

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 East Washington Street
Urbana, IL 61802**

**DATE: February 15, 2024 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
TIME: 6:30 p.m. Urbana, IL 61802**

MEMBERS PRESENT: Brian Andersen, Ryan Elwell, Chris Flesner, Lee Roberts

MEMBERS ABSENT: Thaddeus Bates, Cindy Cunningham, Jim Randol

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry, Jacob Hagman, Charlie Campo

OTHERS PRESENT: Steve Summers, Jeff Roberts, Elizabeth Reddington

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

Cases 115-S-23

Petitioner: Pivot Energy IL 38, LLC, via agent Liz Reddington, with participating landowners Louis and Donna Zitting

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

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.

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Other waivers may be necessary.

Location: **That part of a 51.16-acre tract of land lying south of County Highway 15 (CR 1050N) in the East Half of the West Half of Section 12, Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as farmland owned by Louis and Donna Zitting.**

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.

Elizabeth Reddington, on behalf of Pivot Energy, LLC, 444 West Lake Street, Suite 1700, Chicago, referred to slide one of the PowerPoint and stated that this would be the presentation for Pivot Energy IL 38, LLC.

Ms. Reddington referred to slide two of the PowerPoint and said this proposed community solar garden is exactly that, it's a community solar garden, which was approved by the State of Illinois to achieve the Illinois Renewable Portfolio Standard (RPS), that is for the State of Illinois to achieve 50 percent renewable energy generation by the year 2035. She said as part of that goal, they passed the Clean Energy Jobs Act, which is also known as CEJA, and what CEJA does is it expands the existing renewable energy program within the State of Illinois, but it also has a focus on long term job growth particularly with renewable energy installation. She said community solar is a way for people to access the benefits of renewable energy in the event that they can't have it accessible on their own homes or businesses, so community solar subscriptions are a way for people to subscribe to the solar garden based off of their electricity and historical usage. She said that local municipalities, business, schools, and residences of the Ameren service territory would be able to subscribe to this community solar garden, and there is no upfront cost or a cancellation fee to be a subscriber.

Ms. Reddington referred to slide three of the PowerPoint and said the proposed community solar garden is being located in the AG-2 Zoning District with the parcel number listed here or in their packet. She said the project boundary is roughly 26 acres, but the full parcel extends north of County Highway 15. She said they've included 50 feet for setback from the front, both sides, and rear of the parcel, and the fencing proposed would be an eight-foot-tall chain link fence or game fence with an access road that is 16 feet wide. She said they've also included proposed screening all the way on the west, north, and corresponding east sides to create a visual barrier for the neighboring areas. She said the project size is a 6.67 megawatt/DC and 5.00 megawatt/AC system that is estimated to produce about 10.59 gigawatt hours a year, which is the equivalent of 1,460 homes in that service territory. She said the technology itself doesn't require utilities, so they wouldn't need sewage, waste, irrigation, potable water services, natural gas, trash, or recycling services. She said the only utility that they would require is the electrical utility that is existing here, and they accomplish that with their pending interconnection agreement with Ameren Illinois, which

1 they're accessing from along County Highway 15.
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3 Ms. Reddington referred to slide four of the PowerPoint with a slightly larger photo of the site plan layout
4 and noted that the Frito Lay industrial area is to the west for context.
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6 Ms. Reddington referred to slide five of the PowerPoint and said the equipment that they are proposing
7 are tier one solar panel manufacturers and with the system size she has described, it would roughly be
8 about 12,480 solar panels for this project, and those solar panels are made of nonreflective technology to
9 absorb sunlight and not reflect. She said there are going to be about 40 string inverters throughout the site,
10 they do not use large central units for their technology; noise from those inverters cannot be heard from
11 outside of the project fence. She said they utilize single axis trackers, so these are not fixed tilt systems;
12 they will track the sun going from east to west and utilize drive pile foundations that are driven directly
13 into the soil requiring no concrete footing. She referred to a picture of posts from a system of theirs that
14 they've installed. She said the motors from that tracker racking cannot be heard from outside of the project
15 fence, they are utilizing existing distribution infrastructure, and a nearby electrical substation with this
16 proposed project. She said the system itself emits no pollution or emissions and is a low and quiet profile
17 neighbor after construction.
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19 Ms. Reddington referred to slide six of the PowerPoint with larger photos of other equipment that would
20 be installed. She said a utility pad will include their transformer and all their disconnects. She referred to
21 the weather station in the photo, which is how they remotely monitor this system, so they ensure that their
22 estimated production is in line with what is occurring in real time. She referred to the string inverters that
23 are housed within the solar array, and then showed a photo of the tracker motor that moves the racking
24 from east to west.
25

26 Ms. Reddington referred to slide seven of the PowerPoint and said they are proposing native vegetation
27 and pollinator friendly seed mixes on their site, and this is to ensure they have a pollinator friendly habitat
28 that aids in a habitat for local pollinator species and reduces their frequency of mowing and lowers their
29 cost to operate. She said it is a supportive habitat for bees, butterflies, and other insects that are needed for
30 their neighboring agricultural uses, and it helps them to be resilient to droughts and intense downpours.
31 She said furthermore, in coordination with the Illinois Department of Natural Resources (IDNR), it aids
32 in their stormwater management plans that they submit prior to the building permit. She said on slide eight
33 of the PowerPoint it shows some other photos of installed systems to give a quick picture of what that
34 would look like.
35

36 Ms. Reddington referred to slide nine of the PowerPoint and said the State of Illinois has approved the
37 assessment of commercial energy systems, so in this case she has provided the breakdown of the property
38 tax increase that would result in this system being installed. She referred to the left side of the slide
39 showing the current property taxes based off an agricultural assessment, and the right side is what the
40 solar array would be assessed at. She said it is a significant increase to property taxes, and then showed
41 the taxing districts that would benefit from that increase with the breakdown shown to the right. She said
42 over the 20-year lifespan of the project would result in roughly \$298,000 in property tax revenue.
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44 Ms. Reddington referred to slide ten of the PowerPoint and said during site design and construction they
45 will provide the site entrance and access road, which again is from County Highway 15 to the north. She
46 said they anticipate minimal grading and soil disturbance because of the flat nature of this site already.
47 She said with a system of this size they anticipate the construction timeline to be roughly six months, that
48 includes everything from their site mobilization with the installation of the fencing all the way through
49 the testing with the utility for them to get approval to turn the system on.

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2 Ms. Reddington referred to slide 11 of the PowerPoint and said during commercial operation there are
3 minimal visits to the site; roughly two to four times a year they will perform their planned maintenance.
4 She said they dispatch local contractors in the event that there is unplanned maintenance or something that
5 needs to be fixed. She said they will be providing training for local and emergency outfits, so they know
6 how to properly access the solar array and shut down the system. She said there would be a Knox box on
7 the gate in order to allow utilities and those emergency agencies to enter the site.

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9 Ms. Reddington referred to slide 12 of the PowerPoint and said after the operation of the system, they are
10 required to decommission the site according to the terms of their solar lease that they have with the
11 landowner. She said they have an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois
12 Department of Agriculture. She said they would salvage any equipment that they could, and they would
13 return the site to its original condition where the landowner can choose whether they would want to leave
14 the access road for future farming.

15
16 Ms. Reddington referred to slide 13 of the PowerPoint and said overall, all community solar gardens
17 provide electricity savings to local residences and businesses in the Ameren service territory. She said
18 they would be increasing property tax revenue without large public spending for utilities. She said the
19 Clean Energy Jobs Act encourages workforce training and development programs where they are hiring
20 folks that are graduating from solar installation programs, and all their contractors would be paid
21 prevailing wage and their local contractors contribute to the local economy nearby. She said they would
22 have a community investment of \$25,000 where Pivot Energy focuses on reducing energy burden or
23 supporting those workforce development training programs, so they are always seeking partners in the
24 areas that they work in to invest those funds. She said this site would also preserve farmland and be a
25 harmonious neighbor; it bolsters the existing distribution grid and provides the clean renewable energy
26 that the State of Illinois has been seeking. She said that concludes her presentation of this site and she will
27 leave this picture up for any further discussion on slide four of the PowerPoint.

28
29 Mr. Elwell thanked Ms. Reddington and asked the Board if they had any questions. Mr. Elwell told Ms.
30 Reddington that he comes from a background in selling real estate, so property taxes is always a thing. He
31 asked if at the end of the 30 years they decide not to continue with the project and return it back to
32 farmland, if presumably they would still have a \$24,000 tax bill that is due in the year 2031 from the year
33 2030 and is there any talk about how that is paid or how the property owner is protected.

34
35 Ms. Reddington said the question is for the year during the decommissioning process and how the property
36 taxes would be assessed for the system.

37
38 Mr. Elwell said they pay property tax in arrears here in Illinois, so they are paying for 2023 in 2024, so
39 potentially speaking, they would be paying their 2030 taxes in 2031, but presumably they wouldn't have
40 the solar farm there, they wouldn't have that asset. He said that was in the back of his mind when she had
41 the property tax slide on the projector.

42
43 Mr. Reddington said that is a really good question and she thinks what the result would be is that once
44 they turn the system on and become operational, the solar array gets a new Parcel Identification Number
45 (P.I.N.) for the solar assessment, and what she thinks would happen, because after they decommission and
46 are no longer there, it reverts to agriculture automatically, so she would think because of the arrears, they
47 would still be billed as the owner and operator based off that assessment, but she is speculating a little bit
48 there.

49 Mr. Elwell thanked her and asked if there were any other questions from the Board.

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2 Mr. Andersen stated that Ms. Reddington had mentioned the prevailing wage and asked if they tried to
3 use local contractors wherever they go or do they have a preferred contractor that travels around with
4 them.

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6 Ms. Reddington said they do not have a preferred contractor and all the contractors that they have used
7 for their projects have all been based in Illinois, so that is what they would aim to do. She said they are
8 always identifying local O&M contractors for maintenance for the ongoing operations of the system too
9 or they are preferred to be hyperlocal in the event that they need to be onsite quickly.

10
11 Mr. Andersen thanked her.

12
13 Mr. Elwell said Ms. Reddington had a very thorough presentation and asked if she could give him an idea
14 of why he would want to purchase into this, how much is it saving him or is not saving anything for him,
15 but it is better for the environment, and he feels better because of that.

16
17 Ms. Reddington said that a community solar garden subscriber is able to get a discount to their electricity
18 bill, so that is a discount to even the supply rate that they see on their bill. She said that savings pivots
19 specifically and the savings can vary depending on the owner and operator of the system. She said they
20 have provided savings anywhere from ten to 20 percent from a subscriber's electricity bill, and they like
21 to promote this option for utility customers, because the next time they see their electricity bill, they will
22 see that they are paying into the renewable portfolio standard, so they are paying into this program and by
23 participating, they can get that back a little bit. She said the renewable portfolio standard is a line item on
24 their bill that helps fund all these programs.

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26 Mr. Elwell asked if there were any other questions from the Board or Staff.

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28 Mr. Hall stated that Ms. Burgstrom raised an interesting question and asked where the string inverters
29 were located throughout the solar array and do they all meet that minimum separation from the edge of
30 the development.

31
32 Ms. Reddington said they are spread throughout the solar array and off the top of her head she thinks it
33 was a setback of 275 feet from the equipment pad to the fence as identified on the site plan. She said the
34 string inverters are every couple of rows. She said it is too difficult for her to see from this solar array, and
35 she can't say for certain how close it is to the property setback, because that is a requirement of the Zoning
36 Ordinance to have the inverter setback from the property. She said with the site plan she cannot verify
37 how far they are.

38
39 Mr. Hall said he knows when they set up that standard, they were not thinking of string inverters, they
40 were thinking of the central inverters.

41
42 Ms. Reddington said the large inverters.

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44 Mr. Hall said there is a possible justification there for a different standard for string inverters, but that is
45 something that they would want to get from them eventually.

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47 Ms. Reddington said there is a way for her to follow up with an answer after this meeting over the next
48 one to five business days where they can verify that in the event that a waiver needs to be in place or
49 something.

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Mr. Hall said okay and thanked her.

Mr. Elwell asked if anyone would like to cross-examine this witness and if so, please raise their hand. Seeing no one, he asked if any would like to testify in this case and if so, please raise their hand. Seeing no one, he thanked them.

Ms. Burgstrom stated they did two different notifications for this case to the adjacent landowners and jurisdictions when they originally planned to have this case back in October 2023. She said they sent notice of this project to all those people and never received any comments. She said they sent notification again on January 31, 2024, and never received any comments from jurisdictions or the public.

Mr. Elwell thanked her and entertained a motion to close the Witness Register for Case 115-S-23.

Mr. Flesner moved, seconded by Mr. Andersen, to close the Witness Register for Case 115-S-23. The motion passed by voice vote.

Mr. Elwell said it sounds like they will need to get more information about the string inverters and the setback distances. He asked Mr. Hall what date they should continue Case 115-S-23 to and would it be continued to April 11, 2024.

Mr. Hall said that would be the next available time.

Mr. Elwell said he can only imagine that March 28, 2024 would be somewhat packed.

Mr. Hall said yes it will be.

Mr. Elwell told Ms. Reddington that they have April 11, 2024 open on the docket and asked her if that would be enough time to be able to get all of the Board and Staff's requested information submitted for responses. He asked if April 11, 2024 would be a good date for her to return for Case 115-S-23.

Ms. Reddington said a request would be made to confirm the setback distances from the string inverter to the property lines. She would provide that information in advance, then they would have a follow-up meeting for Case 115-S-23 on April 11, 2024 for a vote.

Mr. Elwell said that is his understanding.

Ms. Reddington said okay, that is enough time and, in that time, if they find that they are too close to the property lines with a string inverter, would they be allowed to request a variance or how would that work.

Ms. Burgstrom said they would add a waiver to the Special Use Permit for Case 115-S-23. She said it wouldn't be a full-on variance case; it would be part of the Special Use Permit. She said they want to make sure if the Board or Staff have any more homework that they would want Ms. Reddington to bring back before the April 11, 2024 meeting, then please make sure that they are covering their bases on drainage and whatever else they would care to discuss, so she can come back with whatever they need as soon as possible.

Mr. Elwell asked Ms. Reddington if April 11, 2024 was okay for Case 115-S-23 to return.

Ms. Reddington said yes, April 11, 2024 is okay.

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2 Mr. Elwell said okay and thanked her. He said some of the homework of course would be the string
3 inverters, and he asked Ms. Burgstrom if there was anything specific the Board or staff needed for
4 stormwater drainage.

5
6 Ms. Burgstrom said she was going to invite Ms. Reddington to talk a little bit more about this, but she did
7 mention that if this Board would require a drainage tile study, that is something they probably wouldn't
8 be able to get to them until toward the end of the year. She said if this Board is comfortable with trusting
9 Pivot Energy to take care of its drainage tile and whatever might exist on this site, then April 11, 2024
10 would be fine for homework purposes, but if the Board wants more information that a drainage tile study
11 might provide, then it is going to be quite a while before Pivot Energy could get that back to them, because
12 they have to wait for the crops to be out. She said another thing is sometimes this Board has been interested
13 in a noise study; it is not something they have for this case, but maybe they are all comfortable with the
14 level of noise that might be created with Ms. Reddington's testimony that they can't hear the string
15 inverters or transformers beyond the fence line.

16
17 Mr. Flesner said that he would be more concerned about what she just said with the inverters, if they
18 weren't right by Frito Lay with the bin dryers and everything else running.

19
20 Mr. Elwell asked how the Board and Staff felt about the drainage tile.

21
22 Mr. Roberts asked if it was adequate now.

23
24 Mr. Elwell said he could only imagine that the drainage tile is adequate, but with having it mapped out,
25 then they would know where all of the existing drainage tile would be, but that would be later in the year
26 before something like that would be able to be submitted to them, correct.

27
28 Ms. Burgstrom said yes, that is correct.

29
30 Mr. Elwell said if his memory serves him correctly, they have either not required anything or they have
31 required the study and asked Ms. Burgstrom if there was a middle of the road route where if the drainage
32 tile is damaged, then they would be required to take care of it.

33
34 Ms. Burgstrom said with the Agricultural Impact Mitigation Agreement that is a requirement and does
35 cover that Pivot Energy would have to repair and replace any broken drainage tile, and they have said that
36 they are going to locate drainage tile prior to construction, if that is sufficient for them.

37
38 Mr. Hall said he thinks they could touch up their special conditions. He said they might remember that the
39 last case Ms. Reddington was here on, they provided a fantastic drainage tile study, and were able to
40 identify mutual drainage tiles and what appeared to be a drainage district tile. He said they revised their
41 solar array layout to create an open space for maintenance of those drainage tiles, but he thinks they could
42 have better special conditions when this comes back, so that once they get that drainage tile study, they
43 would be required to leave an opening for maintenance of mutual and/or drainage district tiles. He said
44 that way it would be essentially the same thing that happened in the project down in Pesotum where they
45 did the fantastic drainage tile study. He asked Ms. Reddington if Pivot Energy was working with the same
46 firm for this project.

47
48 Ms. Reddington said yes, it would be the same firm that does it and that is why they would have to wait
49 until after harvest; they have a lot of work to do. She has corresponded with the Sidney Drainage District;

1 they have not identified any district drainage tile for this specific particular site, but they do have some
2 main drainage tile lines they can see to the east where there is a drainage ditch. She said one of the main
3 drainage tiles runs south along the railroad on the south border, but there is another drainage tile that
4 they're aware of that goes in the middle, so that exact location and any lateral lines that are found from
5 their survey, they would adjust accordingly, but given their ability to be flexible with the racking, they
6 wouldn't go outside of this footprint that is identified here. She said they would be able to come back with
7 a full survey prior to the next approval process if that is amenable to the Board.

8
9 Mr. Elwell asked if there were any thoughts from the Board or Staff.

10
11 Mr. Hall said he is very hopeful since Pivot Energy is using the same drainage tile company, if not drainage
12 tile study company, Huddleston McBride Drainage Company. He said they do fantastic work, and he
13 thinks if they come back with the special conditions that he just mentioned, then he would be comfortable
14 with the Board taking action before they have the drainage tile study. He asked her if the Board and Staff
15 could get more information before the April 11, 2024 meeting on whether there is a drainage district tile.

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17 Ms. Reddington said the drainage district has confirmed that there was no drainage district tile.

18
19 Mr. Hall said okay.

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21 Ms. Reddington said she could follow up more later, because it sounds like they will probably not vote
22 tonight, but Huddleston can do a preliminary desktop review. She said Huddleston could come out to the
23 site and do some LIDAR research and try to identify without doing full trenching or digging. She said that
24 could be manageable without damaging crop prior to the April 11 meeting.

25
26 Mr. Elwell said he is okay with that. He asked Ms. Reddington how many other areas in Champaign
27 County are ideal for this type of solar garden.

28
29 Ms. Reddington said in the State of Illinois, where everything is generally pretty flat, there are a lot of
30 ideal areas, but what is important for a small system size like this is the existing distribution infrastructure
31 and load. She said once you get closer to some cities, that's where a lot of the load exists and substations
32 are already there. She said Pivot Energy does not have a lot of additional sites in the area, but usually the
33 ideal area is going to be closer to load, meaning a lot of users, a lot of homes, businesses, cities that have
34 that existing capacity on the grid to hold solar. She said there are ideal areas in Champaign County, but
35 it's going to be closer to load than what she thinks people might anticipate.

36
37 Mr. Elwell asked Ms. Reddington if they are limited to just five megawatts, or would they do more if they
38 could do more.

39
40 Ms. Reddington said for the State of Illinois community solar program, you are limited to five megawatts
41 for a community solar garden. She said that is why they are always broken out into separate five megawatt
42 sizes. She said for this site, given the capacity in the area, they would not build more than this, and that's
43 another constraint. She said a lot of times people wonder if there's just going to be solar everywhere,
44 really large utility-scale systems, and that isn't the case with these smaller distributed systems because
45 they are limited by existing capacity. She said if anything needed to be upgraded, a lot of times it is too
46 expensive to do that, and that's why they are naturally limited to the amount of solar on the distribution
47 grid because of the existing capacity.

48
49 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked for a

1 motion to continue Case 115-S-23 to April 11, 2024.

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3 **Mr. Roberts moved, seconded by Mr. Andersen, to continue Case 115-S-23 to April 11, 2024. The**
4 **motion passed by voice vote.**

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6 7. **New Public Hearings** - none

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8 **8. Staff Report**

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10 Mr. Hall introduced the new Zoning Technician, Jake Hagman. He said they'll be seeing Jake trading off
11 doing meeting minutes with Ms. Berry in the near future.

12

13 **9. Other Business**

14 **A. Review of Docket**

15

16 Mr. Elwell asked if there were any absences coming up.

17

18 Mr. Andersen said he has a conference on March 14th, and there's a chance he might not get back in time.

19

20 Mr. Lee said he will be away for ten days in March, but he should be back.

21

22 **10. Adjournment**

23

24 Mr. Elwell entertained a motion to adjourn.

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26 **Mr. Roberts moved, seconded by Mr. Andersen, to adjourn. The motion passed by voice vote.**

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28 The meeting adjourned at 7:10 p.m.

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30 Respectfully Submitted,

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33 Secretary of the Zoning Board of Appeals

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