

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 East Washington Street

Urbana, IL 61802

DATE: January 16, 2025

PLACE:

Shields-Carter Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 6:30 p.m.

MEMBERS PRESENT: Brian Andersen, Cindy Cunningham, Chris Flesner, Bryan Holderfield, Jim Randol, Lee Roberts

MEMBERS ABSENT: Ryan Elwell

STAFF PRESENT: Stephanie Berry, Charlie Campo, John Hall

OTHERS PRESENT: Susan Akers, John Crosby, Aaron Esry, Pat Fitzgerald, Ted Hartke, Roger Henning, Daniel Herriott, David Holly, Kent Krukewitt, Erick Maag, Jan Carter Niccum, Jacob Romme, Liam Sawyer, Cindy Shepherd, Janet Smith, Eric Wood,

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. Hall stated that they are without their regular chair tonight, so the Board needs to select an interim chair and entertained a motion.

Mr. Andersen moved, seconded by Mr. Flesner, to appoint Cindy Cunningham as the interim chair. The motion passed by voice vote.

3. Correspondence – None

4. Minutes – July 25, 2024, August 15, 2024, August 29, 2024, and November 14, 2024

Ms. Cunningham stated the first order of business is the approval of minutes and entertained a motion to approve all four sets of minutes in one fell swoop unless there are additions or corrections needed to the minutes.

Mr. Roberts moved, seconded by Mr. Andersen, to approve the July 25, August 15, August 29, and November 14, 2024, minutes. The motion carried by voice vote.

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

6. Continued Public Hearings –

Case 144-S-24

Petitioner: **Little Prairie Solar LLC, c/o BayWa r.e. Solar Projects LLC, via agent David Holly, Development Manager for BayWa r.e. Solar Projects LLC**

Request: **Authorize a Utility-Scale PV Solar Farm with a total nameplate capacity of 135 megawatts (MW), including access roads and wiring, and an accessory 135 MW Battery Energy Storage System, in the AG-1 Agriculture Zoning District.**

Location: **In Sidney Township the following sections are included with exceptions as described in the legal advertisement: Sections 12, 13, 14, 15, 23 and 24, Township 18 North, Range 10 East of the 3rd Principal Meridian.**

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

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

David Holly, BayWa Development Manager, 300 East Main Street, Charlottesville, Virginia, stated that in attendance with him from their team, they have John Crosby, a Senior Permitting Manager, Jake Romme, a Senior Project Manager, Liam Sawyer, a Professional Engineer with Kimley-Horn Associates, Eric Wood, is a Battery Energy Safety Consultant with Energy Safety Response Group (ESRG), and Patrick Fitzgerald is their local counsel with Meyer Capel Law Office.

Mr. Holly referred to slide 3 of 18 of the presentation. He said the size of the project remains exactly the same with a 135 megawatts of solar energy with an accessory Battery Energy Storage System (BESS) of 135 megawatts. He said what has changed on this slide from the previous discussion was that they updated the Economic Impact Analysis to incorporate a successful partnership on a Tax Abatement Agreement with Heritage School District. He said there is roughly 18 million dollars in Property Tax Revenue projected to come to the County and that is a delta between the difference in property taxes coming from a solar farm operating for 40 years and the current agriculture use in the same footprint, and roughly 172 jobs coming to Champaign County during peak construction noted in the Economic Analysis Report.

Mr. Holly said they've been working in the community on this project here for nearly two years working with stake holders and landowners in the community, and through that they have brought themselves to a Special Use Permit Application (SUP) submitted in the summer of 2024. He said they continue discussion now in the key one of 2025 and during that time period they've conducted numerous outreach efforts to adjacent landowners and stakeholders to get the temperature of feelings about the project, how they could accommodate a plan that would work for the community, and also meets the county ordinance.

1
2 He referred to slide 5 of 18 of the presentation. He said just to orient themselves for discussion, the project
3 boundary in red as part of the Special Use Permit remains the same, it's 1,047 acres. He said the green
4 line bisecting the project is indicating that roughly 92 percent of the project to the east is located within
5 the Heritage School District and roughly eight percent of the project is located on the western side of that
6 line within Tolono School District. He said worth noting on this slide and on the site plan, the total solar
7 array acreage and the fenced acres have decreased slightly due to a reason that they will discuss shortly.
8

9 Mr. Holly referred to slide 6 of 18 of the presentation. He said this is the exact same site plan aside from
10 a revision noted in yellow about the new information they received from the drainage district particular to
11 an outfall structure that transports stormwater from the Frito-Lay facility into an open ditch that runs
12 throughout the site. He said that led to a revision of the site plan that was included in the memorandum,
13 they sent to the County on December 30, 2024. He said other than that the site plan remains the same.
14

15 Mr. Holly referred to slide 7 of 18 of the presentation. He said the landscape plan remains the same as
16 proposed, they have designed the project to have a landscape buffer for any dwellings located within 1,000
17 feet of the project to meet the Champaign County Zoning Ordinance. He said the vegetative screening
18 buffer is a mix of native evergreen trees and large shrubs with pollinator habitat throughout the site
19 differentiated between the purple and the green on the slide. He said the green on the slide being the solar
20 array area seed mix, it grows lower and has dual use with the capability to be grazed by sheep for
21 management purposes if desired. He said the purple on the slide is indicating a perimeter buffer seed mix,
22 which grows to a taller height, and also is a pollinator habitat. He said other than that, the landscape plan
23 remains exactly the same as previously proposed.
24

25 Mr. Holly referred to slide 8 of 18 of the presentation. He said it is worth noting that Little Prairie Solar,
26 LLC has executed, as required by the State Siting Legislation, an Agriculture Impact Mitigation
27 Agreement (AIMA), it was provided in the SUP application. He said in the AIMA it requires the project
28 to post a financial insurance for the decommissioning of the project, so the County is protected alongside
29 the owner of the project, and that financial insurance is revisited on a five-year rotating basis for the first
30 25 years, and every two years thereafter to account for inflation or changes in prices or commodities. He
31 said through the AIMA and the Champaign County Zoning Ordinance that the project is required to
32 decommission and have the ability to return the land back to preconstruction conditions.
33

34 Mr. Holly referred to slide 9 of 18 of the presentation. He said as designed the project is meeting the
35 Champaign County Zoning Ordinance aside from four specific waivers they are requesting. He will go
36 through those, these are the exact same waivers that existed during their first discussion in November
37 2024. He said Part A is entering into a Roadway Upgrade and Maintenance Agreement with relevant local
38 highway authorities after the consideration of the SUP, but before submitting for a Zoning Use Permit
39 Application (ZUPA). Part B is for locating the project less than one and one-half mile from the Village of
40 Sidney municipal boundary and it is also worth noting, that this project is further east than the previously
41 approved project in 2019 called Prairie Solar 1. He said Part C is a waiver for a setback of 65 feet from
42 the southern boundary of the centerline of one particular parcel in lieu of 240 feet. He said originally when
43 they spoke to the tenant farmer of that property, they indicated that farming a cut out of roughly 3.30 acres,
44 that would remain in that corner was not a desirable outcome, so they chose to bring the landscape buffer
45 directly across to the intersection at that location. He said Part D is for the separation of 225 feet for one
46 specific inverter on one singular parcel, so on the slide image shown, the inverter location is this little red
47 dot in the middle. The Champaign County Zoning Ordinance requires a 275 feet inverter setback and if
48 they put the inverter in the center of this parcel, that setback cannot be achieved to the fence line due to
49 the existence of an Ameren transmission line on the southern edge of the parcel. However, the inverter

1 can meet a 275 feet setback to the parcel line. He said other than these four waivers the project is designed
2 to meet the Champaign County Zoning Ordinance and State Siting Requirements.

3
4 Mr. Holly referred to slide 10 of 18 of the presentation. He said they had prepared a Memorandum to the
5 County on December 30, 2024, the purpose of this was to respond to the topics that they felt were of
6 importance from the previous ZBA public hearing meeting, the drainage considerations, topsoil
7 management, construction process, the potential for earthwork, and BESS safety considerations. They
8 responded to those topics in a Q and A document, attached with the memo, and they provided a farmland
9 drainage plan as required by the State siting legislation. He said they have worked with participating
10 landowners on their existing drain tile infrastructure and included letters from the landowners with the
11 Memorandum. He said they have revised the site plan to include information that came from the drainage
12 district, so they believe they are incorporating all the information they have to date, and the rest will be
13 provided when they do a drainage investigation study. He said they have revised the economic impact
14 analysis for the project and have provided a sound contour map for nighttime sound levels to respond to
15 a concern for sleep disturbance for the project to prove that the project continues to meet the Champaign
16 County Zoning Ordinance noise requirements.

17
18 He referred to slide 11 of 18 of the presentation. The first topic is the drainage considerations for the
19 project. They've prepared a Farmland Drainage Plan to be a guiding and living document, which is revised
20 throughout the rest of the project development through the ZUPA, operations, and decommissioning. He
21 said the first part of the farmland drainage plan indicates that the methodology and timing of performing
22 a systematic drain tile Investigation, so any drain tile or personal drain tile infrastructure that they don't
23 have mapping for that could be provided to them now, they would go out to do that survey in the field
24 with a third-party expert, that becomes an attachment that is revised into the Farmland Drainage Plan. He
25 said another main component of that plan is that it provides the methodology in which they repair any
26 impacts to existing drain tile systems that could happen during construction, operations, or
27 decommissioning, based on County, AIMA, and State siting legislation. He said those three legislative
28 documents are what they use to draft the plan. They are proposing to maintain existing drainage
29 infrastructure on the project, which they feel is meeting the Champaign County Zoning Ordinance and all
30 the other requirements. He said they have continued coordination with the relevant drainage districts and
31 their engineer, and they've worked with project landowners on their drain tile systems and needs. They
32 have revised the site plan to include the outfall structure coming from Frito-Lay.

33
34 Mr. Holly referred to slide 12 of 18 of the presentation. He said the second major topic is topsoil
35 management, construction process, and the potential for earth work. The project already has an executed
36 AIMA with the State of Illinois which meets the requirements of the Champaign County Zoning Ordinance
37 and State Legislation regarding topsoil management. He said one thing that may have been a surprise is
38 there could be earthwork on a utility scale solar project. The need and extent for potential earthwork on
39 these projects is technology dependent. The racking equipment has certain tolerances to maximize the
40 energy production of the panels, so if that vendor requires a tolerance to be met and there is a need for
41 grading to bring the topography to within the required tolerances. He said it is common for fill material to
42 be used in lieu of topsoil, because topsoil is not a good building substrate. Fill material will likely be used
43 in this project at the substation and BESS facility. The access roads typically have aggregate rock as the
44 groundcover and is common for these types of projects. How much, and where earthwork will be needed
45 is determined as part of the final civil design for the project after the final vendors for specific racking are
46 chosen.

47
48 Mr. Holly referred to slide 13 of 18 of the presentation. He said they continue to maintain a relationship
49 and work closely with the Bee and Butterfly Habitat Fund, and they have enrolled the program in the Solar

1 Synergy Program, the intent of doing that is to utilize their expertise on the specific pollinator seed mixes,
2 that are designed for this region in Illinois. There are two separate seed mixtures for the PV Solar Array
3 area and PV Solar Array buffer area. He said an interesting component a part of the Bee and Butterfly
4 Habitat Fund is it has the ability to take soil samples for the first six years of the project to document
5 pollinator habitat health and to monitor carbon gains within the soil. And they coordinate closely on the
6 vegetation management plan for the project.
7

8 Mr. Holly referred to slide 14 and 15 of 18 of the presentation. He said BESS safety was the third major
9 topic discussed at the last public hearing. He said they have been working with the P&Z Department and
10 understands there has been further discussion on the amendment to the Zoning Ordinance specific to
11 BESS, relating to the requirements of NFPA 855 and UL requirements. He said a lot of the requirements
12 in the draft ordinance capture a lot of the safety concerns, specifically how the project would work with
13 the Sidney Fire Protection District to craft a Hazard Mitigation Analysis and Emergency Response Plan
14 prior to approval of a Zoning Use Permit.
15

16 Mr. Holly referred to slide 15 of 18 of the presentation showing a BYD Cube that the BESS would be
17 comprised of. It's a fully enclosed container, and some of the safety mechanisms include fire detections
18 sensors, temperature sensors, gas detection sensors with off-gas valves, audible fire alarms, visual strobes,
19 and the type of fire suppression within this specific container is hot aerosol suppression. These features
20 are incorporated into the BESS enclosures and are monitored 24/7 for any abnormalities.
21

22 Mr. Holly referred to slide 16 of 18 of the presentation showing the economic benefits of the project that
23 are being brought to the County if approved. There will be an influx of jobs and economic spends within
24 the County, particularly during the construction period. He said Little Prairie Solar would be a passive
25 land use for the most part, especially during operation. It would have no emissions and limited traffic
26 during that operational period unlike other development types, such as residential. He said there are not
27 extra heads in schools requiring resources and ultimately there is a benefit in property taxes from this type
28 of project existing in this location. There is a delta of roughly 18 million dollars over a 40-year period
29 when compared to property taxes coming from agriculture and solar farm existing in this location. He said
30 that number was 19 million dollars at the last public hearing meeting slideshow presentation, the change
31 is due to the executed tax abatement agreement with Heritage School District, so they revised the
32 Economic Impact Analysis as a result.
33

34 Ms. Cunningham asked if the Board had any questions for the petitioners, she called on Mr. Andersen to
35 ask his questions.
36

37 Mr. Andersen asked about the Economic Impact Analysis, noting that it calls out a photovoltaic installer
38 and asked him if that was a classification of a worker or what are they talking about there.
39

40 Mr. Holly said it's more than likely, but he isn't certain, and he would have to confirm with Strategic
41 Economic Research, because they are the ones that did the report for them.
42

43 Mr. Andersen said that he would ask his questions and then they could just get back to them with answers.
44

45 Mr. Andersen noted that there was another job classification listed called electrician helper. He said all
46 these projects are going to be subject to prevailing wage, because he is sure they are going to go after tax
47 credits with the Federal Government and probably the State of Illinois.
48

49 Mr. Holly said yes.

1
2 Mr. Andersen said those two classifications of workers don't exist in prevailing wage, so that is a little
3 concerning. He said at the Prairie Solar 1 project there is no project labor agreement or anything, it is just
4 contractors from wherever, the Board has received a lot of comments from concerned citizens about where
5 the contractors are coming from. He asked if this project was going to be under a Project Labor Agreement
6 or is it known at this time
7

8 Mr. Holly said they don't know that at this time.
9

10 Mr. Andersen said sure, well just so he is aware, the Illinois Tax Credits require that to be executed prior
11 to construction.
12

13 Mr. Holly said okay, understood.
14

15 Mr. Randol asked about the BESS alarm systems and if there is a fire, irregularities, or whatever, how, and
16 who does that system notify and how does that information get to the fire departments?
17

18 Mr. Holly said Mr. Wood from ESRG is going to help provide a clearer answer on that.
19

20 Eric Wood, Energy Safety Response Group (ESRG) Senior Consultant, 7475 Dayton Brandt Road, Tipp
21 City, Ohio, stated that all the monitoring systems flow through the fire alarm control panel, then the remote
22 operation center becomes notified, and they have systems that notify the local 911 center.
23

24 Mr. Randol stated he has read in different articles that there are now some systems that will work to
25 extinguish fires within these lithium-ion batteries, and asked if they would be integrated with the batteries
26 or separated from them?
27

28 Mr. Holly said this system has a hot aerosol suppression inside of it, He said whatever system is used goes
29 back to the manufactures meeting the requirements of NFPA 855 for fire suppression, so it is all kind of
30 legislatively driven, and as those documents change or are revised, the manufacturers have to pivot to
31 meet the revised requirements. He said if a type of fire suppression required is changed legislatively, then
32 the manufacturers will have to incorporate new technology in their design to meet the new requirements.
33

34 Mr. Randol asked them what they would do if they've installed the system and it's been in operation for a
35 year or five years, and newer technology comes about, then are they going to spend the money to upgrade
36 their systems or leave it as the original installation.
37

38 Mr. Holly said that is a good question and he'd have to get him a better answer from their engineering
39 team and how they'd handle a change like that.
40

41 Mr. Flesner stated he is pretty familiar with NFPA 855 and carries those books in his work van and he
42 knows how often they change. He said it might be this way today, but before October, they might have
43 two other adjustments to the regulations. He asked if they are going to be grandfathered in with what's
44 already there or if they're going to keep up with the NFPA code.
45

46 Mr. Wood said the NFPA 855 has a cycle of every three years. As far as being grandfathered in, he is not
47 exactly certain how that works for different organizations and companies, so he can't speak on behalf of
48 what BayWa r.e. would have to do.
49

1 Mr. Holly told Mr. Randol that he thinks it would be fair to say that if the NFPA 855 is updated on a three-
2 year basis, the battery containers wouldn't be updated every three years, that is not economically feasible.
3 He said there is potential for augmentation of them, if the batteries degrade to a certain point and need to
4 be replaced if newer technology is available, he doesn't see any reason why that would not be used if it is
5 more efficient at that time.

6
7 Mr. Randol asked him how they will know if the alarm and suppression systems have degraded.

8
9 Mr. Holly said when he was referring to degradation, he was referring to the battery itself, not the safety
10 mechanisms or fire suppression.

11
12 Mr. Randol said that his concern is the alarm system, because there is a 1,000 acres out here that they
13 might have sheep grazing, bee hives, or mowing, if one of these battery structures should catch fire and
14 there is a strong wind like what took place in the eastern part of the county this summer or fall of 2024, it
15 burnt several miles before the fire departments were able to put the fire out. Similar to what happened in
16 California except not to that extent, because there were not structures involved, but there could be and
17 there will be depending on when the fire departments can get in and get the extinguished.

18
19 Ms. Cunningham said to piggy back on that, she noticed in their plan, they intend to work with the Sidney
20 Fire Department to come up with a Hazard Mitigation Plan and asked if that work had begun yet.

21
22 Mr. Holly said they had not started that yet, they're proposing that happens after the consideration of the
23 Special Use Permit, but before the approval of a Zoning Use Permit. After the Special Use Permit is
24 approved, they will work with the Sidney Fire Protection District and draft the Hazard Mitigation Analysis
25 (HMA), and Emergency Respond Plan (ERP).

26
27 Ms. Cunningham said she personally would be reluctant to go further without that plan in place.

28
29 Mr. Holly said that he understood, and noted that the HMA is technology specific, so if they create it now,
30 it's based upon the design they have now.

31
32 Ms. Cunningham said of course, but certainly there would be some basics regarding how many people
33 would have to be there, what the alarm system would look like, what the notification and mutual aid would
34 look like, what procedures would be utilized, and there are things they could work out that aren't so
35 technology dependent.

36
37 Mr. Holly said yes, okay.

38
39 Ms. Cunningham said she had a second question regarding fires. They had several witnesses testify last
40 time who were concerned about fires, such as, what has happened in San Diego and Escondido, California.
41 She noticed that they were proposing changes that would mitigate some of that cascade effect that
42 happened in those two areas and asked if he could explain how their BESS is different from those in San
43 Diego and Escondido, California.

44
45 Mr. Wood said that he has a draft HMA based on the proposed BYD Cube Battery system that they've
46 done for a previous client in regard to the safety systems that are integrated into it. The battery
47 management system (BMS) is first and foremost, because that's what monitors the state of charge, the
48 charging levels, and is the first thing that picks up on any irregularities. He said the BMS has the capability,
49 if it detects any irregularity, to take that battery or string of batteries offline to decrease any chance of a

1 runaway event. He said the other things that are integrated into this battery system are the fire detection
2 sensors, temperature sensors, and gas detection sensors. The gas detection sensors deal with lower
3 flammability limit, so if it reaches a certain point, then that is where the off-gassing valves are able to
4 open up and the HVAC system under NFPA 69 starts pushing the air out. Those are some of the major
5 components that are integrated into this specific system.

6
7 Ms. Cunningham asked if the sites in San Diego and Escondido, California didn't have those features in
8 their BESS?

9
10 Mr. Wood said he doesn't know for sure, because the San Diego, California incident was a walk-in
11 building, and this is a non-occupiable structure. He said within that building they did have the audible
12 alarms and strobes, but he's unsure as to whether or not, they had any type of gas detection or anything
13 like that. He said as far as the Escondido, California incident, that was completely offline at that point, so
14 nothing at that structure was actually working at that time, so he doesn't know what type of safety systems
15 they had in place. He noted that those two specific systems were pre-NFPA 855 regulations, so the odds
16 of them having those safety systems would be very low unless they were integrated years down the road.

17
18 Ms. Cunningham thanked him and asked the Board and Staff if they had any more questions for the
19 petitioner. Seeing none, she said they would go now to the cross-examination. She said anyone who would
20 like to cross-examine the witness may do so, but no testimony will be allowed during cross examination.

21
22 Daniel Herriott, 30 Dunlap Woods, Sidney, stated that he had similar concerns with BESS and asked the
23 petitioner if they had any idea how long a container might smolder and smoke if they were to catch fire.

24
25 Mr. Wood said they've had 40-foot containers where they've burned for less than eight hours. He said the
26 idea is that the fire department comes out, they do their due diligence by contacting the individuals that
27 need to be contacted to perform the management aspect of it, once they deem that everything is under
28 control even though it's still smoldering. He said what's nice about these enclosures is that everything
29 stays within the enclosure, so there isn't going to be a large amount of debris, everything is able to stay
30 inside the container. He said one of the nice things about the NFPA 69 when they look at the deflagration
31 aspect of it is, there will not be anything that would be detrimental to that specific enclosure, because it is
32 pulling all those gases completely out of it, so even if there is a thermal event, then everything is able to
33 stay inside of the enclosure itself, reducing the chance of wildfires or anything like that, because it's all
34 right there.

35
36 Mr. Herriott asked him if there was any concern for toxic fumes getting outside of the enclosure and how
37 far of a distance those toxic fumes could potentially travel.

38
39 Mr. Wood said what they've in their testing through ESRG and other nationally recognized testing labs,
40 they've not seen anything as far as off gassing that poses a significant threat outside of a 100-foot
41 boundary.

42
43 Mr. Herriott asked him if there were circumstances where a tornado picks the whole enclosure up and
44 cracks the actual container unit.

45
46 Mr. Wood said no.

47
48 Mr. Herriott said okay and asked him if there were any concerns of food grade grain being relatively close
49 to the facility.

1
2 Mr. Wood said no.

3
4 Mr. Herriott asked if the agreements with the landowners' trump the AIMA, meaning can they go out and
5 do work on the land in muddy conditions against the rules of the AIMA, because their lease allows that
6 with the landowner.

7
8 Mr. Holly said he doesn't believe so. The leases they have with the private landowners don't have anything
9 to do with the AIMA, which is a separate agreement they have with the State of Illinois, so it has to be
10 abided by for this project and will be.

11
12 Mr. Herriott asked with regard to the individual landowners, they don't have any waivers stating they can
13 work in wet conditions and stuff like that.

14
15 Mr. Holly said there are no waivers, that is correct.

16
17 Ms. Cunningham thanked Mr. Herriott and asked if anyone else wished to cross-examine this witness.

18
19 Ted Hartke, 1183 County Road 2300 East, Sidney, stated that there were a few attachments they were
20 supposed to get since the last public hearing, but he hasn't seen them yet and asked if they could see
21 Attachment D, which is the outfall drainage plan.

22
23 Mr. Holly said the farmland drainage plan.

24
25 Mr. Hartke said it was called Attachment D, the Frito-Lay Drainage Pipe Outfall.

26
27 Mr. Holly said sure, one moment.

28
29 Mr. Hartke told him he didn't have to do it now, just whenever is good, they can move on here. He said
30 another one was an Attachment A, which he thought was called the Heat Map, which is like a color-coded
31 map for how much regrading and new contouring was done for the first project that is under construction.
32 He said that might not be for him to take care of, but it was something that was promised and asked if he
33 could follow through and see if they could get Attachment A, which was that soil elevation change map.

34
35 Mr. Holly said absolutely, he could pass that along to the project owner.

36
37 Mr. Hartke told him that they previously asked for some MSDS sheets, which is the material content of
38 the solar panels, he hasn't seen that yet, but he's seen some detailed specifications for the solar panels, but
39 no material content for them and asked if the MSDS sheets were still coming.

40
41 Mr. Holly said from his understanding MSDS sheets are typically produced from manufactures of
42 hazardous materials, since the solar modulators themselves are not considered hazardous materials, so there
43 are not MSDS sheets.

44
45 Mr. Hartke asked if there won't be a MSDS sheet for any of the solar panels.

46
47 Mr. Holly said not to his understanding no.

48
49 Mr. Hartke said okay, and there was an item that was sent to him, it was a noise contour map for the BESS,

1 but he was looking for the noise contour maps for the inverters and he is looking for that still to see if
2 there are any inverters that he thought needed some noise barrier around them and asked if they could
3 please provide the noise contour map for inverters down to 40dba just like they did for the BESS.

4
5 Mr. Holly said to be honest he doesn't feel like that is relevant, they designed the project to meet the
6 Champaign County Zoning Ordinance, and it meets the Champaign County Zoning Ordinance and Illinois
7 Pollution Control Board standards.

8
9 Mr. Hartke said he understands, he will testify to that later, because Ms. Cunningham will try to cut him
10 off if he tries to talk about that. He said in one of the responses he received, it talked about Mr. Hartke's
11 response and concern about noise is not a concern, because in the letter to him, it mentioned that the
12 refrigerator in a home is at 40dba and asked if the solar panels are actually comparable to a refrigerator
13 and is that a safe comparison for a refrigerator to solar panel inverters.

14
15 Mr. Holly said yes, the solar panels aren't making any noise, it's coming from the inverters.

16
17 Mr. Hartke said he understands it's coming from the inverters.

18
19 Mr. Holly said yes, the comparison that they provided was for if there was a concern for sleep disturbance.
20 The noise is similar to a common residential appliance kept in many kitchens inside of homes as opposed
21 to edges of properties, he thinks that is the intent of how the Champaign County Zoning Ordinance is
22 written

23
24 Mr. Hartke asked if he sleeps in the kitchen with his refrigerator, it was unfair to compare that, and he will
25 testify to that later. He said in one of the items that was sent, it showed that the BESS equipment had a
26 75dba rating and asked what's the distance measured at from the machine or mechanism, that is what is
27 important for him to figure out how fast it reduces its noise and asked him if he could tell him how far
28 away from the machine the 75dba was measured at.

29
30 Mr. Holly said no, that is a specification that comes from the battery manufacturer, so he doesn't know.

31
32 Mr. Hartke asked if they could please find that out, that's very important. He said the same questions for
33 the solar inverters, he is looking for the noise level of the specific inverters they plan to use and how far
34 away from the inverter that noise level is expected to be at that measurement. He is going to tell them right
35 now, he thinks it's sometimes three meters or ten feet, so that is what he is looking for. He said there was
36 information provided at a previous public hearing from Justin Leerkamp about the dirt that was being
37 hauled onto the Prairie Solar 1 project site. He said the information was about the rip rap that was being
38 brought in, he thinks there is some confusion about whether it was dirty soil with concrete rubble mixed
39 in compared to rip rap used for the erosion control or whatever for their entrances or whatever they're
40 using it for. He asked them if they could answer anything about the previous construction job going on
41 with the rip rap being confused with actual rubble that was mixed in with the soil on the other job.

42
43 Jake Romme, BayWa Project Manager, 5901 Priestly Drive, Suite 300, Carlsbad, California, stated that it
44 sounds like there was confusion, he just wants to clarify for the rest of the room. He said there was a
45 comment made about broken concrete being brought into the site and there was a picture that was shown,
46 he isn't sure by who, but it was a pile of rip rap, which may look like a pile of broken concrete, but rip rap
47 is a material used onsite to slow down the flow of water, so it might be used for erosion control,
48 construction entrance, or for a low water crossing where there is a need for a little bit more heavy duty
49 rock material, so he just wants to clarify that they did import that material. He is aware of a comment

1 being made that they were bringing in fill material that is filled with concrete, he is going to testify that to
2 the best of his knowledge that hasn't occurred.

3
4 Mr. Hartke said okay, he just wanted to make sure and ask to see if there was some confusion about that,
5 because he thinks Mr. Leerkamp was specific about his concern with dirty fill that was hauled in with
6 rubble mixed in, that was just the one thing he thought was misconstrued in the responses from the
7 developers. He said that is all the questions that he has for these gentlemen.

8
9 Ms. Cunningham thanked him and asked if anyone else wished to cross-examine the petitioner.

10
11 Mr. Crosby asked if Mr. Romme would tell the Board who he is and why his comments are relevant.

12
13 Mr. Romme said yes sure, Jake Romme, he is the Project Manager for the Prairie Solar 1, LLC project, so
14 he is very familiar with the details there.

15
16 Ms. Cunningham thanked him and asked the next witness if she would state her name and address.

17
18 Cindy Shepherd, 2010 Burlison Drive, Urbana, said her first question concerns the community
19 engagement that they've done, and she is wondering if they're planning more community meetings, so
20 people can have their questions and concerns addressed in Sidney.

21
22 Mr. Holly said there is nothing specifically planned right now, but they're completely open to that, if that
23 is a desire from the community and thanked her for telling them.

24
25 Ms. Shepherd stated that the second thing she wanted to ask has to do with the pollinators and their
26 partnership with pollinator partners.

27
28 Mr. Holly said the Bee and Butterfly Habitat Fund.

29
30 Ms. Shepherd said yes, she wanted to know if they'd consider working with the local naturalist and
31 University of Illinois Extension to find the right pollinator mix for this area.

32
33 Mr. Holly said yes, they've been in contact with the University of Illinois, and their pollinator team is
34 doing similar research to what the Solar Synergy Program seeks to provide during the soil samples and
35 monitoring the habitat, so they'd intend for that information to be shared with relevant organizations who
36 are interested like the University of Illinois's program.

37
38 Ms. Shepherd said her third question is, she saw that the financial benefits were primarily for the taxing
39 entities and leaseholders, and she wondered if they'd consider other ways that they might partner with
40 nonprofits with service providers in the area to make the community stronger and more resilient as part of
41 their clean energy goals.

42
43 Mr. Holly said they're certainly open to hearing from any organizations in the community that want to
44 work with them and if there is a way they can partner, then they're open to exploring that.

45
46 Ms. Cunningham thanked her and asked if there was anyone else that would like to cross-examine the
47 petitioner.

48
49 Mr. Hartke said he didn't realize that this gentleman was with phase one, and can he ask him a quick

1 question.

2
3 Ms. Cunningham said tonight's testimony isn't about phase one, it's about the second project, so they're
4 going to limit their testimony and questions to the topic at hand.

5
6 Mr. Hartke said he understands, he will ask him after the meeting.

7
8 Ms. Cunningham asked if there was any cross-examination for the petitioner. Seeing none, she told the
9 petitioner not to go far.

10
11 Mr. Holly said he wouldn't and asked if this was the last chance to make a recommendation based on
12 something he heard to the Board.

13
14 Ms. Cunningham said she doesn't think so.

15
16 Mr. Holly said okay.

17
18 Ms. Cunningham told him sorry and asked if the Board had any other questions for the petitioner. Seeing
19 none, she told them they would move onto other witnesses then. She asked the petitioner to take a seat in
20 the audience.

21
22 Mr. Holly thanked the Board.

23
24 Ms. Cunningham told them she appreciated all their work and thanked them.

25
26 Ms. Cunningham called Eric Wood, Jacob Romme, David Holly, John Crosby, Liam Sawyer and Pat
27 Fitzgerald who declined to present testimony. Ms. Cunningham called Cindy Shepherd to present
28 testimony in addition to her cross-examination, and to please state her name and address for the record.

29
30 Cindy Shepherd, 2010 Burlison Drive, Urbana, stated that she is the Energy Builder Director for Faith and
31 Place, which is an Interfaith Environmental Justice Organization. She said before she joined Faith and
32 Place for years she was the Pastor up the road from Sidney in Philo, and while she was there, she made
33 some friends and found it to be a very welcoming community, so she was very excited and interested when
34 she heard about this project that is going to be phase two of the utility solar there. She said at Faith and
35 Place they empower people of faith to take action on energy solutions that protect the planet and to build
36 thriving communities. She said in spite of the work that has been done, especially in Illinois, to build a
37 good environment for clean energy, they're not meeting their clean energy goals. She said greenhouse gas
38 emissions remain too high to slow the planets warming and to reach their goals and protect their future,
39 they must increase clean energy on the grid, they need to do it everywhere, and they need to do it very
40 fast. She said this was brought home to her last week when her six-year-old grandson who lives in Los
41 Angeles called and said oh grandma, he wanted to just let her know that the weather here is very harsh,
42 there is a lot of smoke, hot wind, and the sun looks closer, because it looked huge through the haze, she
43 realized this is extremely urgent. She said clean energy and battery storage hold incredible promise for
44 advancing clean energy, they're less polluting and more sustainable, and benefit farmers, land, local
45 governments, and schools without raising tax rates, which is always good.

46
47 Ms. Shepherd said they know that their flat countryside here in Central, Illinois is perfect for these projects,
48 but she thinks that they do have to be developed thoughtfully and with a lot of respect for the rural
49 communities that are being asked to host them. She said they need clean energy, but they need it in a way

1 that is thoughtful and respectful to these communities, so she was pleased to have an opportunity to ask
2 her questions of the developers present tonight and she thinks that if those questions are addressed with
3 the community, that they can get to a good place with them. She said solar and clean energy developers
4 often work with communities and enable them to answer questions to understand their energy situation
5 better and sometimes even improve their own energy efficiency and energy use, she looks forward to
6 hoping that happens in Sidney. She was pleased with the answer to her second question, that the developers
7 are working with local pollination experts on exploring the options, she thinks that's exciting. She said
8 agrivoltaics is another area where farming and clean energy and power can work together, she thinks that
9 would be really cool to see something like that happen to continue the kind of agricultural innovation that
10 Champaign County is known for. She said lastly, she was pleased to hear that the developers are willing
11 to talk about ways to be good neighbors, because she thinks here in Illinois, they pride themselves on
12 being good neighbors, taking care of each other, welcoming newcomers in, and looking out for each
13 other's good, so she hopes that they will consider carefully on this proposal and it will be something that
14 works for Champaign County, communities here, and other communities across their State – she thanked
15 them.

16
17 Ms. Cunningham thanked her for her testimony and asked if anyone had cross-examination for Ms.
18 Shepherd. Seeing none, Ms. Cunningham told Mr. Hartke that he was up next to testify and to please state
19 his name and address before giving his testimony.

20
21 Ted Hartke, 1183 County Road 2300 East, Sidney, stated he moved to Champaign County in 2015, so for
22 ten years he has been coming to the ZBA meetings talking about the purpose of zoning being the
23 neighborly thing, but the purpose is not economic development, jobs, how much money in taxes are going
24 to be made – it isn't about money, it's about being able to live in the country, be peaceful, good neighbors,
25 and stuff. He said protecting the value of the neighbor homesteads that are around them and fitting in, he
26 thinks zoning is about fitting in with their neighbors, and he wouldn't say conforming, because not
27 everyone is the same, but fitting in and getting along. He said Ms. Shepherd was right, that there are ways
28 to be good neighbors and one way to not be a good neighbor is by waking them up at 6:00a.m. on a
29 Saturday or Sunday morning when they're trying to sleep in, that's not a good neighbor. He is asking for
30 a 40dba noise contour line from these inverters, if there is an inverter that is noisy enough to cause 40dba's
31 to hit a neighboring house, it's a super very inexpensive fix to put a little noise barrier like a solid wood
32 fence around these inverters, that's all he's been asking for, for long time, but the developers today said,
33 that's not a requirement, they don't have to answer his questions Mr. Hartke, he doesn't think that is a
34 good neighborly thing to do and he thinks it's very easy to make that map.

35
36 Mr. Hartke said he thinks Ms. Shepherd said something about being respectful and helping your neighbor.
37 He said his house is not in the firing range of being noise impacted, he is here trying to be neighborly and
38 speak up for the minority, and he has said this a lot of times before, the smallest minority is the individual.
39 He just happened to have an experience that was terrible living in a wind farm, he thinks it would be very,
40 very respectful and very neighborly, if the solar company would let people sleep in at 6:00a.m. in the
41 morning on the weekends, that would be very good. He said that is what he has been asking for, for a long
42 time, and still getting push back, he doesn't understand why that is so hard. He thinks the developers are
43 going to do a good job getting him these Attachments A, D, which he hasn't seen yet and hopes they will
44 follow through on the noise concerns he's had, that he's been preaching about for ten years.

45
46 Mr. Hartke said in the packet most recently, he saw a big, maybe 20 pages or more from a Dr. Loomis, it
47 talks about the economic benefits of the solar farm coming to Champaign County and how it was going
48 to cascade all these jobs and huge amounts of money. He is going to read something just for the record
49 and this is pretty long, so here he goes, it says here, "Would Your Marriage Survive 25% Reliability?"

Neither Will Our Energy Systems: Imagine sending your kids to a school where the teachers only show up 25% of the time. Math class? Not today. Science lab? Maybe next week, if you're lucky. Your kids grow up thinking two plus two equals cow because their education is as patchy as their teachers' attendance. It's absurd, right? Now, here's the real kicker: Why are so many seemingly OK with this level of inefficiency when it comes to renewable energy systems? Renewable energy facilities, like solar and wind farms, operate at 25%-30% efficiency."

Mr. Hartke told them he was going to stop a second, he knows that the solar farm is not going to make noise at nighttime, it's never going to work or make noise at nighttime, he is totally cool with that, but at 6:00a.m. it will, according to the previous developer when he was here.

Mr. Hartke continued reading, "That means they only work a fraction of the time, but we're expected to trust them as our main source of power. Let's explore this foolishness with some snarky comparisons to things we definitely wouldn't put up with in rural communities and farming".

He read the first story, "**The Inefficient Tractor – A Farmer's Worst Nightmare**: Picture this: You've got hay to bale, crops to plant, and a full day ahead. But your tractor—your lifeline in the field—won't start. Why? Because it only works 25% of the time. So, what's the solution? A backup tractor, you dust off the old tractor, it's going to be an ancient one, barely working one called "Old Reliable." It will start up with a cough and a puff of black smoke. It's going to be dirtier than the new tractor, but the new one won't start. It chugs along just long enough to get the job done but its running on fumes, and its best days are decades behind her. You finish one pass of the field before it sputters out, leaving you stranded with nothing. The real problem hasn't changed: Your main tractor still doesn't start, and now you're leaning on a backup that's just as unreliable. It's a temporary fix for a long-term issue—a Band-Aid on a broken bone. That's the reality of relying on a backup system for renewable energy. A battery energy storage system might keep things running for a short while, but it can't support the grid indefinitely. The underlying issue of inefficiency remains."

Mr. Hartke read the next story, "Imagine hiring a farmhand who clocks in for just 2 hours of an 8-hour day. But you're a farmer, the thought of an 8-hour day is pretty easy. An 8-hour workday is a luxury—more like a vacation if you live on a farm. But let's pretend, for argument's sake, that farming could ever be confined to such a tidy little schedule. This hypothetical farmhand still shows up late, leaves early, and only gets a small fraction of the work done and they happily take a full day's wages. They claim they're doing their best, but their "best" leaves 70% of the work undone. So, what do you do? You bring in a temporary worker. I'm going to skip some of this, it's getting kind of long."

Mr. Hartke read the third situation, "The No Show Teacher." You send your kids to a school where the teachers show up only 25% of the time. Math class is not happening today. You bring in a tutor to fill in the gaps, but tutors are expensive, and it's not a permanent fix. Eventually, you're stuck with a school system that's broken and still fails your kids. This is exactly what it feels like to rely on renewable energy systems that only work when the sun is shining, or the wind is blowing, it's a wasted effort.

Mr. Hartke read another example, "The Teenage Chore Dodger" Now picture this: You assign your teenage son or daughter a simple chore—like, taking out the trash. You remind them. You remind them again. You even leave a sticky note on the fridge. And yet, the trash is still sitting there three days later. The values of discipline are learned at an early age and most kids grow up understanding the importance of hard work and pulling their weight. That said, teenagers are still teenagers. No matter how well they've been raised, simple things like this will—and do—happen... on occasion, at least. Maybe they were distracted, forgot, or just decided it wasn't a priority. You're left wondering how something as basic as

1 taking out the trash could possibly slip through the cracks. Eventually, your patience runs out, and you
2 step in to do it yourself because, the job has to get done. It's frustrating, but you chalk it up to one of those
3 moments that come with raising kids, knowing they'll eventually grow out of it. Sound familiar? It's the
4 same kind of irritation you feel when dealing with unreliable energy systems. Just like you can't
5 consistently count on your teenager to do their chores, and you can't rely on an energy source that only
6 works maybe 30% of the time. And unlike your teenager, renewable energy systems won't "grow out of
7 it" or suddenly become dependable. You're stuck dealing with it.

8
9 The broader absurdity of it is that if we wouldn't tolerate these inefficiencies in our daily lives, why do
10 we accept them in our energy systems? Every farmer knows the value of reliability. You wouldn't buy a
11 tractor that only worked 30% of the time, rely on a school where teachers barely show up, or expect your
12 teenager to take out the trash all the time. But that's exactly what we're doing with solar and wind. We're
13 investing in systems that leave us high and dry, or maybe cold and dark and maybe dead and frozen and
14 those are the moments we need them most. And while battery systems might help for a short while, they're
15 nothing more than a temporary patch on a problem that requires a solution."

16
17 We need to stop pretending this makes sense. We need to demand energy systems that work as hard as we
18 do. Systems that are dependable, efficient, and built to last. I'm going to skip some of this stuff, it's pretty
19 repetitive.

20
21 But for argument's sake, let's consider a sort-of common-sense solution to the problem. If one tractor only
22 works 25% of the time, why not just buy four tractors? That way, when one decides to take a break (which
23 it inevitably will), you've got three more to pick up the slack. Problem solved, right? Well, not quite. First
24 off, tractors aren't cheap. Having four tractors on hand just to ensure you can rely on one at any given
25 time would be outrageously expensive—enough to bankrupt most farming operations. But hey, maybe the
26 government could step in and pay 40%-50% of the cost to make it feasible. Sound familiar? That's
27 essentially how renewable energy projects are funded today—massive subsidies to prop up systems that
28 don't work efficiently in the first place. And even with four tractors, you're still left juggling inefficiencies.
29 Maintenance, fuel, and storage for that many machines would be a logistical nightmare, not to mention a
30 drain on resources. The reality is, no farmer would ever consider this a "solution." It's a patchwork fix to
31 a problem that requires real innovation, not just throwing more money (or tractors) at it. What we really
32 need is energy infrastructure that delivers consistent, reliable base load power. The kind of power you can
33 count on every second of the day, no matter the weather or time of year.

34
35 Here's a point I want to make too, we keep adding solar and wind even with 4 tractors the farmer is
36 struggling with inefficiencies. They all work at once and sometimes none of them work. We don't want
37 a patchwork fix to a problem that's going to require real innovation instead of just throwing money at it.
38 We need constant reliable base load power, that that you can count on every second day or night no matter
39 the weather. Base load power is the backbone of modern society—the energy equivalent of a tractor that
40 starts every single time you need it. It's the foundation that allows homes, businesses, and farms to
41 function without constant worry or constant backup plans. The next time someone tells you to embrace
42 renewable energy ask them if they want that tractor that only works 25% of the time. If they hesitate
43 remind them that the backup solutions are just going to be temporary crutches" When I started this
44 discussion, I mentioned the marriage, would your marriage survive 25% reliability. The next time
45 someone tells you about reliability ask them "Would your wife be "OK" with you forgetting things like
46 her birthday, Valentine's Day, Sweetest Day, or—heaven forbid—your anniversary three out of every
47 four years?" I think not. That kind of inefficiency wouldn't just strain your relationship—it might end it.
48 On the bright side, though, missing those key dates might give you a chance to spend a few nights in the
49 barn—just you, the animal, and that unreliable tractor you've been meaning to fix. Out there in the real

1 world, 25% efficiency just doesn't cut it. And if we wouldn't tolerate it in our marriages, our farms, or
2 our families, we shouldn't tolerate it powering our lives.

3
4 Ms. Cunningham asked Mr. Hartke if it was possible to get a copy of his testimony for the.

5
6 Mr. Hartke said sure.

7
8 Ms. Cunningham asked if there was any cross-examine or questions from the Board for Mr. Hartke. Seeing
9 none, she asked if there were any questions from the general public. Seeing none, she thanked him for his
10 testimony.

11
12 Ms. Cunningham called Mr. Herriott for testimony.

13
14 Daniel Herriott, 30 Dunlap Woods, Sidney, stated he wanted to thank everybody on the ZBA again for
15 being here tonight and listening to all the cases. He told Mr. Andersen that he appreciated his questions
16 about where the labor is going to come from. He said the last meeting he told them where a couple of the
17 contractors were from, but he wanted to add to that list. The dirt work that's all been done was by Ryan
18 Central, they are based out of Wisconsin. Dirt moving and rock being hauled in, is being done by a
19 trucking firm by the name of Carter out of Fairfield, Illinois. He said they started putting fencing in, that
20 is being done by Allied Fence and Security out of Austin, Texas, so apparently no good fencing companies
21 here in Central, Illinois. He said the post pounders is done by Badgerland Connections up in Wisconsin,
22 it was a company that was founded in 2021. He said there are a lot of tile contractors right here in
23 Champaign County, great gentlemen, he can't say anything bad about them, but Seevers Farm Drainage,
24 Inc. out of Decatur, they're driving about an hour over here to do the farm drainage work, which a drainage
25 contractor coming from other states is about impossible for how long they've been on the project. He just
26 wanted to highlight that on phase one, that Baywa r.e. is a part of, that's where the contractors are based
27 out of.

28
29 Mr. Herriott said with tonight's meeting there are posted attachments to it, and he was reading over some
30 of that stuff, so he wanted to clarify some of the information that's on there. He said it was public testimony
31 given by him, then the response back from BayWa r.e., but in there it references that he's not an adjacent
32 property boundary owner to the project, that is a true statement. Where some of the relevance of his
33 testimony has come from is in the second phase, the drainage tile, which is a huge concern of his, goes
34 through the property that he owns and up into this phase two part of the project. He has yet to get any
35 information from BayWa r.e., they know where he owns the ground and knows his tile goes through it,
36 because it's in the maps that were presented in that slideshow, but he hasn't been included on any mailings
37 that they have, he got a Christmas card from them, but nothing more as far as engagement. He said
38 currently his property is about 174 feet from phase one, he is pretty close that is why he calls himself a
39 neighbor, they say he is not an adjacent landowner, but he calls himself a neighbor.

40
41 Mr. Herriott said second, he knows there is a concern for protecting soil resources and claims about
42 construction being performed on separate and adjacent solar projects, were brought it up in the minutes
43 that are a part of this meeting, that's why he talking on it. He said some of his concern about the soil is on
44 a parcel that he farms across the road from the project, because there is a road separating him and the
45 project, but during construction a semi had backed onto their property and cut ruts, he talked to them about
46 it. He reached out to Mr. Hall, then he sent his concerns onto the project manager, Mr. Phillips, and he
47 specifically told them to leave the ruts there and he would take care of them himself, but he came back a
48 day later and they had actually used a bulldozer to push and cover up the ruts. He has concern about who
49 BayWa r.e. is and the neighborliness that occurs there. Moving on regarding rutting onsite, Prairie Solar,

1 noted that due to wet conditions no soil disturbance work was performed on November 11 or 14, 2024, he
2 highlighted November 14, 2024, he doesn't know how to share it with them, but he has it time stamped
3 on his phone, but he took a video on November 14, 2024, that they were out there with bulldozers pushing
4 dirt, he brings that up, because this is public testimony that is on the record, it looks like Tim Richardson
5 signed this, but he wants to point out that's a false statement, that on November 14, 2024, he has video
6 evidence of them having bulldozers pushing dirt on a day that it was raining.

7
8 Mr. Herriott said it notes that per Champaign County Zoning Ordinance a complaint hotline has to be
9 established as a part of the SUP, but in his conversation with Mr. Phillips, he stated that the hotline doesn't
10 always work, they note that they can confirm that no complaints have been made via this hotline, that is
11 true, no complaints have been made via the hotline, he made concerns known to Mr. Hall who then passed
12 it onto the project managers. He said part of those concerns is on a day whenever he was driving back
13 home from Penfield, going by Frito-Lay, and going on that road is what prompted one of his concerns,
14 they had a semi stopped on the highway getting ready to unload pickup trucks on the highway, so looking
15 out for road safety since there are some concerns there. He said one concern that he has, and he appreciates
16 the Boards questions about the BESS, but in the map that is there, they might take notice, the developers
17 have had conversation with Frito-Lay and that's why the drainage has been marked out to make sure the
18 developers don't put solar panels over their drainage. He said Frito-Lay is north of the BESS, they collect
19 food grade corn all year around and everybody that delivers there has to pass a lot of tests, they load into
20 trains, then they go make it into chips. He said a concern of his is where the BESS is located at, they are
21 directly south of Frito-Lay about a half mile or so, if any of the grain gets contaminated from the smoke
22 getting out since Frito-Lay runs those drying fans all year around, then they have a concern now with their
23 food supply. He feels like since they are locals, they have to be concerned about some of those issues,
24 because Frito-Lay is a neighbor to the project and this food is going all over the United States, potentially
25 all over the world.

26
27 Mr. Herriott said whenever they're going through the executive summary, they talk about the economic
28 impact, he would highlight that they talk about 8.4 new local long-term jobs for Champaign County, he
29 thinks that's great that they are bringing new long term local jobs, he would highlight though, that at the
30 cost of those 8 jobs that are coming to the county, there are also jobs that will be lost. He said there is
31 1,000 acres of land that will not be farmed, so there will be economic impacts to those that farm the land
32 and those that take care of it, so he doesn't know if those numbers shown represent what's taken away or
33 what's added, because to add something, something is taken away. He would like to make sure the numbers
34 they have in the following pages, include the tax abatements that Heritage School has signed to lower the
35 property taxes. He said the last thing, he has some news articles that he will give to them, a news article
36 was put out on December 23, 2024, the headline reads, "Up to 2,400 Jobs Are at Risk at BayWa r.e." He
37 said according to a statement from the renewable Energy Project Developer and Direct Marketer dated
38 December 20, 2024, "BayWa r.e. will certainly cut around 350 full-time jobs during the new financing
39 period in order to comply with the restructuring report." He has a short article in here as well, that talks
40 about BayWa r.e. currently going through all kinds of restructuring, because of the financial troubles that
41 they are in.

42
43 Mr. Herriott said he brings this up, because a huge component of the solar project is the fact that there will
44 be decommissioning with this at some point and as he has stated every time he has been at these public
45 hearing meetings, he is a fourth or fifth generation person that lives in Champaign County and he has three
46 young boys, they will be here for a very long time. He said his concern is, if the company they're working
47 with will be able to remove these structures from the ground when the time comes, if they're in financial
48 trouble now before a project is even built. He said other things to highlight from that article is in the first
49 three quarters of 2024, that BayWa r.e. was the groups problem child to the parent company BayWa. He

1 said its operating business slipped from 106 million euros into a red minus of 165 million euros, the group
2 was left with only one double digit positive in the millions. He said the other thing to note is BayWa r.e.
3 is already in advanced talks EIP about further strengthening the capital of BayWa r.e., so what that's talking
4 about is BayWa might not be BayWa anymore, they might be bought out and turning into a different
5 company.

6
7 Mr. Herriott said in a Reuters article dated July 15, 2024, the article references last year (2023), that BayWa
8 said they planned to sell their solar business. He said talking about it in July, then here in December,
9 they're actually stepping a little bit closer to maybe doing something away with the company. He said this
10 Reuters article dated October 17, 2024, a German agricultural company, BayWa, the folks that own BayWa
11 r.e. – announced on Thursday the departure of the CEO and CFO amid the firms restructuring. He is
12 concerned about the financials whenever the CFO and CEO are leaving the company, he will share those
13 with them, so they can have that. He would just ask that if they could please hold off on any type of
14 approval until the current project is built, he has been told that they will have this project built by July, so
15 they're not talking about that long from now, but when they talk about 175 jobs and what it brings to the
16 area, the project to build is going to take less than 12 months. He said these construction jobs aren't here
17 for very long, they're only here for 12 months, he would just ask to hold off, but let's wait and see how
18 these guys take care of their neighbors. He has concerns that he has addressed with Mr. Phillips, he said
19 they would take care of them, he knows other green energy projects that they say they'll take care of them,
20 but once they start packing up the trucks and getting out of there, they still have the problems, so let's see
21 if they take care of their neighbors with phase one first. He said the other thing that he would note, and he
22 appreciated Ms. Cunningham whenever she referenced about wanting the developers to start training with
23 the fire departments before anything gets approved, he thinks that is important. He said a well was drilled
24 sometime in the summertime before August 1, 2024, the dirt work on this project started sometime before
25 fall harvest started, they didn't have an approved site plan by the P&Z Department until the middle of
26 October 2024, so they started moving dirt on this project before finalized plans were rubber stamped. He
27 thinks that Ms. Cunningham is correct in saying they should have as much of the information upfront,
28 because it's already been shown by BayWa r.e., that things will start moving very quickly.

29
30 Mr. Hall said they customarily allow anyone to do earthwork and things in the ground before they get a
31 ZUPA to build things above ground, the understanding is, that's at their own risk. He said they contacted
32 him about that and that is what he told them, and that is why he saw dirt moving before they had a ZUPA.

33
34 Mr. Herriott said that makes perfect sense, but at that point though, the topography on the land is changing,
35 which it's all at their own risk, they can do what they want and are over 18, but what if at that point they
36 are bankrupt and they have a bunch of dirt piles everywhere, they have nothing to go back on at that point,
37 so just food for thought.

38
39 Ms. Cunningham said she can only speak for her own vote.

40
41 Mr. Herriott said that he would ask for no BESS, because of where that sits in reference to Frito-Lay and
42 Village of Sidney, which is the town he lives in. He said they have strange winds all the time and
43 everything sounds great, that they will be self-contained units, and a fire will not get outside of those units,
44 they will not have contaminated air. He said at the same time a tornado comes through and something
45 punctures it, and tornados do weird things, they have tornados that come through, that is a huge concern
46 of his as to what they will be left with if that happens. He doesn't want to be like California and be on the
47 bleeding edge of the new technology and have to either shelter in place or find a place to go, because he
48 can't be in his house. He said that is everything he had, and he doesn't know how to share that video with
49 them as far as the bulldozer, he can share the video, but he could take a screenshot of whenever he took

1 the video, that is the best he can do to show that.

2
3 Ms. Cunningham said if there was no way to verify a date on that, then she doesn't think it is necessary to
4 bring the video.

5
6 Mr. Herriott said the video is time stamped.

7
8 Ms. Cunningham said anybody can change a time stamp, she isn't saying that he did. She asked if there
9 were any questions from the Board for this witness.

10
11 Mr. Hall asked who was the "Mr. Phillips" that was referenced several times in his testimony?

12
13 Mr. Herriott said Randy Phillips is from Alabama and he told him he has something to do with site
14 management.

15
16 Mr. Hall said okay, but he with BayWa or some part of that.

17
18 Mr. Herriott said correct, he doesn't work for BayWa, it's a different name, but he is a part of the project.

19
20 Mr. Romme asked Mr. Hall if he could provide an answer.

21
22 Jake Romme, BayWa Project Manager, stated that he is not the onsite representation, but travels to the site
23 frequently. He said Randy Phillips is their Construction Manager and is their eyes and ears for onsite
24 representation for BayWa, he works for a consultant company that provides personnel called Energy
25 Project Solutions (EPS).

26
27 Ms. Cunningham asked if there were any other questions for this witness. Seeing none, she thanked Mr.
28 Herriott. She said everyone testified that was on the Witness Register and asked if anyone else wanted to
29 provide testimony at this public hearing meeting today.

30
31 Mr. Crosby asked if they could supplement the questions.

32
33 Ms. Cunningham said yes.

34
35 David Holly, BayWa Development Manager, 300 East Main Street, Charlottesville, Virginia, stated that
36 Ms. Cunningham raised a good point on the HMA document in the Emergency Response Plan, they are
37 completely open to working with the Board or County on providing drafts of those as part of the SUP
38 process, they are open to those considerations.

39
40 Ms. Cunningham told him she appreciates that, she personally wouldn't feel comfortable voting for it, if
41 they didn't have the Sidney Fire Departments buy in. She said others might feel differently, but that is
42 how she feels about it.

43
44 Mr. Flesner said he apologizes because he has missed the last few meetings with previous engagements
45 and asked if this whole site falls into the Sidney Fire Department or does it carry over into other fire
46 departments and have or can they talk to neighboring mutual aid to see how they feel with it.

47
48 Ms. Cunningham said she thinks what they are asking for is a response plan to fire and if she was Sidney
49 Fire Department, the mutual aid would be one of the things she would include in the plan, they know they

1 can't do it themselves, because they only have six volunteers just like everybody else.

2
3 Mr. Flesner said he was going with Mr. Randol's comments from earlier about the fire they had this fall
4 with 27 fire departments, and some from Indiana, it's an overall concern if something were to happen, that
5 it's not just Sidney Fire Department that is trained. He said it would be anyone within a 25-mile to 40-
6 mile radius that would be trained, because around here they might have 60 mph. gusts that can blow
7 anything a very long distance in a very short period of time, so that is where his concern comes from – he
8 knows the petitioners aren't from around here.

9
10 Ms. Cunningham said Mr. Randol is with the Seymour Fire Department, and she was with the Ogden-
11 Royal Fire Department. She said there are set protocols for calling and dispatching mutual aid that already
12 exist outside of this project, so there were mechanisms in place to call for mutual aid the minute that fire
13 grew by Interstate 74. She said they don't have to reinvent the wheel for this particular case, because god
14 forbid it would catch fire and all the mechanisms fail, the most they're going to have to do is call a mutual
15 aid to contain and prevent it from catching fire to everything in its path.

16
17 John Crosby, BayWa Permitting Manager, 23 Rivanna Lane, Greenville, South Carolina, stated he wanted
18 to provide some clarity on the training, they will be putting training together for the fire department and
19 will be orchestrating that through the County, and everyone who wants to attend it is allowed to attend it,
20 so they will send that mass email out to all the fire departments in the surrounding area and they can all
21 attend that training.

22
23 Mr. Randol said he has one other questions about the BESS, assuming the worst, and there is a fire that
24 gets out of the container and sets another container on fire and asked how much of a radius do they
25 recommend for evacuating people and what kind of time frame is there to do an evacuation since it's close
26 to Sidney, if it would be needed.

27 Eric Wood, Energy Safety Response Group Senior Consultant, 7475 Dayton Brandt Road, Tipp City, Ohio,
28 stated what they have seen through the testing and other nationally recognized testing labs is that the
29 ESRG doesn't readily recommend or see any need for an evacuation based off of the gas that comes out
30 of the containers when they do catch fire. He said what he will say is as former firefighters' engineers,
31 they support what incident command decides to do, because they're boots on the ground and are the ones
32 there immediately, if the incident command determines something needs to take place, then they would
33 have to make that call. He said hopefully through the training that they are able to provide if they are given
34 the opportunity to provide that training, that those individuals who attend are able to walk away with a
35 better understanding of what these systems do when they do fail from the testing side of it, then how they
36 can manage those incidents effectively.

37
38 Mr. Randol said he understands what he is saying, but he finds it very hard to believe that if there was a
39 fire, that they wouldn't have to evacuate with a BESS of this type. He said if they're not going to make a
40 recommendation of anything like that, then their leaving it totally up to the fire department to say that they
41 need to get people out of there within a mile from here – he just doesn't find that acceptable.

42
43 Mr. Wood said as a former firefighter he understands and totally gets where he is coming from, but since
44 he has had the opportunity to be on the testing ground and look at the gas structures that come out and see
45 the data that is collected not just from this style of batteries, but from batteries over the last decade. He
46 said they can clearly say that the off gas structure is no different than what they see in residential and
47 commercial structure fires, he knows from being boots on the ground and having the opportunity to fight
48 numerous fires over his 20 year career, that any residential or commercial fire, they weren't sheltering
49 anybody in place, because more often than not, they were having people come out and watch what they

1 were doing less than 100 feet away from them operating on a fireground. He said the data collected shows
2 them and it's not just their lab, the University of Texas is another nationally recognized testing lab where
3 they put all these things together, they hold virtual trainings, different applications as it pertains to BESS,
4 and they've said the same thing and are showing the same data that their collecting off of it. He said as
5 fireman, they always know when they go into a house fire, they always prepare for the worse and hope
6 for the best, but as far as off-gas structure goes from these BESS, they truly see nothing different than
7 what they see from residential and commercial structure fires. He said that data with this specific system
8 or any specific system that has a HMA has that delineation brought out on what that off gas structure looks
9 like, then how it is handled.

10
11 Mr. Randol asked him if it would be safe for firemen to fight or participate around this fire without wearing
12 the self-contained breathing apparatus (SCBA).

13
14 Mr. Wood said he would never tell anybody not to wear their SCBA or not to wear their protective
15 equipment based of their standard operating procedures that are within their department. He said they have
16 a recommendation that is not for the off-gas aspect of it is because the state of charge, that is implied that's
17 inside the battery, because they can't account for the state of charge that is actually in the battery. He said
18 ideally what their recommendation is, is to take a defensive management approach to make sure everyone
19 is within a safe distance away, so they can mitigate and manage effectively. He said the state of charge
20 like any electrical equipment, they're turnout gear is not R graded, so they have a higher probability of
21 actually having some type of electrical issue as opposed to a fire issue, that is one of the reasons why they
22 look at taking more of a defensive approach instead of an offensive one. He said the other issue to is that
23 the way these doors are situated on all these enclosures, they're not ones that they're going to recommend
24 that they even try and go open up, the majority of them have a key that is usually held by a maintenance
25 personnel, so there's no reason since they're a non-occupiable structure, it's safer to allow it to self-
26 consume. He said ultimately at the end of the day, it's really nothing more than an equivalent to what a
27 washer or oven would be, it's a utility style machine, that when they allow it to self-consume itself more
28 than likely what happens is once it's done, then the company comes in and their able to pull it up, they
29 can mitigate it per DOT and FEMA standards, and have it transported off to a recycling agency as per
30 DOT and FEMA standards, then they put a brand new one in.

31
32 Mr. Randol said if this were to happen, then would the EPA have to be onsite for supervision, because it's
33 a hazardous material.

34
35 Mr. Wood said from an incident command standpoint, if the incident commander feels it necessary to
36 initiate the EPA to be called out and offer their assistance – absolutely.

37
38 Ms. Cunningham asked if the petitioners had further testimony they wanted to add.

39
40 Mr. Wood said he doesn't.

41
42 Ms. Cunningham asked the Board or Staff if they had any additional questions. Seeing none, she asked if
43 there was any cross-examination from the public for the petitioner. Seeing none, she thanked them.

44
45 Mr. Hall let the Board know, they have new conditions regarding the BESS, he sent those very late, but
46 he sent those to Happ Jr., the Fire Chief of the Sidney Fire Protection District (SFPD) asking him if he has
47 any concerns about those conditions or if he found them adequate, because they all require SFPD to
48 provide information. He said he hasn't heard from Mr. Happ Jr., but he didn't send those things until
49 Tuesday, so he hasn't really had much time to look at them and until they know whether the SFPD agrees

1 with those conditions, he really wouldn't recommend any action, but he just wanted to give them that
2 update.

3
4 Mr. Andersen asked him what date for that would be good, because they probably need a date when they
5 don't have anything else.

6
7 Mr. Hall said the nature of a SUP is that once everything is settled, that just getting the paperwork done at
8 the end takes generally at least an hour, so that is one good reason not to schedule it with anything else.
9 He said on the other hand, the next available public hearing meeting date would be March 13, 2025, when
10 they have the BESS Amendment and there is certainly a lot of commonalty between those two things. He
11 said the BESS Amendment was continued to March 13, 2025, so the next completely open public hearing
12 meeting date is March 27, 2025.

13
14 Ms. Cunningham said on the BESS Amendment and asked if there was something in front of the general
15 assembly right now and do they want to wait until they see what the general assembly does before they
16 do their own.

17
18 Mr. Hall said he would not recommend waiting on the general assembly, he thinks they should get their
19 rules in place.

20
21 **Mr. Andersen moved, seconded by Mr. Flesner, to continue Case 144-S-24 on March 27, 2025. The**
22 **motion passed by voice vote.**

23
24 Ms. Cunningham said they will pick this up again on March 27, 2025.

25
26 Mr. Hall said he would encourage the Board, they have more than an hour left, he really hasn't heard much
27 discussion from the Board about what they're thinking about this and is there anything else they need to
28 discuss tonight.

29
30 Mr. Flesner said he would like to hear something back from the Sidney Fire Department and would like
31 to know a little more of who would be involved in training before they can go any further. He said plus
32 like Mr. Hall said, they still have the amendment on March 13, 2025, he would like to know what is going
33 on there too before they go too much further with it.

34
35 Mr. Hall said what has been proposed here is completely consistent with the most recent amendments to
36 the BESS Amendment, in fact, that is what he based the conditions on, he based them on what that draft
37 amendment requires, but he agrees with Mr. Flesner, they need to know what the Sidney Fire Department
38 thinks about it. He said he and Mr. Campo were working on this today and asked what the Board thought
39 about taking action on this case with the accessory BESS before that text amendment is adopted and in
40 place – are they comfortable with that.

41
42 Ms. Cunningham asked if they are hearing the text amendment on March 13, 2025, and this case again on
43 March 27, 2025.

44
45 Mr. Hall said yes.

46
47 Ms. Cunningham said she has read, and read, and looked at fires and she feels pretty good about what is
48 proposed for the BESS as long as the Sidney Fire Department is okay with it. She said as long as they can
49 train the people to respond in case there is disaster, if they don't get anything done on the text amendment

1 on March 13, 2025, she would still be okay to act on this. She told Mr. Randol that there is research on
2 the toxicity or lack thereof on these systems that's out there, because she agrees and doesn't want to poison
3 their neighbors or the area either. She has a friend actually that lives across the street who is pregnant, so
4 she does have a horse in this race, and she feels like she would be okay.

5
6 Mr. Randol said he is just reluctant to make any decisions pertaining to the BESS until they know what
7 the Sidney Fire Department says and it's frustrating that none of those guys have come to any of these
8 public hearing meetings to hear what is going on, but he isn't comfortable setting down any guidelines or
9 rules for Sidney, Seymour, or Cornbelt Fire Departments to follow whenever they're the ones that will be
10 on the frontline.

11
12 Mr. Hall said they haven't proposed anything that isn't already required by NFPA 855, they're not going
13 beyond that, and these are things that logically need to be done by a fire department if there is going to be
14 a BESS – hopefully they'll get a positive response.

15
16 Mr. Andersen said he would be okay moving forward with this at the next meeting even if they don't have
17 the text amendment, because if he understands it correctly, the text amendment is for a standalone BESS
18 and this is an accessory use, so he thinks he will be fine with that.

19
20 Mr. Hall said it's a relief to hear some positive comments.

21
22 Ms. Cunningham said they're all here, let's have the discussion.

23
24 David Holly, BayWa Development Manager, 300 East Main Street, Charlottesville, Virginia, stated he
25 wanted to note as they've been following along on the unfolding of the BESS Amendment, they can
26 commit to keeping the design as they've shown it and as he understands it, the setbacks have been
27 decreased from what they originally were and asked Mr. Hall if that was accurate.

28
29 Mr. Hall said some of them.

30
31 Mr. Hall said given the relatively ideal location of their BESS, it doesn't affect that.

32
33 Mr. Holly said okay, he wanted to note that they would want to keep it exactly as is with 200-foot setbacks
34 from the road, siting stormwater retention between the road and project, they feel that design is a benefit
35 to the community. He said they are totally committed to working with the Sidney Fire Department and
36 whatever they come back with, if they have different recommendations, then what they've put in those
37 draft conditions, they're completely committed to working with them on those. He said it's a long ways a
38 way, but if there is a way to work towards a motion before then, if there is a commitment or condition that
39 could be made, that they have to abide by anything that the Sidney Fire Department would come back
40 with, they're okay with that. He wanted to note their commitment to working with them completely –
41 whatever that response is and thanked them.

42
43 Ms. Cunningham thanked him and that is a little opened ended for her.

44
45 Mr. Flesner said he also doesn't feel comfortable without hearing from somebody from the Sidney Fire
46 Department.

47
48 Mr. Herriott raised his hand, and Ms. Cunningham called him to speak.

1 Daniel Herriott, 30 Dunlap Woods, Sidney, stated that he personally invited Mr. Happ who is Chief of the
2 Sidney and Homer Fire Department to the last ZBA meeting, He doesn't recall if it is their regular trustee
3 meeting or fire department meeting, but he has long standing meetings on the Thursday nights, that is why
4 he was not here at the last ZBA meeting, he can speak to, because he personally invited him to the ZBA
5 meeting to make him aware of it. He said Mr. Happ is a very busy person overseeing two different fire
6 departments, so Thursday night is a block out night from what he explained to him.

7
8 Ms. Cunningham said he can send a representative.

9
10 Mr. Randol told him to tell Mr. Happ that it's imperative that he talks to them.

11
12 John Crosby, 23 Rivanna Lane, Greenville, South Carolina, asked if they could get a list of all of the
13 concerns that need to be resolved before they can come to a motion, then they can have all those addressed
14 prior to the next public hearing meeting, so when they get to this point at the next public hearing meeting,
15 the Board can all of their concerns relieved in addition to Mr. Happ, he seems like an important turning
16 point for this motion and is there a way to orchestrate a meeting between them and him, so they can make
17 sure they are all in the same room and all have a full understanding of what he wants.

18
19 Mr. Hall said well his goal is to at least get something in writing from Mr. Happ and at this point he would
20 imagine it would be a short statement accepting the conditions, if it's anything longer than that, then yes,
21 they should probably try to get together outside of a ZBA meeting, so they'll keep Mr. Holly informed
22 about that and do their best to come back on March 27, 2025, with those issues resolved, if at all possible.
23 He said if they can't resolve them by March 27, 2025, there's some serious problems, but he kind of doubts
24 that.

25
26 Mr. Crosby said they can resolve them next week, so that they can get to there and come in prepared for
27 the next public hearing meeting to have everybody very comfortable with this, and all of their concerns
28 resolved, he really appreciates them all working with them, so they can work as a group and more as a
29 neighbor to get everything in the right place.

30
31 Ms. Cunningham said she did find the way he addressed the concerns from the last ZBA meeting was very
32 helpful; he went right down the line of what the various witnesses listed, and she appreciated the drainage
33 plan, she wasn't concerned until she heard from the neighbor's and found that to be very helpful. She
34 thinks that a PLA is one of the things they would like to hear about.

35
36 Mr. Andersen said he would like to know about the PLA, because the current project doesn't have one and
37 he would like to know some more about what their engagements are going to be with local labor. He said
38 they've heard some testimony from some of the people here tonight talking about the out-of-town
39 contractors, well the one thing a PLA would ensure is that all the local labor pool would have the
40 opportunity to work that job. He said it doesn't necessary say where the contractors are going to be from,
41 but the local labor pool is going to have the opportunity to work on a project, so while they might not be
42 able to guarantee where the contractors are from, the people that live and work here will have the
43 opportunity on a project like that.

44
45 Mr. Crosby said a couple comments from his end, so Prairie Solar 1, LLC doesn't have a PLA and BayWa
46 doesn't source labor for these projects, so they hire a general contractor, then they hire the subcontractors
47 to perform the labor, so in a state like Illinois, they kind of strategize together ahead of time. He said do
48 they need to go into negotiate a PLA or is it going to be sufficient to utilize union shops to provide the
49 labor for the job. He said in this instance, they all agreed that sourcing union labor was going to be

1 sufficient, so they don't have a PLA. They aren't pursuing for Prairie Solar 1, LLC any Illinois State Tax
2 Credits through the Illinois Shines program which is what he thinks Mr. Andersen was referring to. He
3 said to address the local labor aspect, they are pursuing Federal Tax Credits, which include Prevailing
4 Wage and Apprenticeship (PWA) requirements, the requirements there require them and downstream
5 contractors and subcontractors to reach out to local apprenticeship programs to source labor. He said one
6 of Mr. Andersen's other previous questions on the specific types of job titles onsite, that is an expected
7 title, he would say job titles might depend on who they hire. He said if for say an electrician or something
8 that is very clearly in a PWA or what is the prevailing wage for an electrician for a photovoltaic installer,
9 that is probably not on a list of prevailing wages. He said there is a process which he believes it is the
10 Department of Labor with the Federal Government; where they can say, here is the job description and
11 this is what they think the prevailing wage is, so can they make a determination, so there is a process to
12 figure all that out.

13
14 Mr. Andersen said he would say the photolytic installers and helpers would all be electrical work, but he
15 is a representative for the IBEW, so he might have a different view.

16
17 Mr. Crosby said he thinks that is sometimes the case and sometimes it's a mechanical contractor.

18
19 Ms. Cunningham asked what the other concerns were, so the PLA, the working agreement with the Sidney
20 Fire Department, and what else are they worried about?

21
22 Mr. Randol said they have one particular item in a letter here from Krukewitt Farms requesting the distance
23 from the fence line and property line be changed, he thinks that needs to be addressed and doesn't know
24 if they plan on coming at any time.

25
26 Ms. Cunningham said wasn't that addressed already or not.

27
28 Mr. Hall said it was explained, but the waiver is still requested and one of the handouts in their packet
29 tonight was from the owner of that property and they're opposed to that waiver.

30
31 Ms. Cunningham said okay.

32
33 Mr. Hall said if that waiver isn't granted, then the site plan needs to be amended to provide the separation.

34
35 Ms. Cunningham asked how important is it for them to have this waiver.

36
37 Mr. Hall said she would have to ask them that.

38
39 Ms. Cunningham asked how important is that.

40
41 Mr. Hall said could he say that this issue of separations, which their Zoning Ordinance requires about five
42 times as much separation as the new State of Illinois standard, they've explained that it's next to the
43 property line, but it's 600 feet away from the house on that property, so those are all things that the Board
44 will need to weigh and consider in approving or denying the waiver. He said here is one question though
45 he wants them to keep in mind, if they're not going to approve the waiver and require the full separation,
46 again, the petitioner is trying to meet their regulations as much as possible. He said if they have a
47 disagreement about separation, then he wants the Board to be really careful about a disagreement that
48 involves something that exceeds the State of Illinois requirements. He said they've always worked
49 together very well with this petitioner and maybe they'd be willing to provide the full separation just like

1 the letter tonight asked for, but he wants the Board to be aware about that issue when they determine that
2 waiver.

3
4 Mr. Randol said that is fine, he just felt that they should address it.

5
6 Ms. Cunningham told Mr. Holly he could go speak on this issue.

7
8 David Holly, 300 East Main Street, Charlottesville, Virginia, stated that they did see the letter and are
9 maintaining the request for the waiver in that location, he doesn't want to get into comparing against State
10 legislation, they really tried to design this project based on the Champaign County Zoning Ordinance. He
11 said the setbacks are larger, they realize that, so wherever they can provide those, not only for the adjacent
12 landowners, but for the community, they felt that was really important. He said this one specific location
13 where they are requesting is a 65 feet setback just for comparative purposes, that State Legislation for the
14 setback description to boundary lines of nonparticipating properties, which that would classify as, is 50
15 feet, so they are still in exceedance beyond the State Legislation for clarity purposes, and he thanked them.

16
17 Ms. Cunningham thanked him.

18
19 Mr. Krukewitt stated that he was the property owner that wrote the letter, if they want to hear from him,
20 he would be very happy to address what Mr. Holly is talking about.

21
22 Ms. Cunningham said he will need him to sign the witness register and state his name, and address for the
23 record.

24
25 Kent Krukewitt, 116 Sunflower Street, Savoy, stated the residence or lot that is in the letter he sent is his
26 home farmstead, which is where his son lives. He said his grandfather started farming that lot, his father
27 was born there, he farmed and lived there, he helped build the house that is there, and now his son lives
28 there. He said that particular property is important to them and that is why there is 160 acres there that is
29 not in the project at any price. He said Mr. Holly had asked him a question some time ago about how big
30 of an area could be farmed and gave him a dimension of around 3 acres, and he told him no that probably
31 couldn't be farmed, so he's sure that gave them the impetus to shorten that setback up. He mentioned in
32 the letter, that in order to give them a waiver in on this particular piece of ground in this case, that they
33 would be denying him the same benefits that other lots are enjoying in this project where their setback is
34 240 feet. He thinks every other lot that's in the project has that distance that Champaign County has
35 required, so they would be singling them out in a special case for the petitioner's convenience, and they
36 were here long before they were. He thinks in all fairness as they judge this waiver to say that they could
37 single them out compared to other lots in this project that have a longer setback distance from his view
38 would not be a very fair decision, that explains why he is opposed to that waiver. He said as he mentioned
39 besides his point-of-view, that at the intersection of County Road 900 and 2400, the petitioner wants to
40 reduce that setback, that could mean there could be some view restrictions as traffic approaches the
41 intersection. He doesn't know how many of them live out in the country, but people don't pay any attention
42 to stop signs or intersections most of the time, so it would be beneficial if they could see as far as they can to
43 see what's coming from the other direction – he would be happy to answer any questions.

44
45 Ms. Cunningham thanked him for his testimony and asked if the Board had any questions. Seeing none,
46 she asked the audience if they had any questions for this witness. Seeing no one, she thanked him.

47
48 Mr. Andersen said he had a clarification question for Mr. Hall about the waiver and asked him what he is
49 alluding to is that the State standards are less restrictive than what the County standards are, and his

1 concern is potentially, if they were to deny a waiver, that it would put the County in jeopardy potentially
2 over some litigation.

3
4 Mr. Hall said it would create that possibility. Mr. Hall said he is not trying to discourage him, but he just
5 wants him to be aware of that when he makes his decision.

6
7 Ms. Cunningham said the Board was discussing issues that need presented to BayWa r.e. for clarification
8 prior to them being able to vote on this, they have come up with fire protection, the use of local labor with
9 prevailing wages, and this waiver concern and she asked the Board what else do they want to hear about.
10 She said Mr. Hartke has testified many times about the sound levels, if they could have some information
11 about what the sound level would be like at nearby homes, that would be helpful, and she saw the sound
12 contour map for nighttime, and it makes absolute sense.

13
14 Mr. Holly said to note the sound, they have designed the project to meet the Champaign County Zoning
15 Ordinance, which is exactly what the State Legislation requires, it has to meet the Illinois Pollution Control
16 Board standards, and the sound analysis that was produced for the project.

17
18 Ms. Cunningham asked if he could go over that with them.

19
20 Mr. Holly said yes sure, these results are directly from the Analysis Report that was conducted at three
21 different locations – LT one, two, and three. He said the sound analysis is performed by professionals that
22 go out in the field to take sound level data from those three different receptor sites, and they come up with
23 the average sound that was produced. He said if they look here in March 2024, for example, LT one is
24 immediately adjacent to an adjacent landowner property, and it noted that the average daytime sound
25 levels taken during this random day in March 2024 is 54.4 decibels. He said for the project to meet Illinois
26 Pollution Control Boards standards, it must below 45 decibels at Class A properties, which are adjacent
27 nonparticipating properties, so the figure is essentially showing the project is meeting that requirement as
28 designed, that's why they keep the inverters to meet the Champaign County Zoning Ordinance of 275 feet
29 setback from the property lines. He said it is 45 decibels or below is what the project is meeting at the
30 edge of the project.

31
32 Liam Sawyer, 500 East 96th Street, Indianapolis, Indiana, stated that he wanted to make a clarification that
33 Class A properties are residential, so agricultural properties are Class C properties according to the Illinois
34 Pollution Control Board standards, he just wanted to clarify that.

35
36 Ms. Cunningham thanked him and asked him if he knew about sound and decibel levels and if she could
37 ask him a question about that.

38
39 Mr. Sawyer said he does, but this was prepared by one of his colleagues, Ted Hardy, but he is familiar
40 with this.

41
42 Ms. Cunningham asked him if he could tell her what a noise that is approximately at the decibel level that
43 this project would be.

44
45 Mr. Sawyer referred to the slideshow. He said this is common environmental noises, so Mr. Holly brought
46 up a refrigerator a lot, but this kind of goes through the decibels of the different noise levels, so they can
47 see the average ambient noise that was measured during the daytime is around 54 decibels, so that is
48 somewhere between a residential air conditioner and refrigerator. He said it kind of goes up in scale,
49 they've all flown, so clearly a jet engine is the highest at about 140 decibels, and they're down around 45

1 decibels during daytime operations.

2
3 Ms. Cunningham said that was very helpful and thanked him.

4
5 Mr. Holly told Mr. Sawyer that it would probably be worth noting that the Analysis Report that was done
6 doesn't incorporate the infrastructure.

7
8 Mr. Sawyer referred to the slideshow. He said yes, he will go back to this map a little bit and explain how
9 they do this. He said there are vents that are on one side of the inverters, they take a conservative approach
10 with this, and as Mr. Hartke mentioned earlier, they take a noise level at certain distance away, they apply
11 it the entire surrounding of the inverter, which is not in actual reality how it works, because it isn't emitting
12 sound from every side, so they take that conservative approach. He said as Mr. Holly said, they don't put
13 in the infrastructure, he needs an infrastructure in between, so it's not accounting for the natural impedance
14 of, for example, all the solar panels onsite, vegetative barrier, and none of that is considered in this, because
15 they take the most conservative approach while modeling this, but in reality there will be other items in
16 the field that mitigate sound naturally.

17
18 Mr. Herriott and Mr. Hartke indicated that they have questions.

19
20 Ms. Cunningham said that is helpful and thanked him. She said just a second, she will call on both of them
21 after the petitioners get their chance to talk about the study first.

22
23 Mr. Hartke said he has to pick his daughter up at 9:00p.m. and she is way across town, he is out of time.

24
25 Ms. Cunningham asked Mr. Hartke if he wanted to ask his questions quickly before he goes. She told the
26 petitioners to stay because she thinks the questions are for them.

27
28 Mr. Hartke said there are two sections to the IPBC rules, and one of them is the numerical values, they
29 keep talking about that. He said what about Part B or 2, he forgets what the name of it is, but what about
30 the part that says there is a noise violation if the neighbors are being disturbed. He said it isn't a numerical
31 number, but what are they going to do when they are disturbing the neighbors from sleep, that is a health
32 impact. He said what about that part, they want to leave that out of this discussion, he thinks they should
33 tell this Board that there are two sections to the IPCB rules, they're leaving it out on purpose, and he wants
34 them to describe that to these folks.

35
36 Mr. Holly said to be honest Mr. Hartke, he doesn't exactly know what that is, but he would follow up with
37 the Champaign County Zoning Ordinance has a process, that if there is a complaint after the project is
38 constructed, that can be brought to the County and investigated, if they see that there is an issue, that is
39 truthfully a disturbance, then a mitigation measure could be imposed at that time too, so there is a safe
40 guard after the fact in the Champaign County Zoning Ordinance.

41
42 Mr. Hartke said without him testifying, there is a reason why counties in Illinois have put in a maximum
43 noise level for wind energy at 39dba, and it was because of that second portion of the IPCB rules, that say
44 they are not allowed to disturb neighbors. He said this is an industrial noise and here he is testifying, he
45 probably should politely and quietly sit down.

46
47 Ms. Cunningham said she is giving him some lenience.

48
49 Mr. Hartke said the disturbance in homes happens from noise that runs at the maximum noise level, that's

going to run all day long. He said this isn't just a car driving by, or an airplane flying by, or a train going by for five minutes, but this is going to be all day, every day, it's sunny starting at 6:00a.m. in the morning. He said this Board deserves to hear about the two parts of the IPCB rules, the Champaign County Zoning Ordinance says, it has to follow IPCB regulations – both parts. He said please include the second part for the neighbors to be able to sleep in their homes and thanked them.

Ms. Cunningham called Mr. Herriott to the cross-examination microphone.

Daniel Herriott, 30 Dunlap Woods, Sidney, he asked them what day in March did they say that they did the noise study on, he didn't see it on the print there.

Mr. Sawyer said it was on March 18 and 19, 2024, it's a 24 hour time period.

Mr. Holly said 1:00p.m. to 1:00p.m.

Mr. Herriott asked if they had notes from the study as far as what activity might have been occurring around this site on those dates.

Mr. Sawyer said he will say it is a 24 hour period, it's not taping day by day, but it was an average sunny day, they don't and didn't do it in the wintertime, but he will get him the exact answer.

Mr. Herriott said he asked that question because the equipment was setup for the sound study during harvest in phase one, so the noise levels would have certainly been different on different days given what the weather was due to activities occurring around it. He said if there is a day where the ground is wet, then there would be no field activity on that day.

Ms. Cunningham said on March 18, 2024, there shouldn't have been any harvest going on.

Mr. Herriott said not harvest, but farmers could have been doing fieldwork to get prepared for spring planting.

Ms. Cunningham said but even so, wouldn't that have elevated the noise.

Mr. Herriott said yes, that would have elevated the noise, so if the noise study comes back saying they're quieter than what this noise study recorded, well, because there were tractors running on the neighboring field.

Mr. Holly said yes.

Mr. Sawyer said they have it in their notes, but Mr. Holly reminded him of a good point. He said there is also a nighttime average, so no field activity and there is no harvest, and that was around 45 decibels when they inspected the property, so in this chart there is both daytime and nighttime.

Mr. Holly said the right column is the average nighttime noise levels recorded, so those would essentially kind of give them a view where they could take out some of those variables Mr. Herriott is describing and get a picture of what the nighttime noise looks like, and it averages out around 45 decibels.

Mr. Sawyer said yes, the nighttime average of dba is about 45 decibels from what was measured.

Mr. Holly said compared to what the project could be expected to produce, that is essentially similar to what someone would be hearing at nighttime in those locations.

Mr. Herriott said okay, he is just looking for a clean starting point to make sure that the noise doesn't become an issue sometime later on and the noise study was conducted in way that was taken into account of what might have been an unusual situation, because fieldwork activity would be unusual since it doesn't happen every single day. He would really like to know some of that information as far as what was observed during the daytime period.

Mr. Sawyer said sorry his computer isn't working, but he could work with Mr. Holly to get him those notes.

Ms. Cunningham thanked Mr. Herriott and asked if there were any other questions regarding noise.

Mr. Sawyer said they know they've discussed it, but this nighttime noise contour map is something extra that they sent to help benefit them, they can see that the nighttime compared to the daytime is reduced a lot and the noise is really only coming from near the BESS.

Ms. Cunningham thanked him. She said labor, noise, fire protection, waiver, and asked the Board, Staff, and audience what else there was to add to the list. Seeing none, she told the petitioner that was their list of concerns and thinks that is all for tonight's public hearing meeting.

Ms. Cunningham thanked them for all their work, the Board wants to be sure that they do this right and appreciate all of their help in making sure that they do it right for their community.

Mr. Holly said he completely agrees and thanked them for their time.

7. New Public Hearings - None

8. Staff Report – None

9. Other Business

A. Review of Docket

Ms. Cunningham asked Mr. Hall about any upcoming absences.

Mr. Hall said they've noted in the docket on Mr. Randol's upcoming absence for the February ZBA meetings, they hope he can return by March 13, 2025.

Mr. Randol said he would try.

Mr. Roberts said he wouldn't be there on March 27th, 2025.

Ms. Cunningham asked if there were any other upcoming absences that the Board members were aware of.

Mr. Flesner said he is not certain yet if he can attend the January 30, 2025, meeting.

10. Adjournment

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Ms. Cunningham entertained a motion to adjourn.

Mr. Roberts moved, seconded by Mr. Andersen to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:54 p.m.

Respectfully Submitted,

Secretary of the Zoning Board of Appeals