridge Solar Farm in LaSalle County was  
23 assessed at \$34,462 dollars per acre, and there is a bill pending in legislation regarding how those  
24 assessments were completed, so if that legislation passes, the assessed value would lower to \$27,860  
25 dollars per acre. He said that in keeping the lower assessment in mind compared to the assessed value  
26 of the best farmland in Illinois, which is \$683 dollars per acre, we are talking about 40 times more  
27 property tax revenue. He said that the 150-megawatt solar farm would comfortably provide over \$1  
28 million dollars per year to the school district levies. He said that this is a lot of money on the table and  
29 he does not think that we should zone for revenue, but we should also not imagine that, somehow, it is  
30 all bad news and no good news for Champaign County. He said that obtaining the higher tax revenue at  
31 least dampens the increase in property taxes for everyone else, especially in a school district where these  
32 might be located, and that has a secondary and direct benefit in just being able to provide landowners  
33 with generally lower property taxes. He said that the Board has also received a lot of testimony  
34 regarding property rights, focused on the adjacent landowners. He said that he would like to point out  
35 that there are property rights on both sides of the property line, and the owners of the farmland who have  
36 the opportunity to double or triple their income from that farmland have rights too. He said that like  
37 every zoning case, zoning stops at the property line, and it is about the conflict between two sets of  
38 rights. He said that property right arguments do not cut one way, but cut both ways.

39

40 Mr. Hall stated that staff provided evidence regarding real estate tax benefits for solar farms, and the  
41 highest assessed valuation for farmland in Champaign County is \$707 dollars per acre.

42

43 Mr. DiNovo stated that he used 2016 data from the Illinois Department of Revenue.

44

45 Mr. Hall stated that he obtained his information from the Champaign County Supervisor of Assessments.

46

47 Mr. Elwell asked if the Board could move to the decommissioning agreement.



1  
2 Ms. Capel agreed. She said that the Board needs to discuss the alternative decommissioning standard  
3 proposed by staff.  
4

5 Mr. Passalacqua stated that he was under that impression that the first decommissioning requirement  
6 indicated that the owner shall provide the County with Financial Assurance to cover 150% of the  
7 decommissioning cost, and he was comfortable with that.  
8

9 Mr. Hall stated that the alternative decommissioning requirement involves a lot more than just how  
10 much you inflate the construction estimate to make sure you have a good number, and he does not know  
11 what the basis of the 150% was, other than we would increase 50%, which is bound to be a safe number.  
12 He said that the number was identified before we got in to this very detailed procedure for renewing the  
13 financial assurance every three years and then every year, which he hopes never gets to that point. He  
14 said that if you are reviewing it every three years, it seems very unreasonable to include an inflation/  
15 contingency factor of 50%; you can't even justify it.  
16

17 Mr. Passalacqua asked Mr. Hall if, every three years, the number would be a moving target.  
18

19 Mr. Hall stated that he does not believe that it needs to be any more complicated than it already is, but he  
20 does not believe that it needs to be 150%, which is why he recommended 125%. He said that it could be  
21 as low as 120%, if we keep our review schedule at every three years.  
22

23 Mr. Passalacqua stated that would be 120% of the estimated decommissioning cost and not a  
24 construction cost number.  
25

26 Mr. Hall stated yes, it is a decommissioning cost estimate. He said that the alternative decommissioning  
27 includes a 5-year review schedule, which is why it is at 125%. He said that the biggest change in the  
28 alternative decommissioning is not requiring an escrow account until year 20, and the letter of credit  
29 must be converted within the next five years.  
30

31 Mr. Passalacqua stated that reasoning, as he recalls, was because the argument was that product has real  
32 value during the initial 10 or 20 years.  
33

34 Mr. Hall stated that it has a guarantee for essentially 10 years, and then up to year 20 it has another  
35 guarantee that it will be producing up to 80% of its power, so those are all guarantees, but the County  
36 Board does not have to pay any attention to that.  
37

38 Mr. DiNovo stated that the 125% actually provides a larger cushion than it seems, because it is 125% of  
39 the gross decommissioning costs, less 70% of the estimated salvage value. He said that if the salvage  
40 value is very low, it is close to 125%, but if the salvage value gets more significant, and he has seen  
41 estimates where the salvage value is greater than the estimated decommissioning cost, you could only  
42 count 70% of the salvage value. He said that he has a suggestion for another provision in that regard, but  
43 the 125%, given that there will be some salvage value, is a pretty safe number.  
44

45 Mr. Passalacqua asked Mr. DiNovo if he does not believe that an escrow is required.  
46

47 Mr. DiNovo stated that he is not sure that the solar farms match the definition of non-adaptable

1 structures, because of the chances that the salvage value will be higher than the decommissioning cost.  
2 He said that the average salvage example was \$4,000 dollars per acre, and if you owned farmland that is  
3 worth \$8,000 dollars per acre while the solar farm is sitting on top of it, the landowner would be crazy to  
4 not spend \$4,000 dollars per acre of your own money to get rid of the solar farm and put the land back  
5 into production. He said that he is not objecting to the performance guarantee, but the risk that the  
6 County is look at regarding having abandoned solar farms sitting on the land is a lot smaller than the  
7 Board once thought, because the landowners themselves will be motivated enough to make sure that the  
8 solar farms are gone. He said that the County may only need to put up half of the decommissioning cost  
9 in order to encourage the landowners to go out there and get it done. He said that downside risk to the  
10 County is pretty low, and in this instance, it is exactly the opposite of wind farms, because the cost of  
11 decommissioning is very high and the benefit that you get from restoring the pad sites is very small and  
12 no landowner would ever do it, it doesn't make sense. He said that for the solar farm, the risk is much  
13 smaller because the landowners have a real incentive to look after it themselves anyway, so the  
14 alternative proposal strikes a reasonable balance.  
15

16 Mr. Passalacqua stated that he also disagrees that the salvage value being more than the reclamation  
17 amount, especially in today's climate, and he does not put a lot of stake in the amount of recyclable,  
18 salvageable material in those things. He said that he does not see much weight in the salvage value and  
19 he would like to see the cash be there.  
20

21 Mr. Elwell asked Mr. Passalacqua what if the Board required the escrow amount to be 125% minus "x"  
22 amount for the salvage value, because the guarantee is for 20 years.  
23

24 Mr. Passalacqua stated that there still needs to be a combination with escrow.  
25

26 Mr. Hall stated that there is a full warranty for 10 years, and a limited warranty for up to 25 years that  
27 they will not produce less than 80% of nominal power output.  
28

29 Mr. Elwell asked if the cash escrow could be 125% minus the salvage value, divided over a 20- year  
30 period. He said that this way there is not \$3 million dollars in an account, but by the time the solar farm  
31 requires maintenance, the \$3 million dollars will be there.  
32

33 Mr. DiNovo stated that the whole idea of the escrow account emerged when we first started talking  
34 about non-adaptable structures, from the fact that you couldn't get long terms letters of credit or bonds,  
35 because no one was going to provide a financial guarantee that lasted for 25 years. He said that the only  
36 practical way to be covered over a long period of time was to require money in a bank account, and it  
37 appears that the County is well protected, during this intermediate period, by the letter of credit, and to  
38 draw on it as needed. He said that as time passes, it might be necessary to start converting it to an  
39 escrow account, because there are limits to the kinds of letters of credit that can be obtained. He said  
40 that the letters of credit will either constantly be renewed or they will be time limited. He asked Mr. Hall  
41 if there is a reason why the County would require an escrow account in place of a letter of credit.  
42

43 Mr. Hall stated that he is not an expert regarding this, but his recollection is that the County Board was  
44 motivated to go to an escrow account following the great recession, because a letter of credit or bond all  
45 require for someone to be worth that on the day that you need it, and once it is set aside in an escrow  
46 account, even if the bank goes bankrupt, the escrow account is still there, so it is the only reliable  
47 method. He said that the question is, when does it have to be there, and currently it must be 100% in an

1 escrow account by year 13. He said that the alternative would put that off until year 25, and it would  
2 have to start being converted at year 20.

3 Ms. Capel asked if they could then draw on it to repower.  
4

5 Mr. Hall stated that is the other beautiful thing about the escrow account; there is a heavy cost associated  
6 with it, but those panels are not going to work forever, and if they are refurbished, regenerated, or  
7 replaced, the escrow account can be drawn upon.  
8

9 Mr. DiNovo stated that he does not agree with the County Board's concern about the banking system,  
10 but if they feel that way, then the alternative financial guarantee provisions are workable.  
11

12 Ms. Capel asked Ms. Griest how she feels about the alternative financial guarantee provisions.  
13

14 Ms. Griest stated that she is okay with the 125%, but she is not comfortable with waiting until year 25  
15 before all the money is in the bank, because there are risks. She said that her risk concern has nothing to  
16 do with the banking, but with the LLC, because it could go bankrupt during any point in time. She said  
17 that she has heard what everyone has said regarding the value of farmland, but farmland takes 20 or 30  
18 years for a landowner to pay for, so they are not going to have \$4,000 per acre on hand to decommission  
19 a solar farm that is on their land. She said that she does not want to be too paternal with the landowners,  
20 but she would like to see the installments be less but start sooner than 20 years. She said that she can  
21 embrace the rest of the alternative and can certainly embrace the 125%. She said that having been  
22 through the discussion with the wind ordinance, the decommissioning is substantially less, but she is not  
23 comfortable with just relying on the letter of credit. She said that the letter of credit is only as credible as  
24 the financial stability of the company upon which the letter of credit is issued for, and at the end of a 3-  
25 year letter of credit, if the company is not solid, a new one cannot be issued and if there are no resources  
26 there, the County is hung out to dry. She said that we all would like to live in a perfect world, but we all  
27 know that we don't.  
28

29 Mr. DiNovo stated that the letter of credit is based on capacity of the financial institution that issued it,  
30 and not on the condition of the company that had it issued. He said that he agrees with Ms. Griest  
31 regarding the amounts ramped up faster, because a letter of credit is not necessarily onerous. He asked  
32 Mr. Hall if he is reading the alternative correctly, in that for the first six years the letter of credit only  
33 covers 12.5% of the decommissioning costs. He said that the County would assume that the letter of  
34 credit would be good during those first six years and it would not be revocable.  
35

36 Mr. Hall stated that the structuring, 1 to 6 years and 6 to 11 years, goes back to the structure that the  
37 Agricultural Impact Mitigation Agreement has in it, which is not the state standard. He said that  
38 Champaign County can require a more restrictive standard if Champaign County believes it is justified,  
39 but that will make Champaign County less attractive. He said that is the Agricultural Impact Mitigation  
40 Agreement for wind farms, and there is not one for solar farms yet and he does not know if it will be any  
41 different when there is one. He said that he got a strong message from the Environment and Land Use  
42 Committee that they did not like being seen as uncompetitive for no good reason, but it could be that  
43 Champaign County will not tolerate less than 100% from day one, which is what the current requirement  
44 is.  
45

46 Mr. DiNovo stated that given the relatively low net cost for decommissioning, in the landowner's  
47 interest, it isn't like the County would have terrible exposure if we don't have 100%, but to be at 12.5%

1 in six years seems pretty liberal, and he would be a lot more comfortable starting out at a higher number  
2 and then transition to the 62.5% and the 125%.

3 Mr. Passalacqua asked Mr. DiNovo if he is indicating starting out at 50% and then ramp up to 62.5% on  
4 year seven.

5  
6 Mr. DiNovo stated yes.

7  
8 Mr. Passalacqua stated that he agrees with Mr. DiNovo.

9  
10 Mr. DiNovo stated that it is just a letter of credit, and we are not asking for cash.

11  
12 Mr. Hall asked Mr. Passalacqua to state the schedule again.

13  
14 Mr. Passalacqua stated it would start at 50% during years 1 to 6, and then ramp up to 62.5% on year  
15 seven until year eleven, and then to 125% as written.

16  
17 Mr. Hall stated that this is only changing the first part of the provision.

18  
19 Ms. Griest stated that playing the other side of that, because she is leaning with the Environment and  
20 Land Use Committee on sticking with the state standards and leaving a competitive edge, during the first  
21 time frame the risk is very low, but as we get to the other end it ramps up, so what advantage would the  
22 50% provide during year one through six that would not be gained later.

23  
24 Mr. Passalacqua stated that they received their subsidies by constructing the solar farm, and the power  
25 company will change their rate for which they are buying the power by two cents per kilowatt, and then  
26 they say we are flipping the switch, bye.

27  
28 Ms. Griest asked Mr. Passalacqua if he is trying to capture some of that out of the subsidy money.

29  
30 Mr. Passalacqua stated that he just wants to be able to take the solar farm down when they are not here  
31 anymore.

32  
33 Ms. Lee stated that technically, when you are dealing with companies, they could take all of their  
34 reserves out and pay it to their investors, therefore having nothing other than the equipment itself sitting  
35 there.

36  
37 Ms. Capel stated that there could be liens on the equipment.

38  
39 Mr. Hall stated that there are not supposed to be any liens on the equipment, and it should be free and  
40 clear for Champaign County. He stated that Ms. Griest indicated that she would like the escrow to build  
41 earlier than years 20 to 25, but she did not suggest an alternative. He asked Ms. Griest if she had an  
42 alternative schedule.

43  
44 Ms. Griest stated that all the data indicates that the solar farm will be 80% productive through year 20,  
45 but from year 20 to 25 it will have 80% nominal power output. She said that it seems like at year 25, the  
46 tank is empty and any prudent financial manager would put the money into their fund to repower, which  
47 is basically what this is, a fund to be able to repower and continue to the very last day. She said that she

1 is thinking of a smaller number, but starting in year 10, because during the time when the power output  
2 is at 100% down to 80%, the County should be capturing something or maybe we should look at the  
3 20% before we get there.

4  
5 Mr. Hall stated perhaps between years 15 and 20 the escrow account should be built.

6  
7 Ms. Lee asked Mr. Hall to indicate the item number in the attachment that he and Ms. Griest are  
8 reviewing.

9  
10 Mr. Hall stated that the Board should turn to page 4, of Attachment K, item (e). He recommended the  
11 following revision to the last sentence in item (e): “in equal annual installments over the 15<sup>th</sup> and 20<sup>th</sup>  
12 years of the solar farm operation.”

13  
14 Mr. Elwell asked if for the first 10 years there is presumably a warranty, so should the Board still look  
15 for the 12.5%.

16  
17 Mr. Hall stated that the revision starts out with a letter of credit for 50% until year six and increases  
18 62.5% until year eleven, and then it becomes 125%. He said that it stays as a letter of credit until year  
19 15, and after that, it is converted into an escrow account.

20  
21 Mr. DiNovo stated that 50% might be too high initially, and 20% would be more realistic, because the  
22 risks of abandonment during the first six years seems pretty low. He said that he is trying to think of the  
23 reasons why the County would need to draw on a letter of credit, because it seems unlikely.

24  
25 Mr. Passalacqua stated that perhaps the solar company does not play well with the utility and technology  
26 is moving at lightning pace by making panels that that are just as good and cost less, so the solar  
27 company starts thinking that they should have not constructed the solar farm and should have waited two  
28 years because Ameren isn’t going to pay them at the production rate that they were guaranteed, so we  
29 should flip the switch and walk away. He said that no one is going to want to buy the existing solar farm  
30 because there are better panels available that are smaller, more efficient, and better for one-third the  
31 money.

32  
33 Mr. Hall stated that someone has provided the money for the solar farm to be constructed, so he does not  
34 believe that they are just going to walk away from it.

35  
36 Mr. Passalacqua stated that someone will have to buy it, so why can’t the County have the assurance.

37  
38 Mr. DiNovo stated that the rate that they are paid from the utility companies is set by the State; it is not a  
39 commercial deal. He said that Ameren is not going to buy the power because they want to, but because  
40 the state is telling them that they have to, and the state is setting the price so that the economics works  
41 out for the solar farm developers. He said that unless the Board thinks that this very carefully crafted  
42 piece of legislation, which has a lot of players and interests behind it, is going to be rewritten, then he  
43 does not see how the economics of it is going to change very much. He said that whether there are more  
44 efficient panels or not is not going to set the deal, because the deal has been set by FEJA indicating the  
45 requirement for the utilities to purchase this power. He said that he does not believe that there is a  
46 business risk, and the only risk that he could imagine would be some sort of catastrophic occurrence.

47

1 Mr. Passalacqua stated that a catastrophic occurrence would be covered by insurance.  
2  
3 Mr. DiNovo stated that he believes that 50% is too much, and he was thinking that a performance bond  
4 would suffice.  
5  
6 Mr. Randol stated that he would keep it where it is and require the 50%. He said that the solar farm  
7 could be working well at six years, but that doesn't mean that the operators are managing their business  
8 well and would not go bankrupt.  
9  
10 Ms. Griest stated that the Board is in a much better position with the solar ordinance proposal than they  
11 were with the wind farm ordinance, because there was no state governing legislation at that time. She  
12 said that the fact that this would fall under the wind farm decommissioning requirements, at least there is  
13 something out there now that is state wide. She asked if Champaign County was one of the first counties  
14 to require decommissioning for wind farms.  
15  
16 Mr. Hall stated that it was common for counties to require decommissioning, but no one yet requires an  
17 escrow and the 210% increase.  
18  
19 Ms. Griest stated that there wasn't any legislation out there that protected anyone, but now there is  
20 legislation.  
21  
22 Mr. Hall stated that the legislation establishes a floor.  
23  
24 Ms. Griest stated that she crunched some numbers and looked at worst/larger case scenario and the  
25 dollars at exposure, and if the revenues for increased property tax were at the level that Mr. DiNovo has  
26 forecasted, the County would have some risk, but not as much risk as was there for the wind farms. She  
27 recommended that the Board stay at the 12.5% which is consistent state wide and appears more  
28 attractive to developers.  
29  
30 Mr. DiNovo stated that the business risk is very low because the revenue stream is written into the law,  
31 and even if the initial developer went belly up, it would be a cash cow that will be attractive to other  
32 parties. He said that if there is a bankruptcy, it is likely that it will be reorganized and keep going, or  
33 otherwise it will be liquidated and picked up from someone. He said that these kinds of assets that have  
34 a secure cash flow are very attractive, and he cannot imagine someone not coming in and picking up this  
35 asset, and it is unlikely that it will just sit out there. He said that he also agrees with the 12.5%.  
36  
37 Mr. Elwell stated that the insurance, basically the escrow, should equate to the rest that the Board is  
38 looking at. He said that for the first ten years, there is not a lot of risk that the particular solar farm will  
39 not work, so he agrees that 50% is too high and 12.5% might be a little low, but it should equate to the  
40 amount of risk that is being shared by not only the owner/operator, but by the County itself.  
41  
42 Mr. Passalacqua asked Mr. Elwell to propose his acceptable percentage.  
43  
44 Mr. Elwell stated that he has heartburn by throwing out an arbitrary number. He said that state  
45 legislators, some are a lot smarter than he is, have set a state percentage of 12.5% and he would think  
46 that 12.5% is adequate for the amount of risk during the first ten years.  
47

1 Mr. Passalacqua stated that it is 12.5% for the first six years.

2

3 Mr. Elwell thanked Mr. Passalacqua for the correction.

4

5 Ms. Lee stated that she is more comfortable with the 50% proposal rather than the 12.5%.

6

7 Mr. Elwell asked Ms. Lee how she would justify the 50%.

8

9 Ms. Lee stated that they could draw all of the cash out, and liens could be placed on the equipment. She  
10 said that you cannot foresee all of the things that could happen with these types of situations.

11

12 Mr. Elwell stated that the 50% may be cost prohibitive, so going down a rabbit hole on the idea that  
13 everything will be liquidated, or that the solar farm will not be productive within the first six years, is a  
14 little out there.

15

16 Mr. DiNovo stated the limit on liens is tied to the percentages, so maybe during the initial period the  
17 limit on liens could be higher, although he does not know what that would do to financing the project.

18

19 Mr. Passalacqua stated that it is going to be easier to require them to have a larger letter of credit than it  
20 is for their financing agreement.

21

22 Mr. DiNovo stated that he does not know which arrangement would be better.

23

24 Mr. Passalacqua stated that we could expect their lien amount to go down as their escrow goes up. He  
25 said that if 50% is too strong and 12.5% is too light, and the Board does not want to stray too much from  
26 the state, then we should have at least 25%.

27

28 Mr. Elwell stated that today, he is not able to say whether 12.5%, 22.5%, or 50% is best. He asked the  
29 Board if they were ready to indicate the best percentage.

30

31 Mr. Passalacqua stated that the Board is not going to be able to say until six years from now when  
32 something has gone wrong, so it is not an arbitrary number, because we are forecasting as best as  
33 possible and we do not know what is going to happen or perform a mathematical calculation. He said  
34 that it is comfort level to risk and he does not believe that 12.5% is anything.

35

36 Mr. Elwell stated that the State indicates that 12.5% is best.

37

38 Mr. Passalacqua stated that he does not care what the State indicates, because if we were to default to  
39 everything that the State and what the Illinois Pollution Control Board indicates is a reasonable decibel  
40 rating for sound, then everyone should just go home. He said that this Board is creating an ordinance  
41 that is unique to Champaign County, and the State guidelines can be considered, but this Board is fine-  
42 tuning this ordinance for their neighbors.

43

44 Mr. Elwell stated that he is afraid that if he agrees with 25%, the solar developers may indicate that it is  
45 not feasible for them to build in Champaign County, whereas the 12.5% is feasible.

46

47 Mr. Passalacqua stated that if 12.5% reserve makes or breaks a project, then those companies do not

1 have the revenue stream, because pennies are not going to break this project.

2  
3 Mr. Hall stated that pennies may not break the project, but the developers can go to another county  
4 where they would not have to provide that much.

5  
6 Mr. Passalacqua stated that he understands that, and maybe those other counties have other  
7 circumstances or value their land and neighbors differently, but Champaign County is not like every  
8 other county. He said that Champaign County is the only county that required 250% decommissioning  
9 for the wind towers, and they are there. He said that if this is a desirable site that has wonderful amounts  
10 of sunshine, and there is an agreement to buy the power, and there is a substation in the field, and the  
11 farmer wants to lease his land, then the project will happen in Champaign County. He said that he does  
12 not believe that this one criteria will be the Achilles heel for the project. He said that the 12.5% protects  
13 the citizens of Champaign County.

14  
15 Ms. Griest stated that she is still at 12.5% for the first six years. She asked Mr. Passalacqua to sell her  
16 on how 50% is necessary.

17  
18 Mr. Passalacqua stated that he is trying to work with the Board and he is trying to get down to the 12.5%  
19 if 50% is too stringent.

20  
21 Ms. Griest stated that in staying with the state standards, Champaign County will stay competitive,  
22 whereas in year six the rate goes to 62.5%. She asked Mr. Passalacqua to indicate what additional  
23 advantage the 50% will provide the County that is not being captured while the equipment is still under  
24 warranty until year six.

25  
26 Mr. Passalacqua stated that the answer would be the same as to why we jump to 62.5% at year seven.

27  
28 Ms. Griest stated that we jump to 62.5% at year seven because it is the State standard and it puts the  
29 County on a level playing field. She said that if they would go belly up, it would be a nasty mess for  
30 everyone anyway, and there is no right answer, but she would rather be on a level field here, because the  
31 exposure is lower, and be tighter on our protection of the surrounding landowners with setbacks and  
32 noise requirements. She said that she leans more to being more stringent there than here, from the State  
33 standards. She said that she wants to make sure that our individuals who will be impacted by a  
34 development, should it choose to come to Champaign County, have the best possible protection, where  
35 this is more of the one off for her, spread over the entire county as opposed to the individual, and that is  
36 her personal policy on the whole approach. She said that she did some math calculations and it would  
37 take approximately \$5 million dollars if it were at 100% if they were to decommission the whole thing  
38 and it was a monster project. She said that the day when the County could not absorb that is an entirely  
39 different scenario than taking down a bunch of wind towers with tons of concrete.

40  
41 Mr. Passalacqua stated that, should a project of this scope be built and sold, the requirement travels with  
42 the project, regardless of who the owner is.

43  
44 Mr. Hall stated yes.

45  
46 Mr. Elwell stated that he agrees with the 12.5%.

47



1 Ms. Capel asked the Board if they wanted to address noise.

2  
3 Ms. Griest stated that it is 9:05 p.m. and there are audience members who have signed the witness  
4 register to present testimony. She said that Ms. Capel could ask the people on the witness register if they  
5 would like to defer their testimony tonight to another time so that the Board could continue their work.

6  
7 Mr. Passalacqua stated that the people on the witness register have sat here patiently while the Board  
8 discussed the ordinance, so they should be heard.

9  
10 Ms. Griest stated that, due to pain from a recent surgery, she would appreciate the Board ending the  
11 meeting at 10:00 p.m.

12  
13 Mr. DiNovo noted that the longer the Board discusses the ordinance, the public would have a clearer  
14 idea of what the Board might recommend to the County Board, thus it could lessen testimony.

15  
16 Ms. Capel informed the audience that they could email their testimony to the staff, and that email will be  
17 forwarded to the Board and included in the next mailing for the proposed amendment.

18  
19 Ms. Lee stated that the people who have signed the witness register, and who have waited patiently for  
20 two hours, should have the opportunity to present their testimony tonight.

21  
22 2:04:11 Ms. Capel called Larry Wood to testify.

23  
24 Mr. Larry Wood, who resides at 2655 CR 550E, Mahomet, stated that 18 months ago he installed a 10-  
25 kilowatt solar system on his property, and his experience has been that the system is very beneficial to  
26 him with respect to the cost. He said that he used approximately 14-kilowatts of power during the year  
27 and the system produced approximately 12.5-kilowatts, so his total electric bill was about \$620, and  
28 \$480 of that was the service fee that he is required to pay and the other \$120 was the fee for the  
29 electricity that he used. He said that the system is located on the south side of his property, which is in  
30 the middle of a square mile, and is approximately 200 feet from the barn where it comes in to meet his  
31 power. He said that the solar system does not cause any issue regarding visibility, and the system that he  
32 has is a two-tier panel system and it is only 8.5 feet high from the ground. He said that his property is  
33 surrounded by trees and personally he could care less if the entire square mile was filled with panels, it  
34 would be fine with him and he would not require a setback, because he would either be looking at solar  
35 panels or corn and soybeans. He said that the system that he has, where you convert electricity from DC  
36 to AC, is in his pole barn and it only generates a faint humming noise, and 10 feet outside of his barn he  
37 cannot hear it. He said that in terms of a setback, he does not know that he would necessarily suggest a  
38 setback, which may not work in all cases depending on the configuration and size of the property, but to  
39 simply require that noise be mitigated through the use of a baffle or inside a temporary structure would  
40 take care of the problem.

41  
42 Mr. Wood stated that he has an agricultural background, as he grew up on a farm in upstate New York  
43 raising fruits and vegetables, and after attending the University of Illinois, he was employed by the  
44 Andersons for 34 years, and the last 13 years of that he was the General Manager for the facility that is  
45 located on the west side of Champaign. He said that after his retirement in 2008, he has been teaching  
46 agriculture classes at Parkland relating to marketing and involved with a number of sustainability issues  
47 around Champaign and has been for a number of years, agricultural issues specifically. He said that he is

1 on the Board for the Land Connection, which is involved in sustainability with agriculture. He said that  
2 with respect to the issue regarding farmland preservation, he would definitely agree with the comments  
3 that were made earlier indicating that the farmland, other than from the compaction from the installation  
4 or deinstallation process of the solar equipment, will cause limited damage to the underlying soil. He  
5 said that the soil laying fallow or with some sort of cover crop could potentially in three years gain an  
6 organic certification, which would make the land two or three times more valuable to the farmer once it  
7 is returned to agriculture than it was before. He said that the land is not going to be taken completely out  
8 of agricultural production, because in this area, we primarily think of corn and beans, but with the right  
9 kind of low growth cover crop underneath, it would be a huge refuge for pollinators. He said that  
10 intensive honey production could yield approximately 400 to 500 pounds per acre, and with this type of  
11 installation, there could be a good revenue stream. He said that whether this is something that the solar  
12 company or the farmer decides to take advantage of is completely up to them, but if they do, the  
13 neighbors could also set up their own apiary generating their own significant revenue stream, as bees do  
14 not care about property lines.

15  
16 Mr. Wood stated that a proposed solar farm could affect many people in the area. He said that if you  
17 think about someone who has one acre of property that is surrounded on all four sides by a solar farm, it  
18 could be protected by requiring a 200 feet setback, but the Board should realize that in doing so they are  
19 taking out eight acres of land, 600 feet by 600 feet, with the one acre in the middle for the residence;  
20 thus seven acres is being taken out of use by the individual who is leasing the property. He said that he  
21 would guess that the company is leasing the farmland at \$1,000 dollars per acre, and if they must do this  
22 several times then it is a significant amount of money. If it is six structures that fit into the mold, then we  
23 are talking about 40 acres that will be coming out. He said that for a large solar farm, the 40 acres would  
24 only be approximately 3% of the 1,300 acres being requested near the Village of Sidney, but if you have  
25 the same 200 feet setback requirement for a smaller community solar farm, it might be a bigger issue in  
26 being economically feasible because you would be taking out a larger percentage of the ground that was  
27 set up to be used. He said that regarding technology and the dollar amount required for  
28 decommissioning, he would suggest to the Board that the payback for his personal solar system, which  
29 he bought at retail, is approximately five and one-half years, and after that it is a cash cow. He said that  
30 any solar company that will install a large solar farm will be purchasing the equipment at wholesale,  
31 which is considerably cheaper than what he paid for his system, and with the federal tax credits and  
32 rebates that the company will be receiving, no investor is going to just walk away from it. He said that  
33 with the rate of which technology is changing, because five years ago this Board would not have thought  
34 about this stuff, and five years from now the Board will be faced with a lot of other things like this, and  
35 in five to 10 years the solar panels that are installed may or may not become obsolete, but with the  
36 structure underneath it that is already in place, it would make sense that new solar panels with a lot  
37 higher yield would be put in their place. He said that if the economics are there, the solar company will  
38 replace the obsolete solar panels with more technological panels that provide a higher yield and revenue  
39 stream.

40  
41 Ms. Griest asked Mr. Wood if he had recommendation for a specific cover crop.

42  
43 Mr. Wood stated that he is not a horticulturist, but he does know that Pheasants Forever does have a  
44 package that they could put together, and the University of Illinois and Parkland College have very  
45 strong horticulture departments. He said that if you are going to do something like that, what you want  
46 to plant is a variety that produces strong nectar over a longer period of time, so that the honey production  
47 is maximized.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

Ms. Griest stated that she was not specifically looking at the bees, but vegetation that would establish itself in a shorter amount of time than many of the pollinators do.

Mr. Wood asked Ms. Griest if she is talking about the type of plant life that could be planted under the solar panels.

Ms. Griest stated yes.

Mr. Wood stated that most plant life would establish itself very quickly once the installation is complete.

Ms. Griest stated that the Board has received a lot of testimony and it appears that it is three years before you get a good stand on any kind of perennials that would serve as a cover crop on that ground.

Mr. Wood stated that the Board would have to ask someone who is more involved in horticulture than he is; regardless, there should be a pretty good revenue stream out of that.

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

Ms. Capel called Jonah Messinger to testify.

Mr. Jonah Messinger, who resides at 204 East Peabody Drive, Champaign, stated that most of his testimony is based off the testimony regarding noise at the April 12<sup>th</sup> meeting. He said that he believes that another sentence could be added to the language regarding property values which indicates that studies have been completed showing that property values will not be affected, and recognizing their potential flaws in comparisons, rather than saying that there is nothing to suggest that it does.

Ms. Capel stated that there is a statement like that in the Finding of Fact, and it was discussed at the beginning of the meeting.

Mr. Messinger stated that there was a comment regarding hail damage. He said that strong tempered glass is used for the panels and research has been done by NREL (National Renewable Energy Laboratory) in Colorado, that in most cases solar panels are tested and confirmed to withstand hail up to 25 millimeters, or 1 inch, falling at 23 meters per second or 50 miles per hour. He said that he believes it is important to create a new land designation for solar farms, because they are quite different from a wind farm or utility scale Peaker plant. He said that a Peaker plant will put out more toxins than a solar farm and it would create a more obstructive view, and the decommissioning costs for both are a lot different than for a solar farm. He said that utilities and the solar company would sign a power purchase agreement which would standardize the price that the energy is sold at or it would be adjusted by the state; therefore, he does not see bankruptcy being an issue.

Mr. Messinger stated that the rest of his testimony is in regard to testimony indicating that the solar farm would create a noise nuisance. He said that the way that sound travels, it is a logarithmic function with respect to distance, so as you go away from the source of the sound, an inverter, the sound decibel reduces by a factor of 10. He said that it is standard to have an inverter decibel rating of 61.43 at 32.8 feet, but depending on what kind of scheme a company would use for their inverter style, whether it be a

1 three-phase, string, or centralized inverter, it is an outrageous claim that you could hear the inverters off  
2 the site, and it is not accurate. He said that many people were making the assertion that they would be  
3 able to hear the inverter off the site, although they had no backing for their belief. He said that even a  
4 setback would not change it, because with a setback the inverter location does not change, so for  
5 example, if you have an allotment of property and the solar panels are setback 200 feet the inverter  
6 location will not change. He said that a standard air condition has a decibel rating of 50 decibels, so the  
7 noise from an inverter is not an issue.

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

10  
11 Mr. Messinger submitted his written comments as a Document of Record.

12  
13 Ms. Capel called Phillip Geil to testify.

14  
15 Mr. Geil was absent from the meeting.

16  
17 Ms. Capel called Geri Theobold to testify.

18  
19 Ms. Theobold was absent from the meeting.

20  
21 Ms. Capel called Rod Schweighart to testify.

22  
23 Mr. Rod Schweighart, who resides at 307 Emerald Lane, Philo, stated that he is a real estate agent from  
24 the Philo-Sidney area. He said that prior to being a real estate agent, he was a banker in the Philo-  
25 Tolono area. He said that he did a small personal survey of his clients and other people, and two people  
26 did not care if a solar plant was across the street from them with no buffer or setback requirement, and  
27 the rest indicated that they would prefer not to have a solar farm across the street from their homes. He  
28 said that for a small town it is his opinion that a buffer is a good idea, and if a majority of buyers were  
29 asked they would indicate that they would not want to look for a home near a solar farm, so it will affect  
30 a property's value. He said that an appraiser will run comparisons during an appraisal, although there is  
31 no comparable to use, so that too will affect the property value of a home which is for sale near a solar  
32 farm. He said that as a small town, longtime advocate of his small town, and knowing most of the  
33 farmers between Philo and Sidney, it would be a neighboring thing in requiring a buffer. He said that he  
34 is not present to argue whether or not a solar farm is good or bad, but he is present to provide his  
35 professional opinion that there does need to be at least 500 feet separation.

36  
37 Ms. Capel asked the Board and staff if there were any questions for Mr. Schweighart, and there were  
38 none.

39  
40 Ms. Capel called Ted Hartke to testify.

41  
42 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, stated that previously he made a statement and  
43 he would like to correct his mistake. He said that his previously stated that the interior access roads  
44 within the development were a graveled surface. Mr. Hartke stated that his statement was incorrect and  
45 asked the Board to accept his apologies for his incorrect statement. He said that he would like to state  
46 that the interior access roads as shown are 90% compacted dirt roads.

47

1 Mr. Hartke stated that as he sat in the audience he heard someone ask a question regarding the basis for  
2 the solar farm's size. He said that he believes that the basis for limiting the size of a solar farm should  
3 be the same basis as limiting a lot on best prime farmland to three acres. He said that if the property  
4 lines should be adhered to, then the noise limit trespassing the property line should also be adhered to,  
5 because people own their properties up to the property line, straight up into the air and down into the  
6 ground. He said that noise encroachment is an encroachment on the neighbor. He said that during a  
7 meeting last night at the Village of Sidney, a solar developer claimed that no one would ever hear the  
8 noise. Mr. Hartke stated that if the solar developer's statement is true, then all solar developers should  
9 be held to a 39-dBA maximum, because at 40-dBA health effects begin. He said that the ZBA recently  
10 received a property value analysis for a home located in LaSalle County, Illinois. He said that the  
11 LaSalle County homes near the solar farm are also across the street from the nearest wind turbines in  
12 LaSalle County, and next to the wind farm in LaSalle County is a nuclear solar plant. He said that he  
13 does not believe that the LaSalle County property value analysis indicating that the residential property  
14 next to the solar farm did not lose value would be valid if it was also next to a nuclear power plant and  
15 the wind farm, and that analysis should not be considered any longer by this Board. He said that there  
16 was discussion about how the LaSalle County solar farm was taxed and how much revenue was  
17 received. He said that the Board should plan on and bet that as soon as the local assessor places a value  
18 on the solar farm, without any sort of State statute backup, he would assure the Board that the  
19 assessment will be appealed. He said that the solar company will file an appeal based on the lack of  
20 comparisons, and they will provide a different assessment for comparison.

21  
22 Mr. Hartke stated that Mr. DiNovo indicated that farmland is bare during most of the year. Mr. Hartke  
23 stated that he is here to tell the Board that farmland is not bare, because after harvest the ground is  
24 covered with corn stocks, bean stems and other decaying matter to rejuvenate the soil.

25  
26 Mr. Hartke stated that there was a question regarding liens against the solar farm, and what would  
27 happen if the solar company were to leave town. He said that the solar farm developer indicated that his  
28 company had financing in place and that people would be able to invest into the solar farm. Mr. Hartke  
29 said that testimony was received from a church group indicating how they would invest and purchase  
30 shares for a proposed solar farm in Champaign County. He said that it appears that the financing that is  
31 in place, the bank or list of investors, have the first lien and ownership rights against the solar farm. He  
32 said that if the solar farm developers leave town, the bank and investors that own the note on the  
33 financial arrangement has the ability to receive the income for any salvage value; therefore, your salvage  
34 value should not be accounted for when considering the decommissioning agreement.

35  
36 Mr. Hartke stated that the Board discussed the speed of technology, and when wind turbines were  
37 constructed at Mendota Hills, they were the best of the best technology when they were installed. He  
38 said that those wind turbines are now 15 years old and are now being cut down like trees, Paul Bunyan  
39 style, and are being replaced by bigger and better turbines. He said that it isn't crazy to believe that in 15  
40 years, the solar panels for a proposed solar farm in Champaign County will be removed and replaced  
41 with different ones, and this is no different that changing tires on your car. He said that there are no  
42 recycling companies in Illinois which accept solar panels, and he does not know if that is because there  
43 are no solar panels ready for recycling yet, or if they are considered e-waste, much like computer  
44 monitors. He said that there are two recycling companies in the United States that do accept solar  
45 panels; one in Wisconsin, who does not pay you for solar panel waste, but charges .78 cents per pound  
46 for them to accept the solar panels for recycling, which is not much different that recycling used tires. He  
47 said that .78 cents per pound times 50 pounds per solar panel times the proposed 150-megawatt project,

1 there will be 5,992 panels which will cost \$23 million dollars for recycling, although that does not  
2 include transport to the facility.  
3 Mr. Hartke stated that the second recycling facility that will accept solar panels is in Cincinnati, Ohio.  
4 He said that this facility charges .48 cents per pound for recycling, which means that it would cost \$14  
5 million dollars for recycling, and these are today's prices in a real-life scenario. He said that if he had  
6 solar panels to recycle, he would take them to the Cincinnati recycling facility. He said that the  
7 gentleman that he spoke with was Kyle Amann, who is the facility manager for Clean Lights Recycling,  
8 and Mr. Amann indicated that many of the solar panels fail the Toxicity Characterization Leaching  
9 Procedure (TCLP) and have Resource Conservation and Recovery Act (RCRA) metals, which are heavy  
10 metals such as arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver, and are only  
11 allowed to be placed at a permitted hazardous waste landfill. Mr. Amann stated in his email to Mr.  
12 Hartke that that a sample of the glass area of the solar panels that will be used at a proposed site in  
13 Champaign County, should be sent for an analysis. Mr. Amann said that being in the industry, he can  
14 confirm that approximately 90 plus percent of the panels will fail these tests, but they are able to accept  
15 the panels as non-hazardous waste because they are recovering the metals and recycling the material.  
16 Mr. Amann stated that he would be very cautious should they choose to landfill the panels, as it opens  
17 them up to an increased liability should the panels fail the analysis, which would impose a very large  
18 fine for not following the RCRA. Mr. Amann stated in his email that if Mr. Hartke or the County had  
19 any additional questions, he could set up a phone call with Tim Kimmel, who is very knowledgeable  
20 about solar panels. Mr. Hartke stated that he will forward Mr. Amann's email to staff as a Document of  
21 Record, and perhaps staff can follow-up with Mr. Kimmel to see if recycling the solar panels is as bad as  
22 it sounds. Mr. Hartke stated that, as he already noted, there are no hazardous waste landfills in Illinois,  
23 so if the solar panels fail the TCLP test, they cannot go to any typical landfill in Illinois, but if they pass  
24 the test they can be, and he will provide the cost for dumping the solar panels at the landfill.

25  
26 Mr. Hartke stated that previous testimony tonight indicated that this inverter produces 64.3 dBA at 32  
27 feet away, which is 10 meters. Mr. Hartke stated that for the 64.3 dBA to dissipate at distances away, an  
28 inverter needs to be 800 feet away from a property line to be below 40 dBA, which is the noise limit that  
29 starts to cause adverse health effects.

30  
31 Mr. Elwell stated that he downloaded an application on his phone which measures dBA. He said that  
32 last night he found that the maximum dBA in his bedroom was 39 dBA, and he contributes that to his  
33 snoring dog, and the lowest was 36 dBA. He said that he lives in a residential neighborhood which is  
34 close to the intersection of Mattis Avenue and Windsor Road, and after recording for approximately 30  
35 minutes, the loudest dBA was 63 dBA, which he attributes to his neighbor using his table saw. He said  
36 that the average noise level was 47 dBA and the lowest was 43 dBA. He said that he does not see  
37 anyone rioting in the street and he does not consider himself adversely affected health wise by living in  
38 an area that was only three decibels higher than what the state recommends. He said that his sample is  
39 not scientific and was done on his phone, but it is hard for him to say that the solar company must  
40 provide a decibel reading that even his snoring dog goes above, and is the decibel rating that he sleeps  
41 with every night.

42  
43 Mr. DiNovo asked Mr. Hartke if he would recommend that the County adopts the 40 dBA generally for  
44 all noise sources.

45  
46 Mr. Hartke stated that he would only recommend that the County adopts the 40 dBA for long term,  
47 constant noise sources. He said that Mr. Elwell's snoring dog and the traffic near his home is more of an

1 ambient noise, which has the tendency of having broad frequency changes and is broadband in nature.  
2 He said that noise from the solar panels or inverters will have a humming noise and will be more tonal in  
3 nature. He said that some people have very soothing voices, but he does not, and it is a huge  
4 disadvantage to him when he wants people to listen to what he had to say. He said that the type of noise  
5 coming from a wind turbine, solar panel, or inverter, could be interpreted as being a very annoying noise  
6 and a nuisance, which is why the noise limit has been discussed by multiple acousticians who have  
7 recorded and responded when there are complaints.

8  
9 Mr. DiNovo stated that noise from a commercial air conditioner or refrigeration system that runs almost  
10 continuously for extended periods of time could be considered a nuisance. He said that he is trying to  
11 understand what kinds of noise sources the 40 dBA noise standard should apply to, such as grain bin  
12 dryer fans that run almost continuously. He asked Mr. Hartke if the 40 dBA noise standard should apply  
13 to grain bin dryer fans too.

14  
15 Mr. Hartke stated that the noise generated from a grain bin dryer could be considered the same kind of  
16 noise.

17  
18 He said that if there was a complaint, and the noise is over 40 dBA, he could provide the noise analysis  
19 that was completed for the California Ridge Wind Farm that was next to the home that he and his family  
20 abandoned, and that noise measurement was in the magnitude of 45 dBA, but if it had been 39 dBA or  
21 below, he would still be living in his home in Vermilion County and would never had known that solar  
22 panels could be harmful. He said that 40 dBA is what the World Health Organization (WHO) considers  
23 where adverse health effects begin. He said that Dr. Schomer, who wrote the Illinois Pollution Control  
24 Board standards and provided sworn testimony in Livingston County that wind turbines should be 3,250  
25 feet from a residence, also said it should be 39 dBA or below. He said that one of his submittals to the  
26 Board provided an example of a community solar project in New Jersey where the inverters were placed  
27 outside the fence and near homes, and it was discovered that the placement of the inverters was a huge  
28 mistake and they moved the inverters inside the fence and constructed a shelter over the top of them. He  
29 said that the noise concerns are avoidable if the inverters are positioned in the center of the solar farm  
30 and if that is not acceptable, a shelter can be constructed to house the inverter. He said that the solar farm  
31 developer indicated that the noise from the solar panels and inverters will never be heard, although Mr.  
32 Elwell's noise level in his bedroom was 39 dBA due to his snoring dog.

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

35  
36 Mr. Paul Lewis, who resides at 2 Stewart Lane, Sidney, stated that he feels an obligation to attend all the  
37 solar farm meetings until the solar farm ordinance is complete. He said that he does not envy the Board  
38 because they are headed into an entirely unfamiliar territory with innovative technology, and to expect  
39 anyone to have all the answers is probably asinine. He said that he lives on a three-acre lot and if he  
40 decides to install a solar system, he will plant a hedge to hide it. He said that he does not have a good  
41 concept regarding what a decibel is, but during the daytime when he is in his backyard, he does not  
42 notice the train traveling on the train track that is approximately one mile from his house, but at night he  
43 can tremendously hear the train. He said that he lives on a two-lane road that travels between Sidney  
44 and Longview, and at night he can hear vehicles that are several miles away before he can actually see  
45 them, but during the day, he doesn't. He said that Mr. Brown indicated that inverters do not operate at  
46 night and he hopes that is true.

47

1 Ms. Capel noted that the inverters do not run at night because the sun does not shine at night.

2  
3 Mr. Lewis stated that Mr. DiNovo indicated that the County does not have a solar farm ordinance, the  
4 County will be exposed to the state code, and the Village of Sidney feels the same way. He said that  
5 when he reviews the language in the proposed amendment he sees the one and one-half mile separation,  
6 and the term CUGA, which he assumes requires a sewage plan in order to have the Village of Sidney's  
7 Comprehensive Plan recognized. He said that he generally feels pretty good about the ordinance when  
8 he walks in the meeting, but feels the opposite when the meeting is over, and that is because of the text  
9 changes that occur between the meetings. He said that on April 25, 2018, the Village of Sidney had a  
10 very good meeting with Mr. Brown and his team, and it appears that they are taking the Village of  
11 Sidney's concerns into account and have modified their plan. He said that he would not say that he is  
12 opposed to solar energy, but realistically he does not believe that the solar farm will have a 25-year  
13 lifespan, because technology will move forward and it is possible that solar farms, wind farms, and  
14 nuclear plants will not be necessary. He said that he does agree with Mr. Koers, in that you must plan  
15 for the worst and hope for the best and don't find yourself out to dry. He asked Mr. Hall if subparagraph  
16 6.1.5.B.(2)a. has been discussed and adopted.

17  
18 Mr. Hall stated that nothing has been adopted.

19  
20 Ms. Griest stated that subparagraph 6.1.5.B.(2)a. was one of the first items that the Board discussed  
21 tonight.

22  
23 Mr. Lewis stated that he must have missed that discussion while he was reading the current information.  
24 He said that he has been on Boards such as the ZBA and will be attending all the solar meetings until the  
25 ordinance is adopted. He said that he is not in attendance to waste the Board's time, but he came to the  
26 first meeting and he will be here for the last meeting.

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

29  
30 Ms. Capel called Scott Willenbrock to testify.

31  
32 Scott Willenbrock, who resides at 1017 W. White Street, Champaign, stated that he wanted to provide a  
33 perspective on the land use concerns. He said that it does make sense to commit some land in  
34 Champaign County to solar. He said that corn is planted and it captures sunlight and turns it into energy,  
35 and in the United States, 30 to 40% of the corn raised goes into the production of ethanol, which then  
36 goes into our vehicles for fuel. He said that in the United States, 10% of the fuel is required to be  
37 ethanol. He said that in contrast, the solar energy is produced by a solar panel, turned into electricity and  
38 then put into an electric vehicle. He said that electric vehicles are a growing industry in the United  
39 States and Ford Motor Company is putting over one billion dollars into the electrification for their fleet  
40 of vehicles. He said that in both cases solar energy is being used for fuel for vehicles, and putting  
41 electricity in a vehicle is over 100 times more efficient than putting sunlight into corn, making ethanol,  
42 and then putting it into a vehicle. He said that when you think about land use, you must take into the  
43 consideration that the value for electricity is very high.

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

47



1 Ms. Capel stated that the Board would defer the discussion regarding noise and setbacks to the next  
2 public hearing.

3 Ms. Capel entertained a motion to hold a Special Meeting of the Champaign County Zoning Board of  
4 Appeals on May 3, 2018, at 7:00 p.m., regarding Case 895-AT-18 only.

5  
6 **Mr. DiNovo moved, seconded by Mr. Elwell, to hold a Special Meeting of the Champaign County**  
7 **Zoning Board of Appeals on May 3, 2018, at 7:00 p.m., regarding Case 895-AT-18 only. The motion**  
8 **carried by voice vote.**

9  
10 Mr. DiNovo stated that no new supplemental memorandums are necessary. He requested that the agenda  
11 indicate the notation that Board discussion will occur prior to public testimony.

12  
13 **6. New Public Hearings**

14  
15 **None**

16  
17 **7. Staff Report**

18  
19 **None**

20  
21 **8. Other Business**  
22 **A. Review of Docket**

23  
24 No discussion occurred regarding the docket.

25  
26 **9. Audience participation with respect to matters other than cases pending before the Board**

27  
28 **None**

29  
30 **10. Adjournment**

31  
32 Ms. Capel entertained a motion to adjourn the meeting.

33  
34 **Ms. Griest moved, seconded by Mr. Elwell, to adjourn the meeting. The motion carried by voice vote.**

35  
36 The meeting adjourned at 9:59 p.m.

37  
38  
39 Respectfully submitted

40  
41  
42  
43  
44 Secretary of Zoning Board of Appeals

45  
46  
47

1  
2