

AS APPROVED NOVEMBER 29, 2018

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: September 13, 2018 PLACE: Lyle Shields Meeting Room
1776 East Washington Street
TIME: 7:00 p.m. Urbana, IL 61802

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

MEMBERS ABSENT: Jim Randol, Ryan Elwell

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Wally Worley, Tami Fruhling-Voges, Mark Catron, Ed Switzer, William McKee, Jeff Snodgrass, Charles White, Jeff Justus, Erica Justus, Chris Fleming, Anna Glasa, Bob Glasa, Ruth Esry, Lloyde Esry, Terry Wolf, Judy Wertz, Shawn Walker, Becky Smith, Paul Swinford, Barbara Swinford, Rod Maddock, Tim Osterbur, Jim Nonman, Joyce Hurd, Bill Glithero, David Jones, Matt Sharp, Ben Frick, Arthur Rapp, Brenda Housenga, Sandy Barcus, Lisa Nesbitt, Doug Nesbitt, Jeff Housenga, David Barcus, Paul Routh, Brad Marsh, Ted Hartke, Phil Fiscella, David Herriott, Adrienne Josefik

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

4. Approval of Minutes

1 None

2

3 **5. Continued Public Hearing**

4

5 None

6

7 **6. New Public Hearings**

8

9 **Case 903-S-18 Petitioner: FFP IL Community Solar LLC, via agent David Dickson Request to**
 10 **authorize two Community PV Solar Farms with a total nameplate capacity of 4 megawatts (MW),**
 11 **including access road and wiring, in the AG-1 Agriculture Zoning District, and including the**
 12 **following waivers of standard conditions: Part A: A waiver for a separation of 0 feet in lieu of the**
 13 **minimum required 240 feet between the PV Solar Farm and non-participating properties 10 acres or**
 14 **less in area, per Section 6.1.5 C. (3) a. of the Zoning Ordinance. Part B: A waiver for a distance of**
 15 **1,000 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-**
 16 **half mile (2,640 feet), per Section 6.1.5B. (2) b. Part C: A waiver for not including a signed**
 17 **Decommissioning and Site Reclamation Plan with the Special Use Permit application, per Section 6.1.5**
 18 **Q. Other waivers may be necessary. Location: Part of a 121.79-acre tract comprised of part of Lot D**
 19 **of the Proprietor’s Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of**
 20 **the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house**
 21 **located at 2232A CR 1000N, Sidney.**

22

23 Ms. Capel informed the audience that Case 903-S-18 is an Administrative Case and as such, the County
 24 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will
 25 ask for a show of hands for those who would like to cross-examine, and each person will be called upon.
 26 She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
 27 questions. She said that those who desire to cross-examine are not required to sign the witness register
 28 but are requested to clearly state their name before asking any questions. She noted that no new
 29 testimony is to be given during the cross-examination. She said that attorneys who have complied with
 30 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

31

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

36

37 Ms. Capel asked the petitioner if he desired to make a statement regarding Case 903-S-18.

38

39 Mr. Ed Switzer, Project Development Manager for ForeFront Power, presented a PowerPoint
 40 presentation titled, “Champaign County ZBA-Wolf-Wertz & Woodard Trust Solar Projects.” He said
 41 that ForeFront Power is a leading renewable energy developer with focuses on wholesale power, behind
 42 the meter, and virtual renewable energy solutions. He said that ForeFront Power’s team has experience
 43 developing over 800 MW of capacity across more than 1,000 projects, and as a reference the proposed
 44 project is 4 MW. He said that ForeFront Power is based in San Francisco, and their team has developed
 45 renewable energy projects across 23 states and Puerto Rico, has more than a decade of renewable
 46 industry experience, and is serving the public sector and wholesale power customers. He said that some

1 of ForeFront Power's key accomplishments are as follows: over 800 MW of project experience, 23 states
2 served to date, over 1,000 solar plants built to date, over 40 employees, and they have raised over \$3
3 billion dollars in U.S. capital for deployment across the country for these projects.
4 Mr. Switzer stated that as experts in building solar, Chris Wall, Jason Grissom, and himself, have
5 developed and built over 340 MWs of ground mounted solar projects. He said that ForeFront Power is
6 the trusted partner for the public sector with 350 MW across more than 500 projects. He said that they
7 are well versed in the complexity of large-scale development, having completed 200 projects exceeding
8 1 MW in size, totaling nearly 490 MW. He said that they have experience with ground-mounted
9 systems and have developed 311 ground mounted PV solar projects totaling 556 MW. He said that their
10 sole business is developing, building, and operating solar projects, which assures Champaign County
11 that they have the specialized knowledge, experience, and focus needed to bring these projects to
12 fruition. He said that this type of project is their bread and butter between the 1 and 10 MW range.

13
14 Mr. Switzer stated that ForeFront Power is a wholly owned subsidiary of Mitsui, which is a large
15 Japanese company, and they have over \$80,000 budgeted per project to advance through permitting and
16 interconnection. He said that that they have a letter of commitment from Mitsui, their parent company,
17 for construction financing, in addition to one of their other financing partners, PNC. He said that
18 ForeFront Power plans to be the long-term owner and operator of projects, making their interests fully
19 aligned over the 20-year term.

20
21 Mr. Switzer stated that regarding ForeFront Power's involvement in Illinois, they have had a team on the
22 ground since the passage of the Future Energy Jobs Act (FEJA), executing site leases for over 1,000
23 acres for community solar projects. He said that they are actively permitting projects in Illinois and have
24 submitted over 100 MW of 2 MW ground mount interconnection applications with ComEd and Ameren.
25 He said that they have local consultants on retainer to help them through the process. He said that they
26 plan to be long term partners with the local community, by entering into a Power Purchase Agreement
27 (PPA), and ForeFront Power will own and operate the sites throughout the duration of the PPA. He said
28 that the project will support over 100 local jobs through the construction, operation, and maintenance.
29 He said that ribbon-cuttings will be launched and there will be opportunities for residents, businesses,
30 and the community to participate in community solar gardens.

31
32 Mr. Switzer stated that there are many benefits of solar, such as reducing greenhouse gases, steps
33 towards energy independence, protecting natural resources, no sustained traffic, and tax revenue. Mr.
34 Switzer presented photographs of different solar projects. He said that the photograph of the ground
35 mounted solar project is approximately two feet at its lowest point and twelve feet at its highest. He
36 presented a photograph of a fence line, which is a standard chain link fence which is placed around the
37 solar array. He presented a photograph of a typical inverter and equipment that would be on site, and a
38 photograph of a typical array with a 20 feet separation from the project's fence line, which provides
39 circulation throughout the site. He presented a photograph of a complete array which indicates what
40 typical projects will look like upon completion.

41
42 Mr. Switzer presented a photograph indicating site access & interconnection. He said that they use a
43 compacted gravel road to go in and out of the site, and the point of interconnection to the grid would be
44 with three-phase overhead lines.

45
46 Mr. Switzer stated that the proposed 4 MW Wolf-Wertz Solar Project is located between 2200 and 2298

1 County Road 1000N, in rural Sidney. He said that based on the current site plan, the proposed access
2 would be via County Road 1000N. He said that the site is a 22.59-acre project on a 123.18-acre parcel,
3 with the panels being approximately 14.26 feet apart. He said that the current zoning of the parcel is AG-
4 1, the LESA Score is 97/100, and Ameren is the utility provider with the point of interconnection at an
5 existing three-phase electrical service along County Road 1000N using a 1,200 feet AC run.
6

7 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Switzer. She asked the audience
8 to confine their questions to Mr. Switzer's testimony only.
9

10 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, stated that Mr. Switzer is present tonight to
11 discuss three proposed solar projects.
12

13 Ms. Capel noted that Mr. Switzer has only provided testimony regarding Case 903-S-18.
14

15 Mr. Hartke asked if Case 903-S-18 is near St. Joseph.
16

17 Ms. Capel stated that Case 903-S-18 is located near Sidney.
18

19 Mr. Hartke apologized and stated that he would reserve his questions for a different case regarding the
20 St. Joseph project.
21

22 Ms. Joyce Hurd, who resides at 2232 CR 1000N, Sidney, asked Mr. Switzer to indicate how many of the
23 previously mentioned 100 jobs would be permanent.
24

25 Mr. Switzer stated that he would expect that, at the end of the construction process for the project, there
26 would be 4 or 5 permanent jobs for scheduled maintenance.
27

28 Ms. Lisa Nesbitt, who resides at 2232A CR 1000N, Sidney, asked Mr. Switzer how the existing poles
29 and powerlines that run directly in front of their home on their side of the highway would be affected.
30

31 Mr. Switzer stated that they would not be affected. He said that they have applied for approval to
32 connect to the grid from Ameren, which is the utility provider. He said that currently Ameren is
33 analyzing what equipment would need to be upgraded, and ForeFront would pay for, in order to connect
34 to the grid. He said that there would be no effect on the Nesbitt's power supply.
35

36 Ms. Nesbitt asked Mr. Switzer if there would be larger poles and heavy lines, which generates noise,
37 required on her property.
38

39 Mr. Switzer stated no. He said that the interconnection line is the red line indicated on the site plan.
40

41 Ms. Nesbitt stated that the location of the red line appears to be in her front yard.
42

43 Mr. Switzer asked Ms. Nesbitt if she resides on the north or south side of the highway.
44

45 Ms. Nesbitt stated that her residence is north of the highway. She asked Mr. Switzer if the solar farm
46 will connect to the huge power poles and lines that are south of the highway.

1
2 Mr. Switzer stated no.
3
4 Ms. Nesbitt asked Mr. Switzer if the solar farm will connect to the poles on the north side of the
5 highway.
6
7 Mr. Switzer stated yes.
8
9 Ms. Nesbitt stated that the poles on the north side of the highway are on the edge of her property, which
10 is the reason why she asked. She said that perhaps she is not reading the site map correctly, but the red
11 line appears to be going across her property on the north side of the highway.
12
13 Mr. Switzer stated that they connect at the same voltage as the existing electricity runs out at the road,
14 and no changes are necessary.
15
16 Ms. Capel asked the audience if there was anyone who desired to cross-examine Mr. Switzer.
17
18 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, stated that he found Attachment D. which
19 indicates the waivers.
20
21 Ms. Capel informed Mr. Hartke that Mr. Switzer did not present testimony regarding the waivers. She
22 said that when Mr. Hartke presents testimony he can discuss Attachment D. and any requested waivers,
23 but now is not the time to ask Mr. Switzer questions about those waivers because he did not discuss
24 them during his testimony.
25
26 Mr. Hartke asked if he will have an opportunity to address the waivers with Mr. Switzer.
27
28 Ms. Capel stated that Mr. Hartke will have the opportunity to discuss the waivers with Mr. Switzer, but
29 now is not that time.
30
31 Mr. Phil Fiscella, property owner of 2232C CR 1000N, Sidney, asked Mr. Switzer if he is requesting
32 218 feet, not zero feet.
33
34 Ms. Capel asked Mr. Fiscella if he is referring to the waivers.
35
36 Mr. Fiscella stated that his question is in reference to the diagrams.
37
38 Ms. Capel stated that it would be better if Mr. Fiscella would allow staff to update the Board and the
39 audience with new information related to the waivers.
40
41 Mr. Fiscella asked Mr. Switzer if what he has on the overhead screen is what he is requesting.
42
43 Mr. Switzer stated yes.
44
45 Mr. Fiscella stated that there would be a substantial gap between the solar farm and the residential
46 properties.

1
2 Mr. Switzer stated yes. He said that they will be 295 feet from the closest residence.
3
4 Mr. Fiscella stated that the road is located on the east side of the solar farm project and not the west side.
5
6 Mr. Switzer stated yes.
7
8 Ms. Capel asked the audience if anyone else desired to cross-examine Mr. Switzer, and there was no
9 one.
10
11 Ms. Capel called John Hall to testify.
12
13 Mr. John Hall, Zoning Administrator, distributed Supplemental Memorandum #1 dated September 13,
14 2018, with attachments, to the Board for review. He said that Attachment A. is an analysis of
15 assessment values submitted by Board member Frank DiNovo on September 11, 2018. He said that the
16 analysis reflects the new laws regarding assessment of solar farms to provide a standardized assessment
17 throughout the state at a value of \$218,000 per megawatt. He said that rather than him trip up on any of
18 the information included in this attachment, he will defer any questions to Mr. DiNovo. He said that
19 subsequent to the new adoption of the new values, solar farm development will be a substantial
20 improvement to taxing bodies in townships where they are allowed to happen. He said that Attachment
21 B. is a new annotated aerial. He said that the annotated aerial that went out in the mailing referred to the
22 lot that is immediately north of the proposed solar farm as a lot that is greater than 10 acres, although the
23 lot is only 10 acres in size.
24
25 Ms. Capel noted to Mr. Hall that the ten-acre lot that he is referring to is for Case 906-S-18.
26
27 Mr. Hall apologized for his error. He said that most of the attachments to the Supplemental
28 Memorandum are regarding decommissioning costs. He said that this is the third solar farm that the
29 Board has reviewed and the memorandum that was distributed at the last public hearing was not
30 reviewed by the Board due to the amount of time available for that review. He said that the
31 Supplemental Memorandum is included as an attachment to tonight's memorandum and it is easy for
32 him to say that the decommissioning cost estimate received for Case 903-S-18, which is for a 4 MW
33 solar farm, is only for a 2 MW solar farm, so staff did not analyze the decommissioning costs for this
34 solar farm. He said that he does not know if it is a simple matter of multiplying the decommissioning
35 cost by 2, because the estimate is only for a 2MW solar farm, and perhaps Mr. Switzer can provide some
36 information regarding that, and this was the case for Case 903-S-18 and 907-S-18. He said that when
37 the Board reviews Case 906-S-18, he can talk all night about decommissioning costs.
38
39 Mr. Switzer stated that he will provide an updated decommissioning cost estimate for Case 903-S-18
40 and 907-S-18. He said that generally, the decommissioning cost will be doubled, but they will sharpen
41 their pencils and resubmit.
42
43 Mr. Hall stated that when the Board gets to Case 906-S-18, he would like to compliment Mr. Switzer
44 about the very detailed and useful decommissioning cost estimate, because it is more detailed than most
45 and is easy to work with, even though there is a problem. He said that when the problem is corrected,
46 the way that the cost estimate has been prepared will be easy to review.

1
2 Ms. Lee stated that pages 39 and 42 of Attachment C. for Case 903-S-18, are difficult to read.

3
4 Ms. Capel stated that the darkened area that Ms. Lee is referring to refers to follow-up.

5
6 Mr. Passalacqua asked Mr. Switzer to indicate the type of complaints that have been received.

7
8 Mr. Switzer stated that generally people are interested in property values, fire protection district ingress
9 and egress, EMS access, what the solar farm will look like once completed, and distance from residential
10 structures.

11
12 Mr. Passalacqua asked Mr. Switzer to indicate the type of complaints that are received for operating
13 solar farms.

14
15 Mr. Switzer stated that they currently do not have any operating assets in Illinois.

16
17 Ms. Lee stated the provided information indicates that for decommissioning ForeFront will not dig
18 deeper than four feet for removing the piling and underground wiring. She asked Mr. Switzer to indicate
19 the original depth of the piling and underground wiring.

20
21 Mr. Switzer stated that trenching is usually at a depth of 18 inches from the top of driven piles, but the
22 concrete around the piles would be at a depth of 4 to 8 feet.

23
24 Ms. Griest asked Mr. Switzer if the piles and the concrete, at a depth of 4 to 8 feet, will be removed
25 during decommissioning.

26
27 Mr. Switzer stated yes, but they would not disturb any topsoil deeper than 4 feet.

28
29 Ms. Lee asked Mr. Switzer if underground wiring that is deeper than 4 feet would be removed.

30
31 Mr. Switzer stated that underground wiring will be removed, but no underground wiring will be at a
32 depth greater than 4 feet.

33
34 Ms. Lee asked Mr. Switzer what would be left in the ground if they would not go below a depth of four
35 feet.

36
37 Mr. Switzer stated that they would be removing everything. He said that the point of the
38 decommissioning bond is to return the property to its original state, which would involve pulling out all
39 the driven piles and concrete that may be at a depth greater than 4 feet, and it would not require any
40 disturbance to topsoil.

41
42 Mr. DiNovo stated that the Board does not expect the petitioner to provide copies of the leases, but the
43 Board can generically discuss the leases. He asked Mr. Switzer to indicate the terms of the lease,
44 because he assumes it is a fixed term.

45
46 Mr. Switzer stated that the lease is a 20-year term with two 5-year options.

1
2 Mr. DiNovo asked Mr. Switzer if those are the solar farm company's options.
3
4 Mr. Switzer stated yes, and at the end of the 20-year lease and/or the options is when the
5 decommissioning amount would come into play.
6
7 Ms. Capel stated the one of the requested waivers is for a separation of 20 feet in lieu of the minimum
8 required 26 feet between the solar panels and the fence, and a 0 feet separation between the fence and the
9 property line.
10
11 Mr. Switzer stated that Ms. Capel is correct.
12
13 Ms. Capel asked Mr. Switzer if these waivers reflect his company's standard practice.
14
15 Mr. Switzer stated yes.
16
17 Ms. Capel asked Ms. Burgstrom to review the updated waivers with the Board.
18
19 Ms. Burgstrom stated that regarding the Part A. waiver, there was originally a request for 0 feet in lieu of
20 the minimum required 240 feet between the PV Solar Farm and on-participating properties 10 acres or
21 less in area, and that was based upon old information. She said that there is a triangular parcel located at
22 the southeastern corner of the subject property, referring to Attachment D. dated 9/13/18, there is 218
23 feet between the property line and the proposed solar farm's fenced area. She said that revised Part A. is
24 now for a waiver for a separation of 218 feet in lieu of the minimum required 240 feet between the PV
25 Solar Farm and on-participating properties 10 acres or less in area.
26
27 Mr. DiNovo stated the 218 feet occurs at two points and it is not a continuous line.
28
29 Ms. Burgstrom stated that Mr. DiNovo is correct. She said that regarding the revised Part B. waiver, the
30 petitioner is requesting a waiver for a distance of 425 feet from the CR Conservation Recreation Zoning
31 District in lieu of the minimum required one-half mile (2,640 feet). She said there are five new waivers
32 being requested due to new information received from the petitioner. She said that new Part C. requests
33 a waiver of a 33 feet wide area for all necessary access lanes or driveways and any required new private
34 accessways in lieu of the minimum required 40 feet. She said that staff measured 33 feet from the
35 information provided by the petitioner and if the measurement is off then it should be corrected by the
36 petitioner, but staff believes that a 33 feet wide area in lieu of the minimum 40 feet is what is required
37 for compliance. She said that regarding new Part D., there is a minimum required 10 feet between the
38 PV Solar Farm fence and the nearest property line, but the east line of the overall subject property is the
39 same as solar farm fence line. She said that Part D. requests a waiver for 0 feet between the PV Solar
40 Farm fence and the nearest property line in lieu of the minimum required 10 feet. She said that new Part
41 E. requests a waiver for 20 feet between the PV Solar Farm solar equipment other than inverters and the
42 nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet. She
43 said that new Part F. is regarding the Decommissioning and Site Reclamation Plan. She said that the
44 petitioner has provided quite a bit of information in their decommissioning plan, but there are some
45 aspects that Champaign County requires in the decommissioning plan that might not be able to be
46 provided in a timely manner for ZBA discussion and more time is required to obtain cost estimates from

1 an Illinois Licensed Professional Engineer. She said that new Part G. refers to a request to not enter into
2 a Roadway Upgrade and Maintenance Agreement or waiver therefrom the relevant local highway
3 authority prior to consideration of the Special Use Permit. She said that for this case, the subject property
4 is located along County Highway 15 and the local authority is the Champaign County Highway
5 Engineer, Jeff Blue, and he has the authority to tell the Sidney Township Highway Commissioner
6 whether they can do the waiver or not, but a document from Mr. Blue would be required indicating that
7 authority in order for it to be considered. She said that this information may take a while to get together,
8 thus the reason for the requested waiver.

9

10 Mr. Switzer stated that they are currently working on obtaining the Roadway Upgrade and Maintenance
11 Agreement.

12

13 Ms. Capel asked the Board and staff if there were additional questions for Mr. Switzer.

14

15 Mr. DiNovo asked Mr. Switzer to indicate what makes the subject property a good site.

16

17 Mr. Switzer stated that the subject property is flat, close to three-phase power, close to a substation that
18 is only one-half mile to the west, and it is an agricultural field that, from their perspective, would be easy
19 to develop. He said that they can design and engineer the array in a way that would provide minimal
20 impacts to the area and return the subject property to its natural state after the lease terminates. He said
21 that the subject property complies with zoning and other ordinances.

22

23 Mr. Hall asked Mr. Switzer to indicate how far to the east the three-phase line runs.

24

25 Mr. Switzer stated that he could not answer Mr. Hall's question.

26

27 Mr. Hall asked Mr. Switzer if it is better for the solar farm to be closer to the substation, or if the line
28 went for another two miles. He asked if there is any reason why the solar farm could not be connected
29 two miles from the Village.

30

31 Mr. Switzer stated that it is better to have the solar farm as close to the substation as possible because
32 there would be some work required to the transmission lines, and the closer you are to the substation the
33 lower the cost incurred.

34

35 Mr. Hall asked Mr. Switzer to explain what type of work would be required to the existing transmission
36 lines.

37

38 Mr. Switzer stated that reclosers and other protection equipment would need to be installed. He said that
39 the lines must be prepared for additional power rather than just adding it.

40

41 Mr. Hall asked Mr. Switzer if the size of the lines would not change, but there would be more connectors
42 and similar things added so that more power could be connected to the existing lines.

43

44 Mr. Switzer stated that Mr. Hall was correct.

45

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

1 were none.

2

3 Ms. Capel called Joyce Hurd to testify.

4

5 Ms. Joyce Hurd, who resides at 2232B CR 1000 North, Sidney, stated that she considers herself to be an
6 environmentalist and she knows that global warming is a reality because we are already experiencing the
7 effects of a warmer climate. She said that limiting and eliminating the use of fossil fuel is paramount
8 and she does believe in smart solar. She said that one of the worst problems predicted by warming
9 models are food shortages, and destroying prime farmland is not smart. She said that the power from the
10 proposed solar farm will not only be used locally as it will be sent to the electric grid. She said that we
11 know that our grid loses about 22% of the energy transported and the farther it is transported, that may
12 be even a higher cost. She said that we know that our electric grid is in danger from cyber sabotage.
13 She noted that Champaign County only has an average of 195 sunny days per year, so it is not the ideal
14 location for solar farms.

15

16 Ms. Hurd stated that the proposed location of the solar farm next to her home floods, so what are the
17 dangers involved. She said that the homes that would be affected by the proposed solar farm are on
18 private wells and she is concerned about how many years would take place before the chemicals from
19 the solar farm destroys their drinking water. She reminded the Board that a Finding of Fact is like a
20 court verdict and as Board members it should be defined why a positive determination is made rather
21 than a Board member thinking that the petitioner's comments seemed valid, as that is not sufficient.

22

23 Ms. Hurd stated that she is a person who cannot tolerate noise, and she moved to her home's location
24 specifically because it was quiet. She asked for information regarding the noise levels that the solar
25 plant would produce, because any level above 39 decibels would be terrible. She said that her
26 grandchildren are also sensitive to noise and they call her yard Grandma's Park and love to spend time
27 there. She provided photographs of the location of a play structure that is in her yard for her
28 grandchildren.

29

30 Ms. Capel asked Ms. Hurd if she would be willing to submit her photographs as a Document of Record.

31

32 Ms. Hurd stated yes.

33

34 Ms. Hurd stated that she is retired, and she often spends 5 to 8 hours per day outdoors on her property.
35 She said that she grows food for her family using organic practices and she is working to install native
36 plant and pollinator patches. She said that she has seen at least three different species of hummingbirds
37 and 24 species of other types of birds this summer, and it is her understanding that unless certain
38 precautions that are not mentioned in the materials provided are taken there can be massive bird deaths.
39 She asked if there was a possibility for them to arrange visits with existing solar farms to see what the
40 glare is like in the morning and afternoon.

41

42 Ms. Hurd stated that she is greatly concerned about, and against, eliminating the setbacks from the
43 conservation district. She said that she is also against eliminating the setbacks to adjacent properties.
44 She said that while everyone should be able to use their property as they see fit, no one has the right to
45 negatively impact other properties or do things to lower neighbor's property values, and this proposal
46 would do both. She said that saving the planet is of the utmost importance. She said that the current

1 proposal is similar to building lead lined aqueducts and she is against the current proposals and the
2 elimination of the current setbacks. She said that she is concerned about the increased heat introduced
3 by the solar farms, and as a senior citizen she is negatively affected by heat. She asked what the solar
4 farm would do to her food gardens, as she is already affected by an increase in bugs by the warming that
5 is happening on our planet. She asked if there are other places in the county where fence setbacks were
6 allowed at 0 feet and how it has worked for the neighboring properties. She said that she is concerned
7 about the proposed vegetative screening and how it would be maintained. She asked how fast the
8 vegetative screening would grow and which side of the fence it would grow upon. She asked what types
9 of chemicals would be used in the solar farm and to maintain the vegetative growth and any invasive
10 plants. She requested information regarding any complaints that have been received for existing solar
11 farms constructed by this company in other states, and why they have to remove four feet of the topsoil
12 because that would be a detriment to the existing quality of soil.

13
14 Ms. Capel asked Ms. Hurd to submit her written statement as a Document of Record and to assist with
15 accurate transcription of her testimony.

16
17 Ms. Hurd agreed.

18
19 Ms. Capel asked the Board and staff if there were any questions for Ms. Hurd.

20
21 Mr. DiNovo stated that he has never heard any reference with respect to bird death due to solar farms.
22 He asked Ms. Hurd to indicate where she found this information.

23
24 Ms. Hurd stated that she found the information on the internet, but she did not document the source. She
25 said that she could not indicate the size of the solar farm that she researched that indicated that there
26 were bird deaths.

27
28 Ms. Capel asked the audience if anyone desired to cross-examine Ms. Hurd and there was no one.

29
30 Ms. Capel called William Glithero to testify.

31
32 Mr. Bill Glithero, who resides at 2232B CR 1000N, Sidney, stated that his property is adjacent to the
33 proposed solar farm. He said that he and his wife purchased a home out in the country to get away from
34 the noise and bustle of town. He said that they have worked extensively the past few years to improve
35 the property for their own enjoyment and the enjoyment of their grandchildren. He said that he is loath
36 to tell someone else how to use their property, unless that usage affects his ability to enjoy his property.
37 He said that he believes that the solar ordinance for Champaign County has been in effect for about a
38 month or less and he found it odd that variances are being considered at all, unless the County did a poor
39 job of writing the regulations. He asked what has changed in the past few weeks that makes the original
40 ordinance wrong. He said that the state recommends that this type of development be restricted to low
41 quality farm land, but the proposed subject property has some of the finest soil in the state, and perhaps
42 some of the finest in the world. He would consider actual crop production the highest and best use,
43 which is key criteria for zoning district permitted use lists. He said that he would ask what the extreme,
44 not the typical, impact is on residential properties, as potential impacts are glare, sound, and perhaps
45 temperature increases in the microclimate. He said that a distance of 500 feet sounds like a lot in an
46 industrial neighborhood but remember that a standard city block is usually 320 feet, and a square acre is

1 208 feet, so 500 feet is really not so far in a prairie environment with no visual or structural interference.

2
3 Mr. Glithero stated that all the literature from the solar companies dismiss noise as a problem, although
4 his research on the internet, true or not, indicates otherwise, and he would assume that they use a
5 standard method of testing a sound with a pressure level device. He said that the drawback to this
6 method is that it tests the sound pressure level with a narrow bandwidth of frequency, not measuring the
7 extremes of frequency that can cause the most irritation. He asked the County to investigate the
8 company's complaint process, even though they have lots of procedures, what is their record of
9 complaint/issue resolution.

10
11 Mr. Glithero stated that on page 19 of the petitioner's information under paragraph (h), they indicate that
12 investor bases would be constructed with best general construction practices. He asked who is defining
13 best practices, is it the builder, a county code, or a nation standard. He noted that the company plans on
14 maintenance to the facility two to three times per year, but he would think that would actually mean
15 twice per year, and he needs to tend to his personal property a bit more than that and he would think that
16 this would require more attention as well. He said that on page 96 of the Finding of Fact indicates that a
17 special use permit shall not be granted unless some specific peculiar justifies the case, but developer
18 convenience is not a case of peculiar circumstances. He said that a generally applicable condition is not
19 justification for a variance.

20
21 Mr. Glithero stated that in case the Board hasn't guessed, he stands in opposition to the variances being
22 proposed, in particular the reduction of the setback from property lines, and the reduction of distance
23 from the conservation district. In closing, he reminded the Board that their responsibility is to the
24 citizens of Champaign County and is not to find revenue for the County or help the developers, but to
25 ensure the safety, comfort, and general welfare of the residents.

26
27 Mr. Glithero submitted his written statement as a Document of Record.

28
29 Ms. Capel asked the Board and staff if there were any questions for Mr. Glithero.

30
31 Ms. Lee asked Mr. Glithero to indicate the location of the quotation from page 96 of the Finding of Fact
32 because her copy does not indicate that quotation.

33
34 Mr. Glithero stated that the information had changed, and his reference is from a document posted online
35 three days ago.

36
37 Ms. Griest stated that Ms. Lee is attempting to find the citation that Mr. Glithero provided during his
38 testimony indicating that it was on page 96, although the Board's copy does not have a page 96.

39
40 Ms. Burgstrom stated that the information and page numbers are different between the pdf. version and
41 the hard copy that the Board received.

42
43 Ms. Capel asked the Board and staff if there were additional questions for Mr. Glithero, and there were
44 none.

45
46 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Glithero.

1
2 Mr. Ted Hartke asked Mr. Glithero if he owned all or part of his property, meaning just his house.

3
4 Mr. Glithero stated that he owns the entire two-acre parcel in the center of the subdivision.

5
6 Mr. Hartke asked Mr. Glithero if it would be weird that the proposed exhibit indicates a noise level
7 measured to his house and not his property line.

8
9 Mr. Glithero stated that his wife submitted a photograph of a play structure which is located near the
10 property line where his grandchildren play; therefore, he believes that the noise level measurement
11 should be taken at the property line.

12
13 Ms. Capel informed Mr. Hartke that noise level was not presented in Mr. Glithero's testimony and that
14 the testimony that is currently being provided is new and would be better at the appropriate time for
15 such. She said that Ms. Hurd discussed noise levels.

16
17 Mr. Glithero stated that he also discussed noise levels.

18
19 Mr. Hartke asked Mr. Glithero if he understands why his question regarding noise levels is not allowed.

20
21 Ms. Capel stated that Mr. Glithero did not discuss the actual measurement of noise. She said that the
22 direction that Mr. Hartke is going would be better suited during testimony.

23
24 Mr. Hartke asked Ms. Capel if he could not ask Mr. Glithero about his testimony regarding noise. He
25 said that this appears to be regulatory capture.

26
27 Ms. Capel stated that regulatory capture is not her intent, but she is trying to allow the public hearing to
28 proceed without going over the same ground over and over again. She agreed to read Mr. Glithero's
29 testimony regarding noise if Mr. Hartke would like her to do so.

30
31 Mr. Hartke stated that he is a bit confused because it was his understanding that he would have the
32 opportunity to cross-examine the witnesses and ask them questions about their testimony.

33
34 Ms. Capel stated that Mr. Hartke is requesting additional testimony from Mr. Glithero. She read Mr.
35 Glithero's testimony regarding noise as follows: "All the literature from the solar companies dismiss
36 noise as a problem. I would assume that they use a standard method of testing a sound with a pressure
37 level device, but the drawback to this method is that it tests the sound pressure level with a narrow
38 bandwidth of frequency, not measuring the extremes of frequency that can cause the most irritation."

39
40 Mr. Hartke apologized for not being able to figure out how to ask the questions that he feels is
41 imperative for Mr. Glithero and his wife's well-being at their home.

42
43 Ms. Capel informed Mr. Hartke that he is more than welcome to present testimony, but not from the
44 cross-examination microphone.

45
46 Ms. Capel asked the audience if anyone else would like to cross-examine Mr. Glithero, and there was no

1 one.

2
3 Ms. Griest informed Mr. Hartke that the Board's experience has shown that they get farther into those
4 types of issues when he has the opportunity to raise his questions to the Board, which then allows the
5 Board to pose those questions to the witness by calling them back and then calling the petitioner back for
6 more in more depth questions. She said that Mr. Hartke would get farther and more effectively if he
7 would bundle his questions in his testimony, because Mr. Hartke always puts together a tight package of
8 testimony. She said that the Board looks forward to his testimony during this public hearing. She asked
9 Mr. Hartke if this was helpful.

10

11 Mr. Hartke stated that Ms. Griest was somewhat helpful, but he is not satisfied.

12

13 Ms. Capel called Charles White to testify.

14

15 Charles White, who resides at 309 S. Bryan, Sidney, stated that he is the President of the Village of
16 Sidney, and their last Board meeting was on September 4, 2018. He said that Premier Cooperative 2018
17 Crop Tour Results indicate that Sidney is projected to be in the top 2-3 areas for production in 2018. He
18 asked that a cost analysis be done of what a farmer gets for crops per acre versus a solar farm
19 development on the same land. He noted that he would provide the Crop Tour Results with his written
20 testimony as a Document of Record.

21

22 Mr. White stated that the materials included in the mailing packet were postmarked September 6, 2018,
23 and he received them on September 8, 2018, thus he did not have the chance to share and discuss them
24 with his Board of Trustees. He said that there is a Westwood Special Use Permit Packet dated May 24,
25 2018, which is indicated to have been mailed to his home address, but he never received the packet until
26 he received the County's materials last Saturday, September 8, 2018, and he spoke with the Village
27 attorney regarding his questions. He said that if the County really wants our input it needs to give us
28 time to review these materials.

29

30 Ms. Capel stated that this would not be the last meeting regarding this case.

31

32 Mr. White appreciated Ms. Capel's comment.

33

34 Mr. White stated that the Decommissioning Agreement requires the municipality to deal with the
35 decommission of a project outside municipal limits. He said that if that is the case, the municipality
36 should be reimbursed for its legal, engineering and staff time. He said that this requires the municipality
37 to provide input, oversight and service without allowing them their one and one-half mile jurisdiction to
38 protect their citizens and by cutting them out of any tax revenue. He said that per the preliminary draft
39 Findings of Fact dated September 13, 2018, Attachment H, page 12 of 69 indicates that the Sidney Fire
40 Protection District was notified, but no comments have been received. Mr. White stated that he spoke to
41 the fire chief and he has heard nothing about the proposed solar farm.

42

43 Ms. Burgstrom stated that notices are mailed two weeks before the public hearing for any case;
44 therefore, the fire chief would have received a letter or postcard, depending upon the size of the legal for
45 the case. She said that staff does keep an accurate updated list of the fire chiefs for each district and she
46 is responsible for mailing those notices, so she can verify that a notice was mailed.

1
2 Mr. White stated that the fire chief indicated that he did not receive the notice. He said that page 14 (4)
3 (c) states that no municipal resolution regarding the solar farm was received by the Village of Sidney.
4 Mr. White stated that the Village of Sidney has voiced their displeasure with this project to County staff
5 several times and it seems that the County, during its consideration of this project, should consider a
6 resolution from the affected Village and that the Village should be assisted by its own county
7 government by assembling a resolution that allows its voice to be heard. He said that the last meeting
8 regarding the text amendment they had no issue with the proposed solar farm, but since all the waivers
9 are being requested they now do have concerns.

10
11 Mr. White stated that the multitude of information that is being included in the mailing packets is
12 difficult to review prior to the public hearing. He said that Sidney is a small village and they do not have
13 the funding that is indicated to their responsibility during the decommissioning. He said that he has been
14 involved in this process for over one year and the Village was satisfied with the solar ordinance, but they
15 are not happy about the requested waivers that are included in the cases.

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

18
19 Ms. Capel asked the audience if anyone desired to cross-examine Mr. White, and there was no one.

20
21 Ms. Capel called William McKee to testify.

22
23 Mr. William McKee, who resides at 2254 CR 1000N, Sidney, stated that he received all of the
24 paperwork that Mr. White discussed during his testimony and he only had three days to review it. He
25 said that the variances that are being discussed allow a road next to his driveway, although he lives along
26 a road that currently has so much traffic that it is difficult for him to get in and out of his own driveway.
27 He said that he owns his property and he purchased it in 1981 to retire on because he simply wanted to
28 live in the country and he has resided there first. He said that just because he owns less than 10 acres he
29 is required to give up 22 feet of his property for this solar farm's convenience. He said that he measured
30 from his porch on his house to where they want to put a road and there is only 27 feet between the two,
31 and that is not right. He said that he has dealt with a few things in this county and he has never seen
32 where there is zero tolerance to the property line. He said that he not completely sure how the road that
33 is being proposed is going to be constructed.

34
35 Ms. Capel noted that it isn't a road that is being proposed, it is a driveway.

36
37 Mr. McKee stated that a driveway would be gravel with 50 to 100 vehicles driving on it per day coming
38 in and out every day.

39
40 Ms. Capel stated that she does not believe that 50 to 100 vehicles per day is the kind of traffic that would
41 enter and exit a solar farm.

42
43 Mr. McKee stated that there is going to be a lot of traffic in and out of the driveway during construction.

44
45 Ms. Capel stated yes, for a short period of time there may be several vehicles in and out of the driveway
46 during construction.

1
2 Mr. McKee stated that his wife has asthma problems and they are concerned about the health effects
3 from the solar farm. He said that he is almost 80 years old and he does not want to have to deal with all
4 of this. He said that he did not receive a notice on the proposed solar farm until recently and that was on
5 a holiday. He said that he isn't quick to open his mail, but when he did on September 4th he had to go to
6 the County building on September 6th to obtain the rest of the information that was available. He said
7 that the subject property has had incredible flood waters flowing through it, so he does not understand
8 what they are thinking. He said that he would like to have another 30 days to review the information so
9 that he can fully understand what is being proposed.

10
11 Ms. Capel noted that the case would not be finalized tonight and will be continued to a later date.

12
13 Mr. McKee stated that he would appreciate any additional time that is provided for review.

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

16
17 Ms. Capel asked the audience if anyone desired to cross-examine Mr. McKee, and there was no one.

18
19 Ms. Capel called Phil Fiscella to testify.

20
21 Mr. Phil Fiscella, landowner of 2232C CR 1000N, Sidney, stated that he reviewed the original abstracts
22 for the three properties created out of the parent tract and the legal descriptions, in his opinion, were very
23 sloppy. He said that the aerial indicates the property that is grass on the east side towards the project, 20
24 feet of it that is shown as the lot line, but it is his understanding that the lane on the west side actually
25 belongs to the adjacent farmer with an existing easement. He said that it appears that the lot lines should
26 be shifted to the east, but a lot of research would have to be conducted to figure out where that property
27 line sits. He said that he has been extremely lucky in that the Wertz family have been wonderful
28 neighbors and no one has ever mentioned the lot line issue, which makes him believe that everyone
29 would rather leave things as they are currently exist. He said that he purchased his property four years
30 ago and the cabin, constructed in the 1960s, on the property was dilapidated and had been abandoned,
31 but he spent approximately \$40,000 to restore the cabin and planted over 400 trees on the property. He
32 said that the Wertz family was very gracious while he was planting the trees, because since he farms too
33 he understands the kind of hassle that trees can create to the adjacent landowner. He said that he loves
34 the property and he has instructions in his will to bury him at Bliss Cemetery because it is one of his
35 favorite places on earth. He said that when he saw the proposal there were several things that the solar
36 company could have done that they did not, and he is glad. He said that the solar farm access could have
37 been through the shared lane owned by the Wertz family and could use, perhaps not according to the
38 ordinance but it could have been requested. He said that the solar company is offering a 200 feet setback
39 from the property line that would continue to be farmed and they are offering a vegetative screen that
40 must be at its full-grown height within two years, which seems super courteous. He said that the
41 requested waivers do not seem that bad to him and he would recommend that staff research some of the
42 surveying issues. He said that it appears that the solar company is being very respectful to the neighbors
43 and are not requesting anything out of line with the spirit of the regulations. He said that it is
44 understanding that the waiver regarding the CR Conservation District is towards the north end of the
45 subject property and would affect him in any way. He said that the potential increase in tax revenue
46 could either lower their taxes or allow the taxing bodies to do new things. He said that regarding the

1 demolition costs, he has purchased properties with abandoned buildings on it and he has spent money to
2 demolish those structures, but there is no way that the demolition costs incurred in this project would
3 ever exceed the value of the property. He said that even with the County's requirements, at the end of
4 the lease the landowners would want the valuable land restored so its natural state for renewed crop
5 production. He said that he does not believe that this is a bad proposal and what the Wertz family and
6 the solar company are proposing is respectful to the neighbors and he supports the request.

7
8 Ms. Capel asked the Board and staff if there were any questions for Mr. Fiscella, and there were none.

9
10 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Fiscella.

11
12 Ms. Lisa Nesbitt, who resides at 2232A CR 1000N, Sidney, stated that Mr. Fiscella commented about
13 how great the Wertz family was as neighbors. She asked Mr. Fiscella if he resided at 2232C CR 1000N,
14 Sidney.

15
16 Mr. Fiscella stated that he did not reside at 2232C CR 1000N, Sidney.

17
18 Ms. Nesbitt asked Mr. Fiscella if he has spent one night at the cabin located at 2232C CR 1000N,
19 Sidney.

20
21 Mr. Fiscella stated yes.

22 Ms. Nesbitt asked Mr. Fiscella if he intends to ever make 2232C CR 1000N, Sidney his residence.

23
24 Mr. Fiscella stated that he hopes to reside at this property one day as it is one of his favorite places.

25
26 Ms. Nesbitt stated that Mr. Fiscella indicated that he was a farmer. She asked Mr. Fiscella to indicate
27 the number of acres that he farms.

28
29 Mr. Fiscella stated that he has a conservation program property near St. Joseph that consists of 8 acres
30 and he owns acreage near Armstrong, Illinois. He said that the total acreage that he owns is 27 acres, but
31 there is additional acreage in his family.

32
33 Ms. Nesbitt asked Mr. Fiscella if he personally makes all the decisions regarding the input and harvest
34 on the properties.

35
36 Mr. Fiscella stated yes, but not the conservation program property.

37
38 Ms. Capel informed Ms. Nesbitt that she is asking questions of Mr. Fiscella that are beyond his
39 testimony.

40
41 Ms. Nesbitt stated that Mr. Fiscella called himself a farmer and the definition of a farmer is pretty tricky.

42
43 Mr. DiNovo stated that the number of acres that Mr. Fiscella farms is not relevant to this case.

44
45 Mr. Fiscella stated that he does not mind answering Ms. Nesbitt's questions.

46

1 Ms. Capel stated that the Board is trying to move forward with the public hearing and posing questions
2 that are not allowed is a waste of time. She noted that Ms. Nesbitt could ask any relevant questions that
3 were not part of Mr. Fiscella's testimony to the Board and the Board could pose those questions to Mr.
4 Fiscella at a later time during the public hearing.

5
6 Ms. Nesbitt stated that she does not want to waste time during the public hearing, but they too are
7 farmers and they do not describe their operation in the same way.

8
9 Ms. Capel asked the audience if anyone else desired to cross-examine Mr. Fiscella.

10
11 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, asked Mr. Fiscella to indicate his address.

12
13 Mr. Fiscella stated that his address is 505 Green Street, Champaign, although he provided the address of
14 the property that he owned near the subject property so that it would be clear why he is present tonight.

15
16 Ms. Capel asked the audience if anyone else desired to cross-examine Mr. Fiscella, and there was no
17 one.

18
19 Ms. Capel called Tim Osterbur to testify.

20
21 Mr. Tim Osterbur, who resides at 302 Witt Park Road, Sidney, stated that he is the Sidney Township
22 Highway Commissioner. He said that he is concerned about the location of the driveway, because
23 heading to the east from the west on County Highway 15 there is a blind corner, and with the truck
24 traffic from the Fairmount Quarry, Frito-Lay and Premier Cooperative in Sidney, it is a dangerous
25 intersection. He said that personally when he was hauling heavy equipment he almost hit Mr. Glithero
26 while Mr. Glithero was pulling into his lane of his home. He said that when there are trucks and heavy
27 equipment coming onto the subject property they would be going at a slower pace which is why he
28 requests that input be provided by the County Engineer regarding the placement of the driveway near the
29 proximity of the intersection. He asked if the petitioner indicated where the closest recycling facility is
30 for decommissioning solar farm equipment, because the numbers that are included in the plan indicates
31 that the petitioner has a facility site in mind. He also asked if the developer would sell the solar facility
32 to another company or would they continue to own the facility during the entirety of the lease.

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

35
36 Mr. DiNovo stated that testimony indicated that the petitioner intended to own and operate the facility.

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

39
40 Ms. Capel called Lisa Nesbitt to testify.

41
42 Ms. Lisa Nesbitt, who resides at 2232A CR 1000N, Sidney, stated that her family's parcel is the closest
43 to County Highway 15. She requested that the Board deny the requested waivers because the ordinance
44 was constructed for the protection of the County's citizens. She said that they received a letter indicating
45 the requested waivers and she spent a lot of time researching to determine what their arguments against
46 the proposed waivers would be, but shortly thereafter they received another document indicating that the

1 requested waivers had changed, and yet tonight those waivers appear to have changed again. She said
2 she and her husband have not had a lot of time to complete research, but Mr. and Mrs. McKee spent
3 three days researching. She said that she and her husband are very concerned about a couple of things
4 and the what they want to present to the Board is who are the winners and losers with this project and
5 where her family stands to benefit from the adjacent neighbor's loss.
6

7 Ms. Nesbitt presented an excellent ear of corn to the Board. She said that she did not steal the ear of corn
8 but only borrowed from the neighboring field and it needs to go back to the farmer that is cash renting
9 the ground in question. She said that stalk of corn was knocked down by the mower, she picked up the
10 stalk, borrowed the ear of corn, and brought it with her tonight. She said that if you count the number of
11 rows and the amount of kernels around the cob you would find that this is an excellent ear of corn, the
12 quality of which is only seen in certain areas of the United States of America. She said that she brought
13 this ear of corn to illustrate that the farmland in question is not anywhere near the marginal crop land
14 that is deemed most appropriate under best practices for establishing solar and other alternative energy
15 sites. She said that this land is prime farmland and is some of the most valuable in Illinois. She said that
16 some of the witnesses have indicated that they moved to this area to enjoy the peace and quiet. She said
17 that she and her husband are in their 50s and they have spent their entire life living and working on
18 farms, except for seven years when they lived in the city and hated every moment. She said that despite
19 her shoe selection tonight, she is a farm girl at heart and she is also a Christian and she believes that
20 what God provides you should be taken care of because they are stewards of every bit of land that we
21 have. She said that she and her husband own farmland in Vermilion County and they would never flip
22 that farmland for this type of purpose or any other purpose than as cropland.
23

24 She said that if you look at the highlighted areas from the USDA/Illinois Agricultural Statistics Service,
25 distributed to the Board for review, you would see how Champaign County yields compare to other areas
26 of Illinois, and indeed they are much higher than the national averages. She said that the statistics for
27 2015, 2016, 2017 average yields for corn and beans are shown in the distributed document. She said that
28 she understands that the yields are based on a county average, but she assures the Board that the subject
29 property added to those yields and that it is not a marginal piece of ground. She said that in 2015 the
30 average bushels per acre for corn was 189.4; the average yield in 2016 was 210.2 bushels per acre; and
31 the average bushels per acre in 2017 for corn was 206.8. She said that in 2015 the average per acre for
32 soybeans was 64 bushels per acre; the average yield in 2016 was 67.7 bushels per acre; and the average
33 bushels per acre in 2017 for soybeans was 64.3. She noted that these yields are well over the national
34 average and she can provide documentation indicating such as a submittal to the Board. She said that
35 the mentioned yields are in line with the yields that she and her husband receive from their farmland in
36 Vermilion County and the subject property is probably on par with these same averages. She said that
37 she understands that the report indicates county averages and the actual yields on the fields in question
38 are not public knowledge, but this farmland likely helped boost those county yields because of its
39 quality.
40

41 Ms. Nesbitt stated that farmland values for sale and cash rents are driven by how productive the land is,
42 and to a lesser extent crop prices. She said that the margins are different for different farmers, and as
43 prices go down the margins are not very good.
44

45 Ms. Capel informed Ms. Nesbitt that the Board understands her passion and her concerns, but ultimately
46 it is the subject property's landowner's decision regarding how their land would be used. She said that

1 the County has an ordinance that allows solar on farm ground.

2
3 Ms. Nesbitt stated that the landowner does not actually farm the land, but cash rents the land and has
4 done so for a while.

5
6 Ms. Capel stated that the landowner may be cash renting the farmland, but the Wertz family is the
7 landowner and it is their decision whether to pursue a solar farm or crop production on their land, and
8 there is a provision in the Champaign County Zoning Ordinance for this use.

9
10 Ms. Nesbitt stated that she is not disputing the landowner's rights or the adopted Ordinance, but she
11 would like people to understand the value of the land that it brings to the County so that they can weigh
12 the income that they would receive for the solar farm versus crop production.

13
14 Ms. Capel stated that how the ground is utilized is the decision of the landowner.

15
16 Ms. Nesbitt stated that the proposed use would affect the County overall. She said that the yields and the
17 amount of the cash rent assist in proving the value of the land. She said that in 2017 the average cash
18 rents in Champaign County for non-irrigated was \$271 per acre, and irrigated land was \$264 per acre.
19 She said that cash rents are paid twice per year and even though she has no idea what the tenant farmer
20 pays the Wertz family for cash rent, but if the cash rent was only \$250 per acre multiplied by 120 acres
21 the landowner would receive \$30,000 per year, \$15,000 in the spring and \$15,000 in the fall, minus the
22 property taxes, which is a pretty good profit. She said that if the subject property was sold the landowner
23 could receive \$10,000 per acre, \$1.2 million in total, or more, and the reason why she brings this up if
24 because there are other things to do with the land that would continue it in crop production and continue
25 the livelihood of the tenant farmer. She said that if this request is approved with the waivers, it is a trend
26 that could occur throughout our county, and it is her personal opinion that the two most important assets
27 in our county is the quality of our farmland and the University of Illinois, and both have to be protected
28 at all costs.

29
30 Ms. Nesbitt stated that at a personal level, Ms. Hurd is correct, if you research the internet and you read
31 all of the environmental people's websites there are all kinds of horror stories against the solar farms, but
32 if you look at websites that support solar farms they will provide positive information, there is no middle
33 of the road objective information for research. She said that the only information that has been heard the
34 effect on the neighbors would be minimal. She said that it has been admitted that the solar panels would
35 emit radiation by those who have solar farms in other states, and there will be noise generated. She said
36 that she imagines that the landowner would receive funds for the term of the lease.

37
38 Ms. Capel stated the information provided by Ms. Nesbitt regarding cash rents, etc. have no bearing on
39 the decision to be determined by this Board. She said that the ZBA has no jurisdiction whether the
40 landowner decides to lease their land for a solar facility or not.

41
42 Ms. Nesbitt stated that Ms. Capel's statement is not exactly true because if the waivers are not granted,
43 the solar developer may not have room to construct the intended facility, which is the bottom line.

44
45 Ms. Capel stated that it is not the bottom line, but this Board will listen to all of the testimony, follow the
46 guidelines of the ordinance, and then make their determination.

1

2 Ms. Nesbitt stated that standard practices urge against using best prime farmland, which is the case for
3 the subject property.

4

5 Mr. Hall stated that Champaign County places a higher value on this land than the State, and what
6 Champaign County calls best prime farmland. He said that the subject property is absolutely best prime
7 farmland, but the County Board has decided that even though it is best prime farmland, if a solar farm
8 could exist without unduly impacting the neighbors and the criteria could be met for a special use
9 permit, a solar farm could exist on best prime farmland. He said that the amount of work that Ms.
10 Nesbitt has done to prove how good the soil is on this property is very impressive, but the Board already
11 knows that the soil is valuable because it has been designated as best prime farmland, not just farmland.

12

13 Ms. Nesbitt stated that it appears that she is duplicating information that the Board already knows. She
14 said that she is not as up to speed on the project as other people appear to be in this room, but she
15 assumes that the Board has already made up its mind that solar facility is going to occur and the only
16 thing that needs to be finalized is the approval of the requested waivers. She urged the Board to not
17 grant the waivers because they would negatively impact her family's property. She distributed a
18 photograph of her family's backyard which consists of 11 fruit trees, asparagus, rhubarb, and a large
19 garden. She distributed a photograph taken three feet from the back door of her home which indicates
20 standing water. She said that she does not want electrical lines or anything that might leach out of the
21 solar facility running through standing water near her back door. She said that the subject property needs
22 to be retiled at the very least, because there are three very large existing water holes; one on what is
23 marked as Site 2, another northwest of Mr. Fiscella's property, and one other as indicated in the
24 photograph. She said that the photograph is not indicating standing water in their front yard, as many
25 people are familiar with, but is water running across her family's property from the subject property,
26 which the property owners have done nothing about, and she hopes that during this project, if it is
27 approved, would do something about it.

28

29 Ms. Nesbitt presented canned tomatoes that she personally processed from her garden and the reason
30 why she is presenting them to the Board is because her family eats these tomatoes from her garden and
31 she is not sure, and she does not believe that the developers know, that there is no problem with the solar
32 facility being placed near her property and how it would affect her garden produce. She said that she has
33 only heard about national standards because it is within the parameters. She said that the Board
34 indicated that they might be willing to eat these tomatoes tonight, but if she brought back tomatoes from
35 the same garden in three years after the solar farm is constructed, would the Board be so willing to eat
36 them. She said that she does not know, and no one appears to be able to tell her the effect of the solar
37 farm on her water well, only that it would have minimal effect on property values. She said that if no
38 one wants to live next to the proposed solar farm, then she will not be able to sell it in the future, even
39 though that is not her intent. She said that unlike other people, she does not run from her debt, but if her
40 property value is cut in half then the County would receive half the amount of property taxes that they
41 receive today, but supposedly that loss would be made up somewhere else. She said that her family
42 could end upside down on a house that she and her husband have a lot of equity invested, and they
43 would not be able to use it as equity to assist her son with college expenses. She said that her son is a
44 student at Purdue University studying chemical engineering with plans to develop alternative (crop
45 based) fuels for the commercial airline industry. She said that her son's tuition is \$42,000 per year and
46 she does not need this use messing with her property value or her husband's livelihood. She said that

1 her husband works in agriculture at Bunge Elevator, and Bunge has had a lot of layoffs this fall, and
2 when good farm land is flipped for other purposes it effects things like Premier Cooperative Elevator in
3 Sidney, Frito-Lay, the trucking industry, seasonal workers, and people within the township. She begged
4 the Board to deny the waivers and require what is set forth in the ordinance as it was adopted, whether it
5 be a buffer consisting of trees, corn, etc. for any generated noise, or emitted radiation and chemicals,
6 because if she or one of her family members encounters cancer due to this facility there is no amount of
7 money in the world that is just going to fix that for her. She said that they purchased their property
8 because they would be hemmed in by farmland that had been the landowner's family for generations and
9 a river that hasn't been discussed. She noted that her research has indicated that solar farms do not kill
10 as many birds as windmills, but she would like to see the wildlife that exists in and around her property
11 to remain in their natural habitat. She said that she is very concerned about the produce that her family
12 grows on her land and her family's ability to safely eat it, take it to the Farmer's Market, or feed it to
13 friends and neighbors. She said that the proposed solar farm would not only affect the township but
14 would affect the entire community and possibly the County. She said that she is not against solar, but
15 there has to be a better place for this type of industrial use that would not only affect the adjacent
16 neighbors and the entire township.

17

18 Ms. Capel asked the Board and staff if there were any questions for Ms. Nesbitt.

19

20 Mr. Hall asked Ms. Nesbitt to indicate what type of radiation she is concerned about.

21

22 Ms. Nesbitt stated that she did not copy the information that she researched, but it indicated that the solar
23 panels emitted a two-word term that she cannot remember but radiation was noted in parenthesis. She
24 said that there is some sort of electronic radiation emitted which is similar to what is emitted with
25 household appliances, only multiplied by size.

26

27 Mr. Hall asked Ms. Nesbitt if the same information indicated that this type of radiation is dangerous
28 from solar farms.

29

30 Ms. Nesbitt stated that one microwave in your kitchen may not cause a problem, but a mass of
31 microwaves in your kitchen might be a problem.

32

33 Mr. Hall noted that the solar panels are not microwaves.

34

35 Ms. Nesbitt admitted that she does not have all her research to prove how unhealthy the solar facility
36 would be to her family because she was not given enough time to complete that research, and she does
37 have another job other than researching this junk.

38

39 Mr. Hall stated that the only bird kills that he is familiar with for solar farms are from a concentrating
40 solar facility where they are pointed to the sun's rays through a central device, but those types of
41 facilities are not allowed in Champaign County and they would not work in Champaign County to begin
42 with. He said that for a simple PV solar farm, there is no record of any bird deaths that he is familiar
43 with, but he is familiar with the ones out west, to the extent that it might ease some of Ms. Nesbitt's
44 concern.

45

46 Ms. Capel asked the audience if anyone desired to cross-examine Ms. Nesbitt.

1

2 Ms. Nesbitt submitted her written statement and photographs as Documents of Record but noted that she
3 did not stick to the script very well during her testimony because she was very nervous.

4

5 Mr. Ted Hartke, who resides at 1183 CR 2300E, Sidney, asked Ms. Nesbitt if she could indicate the
6 extent or provide a map of the area that flows and pools in her yard from the field during a heavy rain
7 event.

8

9 Ms. Nesbitt stated that the submitted photograph basically indicates what Mr. Hartke is requesting, but if
10 she needed to provide a map she could do so.

11

12 Mr. Hartke asked if the photograph indicates how far the water flows into the neighbor's fields and if it
13 is one continuous pool of water.

14

15 Ms. Nesbitt stated that she does know that the water extends to the neighbor's field, but it is not a
16 continuous pool.

17

18 Mr. DiNovo asked Ms. Nesbitt when the photograph of the ponding was taken.

19

20 Ms. Nesbitt stated that she isn't sure, but it was during a large rain event. She said that a couple of
21 weeks ago they received a four-inch rain and they had not had rain like for that for some time, so it
22 drained pretty quickly, plus there is a crop on the land currently, so there was no water in their yard from
23 this event. She said that it depends on the ground water levels, but when they periodically receive three
24 and one-half inch rains, especially after winter, they experience the flow of water and ponding. She said
25 that several times they have tried to talk with the adjacent landowner regarding placing tiles in their yard
26 and connecting to the field tiles, but they never received any final response. She said that typically it
27 happens in November-April when there is no crop in the field, but she is assuming that the solar facility
28 would not be absorbing moisture out of the ground.

29

30 Ms. Capel stated that there will be low growing vegetation under the solar panels which may provide
31 better absorption than the row crop provided.

32

33 Ms. Nesbitt stated that she would still want the land tiled, but she does not know if the solar farm
34 developer had the ability to tile the subject property.

35

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

37

38 Mr. Phil Fiscella stated that he markets his grain through the elevator in Dewey. He asked Ms. Nesbitt
39 to indicate what the market price for soybeans at the Bunge Elevator.

40

41 Ms. Nesbitt stated that she does not know because they take their grain to Premier Cooperative and not
42 the Bunge Elevator. She said that at Premier Cooperative the cash price for soybeans right now is \$7.71.

43

44 Ms. Capel informed Mr. Fiscella that his question to Ms. Nesbitt was not relevant to this case.

45

46 Mr. Fiscella asked Ms. Nesbitt if she believes that if farmland was taken out production at a large scale,

1 the remaining farmland would provide a better income, to pay for input costs, harvest costs and land
2 payments, to its landowners and tenants due to the lack of grain production in the area. He said that it is
3 very difficult to make ends meet with the current crop prices.

4
5 Ms. Nesbitt stated no, which goes with Mr. Fiscella's misunderstanding about farming. She said that
6 Mr. Fiscella's question pertains to the testimony that the Board asked her not to go in depth about, but
7 for an active farmer, what is profitable varies based on the amount of land they own, their assets,
8 management, etc. She said that generally, the larger margins that are owned, the smaller margins that
9 can be handled. She said that she and her husband are small landowners, so they cannot handle that
10 large of a margin, but they do take a paycheck every year and they plant it in the ground and pray that
11 they do not lose money in the end, which is similar to gambling and is very stressful.

12
13 Ms. Capel asked the audience if anyone else desired to cross-examine Ms. Nesbitt, and there was no one.

14
15 Ms. Capel called Ted Hartke to testify.

16
17 Mr. Ted Hartke, 1183 CR 2300E, Sidney, stated that he would like to testify to a few items specific to
18 this project. He said that with his brief review of this, it appears as if site number one was 2 MW, and
19 site number two was 2 MW, he asked if that was correct.

20
21 Mr. Hall responded yes.

22
23 Mr. Hartke asked if site number two is an alternate or is this one all together happening.

24
25 Mr. Hall stated that they are proposing two 2 MW solar farms right next to each other. He said that he
26 does not know if they are going to build them all at one time; that would be a question for Mr. Switzer.

27
28 Mr. Hartke said that he would like to assume that these are two separate farms with separate inverters
29 and separate cabling.

30
31 Mr. Hall said that would be another good question for Mr. Switzer.

32
33 Mr. Hartke said that he will have a few more like that, and if the Board would ask and clarify those later,
34 he thinks that would be very important. Mr. Hartke asked if the developers plan to use the same wires
35 that are on the poles along the highway, or if they are going to attach additional wires that are theirs
36 exclusively to get to the substation. He said that he thinks that would be a very important thing to know.

37
38 Mr. Hall stated that the testimony we had earlier was that they are not adding any wires to the general
39 line, and they will have to add some new insulators and things, but no new wires.

40
41 Mr. Hartke said ok, no new wires, just insulators. He asked if they use their own dedicated wires, not
42 used by Ameren, on the insulator, he thinks that would be very important to know and he will tell you
43 the reason why he is asking later. He said that he lives near here and drives by this site probably twice a
44 day. He said that he thinks that the previous testimony about standing water, which is a very large pool
45 of water, if there were underground cables or even cables laying on the ground, he does not think he
46 would walk through a pool of water where there are a whole bunch of extension cords laying in there for

1 his Christmas lights. He said he believes it is very important to address the seasonal, perhaps twice a
2 year, when there are times that large, large areas of this property have standing pools of water that extend
3 into the neighbors' acreage and even all the way up to their house and into their crawlspace; he has seen
4 that house have water up to the foundation before.

5

6 Mr. DiNovo asked Mr. Hartke if he was talking about the Nesbitt's house.

7

8 Mr. Hartke stated only the Nesbitt's house. He said as far as the water pooling and getting up to their
9 crawlspace, they do have some sandbags along their landscape to try to act as a dam to keep the water
10 out; he has seen that and you can see that from the road if you drive by and look. He said for instance,
11 the individual who owns the property to the east, most of his pasture is also under water during a big
12 rain. He said that he would like for everyone to turn to a page in the packet in Supplemental Memo #1,
13 Attachment E, page 4 of 7. He said at the top of page 4 there are items 3 through 8, and he would like to
14 ask about item 4, which is talking about disposal of panels. He said it has support racking.

15

16 Mr. Hall stated that this handout does not pertain to this solar farm.

17

18 Mr. Hartke apologized and said he would save this comment for another solar farm.

19

20 Ms. Lee said that at the top of the attachment it says these pages are for cases 903, 906, and 907.

21

22 Mr. Hall stated yes, those items are about other solar farms that we are providing for information only; it
23 is not the proposed solar farm.

24

25 Mr. DiNovo suggested that if there is a question about what, where, at what cost the panels are
26 recyclable, that applies to all of the cases, he does not think we need to worry too much about it; we can
27 make note of this question and if you want to follow up with a question or make a statement about solar
28 panel recycling, this is as good a time to do it as any.

29

30 Mr. Hartke stated that he would skip item 4. He said he would like to go down to the system removal
31 costs, which starts in the bottom half of this same page. He said this was a breakdown of removal costs
32 for a 1 MW community solar garden. He said that this chart that was provided is not specific to this
33 project, and asked what the purpose of the chart in our packet was.

34

35 Mr. Hall stated that it is a chart of comparable prices; to the extent that we can determine that they are
36 comparable, they might be useful.

37

38 Mr. Hartke stated that this whole packet should never be used as a comparable to anything, ever, and he
39 is going to show you why. He said that there is a chart in here that says this is a comparable removal
40 cost for 1 MW of solar farm. He said he sees some items there, such as mobilization, removal of road
41 gravel, items like that. He said that he is not a truck driver, but he is a professional engineer, and he has
42 never seen anything in the realm of this type of dollar amount. He said there was an item in the chart that
43 was to haul away the tracker and the motor, and this item says 90 tons, the removal was only \$608. He
44 said that he thinks that the removal of 90 tons of anything, perhaps these 90 tons were measured on the
45 moon or on Mars, this whole packet needs to be tossed and shredded and never see the light of day –
46 these are ridiculous. He said that at the bottom of the chart, the total for the removal of 1 MW is

1 \$134,000. He said he is going to show everyone how out of whack that is. He said that right now, it
2 costs about \$25 per panel to give them to a recycler – it costs you that. He said that on this 4 MW solar
3 farm, there is going to be 16,698 panels; just to give the panels to the recycler is going to cost \$417,000
4 based on previous testimony that Mr. Hartke gave. He said he thinks he is done bashing this crazy
5 submittal the Board got from Radiant Energy Group Sunrise. He said that an item that he thinks the
6 ZBA should require for every project is the manufacturing specifications for all of the inverters,
7 especially due to the noise. He said he is going to repeat his testimony from the ZBA meetings, the
8 ELUC meetings, and the County Board meeting, that he would like everyone in this room, and this
9 Board, to be knowledgeable and informed that noise is a serious problem; that adverse health effects
10 begin at 40 dBA per the 1970s EPA noise study chart that Mr. Hartke has handed out multiple times; and
11 he also wants to add that widespread complaints will begin at 33.5 dBA per the same studies. Mr.
12 Hartke said that he would now like to go on to these waivers. He referred to Attachment D, and said that
13 the petitioner is asking for some waivers. He said he notices that the noise level on Attachment D – he
14 said he must be on a different page – he saw earlier that there was a level measured at a residence instead
15 of at a property line.

16
17 Ms. Burgstrom stated that she is the one who did the noise analysis, and wanted to clarify that while she
18 might have provided something in terms of a distance and a noise level as an example from a residence,
19 she always made sure that at least the property line was considered. She said it would not be something
20 we were looking to measure from a house as a final amount, and they wanted to make sure they were
21 looking at noise levels that were at the property line.

22
23 Mr. Hartke asked that if there are any measurements to the homes, he is of the firm belief that everyone
24 owns all of their land, that noise levels be measured from the property lines, which is the standard in the
25 Illinois Pollution Control Board standards we have tried to use. He said that he is very pleased that these
26 numbers shown on this piece of paper has the noise level at the homes, which are approximately 30
27 dBA, which is okay. He said the thing that concerns him a lot is that he knows as things are constructed,
28 and if you go out into the middle of this field, those inverters are perhaps in the very bottom of the low
29 spot in this field. He feels as though there is a good chance that when the construction company goes out
30 there, some smart guy will say, “Hey, these inverters are going to be under water, I think we should
31 move them.” And then they move them, Mr. Hartke said, and they think that it’s a great idea, but they
32 don’t think about the consequences of moving them to the south, or to the east, or to the west, and it gets
33 closer to the homes. He said that this Board needs to specify, and give reassurances to all these neighbors
34 that these inverters will not move to a different place on the site, other than what has been shown to you
35 on these plans. He said if the inverters have to be moved, because they are in the middle of a deep pond
36 of water, he thinks that this Board can put the caveats and the conditional approval that these inverters
37 have to be shielded or noise cancelling devices have to be installed so that they will not harm the
38 neighbor. He said that the last comment he has about the setback is that he lives north of the river, within
39 about one mile of this proposed solar farm, and the reason he spent more time shopping for his home and
40 he spent more money to purchase his property, is because it was in a prime location along the Salt Fork
41 River which had a one-half mile barrier from installations on Agricultural zoned property, such as wind
42 turbines. He said that now he is thankful and felt really good that he had purchased that property because
43 he was within one-half mile setback and buffer zone of one of these solar farms that he thinks he would
44 never purchase a home next to this. He said that when he sees a solar farm, he knows that it is a close
45 connection to the grid, and if it is a close connection to the grid, the chance for overhead transmission
46 line to come through immediately next to his property is wildly increased. He said that if there is an

1 overhead transmission line, and it is next to the grid, and there is a solar farm, then this is the next best
2 place to put wind turbines because it has all the infrastructure to support it. He said he thinks that is a
3 pathetic plan to do with this type of neighborhood; he thinks that this area, and the Village of Sidney,
4 and perhaps this whole county, is probably too good for solar farms. He said that he does not understand
5 why our county wants to get into becoming the utility closet of Illinois or the nation. He said he thinks
6 that is a horrible mistake. He said he thinks that if we are a utility closet, and we have all of these
7 crisscrossing lines and power production and we become heavy industry, because that is where you put
8 factories – next to the power grid and where power supplies are located, this is a slippery slope. He said
9 he thinks you need to maintain our buffer zone along the Salt Fork River. He referred to page 48 of 69,
10 part B talks about the proposed waiver for the separation distance of 425 feet instead of 2,640 feet; that
11 is like a 85% waiver. He said it says under part B “there is an inherent incompatibility of solar farms
12 with at least the larger wildlife in the Conservation Recreation district, because the fencing would
13 obstruct the movement of deer and every other animal that walks on feet or hooves. He said that he
14 thinks the one-half mile setback from this Conservation Recreation area needs to be abided by. He said
15 there is a reason you put the Conservation Recreation district in there; it is because you valued that. Or
16 you could put a solar farm right next to it and mess it up, he said. He said he thinks that is a huge
17 mistake. Mr. Hartke said that one thing he thought was weird was reason to have these waivers. He
18 referred to page 50 of 69, item 4, where it says “the developer had no County zoning regulations to
19 follow when they started their design process for the subject property.” He said, so they started their
20 design process, and they want to put a solar farm here – great. He said they could have easily looked at
21 the current zoning we have and saw that wind turbines were not allowed within one-half mile of the
22 river. He asked why did they think that a solar farm would get better treatment. He said he guesses they
23 were right about how when it came down to one-half mile versus 1.5 miles from municipalities, they got
24 away with that. He said that he doesn’t care if he started thinking about building a house in the country
25 too close to the lot line before we had zoning for that. He said that he is a civil engineer/surveyor, and if
26 he brought all of his clients in here and they said, “You know, we were thinking about building a house
27 there before you zoned us out, you guys would say tough news, you’ve got to deal with the current road
28 setback and the lot setback and the easement width.” Mr. Hartke said he thinks you’d tell them to go
29 pound sand. He said he does not understand why, just because they got started a few months before our
30 Zoning Board here established boundaries. Mr. Hartke said if this is a problem, how come they did not
31 come to any of these hearings. He asked if anyone from this company with this site in mind attempt to
32 tell you guys anything such as that’s not going to work for our company, and now we’re going to bend
33 over backwards and give them a pass. He said that if the Board gives the petitioners a pass, there are
34 huge amounts of land in the CR District that you are probably going to grandfather in and give passes
35 for. Mr. Hartke stated that earlier, when he talked about the noise level at a residence, he found that issue
36 and that is in the middle of page 28 of 69 where it talked about the distance from an inverter to a
37 residence and it gave noise levels for the inverter at the residence. He said that is one of the items that he
38 would like to see updated and changed. Mr. Hartke said that there is a property to the east that is not part
39 of the easement area – the Mildred Cox Trust property. He said that at the closest property line to the
40 inverters, 295 feet to the east, the noise level for the 32 inverters is 37.5 dBA, and this piece of land has
41 no buildings on it. He said that per his chart, widespread complaints are going to begin at 33.5 dBA, and
42 this obviously is bigger than that, and the reason for that is the inverters are too close to the property line.
43 He said he would like to see these inverters covered up with sheds to protect all the neighboring
44 properties which are not part of the project. Mr. Hartke stated that he tried to ask a person named Bill
45 Glithero questions, and he got shut down because of something. He said that Mr. Glithero talked about
46 page 96 or something, and he found what Mr. Glithero was talking about. He referred to page 62 of 69

1 in the middle of the page under letter G.(2), and said that he thinks this is what Bill read on his version
2 on page 96 or whatever he said. Mr. Hartke said that this section is for the waivers to be allowed, and it
3 says “Special conditions and circumstances exist which are peculiar to the land or structure involved,
4 which are not applicable to other similarly situated structures in the same district” because of hardships
5 and difficulties. He said that here is the cool thing about giving these waivers: an adjacent land owner
6 should be able to be the one who gives his waiver. He said the adjacent owner owns all of his land – if
7 you are going to call his noise levels that are above this chart that I gave you – that person has a right to
8 enjoy all of their land so that person can do a few things. He said that the developer can agree to put in
9 noise canopies, the developer can buy an easement for noise which covers the entire property or for their
10 house or whatever, and they can make some deal on the side. He said then this group does not have to
11 become the middleman and give away those rights of that neighbor. He said that the neighbor has all of
12 his rights; the smallest minority is the individual, and the smallest minority here is the neighbor/
13 landowner who is going to be affected but not part of the project. He said that the awesome thing is that
14 the people to the east love solar, if it is Phil Fiscella or whoever, let’s make him a shareholder or let’s get
15 a blanket easement across his property and get a waiver from him – if the neighbor thinks it is ok, then
16 he thinks that it is ok for the Board to say it is ok. Mr. Hartke said that a question that the Board needs to
17 ask every person testifying in front of them is if they are on the take – the Board should ask Mr. Hartke if
18 he is getting paid by the citizens – the answer is no. He said the Board should ask Phil Fiscella if he has
19 a lease or if he is going to be an investor, or if he is thinking about it, Mr. Hartke thinks that is relevant.

20
21 Mr. DiNovo informed Mr. Hartke that he will not tolerate casting aspersions on other people’s character.
22 He said that unless Mr. Hartke had evidence to present on that point, Mr. DiNovo does not want to hear
23 this, because Mr. Hartke is not here, and Mr. DiNovo will not tolerate, anyone coming in here and
24 questioning anyone else’s character. He stated that if Mr. Hartke has evidence, present it; if he doesn’t,
25 then shut up.

26
27 Mr. Hartke stated that he will present some of that evidence.

28
29 Ms. Capel informed Mr. Hartke that such evidence is not relevant in this case anyway.

30
31 Mr. Hartke stated that he will do whatever the Board wants. He said that he feels it makes a huge
32 difference if a person who advocates for a project is coming here to testify in front of you who is part of
33 the project. He said that if you are a landowner and all you are trying to do is enjoy what you already
34 have, you have not been approached, and you do not have any desire or willingness to give up the ability
35 to use all of your property, he thinks that is very meaningful. He said he does not believe it is right or
36 moral or ethical to become a middleman to give away someone else’s use of their land. He said he has
37 been through this, and it is very, very difficult. He said to give waivers, he suggests that you ask the
38 neighbors and see what their opinion is about waivers. He said the last thing he wants to say is about this
39 driveway. He said the (solar farm) driveway is jammed up against an adjacent landowner; there are
40 some trees and visual blockage along the edge of his property. He said he thinks the driveway for this
41 solar farm needs to come out at the very middle of the property where they have the most visibility east
42 and west onto County Highway 15. He said he believes that a driveway at the very edge of the property
43 is very unsafe. He said he travels this road two to four times every day, and he concurs with the
44 concerns of the owner of the triangular lot to the east who mentioned it and Tim Osterbur who
45 mentioned it. He said those two guys are correct in their concern about the location of the driveway
46 entrance.

1
2 Ms. Capel asked if there were any questions from the Board or staff for Mr. Hartke and there were none.
3 She asked if anyone would like to cross-examine Mr. Hartke.
4
5 Phil Fiscella asked Mr. Hartke what makes him think that Mr. Fiscella is getting paid by the developers.
6
7 Mr. Hartke responded that he does not think that about Mr. Fiscella. He said that in other projects, there
8 are some decision makers who have influenced the outcome of their Village Board's decision, and
9 during the discussion weighed in on the debate about whether to allow waivers within one-half mile of
10 their jurisdictional area. He said he thinks that will be a very important question for Board members to
11 ask of a person who might be representing groups that are in favor of it. He said that he thinks that
12 would be a very fair question for someone to ask Mr. Hartke or ask Mr. Fiscella, to get a background of
13 perhaps why you thought this was great or terrible, and who you may be representing.
14
15 Mr. Fiscella stated for the record that he is representing himself, and he has no financial interest in this
16 project or at this point any other solar project anywhere. He said that he has no other interest in this
17 other than as a property owner.
18
19 Mr. Hartke reiterated to Mr. Fiscella that his comments were never directed toward him, nor did he ever
20 think of Mr. Fiscella as a person involved as such.
21
22 Ms. Capel stated that concluded her list of witnesses, and asked if anyone else wanted to testify.
23
24 Ms. Griest asked staff if Jeff Blue, Engineer at the County Highway Department, issues a permit for
25 access onto that County Highway, and will very carefully examine the visibility issues related to this
26 unique nature of the parcel and insure that it does have adequate and appropriate visibility, and stopping
27 and turning distances for us.
28
29 Mr. Hall stated that he cannot imagine that Mr. Blue would do anything other than that.
30
31 Ms. Griest asked if staff would let Mr. Blue know that there were some concerns raised by several
32 residents, and that particular interest should be taken in this case.
33
34 Mr. DiNovo asked if Mr. Switzer could be recalled so that the Board could ask these follow-up
35 questions.
36
37 Mr. DiNovo asked Mr. Switzer if these are separate solar farms to be built at the same time, or built at
38 different times.
39
40 Mr. Switzer said that they view them as one project that would be built at the same time.
41
42 Mr. DiNovo asked if each farm has its own inverter.
43
44 Mr. Switzer said that is correct.
45
46 Mr. DiNovo asked if they are located next to each other.

1

2 Mr. Switzer said that is correct, they are located in the middle.

3

4 Mr. DiNovo asked if there would be any new wires that would run along County Highway 15/CR
5 1000N.

6

7 Mr. Switzer said no, there would not, and at the Point of Interconnection along the road, that would be
8 Ameren's property, it would not be owned by Forefront.

9

10 Mr. DiNovo asked Mr. Switzer if he has any concerns about ponding on the site.

11

12 Mr. Switzer stated that they would do a drain tile survey before they built anything, or during the design
13 and engineering process, and they would go and repair any existing drain tile deficiencies prior to
14 construction.

15

16 Mr. DiNovo stated that the topographic map indicates a large area of internal drainage right in the
17 middle of the solar farm. He asked if the developer would add tile if necessary in order to correct that
18 problem, including the proposed location of the inverters.

19

20 Mr. Switzer stated that they would take a look at it.

21

22 Ms. Griest stated that she is sure that they would take a look at it, but the Board would really like Mr.
23 Switzer to provide a little more information than that. She said there are a couple of choices: you
24 determine it is not a problem; you determine it is a problem and you fix it; or you abandon the site. She
25 asked if all of those are potential possibilities if the developer discovers a significant ponding hazard on
26 this parcel.

27

28 Mr. Switzer stated yes, that is correct.

29

30 Ms. Griest asked bottom line, you are not going to build in the pond, right.

31

32 Mr. Switzer stated no, they would not.

33

34 Ms. Lee stated, asking again in a different way, Mr. Switzer said that the developer would not put any
35 new wires on the poles; she asked Mr. Switzer if Ameren is going to put any new wires on the poles to
36 accommodate these sites, as far as he knows.

37

38 Mr. Switzer stated that he does not know; they are waiting on the impact study from Ameren to tell them
39 what Ameren is going to have to put up.

40

41 Ms. Capel stated that she thinks Mr. Hartke's concern was that there would be new wires put up that
42 would be owned by Forefront.

43

44 Ms. Lee stated that her question was if anyone would put up new wires on those poles, whether it be
45 Forefront or Ameren, and she thinks Mr. Switzer's answer was that he does not know what Ameren is
46 going to do.

1

2 Mr. Switzer stated that they are waiting to hear back on the results from the study.

3

4 Ms. Griest stated that Ms. Nesbitt also expressed concern about additional wires or noise from additional
5 wires.

6

7 Mr. Hall asked if the Board wanted to ask the petitioner about having the fence along the east property
8 line with no separation, if that was a concern for the Board.

9

10 Ms. Griest said she has some concern about it, but she does not think it is a significant concern. She said
11 that her concern is, if the fence is going to be directly on the property line, is that going to have an
12 impact on farming the adjacent parcel, because farming is their livelihood. She said that she does not
13 think the fence should be on the property line; there needs to be some separation to allow them to get full
14 utilization of their parcel without an implement going into a chain link fence. She said maybe it does not
15 need to be 10 foot, but she does not think it should be 0 right on the property line.

16

17 Mr. Hall asked if there were any other homework items for the petitioner on this site plan.

18

19 Mr. DiNovo said that it seems there is ample room on the larger parcel to shift the site maybe 20 feet to
20 the north would obviate maybe one of the waivers.

21

22 Ms. Capel stated that going north gets closer to the CR District.

23

24 Ms. Griest stated that she has less concern about getting closer to the CR District in that this is currently
25 production ground, so you are not really disturbing any natural animal pathways; they are going to walk
26 around a fence. She said that they run through all of the farm ground, and she could show you the path
27 they have made through her corn.

28

29 Mr. DiNovo stated that they are not elk; they do not follow defined migration paths from the mountains
30 down to the foothills.

31

32 Ms. Capel asked if there was any more discussion or any more homework for the petitioner. Seeing
33 none, she closed the witness register and said that she would like to continue the case.

34

35 Ms. Griest asked Mr. Hall if he had a recommendation for a continuance date.

36 Mr. Hall stated that the first available is October 11th, which is the night of another new solar farm
37 special use permit. He said that tonight was a little different than the last solar farm public hearing; the
38 Board has spent 2.5 hours on one solar farm. He said that being realistic, maybe December 13th is within
39 the 100 day limit, and is the first completely open meeting date with no other case. He said he has to
40 believe that this Board could spend another 3 hours to go through this case to take final action.

41

42 **Ms. Griest moved, seconded by Mr. Passalacqua, to continue case 903-S-18 to December 13, 2018.**
43 **The motion passed by voice vote.**

44

45 Mr. Hall asked Mr. Switzer if his company is facing any particular deadlines with this particular solar
46 farm.

1
2 Mr. Switzer stated that they recently received guidance that the State's incentive program opens January
3 15th, so they would want to get all the permitting done before that.
4
5 Ms. Burgstrom asked Mr. Switzer if his company does not have a special use permit from whatever
6 county or municipality for a project, what happens on January 15th.
7
8 Mr. Switzer stated that they are required to have all non-ministerial permits in order to qualify for the
9 incentive.
10
11 Ms. Burgstrom clarified that if they don't have the permits for this project, then it is a done deal.
12
13 Mr. Switzer said that is correct.
14
15 Ms. Lee asked which incentives Mr. Switzer was talking about.
16
17 Mr. Switzer stated the Future Energy Jobs Act incentives that the state recently enacted.
18
19 Mr. Hall stated that he has to share with the Board that this means that continuing this case to December
20 13th means that there is no need to continue it because in order to get the special use permit, the County
21 needs to review the special use permit, and that needs to go through ELUC. He said that if this case is
22 continued to December 13th, the County Board approval won't happen until sometime after January 15th.
23 He said he does not have the schedule yet for that meeting, but he knows it will be after January 15th.
24
25 Ms. Griest said that the comment was that the application period opens on January 15th; she asked if that
26 means that if you are not first in line you are excluded, or that you can apply at a later date.
27
28 Mr. Switzer stated that as of now, they way that they understand it, you would apply on that first day,
29 and there would be a lottery to select who gets the incentive and who does not. He said as far as later
30 rounds or anything like that, they are not aware of any, so they are pushing forward for that January 15th
31 deadline.
32
33 Mr. Passalacqua asked Mr. Switzer if the government incentive is the only thing that makes their project
34 work, or is that just a nice bonus.
35
36 Mr. Switzer stated that it makes it work.
37
38 Mr. Passalacqua stated that we have two other cases that we have not even opened up tonight, and we
39 have other cases scheduled, and we have cases that came before this one that we have not been able to
40 revisit and enforce, so he does not see how we can see this again sooner.
41
42 Mr. DiNovo stated that he does not see how we are going to get through this with a conventional
43 meeting schedule; it would seem to him that this is something that should be brought before the County
44 Board to see if they want this Board to do something special.
45
46 Mr. Passalacqua asked Mr. DiNovo was going to do the same thing for the two other cases.

1

2 Mr. DiNovo stated it would be for all of the cases. He said that he is uncomfortable with this Board
3 taking decisions that in effect amount to denials; he thinks that is in the purview of the County Board to
4 decide. He said that if we take a decision to continue a case to the point that it is not going to work, it
5 amounts to a denial and that should be made by the County Board. He said that he could imagine
6 scheduling special meetings if the County wants us to get through these things.

7

8 Mr. Passalacqua stated that we have also had testimony tonight that the public would like to have time to
9 read this so they can develop their pro or con attitude about it also.

10

11 Ms. Lee said that it is not just the public, it is the municipalities that have their regular board meetings;
12 they are running into problems too with this schedule.

13

14 Mr. DiNovo stated that he is foreseeing a real difficulty trying to do this in our normal meeting
15 framework; we may need to schedule special meetings, and he could imagine a day-long Saturday
16 meeting where we go through all of these cases. He said that is a judgment call for the County Board to
17 make, but of course, we have to be willing to do it.

18

19 Mr. Passalacqua stated that we have so many other cases in the pipe that are going to take this much time
20 or more, and asked Mr. DiNovo if he was going to make this his full-time job.

21

22 Mr. DiNovo stated that he does not want to take up every moment of our regular docket space for this
23 purpose. He said that we have other people out there who have other things they want to do and need
24 zoning cases. He said he thinks the County Board needs to look at some kind of special procedure for
25 dealing with these things; otherwise, we are going to be looking at effective denials.

26

27 Mr. Hall stated that it is his understanding that in December when you have a new County Board being
28 seated there is no ELUC meeting, so things have to go directly to that newly-seated County Board.

29

30 Mr. DiNovo stated that the County Board can schedule special ELUC meetings. He said it would be
31 customary not to have an ELUC meeting the same month that they have their organizational meeting, but
32 that is not statutory, that is Board practice and Board rules which can be waived or modified. He said
33 that it seems that we have a big scheduling issue that is above our pay grade.

34

35 Ms. Burgstrom stated that she is of the opinion that this is not a decision of what the County Board and
36 ELUC are going to do; we have these cases on the docket tonight, and we should go ahead and promote
37 special meetings for perhaps October 4th, another one in mid-October, just to open those up in the case
38 that is where things tend to lead with the County Board.

39

40 Ms. Griest asked Mr. Hall if we could get an opinion from either the County Board as a whole, the
41 Chair, or ELUC or that Chair, as to what they would like to see us do; she understands that is a very
42 difficult task. She said that really the bottom line is if they want special meetings, they need to tell us
43 that. She said that she thinks that is probably the only way that we are going to get something to them
44 before this County Board term is up.

45

46 Mr. DiNovo stated that he does not recall the provisions of the bylaws, and asked if the Chair can call

1 special meetings, or does it require an affirmative vote of the Board.

2

3 Mr. Hall stated that it requires an oral approval of a quorum of the Board.

4

5 Mr. Passalacqua asked if Mr. DiNovo is proposing holding special meetings for seven solar farm cases
6 in a hurry up fashion so that we can get them settled up for FEJA.

7

8 Mr. DiNovo stated that it is a decision for the County Board to make because the effect of not getting
9 them completed by January 15th is to deny them. He said that it is the County Board's decision to
10 approve or deny, so they need to make this decision or at least be involved in it.

11

12 Mr. Passalacqua stated that it seems to be accommodating things that seem to be shaking out poorly, and
13 he does not think it necessarily results in a denial. He said there is always 2020, and we did not have an
14 ordinance in place until a month ago.

15

16 Mr. DiNovo stated that having an external deadline like this is clearly an unusual situation.

17

18 Mr. Passalacqua stated that it is irrelevant to our process.

19

20 Mr. DiNovo stated that he absolutely agrees that it is irrelevant to our process, but he does not think it is
21 irrelevant to the County Board's position on this question. He said that they are the elected ones.

22

23 Mr. Passalacqua asked Mr. DiNovo why we have spent so much time here doing this. He said that we
24 are hearing the public, hearing the petitioner, staff can only do so much, and time has to go by before the
25 County Board can see it. He said that the fact that the incentive money runs out on January 15th does not
26 constitute a reason for us to come here every day and push this to the County Board. He said that we
27 cannot do that for every petitioner, and Mr. DiNovo always argues why should we protect one petitioner
28 more than the next. He said that we will do the best that we can do, but if we cannot hit a deadline by
29 some other entity, he doesn't see how we can do that for the other six cases.

30

31 Mr. DiNovo stated that he does not think that the issue of scheduling meetings is an issue of equal
32 protection. He said it is a question of how much effort the County Board wants to make to try to keep
33 their options open. He said that his only position here is that he is uncomfortable with this Board
34 making scheduling decisions that preempt the County Board's decision. He said that all he is saying is
35 let's ask the County Board before we do anything. He said that obviously, we cannot resolve this tonight,
36 but the County Board needs to be aware of this situation.

37

38 Ms. Lee stated that she thinks there is one factor that you have to consider in this too; Jim Randol has
39 said that he cannot make other Thursday meetings, so you will automatically have one Board member
40 who cannot attend if we put it on a different Thursday, if that was a choice.

41

42 Mr. Hall stated that he would just offer that at a staff level, we do not like to schedule ZBA meetings
43 following each other one week apart, but November 1 is an opportunity to have a special meeting that is
44 on a Thursday and does not have any other meetings scheduled. He said that theoretically, going back to
45 this case, if you could finish that case on November 1, it could be at ELUC on November 8th, and that
46 would give the petitioner one opportunity within the timeframe of the decisions he was talking about. He

1 said if the Board wanted to have a special meeting on November 1, you should do that tonight; if that
2 doesn't seem workable, that's fine, but he wanted to bring that up.

3
4 Mr. Passalacqua stated that it is his assumption that the other two cases by this petitioner also have the
5 January 15th deadline. He asked Mr. Hall if he knows if in the coming meetings the petitioners are also
6 hinging on this date.

7
8 Mr. Hall stated that there is only one other community solar farm after these three, and he assumes that
9 they have the same issue. He said that the big solar farm that is coming up he believes has a different
10 timeline.

11
12 Ms. Griest asked about the two that were continued at the last meeting.

13
14 Mr. Hall stated that they had the same issue.

15
16 Ms. Lee asked if there was a chance for moving the people on the October 25th docket to a later date to
17 accommodate the solar farms.

18
19 Mr. Hall stated that it would be up to those petitioners, and he does not know what their timeframes are.
20 He said that we could check with them and see if they would be willing to do that and we could report
21 back to you at the next meeting.

22
23 Mr. Passalacqua stated that it is his understanding that we had a motion and a second to continue it to
24 December 13th, and it passed by voice vote, so where do we stand on that.

25
26 **Mr. DiNovo moved, seconded by Ms. Griest, to rescind the continuance to December 13th, and**
27 **instead forward the case to a special meeting to be held on November 1st. Motion passed by voice**
28 **vote.**

29
30 **Mr. DiNovo moved, seconded by Ms. Griest, to hold a special meeting at 6:30 p.m. on November**
31 **1st. Motion passed by voice vote.**

32
33
34 **Case 906-S-18 Petitioner: FFP II Community Solar LLC, via agent David Dickson Request to**
35 **authorize a Community PV Solar Farm with at total nameplate capacity of 2 megawatts (MW),**
36 **including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the**
37 **following waivers of standard conditions: Part A: A waiver for a separation of 0 feet in lieu of the**
38 **minimum required 240 feet between the PV Solar Farm and non-participation properties 10 acres**
39 **or less in area, per Section 6.1.5 D. (3) a. of the Zoning Ordinance. Part B: A waiver for a**
40 **distance of 35 feet from the CR Conservation Recreation Zoning District in lieu of the minimum**
41 **required one-half mile (2,640 feet), per Section 6.1.5 V. (2) b. Part C: A waiver for not including a**
42 **signed Decommissioning and Site Reclamation Plan with the Special Use Permit application, per**
43 **Section 6.1.5 Q. Part D: A waiver for not providing a visual screen for any part of the PV SOLAR**
44 **FARM that is visible to and located within 1, 000 feet of an existing DWELLING or residential**
45 **DISTRICT, per Section 6.1.5 M. (2) a. Other waivers may be necessary. Location: A 40-acre tract**
46 **in the Northeast Quarter of the Southeast Quarter of Section 3 of Township 19 North, Range 10**

1 East of the Third Principal Meridian in St. Joseph Township, and commonly known as the
2 farmland approximately 600 feet north of Schuren Nursery on the west side of CR 2200E.
3
4

5 Case 907-S-18 Petitioner: FFP II Community Solar LLC, via agent David Dickson Request to
6 authorize a Community PV Solar Farm with at total nameplate capacity of 2 megawatts (MW),
7 including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the
8 following waivers of standard conditions: Part A: A waiver for a separation of 20 feet in lieu of
9 the minimum required 240 feet between the PV Solar Farm and non-participating properties 10
10 acres or less in area, per Section 6.1.5 D. (3) a. Part B: A waiver for a distance of 230 feet in lieu
11 of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM, per Section
12 6.1.5 B. (2) of the Zoning Ordinance. Part C: A waiver for not including a signed
13 Decommissioning and Site Reclamation Plan with a Special Use Permit application, per Section
14 6.1.5 Q. Part D: A waiver for not providing a visual screen for any part of the PV SOLAR FARM
15 that is visible to and located within 1,000 feet of an existing DWELLING or residential
16 DISTRICT, per Section 6.1.5 M. (2) a. Other waivers may be necessary. Location: Part of a
17 153.23-acre tract in the Northwest Quarter of Section 12 of Township 19 North, Range 10 East of
18 the Third Principal Meridian in St. Joseph Township, and commonly known as the farmland at
19 the southwest corner of CR 2350E and CR 1700N.
20

21 Mr. Hall stated that the Board needs to continue cases 906-S-18 and 907-S-18.
22

23 Mr. DiNovo stated that we could also extend the meeting. He stated that given the time required in this
24 hearing, we would plausibly need to extend to 11:30. He said that back in the day, the ZBA oftentimes
25 met until the wee hours of the morning, so it is certainly not unheard of.
26

27 Mr. Passalacqua asked if Mr. Hall has a date in mind.
28

29 Mr. Hall said that we have November 1.
30

31 Ms. Griest stated that she thinks they need to be opened prior to November 1 to take the testimony, and
32 asked about October 11th. She said it appears, based on the size of the audience, that we have a lot of
33 people who came to present testimony for these cases, and she believes that they need the opportunity to
34 present that testimony. She said that she realizes that October 11th has another solar case and that is
35 probably going to have a lot of testimony as well; however, these two cases were docketed before that
36 one and deserve to be opened in the order in which they were docketed.
37

38 Mr. DiNovo stated that it also has the advantage that one of the other cases that is scheduled for October
39 11th is St. Joseph area.
40

41 Ms. Burgstrom stated that Cases 906 and 907 are St. Joseph area, and Case 901 for Wallace Solar is in
42 the Sidney area, just a bit down the road from Case 903.
43

44 Mr. DiNovo asked what the September 27th meeting looks like.
45

46 Mr. Hall stated that it has the two continued Community Power Group solar farm cases and two new

1 cases. He said that he thinks that the October 11th date makes sense for continuing these two cases that
2 were not opened tonight.

3
4 **Ms. Griest moved, seconded by Ms. Lee, to continue cases 906-S-18 and 907-S-18 to October 11,**
5 **2018. Motion passed by voice vote.**

6
7 Mr. DiNovo asked if the October 11th meeting would begin at 7:00 p.m. or 6:30 p.m.

8
9 Ms. Burgstrom stated that unless a motion is made otherwise, the meeting would begin at 7:00 p.m.

10
11 **Mr. DiNovo moved, seconded by Ms. Griest, to start the October 11, 2018 meeting at 6:30 p.m.**
12 **Motion passed by voice vote.**

13
14 Ms. Burgstrom stated that there were many people attending tonight's meeting who desired to provide
15 testimony regarding the two St. Joseph cases. She reminded the audience that they were welcome to
16 provide their comments via telephone, email, fax or a letter by mail to staff and those comments will be
17 distributed to the Board for review. She said that staff and the Board appreciates everyone's attendance
18 tonight and if there is someone who did not have the chance to speak there are options for those
19 comments to be heard beyond the meeting. She said that the office is open Monday thru Friday 8:00
20 a.m. to 4:30 p.m.

21
22 Ms. Capel stated that all comments are provided to the Board for review in their mailing packets.

23
24 **7. Staff Report - None**

25
26 **8. Other Business**
27 **A. Review of Docket**

28
29 Mr. Hall stated that there is no further review of the docket necessary at this time.

30
31 **9. Audience participation with respect to matters other than cases pending before the Board**

32
33 None

34
35 **10. Adjournment**

36
37 Ms. Capel entertained a motion to adjourn the meeting.

38
39 **Ms. Griest moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**
40 The meeting adjourned at 9:58 p.m.

41
42 Respectfully submitted

43
44 Secretary of Zoning Board of Appeals

45