

CASE NO. 903-S-18

SUPPLEMENTAL MEMORANDUM #3

October 25, 2018

Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

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Petitioners: **FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104, via agent David Dickson, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz**

Request: **Authorize two Community PV Solar Farms, each with a nameplate capacity of 2 megawatts (MW) for a total of 4 MW, including access road and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:**

Part A: **A waiver for a distance of 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.**

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

Location: **121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney.**

Site Area: **PV Solar Farm Special Use Permit Area is about 22.48 acres**

Time Schedule for Development: **As soon as possible**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

The September 13, 2018 public hearing for this case was continued to tonight's meeting. A revised Summary of Evidence dated October 25, 2018 is Attachment A to this memo.

A summary of public testimony from September 13th has been added to the revised Summary of Evidence dated October 25, 2018, under Item 8. I. as follows:

- (1) The following testimony was received at the September 13, 2018 ZBA meeting:
 - a. Cross-examination of Ed Switzer, Project Development Manager for FFP IL Community Solar, included the following:
 - (a) Joyce Hurd asked how many of the 100 jobs would be permanent jobs.
 - (b) Lisa Nesbitt asked for clarification regarding the effects on power lines on her side of the road and in particular if they would be heavier lines with more noise.
 - (c) Phil Fiscella asked about the 218 feet separation indicated on the diagram.

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- b. Joyce Hurd, 2232B CR 1000N, Sidney, stated that she considers herself to be an environmentalist and believes that we already experiencing a warmer climate and she believes in smart solar. She believes that destroying prime farmland is not smart due to food shortages. She has concerns about the electric grid and sabotage. She believes that since there are only 195 sunny days a year in Champaign County it is not an ideal location for a solar farm. She said that the proposed solar farm location floods and she is concerned about whether the solar farm will pollute water wells. She said that the State of Illinois recommends that agricultural land not be used for solar farms. She was concerned if the noise levels would be greater than 39 decibels, Ms. Hurd stated that she is retired and often spends eight hours per day outside gardening and doing other things. She asked if it would be possible to visit other solar farms constructed by the petitioner. She is against eliminating the required separation to the CR District. She is concerned about possible bird deaths she has read about due to solar farms but she could not recall where those bird deaths occurred. She asked if there are complaints against any solar farms owned by the petitioner located in other counties. She was concerned that the petitioner would remove the top four feet of topsoil from the proposed site.
- c. Bill Glithero, 2232B CR 1000N, Sidney, stated that he is not an environmentalist, but has spent lots of time improving his property. He believes solar farms should be put on less quality land. He is concerned about noise. He thinks that two to three times per year maintenance is not enough. He is against the proposed waivers, and asked the Board to think about residents, not the developers.
- d. Chuck White, 309 S Bryan, Sidney, is the Village President of Sidney. He said that the results from the 2018 Crop Report for Premier Coop said that the Sidney area was in the top 2 or 3 corn producing areas. Mr. White wondered why the solar farm did not locate near Rising in Champaign County. He said that the Sidney area produces 236 bushels per acre and in the vicinity of Bondville the production is only about 201 bushels per acre. He asked that a cost analysis be done of what a farmer gets for crops per acre versus a solar farm development on the same land. He said that the last Village of Sidney board meeting was on September 4, 2018, and he got the notice for the meeting on September 8th – there was not enough time to absorb the new information. He said he received the Special Use Permit application on May 25, 2018, from Westwood. He referred to Attachment C, page 23 of the Special Use Permit supplemental information, and asked if the Village would be reimbursed for engineering that it would need to do. He said that the Sidney Fire Chief did not receive any notice. He said that he does not want the proposed waivers, and the ordinance should stand as-is.
- e. William McGee, 2254 CR 1000N, Sidney, stated that the petitioners want to put a road next to his driveway. He said that he does not want any waivers; his porch is 27 feet from where they want to put a road, and no one would want that. He said that his wife has asthma, so they are concerned about health effects from the solar farm. He said that the subject property has flooding issues.
- f. Phil Fiscella, land owner of 2232C CR 1000N, Sidney, stated that the property lines need to be double checked. He said that the project does not seem that bad to him, and it could be worse.

- g. Tim Osterbur, 302 Witt Park Rd, Sidney, is the Sidney Township Highway Commissioner. He said there is a blind corner on County Highway 15 heading west, and asked if there had been any input from the County Engineer. He asked where the closest recycling facility is for decommissioning solar farm equipment. He asked if the developer would sell to another company.
 - h. Lisa and Doug Nesbitt, 2232 A CR 1000N, Sidney, requested that the Board deny all waivers. They wanted more time to absorb all the case information. She asked who would benefit from their loss, and showed an ear of corn to illustrate how their land is not marginal. She said that they are stewards of the land. She distributed statistics on corn and soybeans for 2015 through 2017 as further evidence. She said that cash rents also prove the value of land, with an average of \$271 per acre. She said they are concerned about chemicals and effects on the food they grow. She said they are concerned about property values; if they cannot sell their property, then that affects property values. She said the solar farms would cause loss of local employment (farmers), and would have habitat impacts. She said that when it rained they had standing water in their front yard and she wondered if the solar farm developer was aware of the likelihood of standing water. She also had photographs of standing water from recent rain events.
 - i. Ted Hartke, 1183 CR 2300E, Sidney, stated that setbacks should be different for cables and inverters. He asked if the developer would use the same wires that are already along the highway, to which the petitioner responded that there would be no new wires, but there would be new insulators. He asked about standing water and how it relates to cables, and asked if electrocution is possible. He said that the decommissioning costs are not realistic. He said that the inverters might be under water, and wants an assurance that they would not be relocated without protections for neighbors. He said he would like protection in the CR Conservation Recreation district from solar farms, just like there is for wind farms. He said he wants inverters to have noise-buffering sheds. Regarding waivers, he said that he thinks land owners should be able to give waivers, not this Board. He said that the Board deciding waivers takes away from adjacent owners' rights. He thinks the proposed access drive jammed up against the neighbor's driveway should be moved west to maximize visibility.
- (2) In a letter received September 17, 2018, Art Rapp, 401 Aspen Court, St. Joseph, stated that the public meeting held on September 13, 2018, was not done well. He said that in his opinion, people who had arrived to speak did not have a chance to, that the ZBA members appear to have made up their minds in favor of solar farms and restricted rebuttal testimony so as to preclude negative comments. He said that the solar farm representative was less than forthright with project details, suggested using closed generating plants to develop the solar farms rather than prime farmland. He feels that the county should not grant any variances in addition to their present zoning for solar farms, and respect all municipalities, townships, homeowners and individuals who have valid concerns which should not be ignored.

SPECIAL CONDITIONS

The following is a clean version of the same special conditions listed in Supplemental Memo #2 dated October 18, 2018.

- A. **The Site Plan received October 17, 2018 is the approved site plan for Case 903-S-18.**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

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

The above special conditions are required to ensure that:

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
3. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
5. **The telephone number for the complaint hotline required by 6.1.5 S.**
6. **Any updates to the approved Site Plan from Case 903-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The above special condition is required to ensure that:

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

- G. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

The above special condition is required to ensure that:

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

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

The above special condition is required to ensure that:

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

ATTACHMENTS

- A Revised Summary of Evidence dated October 25, 2018

REVISED DRAFT 10/25/18

903-S-18

SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION

of
Champaign County Zoning Board of Appeals

Final Determination: *{RECOMMEND APPROVAL / RECOMMEND DENIAL}*

Date: *October 25, 2018*

Petitioners: **FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104, via agent David Dickson, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz**

Request: **Authorize two Community PV Solar Farms, each with a nameplate capacity of 2 megawatts (MW) for a total of 4 MW, including access road and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions (other waivers may be necessary):**

Note: cross-out and underlined text is current based on newest information.

~~Part A: A waiver for a separation of 0 218 feet in lieu of the minimum required 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area, per Section 6.1.5 D.(3)a. of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

Part ~~B~~A: A waiver for a distance of 1,000 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.

~~Part C: A waiver for a 33 feet wide area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet, per Section 6.1.5 B.(1)b. of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

~~Part D: A waiver for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b. of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

~~Part E: A waiver for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet, per Section 6.1.5 D.(8) of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

~~Part FB: Not providing a Decommissioning and Site Reclamation Plan that include cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.~~

~~Part G: Not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. WAIVER NO LONGER NEEDED~~

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearings conducted on **September 13, 2018, and October 25, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioners are FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104, via agent David Dickson, Westwood Multi-Disciplined Surveying & Engineering, 2740 North Dallas Parkway #280, Plano, TX 75093, with FFP IL Community Solar LLC officers Go Mizoguchi, 243 Scarsdale Boulevard, Scarsdale, NY, 10583; Paul Walker, 6980 Springhill Drive, Niwot, CO 80503; and Kristin Frooshani, 628 Harvey St, Baltimore, MD 21230, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz. Regarding the petitioners:
 - A. Wolf/Wertz Sidney Site 1 & 2 is the name of the proposed PV SOLAR FARM, which is wholly owned by FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104.
 - B. The participating landowners, Mildred Catherine Wolf and Judith K. Wertz, signed an agreement on December 28, 2017, with FFP IL Community Solar LLC for the use of their property for the proposed PV SOLAR FARM.

2. The subject property is a 121.79-acre tract comprised of part of Lot D of the Proprietor’s Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney. The petitioners anticipate using approximately 22.59 acres of the subject property for the PV SOLAR FARM, per the application received August 24, 2018.

3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located 4,512 feet (0.85 mile) from the Village of Sidney, which is within the one and one-half mile extraterritorial jurisdiction of the Village, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - (1) Within the 1.5-mile ETJ, Champaign County has zoning jurisdiction, and the Village has subdivision and land use planning jurisdiction.
 - a. There are no subdivisions required for the proposed solar farm.
 - b. The Village of Sidney Comprehensive Plan adopted on June 5, 2000, does not extend to the subject property in its Future Land Use Map.
 - B. The subject property is located within Sidney Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
 - A. The subject property is split-zoned AG-1 Agriculture and CR Conservation Recreation, and is currently agriculture land in production. The proposed PV SOLAR FARM would be located entirely in the AG-1 Agriculture Zoning District.

- B. The subject property surrounds three residential properties, all in the AG-1 Agriculture Zoning District.
- C. Land north of the subject property is zoned CR Conservation Recreation and is wooded area surrounding the Salt Fork River.
- D. Land west of the subject property is split-zoned AG-1 Agriculture and CR Conservation Recreation and is in agricultural production. The 1.25-acre Bliss Cemetery is located about 250 feet west of the subject property.
- E. Land east of the subject property is split-zoned AG-1 Agriculture and CR Conservation Recreation and is in agricultural production. There is a residence adjacent to the southeast corner of the subject property along CR 1000N (County Highway 15).
- F. Land south of the subject property, on the south side of CR 1000N (County Highway 15), is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the Site plan for the proposed Special Use received on August 24, 2018:
 - A. Exhibit 2: Proposed Site Plan, includes the following features:
 - (1) There is an existing power line along the north side of the CR 1000N (County Highway 15) to which the PV SOLAR FARM would connect.
 - (2) Proposed features include:
 - a. Two 2 MW COMMUNITY PV SOLAR FARM sites; and
 - b. Approximately 4,410 linear feet of 7-foot tall perimeter fence; and
 - c. 16,968 solar modules, per an email from David Dickson received August 31, 2018;
 - (a) Under the Project Narrative section of the application received August 24, 2018, it states: “FFP IL Community Solar, LLC intends to utilize Trina TSM-340-DD14A modules; however, the specific solar array configuration for this Project will be decided once additional site-specific information and design components are determined. The Trina TSM-340-DD14A modules are UL and CSI (California Solar Initiative) listed.”
 - d. Two interconnection equipment pads, located approximately 1,000 feet north of the CR 1000N (County Highway 15) street centerline; and
 - (a) The Facility Description on page 4 of the Decommissioning Plan received August 24, 2018, states that each concrete pad will be approximately 34 feet by 13 feet.
 - e. 32 string inverters, per an email from David Dickson received August 31, 2018;
 - (a) Mr. Dickson also stated in the email that the proposed inverter is the Sungrow model SG125HV. He stated: “please note that Forefront

may change the inverter in the future, but it will still be a smaller “string” inverter rather than a large central inverter. Same goes for the module.”

- f. A 20-foot wide access road extending approximately 1,235 feet north from CR 1000N (County Highway 15); and
 - g. A gated entrance approximately 450 feet north of CR 1000N (County Highway 15); and
 - h. Two Points of Interconnection (POI) located on the north side of CR 1000N (County Highway 15); and
 - i. A 240 feet setback to the nearest 10-acre parcel; and
 - j. 295 feet between the nearest home and the PV SOLAR FARM array; and
 - k. 274 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 1000N (County Highway 15).
 - l. The PV SOLAR FARM is proposed to be located on soils that are Best Prime Farmland.
- B. Exhibit 3: Proposed Landscape Plan, includes the following features:
- (1) A 30 feet vegetation screen along the western PV SOLAR FARM perimeter fence.
- C. A revised Exhibit 2: Site Plan and Exhibit 3: Landscape Plan was received on October 17, 2018, which includes the following changes:
- (1) The fence line is now 240 feet from the nearest non-participating property 10 acres or less in area instead of the previous 218 feet. This change makes Waiver Part A no longer necessary.
 - (2) The fence line is now 15 feet from the nearest non-participating property more than 10 acres in area instead of the previous 0 feet. This change makes Waiver Part D no longer necessary.
 - (3) The access drive and the Point of Interconnection have been moved west. The access road is no longer on the curve, which was a concern of the Sidney Township Road Commissioner, and is farther from the McGee property, which was a concern of Mr. McGee. The new location is approximately 470 feet from the residential properties to the west.
 - (4) The project area is now 22.48 acres rather than the previous 22.59 acres.
 - (5) Exhibit 3: Landscape Plan shows that vegetative screening has been added along the west and south fence lines.
- D. There are no previous Zoning Use Permits for the subject property.
- E. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a “COMMUNITY PV SOLAR FARM” in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. The County Board amended the Zoning Ordinance by adopting PV SOLAR FARM requirements when it adopted Ordinance No. 2018-4 on August 23, 2018.
 - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (3) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
 - (4) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
 - (5) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
 - (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (7) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
 - (8) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point

opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.

- (9) “LOT LINES” are the lines bounding a LOT.
- (10) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
- (11) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (12) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (13) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (14) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- (15) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (16) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (17) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.

- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
 - (19) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
 - (20) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
 - (21) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (22) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (23) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
 - (24) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- C. Section 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.

- (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
 - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
 - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
 - (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
 - (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
 - (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
 - (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
 - (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
 - (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
 - (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
 - (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
 - (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
 - (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
 - (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
 - (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
 - (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
 - (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.

- (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
 - (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.
 - (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:

- a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The proposed solar project is situated within a predominantly agricultural area located approximately 1.1-miles east of Sidney, Illinois. Allowing this property to be developed into a solar facility will provide approximately 4 MWs of clean, renewable energy to the local electrical grid. In addition, this project will help generate additional income for the landowner, contribute to job creation stimulation through new investments in energy efficiency, renewables, and innovation, and help preserve the State of Illinois' low energy rates for residents and businesses within the County.”**

- B. The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025.
- C. The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
- D. There is an existing power line along the south end of the subject property which connects to the Ameren substation south of the Village of Sidney.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“The proposed Project would be situated on rural agricultural land, located away from public areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals associated with solar energy, no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of the County are expected.**

“According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a non-reflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”
 - B. Regarding surface drainage, the Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018, states: “The site has a very slight slope to the South and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.”
 - C. Regarding traffic in the subject property area:
 - (1) The proposed solar farm would have one access on CR 1000N (County Highway 15).
 - (2) CR 1000N (County Highway 15) is a marked two-lane highway that is approximately 24 feet wide. It is comprised of oil and chip and has 3 feet wide gravel shoulders.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT

data is from 2016 near the subject property. CR 1000N had an ADT of 2,200 near the subject property.

- (4) No significant increase in traffic is expected.
- (5) The Sidney Township Highway Commissioner has been notified of this case and no comments have been received.

(6) Champaign County Engineer Jeff Blue signed a waiver from the Roadway Upgrade and Maintenance Agreement requirements on September 2, 2018, which was received on October 1, 2018. P&Z Staff verified with Jeff Blue that his waiver letter received October 1, 2018, still applies based on the revised Site Plan received October 17, 2018.

D. Regarding fire protection:

- (1) In an email dated September 20, 2018, and received October 16, 2018, Sidney Fire Chief Earl Bennett stated that the Wolf-Wertz solar project plans were received and reviewed. No further comments about the plan were provided.
- (2) P&Z Staff notified the Sidney Fire Protection District of the public hearing for this case and no comments have been received.

E. Part of the subject property is located within a Special Flood Hazard Area, per FEMA Panel 17019CO475D, effective date October 2, 2013.

- (1) The proposed PV SOLAR FARM area is not located within the SFHA.

F. The 121.79-acre subject property is considered Best Prime Farmland. The soil in the proposed PV SOLAR FARM area consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 291B Xenia silt loam, and has an average Land Evaluation Factor of 95.

G. Regarding outdoor lighting on the subject property, the Site Plan received August 24, 2018, states that no lighting is proposed for the project. A special condition has been added to ensure compliance for any future outdoor lighting installation.

H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.

I. Regarding neighborhood concerns:

- (1) The following testimony was received at the September 13, 2018 ZBA meeting:
 - a. Cross-examination of Ed Switzer, Project Development Manager for FFP IL Community Solar, included the following:
 - (a) Joyce Hurd asked how many of the 100 jobs would be permanent jobs.
 - (b) Lisa Nesbitt asked for clarification regarding the effects on power lines on her side of the road and in particular if they would be heavier lines with more noise.

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- (c) Phil Fiscella asked about the 218 feet separation indicated on the diagram.
- b. Joyce Hurd, 2232B CR 1000N, Sidney, stated that she considers herself to be an environmentalist and believes that we already experiencing a warmer climate and she believes in smart solar. She believes that destroying prime farmland is not smart due to food shortages. She has concerns about the electric grid and sabotage. She believes that since there are only 195 sunny days a year in Champaign County it is not an ideal location for a solar farm. She said that the proposed solar farm location floods and she is concerned about whether the solar farm will pollute water wells. She said that the State of Illinois recommends that agricultural land not be used for solar farms. She was concerned if the noise levels would be greater than 39 decibels, Ms. Hurd stated that she is retired and often spends eight hours per day outside gardening and doing other things. She asked if it would be possible to visit other solar farms constructed by the petitioner. She is against eliminating the required separation to the CR District. She is concerned about possible bird deaths she has read about due to solar farms but she could not recall where those bird deaths occurred. She asked if there are complaints against any solar farms owned by the petitioner located in other counties. She was concerned that the petitioner would remove the top four feet of topsoil from the proposed site.
- c. Bill Glithero, 2232B CR 1000N, Sidney, stated that he is not an environmentalist, but has spent lots of time improving his property. He believes solar farms should be put on less quality land. He is concerned about noise. He thinks that two to three times per year maintenance is not enough. He is against the proposed waivers, and asked the Board to think about residents, not the developers.
- d. Chuck White, 309 S Bryan, Sidney, is the Village President of Sidney. He said that the results from the 2018 Crop Report for Premier Coop said that the Sidney area was in the top 2 or 3 corn producing areas. Mr. White wondered why the solar farm did not locate near Rising in Champaign County. He said that the Sidney area produces 236 bushels per acre and in the vicinity of Bondville the production is only about 201 bushels per acre. He asked that a cost analysis be done of what a farmer gets for crops per acre versus a solar farm development on the same land. He said that the last Village of Sidney board meeting was on September 4, 2018, and he got the notice for the meeting on September 8th – there was not enough time to absorb the new information. He said he received the Special Use Permit application on May 25, 2018, from Westwood. He referred to Attachment C, page 23 of the Special Use Permit supplemental information, and asked if the Village would be reimbursed for engineering that it would need to do. He said that the Sidney Fire Chief did not receive any notice. He said that he does not want the proposed waivers, and the ordinance should stand as-is.

- e. William McGee, 2254 CR 1000N, Sidney, stated that the petitioners want to put a road next to his driveway. He said that he does not want any waivers; his porch is 27 feet from where they want to put a road, and no one would want that. He said that his wife has asthma, so they are concerned about health effects from the solar farm. He said that the subject property has flooding issues.
- f. Phil Fiscella, land owner of 2232C CR 1000N, Sidney, stated that the property lines need to be double checked. He said that the project does not seem that bad to him, and it could be worse.
- g. Tim Osterbur, 302 Witt Park Rd, Sidney, is the Sidney Township Highway Commissioner. He said there is a blind corner on County Highway 15 heading west, and asked if there had been any input from the County Engineer. He asked where the closest recycling facility is for decommissioning solar farm equipment. He asked if the developer would sell to another company.
- h. Lisa and Doug Nesbitt, 2232 A CR 1000N, Sidney, requested that the Board deny all waivers. They wanted more time to absorb all the case information. She asked who would benefit from their loss, and showed an ear of corn to illustrate how their land is not marginal. She said that they are stewards of the land. She distributed statistics on corn and soybeans for 2015 through 2017 as further evidence. She said that cash rents also prove the value of land, with an average of \$271 per acre. She said they are concerned about chemicals and effects on the food they grow. She said they are concerned about property values; if they cannot sell their property, then that affects property values. She said the solar farms would cause loss of local employment (farmers), and would have habitat impacts. She said that when it rained they had standing water in their front yard and she wondered if the solar farm developer was aware of the likelihood of standing water. She also had photographs of standing water from recent rain events.
- i. Ted Hartke, 1183 CR 2300E, Sidney, stated that setbacks should be different for cables and inverters. He asked if the developer would use the same wires that are already along the highway, to which the petitioner responded that there would be no new wires, but there would be new insulators. He asked about standing water and how it relates to cables, and asked if electrocution is possible. He said that the decommissioning costs are not realistic. He said that the inverters might be under water, and wants an assurance that they would not be relocated without protections for neighbors. He said he would like protection in the CR Conservation Recreation district from solar farms, just like there is for wind farms. He said he wants inverters to have noise-buffering sheds. Regarding waivers, he said that he thinks land owners should be able to give waivers, not this Board. He said that the Board deciding waivers takes away from adjacent owners' rights. He thinks the proposed access drive jammed up against the neighbor's driveway should be moved west to maximize visibility.

(2) In a letter received September 17, 2018, Art Rapp, 401 Aspen Court, St. Joseph, stated that the public meeting held on September 13, 2018, was not done well. He said that in his opinion, people who had arrived to speak did not have a chance to, that the ZBA members appear to have made up their minds in favor of solar farms and restricted rebuttal testimony so as to preclude negative comments. He said that the solar farm representative was less than forthright with project details, suggested using closed generating plants to develop the solar farms rather than prime farmland. He feels that the county should not grant any variances in addition to their present zoning for solar farms, and respect all municipalities, townships, homeowners and individuals who have valid concerns which should not be ignored.

- J. Regarding parking, there is no required parking for the proposed PV SOLAR FARM. The Site Plan received August 24, 2018 indicates an “Off road maintenance staging area and parking (inside perimeter fence).”
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application, **“Due to the rural location of the proposed Project Area, adverse impacts to the surrounding areas are expected to be negligible. The general land use surrounding the Project Area is comprised predominantly of agricultural farmland under cultivation of row crops. The proposed Project would remove the land from agricultural production on the Project Area only, and will have no effect on surrounding agricultural fields.**

“The proposed solar facility will be maintained in association with all applicable ordinances set forth by Champaign County and is small enough in size (4 MWs) to not significantly impact the current and/or future operations conducted at the adjacent properties. Furthermore, the solar array will be strategically sited to avoid glint and glare reflection towards adjacent roadways and surrounding areas. As a result, the solar facility is not anticipated to negatively impact the character of this district.”
 - B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
 - (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.

- (2) There is no required parking.
- (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
 - a. Item 6.1.5 B.(1)a. requires that the area include all land that will be exposed to a noise level greater than that authorized to Class A land as established by 35 Ill. Admin. Code Parts 900, 901 and 910 under paragraph 6.1.5 I.
 - (a) The Project Narrative of the Special Use Permit application received August 24, 2018, states that the solar facility will be on a 22.59-acre tract on the 121.79-acre subject property. No noise analysis is required for a COMMUNITY PV SOLAR FARM unless specified by the ZBA.
 - b. Item 6.1.5 B.(1)b. requires that the area include all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS, allowing a minimum 40 feet wide area for each.
 - (a) The Site Plan received August 24, 2018, shows a 20 feet wide gravel access road, and an area approximately 33 feet wide.
 - (b) Waiver Part C was added regarding the 40 feet wide minimum area.
 - c. Item 6.1.5 B.(1)c. requires that the area include all necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all waterwells that will provide water for the PV SOLAR FARM, allowing a minimum 40 feet wide area for underground cable installations.
 - (a) The revised application received October 17, 2018, appears to be in compliance.
 - d. Item 6.1.5 B.(1)d. requires that the area include all aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
 - (a) Per Section 6.1.5 R.(3), all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the County Board SPECIAL USE Permit.
 - (b) Per Section 6.1.5 U.(3), the applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction. A special condition has been added to ensure compliance.

- (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
- a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
- (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
- i. The Village of Sidney Comprehensive Plan adopted on June 5, 2000, includes a Comprehensive Land Development Map showing village growth extending east to CR 2200E. The subject property is approximately one-quarter mile east of the future planning area.
- ii. The Village of Sidney does not have a Contiguous Urban Growth Area.
- iii. The revised Special Use Permit application received October 17, 2018, indicates a separation of approximately 5,420 feet (1.02 miles) between the PV SOLAR FARM perimeter fence and the Sidney municipal boundary.
- (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
- i. The application received August 24, 2018, includes a letter from Westwood Professional Services to Village of Sidney Mayor Charles White dated May 24, 2018, which included a copy of the Special Use Permit application.
- ii. At the September 13, 2018 ZBA meeting, Mayor White stated that he received the Wolf-Wertz solar farm plans on May 25, 2018.
- (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE

Permit for both the Environment and Land Use Committee and the County Board.

- i. No information has been received from the Village of Sidney.
 - ii. The P&Z Department sent the Village of Sidney Clerk notice of the ZBA hearing for this case on August 29, 2018.
- b. Item 6.1.5 B.2.(b) requires PV SOLAR FARMS to be a minimum of one-half mile from the CR Conservation Recreation District.
- (a) The nearest CR District is approximately 425 feet away from the PV SOLAR FARM perimeter fence.
 - (b) Waiver Part ~~B-A~~ was added regarding this separation distance.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- a. The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.
 - (a) The application received August 24, 2018, includes a “Distributed Generation Pre-Application Report” from Ameren Illinois dated February 9, 2018, which is a response to a Pre-Application Request submitted by Forefront Power. The same information was provided in the revised application received October 17, 2018.
 - b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM.
 - (a) A special condition has been added to ensure compliance.
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.”
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.
- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.

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- a. The ~~proposed-revised~~ Site Plan received October 17, 2018, shows the separations between the solar farm fence and the nearest residences.
- b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
 - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
 - i. The ~~proposed-revised~~ Site Plan received October 17, 2018, shows a distance of 274 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 1000N (County Highway 15).
 - (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
 - i. There are no buildings on the subject property.
 - (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
 - i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line. The ~~revised~~ Site Plan received October 17, 2018, shows the following separations:
 - (i) There are three residential lots west of the proposed PV SOLAR FARM. These lots are 240 feet from the PV SOLAR FARM perimeter fence.
 - (ii) The distance between the proposed inverters and the closest of these residential lots is approximately ~~745~~ 594 feet.
 - (iii) There is a 1-acre residential lot near the southeast corner of the proposed PV SOLAR FARM. The lot is approximately ~~218-240~~ feet from the PV SOLAR FARM perimeter fence. Waiver Part A is no longer necessary due to this change.
 - (iv) The distance between the proposed inverter and this 1-acre lot is approximately ~~743-765~~ feet.

- (v) All other adjacent lots less than 10 acres in area are at least 240 feet from the PV SOLAR FARM fence.
- ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the BOARD.
 - (i) The PV SOLAR FARM does not border any lot on more than two sides.
- (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
 - i. The property has lots more than 10 acres in area to the north, east, and west, but none of them have residences or principal buildings.
 - ii. The revised Site Plan received October 17, 2018, shows the PV SOLAR FARM fence sitting on the 15 feet from the east property line. Waiver Part D is no longer necessary due to this change.
- (e) Subparagraph 6.1.5 D.(3)c. states that additional separation may be required to ensure that the noise level required by 35 Ill. Admin. Code Parts 900, 901 and 910 is not exceeded or for other purposes deemed necessary by the BOARD.
 - i. The revised application received October 17, 2018, states: “the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from any of the following unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:

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- i. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
 - (i) The closest Willard Airport runway is approximately 11.4 miles from the subject property. The closest Frasca Airport runway is approximately 10.5 miles from the subject property.
 - ii. Any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE permit and that existed on or for which there had been a complete SPECIAL USE permit application received by April 22, 2010, or any approach zone for any such RESTRICTED LANDING AREA; or
 - (i) The closest RESTRICTED LANDING AREA is approximately 1.5 miles from the subject property.
 - iii. Any RESIDENTIAL AIRPORT that existed on or for which there had been a complete SPECIAL USE permit application received by April 22, 2010, or any approach zone for any such RESIDENTIAL AIRPORT.
 - (i) The closest RESIDENTIAL AIRPORT is approximately 5.8 miles from the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. The proposed Site Plan received October 17, 2018, shows 2 equipment pads in the center of the PV SOLAR FARM, approximately 295 feet from the east perimeter fence.
 - ii. Regarding the distance between the inverter pad and nearby dwellings:
 - (i) The distance between the proposed inverters and the closest of the three residential lots to the west is approximately ~~745~~594 feet.
 - (ii) The distance between the proposed inverters and the 1-acre lot to the southeast is approximately ~~743~~765 feet.

- (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
 - i. The Project Narrative received October 17, 2018, states: “the height of the solar array will not exceed 12 feet above ground surface.”
 - (j) Subparagraph 6.1.5 D.(8) states that PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.
 - i. The revised Site Plan received October 17, 2018, shows that there is a 20-35 feet separation between the 39.25-acre property to the east and the nearest PV SOLAR FARM module.
 - ii. Waiver Part E is no longer necessary due to this change.
- (9) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS. Compliance with paragraph 6.1.5 E. can be summarized as follows:
- a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
 - (a) The Special Use Permit application packet received October 17, 2018, does not include any buildings.
 - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
 - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
 - i. The revised Site Plan received October 17, 2018, states that the project will meet or exceed applicable local and national codes and standards, including National Electrical Code (NEC) Article 690.
 - (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
 - i. The Facility Description on page 4 of the Decommissioning Plan received October 17, 2018, states: “Direct Current (DC) wiring with the Project will be secured behind the modules, collected at a common point and transition underground to

the inverters. From the inverter/transformer pad, AC wiring will run underground until a point before County Road 1000 North where it will surface and connect to a series of utility poles on the Property before connecting to National Grid's system.”

- c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
 - (a) The Project Narrative received October 17, 2018, states: “the height of the solar array will not exceed 12 feet above ground surface.”
 - d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (a) The Project Narrative received October 17, states: “Visible warning signs shall be posted at each ingress/egress point associated with the project. The project emergency contact information and 911 address will be clearly posted on all warning signage.”
 - e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
 - (a) No information was required or submitted for the Special Use Permit application.
 - (b) The subject property does not have a connection to public sewer or water.
 - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The 121.79-acre subject property is considered Best Prime Farmland. The soil in the proposed PV SOLAR FARM area consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 291B Xenia silt loam, and has an average Land Evaluation Factor of 95.
 - b. The Applicant anticipates signing an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per 505 ILCS 147/15(b), effective June 29, 2018.
 - c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the application received October 17, 2018 states:

- (a) The revised Site Plan received October 17, 2018, states: “A landscape screening/buffering is proposed for the project to conform with the county requirements. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce stormwater runoff and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.”
 - (b) “Following construction of the solar facility, disturbed grounds will be re-established with low growth/low maintenance ground cover.”
 - (c) “To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted and on-site field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity. The proposed project may follow practices that: (1) provide native perennial vegetation and foraging habitat which is beneficial to game birds, songbirds, and pollinators; and (2) reduce storm water runoff and erosion at the solar site. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.”
- d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
- (a) No information was submitted with the revised application received October 17, 2018.
 - (b) At the September 13, 2018 public meeting, Ed Switzer, Project Development Manager for FFP Community Solar, testified that driven piles are 4 to 8 feet deep, and trenches are approximately 18 inches deep.
- e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) Section 6.1.5 F.(2)a. states: “The applicant shall endeavor to locate all existing agricultural drainage tile... The applicant shall contact affected landowners and tenants and the Champaign County Soil and Water Conservation District and any relevant drainage district for their knowledge of tile line locations prior to the proposed construction. Drainage districts shall be notified at least two weeks prior to disruption of tile.”

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- i. No information was submitted with the revised application received ~~August 24~~October 17, 2018.
 - ii. The Natural Resources Report by the Champaign County Soil and Water Conservation District (CCSWCD) received August 3, 2018, states: “It is likely that the site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Remember that tile in this area of the county may be small, yet it may drain several miles of ground around the area to be developed.”
 - iii. There is no Drainage District for the subject property.
- (b) Section 6.1.5 F.(2)b. states: “The location of drainage district tile lines shall be identified prior to any construction and drainage district tile lines shall be protected from disturbance...”
- i. There is no Drainage District for the subject property.
- (c) Section 6.1.5 F.(2)c. states: “Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, any common switching stations, and substations shall be replaced as required in Section 6.3 of the Champaign County Storm Water Management and Erosion Control Ordinance.”
- i. No information was required or submitted for the Special Use Permit application.
- (d) Section 6.1.5 F.(2)d. states: “Any agricultural drainage tile that must be relocated shall be relocated as required in the Champaign County Storm Water Management and Erosion Control Ordinance.”
- i. No information was required or submitted for the Special Use Permit application.
- (e) Section 6.1.5 F.(2)e. states: “Conformance of any relocation of drainage district tile with the Champaign County Storm Water Management and Erosion Control Ordinance shall be certified by an Illinois Professional Engineer. Written approval by the drainage district shall be received prior to any backfilling of the relocated drain tile and a copy of the approval shall be submitted to the Zoning Administrator. As-built drawings shall be provided to both the relevant drainage district and the Zoning Administrator of any relocated drainage district tile.”
- i. There is no Drainage District for the subject property.
- (f) Section 6.1.5 F.(2)f. states: “All tile lines that are damaged, cut, or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.”
- i. No information was required or submitted for the Special Use Permit application.

- (g) Section 6.1.5 F.(2)g. states: “All exposed tile lines shall be screened or otherwise protected to prevent the entry into the tile of foreign materials, loose soil, small mammals, etc.”
 - i. No information was required or submitted for the Special Use Permit application.
- (h) Section 6.1.5 F.(2)h. states: “Permanent tile repairs shall be made within 14 days of the tile damage provided that weather and soil conditions are suitable or a temporary tile repair shall be made...”
 - i. No information was required or submitted for the Special Use Permit application.
- (i) Section 6.1.5 F.(2)i. states: “All damaged tile shall be repaired so as to operate as well after construction as before the construction began.”
 - i. No information was required or submitted for the Special Use Permit application.
- (j) Section 6.1.5 F.(2)j. states: “Following completion of the PV SOLAR FARM construction, the applicant shall be responsible for correcting all tile line repairs that fail, provided that the failed repair was made by the Applicant.”
 - i. No information was required or submitted for the Special Use Permit application.
- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) No information was required or submitted for the Special Use Permit application.
- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) The Erosion Control Plan received [October 17](#), 2018, did not provide information regarding topsoil replacement.
- h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) The [revised](#) application received [October 17](#), 2018, states:
 - i. Regarding construction: “There will be minimal grading of this site because of the existing flat site conditions. This will contribute to a low level of soil compaction, which in turn should contribute to a very low level of run off volumes, pollutant concentration, and recovery of natural vegetation post construction. Construction activities should be minimized to areas where the primary road will be constructed and where the main electric cable will be trenched.”
 - ii. Regarding maintenance: “To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted and on-site

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field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity.”

- ii. Regarding site restoration: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the pending of waters and address any rutting or other depressions caused by removal equipment.”

- i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) No information was provided in the revised application received October 17, 2018.

- j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The revised application received October 17, 2018, includes a general Erosion Control Plan, but it does not specify that the petitioner will provide a permanent soil erosion and sedimentation plan for the PV SOLAR FARM or that they will provide as-built documentation, both prepared by an Illinois Licensed Professional Engineer.
 - (b) No information was required for the Special Use Permit application.

- k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) No information was required or provided in the revised application received October 17, 2018.

- l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
 - (a) The application received October 17, 2018, includes information regarding vegetative ground cover. Exhibit 3: Proposed Landscape Plan, states: “A 30 feet vegetative screen will be provided where residences are within 1,000 feet of the project It will consist of evergreen trees and or shrubs conforming with the county ordinance.” Exhibit 3 also refers to the 30 feet vegetative screen along the west side of the proposed PV SOLAR FARM fence.
 - (b) Regarding weed control, the application received October 17, 2018, states: “To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.” There is no specific vegetation management plan included in the application.

- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State’s Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.
 - (a) CR 1000E (County Highway 15) is under County Highway jurisdiction.
 - (b) A signed waiver from the requirement for a Roadway Upgrade and Maintenance Agreement was received from Champaign County Highway Engineer Jeff Blue on October 1, 2018. Waiver Part G and Special Conditions F. and G.(5) are no longer necessary. P&Z Staff verified with Jeff Blue that his waiver letter received October 1, 2018, still applies based on the revised Site Plan received October 17, 2018.
 - (c) The County Highway Department and Sidney Township were both notified of the hearing for this case on August 29, 2018, and no comments have been received.
 - ~~(d) — A special condition has been added to ensure receipt of either the waiver from the County/Township or a complete Roadway Upgrade and Maintenance agreement.~~
 - b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State’s Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney, or Township Highway Commissioner, or municipality.
 - (a) No information was required or submitted for the Special Use Permit application.
 - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
 - (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. An email was received October 16, 2018 from Chief Earl Bennett of the Sidney Fire Protection District – see Attachment C. Chief Bennett stated that he received a copy of the site plans for the solar farms, and that he

~~would like to have a meeting in the future to develop an emergency response plan. No information was provided in the application received August 24, 2018, regarding whether the applicant has submitted a copy of the Site Plan to the local Fire Protection District. There is no timeline for completing this requirement.~~

- b. The Sidney Fire Protection District was notified of the hearing for this case and no comments have been received.
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
- (a) A Special Use Permit application for a Community PV Solar Farm does not require a noise level analysis unless the Board requires one.
- (b) Distances from adjacent residences were provided in the revised Site Plan received October 17, 2018.
- (c) A statement regarding noise was provided in the revised application received October 17, 2018: “According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a non-reflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”
- (d) In an email received August 31, 2018, David Dickson provided the following technical specifications:
- i. The proposed inverter is the Sungrow SG125HV; this project will require 32 of these string inverters.
- (e) P&Z Staff requested noise level information from Sungrow for the SG125HV inverter. In an email received August 31, 2018, Richard Wang attached a “SG125HV Noise Level Test Report” which provided the following information:
- i. The noise test was completed in the shielding room at the Sungrow Testing Center. One meter from the inverter, test noise levels were the following:
- (i) Bottom of inverter: 61.6 dB
- (ii) Left side of inverter: 56.9 dB

- (iii) Top of inverter: 53.7 dB
 - (iv) Right side of inverter: 53.2 dB
 - (v) Background noise: 31.1 dB
 - ii. P&Z Staff requested any available information on noise levels for 16 inverters combined, but no information was provided.
- (f) In an email received August 31, 2018, Michael Borkowski of Community Power Group LLC shared a video resource by Michael van Biezen, a physics professor at Loyola Marymount University, referring to calculating sound levels from multiple noise sources combined.
 - i. The video showed that doubling the number of sources (in this case, inverters) resulted in an increase of 3 dB.
 - ii. The proposed Wolf-Wertz project proposes 32 inverters, which would double the inverter noise levels cited by Sungrow five times over. Using the highest noise level provided by Sungrow, 61.6 dB at 1 meter, P&Z Staff determined that 32 inverters would create 76.6 dB at 1 meter.
 - iii. P&Z Staff utilized an online tool during the solar farm text amendment process for Case 895-AT-18 to calculate noise levels at a series of distances from one inverter. Using this online tool, which can be found at <http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html>, P&Z Staff estimated the following noise levels for the proposed inverters:
 - (i) At a separation of 515 feet from the inverter (the minimum required without a waiver by the Solar Farm text amendment approved by the County Board on August 23, 2018), the noise level for the 32 inverters would be 32.7 dB.
 - (ii) At a separation of 743 feet from the inverter (the closest residence on a lot less than 10 acres to the inverter in the proposed solar farm), the noise level for the 32 inverters would be 29.5 dB.
 - (iii) At the closest property line to the inverters, which is approximately 295 feet to the east, the noise level for the 32 inverters would be 37.5 dB. The 39.25-acre lot to the east does not have any buildings on it.
 - (iv) P&Z Staff estimates are not as accurate as an actual noise study.

- (g) The revised Site Plan received October 17, 2018, shows that the equipment pad has not moved, and the P&Z Staff estimates have thus not changed.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
- a. An Ecological Compliance Assessment Tool (EcoCAT) consultation report dated March 27, 2018, and received August 24, 2018, stated: “the Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location: Bigeye Chub (*Hybopsis amblops*).
 - b. A follow-up letter from IDNR dated March 28, 2018, and received August 24, 2018, stated that the Department evaluated the information and concluded that adverse effects are unlikely. IDNR terminated the consultation.
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. In a letter received August 24, 2018, The Illinois State Historic Preservation Office states: “We have determined, based on the available information, that no significant historic, architectural or archaeological resources are located within the proposed project area. This clearance remains in effect for two (2) years from the date issuance. It does not pertain to discovery during construction.”
- (16) Paragraph 6.1.5 L. states: “The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.”
- a. The application received August 24, 2018, refers to the EcoCAT report that was provided with the application. This information did not change in the revised application received October 17, 2018.
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
- a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
 - (a) Regarding fencing, the revised application received October 17, 2018, states: “The entire project premises will be surrounded by a six-foot tall standard chain-link fence with a one-foot barbed wire apron on extension arms. The project will be designed to meet or exceed applicable local and national safety standards, specifically including: the currently enforced edition of the National Electric Code (NEC), and such regulations provided by the interconnecting utility. The project will include a visible and lockable manual safety switch, which will be made accessible to first responders, the utility, and maintenance personnel via gate lockbox, code, or other method to be defined prior to construction.”

- (b) Regarding weed control, the revised application received October 17, 2018, states: “To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.” There is no specific vegetation management plan included in the application.
- b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
- (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT.
 - (b) The revised Site Plan received October 17, 2018, shows that the nearest existing DWELLING is approximately ~~295~~337 feet from the proposed solar farm perimeter fence.
 - (c) The revised Site Plan received October 17, 2018, states: “A landscape screening/buffering is proposed for the project to conform with the county requirements. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce stormwater runoff and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.”
 - (d) The revised application received October 17, 2018 states: “Should vegetative screening be installed at the PV facility, Contractor will be responsible for monitoring the general health of each plant. If any plant succumbs and fails to establish its self, contractor will work with the responsible nursery to redeem the warranty and replace the deceased plant with another of the same species.”
- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that the design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- a. The revised application received October 17, 2018, states: “FFP IL Community Solar, LLC intends to utilize Trina TSM-340-DD14A photovoltaic modules which are constructed of anti-reflective coated tempered glass. In addition, the facility will be sited strategically to avoid glint and glare reflection towards adjacent roadways and surrounding areas.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.

- a. No information was required or received for the application received August 24, 2018, and no new information was provided in the revised application received October 17, 2018.
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
- a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
 - (a) The revised application received October 17, 2018, states: “When necessary, the proposed project will be cleaned by a licensed, insured commercial solar cleaning firm. The proposed project estimates using no more than 20,000 gallons of water per year. Various technologies may be used to clean the panels, and official cleaning methods will be determined on a case by case basis. Cleaning methods may include one or more of the types presented below, or other methods as technology advances.
 - b. Subparagraph 6.1.5 P.(3) states: “The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.”
 - (a) The revised application received October 17, 2018, does not include a detailed Weed and Grass Control Plan. The application states:
 - i. Vegetative growth along the fence line will be trimmed and maintained to prevent the growth of weeds or tall grasses.
 - ii. Spot-mowing is recommended for reducing invasive plants while native species are becoming established. Spot-mowing should be done at a raised height to avoid damaging native plants.
 - iii. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.
 - (b) It is not clear if the plan is consistent with 505 ILCS 100/1 et seq.
 - c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.

- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
 - (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
 - i. The revised application received October 17, 2018, includes a Decommissioning Plan for the proposed PV SOLAR FARM.
 - (b) Subparagraph 6.1.1 A.2. of the Ordinance requires that the decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
 - i. No information was provided on these topics in the Decommissioning Plan received October 17, 2018.
 - (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
 - i. Section 6.1.1 A.4.a. is for removal of the above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.
 - (i) The revised application received October 17, 2018, includes estimates for decommissioning the solar panels.
 - (ii) No reference was made to interim soil erosion control.
 - (iii) No reference was made regarding estimates being made by an Illinois Licensed Professional Engineer.
 - (iv) A special condition has been added to ensure compliance.

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- ii. Section 6.1.1 A.4.b. is for below-ground restoration, including final grading and surface treatment.
 - (i) No reference was found for site grading for the actual panel post locations or interim soil erosion control in the revised application received October 17, 2018.
 - (ii) Final grading and surface treatment estimates were provided only for the aggregate access roads and pads in the revised application received October 17, 2018.
- iii. Section 6.1.1 A.4.c. is for any environmental remediation required by State or Federal law.
 - (i) No reference was found on environmental remediation in the revised application received October 17, 2018.
- iv. Section 6.1.1 A.4.d. is for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
 - (i) No reference was found regarding a letter of credit for decommissioning in the revised application received October 17, 2018.
- (d) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
 - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (e) Subparagraph 6.1.1 A.6. of the Ordinance establishes a time period prior to the expiration of the irrevocable letter of credit during which the Zoning Administrator shall contact the landowner regarding the intent to renew the letter of credit and the landowner shall reply within a certain amount of time.
 - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (f) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
 - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (g) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they

will be required during construction, operations, and/or decommissioning phases of the project.

- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
 - (a) The costs reported in the Decommissioning Plan received October 17, 2018, do not include the costs for any street repairs but do include the cost of removing access driveways.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
 - (a) The petitioner has not provided all information required in the Decommissioning Plan received October 17, 2018.
 - (b) Waiver Part B and a special condition have been added to ensure compliance with these requirements.
- d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance.
 - (a) The petitioner has not provided all information required in the Decommissioning Plan received October 17, 2018.
 - (b) Waiver Part B and a special condition have been added to ensure compliance with these requirements.
- e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
 - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
- f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
 - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a

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waiver of any part or all of this standard condition, and no waiver request has been received.

- g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
 - (a) A special condition has been added to ensure compliance.

- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - a. Effective June 29, 2018, the State of Illinois amended the Counties Code (55 ILCS 5/5-12020) to require a commercial renewable energy facility owner of a commercial solar energy facility that is located on landowner property to enter into an Agricultural Impact Mitigation Agreement with the Department of Agriculture.

 - b. No information regarding this standard condition is required as part of the Special Use Permit application. A special condition has been added to ensure compliance.

- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
 - a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.

- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.

- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
 - a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
 - (a) The revised application received October 17, 2018, includes a Project Summary.

 - b. Subparagraph 6.1.5 U.(1)b. requires the name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the PV SOLAR FARM County Board SPECIAL USE permit.
 - (a) The revised application received October 17, 2018, includes this information.

 - c. Subparagraph 6.1.5 U.(1)c. requires a site plan for the SOLAR FARM which includes the following:

- (a) The approximate planned location of all PV SOLAR FARM STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substations(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
 - i. The revised application received October 17, 2018, demonstrates compliance with this requirement.
 - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 A.(1).
 - i. The revised application received October 17, 2018, demonstrates compliance with this requirement.
 - (c) The location of all below-ground wiring.
 - i. No information was provided in the revised application received October 17, 2018.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. No information was provided in the revised application received October 17, 2018.
 - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
 - i. The revised application received October 17, 2018, demonstrates compliance with this requirement.
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
- (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.

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- e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
 - (a) The application received August 24, 2018, includes a letter from Westwood Professional Services to Village of Sidney Mayor Charles White dated May 24, 2018, which included a copy of the Special Use Permit application.

- f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.5 B.(2)a.(c).
 - (a) No information has been received from the Village of Sidney.

 - (b) The P&Z Department sent the Village of Sidney Clerk notice of the ZBA hearing for this case on August 29, 2018.

- g. Subparagraph 6.1.5 U.(1)g. requires that documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5 B.(3)b.
 - (a) The revised application received October 17, 2018, includes a “Distributed Generation Pre-Application Report” from Ameren Illinois dated February 9, 2018, which is a response to a Pre-Application Request submitted by Forefront Power.

 - (b) A special condition has been added to ensure that an executed agreement has been provided prior to issuance of a Zoning Compliance Certificate.

- h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
 - (a) Updated information has been listed under Item 5 of this Summary of Evidence and discussed in further detail when relevant under Items 7 through 9.

- i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois

Department of Agriculture with the Zoning Use Permit Application to authorize construction.

(a) A special condition has been added to ensure compliance.

- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed PV SOLAR FARM is not exempt from the SWMEC Ordinance.
 - (2) Regarding the SWMEC requirement for a Storm Water Drainage Plan, the subject property is exempt from the Storm Water Drainage Plan requirement because it has less than 16% impervious area with that part containing no more than 1 acre of impervious area within a rectangular area of 90,000 square feet:
 - a. There is approximately 19.6 acres of solar panel area on the 121.79-acre subject property in the proposed Site Plan received August 24, 2018.
 - b. In an email received August 31, 2018, David Dickson stated that the Ground Coverage Ratio (GCR) for the proposed solar farm is 45%.
 - (1) 45% of 19.6 acres is 8.82 acres of impervious area, or 7.2% of the 121.79-acre subject property.
 - (2) The Site Plan received August 24, 2018 also establishes that there will be approximately 24,700 square feet (0.57 ac) of access road inside the Special Use Permit area, and approximately 884 square feet (0.02 ac) of equipment pad area, for a total of 9.41 acres of impervious area.
 - c. P&Z Staff calculated that within a rectangular area of 90,000 square feet including the most impervious area, less than 1 acre (43,560 square feet) would be impervious area (~43,250 square feet).
 - d. A revised Site Plan was received on October 17, 2018.
 - (a) There is approximately 19 acres of solar panel area in the revised Site Plan. 45% of 19 acres is 8.55 acres of impervious area, or 7.0% of the 121.79-acre subject property. The addition of access road and equipment pads does not trigger the 16% threshold for requiring a SWMP.
 - (b) Within a rectangular area of 90,000 square feet including the most impervious area and assuming a 45% Ground Coverage Ratio, less than 1 acre (43,560 square feet) would be impervious area (~40,500 square feet).
 - (3) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, part of the subject property is located within a Special Flood Hazard Area, per FEMA Panel 17019CO475D, effective date October 2, 2013.
- (1) The proposed PV SOLAR FARM area is not located within the SFHA.

- E. Regarding the Subdivision Regulations, the 121.79-acre subject property is located in the Village of Sidney subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-1 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - B. See Section 12 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

a. Regarding the value of nearby properties, the ZBA reviewed two property value impact studies during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, and found no direct evidence indicating that solar farms have a negative effect on property values.

b. Regarding the value of the subject property, during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, ZBA found that the land owner receives an annual payment from the PV SOLAR FARM operator far in excess of the value of a crop from that land.

c. Section 6.1.5 Q. of the PV SOLAR FARM text amendment approved on August 23, 2018, includes a standard condition requiring a Decommissioning and Site Reclamation Plan that is intended to ensure there is adequate financial assurance for removal of a PV SOLAR FARM at the end of its useful life. Ensuring adequate site reclamation is one method of protecting surrounding property values.

d. A comparison of property tax valuations for existing farmland and the proposed solar farm use was completed by ZBA member Frank DiNovo, received by P&Z Staff on September 11, 2018, and entered as a Document of Record in Supplemental Memorandum #1 dated September 13, 2018. The analysis, which provides data sources but has not been verified by the Assessor's Office, indicates that the current assessed value for the farmland on the 22.59-acre solar farm site is \$8,946 and would reach \$14,445 by year 19. The assessed value in year 1 for the subject property with the 4 MW solar farm installed would be \$872,000, but would decline to \$373,629 by year 19, for a net increase in assessed value of \$359,184. Net increases in tax revenues reflect the net increase in assessed value. The net increase in tax revenue to Sidney Township will be \$56,759 in year 1 and \$23,622 for year 19.

- (5) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

Other than additional traffic during construction and/or decommissioning of the PV SOLAR FARM, no significant increase in traffic is anticipated.

- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - a. The requested Special Use Permit is outside of the Special Flood Hazard Area.
 - b. Impervious area is within the limits of not requiring a Storm Water Management Plan.
 - c. The Erosion Control Plan received October 17, 2018, states: “there will be minimal grading of this site because of the existing flat site conditions. This will contribute to a low level of soil compaction, which in turn should contribute to a very low level of runoff volumes, pollutant concentration, and recovery of natural vegetation post construction. Construction activities should be minimized to areas where the primary road will be constructed and where the main electric cable will be trenched.”

- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. Public comments were reviewed under Item 8.I. in this revised Summary of Evidence.

- (8) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (9) Paragraph 2.0(i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0(j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0(k) states that one purpose is fixing regulations and

standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0(l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (10) Paragraph 2.0(m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and none of the current structures or the current use existed on the date of adoption.

- (11) Paragraph 2.0(n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

- (12) Paragraph 2.0(o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property has wooded areas to the north, and the Salt Fork River runs through the northwest corner of the subject property. There are no natural features in the vicinity of the proposed PV SOLAR FARM site.

- (13) Paragraph 2.0(p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

- (14) Paragraph 2.0(q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The entire subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

- (15) Paragraph 2.0(r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The entire project area is located in an Agriculture zoning district, which is the only zoning DISTRICT in which a PV SOLAR FARM is authorized.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is not an existing NONCONFORMING USE.

RELATED TO THE WAIVERS, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:

A. Regarding Part ~~B-A~~ of the proposed waivers, for a separation distance of 425 feet in lieu of the minimum required one-half mile (2,640 feet) from the CR Conservation Recreation Zoning District:

- (1) There is an inherent incompatibility of solar farms with at least the larger wildlife (i.e., deer) in the CR District and the fencing would obstruct wildlife movement.
- (2) The CR District is the principal rural residential district and thus it is somewhat analogous to the one-half mile separation from a municipality.
- (3) For this case, the nearest CR District is mostly farmland and so the issues related to incompatibility do not seem so great even with the lesser separation.

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

- (1) Some details that are required to develop the cost estimates might not be available until the Zoning Use Permit phase, when more specific calculations are made by the applicants.
- (2) A special condition has been added requiring the applicant to submit a Decommissioning and Site Reclamation Plan approved by ELUC at the time of application for a Zoning Use Permit.

RELATED TO THE WAIVERS, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

~~BA.~~ Without Part ~~B-A~~ of the proposed waivers, the PV solar farm could not be located on the subject property because no part of the subject property is over one-half mile from the CR Conservation-Recreation District.

- FB.** Without Part ~~FB~~ of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to prepare cost estimates.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A.** Regarding Part A of the proposed waivers, for a separation distance of 425 feet in lieu of one-half mile (2,640 feet) from the CR Conservation Recreation Zoning District:
- (1) The Illinois Future Energy Jobs Act went into effect on June 1, 2017.
 - (2) Solar farm developers have been establishing lease options with area landowners since that time. The owner of the subject property signed a Solar Facility Site Lease Agreement with FFP IL Community Solar LLC on December 28, 2017.
 - (3) Champaign County began to draft a text amendment to allow solar farms in January 2018, and determined that all solar farm applications would be heard if the County adopted the text amendment.
 - (4) FFP IL Community Solar LLC had no County zoning regulations to follow when they started their design process for the subject property.

- FB.** Regarding Part ~~FB~~ of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVERS ARE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- BA.** Regarding Part ~~BA~~ of the proposed waivers, for a separation distance of 425 feet in lieu of one-half mile (2,640 feet) from the CR Conservation Recreation Zoning District, the requested waiver (variance) is 16% of the minimum required, for a variance of 84%.
- FB.** Regarding Part ~~FB~~ of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVERS ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:

- A. The Sidney Township Highway Commissioner has been notified of this case, and no comments have been received.
- B. The Sidney Fire Protection District has been notified of this case, and no comments have been received.
- C. There are no Drainage Districts for the subject property.
- D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

- A. **The revised Site Plan received October 17, 2018 is the approved site plan for Case 903-S-18.**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**

Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

The above special conditions are required to ensure that:

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

~~F. A Roadway Upgrade and Maintenance Agreement signed by the Highway Commissioner and approved by the Environment and Land Use Committee shall be submitted at the time of application for a Zoning Use Permit.~~

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

~~To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.~~

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

- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
- 3. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 4. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- ~~**5. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**~~
- 6. The telephone number for the complaint hotline required by 6.1.5 S.**
- 7. Any updates to the approved Site Plan from Case 903-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The above special condition is required to ensure that:

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

- G.** A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:
- 1. An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 - 2. As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 - 3. An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

The above special condition is required to ensure that:

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

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

The above special condition is required to ensure that:

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

DOCUMENTS OF RECORD

1. Special Use Permit Application received August 24, 2018, with attachments:
 - a. Supplemental Application Information, including:
 - Project Narrative
 - Traffic Impacts
 - General Construction and Development Criteria
 - Vegetative Maintenance
 - Additional responses to P&Z Department SUP application questions 10-12
 - b. Conceptual Layout, including:
 - Exhibit 1: Conceptual Layout
 - Exhibit 2: Proposed Site Plan
 - Exhibit 3: Proposed Landscape Plan
 - c. Legal Description
 - d. FFP IL Community Solar, LLC Information
 - e. Landowner Information
 - f. Interconnection Request Application Form
 - g. Decommissioning Plan
 - h. Erosion Control Plan
 - i. Vegetative Maintenance Plan
 - j. Complaint Resolution
 - k. Roadway Authority (*placeholder only*)
 - l. Township Submittal: letter to Mayor of Sidney dated May 24, 2018
 - m. Cleaning and Water Usage
 - n. EcoCAT Natural Resource Review Results dated March 27, 2018
 - o. State Historic Preservation Office letter dated May 23, 2018
2. Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018
3. Email from David Dickson received August 31, 2018
4. Preliminary Memorandum dated September 6, 2018, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Site Plan (Exhibit 2) and Proposed Landscape Plan (Exhibit 3) received August 24, 2018
 - C SUP Application Exhibits
 1. Project Narrative
 2. Traffic Impacts
 3. General Construction and Development Criteria
 4. Vegetative Maintenance
 5. Interconnection Request Application Form
 6. Decommissioning Plan
 7. Erosion Control Plan
 8. Vegetative Maintenance Plan
 9. Complaint Resolution
 10. Township Submittal: letter to Mayor of Sidney dated May 24, 2018
 11. Cleaning and Water Usage
 12. EcoCAT Natural Resource Review Results dated March 27, 2018

- 13. State Historic Preservation Office letter dated May 23, 2018
- D Annotated Aerial: Separation Distances and Screening, created by P&Z Staff on August 30, 2018
- E Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018
- F Email from David Dickson received August 31, 2018
- G Checklist for status of Special Use Permit application requirements created by P&Z Staff on August 29, 2018
- H Summary of Evidence, Finding of Fact and Final Determination dated September 13, 2018
- I Solar Farm Text Amendment as approved by the Champaign County Board on August 23, 2018
- J Village of Sidney Comprehensive Plan Land Development Map dated June 5, 2000 and received May 11, 2018

5. Supplemental Memorandum #1 dated September 13, 2018, with attachments:

- A Assessment values analysis submitted by Frank DiNovo on September 11, 2018
- B Annotated Aerial: Separation Distances and Screening, revised by P&Z Staff on September 13, 2018
- C Decommissioning Activities excerpt from SUP Application for Case 906-S-18
- D Solar Farm Decommissioning Costs for Various Solar Farms Including Proposed Costs for Current Solar Farm Zoning Cases dated September 13, 2018
- E Fast Sun LLC Decommissioning Plan for Single Axis Tracker Array
- F Case 894-S-17 Preliminary Memorandum Attachment C: Decommissioning Plan St. Joseph Solar Farm
- G Cases 894-S-17 and 897-S-18 Supplemental Memorandum #2 dated August 30, 2018, with attachments:
 - A Solar Farm Decommissioning Costs from Various Solar Farms Including Proposed Costs for Cases 894-S-17 and 897-S-18
 - B Fact Sheet: Decommissioning Solar Panel Systems (NYSERDA)
 - C Exhibit F: Decommissioning Plan for Devine-Johnson Solar Project (NEXTERA)
 - D Proposed Decommissioning Cost Estimate for South Forty Solar Farm
 - E Removal Cost Estimate for Proposed 2.7 MW Solar Farm in Chester NY by Norman Dupuis

6. Revised Special Use Permit Application received October 17, 2018, with attachments: Same exhibits as listed in Document of Record 1 above, except:

- Exhibit 2: Proposed Site Plan received October 17, 2018
- Exhibit 3: Proposed Landscape Plan received October 17, 2018

7. Supplemental Memorandum #2 dated October 18, 2018, with attachments:

- A Revised Exhibit 2: Site Plan and Exhibit 3: Landscape Plan received October 17, 2018
- B Signed waiver from the requirement for a Roadway Upgrade and Maintenance Agreement received from Champaign County Highway Engineer Jeff Blue on October 1, 2018
- C Email from Chief Earl Bennett of the Sidney Fire Protection District received October 16, 2018
- D Letter from Art Rapp received September 17, 2018

8. Revised Summary of Evidence, Finding of Fact and Final Determination dated October 18, 2018

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **903-S-18** held on **September 13, 2018, and October 25, 2018**, the Zoning Board of Appeals of Champaign County finds that:

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

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*: it is bordered on 2 sides by commercial uses, on the 3rd side by the Interstate highway spur, and the 4th side will be screened from adjacent residential use.
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*: additional off-street parking will be provided to meet the requirements of the ordinance.
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:
 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

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

- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.

4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.

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

6. Regarding necessary waivers of standard conditions:

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

- A. Regarding Part **BA** of the proposed waivers, for a distance of 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet):
 - (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- F. Regarding Part **FB** of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board:

- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

- A. The **revised** Site Plan received **October 17, 2018** is the approved site plan for Case 903-S-18.

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

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

The above special conditions are required to ensure that:

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

- ~~F. **A Roadway Upgrade and Maintenance Agreement signed by the Highway Commissioner and approved by the Environment and Land Use Committee shall be submitted at the time of application for a Zoning Use Permit.**~~

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

~~**To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.**~~

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
3. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

- ~~5. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or**~~

~~Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.~~

~~6.5.~~ The telephone number for the complaint hotline required by 6.1.5 S.

~~7.6.~~ Any updates to the approved Site Plan from Case 903-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.

The above special condition is required to ensure that:

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

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

1. An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.
2. As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.
3. An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.

The above special condition is required to ensure that:

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

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

1. Maintain the pollinator plantings and required visual screening in perpetuity.
2. Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).
3. Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).
4. Maintain a current general liability policy as required by 6.1.5 O.

5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

The above special condition is required to ensure that:

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

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. {**HAVE / HAVE NOT**} been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **903-S-18** is hereby {**GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED**} to the applicant, **FFP IL Community Solar LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

Authorize two Community PV Solar Farms, each with a nameplate capacity of 2 megawatts (MW) for a total of 4 MW, including access road and wiring, and

{ SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS: }

Part A: A waiver for a distance of 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **The revised Site Plan received October 17, 2018 is the approved site plan for Case 903-S-18.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**
- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**
- F. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**

1. **Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 3. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 5. **The telephone number for the complaint hotline required by 6.1.5 S.**
 6. **Any updates to the approved Site Plan from Case 903-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- G. A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
- H. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings and required visual screening in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District’s emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the**

services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).

4. **Maintain a current general liability policy as required by 6.1.5 O.**
5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date