



CASES 945-AT-19 & 946-AT-19

PRELIMINARY MEMORANDUM

September 19, 2019

Petitioner: Zoning Administrator

Request:

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Case 945-AT-19	Case 946-AT-19
Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:	
<i>Part A of Case 946-AT-19 is not part of Case 945-AT-19</i>	Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
Part A: Increase the minimum required time for municipal review as described in the legal advertisement.	<i>Part A from Case 945 is Part B in 946-AT-19</i>
Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.	<i>Part B from Case 945 is Part C in 946-AT-19</i>
Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.	<i>Part C from Case 945 is Part D in 946-AT-19</i>
Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.	<i>Part D from Case 945 is Part E in 946-AT-19</i>

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

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

BACKGROUND

Municipal representatives communicated a desire to have more input in the County’s approval process for solar farms near their municipal limits during the creation of the PV Solar Farm text amendment that was approved on August 23, 2018, and in subsequent zoning cases for PV Solar Farm Special Use Permits.

At its January 10, 2019 meeting, the Environment and Land Committee reviewed a letter received November 5, 2018 from the Mayor of the Village of St. Joseph and the Village Presidents of Savoy and Mahomet requesting re-evaluation of Zoning Ordinance requirements for solar farms. The letter was also endorsed by the Village Presidents of Ogden and Sidney. See Attachment 2.A.

The Champaign County Environment and Land Use Committee discussed this proposed amendment at its May 9, 2019 meeting – see Attachment 2. Comments were received from ELUC and community members, and revisions were made based on that input. ELUC members requested two alternative text amendments for the June 6, 2019 meeting: one that only includes an extended time period for review by municipalities, which is the subject of this Case 945-AT-19, and one that includes both an extended time period and an increased separation between a municipality and a proposed solar farm, which is the subject of upcoming Case 946-AT-19.

ELUC approved opening a ZBA public hearing for the amendment at the June 6, 2019 meeting and wanted the ZBA to discuss and provide recommendations for both alternatives.

- Attachment 3.A. is the existing Section 6.1.5 B.(2).
- Attachment 3.B. is the proposed amendment (annotated) for Case 945-AT-19 (extended review time only) indicating the changes made following the June 6, 2019 ELUC meeting.
- Attachment 3.C. is the proposed amendment (annotated) for Case 946-AT-19 (extended review time plus extended separation distance) indicating the changes made following the June 6, 2019 ELUC meeting.

REASONS FOR PROPOSED AMENDMENTS

Proposed amendment Part A in Case 946-AT-19 (which is not a part of Case 945-AT-19) was requested by the municipalities in the letter dated November 5, 2018, because they want to maintain more than the one-half mile separation from their corporate limits that was established in the solar farm text amendment approved August 23, 2018. This amendment does not change the fact that within the 1.5 mile extraterritorial jurisdiction of municipalities with an adopted Comprehensive Plan, the County maintains zoning jurisdiction up to the municipal corporate limits, and the municipality has planning jurisdiction up to 1.5 miles outside the corporate limits. Note that a PV Solar Farm developer can request a waiver from the 1.5-mile separation just as they can for the 0.5-mile separation in the current Zoning Ordinance.

Proposed amendment Part A in Case 945-AT-19 (same as Part B in Case 946-AT-19) is in response to the letter from municipalities dated November 5, 2018, requesting more time to evaluate and comment on Champaign County Board Special Use Permit cases for proposed PV solar farms.

Proposed amendment Part B in Case 945-AT-19 (same as Part C in Case 946-AT-19) is in response to the Village of Mahomet's existing regulation that all land leases exceeding five years must go through a municipal subdivision approval process. The PV solar farms that have been approved by Champaign County to date have generally included 10 or 20 year leases with options for extensions. Without this amendment, developers proposing PV solar farms within the 1.5-mile extraterritorial jurisdiction of Mahomet might not be aware of the need for this extra approval process.

Proposed amendment Part C in Case 945-AT-19 (same as Part D in Case 946-AT-19) was included by John Hall, Zoning Administrator, because proposed amendments to the Zoning Ordinance (e.g. Part A, Case 946-AT-19) could make some approved PV solar farms non-conforming. This amendment will allow a non-conforming PV solar farm that fails to operate and is in the process of being repaired to not lose its zoning right to operate.

Proposed amendment in Part D Case 945-AT-19 (same as Part E in Case 946-AT-19) was included by John Hall, Zoning Administrator, also because proposed amendments to the Zoning Ordinance (e.g. Part A, Case 946-AT-19) could make some approved PV solar farms non-conforming. This would allow an authorized PV SOLAR FARM to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired, even though it is non-conforming.

OPTIONS FOR THE ZBA

The ZBA recommendation basically comes down to whether the Board wants only an extended time period for municipal consideration of a solar farm (in support of Case 945-AT-19), or if the Board wants both an extended time period for municipal consideration along with an increase in separation between a proposed solar farm and a municipality (in support of Case 946-AT-19). A third option of making no changes is always available by recommending denial of both cases.

ATTACHMENTS

- 1 Legal advertisement
- 2 ELUC Memorandum dated May 1, 2019 with attachments:
 - A Letter dated November 5, 2018, from the Village of St. Joseph to the Champaign County Board Chair
 - B Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - C Draft Changes to Section 6.1.5 B.(2) Champaign County Zoning Ordinance Requirements for Photovoltaic Solar Farms in Response to Municipal Concerns
- 3 ELUC Memorandum dated May 29, 2019, with attachments:
 - A Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - B Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing only)
 - C Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing plus increase in separation distance)
- 4 Side-by-side comparison of proposed amendments in Cases 945-AT-19 and 946-AT-19
- 5 Land Resource Management Plan (LRMP) Goals & Objectives
- 6 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 945-AT-19 dated September 26, 2019
- 7 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 946-AT-19 dated September 26, 2019

LEGAL PUBLICATION: WEDNESDAY, SEPTEMBER 11, 2019

CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19

**NOTICE OF PUBLIC HEARING IN REGARD TO PROPOSED AMENDMENTS TO THE
CHAMPAIGN COUNTY ZONING ORDINANCE.**

CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, September 26, 2019, at 6:30 p.m.** prevailing time in the John Dimit Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition to amend the Champaign County Zoning Ordinance as follows:

Case 945-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required time for municipal review by adding the following:
 1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
 2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
 3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- B. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- C. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- D. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 946-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
- B. Increase the minimum required time for municipal review by adding the following:

1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
 2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
 3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- C. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- D. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- E. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 947-AT-19

Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District, and amend the requirements in Section 6.1.5 Q.(4)e. to add requirements for financial assurance provided by financial institutions headquartered in Champaign County.

Case 948-AT-19

Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, SEPTEMBER 11, 2019 ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Champaign County
Department of

**PLANNING &
ZONING**

TO: Environment and Land Use Committee

**FROM: John Hall, Champaign County Zoning Administrator
Susan Burgstrom, Champaign County Senior Planner**

DATE: May 1, 2019

**RE: Update on Direction Regarding Proposed Zoning Ordinance Text
Amendment for PV Solar Farm Requirements in Response to
Municipal Concerns (continued from the 3/7/19 ELUC meeting)**

Brookens Administrative
Center
1776 E Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

At the 3/7/19 meeting the Committee reviewed a memorandum dated 2/27/19 that included a letter received 11/5/18 the from Village of St. Joseph Mayor, the Village of Savoy President, and the Village of Mahomet President requesting re-evaluation of Zoning Ordinance requirements for “solar farm” and proposed changes to the Zoning Ordinance requirements for “solar farm”.

The same attachments to the 2/27/19 memorandum are included with this memorandum.

NO COMMENTS RECEIVED TO DATE

No comments regarding the proposed changes have yet been received from relevant municipalities. If no comments are received by the meeting date this item should be continued to the next ELUC meeting.

ATTACHMENTS

- A Letter dated November 5, 2018, from the Village of St. Joseph to the Champaign County Board Chair**
- B Existing Section 6.1.5B.(2) of the Champaign County Zoning Ordinance**
- C Draft Changes to Section 6.1.5B.(2) Champaign County Zoning Ordinance Requirements for Photovoltaic Solar Farms in Response to Municipal Concerns**

VILLAGE OF ST. JOSEPH

207 EAST LINCOLN STREET, P.O. BOX 716 • ST. JOSEPH, ILLINOIS 61873-0716
PHONE 217-469-7371 • FAX 217-469-7019

Cases 945-AT-19 & 946-AT-19
ZBA 09/26/19, Attachment 2 Page 2 of 6

November 20, 2018

Mr. Pius Welbel, Chair
Champaign County Board
1776 East Washington Street
Urbana, Illinois 61802-4581.

RE: Solar Farm Zoning Text Amendment

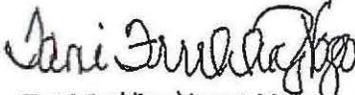
Dear Chairman,

As you're aware, the County Board recently adopted text amendments in the Zoning Ordinance regarding Solar Farms in Champaign County. This has resulted in a flurry of zoning cases whereas many of the applicants are seeking various waivers to the said Ordinance. Of particular interest to the Local Municipalities, is the development of such Solar Farms within the one and one-half mile extraterritorial jurisdiction (ETJ). As we have long experienced; the County and Municipalities must work together within our shared jurisdictional limit that is mutually beneficial and respectful of each agency's planning efforts. This is why it was surprising to learn that the Solar Farm zoning changes did not adhere to the standard ETJ but reduced permitting to the one-half mile limit. In addition; the notification process is concerning given the potential of large-scale developments within our respective planning areas.

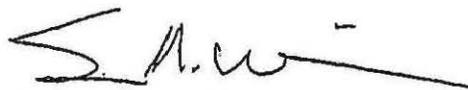
Pursuant of your Board Value Teamwork which includes "Intragovernmental Cooperation" and "Collaboration to Achieve Goals" definitions, we are requesting that County Board and/or the Environment and Land Use Committee (ELUC) reevaluate the application requirements for Solar Farms located in Champaign County. Specifically, we request that full ETJ one and one-half-mile distance be enforced when considering any application. In addition, we believe there is an opportunity to improve our collaborative efforts by implementing a requirement for the Municipality to consider a resolution which would accompany the application to the County. This resolution would be considered non-binding regarding the Solar Farm request however it would completely satisfy the notification requirements which has been called into question.

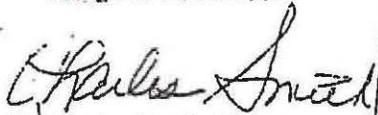
We look forward to your prompt attention to this matter and we stand ready to discuss further.

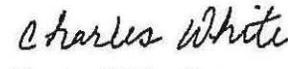
Sincerely,


Tami Fruhling-Voges, Mayor
Village of St. Joseph


Joan Dykstra, Village President
Village of Savoy


Sean Widener, Village President
Village of Mahomet


Charles Smith, Mayor
Village of Rantoul


Charles White, Mayor
Village of Sidney

Endorsed by:

Gabe Clements, Mayor
Village of Ogden

Cc: Environment and Land Use Committee Members
Mr. John Hall, Department of Planning and Zoning

RECEIVED

APR 26 2019

CHAMPAIGN CO. P & Z DEPARTMENT

MAYOR: Tami Fruhling-Voges CLERK: Tiffany McElroy-Smetzer TREASURER: Debbie Routh TRUSTEES: Andrew Gherna, Anthony Laubscher, Roy McCarty, Art Rapp, Bob Rigdon, Jim Wagner

The existing Section 6.1.5B.(2) is as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has 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.
 - (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.
 - (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.
 - b. Less than one-half mile from the CR Conservation Recreation Zoning District.

1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include 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.~~

{NOTE: The 11/5/18 letter from non-home rule municipalities requested an increase of the required separation to one-and-one-half miles and better notification to municipalities. Increasing the minimum separation distance to more than one-half mile will make all existing approved solar farms “nonconforming” which will interfere with the right to make repairs if an already approved PV SOLAR FARM is damaged to more than 50% of replacement value so changes are also proposed to Section 8 Nonconformities. See proposed changes to Zoning Ordinance Section 8.2.}

- (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
- (b c) 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.
- (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.

(e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

(d f) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but a communication to any affected municipality at the end of the public hearing is reasonable to ensure good coordination.}

(e g) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

{NOTE: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is consistent with comments made by some municipal planning staffs and should facilitate consideration by non-home rule municipalities. Note that the same review described above could be added under Section 9.2 Amendments to formalize the review of text amendments.}

(e h) 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.

2. Add the following to Section 8.2.3 at the end:

The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to {effective date of this amendment} or PV SOLAR FARM equipment that is in the process of being repaired or replaced.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment makes clear that any recently authorized PV SOLAR FARM that later fails to operate and is in the process of being repaired will not lose its zoning right to operate.}

3. Add new Section 8.2.4 as follows:

8.2.4 For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment corrects for that part of Section 8.2 that refers to ‘...a lawful USE of land exists...’ and it makes clear that any recently authorized PV SOLAR FARM may be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired.}

Champaign County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

TO: Environment and Land Use Committee
FROM: John Hall, Champaign County Zoning Administrator
Susan Burgstrom, Champaign County Senior Planner
DATE: May 29, 2019
RE: Alternatives Regarding Direction for Proposed Zoning Ordinance Text Amendment for PV Solar Farm Requirements in Response to Municipal Concerns (continued from the 5/9/19 ELUC meeting)

BACKGROUND

At the 5/9/19 meeting the Committee reviewed a proposed amendment that (1) increased the minimum required separation from a solar farm to a municipality and (2) increased the time allowed for municipal comments.

The Committee requested separate alternative versions of the amendment.

Attachment B is a version of the amendment that adds significant time in which a municipality can decide how to respond to any proposed solar farm within one-and-one half miles. This version of the amendment retains the current minimum separation of one-half mile (see the highlighted lines in subparagraph (2)a.(a)) provided that the required municipal notification is provided and includes the added municipal review times both after the public hearing and at the Environment and Land Use Committee.

Attachment C is a version of the amendment that increases the minimum required separation from a solar farm to a municipality in addition to the changes proposed in Attachment B. This version of the amendment would be advertised as a separate amendment distinct from the version proposed in Attachment B. This approach is intended to minimize any confusion between the two alternatives and the County Board could adopt one or the other or neither.

ATTACHMENTS

- A Existing Section 6.1.5B.(2) of the Champaign County Zoning Ordinance**
- B Alternative Draft Changes to Section 6.1.5B.(2) in Response to Municipal Concerns (increase in notification and timing only)**
- C DRAFT Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (includes increased separation)**

The existing Section 6.1.5B.(2) is as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
 - a. Less than one-and-one-half miles from an incorporated municipality that has 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.
 - (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.
 - (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.
 - b. Less than one-half mile from the CR Conservation Recreation Zoning District.

1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include 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.~~

{NOTE: The 11/5/18 letter from non-home rule municipalities requested an increase of the required separation to one-and-one-half miles and better notification to municipalities. This alternative version of the amendment only provides the better notification. Increasing the minimum separation distance to more than one-half mile will make all existing approved solar farms “nonconforming” which will interfere with the right to make repairs if an already approved PV SOLAR FARM is damaged to more than 50% of replacement value so changes are also proposed to Section 8 Nonconformities. See proposed changes to Zoning Ordinance Section 8.2. }

- (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
- ~~(b c)~~ 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.
- (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.

- (e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

- ~~(e f)~~ For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but a communication to any affected municipality at the end of the public hearing is reasonable to ensure good coordination. }

- (e g) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

{NOTE: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is consistent with comments made by some municipal planning staffs and should facilitate consideration by non-home rule municipalities. Note that the same review described above could be added under Section 9.2 Amendments to formalize the review of text amendments. }

- (e h) 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.

2. Add the following to Section 8.2.3 at the end:

The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to {effective date of this amendment} or PV SOLAR FARM equipment that is in the process of being repaired or replaced.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment makes clear that any recently authorized PV SOLAR FARM that later fails to operate and is in the process of being repaired will not lose its zoning right to operate.}

3. Add new Section 8.2.4 as follows:

8.2.4 For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment corrects for that part of Section 8.2 that refers to ‘...a lawful USE of land exists...’ and it makes clear that any recently authorized PV SOLAR FARM may be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired.}

1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include 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.~~

{NOTE: The 11/5/18 letter from non-home rule municipalities requested an increase of the required separation to one-and-one-half miles and better notification to municipalities. Increasing the minimum separation distance to more than one-half mile will make all existing approved solar farms “nonconforming” which will interfere with the right to make repairs if an already approved PV SOLAR FARM is damaged to more than 50% of replacement value so changes are also proposed to Section 8 Nonconformities. See proposed changes to Zoning Ordinance Section 8.2.}

- (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
- (b c) 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.
- (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.

- (e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
- (d f) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but a communication to any affected municipality at the end of the public hearing is reasonable to ensure good coordination. }

- (e g) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

{NOTE: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is consistent with comments made by some municipal planning staffs and should facilitate consideration by non-home rule municipalities. Note that the same review described above could be added under Section 9.2 Amendments to formalize the review of text amendments. }

- (e h) 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.

2. Add the following to Section 8.2.3 at the end:

The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to {effective date of this amendment} or PV SOLAR FARM equipment that is in the process of being repaired or replaced.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment makes clear that any recently authorized PV SOLAR FARM that later fails to operate and is in the process of being repaired will not lose its zoning right to operate.}

3. Add new Section 8.2.4 as follows:

8.2.4 For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment corrects for that part of Section 8.2 that refers to ‘...a lawful USE of land exists...’ and it makes clear that any recently authorized PV SOLAR FARM may be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired.}

Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

Gray highlight is only difference between the cases

Case 945-AT-19	Case 946-AT-19
<p>1. Revise Section 6.1.5B.(2) as follows:</p> <p>(2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:</p> <p>a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance <u>except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include unless the following is provided:</u></p> <p>(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, <u>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.</u></p> <p>(b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.</p> <p>(bc) 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.</p> <p>(d) Municipal subdivision approval for any PV SOLAR FARM <u>land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.</u></p>	<p>1. Revise Section 6.1.5B.(2) as follows:</p> <p>(2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:</p> <p>a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance <u>except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include unless the following is provided:</u></p> <p>(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, <u>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.</u></p> <p>(b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.</p> <p>(bc) 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.</p> <p>(d) Municipal subdivision approval for any PV SOLAR FARM <u>land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.</u></p>
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(e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

(df) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

(eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

(eh) 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

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Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19

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<p>2. Add the following to Section 8.2.3 at the end: The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM <u>authorized prior to {effective date of this amendment}</u> or PV SOLAR FARM equipment that is in the process of being repaired or replaced.</p>	<p>2. Add the following to Section 8.2.3 at the end: The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM <u>authorized prior to {effective date of this amendment}</u> or PV SOLAR FARM equipment that is in the process of being repaired or replaced.</p>
<p>3. Add new Section 8.2.4 as follows: For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.</p>	<p>3. Add new Section 8.2.4 as follows: For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.</p>



Champaign County Land Resource Management Plan Goals, Objectives and Policies

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner *by right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new *by right* lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6

Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
 - ii. adequacy of infrastructure and public services for the proposed use;
 - iii. minimizing conflict with agriculture;
 - iv. minimizing the conversion of farmland; and
 - v. minimizing the disturbance of natural areas, then,
- a. on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b. on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
 - c. the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1

The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2

The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3

The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any



Champaign County Land Resource Management Plan Goals, Objectives and Policies

discretionary development approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1

The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 6.2.2

The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3

The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a. the operation poses no significant adverse impact to existing land uses;
- b. the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c. provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6

The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

PRELIMINARY DRAFT

945-AT-19

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{September 26, 2019}***

Petitioner: **Zoning Administrator**

Request: **Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:**

- A. Increase the minimum required time for municipal review by adding the following:
 - 1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.**
 - 2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.**
 - 3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.**
 - 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.****
 - B. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.**
 - C. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.**
 - D. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.**
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PRELIMINARY DRAFT

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PRELIMINARY DRAFT

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to update the requirements for Photovoltaic (PV) SOLAR FARMS and NONCONFORMING USES in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.
 - A. The description of Parts A, B, C, and D of Case 945-AT-19 is renumbered in Case 946-AT-19 to Parts B, C, D, and E.
 - B. Case 946-AT-19 Part A, which increases the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles, is not part of Case 945-AT-19.
 - C. The Environment and Land Use Committee requested that the ZBA consider both cases and make a recommendation of one amendment or the other, or recommend denial of both.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

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- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:
Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. Although the proposed amendment does not directly relate to the Objectives in Goal 1, the proposed amendment will **HELP ACHIEVE** the intent of Goal 1 because of the following:

- A. The proposed amendment will increase the number of opportunities that municipalities and interested residents have to voice their concerns about County decisions regarding PV SOLAR FARMS.
- B. The proposed amendment will better integrate land resource management planning within the 1.5 mile extraterritorial jurisdiction of municipalities with comprehensive plans.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. Objective 2.2 does not appear to be relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 2 for the following reasons:

- A. Objective 2.1 states, “Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.”

Objective 2.1 has three subsidiary policies. Policy 2.1.1 and 2.1.3 do not appear to be relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Objective 2.1 because of the following:

- (1) Policy 2.1.2 states, “**The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.**”

The proposed amendment will **HELP ACHIEVE** Policy 2.1.2 for the following reasons:

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- a. The proposed amendment will increase the number of opportunities that municipalities and interested residents have to voice their concerns about County decisions regarding PV SOLAR FARMS.
- b. The proposed amendment will better integrate land resource management planning within the 1.5 mile extraterritorial jurisdiction of municipalities with comprehensive plans.
- c. The County already coordinates with municipalities when a proposed development is subject to an annexation agreement, but is expected to remain in the unincorporated area, by sending zoning case notifications and working with municipal staff on the review process, and this is no different for proposed PV SOLAR FARMS.
- d. The proposed subparagraph 6.1.5 V.(2)e. will add one month to the minimum time required for a public hearing at the Zoning Board of Appeals (ZBA) for a PV solar farm within one-and-one-half miles of a municipality. However, most public hearings for PV solar farms that are within one-and-one-half miles of a municipality already require at least two ZBA meetings for completion of the public hearing.
- e. The proposed subparagraph 6.1.5 V.(2)g. will add one month to the ELUC review time for a PV solar farm within one-and-one-half miles of a municipality unless the additional month is waived by the relevant municipality. This additional time is similar to the review time for Zoning Ordinance text amendments. Note that Zoning Map amendments within one-and-one-half miles of a municipality are not provided this additional review time.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

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Goal 5 has 3 objectives and 15 policies. Objectives 5.2 and 5.3 and their subsidiary policies are either not relevant or will not be impeded by the proposed amendment. The proposed amendment will **NOT IMPEDE** Goal 5 for the following reasons:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.”

Objective 5.1 has nine subsidiary policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8 do not appear to be relevant to the proposed amendment. The proposed amendment will **NOT IMPEDE** Objective 5.1 because of the following:

- (1) Policy 5.1.4 states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
 - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will **HELP ACHIEVE** Policy 5.1.4 for the following reasons:

- a. The County already researches and considers a municipality’s 1.5 mile extra-territorial jurisdiction planning area as shown in an adopted municipal Comprehensive Plan as part of the approval process for a PV SOLAR FARM.
 - b. The proposed amendment will not change the County’s consideration of a proposed PV SOLAR FARM site being well-suited overall or suited overall.
 - c. The proposed amendment will not change the County’s consideration of a proposed PV SOLAR FARM being generally consistent with all relevant LRMP objectives and policies.
 - d. The proposed amendment will improve consistency with municipal requirements by making PV SOLAR FARM developers aware that municipal subdivision approval will be required for any land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- (2) Policy 5.1.9 states, “**The County will encourage any new discretionary development that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any discretionary development approval from the County that would otherwise be necessary without the annexation agreement.”**

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The proposed amendment will **NOT IMPEDE** Policy 5.1.9 for the following reason:

- a. The County already coordinates with municipalities when a proposed development is subject to an annexation agreement, but is expected to remain in the unincorporated area, by sending zoning case notifications and working with municipal staff on the review process, and this is no different for proposed PV SOLAR FARMS.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is **NOT RELEVANT** to the proposed amendment in general.

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REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **NOT IMPEDE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose because it provides additional opportunities for future land uses in municipal planning areas to be considered in the context of zoning approvals for PV SOLAR FARMS.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose because the amendment is responsive to municipal representatives' concerns about their ability to have early and continuing opportunities to have a voice in the approval process for PV SOLAR FARMS.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

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- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is not directly related to this purpose.

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- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established 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 proposed amendment is consistent with this purpose.

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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment **IS NECESSARY TO ACHIEVE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** LRMP Goals 1 and 2.
 - B. The proposed Zoning Ordinance text amendment **WILL NOT IMPEDE** the achievement of LRMP Goals 3, 4, 5, 6, 7, 8, and 9.
 - C. The proposed Zoning Ordinance text amendment is **NOT RELEVANT** to LRMP Goal 10.
2. The proposed text amendment **WILL** improve the Zoning Ordinance because it will **NOT IMPEDE** the purpose of the Zoning Ordinance (see Item 16).

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DOCUMENTS OF RECORD

1. Legal advertisement
2. ELUC Memorandum dated May 1, 2019 with attachments:
 - A Letter dated November 5, 2018, from the Village of St. Joseph to the Champaign County Board Chair
 - B Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - C Draft Changes to Section 6.1.5 B.(2) Champaign County Zoning Ordinance Requirements for Photovoltaic Solar Farms in Response to Municipal Concerns
3. ELUC Memorandum dated May 29, 2019, with attachments:
 - A Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - B Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing only)
 - C Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing plus increase in separation distance)
4. Preliminary Memorandum for Cases 945-AT-19 and 946-AT-19 dated July 18, 2019, with attachments:
 - 1 Legal advertisement
 - 2 ELUC Memorandum dated May 1, 2019 with attachments:
 - A Letter dated November 5, 2018, from the Village of St. Joseph to the Champaign County Board Chair
 - B Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - C Draft Changes to Section 6.1.5 B.(2) Champaign County Zoning Ordinance Requirements for Photovoltaic Solar Farms in Response to Municipal Concerns
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 - 4 Side-by-side comparison of proposed amendments in Cases 945-AT-19 and 946-AT-19
 - 5 Land Resource Management Plan (LRMP) Goals & Objectives
 - 6 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 945-AT-19 dated September 26, 2019
 - 7 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 946-AT-19 dated September 26, 2019

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FINAL DETERMINATION FOR CASE 945-AT-19

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 945-AT-19** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

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PROPOSED AMENDMENT FOR CASE 945-AT-19

1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include 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.~~
 - (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
 - (bc) 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.
 - (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.
 - (e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
 - (df) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.
 - (eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV

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SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

- (eh) 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.

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**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{September 26, 2019}***

Petitioner: **Zoning Administrator**

Request: **Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:**

- A. Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.**
 - B. Increase the minimum required time for municipal review by adding the following:**
 - 1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.**
 - 2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.**
 - 3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.**
 - 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.**
 - C. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.**
 - D. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.**
 - E. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.**
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FINDING OF FACT

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3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.
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GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
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 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

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- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

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Goal 1 has 4 objectives and 4 policies. Although the proposed amendment does not directly relate to the Objectives in Goal 1, the proposed amendment will **HELP ACHIEVE** the intent of Goal 1 because of the following:

- A. The proposed amendment will increase the number of opportunities that municipalities and interested residents have to voice their concerns about County decisions regarding PV SOLAR FARMS.
- B. The proposed amendment will better integrate land resource management planning within the 1.5 mile extraterritorial jurisdiction of municipalities with comprehensive plans.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. Objective 2.2 does not appear to be relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 2 for the following reasons:

- A. Objective 2.1 states, “Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.”

Objective 2.1 has three subsidiary policies. Policy 2.1.1 and 2.1.3 do not appear to be relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Objective 2.1 because of the following:

- (1) Policy 2.1.2 states, “**The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.**”

The proposed amendment will **HELP ACHIEVE** Policy 2.1.2 for the following reasons:

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- a. The proposed amendment will increase the number of opportunities that municipalities and interested residents have voice their concerns about County decisions regarding PV SOLAR FARMS.
- b. The proposed amendment will better integrate land resource management planning within the 1.5 mile extraterritorial jurisdiction of municipalities with comprehensive plans.
- c. The County already coordinates with municipalities when a proposed development is subject to an annexation agreement but is expected to remain in the unincorporated area by sending zoning case notifications and working with municipal staff on the review process, and this is no different for proposed PV SOLAR FARMS.
- d. The proposed subparagraph 6.1.5 V.(2)e. will add one month to the minimum time required for a public hearing at the Zoning Board of Appeals (ZBA) for a PV solar farm within one-and-one-half miles of a municipality. However, most public hearings for PV solar farms that are within one-and-one-half miles of a municipality already require at least two ZBA meetings for completion of the public hearing.
- e. The proposed subparagraph 6.1.5 V.(2)g. will add one month to the ELUC review time for a PV solar farm within one-and-one-half miles of a municipality unless the additional month is waived by the relevant municipality. This additional time is similar to the review time for Zoning Ordinance text amendments. Note that Zoning Map amendments within one-and-one-half miles of a municipality are not provided this additional review time.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

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Goal 5 has 3 objectives and 15 policies. Objectives 5.2 and 5.3 and their subsidiary policies are either not relevant or will not be impeded by the proposed amendment. The proposed amendment will **NOT IMPEDE** Goal 5 for the following reasons:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.”

Objective 5.1 has nine subsidiary policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8 do not appear to be relevant to the proposed amendment. The proposed amendment will **NOT IMPEDE** Objective 5.1 because of the following:

- (1) Policy 5.1.4 states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
 - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will **HELP ACHIEVE** Policy 5.1.4 for the following reasons:

- a. The County already researches and considers a municipality’s 1.5 mile extra-territorial jurisdiction planning area as shown in an adopted municipal Comprehensive Plan as part of the approval process for a PV SOLAR FARM.
 - b. The proposed amendment will not change the County’s consideration of a proposed PV SOLAR FARM site being well-suited overall or suited overall.
 - c. The proposed amendment will not change the County’s consideration of a proposed PV SOLAR FARM being generally consistent with all relevant LRMP objectives and policies.
 - d. The proposed amendment will improve consistency with municipal requirements by making PV SOLAR FARM developers aware that municipal subdivision approval will be required for any land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- (2) Policy 5.1.9 states, “**The County will encourage any new discretionary development that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any discretionary development approval from the County that would otherwise be necessary without the annexation agreement.”**

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The proposed amendment will **NOT IMPEDE** Policy 5.1.9 for the following reason:

- a. The County already coordinates with municipalities when a proposed development is subject to an annexation agreement, but is expected to remain in the unincorporated area, by sending zoning case notifications and working with municipal staff on the review process, and this is no different for proposed PV SOLAR FARMS.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is **NOT RELEVANT** to the proposed amendment in general.

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REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **NOT IMPEDE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose because it provides additional opportunities for future land uses in municipal planning areas to be considered in the context of zoning approvals for PV SOLAR FARMS.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose because the amendment is responsive to municipal representatives' concerns about their ability to have early and continuing opportunities to have a voice in the approval process for PV SOLAR FARMS.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

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- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is not directly related to this purpose.

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- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established 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 proposed amendment is consistent with this purpose.

SUMMARY FINDING OF FACT FOR CASE 945-AT-19

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 1 and 2.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 3, 4, 5, 6, 7, 8, and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will ***NOT IMPEDE*** the purpose of the Zoning Ordinance (see Item 16).

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DOCUMENTS OF RECORD

1. Legal advertisement
2. ELUC Memorandum dated May 1, 2019 with attachments:
 - A Letter dated November 5, 2018, from the Village of St. Joseph to the Champaign County Board Chair
 - B Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - C Draft Changes to Section 6.1.5 B.(2) Champaign County Zoning Ordinance Requirements for Photovoltaic Solar Farms in Response to Municipal Concerns
3. ELUC Memorandum dated May 29, 2019, with attachments:
 - A Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - B Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing only)
 - C Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing plus increase in separation distance)
4. Preliminary Memorandum for Cases 945-AT-19 and 946-AT-19 dated September 19, 2019, with attachments:
 - 1 Legal advertisement
 - 2 ELUC Memorandum dated May 1, 2019 with attachments:
 - A Letter dated November 5, 2018, from the Village of St. Joseph to the Champaign County Board Chair
 - B Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - C Draft Changes to Section 6.1.5 B.(2) Champaign County Zoning Ordinance Requirements for Photovoltaic Solar Farms in Response to Municipal Concerns
 - 3 ELUC Memorandum dated May 29, 2019, with attachments:
 - A Existing Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance
 - B Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing only)
 - C Alternative Draft Changes to Section 6.1.5B.(2) PV Solar Farm Requirements in Response to Municipal Concerns (increase in notification and timing plus increase in separation distance)
 - 4 Side-by-side comparison of proposed amendments in Cases 945-AT-19 and 946-AT-19
 - 5 Land Resource Management Plan (LRMP) Goals & Objectives
 - 6 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 945-AT-19 dated September 26, 2019
 - 7 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 946-AT-19 dated September 26, 2019

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FINAL DETERMINATION FOR CASE 946-AT-19

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 946-AT-19** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

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PROPOSED AMENDMENT

1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include 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.~~
 - (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
 - (bc) 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.
 - (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.
 - (e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
 - (df) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.
 - (eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV

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SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

- (eh) 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.