

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

**DATE: February 16, 2023 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Ryan Elwell, Larry Wood, Jim Randol, Lee Roberts, Tom Anderson, Nolan Herbert, Thaddeus Bates

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Deanna Zehr, Jeff Jenkins Jr., Jeff Jenkins Sr., Kiera Gavin, Aaron Esry, Jim White, Jamie Burke, David Burke, Jina Weickersheimer, Kipp Weickersheimer

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None

4. Minutes - None

5. Audience participation with respect to matters other than cases pending before the Board - None

6. Continued Public Hearings

Case 035-AM-21

Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21.

Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

1 **Case 036-S-21**

2 Petitioner: **Jeffrey Jenkins, d.b.a. Walnut Grove MHC**

3
4 Request: **Authorize the expansion and use of an existing nonconforming manufactured home**
5 **park with 12 existing plus 8 proposed manufactured home sites in the R-5**
6 **Manufactured Home Park Zoning District, contingent upon the rezoning of the**
7 **subject property in related case 035-AM-21 and including the following waivers of**
8 **standard conditions (other waivers may be necessary):**
9

10 **Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu**
11 **of the minimum required 40 home sites in a manufactured home park.**

12
13 **Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not**
14 **include the number, location, and size of all Manufactured Home Sites.**

15
16 **Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening**
17 **along all boundary lines abutting existing residential development.**

18
19 **Part D: Authorize a Manufactured Home Park with recreation space totaling less**
20 **than the minimum required 8% of gross site area, per Section 6.2.2 D.**

21
22 **Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not**
23 **include the limits of each Manufactured Home Site.**

24
25 **Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between**
26 **the manufactured home and the manufactured home site boundary adjacent to**
27 **private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through**
28 **20.**

29
30 **Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between**
31 **the entrance side of the manufactured home and the manufactured home site**
32 **boundary, per Section 6.2.2 E.2.b., for existing home site 2.**

33
34 **Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section**
35 **6.2.2 E.2.c. for existing home site 3.**

36
37 **Part I: Authorize a waiver from having a manufactured home stand or pad on**
38 **each home site made of concrete slabs or runways with ground anchors, per**
39 **Section 6.2.2 E.4.**

40
41 **Part J: Authorize no outdoor paved living space in lieu of an outdoor living space**
42 **of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2**
43 **E.5. for all existing and proposed home sites.**

44
45 **Part K: Authorize a minimum pavement width of 19 feet for existing private**
46 **accessways in lieu of the minimum required 24 feet for minor streets, per Section**
47 **6.2.2 F.5.**

48
49 **Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving**

1 materials, curbs and gutters, grading, intersections, offsets, and radii of
2 curvature, that the provisions of the Subdivision Ordinance shall apply to existing
3 private accessways.

4
5 **Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual**
6 **walks to each manufactured home stand that are paved and a minimum of two**
7 **feet in width.**

8
9 **Part N: Authorize a waiver from Section 6.2.3 A., for having a private water**
10 **system that can furnish a minimum of 150 gallons per day per manufactured home**
11 **at a minimum pressure of 20 pounds per square inch.**

12
13 **Part O: Authorize a waiver for the electrical system to comply with the latest**
14 **edition of the National Electric Code, per Section 6.2.3 D.1.**

15
16 Location: **A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10,**
17 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**
18 **Township and commonly known as Walnut Grove MHC with an address of 1513 CR**
19 **2300N, Urbana.**

20
21 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
22 the witness register for that public hearing. He reminded the audience that when they sign the witness
23 register, they are signing an oath.

24
25 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
26 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
27 show of hands from those who would like to cross-examine, and each person will be called upon. He said
28 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
29 state their name before asking any questions. He noted that no new testimony is to be given during the
30 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
31 exempt from cross-examination.

32
33 Mr. Elwell said that the Board has received a packet of information from the petitioner, and Staff is going
34 to go through that. He said if there was anything new other than that, then let's go ahead and have that
35 presented.

36
37 Jeff Jenkins, 13426 Maverick Road, Marion, Illinois, said what Ms. Burgstrom does for this Board is
38 tremendous; she puts it all together, gets all the information she needs, and she produces that. He doesn't
39 know if he has anything new to add to that.

40
41 Mr. Elwell thanked him and asked if there were any questions from the Board.

42
43 Mr. Wood said he was curious what this was.

44
45 Ms. Burgstrom said that is a water and septic plan from 1972.

46
47 Mr. Wood said it looks old.

48
49 Ms. Burgstrom said it is old, so that was original means by which water and septic was planned out. She

1 said if the Board would like, she could go through the list of homework that the Board and staff provided
2 Mr. Jenkins or if the Board would like, they could just answer any questions they have.

3
4 Mr. Elwell asked Ms. Burgstrom if she would be willing to go through the list.

5
6 Ms. Burgstrom said yes, she would like to refer to Supplemental Memorandum #2 that was part of the
7 Board's mailed packet. She said at the bottom of page one on the blue page there is a list that starts down
8 there. She said item number one is the certification from a licensed professional engineer, that the hook-
9 up of the electrical system of the proposed home sites will comply with the National Electric Code and
10 Section 6.2.3D. of the Zoning Ordinance. She said Mr. Jenkins provided two different letters that are
11 handouts on the Board's desks tonight; the first one is from Ameren Illinois, that says they will provide
12 electrical service for the proposed homes and the second one is from Waters Electric, that says Waters
13 Electrical contracting will provide the electrical hook-ups for the new homes on lot 17 through 20, and on
14 the back of the page is the license that is from the Village of Rantoul, but it does have a license for this
15 electrical contractor. She said that item number two on the Supplemental Memorandum #2 is the
16 certification from a licensed professional that there is ample water supply of a minimum of 150 gallons
17 per day and a minimum pressure of 20lbs per square inch for existing and proposed home sites. She said
18 there is a letter on the Board's desk tonight from Hayes and Sims Drilling Company, that talks about the
19 water well. She invites the Board to take a look through that and see if they think that would be sufficient
20 evidence to move forward with the water aspect of this project.

21
22 Ms. Burgstrom said item number three on page two of the Supplemental Memorandum #2 is certification
23 from a licensed professional that the septic system can accommodate all existing and proposed home sites.
24 She said the 1972 plan is meant to demonstrate how that system was originally planned; they don't have
25 anything that shows the current septic system or that it is ample in capacity. She said item number four is
26 to have Farnsworth Group map the existing and proposed electrical, water, and septic lines on the site plan
27 or on a separate map if necessary. She said they do not have that. She said item number five is revising
28 the footing detail on the site plan to the 32-inch frost depth. She said they had talked about that previously
29 and it has been done, so they can see that on the revised site plans that are before them. She said item
30 number six is revising the parking along the east access drive to ensure that parking spaces are at least
31 nine feet by 20 feet each, and that there are two spaces for every home without overlapping the east access
32 drive and indicate the parking areas on the site plan. She said that has not been done on the most recent
33 site plan that she has seen, they are still needing to see something along those lines. She said item number
34 seven is to add a note on the site plan that the east access drive will be improved with oil and chip to IDOT
35 specifications. She said that there is a note on the site plan saying that it will be oil and chip, but it does
36 not say to IDOT specifications. She said item number eight is to add a three-foot-wide pedestrian walkway
37 on the site plan from the cul-de-sac to the recreation area and from the south end of the east road to the
38 recreation area. She said the latest site plan is a handout on the Board's desk tonight, which is pretty much
39 the same she believes as what they have seen before. She said the site plan does not show a sidewalk on
40 either way, but Mr. Jenkins has added a proposed oil and chip driveway that is extending the east road
41 down to the recreation area, so presumably that is meant to be also for pedestrians, but they don't have a
42 pedestrian walkway between that cul-de-sac and then going south to the recreation area. She said those
43 are the eight items that the Board and staff had given Mr. Jenkins. She said before staff received all of
44 these handouts, Mr. Jenkins had asked for a continuance to go to another date, because obviously there
45 are still things that need to be worked out, so she will leave that up to the Board to discuss and see how
46 they would like to proceed.

47
48 Mr. Elwell thanked her.

1 Mr. Jenkins asked if he could comment.

2

3 Mr. Elwell said absolutely sir.

4

5 Mr. Jenkins said that at the previous meeting, they had discussed that adjacent to the east brand-new
6 proposed 20-foot-wide oil and chip drive there would be solid stone for parking. He said the yards of the
7 homes are 25 feet wide and the homes are 16 feet wide, which would make 41 feet of parking per home
8 site. He said they talked about 20 feet of parking per car and 41 feet handles two cars, so they agreed there
9 would be ten-foot of stone all the way in front of all homes adjacent to the proposed oil and chip drive,
10 that was last meeting. He asked Ms. Burgstrom if she had mentioned anything about Brad Barr.

11

12 Ms. Burgstrom said she did not.

13

14 Mr. Jenkins asked her if she had gotten information.

15

16 Ms. Burgstrom said she had an email.

17

18 Mr. Jenkins said Rick Wolken is the Highway Road Commissioner for Somer Township. He contacted
19 Mr. Wolken and he had told him that Mr. Barr does all the oil and chips for their roads. He contacted Mr.
20 Barr in his off season, so he is vacationing like crazy, but finally he got ahold of him, and he said that was
21 not a problem at all, so Mr. Barr came out and measured it up and had told him it would be a piece of
22 cake, they would fit it in with Mr. Wolken's work. He said as was suggested, the walkway penetrating the
23 homes to the south, they had touched on the fact that a lot of the homes in the community are landscaped,
24 and a handful have fences around them. He said there are two homes on the south side that have fences
25 around them, then the next-door neighbor just has a yard and of course he is down the way. He said those
26 homes are closer together than some of the other homes in the community and EPA would never want
27 them to bring a sidewalk past the sand filtration, they don't want people playing around their sand filtration
28 and sewage treatment plant. He said if the Board can look at the map on the west side of lot four and
29 cutting through to the recreation area means they would be walking across the corner of the sand filtration;
30 that doesn't make sense. He said between lots four and five there is deck sticking out of both lots, they
31 virtually would walk past those two homes' windows. He said lots five and six are even closer together
32 and trees are at the end of that pathway, which again, walking past residents' windows. He said between
33 lots seven and eight is an open area, but both are fenced in, and lot seven is very particular about her
34 property and very private. He said going through there in some way does not seem to make sense and that
35 is why the Farnsworth Group suggested an extension of the newly proposed oil and chip drive to the east
36 and take that all the way over to lot eight and then take it south past the garden. He said virtually they
37 could probably park five to ten cars along that 20-foot-wide road and get to the recreation area. He thinks
38 this was a simple solution and nobody would be invaded, that is all he has.

39

40 Mr. Elwell asked him if he was talking about parking east to west or north to south on the proposed parking
41 for home sites 17 through 20.

42

43 Mr. Jenkins said north to south and ten feet off the proposed oil and chip drive; it would be solid stone,
44 but it would be oil and chips at the proposed 20-foot-wide drive.

45

46 Mr. Herbert asked him if it was going to be the proposed 20-foot-wide oil and chip drive, then ten feet of
47 stone next to the proposed oil and chipped drive.

48

49 Mr. Jenkins said road pack, correct.

1 Mr. Herbert said to make a 30-foot-wide path.
2
3 Mr. Jenkins said solid all the way down, correct. He said sorry, not 30-foot-wide, because four additional
4 is added to the east side of the proposed 20-foot-wide oil and chip drive.
5
6 Mr. Herbert said 20-foot-wide road plus 10-foot-wide of stones is 30-foot-wide, correct.
7
8 Mr. Jenkins said 34-feet, right.
9
10 Mr. Herbert said of drive is what he is getting at.
11
12 Mr. Jenkins said right, leaving 17 feet from the proposed oil and chipped drive to the front of the home.
13
14 Mr. Herbert said so seven feet between the parking and home.
15
16 Mr. Jenkins said of that 17-feet, the first ten is road pack parking off the proposed oil and chipped drive.
17
18 Mr. Herbert said which would mean 17 feet between the road and the home.
19
20 Mr. Jenkins said ten feet of road pack, then seven feet of flower garden or whatever.
21
22 Mr. Herbert said okay.
23
24 Mr. Elwell asked how much is needed for parking and is what's being described adequate.
25
26 Ms. Burgstrom said she doesn't have the measurement of the full north to south distance that is available
27 there. She said they need nine feet by 20 feet for each parking space.
28
29 Mr. Herbert asked what the north to south lot width was for each home site 15 through 20.
30
31 Mr. Jenkins said north to south is 41 feet.
32
33 Mr. Herbert asked if that was the width of the lot.
34
35 Mr. Jenkins said the lot and home and the parking would be in front of the home and yard.
36
37 Mr. Elwell asked if from north to south the parking lot itself would be 20 feet.
38
39 Mr. Jenkins said 41 feet per home.
40
41 Mr. Herbert said 41 feet by ten feet per home he thinks is what he is saying.
42
43 Mr. Elwell said right, but where the actual cars are going to be parked is going to be at least 20 feet wide
44 north to south, correct.
45
46 Mr. Jenkins said yes.
47
48 Mr. Elwell asked Ms. Burgstrom if the extension of the proposed oil and chip drive would be adequate for
49 accessing the recreation area instead of the walkway.

1 Ms. Burgstrom said the Zoning Ordinance calls for a three-foot-wide paved path in heavily trafficked
2 areas, which would signify the recreation area. She can't really speak to whether it is sufficient because it
3 is not a three-foot-wide path, it is a 20-foot-wide drive.

4
5 Mr. Elwell said his thought process is the pathway is supposed to be for pedestrian he assumes.

6
7 Ms. Burgstrom said correct.

8
9 Mr. Elwell said how this has been explained or the information he gleaned from, that there would be
10 parking, people would be driving, and stuff like that, so he has a little bit of concern, because the reason
11 why they have asked this is because of the pedestrian use and the extension has been for driving, parking,
12 and stuff like that.

13
14 Mr. Jenkins said right, all the home sites and people on the south side are at the park already, so they
15 certainly aren't going to get in their cars and drive around to other side of their house. He said only a few
16 homes that are at the main entrance can drive over and not invade a neighbor, and all the people on the
17 proposed oil and chip drive could just drive down the road or walk. He said they have road pack all the
18 way up to the recreation and gardening area.

19
20 Mr. Herbert said he could probably get on board, that there is probably not enough room for a sidewalk
21 and walking between people's houses as it stands, he wouldn't want that if he lived in that house. He said
22 the proposed oil and chip drive would provide access to the recreation area, but as far as the sidewalk
23 goes, he doesn't feel there is room between those houses to ask to put a sidewalk in there and people
24 walking up and down the neighbor's yard.

25
26 Mr. Randol said that, and he mentioned that four of the five homes' back yards butt up to the recreation
27 and garden area, so they are walking right there anyhow.

28
29 Mr. Elwell asked if there were any further thoughts or comments from the Board of Staff. He asked Mr.
30 Jenkins why he had asked for a continuance for his case and to explain a little more about the time that is
31 needed.

32
33 Mr. Jenkins said that at the time that he asked for the continuance Ms. Burgstrom had given him a deadline
34 of February 3, 2023, correct.

35
36 Ms. Burgstrom said that is right.

37
38 Mr. Jenkins said there was no way he was going to be able to put that together and as a matter-of-fact Ms.
39 Burgstrom got a lot of information today from contractors, so it just looked like they would have to move
40 it ahead, but they did their best and got most all of it done.

41
42 Mr. Elwell asked if it was not his opinion tonight that he wants them to seek another date for continuing
43 his case.

44
45 Ms. Jenkins said correct.

46
47 Mr. Elwell thanked him.

48
49 Mr. Herbert said they were missing four items as it stands, he doesn't see how they could move forward

1 on his case missing those four items. He said they could move forward right now, but they are missing
2 four items, that is kind of where he stands, they just heard that they don't need a continuance, but they are
3 missing four items as they asked on the list.
4

5 Mr. Jenkins said he had talked to Berg Tanks, they came out to the property and saw the sand filtration
6 system, they are familiar with it. He said they were hesitant to confirm the obvious, it is a system for 40
7 home sites and they are asking for 20 home sites, but they just need someone to wave a golden wand over
8 it. He said that Joe from Berg Tanks steered him to a Jeff Holstein with the Environmental Protection
9 Agency; he had told him that he couldn't help him or direct him to anybody, that was out of his job
10 description, and he wouldn't do that. He went back to Berg Tanks, and they gave him the contact
11 information for Jeff Blackford from the Champaign County Health Department; he had told him that he
12 would have an engineer for him today. He said this is how long it takes to get step by step done, he never
13 heard from Mr. Blackford at all today, but he was going to have an environmental engineer come out and
14 confirm that it is what it is, so that is the missing piece as far as the sewage.
15

16 Mr. Randol said that Mr. Blackford would be the guy to say yes or no on that system, he has dealt with
17 Mr. Blackford a lot.
18

19 Mr. Jenkins said although he denied doing that, he would rather an environmental engineer take the lead
20 and that is okay, he is sure he has somebody.
21

22 Mr. Randol said it is his department, so he will see that it is handled. He is busy, so even though he didn't
23 get in touch with him today, he will get back to him.
24

25 Mr. Jenkins said he seems like that.
26

27 Mr. Hall asked Mr. Jenkins if he had asked Farnsworth Group if they could provide that expertise.
28

29 Mr. Jenkins asked for what.
30

31 Mr. Hall said the environmental engineer to sign off on the design of the septic system.
32

33 Mr. Jenkins said Farnsworth had no environmental engineer in mind, they are mostly civil engineers.
34

35 Mr. Hall said okay.
36

37 Mr. Randol said that type of a sewage system falls under the jurisdiction of the Environmental Protection
38 Agency since having worked in that business.
39

40 Mr. Hall said that it is his understanding that it may have been the intent of the original developer to have
41 40 home sites.
42

43 Mr. Jenkins said 120 homesites.
44

45 Mr. Hall said okay well whatever.
46

47 Mr. Jenkins said three sand filtration systems.
48

49 Mr. Hall asked him if the IDPH signed off on 40 home sites in the original permit.

1 Mr. Jenkin said 120 home sites; the 40 home sites was phase one and Charles never got past that.
2
3 Mr. Hall said he didn't think that IDPH had approved the septic system for more than like, well he wasn't
4 certain of the number. He asked if he had an original copy of the original permit from IDPH.
5
6 Mr. Jenkins said he has the original.
7
8 Mr. Herbert said for all they know it was designed for 12 homesites.
9
10 Mr. Jenkins said the original drawing with an engineer stamp on it approved.
11
12 Mr. Hall said he is talking about what the IDPH originally approved.
13
14 Mr. Jenkins said that would be 51 years ago.
15
16 Mr. Hall said it is no older than these drawings he has submitted.
17
18 Mr. Jenkins said nobody produced that.
19
20 Mr. Hall said they don't really know what the IDPH approved originally.
21
22 Mr. Jenkins said okay.
23
24 Mr. Elwell said it sounds like to him that they are waiting for the information to get back to them about
25 the septic system. He said if he would like for them to continue going forward, then he would tend to
26 believe that having the marked stamp of approval for the septic system would make things go smoother.
27
28 Mr. Jenkins said he was sorry about that, he tried all he could. He would call them every day, and he is
29 sure he was annoying.
30
31 Mr. Elwell asked him if they would want them to continue with this case or does he want to seek another
32 date when he has that information.
33
34 Mr. Jenkins said it seems like to be conclusive a continued date would be fine with him and he would
35 have whatever is missing.
36
37 Mr. Elwell said sounds good and thanked him. He asked Mr. Hall for the next potential date.
38
39 Mr. Herbert said he would like to add to this that they also need items numbered four, six, and seven added
40 to that, not just the sewer or else they are going to do all this again.
41
42 Mr. Elwell said correct.
43
44 Mr. Hall asked Ms. Burgstrom if they were thinking March 16, 2023, for the continuance of Mr. Jenkins's
45 case.
46
47 Ms. Burgstrom said yes.
48
49 Mr. Hall said if that would provide enough time for Mr. Jenkins to get this additional information.

1 Mr. Jenkins asked when the date was.
2
3 Mr. Hall said March 16, 2023.
4
5 Mr. Jenkins said okay.
6
7 Mr. Hall said that is the date he would recommend.
8
9 Ms. Burgstrom asked Mr. Jenkins if he thought he would have enough time to get the environmental
10 engineer.
11
12 Mr. Jenkins said yes, like they had said earlier that Mr. Blackford is punctual, he probably just couldn't
13 hook up with him, but he will. He has good faith; they had talked a long time about it.
14
15 Mr. Elwell asked Ms. Burgstrom if she had the list of items that were missing, that they could resend to
16 Mr. Jenkins.
17
18 Ms. Burgstrom said yes, she will resend it to Mr. Jenkins.
19
20 Mr. Elwell thanked her and asked if there was any other discussion.
21
22 Mr. Herbert asked what the date they added on continuing the wind farm and solar case. He said for some
23 reason he had in his mind that was March 16, 2023.
24
25 Mr. Hall said the docket shows March 30, 2023, for the new zoning case.
26
27 Ms. Burgstrom said they originally had Case 075-AT-22 for March 16, 2023, on the docket's last version.
28 She said that case has been removed.
29
30 Mr. Herbert said he penciled that in, but he just remembered that as he was looking through the docket.
31
32 Mr. Hall said as they would like to move ahead on that as soon as possible, they can't get the
33 Environmental and Land Use Committee to write off prior to their March 9, 2023 meeting date, so March
34 30, 2023 is the earliest for that.
35
36 Mr. Elwell asked if there was any further discussion. Seeing none, he entertained a motion to move Cases
37 035-AM-21, 036-S-21, and 041-V-22 to the March 16, 2023 meeting date.
38
39 **Mr. Wood moved, seconded by Mr. Roberts, to move Cases 035-AM-21, 036-S-21, and 041-V-22 to**
40 **the March 16, 2023 meeting date. The motion carried by voice vote.**
41
42 Mr. Elwell told Mr. Jenkins that they would see him on March 16, 2023.
43
44 Mr. Jenkins thanked them for everything.
45
46 **Case 074-S-22**
47 **Petitioner: Medanos Solar LLC, via agent Kiera Gavin**
48
49 **Request: Authorize a Community PV Solar Farm with a total nameplate capacity of 5**

1 megawatts (MW), including access roads and wiring, in the AG-1 and AG-2
2 Agriculture Zoning Districts, and including the following waivers of standard
3 conditions:

4 Part A: A waiver for a distance of 0 feet between a PV Solar Farm and a municipal
5 boundary in lieu of the minimum required one-half mile (2,640 feet), per
6 Section 6.1.5 B.(2)a. of the Zoning Ordinance.
7

8 Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan
9 that includes cost estimates prepared by an Illinois Licensed Professional
10 Engineer prior to consideration of the Special Use Permit by the Board,
11 per Section 6.1.1 A.3. of the Zoning Ordinance.
12

13 Part C: A waiver for not entering into a Roadway Upgrade and Maintenance
14 Agreement or waiver therefrom with the relevant local highway authority
15 prior to consideration of the Special Use Permit by the Board, per Section
16 6.1.5 G. of the Zoning Ordinance.
17

18 Part D: A waiver for not completing consultation with the State Historic
19 Preservation Officer of the Illinois Department of Natural Resources
20 prior to consideration of the Special Use Permit by the Board, per Section
21 6.1.5 K. of the Zoning Ordinance.
22

23 Other waivers may be necessary.
24

25 Location: A 48.64-acre tract in the Southeast Quarter of the Southwest Quarter and the
26 Southwest Quarter of the Southeast Quarter and part of a 197.02-acre tract in the
27 east half of Section 4, Township 18 North, Range 14 West of the Second Principal
28 Meridian in South Homer Township, and commonly known as farmland owned by
29 Terry Wolf on the north side of CR 1100N (County Highway 15) northeast of the
30 Village of Homer, Illinois.
31

32 Mr. Bates asked Mr. Elwell if he got Part E. read in.
33

34 Mr. Elwell said it was marked out in Supplemental Memo #2.
35

36 Mr. Bates said okay and thanked him.
37

38 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
39 the witness register for that public hearing. He reminded the audience that when they sign the witness
40 register, they are signing an oath.
41

42 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
43 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
44 show of hands from those who would like to cross-examine, and each person will be called upon. He said
45 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
46 state their name before asking any questions. He noted that no new testimony is to be given during the
47 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
48 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request
49 prior to introducing evidence.
50

1 Kiera Gavin, P.O. Box 14055, Chicago, Illinois, thanked everyone for their time tonight and said she
2 wanted to take the opportunity to share some updates on the proposed solar farm outside of Homer, Illinois
3 since the first Zoning Board of Appeals public hearing on December 29, 2022. She wouldn't rehash too
4 much of the initial description outline of the proposed solar farm but did want to highlight some of the
5 changes they have made since the last time the Board saw the proposed site plan. She said there are too
6 many things to note that have changed about the site plan. She said first off, as someone had mentioned,
7 the waiver in Part E. has been removed as part of their application; that is based on moving their inverter
8 location, so their inverters now exceed the 115-foot minimum from the northern and southern fence
9 boundaries, which is now 494 feet from the southern fence boundary. She said this was both a move to
10 ensure they were in compliance with the Zoning Ordinance and didn't need that waiver anymore as well
11 as in response to some of the concerns about inverter noise that was raised during the initial public hearing.
12 She said they also moved the access road for the project; the access road was originally planned to be at
13 the southwest corner of Terry Wolf's property. She said this parcel of Mr. Wolf's property is in the Village
14 of Homer, so given the access proximity to the Village of Homer building and the jurisdiction overlap,
15 the objective was to move the access road onto Mr. Wolf's existing property and access, so likely they
16 will need to upgrade this access, but it will be a dual use access for his existing farm equipment and has
17 the added benefit of not taking away any kind of strip of farm ground on the western side of the property
18 where it originally was.

19
20 Ms. Gavin said other updates since the prior public hearing is she has received confirmation from the
21 drainage district, which part of the project falls in; there is a bit of a grey area on the Drainage District #1
22 of South Homer. She said they received confirmation from the district attorney that they don't believe
23 there is any district drainage tiles that the project will impact, and they are still acutely aware of the one
24 main drainage tile that runs across Mr. Wolf's property; they are going to be acutely aware of the drain
25 tiles in the construction and lifetime. She said they are supportive of the conditions of deconstructing the
26 project that staff proposed in terms of additional drain tile conditions for the project. She said they have
27 also completed and submitted a noise analysis based on concerns that were raised about noise; she would
28 get to that in a bit as well as the property value impact report. She said that have been working on it and
29 are hopefully near a final version of a Decommissioning and Site Reclamation Plan that applies with the
30 Zoning Ordinance. She said between then and now, she has communicated with letters to the neighbors
31 who attended the original public hearing that had any open questions she could resolve by reaching out to
32 them and shared her contact information as well as sent a letter to the Village of Homer in response to
33 some concerns they had raised during the ELUC meeting on January 5, 2023.

34
35 Ms. Gavin said she wanted to take an opportunity to respond to the concerns that were raised by the Village
36 of Homer through a resolution they submitted to the County. She said the first of which was a concern
37 that the project would inhibit natural growth or development in the area. She said some things they are
38 thinking about in terms of this concern are the local demographics of the area, so the main thing she will
39 highlight from this table that the Board sees here is the population demographics within the 3-mile radius
40 of the project. She said this circle here gives them an outline of that 3-mile radius, so it is kind of the
41 project area, the town, and the surrounding community. She said with this ESRI data, the past 12 years
42 show a slight decrease in population and that is anticipated to continue. She said before she jumps to noise,
43 she would like to also mention, or if it is okay, she reads in a letter that the landowner Mr. Wolf submitted.
44 She said this letter kind of aligns with this potential concern and describes some of Mr. Wolf's interest in
45 the project. She said he says, "Dear Champaign County Board of Appeals, he would like to clarify his
46 family's plans for the future of the 197-acre farm east of the Village of Homer where the proposed
47 Medanos Solar Farm would be located. He said their intentions for this, and future generations is to retain
48 ownership of their farmland and have no desire to sell any portion of the farm for development. He said
49 the proposed solar farm would be restored to its current level of farmland in the future if the solar farm

1 were to cease operations. He said that no one has ever approached his family interested in development
2 for homes or commercial uses. He said farmland has been one of the best investments for his family and
3 will remain an asset for generations to come. He said the community solar farm will capture solar energy
4 converting it to electricity just as corn and soybeans capture solar energy by using crops. Sincerely, Terry
5 L. Wolf.”
6

7 Mr. Elwell asked her if she would be willing to email that to Ms. Burgstrom.
8

9 Ms. Gavin said yes, she had thought about that a little late, but yes, Mr. Wolf sent an email of that to Ms.
10 Burgstrom directly.
11

12 Mr. Elwell said awesome and thanked her.
13

14 Ms. Gavin said good and thanked him. She said she thinks she lost the PowerPoint on the projector and
15 asked the Board and staff if they had the noise study that they submitted. She referred to Attachment C,
16 page one of seven in Supplemental Memo #1. She said it is a report with red, grey, and then on either the
17 first page or a few pages in there will be a map of the project with some green and yellow radiating out.
18 She said in the interest of time she will try to keep going, so the next thing that was raised by the Village
19 of Homer and they thought about it and wanted to make sure to touch on was the potential concerns about
20 noise. She said the inverters on a solar project are the main source of noise and they had a noise study
21 produced to determine if noise would be impacting neighbors of the property. She said as the Board can
22 see on page seven of the noise study, there is a strong indicator of the noise impact from the inverter as
23 they are increasing in distance away from the inverter, so just to give some context to this, and why
24 neighbors will not be impacted by noise from the proposal or project. She said this southern fence line
25 boundary, which is 494 feet away from the inverters, is already in this less than 45 dB(A) range. She said
26 if they are thinking about key neighbors they would be impacting, the Village of Home building itself is
27 1,000 feet from the inverters, so over double of that fence line range where they are already below 45
28 dB(A). She said similarly the Adam and Lori Young’s family home is over 1,100 feet away.
29

30 Ms. Gavin said the next thing she wanted to draw the Board’s attention to is back a page or two, so page
31 five on the noise study, which gives noise comparisons that are helpful since they all don’t think in
32 decibels. She said the inverters are rated at 67 dB(A) at about 33 feet away, which is 33 feet is well inside
33 the fence line of the project, they are again 494 feet away from the southern fence line. She said at 33 feet
34 they are at this 67 dB(A) range, which the Board can see falls between the characteristics of comfortable
35 and moderately loud, and the examples given are an air conditioner or vacuum cleaner. She said if they
36 are thinking at that southern fence line, the noise levels are anticipated to be below 45 dB(A), which brings
37 them down to this range of quiet or comparable to a refrigerator based on the noise comparisons.
38

39 Ms. Gavin said she did want to mention a direct quote on page one of the conclusions of the report, which
40 is that the unmitigated hourly equivalent operational noise levels are estimated to be below approximately
41 45 dB(A) during daytime hours at the closest noise-sensitive land uses south of the site. She said
42 additionally, the operational noise levels are anticipated to remain below the Illinois Pollution Control
43 Board allowable octave band sound pressure levels at Class A property boundaries during daytime hours;
44 therefore, noise mitigation is not recommended at this time. She said another concern raised by the Village
45 of Homer is in regard to the visual impact of the project; she does recognize and acknowledge this is
46 certainly a change in landscape from what is there currently, but she wants to mention and reference kind
47 of where the project is located is significantly set back from the roadway as well as from neighboring uses.
48 She said their fence line is setback from the northern edge of the Village of Homer property line, which
49 is sort of north of the baseball field diamond and a home run would be outside of the property line. She

1 said the fence line setback is an additional 450 feet from that property line. She said the Village of Homer
2 building itself to the fence line is 997 feet, so putting that in context, that is like being three football fields
3 away from the Village of Homer building to the fence line of the project. She said similarly, in terms of
4 the nearest neighbor, which is the Adam and Lori Young family, their property line is 240 feet setback
5 from the rear property line of multiple parcels that they own there, and their home itself is 556 feet away
6 from the fence line and over 1,100 feet away from the inverters. She said in addition, there is significant
7 screening on the Young's family property where she doesn't anticipate strong visual impact. She said she
8 will finally mention the road itself for members of the community driving by; the fence line is over 900
9 feet from the road at its closest point; if they are thinking about noise compared to the roadway, the
10 inverters are over 1,300 feet from the road at their closest point.

11
12 Ms. Gavin said that Mr. Wolf intends to continue to have the property farmed, so the area between the
13 project boundary and south, east, and west will continue to be farmed and planted seasonally. She said
14 another element she wants to touch on while on this category was the response from the Village of Homer
15 with concerns about the impact to local habitat, and she really wants to emphasize the kind of levels of
16 assessment and approval that solar farms go through before they're approved to be built. She said the State
17 level is the Illinois EcoCAT Assessment, which was submitted as a part of their application that determines
18 whether there are potential species or wetlands that are located on the premises and indicates if there are
19 mitigation steps; in this case, none were identified, and consultation was terminated or essentially a green
20 light from that perspective. She said they also consult with the U.S. Army Corps of Engineers; they are
21 required to pass conditions regarding any potential threatened or endangered species. She said they
22 complete a Phase One Environmental Site Assessment and consult with the Illinois State Historic
23 Preservation Office. She said beyond that in terms of kind of local habitat, she would argue the project is
24 going to be a benefit to local habitats based on their pollinator friendly vegetation plan and plans for
25 planting on the project area.

26
27 Ms. Gavin said to keep them moving, the next element she wanted to touch on was, which again was
28 raised by the Village of Homer comments with safety or concerns about proximity to electromagnetic
29 fields or radiation, and solar farms are not a strong source of electromagnetic fields. She said to quote a
30 few reports, someone out of the fence perimeter of a solar facility is not exposed to significant
31 electromagnetic fields from the solar facility; therefore, there is no negative health impact from the
32 electromagnetic field produced in that solar farm. She said to dive in a little bit, the solar panels themselves
33 don't emit measurable electromagnetic fields and the transformers and electrical cables are not sources of
34 electromagnetic fields, because of low frequency operation. She said the inverters are considered the
35 strongest electromagnetic field in a solar farm, but at 150 feet typically no electromagnetic field can be
36 detected above the Earth's magnetic field and inverters are said to be comparable to that of common
37 household appliances in terms of their electromagnetic field. She a final quote from one of these reports
38 says, "the strength of ELFEMF," which is very low frequency electromagnetic field, "present at the
39 perimeter of a solar facility or near a PV System in a commercial or residential building is significantly
40 lower than the typical American's average electromagnetic field exposure."

41
42 Ms. Gavin said she did want to touch on the panel grade that would be used for these projects. She said
43 this was a question from Ms. Smith during the first public hearing that she wasn't kind of prepared to or
44 didn't want to falsely commit to on the spot, but she was able to confirm that they're Grade A solar panels,
45 and that the highest quality will be procured for this facility and for all the facilities that they develop. She
46 said that solar panels approved for use in the United States are proven to be safe for solar farm uses and
47 roof top uses. She said she is wrapping up here and apologies for the lack of presentation for them all. She
48 did want to touch on property values as well, of course this was a concern raised by some of the local
49 neighbors and something they think about a lot with these solar farms. She did submit a property value

1 impact study or report.
2
3 Ms. Burgstrom said before the Board, they have the Cohn Reznick first five pages of that report that Ms.
4 Gavin submitted. She said the report is 116 pages long, and she has a full copy of that here for the Board
5 to go through and it's also online, but the first five pages are the executive summary to that report.
6
7 Ms. Gavin thanked Ms. Burgstrom and said during this time what she will kind of pull from the report is
8 the conclusions reached, which is these published studies and other valuation expert opinions conclude
9 that there is no impact to property adjacent to established solar farms. She said these conclusions have
10 been confirmed by academic studies utilizing large sales databases and regression analysis investigating
11 these uses' potential impact on property values. She said the conclusion has been confirmed by county
12 assessors who have also investigated these adjacent land uses' potential impact on property values. She
13 thinks with that she will just wrap up with saying thank you again all for their time and she is happy to
14 take any questions. She thinks there are potential local benefits that this solar farm is bringing, including
15 the locally generated energy for folks who might not have access or means to do rooftop solar. She said
16 there are subscriptions for electricity at or below market rates. She said these are quiet, low maintenance,
17 and low impact developments, that are environmentally safe and pollution free. She said they serve
18 economic benefits for the landowner and to increase the local tax base and thanked them.
19
20 Mr. Elwell thanked Ms. Gavin and asked if there were any questions from the Board.
21
22 Mr. Wood asked Staff when the new law goes into effect, then how would that affect this case.
23
24 Ms. Burgstrom said since they applied for this case before the new law went into effect, they are still
25 subject to their Zoning Ordinance as it stands.
26
27 Mr. Wood said he understands that, but assuming that, that was in effect, then how would that change how
28 they would have to think about this.
29
30 Ms. Burgstrom said they could be closer to properties and the road agreements might be less strict, but
31 she is not sure about that.
32
33 Mr. Wood asked if it would affect the half mile issue that the Village has.
34
35 Ms. Burgstrom said they wouldn't be allowed within one- and one-half miles of the Village of Homer if
36 this was under the new legislation.
37
38 Mr. Elwell asked with the change in the proposed access drive, what jurisdiction that would be in if it
39 wouldn't be the Village of Homer.
40
41 Ms. Burgstrom said the newly proposed access drive would be under the County Highway jurisdiction
42 because it would connect to that county highway just like it previously had been proposed, but the
43 proposed access drive would be in their zoning jurisdiction.
44
45 Mr. Elwell asked if they would still need Part C., because if his memory serves him correct the Village of
46 Homer was what was slowing that variance down.
47
48 Ms. Burgstrom said they would still need it if Medanos still wants to come down Illinois Route 49, then
49 go onto the highway and there is still a two-block area that's within the Village of Homer.

- 1 Mr. Elwell asked if there were any other questions from the Board.
2
- 3 Mr. Bates said currently there is no buffer zone of one- and one-half miles now or is there a one- and one-
4 half miles buffer zone now.
5
- 6 Ms. Burgstrom said they are allowed within the one- and one-half miles, but they need a waiver to do that.
7
- 8 Mr. Bates asked where the waiver would come from.
9
- 10 Ms. Burgstrom said the waiver would come from the Board.
11
- 12 Mr. Bates referred to the piece that they have in here, the resolution objecting to a proposed solar farm,
13 and asked if that required this Board to have a three-quarter majority.
14
- 15 Ms. Burgstrom said no, it does not; this is a Special Use Permit and protests that require supermajority
16 vote at the County Board level are only for Map Amendments, so there is no trigger for that supermajority
17 vote.
18
- 19 Mr. Herbert asked if she could say that again, because he is trying to wrap his head around that as well.
20
- 21 Ms. Burgstrom said yes, the Village of Homer put in a protest.
22
- 23 Mr. Herbert referred to the one-and one-half miles.
24
- 25 Ms. Burgstrom said they are allowed within the one- and one-half miles, but they must have a waiver to
26 do so, and the waiver comes from the Zoning Board, it doesn't come from the Village of Homer. She said
27 the Village of Homer can say that they don't want the Board to provide that waiver, but it is ultimately
28 the Board's decision.
29
- 30 Mr. Hall said he thinks it is better to say, it is not allowed within one- and one-half miles unless there is a
31 waiver, then the Board is the recommender of the waiver.
32
- 33 Mr. Herbert asked what the reason was for the one- and one-half miles buffer if it requires a waiver
34 anyway.
35
- 36 Ms. Burgstrom said it allows discussion to come into play to give municipalities time to give input, so for
37 her, that is why the waiver is there; to allow that communication to occur and not just be a straight-out
38 approval.
39
- 40 Mr. Herbert thanked her.
41
- 42 Mr. Bates asked if this would set any precedence for wind farms to be within one- and one-half miles if
43 they were to approve this scenario.
44
- 45 Mr. Hall said no, the current State law has no prohibition on solar farms within one- and one-half miles.
46 He said the proposed State law does, the existing State law prohibits wind farms from being within one-
47 and one-half miles of a municipality, they can't do that by a waiver – it is not allowed.
48
- 49 Mr. Elwell addressed Mr. Hall.

1 Mr. Hall said okay he will go there, they had talked about providing the results of ambient noise studies
2 for the Bay-wa Solar Farm and the California Ridge Wind Farm. He said both of which had ambient noise
3 levels of less than 45 dB(A), which were right around 40 to 41 dB(A). He said regarding the noise study
4 submitted by this petitioner, he can't say that it cuts off less than 45 dB(A), so they don't know what to
5 say after that. He said from his view it is consistent with the existing ambient noise levels in the county;
6 obviously there is some noise, but he doesn't think it is any more than what is already out there when they
7 consider everything. He said it is only in the daytime; true it may start early in the summer depending on
8 how early it gets hot, but the point is, it's very minor and from his view is not significant, but that is up to
9 the Board.

10
11 Mr. Wood said his question was having to do with the one- and one-half miles; if the Board doesn't offer
12 the waiver and the State law goes into effect, then they can't offer the waiver and asked if that was true.

13
14 Mr. Hall said yes.

15
16 Mr. Wood said okay and it hasn't been signed yet.

17
18 Ms. Burgstrom said it has been signed.

19
20 Mr. Wood said it has been signed.

21
22 Mr. Hall said it has been signed, but it clearly says, that anything submitted under previous rules can
23 continue under those rules, so in this instance, this was submitted before the State had this one- and one-
24 half miles prohibition. He said it depends on the County approving that waiver; in the past he thinks the
25 County Board has approved all but one waiver of that one- and one-half miles, so there has been three of
26 four approved within one- and one-half miles and only one denied.

27
28 Mr. Wood asked if the Village of Homer Fourth of July fireworks were going to reach the solar panels.

29
30 Ms. Gavin said good question, she forgot to touch on that, that was a part of the concern in the letter from
31 the Village of Homer. She said no, they don't have concerns about the fireworks, that would be the Fourth
32 of July fireworks from the Village of Homer property. She said they are not in the interest of impacting
33 or diminishing a local tradition. She said it would be a concern if they intended to shoot fireworks directly
34 at the site, that would not be ideal, but assuming safe and legal operation of fireworks, this is not a concern.

35
36 Mr. Randol said wind does carry debris.

37
38 Ms. Gavin said right and yes, they understand that.

39
40 Mr. Wood said those solar panels are tough, he has had his for six years and all kinds of stuff has fallen
41 on them, but it hasn't been a problem.

42
43 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
44 anyone would like to cross-examine this witness and if so, then please step forward to the cross-
45 examination microphone and clearly state their name and ask any questions.

46
47 Ms. Burgstrom said that Ms. Gavin has more to add regarding the Decommissioning and Site Reclamation
48 Plan, so whenever they get back to that.

49

1 Mr. Elwell said okay.

2

3 Mr. Hartke asked if they needed to do something else while he waits.

4

5 Mr. Elwell said no sir go ahead.

6

7 Ted Hartke, 1193 County Road 2300 East, Sidney, Illinois, said he had a few questions for the developer.
8 He said in one of the submittals he ran across a part where it said that the inverter makes 79 dB(A) of
9 noise, he thinks it was at one meter. He said he thinks it was in the noise study or part of a layout plan
10 sheet, because he couldn't find it in his rush to get the public hearing tonight and asked Ms. Gavin if she
11 could clarify whether it was 79 dB(A) at one meter.

12

13 Ms. Gavin said off the top of her head she can't confirm that, because she is more familiar with the metric
14 at the 33 feet is 67 dB(A).

15

16 Mr. Hartke asked if there have been any agreements with any neighbors to allow noise to cross their
17 property lines, that will impact any of their activity in their yard.

18

19 Mr. Elwell told Mr. Hartke there was no testimony today about that.

20

21 Mr. Hartke said he thinks this is about noise and asked if there are any noise waivers from the neighbors,
22 because if there is, then he doesn't need to be here at all to talk about noise and ask about noise questions.

23

24 Mr. Elwell said go ahead.

25

26 Ms. Gavin said there is not.

27

28 Mr. Hartke said okay, that was easy. He said besides the noise question he had one last thing about the
29 visual impact of the powerline. He said earlier they were told that the developer held a meeting at the
30 Village of Homer, but he isn't sure if Ms. Gavin repeated it here. He said that Ms. Gavin had said that
31 Ameren wouldn't let them move the powerline connection from being right next to Village of Homer's
32 building parking lot, but now that they have moved their proposed accessed drive into a different spot and
33 asked if they could also move their powerlines over to there or is Ameren still just dead set on that location.

34

35 Ms. Gavin said yes, unfortunately they have asked Ameren directly about moving the powerlines and they
36 had told them that they couldn't move it at the stage they are at in their study process.

37

38 Mr. Hartke asked if it was possible if they and the Village of Homer could work out something if the
39 powerlines were to be moved since it has a lot of gear on top of the poles and would that be something
40 that could be influenced if the Village of Homer pushed back and asked Ameren, which is a local provider,
41 they want to please local customers. He asked if they thought Ameren would reconsider if Homer pushed
42 more and helped them push on that.

43

44 Ms. Gavin said she thinks it is a hard question to answer and historically they have seen a lack of flexibility
45 from Ameren on these issues.

46

47 Mr. Hartke said what is troubling is if the Village of Homer is supposed to have a one- and one-half miles
48 setback for protection, but then the power company forces the powerline to be right next to the home or
49 Village of Homer's building parking lot. He said surely there could be some kind of workaround with that.

1 He asked if a second or third try to explain it to Ameren about the importance of getting the Village of
2 Homer on board to let them do their project might help.

3
4 Ms. Gavin said the response they had gotten from the Ameren Engineer was definitive when they asked
5 the first time.

6
7 Mr. Hartke asked her if she would provide them written responses from Ameren, so they can all see what
8 Ameren told them and the response that they gave to Ameren asking them to move it.

9
10 Mr. Elwell said that Ms. Gavin had no testimony tonight about the powerlines and he thinks they are going
11 a little bit too far down that road. He said if he would like to provide testimony and asked the Board to
12 relay that information, then he would be more than happy to do that, but as of right now let's move on to
13 a different line of questioning and thanked him.

14
15 Mr. Hartke said some other time he is going to really address this Board about what can and cannot be
16 asked. He said a developer could come in and say that all their information is in that packet and not say a
17 word, and then none of the public would be able to get an answer for any kind of a question. He said the
18 Board is setting the precedent where he has a legitimate concern, and this powerline is a little minor thing
19 and is such a small, tiny part to the project, but a huge impact to the Village of Homer community building;
20 the powerline is right off their property line. He doesn't see how they even have a Zoning Board of Appeals
21 public hearing when they don't let a resident ask a nice question, and just because it wasn't in their
22 testimony. He said if he was the developer, he would just tell the Board the information is in the packet
23 and he wasn't answering questions, and then the Board could tell the residents that they didn't testify
24 about that. He said this powerline is shown in the site plan drawings that was given to the Board for
25 approval and he is worried about the position of the powerlines; he thinks if it is in the packet, he should
26 be able to ask about it. He said that he would like to find out if Ameren truly said that this is it, this is take
27 it or leave it, the only place they could get a powerline connected into their project's system is right next
28 to the Village of Homer's building. He said they have a beautiful village building and why would they
29 take away the ambience and have it at their front entrance.

30
31 Mr. Elwell said that he hears him, and his questions are valid, but in this situation, he is providing
32 testimony.

33
34 Mr. Hartke said no, he is asking hard questions and added testimony when he couldn't ask his questions.
35 He said that he wants this Board to realize and see them playing interference, and a developer not able to
36 willingly answer a question that is very simple. He is digging for information to see if they are getting the
37 truth about where the powerlines must be, and as an engineer and surveyor, he has seen powerlines stuck
38 everywhere, upside down, and inside out, and he can't understand and believe that this Board would just
39 take Ms. Gavin's designer's response, that this is the only place to put the powerline, he thinks that is
40 ridiculous.

41
42 Mr. Elwell said but it is to whom he is asking the question to.

43
44 Mr. Hartke said he understood, and they say, "oh that's it."

45
46 Mr. Elwell said this question is very valid, but it needs to be directed towards the Board, not towards the
47 petitioner.

48
49 Mr. Hartke asked if the citizens get to ask the Board questions.

1 Mr. Elwell said absolutely, but during his testimony.
2

3 Mr. Hartke said okay, but let's do this later during testimony, so he is telling him that Ms. Gavin is not
4 going to be allowed, because of Mr. Elwell interfering, to provide them with any of Ameren
5 documentation, that says the powerlines have to be at that location.
6

7 Mr. Elwell asked him if that was in Ms. Gavin's testimony today.
8

9 Mr. Hartke said during the presentation at the last public hearing that was two months ago or whenever it
10 was, but his cross-examination didn't begin or talk about the site plan, and the powerline pole locations
11 have never come to his attention until tonight's public hearing. He thinks the power poles have come to
12 his highest level of concern due to the inverters being moved away and he is not as highly concerned about
13 that now, but they can't just focus on one thing – it is the whole package. He asked the Board if they could
14 direct Ms. Gavin to answer about the powerlines' only location being right next to the Village of Homer's
15 community building. He asked if the Board would let Ms. Gavin answer that question.
16

17 Mr. Elwell said this sounds clumsy, but he would need to ask the Board that question, and they will decide
18 if that is something that they are going to ask the petitioner to come back up and answer. He would
19 anticipate that being a question that is asked and answered at tonight's public hearing.
20

21 Mr. Hartke said okay, during his testimony he will ask a lot of stuff about the power poles and make sure
22 everyone is aware of that. He said while they were discussing that, he asked Ms. Gavin if she happened
23 to find the 79 dB(A) at the inverter information.
24

25 Ms. Gavin said yes.
26

27 Mr. Elwell said okay could they go back to that question. He read somewhere in the packet that the inverter
28 made 79 dB(A) at one meter and asked Ms. Gavin if that was right.
29

30 Ms. Gavin said that is correct, it is on page six of the noise study.
31

32 Mr. Hartke said it is in the noise study and he will talk about that more during his testimony. He asked
33 what the noise level was going to be at the property line for the neighbors.
34

35 Ms. Gavin said based on their noise study, the noise level at property lines of the neighbors will be less
36 than the 45 dB.
37

38 Mr. Hartke asked her if she was aware in the Illinois Pollution Control Board law and rules, that say there
39 is this set of numerical values and then there is also another portion of the Illinois Pollution Control Board
40 law that defines noise pollution as unwanted noise that causes people to not have the full use, enjoyment,
41 and peace on their own property – he is ad-libbing there. He said since there is a second part of the IPCB
42 noise limits besides the numerical part, which they are talking about being 45 dB, the people's ability to
43 enjoy all their land also includes not having noise pollution, which is unwanted noise on their property
44 line. He asked if they had any information about the noise level estimated at the property line, that is where
45 they are really concentrating here.
46

47 Ms. Gavin said beyond this less than 45 dB in the study, she doesn't have further detail. She would
48 emphasize the distances of the inverters to the property lines that she mentioned.
49

1 Mr. Hartke said that would help them tremendously.

2
3 Ms. Gavin said the distance from the inverter to the Village of Homer property line is 1,000 feet.

4
5 Mr. Hartke said property line to inverter is 1,000 feet.

6
7 Ms. Gavin said the Village of Homer property line to the inverter.

8
9 Mr. Hartke asked how about the Young's family residential property.

10
11 Ms. Gavin said yes, the northwest corner of the Young's family property to the inverter is 740 feet.

12
13 Mr. Hartke said 740 feet to his property line and thanked her, that was all the questions he had.

14
15 Mr. Elwell thanked him and asked if anyone else would like to cross-examine this witness and if so, please
16 raise their hand. Seeing no one, he asked if anyone else would want to sign the witness register to testify
17 in this case. He asked Mr. Hartke if he wouldn't mind stating his name and his address, and then commence
18 with his testimony.

19
20 Theodore Hartke, 1183 County Road 2300 East, Sidney, Illinois, said he must do one little thing here to
21 solve the 740-foot distance. He said while his computer is firing up, he will describe what the colored
22 paper is, the first page he is going to talk about is the one that has the green woods around the solar farm.
23 He said this is a solar project that is in Edgartown somewhere and he is just going to read the highlighted
24 part. He said on this solar farm it was a community owned solar farm, so the town put it in on a piece of
25 park or something, that was extra land that was close to these houses. He said it says, "incessant humming
26 that all but drowns out the other sounds at some Smith Hollow residences. As soon as the solar project
27 went live, inverters, the part of the system that converts direct current from the sun to alternating current,
28 began emitting noise on sunny days. Neighbors complained, and the town hired an expert to investigate."
29 He said he was not going to read the whole thing and was skipping to the back side, it says "Lawrence G.
30 Copley, a sound engineer, in the noise assessment he presented to the town. Mr. Copley's proposed
31 solution is to install an acoustic screen at each inverter pad, deflecting sound away from the nearby
32 residences. Town administrator Pam Dolby said this solution will exceed State standards and satisfy the
33 neighbors."

34
35 Mr. Hartke said he thinks he read the same exact thing with the Board and staff when they did the Bay-
36 wa solar project, and the Board had a conditional approval and Bay-wa accepted putting noise abatement
37 walls or fences around their inverters. He said the Board gave it a thumbs up on the project, it was
38 approved, but it just hasn't been built yet. He thinks he also mentioned this with the solar project north of
39 Urbana presented here about a month or so ago and in that case after they did a noise study analysis, it
40 was great that developer took his inverters and put them on the very farthest side of the entire solar farm
41 away from the house nearby, because he got results from his noise study, he moved it really far away and
42 asked the Board and staff if they remembered that. He said that was awesome and he applauded that and
43 thought that was great. He said even though they could still hear it at that neighbor's according to his little
44 noise study, all the panels were going to be between that neighbor and the inverter, and he felt like that
45 was a very good way to absorb, deflect, and knock down this noise from being a direct hit. He wants this
46 Board to always consider a very, very, very affordable, hundred percent doable, and very cheap way to
47 satisfy himself, the neighbors, and not have any neighbor ever come here and complain about solar inverter
48 noise. He said just make it a conditional approval to put a noise abatement fence around the inverter. He
49 said he was getting upset because the Board wasn't letting him ask questions, that he forgot to ask the

1 developer if they could please, please consider having a noise fence put around the inverters; there is only
2 two of them in this whole farm, he doesn't want to beat them up any more about this, but this is a great
3 idea to knock this down and not have to hear from him ever in the future about these things if they make
4 this a standard conditional approval and asked the Board and staff what it was called when they have, he
5 thinks he used the right term, it is a conditional approval when the Board adds conditions – that is what it
6 is called, right.

7
8 Mr. Hartke said okay, in summary let's keep these inverters away from the neighbors and put noise
9 abatement fences, sheds, or something around them. He is going to continue with this list down at the
10 bottom. He said before he found out tonight, he should have changed this chart. He said in the noise study
11 provided by the developer, it said in there 79 dB(A) at one meter, he hasn't converted that yet, if they give
12 him just a second, he will do that. He said the developer has a little bit of a discrepancy, because he has
13 79 dB(A) at one meter when it converts to, oh this isn't meters, he is sorry, hold on. He said the neighbor
14 is at 740 feet, so he took 79 dB(A) at one meter and kept doubling the distances and knocked off six
15 decibels for every time the distance doubled. He said at the 740 feet, the neighbors he thinks are going to
16 be approximately at 33 dB(A), so he thinks that the inverters in this project are far enough away that he
17 thinks they should be okay and not have major issues in the home, but they will still definitely be able to
18 hear this in their yard. He said with a protective fence around the inverter, that would be a thing that would
19 solve the problem on this project.

20
21 Mr. Hartke said the last thing he wants to leave the Board with if they are looking at the colored chart, if
22 a solar farm doesn't make any noise, then why can't they put in a noise limit at the threshold where adverse
23 health effects begin. He would like this Board to consider in the future to put the noise limit where
24 widespread complaints will begin. He said this is a community response prediction chart from multiple
25 noise studies done in the 1970s. He said every dot is a separate noise study that was done, and they charted
26 them out in response to what the community responses were. He said the widespread complaints noise
27 level starts at 33.5 dB(A) and this solar project is just right at that verge. He said if the Board or staff resort
28 back to the maximum noise level allowable at nighttime especially or at 6:30 in the morning back to the
29 45 dB(A)'s, that is the noise level they measured at his house in the wind farm, right when they abandoned
30 their home. He said his recommendation is to keep inverters 800 feet away from property lines if they are
31 industrial sized and omit the 66 dB(A) at 10 meters. He thinks that they almost barely meet that standard
32 here; he thinks this Board always needs to enforce a 39 dB(A) maximum noise limit at the property lines
33 and design noise level should be at 33.5 dB(A). He said in his summary here, it is 100 percent predictable
34 and feasible to construct a noise barrier around the inverters.

35
36 Mr. Hartke said he was finished with that part of his testimony, so will this Board please ask this developer
37 to push back with Ameren and have them ask Ameren again if they could get some really kind of poor
38 looking powerlines with lots of gear on top it; he thinks there are four power poles, they are all in a row
39 and maybe 30 to 40 feet apart, so there is a series of them. He said they have a lot of items at the top of
40 the tee on top of the power pole; it is some bulgy pieces of wires. He would like this Board to drive past
41 the solar farm that is a two-megawatt solar farm just on the east side of Sidney; the power poles that were
42 described in this proposal look and appear to be exactly like those power poles. He said none of them
43 would want that in front of their house, near their main attraction of town, near their park, or anything like
44 that. He said these power poles deserve to be on a back alley, hidden by some trees, or behind the barn,
45 other than at the front entrance to a small town in their county. He said the other issue he would like to
46 discuss is now that they have a precedent a citizen cannot ask any question that he would want during
47 cross-examination; he has cross-examined in 50 different counties testifying against wind farms due to
48 the problem that his family had. He has never encountered a part of any of his testimonies or seen anyone
49 else get shut down, because they can't ask a question because it was not part of the testimony of a

1 developer. He thinks that is potentially illegal, failure of due process for citizens to ask an honest question.
2 He said for a Zoning Board to play interference and not allow that to happen, he thinks that is a terrible
3 way to go about business here. He would never step in the way of a person who came to his office and
4 asked him questions that was going to affect their property or something as a surveyor; his job is to protect
5 the public, health, safety, and welfare of all the public, not just his clients. He said if somebody deserved
6 an answer to a good question, he would never tell them that nobody testified against that and that's top
7 secret. He would treat everyone the same as he would treat a family member or neighbor; he would expect
8 the same in return. He thanked the Board and staff for their time tonight, doing this hard work, and getting
9 lectures from people like him who are upset and worried about what is going to happen in their
10 communities – he appreciates it very much. He asked the Board or staff if they had any questions for him
11 or is that their job to ask them.

12
13 Mr. Elwell asked if there were any questions from the Board or Staff. He did have a couple questions and
14 asked if the prior site plan had the powerlines parallel with the roadway, correct.

15
16 Mr. Hartke said yes, that is how he remembers it; it was alongside the farm field adjacent to the Village
17 of Homer community building.

18
19 Mr. Elwell said yes, the Village of Homer community building, and asked where he would put the power
20 poles if he were waving a magic wand.

21
22 Mr. Hartke said he thinks it would be great if the power connection followed the project's proposed access
23 drive through the farmstead of Mr. Wolf, that is their main entrance and would be perfect.

24
25 Mr. Elwell told him during his testimony he said he wouldn't want that right across the street from his
26 home.

27
28 Mr. Hartke said yes.

29
30 Mr. Elwell said almost directly across the street is Andrew Mass's house.

31
32 Mr. Hartke said he was not aware that was straight across from the proposed access drive, that has been
33 the new plan. He said that now they are kind of in a pickle, so what if they put the power poles further
34 away from the highway, so it's northern more of the immediately adjacent to the highway – perhaps make
35 it as far back as the ball fields, so as they come around the curve and see the Welcome to Homer sign,
36 then they see their beautiful brick church building that is now their community building, they don't see
37 these power poles right in their line of view. He said perhaps it is off the side of road and the series of
38 power poles are all connected with all the wires on top, then there is a powerline that continues and goes
39 to the power pole that is out along the edge of the highway. He said couldn't there be one more pole placed
40 in between that series of power poles and the highway and get these power poles towards the back. He
41 said put them in the back where a utility closet belongs, but not at the front foyer. He is sorry that he didn't
42 realize that there was a driveway right across from the entrance of Mr. Wolf's farmstead, then he thinks
43 this would be a better alternative than right there on the edge of the highway, then the alignment where it
44 connects to the grid they can still connect at the same power pole by pushing it back one series of power
45 poles away.

46
47 Mr. Elwell thanked him and asked him about wanting the noise fence around the inverters, but it sounded
48 like that the developer meant his criteria for the 66 dB(A) and 33 dB(A).

49

1 Mr. Hartke said they are very, very close, he means it is getting right on the verge of where he expects the
2 developer to be at now that they have told them the new noise level and the distance from the neighbor's
3 property lines; he didn't have that information before. He said the developer is right on the cusp of being
4 okay and if they did the fence around the inverters, they would have a homerun.
5

6 Mr. Elwell said just to make sure and asked if it was 33 or 33.5 dB(A) at 740 feet with his calculations.
7

8 Mr. Hartke said it is going to be about 33 dB(A). He could tell them the numbers he jumped from; at 420
9 feet the noise level would be about 37 dB(A) and at 840 feet the noise level would be at 31 dB(A), but
10 remember it is algorithmic difference, it is not a straight number. He is just taking his guesstimate at 33
11 dB(A), because he doesn't have a log calculator sitting right here and he didn't do anything fancy. He had
12 another thing pop in his head and asked if he could do more thing. He said in their Zoning Ordinance it
13 says that solar farms need a waiver to be within the one- and one-half miles of a municipality. He said
14 when that was passed, he understood that if a solar farm wanted to be within the one- and one-half miles
15 of the municipality, then the waiver would come from the municipality. He asked why this Board has
16 authority over the municipality's one- and one-half miles jurisdiction. He asked Mr. Hall if he could
17 explain that.
18

19 Mr. Hall said no municipality has zoning jurisdiction within the County jurisdiction, it's as simple as that.
20 He said the waiver of zoning requirements is up to this Board and the County Board, but not up to some
21 municipality.
22

23 Mr. Hartke said okay, but that is not true.
24

25 Mr. Hall said no that is true.
26

27 Mr. Hartke said hold on, as a surveyor they have brought projects that a citizen wanted to do a carve out
28 of their land or create new parcel.
29

30 Mr. Hall said right, he is talking about subdivision jurisdiction, which is completely different.
31

32 Mr. Hartke said yes, so this Board has a different rule for an individual that's within the one- and one-half
33 miles from a municipality; the municipality gets to give them the waiver for that.
34

35 Mr. Hall said it is a matter of State law; State law provides that municipalities have subdivision jurisdiction
36 within a one- and one-half miles when they have comprehensive plan. He said when they don't have a
37 comprehensive plan, they don't have that jurisdiction.
38

39 Mr. Hartke said okay does the Village of Homer fall under the comprehensive plan or non-comprehensive
40 plan municipality.
41

42 Mr. Hall said if he reads the Village of Homer's complaint letter, they have a comprehensive plan, but
43 they never provided the Board or staff a copy, they have never seen a comprehensive plan by the Village
44 of Homer, but they say they have one.
45

46 Mr. Hartke said with or without a comprehensive plan in Champaign County and asked if the Board and
47 staff still find that no matter if the Village of Homer has it or not, then the Village of Homer doesn't have
48 any jurisdiction within one- and one-half miles – only this Board does.
49

1 Mr. Hall said zoning jurisdiction.
2
3 Mr. Hartke said okay, so in Champaign County.
4
5 Mr. Hall said it's in the State; municipalities don't have extraterritorial zoning jurisdiction.
6
7 Mr. Hartke said except for new parcel carve outs.
8
9 Mr. Hall said except for subdivision issues where the municipality has superior authority within their one-
10 and one-half miles.
11
12 Mr. Hartke said in a subdivision though and correct him if he is wrong. He said haven't there been
13 instances when it's not a State defined subdivision, but they have still gone to the municipality, and they
14 have given their blessing or waiver for a parcel carve out. He said the only reason they must do that is to
15 satisfy the county subdivision division rules and asked right.
16
17 Mr. Hall said the County rules are based on State law, they didn't make them up.
18
19 Mr. Hartke said the three-acre maximum rule is not on the State law anywhere.
20
21 Mr. Hall said that is zoning rule, not a subdivision rule.
22
23 Mr. Hartke said okay, they could probably go around and around on that. He wants to make sure that he
24 can tell municipalities the correct thing, so he is going to tell all of them to every municipality, they are at
25 the mercy of the County Board for any solar development, right, so their village board limit line. He said
26 as soon as it gets one foot over the line, then the village has no power over any solar farm; all the power
27 lies with the Zoning Board, right.
28
29 Mr. Hall said County Board.
30
31 Mr. Hartke said it must get through the Zoning Board first, then it goes to the County Board.
32
33 Mr. Hall said the Zoning Board might recommend denial, but that doesn't mean that is what the County
34 Board is going to do.
35
36 Mr. Hartke said he understands that anything that happens at the Zoning Board can always be overruled.
37 He said if a municipality objects to anything about solar within the one- and one-half miles of their
38 municipality, then they're at the mercy of all the County Board members even if they don't represent their
39 district, they came and vote for these folks that can override their one- and one-half miles radius around
40 their town.
41
42 Mr. Wood said with the new State law isn't it a moot point.
43
44 Mr. Hall said yes, it's completely moot with the new State law.
45
46 Mr. Wood told Mr. Hartke that his argument is obsolete.
47
48 Mr. Hartke thanked him for saying that, it is starting to sink in finally. He hasn't paid attention to the State
49 law regarding the solar part being outlawed within the one- and one-half miles from a municipality. He

1 said if a solar developer comes to the P & Z with a new application now that, that law is in place and has
2 been signed. He said if the law is in place and the solar developer comes in, they want to put a solar farm
3 within a one- and one-half miles from a municipality and asked what they do and do they have to get the
4 town waivers, then come here.

5
6 Mr. Hall said he has a question to the State's Attorney on that very thing because doesn't know what to
7 do.

8
9 Mr. Hartke said okay, so they don't know what to do. He thanked the Board and staff for their patience,
10 and he is sorry he is wearing out his welcome here. He told Mr. Hall he was trying to get on the record
11 exactly what they are doing to go forward and to know that as of now on these towns are safe within the
12 one- and one-half miles to have control over solar up until a month ago and asked if that is what he is
13 going to tell the municipalities, right.

14
15 Mr. Hall said he wouldn't recommend telling them that, he would say four months from January 27, 2023,
16 so by May 27, 2023, that will be the case. He said between now and May 27, 2023, he doesn't know what
17 those are.

18
19 Mr. Hartke said they are in a scary zone of uncertainty.

20
21 Mr. Hall said very scary, very scary.

22
23 Mr. Hartke said since they are talking about that law, he is going to share something that they may be
24 already aware of. He said if a group of counties file a lawsuit and that law was deemed unconstitutional,
25 because it didn't follow some of the rules of getting passed and takes away property rights since the
26 setbacks were made and established up to the homeowners' homes instead of their property lines, there
27 is a group of counties, that want to say that all easements and property impacts need to be up to the property
28 line only, they can't start encumbering other people's land, because they are using up other people's
29 property as noise abatement, flicker, or whatever zone issue. He said if a group of counties file a lawsuit
30 and puts that law on hold and asked if they were going to be stretched out into uncharted territory where
31 they're uncertain like what they were talking about from now until May 27, 2023.

32
33 Mr. Hall said he doesn't know; he has no idea.

34
35 Mr. Hartke said okay, things to think about and he thanked the Board and staff for their time. He said he
36 was sorry to make this meeting last so long.

37
38 Mr. Elwell said he thinks the Board has communicated what was on his chest and his goals of coming to
39 this meeting. He said the one thing that he wants to take him back to and have him sit in his seat kind of
40 thing. He said with the Administrative Case statement, it says, "no new testimony is to be given during
41 cross-examination." He said that when there was no testimony, for instance, of the powerline poles, that
42 wasn't testified to tonight. He said when he was asking questions on that, that is when he asked him to
43 redirect his question to the time to where he was able to ask that question. He said what he is trying to say
44 is he needs to direct his question to the Board at that point if it wasn't testified to. He said when they have
45 Ms. Gavin come step back to the testimony microphone, then at that point, that is when the Board would
46 have the opportunity to ask those questions.

47
48 Mr. Hartke referred to the statement that Mr. Elwell read off his paper.

49

1 Mr. Elwell said yes.
2
3 Mr. Hartke asked what that document was right there.
4
5 Mr. Elwell said at the top it says the Administrative Case statement.
6
7 Mr. Hartke asked if that was a Champaign County specific document.
8
9 Mr. Hall said it is part of ZBA By-Laws and was recommended by the State’s Attorney Office.
10
11 Mr. Hartke said it is Champaign County’s By-Laws of how to operate this meeting, right.
12
13 Mr. Hall said based on Illinois Supreme Court law.
14
15 Mr. Hartke said okay, that is for the court judicial system.
16
17 Mr. Hall said it based on case law from the Illinois Law Supreme Court.
18
19 Mr. Hartke said for zoning case law.
20
21 Mr. Hall said yes, he can’t recall the name of the case, it was back around 2010, they didn’t just cook that
22 up, they were told by the State’s Attorney to say this.
23
24 Mr. Hartke said okay and asked Mr. Elwell to read that case law and see what that applied to; if there is
25 something in a document that got submitted by the developer, whether it is power pole location and they
26 just forget to talk about it during their testimony, he thinks the public should and needs to ask questions
27 on anything submitted as part of their application. He said just because the developer doesn’t talk about it
28 during their five-minute fast presentation shouldn’t give them a free pass to never answer a question about
29 it.
30
31 Mr. Elwell said he guesses maybe he is not effectively communicating; what he is saying is that may be
32 something that the Board says yes, they want to ask Ms. Gavin about.
33
34 Mr. Hartke said but now they’re going to play interference.
35
36 Mr. Elwell said the problem he has is who he is addressing that question to. He said there was no testimony
37 tonight from a couple of those questions that he was asking and in here there is no new testimony to be
38 given on his side. He said Mr. Hartke has done the right thing by then signing the Witness Register to
39 provide testimony to the Board and at that point he will now ask someone to cross-examine, and if anyone
40 is willing to cross-examine, they raise their hand. He is not seeing any, if there are any other questions
41 from the Board or staff, then he is released.
42
43 Mr. Hartke said he understood.
44
45 Mr. Elwell said he is not able to ask that question to the petitioner, because it was not part of the testimony
46 tonight, but that doesn’t mean that, that question isn’t asked tonight.
47
48 Mr. Hartke said okay.
49

1 Mr. Elwell said that is just like decorum.

2
3 Mr. Hartke said if the witness can answer and has the information to answer, the Board still doesn't want
4 them to answer. He asked is the Board going stop the witness from answering for simple stuff that is in
5 the packet. He feels very singled out they would only do this to him, and he hasn't seen them do it to
6 anyone else.

7
8 Mr. Bates said it has been done to someone else.

9
10 Mr. Hartke said it has been – okay good. He said when they did it to them, did the Board turn around...

11
12 Mr. Bates interjected that the Board was following protocol.

13
14 Mr. Hartke said okay.

15
16 Mr. Bates said this is the protocol, they have right to ask the question, he is just asking it at the wrong
17 time.

18
19 Mr. Hartke said okay, alright, he would appreciate if the Board would ask about the powerline poles'
20 movement.

21
22 Mr. Elwell said absolutely.

23
24 Mr. Hartke said okay.

25
26 Mr. Elwell asked if anyone else would like to testify in this case.

27
28 Mr. Hartke thanked them.

29
30 Mr. Elwell said to please state their name and address.

31
32 Jim White, the interim mayor of the Village of Homer, 309 Northeast Street, Homer, said he wanted to
33 talk about a few things; he won't go into a lot of depth, because it has already been covered. He said a lot
34 of their concerns are the visual aspect and proximity of this whole project to their property. He said their
35 village hall is set close to the road, they have a nice baseball field towards the back, which is used primarily
36 during the summer. He said they don't know that the noise level will affect what they have going on. He
37 said one thing that was addressed with the noise level, and he agrees with Mr. Hartke, that noise abatement
38 would be very beneficial. He said another reason is wind, depending on which way the wind is blowing
39 and they get this a lot in the Village of Homer, because they have a lot of trains go by, they have the
40 elevator, and depending on which way the wind is blowing, that noise goes with the wind, so there is
41 going to be more noise downwind than upwind, so it is going to depend on the wind in some respect. He
42 said in that respect, he thinks it would be advisable to have the noise abatement system installed like Mr.
43 Hartke said, that would eliminate any complaints and any possible problems at a very low cost considering
44 the whole project. He said the powerline poles are a major concern for them, they will be right beside their
45 village hall and of course not be very attractive at all. He doesn't understand why Ameren won't move
46 the powerline poles, because anything is possible, that it could be done, and he doesn't see any reason
47 why Ameren could not move them. He said that Mr. Hartke's suggestion of moving the powerline poles
48 to the farmstead is in his opinion still legitimate, because they wouldn't be sticking out in the middle of
49 the field, they would be right amongst other farm equipment and grain storage facilities, that type of thing.

1 He said the house the Board was referring to is across the road and these powerline poles are going to be
2 right beside their village hall building within 100 feet or less; there are five of the power poles with
3 multiple apparatus on top. He said another concern of theirs was indicated by Ms. Gavin, that this project
4 would be more than likely be sold to another developer. He said that he could only assume, which he
5 doesn't like to assume anything, but he could only assume that they would abide by all the conditions in
6 here. He said he still thinks their concerns about the fireworks display is legitimate, and yes, the solar
7 panels will take some debris falling on the solar panels, but there is another concern of possible fire, they
8 take all the precautions they can to prevent a ground fire in a bean field or whatever it may be depending
9 on the weather there is always those variables for the solar farm and them. He would hate for anything
10 like that to happen, but the fireworks and their 4th of July celebration is one of their pride and joys in the
11 Village of Homer. He would just like to request that the Board not allow this to take place or at bare
12 minimum request that the power poles be moved. He said to him that is a simple request and he thinks it
13 is something that is easily taken care of. He doesn't know if he has gotten anything else, because all the
14 distances seem to be fair as far as the solar panels from their property line, but there are still some
15 neighbors that are close, and they are concerned about that also. He appreciates the Board and Staff's time,
16 and he will keep it short, because they live there, that is their home, they love their home and just want to
17 keep it as best as they can and if the Board has any questions, he would be happy to answer them and
18 thanked them.

19

20 Mr. Elwell thanked him and asked if there were any questions from the Board.

21

22 Mr. Bates asked if there was a residence on the Mr. Wolf property or is it all machine sheds.

23

24 Mr. White said there is a machine shed there and he is unclear if there is somebody living there on that
25 farmstead property.

26

27 Mr. Elwell said he doesn't believe so; he thinks it is the Young's residence to the west of Mr. Wolf's
28 farmstead.

29

30 Mr. Herbert said wasn't there an apartment in that machine shed at one point or was that a part of the farm
31 shop kitchen area or something.

32

33 Mr. Elwell said he didn't know.

34

35 Mr. White asked him if he was asking him – he doesn't know. He said it appears like there is some kind
36 of living facility there, but he doesn't know if anybody is actually living in that machine shed.

37

38 Mr. Herbert said he has a couple questions and as far as the Village of Homer being happy or in agreeance
39 with the project and asked what the Village of Homer's top bullet points were.

40

41 Mr. White said in disagreement or agreement with the project.

42

43 Mr. Herbert said to minimize an argument over the project, he asked what the top things would be that he
44 would wish to see changed. He said what he gathered from his testimony was visual disturbance and if a
45 greenscape could be something that could be done in front of the project to block the solar panels from
46 the baseball field or moving the power poles back if that is a possibility. He personally doesn't think it is
47 fair to put village hall over a local residence no matter which house that is. He said moving power poles
48 closer to one another, but if they could be moved back further to where it is simple power poles bordering
49 the Village of Homer property or a noise wall. He asked him what their top bullet points were after

1 listening to his testimony.
2

3 Mr. White said that is correct and moving the power poles back would be ideal, and like he said, it wouldn't
4 place them next to somebody else's residence. He still feels it would be okay if they were places in the
5 farm area, but again, that is up to debate. He said it would be ideal if they could get the power poles moved
6 back farther away from the village hall, but then the power poles would be next to baseball field unless
7 they go farther back with the power poles, which is a little bit more acceptable. He said there really isn't
8 a good place for those power poles to be honest with them, but that is part of the solar farm. He said that
9 greenscape would be great, he thinks that would be a benefit, then the noise reduction system is one of
10 their bigger issues.
11

12 Mr. Herbert said he thinks running the power poles through the Wolf's residence or property with the
13 grain bins and farm machinery moving, he thinks that imposes a little bit of a danger to add quite a few
14 poles within that premises. He thinks coming to an agreement to move the power poles back as opposed
15 to right next to the road would be a better location, he doesn't know if Ameren would like to even see
16 power poles running through a tight area like that. He thinks an argument to move the power poles back
17 would probably be a better argument, then through a premises.
18

19 Mr. White said that is fine, the placement where they're at right now is not ideal, it is very disruptive to
20 the view of their village hall property.
21

22 Mr. Herbert said so moving them back would be better.
23

24 Mr. Wood asked if moving the power poles back meant moving them to the east.
25

26 Mr. White said no, it would be to the north.
27

28 Mr. Herbert said he doesn't know a lot about these poles or how that works.
29

30 Mr. Elwell said towards the baseball field.
31

32 Mr. Herbert said with the five power poles, he is assuming those five power poles are in a series with each
33 other.
34

35 Mr. Wood said yes.
36

37 Mr. Herbert said and then hooked to the main transformer line.
38

39 Mr. Wood said the power poles are not required to be connected to a substation.
40

41 Mr. Herbert asked why those five power poles couldn't be in the solar array area, then just a powerline
42 running from those five power poles up to the main transformer powerline pole, that is going to be a
43 question of his, but he doesn't know how close that gear must be to Ameren's powerline pole.
44

45 Mr. Wood said it would have to be where Ameren's powerline runs across along the road there, because
46 where else would they connect.
47

48 Mr. Elwell said he thinks that is a good conversation to have with Ameren, because from the testimony
49 today, it wasn't that they couldn't move the power poles here, they couldn't move power poles here,
50

1 because the power poles must be here. He said can the power poles be here instead of here and maybe that
2 conversation has been made, but maybe it hasn't. He thinks that would be worth something to explore.
3

4 Mr. Herbert said if the power poles must be tied at that current location on the highway, then why not
5 have 500 feet of transmission line between the power poles to that location. He said maybe it is just from
6 an engineering standpoint because he isn't sure it is possible, but he thinks it would be worth looking into.
7

8 Mr. Elwell said absolutely and asked if there were any more questions.
9

10 Mr. Hall asked Mr. White if he could expand on the greenscape and what it is that the Village of Homer
11 would like to see.
12

13 Mr. White said to the best of his knowledge, they would like some small trees, that would benefit the view
14 from the Village of Homer property and Mr. Young's property along that direction also, which would be
15 the southeast angle of the solar farm. He said something to obscure the view and every other year typically
16 there will be corn that will hide the solar farm most of the time and with beans, they may see it, but there
17 again, that is maybe 4 months out of the year, that they wouldn't see it with the corn up, so year around
18 having evergreens or something that wouldn't have to be very tall and of course with a solar farm, they
19 wouldn't want it to be very tall, but something to obscure the view.
20

21 Mr. Hall said okay and thanked him.
22

23 Mr. Elwell asked if there were any other questions from the Board of Staff. Seeing none, he thanked Mr.
24 White.
25

26 Mr. White said he appreciated their time and thanked the Board and Staff.
27

28 Mr. Elwell asked Ms. Gavin if she would like to come back up. He said he does apologize, Ms. Burgstrom
29 said that there was a little bit more testimony that she was looking to provide and if she could start there.
30

31 Ms. Gavin said yes, she mentioned they had been working towards and have submitted a
32 Decommissioning and Site Reclamation Plan, so she was discussing with Ms. Burgstrom and she is not
33 sure what the Board's preferred approach is, whether that is something they all would want to be reviewing
34 and approving alongside the project or she thinks as their waiver contends, it would then be something
35 that's kicked to the ELUC committee for that review and approval step. She said they have the plans
36 submitted and she isn't sure if it is a part of Board's packets.
37

38 Ms. Burgstrom said it is in one of the Board's handouts tonight.
39

40 Ms. Gavin said so one of the handouts tonight, so she wanted to raise if it would be something the Board
41 would like to review and go over now.
42

43 Mr. Elwell asked if this would negate Part B.
44

45 Ms. Burgstrom said yes, it wouldn't need to go to ELUC if it were approved as part of this Special Use
46 Permit.
47

48 Mr. Hall said he hasn't finished his review of that Decommissioning and Site Reclamation Plan; he would
49 be uncomfortable if the Board acted tonight and didn't include that waiver, because those are things they

1 want to be a lot more certain of and he isn't there yet.

2
3 Mr. Randol said he is not comfortable with approving anything yet tonight, but he would like to ask Ms.
4 Gavin to pursue with Ameren about the power poles issue.

5
6 Mr. Elwell asked her if she knew of any reason why the power poles must be where they are; other than
7 Ameren telling them they can't have the power poles east or west.

8
9 Ms. Gavin said if she could describe the interconnection process when they are looking at solar projects
10 and properties. She said one of the things they think about is the proximity to a substation as this is part
11 of interconnection feasibility for a site, so if they are too far from a substation, then the potential upgrades
12 required for the infrastructure for them to feasibly interconnect a project to the grid becomes infeasible
13 for equipment and cost wise to make that happen, and unsustainable for a project. She said this
14 westernmost portion of the property is closest in proximity to the substation, which is on the west side of
15 the Village of Homer. She said this is the location that they proposed to Ameren with their study process
16 and the study process is governed by a strict set of rules created by the Illinois Commerce Commission
17 through which they submit, they enter the interconnection queue, then they have their queue number, they
18 must follow through the study process as outlined by Ameren. She said after one of her initial meetings
19 with the Village of Homer; she did propose and ask Ameren about potentially moving the point of
20 interconnection up the road based on this concern, and the feedback was that would not be feasible with
21 this project interconnection or would trigger a restudy, and given the Illinois Commerce Commission rules
22 and this queue process, that effectively would boot the project out of its queue position and thus put the
23 project in an infeasible position for interconnection.

24
25 Ms. Gavin said what she can say is, in terms of the power poles potentially being moved back from the
26 road like has been proposed in tonight's testimony, the main concern she sees is in terms of access, so as
27 the Board saw in their original design, these powerline poles would be parallel to the access road that is
28 installed for the project, because they will have to be able to access and service the power poles in case
29 they need any repairs. She said in this case their proposed design doesn't have that access road based on
30 the power poles' proximity to the highway, they think this will be feasible and workable plan for Ameren;
31 if they were to move them back to where the baseball field is or even further back for example, then she
32 believes they would be running into the same access issue question of posing a problem for the access
33 drive. She said with the power poles' movement back to the 480-foot setback from the edge of the property
34 to their fence line, so maybe a little over another 500 feet, then they are talking about 1,000 feet from the
35 highway to the fence line at this location. She believes they would be getting the same answer from
36 Ameren of that being too much of a move for the power poles given the project being studied at the point
37 that it has been, that is too much of a move and a significant change in upgrades, that they would deem
38 not allowed at this stage in the project's process.

39
40 Ms. Gavin said a potential compromise that she thinks could be a good fit is these power poles are
41 measurement equipment: measuring the power output of the project and safety equipment. She said there
42 are five main things, three customer or project owned pieces of equipment; three power poles, the two are
43 Ameren's power poles, so she thinks what might be feasible and what is within their control for the solar
44 project is perhaps moving the first two power poles all the way north into the fence line of the project area,
45 and from there, they are running the same underground electrical to their final power pole, then Ameren's
46 two power poles would be at the location that they all see here. She said it would be decreasing the number
47 of power poles significantly; the reason for those versus shifting them all up is because of Ameren's study
48 processes being indicated at this one point, they test, measure the feasibility, and safety of the upgrades
49 from substation to their proposed point of interconnection, then they're inflexible about changing it after

1 that point. She said the transfer of power is between their three power poles, then Ameren's two power
2 poles, so the point in between that, that is why they would want to have one of their poles still along the
3 road in proximity to Ameren's two power poles. She thinks this could be a potential good fit given the
4 power poles are required equipment for any solar interconnection and this is the interconnection point for
5 this project with Ameren and is closest and most optimal in proximity to the substation.
6

7 Ms. Gavin said a few other things she wants to mention is she does agree this will be a change in the view,
8 she does acknowledge that, it will look different. She does think it sounds or feels more daunting than it
9 is, and they all have powerlines on their streets or running to their homes, and eventually they do blend
10 into the background of their day to day lives and are a part of how they all exist and interact with the grid
11 on a daily basis; she is hopeful that would be the case with these power poles as well. She said in terms of
12 the power pole's location, they are directly across the street from existing powerlines and behind the
13 Village of Homer village hall parking lot and recycling bin that is on that eastern side of the parking lot.
14 She said the other thought or option and she doesn't know if this would be optimal for the Village of
15 Homer or if this feels better, but again, because they are locked into this spot with Ameren, the other point
16 of potential flexibility they would have is instead of a north or south configuration, they could potentially
17 rotate the powerlines to be parallel to the highway, they could argue if that would look better or worse,
18 but it might be more comparable to what they are all used to seeing in terms of powerlines, that run along
19 road easements that they are all used to.
20

21 Mr. Elwell said he missed that.
22

23 Ms. Gavin said the important point they are stuck at is the existing overhead line where they are
24 interconnecting the power poles with Ameren, then from there their study process is such that their two
25 required pieces of equipment are just across the road on Mr. Wolf's property, but she believes what would
26 not be considered a significant move would be to rotate the power poles, so they line up parallel to the
27 highway instead of parallel to the Village of Homer building, parking lot, or boundary line.
28

29 Mr. Elwell asked if it would look like an "L."
30

31 Ms. Gavin said the whole thing would be rotated. She said the underground electrical would then come
32 down straight south, go east a bit perhaps to be interconnecting to that power pole.
33

34 Mr. Herbert asked if Ms. Gavin has had a sit down with the Village of Homer to try to come to any sort
35 of happy medium there.
36

37 Ms. Gavin said she was in communication with the Village about the project since September. She said
38 she attended two of their village board meetings as well as had kind of an open community meeting about
39 the project. She said they did discuss this concern about the poles, but at that time had the response from
40 Ameren about the location being set. She said she didn't really think about the potential to move the two
41 Medanos poles or this rotation concept until the current discussion.
42

43 Mr. Bates said if he is hearing this right, there is a potential for a change, it would just require another
44 study.
45

46 Ms. Gavin said that this Medanos Solar interconnection application would be deemed withdrawn.
47

48 Mr. Bates said so another study could be done.
49

1 Ms. Gavin said another study could be submitted, but given the queue positioning, the project would be
2 kicked to the back of the queue and any number of projects could be submitted.
3

4 Mr. Bates asked if it was Ms. Gavin's decision that Ameren can't move the poles or is it Ameren's
5 decision.
6

7 Ms. Gavin said for this project, that it can't be moved is Ameren's decision; rather, it's a requirement of
8 the Illinois Commerce Commission Part 466 regulations on interconnection. She said so it's Ameren's
9 interpretation in following the Illinois Commerce Commission rules about what's considered a material
10 modification in an interconnection application process.
11

12 Mr. Bates asked if there was another study done for another location of the poles, this project would be
13 nonexistent, but we could actually move the location.
14

15 Ms. Gavin asked if Mr. Bates could repeat that.
16

17 Mr. Bates said he feels like we're stuck on this location because it's stuck in a queue; we're not stuck on
18 this location because it can't be moved.
19

20 Ms. Gavin said because this project is submitted in queue at this position, but she would contend that other
21 locations we can't know the feasibility of them. She said there's high queue saturation across the whole
22 state, so any push or a hard no from Ameren and thus a withdraw of the project on this point in their eyes
23 effectively kills the project.
24

25 Mr. Randol asked if the poles could be moved parallel with the road, that would not be killing the project.
26

27 Ms. Gavin said correct.
28

29 Mr. Randol said he would like to ask the mayor if they would be more acceptable with that, the poles
30 wouldn't be smashed right up against their building.
31

32 Mr. Elwell asked Mr. Hall if he understood correctly that with the new State law if they are sent back into
33 the queue, with the 1.5 miles it would not be allowed.
34

35 Mr. Hall said yes, that is the impression he gets, that additional queue time probably puts it in the realm
36 of when the new State law may be effective.
37

38 Mr. Elwell asked if anyone would like to cross-examine this witness.
39

40 Mr. Herbert said he has a few more questions on some other topics. He asked Ms. Gavin if there is any
41 sort of greenscape proposed or thought about; he knows Ms. Gavin said something about a pollinator
42 program. He asked if she could elaborate on that a little bit.
43

44 Ms. Gavin said they currently haven't proposed a greenscape or vegetative screening for the project, just
45 given how far away it is from anyone who could see it. She said the Young property is closest to the fence
46 line, but they have significant trees and vegetation, many rows of them, between their home and the project
47 and their shed and the project. She said but if it's the Board's opinion or recommendation of vegetative
48 screening, it sounds like that would be well-received by the Village as well, that's something that they're
49 willing to do.

1 Mr. Herbert asked if Ms. Gavin would be receptive to adding vegetative screening to the south border of
2 the project, say to the lane or around it or anywhere the neighboring houses can have a view of that she
3 would be receptive to doing something like that.

4
5 Ms. Gavin said yes.

6
7 Mr. Elwell asked Mr. Hall what the standard currently is.

8
9 Mr. Hall said the ordinance requires screening from any house that is within 1,000 feet, but like we do
10 with all screening requirements, we recognize screening that may already be in place. He said but if like
11 on the Young residence, he thinks there is adequate screening there already, but if their vegetation would
12 die, then the solar farm would have to add screening to make up for it. He said that's because the Young
13 house is within 1,000 feet; we don't actually require screening as related to community buildings, but he
14 thinks that is certainly something the Board can require if the Board thinks it should be done – that can be
15 a special condition.

16
17 Mr. Herbert said he thinks if there is no complaint in doing so, he thinks that would be a fine condition.
18 He said he's assuming on the Young house it's any country pine tree row that is probably dying out and
19 he thinks the screening is a good idea. He said if we can be in agreeance to do that, he doesn't feel it's a
20 problem to ask for that today.

21
22 Mr. Hall asked Mr. Herbert if he could make his ask specific.

23
24 Mr. Herbert said he would ask for a screening around the southern border of the solar farm fence; you
25 could stay close to the solar panels but do something to hide that from the community sitting at the ballpark
26 and seeing that solar farm. He said the corn is there for all the summer months, but it's not a year-round
27 thing.

28
29 Ms. Gavin asked if Mr. Herbert was thinking the southern boundary entirely, given the odd shape of the
30 southern fence line, from west to east, or he mentioned to the road.

31
32 Mr. Herbert said he thinks the southern border, anything facing the ballpark or the community's property
33 there, and then the Young residence and the Hockersmith residence over there along that property, and he
34 thinks that would probably be adequate.

35
36 Mr. Hall said there is no residence on the Hockersmith property.

37
38 Mr. Herbert said the residence that is on the property facing that; if someone were to want to build there,
39 what would be the difference on that.

40
41 Mr. Hall said the difference is that there isn't a dwelling there now, but Mr. Herbert is right, there could
42 be one there in the future.

43
44 Mr. Elwell asked if we are asking more of this petitioner than what we have asked of others.

45
46 Mr. Herbert said we've asked for greenscape, we've asked for something along it on other projects; he
47 doesn't know what the difference would be. He said he understands that the project is farther back, but if
48 we're in agreeance to do it, if that's a simple thing to make the community it's in happy, he thinks we
49 should. He said he thinks that's an easy decision to make.

1 Mr. Elwell said he just doesn't want to treat this petitioner differently than other petitioners.
2
3 Mr. Randol said his two cents would be to put the screening on the north and east side of the village
4 property, and if the Hockersmith property would ever develop that we would require screening.
5
6 Mr. Elwell said he thinks that makes sense.
7
8 Mr. Wood asked on the east property line, are there going to be power poles there.
9
10 Mr. Randol said way east.
11
12 Mr. Wood asked if the poles were going to be moved further east.
13
14 Mr. Randol said we're talking about screening all the way to the east.
15
16 Mr. Herbert said the fence is 500 feet.
17
18 Mr. Wood asked if you wanted trees under power poles.
19
20 Mr. Hall asked if the Board was referring to screening that is along the village property line.
21
22 Mr. Herbert said he was trying to ask for screening along the solar farm fence line.
23
24 Mr. Randol said if that's a motion to screen the solar farm fence line, he would second that.
25
26 Mr. Hall asked them to specify again the east to west locations; is it from the west to the east the entire
27 fence line.
28
29 Mr. Herbert said he would say any fence line that is facing south or southeast. He said his motion would
30 be screening any solar farm fence line facing south or southeast and asked if that covers things in a way
31 that's clear. He said he'd prefer to see it on the outside of the fence line.
32
33 Ms. Gavin asked for clarification if they meant the solar farm fence, then the vegetative screening, then
34 the rest of the property south.
35
36 Mr. Herbert said all the property south of the vegetative screening are corn or soybean fields, correct.
37
38 Ms. Gavin said yes.
39
40 Mr. Herbert said you would see corn or soybean fields, vegetative screening, the solar farm chain link
41 fence and then the solar panels.
42
43 Ms. Gavin said she was tracking, thank you.
44
45 Mr. Anderson said he detected a problem that is acoustic in nature. He said the wind in Illinois was a
46 problem; the wind can change in amplitude plus the frequency of the sound and the mayor pointed this
47 out as a problem. He said he doesn't know a solution to the problem of the sound kicking up 4 or 5 dB is
48 not beyond imagination. He said the frequency of the sound can depend on which way the wind is blowing.
49 He said he doesn't know what to do with that. He said the mayor was talking about it being a problem,

1 that's the reason he thought of it. He said his previous work has been on acoustic properties of submarines.
2 He said a submarine coming toward you sounds different than a submarine moving away and he suspects
3 it is the same way as the sound that these inverters make. He said he doesn't know what to do about that.
4

5 Mr. Elwell said to Ms. Gavin that there was testimony earlier today by Mr. Hartke about the cost
6 effectiveness of creating a noise fence around the inverter. He asked if she had any insight on what that
7 would look like or the cost feasibility of something to that effect.
8

9 Ms. Gavin said unfortunately she doesn't have a good answer on that; she's actually never seen a sound
10 barrier proposal on another project. She said her reaction to the noise study and the distances that we're
11 talking about to her makes her comfortable about the noise level at the property lines, but she thinks if she
12 can connect with Mr. Hartke about what that low-cost solution is and get a sense that it's feasible and it
13 will be something that makes the town more comfortable with the project, then it is certainly something
14 that they would want to consider.
15

16 Mr. Herbert said the tough part about that is that the distances make Ms. Gavin comfortable about the
17 noise at the property lines; the tough part is what if that distance isn't acceptable after the project has been
18 built and is in operation. He asked at that point who is accountable, and if it sells to a different entity, then
19 what.
20

21 Ms. Gavin said she had a couple of different thoughts. She said any future project would be bound by the
22 existing project approval and the solar ordinance under which the project is approved. She said she
23 wonders if a potential solution here is some sort of one year post project construction noise study is
24 conducted, and depending on noise levels meeting certain criteria, if they're not meeting the criteria, then
25 they install the noise barrier. She said she is not sure of the physical space that a noise fence would take,
26 if it's something they need to be designing around, how much space are we talking about. She said
27 assuming they could fit it into the existing site configuration, she thinks that could be a potential solution
28 is an opportunity for accountability or opportunity for the town to, during the lifetime of the project, if
29 this is a nuisance for them that the noise fence could then be installed.
30

31 Mr. Herbert said his thought process is to cover all your bases at the start, as opposed to try to fix a screwup
32 later. He said if Ms. Gavin could look into some sort of wall to deaden some sound headed in that direction,
33 maybe it's worthwhile to look into now as opposed to after there's already an issue.
34

35 Ms. Gavin said yes, she definitely hears that. She said that she knows Mr. Hartke has some info on the
36 noise fencing. She said she thinks Mr. Hartke mentioned over email that haybales might work as a physical
37 barrier. She said she was curious about the nature of the material Mr. Hartke proposes.
38

39 Mr. Elwell said he was sure Mr. Hartke would be able to communicate with Ms. Gavin or with the Board
40 and send the information to Ms. Gavin as well. He said that has been a conversation with several other
41 different farms.
42

43 Ms. Gavin asked about the noise barrier required for the Bay-wa project. She asked if there were specific
44 outlines by the Board about what material, height, etc.
45

46 Ms. Burgstrom said Bay-wa only referred to them as noise huts and apparently there was something
47 available for that particular inverter that they could make happen. She said she didn't know anything more
48 than that and asked Mr. Hall if he had any other information.
49

1 Mr. Hall said no, he thought they were called noise reduction kits; they were provided by the manufacturer.
2 He said as far as these sound-deflecting walls, he thought they were probably talking about concrete
3 masonry wall.

4

5 Mr. Elwell asked Mr. Hartke to come forward.

6

7 Mr. Hartke said it's very easy; it's a tongue and groove wood fence, like spruce or redwood. He said it
8 has no gaps in between and can be solid fence that's just the panels are tight against each other and also
9 any kind of screening, trees, shrubbery it's that easy. He said it just needs to be as high as the inverters are
10 tall.

11

12 Mr. Elwell thanked Mr. Hartke.

13

14 Mr. Herbert said that sounds like a wood fence, that's tongue and groove, around the inverters, and then
15 you're adding a screening. He said maybe he would think of adding more screening around some of the
16 other property lines in the direction towards town, so the west side you could add some screening. He said
17 then you'd have your wood fence and your screening to help deaden any sound to avoid any complaints.

18

19 Mr. Hall said to confirm, the noise wall just needs to be on the south, east and west sides of the inverters,
20 it doesn't have to be on the north.

21

22 Ms. Gavin thanked Mr. Hartke and said she would just add that she thinks if that is the extent we're talking
23 about in terms of noise barrier in particular with maintaining access for maintenance on the inverters,
24 given the one side would be open, that would definitely seem feasible and is something they would be
25 happy to agree to in order to alleviate the concerns from the town.

26

27 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked Mr. White if he
28 would like to cross-examine Ms. Gavin.

29

30 Ms. Gavin asked if she could add one more thing about the power poles before moving to cross-
31 examination.

32

33 Mr. Elwell said absolutely.

34

35 Ms. Gavin said she wanted to clarify in terms of this interconnection point and the queue position, she
36 doesn't think she made clear that it's not just a matter of timing and repeating the study process with
37 Ameren and now we're behind other projects, but the way these queue positions work and how the
38 interconnection process works for these projects is you are studied based on that point in time of your
39 application or your queue position and the capacity on the lines and the capacity on the substations. She
40 said the project is responsible for the costs of whatever upgrades are triggered. She said in this instance,
41 it's not just a time consideration and if it was, they would be happy to repeat the study process, but it is
42 putting them at risk of a scenario where this is a 5 MW project, perhaps there was 5 MW of capacity
43 available on the substation, and another project is in queue behind them. She said if they have to withdraw
44 based on the material modification of adjusting their point of interconnection with Ameren, it would put
45 them in line behind that other project which then would use the capacity available on the substation, thus
46 their project would be triggering it with all of the required upgrades to the substation that would be needed
47 to install a 5 MW project. She said in their experience this is an infeasible interconnection cost. She said
48 she wanted to just clarify that it's not about timing and if it was, they would be happy to be running
49 through that conversation with Ameren.

1 Mr. White said the timing issue, since Ms. Gavin brought it up, if it would go that direction, it would delay
2 it for awhile and may not even make the project work. He said another thing is Homer residents and the
3 Village Hall have to live with this for 30 to 40 years if not longer. He said back to the power poles, Mr.
4 Hartke whispered something to him that could possibly be a solution to that issue. He said if the power
5 poles were moved back to the back part of the ballfield area, Ms. Gavin's concern with that was Ameren's
6 accessibility. He said he can't speak for the Village Board, but it would be in his opinion an option that
7 they could possibly address, and that would be granting an easement of some sort back to those power
8 poles that the village could use to get parents and ball teams back to their ballfield. He said that might be
9 a possibility; he doesn't know how it would work, but again, he can't speak for the Village Board. He said
10 that might be an option to get farther away from the front of their building.

11
12 Mr. Elwell asked if that would possibly look like an access road similar to what was originally planned.

13
14 Mr. White said by what he understood from the proposal, yes, that would probably be something to the
15 effect of a 12- to 16-foot-wide gravel drive that would go back by possibly negotiating with Mr. Wolf or
16 possibly put it on the village property, but that's just a different scenario.

17
18 Mr. Elwell thanked Mr. White. He asked if there were any questions for this witness. Seeing none, he
19 thanked Mr. White and asked if anyone else would like to testify in this case.

20
21 Ms. Gavin said she just wanted to add that besides the potential access issue which makes sense and could
22 potentially be alleviated, she doesn't have any confidence that Ameren would even allow that move that
23 was described to move up to where the baseball field is. She said given how they operate with these points
24 of interconnection and their locations being established.

25
26 Mr. Herbert asked if that was something Ms. Gavin could look into; that would be due diligence to look
27 into it, not just making the assumption. He said the point of tie-in would stay the same would be his
28 understanding. He said if she could look into moving the poles a little bit from the road and even just put
29 a 20-foot grass strip or gravel drive on your side of the property to get to the poles he feels would be worth
30 looking into and worth reaching out to Ameren about.

31
32 Ms. Gavin said yes, she thinks it's a question they can ask Ameren, but she would say she is not optimistic
33 about their response. She said just to describe in terms of their upgrades, it goes up until that point of
34 transfer of power that she described. She said even though that point of interconnection is technically
35 staying the same, they are then taking responsibility for that line that is probably an extra 700 feet of line.
36 She said that is what gives her pause to otherwise be enthusiastic that this is something they might agree
37 to.

38
39 Mr. Elwell asked if Ameren wouldn't be responsible for less if it was around the road, like east-west
40 instead of north-south.

41
42 Ms. Gavin said that effectively would be the same if they do that rotation. She said she thinks it would
43 move Medanos Solar poles the most, so if this is north, it goes Ameren-Ameren-project-project-project,
44 so Ameren's poles would have moved just a bit, and the project poles would move a bit more. She said in
45 terms of Ameren's change it wouldn't be a significant difference in the amount because what they're
46 determining is kind of the amount of line or the amount of distance from that point of transfer.

47
48 Mr. Elwell thanked Ms. Gavin. He asked Mr. Hall when he thought the Board would be able to get this
49 case back on the docket.

1 Mr. Hall asked Ms. Gavin how long, to follow up on everything the Board has asked you to follow up on,
2 did she think it would take to get something to Staff a week before the meeting at which it is reviewed.

3
4 Ms. Gavin said she is hesitant to give a specific deadline based on how communications can sometimes
5 go with utilities; that being said, the engineer who has worked on this study and studied this project is
6 fairly responsive and so she is hopeful she could be speaking to him in a matter of days and talk to Ameren.
7 She said she thinks the issue and her concern about a potential change and the feasibility is the stage at
8 which they are in their project, which is that they have already signed the interconnection agreement with
9 Ameren and have reached that final milestone, such that she thinks it significantly complicates Ameren's
10 ability to flex in a scenario like this. She said she is happy to ask the question and be blowing up their
11 phones tomorrow morning, but she is not sure about the feasibility of a move like this compared to what
12 they have more in their control, which is moving potentially two of the project poles and/or the rotation.

13
14 Mr. Hall said to keep it simple, just to get the vegetative screen onto the plan with some information about
15 the plantings that are going to be used, a detailed plan of the noise reduction system just so we're perfectly
16 clear on what that is, he assumes Ms. Gavin will have to talk to the engineers about that to some degree
17 to make sure that they've got enough room to access the inverters, get all those drawings done, and then
18 some amount of time to at least ask the questions for Ameren, are we talking about a month or a month
19 and a half.

20
21 Ms. Gavin said she would say much less. She asked when the next available date is that would be a
22 deadline for this.

23
24 Mr. Hall said the next ZBA meeting is March 2nd; we would normally consider that a full meeting. He
25 said the next after that is March 16th, and again they have indicated that as a full meeting. He asked Ms.
26 Burgstrom if she had an opinion on whether this one Special Use Permit could be fit into either of those
27 meetings.

28
29 Mr. Randol said we're probably looking at March 30th.

30
31 Ms. Burgstrom said March 30th is when we have the new wind and solar text amendment slated.

32
33 Mr. Hall said this could be the same night.

34
35 Ms. Gavin asked if there was any opportunity for the March 2nd meeting.

36
37 Ms. Burgstrom said we already have four cases on that meeting, and that's more than we usually do
38 anyway.

39
40 Mr. Hall said the Board is normally quite averse to spending more than three hours in a meeting, so he
41 agrees with Ms. Burgstrom that March 2nd is a full three-hour meeting right now. He said unless the Board
42 wants to entertain, he doesn't see an option before March 30th as sorry as he is to say that, he thinks that's
43 being realistic.

44
45 Ms. Gavin asked, given all the conversation we've have about the interconnection as it stands and the
46 potential changes they can ask Ameren about, is there a potential world where the Board is willing to
47 entertain potential conditions regarding screening, the noise barrier and some outline or constraints around
48 the interconnection which would potentially entail a two-tiered response of tier one of moving north if
49 they can with Ameren and tier two being this combination of moving two of their poles into their project

1 area and rotating the remaining poles to be parallel to the road right-of-way. She asked if the Board would
2 be open to something to that effect, is that feasible.

3
4 Mr. Elwell said historically speaking, the Board has wanted to see that in black and white. He said if she
5 is asking if the Board can take care of this tonight, he thinks the answer is no, they would need to see the
6 updated site plan.

7
8 Mr. Randol asked if Staff saw March 16th as being a real heavy night.

9
10 Ms. Burgstrom said they just moved Jenkins to that date.

11
12 Mr. Randol said that's right, he forgot about that.

13
14 Mr. Herbert asked what if Mr. Jenkins doesn't show up with all his stuff, is that going to be another night
15 of that to where it's going to be moved to another meeting. He asked if that meeting would be moved to
16 another night if he doesn't have all of the information needed. He said he knows we have tied up three or
17 four meetings with that.

18
19 Mr. Elwell asked if it would be feasible to add this case to March 16th, for instance, and if we get to it,
20 great, and if we don't, work it in.

21
22 Mr. Hall asked if you don't get to it, what do you do.

23
24 Mr. Elwell said if there were already three cases, she would be the fourth case.

25
26 Mr. Hall said there's already four cases. He said Ms. Burgstrom has suggested one possibility, and it's
27 just a possibility. He said on the March 2nd date, Staff could ask one petitioner there if they would be
28 willing to go at a later meeting, and the petitioner's project already exists, the decision is coming after the
29 fact. He said people in that position normally say they're not in a hurry, they can go later. He said Staff
30 would have to ask that person and get that confirmed, so he thinks what the Board would need to do would
31 be to continue this to a date certain with a backup that it may be March 2nd if Mr. Taylor is willing to wait.
32 He said Staff would just let everyone know what the outcome is, but we do need to have a date certain in
33 addition to that.

34
35 Ms. Gavin asked if it might be possible with the date certain and notice requirement concerns to continue
36 the case to March 2nd, and in the event there is not time to be seen, there's a motion at that date to continue
37 it to another date as a more secure way of avoiding retriggering notice requirements.

38
39 Ms. Burgstrom said in her opinion, she knows that March 2nd is full with Donato cases and Wes Taylor,
40 if we have all the information for the Donato cases ready for the Board, that case might not take as long
41 as other cases on other dates.

42
43 Mr. Hall said the Donato cases take an hour and a half if everything goes perfectly. He said the Taylor
44 case might take 45 minutes. He said that would leave 45 minutes.

45
46 Ms. Burgstrom said that would be very tight.

47
48 Mr. Hall said he thinks the best option is what Ms. Gavin just recommended – continue to March 2nd, and
49 if there isn't time, it would have to be continued again. He said Staff will ask Mr. Taylor if he would be

1 happy to wait. He said that is what Staff's recommendation is.

2
3 Mr. Randol asked if that would affect anything Mr. Taylor is doing.

4
5 Mr. Hall said no.

6
7 Mr. Elwell said asking for forgiveness instead of permission. He asked for a motion to extend the meeting
8 by five minutes.

9
10 **Mr. Bates moved, seconded by Mr. Wood, to extend the meeting by five minutes. The motion passed**
11 **by voice vote.**

12
13 Mr. Elwell asked if there was a motion to continue this case 074-S-22 to March 2nd.

14
15 **Mr. Roberts moved, seconded by Mr. Randol to continue case 074-S-22 to March 2nd. The motion**
16 **passed by voice vote.**

17
18 Ms. Gavin thanked everyone for their time.

19
20 **7. New Public Hearings - None**

21
22 **8. Staff Report - None**

23
24 **9. Other Business**

25
26 Mr. Randol said he had a quick question. He asked if there is any way the Board can know about this
27 type of a problem, like the power poles, before. He said Ameren already had their mind set before we
28 knew anything about this. He said before Ameren makes their set things in gold, is there some way
29 that we can know what's going on.

30
31 Mr. Herbert said he thought communication with the Village might help.

32
33 Mr. Hall said he couldn't answer that because he doesn't know the factors that determine at what point
34 a developer submits an application to the queue, keeping in mind everything else that they have to be
35 aware of. He said he was skeptical that we could do anything about that.

36
37 Mr. Randol said it's just like we have a big problem to deal with because of Ameren.

38
39 Mr. Bates said it's kind of the reason we're here though, right, to vet these things before they go up.
40 He said he agreed with what Mr. Randol was saying, but there's no way we can take everybody's
41 opinion prior to, and most of them probably don't even know that it's happening until the letters are
42 sent out.

43
44 **A. Review of Docket**

45
46 Mr. Elwell asked if there were any absences coming up, and there were none.

47
48 **10. Adjournment**

49

1 Mr. Elwell entertained a motion to adjourn.

2

3 **Mr. Roberts moved, seconded by Mr. Bates, to adjourn.**

4

5 **The motion passed by voice vote.**

6

7 The meeting adjourned at 9:31 p.m.

8

9 Respectfully Submitted

10

11

12

13 Secretary of the Zoning Board of Appeals

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49