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IN THE MATTER OF:  
CHRISTIAN COUNTY

ZONING BOARD OF APPEALS

APRIL 26, 2022

Sandra K. Haines  
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CHRISTIAN COUNTY

ZONING BOARD OF APPEALS

MARCH 22, 2022

6:00 P.M.

ZONING BOARD:

- Mr. Steven Sipes, Chairman
- Mr. David Copenbarger
- Mr. Joe Dorr
- Mr. Glen Goodrich
- Mr. Jon Rosenthal
- Ms. JoAnn Howard

PRESENT:

- Mr. Vincent Harris, Zoning Administrator
- Ms. Linda Curtin
- Ms. Bev Graham
- Mr. Jim Prescott
- Mr. Monte Ten Kley
- Mr. Alec Messina
- Mr. Bruce Brockelsby
- Mr. Jeff Nolen
- Mr. Greg Vasilion
- Mr. Lucas Domonousky

1           PRESENT CONTINUED:

2

Ms. Renee Moore

3

Ms. Jean Vandenberg

4

Ms. Elaine DeWerff

5

Ms. Vicki M. McMahon

6

Mr. Matt Lanham

7

Ms. Nicole Lanham

8

Mr. Larry E. Tolliver

9

Ms. Venise McWard

10

Ms. Karen Brockelsby

11

Mr. Lee Brockelsby

12

Mr. Jo Lewis

13

Mr. Mark Britton

14

Mr. Jon Callaway

15

Mr. Greg Vanderkamp

16

Mr. Dean McWard

17

Dr. Robert Colantino

18

Mr. Steve Brockelsby

19

Ms. Janet DeClerck

20

Ms. Sandra K. Haines, Court Reporter,  
CSR No. 084-002423

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1                   CHAIRMAN SIPES: It is April 26th,  
2                   2022, the Zoning Board of Appeals meeting. We  
3                   are going to call it to order. Roll-call.

4                   MR. HARRIS: Chairman Sipes.

5                   CHAIRMAN SIPES: Here.

6                   MR. HARRIS: Mr. Dorr.

7                   MR. DORR: Here.

8                   MR. HARRIS: Joann Howard.

9                   MS. HOWARD: Here.

10                  MR. HARRIS: David Copenbarger.

11                  MR. COPENBARGER: Here.

12                  MR. HARRIS: Jon Rosenthal.

13                  MR. ROSENTHAL: Here.

14                  MR. HARRIS: The roll-call signifies a  
15                  quorum.

16                  MR. GOODRICH: You forgot me.

17                  MR. HARRIS: Oh, Mr. Goodrich.

18                  MR. GOODRICH: Here.

19                  MR. HARRIS: Roll-call signifies a  
20                  quorum.

21                  CHAIRMAN SIPES: Okay. Thank you. The  
22                  first order of business is the minutes, approval  
23                  of minutes from the last meeting. If everyone  
24                  has had a chance to review those, a motion.



1 MR. COPENBARGER: I make a motion that  
2 we accept the minutes from the last meeting.

3 MR. GOODRICH: Glen Goodrich, I will  
4 second that motion.

5 CHAIRMAN SIPES: Roll-call.

6 MR. HARRIS: Glen Goodrich.

7 MR. GOODRICH: Yes.

8 MR. HARRIS: Jon Rosenthal.

9 MR. ROSENTHAL: Yes.

10 MR. HARRIS: David Copenbarger.

11 MR. COPENBARGER: Yes.

12 MR. HARRIS: Joann Howard.

13 MS. HOWARD: Yes.

14 MR. HARRIS: Joe Dorr.

15 MR. DORR: Yes.

16 CHAIRMAN SIPES: The first item of  
17 business on our agenda is to hear a proposal,  
18 deliberate, approve, or disapprove an  
19 application for a zoning variance to the  
20 Christian County Zoning Code, Zoning Variance  
21 ZV22-2 to place a garage nine feet from the  
22 property line. Vince, have all notices been  
23 placed?

24 MR. HARRIS: All notices have been

1 placed. We have not received any opposition.  
2 Mark is here to talk about that.

3 CHAIRMAN SIPES: Have all fees been  
4 paid?

5 MR. HARRIS: Yes.

6 CHAIRMAN SIPES: I believe there is a  
7 representative here for the garage.

8 MR. MARK BRITTON: Yes.

9 CHAIRMAN SIPES: Would you state your  
10 name, and spell your name.

11 MR. MARK BRITTON: Mark Britton, Mark,  
12 M-A-R-K, Britton, B-R-I-T-T-O-N, Coach House  
13 Garages.

14 CHAIRMAN SIPES: Mr. Britton, if you  
15 would like to go over this, please.

16 MR. MARK BRITTON: Okay. The property  
17 at 75 Miller Lane I just wish to put in a garage  
18 with, in front with a work shop in the back with  
19 one building. The original format design was  
20 for a 30 by 40 building, and we applied for a  
21 building permit, and we received that. Upon  
22 further consideration the owner felt that he  
23 needed more space for the workshop area. So, he  
24 asked to add ten more feet, which puts him

1 within 15 feet of the back property line by six  
2 feet. So, we are asking for a variance to be  
3 allowed. The back property line tapers away  
4 from the garage. So, it is only the one  
5 southwest corner of the garage, which would be  
6 within nine feet and by about halfway through  
7 the building we are at 15 feet, and the far  
8 corner is about 19 to 20 feet away from the  
9 property line. So, it is just a matter of kind  
10 of putting a portion of that garage's corner  
11 within six feet of the 15 foot code setback  
12 requirements. So, the variance asks to allow us  
13 to place the building in the location according  
14 to the map we submitted.

15 CHAIRMAN SIPES: Vince, you said there  
16 was no opposition from the notices that you  
17 sent?

18 MR. HARRIS: No.

19 CHAIRMAN SIPES: Okay. Are there any  
20 questions from the Zoning Board? Now, Vince, if  
21 I am correct, this issue doesn't have to go back  
22 to the Board?

23 MR. HARRIS: No, this does not go back  
24 to the Board.

1                   CHAIRMAN SIPES: Is there anyone here  
2                   that is signed up in favor, opposed, or neutral  
3                   on this topic? Seeing none and seeing no  
4                   questions from the ZBA is there a motion to  
5                   approve, disapprove?

6                   MR. DORR: I will make a motion to  
7                   approve the variance.

8                   MR. COPENBARGER: I will second that  
9                   motion.

10                  CHAIRMAN SIPES: Okay. No further  
11                  discussion on the issue. Seeing none,  
12                  roll-call.

13                  MR. HARRIS: Chairman Sipes.

14                  CHAIRMAN SIPES: Yes.

15                  MR. HARRIS: Glen Goodrich.

16                  MR. GOODRICH: Yes.

17                  MR. HARRIS: Jon Rosenthal.

18                  MR. ROSENTHAL: Yes.

19                  MR. HARRIS: David Copenbarger.

20                  MR. COPENBARGER: Yes.

21                  MR. HARRIS: Joann Howard.

22                  MS. HOWARD: Yes.

23                  MR. HARRIS: Joe Dorr.

24                  MR. DORR: Yes.

1 MR. HARRIS: Motion carried.

2 CHAIRMAN SIPES: The next item on the  
3 agenda for this evening is to hear a proposal,  
4 deliberate, approve, disapprove an application  
5 for text amendment to the Christian County  
6 Zoning Code TX22-8, which seeks to add to 1-6-31  
7 personal energy generation solar residential and  
8 to solar commercial, 1 and 2. TX22-8, okay,  
9 under solar under C would add special  
10 requirements number four. Vince, would you  
11 explain this, please.

12 MR. HARRIS: What happened was we had  
13 someone complain about solar panels that was put  
14 not necessarily too close to their house, but  
15 they didn't like to look at it out of their  
16 kitchen window. We don't have anything in the  
17 residential code that states you need to have a  
18 fence or some kind of landscaping up to prevent  
19 that from the view beyond the property line.  
20 So, that's what this is taking care of tonight.  
21 We would require either some type of vegetative  
22 screening like a hedgerow or a six foot fence to  
23 knock down that view that's displeasing.

24 CHAIRMAN SIPES: This would be under,

1 this Vince would also fall under the commercial  
2 side of things too?

3 MR. HARRIS: We would do that to the  
4 commercial side as well because there needs to  
5 be some kind of difference between commercial  
6 property and residential property, so some kind  
7 of fence, or a hedgerow, or something like that.

8 CHAIRMAN SIPES: Okay. Are there any  
9 questions of Vince to the ZBA, and this would be  
10 in the form of a recommendation to the County  
11 Board?

12 MR. HARRIS: This would go to the  
13 County Board.

14 CHAIRMAN SIPES: Are there any  
15 questions from the ZBA? I think it is a  
16 reasonable request.

17 MR. DORR: Now, on some of those that  
18 we didn't have this we had the companies --

19 CHAIRMAN SIPES: We have worked it out  
20 individually.

21 MR. DORR: So, this puts it in writing.

22 MR. HARRIS: Now, this is just -- to  
23 reiterate this is just for 1-6-31, okay, both  
24 residential because there is a residential

1 standard and a commercial and light industrial  
2 standard. So, but this is not for the  
3 industrial solar farm.

4 CHAIRMAN SIPES: So, it is just for the  
5 residential?

6 MR. HARRIS: It is for the residential  
7 and then the farm and commercial, light  
8 commercial.

9 CHAIRMAN SIPES: Light commercial,  
10 okay. Is there a recommendation in the form of  
11 a motion to the County Board, please?

12 MR. GOODRICH: Glen Goodrich, I will  
13 make a recommendation we move it to the County  
14 Board.

15 CHAIRMAN SIPES: In favor?

16 MR. GOODRICH: In favor, yes.

17 MR. ROSENTHAL: Jon Rosenthal, I will  
18 second it.

19 CHAIRMAN SIPES: Any further  
20 discussion? Is there anyone here that is signed  
21 up in opposition, in favor, or neutral on this  
22 subject? I don't think that there is, no.

23 I do want to add it is the ZBA's job to  
24 make recommendations on some subjects that have

1 to go back to the County Board. I don't  
2 believe -- the County Board has to act on this  
3 recommendation. They are either in favor of it,  
4 or they are opposed to it; and if they are  
5 opposed to this recommendation from the ZBA, it  
6 needs to come back to the ZBA with a written  
7 reason as to why.

8 Now, at our last County Board meeting they  
9 tabled a subject, which I am not sure they can  
10 actually do. If the County Board Members would  
11 like to check into that, I would appreciate it.

12 Okay. So, I have a recommendation on the  
13 floor. Roll-call.

14 MR. HARRIS: Joe Door.

15 MR. DORR: Yes.

16 MR. HARRIS: Joann Howard.

17 MS. HOWARD: Yes.

18 MR. HARRIS: David Copenbarger.

19 MR. COPENBARGER: Yes.

20 MR. HARRIS: Jon Rosenthal.

21 MR. ROSENTHAL: Yes.

22 MR. HARRIS: Glen Goodrich.

23 MR. GOODRICH: Yes.

24 MR. HARRIS: Chairman Sipes.



1 CHAIRMAN SIPES: Yes.

2 MR. HARRIS: Motion carried.

3 CHAIRMAN SIPES: Next on the agenda is  
4 to hear a proposal, deliberate, approve,  
5 disapprove an application for text amendment to  
6 the Christian County Zoning Code TX22-9 seeks to  
7 change setbacks B and permit requirement  
8 building permit and to the fee schedule for  
9 hearing on setting a solar farm.

10 Vince, would you like to go over this,  
11 please?

12 MR. HARRIS: We received some  
13 recommendations from the County Board several  
14 months ago about how to, what they thought the  
15 solar farms should be, how far they should be  
16 back, and I thought I had that. I do apologize.  
17 At any rate they wanted to change the setting of  
18 the solar farm fee so that you guys could listen  
19 to it from 1,000 to I believe it was 3,000, and  
20 then the megawatts, the first two megawatts  
21 would be, right now currently \$10,000.00 for the  
22 first two megawatts, and then a thousand dollars  
23 after that per megawatt. What we seek to change  
24 is the 10,000 to 15,000 for the first two

1 megawatts, and then 2,500 for every additional  
2 megawatt after that of power. Then to change  
3 the setback from 100 to 350 to so on.

4 CHAIRMAN SIPES: Is there any questions  
5 from the ZBA Board?

6 MS. HOWARD: When he said setback, does  
7 he mean residential or property line?

8 MR. HARRIS: We want to change from 100  
9 to 300 feet from residential, and then 50 feet  
10 from a house to 150 feet.

11 MS. HOWARD: Okay. Thank you.

12 CHAIRMAN SIPES: Property lines or  
13 residence, Vince?

14 MR. HARRIS: One hundred feet from the  
15 property line to 300 feet, and then 50 feet from  
16 the residence to 150 feet. Again those were  
17 given to us by the County Board.

18 MR. DORR: I don't think I have that  
19 one in my package.

20 CHAIRMAN SIPES: It is on the same page  
21 as TX22-8. It is the next paragraph down.

22 MR. HARRIS: This is for the industrial  
23 solar. So, that would be Appendix B of the  
24 Christian County Code.

1                   CHAIRMAN SIPES: So, let me reiterate  
2 here. The current setback in an industrial zone  
3 is 100 feet from the property line, and the wish  
4 is to change it to 300?

5                   MR. HARRIS: Yes.

6                   CHAIRMAN SIPES: Currently are there  
7 any cases where we have residences in industrial  
8 zone?

9                   MR. HARRIS: Well, this is an ag. If  
10 you come for a special use, it is permitted in  
11 ag 1.

12                   CHAIRMAN SIPES: The second one is  
13 currently 50 feet to residence wishing to change  
14 it to 150 feet. The fees are for industrial  
15 project, commercial project?

16                   MR. HARRIS: Commercial project as  
17 well, and again they would go to the Appendix B.

18                   CHAIRMAN SIPES: Are there any  
19 questions from the ZBA?

20                   MR. DORR: This is for any new  
21 projects, correct?

22                   MR. HARRIS: Yes, it would be for any  
23 new projects.

24                   MR. DORR: Any of the ones that we have

1 approved that have not started and they have to  
2 reapply?

3 MR. HARRIS: Yes. As long as they have  
4 not -- their building permit has worn-out, you  
5 know, like the folks behind you there, they  
6 haven't started their project yet, and they have  
7 all their building permits and everything like  
8 that. They have until '24 to complete, to put  
9 something in, to do something with that. Now,  
10 if they were to permit a different section than  
11 what they have already done, they would be  
12 subject to these new fees.

13 MR. DORR: Okay.

14 CHAIRMAN SIPES: And setbacks.

15 MR. HARRIS: And setbacks. Are there  
16 any other questions from the ZBA?

17 MR. COPENBARGER: I just want to make  
18 sure. The first change is property line, and  
19 the 100 to 300 is property line, and 50 to 100  
20 is --

21 MR. HARRIS: To 150.

22 MR. COPENBARGER: -- is building.

23 MR. HARRIS: Well, residence.

24 MR. COPENBARGER: Is only 50 feet?

1 MR. HARRIS: Yes.

2 CHAIRMAN SIPES: I think there is at  
3 least one person signed up in opposition to  
4 this. Was there anyone neutral on this topic or  
5 opposed that signed up that wishes to speak?

6 Okay. I think there was someone in  
7 opposition. If you would come around here,  
8 please. State your name, spell it for the court  
9 reporter.

10 MR. GREG VANDERKAMP: My name is  
11 Greg Vanderkamp. That's G-R-E-G,  
12 V-A-N-D-E-R-K-A-M-P. I am a Director of  
13 Development with Invenergy.

14 We are currently working on the Hickory  
15 Point and Auburn solar projects in Christian  
16 County. As Vince mentioned, we have been here  
17 since 2018. We do have a preliminary permit for  
18 the Hickory Point project. We are still fine  
19 tuning and optimizing that project. So, it is  
20 possible that we will need to re-permit the  
21 project, and be subject to additional permitting  
22 requirements.

23 CHAIRMAN SIPES: Mr. Vanderkamp,  
24 continue please.

1                   MR. GREG VANDERKAMP: Sure, so we have  
2                   been developing in Christian County for the last  
3                   four years. We have worked with 20 landowners  
4                   and over 4,000 acres that are now participating  
5                   in the project. We have communicated setbacks  
6                   as they are currently written in the County to  
7                   those landowners, and those landowners are  
8                   participating under, with the underlying  
9                   assumptions of the current setbacks. So,  
10                  changing these setbacks, A, we need to change  
11                  the designs for those landowners, and too it  
12                  becomes increasingly more challenging and more  
13                  costly to develop solar projects in Christian  
14                  County. We have spent millions of dollars  
15                  already in development on these projects. Over  
16                  the long term we expect 60 million dollars worth  
17                  of property tax revenue to come in from these  
18                  projects. By implementing these unnecessarily  
19                  large setbacks that jeopardizes our ability to  
20                  bring these projects to fruition, and ultimately  
21                  bring those benefits to Christian County.

22                  I want to specifically point out the  
23                  property line setback as a problematic setback  
24                  for a project. I understand the need or the

1        desire to protect residents who live in the  
2        rural area who live near a project. I  
3        understand the desire to protect residents. So,  
4        that can be best accomplished through a  
5        residential setback. That I totally understand  
6        and totally can agree with.

7                The property line setback, increasing the  
8        property line setback is what makes it  
9        challenging for a project. So, I will list out  
10       three reasons why this is challenging.

11               Increasing setbacks, and everyone should  
12       have a packet in front of you, there is a blue  
13       table on it. That's the first page of the  
14       packet I am reading from. The first, increasing  
15       setbacks drastically increases the project  
16       footprint and acreage needed. By increasing  
17       setbacks from adjacent properties on all sides,  
18       there is less buildable acreage on each  
19       individual parcel. If the intent is to minimize  
20       the amount of acreage needed and minimize the  
21       number of parcels and landowners affected, we  
22       should keep property lines setbacks as small as  
23       possible so the project can maximize paneling on  
24       as few parcels as possible. With large and

1 unnecessary setbacks each parcel will have less  
2 buildable land, and more acreage will actually  
3 be taken out of agricultural production because  
4 you need more and more parcels.

5           Again if the intent -- this is the second  
6 point -- if the intent is to prevent neighbors  
7 from having to look at panels from their back  
8 porch or from their doorstep, then a residential  
9 setback makes sense. A property line setback  
10 does not accomplish that. It is an arbitrary  
11 line sometimes in the middle of a field where  
12 you have to set back from. Again a large  
13 property line setback actually makes the project  
14 footprint larger because more parcels are needed  
15 to build the same amount of panels. If  
16 anything, large property line setbacks make the  
17 project more visible and to more people because  
18 again more parcels are needed.

19           Final point, by requiring a 150 foot  
20 setback, and that's the setback that we were  
21 assuming from property lines, 150 foot setback  
22 from adjacent parcels on all sides of that  
23 parcel, the landowner that is participating will  
24 have an unusable 150 foot strip on all four



1 sides of their property. So, it leaves an  
2 unfarmable, unusable, untillable 150 foot strip  
3 on all sides of that parcel. The intent makes  
4 sense, but the actual outcome in the real world  
5 scenario does not make sense.

6 To illustrate that point further a 40 acre  
7 parcel under current setbacks would have 34,  
8 almost 35 acres of buildable land for a solar  
9 project. The second map that you can see in  
10 your packet shows what 150 foot setbacks would  
11 do to that same parcel. You lose 10 acres of  
12 property that are no longer able to be built for  
13 a solar project. So, it goes from 35 acres of  
14 potential buildable land for solar to 25 acres  
15 on a 40 acre parcel. So, it makes it really  
16 challenging for a solar developer to build a  
17 project. It hurts the underlying landowner  
18 because they can't maximize the use of their  
19 property, and it sets an arbitrary 150 foot  
20 buffer area sometimes in the middle of people's  
21 fields that is no longer used for anything  
22 including agricultural purposes.

23 So, for those reasons I think the,  
24 specifically the non-participating parcel

1 setback does not make sense. To further,  
2 finally illustrate that point the blue table on  
3 the first page shows some comparative counties  
4 in the State of Illinois, and what setbacks that  
5 they currently have in place. The average  
6 residential setback is 173 feet. That's an  
7 average. So, usually it is 100 foot or 200 foot  
8 setback from residences. That's -- 173 feet is  
9 the average. Some counties have zero foot  
10 setbacks from residences. The property line  
11 setback, the average setback for property lines  
12 is 30 feet. So, 150 foot would be five times  
13 the average of any county setback in the State  
14 of Illinois. Additionally, the residence  
15 setback would be double essentially what is  
16 normal and average across the State.

17 So, that's what I had to say. I think  
18 these setbacks while well intended could have  
19 real and dire consequences. The residential  
20 setback I understand that, and I think maybe  
21 increasing it to 100 feet or 150 feet, that  
22 makes sense; but the property line setback in  
23 particular that is a tough pill to swallow.

24 CHAIRMAN SIPES: Are there any

1 questions from the ZBA to Mr. Vanderkamp?

2 MR. DORR: I have one. This was the  
3 one we have approved, and approved multiple  
4 solar farms, but none of these have been  
5 started. What is the hold up? I mean I  
6 understand that you might have to reapply, but  
7 there is federal monies been flowing for all  
8 these projects, and none of them are going up.  
9 What is the hold-up?

10 MR. GREG VANDERKAMP: Developments are  
11 challenging. I know that sounds like a throw  
12 away statement, but there is a reason why we  
13 need seven years to develop, plan, engineer,  
14 permit, contract, and ultimately build the  
15 project. These takes seven years.

16 We have been developing this project since  
17 2018. That's four years of development. I  
18 would anticipate that we are still planning for  
19 another couple or three years until this thing  
20 gets built and is generating electricity.

21 I know that's not what the Board wants to  
22 hear, but that's the actuality. These are three  
23 to 400 million dollar investments. They are not  
24 throw away investments, and there is a team of

1 over 100 people working on this project on a  
2 daily basis. That is why these take years to  
3 develop.

4 CHAIRMAN SIPES: Now, your current  
5 project would fall under the old guidelines  
6 anyway unless your permit runs out.

7 MR. GREG VANDERKAMP: Yes.

8 CHAIRMAN SIPES: Your permit doesn't  
9 run out until sometime in '24.

10 MR. GREG VANDERKAMP: Yes, sir.

11 CHAIRMAN SIPES: So, you are concerned  
12 about you are going to run out of time?

13 MR. GREG VANDERKAMP: Yes, if we need  
14 to re-permit, and I would say there is a  
15 likelihood that we might need to re-permit. If  
16 we need to re-permit, thinking ahead to designs  
17 on that new permit application, that's going to  
18 matter especially to the landowners who have  
19 currently signed up to this date.

20 CHAIRMAN SIPES: Vince, I want to -- I  
21 know I have asked this once already, maybe  
22 twice. I am going to ask it a third time. It  
23 is set up right now currently we are 50 feet  
24 from a residence?

1 MR. HARRIS: Right.

2 CHAIRMAN SIPES: Okay. Your map,  
3 Mr. Vanderkamp, was it under the assumption that  
4 it was 150 feet from any property line, or the  
5 new setback would be 300 feet from any property  
6 line? You went from 35 acres down to 25 what  
7 was --

8 MR. GREG VANDERKAMP: I have no reason  
9 to doubt what you are saying is true. We were  
10 under the assumption that the setback, the  
11 property line setback was being expanded from 50  
12 feet to 150. That was our understanding.

13 MR. HARRIS: That's what it is. He has  
14 got it right. Property line from 50 feet to 150  
15 feet and 300 from the residence. I apologize, I  
16 misspoke.

17 CHAIRMAN SIPES: So, currently our  
18 residential is 100 feet, and the request was to  
19 change it to 300 --

20 MR. HARRIS: Yes.

21 CHAIRMAN SIPES: -- on a residence?  
22 And the current property line setback is 50 feet  
23 to 150?

24 MR. HARRIS: Yes.

1                   CHAIRMAN SIPES: Your map reflects the  
2 150.

3                   MR. GREG VANDERKAMP: Yes, and that's  
4 what takes 10 acres of area out of a 40 acre  
5 parcel.

6                   MR. COPENBARGER: I have got a  
7 question. So, with the 50 foot setback as we  
8 had it you do no, you can't do any work? Your  
9 fence is actually 50 foot back, is that correct?

10                  MR. GREG VANDERKAMP: My understanding  
11 is yes, the fence is 50 feet back.

12                  MR. COPENBARGER: Your project line is  
13 50 feet from the property line?

14                  MR. GREG VANDERKAMP: Yes, sir. That's  
15 my understanding.

16                  MR. COPENBARGER: So, it is not your  
17 responsibility to maintain that 50 foot area?

18                  MR. GREG VANDERKAMP: With vegetative  
19 management plans all new solar project or good  
20 actors with solar projects create vegetative  
21 screening in that buffer area, and we as the  
22 owner and operator would have to maintain that.

23                  MR. COPENBARGER: So, the 150 would be  
24 maintained by you too most likely?

1 MR. GREG VANDERKAMP: Yes.

2 MR. COPENBARGER: Okay.

3 MR. GREG VANDERKAMP: Mowing that many  
4 acres over a summer and on multiple parcels  
5 becomes quite costly, and it takes valuable  
6 ground out of production.

7 MR. COPENBARGER: I understand.

8 CHAIRMAN SIPES: Okay. I don't know  
9 that I have any more questions for  
10 Mr. Vanderkamp; but if you want to stay put, you  
11 are fine, in case something else comes up.

12 To me my thoughts on this property line  
13 setback is that one thing I hear the most  
14 griping about is taking farm ground out of  
15 production. For the County to increase that to  
16 even more farm ground being taken out of  
17 production I am not sure that is the intent  
18 maybe. Any thoughts on that from the rest of  
19 the ZBA?

20 MR. DORR: Well, it is still coming out  
21 of production if you have 50 feet or 150 feet.  
22 It is not like you can farm it.

23 CHAIRMAN SIPES: But the fact is now  
24 they have got to find more parcels to create the

1 same amount of electricity.

2 MR. DORR: Right.

3 CHAIRMAN SIPES: Which does in the long  
4 run take more out of production.

5 MR. COPENBARGER: I have got a  
6 question. So, the text amendment change came  
7 from the County Board, is that correct?

8 MR. HARRIS: Yes.

9 CHAIRMAN SIPES: County request.

10 MR. COPENBARGER: The County Board got  
11 with you, Vince, and said we want to change  
12 this?

13 MR. HARRIS: Yes.

14 CHAIRMAN SIPES: Did it come from the  
15 County Board, or did it come from the committee?

16 MR. HARRIS: It came from the Board.

17 MR. COPENBARGER: During a Board  
18 meeting?

19 MR. HARRIS: They sent us some  
20 documentation.

21 MR. ROSENTHAL: Vince, correct me if I  
22 am wrong, didn't we already change this once?  
23 Wasn't it 25 and it went to 50?

24 MR. HARRIS: No. If you did, it was



1 before me.

2 MR. DORR: What was the reasoning for  
3 the County Board wanting to change it?

4 MR. HARRIS: I didn't ask that  
5 question.

6 CHAIRMAN SIPES: The residence from 100  
7 feet to 300 feet, to me that seems rather  
8 extreme if they are going to put up a vegetation  
9 type screening of some kind.

10 MS. HOWARD: I agree.

11 CHAIRMAN SIPES: I think being Chairman  
12 allows me to ask other questions. I know there  
13 is maybe -- I don't know that any of the County  
14 Board members signed up to speak on this, but if  
15 one of them -- I would allow it if one of the  
16 County Board Members has more insight to this.

17 Let's move on to -- Mr. Vanderkamp, were  
18 the only serious issues you guys had was the  
19 setbacks from what I see?

20 MR. GREG VANDERKAMP: Yes, I would say  
21 increasing the permit fees are also challenging.  
22 They believe it or not are more palatable than  
23 setbacks. So, I will raise an objection for the  
24 permitting fees, and ask you to consider meeting

1 in the middle; but the property line setbacks  
2 are the ones that really, really affect the  
3 project.

4 CHAIRMAN SIPES: Understand. Thank  
5 you, Mr. Vanderkamp.

6 MR. GREG VANDERKAMP: Thank you.

7 CHAIRMAN SIPES: We may call back on  
8 you if we need to.

9 MR. GREG VANDERKAMP: Not a problem.

10 CHAIRMAN SIPES: What's the ZBA's  
11 thoughts?

12 MR. COPENBARGER: My thought is nobody  
13 will speak up to tell us why they wanted them  
14 changed. I say we leave them the way they are.

15 MR. ROSENTHAL: I agree.

16 MS. HOWARD: I think if we submit it,  
17 the County Board, they are going to do what they  
18 want anyway.

19 CHAIRMAN SIPES: Well, they will have  
20 to make a recommendation or approve our  
21 recommendation or disapprove it, and then they  
22 should, in theory if they send it back to us,  
23 they should give a written reason why.

24 MS. HOWARD: Has that ever happened?

1           CHAIRMAN SIPES: Well, normally they  
2 don't -- normally they go along with our  
3 recommendations because it is us doing the  
4 homework and having the hearing. Joe?

5           MR. DORR: I agree with Dave as far as  
6 the property line; but as far as the residence I  
7 would split the difference and go 200 because to  
8 me that's more of a nuisance than just the  
9 property line. That's where we get the most  
10 complaints is from the residential. Like this  
11 average they say is 173. So, 200 feet is not  
12 that much different than the average that they  
13 provided. I would say leave the property line  
14 the same, and change the residential to 200  
15 foot. That's my recommendation.

16           MR. HARRIS: Well, we have to take  
17 what's in front of us, and if you don't want to  
18 take that part you could --

19           CHAIRMAN SIPES: I can split it up. We  
20 can split it up into different recommendations.

21           MR. DORR: Right, but as far as what's  
22 presented here without any reasoning I don't  
23 know why we need to act on it to be honest.

24           CHAIRMAN SIPES: Glen.

1 MR. GOODMAN: I like Joe's idea.

2 CHAIRMAN SIPES: Jon.

3 MR. ROSENTHAL: The setbacks, 50 to 150  
4 from the property line I mean that's, I think,  
5 too excessive, but we don't have setbacks on  
6 everything, you know, from property lines.

7 MR. HARRIS: Right.

8 MR. ROSENTHAL: Some things are varied.

9 CHAIRMAN SIPES: JoAnn?

10 MS. HOWARD: What are we talking about  
11 now?

12 CHAIRMAN SIPES: Well, we are  
13 discussing the proposed changes that the County  
14 Board asked for instead of going on a residence  
15 going from 100 feet to 300 feet, going from 100  
16 feet to 200 feet, and propose that we leave the  
17 property line setback the same.

18 MS. HOWARD: We are throwing them a  
19 bone then if you know what I mean.

20 CHAIRMAN SIPES: Well, I understand the  
21 terminology. I wouldn't say that.

22 MS. HOWARD: We are meeting halfway.

23 CHAIRMAN SIPES: The only gripe I have  
24 ever heard about these solar farms is the farm

1 ground that's being taken out of production.

2 MS. HOWARD: So, we have a reason then  
3 to limit the number of acres being used?

4 MR. HARRIS: If I could, when they  
5 first came to permit and came in to see us in  
6 '19, one gentleman stood up that lived in their  
7 project area, and he was opposed to the whole  
8 project because he was living in the project  
9 area.

10 CHAIRMAN SIPES: Okay. I would like to  
11 see this split into a different motion for each  
12 topic, a motion, a recommendation in the form of  
13 a motion.

14 MR. COPENBARGER: I have a question  
15 first.

16 CHAIRMAN SIPES: Okay.

17 MR. COPENBARGER: What about the fees?

18 CHAIRMAN SIPES: We are going to make  
19 that a separate motion. Jon?

20 MR. ROSENTHAL: I got no more  
21 questions. I think if these projects are  
22 started and the setbacks change, I think they  
23 ought to, there ought to be an allowance in  
24 there so they can keep, they can get a permit

1 and not have to change the setbacks.

2 CHAIRMAN SIPES: I would understand  
3 that. The problem is though they are going to  
4 run out of time before they are ready, and they  
5 are going to have to come back and reapply,  
6 which may or may not open up another whole new  
7 can of worms so to speak.

8 MR. ROSENTHAL: It is not fair to them.  
9 They have already started, they almost started.

10 MR. DORR: But the County is going to  
11 make more money on the new fee structure. They  
12 are going to have to pay that difference when  
13 they reapply, correct? So, it is a win for the  
14 County, and if we change these setbacks --

15 CHAIRMAN SIPES: I don't think that  
16 according to the gentleman we heard from,  
17 Mr. Vanderkamp, that the residential setback is  
18 not going to affect them near as badly as the  
19 property line setback.

20 MR. DORR: It sounds like the fees were  
21 agreeable, or wouldn't kill the project,  
22 wouldn't kill the project.

23 CHAIRMAN SIPES: There is an  
24 opposition.

1 I would entertain a recommendation in the  
2 form of a motion on the residential change from  
3 100 to 200.

4 MR. DORR: I will make that motion to  
5 leave the property line --

6 CHAIRMAN SIPES: I want a separate  
7 motion for each.

8 MR. DORR: You are going to have three.

9 CHAIRMAN SIPES: Basically. Is there a  
10 second on that motion?

11 MR. ROSENTHAL: I will second it.

12 MR. COPENBARGER: On the residence?

13 MR. DORR: Residence to 200 feet.

14 MR. HARRIS: You get that you are  
15 canceling that?

16 CHAIRMAN SIPES: Canceling what?

17 MR. HARRIS: The setbacks.

18 CHAIRMAN SIPES: No, we are not  
19 canceling any. We are making a recommendation  
20 back to the County Board on this first one.  
21 There will be three separate motions.

22 Okay, so we have a motion to change the  
23 residential setbacks from 100 feet to 200 feet.  
24 There was a motion by Joe Dorr, and a second by

1 Jon Rosenthal. Okay. Is there any further  
2 discussion? Roll-call.

3 MR. HARRIS: Chairman Sipes.

4 CHAIRMAN SIPES: Yes.

5 MR. HARRIS: Glen Goodrich.

6 MR. GOODRICH: Yes.

7 MR. HARRIS: Jon Rosenthal.

8 MR. ROSENTHAL: Yes.

9 MR. HARRIS: David Copenbarger.

10 MR. COPENBARGER: Yes.

11 MR. HARRIS: JoAnn Howard?

12 MS. HOWARD: Yes.

13 MR. HARRIS: Joe Dorr.

14 MR. DORR: Yes.

15 CHAIRMAN SIPES: Now, on the second  
16 setback issue concerning the property line the  
17 proposed from the County Board was from 50 feet  
18 that it currently is to 150 feet. In the  
19 interest of not taking more farm ground out of  
20 production than is necessary would be my reason  
21 to the County Board, but is there a  
22 recommendation in the form of a motion to leave  
23 this setback the same?

24 MR. GOODRICH: I will make that motion.



1 MR. COPENBARGER: I will second that.

2 CHAIRMAN SIPES: Motion by Glen  
3 Goodrich, and a second by David Copenbarger.

4 Okay, any further discussion by the ZBA?  
5 Roll-call.

6 MR. HARRIS: Chairman Sipes.

7 CHAIRMAN SIPES: Yes.

8 MR. HARRIS: Glen Goodrich.

9 MR. GOODMAN: Yes.

10 MR. HARRIS: Jon Rosenthal.

11 MR. ROSENTHAL: Yes.

12 MR. HARRIS: Dave Copenbarger.

13 MR. COPENBARGER: Yes.

14 MR. HARRIS: JoAnn Howard.

15 MS. HOWARD: Yes.

16 MR. HARRIS: Joe Dorr.

17 MR. DORR: Yes.

18 MR. HARRIS: Motion carried.

19 The third is for the fee schedule.

20 CHAIRMAN SIPES: Yes, the fee schedule.

21 Under the fee schedule the current permit, and  
22 this permit fee is commercial?

23 MR. HARRIS: Yes, this is for the  
24 commercial. Everything in here was for the

1 commercial.

2 CHAIRMAN SIPES: Okay. Permit fee from  
3 10,000 to 15,000 for the first two megawatts.

4 MR. HARRIS: It is 3,000 to have a  
5 meeting. If they are going to open it up, they  
6 are going to have a meeting from 1,000 to 3,000.

7 CHAIRMAN SIPES: Go ahead.

8 MR. HARRIS: Then from \$10,000.00  
9 megawatt to \$15,000.00 for the first two  
10 megawatts, and then from 1,000 megawatts after  
11 that to 2,500.

12 MR. DORR: 2,500?

13 MR. HARRIS: After the first two  
14 megawatts.

15 CHAIRMAN SIPES: There was a comma in  
16 the wrong spot, yes. Any questions to Vince?

17 MR. COPENBARGER: I have got a  
18 question. So, the one that, for example, the  
19 one that Mr. Vanderkamp, how many megawatts is  
20 this one?

21 MR. GREG VANDERKAMP: 250 large  
22 dollars.

23 MR. HARRIS: Their permit fee was  
24 \$258,000.00 in '19 when they paid for their

1 building permit.

2 MR. COPENBARGER: So, if their permit  
3 expires, do they have to pay all that money  
4 again?

5 MR. HARRIS: Yes.

6 MR. COPENBARGER: What would that be?  
7 I mean I can do the math, I guess, but what  
8 would that be now, do you know?

9 MR. HARRIS: Not right off the top of  
10 my head, no. Let me bust out my phone.

11 MR. GREG VANDERKAMP: It is  
12 \$625,000.00. So, what I would say is this is a  
13 250 percent increase in current fee structures.  
14 I understand the desire to get more dollars. I  
15 understand that desire, but also as a way to  
16 incentivize new business to come to Christian  
17 County I would ask that you guys take a hard  
18 look at that dollar figure.

19 CHAIRMAN SIPES: Thank you. Back to  
20 the ZBA, thoughts, more questions? JoAnn?

21 MS. HOWARD: I think it is a bit  
22 excessive, the increase.

23 CHAIRMAN SIPES: Okay.

24 MS. HOWARD: I know we want to make

1 money but --

2 CHAIRMAN SIPES: I understand.

3 MR. GOODRICH: The idea we have to  
4 recharge them twice, the one we pretty well got  
5 set up. If we set that, that would be everybody  
6 after this day will pay that fee, correct?

7 CHAIRMAN SIPES: Well, the County Board  
8 acts on it.

9 MR. HARRIS: It would be in May after  
10 the County Board meeting.

11 MR. GOODRICH: We can't make an  
12 exception for one that has already started.

13 MR. HARRIS: They have paid all their  
14 fees. They have all their building permits, and  
15 they have been at this for the last four years,  
16 yes, three and a half years, since '19. I think  
17 it was August or September of '19. I stood  
18 where Linda is sitting right now, and they  
19 passed that 100 percent, and they haven't done  
20 anything.

21 MR. DORR: What did they pay before?

22 MR. HARRIS: 258,000.

23 MR. COPENBARGER: What does the -- what  
24 do they have to do to show that they are -- I

1 mean is it shoveling the ground in the field or  
2 what's the --

3 MR. HARRIS: Well, they have got to put  
4 something, put something up, and they haven't  
5 done that.

6 MR. COPENBARGER: But they have got  
7 until '24?

8 MR. HARRIS: They have until '24, and  
9 the current set up that is right now they will  
10 be grandfathered into that, into their, what was  
11 that, Mr. Vanderkamp, 1,900 acres?

12 MR. GREG VANDERKAMP: Approximately.

13 MR. HARRIS: Your project was 1,900.  
14 Because we approved them in '19 for like I said  
15 1,900 acres, and then we had another one in '20  
16 that came in at 2,200.

17 CHAIRMAN SIPES: So, as long as before  
18 their permit runs out and they have started the  
19 project, they are good?

20 MR. HARRIS: Right, within that project  
21 area.

22 MR. DORR: So, you can't set posts  
23 without getting everything permitted?

24 MR. GREG VANDERKAMP: It depends on

1 multiple factors. If we needed to incorporate  
2 new land into the permit, I think we would have  
3 to get that new area permitted. So, it would  
4 require a new permitting effort.

5 MR. COPENBARGER: But in that case you  
6 are actually changing the scope of the project,  
7 and that's your, that's you guys deciding to do  
8 that, not us. You know what I am saying, like  
9 you said I am going to do this. Well, then you  
10 change your plan. In that case to me it would  
11 be fair that you would have to pay another fee  
12 because you are changing the scope of the  
13 project.

14 MR. GREG VANDERKAMP: I don't disagree.  
15 We are doing our best to utilize the existing  
16 permit in hand, but working through some  
17 engineering challenges to optimize.

18 CHAIRMAN SIPES: Any thoughts, Jon?

19 MR. ROSENTHAL: Excessive.

20 CHAIRMAN SIPES: I am going to throw  
21 this out. You guys can give feedback. I would  
22 go along with the change permit, the hearing  
23 site hearing from 1,000 to 3,000. I would go  
24 along with the permit change from 10,000 to

1 15,000, but for the first two megawatts, and  
2 then for every megawatt after that change from  
3 1,000 to 1,750. That's just a thought I am  
4 throwing out. It is not set in stone.

5 MR. DORR: The only thing you are  
6 changing on the proposal would be from the,  
7 after the first --

8 CHAIRMAN SIPES: After the first two  
9 megawatts.

10 I am going to use an analogy, or maybe I  
11 have got the term wrong; but when I was Mayor of  
12 Pana, we used to see a lot of other towns that  
13 had one big business in town. Effingham was a  
14 good example, and they lost that air  
15 conditioning place or whatever it was down  
16 there, but that one employer employed hundreds  
17 of people. I would rather -- you don't want to  
18 lose -- it is better to have 20 businesses in  
19 your town that employ 20 people each than one  
20 business that employs 400. These projects are  
21 kind of the same way the way I see it. So,  
22 anyway just a thought.

23 Is there any other questions?

24 MR. HARRIS: You said 1,750?

1                   CHAIRMAN SIPES: Yes. Is there a  
2 recommendation to the County Board in a form of  
3 a motion?

4                   MR. COPENBARGER: I will make a motion  
5 that we change the meeting, change the fee for  
6 hearing of siting a solar farm from 1,000 to  
7 3,000, change the permit fee for the first two  
8 megawatts to 15,000, and change the fee from a  
9 thousand to 1,750 for every megawatt after.

10                  CHAIRMAN SIPES: Okay. Is there a  
11 second to that?

12                  MS. HOWARD: I will second that.

13                  CHAIRMAN SIPES: Second by JoAnn. Any  
14 further discussion? Okay, roll-call.

15                  MR. HARRIS: Just so I am clear, the  
16 first two from 10,000 to 15,000, and then we are  
17 going with Mr. Sipes' suggestion of 1,750 per,  
18 for after.

19                  CHAIRMAN SIPES: After the first two.

20                  MR. COPENBARGER: Then the meeting  
21 3,000.

22                  CHAIRMAN SIPES: The meeting.

23                  MR. COPENBARGER: The hearing.

24                  CHAIRMAN SIPES: The hearing.



1 MR. HARRIS: Yes, to 3,000, right.

2 Okay, Chairman Sipes.

3 CHAIRMAN SIPES: Yes.

4 MR. HARRIS: Glen Goodrich.

5 MR. GOODRICH: Yes.

6 MR. HARRIS: Jon Rosenthal.

7 MR. ROSENTHAL: Yes.

8 MR. HARRIS: Dave Copenbarger.

9 MR. COPENBARGER: Yes.

10 MR. HARRIS: Joann Howard.

11 MS. HOWARD: Yes.

12 MR. HARRIS: Joe Dorr.

13 MR. DORR: Yes.

14 MR. HARRIS: The motion carries.

15 CHAIRMAN SIPES: Next if there is  
16 anyone who is here feeling obligated to stay on  
17 a subject we have already went over, you are  
18 more than welcome to leave. You are not going  
19 to hurt our feelings.

20 Next on the agenda is to hear proposal,  
21 deliberate, approve, disapprove an application  
22 from the Village of Morrisonville to annex the  
23 minor subdivision of Dollar General,  
24 Morrisonville, Rick's Township, Parcel Number

1 13-22-05-400-003-00 -- wow, I bit off more than  
2 I can chew -- parcel 13-22-05-400-003-00. Why  
3 are all three of these parcel numbers --

4 MR. DORR: One is different. The last  
5 one is 01.

6 MR. HARRIS: There was actually a typo  
7 in this, and I do apologize. The first one we  
8 are not going to take because that's  
9 Mrs. Moore's house. The other two we are going  
10 to take.

11 CHAIRMAN SIPES: But that's not her  
12 parcel number.

13 MR. HARRIS: That first one is her  
14 parcel number, but the other two are not.

15 CHAIRMAN SIPES: Do you know what the  
16 correct parcel number is?

17 MR. HARRIS: Those parcel numbers are  
18 correct for the Dollar General because there  
19 were two of them.

20 CHAIRMAN SIPES: Okay, and  
21 13-22-05-400-003-01.

22 MR. DORR: So, it is 00 and 01.

23 CHAIRMAN SIPES: I believe that we have  
24 someone here in favor of this proposal, the

1 Mayor of Morrisonville.

2 MR. LARRY TOLLIVER: Yes, yes.

3 CHAIRMAN SIPES: If you would state  
4 your name.

5 MR. LARRY TOLLIVER: Larry Tolliver,  
6 L-A-R-R-Y, T-O-L-L-I-V-E-R, Mayor of  
7 Morrisonville.

8 Yes, I am here to speak on behalf of the  
9 property ID, which is 539 Illinois Route 48,  
10 which is the address for the Dollar General to  
11 annex into the Village of Morrisonville.

12 CHAIRMAN SIPES: This would be a  
13 recommendation in the form of a motion to the  
14 County Board. Okay. Are there any questions  
15 from the ZBA?

16 MR. DORR: Is there any objections to  
17 this?

18 MR. ROSENTHAL: Is there any  
19 objections?

20 MR. HARRIS: I didn't get any  
21 objections. I sent out letters, and as I said I  
22 never got anything back.

23 CHAIRMAN SIPES: All notices and fees  
24 and whatever have been taken care of?

1 MR. HARRIS: Yes.

2 CHAIRMAN SIPES: Okay. Is there any  
3 other questions from the ZBA? Is there a  
4 motion?

5 MR. ROSENTHAL: I will make a motion to  
6 approve as read.

7 MR. DORR: I will second it.

8 CHAIRMAN SIPES: So, we have a  
9 recommendation to approve in the form of a  
10 motion to the County Board. Easy speaking  
11 engagement that you had. Roll-call.

12 MR. HARRIS: Joe Dorr.

13 MR. DORR: Yes.

14 MR. HARRIS: Joann Howard.

15 MS. HOWARD: Yes.

16 MR. HARRIS: David Copenbarger.

17 MR. COPENBARGER: Yes.

18 MR. HARRIS: Jon Rosenthal.

19 MR. ROSENTHAL: Yes.

20 MR. HARRIS: Glen Goodrich.

21 MR. GOODRICH: Yes.

22 MR. HARRIS: Chairman Sipes.

23 CHAIRMAN SIPES: Yes.

24 MR. HARRIS: Motion carries.

1                   CHAIRMAN SIPES: Next item on the  
2 agenda, to hear a proposal, deliberate, approve,  
3 disapprove an application for Text Amendment  
4 TX22-10 and TX22-11 adding to Christian County  
5 Zoning Code as Appendix F carbon capture and  
6 storage ordinance. You all have that  
7 information in front of you.

8                   We have also received an e-mail or Vince  
9 has that, about this ordinance that's being  
10 brought before us tonight. We are still going  
11 to hear from those that are in favor, opposed,  
12 or neutral on this topic, but I want to read  
13 this e-mail.

14                   It is to Vince, in response to your call  
15 with Jen, Heartland Greenway is not insistent  
16 that the CCS zoning ordinance I previously  
17 submitted be reviewed for approval by the Zoning  
18 Board of Appeals at the April meeting. Our  
19 intent with the submission of the draft  
20 ordinance was to provide a version for  
21 consideration when the ZBA considers other  
22 versions of the ordinance. If Christian County  
23 prefers, we are comfortable holding off  
24 consideration of our version of the ordinance

1       until the County has had time to research the  
2       topic and develop an informed opinion on the  
3       topic.

4               So, being as they have put this forward  
5       though I think it is only in the interest we  
6       might as well start, but I am of the opinion  
7       from that e-mail that we can table this topic at  
8       the end of this meeting until the County Board  
9       has their version of an ordinance put together  
10      for us to review.

11             Has everyone on the ZBA had an opportunity  
12      to review the proposed ordinance? Okay. I am  
13      going to start with those that have signed up in  
14      favor of this proposed ordinance. I believe it  
15      is Alec Messina.

16             MR. ALEC MESSINA: Good evening. My  
17      name Alec Messina, M-E-S-S-I-N-A. I represent  
18      Navigator CO2 Ventures, who's working on the  
19      Heartland Greenway project. I just wanted to  
20      really just personally come up and appreciate  
21      the opportunity to be here today, and to confirm  
22      what was read from the e-mail that we are --  
23      there is not a desire to have a discussion at  
24      this point given the discussion from last week's

1 County Board meeting. There may be one, or two,  
2 or many other proposals that may make their way  
3 to the ZBA. So, we understand that there will  
4 be a lot of versions that you will be taking a  
5 look at, and we simply want to be a resource and  
6 answer any questions that you may have as you  
7 consider a final draft. So, we are happy to  
8 work with you. We are happy to answer  
9 questions, and we know that this is going to be  
10 a process that will take some time, and will  
11 take a lot of work from a lot of different  
12 stakeholders, and members of the ZBA, and staff,  
13 and so forth. So, I appreciate the opportunity.  
14 Thank you.

15 CHAIRMAN SIPES: Hang tight.

16 MR. ALEC MESSINA: This close.

17 CHAIRMAN SIPES: You are not getting  
18 off that easy.

19 Are there any questions for Mr. Messina  
20 from the ZBA at this time?

21 MR. DORR: Not until we get a more  
22 final draft.

23 CHAIRMAN SIPES: They have given a  
24 final draft, and I understand.

1                   MR. DORR: From the County Board. I  
2 mean we are just sitting here doing nothing  
3 until we get guidance from the County Board  
4 before we can act on anything.

5                   CHAIRMAN SIPES: Mr. Messina.

6                   MR. ALEC MESSINA: The edits that we  
7 had provided were really just an attempt to  
8 share some of our thoughts and provide  
9 information for your consideration. So, I don't  
10 know if it was necessarily a notion that we were  
11 proposing our own ordinance. We understood that  
12 there was a lot of work that needed to be done  
13 at the County level, and we wanted to provide  
14 some of those thoughts; but as I said before, we  
15 are happy to be a resource, happy to work with  
16 you, and answer any questions as the process  
17 unfolds.

18                  CHAIRMAN SIPES: Okay. Thank you very  
19 much.

20                  MR. HARRIS: If I could. My thought  
21 was that we would blend something together like  
22 we did during the wind farms to send to the  
23 County Board, but they need to send other copies  
24 forward so that we can do that.



1                   CHAIRMAN SIPES:  There are also people  
2 signed up.  I don't see anybody signed up that's  
3 neutral on this topic, correct?

4                   MR. HARRIS:  No, there is no neutral.  
5 We only had one opposed.  Karen Brockelsby, are  
6 you here tonight?  Now, this is timed to three  
7 minutes.

8                   MS. KAREN BROCKELSBY:  Okay, I can do  
9 that.  Karen, K-A-R-E-N, Brockelsby,  
10 B-R-O-C-K-E-L-S-B-Y.  My husband Lee and I own  
11 property in the proposed carbon storage area,  
12 and our son and his family live in that area.

13                   After we have started looking into this it  
14 seems that Christian County is not alone in  
15 their lack of ordinances for dealing with CO2  
16 pipelines and sequestration.  Neither the  
17 federal nor the state agencies who are  
18 responsible for regulating these kinds of  
19 pipelines and industries have written any  
20 regulations.

21                   Now there is a rush to push through  
22 projects by companies who are eager to claim the  
23 generous federal taxpayer dollars that have been  
24 allocated for projects such as the proposed

1 Heartland Greenway. I have heard the suggestion  
2 that regulations similar to those for oil and  
3 natural gas could be used. However, CO2 which  
4 is transported under pressure to keep it in a  
5 liquid form is vastly different when there is a  
6 leak. It doesn't create a spill like oil, or  
7 rise and dissipate as natural gas does. It  
8 hangs low to the ground, and can be fatal at  
9 just a 10 percent saturation.

10 There are several CO2 pipelines in the  
11 U.S., and in spite of that low number of  
12 pipelines there has already been a serious  
13 incident in Mississippi in 2020 that required  
14 the evacuation of a small town, and resulted in  
15 the hospitalization of 49 people. None of the  
16 existing pipelines in this country have been in  
17 place long enough to know what will happen in  
18 20, 30, or 50 years. A lot of planning needs to  
19 be done to understand all of the issues to even  
20 write appropriate ordinances. Who will pay for  
21 all of the ongoing training and equipping of  
22 first responders in the county for the next  
23 hundred years because this is a forever project.  
24 How will local residents be alerted if there is

1 a dangerous leak. What if the aquifer and  
2 groundwater become contaminated. This is a  
3 forever project. Navigator will bring --

4 MR. HARRIS: Your time is up.

5 MS. KAREN BROCKELSBY: Okay.

6 MR. HARRIS: Can I have your copy there  
7 for the notes?

8 MS. KAREN BROCKELSBY: Sure.

9 MR. HARRIS: I can get you a copy, and  
10 get this back to you if that's okay.

11 MS. KAREN BROCKELSBY: You can just  
12 have it.

13 MR. HARRIS: Thank you.

14 CHAIRMAN SIPES: Any information like  
15 this that we keep will be put in the file for  
16 the record, okay.

17 MR. HARRIS: Jeff Nolen. I will tell  
18 you when to start.

19 CHAIRMAN SIPES: Let him give his name  
20 and stuff first.

21 MR. JEFF NOLEN: Jeff Nolen, J-E-F-F,  
22 N-O-L-E-N.

23 MR. HARRIS: Okay, go ahead.

24 MR. JEFF NOLEN: My big concern is the

1 aquifer and groundwater. Right here, and I am  
2 going to present this into the ZBA, I have got  
3 the 2011 Tenaska carbon sequestration EPA  
4 permit. They show a projected plume in the four  
5 wells of 8.2 miles by 2.1 miles by 640 feet  
6 thick at ten years injection, and 9.3 miles by  
7 3.2 miles by 720 feet thick at 40 years. The  
8 proposed CO2 injection below Christian County is  
9 15 million metric tons per year. I couldn't  
10 find anything on the small project out here that  
11 I just cited, but it has got to be  
12 astronomically bigger.

13 An EPA spokesman told me, and his name is  
14 Anthony Dulka, which is the head of the Illinois  
15 Groundwater, that to put a setback that the  
16 County, whether it be the ZBA or the County  
17 Board, feel it necessary from any CO2 injection  
18 well or monitoring well to the aquifer or known  
19 groundwater sources for the purpose of health,  
20 safety, and welfare of Christian County or its  
21 residents is totally fine and well within your  
22 rights. I talked with Anthony, again he is the  
23 head of the EPA and he is a geologist, and I  
24 asked him a direct question. Can you guarantee

1 me that CO2 could be captured and put between  
2 these layers as they are suggesting, and he said  
3 no one could totally guarantee that, and he  
4 would be glad to talk to anybody, and he is the  
5 head geologist. There is no way of guaranteeing  
6 it. It is that simple.

7 So, I would like to ask the County and the  
8 County Board, whoever is responsible for writing  
9 it, to consider our groundwater and our aquifer  
10 safety above multi-million dollar project, even  
11 though I don't care what it cost.

12 CHAIRMAN SIPES: Can you send that to  
13 Vince?

14 MR. JEFF NOLEN: I can hand it to him.  
15 I made him a copy.

16 MR. HARRIS: I appreciate that. Thank  
17 you.

18 CHAIRMAN SIPES: Thank you.

19 MR. HARRIS: Bruce Brockelsby.

20 MR. BRUCE BROCKELSBY: My name is Bruce  
21 Brockelsby, B-R-U-C-E, B-R-O-C-K-E-L-S-B-Y.

22 MR. HARRIS: Go ahead.

23 MR. BRUCE BROCKELSBY: I am requesting  
24 to the Board that, or bringing it to their

1 attention that the landowner retains all the  
2 rights to all new and existing drainage and  
3 conservation projects on the land that they  
4 already have. It is the responsibility of the  
5 pipeline company to accommodate the landlord for  
6 tile and drainage repairs caused by the  
7 installation of the pipeline. A local and  
8 replicable engineer is to be on site when  
9 repairs are done and paid by the pipeline  
10 company at prevailing wage. Any tile that is  
11 intersected or crushed will be assessed by the  
12 acres that it can drain. That acre amount will  
13 be no less than a thousand dollars per acre, and  
14 a bond to be put in escrow for at least ten  
15 years of trouble free drainage. Drainage is  
16 costing around a thousand dollars per acre. So,  
17 bond needs to be at at least a thousand dollars  
18 per acre, per acre drained by the size of the  
19 tile. A four inch tile at 1 percent grade three  
20 eighths coefficient drains four acres. Eight  
21 inch tile at 1 percent grade three eighths  
22 coefficient drains 32 acres. A 24 inch tile at  
23 1 percent grade at three eighths coefficient  
24 drains 492 acres. Acres drained times a

1 thousand equals bond per acre. In other words,  
2 a 24 inch tile it would cost that much. A 24  
3 inch tile a bond at \$492,000.00 because that's  
4 how many acres it drains. That is approximately  
5 the amount of money the landlord has invested in  
6 that drainage in that tile system. We have all  
7 done it, and there is multiple acres of tile put  
8 in, and that's the money that the farmer and  
9 landowner has invested already. I don't think  
10 that is unreasonable to ask.

11 MR. HARRIS: Do you yield your time?  
12 Are you done?

13 MR. BRUCE BROCKELSBY: I am done.

14 MR. HARRIS: Okay, thank you.

15 CHAIRMAN SIPES: I have a question for  
16 you. I take it you farm?

17 MR. BRUCE BROCKELSBY: Yes.

18 CHAIRMAN SIPES: You have tile systems?

19 MR. BRUCE BROCKELSBY: Correct.

20 CHAIRMAN SIPES: Do you have maps of  
21 those tile systems?

22 MR. BRUCE BROCKELSBY: Most of them,  
23 the current ones.

24 CHAIRMAN SIPES: The newer stuff?

1                   MR. BRUCE BROCKELSBY: The newer stuff,  
2                   yes. I am on a drainage district, and there is  
3                   tile in them too. I really feel like the  
4                   drainage district commissioners it is a -- they  
5                   are doing it for the good of the farmers. We  
6                   aren't getting paid, and it is just going to  
7                   create something for us to do.

8                   CHAIRMAN SIPES: I know you have  
9                   handwritten that. Do you have a way that we can  
10                  get a copy of it?

11                  MR. BRUCE BROCKELSBY: Can you copy it?

12                  MR. HARRIS: Can you come by the office  
13                  tomorrow morning?

14                  MR. BRUCE BROCKELSBY: Yes.

15                  MR. HARRIS: Okay, 214 Market Street.

16                  MR. BRUCE BROCKELSBY: Over here.

17                  MR. COPENBARGER: I have a question.

18                  Obviously we would want the tile repaired if  
19                  they damage it going through there, and what you  
20                  are saying is then the bond would be to ensure  
21                  that the repair is done, function as they were  
22                  supposed to?

23                  MR. BRUCE BROCKELSBY: Correct.

24                  MR. COPENBARGER: Okay. That's what I



1 thought.

2 MR. HARRIS: Appreciate it. We will  
3 see you in the morning. Dean McWard.

4 MR. DEAN MCWARD: They have said what I  
5 wanted to say.

6 MR. HARRIS: So, you yield your time?

7 MR. MCCARTHY: Yes.

8 MR. HARRIS: I can't read the last  
9 person that signed in on this.

10 CHAIRMAN SIPES: D. Cole? Who was the  
11 last person that came in? Is that you, sir?

12 DR. ROBERT COLANTINO: It may have been  
13 me, and I didn't realize what I was signing. I  
14 thought that was just an attendance like going  
15 to school. I don't have an opinion.

16 MR. HARRIS: Okay, thank you, sir.

17 CHAIRMAN SIPES: I believe that was all  
18 from our list.

19 Is there a motion to table this proposed  
20 text amendment at this time?

21 MR. DORR: I will make the motion.

22 MR. ROSENTHAL: I will second it.

23 CHAIRMAN SIPES: Any further  
24 discussion? Roll-call.

1 MR. HARRIS: Chairman Sipes.

2 CHAIRMAN SIPES: Yes.

3 MR. HARRIS: Glen Goodrich.

4 MR. GOODRICH: Yes.

5 MR. HARRIS: Jon Rosenthal.

6 MR. ROSENTHAL: Yes.

7 MR. HARRIS: David Copenbarger.

8 MR. COPENBARGER: Yes.

9 MR. HARRIS: JoAnn Howard.

10 MS. HOWARD: Yes.

11 MR. HARRIS: Joe Dorr.

12 MR. DORR: Yes.

13 CHAIRMAN SIPES: Is there a motion to  
14 adjourn?

15 MR. COPENBARGER: I will make a motion  
16 we adjourn.

17 MR. GOODRICH: I will second, Glen  
18 Goodrich.

19 CHAIRMAN SIPES: Right quick before we  
20 take, do that motion, Vince, is there anything  
21 else scheduled that you know of?

22 MR. HARRIS: I have a couple of things  
23 coming. We have to review the solar farm that  
24 put in their special use application for across

1 48 by the Y. We have to do that before we can  
2 put it on the agenda. Other than that there is  
3 not -- nobody has come up with anything as far  
4 as a moratorium. Just so everybody knows nobody  
5 has brought me a moratorium for that. When that  
6 happens, that will come before the County Board,  
7 or it will come before the ZBA, and their  
8 recommendation goes through the County Board,  
9 but I have not received a moratorium. Did you  
10 get that?

11 CHAIRMAN SIPES: Also I want to make  
12 mention too it is not the Zoning Board of  
13 Appeals' duty to draft or create an ordinance.  
14 That is up to the County Board, and then  
15 probably send it to an attorney to be drafted to  
16 make sure it is kosher, and then bring that  
17 workable copy to us for review and a hearing.

18 There is a motion on the floor to adjourn,  
19 a second. Roll-call.

20 MR. HARRIS: Before I call roll  
21 everybody needs to come over here and give me  
22 their mileage before you leave. Chairman Sipes.

23 CHAIRMAN SIPES: Yes.

24 MR. HARRIS: Glen Goodrich.

1 MR. GOODRICH: Yes.

2 MR. HARRIS: Jon Rosenthal.

3 MR. ROSENTHAL: Yes.

4 MR. HARRIS: Dave Copenbarger.

5 MR. COPENBARGER: Yes.

6 MR. HARRIS: JoAnn Howard.

7 MS. HOWARD: Yes.

8 MR. HARRIS: And Joe Dorr.

9 MR. DORR: Yes.

10 MR. HARRIS: Motion passed.

11 (Which were all of the proceedings

12 had on this meeting as of this

13 date.)

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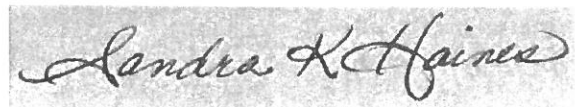
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1 STATE OF ILLINOIS )  
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I, Sandra K. Haines, a Notary Public and Certified Shorthand Reporter, do hereby certify that on April 26, 2022 the foregoing meeting was taken down stenographically by me and afterwards reduced to typewritten form by me, and that the foregoing transcript contains a true and accurate translation of all such shorthand notes.

Given under my hand and seal this 3rd day of May, 2022 at Taylorville, Illinois.



Sandra K. Haines  
Notary Public and CSR  
License No. 084-002423

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