

BOONE COUNTY ZONING BOARD OF APPEALS

MEETING

Tuesday, May 22, 2018

County Board Room

1212 Logan Avenue

Belvidere, IL 61008

ROLL CALL:

Members Present:

Tony Savino, Vice Chairman
Steve Schabacker
Joan Krumm
Mark Rhode

Staff Present:

Hilary Rottmann, Land Use
Planner
Drew Bliss, Senior Building
Inspector
Tricia Smith, Boone County
State's Attorney
Ken Terrinoni, County
Administrator

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1 VICE CHAIRMAN SAVINO: We'll call the
2 meeting to order. Let's stand for the Pledge of
3 Allegiance, and remain standing for the invocation.

4 (Whereupon the Pledge of
5 Allegiance was recited and an
6 invocation given.)

7 VICE CHAIRMAN SAVINO: Roll call.

8 MS. ROTTMANN: Krumm?

9 MS. KRUMM: Yes.

10 MS. ROTTMANN: Schabacker?

11 MR. SCHABACKER: Here.

12 MS. ROTTMANN: Rhode?

13 MR. RHODE: Here.

14 MS. ROTTMANN: Savino?

15 VICE CHAIRMAN SAVINO: Here. All right.

16 We have a quorum.

17 First, minutes. Did everybody get a
18 chance to look over the minutes?

19 MS. ROTTMANN: We actually did not have
20 minutes.

21 MS. KRUMM: No minutes.

22 VICE CHAIRMAN SAVINO: You're right.

23 Scratch the minutes.

24 Is there any public comment? Does anybody

1 have anything they'd like to say, not about any
2 cases, but just tell us how great we're doing?

3 MS. KRUMM: I'm glad we got rain.

4 VICE CHAIRMAN SAVINO: Yes, I am, too.

5 All right. We have two cases tonight.

6 One, we have the unfinished business of the text
7 amendment, and then we have a new one, 8-2018,
8 Rowinski. It's going to be a map amendment.

9 MR. SCHABACKER: Mr. Chairman, I'd like to
10 make a motion to change the agenda and to call first
11 Case 8-2018, Rowinski.

12 VICE CHAIRMAN SAVINO: Okay. So he made
13 the motion to --

14 MS. KRUMM: Second.

15 VICE CHAIRMAN SAVINO: -- change the
16 agenda. Okay. We'll go with --

17 MS. KRUMM: Either one. I don't care.

18 VICE CHAIRMAN SAVINO: Second by Krumm.
19 First by Steve, second by Krumm. All in favor say
20 aye.

21 (Whereupon, all the ayes were
22 heard.)

23 VICE CHAIRMAN SAVINO: Any opposed?

24 (Whereupon, no nays were heard.)

1 VICE CHAIRMAN SAVINO: Okay. Let's go
2 ahead and start Case No. 8-2018, Rowinski.

3 MS. ROTTMANN: All right. The applicant,
4 Rick Rowinski, 2181 Cairnwell Drive, Belvidere, IL
5 61008, for a map amendment at 2181 Cairnwell Drive,
6 Belvidere, IL 61008, from A-1, agricultural
7 preservation area, to RE, exurban residential
8 district, on A-2, 2.8 acres of the 4.13 in
9 unincorporated Belvidere Township, in Boone County,
10 Illinois.

11 All right. So background. The applicant
12 would like to rezone the portion of his property to
13 RE, exurban residential, to build a single-family
14 home.

15 Other planning considerations: An NRI
16 Report, No. 1565, was completed February 7, 2018, by
17 the Boone County Soil and Water Conservation
18 District. They had a favorable opinion for the
19 rezoning. See the overview portion of the report on
20 page 30. An overall LESA score of 151.69 was
21 assigned to the subject project, which is a low
22 rating of protection of prime farmland.

23 The Boone County Building Department had
24 no objections to the request.

1 The Boone County Health Department had no
2 objections to the request, and the Boone County
3 Engineer had no objections to the request.

4 All righty. Moving on to findings of
5 fact:

6 Existing land uses of the property within
7 the general area of the property in question.

8 The existing land use on the adjacent
9 properties are as follows:

10 Subject property: Single-family
11 residence.

12 North: Single-family residential.

13 South: Single-family residential.

14 East: Single-family residential.

15 West: Vacant lot but zoned residential.

16 No. 2: The zoning classification of the
17 property within the general area of the property in
18 question.

19 The existing zoning classifications on the
20 adjacent properties are as follows:

21 The subject property is R-1, A-1.

22 North: RE, R-1.

23 East: R-1.

24 South: A-1.

1 West: RE.

2 The suitability of the property in
3 question for the uses permitted under the existing
4 zoning classification.

5 The proposed rezoning is cohesive and
6 suitable with zoning and land use in the immediate
7 vicinity, and no evidence has been submitted or
8 found that the rezoning will impair the use,
9 enjoyment or value of adjoining properties.

10 No. 4: The trend of the development, if
11 any, in the general area of the subject property,
12 including changes, if any, which may have taken
13 place since the day the subject property was placed
14 in its present zoning classification.

15 The subject property is located in
16 unincorporated Belvidere Township. There are
17 residential properties surrounding the subject
18 property, along with some pockets of farmland. The
19 trend in this area has been residential.

20 And 5: Whether the proposed rezoning is
21 consistent with the plans and policies of the
22 official comprehensive plan adopted Boone County.

23 The Boone County Comprehensive Plan
24 adopted November 10, 1999, depicts the area as ER,

1 exurban residential. Exurban residential calls for
2 single-family residential development in rural
3 subdivisions not served by public sewer and water at
4 a density not to exceed one dwelling unit per two
5 gross acres. Exurban residential is consistent with
6 the comprehensive plan.

7 Planning staff recommends approval of Case
8 8-2018 to rezone the property to RE.

9 VICE CHAIRMAN SAVINO: So any questions by
10 the board? I guess I'll start. I have a question
11 for some clarity. So the applicant, there's a house
12 on 4.13 acres. He wants to break off 2.8 acres,
13 change the zoning, build another house?

14 MS. ROTTMANN: That is correct. So the
15 house is located in a subdivision, and the property
16 owner purchased the agricultural farmland next to
17 it.

18 VICE CHAIRMAN SAVINO: Okay.

19 MS. ROTTMANN: So that's why it's like
20 combined. So the house is actually in a
21 subdivision, and he is looking to separate,
22 essentially, and then just build a smaller house on
23 the A-1 portion, which is now being requested to be
24 RE.

1 VICE CHAIRMAN SAVINO: Sure. And he's
2 already surrounded on three sides by not
3 agricultural?

4 MS. ROTTMANN: Right. And the zoning that
5 is -- they are kind of like rural residence --

6 VICE CHAIRMAN SAVINO: Yeah.

7 MS. ROTTMANN: -- along the south.

8 VICE CHAIRMAN SAVINO: Any other questions
9 from the board?

10 (No response.)

11 VICE CHAIRMAN SAVINO: Any questions from
12 the audience for staff?

13 (No response.)

14 VICE CHAIRMAN SAVINO: Is the applicant
15 here? Can you stand up to the podium? Do you have
16 anything to add to what Hilary said?

17 MR. ROWINSKI: No, I think she covered it
18 pretty complete. I'm just here to answer any
19 questions.

20 VICE CHAIRMAN SAVINO: Okay. One question
21 I had, and I could have maybe asked Hilary also. I
22 saw in one of the pictures there was a septic and
23 well on the property. That's the only septic and
24 well for your house that's already there now?

1 MR. ROWINSKI: Correct.

2 VICE CHAIRMAN SAVINO: Does anybody from
3 the board? Steve.

4 MR. SCHABACKER: Yeah. I know you've got
5 plenty of ground there. So do you have another area
6 for a second septic system if needed?

7 MR. ROWINSKI: On the 2.8 acres?

8 MR. SCHABACKER: Yes, the piece that
9 you're going to keep with the home on it at this
10 time, and I understand you're going to section a
11 piece off and get it rezoned to do what you want.
12 My question is, on the current property where you
13 have the septic, how long has that system been in
14 place?

15 MR. ROWINSKI: Well, that's -- it's not a
16 conventional system. It's a --

17 MR. SCHABACKER: Engineered?

18 MR. ROWINSKI: Wisconsin Mount Engineer
19 septic system --

20 MR. SCHABACKER: Right.

21 MR. ROWINSKI: -- and I don't know, about
22 15-plus years in use. And, I guess, you know, I'm
23 guessing now, that there is an area, you know, to
24 the back of the property, right behind it there that

1 I think would be suitable, but, you know, I can't
2 say that I did a recent study on it --

3 MR. SCHABACKER: You have to get it
4 checked anyway, but you believe you have enough room
5 for a secondary septic system if you need it in the
6 future?

7 MR. ROWINSKI: Well, on the 1. whatever
8 acres? By the house?

9 MR. SCHABACKER: Yes.

10 MR. ROWINSKI: There's land there, and,
11 you know, big enough for another -- well, I would
12 say even a conventional septic, but another
13 engineered septic, so, you know, absolutely, I don't
14 know, but I think so.

15 MR. SCHABACKER: All right. I just wanted
16 to know if you're aware of the possibility. I lived
17 out on an acre and a half several years ago, and my
18 system went bad, and good thing I had enough ground
19 to put another system in. I just wanted to make
20 sure you were aware of that.

21 MR. ROWINSKI: Yeah, that's a good point.
22 I don't think it would be a problem for another
23 engineered septic. I don't know about conventional.

24 MR. SCHABACKER: Sure.

1 MR. ROWINSKI: But I -- also, the
2 engineered septic last much longer from what I
3 understand.

4 MR. SCHABACKER: All right. Thank you.

5 VICE CHAIRMAN SAVINO: Any other questions
6 from the board?

7 (No response.)

8 VICE CHAIRMAN SAVINO: Any questions from
9 the audience for the applicant?

10 (No response.)

11 VICE CHAIRMAN SAVINO: Thank you. You can
12 have a seat.

13 MR. ROWINSKI: All right. Thank you.

14 MR. SCHABACKER: I make a motion to
15 approve the findings.

16 MS. KRUMM: Second.

17 VICE CHAIRMAN SAVINO: Motion by Steve,
18 second by Joan to approve the findings. Any
19 discussion on them?

20 (No response.)

21 VICE CHAIRMAN SAVINO: All in favor say
22 aye.

23 (Whereupon, all the ayes were
24 heard.)

1 VICE CHAIRMAN SAVINO: Any opposed?

2 (Whereupon, no nays were heard.)

3 VICE CHAIRMAN SAVINO: Next thing, we need
4 a motion to approve the case.

5 MR. SCHABACKER: I'll make that motion.

6 MR. RHODE: Second.

7 VICE CHAIRMAN SAVINO: We have a motion by
8 Steve to approve Case 8-2018. Second by Mark. Any
9 discussion?

10 (No response.)

11 VICE CHAIRMAN SAVINO: We need a roll call
12 vote.

13 MS. ROTTMANN: Schabacker?

14 MR. SCHABACKER: Here -- or yes. I think
15 I'm here.

16 MS. ROTTMANN: Krumm?

17 MS. KRUMM: Yes.

18 MS. ROTTMANN: Rhode?

19 MR. RHODE: Yes.

20 MS. ROTTMANN: Savino?

21 VICE CHAIRMAN SAVINO: Yes. Motion
22 passed.

23 MS. ROTTMANN: Yes. You have passed. You
24 are free to leave, and we will see you at PZB on

1 June 6th.

2 VICE CHAIRMAN SAVINO: All right. We're
3 going to go back to Case 4-2018. This is the text
4 amendment we started two months ago. This is the
5 text amendment for the solar. I have a couple of
6 sign-ins. If anybody else is going to be speaking
7 or presenting evidence, if you could fill out one of
8 these sheets, whether it's evidence other speaking,
9 if you can just fill one out, I'd appreciate it.

10 Sherry, if you want to go first?

11 MS. BRANSON: Sure.

12 VICE CHAIRMAN SAVINO: If you're ready.
13 I'm going swear you in. Raise your right hand.
14 State your name and address.

15 MS. BRANSON: Sherry Branson, 4625 Town
16 Hall Road, Belvidere, Illinois.

17 (Ms. Branson was sworn.)

18 VICE CHAIRMAN SAVINO: Thank you. Also,
19 could you pull the microphone down and speak into
20 it?

21 MS. BRANSON: It's not easy being short.

22 VICE CHAIRMAN SAVINO: That's good. We
23 can hear you.

24 MS. BRANSON: Okay. Well, let me start by

1 passing out some information that I'd like to have
2 presented for evidence.

3 VICE CHAIRMAN SAVINO: Is there one for
4 everybody there?

5 MS. BRANSON: I sure hope so. Let me
6 begin by stating that, you know, I'm a Boone County
7 Board member, and I have the privilege of being a
8 District 3 representative. And I'm not speaking
9 here tonight because I want to be pro solar or
10 antisolar. I see both sides of the equation, and I
11 understand that we need growth and development to
12 grow as a community and to keep having sizeable
13 taxes coming in, you know, to keep our businesses
14 and our county going. But that means that our
15 growth needs to be smart. And back, sometime back,
16 when the Great Lakes Basin Railroad was trying to
17 come through our county, I was trying to do my due
18 diligence and learn and represent my people in my
19 district, and at that time, I went to many meetings
20 where I learned about numerous concerns that were
21 environmental related to the railroad, so I did a
22 lot of additional research and submitted, you know,
23 my packet of stuff to the service transportation
24 board, just like many other people. And at that

1 point, I discovered some kind of frightening
2 information about our county, starting with, if you
3 look at your packet -- everybody got one now? The
4 first page. Sometime back in the early '80's, an
5 environmental law was passed that required studies
6 of the geology within the different counties, and
7 the IEPA was to determine which sites within the
8 county were the highest risk for contamination
9 because of the geology and the number of
10 contaminated sites. And our county happened to be
11 one of two -- in one of two regions throughout the
12 entire state that tested very high risk for
13 contamination because of our geology. And at that
14 point, we were also stipulated by the IEPA to be --
15 what do you call it? Prioritized for groundwater
16 protection. And after all this was going on, at
17 some point Chicago started having some water issues,
18 and they were looking at coming eastward, you know,
19 from the suburbs, and the prior county boards
20 created what's called the Water Protection and
21 Preservation Alliance. And their task was first and
22 foremost, to go out to all of the townships within
23 the county and the county code and the county
24 ordinances and all of that, review everything, what

1 everybody had for coverages for groundwater
2 protection, and report it back in one cohesive
3 document for the county board, because the county
4 really didn't know what we had and what we didn't
5 have.

6 And the first paragraph, there's a
7 lot underlined in there, it spells out numerous
8 areas that we have lacking in coverage. And,
9 essentially, we have almost nothing in place to
10 protect our groundwater.

11 So we move on to the next page. I
12 started working with the IEPA and the Illinois State
13 Geological Survey Division and the State -- I'm
14 sorry -- the federal geological survey division, and
15 I talked to our soil and water area within our
16 county. I don't know what their title is, but just
17 soil and water. And they instructed me that they
18 still follow the book from the study that was done
19 in the '80's called Geology for planning in Boone
20 and Winnebago Counties, and that is their bible that
21 they use for land use planning and their guidance.
22 And, anyway, with this interaction that I had, I was
23 able to develop a relationship with the IEPA and the
24 state geological survey division and the federal

1 geological division, and I was lucky enough to track
2 down the guy who wrote the book, originally,
3 Dr. Berg, who is now the head of the Illinois State
4 Geological Survey Division. And I probed him for
5 multiple information, and he was kind enough to
6 really help us, and, eventually, between all of the
7 information that they got from all of the various
8 counties and the information that we submitted and I
9 submitted, we were able to get them kicked out of
10 Boone County. And according to Dr. O'Malley on the
11 county board with me, he read online the reasons why
12 they got out of Boone County, and it was primarily
13 there were environmental concerns. And I'm sure
14 there was a lot more to it, but I never looked
15 online to read all of that up. But we've got a real
16 problem in this county.

17 Anyway, when I contacted Bill Buscher
18 with the Illinois Environmental Protection Agency,
19 he is the -- he's got the world's longest title. He
20 is the Supervisor of Hydrology in the Compliance
21 Unit of the Groundwater Section of the Division of
22 Public Water Supply, Bureau of Water of the Illinois
23 Environmental Protection Agency. Boy, is that a
24 mouthful. Bottom line is, he's the top dog with the

1 State with the IEPA. And he informed me that the
2 information that he had sent me provided me with
3 areas that were a very potential for recharge. And
4 the same areas would have a high potential for a
5 liquid product or a contaminant to migrate into the
6 subsurface toward the aquifers. So basically the
7 recharge areas where, you know, the rain comes down
8 and it soaks into the water, and the ground cleans
9 it, purifies it, and then it, you know, it works its
10 way through the cycle that we all grew up learning
11 in basic science class. But the recharge area is
12 very high risk for contamination.

13 And so, anyway, moving forward. I
14 find out from Scott Filer (sp) they have a well in
15 Spring Township. Now, in Spring Township it's
16 called Spring Township because they have an
17 extremely high water table. And the next few pages
18 you have is of a well that he had sealed that was
19 40-inches wide, 24-foot deep and only 3 feet below
20 ground level. Now, that tells you that if you have
21 a spill, it doesn't have very far to go before
22 something gets in there, whether it be a liquid
23 contaminant or you're turning over soil and you've
24 got fertilizer or sprayer or whatever on your

1 ground. So you've got to be very careful about
2 that, especially in Spring Township.

3 Dr. Berg, on your next handout, I had
4 him look over the railroad line that was proposed
5 that would cross through Boone County, and the next
6 three pages are high-risk areas that he determined
7 with just a very preliminary overview from his
8 research and indicated that it needed much more
9 study because our county is, again, high risk.

10 Now, moving on to the next page where
11 you've got the maps on the bottom, some orange.
12 Dr. Daniel Abrams is the state geological survey
13 hydrogeologist. He has a doctorate degree in
14 hydrogeology or the water flow. And he's doing a
15 study for the counties east of us and south of us
16 where he completed the study, and he sent it to me.
17 And down in the Joliet area, they made the mistake
18 of way over -- over building. And their particular
19 geology is such that they don't have a great
20 recharge area to begin with, but they built on it
21 and eliminated a lot of recharge area, and they are
22 paying the price dearly right now because they are
23 having to go back and buy -- I think it's DuPage
24 County that's actually doing it, but they're buying

1 businesses and warehouses and houses and everything
2 else, tearing it down in order to get back the
3 recharge areas that they lost by overgrowth. So we
4 need to be very careful not to do that here and
5 learn from their mistakes.

6 Now, moving forward, I asked
7 Dr. Abrams on your next page, to give us some
8 suggestions and to help us, you know, so that we
9 don't repeat the same mistakes, and that we protect
10 our aquifers with our solar farms, because we do --
11 we want them, we need them, and we just need to do
12 it smart. And he recommended, in the first
13 paragraph, that the solar panel field is
14 disconnected impervious, meaning that there are
15 previous surfaces -- or pervious surfaces between
16 and beneath each panel. And that is a common
17 practice for new solar farms.

18 So when we look at our ordinances, I
19 would encourage you to put those terms in it so that
20 we do what we can so we don't lose our resource.
21 And, incidentally, I also asked him about water flow
22 through our county, how much goes underneath our
23 soils in a given day, and he estimated that there's
24 ten million gallons per day of groundwater that

1 leaves Boone County to satisfy the demands to the
2 east and west of us, primarily to the east and
3 southeast, and that we are the first major recharge
4 area for basically all of northern Illinois. And we
5 do supply some of the water to Winnebago County.

6 Then moving on here, the next page, I
7 think it should be your last page. We are, as the
8 county board, we're in the process of putting solar
9 farms on a landfill out on Route 76. Now, to put
10 the solar panels on the landfill out on Route 76, we
11 have to be very careful because it's a prior
12 landfill, and you cannot perforate the cap on the
13 landfill. And my numbers may be a little off here,
14 but basically you've got about two feet of clay with
15 six inches of soils. And maybe the proportions are
16 off a little bit, but if you put your pipes through
17 that, you've got a direct route for the contaminates
18 to keep leaching through. So knowing that Spring
19 Township has got such a high water table, it is
20 logical to assume that we could -- that we could
21 also put ourselves at risk by putting solars in
22 Spring Township. And I don't know that it's not
23 necessarily a risk in other areas either, but the
24 way we dealt with this with the IEPA, and they

1 recommended, my understanding is, that they utilize
2 concrete ballast blocks that would not penetrate.
3 And in their case it was the cap on the landfill,
4 but in this case, for the rest of us, it would be
5 soil and the water table. It would just make sense
6 to put that in the ordinance.

7 So I guess I just wanted to bring you
8 up to speed as to what we're doing in our research,
9 what we found out so that we can move in an
10 intelligent way to push things forward. And for
11 this reason I would request a few changes to the
12 ordinance. The first one is that the solar panel
13 fields be stipulated that they need to be
14 disconnected impervious. The second is to limit the
15 structures to a maximum coverage of 50 percent of
16 the sites to allow the aquifers to recharge in our
17 recharge areas. I believe that is the same
18 percentage that is used in McHenry County, and as we
19 are trying to overcome and implement changes to
20 correct our deficits in our ordinances and codes, we
21 are modeling a great deal of our work off of what
22 has been done in McHenry County, because it saves us
23 a lot of time, and we know that there's a high risk
24 for the Joliet area to be coming to us looking for

1 water.

2 The third thing that we're asking is
3 that we follow the same construction methods as the
4 landfill site, you know, the concrete ballasts just
5 to reduce the risk of the contamination.

6 And the last thing is just a personal
7 note for me that has nothing to do with the rest of
8 this, but I was not at the last county board
9 meeting, so I did not hear the discussion that took
10 place between county members on the proposed
11 ordinance, so I'm kind of at a disadvantage then.
12 But I noticed on your page 2, letter E, you're
13 looking at using corn and soybeans to conceal the
14 view of the solar panels, and that's not very
15 concealing. And I would ask that you consider
16 either putting in a wooden fence or putting in some
17 kind of natural landscaping to block the view of the
18 panels, just because a lot people aren't going to
19 like them, and even, you know, I get that the
20 farmers don't want root balls in the middle of their
21 cornfields, and that's reasonable. I get where
22 they're coming from. But perhaps if you moved
23 closer to your landscaping to the perimeter of the
24 property where it's out of the field but it would

1 still block the view from the neighbors, it would be
2 a way to make everybody happy.

3 Anyway, it's just a suggestion. And
4 that's it for me unless you've got questions.

5 VICE CHAIRMAN SAVINO: Yeah, I think we'll
6 have questions. I have one. Can you clarify what's
7 the 50 percent of the site coverage for recharge?
8 You're saying a maximum 50 percent coverage of the
9 site.

10 MS. BRANSON: Basically -- Ken, help me
11 out here if you would. In McHenry, I think that's
12 the correct percentage, right? 50 percent is what
13 they limited the building on recharge areas for, you
14 know, like your parking lots, your buildings and all
15 of that so that you could still get water flow and
16 still have growth?

17 VICE CHAIRMAN SAVINO: So are you -- I
18 guess the clarification I needed, your 50 percent
19 site coverage, are you saying if someone has ten
20 acres, they'd have five acres of solar panels? Or
21 are you saying, I guess, what? I'm not sure what
22 that 50 percent of site coverage is. Even if it was
23 20 percent, 10 percent, what are you saying is the
24 maximum site coverage? That's what I need

1 clarification on, what you meant. That's all.

2 MS. BRANSON: I would interpret that to
3 mean that if you've got like ten acres of soil and
4 you want to put solar panels on that and you don't
5 want your concrete blocks to take and cover more
6 than 50 percent or 5 acres.

7 VICE CHAIRMAN SAVINO: Okay.

8 MS. BRANSON: Now, it would make sense if
9 you're using the right kind of solar panels that the
10 water would just kind of run around and off so that
11 wouldn't offset it. But the concrete blocks would
12 prevent it from getting under their readily.

13 VICE CHAIRMAN SAVINO: Right.

14 MS. BRANSON: That's what I'm getting at.

15 VICE CHAIRMAN SAVINO: That's what I
16 needed clarification on. So if you had ten acres,
17 five acres maximum can be covered that cannot absorb
18 water is what you're saying?

19 MS. BRANSON: That's what I'm saying.

20 VICE CHAIRMAN SAVINO: Okay. I just
21 needed clarification.

22 MS. BRANSON: No, that's a good point. I
23 didn't make that very clear.

24 VICE CHAIRMAN SAVINO: Questions from the

1 board?

2 (No response.)

3 VICE CHAIRMAN SAVINO: No? Does the
4 audience have any questions? If you want to come up
5 and sit next to Ken, I'll swear you in. Raise your
6 right hand, state your name and address.

7 DR. O'MALLEY: My name is Bernard
8 O'Malley, 1923 Riverside Road, Belvidere.

9 (Dr. O'Malley was sworn.)

10 VICE CHAIRMAN SAVINO: Okay. What's your
11 question?

12 DR. O'MALLEY: I was just in Springfield
13 yesterday in Kendall County and other areas.
14 Instead of ground cover, they're actually burying
15 the height of them on the edge of the land so you
16 actually don't see them, depending on the elevation,
17 there's a little mound. You don't even see them.
18 So they're out of view without anything.

19 VICE CHAIRMAN SAVINO: Sure. I guess
20 right now is question time for Sherry. Do you have
21 any questions on any of the evidence that's she's
22 provided?

23 DR. O'MALLEY: Oh, this is where I say
24 could you modify it to the fence. Could you also

1 have elevation changes that would also --

2 VICE CHAIRMAN SAVINO: I see what you
3 mean.

4 DR. O'MALLEY: I mean, if you go by a
5 fence, you're just limiting. You have no
6 imagination. Maybe broaden this a little bit.

7 MR. SCHABACKER: Like a berm?

8 DR. O'MALLEY: Well, a berm, but you can
9 also, if you have the right drainage, you can also
10 dig down four or five feet. It wouldn't show.
11 That's all I'm bringing up.

12 VICE CHAIRMAN SAVINO: Okay. Is that it?

13 DR. O'MALLEY: Yep, that's it.

14 VICE CHAIRMAN SAVINO: Thank you. Do you
15 have some questions? Raise your right hand. State
16 your name and address.

17 MR. NEWHOUSE: Marshall Newhouse, 13407
18 Capron Road, Capron.

19 (Mr. Newhouse was sworn.)

20 VICE CHAIRMAN SAVINO: Okay. What's your
21 question?

22 MR. NEWHOUSE: Sherry, can I ask for
23 clarification? If your stated purpose in protecting
24 the groundwater is to limit the amount of

1 penetration of the posts through the soil towards
2 the groundwater, does that mean you will be adding
3 surface cement in place of the post? Is that what
4 you're suggesting?

5 MS. BRANSON: My understanding is the way
6 that they're doing it out at the landfill, which is
7 what we're trying to replicate, is they are taking
8 cement ballasts, putting the posts in the cement and
9 then just sitting it on top of the soil so they
10 don't have to turn over more soil and damage the
11 soil for the farmers, and when they are done, they
12 can pick it up and leave. And it prevents the pipes
13 from going down deep in the soil where the -- any
14 contaminate could track right down the pipe, down
15 into either the landfill, the cap, or in this case,
16 the water.

17 MR. NEWHOUSE: Okay. Would you think it
18 would be possible that if you had any given square
19 foot of bare ground and you added cement on top of
20 that, that that would restrict the ability of water
21 to get into that square foot of ground?

22 MS. BRANSON: Cement sitting on top of the
23 ground, it'd make sense that you would lose some of
24 the filtration. That's where you're coming into

1 limiting the percentage of the ground that is
2 covered, which we're looking at -- or I'm looking at
3 what they're doing in McHenry County, not
4 necessarily with the solar panels but with all the
5 growth. If it's in a recharge area, then they
6 restrict it so that they don't create the same kind
7 of water issues or crisis that they currently have
8 like in Kendall County -- or I think it's Kendall or
9 DuPage County. I believe it's DuPage, I believe.

10 MR. NEWHOUSE: And my last question is,
11 given any parcel's natural topography, is there
12 natural directions for water to flow on any storm
13 event?

14 MS. SHERRY: Well, generally speaking, it
15 flows downhill, and it flows toward the tile drains.

16 MR. NEWHOUSE: And would the addition of
17 cement laying on top of the ground redirect and
18 potentially cause problems with that natural water
19 flow?

20 MS. BRANSON: That is a good question, and
21 I don't know that I know the answer to it.

22 MR. NEWHOUSE: Okay. Thank you.

23 MS. BRANSON: That's a good question.

24 VICE CHAIRMAN SAVINO: Go ahead, Joan. Do

1 you have a question?

2 MS. KRUMM: Yeah. What is the size of
3 these cement blocks you're talking about?

4 MS. BRANSON: Ken, you're working on it in
5 the landfill, and the last my understanding is is
6 that the IEPA is still working on the regulations
7 Can you answer this one, Ken?

8 MR. TERRINONI: We don't know.

9 VICE CHAIRMAN SAVINO: I think that can be
10 project specific, you know, design, so . . .

11 Any other questions from the audience?

12 (No response.)

13 VICE CHAIRMAN SAVINO: Any other questions
14 from the board?

15 (No response.)

16 VICE CHAIRMAN SAVINO: Thank you, Sherry.

17 MS. BRANSON: You're very welcome.

18 MS. KRUMM: Thank you. That was good.

19 MS. BRANSON: I'm trying.

20 VICE CHAIRMAN SAVINO: Karl, are you
21 presenting evidence? Are you presenting evidence?

22 MR. JOHNSON: More comments than direct
23 evidence, I guess.

24

1 VICE CHAIRMAN SAVINO: Is there anybody
2 else presenting evidence?

3 (No response.)

4 VICE CHAIRMAN SAVINO: Are you speaking on
5 behalf of the applicant, Karl, or just like your
6 own --

7 MR. JOHNSON: I don't know that I have
8 direction from the board to speak on behalf of the
9 board, so I would say no.

10 VICE CHAIRMAN SAVINO: Okay. Do you have
11 evidence?

12 MR. BEUTH: Yes.

13 VICE CHAIRMAN SAVINO: Can you fill out if
14 you have not filled out --

15 MR. BEUTH: I filled it out.

16 VICE CHAIRMAN SAVINO: Can I have that?
17 Is that on the table? All right. If you'll raise
18 your right hand, I'll swear you in. State your name
19 and address.

20 MR. BEUTH: Richard Beuth, 5238 Spielman
21 Road, Leaf River, Illinois.

22 (Mr. Beuth was sworn.)

23 MR. BEUTH: I was here before. I'm
24 speaking for the Winnebago/Boone Farm Bureau,

1 president of it. We have -- we presented a lot of
2 evidence before. I guess we were told that we
3 should bring it back. I have it here (indicating).
4 Would you like that now or who wants that?

5 VICE CHAIRMAN SAVINO: Sure. We can take
6 that. Is there one copy or a copy for everybody?

7 MR. BEUTH: No, this is just one --

8 VICE CHAIRMAN SAVINO: Okay.

9 MR. BEUTH: -- because you had it all
10 before. But I do have what I'm going to be talking
11 about tonight. There should be a copy for
12 everybody.

13 MR. SCHABACKER: What was the date you
14 were here, do you remember?

15 MR. BEUTH: I do not know the exact date.

16 MS. KRUMM: Was it last month?

17 MR. BEUTH: Yeah.

18 MS. KRUMM: Okay.

19 MR. BEUTH: Go ahead?

20 VICE CHAIRMAN SAVINO: Yep.

21 MR. BEUTH: First of all, I want to thank
22 you guys, this county, Boone County, is way ahead of
23 most of the other counties around as far as getting
24 a solar ordinance, and, you know, I can congratulate

1 you on that. I do -- the Farm Bureau does have some
2 issues, a few issues with your solar energy
3 development ordinance. You know, instead of going
4 through all that I gave you first, I just want to
5 highlight some of our concerns which is on that
6 paper. I'd like to read. First of all, the
7 Winnebago/Boone Farm Bureau would ask the County
8 place a greater value on the protection of prime
9 farmland. The first project passed was on some of
10 the best ground in Boone County. This doesn't
11 follow your comprehensive plan. The highest
12 standard for decommissioning should be in place for
13 prime farmland requiring the most financial
14 protection for decommissioning, not the least, which
15 is what the developer wants. It kind of goes back
16 to what she was talking about for the landfill, you
17 know, the Farm Bureau is not so worried about the
18 poorer ground or the landfill or brownfields, but,
19 you know, up there where you approved the first one,
20 you know, that is good prime land and that should
21 have stricter rules, especially for decommissioning,
22 because we would hope that some day it would go back
23 to farmland.

24 Your burden is to protect the

1 farmland, not the developer. In setting solar
2 projects on brownfields, the protection of the solar
3 productivity is not an issue and decommissioning
4 standards should be less.

5 The Boone County ag community is
6 seeking to expand its niche in ag tourism market.
7 Often visitors comment how beautiful the County is.
8 In an effort to keep the rural area look rural, we'd
9 ask that industrial sites, commercial sites,
10 brownfield sites and sites far from public view be
11 developed first. A seven-foot-tall chain link fence
12 surrounding an electrical generation plant does not
13 follow the character of A-1 rural beauty. And,
14 also, in Boone County there's still several rural
15 landowners still retain the ability to add a house
16 to their property.

17 Many Illinois counties have setbacks
18 of up to 500 feet from a residence for solar
19 projects. You have proposed a 250 foot for a
20 setback with a waiver to 40 foot. If a neighbor
21 does not have a lot of record to build upon, it is
22 likely they will not mind the solar being sited 40
23 foot from their crops. But if they do have a
24 potential for a home site, then they can build

1 without the potential for sound and being next to an
2 industrial site. If Boone County continues to grant
3 solar companies a 45-year window, that could impact
4 the neighboring properties for a very long time.
5 The priorities of a county could change
6 significantly in that 45-year period. Let's not
7 just be concerned about money today and sacrifice
8 the future.

9 She was talking about, you know, a
10 fence around it, and trees and bushes. That is a
11 tough subject, you know, what to put around a solar
12 farm, but, you know, if it's proposed for trees or
13 bushes, I guess the Farm Bureau does have a problem
14 with that, in that, you know, if that stays in a
15 solar farm for 40 or 45 years, those little bushes
16 are going to become huge trees, and when it comes
17 time for decommissioning, it's going to be a major
18 project to, you know, get excavators in there and
19 take those trees out. Also, if they put the trees
20 right beside the fence line, you're going to have
21 the little 15-foot tree might not be bad, but when
22 it gets to be 40 or 50, that makes a lot of shade
23 which is going to affect the neighboring crops which
24 you're not going to have any crop there for 30 or 40

1 foot. So we do have a -- we probably would prefer
2 just a chain link fence and not require the bushes.

3 Also, like she had mentioned, corn or
4 soybeans is not a vegetarian barrier. That's not
5 good either. We all know you're only going to have
6 seven-foot corn for a couple of months of the year.

7 Continue there, therefore, the
8 Winnebago/Boone Farm Bureau is supportive of at
9 least a 250-foot setback with waivers. As proven
10 already, these setbacks will allow multiple solar
11 sites in the county.

12 On lighting, even if the condition
13 such as lighting seem to be -- have been promised
14 orally in a hearing, they should be remained a
15 condition so that the future owners who are not bond
16 by an oral promise are held to the same standards by
17 the County. Conditions must be in a written form
18 and signed, because we all know that people can --
19 the first owner can agree to different things, but
20 if it's sold, which most of them will be sold, and
21 the next one wants to put a whole bunch of lights
22 up, if it's not written in your rules, you know, all
23 of a sudden the neighbors could look out on that
24 solar farm and it could look like a ball diamond.

1 We'd like to see proof of an ag
2 impact mitigation agreement that's been executed
3 with the Illinois Department of Ag. Now, we know we
4 don't have one yet, but it's very, very close. In
5 fact, it's -- the rules have passed the Illinois
6 Senate on a 51 to 0 vote, and they're going to be
7 considering it tomorrow in the House. And hopefully
8 that's going to pass, and the governor -- the
9 governor will sign it, and then every solar farm in
10 the state will have to sign the ag impact mitigation
11 agreement. But as of tonight, we don't have one, so
12 you have to write those rules right now. And, you
13 know, for the most part, you already got a lot of
14 that stuff in there, in your ordinance.

15 On the third page there, use of
16 public roads. You state, in the middle, A, it says,
17 an applicant, quote, owner or operator proposes the
18 use of Boone County roads, and it says that they
19 must -- they're basically going to be held liable if
20 there's road damage. And we want the word "owner"
21 taken out and put "leaseholder," because that puts a
22 lot of pressure on the farmer who just signed a
23 lease, and he thinks he's just going to get his
24 lease payment, and then all of a sudden if it turns

1 out that the road got wrecked and the township or
2 the county tries to come back on him, it shouldn't
3 be the owner, it should be the leaseholder. It
4 should be the solar company that's going to have to
5 be responsible for the damage to the road there. So
6 we would ask instead of "owner," it would be
7 "leaseholder".

8 On the second page there, that part
9 D, that prior to the issuance of a building permit,
10 the owner/developer shall submit a bond. This is
11 what you've got in your ordinance now. Shall submit
12 a bond to cover the cost of decommissioning. What
13 we'd like to see is change the wording instead of
14 just bond, but to submit an escrow cash account,
15 letter of credit or a bond to cover the cost. As
16 mentioned when our, Sid Moate was here, if you list
17 those three as options, the bond is actually the
18 weakest of the three. So we believe that you guys
19 should have in there that the solar company could
20 have an escrow cash account or letter of credit.

21 The County's responsible for
22 protecting the County's interests, not the
23 profitability of the solar development. Cash
24 escrows are not deal stoppers. Borrego proved that

1 by agreeing to up to a 50 percent cash escrow under
2 oath. Attorney Maville agreed with the Farm Bureau
3 analysis of the financial assurances.

4 Next, number E, you've got about when
5 you talk about your decommissioning and factor in
6 the solar development, we'd like to see you remove
7 the salvage value from the calculation of the
8 decommissioning. Nobody -- nobody really knows what
9 the value of these solar panels will be in 20 years,
10 30 years, 40 years. They could very well be zero.
11 It's just speculative, so I think, you know, you
12 should almost put zero value as a salvage value,
13 because it'd be pure speculation to say that those
14 panels may have value. In fact, if it did have any
15 value and the company went broke, whoever has the
16 mortgage on it is probably going to sell them and
17 get the money, and the County would be, you know,
18 left high and dry anyways.

19 The next thing, if any changes are
20 required for electrical transmissions, the applicant
21 must have an agreement with each willing property
22 owner. No threat or use of eminent domain can be
23 utilized. In other words, if the solar farm has to
24 go through a couple of other properties to get to

1 the transmission line, you know, before you give
2 them that permission, they need to show that they've
3 got an agreement with those property owners to go
4 through their property. They can't just use eminent
5 domain. It just kind of makes sense.

6 When you're talking about the solar
7 farms, okay, the next one the State AIMA would
8 suggest the presence of an ag professional selected
9 by the County, paid for by the applicant to be
10 present when any construction, planting or
11 decommissioning to make sure that field-ready
12 conditions exist, so no ruts or compaction occur
13 from working in too wet a fields -- it also monitors
14 any activity that would impact the subsurface
15 drainage tile and stormwater movement. I'm working
16 right now with, they're putting a pipeline through
17 one of my farms, and we're using the AIMA agreement
18 from the Dep of Ag for pipelines on that, and one of
19 the things in there is if we're going to have an ag
20 professional watch them, and if it's too wet for
21 them to be digging the trenches, he can just shut
22 them off so it doesn't totally ruin the ground. And
23 we'd like to see that. Also, if they're working,
24 building these solar farms and if it's too wet for

1 the farmer to be out working in the field, it's
2 probably too wet for them to be out there ruining
3 the ground. That's common sense. It should be put
4 in there, and if they do get this ag impact
5 mitigation agreement, that definitely will be part
6 that solar farms will all have to sign that.

7 Solar farms, they say they're going
8 to have grass around it and they might mow it two or
9 three times a year, but we know there's going to be
10 weeds in there, and they're going to have spray. So
11 we just want to make sure that whoever is spraying
12 it has an Illinois license applicator. We, as
13 farmers, we all have to take the test before we can
14 spray any of our crops, so it only makes sense that
15 they would have to have somebody who knows something
16 about spraying to go in there and spray the weeds.

17 And the last thing we think you
18 should have in your agreement is the County will
19 have the right to collect from the applicant
20 reasonable costs and attorney's fees incurred in
21 successfully enforcing any provision of this
22 ordinance. And that just kind of makes sense. I
23 know any contract that you have with a wind farm or
24 the pipeline, hopefully now a solar farm, if they

1 don't to do this and you have to go to court, they
2 should have to pay the lawyer cost, you know, you
3 guys as the County shouldn't have to pay that. If
4 they're not following your rules, let them pay the
5 lawyer.

6 Are there questions?

7 VICE CHAIRMAN SAVINO: Does anybody from
8 the board have questions? Steve. Go ahead.

9 MR. SCHABACKER: Yeah. Richard, right?

10 MR. BEUTH: Yes.

11 MR. SCHABACKER: Thank you for bringing
12 this information. You're speaking for the
13 Winnebago/Boone County organization?

14 MR. BEUTH: The Farm Bureau, yes.

15 MR. SCHABACKER: Okay.

16 MR. BEUTH: A lot of this information came
17 from the State Farm Bureau lawyers down in
18 Bloomington. They're studying this for all the
19 counties in the state.

20 MR. SCHABACKER: And you said that the
21 Farm Bureau is in support of what you just
22 submitted?

23 MR. BEUTH: Yes.

24 MR. SCHABACKER: Now, did that come from a

1 committee or a board? How did they get together and
2 come up with these recommendations? How did you
3 guys do that?

4 MR. BEUTH: Well, we have a monthly board
5 meeting, and this was approved by the board.

6 MR. SCHABACKER: All right. So these --
7 this information comes through your board?

8 MR. BEUTH: Yes.

9 MR. SCHABACKER: Okay. Thank you.

10 VICE CHAIRMAN SAVINO: Any other questions
11 by the board?

12 MR. SCHABACKER: Thank you. This is good.

13 VICE CHAIRMAN SAVINO: Questions from the
14 audience?

15 (No response.)

16 VICE CHAIRMAN SAVINO: No other questions.
17 You're done. Thank you, Richard.

18 If there's nobody else presenting
19 evidence, per se, anybody else that would like to
20 speak? Karl, you're up next.

21 MR. JOHNSON: Thank you.

22 VICE CHAIRMAN SAVINO: Raise your right
23 hand.

24 MR. JOHNSON: Do you want my name and

1 address?

2 VICE CHAIRMAN SAVINO: Yes, name and
3 address, and I'll swear you in.

4 MR. JOHNSON: All right. Karl Johnson,
5 10500 Saddle Path Road, Belvidere, Illinois.

6 (Mr. Johnson was sworn.)

7 VICE CHAIRMAN SAVINO: Go ahead.

8 MR. JOHNSON: Thank you.

9 First off, let me thank you as a ZBA
10 board for all that you do for the County and for
11 sitting through countless hours of many of these
12 meetings of things that you probably when you signed
13 up for this, you hoped you'd never learn about, and
14 now you really hope you never learn about. But it's
15 a difficult process, and sometimes flawed, but a
16 necessary evil so to speak.

17 I want to touch base a little bit about
18 the text amendment you have before you from the
19 County. I think when this process started, we had a
20 lot of good intentions as a county board in what we
21 were looking to do and trying to get ahead of a
22 situation so that we had some groundwork laid for
23 potential developments coming into the County and
24 knowing what the citizens of the County wanted and

1 what the board wanted to see as a developments in
2 the County. And I think through this entire
3 process, we've learned a whole lot of things, things
4 that we didn't necessarily know we were going to
5 stumble across, and things that we never intended to
6 encounter. So when you look at this document, I'm
7 not certain that this is what the county board had
8 intended from the start, but I'm not certain it's
9 not. So I guess, first off, I'd ask that you not
10 close the public hearing tonight, that you keep it
11 open and allow us to go back as a county board, as
12 the planning and zoning committee, and just evaluate
13 it and make sure that what you're considering is
14 exactly what we want you to consider in all of its
15 details. There's been some evidence presented here
16 on various things, and a lot of additional
17 information. One of the gentlemen before me spoke
18 about something that's going through the Illinois
19 legislature currently and in the next week or so may
20 have some definitive action on that would apply to
21 all of these. It could be something that could not
22 only help guide this amendment, but also give us
23 some direction and include that into this document.
24 And it may supercede some things in here.

1 I think there's a lot of things for this
2 board to look at and to consider, as well as the
3 county board. One of those being setbacks and
4 different types of setbacks, decommissioning.
5 That's something that's always a hot topic. And
6 where does decommissioning play a role in this, and
7 how does the County, as a decommissioning adviser,
8 play that role, and what role should they play in
9 something like this. Should that decommissioning be
10 more between the landowner and the contractor who
11 is -- or the developer who's leasing the land?
12 Should the County get involved in that? Should they
13 not? Should they have a safety net? Those are a
14 lot of things that I think we need to consider.

15 I think the gentleman before me mentioned
16 that your job is to protect the farmland, and he
17 mentioned our comprehensive plan. We have to
18 remember that we're redoing our comprehensive plan.
19 So how much stake we put in the existing
20 comprehensive plan moving forward here on out, I'm
21 not sure if this applies to any of it, if we take
22 that comprehensive plan as the being the gospel's
23 truth as to how we want to do things. But even that
24 comprehensive plan allowed for a special use

1 process, and perhaps that's where a lot of this
2 information really needs to be put in is in a
3 special use process. And I'm saying these not as a
4 representative of the county board, because I don't
5 really have a directive from the county board to
6 tell you these things, but as a citizen and a member
7 of the board. I think we need to really consider,
8 do we want to set a document that has a basic
9 outline and then allows for special uses. One of
10 the things that I've learned foremost about these
11 projects, is each and every project tends to be
12 pretty different from the next one based on where
13 it's at, who's around it, what size the project is
14 going to be, what do they want to do, how long is it
15 going to be there, what kind of panels are they
16 going to use. For crying out loud, I thought a
17 solar panel was a solar panel. Nowadays we -- it's
18 all up in the air. There's so many different things
19 and styles. So maybe that's the kind of document we
20 want that deals with certain things, things
21 important to the farmers, making sure that our
22 drainage tiles are protected. If we protect the
23 drainage tiles on that particular land, then that's
24 also protecting the drainage tiles on the adjacent

1 land, because a lot of times they're connected.
2 Making sure, obviously, our roads, things like that.
3 In some areas, maybe the neighbors don't want to see
4 screening, or maybe the farmers don't want to see
5 screening that will be vegetation that's going to
6 grow up and cause a problem in the future. Maybe in
7 some areas a concrete ballast is the best method to
8 place these versus a steel post. I think your steel
9 post is still, the issues of groundwater
10 contamination when a steel post 8 to 12 feet in the
11 ground is very minimal, very minimal for groundwater
12 contamination. We have much greater issues for
13 groundwater contamination than posts in the ground.

14 But I think the burden here isn't so much
15 that you have to protect the farmland, but it's the
16 ZBA's job and the county board's job to protect the
17 County as a whole and all of the citizens and look
18 at what's best for all the citizens in the community
19 as a whole.

20 So as you look at this and you evaluate
21 and decide what to do tonight, there's not many
22 people here throwing their arms in the air saying
23 don't do this or you have to do that, or things like
24 that, so you could very easily make a decision

1 tonight, but I would encourage you to perhaps keep
2 this open one more month. I know that's a
3 frustration and a pain, but I think it's something
4 that we as a county board need to make sure we're
5 giving you the proper direction as to what we want
6 in this document. And maybe we have a lot of things
7 we need to figure out as a county board in doing
8 that so that you're not presenting something to us
9 that we're going to change anyway. And maybe we
10 won't. Maybe this is exactly what we want. It's
11 hard to say.

12 So that's all I have. Thank you.

13 VICE CHAIRMAN SAVINO: So are you saying
14 as a county board working on this, you want to
15 present some different evidence that you want us to
16 look at and hear before we make a decision? Is that
17 what you're asking or recommending?

18 MR. JOHNSON: Well, I'm thinking that for
19 sure, I personally would like see the county board
20 and the PZB discuss this. I'm assuming, you know,
21 the State's Attorney, that they can because we're
22 the applicant in the situation, we can at any time
23 discuss our application and reevaluate what we're
24 applying for?

1 ATTORNEY SMITH: Yes, I believe you could
2 as the applicant.

3 MR. JOHNSON: Okay.

4 VICE CHAIRMAN SAVINO: And she can make
5 that -- she can make a recommendation to postpone
6 it. We can postpone and come back.

7 ATTORNEY SMITH: That's correct. For
8 example, if -- Mr. Johnson was saying about if
9 the -- I'm just using this as an example, I'm not
10 saying that this has to be done, but just the
11 example of, you know, state legislation that was
12 going to be passed, if that's something that wants
13 to be presented as evidence, that could be something
14 that could be brought forward or any other evidence
15 that the county board would want the ZBA to
16 consider.

17 VICE CHAIRMAN SAVINO: Okay.

18 MR. JOHNSON: Any questions?

19 VICE CHAIRMAN SAVINO: Does the board have
20 any questions for Mr. Johnson?

21 (No response.)

22 VICE CHAIRMAN SAVINO: I guess since you
23 spoke, I guess does anybody from the audience have
24 any questions?

1 MR. NEWHOUSE: I really don't know how
2 smart this is to ask questions of the county board
3 chair.

4 MR. RHODE: Oh, there's questions I could
5 ask, but it has nothing do with this case.

6 VICE CHAIRMAN SAVINO: Do you have
7 questions for Karl, what he said?

8 MR. NEWHOUSE: I'll apologize ahead of
9 time.

10 Karl, are you aware that in, I
11 believe, McLean County, there is a 1200-acre solar
12 project valued in the multiple billion dollars area?

13 VICE CHAIRMAN SAVINO: Hang on one second.
14 Now we're starting to ask questions that really
15 wasn't presented, so I don't even know that I should
16 have allowed you since he really didn't present new
17 evidence. I guess I asked for questions, but maybe
18 you didn't present any new evidence other than
19 giving us and asking us the question of waiting
20 because the board might present something.

21 MR. NEWHOUSE: I can rephrase it so that
22 there's no new evidence.

23 VICE CHAIRMAN SAVINO: I guess if it's a
24 question on what he said, unless the State's

1 to tell us?

2 MR. NEWHOUSE: Boone County is like every
3 other county in the State of Illinois in which there
4 are developers knocking on our doorsteps pursuing
5 contracts with landowners, pursuing permitting
6 through special use through the counties, and as
7 each of these requests are moving forward, some of
8 them are admittedly small and in the hundreds of
9 thousands of dollars of value, and some of them are
10 in the billions of dollars of value. And I think,
11 in my opinion, the solar companies with those kind
12 of dollars moving forward with each project, they
13 are going to pursue contract areas that are most
14 desirable and beneficial to them. And so I think I
15 would, as much as I hate to do this, I would lobby
16 against what the last speaker just suggested and
17 that there is value in having criteria that would
18 protect the County's interest, protect the
19 landowners' interests, because I will guarantee you,
20 the solar companies are coming in with proposals
21 protecting their interests. And so whether it is
22 this committee's decision to consider postponing and
23 letting the board talk about this more or not,
24 that's completely up for you to decide, but I would

1 just say that we have a huge task in front of us,
2 because there are, as I've heard Hilary say, many
3 companies who are knocking on our door and will be
4 coming before this committee in short order. And
5 having clear and concise language of what this
6 County wants I think is imperative. You guys have
7 just spent, over the last meetings, upwards of 12,
8 if not more hours, listening to evidence in many of
9 these areas. And I think I would encourage you to
10 deliberate, and whether it's this month or next
11 month, come up with your finding and move it along.

12 Thank you.

13 ATTORNEY SMITH: I just want to make it
14 clear to the board that you can only consider
15 evidence that's presented on the text amendment.
16 You can't consider evidence that has been presented
17 in other cases when you're working on the text
18 amendment, just to be clear. Sorry, Mr. Newhouse.

19 VICE CHAIRMAN SAVINO: Are there any
20 questions from the board?

21 MS. KRUMM: I'd ask a question.

22 VICE CHAIRMAN SAVINO: Go ahead.

23 MS. KRUMM: This agricultural impact
24 mitigation agreement that they're just voting on,

1 it's passed the senate and it hasn't come to the
2 representatives yet. Why would you want us to go
3 ahead before that's done?

4 MR. NEWHOUSE: As was stated by the
5 Boone --

6 MS. KRUMM: Do you want me to say it
7 begin? I forgot. Could you hear?

8 MS. REPORTER: I got it, yeah. Thank you.

9 MR. NEWHOUSE: As was stated by the
10 Boone/Winnebago Farm Bureau chairman, what passed
11 through the senate got very little changes made, and
12 it was passed, I believe it was unanimously. I
13 would anticipate it would -- and this is
14 speculative, I'll agree with that also, but I would
15 anticipate it would make its way through the House
16 also. And it will probably make its way through in
17 short order. If it is the desire of this committee
18 not to pass this text amendment with any definitive
19 language prior to the passage of the AIMA agreement
20 downstate, that's your decision. But you can put
21 language in, as a lot of our neighboring counties
22 have put in, that we will, as a County, abide by the
23 AIMA when it is passed, or our own standards,
24 whichever are more strict. There's lots of ways of

1 pursuing language that would include that type of
2 legislation.

3 MS. KRUMM: Well, without knowing what
4 they are talking about -- without knowing what they
5 are talking about, why would you consider or think
6 that that would be a good plan? Because maybe
7 there's something in there. I really like this idea
8 of common sense. Let's get information before we
9 vote on stuff. And I don't think we have all the
10 information. Look at the stuff we got tonight which
11 is all brand-new, but if the State is working on
12 something, at least we can say, yes, we like it, or,
13 no, we want to throw it out, but we'll at least have
14 something to look at.

15 MR. NEWHOUSE: If that's this committee's
16 choice, then that -- then I don't have anything to
17 say about it.

18 MS. KRUMM: Okay.

19 MR. NEWHOUSE: But if this committee
20 wanted to move forward, you could put language in
21 which will say whichever of the two is stricter, the
22 AIMA or our own County's requirements. There is a
23 very good chance that within this next month it will
24 be passed, and you will have something black and

1 white to look at. Again, I can't argue with that,
2 Joan.

3 MS. KRUMM: Okay. Thanks.

4 VICE CHAIRMAN SAVINO: Is that it?

5 (No response.)

6 VICE CHAIRMAN SAVINO: Thank you,
7 Marshall.

8 I have a question for the State's
9 Attorney. If we were postpone this tonight, and we
10 have an application next month, how -- what set of
11 guidelines can we use? Obviously we have a
12 permitted use, and it's very vague on what we can
13 do. But what restrictions and guidelines can we use
14 if we have an if we don't have this one passed?
15 Then say the next month we pass this, does that make
16 a difference going forward?

17 ATTORNEY SMITH: Right now whoever has
18 their application in isn't subject to the text
19 amendment.

20 VICE CHAIRMAN SAVINO: Correct.

21 ATTORNEY SMITH: So it's my -- there's
22 four, so my guess is --

23 MS. ROTTMANN: And there's two postponed.

24 ATTORNEY SMITH: Right. So my guess is by

1 the time, you know, we don't know what's going to
2 happen between if you put it over a month and pass
3 it a month, if there's going to be ten more
4 applications or not, I guess. That's just kind of
5 the rule, at least the ones that are pending now
6 wouldn't be subject to it anyway, so that the board
7 here and the PZB and the county board would use the
8 special use permit that we currently have.

9 VICE CHAIRMAN SAVINO: So I guess the
10 question is, our current -- I don't even know if we
11 have a setback in the current, do you know if
12 there's a setback or is it just the 40-foot setback
13 for general use?

14 MS. ROTTMANN: So for an energy creating
15 facility it's just whichever zoning district you're
16 in, that would be your requirement. So if it
17 happens to be in A-1, then it would be 40 side and
18 rear, 75 from the front.

19 ATTORNEY SMITH: But the ZBA can also
20 consider individual projects before you --

21 VICE CHAIRMAN SAVINO: That's what I'm
22 saying.

23 ATTORNEY SMITH: -- to put in -- and I'm
24 not saying you should --

1 VICE CHAIRMAN SAVINO: Right.

2 ATTORNEY SMITH: -- but I'm just saying
3 that I believe that you can put on conditions,
4 correct, Hilary of other --

5 MS. ROTTMANN: Absolutely.

6 ATTORNEY SMITH: -- anything so that if
7 you feel that -- if a solar project comes in next to
8 a neighborhood and you want to make additional
9 setbacks other than the one that is in that zoning
10 district, you could do that because as long as it's
11 based on the case before you and there is a reason
12 for the health, safety and welfare of the County,
13 that that's why you're basing it on, then that's a
14 valid condition.

15 VICE CHAIRMAN SAVINO: So that's what I'm
16 getting at is if we didn't -- say this got
17 postponed, we do the next two cases, and then we
18 finish the text amendment, and those rules are
19 different than what we just passed. Is that going
20 to create a problem? Say it's even -- we put more
21 strict conditions on the next two coming up, we do a
22 text amendment that's more or less what I'll call
23 lenient, is that going to be a problem is what I
24 mean?

1 ATTORNEY SMITH: I think as long as you're
2 making decisions based on the evidence presented and
3 it's a, you know, valid condition that it's
4 defensible in court at that point.

5 VICE CHAIRMAN SAVINO: Health, safety and
6 welfare.

7 ATTORNEY SMITH: Correct. And there can
8 be differences in different projects. I don't think
9 there can be necessarily, you know, a wide swing of
10 projects, you know, that require 2,000 setback, you
11 know --

12 VICE CHAIRMAN SAVINO: There's got to be a
13 reason.

14 ATTORNEY SMITH: Correct. There has to be
15 a reason that you're basing it on --

16 MS. ROTTMANN: If they're very similar
17 situated.

18 ATTORNEY SMITH: I guess, that's a good
19 way to put it is similarly situated projects should
20 be, I guess, treated similarly. Does that make
21 sense?

22 VICE CHAIRMAN SAVINO: And then going
23 forward, say we were to pass this tonight, as is,
24 say we don't make any changes, it goes to the county

1 board, they can make whatever changes they want, and
2 they can pass it?

3 ATTORNEY SMITH: That's correct. If you
4 passed it without making changes or if you make
5 changes, the next step would be the PZB and then the
6 county board, and each step, because you're -- what
7 you're doing here tonight is a recommendation to the
8 board, as long as the changes or conditions that
9 they make are based on the evidence that has been
10 presented at public hearing, then they can make
11 those changes.

12 VICE CHAIRMAN SAVINO: So they take our
13 opinion, our evidence, and they make a decision to
14 say, yes, that's good, or, no, we would have done it
15 this way?

16 ATTORNEY SMITH: Yes. And that decision
17 to change it has to be, again, based in evidence.

18 VICE CHAIRMAN SAVINO: I'm just wondering
19 if we were to finish this, pass it. I'd hate to see
20 it just get shot down, but if they can change
21 whatever they want, you know, at least there's
22 something in place, but I also see the value in if
23 there's something new that's going to come out.

24 MR. SCHABACKER: Is this the time to

1 discuss --

2 VICE CHAIRMAN SAVINO: It's open, but go
3 ahead say something on topic, that's fine.

4 MR. SCHABACKER: I've got a little
5 different take on this.

6 VICE CHAIRMAN SAVINO: What's that?

7 MR. SCHABACKER: I don't even see the need
8 for it.

9 VICE CHAIRMAN SAVINO: The need for?

10 MR. SCHABACKER: For this ordinance.

11 VICE CHAIRMAN SAVINO: Okay.

12 MS. KRUMM: I agree.

13 MR. SCHABACKER: That's why I asked if
14 this was the time --

15 VICE CHAIRMAN SAVINO: I know what you
16 mean.

17 MR. SCHABACKER: I've got my reasons, but
18 I don't know how you want to proceed.

19 VICE CHAIRMAN SAVINO: Let me ask for any
20 public comments first.

21 Okay. Is there anybody else that would
22 like to speak on the topic?

23 (No response.)

24 VICE CHAIRMAN SAVINO: So everybody is

1 done. We got that. All right. Steve, go ahead and
2 give your opinion.

3 MR. SCHABACKER: Well, as everybody knows,
4 my take might be somewhat different than others, and
5 the reason I say that, I think some of my
6 experiences are different, and not that they're
7 better, but I've walked in the shoes of zoning
8 enforcement and others. I went to court over these
9 issues with zoning. And I don't want to complicate
10 things, and, to me, this is complicated. And
11 maybe -- maybe it's me that's the problem. But from
12 what I see, I don't see the need for this ordinance.
13 Somebody asks me a question, and if you go through
14 special use, there's where you pick it up, and
15 there's where you put it in place. A guy comes in
16 with a hundred acres and he's got a subdivision, we
17 know that. We set different special use
18 requirements and limitations for him. One shoe
19 doesn't fit all here. The next guy comes in, he's
20 got ten acres. I think these issues can be
21 addressed -- let me see. I think in our zoning
22 ordinance here, it says, energy -- it says, energy
23 facilities 1.0 megawatts or greater, special use.
24 So what can't we do in the special use? I'm

1 confused. And I don't want to put Hilary on the
2 spot, but I've got a couple of questions for the
3 planner. Can we address setbacks in a special use?

4 MS. ROTTMANN: Based on evidential
5 reasoning, you know, that you're making changes.
6 I'm of the opinion yes. Do you agree, Tricia?

7 ATTORNEY SMITH: Yes.

8 MR. SCHABACKER: All right. We don't need
9 an ordinance to put these in place. We can do it
10 ourselves. And then once again, if the folks on
11 county board see different, they have that
12 opportunity. Am I right or wrong to change it?

13 VICE CHAIRMAN SAVINO: They can change --

14 MR. SCHABACKER: There you go. So I stand
15 firmly that if this was to be voted on, I'm voting
16 no. I see no need for it, and I'm new, but I've
17 paid a lot of attention to this the last several
18 weeks, and I can't get my -- I know there's folks
19 that have a lot of different feelings than I do, and
20 I really do respect them, but me, personally, I've
21 thought very hard, and I can't buy it. I just can't
22 buy it. I don't think it's necessary. I think
23 we're double dipping. We talk about too much
24 government, another layer of bureaucracy. I don't

1 believe this ordinance is necessary for us to
2 enforce a regulation, setbacks, what have you,
3 especially when we have the special use and behind
4 that, we have the PZB, you know. And these folks
5 are intelligent people, and we have the county
6 board. So, to me, on this committee, in my opinion,
7 this should be voted down and sent back. I don't
8 believe we need it at all. And that's my two cents.

9 VICE CHAIRMAN SAVINO: Sure. The point of
10 the text amendment is to get some guidelines so if a
11 developer were to come, kind of like with solar or
12 something, they know what like the minimum
13 guidelines are. So if you feel these are too strict
14 or you'd rather not, then that's fine. But that's
15 the point of the text amendment. So somebody shows
16 up and they say we want to build solar power in
17 Boone County, well, let's see what the requirements
18 are. So it is either none for a special use and
19 we'll see what happens in the process, or there's a
20 text amendment that its in there that says, okay,
21 minimum setbacks are 75 feet or 150 feet. It's just
22 different for a special use project versus a special
23 project like a solar farm.

24

1 MR. SCHABACKER: But what precedes that is
2 that zoning that's in place. If you got A-1 --
3 what's your question? You want to come to me.
4 These are your zoning regulations. Can it be
5 varied? If you go through the special use permit,
6 you have that possibility. But these, if you're in
7 A-1 or whatever you're in --

8 VICE CHAIRMAN SAVINO: I understand.

9 MR. SCHABACKER: -- these are your
10 setbacks. So I'm asking you, what's the problem?
11 What are we fixing? I'm still not --

12 VICE CHAIRMAN SAVINO: Sure. I see your
13 opinion, and that's your opinion. So I, personally,
14 I would have some minimum setbacks for something
15 like a solar farm, just like a wind farm, we did the
16 wind farm, and we had minimum setbacks.

17 MR. SCHABACKER: We can do that during the
18 special use.

19 VICE CHAIRMAN SAVINO: And that's your
20 opinion, and that's fine. I personally would rather
21 see a text amendment.

22 MR. SCHABACKER: Why don't you think we
23 can enforce that in the special use?

24 VICE CHAIRMAN SAVINO: So if you have some

1 minimum guidelines at least there's something there

2 --

3 MR. SCHABACKER: You already have minimum
4 guidelines if you're in A-1 agricultural.

5 VICE CHAIRMAN SAVINO: And that's fine.
6 You have your opinion. We're not going to agree.

7 MR. SCHABACKER: I know that. And that's
8 good. You know, we have a lot of respect for each
9 other, but it's good to air it out. And that's my
10 way. And if you're worried about setbacks,
11 ultimately there are setbacks. So what's the
12 question?

13 VICE CHAIRMAN SAVINO: Sure. There's a
14 40-foot setback. Is that what's safe for the people
15 living around, the neighborhood property next to it?
16 Is that going to protect a property value?

17 MR. SCHABACKER: If we don't feel it will,
18 this committee, under a special use, we adjust it.
19 And if not, the other boards will pick it up and
20 change it.

21 VICE CHAIRMAN SAVINO: And that's why we
22 have all the evidence presented so that we can make
23 that decision to put the rule in place and say, no,
24 40 feet is too little or 40 feet is just fine.

1 MR. SCHABACKER: Under the special use you
2 can do it. You don't have to put it -- anyway, like
3 you said, we have different thoughts, but --

4 VICE CHAIRMAN SAVINO: Sure.

5 MR. SCHABACKER: -- sounds good. Thank
6 you.

7 VICE CHAIRMAN SAVINO: Mark? Joan?

8 MS. KRUMM: The problem is like it's
9 already been presented tonight, always a bunch of
10 new evidence. We haven't heard all the possible
11 evidence. So here we are, we're going off half of
12 what we probably need to know to make a decision. I
13 don't feel like making a decision on something that
14 I don't know anything about makes any sense in the
15 first place. And I do not see why we cannot handle
16 this in special use.

17 VICE CHAIRMAN SAVINO: Mark, do you have
18 an opinion?

19 MR. RHODE: I guess I'm kind of under the
20 understanding that we need to hear everything, too.
21 But I understand with these new applicants, are they
22 going to be able to slide under without any of us
23 being able to protect the County? And will the --
24 if the State passes that, are they grandfathered in

1 because they did it before the State passed any
2 rules?

3 VICE CHAIRMAN SAVINO: She may have to
4 answer that. I don't know that one.

5 ATTORNEY SMITH: That's a good question.
6 I guess off the top of my head, let's say that if it
7 hasn't been approved, then I think they would be
8 still subject to that without knowing what's in the
9 bill, but typically if something hasn't been
10 approved yet, then they're still open to, perhaps,
11 law changes. I would say, again, without reading
12 the Bill, like Borrego's application having been --
13 their special use having been approved by the county
14 board, depending on what the Bill says, I don't know
15 if they can go back and change certain things. But,
16 again, the State also has superiority over local law
17 at times as well. It's retroactive. I guess I'm
18 kind of speculating without -- we'd have to look at
19 the Bill to see.

20 MS. ROTTMANN: I feel like the Bill would
21 kind of lay it out, give us a little bit more
22 direction.

23 ATTORNEY SMITH: Correct.

24 MS. ROTTMANN: As to previously, you know,

1 based, you know, anything based this date or that
2 date, I feel like that would probably give us a
3 little bit more insight.

4 MR. SCHABACKER: Under the special use,
5 that AIMA issue that Marshall brought up, we get
6 some of the meat and potatoes on that, what it is,
7 why couldn't that be part of the special use? I
8 guess I'm still hung up on that. Why -- I just
9 can't get it through my head, I guess. I mean,
10 that -- again, Marshall brought up a good point. We
11 can take that information as a committee and when it
12 comes to us, they have to follow those regulations
13 under the State regs. So what did we miss?

14 VICE CHAIRMAN SAVINO: Does our planner
15 have any recommendation or opinion on this?

16 MS. ROTTMANN: So I, you know, I was asked
17 to take a look at some of that brownfield stuff, and
18 I think we created a document, the PZB and county
19 board created a document feeling like they --
20 meeting the needs that they had. A lot has changed,
21 a lot has happened, and we've learned a whole lot,
22 you know, in the past couple of months about things.
23 And, you know, listening to what everybody has said,
24 they're starting to say everything is unique, you

1 know, this situation doesn't fit the ordinance, and
2 that situation doesn't fit the ordinance. So I'm
3 leaning towards simplifying, if we move anything
4 forward at all. Maybe, you know, my suggestion,
5 number one is, either to just leave what we have in
6 place and not move forward to this, or the other
7 option, too, is, you know, I like the idea of
8 potentially in our ordinance we talk about
9 requirements under 4.193, permit requirements, and
10 it kind of goes over things we want when they submit
11 for the special use. So I think that those things
12 could potentially help myself and you guys if we had
13 it, you know, require that information. Because
14 right now I say, you know, drain tile survey isn't
15 required by ordinance, you know, but recommended or
16 appreciated if, you know, provided, you know. So I
17 think those things can potentially help us, but
18 there's a lot of stuff in here like the situations
19 that come up with the screening and setbacks that if
20 we want to treat everybody different, we can if we
21 just create an ordinance that, you know, doesn't
22 pigeon hole us or try to fit, you know, like a
23 square hole into a round peg. So, I mean, it's
24 entirely up to you guys how you want to go about it.

1 I kind of feel like what we have in front of us now
2 is a lot different than what we want or what we
3 thought about after learning so much about what's
4 going on. So that's kind of my take on it. So I
5 see pros and cons to both, but I understand the
6 concerns that everybody does have, but we do have to
7 remember that there is only one person administering
8 this ordinance, and we have to make it easy to use
9 so that I'm not spending a lot of time trying to
10 explain to each person what avenue to go and maybe
11 they're not even interested, you know, I spend an
12 hour talking to them on the phone or five minutes.
13 It's just we have to make sure it's easily
14 understood, or, you know, can be approachable, too.
15 So those are just my thoughts.

16 VICE CHAIRMAN SAVINO: Steve, you have a
17 question?

18 MR. SCHABACKER: Yeah, I'd like to ask a
19 question of the planner, and maybe I'm getting
20 repetitious. The issues that you see that come
21 before us, jumping back a little bit. We just did a
22 special use for Borrego, right, Borrego?

23 MS. ROTTMANN: Yep, Borrego.

24 MR. SCHABACKER: We didn't have an

1 ordinance for that. We went through and the board
2 made some changes, and I thought the system worked
3 as it should unless I missed part of it. But some
4 of this that we're looking at, you know, a majority
5 of the concerns we addressed through the special
6 use. That's my question. I didn't say all, a
7 majority.

8 VICE CHAIRMAN SAVINO: So I have a
9 question, probably for Tricia. Is it best -- or if
10 they postpone, would it almost be better since it
11 sounds like the board wants some changes in this, if
12 we vote no on it and it goes through and they vote
13 no, and we can't do a text amendment for a year, is
14 it better to postpone and let them decide and they
15 can always withdraw rather than to just vote no if
16 that's the way that this was going to? Technically
17 Hilary is the applicant, right?

18 ATTORNEY SMITH: That's what I guess we
19 determined --

20 VICE CHAIRMAN SAVINO: Right.

21 ATTORNEY SMITH: -- at the first meeting.

22 MS. ROTTMANN: At the first meeting, yes.

23 VICE CHAIRMAN SAVINO: I don't want to go
24 through and just vote no, we shoot it down if that's

1 not the best way to go about it. If they still want
2 a text amendment, because they're the applicant, and
3 they want some changes made to it, and if they're
4 just going to take and chop up whatever we do
5 anyway, it's a waste of time.

6 ATTORNEY SMITH: I think if you want to
7 give the county board an opportunity to review the
8 ordinance, I think voting no is not the correct
9 route to go, because you're correct that if the text
10 amendment isn't passed, then you can't apply for
11 another year. I think there's two ways to get it
12 back to county board. If it's postponed, it could
13 be put on the agenda to be discussed by the full
14 county board, or if you did pass something, then the
15 process would go forward, and they can make changes
16 at PZB and the county board. So I think you can get
17 there two avenues, and I'm not sure which is the
18 better route.

19 MS. ROTTMANN: Jump back one or jump
20 forward one.

21 ATTORNEY SMITH: Right.

22 VICE CHAIRMAN SAVINO: Yeah.

23 MR. SCHABACKER: Meanwhile, the applicants
24 would be allowed to come in and apply for a special

1 use.

2 ATTORNEY SMITH: That's correct. I think
3 they would, either way, until something --

4 MR. SCHABACKER: That's what I'm getting
5 at.

6 ATTORNEY SMITH: That's correct.

7 MR. SCHABACKER: They can still come in,
8 and they still could be passed on, which would be
9 setting a little bit of a precedence without an
10 ordinance in place, not a hundred percent. But
11 Borrego, if we look at them, again, I don't want to
12 say a hundred percent, but you kind of look at this,
13 you do this one, you do this, you do this one.
14 We're doing that without the ordinance.

15 VICE CHAIRMAN SAVINO: Isn't technically a
16 special use no precedence set, it's case by case?

17 ATTORNEY SMITH: That's correct. But if
18 they're similarly situated --

19 MR. SCHABACKER: Right.

20 ATTORNEY SMITH: -- that's the problem you
21 get.

22 VICE CHAIRMAN SAVINO: Sure. And I get
23 that.

24 MR. SCHABACKER: Or -- and the State's

1 Attorney mentioned that earlier that if it's
2 similarly situated, you want to try to follow that.
3 That's my point.

4 MS. KRUMM: And if this were to be
5 postponed and we got more information, I might
6 change my mind. But I don't have -- as it is, I'm a
7 no vote. But if there is that information out
8 there, that's really a possibility. I just haven't
9 made up my mind.

10 VICE CHAIRMAN SAVINO: Well, I can't make
11 a motion. Personally, I would say postpone it if
12 the applicant -- well, I guess we could technically
13 do it.

14 MR. RHODE: I don't think the applicant
15 can do it.

16 VICE CHAIRMAN SAVINO: Well, she can ask
17 to postpone. We then can make the motion. She can
18 ask for it. We can postpone it until a further
19 meeting?

20 MS. ROTTMANN: My only question is, do I
21 say that on behalf, like based on Karl's direction?

22 ATTORNEY SMITH: It cannot be on Karl's
23 direction, because Karl does not speak for the
24 board.

1 MS. ROTTMANN: Okay. I don't know if I'm
2 speaking -- am I speaking --

3 VICE CHAIRMAN SAVINO: Hang on one second.
4 Do we even need her to say anything or can we just
5 postpone it?

6 MS. KRUMM: Yeah, why do we need her --

7 ATTORNEY SMITH: Well -- sorry. So it
8 says a request for a further continuance shall be
9 considered on application by the party or its
10 representation at the time the case is called. So I
11 think what we determined last time is that Hilary,
12 being the applicant, would make the request for the
13 continuance, and while she hasn't had direction from
14 the board --

15 VICE CHAIRMAN SAVINO: It's her opinion to
16 present further evidence, though?

17 ATTORNEY SMITH: Or to get further
18 direction from her -- the people that direct her.

19 MS. ROTTMANN: That's what I'm trying to
20 get at. I don't mind doing that. I just want to
21 make sure like if I have to say something, that
22 that's the correct thing that they want me to do.

23 ATTORNEY SMITH: Well, and the problem is
24 is that they can't, you know, it was never on the

1 board agenda for them to discuss. You don't have
2 any direction from the board. I think you have to
3 make a determination based on what you're hearing
4 here tonight of possible, you know, a vote down of
5 the text amendment or giving the board an
6 opportunity to review the application that they
7 presented. Mr. Terrinoni may have a comment in
8 regards to this.

9 VICE CHAIRMAN SAVINO: Ken, do you have
10 something? Go ahead.

11 MR. TERRINONI: I guess I'm speaking to
12 Hilary, our planner, I guess, administrator,
13 planner. I don't see a downside seeking a
14 postponement. I'm not hearing one. And we have a
15 lot of consensus building to do on our end about
16 this, so unless somebody is going to throw something
17 at me, what's the downside of a postponement?

18 VICE CHAIRMAN SAVINO: That's kind of how
19 I feel, too. I think she feels the same, she just
20 wants to make sure she's doing it the way that she's
21 supposed to. So I would say if you want to
22 postpone, you're asking us to make a motion to
23 postpone so there's not a no vote so you can get
24 further direction and any other evidence. So the

1 public hearing will stay open.

2 MS. KRUMM: I'll make the motion.

3 MS. ROTTMANN: I have to.

4 MS. KRUMM: Oh, you do.

5 VICE CHAIRMAN SAVINO: She just is going
6 to ask, and we make the motion.

7 MS. ROTTMANN: Can I have a postponement
8 to discuss this potential new evidence or direction
9 with the county board?

10 MS. KRUMM: I will make a motion.

11 VICE CHAIRMAN SAVINO: All right. So we
12 have a motion by Joan to postpone. Do we have a
13 second?

14 MR. RHODE: I guess I'll second.

15 VICE CHAIRMAN SAVINO: Second by Mark
16 Rhode. Is there any discussion?

17 (No response.)

18 VICE CHAIRMAN SAVINO: All in favor say
19 aye.

20 (Whereupon, all the ayes were
21 heard.)

22 VICE CHAIRMAN SAVINO: Any opposed?

23 (Whereupon, all the nays were
24 heard.)

1 VICE CHAIRMAN SAVINO: Okay. So this one
2 is postponed until it's -- do we have to set a date?

3 ATTORNEY SMITH: I think it just goes to
4 the next meeting.

5 VICE CHAIRMAN SAVINO: So set this to our
6 next regularly scheduled meeting.

7 MS. ROTTMANN: Which is June 26.

8 ATTORNEY SMITH: And that will give an
9 option to go back to the county board.

10 VICE CHAIRMAN SAVINO: So we would need
11 direction on what the applicant is looking for,
12 because we just heard evidence on the text
13 amendment, on you guys -- with the, yeah, proposed
14 text amendment, we heard evidence on that. I guess
15 we just need direction if that's the way you want to
16 go. Does that make sense?

17 MS. ROTTMANN: Yeah. I will talk to the
18 board and see what they would like to do.

19 MS. KRUMM: Hilary, you still say that
20 this is not what you started out with because
21 there's so many new things; is that correct?

22 MS. ROTTMANN: I'm not saying so many new
23 things. I'm saying back when we -- when they
24 submitted this, this is exactly what, I think, they

1 thought that they wanted and they wanted to go. I
2 have been hearing -- I'm just saying through all of
3 our meetings and people's testimony that have been
4 board members -- say each project is kind of
5 different. You know, everything is kind of unique.
6 And, you know, some these don't fit this project,
7 and some these requests don't fit that project. And
8 if we -- once you pass, you know, an ordinance into
9 place, you can't pick and choose. You'll have to
10 ask for a variance from things, you know. It's not
11 like you can say A, B and C apply this time, and
12 then C, D and F apply for that project. So that's
13 all I'm saying is that just sounds like, even the
14 words that I'm hearing the county board members,
15 they may not be thinking that necessarily but when
16 they're saying unique and special and different,
17 that's what I'm thinking that they're seeing each
18 project like.

19 MS. KRUMM: So do we have another one
20 coming next month?

21 MS. ROTTMANN: We have four solar projects
22 that have been submitted.

23 MS. KRUMM: For next month?

24 MS. ROTTMANN: Well, I wanted to kind of

1 see if I could do that tonight, discuss kind of --

2 VICE CHAIRMAN SAVINO: Discuss the agenda
3 maybe?

4 MS. ROTTMANN: Yeah, because everybody's
5 here. It's really hard to call everybody and
6 coordinate, so I thought maybe we could do that a
7 little bit tonight if there was time.

8 VICE CHAIRMAN SAVINO: Okay.

9 MS. KRUMM: I'll wait then.

10 VICE CHAIRMAN SAVINO: I don't know where
11 I set my agenda, so I don't know if there's anything
12 else.

13 MS. ROTTMANN: No, that was the second --
14 that was the only one on this agenda. We got most
15 of our new cases done. So I have for next month's
16 regularly scheduled meeting, there's solar, and I
17 only put it at one at this moment. Tony suggested
18 when we were talking that maybe put two solar on one
19 night, and I -- I feel like we don't know yet how
20 long it's going to take us to get through them, and
21 then we have three others afterwards. I'm not sure
22 like how you guys want to do it, if you want to do
23 special meetings, do you want to double up, or how
24 we want to do this and coordinating. I wanted to

1 talk to you guys about it all.

2 VICE CHAIRMAN SAVINO: Can I ask the one
3 that is on for next month, is that the one came from
4 the regional planning commission?

5 MS. ROTTMANN: That is correct.

6 VICE CHAIRMAN SAVINO: I sat through that
7 one. It's close to I-90. I'm not making a
8 recommendation or whatever, the planning commission
9 voted unanimously to pass it. It's close to I-90.
10 There's no houses close by. It's a small one. The
11 LESA score was real low. It wasn't prime ag
12 farmland. To me, that one seemed a little bit
13 simpler. I don't know what the second one is.
14 That's why I was thinking maybe we can do two in one
15 night.

16 ATTORNEY SMITH: I was going to say
17 maybe, perhaps, starting at 6:00. I don't know what
18 people's schedules are like.

19 MS. KRUMM: I can't do that.

20 ATTORNEY SMITH: You can't?

21 MS. KRUMM: No.

22 VICE CHAIRMAN SAVINO: Can you start at
23 6:30 or no, 7:00 it is?

24 MS. KRUMM: Well, I could try, but I

1 wouldn't guarantee it.

2 VICE CHAIRMAN SAVINO: We'll stay at 7:00.

3 MS. KRUMM: By the time I get home from
4 work --

5 VICE CHAIRMAN SAVINO: That's fine. Just
6 keep it at 7:00.

7 MS. ROTTMANN: The other one, IPS Solar,
8 is same road, across the street from -- so
9 Synacarpa is on the west, and then IPS will be over
10 on the other side. So they're similar area.

11 MS. KRUMM: What road is that?

12 MS. ROTTMANN: Do you recall, Tony, what
13 road it was?

14 VICE CHAIRMAN SAVINO: No.

15 MS. KRUMM: What farm was it?

16 MR. BLISS: Stone Quarry.

17 MS. ROTTMANN: Stone Quarry.

18 MS. KRUMM: Oh, okay.

19 VICE CHAIRMAN SAVINO: Do you know how big
20 that other, the second project is?

21 MS. ROTTMANN: 35, I think. It's a little
22 bit bigger, I think.

23 VICE CHAIRMAN SAVINO: Okay. Well, I
24 would still be of the opinion to do two in one

1 night. The worst case --

2 MS. KRUMM: If we don't have to stay late
3 like that.

4 VICE CHAIRMAN SAVINO: Well, we can still
5 just cut it off at 10:00 o'clock, that's fine. That
6 was a long one.

7 MS. KRUMM: That would be fine with me.

8 MR. SCHABACKER: So the way that I hear
9 it, we're comfortable doing these two without an
10 ordinance.

11 VICE CHAIRMAN SAVINO: I know what you're
12 trying to say.

13 MS. KRUMM: I am.

14 MR. SCHABACKER: But if I'm wrong, and I
15 can be wrong, but here we're going to go and do it,
16 and I think we can do it.

17 MS. KRUMM: The basic sounds easy.

18 MR. SCHABACKER: Yes.

19 MS. ROTTMANN: So am I saying that we're
20 scheduling two that evening or one?

21 MS. KRUMM: The 26th of June?

22 MS. ROTTMANN: Yes, our regularly
23 scheduled meeting, do you guys want to put two on?

24 MS. KRUMM: Good.

1 VICE CHAIRMAN SAVINO: Yeah, sure. If for
2 some reason it looks like either the first one or
3 the second one is going to go long and takes the
4 whole meeting, then maybe in July we can have a
5 second special meeting to move some of these along.

6 MS. KRUMM: If we have to.

7 VICE CHAIRMAN SAVINO: Mark says have a
8 bunch of meetings, that's no problem.

9 MR. RHODE: That's fine.

10 MS. ROTTMANN: If we would schedule a
11 tentative special meeting, the way I have to do it,
12 guys, is when I do the public notice, I have to give
13 30 days, so I can't decide that night, on the 26th,
14 if you need a special. I have to put it in the
15 paper in advance. So if we were to do a special one
16 before our July 24th, what are your guys'
17 availability? I feel like the first week of July
18 might be hard because it's the 4th of July week, and
19 I don't know if people are taking before or after
20 that holiday. The following week there's some
21 City/County meetings -- County standing committees
22 that we have to work around. July 12th, if the
23 boardroom is open --

24 MS. KRUMM: What day of the week is that?

1 MS. ROTTMANN: That's a Thursday. Oh,
2 Thursdays are bad for you. Of July I'm looking at.

3 VICE CHAIRMAN SAVINO: So is the 10th
4 available or no?

5 MS. ROTTMANN: July 10th is available at
6 7:00 if the finance committee meeting --

7 MS. KRUMM: What day is that?

8 VICE CHAIRMAN SAVINO: Tuesday.

9 MS. KRUMM: Yeah, Tuesday is good.

10 MS. ROTTMANN: So July 10 is a tentative
11 special meeting if needed. We'll have at least a
12 quorum? Okay.

13 MR. BLISS: If it matters, Hilary, I won't
14 be here that day. I'm on vacation.

15 MS. ROTTMANN: All right.

16 MS. KRUMM: Have fun.

17 MR. BLISS: I will.

18 MS. ROTTMANN: Okay. Do we want to just
19 schedule anything more before our July 24th one?
20 That's my only question now.

21 VICE CHAIRMAN SAVINO: So the 10th is not
22 a for sure unless we don't finish the two or if it
23 looks like they're going to take a long time. Or
24 are you saying if we commit to these, we have to

1 have the special meeting?

2 MS. ROTTMANN: What I can do is, I can say
3 if case 11 and 12 don't finish, we're going to move
4 it over to the 10th, and then we can say we'll hear
5 13, if we finish 12 and 11, you know what I mean? I
6 can kind of say that in our --

7 VICE CHAIRMAN SAVINO: And then there's
8 how many more after that?

9 MS. ROTTMANN: So we have Synacarpa and
10 IPS scheduled for the 26th, and then I have two more
11 after that, FFP Community Solar, which is Susie
12 Silberhorn's property, and then the fourth one is
13 TerraNavigator, our application.

14 VICE CHAIRMAN SAVINO: I say we just keep
15 it as one for the June meeting, an then one
16 tentative for the time, and we'll keep it as is.
17 That's fine.

18 MS. ROTTMANN: Sounds good. But then I'll
19 say if we make it through, yadda, yadda, yadda.

20 VICE CHAIRMAN SAVINO: Yep. And then
21 we'll have the text amendment to do something with,
22 too, either next month or --

23 MS. ROTTMANN: Yes. So that will be on
24 the 26th as well then?

1 VICE CHAIRMAN SAVINO: Correct. So
2 hopefully we get some direction from the board, and
3 we can decide what to do.

4 MS. ROTTMANN: Okay. Also, a sidenote, I
5 sent attendance checks for you guys, so they should
6 be coming around shortly.

7 VICE CHAIRMAN SAVINO: Okay. Thank you.

8 MS. KRUMM: Thank you.

9 VICE CHAIRMAN SAVINO: So I guess this is
10 Mark's last meeting. Thanks, Mark.

11 MS. KRUMM: Yes.

12 MS. ROTTMANN: For your long years of
13 service.

14 MR. RHODE: My kids are just getting to
15 the point where they're involved in a lot more
16 stuff, you know. You only get one chance to watch
17 them, so . . .

18 VICE CHAIRMAN SAVINO: I understand.

19 MR. SCHABACKER: That's true.

20 VICE CHAIRMAN SAVINO: Next month we'll
21 also be voting on a chairman and vice chairman, so
22 keep that in mind. We'll probably be getting,
23 hopefully, at least one new person, if not two.
24 Brian's not here, and Mark will be leaving. So next

1 month we have to have three of us if we don't get a
2 new person.

3 MS. ROTTMANN: We have ads out so if you
4 know anybody that is interested in -- on PZB that is
5 not in Manchester, Boone or Belvidere, please send
6 them my way. I'm happy to talk to them.

7 VICE CHAIRMAN SAVINO: Where can we not?

8 MS. ROTTMANN: We can't have people from
9 Manchester, Boone or Belvidere.

10 VICE CHAIRMAN SAVINO: I'm Poplar Grove.

11 MS. ROTTMANN: You're Poplar Grove? I
12 thought you were Boone.

13 VICE CHAIRMAN SAVINO: I'm Poplar Grove.

14 MS. ROTTMANN: My bad. Strike that.

15 MS. KRUMM: So now what is it? Manchester
16 or Belvidere.

17 VICE CHAIRMAN SAVINO: It can't be from
18 yours, mine --

19 MS. KRUMM: What's yours?

20 VICE CHAIRMAN SAVINO: Poplar Grove.

21 MS. KRUMM: Oh, Poplar Grove.

22 VICE CHAIRMAN SAVINO: Yes.

23 MS. ROTTMANN: I thought it was Boone.

24 VICE CHAIRMAN SAVINO: I know the cutoff

1 is close.

2 MR. SCHABACKER: You could be wrong.

3 VICE CHAIRMAN SAVINO: Well, then my tax
4 bill -- the fire district changes across the street.

5 MS. ROTTMANN: Okay.

6 VICE CHAIRMAN SAVINO: Is there anything
7 else?

8 MS. ROTTMANN: I'm -- not for me unless
9 you guys have questions of me.

10 VICE CHAIRMAN SAVINO: No. We need a
11 motion to adjourn.

12 MR. RHODE: I'll make the motion to
13 adjourn.

14 MS. KRUMM: Second.

15 VICE CHAIRMAN SAVINO: Mark made a motion,
16 second by Joan to adjourn. Any discussion?

17 (No response.)

18 VICE CHAIRMAN SAVINO: All in favor say
19 aye.

20 (Whereupon, all the ayes were
21 heard.)

22 VICE CHAIRMAN SAVINO: Opposed?

23 (Whereupon, no nays were heard.)

24 (Whereupon, at 8:45 p.m., the

