

CASE 115-S-23

SUPPLEMENTAL MEMORANDUM #1

APRIL 4, 2024

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

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

A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Other waivers may be necessary.

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

Site Area: Approximately 27 acres of a 51.16-acre tract

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

STATUS

This case was continued from the February 15, 2024, ZBA Meeting. On April 3, 2024 the petitioner submitted a Preliminary Drainage Tile Study for the property and stated that the location of the string inverters will be within the required 275 ft. equipment setback from the perimeter fence.

PROPOSED SPECIAL CONDITIONS

- A. **The approved site plan consists of the following documents:**
- **Site Plan received January 25, 2024.**

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

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 required to ensure the following:

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

- D. **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 special condition stated above is required to ensure the following:

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

- E. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by relevant County, township, and/or municipal authorities and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required 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. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 - 3. 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 or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 - 4. 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.

5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **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.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 115-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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 special condition stated above is required to ensure the following:

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 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 special condition stated above is required to ensure the following:

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

- I. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

- J. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- K. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage district tiles are protected.

- L. **A copy of a signed agreement with the drainage district establishing the 40 feet wide easement and including any provisions for cabling and access to the easement shall be provided to the Zoning Administrator prior to the issuance of a Zoning Use Permit.**

The special condition stated above is required to ensure the following:
Adequate care is taken to protect the drainage district tile.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

The special condition stated above is required to ensure the following:
That the current version of the Zoning Ordinance has been referenced.

- N. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**

- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
- 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
- 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
- 5. Any tile found shall be protected from disturbance.**
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.**
- 7. A map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
- 8. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

ATTACHMENTS

- A Preliminary Drain Tile Study received April 3, 2024
- B Site Plan received January 25, 2024
- C Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated April 11, 2024

EXISTING AGRICULTURAL DRAIN TILE PROBABILITY MAPPING

Pivot ILL038 Solar Prepared for: Pivot Energy

Section no. 11, Sidney Twp., Champaign Co., IL.

EXISTING SUBSURFACE AGRICULTURAL DRAIN TILE INVESTIGATION REPORT

Pivot ILL038 Solar Pivot Energy

Pivot ILL038 Solar / Pivot Energy, FIELD FILE NO. 18-00-00_ILL038, DATE: 3/29/2024.
IN ACCORDANCE WITH LOCAL STORMWATER ORDINANCE STANDARD FOR PROBABLE AGRICULTURAL DRAIN TILE MAPPING
COPYRIGHT © 2024, BY HUDDLESTON McBRIDE LAND DRAINAGE COMPANY

DESCRIPTION CHART NO. 1A:

INVESTIGATION SLIT TRENCH LOCATIONS

ID NO.	SZ.	TYPE / QUALITY	FLOW %	SILT %	DEPTH GRD/INV	FIELD NOTES:

NOTE: THIS DESCRIPTION CHART IS RESERVED FOR: SITE INTENSIVE DRAIN TILE INVESTIGATION LOCATION, STAKING, GPS MAPPING AND EVALUATION IN ACCORDANCE WITH LOCAL STORMWATER ORDINANCE SPECIFICATIONS.

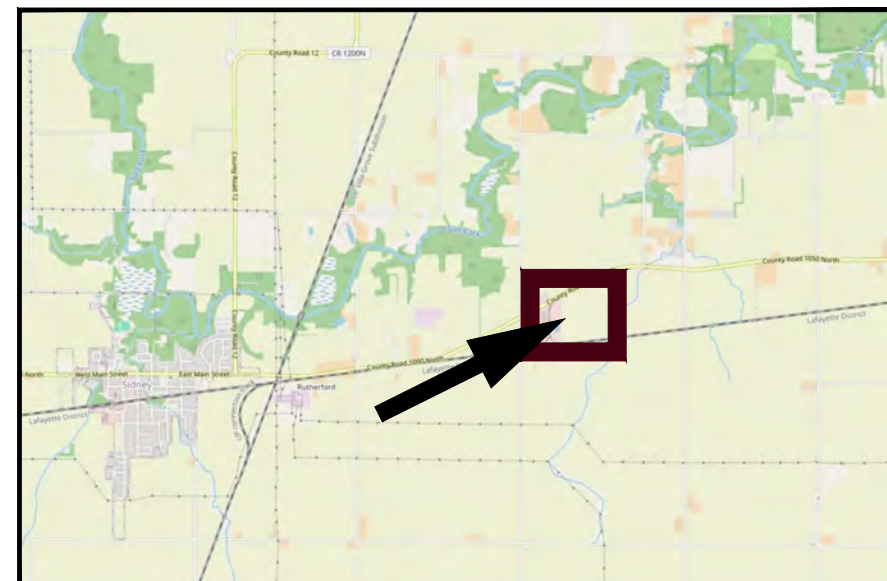
ID NO.	SZ.	TYPE / QUALITY	FLOW %	SILT %	DEPTH GRD/INV	FIELD NOTES:

DESCRIPTION CHART NO. 1B:

SURVEY DATA POINT LOCATIONS

DATA POINT	SZ.	TYPE / QUALITY	FLOW %	SILT %	DEPTH GRD/INV	FIELD NOTES:

NOTE: THIS DESCRIPTION CHART IS RESERVED FOR: SITE INTENSIVE DRAIN TILE INVESTIGATION LOCATION, STAKING, GPS MAPPING AND EVALUATION IN ACCORDANCE WITH LOCAL STORMWATER ORDINANCE SPECIFICATIONS.



SITE LOCATION Section no. 11, Sidney Twp., Champaign Co., IL.

MAP LEGEND:

- EXISTING DRAIN TILE FLOW DIRECTION
- EX. POLYETHYLENE MAINLINE OR SYSTEM PART
- EX. CLAY DRAIN TILE MAINLINE OR SYSTEM PART
- PROBABLE DRAIN TILE MAINLINE OR SYSTEM PART
- EXISTING DRAIN TILE CONTINUES TO UPLAND WATERSHED
- EXISTING DRAIN TILE OUTLETS TO SURFACE
- EXIST. DRAIN TILE (1) INSPECTION STRUCTURE / (2) CATCH BASIN
- EXIST. DRAIN TILE (1) LOCATED END / (2) ASSUMED END
- EXISTING DRAIN TILE CONTINUES TO OFF-SITE OUTLET SYSTEM
- EXISTING DRAIN TILE FAILURE: FLOW SURCHARGE TO SURFACE
- EXISTING DRAIN TILE MAPPED BY SPECULATION AND ASSUMPTION
- EXISTING DRAIN TILE ABANDONED (NOT FUNCTIONAL)
- EXISTING DRAIN TILE "BLOWOUT" OR FAILURE
- HAND PROBE OR ELECTRONIC SCAN FOR DRAIN TILE LOCATION
- INVESTIGATION SLIT TRENCH FOR INVESTIGATION
- SPECIFIC PIT EXCAVATION FOR INVESTIGATION
- SURVEY DATA POINTS
- REPORT IDENTIFICATION NUMBER

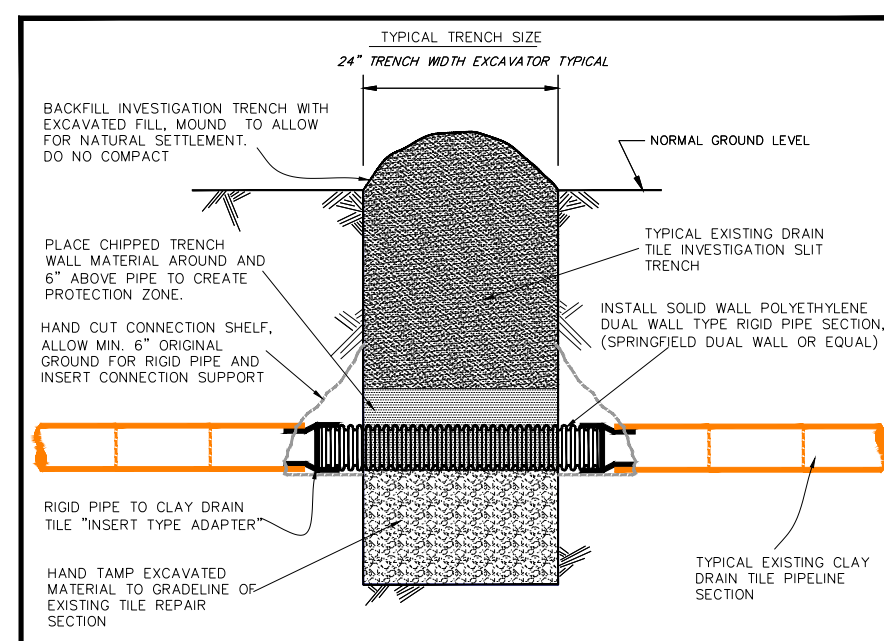
REPORT LEGEND:

- ID NO. POINT OF EXCAVATION FOR SPECIFIC DRAIN TILE INVESTIGATION.
 - SZ. (SIZE) DRAIN TILE INTERNAL DIAMETER IN INCHES.
 - MATERIAL / QUALITY TYPE OF TILE MATERIALS, PIPE QUALITY - GOOD, FAIR & POOR.
 - FLOW % PERCENTAGE OF TILE DIAMETER OCCUPIED BY ACTIVE FLOW.
 - SILT % RESTRICTED OR BACKED UP FLOW, SURCHARGED CONDITION
 - DEPTH PERCENTAGE OF TILE DIAMETER OCCUPIED BY RESTRICTIVE SILT.
 - DEPTH ABANDONED, FILLED WITH SILT BLOCKAGE, NO FLOW POTENTIAL MEASUREMENT FROM EXISTING GROUND LEVEL TO PIPE INVERT.
- (GENERAL NOTES)
- TRUNK LINE OR MUTUAL DRAIN, COLLECTOR OF SUB-SYSTEMS.
 - SUB-MAIN TILE SECONDARY TRUNK LINE OR RANDOM SYSTEM COLLECTOR.
 - LATERAL TILE FEEDER LINE, SERVICE TILE OR SYSTEM SPUR.
 - "BLOWOUT" EXISTING SYSTEM PIPE FAILURE OR RESTRICTION.
 - DRAIN TILE ENDS MAINLINE, SUB-MAIN OR LATERAL PLANNED TERMINATION.
 - SLIT TRENCH INVESTIGATION TRENCH, TYPICAL 2'-0" WIDE X 6'-0" DEPTH.

SPECIAL NOTES:

- ALL EXISTING AGRICULTURAL DRAIN TILES LOCATED DURING THIS INVESTIGATION SURVEY HAVE BEEN IDENTIFIED ON THIS PLAN, AND FIELD STAKED AT <= 50' INTERVALS. IN SOME OCCASIONS CERTAIN EXISTING LOCAL DRAIN TILE SECTIONS MAY BE SPECULATED AND CONSIDERED AS AN ASSUMED ROUTE WHICH SHALL BE DELINEATED ON THIS PLAN.
- ALL EXISTING DRAIN TILES DAMAGED DURING THE INVESTIGATION PROCESS SHALL BE REPAIRED TO THEIR ORIGINAL STATE IN ACCORDANCE WITH NATURAL RESOURCE CONSERVATION SERVICE STANDARDS FOR DRAIN TILE INSTALLATION AND REPAIR. (HUDDLESTON DRAINAGE (IG24) TYPICAL STANDARD "A")
- ALL EXISTING DRAIN TILE LOCATION DIMENSIONS HAVE BEEN SURVEYED BY AGRICULTURAL GRADE GPS SURVEY SYSTEMS AND INCLUDE SUB-METER ACCURACY. ALL LOCATION PERTINENT TO FINAL DESIGN SHALL BE VERIFIED BY THE PROJECT SURVEYOR.
- THIS DRAIN TILE INVESTIGATION REPORT IS INTENDED TO IDENTIFY EXISTING DRAIN TILE MAINLINE TILES ONLY WITH ADDITIONAL PRIORITY ON DRAIN TILES WHICH MAY SERVICE THE UPLAND PROPERTY OF OTHERS OR WITH MUTUAL DRAINAGE STATUS.
- THIS DRAIN TILE INVESTIGATION REPORT SHALL BE FILED WITH HUDDLESTON DRAINAGE LAND DRAINAGE CO., AND WILL BE REPRODUCED AND DISBURSED ONLY BY PERMISSION OF THE CONTRACT PRINCIPALS.

TOM HUDDLESTON, HUDDLESTON-McBRIDE DRAINAGE CO.



THESE SYMBOLS REPRESENT SURVEY DATA POINTS WHICH HAVE BEEN STAKED IN THE FIELD FOR THE SPECIFIC PURPOSE OF ELECTRONIC LOCATION AND IDENTIFICATION DETERMINATION BY THE PROJECT SURVEYOR.
THESE DATA POINTS CONSIST OF A 2" x 2" GROUND HUB AND A 3" OD ONLINE LOCATION STAKE WHICH INCLUDES DATA POINT IDENTIFICATION NUMBER, SEPARATION MEASUREMENT FROM HUB TO PIPE INVERT, AND PIPE SIZE.
ALL EXISTING DRAIN TILE ROUTES HAVE BEEN FIELD STAKED WITH EXISTING DRAIN TILE "PIN" FLAGS AT 50' INTERVALS AND DOUBLE FLAGS AT INTERSECTIONS.



PROJECT CLIENT:

Pivot Energy

Liz Reddington, Project Manager
1601 Wewatta St, Suite 700, Denver, Colorado, 80202

APPROVED BY AND DATE:
TOM HUDDLESTON 3/29/2024

ACKNOWLEDGMENTS:
HUDDLESTON DRAINAGE MAP and ARCHIVE SYSTEMS

DRAWN BY AND DATE:
TOM HUDDLESTON 3/29/2024

PROJECT DATE:
3/29/2024

FIELD FILE NO.:

18-00-00_ILL038

DRAWING NO.:

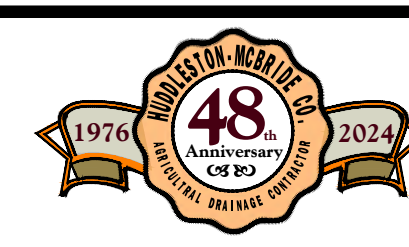
18-00-00_ILL038_P1

WEATHER CONDITIONS:
SUNNY / WARM - 50s

DRAWING SCALE:
1" TO 120 ft.

SHEET NO.:

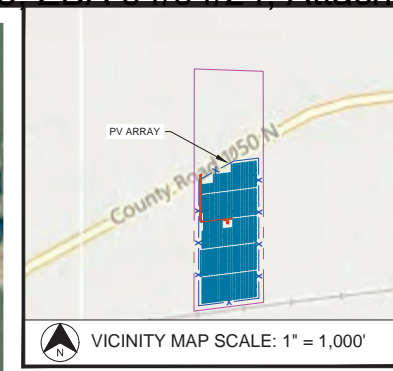
ONE OF ONE



Pivot ILL038 Solar

HUDDLESTON McBRIDE
PROFESSIONAL LAND DRAINAGE SERVICES

9504 FOWLER RD., ROCHELLE, ILLINOIS PHONE 815-562-6007



- SYSTEM INFORMATION**
1. SYSTEM SIZE: 6,677KWDC / 5,000KWAC
 2. SPECIFIC PRODUCTION: 1,653 KWH/KWP
 3. ANNUAL PRODUCTION: 11,035 MWH
 4. SOLAR MODULES TYPE: 535W (BIFACIAL) @ STC
 5. SOLAR MODULE QTY: (12,480) 480 STRINGS OF 26 MODULES
 6. SOLAR INVERTERS: (40) CPS SCA125KTL
 7. SOLAR MLPE: N/A
 8. ASHRAE 2% AVG. HIGH TEMP: 33°C
 9. ASHRAE EXTREME LOW TEMP: -23°C
 10. ARRAY AZIMUTH: 180°
 11. ARRAY TILT: 0°
 12. RACKING TYPE: SINGLE-AXIS TRACKER
 13. GROUND COVERAGE RATIO: 39% GCR

- SITE INFORMATION**
1. PARCEL ID: 242812300002
 2. JURISDICTION: CHAMPAIGN COUNTY
 3. ZONING CLASSIFICATION: AGRICULTURE
 4. ZONING SETBACKS:
 - FRONT: 50 FT
 - SIDE: 50 FT
 - REAR: 50 FT
 5. PARCEL AREA: 52.68 ACRES
 6. PROPOSED LEASE AREA: 26.26 ACRES
 7. UTILITY: AMEREN
 8. POI LOCATION: 40.0331, -88.0236
 9. ARRAY TO POI DISTANCE: 655 FT
 10. POI TO SUBSTATION DISTANCE: 1.48 MILE
 11. INTERCONNECTION VOLTAGE: TBD KV

- SITE CHARACTERISTICS**
1. EXISTING EASEMENTS: NONE IDENTIFIED
 2. WELLS & SEPTIC SYSTEMS: NONE IDENTIFIED
 3. SCENIC ROUTE: NONE IDENTIFIED
 4. HISTORIC PROPERTIES: NONE IDENTIFIED
 5. WETLANDS & WATER WAYS: NONE IDENTIFIED
 6. HYDRIC SOILS: NONE IDENTIFIED
 7. FLOOD HAZARDS: NONE IDENTIFIED
 8. PROTECTED LANDS: NONE IDENTIFIED
 9. CONSERVATION AREAS: NONE IDENTIFIED
 10. ENDANGERED SPECIES: NONE IDENTIFIED
 11. PRIME FARMLAND SOILS: PRIME FARMLAND IDENTIFIED ON SITE
 12. SHALLOW BEDROCK: NONE IDENTIFIED
 13. KARST FEATURES: EVAPORITE BASINS IDENTIFIED ON SITE
 14. EXISTING GROUND SLOPES: 0%-5% THROUGHOUT THE SITE
 15. SITE GRADING: MINIMAL TO NONE ANTICIPATED

RECEIVED
 JAN 25, 2024
 CHAMPAIGN COUNTY
 PLANNING & ZONING

LEGEND

VEGETATIVE SCREENING	--- ---
PROPERTY BOUNDARY	--- ---
ROOFLINE	--- ---
SETBACK LINE	--- ---
SECURITY FENCE	--- ---
OVERHEAD MEDIUM VOLTAGE ELECTRICAL	--- ---
UNDERGROUND MEDIUM VOLTAGE ELECTRICAL	--- ---
OVERHEAD HIGH VOLTAGE ELECTRICAL	--- ---
ACCESS ROAD	--- ---
VEGETATIVE BUFFER	--- ---
WETLAND	--- ---
FLOOD HAZARD EDGE	--- ---
AREA OF INTEREST	--- ---
AREA NOT OF INTEREST	--- ---
TREE CLEARING	--- ---
10-20% GROUND SLOPES	--- ---
>20% GROUND SLOPES	--- ---

1 ARRAY PLAN
 SCALE: 1" = 140'



Pivot Energy
 1750 15TH STREET, SUITE 200
 WWW.PIVOTENERGY.NET

THIS DRAWING IS THE PROPERTY OF PIVOT ENERGY. THE INFORMATION CONTAINED IN THIS DOCUMENT SHALL NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE WRITTEN CONSENT OF PIVOT ENERGY.

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS.

REVISIONS	DATE	BY	DESCRIPTION
1	2023.09.06	JCL	ISSUE FOR PERMITS
2	2023.09.06	JCL	REVISED PER SETBACK

PROJECT TITLE: ILL038-COUNTYRD 1050N
 40.031750, -88.022632
 SIDNEY, IL 61877

SHEET TITLE: **ARRAY PLAN**

DRAWN BY: JCL
 CHECKED BY: RWG
 DATE: 9/6/2023
 SHEET NO.: **E100**

ALL NOTES, DESCRIPTIONS, AND FIGURES ARE BASED ON PRELIMINARY ANALYSIS AND SUBJECT TO CHANGE AT DISCRETION OF PIVOT ENERGY, LLC. DRAWING IS NOT FOR CONSTRUCTION

PRELIMINARY DRAFT

115-S-23

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{April 11, 2024}***

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

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

A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Other waivers may be necessary.

Table of Contents

General Application Information.....2 - 3
Specific Ordinance Requirements.....3 - 9
Special Use Evidence9 - 37
Documents of Record..... 38
Case 115-S-23 Finding of Fact.....39 - 45
Case 115-S-23 Final Determination..... 46 – 49

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 15, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Pivot Energy IL 38, LLC, a subsidiary of Pivot Energy Development LLC, 1601 Wewatta St, Suite 700, Denver, CO 80202, with CEO Tom Hunt; via agent Liz Reddington, and participating landowners Louis and Donna Zitting, 6933 S Country Home Lane, West Jordan, Utah, are the developers of the proposed PV Solar Farm.
2. The subject property is that part of a 51.16-acre tract of land lying south of County Highway 15 (CR 1050N) in the East Half of the West Half of Section 12, Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as farmland owned by Louis and Donna Zitting.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within 1.5 miles of a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - 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 51.16-acre subject property is zoned AG-1 Agriculture and is currently in agricultural production.
 - (1) The proposed PV SOLAR FARM would be located on approximately 27 acres on the south side of CR 1050N (County Highway 15).
 - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production. The Frito-Lay facility is located west of the subject property.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the Site plan for the proposed Special Use:
 - A. The Site Plan received September 11, 2023 includes the following proposed features:
 - (1) One 5-megawatt community PV SOLAR FARM site on approximately 27 acres; and
 - (2) 8-feet tall perimeter fence; and
 - (3) Two equipment pads and inverters located approximately 730 feet south of the CR 1050N centerline; and
 - a. Inverters are located at least 275 feet from the PV SOLAR FARM fence as required by the Zoning Ordinance.

PRELIMINARY DRAFT**Case 115-S-23**
Page 3 of 51

- (4) A minimum 16-foot wide gravel access road extending approximately 940 feet south and east from CR 1050N; and
 - (5) A gated security entrance approximately 62 feet south of the centerline of CR 1050N; and
 - (6) The Point of Interconnection (POI) is proposed to connect to an existing power line that runs along the north side of CR 1050N; and
 - (7) The nearest parcel 10 acres or less in area is 420 feet northeast of the solar farm fenced area; and
 - (8) The nearest parcel greater than 10 acres in area is 50 feet from the solar farm fenced area, and the nearest principal building on adjacent property is the Frito-Lay facility that is approximately 450 feet from the solar farm fenced area; and
 - (9) The nearest residence is approximately 530 feet northeast of the solar farm fenced area; and
 - (10) There is a separation of 70 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 1050N.
- C. The revised Site Plan received January 25, 2024 includes the following additional information:
- (1) Vegetative screening on the north, east and west sides.
- 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.
 - (1) The County Board amended the Zoning Ordinance by amending PV SOLAR FARM requirements when it adopted Ordinance 2020-1 on February 24, 2020, Ordinance 2020-7 on May 22, 2020, and Ordinance 2020-8 on May 22, 2020.
 - 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

PRELIMINARY DRAFT

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) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
 - (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
 - (5) “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.
 - (6) “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.
 - (7) “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.
 - (8) “LOT LINES” are the lines bounding a LOT.
 - (9) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
 - (10) “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).
 - (11) “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.
 - (12) “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.

PRELIMINARY DRAFT**Case 115-S-23**
Page 5 of 51

- (13) “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.
- (14) “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.
- (15) “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.
- (16) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (17) “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.
- (18) “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.
- (19) “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.
- (20) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (21) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (22) “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:

PRELIMINARY DRAFT

- (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.
- 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.

PRELIMINARY DRAFT**Case 115-S-23**
Page 7 of 51

- (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

PRELIMINARY DRAFT

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.

PRELIMINARY DRAFTCase 115-S-23
Page 9 of 51

- (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, **“This proposal is a direct response to the State of Illinois’ programmatic initiatives encouraging investment in renewable energy. This location was chosen because of its proximity to utility infrastructure necessary for direct connection to Ameren Illinois’ power grid. Energy produced by this project will provide an economic benefit to Champaign County residents/businesses who sign up as subscribers; providing a direct benefit to residents with low and moderate incomes.”**
- 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 north side of CR 1050N and a substation is approximately 1.6 miles southwest of the subject property.

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, **“Elk/Pivot projects are designed to mitigate any impacts on adjacent property owners or the general public. Specific elements detailed in the application’s narrative provide insight into the design, operation, and maintenance of the proposed community solar farm.”**
- B. Regarding surface drainage, the PV SOLAR FARM fenced area generally drains toward the south and east.

PRELIMINARY DRAFT

- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have one access on CR 1050N/County Highway 15.
 - (2) CR 1050N (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 2021 near the subject property. CR 1050N had an ADT of 1,700 near the subject property.
 - (4) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.
 - (5) The P&Z Department sent notification of this case to the Champaign County Highway Department and Sidney Township Highway Commissioner on October 11, 2023 and again on January 31, 2024, and no comments have been received.
 - (6) The petitioner is working on a Roadway Upgrade and Maintenance Agreement or waiver therefrom with Champaign County Highway Department.
- D. Regarding fire protection:
- (1) The subject property is approximately 2.9 road miles from the Sidney fire station.
 - (2) The petitioner sent a copy of the site plan to the Sidney Fire Department on August 3, 2023 via email.
 - (3) The P&Z Department sent notification of this case to the Sidney Fire Protection District on October 11, 2023 and again on January 31, 2024, and no comments have been received.
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The subject property is considered Best Prime Farmland. The soil on the subject property within the solar farm fenced area consists of 152A Drummer silty clay loam and 154A Flanagan silt loam and has an average Land Evaluation Factor of 100.
- G. Regarding outdoor lighting on the subject property, the application received August 8, 2023, did not mention outdoor lighting. 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 parking, there is no required parking for the proposed PV SOLAR FARM.

PRELIMINARY DRAFT**Case 115-S-23**
Page 11 of 51

- J. 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, **“Under current code, Community PV Solar Farms are processed as a special use within the agricultural district. Elk/Pivot’s project design is in substantial compliance with current code requirements for the agricultural district and will continue to preserve the essential character of the 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. The revised Site Plan received January 25, 2024 appears to conform to this requirement.
 - (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 subject property is located 1.92 miles east of the Village of Sidney, a municipality with zoning. The PV Solar Farm will not be located in the CUGA.

PRELIMINARY DRAFT

- (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 subject property is located 1.92 miles east of the Village of Sidney, so no notification is required.
 - (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. The subject property is located 1.92 miles east of the Village of Sidney.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
 - a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
 - (a) The petitioner included an interconnection application with their Special Use Permit application received August 8, 2023.
 - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR FARM prior to issuance of the Zoning Compliance Certificate.
- (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.”
 - a. A special condition has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
 - a. 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.

PRELIMINARY DRAFT**Case 115-S-23**
Page 13 of 51

- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The Special Use Permit application received August 8, 2023 shows the separations between the solar farm fence and adjacent buildings and uses.
 - 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 revised Site Plan received January 25, 2024 demonstrates compliance with the 55 feet setback from the centerline of CR 1050N, which is a COLLECTOR STREET.
 - (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.
 - a. There are no existing DWELLINGS or PRINCIPAL 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.
 - (i) There are no lots that are 10 acres or less in lot area adjacent to the subject property.
 - 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) There are no lots that are 10 acres or less in lot area adjacent to the subject property.
 - (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

PRELIMINARY DRAFT

- REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
- i. The nearest principal building is the Frito-Lay facility, which is approximately 450 feet from the PV SOLAR FARM fenced area.
 - ii. The PV SOLAR FARM perimeter fencing is at least 10 feet from the SIDE and REAR LOT LINES.
- (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. There are no proposed additional separations at this time.
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities 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.
- i. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of 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 new 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 inverters shown on the revised Site Plan received January 25, 2024, are approximately 305 feet away from the PV SOLAR FARM perimeter fence.
 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received January 25, 2024:

PRELIMINARY DRAFT**Case 115-S-23**
Page 15 of 51

- (i) The inverters toward the center of the subject property. The distance between an inverter and the closest dwelling to the northwest is approximately 940 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 application stated that the arrays will not exceed 12 feet in height at maximum tilt.
 - (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 January 25, 2024, shows that there is at least 26 feet separation between the property line of any lot more than 10 acres in area and the PV SOLAR FARM fenced area.
- (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 August 8, 2023, 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 petitioner stated in their application materials, “The design and construction of the solar farm will meet standards and guidelines as provided by the nationally accepted electric code, Ameren Illinois, and will comply with Federal Communications Commission (FCC) requirements.”
 - (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.

PRELIMINARY DRAFT

- i. The petitioner stated in their application materials, “Should the Project damage any drain tiles on the parcel during construction or operation, the Applicant shall promptly repair or replace damaged tiles. In cooperation with the landowner, Pivot will identify existing drainage infrastructure to avoid during the installation and ongoing operation of the Project. If any drainage district tile lines are located, they will be flagged and protected by a 30-foot-wide, no-construction buffer on either side of the drain tile. There are no gas or hazardous liquid pipelines on the site. The Project will comply with the standards set forth in the AIMA that will be finalized prior to applying for construction permits.”
 - 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 petitioner indicated that all above ground structures would be less than twelve feet tall except for the utility poles.
 - 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 petitioner stated in the Special Use Permit application that appropriate warning signs will be posted.
 - 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) The P&Z Department sent notification of this case to the Drainage District on October 11, 2023 and again on January 31, 2024, and no comments have been received.
 - (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 soil within the approximate PV SOLAR FARM fenced area is Best Prime Farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silt loam, and has an average Land Evaluation score of 100.

PRELIMINARY DRAFT**Case 115-S-23**
Page 17 of 51

- b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per *505 ILCS 147/15(b)*. The petitioner submitted a signed AIMA on August 22, 2023. A special condition has been added to ensure compliance.
- c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the petitioner stated in their application materials received August 8, 2023, “After construction, disturbed areas will be replanted with a native grass mix including pollinator-friendly wildflowers to help keep weeds at bay and minimize erosion for the life of the Project. Soils will be kept intact beneath the PV panels, and a grazing consultant could review the initial system design to ensure a grazing-friendly project. A sheep-friendly, pollinator-supportive habitat and infrastructure that promotes sheep grazing as a vegetation management option will be practicable within the fenced array.”
- 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) The Special Use Permit application received August 8, 2023 states, “The Project proposes the undergrounding of electrical lines wherever possible, buried at a minimum depth of five (5) feet below grade to avoid drain tiles.”
- e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) The petitioner stated on the application, “Should the Project damage any drain tiles on the parcel during construction or operation, the Applicant shall promptly repair or replace damaged tiles. In cooperation with the landowner, Pivot will identify existing drainage infrastructure to avoid during the installation and ongoing operation of the Project. If any drainage district tile lines are located, they will be flagged and protected by a 30-foot-wide, no-construction buffer on either side of the drain tile. There are no gas or hazardous liquid pipelines on the site. The Project will comply with the standards set forth in the AIMA that will be finalized prior to applying for construction permits.” [A preliminary drain tile study received on April 3, 2024, indicates the presence of mutual drain tiles on the property.](#)
- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
- (a) The petitioner stated on the application, “Any conservation practices damaged by construction will be restored by the Applicant to their

PRELIMINARY DRAFT

pre-construction condition and care will be taken to maintain the existing practices to preserve erosion control, flood control, and water quality.”

- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) The petitioner stated on the application, “Should any open trenching be required, the Project will do so in accordance with the trenching requirements listed in the Champaign County Zoning Ordinance.”
 - h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) The petitioner stated on the application, “Soil compaction and rutting will be mitigated and shall be consistent with the Agricultural Impact Mitigation Agreement.”
 - i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) The petitioner did not provide a response in the application materials.
 - j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The petitioner stated on the application, “An Erosion and Sedimentation Control Plan will be a central element in construction permitting with as-built documentation provided to the County upon completion.”
 - k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) The petitioner did not provide a response in the application materials.
 - 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 petitioner stated on the application, “the vegetative ground cover will be comprised of native plant species suitable for the conditions of the site. This native seeding will be oriented towards fostering an environment that is beneficial to pollinators.”
- (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.

PRELIMINARY DRAFT**Case 115-S-23
Page 19 of 51**

- (a) The petitioner is in discussion with Champaign County Highway Department regarding this requirement, and a waiver has been added so it can be provided at a later time.
 - 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) The petitioner is in discussion with Champaign County Highway Department regarding this requirement, and a waiver has been added so it can be provided at a later time.
 - 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. The subject property is approximately 2.9 road miles from the Sidney fire station.
 - b. The petitioners stated in their application materials, "The Applicant will share the Project site plan with appropriate local fire departments to obtain their input in the Project's design. Pivot will also extend an offer to provide training and necessary equipment to local emergency responders to prepare for adequate response during construction activity. In addition, the Project proposes a "Knox box" to be located at the Project gate for emergency personnel to gain access to the site. Warning signs concerning voltage will also be placed at the base of all pad-mounted transformers. After receiving jurisdictional input, the Applicant plans to create a Safety and Emergency Management Plan and submit the plan along with a final site plan for further review and comment."
 - c. The P&Z Department sent notification of this case to the Sidney Fire Protection District on October 11, 2023 and again on January 31, 2024, 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) The petitioner stated in their application, "Noise levels related to the Project will fully comply with the applicable Illinois Pollution Control

PRELIMINARY DRAFT

Board (IPCB) regulations. The proposed single-axis tracker, ground-mount solar photovoltaic has motors for each racking row, moving the panels quietly throughout the day. As measured at three meters distance from the racking motor, the ambient noise level is 43 decibels (equivalent to a quiet library), and the motor's ambient sound level is 53 decibels (the sound level of a typical household refrigerator). The motor is activated periodically as the sun transits the sky, remaining stationary between movements. The ATI DuraTrack V3 tracker motor operates for a total of 17.91 minutes per day. The transformer proposed for the site has an average ambient noise level of 53 decibels. From the fence line, the Project will not be audible, and all abovementioned decibel levels are below the allowable octave band listed in Subtitle H: Noise, Parts 901 of the IPCB Administrative Code.”

- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
 - (a) The project size is considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is not required unless the ZBA requires one.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The petitioner stated in their application, “To determine the presence of state-listed threatened or endangered species on the Project site, the Applicant consulted with the IDNR using their Ecological Assessment Tool (EcoCAT). On 6/15/23 the EcoCAT results indicated protected resources may be in the vicinity of the project location. The Applicant designed and sited the Project to mitigate impacts to wildlife; no tree removal is anticipated or drastic changes in land configuration.”
 - (a) The EcoCAT consultation identified the following protected resources may be in the vicinity of the project location: Rainbow (Villosa iris) and Wavy-Rayed Lampmussel (Lampsilis fasciola).
 - (b) IDNR evaluated this information and concluded that adverse effects are unlikely and therefore 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. The petitioner stated in their application, “The Applicant submitted a request to the SHPO seeking review of the site to identify any significant, historic, architectural, or archeological resources. The Applicant anticipates the SHPO's response will determine no significant resources are identified on the site.”
 - (a) A letter was received from the State Historic Preservation Office by the P&Z Department on January 23, 2024 stating “there are no known historic properties within this proposed project area, nor is it

PRELIMINARY DRAFT

within the high probability area for archaeological resources as defined in the state Act.”

- (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 petitioner stated in their application, “The Applicant designed and sited the Project to mitigate impacts to wildlife; no tree removal is anticipated or drastic changes in land configuration.”
- (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) The petitioner stated in their application, “Pivot typically installs an eight (8) foot game fence to surround the perimeter of the solar equipment components; alternatively, chain link fencing is used if requested by the jurisdiction.”
 - (b) The petitioner stated in their application, “the Project proposes a “Knox box” to be located at the Project gate for emergency personnel to gain access to the site.”
 - (c) The petitioner included a Landscaping Plan in their application, and also stated, “Noxious weeds and other vegetation between the fencing and the lot line will be controlled in accordance with Illinois Noxious Weed Law (505 ILCS 100/1 et. Seq.).”
 - 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.
 - i. In the revised Site Plan received January 25, 2024, the petitioner added vegetative screening on the north, east, and west sides of the solar farm fenced area. This is sufficient screening for the four residences located within 1,000 feet.
- (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 petitioner stated in the application, “By definition, solar projects are designed to absorb sunlight – not reflect it. As designed, the Applicant believes the Project will not produce glare as the array will face the sun for

PRELIMINARY DRAFT

the entire day. A review by the Federal Aviation Administration (FAA) produced a “determination of no hazard to air navigation” regarding the Project; indicating the Project is more than 500 feet from all airports, restricted landing areas, or residential airports. Should any complaints arise concerning the Project, the Applicant will work with the FAA to resolve the issue.”

- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. The petitioner stated in the application, “The Applicant will maintain a general liability insurance policy covering bodily injury and property damage with minimum limits of at least \$5 million per occurrence and \$5 million in the aggregate. This policy shall identify landowners as additional insured.”
- (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 petitioner stated on the application, “The Applicant does not assume any annual cleaning frequency as the Illinois climate is more humid and has frequent rain events; snow and rainfall help to naturally “clean” the panels, eliminating a need for manual cleaning. However, should there be an abnormally dry year where the Applicant notices production loss due to dust accumulation, then the Applicant would dispatch for cleaning as needed. When module cleaning is necessary (fairly rare in Illinois), the cleaning service is responsible for trucking in the water required for the cleaning. No on-site well or local utilities would be used as the water source. Estimates indicate about 6,400 gallons of water is used per MW AC per cleaning. Water usage may vary depending on the provider and cleaning equipment available.”
- 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 petitioner submitted a Landscaping Plan including a weed control plan received August 8, 2023.

PRELIMINARY DRAFT**Case 115-S-23
Page 23 of 51**

- 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 petitioner submitted a signed Decommissioning and Site Reclamation Plan received August 30, 2023.
- (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. The petitioner's Decommissioning and Site Reclamation Plan received August 30, 2023 states, "Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the Pivot Energy IL-38 facility."
- (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. The petitioner included cost estimates with their Decommissioning and Site Reclamation Plan received August 30, 2023.
- (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for

PRELIMINARY DRAFT

- provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
- i. The Decommissioning and Site Reclamation Plan received August 30, 2023 includes reference to a Letter of Credit.
- (e) 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 regarding the Letter of Credit.
 - (f) 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.
 - (g) 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. The Decommissioning and Site Reclamation Plan received August 30, 2023 includes reference to these items.
 - (h) 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 Decommissioning and Site Reclamation Plan received August 30, 2023 includes provisions for repairing public streets via a Roadway Use and Repair Agreement and removal of access roads should the landowner require it.
 - c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.

PRELIMINARY DRAFT**Case 115-S-23
Page 25 of 51**

- (a) The Decommissioning and Site Reclamation Plan received August 30, 2023 includes reference to 6.1.5 Q.(3).
 - 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. Regarding compliance with this subparagraph:
 - (a) The Letter of Credit must be supplied prior to receiving a Zoning Use Permit.
 - 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) The Decommissioning and Site Reclamation Plan received August 30, 2023 includes reference to 6.1.5 Q.(5).
 - 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) The Decommissioning and Site Reclamation Plan received August 30, 2023 states, “Champaign County shall have access to the project and to the funds to effect or complete decommissioning in the event an applicant, owner, or operator fails to complete decommissioning activities as directed by the Ordinance. which may result in the referral to the Champaign County’s Zoning Administration. Champaign County shall also have the right to draw on the funds in accordance with Ordinance Section 6.1.1.A.(9) and Section 6.1.5.Q.(5).”
 - 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. The petitioner stated in the application, “The Applicant will enter into an Agricultural Impact Mitigation Agreement (AIMA) with the State of Illinois Department of Agriculture and will provide a signed copy of said agreement to the Champaign County Director of Planning and Zoning prior to the

PRELIMINARY DRAFT

issuance of construction permits. The Project will abide by all conditions within the AIMA.”

- (a) A signed AIMA was received on August 22, 2023.
 - b. 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.
- (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.
- a. A special condition has been added to ensure compliance.
- (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) A Project Description was included with the application received August 8, 2023.
 - 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 application received August 8, 2023, demonstrates compliance with this requirement.
 - 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 Site Plan received January 25, 2024, appears to demonstrate compliance with this requirement.

PRELIMINARY DRAFT**Case 115-S-23**
Page 27 of 51

- (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 B.(1).
 - i. The revised Site Plan received January 25, 2024, appears to demonstrate compliance with this requirement.
- (c) The location of all below-ground wiring.
 - i. The revised Site Plan received January 25, 2024, appears to demonstrate compliance with this requirement.
- (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. The revised Site Plan received January 25, 2024, appears to demonstrate compliance with this requirement.
- (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 Site Plan received January 25, 2024, appears to demonstrate 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.
- 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 subject property is not within 1.5 miles of a municipality.
- 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

PRELIMINARY DRAFT

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) The subject property is not within 1.5 miles of a municipality.
- 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 petitioner included an application for an interconnection agreement with their Special Use Permit application received August 8, 2023.
 - (b) A special condition has been added to ensure compliance.
 - 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) No new information has been provided to date.
 - 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 *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
 - (2) 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, no part of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County's subdivision jurisdiction and appears to be in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:

PRELIMINARY DRAFT**Case 115-S-23
Page 29 of 51**

- (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 15 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 AGRICULTURE 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.

PRELIMINARY DRAFT

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, it is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - b. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
 - (a) If the petitioner is denied the special use permit, the property can still be used for agricultural production.
 - 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.
- (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 not in a Special Flood Hazard Area.
 - b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
- (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.

PRELIMINARY DRAFT

**Case 115-S-23
Page 31 of 51**

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.

- (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 no structures exist on the subject property.

- (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 rural in use.

PRELIMINARY DRAFT

- (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 petitioners requested a natural resource review from the Illinois Department of Natural Resources EcoCAT tool. Although the review identified protected resources that might be in the vicinity of the proposed PV Solar Farm, no further action is required by IDNR regarding natural resources.

- (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, rural in 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 subject property is located in the AG-1 Agriculture District and is, by definition, rural in 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 the proposed waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) The petitioner is working with Champaign County Highway Department on either a waiver or a Roadway Upgrade and Maintenance Agreement.
- (2) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit.

PRELIMINARY DRAFT

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:
 - A. Without the proposed waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents.

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 the proposed waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner is working with Champaign County Highway Department to receive either an agreement or a waiver from this requirement.

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:
 - A. Regarding the proposed waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, 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. Champaign County Highway Department and Sidney Township have 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. Drainage District #1 of the Town of Sidney has been notified of this case, and no comments have been received.
 - 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.

PRELIMINARY DRAFT

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

A. **The approved site plan consists of the following documents:**

- **Site Plan received January 25, 2024.**

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

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 required to ensure the following:

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

D. **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 special condition stated above is required to ensure the following:

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

E. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by relevant County, township, and/or municipal authorities and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required 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:**

PRELIMINARY DRAFTCase 115-S-23
Page 35 of 51

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **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 or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **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.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **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.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 115-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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.**

PRELIMINARY DRAFT

3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

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

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 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 special condition stated above is required to ensure the following:

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

- I. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

- J. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

PRELIMINARY DRAFT

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- K. A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage tiles are protected.

- M. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

That the current version of the Zoning Ordinance has been referenced.

- N. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**

- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
- 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
- 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
- 5. Any tile found shall be protected from disturbance.**
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40- feet wide no construction area shall be centered on all mutual drain tiles.**
- 7. A map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
- 8. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

Case 115-S-23
Page 38 of 51

PRELIMINARY DRAFT

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

PRELIMINARY DRAFT**Case 115-S-23**
Page 39 of 51**DOCUMENTS OF RECORD**

1. Special Use Permit Application received August 8, 2023, with attachments:
 - Preliminary Site Plan
 - Project Narrative
 - Landscaping Plan
 - Complaint resolution
 - Interconnection application
 - Decommissioning and Site Reclamation Plan
2. EcoCAT consultation report received August 9, 2023
3. Agricultural Impact Mitigation Agreement received August 22, 2023
4. Revised Decommissioning and Site Reclamation Plan received August 30, 2023
5. Revised Site Plan received September 11, 2023
6. Solar module data sheet received September 19, 2023
7. Natural Resources Information Report from Champaign County Soil and Water Conservation District received October 26, 2023
8. State Historic Preservation Office letter received January 23, 2024
9. Revised Site Plan received January 25, 2024
10. Preliminary Memorandum dated February 7, 2024, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Site Plan received January 25, 2024
 - C Project Narrative received August 8, 2023
 - D Landscaping Plan received August 8, 2023
 - E Complaint resolution received August 8, 2023
 - F Interconnection application received August 8, 2023
 - G EcoCAT consultation report received August 9, 2023
 - H Natural Resources Information Report from Champaign County Soil and Water Conservation District received October 26, 2023
 - I Agricultural Impact Mitigation Agreement received August 22, 2023
 - J Decommissioning and Site Reclamation Plan received August 30, 2023
 - K State Historic Preservation Office letter received January 23, 2024
 - L Inverters data sheet downloaded September 6, 2023
 - M Solar module data sheet received September 19, 2023
 - N Equipment elevations sheet received August 8, 2023
 - O Site visit images taken September 18, 2023
 - P Summary of Evidence, Summary Finding of Fact and Final Determination dated February 15, 2024
11. Preliminary Drain Tile Study received April 3, 2024

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **115-S-23** held on **February 15, 2024**, 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:
 - a. *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.*
 - b. *The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.*
 - c. *There is an existing power line along the north side of CR 1050N and a substation is approximately 1.6 miles southwest of the subject property.*

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*}*:
 - a. *The subject property is approximately 2.9 miles from the Sidney fire station.*
 - b. *The Sidney Fire Protection District was notified of this case and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - a. *The proposed project is surrounded by land in agricultural production, the Frito-Lay facility to the west, and the nearest residence is about 530 feet from the PV SOLAR FARM fenced area.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No part of the subject property is in the Special Flood Hazard Area.*
 - b. *The proposed project must comply with the Storm Water Management and Erosion Control Ordinance.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No parking is required for a PV SOLAR FARM.*
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - a. *The site is reasonably well-suited in all respects and has no major defects.*

PRELIMINARY DRAFT

- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:
 - a. ***No additional public services are necessary for the proposed development.***
- 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*}*:
 - a. ***No new public infrastructure is required for the proposed development.***

(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, subject to approval of the requested waivers.
- 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.
 - 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 the proposed waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:

PRELIMINARY DRAFT

- (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:
 - a. *The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
 - b. *A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*

- (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:
 - a. *The petitioner is working with Champaign County Highway Department on either a waiver or a Roadway Upgrade and Maintenance Agreement.*
 - b. *A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*

- (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:
 - a. *Without the proposed waiver, the Special Use Permit process might have to be extended in order to have sufficient time to prepare this document.*

- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. *The petitioner is working with Champaign County Highway Department to receive either an agreement or a waiver from this requirement.*

- (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 approved site plan consists of the following documents:**
 - **Site Plan received January 25, 2024.**

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

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:

PRELIMINARY DRAFT

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 required to ensure the following:

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

- D. **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 special condition stated above is required to ensure the following:

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

- E. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by relevant County, township, and/or municipal authorities and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required 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. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **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 or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources**

PRELIMINARY DRAFT

Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.

5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **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.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 115-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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 special condition stated above is required to ensure the following:

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 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).**

PRELIMINARY DRAFT

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 special condition stated above is required to ensure the following:

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

- I. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

- J. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- K. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage district tiles are protected.

- L. **A copy of a signed agreement with the drainage district establishing the 40 feet wide easement and including any provisions for cabling and access to the easement shall be provided to the Zoning Administrator prior to the issuance of a Zoning Use Permit.**

PRELIMINARY DRAFT

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

Adequate care is taken to protect the drainage district tile.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

That the current version of the Zoning Ordinance has been referenced.

- N. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**

- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
- 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
- 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
- 5. Any tile found shall be protected from disturbance.**
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.**
- 7. A map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
- 8. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

PRELIMINARY DRAFTCase 115-S-23
Page 47 of 51**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, recommends that:

The Special Use requested in Case **115-S-23** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant, **Pivot Energy IL 38, LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, and

{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}

A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The approved site plan consists of the following documents:**
 - **Site Plan received January 25, 2024.**
- 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. **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.**
- E. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by relevant County, township, and/or municipal authorities and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

PRELIMINARY DRAFT

- 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. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 - 3. 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 or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 - 4. 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.**
 - 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 - 6. 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.**
 - 7. The telephone number for the complaint hotline required by 6.1.5 S.**
 - 8. Any updates to the approved Site Plan from Case 115-S-23 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.**

PRELIMINARY DRAFT

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 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.**
- I. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**
- J. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- K. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**
- L. **A copy of a signed agreement with the drainage district establishing the 40 feet wide easement and including any provisions for cabling and access to the easement shall be provided to the Zoning Administrator prior to the issuance of a Zoning Use Permit.**
- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

PRELIMINARY DRAFT

- N. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
 - 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
 - 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 - 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
 - 5. Any tile found shall be protected from disturbance.**
 - 6. All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.**
 - 7. A map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
 - 8. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

PRELIMINARY DRAFT

Case 115-S-23
Page 51 of 51

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date