

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE:	December 29, 2022	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
			Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Larry Wood, Jim Randol, Lee Roberts, Tom Anderson

ABSENT MEMBERS: Nolan Herbert, Thaddeus Bates

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Harold Scharlau, Suzanne Smith, James Lacey, Herman Kuhlman, Lee Hockersmith, Adam Young, Jacob Smith, Tom Smith, Ben Leroy, Anthony Grilo, Greg Miller, Kiera Gavin, Aaron Esry

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

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

3. Correspondence - None

4. Minutes - None

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

6. Continued Public Hearings

Case 067-AM-22

Petitioner: Anthony Donato, d.b.a. Donato Solar- Urbana LLC, via agent Anthony Grilo

Request: Amend the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 068-S-22 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 070-S-22.

Location: A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer

Township, commonly known as the farmland located on the northwest corner of the intersection of West Oaks Road and Squire Farm Rd, Urbana.

Case 068-S-22

Petitioner: Anthony Donato, d.b.a. Donato Solar- Urbana LLC, via agent Anthony Grilo

Request: Authorize a data center as a Special Use Permit, subject to the proposed rezoning in Case 067-AM-22, and subject to the following waiver:

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires a noise analysis to be performed for a Data Center.

Location: A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, commonly known as the farmland located on the northwest corner of the intersection of West Oaks Road and Squire Farm Rd, Urbana.

Case 069-V-22

Petitioner: Anthony Donato, d.b.a. Donato Solar- Urbana LLC, via agent Anthony Grilo

Request: Authorize the following variance for the data center proposed as a Special Use Permit in related case 068-S-22:

Part A: Authorize a variance for 3 parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

Location: A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, commonly known as the farmland located on the northwest corner of the intersection of West Oaks Road and Squire Farm Rd, Urbana.

Case 070-S-22

Petitioner: Anthony Donato, d.b.a. Donato Solar- Urbana LLC, via agent Anthony Grilo

Request: Subject to the rezoning in related Case 067-AM-22 and in addition to the Special Use Permit requested in related Case 068-S-22, authorize the following additional special use permits:

- A. A Special Use Permit for a second principal use; and**
- B. As the second principal use, authorize a photovoltaic solar array with a total nameplate capacity of 4 megawatts (MW), including access roads and wiring, as a County Board Special Use Permit and including the following waivers of standard conditions (other waivers may be necessary):**

1 **Part A: A waiver for not providing a Decommissioning and Site Reclamation Plan**
2 **that includes cost estimates prepared by an Illinois Licensed Professional**
3 **Engineer prior to consideration of the Special Use Permit by the Board, per**
4 **Section 6.1.1 A.3.**

5 **Part B: A waiver for locating the PV Solar Array less than one-half mile from an**
6 **incorporated municipality and within the contiguous urban growth area of a**
7 **municipality per Section 6.1.5 B.(2)a.**

8 **Part C: A waiver for a separation distance of 97 feet between the solar inverters**
9 **and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5**
10 **D.(6).**

11 **Part D: A waiver for not submitting a Landscape Plan with weed control plan prior**
12 **to consideration of the Special Use Permit by the Board, per Section 6.1.5**
13 **F.(9)a.(b).iv.**

14
15 **Location: A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32,**
16 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**
17 **Township, commonly known as the farmland located on the northwest corner of the**
18 **intersection of West Oaks Road and Squire Farm Rd, Urbana.**

19
20 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
21 the witness register for that public hearing. He reminded the audience that when they sign the witness
22 register, they are signing an oath.

23
24 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
25 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
26 show of hands from those who would like to cross-examine, and each person will be called upon. He said
27 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
28 state their name before asking any questions. He noted that no new testimony is to be given during the
29 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
30 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request
31 prior to introducing evidence.

32
33 Anthony Grilo, 103 North Thomas Street, Thomasboro, Illinois, said that not much has changed since the
34 last meeting on this case. He said he didn't print his checklist from the last meeting, but there were some
35 questions regarding site plan issues and process issues, and he thinks has addressed most of them. He said
36 to refresh everyone's memory, they are hoping to put a data center on this parcel and pair it with a solar
37 array that has a name plate capacity of approximately four megawatts AC. He said they have adjusted the
38 site plan to work with the drainage district since finding out there was some complications with them and
39 their recording of an easement. He has met with a couple of representatives from the drainage district on
40 site, and they flagged out the area that they wanted to be set aside for their access. He pulled those flag
41 locations and put them on the new site plan, which Board and staff have, and that is the shaded area next
42 to the creek, that is what the representatives from drainage district marked off. He said it translates to 75
43 feet from the crest of the ditch for 150 feet from the road, then 50 feet from crest of the ditch for the rest
44 of the way, that is just to allow them to get their machines and equipment in to keep that ditch clear, do
45 vegetation control. He said they discussed inverter location at the last meeting, and he had the noise
46 analysis run, for which he thinks there is a waiver being requested, but they don't need it, because the

1 noise analysis he believes the Board and staff should have a copy of at this point. He asked Ms. Burgstrom
2 if that was correct.

3

4 Mr. Burgstrom said yes.

5

6 Mr. Grilo said okay, so the Board and staff should have a copy of the noise analysis, which was completed.
7 He said that was with the inverters 100 feet from the south property line. He said he wants to remind
8 everybody why they did that was to keep it as far away as possible from the house that is just on the north
9 side of the drainage ditch. He said it increased that distance substantially, so they felt it was a little more
10 appropriate to increase that distance and decrease the distance to the south, especially with that being an
11 industrial space going south anyway, he felt that made a little bit more sense. He said they fixed the
12 vegetation screening to allow for visibility triangles as well as left it out of the drainage district's future
13 easement area. He said he included gates for Urbana and Champaign Sanitary District to access their
14 easement; where his fencing is they put privacy slats in that area and the gate, so Urbana and Champaign
15 Sanitary District can access their pipe if needed. He thinks for the most part that was it, he will leave it to
16 the Board for some questions.

17

18 Mr. Elwell thanked Mr. Grilo.

19

20 Mr. Grilo said he is sorry there was one more. He said Mr. Hall had a concern about a section of the
21 property where it gets low in elevation and they were concerned about if that section potentially flooded
22 what would happen, and would it be an issue if the panels were underwater. He said checking the racking
23 system, he thinks Mr. Hall had determined potentially 3.8 feet was possible at the lowest elevation point
24 on the parcel, that means the junction box would be about ten inches underwater at that point. He said
25 originally his racking plan was going to be a 12.5-degree system and he has changed it to be a 7.5-degree
26 system, so the panels are a lot flatter, and it keeps the highest point of the panel at about 5.5 feet off the
27 ground instead of about seven feet. He said in that section where they are concerned about the elevation
28 being too low, he can raise that section up and still be 6.5 feet off the ground, which isn't too bad and get
29 that above the potential flood level to alleviate those concerns. He thinks that is it for sure now.

30

31 Mr. Elwell thanked Mr. Grilo and asked if there were any questions from the Board.

32

33 Mr. Wood asked Mr. Grilo if this was the most recent noise analysis with the change in the inverters from
34 Shiner Acoustics.

35

36 Mr. Grilo said that includes the inverters that are closest to the data center; he asked them to reconfigure
37 it with the inverters moved, but they have been gone for the past three weeks because of the holidays and
38 haven't been able to get him an updated noise analysis with the inverters in that location. He proposes that
39 they keep them near the data center, that is 100 feet off the south fence and that way it adheres to that
40 noise analysis, and they can go off that good data.

41

42 Mr. Wood said the new location of the inverters was right up against the easement for the drainage district.

43

44 Mr. Grilo said yes exactly.

45

46 Mr. Wood asked if that is where they were going to be now.

47

48 Mr. Grilo said he thinks because of the noise analysis and that he couldn't get an updated noise analysis
49 done he would prefer the inverters staying near the data center and from a noise perspective he thinks that

1 is best. He said it keeps all the infrastructure in the same common area.
2 Mr. Wood said yes, so he thinks even if the inverters were moved, they would still have to have a waiver
3 on the distance from the fence line and asked if that was correct.
4
5 Ms. Burgstrom said yes that is correct.
6
7 Mr. Wood said okay.
8
9 Mr. Elwell asked if there were any more questions from the Board.
10
11 Mr. Randol referred to Attachments C and D from Supplemental Memo #1. He said the email from the
12 City of Urbana, that says they did not have any comments opposed to the program and then they have
13 another email from the City Engineer, that is dealing with the road issue, and they do have stipulations.
14 He asked them how they were handling that conflict between the two offices.
15
16 Ms. Burgstrom said she doesn't see that as a conflict so much as two different aspects of the proposed
17 project. She said they need comments from the Urbana Public Works in order to have that as a waiver for
18 the need of a road agreement, and so that is Mr. Zeman's comments in that email. She said the City of
19 Urbana Planning staff saying that they have no comments at this time suggests they don't plan to protest
20 the map amendment aspect of this project.
21
22 Mr. Randol said the email from the City Engineer of the Public Works Department is not objecting, they
23 are just stating the conditions that they want.
24
25 Ms. Burgstrom said correct.
26
27 Mr. Randol said okay.
28
29 Mr. Grilo said that he agrees with that and from Mr. Zeman's email telling him that they will inspect the
30 roadway before and after construction. He said they recommended that they hire an engineer to do the
31 same and by doing the project, he agrees that they will repair the damages that the City of Urbana finds.
32
33 Mr. Randol thanked everyone for answering his questions.
34
35 Mr. Wood referred to B. Part A. in Case 070-S-22 and asked staff where it says not providing a waiver
36 for Decommissioning and Site Reclamation Plan; he thinks that is a double negative there. He said they
37 are providing a waiver from providing a Decommissioning and Site Reclamation Plan. He said does that
38 make more sense or make it a little clearer.
39
40 Mr. Hall said the petitioner needs the waiver because they haven't provided it prior to the Special Use
41 Permit; it does kind of sound like a double negative.
42
43 Mr. Wood said the waiver is giving the petitioner the ability not to do something.
44
45 Mr. Hall said yes, prior to the Special Use Permit approval.
46
47 Mr. Wood said that is part of the word, so he doesn't know why they need the not in B. Part A. of Case
48 070-S-22.
49

1 Mr. Hall said the petitioner needs a waiver because they are not providing a Decommissioning and Site
2 Reclamation Plan prior to the approval of the Special Use Permit. He said that is what the waiver is for;
3 not providing a plan prior to approval of the Special Use Permit.
4

5 Mr. Wood said that sounds a little bit different to him when he thinks about it; he would think it would be
6 a little bit clearer if they just say a waiver from providing a Decommissioning Site Reclamation Plan or a
7 waiver not requiring that they provided a Decommissioning Site Reclamation Plan. He said it seems to
8 him to make more sense.
9

10 Mr. Hall said the important thing is there a special condition that does require that prior to ELUC approval.
11

12 Mr. Wood said that is stated at the end there where it says prior to consideration of the Special Use Permit
13 by the Zoning Board of Appeals, which means it is going to go onto ELUC to meet their approval there.
14 He said they don't need the noise study waiver in there or the special condition for the noise study if the
15 petitioner is going to leave the inverters where they are.
16

17 Ms. Burgstrom said they don't need a waiver for the noise study.
18

19 Mr. Wood referred to special condition G. for the Special Use Permit for Case 070-S-22 from
20 Supplemental Memo #2. He said a noise study that meets the requirements of 6.1.5 I.3. that has been
21 approved by the Environment and Land Use Committee.
22

23 Ms. Burgstrom said the special condition.
24

25 Mr. Wood said yes, the special condition.
26

27 Ms. Burgstrom said right, if it is acceptable to this group, then they don't need to have that special
28 condition and it moves on from there.
29

30 Mr. Wood said yes.
31

32 Mr. Elwell said that is assuming the inverters are going to be stay close to the data center and asked if that
33 was correct.
34

35 Ms. Burgstrom said correct.
36

37 Mr. Elwell asked if there were any other questions from the Board.
38

39 Mr. Wood referred to Case 068-S-22 for authorizing a waiver for the noise analysis and asked if it had
40 already been done.
41

42 Ms. Burgstrom said yes.
43

44 Mr. Elwell asked if there were any questions from staff.
45

46 Mr. Hall said this is not a question, but he wants to make sure the Board sees this, because normally this
47 would be a bright red flashing danger sign. He said in the packet that was sent out in the mail to the Board
48 members, there was an email from the drainage district attorney stating that the district easement is 75 feet
49 on both sides of the ditch and along the full length of the ditch. He said that email does end with, "and the

1 easement is being negotiated.” He said the easement as described there is apparently not what the two
2 commissioners that Mr. Grilo met with onsite agreed to. He said they had hoped to get some written
3 confirmation from the drainage district, that what is illustrated on the December 21, 2022 site plan is the
4 easement that everybody has agreed to, but staff hasn’t been able to get that yet. He said his view of the
5 situation is that there is a condition that requires documentation of the easement and a location in an as-
6 built site plan. He said if the Board takes action on this tonight, first of all don’t take action on this if this
7 contradiction between what the attorney says and what staff understands to be the case, and if that causes
8 the Board any concern, then continue this case until that is resolved in writing. He knows Mr. Grilo thinks
9 that it’s absolutely resolved, and staff is just waiting to get the paperwork. He said if staff doesn’t get that
10 paperwork, then they would expect a 75-foot easement all the way along the ditch. He said if the Board is
11 comfortable with this, then fine, but he just wanted to make sure everyone understood that.
12

13 Mr. Wood asked if the paperwork is coming from Mr. Cottrell.
14

15 Mr. Grilo said he has no idea who that is, he met with Steve Hammel and Lyle Block out onsite, that is
16 who gave him his measurements. He will follow whatever the drainage district determines, and he knows
17 there is not going to be much of an argument or fight and if the commissioners who he met with end up at
18 their meeting and decide that they do want 75 feet all the way along the ditch, and the drainage district
19 comes to them and says they are going to do 75 feet all the way along the ditch, he is just going to amend
20 his site plan to be 75 feet, they are going to do whatever they tell him frankly, because there is no sense
21 trying to push back on them or fight them in any way. He said it won’t impact the project substantially to
22 meet those 75 feet. He said emails were kind of crossing paths and the attorney for the drainage district
23 was speaking with Mr. Hall or Ms. Burgstrom while he was meeting onsite with the commissioners, so
24 they gave him those numbers while the attorney gave Mr. Hall or Ms. Burgstrom different numbers. He
25 thinks the drainage district and attorney need to kind of discuss it in house and come back to them and go
26 from there. He is more than agreeable to amend his site plan to whatever the drainage district tells them,
27 whether it is 75 feet for 150 feet or 75 feet for the whole ditch.
28

29 Mr. Elwell asked Mr. Hall if the Board takes action tonight and it comes back that it is not just the 100
30 feet, it is the entire ditch, then how does staff get that information. He asked if the petitioner would have
31 to update their site plan for that and would they have to come back on a different meeting date, and if it
32 would have to be readvertised and the whole nine yards.
33

34 Mr. Hall said no, his view of that is whatever written confirmation the staff gets from the drainage district
35 is going to determine what the site plan is going to look like. He said if this Board is taking final action,
36 then whatever they get in writing from the drainage district will be the final word.
37

38 Mr. Elwell said from what the Board and staff have, does it include the maximum amount that the drainage
39 district is asking, is it the numbers from the attorney, or the numbers from the two commissioners.
40

41 Mr. Hall said right now the site plan that the Board and staff have reflects the work on the site between
42 Mr. Grilo and the two commissioners.
43

44 Mr. Elwell said he assumes the attorney’s number is larger.
45

46 Mr. Hall said the attorney did say it is being negotiated, so he understood the commissioners were out
47 onsite doing some negotiations.
48

49 Mr. Elwell said he guesses what he is getting at is the petitioner has said they are going to do what is asked

1 of them. He said he doesn't want the petitioner to have to wait on the Board and staff to have an updated
2 site plan or anything like that. He asked if that would not be the case, correct.

3
4 Mr. Hall said no, at a staff level they are comfortable with the Board taking action on this knowing that
5 staff is still waiting for that confirmation. He said that staff will follow whatever they get in writing from
6 the drainage district.

7
8 Mr. Elwell said fantastic and thanked Mr. Hall.

9
10 Mr. Randol asked about writing in the stipulation of the distance having to be a minimum of 75 feet. He
11 said that would give the petitioner leeway to adjust anywhere along that ditch area. He asked if that would
12 be an issue or problem to do it like that.

13
14 Mr. Hall said if the Board included a condition that it would be a minimum of 75 feet, then that leaves no
15 room for the drainage district and petitioner to come to this negotiation. He said it establishes it at 75 feet
16 along the whole ditch, which Mr. Grilo believes the drainage district is not going to require that.

17
18 Mr. Wood said it would be a maximum of 75 feet, because it is either 75 feet or whatever it is they
19 negotiate less than that.

20
21 Mr. Elwell asked if there were any other questions from the Board or staff. Seeing none, he asked if anyone
22 would like to cross-examine this witness, if so please step up to the cross-examination microphone and
23 clearly state your name and ask your questions. He said do not provide any testimony, because there will
24 be an opportunity to provide testimony.

25
26 Theodore Phillip Hartke said he was not going to provide any testimony on this. He referred to Mr. Grilo
27 about them having a brand-new noise analysis report done. He asked what the noise level is approximately
28 at the house north of their site.

29
30 Mr. Grilo said he believes it is 41 dB, but he doesn't have it in front of him. He said maybe Mr. Hall or
31 Ms. Burgstrom could answer that.

32
33 Mr. Hall said the plan says it is 41 dB.

34
35 Mr. Hartke asked if that was from the house or the property line.

36
37 Mr. Hall said from the house it says it's 41 dB, but it says it is 43 dB from the property line.

38
39 Mr. Hartke asked what the county's zoning noise level at the property line was, he thought they had a
40 solar farm here that was at 40 dB or was that only a special condition placed upon the first solar farm
41 south of Sidney.

42
43 Mr. Hall said there was a special condition on the BayWa r.e. Solar Farm, that established a noise level of
44 39 dBA, but that is a special condition and not what the Zoning Ordinance requires.

45
46 Mr. Hartke said that was from the pressure from the neighbors and himself to make sure they had it at that
47 lower level, that was why it was put there as a special condition. He said with it being more than 40 dBA
48 or above and he asked Mr. Grilo if they had considered putting in a noise barrier fence or some simple
49 structure, that could deflect or cut down the noise between the inverter and any receptor that they would

1 be concerned with.

2
3 Mr. Grilo said he hadn't at this location, but he did it at a different location with a noise wall to kind of
4 box in those inverters and keep the sound encased. He said this location is not taking into account the
5 panels, the inverters are actually going to be lower than all the panels, so he kind of felt that the solar array
6 would serve as a noise break, but he doesn't actually know that, and he doesn't think they analyzed that
7 in their noise study.

8
9 Mr. Hartke said now that Mr. Grilo mentioned there are a lot of panels between the inverters and the home.
10 He asked how many rows of panels – like dozens.

11
12 Mr. Grilo walked over to Mr. Hartke to show him the site plan. Mr. Grilo said the inverter is going to go
13 here and the house is here.

14
15 Mr. Hartke said he thinks he is all set then. He thinks that the noise study should include any obstructions
16 in the way, because that effectively acts as a reflector. He asked Mr. Grilo what the distance was from the
17 inverters to the house approximately.

18
19 Mr. Grilo said about 650 feet.

20
21 Mr. Hartke said okay, he thinks that is probably okay. He thanked Mr. Grilo and said that was all his
22 questions.

23
24 Mr. Elwell thanked Mr. Hartke and asked if anyone else would like to cross-examine this witness. He said
25 if so, please raise their hand and step to the witness microphone, and please clearly state their name.

26
27 Mr. Herman Kuhlman said he lives southeast of the property about 300 feet away. He said he would like
28 to know if there is going to be a lot of glare off of those panels.

29
30 Mr. Grilo said at this location they were not required to run a glare analysis when it pertains to airplanes.
31 He said the angle of the panels as proposed is 7.5 degrees, so it is a pretty flat reflection angle. He would
32 say no, he probably won't see much reflection from where he lives, especially with the vegetation fence
33 that they have proposed on the site plan, which he could show him as well.

34
35 Mr. Grilo walked over to Mr. Kuhlman to show him the site plan and asked him if he lived over there on
36 the site plan.

37
38 Mr. Kuhlman said yes.

39
40 Mr. Grilo said the vegetation required are evergreens and when they plant the evergreens in the ground,
41 they must be four or five feet tall, and they must be maintained at seven feet tall. He said the panel elevation
42 that they are proposing is going to be approximately under six feet throughout this solar array, except for
43 back here. He thinks that reflection question is taken out, because the evergreens will be taller than the
44 solar array, they won't be visible from the street. He asked Mr. Kuhlman if that made sense.

45
46 Mr. Kuhlman said he goes by and mows that roadside too, so he doesn't want any glare when he's mowing.

47
48 Mr. Grilo said he agrees.

49

1 Mr. Kuhlman asked him if he thought the noise would be coming that close by them. He said the railroad
2 yard they can hear the railroad box cars and engines going early in the morning around four o' clock –
3 stuff like that.

4
5 Mr. Grilo said with where Mr. Kuhlman's property is in relation to where the inverters will be there will
6 be a couple rows of arrays, the vegetation fence, and a building all between his property and the noise
7 emitting sources. He should have printed the noise analysis and he is sorry, but he thinks that the emission
8 rate is a lot higher going north than it is south and east, because of that building, the panels, and the
9 vegetation fence blocking.

10
11 Mr. Kuhlman asked him if he knew that there were four bald eagles out there flying too. He said he doesn't
12 know if they have nests really close by, but they have been out there for about three years.

13
14 Mr. Grilo said he didn't know that, but there aren't any trees on their property that will be impacted, so he
15 doesn't foresee that being a problem – that's pretty cool though.

16
17 Mr. Kuhlman asked him if this project would interfere with their tv or radio reception; meaning aerial
18 antennas, that is what they have.

19
20 Mr. Grilo said as far as he knows there are no harmonic interferences when it comes to tv antennas and
21 radio frequencies.

22
23 Mr. Kuhlman said he knows when cars go by it interferes.

24
25 Mr. Grilo said that he has never read a study that has solar panels or inverters having any sort of harmonic
26 interference. He is not an electrical engineer to say for sure and without concrete evidence that they don't,
27 he is not going to say no without a doubt they won't, but he has never heard of it.

28
29 Mr. Kuhlman said that was all the questions he had and thanked him.

30
31 Mr. Elwell thanked Mr. Kuhlman and asked if anyone else would like to cross-examine this witness and
32 if so, please raise their hand. Seeing no one, he asked if anyone would like to testify in this case and if so,
33 this would be the audience's opportunity to provide testimony and to raise their hand, and he would call
34 upon them. Seeing no one, he asked Harold Sharlau if he wanted to testify in this case.

35
36 Mr. Sharlau said he didn't know if they had public participation or testimony, yes.

37
38 Mr. Elwell said at this time please state his name and address, and then please provide his testimony.

39
40 Harold Sharlau, 3610 Squire Farm Road, Urbana, said his only concern is the waiver for the
41 decommissioning of the property and so forth. He said his wife's family has lived there for 50 to 60 years
42 in the area, they would like to feel assured that if something did go wrong and it was abandoned, that there
43 was a plan to clean it up and not leave it just sitting there.

44
45 Mr. Wood said there is a waiver for the decommissioning site, but if he looks at the special conditions
46 after that, they are required to do that before it goes to the ELUC committee.

47
48 Mr. Sharlau said he didn't know that and thanked him.

1 Mr. Elwell asked if anyone else would like to cross-examine this witness. Seeing no one, he asked if
2 anyone else would like to testify in this case. Seeing no one, he asked Mr. Grilo to step back up to the
3 microphone and to see if the Board should go through the special conditions or is there any other
4 discussion.

5
6 Mr. Randol asked if they were going to cover the special conditions for each waiver or do them
7 individually.

8
9 Mr. Elwell said he thinks they could do them en masse and go through all of them. He told Mr. Grilo he
10 would be saying yes quite a few times.

11
12 Mr. Elwell said he would be reading the special conditions for Cases 067-AM-22, 068-S-22, and 070-S-
13 22 on page 3 of 7 in Supplemental Memo #2, as follows:

14
15 **PROPOSED SPECIAL CONDITIONS**

16
17 **The following special conditions are proposed for Map Amendment Case 067-AM-22:**

18
19 **A. The owners of the subject property hereby recognize and provide for the right of**
20 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
21 **Resolution 3425 (see attached).**

22
23 The special condition stated above is required to ensure the following:
24 **Conformance with Land Resource Management Plan Policy 4.2.3.**

25
26 Mr. Elwell asked if he agreed.

27
28 Mr. Grilo said yes.

29
30 **B. The Map Amendment is contingent upon approval of Cases 068-S-22 and 070-S-22.**

31
32 The special condition stated above is required to ensure the following:
33 **That the Special Use is consistent with the Zoning Ordinance and ZBA**
34 **recommendations.**

35
36 Mr. Elwell asked if he agreed.

37
38 Mr. Grilo said yes.

39
40 **The following special conditions are proposed for Special Use Permit Case 068-S-22:**

41
42 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
43 **proposed special use until the petitioner has demonstrated that the proposed Special**
44 **Use complies with the Illinois Accessibility Code.**

45
46 The special condition stated above is required to ensure the following:
47 **That the proposed Special Use meets applicable State requirements for**
48 **accessibility.**

49

1 Mr. Elwell asked if he agreed.

2

3 Mr. Grilo said yes.

4

5 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
6 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
7 **subject property will comply with the lighting requirements of Section 6.1.2.**

8

9 The special condition stated above is required to ensure the following:

10 **That the proposed use is in compliance with the Zoning Ordinance.**

11

12 Mr. Elwell asked if he agreed.

13

14 Mr. Grilo said yes.

15

16 **C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
17 **authorizing occupancy of the proposed buildings until the Zoning Administrator has**
18 **received a certification of inspection from an Illinois Licensed Architect or other**
19 **qualified inspector certifying that the new buildings comply with the following codes:**
20 **(A) the current edition or most recent preceding edition of the International Building**
21 **Code, and (B) the current edition or most recent preceding edition of the National**
22 **Electrical Code NFPA 70.**

23

24 The special condition stated above is required to ensure the following:

25 **New commercial buildings shall be in conformance with Public Act 96-704.**

26

27 Mr. Elwell asked if he agreed.

28

29 Mr. Grilo said yes.

30

31 **The following special conditions are proposed for Special Use Permit Case 070-S-22:**

32

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

- 34 • **Site Plan sheets received September 27, 2022.**

35

36 The above special condition is required to ensure that:

37 **The constructed PV SOLAR FARM is consistent with the special use permit**
38 **approval.**

39

40 Mr. Elwell asked if he agreed.

41

42 Mr. Grilo said yes.

43

44 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
45 **issue a Zoning Compliance Certificate on the subject property until the lighting**
46 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

47

48 The special condition stated above is required to ensure the following:

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

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

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

The special condition stated above is necessary to ensure the following:

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

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

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

The special condition stated above is required to ensure the following:

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

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

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

The above special conditions are required to ensure that:

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

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

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

- 1 **1. Documentation of the solar module’s unlimited 10-year warranty and the 25-year**
- 2 **limited power warranty.**
- 3
- 4 **2. Certification by an Illinois Professional Engineer that any relocation of drainage**
- 5 **district tile conforms to the Champaign County Storm Water Management and**
- 6 **Erosion Control Ordinance.**
- 7
- 8 **3. An irrevocable letter of credit to be drawn upon a federally insured financial**
- 9 **institution with a minimum acceptable long term corporate debt (credit) rating of**
- 10 **the proposed financial institution shall be a rating of “A” by S&P or a rating of**
- 11 **“A3” by Moody’s or a rating of “A-” by Kroll Bond Rating Agency within 200**
- 12 **miles of Urbana or reasonable anticipated travel costs shall be added to the**
- 13 **amount of the letter of credit.**
- 14
- 15 **4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM**
- 16 **including any access road that conforms to the relevant Natural Resources**
- 17 **Conservation Service guidelines and that is prepared by an Illinois Licensed**
- 18 **Professional Engineer.**
- 19
- 20 **5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5**
- 21 **F.(9).**
- 22
- 23 **6. The telephone number for the complaint hotline required by 6.1.5 S.**
- 24
- 25 **7. Any updates to the approved Site Plan per the requirements provided in Section**
- 26 **6.1.5 U.1.c.**
- 27

The above special condition is required to ensure that:

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

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

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

- 1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
- 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**

- 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

The above special condition is required to ensure that:

The PV SOLAR ARRAY is constructed consistent with the special use permit approval and in compliance with the Ordinance requirements.

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

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

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

The above special condition is required to ensure that:

Future requirements are clearly identified for all successors of title, lessees, any operator and/or owner of the PV SOLAR ARRAY.

Mr. Elwell asked if he agreed.

Mr. Grilo said yes.

- I. The perimeter security fence shall not encroach into the easement along the Beaver Lake Drainage Ditch and the developer shall provide documentation of that easement with the Zoning Use Permit Application and shall map the easement on the**

1 development site plan and shall document the actual location of the fence in an as-
2 built site plan.

3
4 The special condition stated above is required to ensure the following:

5 **To ensure unencumbered access for maintenance of the Beaver Lake Drainage**
6 **Ditch.**

7
8 Mr. Elwell asked if he agreed.

9
10 Mr. Grilo said yes.

11
12 **J. The number of loaded trucks on Oaks Road should be minimized during the spring**
13 **thaw period.**

14
15 The special condition stated above is required to ensure the following:

16 **To minimize susceptibility to road damage from heavy loads.**

17
18 Mr. Elwell asked if he agreed.

19
20 Mr. Grilo said yes.

21
22 Mr. Elwell asked Mr. Hall how that was going to be measured.

23
24 Mr. Hall asked him if he was talking about the number of truck trips in the spring.

25
26 Mr. Elwell said yes, like this is how the roads were prior to and this is how the roads are afterwards, and
27 the petitioner is going to fix it.

28
29 Mr. Hall said yes.

30
31 **There are no proposed special conditions for Variance Case 069-V-22.**

32
33 Mr. Elwell informed Mr. Grilo that today they don't have a full Board, but he requires four affirmative
34 votes to have this case granted. He asked if he would like to continue this case to a different date or would
35 he like the Board to continue today.

36
37 Mr. Grilo said continue today.

38
39 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 067-AM-22.

40
41 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 067-AM-22.**
42 **The motion carried by voice vote.**

43
44 Mr. Elwell said he would be reading the Findings of Fact for Case 067-AM-22 from Attachment F, page
45 22 of 25 in Supplemental Memo #1, as follows:

46
47 **FINDINGS OF FACT FOR CASE 067-AM-22**

48 From the documents of record and the testimony and exhibits received at the public hearing conducted on
49 **October 27, 2022 and December 29, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1 Mr. Elwell paused from reading and said this isn't right.

2

3 Mr. Hall asked Ms. Burgstrom if that was right.

4

5 Ms. Burgstrom said that is correct, in this case it's a map amendment, so the Board is not required to read
6 each finding of fact for Case 067-AM-22. She said Mr. Elwell could ask if there is any further discussion
7 of any of the findings for this particular Findings of Fact for Case 067-AM-22.

8

9 Mr. Elwell thanked Ms. Burgstrom. He asked if any of the Board would like to make any comments before
10 he continues with the Findings of Fact for Case 067-AM-22.

11

12 Mr. Anderson asked what page number they were on.

13

14 Mr. Elwell said they were on Attachment F, page 22 of 25 in Supplemental Memo #1.

15

16 Mr. Wood said he doesn't think the Board needs to read through all those findings as they are stated, he
17 thinks they can accept the revised draft and Summary Findings of Fact for Case 067-AM-22, as presented.
18 He said they can move directly to the Final Determination for Case 067-AM-22.

19

20 He asked if that was a motion to move to the Final Determination for Case 067-AM-22.

21

22 Mr. Wood yes.

23

24 Mr. Elwell entertained a second to the motion.

25

26 Mr. Randol referred to Attachment F, page 24 of 25, Item 4. in Supplemental Memo #1. He said there are
27 special conditions there: A. and B. He said those were not in what Mr. Elwell read previously.

28

29 Mr. Elwell said the Right to Farm Resolution 3425 was read.

30

31 Mr. Randol asked if he missed it.

32

33 Mr. Wood said yes.

34

35 Mr. Randol said okay, sorry about that.

36

37 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 067-AM-**
38 **22. The motioned carried by voice vote.**

39

40 Mr. Elwell said he would be reading the Final Determination for Case 067-AM-22 from Attachment F,
41 page 25 of 25 in Supplemental Memo #1, as follows:

42

43 **FINAL DETERMINATION FOR CASE 067-AM-22**

44 **Mr. Wood moved, seconded by Mr. Roberts, that pursuant to the authority granted by Section 9.2**
45 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
46 **recommends that:**

47

48 **The Zoning Ordinance Amendment requested in Case 067-AM-22 should BE ENACTED by**
49 **the County Board in the form attached hereto.**

1 Mr. Elwell requested a roll call vote.

2

3 The vote was called as follows:

4	Randol- Yes	Roberts- Yes	Anderson- Yes	Herbert- Absent
5	Elwell- No	Wood – Yes	Bates- Absent	

6

7 Mr. Elwell congratulated Mr. Grilo on his five affirmative votes for Case 067-AM-22. He entertained a
8 motion to move to the Findings of Fact for Cases 068-S-22 and 069-V-22.

9

10 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Findings of Fact for Cases 068-22 and**
11 **069-V-22. The motion carried by voice vote.**

12

13 Mr. Elwell said he would be reading the Findings of Fact for Cases 068-S-22 and 069-V-22 from
14 Attachment G, page 26 of 32, in Supplemental Memo #1, as follows:

15

16 **FINDINGS OF FACT FOR CASES 068-S-22 AND 069-V-22**

17 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
18 **068-S-22 held on October 27, 2022 and December 29, 2022**, the Zoning Board of Appeals of Champaign
19 County finds that:

20

21 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
22 **location because:**

23

24 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location
25 because: the petitioner has already purchased the property, which is adjacent to necessary power lines to
26 be connected to the grid.

27

28 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
29 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}***
30 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
31 **health, safety, and welfare because:**

32

33 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location**
34 **has *{ADEQUATE / INADEQUATE}* visibility because:**

35

36 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
37 visibility because: traffic volumes are not expected to increase significantly and a notice was sent to the
38 City of Urbana as an email on October 27, 2022; John Zeman, City of Urbana Engineer, stated “it would
39 be best to minimize the number of loaded trucks driving on Oaks Road during the spring thaw period, that
40 is when the road would be most susceptible to damage from heavy axle loads.” He said a special condition
41 was added to Case 070-S-22 to ensure compliance. He said a notice was also sent to the Township
42 Supervisor and the Township Road Commissioner, and no comments have been received.

43

44 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

45

46 Mr. Wood said the emergency services availability is ADEQUATE because: the subject property is
47 located just over four miles from the Eastern Prairie Fire Station and the Fire Chief was notified of this
48 case, and no comments have been received back.

49

1 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:**
2

3 Mr. Randol said the Special Use WILL be compatible with adjacent uses because: the subject property is
4 surrounded by agriculture, industrial uses, and one dwelling to the northeast that is approximately 750 feet
5 from the proposed data center.
6

7 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**
8

9 Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: the northern part of the
10 subject property is located within a mapped floodplain and will have to comply with the Special Flood
11 Hazard Areas Ordinance. He said a Storm Water Drainage Plan and detention basin will be required if
12 more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack
13 posts, per the Storm Water Management and Erosion Control Ordinance.
14

15 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**
16

17 Mr. Randol said the public safety will be ADEQUATE because: the subject property is located
18 approximately 4.3 road miles from the Eastern Prairie Fire Station. He said the Fire Chief was notified
19 and there was no response from him. He said this notice was also sent to the Township Supervisor and
20 Township Road Commissioner, and no comments have been received from them.
21

22 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**
23

24 Mr. Roberts said the provisions for parking will be ADEQUATE because: There is no significant increase
25 in traffic expected for the proposed data center.
26

27 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed
28 improvements because:**
29

30 Mr. Wood said the property IS *WELL SUITED OVERALL* for the proposed improvements because: the
31 site can be safely and soundly accommodated using simple engineering and common, easily maintained
32 construction methods with no unacceptable negative effects on neighbors or the general public.
33

34 **h. Existing public services {ARE/ARE NOT} available to support the proposed
35 SPECIAL USE without undue public expense because:**
36

37 Mr. Wood said the existing public services ARE available to support the proposed Special Use without
38 undue public expense because: no additional public services are necessary.
39

40 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}
41 adequate to support the proposed development effectively and safely without undue
42 public expense because:**
43

44 Mr. Wood said the existing public infrastructure together with the proposed development IS adequate to
45 support the proposed development effectively and safely without undue public expense because: no new
46 infrastructure is required.
47

1 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
2 *HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
3 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
4

5 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
6 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
7 **DISTRICT in which it is located.**
8

9 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
10 *HEREIN* DOES conform to the applicable regulations and standards of the DISTRICT in which it is
11 located.
12

13 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
14 **HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
15 **it is located because:**
16

17 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
18 **County ordinances and codes.**
19

20 Mr. Wood said the Special Use will be designed to CONFORM to all relevant County ordinances and
21 codes.
22

23 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**
24

25 Mr. Wood said the Special Use WILL be compatible with adjacent uses.
26

27 **c. Public safety will be {ADEQUATE / INADEQUATE}.**
28

29 Mr. Wood said the public safety will be ADEQUATE.
30

31 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
32 *HEREIN* DOES preserve the essential character of the district in which it is located.
33

34 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
35 **HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance**
36 **because:**
37

38 **a. The Special Use is authorized in the District.**
39

40 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience**
41 **at this location.**
42

43 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location.
44

45 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
46 **IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it**
47 **{WILL / WILL NOT} be injurious to the district in which it shall be located or**
48 **otherwise detrimental to the public health, safety, and welfare.**
49

1 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
2 *IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious
3 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
4

5 **d. The requested Special Use Permit {*SUBJECT TO THE SPECIAL CONDITIONS***
6 ***IMPOSED HEREIN*} {*DOES / DOES NOT*} preserve the essential character of the**
7 **District in which it is located.**
8

9 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
10 *IMPOSED HEREIN* DOES preserve the essential character of the DISTRICT in which it is located.
11

12 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
13 *IMPOSED HEREIN* IS in harmony with the general purpose and intent of the Ordinance.
14

15 **5. The requested Special Use *IS NOT* an existing non-conforming use.**

16
17 **6. Regarding the variance:**
18

19 **a. Special conditions and circumstances {*DO / DO NOT*} exist which are peculiar to the**
20 **land or structure involved, which are not applicable to other similarly situated land**
21 **and structures elsewhere in the same district because:**
22

23 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
24 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
25 the same district because: the proposed data center will be monitored remotely and will have only
26 occasional visits from employees for maintenance, so therefore there is limited need for parking and no
27 need for a loading berth.
28

29 **b. Practical difficulties or hardships created by carrying out the strict letter of the**
30 **regulations sought to be varied {*WILL / WILL NOT*} prevent reasonable or otherwise**
31 **permitted use of the land or structure or construction because:**
32

33 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
34 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
35 structure or construction because: without the proposed variance, the petitioner would have to utilize area
36 set aside for the proposed PV Solar Array for parking and loading berth areas.
37

38 **c. The special conditions, circumstances, hardships, or practical difficulties {*DO / DO***
39 ***NOT*} result from actions of the applicant because:**
40

41 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
42 from actions of the applicant because: the petitioner does not anticipate visitors or deliveries at this site.
43

44 **d. The requested variance {*IS / IS NOT*} in harmony with the general purpose and intent**
45 **of the Ordinance because:**
46

47 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
48 because: the petitioner does not anticipate visitors or deliveries to this site, and they do not expect many
49 employee visits because the data center will be monitored remotely.

1 e. The requested variance *{WILL / WILL NOT}* be injurious to the neighborhood or
2 otherwise detrimental to the public health, safety, or welfare because:
3

4 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
5 detrimental to the public health, safety, or welfare because: notice of the proposed variance has been sent
6 to relevant jurisdictions, and no comments have been received.
7

8 f. The requested variance *{IS / IS NOT}* the minimum variation that will make possible
9 the reasonable use of the land/structure because:
10

11 Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable
12 use of the land/structure because: the petitioner would have to reduce the size of the proposed PV Solar
13 Array if they have to provide more parking and loading space.
14

15 **8. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
16 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
17 **PARTICULAR PURPOSES DESCRIBED.**
18

19 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
20 of Fact for Cases 068-S-22 and 069-V-22, as amended.
21

22 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
23 **Record, and Findings of Fact for Cases 068-S-22 and 069-V-22, as amended. The motion carried by**
24 **voice vote.**
25

26 Mr. Elwell entertained a motion to move to the Final Determination for Case 068-S-22.
27

28 **Mr. Randol moved, seconded Mr. Roberts, to move to the Final Determination for Case 068-S-22.**
29

30 Mr. Elwell said he would be reading the Final Determination for Case 068-S-22 from Attachment G, page
31 31 of 32 in the Supplemental Memo #1, as follows:
32

33 **FINAL DETERMINATION FOR CASE 068-S-22**

34 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
35 **finds that, based upon the application, testimony, and other evidence received in this case, the**
36 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
37 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**
38

39 **The Special Use requested in Case 068-S-22 is hereby *GRANTED WITH SPECIAL CONDITIONS***
40 **to the applicant, Donato Solar – Urbana LLC, to authorize the following:**
41

42 **Authorize a data center as a Special Use Permit, subject to the proposed rezoning in Case 067-**
43 **AM-22.**
44

45 Mr. Elwell requested a roll call vote.
46

47 The vote was called as follows:

48 **Randol- Yes Roberts- Yes Anderson- Yes Herbert- Absent**
49 **Elwell- Yes Wood- Yes Bates- Absent**

1 Mr. Elwell congratulated Mr. Grilo on his five affirmative votes for Case 068-S-22. He entertained a
2 motion to move to the Final Determination for Case 069-V-22.

3
4 **Mr. Randol moved, seconded Mr. Wood, to move to the Final Determination for Case 069-V-22.**

5
6 Mr. Elwell said he would be reading the Final Determination for Case 069-V-22 from Attachment G, page
7 32 of 32 in the Supplemental Memo #1, as follows:

8
9 **FINAL DETERMINATION FOR CASE 069-V-22**

10 **Mr. Randol moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
11 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
12 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
13 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
14 **Appeals of Champaign County determines that:**

15
16 **The Variance requested in Case 069-V-22 is hereby GRANTED WITH SPECIAL CONDITIONS**
17 **to the applicant, Donato Solar – Urbana LLC, to authorize the following variance in the AG-2**
18 **Agriculture Zoning District:**

19
20 **Authorize the following variance for the data center proposed as a Special Use Permit in related**
21 **case 068-S-22:**

22
23 **Part A: Authorize a variance for 3 parking spaces in lieu of the minimum required 7 parking**
24 **spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.**

25
26 **Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading**
27 **berth, per Section 7.4.1 C.5. of the Zoning Ordinance.**

28
29 Mr. Elwell requested a roll call vote.

30
31 The vote was called as follows:

32 **Randol- Yes Roberts- Yes Anderson- Yes Herbert- Absent**
33 **Elwell- Yes Wood- Yes Bates- Absent**

34
35 Mr. Elwell congratulated Mr. Grilo on his five affirmative votes for Case 069-V-22. He entertained a
36 motion to move to the Findings of Fact for Case 070-S-22.

37
38 Mr. Roberts moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 070-S-22.

39
40 Mr. Elwell said he would be reading the Findings of Fact for Case 070-S-22 from Attachment H, page 46
41 of 57 in the Supplemental Memo #1, as follows:

42
43 **FINDINGS OF FACT FOR CASE 070-S-22**

44 From the documents of record and the testimony and exhibits received at the public hearing for zoning
45 case **070-S-22** held on **October 27, 2022 and December 29, 2022**, the Zoning Board of Appeals of
46 Champaign County finds that:

- 47
48 **1. The requested Special Use Permit {IS / IS NOT} necessary for the public convenience at this**
49 **location because:**

1 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location
 2 because: the State of Illinois has adopted a Renewable Portfolio Standard that establishes a goal of 25%
 3 of the State’s energy coming from renewable sources by 2025. He said the Illinois Future Energy Jobs
 4 Act requires installation of 3,000 megawatts of new solar capacity by the year 2030.

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

10
 11 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
 12 **location has *{ADEQUATE / INADEQUATE}* visibility because:**

13
 14 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
 15 visibility because: traffic volumes are not expected to increase significantly other than during construction
 16 and the City of Urbana has maintenance jurisdiction on West Oaks Road. He said the email received on
 17 October 27, 2022 from John Zeman with Urbana Public Works stated, “it would be best to minimize the
 18 number of loaded trucks during driving on Oaks Road during the spring thaw period,” and a special
 19 condition has been added to take care of those issues. He said a notice was also sent to the Township
 20 Supervisor and the Township Road Commissioner, and no comments pro or con have been received from
 21 either of those gentlemen.

22
 23 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

24
 25 Mr. Wood said the emergency services availability is ADEQUATE because: the subject property is
 26 located a little over four miles from the Eastern Prairie Fire Station and the Fire Chief was notified of this
 27 case, and no comments have been received.

28
 29 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**

30
 31 Mr. Randol said the Special Use WILL be compatible with adjacent uses because: the proposed PV Solar
 32 Array will not be disruptive to surrounding agriculture and the inverters are located approximately 600
 33 feet from the closest residence to the northeast.

34
 35 Mr. Elwell asked Ms. Burgstrom if they had evidence that it was 750 feet from the previous case.

36
 37 Ms. Burgstrom said the inverters are slightly different than where the data center was, so the data center
 38 had a different measurement.

39
 40 Mr. Elwell asked her if this was the most up-to-date distance.

41
 42 Ms. Burgstrom said yes.

43
 44 Mr. Elwell thanked her.

45
 46 **d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:**

47
 48 Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: the northern part of the
 49 property is located within a mapped floodplain and will have to comply with the Special Flood Hazard

1 Areas Ordinance. He said a Storm Water Drainage Plan and detention basin will be required if more than
 2 16% of the subject property is turned into impervious area, including gravel, buildings, and solar array
 3 rack posts, per the Storm Water Management and Erosion Control Ordinance.

4
 5 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**
 6

7 Mr. Randol said the public safety will be ADEQUATE because: the subject property is located
 8 approximately 4.3 miles from the Eastern Prairie Fire Station and the Fire Chief was notified of this case,
 9 and no comments have been received. He said the same follows suit for the Township Supervisor and
 10 Township Road Commissioner.

11
 12 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**
 13

14 Mr. Wood said the provisions for parking will be ADEQUATE because: a PV Solar Array does not require
 15 parking and there is no significant increase in traffic expected for the proposed development once it is
 16 fully constructed.

17
 18 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed improvements**
 19 **because:**
 20

21 Mr. Randol said the property IS *WELL SUITED OVERALL* for the proposed improvements because: the
 22 site is reasonably well-suited in all respects and has no major defects.

23
 24 **h. Existing public services {ARE/ARE NOT} available to support the proposed Special**
 25 **Use without undue public expense because:**
 26

27 Mr. Randol said the existing public services ARE available to support the proposed Special Use without
 28 undue public expense because: no additional public services are necessary for the proposed development.

29
 30 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}**
 31 **adequate to support the proposed development effectively and safely without undue**
 32 **public expense because:**
 33

34 Mr. Wood said the existing public infrastructure together with the proposed development IS adequate to
 35 support the proposed development effectively and safely without undue public expense because: no new
 36 public infrastructure is required for the proposed development.

37
 38 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
 39 *HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
 40 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

41
 42 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 43 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
 44 **District in which it is located, subject to approval of the requested waivers.**
 45

46 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 47 *IMPOSED HEREIN* DOES conform to the applicable regulations and standards of the district in which it
 48 is located, subject to approval of the requested waivers.
 49

1 **3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
2 ***HEREIN* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which**
3 **it is located because:**

4
5 **a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant**
6 **County ordinances and codes.**

7
8 Mr. Wood said the Special Use will be designed to CONFORM to all relevant County ordinances and
9 codes.

10
11 **b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.**

12
13 Mr. Wood said the Special Use WILL be compatible with adjacent uses.

14
15 **c. Public safety will be *{ADEQUATE / INADEQUATE}*.**

16
17 Mr. Wood said the public safety will be ADEQUATE.

18
19 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
20 *HEREIN* DOES preserve the essential character of the district in which it is located.

21
22 **4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
23 ***HEREIN* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance**
24 **because:**

25 **a. The Special Use is authorized in the District.**

26
27 **b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience**
28 **at this location.**

29
30 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location.

31
32 **c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
33 ***IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it**
34 ***{WILL / WILL NOT}* be injurious to the district in which it shall be located or**
35 **otherwise detrimental to the public health, safety, and welfare.**

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

40
41 **d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
42 ***IMPOSED HEREIN* *{DOES / DOES NOT}* preserve the essential character of the**
43 **District in which it is located.**

44
45 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
46 *IMPOSED HEREIN* DOES preserve the essential character of the district in which it is located.

47
48 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
49 *IMPOSED HEREIN* IS in harmony with the general purpose and intent of the Ordinance.

1 5. The requested Special Use IS NOT an existing nonconforming use.

2
3 6. Regarding necessary waivers of standard conditions:

4
5 Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved
6 individually or *en masse* by the affirmative vote of a majority of those members voting on the
7 issue, and shall be incorporated into the Findings of Fact with the reason for granting each
8 waiver described”.

9 A. Regarding Part A of the proposed waivers, for not providing a Decommissioning and
10 Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed
11 Professional Engineer prior to consideration of the Special Use Permit by the Board:

12
13 (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of
14 the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the
15 neighborhood or to the public health, safety, and welfare because:

16
17 Mr. Randol said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
18 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because: the
19 petitioner will still need to provide documentation prior to receiving his Zoning Use Permit.

20
21 (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar
22 to the land or structure involved, which are not applicable to other similarly
23 situated land and structures elsewhere in the same district because:

24
25 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
26 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
27 the same district because: some details such as cost estimates won’t be available until closer to
28 construction.

29
30 Mr. Elwell asked if the Board was all in agreement with items three, four, and five.

31
32 Mr. Wood said yes.

33
34 Mr. Elwell asked Mr. Hall if that would include part B. and C.

35
36 Mr. Hall said B., C., and D. if the Board is comfortable with all of those.

37
38 Mr. Elwell said if the Board is comfortable with B., C., and D. being answered in the affirmative and
39 asked if there were any discussion from the Board.

40
41 Mr. Wood said it is acceptable with the proposed changes that are here.

42
43 Mr. Elwell said yes.

44
45 Ms. Burgstrom said the Board just needs a majority vote on that.

46
47 **Mr. Elwell said supporting number six en masse. The motion carried by voice vote.**

48

- 1 (3) Practical difficulties or hardships created by carrying out the strict letter of
 2 the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or
 3 otherwise permitted use of the land or structure or construction because: *some*
 4 *details such as cost estimates are not available until closer to construction.*
 5
 6 (4) The special conditions, circumstances, hardships, or practical difficulties *{DO*
 7 */ DO NOT}* result from actions of the applicant because: *some details such as*
 8 *cost estimates are not available until closer to construction.*
 9
 10 (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL*
 11 *CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible
 12 the reasonable use of the land/structure.
 13

14 **B. Regarding Part B of the proposed waivers, for locating the PV Solar Array less than**
 15 **one-half mile from an incorporated municipality and within the contiguous urban**
 16 **growth area of a municipality:**
 17

- 18 (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of
 19 the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the
 20 neighborhood or to the public health, safety, and welfare because: *relevant*
 21 *jurisdictions have been notified of these cases, and no comments have been*
 22 *received.*
 23
 24 (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar
 25 to the land or structure involved, which are not applicable to other similarly
 26 situated land and structures elsewhere in the same district because: *the City of*
 27 *Urbana is aware of the proposed project and has decided not to provide comments*
 28 *on these cases.*
 29
 30 (3) Practical difficulties or hardships created by carrying out the strict letter of
 31 the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or
 32 otherwise permitted use of the land or structure or construction because:
 33 *without the waiver, the project could not be constructed on the subject property.*
 34
 35 (4) The special conditions, circumstances, hardships, or practical difficulties *{DO*
 36 */ DO NOT}* result from actions of the applicant because: *the petitioner was not*
 37 *aware of this requirement when they purchased the land for the project.*
 38
 39 (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL*
 40 *CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible
 41 the reasonable use of the land/structure because: *without the waiver, the project*
 42 *could not be constructed on the subject property.*
 43

44 **C. Regarding Part C of the proposed waivers, for a separation distance of 97 feet**
 45 **between the solar inverters and the perimeter fence in lieu of the minimum required**
 46 **275 feet:**
 47

- 48 (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of
 49 the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the

1 neighborhood or to the public health, safety, and welfare because: *relevant*
 2 *jurisdictions have been notified of these cases, and no comments have been*
 3 *received.*

4
 5 (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar
 6 to the land or structure involved, which are not applicable to other similarly
 7 situated land and structures elsewhere in the same district because: *the subject*
 8 *property has a sanitary sewer easement that prohibits the placement of the*
 9 *inverters farther north on the property.*

10
 11 (3) Practical difficulties or hardships created by carrying out the strict letter of
 12 the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or
 13 otherwise permitted use of the land or structure or construction because: *the*
 14 *sanitary sewer easement would prevent project construction.*

15
 16 (4) The special conditions, circumstances, hardships, or practical difficulties *{DO*
 17 */ DO NOT}* result from actions of the applicant because: *the petitioner was not*
 18 *aware of this requirement when they purchased the land for the project.*

19
 20 (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL*
 21 *CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible
 22 the reasonable use of the land/structure because: *the subject property has a*
 23 *sanitary sewer easement that prohibits the placement of the inverters farther*
 24 *north on the property.*

25
 26 7. ***THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE***
 27 ***COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE***
 28 ***PARTICULAR PURPOSES DESCRIBED.***
 29

30 Mr. Elwell entertained a motion to adopt the Summary of Evidence, the Documents of Record, and the
 31 Findings of Fact for Case 070-S-22, as amended.

32
 33 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, the Documents of**
 34 **Record, and the Findings of Fact for Case 070-S-22, as amended. The motion carried by voice vote.**

35
 36 Mr. Elwell informed Mr. Grilo that there was not a full Board present tonight and asked him if he would
 37 like the Board to continue to vote on Case 070-S-22 tonight.

38
 39 Mr. Grilo asked the Board to continue with the vote please.

40
 41 Mr. Elwell thanked him and entertained a motion to move to the Final Determination for Case 070-S-22.

42
 43 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 070-S-22.**
 44 **The motion carried by voice vote.**

45
 46 Mr. Elwell said he would be reading the Final Determination for Case 070-S-22 from Attachment H, page
 47 54 of 57 in Supplemental Memo #1, as follows:

FINAL DETERMINATION FOR CASE 070-S-22

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

The Special Use requested in Case 070-S-22 be GRANTED WITH SPECIAL CONDITIONS to the applicant, Donato Solar – Urbana LLC, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning district:

Subject to the rezoning in related Case 067-AM-22 and in addition to the Special Use Permit requested in related Case 068-S-22, authorize the following additional special use permits:

- A. A Special Use Permit for a second principal use; and**
- B. As the second principal use, authorize a photovoltaic solar array with a total nameplate capacity of 4 megawatts (MW), including access roads and wiring, as a County Board Special Use Permit and including the following waivers of standard conditions (other waivers may be necessary):**

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

Part B: A waiver for locating the PV Solar Array less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality per Section 6.1.5 B.(2)a.

Part C: A waiver for a separation distance of 97 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

Part D: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Zoning Board of Appeals, per Section 6.1.5 F.(9)a.(b).iv.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol- Yes	Roberts- Yes	Anderson- Yes	Herbert- Absent
Elwell- Yes	Wood- Yes	Bates- Absent	

Mr. Elwell congratulated Mr. Grilo on his five affirmative votes from the Board for Case 070-S-22. He said that staff would be reaching out to him.

Mr. Elwell entertained a motion to close the Witness Register for Cases 067-AM-22, 068-S-22, 069-V-22, and 070- S-22.

Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register for Cases 067-AM-22, 068-S-22, 069-V-22, and 070- S-22. The motion carried by voice vote.

7. New Public Hearings

Case 074-S-22

Petitioner: Medanos Solar LLC, via agent Kiera Gavin

Request: Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 and AG-2 Agriculture Zoning Districts, and including the following waivers of standard conditions:

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

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

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

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

Other waivers may be necessary.

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

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

Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands from those who would like to cross-examine, and each person will be called upon. He 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. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request prior to introducing evidence.

1 Kiera Gavin, P.O. Box 14055, Chicago, and said that she was here tonight to talk to the Board about their
2 proposal or project for Medanos Solar that will be located northeast of Homer, Illinois, and they were
3 applying for a Special Use Permit. She is a Project Developer with Cultivate Power; they are a distributed
4 generation or community scale solar project developer in the United States with Illinois being one of their
5 main focus markets. She said that she lives in Chicago now, but is originally from Palatine, Illinois, which
6 is a northwest suburb of Chicago. She said she was happy to be here tonight and thanked the Board for
7 their time, and especially to Ms. Burgstrom, who is great at her job and really keeps the process going and
8 keep things clear for them and for the Board as well. She said she would walk through a few things about
9 the solar farm, but it sounds like the Board and staff are all experienced or aware of solar projects in the
10 community.

11
12 Ms. Gavin referred to slide two from her PowerPoint up on the projector screen. She said for a little bit of
13 background in terms of community solar or what a community solar project is; last year Illinois passed
14 the Climate Equitable Jobs Act, which set the renewable portfolio standard or set their renewable targets
15 in the State, and community solar is one of the cornerstones of reaching that target. She said what a
16 community solar project is; it is a five megawatt or below project, but previously it was called a two
17 megawatt or below project. She said these community solar projects connect to the distribution level grid
18 rather than a transmission or the big powerlines that they see running interstate, and in this case, it would
19 connect to the local Ameren grid. She said any local Ameren customer would be able to subscribe to
20 power from one of these community solar farms, and there are different subscription programs, but they
21 offer subscribers a guaranteed savings of ten percent from this program.

22
23 Ms. Gavin referred to slide three from her PowerPoint. She said in terms of the community solar project
24 itself, first how do they choose these project locations or why are they here before the Board tonight
25 talking about this project. She said there is a lot that goes into a community solar farm and one of the
26 biggest things is the proximity to relevant infrastructure, so road infrastructure for accessing the site, and
27 most importantly the electrical infrastructure for being on or near an existing powerline on the roadway
28 excluding the high voltage powerlines, but just the powerlines that someone would see on their own street,
29 so a wooden pole with a tee at the top, and is the community solar farm near enough to a substation. She
30 said the next thing would be topography; is this site relatively flat so they can build on it and has limited
31 wetlands or other natural features that they don't want to be impacting. She said of course they need
32 interest from a landowner who chooses to or wants to have solar as a use for their land, they think about
33 the current use of the land and surrounding uses, and of course they think about county ordinances. She
34 said in Champaign County, they have a very thorough and thoughtful solar ordinance; one of the most
35 thorough she has seen or encountered across the state. She said that sets them up for a clear path forward
36 and clear guidelines in terms of how they are designing this site and what criteria are they thinking about
37 as they are working on a project.

38
39 Ms. Gavin referred to slide four from her PowerPoint. She said to dive into the site a little bit, it is on
40 County Road 1100 North and on the edge of Second Street in Homer, Illinois, which is kind of the same
41 road. She referred to the aerial picture from slide four with blue outlines of the parcel boundaries for all
42 of Terry Wolf's farm acreage, then their proposed 46-acre project area with green outline. She said they
43 have a bit of an odd shape here and this is kind of thinking about their target project area, which she had
44 mentioned is based on electrical infrastructure, so they would have to be as close to the substation as
45 possible; in this case, that would mean as far west and as far south as possible. She said they are also
46 keeping in mind how near they are, how are they impacting their neighbors, and how are they complying
47 with the County setback requirements. She said some other things she will mention here is the Zoning
48 District is AG-1 and AG-2 across these parcels. She said it is a five-megawatt solar project, so annually
49 they would anticipate this would have enough power output to provide electricity to 1,100 homes.

1 Ms. Gavin referred to slide five from her PowerPoint. She said she would take them north from County
2 Road 1100 North. She said this project would have a single access point off County Road 1100 North and
3 if they follow the gravel access road to its end, they have the two equipment pad locations, so these are
4 the only source of concrete on the site, and that is where the two inverters and two transformers would be
5 on the project, so those are the two tiny boxes that they can see there. She said the majority of the site area
6 is the solar panels themselves, so these would be single axis trackers on steel mounted posts that are driven
7 into the ground, so again, very limited concrete across the whole project area. She said the single axis
8 tracker concept is for them to follow the sun, so these solar panels are tilted to the east in the morning, flat
9 during the day, and tilted west in the evening before they rest briefly at the end of the day. She said the
10 other element she will point out is that the whole project area is surrounded by a seven-foot chain link
11 fence as required by the National Electrical Code, and there is gated access that would be for project and
12 emergency personnel only. She said if they come back down the gravel access road towards County Road
13 1100 North, there will be about five or six electrical poles installed for their interconnection with Ameren.
14 She said this is consistent for any community solar project, that there is required equipment both for the
15 project and Ameren side, that measure the output of the solar farm and safety equipment if they ever
16 needed to disconnect the project from the grid. She said the other things she will point out here are in
17 working on this project given the proximity to the Village of Homer; she has been in consultation and in
18 discussion with the town throughout this process, so the original site plan was slightly different when she
19 first submitted their application in September 2022, and after two trustees meetings and community
20 discussion with the Village of Homer, they made some adjustments to the site plan based on their
21 feedback.

22
23 Ms. Gavin referred to slide five from the PowerPoint. She said the Board will notice this area here is based
24 on the Champaign County Zoning Ordinance, which is a less than ten-acre parcel or maybe it's ten acres.
25 She said the required setback there would be 240 feet, so they were making use of this area, again, priority
26 being closer to the infrastructure. She said after conversations with the Village of Homer they wanted a
27 further setback or increased distance from their Village of Homer building, which is the property furthest
28 west along County Road 1100 North, and so they doubled the initial 240-foot setback, so this is now a
29 480-foot setback that is in their site plan. She wants to make clear if that could be a condition of their
30 approval based on their conversations with the Village of Homer. She would like to highlight that a big
31 part of their conversation with the Village of Homer was a drainage tile that runs across this property, and
32 continues east and empties out at County Road 2800 East and the Vermilion County line shown off their
33 map. She said this was another big question or concern and the Champaign County Zoning Ordinance
34 does outline a lot of drainage tile protection. She said given their understanding of the drainage tile's
35 existing location, a lot of the Village of Homer Trustees, the folks that worked for the Village of Homer,
36 and the landowner Terry Wolf had a sense of the drainage tile's location, so they decided future steps
37 would be to eventually be mapping and outlining the exact location of the drainage tile. She said they went
38 ahead and implemented an anticipated drainage tile location or best understanding of where that drainage
39 tile is as well as a buffer from that drainage tile on their proposed site plan, which will be officially
40 mapped, appropriately buffered, and avoided in the final site plan.

41
42 Ms. Gavin referred to slide six from the PowerPoint. She said she wanted to share a few images; first the
43 Board can see the single axis tracker panels at midday and then the image below they can see the
44 equipment concrete pad. She said this would be an example of one transformer and one inverter, so there
45 would be two of what the Board sees in this image next to each other on this five-megawatt project.

46
47 Ms. Gavin referred to slide seven from her PowerPoint. She said she did want to take some time to talk
48 about agricultural preservation, so this proposed solar farm project is in the AG-1 and AG-2 Zoning
49 Districts, and agriculture is integral to Illinois and Champaign County. She said first she wants to touch

1 on some of the elements in terms of how solar is compatible with agricultural land; it's a temporary use
2 of the land even though 30 to 40 years is quite a long time, but it does maintain the permeable nature of
3 the land throughout the project lifetime due to the limited concrete, so it is not going to impact runoff
4 patterns or infiltration. She said they had already talked about field drainage tiles, but they are located
5 ahead of construction, designed around, or repaired when impacted. She said the land would be seeded
6 with native Illinois grasses and in this case Illinois pollinator friendly vegetation that maintains the quality
7 of the soil throughout the project lifetime, and reduces erosion and runoff, and the agricultural land lies
8 fallow during this proposed project's lifetime allowing the natural biological process to rejuvenate the
9 soil. She said once the decommissioning is complete, they would still have healthy soil there ready to be
10 farmed once again if that is what the landowner chooses to do at that time. She said beyond those natural
11 facets of solar compatibility with agriculture; Champaign County has thoughtful standards on this front,
12 so the Right to Farm provisions as it pertains to this land and neighboring lands, drain tile requirements,
13 topsoil compaction, rutting, and leveling, erosion and sedimentation control, and vegetation requirements,
14 they are all outlined very clearly, and their proposed project would comply with those. She said beyond
15 the Champaign County standards there are also the Agricultural Impact Mitigation Agreement standards,
16 which are well aligned with the Champaign County standards, and an additional layer of enforcement of
17 those standards.

18
19 Ms. Gavin referred to slide eight from her PowerPoint. She said the Champaign County requirement for
20 the decommissioning process is a really important element. She said they have requested a waiver from
21 submitting a decommissioning plan ahead of this Special Use Permit public hearing, that would be
22 something they would submit ahead of the Zoning Use Permit. She said it would be compliant with all the
23 outlined requirements in the Champaign County Zoning Ordinance for decommissioning, including
24 provisions for removal of all structures, reseeded any grading, soil quality insurance, or replacement that
25 needs to happen. She said that she would mention the letter of credit; they are prepared to put a letter of
26 credit in place that covers that financial assurance for 150 percent of the decommissioning cost estimate,
27 so that would be a cost provided by an Illinois Licensed Professional Engineer. She said prior to the Zoning
28 Use Permit Application, that letter of credit would be put in place. She referred to the Agriculture Impact
29 Mitigation Agreement requirements, which similarly outlines and wants to make assurances regarding
30 decommissioning, and with decommissioning there are significant financial benefits to the recycling of
31 the solar farm materials and a growing industry for material recycling, so there are certainly project
32 incentives or incentives for a project owner to successfully complete the decommissioning, and then they
33 have that letter in place in case anything were to occur to the contrary.

34
35 Ms. Gavin referred to slide nine of her PowerPoint. She said she wanted to touch on some of the attributes
36 or requirements within the Special Use Permit Application, including why is this proposed use necessary
37 for the public convenience at this location. She said beyond supporting or reaching the statutory
38 requirement for renewable energy; this would bring local clean energy to the county, opportunity for local
39 subscribers to save on their electricity bill and increase local property taxes. She said why this location is
40 ideal, but she won't repeat herself on those elements. She said in terms of the reasons that the proposed
41 land use is designed, located, and operated so that it will not be injurious to the district or neighbors, the
42 proposed project would not be injurious to the district, the surrounding area, or the public welfare, because
43 solar is a proven tested safe technology, it is a low-impact development, and would not have an impact on
44 neighbors or neighboring property values. She said the project is designed and certified by professional
45 engineers according to all applicable standards and codes, and the project's development would improve
46 the health and economic development of the surrounding area.

47
48 Ms. Gavin referred to slide ten of her PowerPoint. She said does the proposed use conform to all applicable
49 regulations and standards of and preserve the essential character of the district; yes, the proposed use

1 conforms to the regulations and standards of the AG-1 and AG-2 Zoning Districts. She said the project
2 would not impact the essential character of the district, because it is a low-profile temporary installation,
3 and it will hopefully eventually blend into and kind of feel like a natural part of the landscape. She said
4 the project won't produce any emissions or pollution, and would not inhibit neighboring ability to farm,
5 enjoy their property as its current use, or any future planned uses. She said that after the project's lifetime
6 it would be fully decommissioned and removed.

7
8 Ms. Gavin referred to slide 11 from her PowerPoint. She said that she does want to talk on property taxes
9 as this is a strong local incentive or local benefit for the proposed project.

10
11 Mr. Elwell asked Ms. Gavin if he could interrupt her for one moment. He asked her if she could scroll
12 back to the slide ten from her PowerPoint. He asked her if she could explain to him the maximum height
13 of the panel of 12 feet.

14
15 Ms. Gavin said yes, so that is a high range maximum, but if they are thinking about the panel tilted, that
16 is kind of without being at the point of the detailed design level, not having tested this soil type, how deep
17 would they need be driving the piles in, and how low could the panels be, that is kind of their best estimate
18 at this point of maximum height. She said if they are thinking about the beginning of the morning or at
19 the end of the day, that would be from ground to high end of the panel.

20
21 Mr. Elwell thanked Ms. Gavin.

22
23 Ms. Gavin referred to slide 11 from her PowerPoint. She said to talk a little bit about property taxes, the
24 top left table outlines how solar farms are assessed based on the project's megawatt size. She said if they
25 are thinking about 46 acres or a fraction of Terry Wolf's farm, that taxed value in 2021 was around \$2,500.
26 She said in the first year of operation of a solar farm on those acres, they would be looking at almost
27 \$30,000. She will flag right away that, that number as they can see in the table on the right does go down
28 annually; there is a depreciation factor in this property tax calculation that was created by the State. She
29 said even at its lowest, which is one-third of its original value, is kind of the maximum depreciation they
30 could claim, but they would still be looking at a multifold increase on what the assessed value would be
31 as an agricultural use. She said the table on the bottom left outlines a little bit on who the taxing bodies
32 are that would be benefiting from those property taxes and the majority is for the local school district.

33
34 Ms. Gavin referred to slide 12 from her PowerPoint. She said in terms of local engagement beyond
35 conversations with Champaign County level, she wanted to point out discussions they have been having
36 along the way and hope to continue having. She had mentioned the conversations that they have had with
37 the Village of Homer. She said beyond that in terms of roads, she was in discussions with the County
38 Engineer, Jeff Blue, who provided a waiver for their use of the county roads, and continuing discussions
39 with the Village of Homer since they are crossing jurisdictions between county and town roads, so
40 continuing discussions with the mayor and the trustees there. She has been in touch with the Fire
41 Department and Fire Chief, Don Happ, who has seen the proposed project site and didn't have any
42 questions at the time; they had talked about access and an important element of 24/7 open line of
43 communication with emergency services. She said they have also consulted for the proposed project with
44 Illinois Department of Natural Resources and Champaign County Soil and Water Conservation District.

45
46 Ms. Gavin referred to slide 13 from her PowerPoint. She said in summary, she would like to leave the
47 Board with some of the benefits that they think about as they are hoping to bring new solar farms into
48 communities. She said first, this is locally generated green energy without the cost and hassle of rooftop
49 solar, the potential to benefit renters, and those who can't afford rooftop with the subscriber's savings.

1 She said it is a quiet and low-maintenance development that is environmentally safe and pollution free,
2 and there are economic benefits on the table for the landowner as well as significant property tax revenue
3 for the community. She said she would pause there and would be happy to take any questions from the
4 Board or staff that they might have.

5
6 Mr. Elwell thanked Ms. Gavin and entertained a motion to return at 8:35p.m. for a break.

7
8 **Mr. Randol moved, seconded by Mr. Wood, to return at 8:35p.m. for a break. The motion carried**
9 **by voice vote.**

10
11 Meeting resumed at 8:35p.m.

12
13 Mr. Elwell asked if there were any questions from the Board.

14
15 Mr. Wood said this question might be for staff, but on the wind farm decommissioning plan, they have it
16 updated once every three years or something like that. He said he doesn't see any time frame for updating
17 that here, because obviously over time costs are going to go up.

18
19 Mr. Hall said that staff would report back to him on the next meeting, but he knows it does require
20 updating.

21
22 Ms. Gavin said another element that she could add is those plans often factor in some sort of annual
23 inflation rate, but they would be compliant with whatever is required.

24
25 Mr. Wood said hopefully inflation won't be as high as it has been in the past year.

26
27 Ms. Gavin said hopefully.

28
29 Mr. Hall said yes, it is every three years for the first 12 years, and then every two years thereafter.

30
31 Mr. Wood asked if it said it for both.

32
33 Mr. Hall said yes.

34
35 Mr. Wood said okay.

36
37 Mr. Hall said as the Board remembers, they have seen several solar farms lately and have several more to
38 go, they may have some future wind farms, in addition to the one wind farm. He said he and Ms. Burgstrom
39 are not joking when they say in the future, they are going to need one staff person just to keep track of all
40 of the letters of credit and escrow accounts for wind farms.

41
42 Mr. Wood said yes.

43
44 Mr. Elwell said that sounds like an exciting job.

45
46 Mr. Hall said it is exciting if something goes wrong.

47
48 Mr. Elwell said very true. He referred to Part A in the Request from the Preliminary Memorandum and
49 asked if the Village of Homer building in the lower left corner of slide five from Ms. Gavin's PowerPoint

1 was the waiver requested for zero feet between the PV Solar Farm and the municipal boundary.

2
3 Ms. Burgstrom answered yes.

4
5 Mr. Elwell asked if there any other questions from the Board.

6
7 Mr. Randol referred to Part D in the Request from the Preliminary Memorandum. He said a waiver for
8 not completing consultation with the State Historic Preservation Officer of the Illinois Department of
9 Natural Resources prior to consideration of the Special Use Permit should be required on any land.

10
11 Ms. Burgstrom said this is required and it is something the petitioner would provide at a later time. She
12 said to her understanding, the State Historic Preservation Office has a backlog right now and that is holding
13 things up from getting one immediately, but it is something that they are required to have and would
14 provide.

15
16 Mr. Randol asked her if the petitioner would provide it before any construction.

17
18 Ms. Burgstrom said correct.

19
20 Mr. Elwell referred to Part C in the Request from the Preliminary Memorandum. He asked her if that
21 would be ironed out prior to any construction.

22
23 Ms. Burgstrom said yes, correct. She said a Roadway Upgrade and Maintenance Agreement or a waiver
24 is required. She said the petitioner has a waiver from the County Highway Department for the portion that
25 is on the County Highway 15, however, there is about a two-block area within the Village of Homer that
26 the petitioner is still working with the Village of Homer on as to whether that would be a Road Upgrade
27 and Maintenance Agreement or waiver.

28
29 Ms. Gavin said the trustee in the Village of Homer who is focused on roads is their newest trustee who
30 recently started, so their conversations with the mayor and that trustee regarding a Roadway Upgrade and
31 Maintenance Agreement or waiver, that is why that is not settled ahead of this meeting.

32
33 Mr. Wood asked her if it was the short section on County Road 1100 North that gets to their access gravel
34 driveway on the proposed project site. He asked if that was the only access gravel driveway going into the
35 whole proposed project site.

36
37 Ms. Gavin said yes, that is the only access gravel driveway. She said part of the Roadway Upgrade and
38 Maintenance Agreement would be roads that are within the Village of Homer's jurisdiction and would be
39 the road southwest of the proposed project site on East Second Street within the Village of Homer. She
40 said they would be coming down from the north on Illinois Route 49 and turning east onto East Second
41 Street to access the proposed project site, because they are going through their road jurisdiction, that is
42 why they are in consultation with them as well as the County Highway Department.

43
44 Mr. Wood said County Road 1100 North going west to Illinois Route 49 and asked if that was a Class B
45 Road.

46
47 Mr. Hall said inside the Village of Homer is the Village of Homer's jurisdiction, and that is why the
48 petitioner is still talking to the Village of Homer about that.

49

1 Mr. Wood said it is a full two-lane highway is what it is because it is not a county road.

2
3 Ms. Burgstrom said if she recalls it has an urban cross section rather than a rural oil and chip road.

4
5 Mr. Elwell asked if there were any further questions from the Board or staff. Seeing none, he asked if
6 anyone would like to cross-examine this witness. Seeing Ted Hartke, he called for him to come to the
7 cross-examination microphone and state his name.

8
9 Theodore Hartke said he had a few questions for the applicant and staff, and one of his major issues is
10 noise. He said in the application, which he was reviewing right before tonight's meeting, it looks like there
11 is no noise study that has been created for this proposed project and asked if that was correct.

12
13 Ms. Gavin said that is correct.

14
15 Mr. Hartke said the previous case that was heard at tonight's meeting and got approved had a noise study
16 completed. He said their noise study seemed adequate and he doesn't have any issues with it, but why
17 would this case not have a noise study, which is in a much quieter area, smaller town, and more rural,
18 compared to the one just north of City of Urbana since this is probably more of a noise sensitive area.

19
20 Ms. Burgstrom said she could answer part of that at least. She said the community solar farms, which are
21 five megawatts or less, are not required to have a noise study unless the Zoning Board of Appeals
22 determines that they would like to have one. She said for the Oaks Road / Donato case that they just had,
23 they voluntarily provided a noise study for their sites, but it is not required.

24
25 Mr. Hartke said just because it is classified as a community solar project and can have stock sold to
26 individuals and asked if that was why the noise study is not important.

27
28 Ms. Burgstrom said she would not say that noise is not important, but it's just a noise study is not required;
29 they still have to meet the required limits even though they don't have to have a noise study that shows
30 that.

31
32 Mr. Hartke said the noise limits are in place, so just no noise study to prove it.

33
34 Mr. Elwell said that Ms. Gavin didn't give testimony tonight about a noise study, so if he would like to
35 testify, he can do so later.

36
37 Mr. Hartke said the plans show the noise level of the inverter and it is very concerning that their application
38 has the noise level of the inverter, and he is going to pull it up here and would like to ask his next question.
39 He asked if the inverter in this project was really 67dB at ten meters away.

40
41 Ms. Gavin said yes, that is the rating based on the specification sheet.

42
43 Mr. Hartke asked her if she knew the noise level that would be at the nearest property lines to the
44 neighbors.

45
46 Ms. Gavin said that because they haven't done a noise study, they don't have an exact answer. She said if
47 he is thinking about decibel comparisons, then 67dB at ten meters away, which would be little over 30
48 feet away, a good comparison at 30 feet away is less than the noise of a vacuum cleaner.

49

1 Mr. Hartke said he understands and knows about noise.
2
3 Ms. Gavin said okay.
4
5 Mr. Hartke said okay and asked how many inverters there were.
6
7 Ms. Gavin said yes.
8
9 Mr. Hartke asked her how far away those two inverters were from the neighbors.
10
11 Ms. Gavin said she doesn't have an exact measure, but if they are looking straight south from the inverters,
12 at the very least the Village of Homer building would have 480 feet from their north property line to their
13 building, but their fence line to their building would be about 1,000 feet and the inverters are kind of in
14 from the fence line a bit. She said from the fence line to the southeast neighbor would be over 500 feet
15 and then the inverter is west a bit, so significantly above the 30 feet away where they would be hearing a
16 vacuum cleaner. She said there is research that says these inverters are at background noise level around
17 150 feet, so they are well surpassing those distance ranges and meeting the noise requirements of hearing
18 the inverters outside of the property boundary.
19
20 Mr. Hartke asked her if she was testifying that they would not hear the inverters outside of the proposed
21 solar farm property boundary.
22
23 Ms. Gavin said yes, based on her understanding of the inverter noise rating and specifications, they would
24 be meeting the Illinois Pollution Control Board noise requirements and believes they wouldn't hear the
25 inverters outside of the property boundary.
26
27 Mr. Hartke said he knows about the Illinois Pollution Control Board noise levels. He asked her if she knew
28 what the noise level was that starts sleep disturbances.
29
30 Ms. Gavin said she doesn't.
31
32 Mr. Hartke said without a noise study, then how could they know that the neighbors are not going to be
33 disturbed by noise.
34
35 Mr. Elwell said that Ms. Gavin hadn't testified to a noise study.
36
37 Mr. Hartke said as he was asking questions, she had said there was going to be no noise heard beyond the
38 proposed project limits and he thinks that is incorrect and asked them if they could hold her to that.
39
40 Mr. Elwell said he would give him time to testify in this case.
41
42 Mr. Hartke said he plans to testify in depth on the noise item and he doesn't know the petitioner could get
43 a five-megawatt project, which identifies as a community solar project.
44
45 Mr. Elwell told him he was testifying right now.
46
47 Mr. Hartke said okay and asked if he was allowed to ask questions to staff about how they determined that
48 a five-megawatt project doesn't have to have a noise study to prove the neighbors are not going to have
49 disturbances and asked how do they get there.

1 Mr. Elwell told him that Ms. Burgstrom had just stated that for a five-megawatt community solar project,
2 that it wasn't required in the Zoning Ordinance; it could be required by the Board, but not in the Zoning
3 Ordinance.

4
5 Mr. Hartke said he would like to plead to have some noise measure.

6
7 Mr. Elwell told him that at that point when he testifies, he could have that conversation.

8
9 Mr. Hartke said okay, he understands. He said in the Special Use Permit it stated the placement of the
10 inverters on the proposed project site plan and asked what the purpose was of the placement of the inverters
11 so close to the Village of Homer building, which the Village of Homer has agreed to, but what about the
12 neighbors to the east and the southeast area. He asked if those folks have any input on where the inverters
13 would be located on the proposed project site.

14
15 Ms. Gavin said they had not discussed with those neighbors where the inverters would be located on the
16 proposed project site.

17
18 Mr. Hartke said okay, could the inverters be placed further north on the proposed project site.

19
20 Ms. Gavin said right now this is their optimal inverter placement, they are thinking of their whole proposed
21 project site area having been shifted north based on the Village of Homer's feedback. She said this is
22 currently their inverter design and believes they could investigate iterations if the Board requests or
23 requires that of them for inverter location.

24
25 Mr. Hartke asked if the developer is open to moving inverters if the citizens request. He told her that these
26 inverter positions are...

27
28 Mr. Elwell interjected that this is testimony.

29
30 Mr. Hartke said okay, but Ms. Gavin doesn't know him.

31
32 Mr. Elwell told him questions only.

33
34 Mr. Hartke said but Ms. Gavin doesn't know.

35
36 Mr. Elwell said right, he understands, but when he tells Ms. Gavin something, that is not a question.

37
38 Mr. Hartke said he understood.

39
40 Mr. Elwell told him to keep it to questions and then he would be more than happy to give him testimony
41 time afterwards.

42
43 Mr. Hartke said he would try to keep his comments in a question form. He asked Ms. Gavin if they could
44 accommodate a noise sensitive neighbor with this proposed project site.

45
46 Mr. Elwell told him that Ms. Gavin had not testified to that.

47
48 Mr. Hartke asked him how he could ask questions and get answers with the developer, because he wasn't
49 allowed to ask these questions during the establishment of the Special Use Permit, and the rules and

1 regulations that they created for the Zoning Ordinance. He said he was supposed to wait until there was a
2 specific proposed project, because he wasn't allowed to ask any specific questions when the County was
3 trying to make the rules to begin with. He said now they have a specific project in front of them and he
4 can't get an answer on a land use item, which has some noise requirements in their Zoning Ordinance
5 except this case happens to be exempt, because it happens to have a community name to it. He feels like
6 the petitioner has a free pass for some reason for this proposed project.
7

8 Mr. Elwell told him in the Administrative Case statement that he had read at the beginning of this case
9 says, "no new testimony is to be given during cross-examination," so when he does testify, he can ask
10 them and they deliberate, and possibly get him that information.
11

12 Mr. Hartke said he is going to testify in detail on giving them a hard time about that later.
13

14 Mr. Elwell told him he would have that time.
15

16 Mr. Hartke asked Ms. Gavin if the developer went and visited any of the neighbors in the east or south
17 direction.
18

19 Ms. Gavin said she did not do neighbor door knocking, but she did send letter to the neighbors within 250
20 feet of the property lines, and then held an open meeting at the Village of Homer to anyone in the
21 community, which was publicized by the Village of Homer on their town Facebook page.
22

23 Mr. Hartke asked her if they had community meetings with the Village of Homer and they had sent letters
24 to the adjacent landowners.
25

26 Ms. Gavin said correct.
27

28 Mr. Hartke said okay, he thinks that he had gotten a little flustered here. He said he is going to have more
29 questions and asked if there will be an opportunity to ask more later if another individual comes up, so he
30 doesn't sit here and ramble.
31

32 Mr. Elwell said yes, there is going to be a second meeting to talk about this case and with the Board, so
33 he would be able to have that opportunity at that time.
34

35 Mr. Hartke said that is all the questions he has for now and thanked them.
36

37 Mr. Elwell thanked him and asked if anyone else would like to cross-examine this witness and to please
38 state their name.
39

40 Adam Douglas Young, 2758 County Road 1100 North, Homer, said if they see that big section to the
41 south by the proposed project site property, that is his house. He said the one that Ms. Gavin never talked
42 about or had anyone come talk to them, that is his property that he owns. He said as they would be
43 concerned, he is too, and he just found out about this yesterday, that is a true story.
44

45 Mr. Elwell told him he was giving testimony at this point, and he would be more than happy to give him
46 the time that he needs during testimony.
47

48 Mr. Young said sorry and okay. He said the Village of Homer building has a 480-foot setback, that the
49 petitioner has talked to the Village of Homer about. He asked about his setback and how much his setback

1 would be on his property.
2
3 Ms. Gavin said the setback from his rear property line is 240 feet, which is the County requirement.
4
5 Mr. Young asked if there would be a noise barrier for the proposed project site.
6
7 Ms. Gavin said they are not proposing installation of a noise barrier for the proposed project site.
8
9 Mr. Young asked if his property taxes would increase.
10
11 Ms. Gavin said the installation of the proposed project shouldn't have any impact on his property taxes or
12 his property value.
13
14 Mr. Young told her that she had just stated in her PowerPoint proposal tonight, that the property taxes
15 would increase. He told her she could go back through her slides, because his property taxes are \$8,000
16 annually.
17
18 Ms. Gavin said on slide 11 is the property taxes she had outlined are the assessed value of the solar farm
19 itself on her PowerPoint proposal tonight, even if he is thinking about the whole footprint of the solar
20 farm.
21
22 Mr. Young told her it wasn't slide 11 and asked her to keep going back, that she would find the slide and
23 show her it says property taxes would increase. He told her right there on slide nine it says, "increase local
24 property taxes," and asked her if she would like him to read it for her.
25
26 Ms. Gavin said apologies for any kind of lack of clarity, she doesn't anticipate the proposed project would
27 have any impact on his property taxes. She said slide 11 means the tax base or value of the solar farm,
28 they would be paying and taxes would increase, that is the table at the end where there is a lot more taxes
29 being paid, that is all this is saying on slide nine. She said this was not meant to imply there would be any
30 impact on his property taxes – sorry for the confusion
31
32 Mr. Young asked what this 46- acre solar farm was going to do to his property value.
33
34 Ms. Gavin said there has been a lot of studies from universities and assessors extensively in Illinois and
35 in the Midwest, that show that installation of a solar farm doesn't have a negative impact on property
36 values of neighboring residences.
37
38 Mr. Young asked her if she had a wind or solar farm outside her house.
39
40 Mr. Elwell said she didn't testify to that.
41
42 Mr. Young said it was a question.
43
44 Mr. Elwell said she didn't testify to that.
45
46 Mr. Young said he thinks they could all see what his issues are, and he hopes they will help him.
47
48 Mr. Elwell said he was providing testimony, so he would be more than happy to have him come up and
49 speak his peace, but right now at this point in the case, it is cross-examination to the petitioner.

1 Mr. Young asked why he wasn't informed of this personally and Ms. Gavin had said they put it on a
2 Facebook page for the Village of Homer, and how would he know about that if he didn't have Facebook.

3
4 Ms. Gavin said she does apologize if he hadn't heard about the communication for the Village of Homer,
5 she did send letters before tonight's meeting, but she should have sent letters to the neighbors prior to that
6 community meeting. She is happy to talk further or answer any questions right now, after tonight's
7 meeting, or before the next meeting they would be having here as well.

8
9 Mr. Young thanked her for her time.

10
11 Mr. Elwell thanked him and asked if anyone else would like to cross-examine this witness and if so, please
12 raise their hand, and step up to the cross-examination microphone and clearly state their name.

13
14 Jacob Smith, 306 South East Street, Homer, said he has several questions here that he had made as notes
15 during Ms. Gavin's presentation, and the questions are roughly in chronological order, so it will be
16 jumping around a bit – please bear with him. He referred to the Ameren user subscription she had
17 mentioned earlier tonight and asked her about any details for how that would function and is that through
18 Ameren's end.

19
20 Ms. Gavin said she wants to be clear that she is not promoting any given subscription service, but there
21 are a range of subscription offerings across the State, that connect with or loop up with these different
22 community solar farms and offer subscriptions. She said what she would recommend is what she had
23 linked here, this Citizens Utility Board, which is a consumer protection group for all Illinois utility
24 consumers. She said they have guidance, recommendations, and ideas about those subscription programs
25 that they recommend for residences or anyone who is looking to subscribe. She said she can talk a little
26 bit through the logistics of what a generic subscription program would look like – if that was what his
27 question was.

28
29 Mr. Smith said not so much, he was more curious whether that was their purview or more related to
30 Ameren itself.

31
32 Ms. Gavin said got it, so there is typically some solar subscription aggregator, so it is a bit independent of
33 Ameren.

34
35 Mr. Smith said okay and asked her about the Ameren junction, because she said they would install several
36 powerlines running from the County Road 1100 North up toward their proposed project site. He said that
37 region is exposed and asked what plan was in place with the location of that junction, what the
38 infrastructure is like, and how it would look from the cemetery there, because it would be south of the
39 Village of Homer building and the surrounding areas.

40
41 Ms. Gavin said yes, there would be five to six utility poles, she thinks she had mentioned they would be
42 parallel to their access gravel driveway. She said the utility poles would be sort of next to the Village of
43 Homer's parking lot and recycling collection, then their electrical connection from the final utility pole up
44 to the transformers would be underground electrical.

45
46 Mr. Smith asked her if the utility poles would be the only thing above ground.

47
48 Ms. Gavin said yes, poles and interconnection to the existing overhead pole that is along County Road
49 1100 North.

1 Mr. Smith said he was going to follow up a little bit on Mr. Hartke's question about the inverters. He said
2 given the location of the currently designed inverters and asked if they would be visible from the Village
3 of Homer building for instance and would there be any provision made for obscuring the noise, sound, or
4 visual, or are they going to be hidden by the panels' poles.
5

6 Ms. Gavin said sorry, she doesn't know the typical inverter height off the top of her head, so she can't
7 quite speak to their visibility from the road.
8

9 Mr. Smith said he would rephrase his question more generally; he is concerned about the sightliness of
10 the landscape from the area of the Village of Homer building and asked what plans they have to address
11 a good-looking landscape from that public area.
12

13 Ms. Gavin said yes, so they do have a vegetation plan, including weed control and vegetation maintenance
14 for the property, then in terms of site distance from the back of the Village of Homer building, the project
15 area is about 1,000 feet away, so they would be off in the distance, that is kind of what they are thinking
16 in terms of vegetation and upkeep in following the weed control plan well.
17

18 Mr. Smith said he had a follow up question naturally given she had brought up the vegetation. He said
19 they would be planting native grasses underneath the panels in that area and asked her what kind of native
20 grasses and if she had that sketch plan before her tonight.
21

22 Ms. Gavin said yes, so they have a vegetation management plan that was submitted as a part of the Special
23 Use Permit application. She said there would be a wide range of vegetation that is local to Illinois prairie
24 grasses, and those are chosen by vegetation experts and to align with the Illinois Pollinator Friendly
25 Scorecard for solar farms.
26

27 Mr. Smith asked her what they had planned for the maintenance of the prairie grasses.
28

29 Ms. Gavin said their plan outlines maintenance and maintenance recommendations, including mowing in
30 the early years and months in project operation for weed control, and outlines continued with an annual
31 site visit and mowing maintenance for those prairie grasses while they are establishing, and always
32 ensuring the height of the grasses don't exceed the low-end height of the panels.
33

34 Mr. Smith asked if they had any plan or design around prairie plants that require fire as a part of their life
35 cycle.
36

37 Ms. Gavin said not to her knowledge.
38

39 Mr. Smith said okay, he has two more questions here and give him a moment to decipher them. He said
40 regarding their decommissioning, she gave a brief mention during her discussion of regulations that
41 currently exist regarding their decommissioning and yet at the same time their proposal requests a waiver
42 for submitting a decommissioning plan. He asked why they are requesting a waiver or are these
43 requirements not detailed enough to be their decommissioning plan.
44

45 Ms. Gavin said it is like a ladder, so they would provide ahead of the Zoning Use Permit Application a
46 more extensive decommissioning plan that outlines the exact cost estimate of taking out all the materials
47 from the site and she highlighted the requirements on slide eight from her PowerPoint as a clarification,
48 that they would be meeting all the decommissioning requirements when they create that plan, but yes the
49 plan will be much more detailed.

1 Mr. Smith said okay.
2
3 Mr. Elwell said that would be given to the County Board before there is an up or down vote.
4
5 Mr. Smith said okay.
6
7 Mr. Smith said he doesn't know if this would be testimony and asked if there would be illumination at
8 this proposed site and if so to what degree, because he would be living in town and his parents live nearby,
9 and there is a fair bit of light pollution from what is in town now and would they be adding to that.
10
11 Ms. Gavin said to clarify and asked him if he meant installed light like lighting on the proposed site.
12
13 Mr. Smith said yes.
14
15 Ms. Gavin said there would not be.
16
17 Mr. Smith said that answered his questions and thanked them.
18
19 Ms. Gavin thanked him.
20
21 Mr. Elwell asked if anyone else would like to cross-examine this witness, and if so, please step forward
22 and state their name and ask their questions.
23
24 Suzanne Smith said that she had a few questions to follow-up with the others. She asked if the public gets
25 to review and comment on the decommissioning plan, that will come at a later date.
26
27 Mr. Elwell said she would have all the time that she wants to testify before the Board.
28
29 Ms. Smith said this doesn't apply to what she is talking about in terms of decommissioning.
30
31 Mr. Elwell said that as soon as they are done with the cross-examination, he is going to open Ms. Gavin's
32 seat for anyone to have public comments at that point.
33
34 Ms. Smith said right.
35
36 Mr. Elwell asked her if that answered her question.
37
38 Ms. Smith said not really, she thought she was following up on Ms. Gavin's testimony with the
39 decommissioning plan and she was just wondering when she was commenting that there would be one
40 and asked her when that would come and when it does come, then does the public get to see it beforehand
41 and make comment on it.
42
43 Mr. Elwell said he understands and referred to Ms. Burgstrom.
44
45 Ms. Burgstrom said the Decommissioning and Site Reclamation Plan has to come before the Environment
46 and Land Use Committee of the County Board, and that would become part of a packet that gets released
47 generally about a week before the meeting and it is available online. She said ELUC has a public
48 participation period that allows five minutes per person, so if she would like to provide comments to
49 ELUC or to staff, they can make the ELUC members get those comments, and they would be responsible

1 for approving that Decommissioning and Site Reclamation Plan.
2
3 Ms. Smith asked how she would receive that notice.
4
5 Ms. Burgstrom said she could make sure she gets it if she writes it down, they don't have an official way
6 other than that.
7
8 Ms. Smith said okay, thank you, and asked Ms. Gavin what class the panels would be.
9
10 Ms. Gavin said she couldn't answer that at this time, they haven't procured the panels yet for this project.
11
12 Ms. Smith asked her if she knew that the panels had different classes and grades of quality.
13
14 Ms. Gavin said yes.
15
16 Ms. Smith asked her if they planned to use good quality panels for this project.
17
18 Ms. Gavin said she wasn't sure if she was supposed to answer, but yes.
19
20 Ms. Smith asked her if they intend to use a good grade and quality.
21
22 Ms. Gavin said yes, and these panels would be compliant with the National Electrical Code, designed by
23 Illinois Licensed Professional Engineers, and be of quality where they are choosing panels, they hope to
24 endure this 25-, 35-, and 40-year project lifetime.
25
26 Ms. Smith said she would like to follow-up on Ms. Gavin's comment she had made about how this project
27 would blend into the landscape and if that is a temporary structure. She asked her if she could elaborate
28 on how she intends to see it blend into the landscape.
29
30 Ms. Gavin said with their project placement so far back from County Road 1100 North and from any
31 adjacent properties, thinking about this distance of this project from the roadway and the low profile of
32 seven-foot fence and a maximum of 12-foot panels, she doesn't think it is something that the public is
33 going to see or notice frequently in their interactions or daily lives given the distance they are thinking
34 about. She said they are looking at two football fields or more away from County Road 1100 North, which
35 is a good setback location away from the main traffic.
36
37 Ms. Smith asked if the landowner would be farming between the boundary of the Village Hall and the
38 project site.
39
40 Ms. Gavin said she would not speak for Terry Wolf, but her understanding is yes, he will be continuing,
41 or he currently has a tenant farmer who will be continuing to farm the remaining acreage of the farm.
42
43 Ms. Smith said Ms. Gavin mentioned that she is not a botanist. She said in the site plan, Ms. Gavin talks
44 about using the pollinator species. She said they are farmers in the area, and they do. She said there is a
45 challenge in establishing and maintaining these native plants. She said she just saw the plan this evening
46 and she looked at the page with the species list, which is very, very extensive and impressive, but in reality,
47 that is going to be very challenging. She said she is wondering what applications, does she know more
48 specifically, will be used to maintain that. She said mowing generally inhibits native plants and in the plan
49 it said there were going to be up to six mows per year which she thinks would inhibit the native plant

1 growth. She said initially they will need that, but she was wondering what they have in mind long term.
2
3 Ms. Gavin said it's a good question; she thinks the best thing she can point to is in their vegetation plan,
4 years six to 30 outline, she read "vegetation management in years six and beyond includes annual spring
5 site inspections, followed by any necessary spot spraying or spot mowing as needed." She said what Ms.
6 Smith alluded to, mowing is not necessarily compatible or needed that much; "a full site mowing may be
7 necessary and desirable for plant biomass reduction and vegetation health every three years plus or minus
8 as determined by vegetation professionals." She said she thinks the folks who worked on this plan and as
9 we think about site operations the maintenance that those are things they'll keep in mind. She said Illinois
10 is kind of transitioning to this pollinator-friendly solar site world where lots of people are going to be
11 thinking about and learning how to establish and maintain those prairie grasses.
12
13 Ms. Smith asked if Ms. Gavin had a company in mind that they would use to manage that over the 30-
14 year life of the project.
15
16 Ms. Gavin said not at this time.
17
18 Ms. Smith said that was all the questions she had for right now, thank you.
19
20 Mr. Elwell thanked Ms. Smith and asked if anyone else would like to cross-examine this witness.
21
22 Mr. Lee Hockersmith said he owns the property on the very east side of the project. He said this was the
23 first and only notice, and he has never spoken with anyone from Ms. Gavin's company. He said he is
24 concerned about the setbacks and asked Ms. Gavin how much it would be.
25
26 Ms. Gavin said the setback from his property line would be 240 feet.
27
28 Mr. Hockersmith referred to a letter Ms. Gavin had sent that had a map in black and white, and said it was
29 the only drawing he had; it has no dimensions, no specs or anything.
30
31 Ms. Gavin said from the edge of his property line to the project fence is 240 feet.
32
33 Mr. Hockersmith said Ms. Gavin gave the city a wider setback, so why can't the rest of the residents get
34 that.
35
36 Ms. Gavin said that setback was in consultation with the city was based on part of their concern about
37 their proximity to the village building as well as to the city boundary. She said they were also thinking
38 about the drain tile location when they made that shift.
39
40 Mr. Hockersmith asked why they can't get that same setback.
41
42 Ms. Gavin said she thinks it is something they can look into, but potentially a challenge in terms of site
43 layout and site optimization if they were to increase the setback.
44
45 Mr. Hockersmith said he sincerely believes they should get the same setback.
46
47 Mr. Elwell said at this point, Mr. Hockersmith is providing testimony and asked him to limit to questions
48 only as to what she has testified. He said he would be more than happy to give him time to testify later.
49

1 Mr. Hockersmith asked if there were any provisions for screening or something that is planted along that
2 south boundary to the northeast, so he does not have to look at the fence.

3
4 Ms. Gavin said at this time they do not have any proposed screening based on their distance from the
5 roadway and from existing homes and existing tree lines on neighboring properties.

6
7 Mr. Elwell asked staff if from this distance there is required screening.

8
9 Mr. Hall asked Mr. Hockersmith if his house is on that property.

10
11 Mr. Hockersmith said there is no longer a house on the property; it is a property of his family. He said he
12 has implements and structures there and he is out there basically daily. He said he does not live there, but
13 he may camp there overnight.

14
15 Mr. Hall said that the ordinance would require screening if the solar farm is within 1,000 feet of a dwelling.
16 He said on the Young property there is a lot of vegetation already in place, there's lots of buildings, and
17 buildings function as screening, so to the extent that there is existing screening, we do not require
18 screening to be on the solar farm. He said they do require it to be put there in the future if that screening
19 goes away, but in the case of Mr. Hockersmith's property, there is no dwelling so there is no screening
20 required.

21
22 Mr. Hockersmith said that is all he had for now.

23
24 Mr. Elwell thanked Mr. Hockersmith and asked if anyone else would like to cross-examine Ms. Gavin.

25
26 Mr. Thomas Smith said he lives to the north and east of the site. He said Ms. Gavin testified about the
27 drain tile and asked if she was aware there is more than just one main tile going through the property. He
28 asked if she had plans to address the laterals.

29
30 Ms. Gavin said yes, they are aware there is other tile based on conversations with the landowner, and they
31 would be surveying the land, mapping the tile, and staking the locations prior to construction.

32
33 Mr. Smith said his family owns the land to the south and to the east of the site, and they have been
34 approached by other solar companies. He asked since they could have a solar array further from the
35 substation, why can't Ms. Gavin's company.

36
37 Ms. Gavin said in terms of distances from the substation, it's a question of infrastructure and upgrade
38 costs, so whenever the project is moving further away, the interconnection costs for the project are
39 increasing. She said that is why it is optimal to be as far west as possible in this case. She said when they
40 discussed with the city the idea of moving farther north, they are incurring additional costs from that
41 additional underground cable, for example. She said not to say that is prohibitive or that a solar farm could
42 never be on your property or couldn't be further west, but it's sort of about site optimization and where
43 their work with Ameren shows what the upgrades would be to this point.

44
45 Mr. Smith said thank you.

46
47 Mr. Elwell asked if anyone else would like to cross-examine Ms. Gavin.

48
49 Mr. James Lacey said he lives at 110 North White, which is basically straight across from the city building

1 in Homer. He said when Ms. Gavin said the setbacks to the city building were based on village input, and
2 the 480 feet was what they requested over the 240 feet. He said the information he believes Ms. Gavin
3 mailed out to him he just received yesterday and the information was very unclear; it didn't show any blue
4 lines or green lines – it was just black. He asked if there was a way to better inform the people that they
5 had to inform because of the proximity to the planned area. He asked if Ms. Gavin ever informed the
6 village of the standard 2,640 feet setback.

7
8 Ms. Gavin said to his first question, she is happy to provide more clarity on the layouts; the project fence
9 line is kind of what we're looking at here now in terms of the layout. She apologized for the lack of colored
10 ink that ruined the clarity in the mailers she sent. She said to his second question, the village is aware of
11 the 2,640 feet requirement, and that is part of why she attended the two trustees meetings with the village.
12 She said the village trustees had the opportunity, based on their waiver of that setback for the proximity
13 to the town, to give an opinion to the County regarding the project.

14
15 Mr. Lacey asked Ms. Gavin if she knew what the trustees' opinion was that they gave the County.

16
17 Ms. Gavin asked Ms. Burgstrom if she could read the opinion specifically.

18
19 Ms. Burgstrom said she did not have the email directly in front of her, but the village was supportive of
20 the project based on the site plan that they received.

21
22 Mr. Lacey asked Ms. Gavin if since the presentation she gave to the village and the site plan that they saw,
23 the waivers came along after that fact. He asked if the waivers were presented to the village when the plan
24 was presented.

25
26 Ms. Gavin said yes, there is nothing in their site plan that has changed since the second meeting she had
27 with the village. She said in the first meeting there was an original site plan that went further south; they
28 then updated that based on the village's feedback. She said the site plan you see here tonight is what the
29 village reviewed when they voted to send a letter in support of the project.

30
31 Mr. Lacey said he didn't think she understood his question, which was at the time Ms. Gavin presented
32 her site plan and all the other information she presented to the village, did she also include the four or five
33 waivers that she was going to ask for later so that they were aware of that information when they were
34 deciding whether or not to approve their plan.

35
36 Ms. Gavin said she was not sure if she walked through each of the waivers specifically. She said she'll
37 note that the waivers that are relevant to the site plan the village would be aware of as they reviewed the
38 site plan. She said other waivers, such as the road use agreement, that's a continued conversation with the
39 village.

40
41 Mr. Lacey said so he's guessing in the entirety, no, they were not informed of all the waivers.

42
43 Ms. Gavin said they did not walk through each of the waivers as part of their application, but they are
44 aware of their compliance with the County ordinances, and they also get notification as a neighbor of the
45 project and based on their proximity they get notification of this hearing.

46
47 Mr. Lacey asked when Ms. Gavin sent him the notification which had the waiver information on it and
48 the site map that was hard to see, did Ms. Gavin also send this same information to all the board members
49 and the mayor.

1 Ms. Gavin said the letter she sent to Mr. Lacey that had her contact info and brief overview, she sent one
2 copy to the village office.
3

4 Mr. Lacey said he got his information a day or two ago, and asked Ms. Gavin if she sent the same
5 information to each board member that was sent to him to a central location such as the village hall.
6

7 Mr. Elwell said that question was answered – Ms. Gavin said she just sent it to the village.
8

9 Mr. Lacey said he would have to go down through these and look at them, but the waiver for 2,640 feet
10 she said she did communicate that.
11

12 Mr. Elwell said he was going to interrupt for a moment, and said their meeting ends at 9:30. He asked if
13 there was a motion to extend the meeting any longer.
14

15 Mr. Randol said they were not going to resolve anything, so he didn't see a point in extending it.
16

17 Mr. Hall said that we need to establish a date for a continuance, there's a few things at the end of the
18 meeting, so he doesn't know how we can get all of that done in three minutes.
19

20 Mr. Randol said he misunderstood; he thought Mr. Elwell meant to extend the meeting to discuss this
21 issue further. He said he thought they needed to stop that discussion.
22

23 **Mr. Randol moved, seconded by Mr. Wood, to extend the meeting to 9:45. The motion passed by**
24 **voice vote.**
25

26 Mr. Elwell told Mr. Lacey that they were going to discuss when the next meeting would be, and they
27 would then have opportunity to cross-examine and testify. He said for the time of our meeting, he was
28 going to stop the testimony and cross-examination at this point.
29

30 Mr. Lacey asked if he could ask one question.
31

32 Mr. Elwell said go ahead.
33

34 Mr. Lacey asked if they would not make any decisions.
35

36 Mr. Elwell said correct, there is nothing that can be done today; it has to be two different meetings. He
37 said the earliest it would be is this next meeting that they need to discuss when this case is going to return
38 on the docket. He said just like with this case, it will be publicly advertised, and he will have his time to
39 speak his peace.
40

41 Mr. Lacey said he would like to ask a question about the information they were sent. He said it gave them
42 a number that they could call in to the Zoning Department and talk to staff. He said on that letter it said
43 people could call in and give their input. He asked when would that input that was given to the Zoning
44 Department be entered into the discussion.
45

46 Mr. Elwell said just like with this document, for example, this was from the previous case. He said this
47 was sent after the main packet was sent out. He said so if you do have public comment, if you send an
48 email or make a telephone call to the office, that will get to the Board. He said if it is sent prior to the
49 packet being mailed, it will be in the packet.

1 Mr. Lacey asked if Mr. Elwell or one of the members would present that question so that others will know
2 what people asked, is that correct.
3
4 Mr. Elwell said that document will be brought up and will be discussed.
5
6 Mr. Lacey asked if it would be discussed in a public hearing.
7
8 Mr. Elwell said yes.
9
10 Mr. Lacey said thank you for your time.
11
12 Mr. Hall asked for clarification. He asked if Mr. Elwell wanted staff to report the telephone calls that staff
13 gets about this case. He said staff does not normally list telephone calls and what was discussed. He said
14 that's a new task that he hopes staff doesn't have to do. He said staff will answer every question they get.
15
16 Mr. Elwell referred to a document and said this was in writing and it was given to the Board.
17
18 Mr. Hall said he thought Mr. Elwell told Mr. Lacey that staff would even report on phone calls.
19
20 Mr. Elwell said if he did, he misspoke; he would hope that everything would be in writing.
21
22 Mr. Hall said staff gets a lot of people calling up with just questions, and they answer those questions over
23 the phone, but they don't make a memo to file or write up a memo, they just answer the questions. He said
24 if they need something in writing, staff will do that, but they don't normally document phone call
25 questions.
26
27 Mr. Elwell said correct, and if he misspoke in saying staff was going to narrate each telephone
28 conversation, that was not his intent. He said if he did, he apologized. He said their ideas are important
29 and there is just a way of getting them discussed. Mr. Elwell asked when this case can be back on the
30 docket.
31
32 Mr. Hall said looking at the new cases for January 26th, he doesn't see any room on that meeting date, so
33 he would say February 16th is the next possible meeting.
34
35 Mr. Elwell asked Ms. Gavin if February 16th works for her and her schedule.
36
37 Ms. Gavin said yes, it would.
38
39 Mr. Elwell asked if there was a motion to continue case 074-S-22 to February 16, 2023.
40
41 **Mr. Wood, seconded by Mr. Randol, to continue case 074-S-22 to February 16, 2023. The motion**
42 **passed by voice vote.**
43
44 **8. Staff Report - None**
45
46 **9. Other Business**
47 **A. Review of Docket**
48
49 Mr. Elwell asked if there were any absences, and there were none.

B. Final 2023 ZBA Meetings Calendar

Mr. Elwell asked staff if the calendar could be approved.

Ms. Burgstrom said yes, and one addition that was made was to add a third meeting in March because there is only one meeting in February and how the dates fall, staff added March 2nd as well as March 16th and March 30th. She said that was the only change from the original that staff sent for the December 1st meeting.

Mr. Elwell asked if there was any discussion on the calendar. Seeing none, he asked if there was a motion to approve.

Mr. Wood moved, seconded by Mr. Roberts, to approve the 2023 ZBA meetings calendar. The motion passed by voice vote.

Mr. Elwell asked Ms. Burgstrom if he needed to close the witness register for case 074-S-22 for tonight.

Ms. Burgstrom said yes.

Mr. Elwell asked if there was a motion to close the witness register for case 074-S-22.

Mr. Roberts moved, seconded by Mr. Wood, to close the witness register for case 074-S-22. The motion passed by voice vote.

C. Amendment to By-laws: Hybrid meeting format

Mr. Randol moved, seconded by Mr. Wood, to continue in-person meetings only.

Mr. Randol said that his comment would be that whenever the County Board has this type of system organized, then he would have no objections following the County Board's agenda with it, but he doesn't think it is the ZBA's place to try to establish this type of meetings.

Mr. Elwell said he agreed with Mr. Randol. He said in a perfect world, it would be great to have everyone be able to participate, but until we reach that perfect world, he thinks going back to living in the COVID times back in this room was very difficult at best. He said he doesn't know what type of product and what level of service they would be offering.

The motion passed by voice vote.

10. Adjournment

Mr. Elwell entertained a motion to adjourn.

Mr. Randol moved, seconded by Mr. Roberts, to adjourn.

The motion passed by voice vote.

The meeting adjourned at 9:40 p.m.

1 Respectfully Submitted
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5 Secretary of the Zoning Board of Appeals
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