

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 East Washington Street

Urbana, IL 61802

DATE: April 25, 2024

PLACE:

Shields-Carter Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 6:30 p.m.

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

MEMBERS ABSENT: Ryan Elwell, Thaddeus Bates

STAFF PRESENT: John Hall, Stephanie Berry, Charlie Campo

OTHERS PRESENT: Brian Bushley, Abby Heckman

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Hall stated that Mr. Bates had called in and told them he wouldn't be able to attend tonight's ZBA meeting. Since they are without their regular chairperson, the Board needs to elect an interim chair for tonight's meeting and entertained a motion.

Mr. Flesner moved, seconded by Mr. Roberts, to make Cindy Cunningham the interim chair for tonight's meeting. The motion carried by voice vote.

3. Correspondence – None

4. Minutes – None

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

6. New Public Hearings -

Ms. Cunningham stated that they have a gentleman here who is wishing to speak on behalf of Case 136-V-24 and is currently the third case on the docket for tonight's ZBA meeting. She said in respect to this gentleman's time she would entertained a motion to move Case 136-V-24 to the beginning of the docket.

Mr. Flesner moved, seconded by Mr. Andersen, to move Case 136-V-24 to the beginning of the docket. The motion carried by voice vote.

Ms. Cunningham asked the gentleman if he was Jeffrey Kenyon.

1
2 The gentleman replied no that he was Mr. Kenyon’s father-in-law.
3

4 **Case 136-V-24**

5 Petitioner: **Jeffrey Kenyon**
6

7 Request: **Authorize a variance for a proposed 3.38-acre lot in lieu of the maximum allowed 3**
8 **acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture**
9 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**
10

11 Location: **Part of the southwest quarter of the southwest quarter of Section 33, Township 21**
12 **North, Range 10 East of the Third Principal Meridian in Compromise Township, with**
13 **an address of 2008 CR 2400N, Thomasboro.**
14

15 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must
16 sign the witness register for that public hearing. She reminded the audience that when they sign the witness
17 register, they are signing an oath.
18

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

28 Brian Bushley, 2767 County Road 2000 East, Rantoul, stated that all this started with the farmer getting
29 tired of farming around the barn that used to sit on the back side of the property, and they can see the odd
30 shape that it made the ground. He said the farmer is the one that came to Mr. Kenyon and request that they
31 trade off some ground, and that Mr. Kenyon would take down the barn, so that the farm just has a rectangle
32 to farm around and not the odd shape.
33

34 Ms. Cunningham asked Mr. Bushley if that was all the testimony he had.
35

36 Mr. Bushley said that Mr. Kenyon is going to do a solar array, but he is not exactly sure where the solar
37 array is going to go. He said the farmer is still farming some of that rectangle, but now he just swings in
38 a little bit when farming. He said it is fairly close to the dashed lines where the farmer is coming up and
39 farming that area too.
40

41 Ms. Cunningham asked if Mr. Bushley had any further testimony.
42

43 Mr. Bushley said no he thinks that is it.
44

45 Ms. Cunningham asked if there were any questions from the Board or Staff. Seeing none, she asked if
46 there was anyone that wishes to cross-examine this witness. Seeing no one, she told Mr. Bushley that he
47 could have a seat and they could proceed, but please stay. She asked if anyone else wishes to present
48 testimony and mentioned Mr. Flesner.
49

1 Mr. Flesner said he doesn't know if he can present testimony because he knows both parties involved in
2 this, and he knows the farmer that owns the field. He said that he lives less than a mile away from the
3 Kenyon's and it was a good land swap, and from what he gathered from Mr. and Ms. Kenyon is that
4 everything will sit on the south side of the back shed according to the pictures as of now, so will land on
5 their property.

6
7 Ms. Cunningham thanked him and asked if anyone else from the Board or Staff had anything else they
8 wanted to add. Seeing none, she entertained a motion to close the Witness Register for Case 136-V-24.

9
10 **Mr. Flesner moved, seconded by Mr. Randol, to close the Witness Register for Case 136-V-24. The**
11 **motion carried by voice vote.**

12
13 Ms. Cunningham entertained a motion to move to the Findings of Fact for Case 136-V-24.

14
15 **Mr. Randol moved, seconded by Mr. Flesner, to accept the Preliminary Draft, Documents of**
16 **Record, and move to the Findings of Fact for Case 136-V-24. The motion carried by voice vote.**

17
18 Ms. Cunningham read from Attachment H on page nine of ten in the Preliminary Memorandum, as
19 follows:

20
21 **Findings of Fact for Case 136-V-24**

22 From the documents of record and the testimony and exhibits received at the public hearing for zoning
23 Case **136-V-24** held on **April 25, 2024**, the Zoning Board of Appeals of Champaign County finds that:

- 24
25 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or**
26 **structure involved, which are not applicable to other similarly situated land and structures**
27 **elsewhere in the same district because:**

28
29 Mr. Flesner said the special conditions and circumstances **DO** exist which are peculiar to the land or
30 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
31 the same district because: the petitioners want to create a rectangular lot that will provide adequate
32 setbacks for the existing and proposed structures on the property and no land is proposed to be removed
33 from production.

- 34
35 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
36 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
37 **the land or structure or construction because:**

38
39 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
40 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or
41 structure or construction because: without the proposed variance, the petitioners would need to reconfigure
42 their property in order to provide adequate setbacks for the existing and proposed structures but would be
43 left with an irregular shaped lot that would be less practical for the farmer to deal with.

- 44
45 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
46 **result from actions of the applicant because:**

47
48 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties **DO NOT** result
49 from actions of the applicant because: the existing "L" shaped lot was not created by the petitioner. He

1 said the lot was originally created to extend to County Road 2000 East and encompass some existing
2 outbuilding that have since been removed and the area was put into agricultural production.

3
4 **4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* in**
5 **harmony with the general purpose and intent of the Ordinance because:**
6

7 Mr. Andersen said the requested variance SUBJECT TO THE PROPOSED CONDITION IS in harmony
8 with the general purpose and intent of the Ordinance because: no land is proposed to be taken out of
9 production.

10
11 **5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL***
12 ***NOT* be injurious to the neighborhood or otherwise detrimental to the public health, safety,**
13 **or welfare because:**
14

15 Mr. Randol said the requested variance SUBJECT TO THE PROPOSED CONDITION WILL NOT be
16 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
17 relevant jurisdictions have been notified of this case, and no comments have been received from anyone.

18
19 **6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the**
20 **minimum variation that will make possible the reasonable use of the land/structure because:**
21

22 Mr. Andersen said the requested variance SUBJECT TO THE PROPOSED CONDITION IS the
23 minimum variation that will make possible the reasonable use of the land/structure because: it is the
24 minimum lot size that will provide adequate setbacks for existing and proposed structured and will provide
25 a reasonable shape to farm around.

26
27 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**
28

29 Ms. Cunningham entertained a motion to adopt the Findings of Fact for Case 136-V-24.

30
31 **Mr. Flesner moved, seconded by Mr. Roberts, to adopt the Findings of Fact for Case 136-V-24.**
32 **The motion carried by voice vote.**
33

34 Ms. Cunningham entertained a motion to move to the Final Determination for Case 136-V-24.

35
36 **Mr. Andersen moved, seconded by Mr. Flesner, to move to the Final Determination for Case**
37 **136-V-24. The motion carried by voice vote.**
38

39 Ms. Cunningham read from Attachment H on page ten of ten in the Preliminary Memorandum, as
40 follows:
41

42 **Final Determination for Case 136-V-24**

43 **Mr. Andersen moved, seconded by Mr. Randol, that the Champaign County Zoning Board of**
44 **Appeals finds that, based upon the application, testimony, and other evidence received in this**
45 **case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the**
46 **authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning**
47 **Board of Appeals of Champaign County determines that:**
48

49 **The Variance requested in Case 136-V-24 is hereby GRANTED to the petitioners, Jeffrey**

1 Kenyon, to authorize the following:

2
3 Authorize a variance for a proposed 3.38-acre lot in lieu of the maximum allowed 3 acres
4 in area for a lot with soils that are Best Prime Farmland in the AG-1 Agriculture Zoning
5 District, per Section 5.3 of the Champaign County Zoning Ordinance.
6

7 Ms. Cunningham requested a roll call vote.

8
9 The vote was called as follows:

10
11 Andersen – Yes Bates – Absent Cunningham – Yes Elwell – Absent
12 Flesner – Yes Randol – Yes Roberts – Yes

13
14 Ms. Cunningham congratulated Mr. Bushley.

15
16 **7. Continued Public Hearings –**

17
18 Ms. Cunningham said going back to the top of our agenda.

19
20 **Case 129-AM-24**

21 Petitioner: **Troy Parkhill**

22
23 Request: **Amend the Zoning Map to change the zoning district designation from the R-1**
24 **Single Family Residence Zoning District to the B-4 General Business Zoning**
25 **District.**

26
27 Location: **A 1.81-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15,**
28 **Township 20 North Range 7 East of the Third Principal Meridian in Mahomet**
29 **Township with an address of 503 South Lake of the Woods Road, Mahomet.**

30
31 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must
32 sign the witness register for that public hearing. She reminded the audience that when they sign the witness
33 register, they are signing an oath.

34
35 Mr. Hall said it seems that the petitioner is not here tonight nor is the neighbor who had some work done
36 to help with their case, and staff are wondering if maybe they thought the case was going to be continued,
37 but staff didn't tell them that, however, staff knew that they both wanted the case to be continued. He
38 would say listen to the one person who is here to provide comments if they have anything to say, and then
39 they can move on to the next case and then come back to this case at the end of tonight's ZBA meeting if
40 no one shows up.

41
42 Mr. Randol asked if Mr. Hall needed a motion to do that.

43
44 Ms. Cunningham said no.

45
46 Mr. Randol said okay.

1 Ms. Cunningham said they have one witness who has wanted to testify and asked if she could come up to
2 the microphone and state her name and address.

3
4 Abby Heckman, Village of Mahomet Planner, 503 East Main Street, Mahomet, stated that she doesn't
5 know if she has a lot to say other than she can just update them on some conversation they have had with
6 Mr. Parkhill's father. She said his father has been in the office talking to them about this particular property,
7 the Village of Mahomet has advised them on the minimum distance they would like driveway to be setback
8 from Lake of the Woods Road. She said that the Board and staff have the sketch drawing that they kind of
9 prepared at this point, she has not seen any documentation related to the septic system as far as the
10 functionality – yes or no. She said at this point the Village of Mahomet is still waiting on Mr. Parkhill to
11 provide the Village of Mahomet with more of a scaled drawing that they can review and provide comment
12 on, but at this point they have not received that nor an application for rezoning upon annexation or any of
13 those actions at this point, that is pretty much all she has unless the Board or staff have any questions, then
14 she will be happy to answer anything that she can.

15
16 Ms. Cunningham said there is no other public member here in the audience.

17
18 Ms. Heckman said she will add that the neighbor, the one that is the Village of Mahomet resident, Ms.
19 Kesler, she has been in the office, they have had some conversations, however, she doesn't want to give
20 Ms. Kesler's opinion on what she thinks on the rezoning request, but she does think that at a minimum
21 that Ms. Kesler wants some sort of a buffer space between her and the business activity with maybe a
22 fence or enough space to where there wouldn't be any activity directly next to her home. She hasn't had
23 direct conversation with the other adjacent property that is a county resident at this point, but the Village
24 of Mahomet does have plans to communicate with him as well, so if the Board or staff have anything to
25 ask, she will be happy to comment.

26
27 Ms. Cunningham asked if there were any questions from the Board.

28
29 Mr. Randol asked Ms. Heckman where she lived at on the aerial map they have.

30
31 Ms. Heckman told him she works for the Village of Mahomet.

32
33 Mr. Randol asked her where Ms. Kesler lives.

34
35 Ms. Heckman said Ms. Kesler lives directly to the north where there is a small parcel that notches out of
36 the top northwest.

37
38 Mr. Randol said the parcel is odd shaped.

39
40 Mr. Flesner said yes it is a dwelling on the back.

41
42 Mr. Randol said okay, he wasn't here when any of this was discussed at the previous ZBA meeting.

43
44 Ms. Heckman said I see, yes, it is directly across from Windwood Drive there and that is where her home
45 is situated.

46
47 Mr. Randol said okay and thanked her.

48
49 Ms. Heckman said the building is not setback very far on that lot, so it is very close.

1
2 Mr. Hall said that they have heard that Ms. Kesler had a survey of her lot and asked if she had seen that
3 survey.

4
5 Ms. Heckman said she hasn't seen that, however, she has been in communication with Hartke Engineering
6 and Surveying, and they have done the preliminary research in an advance of coming out, but she is not
7 sure if they have physically been out to the property as of yet, but she knows Ms. Kesler was in
8 communication at the end of last week trying to get that scheduled, so she is working on that.

9
10 Mr. Hall said okay and thanked her.

11
12 Ms. Heckman said to follow up for Mr. Randol who wasn't here at the previous ZBA meeting for this
13 case. She said Ms. Kesler is concerned because there is a portion of her driveway that could possibly be
14 cutting that corner on this particular property since she believes the home has been there prior to 1975, so
15 she thinks it has been like that since that time period, but she is concerned about maintaining her ability
16 to get in and out of the driveway as it exists now.

17
18 Ms. Cunningham asked staff if they have heard anything about the water and septic yet.

19
20 Mr. Hall said no.

21
22 Mr. Randol said out of curiosity since he is playing catch up on this. He said when looking at that aerial
23 in the northwest corner of that property it shows the Village of Mahomet's Incorporated boundary line,
24 and those buildings are on both properties the way it looks on the aerial map.

25
26 Ms. Heckman said correct, she doesn't know exactly where those buildings are sitting, but she will say
27 there is similar ownership interest in the adjacent properties. She said in their Zoning Ordinance they
28 would allow a zero setback when there are commercial properties adjacent to each other, so she usually
29 says flat map on a round world, the picture can be slightly off sometimes, shadows, or things that make it
30 look like it's over, her guess it is very close, but she is hopeful it is not over, otherwise, they may have to
31 do some other subdivision, land trade, or something.

32
33 Mr. Randol thanked her.

34
35 Mr. Campo stated he could answer the question about the septic system, the petitioner, Mr. Parkhill, did
36 express to him that he did have the septic system inspected and discovered where the leach field is located.
37 He asked him for some sort of documentation from the contractor that did that, and he hasn't gotten that,
38 but he is aware of that.

39
40 Mr. Flesner said that was his biggest concern at the last ZBA meeting, because Mr. Parkhill said it came
41 out the northeast corner of the house if he is not mistaken, and he said there is no way that it could, so it
42 had to come out the back side of the house. He said if they put a culvert or something in between him and
43 Ms. Kesler's property, that if something happened, then Ms. Kesler's property could be flooded with
44 sewage.

45
46 Mr. Campo said it is his understanding that the septic tank is on the south side of the house on the property,
47 then it is piped around the front of the house in between the house and Lake of the Woods Road, and the
48 leach field is on the north side of the house.

49

1 Mr. Flesner said that makes sense.

2

3 Ms. Heckman said that is what was indicated to her by the petitioner, Mr. Parkhill’s, father when they met
4 with him, but she hasn’t seen any documentation other than just conversation.

5

6 Ms. Cunningham asked if there were any other questions for the witness. Seeing none, she thanked Ms.
7 Heckman and entertained a motion to continue Case 129-AM-24 until the end of the ZBA meeting in
8 anticipation that other witnesses could come forward before they finish.

9

10 Mr. Flesner said sorry still a newcomer and asked how this works, because isn’t this the last case.

11

12 Ms. Cunningham said they have the BESS to talk about too.

13

14 Mr. Flesner said okay, so leave the Witness Register open in case.

15

16 Ms. Cunningham said the idea here is to leave the Witness Register open and discuss the BESS case, then
17 come back to it after they have done the BESS case and see if other witnesses have come forward, then
18 they can proceed from there. She entertained a motion to leave the Witness Register open and continue
19 Case 129-AM-24 at the end of the ZBA meeting.

20

21 **Mr. Roberts moved, seconded by Mr. Andersen, to leave the Witness Register open and continue**
22 **Case 129-AM-24 at the end of the ZBA meeting. The motion carried by voice vote.**

23

24
25 Note: The Board returned to Case 129-AM-24 after discussing Case 130-AT-24.

26

27
28 Ms. Cunningham said they are back to the Parkhill case, Case 129-AM-24, they do not have any additional
29 witnesses in the meeting room and asked Mr. Hall what do they do from here.

30

31 Mr. Hall said the Board has two options, they have the authority under the By-Laws that gives them the
32 power to dismiss a case if the petitioner doesn’t show up, but in this case, he thinks there has been some
33 confusion and doesn’t think it was a conscious effort to not show up. He would say to continue Case 129-
34 AM-24 since he knows there has been a lot done in preparation and thinks they could continue until the
35 May 30, 2024, ZBA meeting. He said they could continue until May 16, 2024, but in his experience, with
36 that short of time between ZBA meetings, the petitioner is not going to get that much done, but it could
37 be either May 16, 2024, or May 30, 2024, ZBA meetings.

38

39 **Mr. Flesner moved, seconded by Mr. Andersen, to continue Case 129-AM-24 to May 30, 2024, ZBA**
40 **meeting. The motion carried by voice vote.**

41

42 Mr. Hall said staff would be in touch with Mr. Parkhill and Ms. Kesler to let them know.

43

44 Ms. Cunningham entertained a motion to close the Witness Register for Case 129-AM-24.

45

46 **Mr. Roberts moved, seconded Mr. Flesner, to close the Witness Register for Case 129-AM-24. The**
47 **motion carried by voice vote.**

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Case 130-AT-24

Petitioner: **Zoning Administrator**

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Request:

- Amend the Champaign County Zoning Ordinance as follows regarding Battery Energy Storage Systems (BESS):**
- 1. Add the following definitions to Section 3.0 Definitions: BATTERY ENERGY STORAGE MANAGEMENT SYSTEM (BESMS), BATTERY ENERGY STORAGE SYSTEM (BESS), TIER-1 BATTERY ENERGY STORAGE SYSTEMS, TIER-2 BATTERY ENERGY STORAGE SYSTEMS.**

 - 2. Add new paragraph 4.2.1 C.8. to provide that a BATTERY ENERGY STORAGE SYSTEM may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.**

 - 3. Amend Section 5.2 as follows:**
 - a. Add “BATTERY ENERGY STORAGE SYSTEM” to be allowed by Special Use Permit in the AG-1 Agriculture, AG-2 Agriculture, B-1 Rural Trade Center, B-4 General Business, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.**

 - b. Add Footnotes 32 and 33 regarding TIER-1 and TIER-2 requirements.**

 - 4. Add new Section 6.1.8 TIER-2 BATTERY ENERGY STORAGE SYSTEMS to establish regulations including but not limited to:**
 - a. General standard conditions**
 - b. Minimum lot standards**
 - c. Minimum separations**
 - d. Standard conditions for design and installation**
 - e. Standard conditions to mitigate damage to farmland**
 - f. Standard conditions for use of public streets**
 - g. Standard conditions for coordination with local fire protection district**
 - h. Standard conditions for allowable noise level**
 - i. Standard conditions for endangered species consultation**
 - j. Standard conditions for historic and archaeological resources review**
 - k. Standard conditions for acceptable wildlife impacts**
 - l. Screening and fencing**
 - m. Standard condition for liability insurance**
 - n. Operational standard conditions**
 - o. Standard conditions for Decommissioning and Site Reclamation Plan**
 - p. Complaint hotline**
 - q. Standard conditions for expiration of Special Use Permit**
 - r. Application requirements**

 - 5. Regarding BATTERY ENERGY STORAGE SYSTEMS fees, revise Section 9 as follows:**
 - a. Add new paragraph 9.3.1 K. to add application fees for a BATTERY ENERGY STORAGE SYSTEMS Zoning Use Permit.**

b. Add new subparagraph 9.3.3 B.(9) to add application fees for a BATTERY ENERGY STORAGE SYSTEMS Special Use Permit.

Location: **A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.**

Ms. Cunningham stated that she is turning this over to Mr. Hall.

Mr. Hall thanked her and stated that this is a use that they have had three or four inquiries on as standalone uses, they have at least one proposed solar farm that has not been before the Board yet, but one solar farm that will be proposed with a battery storage component. He said that he is not an expert on these things, but he will help the Board through this as best as he can. He said battery storage is becoming more popular and helps smooth out the irregularities from wind and solar, it is not expected to provide much energy in the case of a power outage, because it is going to be a long time before they have enough battery storage to fill in those kinds of gaps, but it can certainly smooth out the power on the grid and make things work much better. He said that in this part of the country battery storage that they are likely to see in the near future is containerized battery storage that is put inside what amounts to a shipping container, then the shipping containers are put on the site. He said unlike the solar arrays, the shipping containers need a nice stable concrete footing, they need to have space between them, so that in case there is a fire, it doesn't spread between containers, that means there is a lot more impervious area with a BESS, than there is with a solar array. He said if the BESS are not with a solar array, then the BESS are common around substations, and he doesn't have any idea of what size they are likely to see. He said a good rule of thumb that he heard recently was ten acres per each megawatt of battery storage and he doesn't have any idea about how many megawatts they are likely to see. He said no one that has talked to them has said that they want to do X number of megawatts on X number of acres – nothing has been that specific. He said the one solar farm that has talked about it as near as he can remember, that was like 60 megawatts, so that might be six acres in the midst of a few hundred-acre solar farm that is near a substation.

Mr. Hall said when they first heard about battery storage, they heard a lot of stories about fires that can happen; he is convinced now that it is easy to get too concerned about fire. He said the one big fire that happened up in Grundy County in Morris, Illinois was more the result of improper storage of lithium-ion and other kinds of batteries all in one warehouse not with very much care, and eventually the batteries caught fire and burnt the whole thing down. He said that would never have been approved, it is just that no one knew they were storing them there and those kinds of things can happen, it gives the BESS a bad name even though it is not at all like going through a public hearing with testimony from the fire protection district and all the standards that they have added into this text amendment. He said for the foreseeable future based on what he has read, they are only likely to see lithium-ion kinds of BESS and those are generally considered the safer kinds. He said if it would happen to catch fire, it is not considered a hazardous material; it is a special material that does need to be cleaned up if it is spilled, but it is not at all a hazardous material.

Mr. Hall said if the Board has spent much time reading the text amendment, they may have noticed the list of requirements for safety, that is from Attachment B, pages six of 31, in the Preliminary Memorandum under paragraph D.(6.), they require a lot of safety certifications like a Battery Energy Storage Management System, which is a type of software system that monitors the state of the batteries all the time to identify if any of the batteries are close to getting into this condition called Thermal Runaway, which could happen, but is not common, that is why they require Hazard Detection Systems to automatically identify things like that. He said Fire Suppression Systems are required to be there, control Battery Electrolyte Spill Contaminant and Management, and things like that, again, he is not an expert,

1 but he has tried to put as much in here for safety as he can find. It is his understanding that if BESS meets
2 the standards of UL 9540, that is the best kind of system you can have. He sort of feels like they are at a
3 disadvantage in Champaign County, because they don't even have an adopted building code and yet they
4 are considering allowing a use for which codes are absolutely essential, so they have put all the codes in
5 this zoning amendment, in fact, these are the important codes relevant to BESS even if they had an adopted
6 building code, he doesn't think it would be that relevant to something this specialized.

7
8 Mr. Hall said that staff has included lots of attachments with facts, pictures, examples of BESS facilities,
9 again, from the experts he has talked to and what they are likely to see are these shipping container like
10 structures on concrete footings. He said they have proposed to require screening just like for a solar array,
11 they have a separation to nearest principal structures of 500 feet, which is much greater than most
12 ordinances; it is the same as Dekalb County, Illinois, which is the most extreme setback he could find, and
13 that is simply because they know there is this fear of fire, they want to do everything they can to minimize
14 the concerns of neighbors, that is why they picked that particular setback, it is the greatest that they found
15 and they think they can justify it, because of common sense safety precautions. He was at a meeting last
16 week with the Illinois Association of County Zoning Officials, they had invited a BESS developer from
17 Iowa who gave a good talk and gave some other standards that he would have liked to incorporate into
18 this amendment, but he didn't have a chance to, so once they continue this case tonight, then once it comes
19 back to the Board there will be some small additions, but nothing major. He said things like ensuring that
20 there would be at least ten feet between the individual containers; ten feet would be an accepted standard
21 that will guarantee if the fire does break out in one container it won't jump to any other containers. He
22 said things like keep vegetation at least ten feet away from any of these containers, again, that goes back
23 to incase there would be a fire, they want to minimize any fuel that can be there. He hates to keep dwelling
24 on this, but if a fire does break out in one of these BESS, the fire department will be there principally to
25 let it burn itself out and make sure the fire doesn't spread, because once this Thermal Runaway takes off
26 all you can do is let it burn itself out. He said that is all he has in terms of opening comments, if there are
27 any questions, he can try to entertain them.

28
29 Ms. Cunningham said before they get started and thanked him for the incredible amount of work that has
30 gone into this in the forthright for planning for our county and energy needs going forward.

31
32 Mr. Hall said they may have seen Ms. Burgstrom played a big part in getting this material together.

33
34 Ms. Cunningham said she seen that, and many thanks to both them and asked if there were any questions
35 from the Board.

36
37 Mr. Flesner stated that he greatly appreciates Mr. Hall and Ms. Burgstrom doing this and asked if they had
38 spoke to any of the local fire chiefs, because with this being Champaign County, Champaign-Urbana have
39 much stronger fire departments compared to anybody else in the county. He is curious if they have talked
40 to small town volunteer fire department chiefs to see what their thought pattern was on this also.

41
42 Mr. Hall said no, they have not done that.

43
44 Mr. Flesner said it is in plans to speak with him a little bit.

45
46 Mr. Hall said now that he mentioned it, it would make sense to send this out to them to see if they have
47 any comments since they don't have any BESS in the county yet, he doesn't know, but they can certainly
48 do that, they will send it out for comments.

1 Mr. Flesner thanked him and said he worries about the smaller towns that might have two or three fire
2 trucks and five volunteer fire fighters show up.

3
4 Ms. Cunningham said she has fire fighter experience, so she has a couple of questions believe it or not.

5
6 Mr. Randol stated that he was going to comment that Mr. Hall had at the end there; he knows this is new
7 stuff for the fire departments with batteries and that, but in vehicles, it is virtually almost impossible to
8 put the fire out, they have to try to keep it cool and let it burn itself out. He questions the ten-foot separation
9 distance between the containers that they told Mr. Hall about, because the fire department is not going to
10 be able to get in between those containers to do anything at a ten-foot separation distance, so it is not going
11 to be too feasible to stop the fire from spreading if it gets out of that container.

12
13 Mr. Hall said right, but there are supposed to be Fire Suppression Systems inside the containers, which he
14 would assume would help somewhat with that, but as he has come to realize – where is the source of that
15 and asked if it would be chemical suppression.

16
17 Mr. Flesner said yes, it would have to be.

18
19 Ms. Cunningham said no, according to the documents, the way to fight this fire would be with water,
20 which is counter intuitive. She said one of the concerns that she has about the plan that can easily be
21 rectified, because they are talking about it now. She said in any Fire Suppression System that would work
22 for this there would need to be water and there would need to be some requirement that water be onsite.

23
24 Mr. Hall said yes.

25
26 Mr. Randol yes, because that chemical would not do it – it would have to be water to keep it cool.

27
28 Ms. Cunningham said that is what you would think, because it would be an electrical fire, and you don't
29 use water on an electrical fire.

30
31 Mr. Randol said dry chemical wouldn't do it unless they come out with something new.

32
33 Mr. Flesner said he apologizes, the reason he said no is because they use glycerin in certain factors at the
34 U of I and that keeps things from freezing in those jobsite trailers, because you can't have water in the
35 building where it would freeze if there was no heat.

36
37 Ms. Cunningham said that is another consideration, but the chemical suppression would not be effective
38 for putting these fires out, so it would have to be a water suppression system. She was a volunteer fire
39 fighter for three or four years, they try their very best, but there were times she was out of town or there
40 were times where she had two crying babies, and her toner would go off and she couldn't come. She said
41 there would be a delay of half-hour to 45 minutes before maybe someone from Ogden could get to the fire
42 in the Royal area where she lived. She said maybe the plan is already adequate for that, but she would
43 want someone with more professional fire experience than her to weigh in on any given delays and some
44 of their training challenges that a volunteer fire department would have, they need to address that more
45 fully.

46
47 Mr. Hall said there is an attempt to address that in the requirements for the plan.

48

1 Ms. Cunningham told him she did see that, it was clear to her that he was thinking this through, that the
2 volunteer fire fighters would have to be trained on how to fight the fires for BESS. She thinks that given
3 the nature of the fire departments in the rural areas of the county where these BESS are likely to be located
4 they are going to have to be very specific and name the names of who would provide the training and get
5 contracts in place of who would do it and a timeline for how it would happen, with the frequency of
6 volunteer turnover, so she would recommend that.

7
8 Mr. Randol told Mr. Hall that a good source that he might want to talk to in addition to the county fire
9 chiefs would be the U of I Fire Institute, because they are on top of everything that they do in the rural
10 fire departments.

11
12 Mr. Hall said good idea.

13
14 Ms. Cunningham said that three times a year the U of I Fire Institute conducts training for rural fire
15 departments, so if there could be some sort of cooperation with the U of I Fire Institute that would be
16 great.

17
18 Mr. Flesner said as well as big cities, they still have Chicago, Mt. Vernon, and big places coming. He said
19 seriously here would be the place to learn how to do it.

20
21 Ms. Cunningham said right, again, she apologizes for the suggestions, because this clearly was a very lift
22 with research all across the country given how new this is, she thinks it is a testament to the foresight of
23 their planning division, that they are thinking this far an advance to get things in place before it comes to
24 them and they are scrambling, so she thanked them. She asked if there were any other questions from the
25 Board or if Mr. Hall had any further remarks.

26
27 Mr. Hall said in order to give staff adequate time to send this out to U of I Fire Institute and prominent
28 local agencies, he would recommend this be continued no sooner than June 13, 2024, ZBA meeting at the
29 earliest.

30
31 Mr. Flenser said yes honestly, second or so moved, however, you want to say it.

32
33 Mr. Hall said that would be the motion and asked if there was a second.

34
35 Ms. Cunningham said that would be the motion.

36
37 Mr. Flesner said so moved.

38
39 Ms. Cunningham entertained a motion to postpone Case 130-AT-24 until such a time that the Zoning
40 Administrator says it is ready to be heard again.

41
42 Mr. Hall said that is a good idea, but they have to continue to a date certain.

43
44 Ms. Cunningham said they do, okay.

45
46 Mr. Flesner asked they can continue this as much as it needs to be.

47
48 **Mr. Flesner moved, seconded by Mr. Randol, to move Case 130-AT-24 to June 13, 2024, ZBA**
49 **meeting. The motion carried by voice vote.**

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Ms. Cunningham said they will continue this until a little additional work can be done.

Mr. Hall thanked them.

Ms. Cunningham thanked him.

8. Staff Report – None

9. Other Business

A. Review of Docket

Ms. Cunningham asked if they had that in front of them and she doesn't feel any need to read that to them. She asked if there were any comments from staff about the docket.

Mr. Hall said no, but they can see that ELUC has a huge agenda May 9, 2024, with four solar farms that the Board finished recently and the agenda for the meeting is four pages long, so that will be a full meeting. Mr. Hall asked if there were any absences coming up that they need to record.

Mr. Flesner asked Mr. Hall what the date was that he just said.

Ms. Cunningham told him that was for ELUC.

Mr. Flesner said okay never mind – May 9, 2024, scared him.

Ms. Cunningham asked if there were going to be any absences.

Mr. Andersen said he potentially might not be there for the May 16, 2024, ZBA meeting.

Ms. Cunningham said May 16, 2024, ZBA meeting.

Mr. Andersen said yes.

Mr. Hall said since Mr. Anderson said that he may not be here for May 16, 2024, ZBA meeting, they haven't placed the legal advertisement for the case that is on May 16, 2024, ZBA docket. He said given that the county pays a per diem for every ZBA meeting for every Board member, if they would like to move Case 137-V-24 to the May 30, 2024, ZBA meeting to have two cases on that ZBA meeting date rather than only one case on May 16, 2024, ZBA meeting, he doesn't think that is going to be a particular problem for Mr. Gilly and it would be arguably a better use of county resources or they could go ahead and meet on May 16, 2024, ZBA meeting to deal with Mr. Gilly.

Ms. Cunningham said that sounds like a splendid idea.

Mr. Flenser moves, seconded by Mr. Andersen, to move Case 137-V-24 on the docket to the May 30, 2024, ZBA meeting. The motion carried by voice vote.

Ms. Cunningham said there will be no ZBA meeting on May 16, 2024. She asked if there were any other issues with the docket. Seeing none, she said very good.

1 **10. Adjournment**

2

3 Ms. Cunningham entertained a motion to adjourn.

4

5 **Mr. Andersen moved, seconded by Mr. Flesner, to adjourn the meeting. The motion carried by voice**
6 **vote.**

7

8 The meeting adjourned at 7:29 p.m.

9

10 Respectfully Submitted,

11

12

13 Secretary of the Zoning Board of Appeals