

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

DATE: October 13, 2022

**PLACE: Shields-Carter Meeting Room
1776 East Washington Street**

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Tom Anderson, Thaddeus Bates, Jim Randol

MEMBERS ABSENT: Larry Wood, Nolan Herbert

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Tony Grilo

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence – None

4. Minutes – September 15, 2022

Mr. Elwell asked if there was any discussion on the September 15, 2022 minutes. Seeing none, he entertained a motion to approve the September 15, 2022 minutes.

Mr. Randol moved, seconded by Mr. Roberts, to approve the September 15, 2022 minutes. The motion carried by voice vote.

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

Mr. Randol made a motion to move Case 058-AT-22 to the end of the meeting.

Mr. Elwell entertained a second to the motion.

Mr. Bates seconded the motion.

Mr. Randol moved, seconded by Mr. Bates, to move Case 058-AT-22 to the end of the meeting. The motion carried by voice vote.

6. Continued Public Hearings –

Case 058-AT-22

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **Revise Section 3.0 by adding, revising, and/ or removing defined terms from Section 3.0 per the legal advertisement.**
2. **Add “SPECIFIC MATERIAL COLLECTION SITE” authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.**
3. **Add “POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY” as exempt from Zoning Ordinance in Section 4.3.7.**
4. **Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:**
 - A. **Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.**
 - B. **Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.**
 - C. **Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.**
 - D. **Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.**
 - E. **Add “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Districts.**
 - F. **Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
 - G. **Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
5. **Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”, “PERMANENT COMPOSTABLE WASTE COLLECTION POINT”, and “LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY.”**
6. **Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL**

1 7. **Revise Section 7.1.2(J)3 to indicate “JUNK YARD or AUTOMOBILE**
2 **SALVAGE YARD” as prohibited STORAGE or OPERATIONS for a**
3 **RURAL HOME OCCUPATION.**
4

5 Mr. Elwell referred to Mr. Hall.
6

7 Mr. Hall said the Supplemental Memorandum #2 reviewed some changes that have been made since this
8 was last at the Board. He said they received an email from Susan Monte, who was the original drafter of
9 this ordinance, and she had a concern regarding the change from it previously saying a township/highway
10 maintenance garage to what the Board had previously discussed in the last meeting on changing that to
11 any government facility for these Specific Material Collection Sites. He said Ms. Monte raised the issue
12 of when they say facility, that means there has to be building on property, and her whole motivation here
13 is trying to make this as least restrictive as possible. He said this condition only applies in the AG-1
14 Agriculture Zoning District, so he is thinking footnote 30 could be revised to say, “may only be authorized
15 on government owned property.” He said there are a few locations in the rural area where local government
16 owns the property, but there are no buildings, so this would allow in those few instances where a local
17 government could do a Specific Material Collection Site some place where there is no other building. He
18 said it is kind of hard to point to any specific properties, because more of the properties he knows of are
19 owned by the County and are typically land that has been left from some road project, but it doesn’t hurt
20 and would apply to any township/highway maintenance garage or any other facility owned by a local
21 government entity, but it would also get rid of that requirement for there to be any existing buildings on
22 it. He thinks it makes it less restrictive, but still limits it to only government owned property, so these
23 things are not going to be proliferating by the private sector. He said that is one change he would
24 recommend tonight that is not in the Supplemental Memorandum #2.
25

26 Mr. Hall said secondly, they checked into the requirements for the Construction and Demolition Debris
27 Recycling Facility, and it turns out they are based on Will County’s code; that is the only county that
28 actually has anything like this. He said for some reason Will County is more welcoming to construction
29 and demolition debris recycling than what the State code would require. He said the State code says they
30 shall not be located any closer than a quarter mile from the nearest property zoned for primarily residential
31 use. He said Will County only uses 500 feet, which is what this ordinance was based on previously, and
32 he doesn’t see any need to go to less than a quarter mile. He said if somebody wants to go to less than a
33 quarter mile, they could ask for a waiver, but they would have to prove their case that less than a quarter
34 mile is not a problem. He said they are recommending changing the 500 feet to a quarter mile, which is
35 1,320 feet. He said that he and Ms. Burgstrom reviewed the standard conditions for the Landscape Waste
36 Compost Facility as this was written previously, the standard conditions for Landscape Waste Compost
37 Facility were the same for the Landscape Waste Processing Facility, and they realized that is crazy,
38 because most of those conditions would actually only apply to a Landscape Waste Compost Facility. He
39 said what they have done is split those two facilities out; the Landscape Waste Compost Facility still has
40 the same standard conditions with modification, which he will get into next. He said they added Landscape
41 Waste Processing Facility and there are only three conditions that need to be applied to that, and those
42 have to do with proximity to a residence or residential district, not in the Special Flood Hazard Area, and
43 the fact that it has to be consistent with 35 Illinois Administrative Code Part 830. He said under the
44 Landscape Waste Compost Facility, the Board will see that they are striking sections from 35 Illinois
45 Administrative Code Part 830 and just simplifying it; that is because some of those things didn’t make
46 sense to call those out in particular. He said it makes a lot more sense just to refer to 35 Illinois
47 Administrative Code Part 830, so the Landscape Processing Facility really doesn’t need any permits from
48 EPA provided they comply with 35 Illinois Administrative Code Part 830, but a Landscape Compost
49 Facility sometimes does have to comply with an EPA permit and that is why they have divided those out

1 trying to simplify it wherever they can.
2
3 Mr. Hall said the Board talked about the noise levels for a Construction and Demolition Debris Recycling
4 Facility, and again, that’s part of the reason why they are recommending going the 1,320 feet, because
5 they have heard in previous cases how loud those recycling activities can be, and it’s good reason to
6 require the quarter mile separation.
7
8 Mr. Bates asked him if that was just in the AG-1 Agriculture Zoning District for the separation distance
9 of 1,320 feet from the nearest property. He said the only reason he asks that is because these have all been
10 brought up and they all know how loud those crushers are, and they’re very movable. He said there is one
11 in the southern end of the county and there are several on North Lincoln Avenue in Urbana, and he can
12 hear them while at Farm & Fleet and the separation distance from there is well over 1,320 feet. He asked
13 if it had to be a certain noise level at the separation distance of 1,320 feet.
14
15 Mr. Hall said no, the separation distance of 1,320 feet has to be from any Residential Zoning District or
16 any dwelling conforming as to use, so hearing the noise at Farm & Fleet is not a problem.
17
18 Mr. Bates said correct because of the location, but that is his point, they are on wheels, so they are movable.
19 He said in this setting it isn’t an issue, but if it comes into the rural community it would be.
20
21 Mr. Hall said it is not supposed to come into the rural community, because a Construction and Demolition
22 Debris Recycling Facility is only allowed in I-1 Light Industry and I-2 Heavy Industry Zoning Districts.
23
24 Mr. Bates said okay.
25
26 Mr. Hall said what was proposed in the southern part of the county would not be allowed.
27
28 Mr. Bates said that was the clarification he was looking for, but there is a place for it, just not there.
29
30 Mr. Elwell asked Mr. Hall if he knew of any current Rural Home Occupations with auto salvage yards.
31
32 Mr. Hall said no.
33
34 Mr. Elwell asked if there were any more questions from the Board. He asked Mr. Hall what his
35 recommendation was at the very beginning of his opening statement, that was not in the Board’s packet
36 tonight for the Landscape Waste Compost Facility.
37
38 Mr. Hall said his recommended change was regarding footnote 30 for a Specific Material Collection Site;
39 it started out as being allowed only at a Township Highway Maintenance Garage and was previously
40 discussed about expanding that to a government facility, and what he recommended tonight was just to
41 say, “may only be authorized on government owned property.” He said that is a footnote that only applies
42 to those things in the AG-1 and AG-2 Agriculture Zoning Districts, and in the Business Zoning Districts,
43 they could be on private property, but in the AG-1 Agriculture Zoning District it would only be permissible
44 on a government owned property.
45
46 Mr. Elwell asked if there was any other discussion from the Board. He entertained a motion to adopt the
47 Summary of Evidence, Documents of Record, and move to the Findings of Fact for Case 058-AT-22, as
48 amended.
49

1 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
2 **Record, and move to the Findings of Fact for Case 058-AT-22, as amended. The motion carried by**
3 **voice vote.**

4
5 Mr. Elwell said that he would be reading the Final Determination for Case 058-AT-22 from Attachment
6 B, page 16 of 26 in Supplemental Memorandum #2, as follows:

7
8 **FINDINGS OF FACT FOR CASE 058-AT-22**

9 From the documents of record and the testimony and exhibits received at the public hearing conducted
10 on **July 14, 2022, July 28, 2022, and October 13, 2022**, the Zoning Board of Appeals of Champaign
11 County finds that:

12
13 **1. The proposed Zoning Ordinance text amendment *IS NECESSARY TO ACHIEVE* the Land**
14 **Resource Management Plan because:**

15
16 **A. The proposed Zoning Ordinance text amendment will *HELP ACHIEVE* LRMP**
17 **Goals 4 and 7.**

18
19 **B. The proposed Zoning Ordinance text amendment *WILL NOT IMPEDE* the**
20 **achievement of LRMP Goals 1, 2, 3, 5, 6, 8 and 9.**

21
22 **C. The proposed Zoning Ordinance text amendment is *NOT RELEVANT* to LRMP**
23 **Goal 10.**

24
25 **2. The proposed text amendment *WILL* improve the Zoning Ordinance because it will:**

26
27 **A. *HELP ACHIEVE* the purpose of the Zoning Ordinance (see Item 16).**

28
29 **B. *IMPROVE* the text of the Zoning Ordinance (see Item 17).**

30
31 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Findings of Fact, Documents of Record,**
32 **and move to the Final Determination for Case 058-AT-22. The motion carried by voice vote.**

33
34 Mr. Elwell entertained a motion to close the Witness Register for Case 058-AT-22.

35
36 **Mr. Roberts moved, seconded by Mr. Bates, to close the Witness Register for Case 058-AT-22. The**
37 **motion carried by voice vote.**

38
39 Mr. Elwell said that he would be reading the Final Determination for Case 058-AT-22 from Attachment
40 B, page 18 of 26 in Supplemental Memorandum #2, as follows:

41
42 **FINAL DETERMINATION FOR CASE 058-AT-22**

43 **Mr. Randol moved, seconded by Mr. Bates, that pursuant to the authority granted by Section 9.2 of**
44 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
45 **recommends that:**

46
47 **The Zoning Ordinance Amendment requested in Case 058-AT-22 should **BE ENACTED** by the**
48 **County Board in the form attached hereto.**

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

3
4 Mr. Elwell asked Mr. Hall if the Board should include his recommendation here or is it already included.

5
6 Mr. Hall said the Board meant to include that change when they approved the Finding of Fact for Case
7 058-AT-22, as amended.

8
9 Mr. Bates asked him if he meant his verbiage of government property.

10
11 Mr. Hall said okay yes, he thinks the Board made the change.

12
13 Mr. Elwell said okay and requested a roll call vote.

14
15 The vote was called as follows:

16	Randol- yes	Roberts- yes	Anderson- yes	Herbert- absent
17	Elwell- yes	Wood – absent	Bates- yes	

18
19 **The motion carried.**

20
21 Mr. Elwell congratulated Mr. Hall.

22
23 Mr. Hall thanked him.

24
25 **Case 062-AM-22**

26 Petitioner: **Anthony Donato, d.b.a. Donato Solar – Rantoul LLC via agent Tony Grilo**

27
28 Request: **Amend the Zoning Map to change the zoning district designation from the AG-1**
29 **Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow**
30 **a Data Center as a Special Use in related Zoning Case 063-S-22 and a PV solar array**
31 **as a second principal use as a proposed County Board Special Use Permit in related**
32 **Case 064-S-22.**

33
34 **Case 063-S-22**

35 Request: **Authorize a Data Center as a Special Use Permit, subject to the proposed rezoning to**
36 **AG-2 Agriculture in Case 062-AM-22, and subject to the following waiver:**

37
38 **Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires**
39 **a noise analysis to be performed for a Data Center.**

40
41 **Case 064-S-22**

42 Request: **Authorize a photovoltaic solar array with a total nameplate capacity of 5 megawatts**
43 **(MW), including access roads and wiring, as a second principal use as a County Board**
44 **Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District**
45 **in Case 062-AM-22, and including the following waivers of standard conditions (other**
46 **waivers may be necessary):**

47
48 **Part A: A waiver for not providing a Decommissioning and Site Reclamation**
49 **Plan that includes cost estimates prepared by an Illinois Licensed Professional**

1 Engineer prior to consideration of the Special Use Permit by the Board, per
2 Section 6.1.1 A.3.

3
4 Part B: A waiver for locating the PV Solar Array less than one-half mile from
5 an incorporated municipality and within the contiguous urban growth area of
6 a municipality per Section 6.1.5 B.(2)a.

7
8 Part C: A waiver for locating 235 feet from a non-participating existing
9 dwelling on a lot that is more than 10 acres in area in lieu of the minimum
10 required separation of 255 feet between the solar farm fencing and the
11 dwelling, per Section 6.1.5 D.(3)b.

12
13 Part D: A waiver for a separation distance of 165 feet between the solar
14 inverters and the perimeter fence in lieu of the minimum required 275 feet, per
15 Section 6.1.5 D.(6).

16
17 Part E: A waiver for not submitting a Landscape Plan with weed control plan prior
18 to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.

19
20 Part F: A waiver for having a 6 foot tall fence in lieu of the minimum required 7 foot
21 tall fence, per Section 6.1.5 M.(1)a.

22
23 **Case 065-V-22**

24 Request: Authorize the following variance for the Data Center proposed as a Special Use
25 Permit in related case 063-S-22:

26
27 Part A: Authorize a variance for 7 parking spaces in lieu of the minimum
28 required 30 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

29
30 Part B: Authorize a variance for no loading berth in lieu of the minimum
31 required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

32
33 Location: A 14.77-acre tract in the North Half of the Southwest Quarter of Section 10, Township
34 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township.

35
36 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
37 the witness register for that public hearing. He reminded the audience that when they sign the witness
38 register, they are signing an oath.

39
40 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
41 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
42 show of hands from those who would like to cross-examine, and each person will be called upon. He said
43 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to
44 clearly state their name before asking any questions. He noted that no new testimony is to be given during
45 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
46 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
47 request prior to introducing evidence.

48
49 Anthony Grilo, 103 North Thomas Street, Thomasboro, said since the previous meeting, the Board can

1 see under the status that the site plan was revised to include a seven-foot-tall fence surrounding the
2 property. He said the landscape plan was submitted and there were some questions from the Board
3 regarding the seed mix, and of course the guy who was supposed to answer the question was gone today.
4 He said one of the other technicians he spoke with on the phone with Pheasants Forever did confirm that
5 the seed mix planned to be used is USDA certified or up-to-date with the USDA guidelines. He asked the
6 technician to send an email saying that, but the technician didn't get a chance to do it because he was out
7 in the field checking on sites. He said according to Pheasants Forever, all of the seed mix they plan to use
8 does meet the guidelines laid out by the USDA. He said the Cultural Resource Report was all good, and
9 he has met with Midwest Pottyhouse and County Line Septic. He talked with County Line Septic as well
10 as the Champaign County Public Health Department regarding a septic system and whether that is a viable
11 thing to do now if the site isn't going to actually be used very regularly. He said both County Line Septic
12 and the Champaign County Public Health Department agreed that it would probably be best not to install
13 a septic system, because of the lack of use and bacteria it would not perform as expected. He thinks the
14 Board and staff have the letter from County Line Septic saying he came out to the site and reviewed the
15 site plan to confirm they will be able to have a septic system based on the site plan and there won't be any
16 issues installing the septic system before or after the solar array, because there is plenty of space and he
17 didn't have any concerns regarding that. He got a handwritten quote on a piece of scratch paper from
18 Midwest Pottyhouse for a one year at a time commitment to have a porta potty on site, and he confirmed
19 with them that yes, they can do it.

20
21 Mr. Grilo said they do have an agreement for the noise analysis with a company, but he can't remember
22 the company's name; they are scheduled to perform the noise analysis once the corn crop is removed from
23 the property. He said the company told them they can't really do it until the corn crop is gone, because
24 they have to pick a few spots throughout the property and obviously the corn crop is going to deaden the
25 noise. He passed out letters this evening from the north and west landowners/tenant farmers regarding the
26 project, and he sat down and reviewed the site plan with them. He said Pete Johnson is the tenant farmer
27 of the farmland to the north and is also a member of the Triple Fork Drainage District. He doesn't know
28 if anyone tonight knows Mr. Johnson, so that was a long meeting, because Mr. Johnson is a knowledgeable
29 person. He said that he and Mr. Johnson went over any drainage concerns Mr. Johnson may have for the
30 property as well as any drainage tile that may be forgotten since he is the tenant farmer on the north parcel,
31 but he didn't know of anything. He said there are some drainage tiles that run up along the railroad which
32 were substantially far away and some road tiles. He talked to Mr. Johnson about being available in case
33 they find some random drainage tile coming from his farm field and to make sure they can work together
34 on fixing it how he would like it fixed as this project proceeds. He said the farmer to the west is actually
35 an uninhabited house and he is expecting to tear it down since nobody is living there; the house is outdated
36 at this point, so he didn't have any issues. He sat down with the landowner, and he thinks it is a three-
37 person trust, so he only met with one of the members, but he was the gentlemen that lived on the site, and
38 thinks he is probably the primary member. He said the gentleman didn't have any issues and he went over
39 the site plan with him pretty thoroughly to verify if he knew of any drainage tiles crossing the road or
40 anything getting close to any of their development, and he told them there is nothing that he knows about.
41 He talked with him about if they found any drainage tiles coming from his property, if he would work
42 with them to try and come up with a resolution that would work for everybody. He thinks that is probably
43 it as far as stuff they kind of had up in the air.

44
45 Mr. Elwell thanked Mr. Grilo and asked if there were any questions from the Board.

46
47 Mr. Anderson asked Mr. Grilo to explain the two site plans.

48
49 Mr. Grilo said sorry, that was one other thing, he thinks the Board probably got an updated site plan

1 between the last meeting and now. He said the most updated site plan the Board can see is on page one of
2 three from Attachment B in Supplemental Memorandum #1. He said it shows the drainage tile easement
3 the Village of Rantoul never recorded and luckily somehow Ms. Burgstrom found out about it. He said
4 they were able to talk with the Village of Rantoul and express their displeasure of not recording that
5 easement, but the Village of Rantoul gave him a copy of it with the coordinates. He said they had their
6 surveyor go out to review the GPS coordinates to input into the site plan and remove all panels and
7 infrastructure out of that easement, which coincidentally coincides with the swale going through the
8 property, so they are able to avoid water impediment as well. He thinks that answers Mr. Anderson's
9 question regarding the two site plans.

10
11 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if there
12 was any public participation.

13
14 Mr. Randol said he was a concerned about having six different waivers from what they have established
15 as guidelines and he knows it has only been two months since they have discussed all of this, but he needs
16 to have his memory refreshed as to why they were asking for a decommissioning waiver.

17
18 Mr. Hall referred to Part A in the Preliminary Memorandum for Case 064-S-22 and said the
19 decommissioning waiver is only from submitting it to this Board. He said there is condition that requires
20 the Decommissioning and Site Reclamation Plan to be approved by ELUC before a Zoning Use Permit
21 can be approved. He doesn't know the justification, but so far, every solar farm the Board has reviewed
22 has done it that way. He said they did have one reviewed by ELUC for the community solar farm down
23 by Sidney, and that seemed to go okay. He said with the new information tonight there are only four
24 waivers required; they talked about the decommissioning in Part A, the location in proximity to the
25 municipality in Part B, which the petitioner has worked with the municipality, and it seems to them that
26 the municipality is agreeable to that location. He referred to Part C in regard to proximity to a dwelling,
27 that is what it is, and then Part D for the separation distance between the inverters and the fence, that is
28 really more of a feature of the geometry of the site and the site is so narrow they can't meet that, so those
29 are the four waivers that are necessary.

30
31 Mr. Anderson said he was out at the site yesterday and asked Mr. Grilo if they would start on the solar
32 array project once the corn was harvested.

33
34 Mr. Grilo said if he had it his way, absolutely, but he thinks the County process allows for a bit more time.
35 He said regarding some of the construction, they could start as soon as they are given permission, but
36 assuming the case gets approved tonight, he thinks they probably have another three months of ELUC and
37 County Board approval that has to happen from his understanding.

38
39 Mr. Hall said provided they have all the submittals, it could be approved one month after this Board
40 recommends it, but they would have to have that Decommissioning and Site Reclamation Plan and noise
41 study; that is a lot of work, and he doesn't know where that is at right now.

42
43 Mr. Grilo said he would guess starting at the end of January is an optimistic goal and quite frankly he
44 thinks it will probably be more towards the first of March before they are really able to start construction.

45
46 Mr. Elwell entertained a motion to close the Witness Register for Cases 062-AM-22, 063-S-22, 064-S-22,
47 and 065-V-22.

48
49 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register for Cases 062-AM-22,**

1 **063-S-22, 064-S-22, and 065-V-22. The motion carried by voice vote.**

2
3 Mr. Elwell asked Ms. Burgstrom if it would be advisable to take Case 062-AM-22, and then Cases 063-S-22, 064-S-22, and 065-V-22 or does she think they could lump some of these cases together.

4
5
6 Ms. Burgstrom said it is just as he said about Case 062-AM-22 on its own, Cases 063-S-22 with 065-V-22, and then Case 064-S-22.

7
8
9 Mr. Elwell said it looks like there are two special conditions for Case 062-AM-22 and asked how the Board would like to proceed. He asked Mr. Grilo to please step back up to the microphone and answer in the affirmative if he agrees after he reads each special condition for Case 062-AM-22 from Attachment G, page 20 of 26 in Supplemental Memorandum #1, as follows:

10
11
12 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 062-AM-22**

- 13
- 14
- 15 **22. Proposed special conditions of approval:**
- 16 **A. The owners of the subject property hereby recognize and provide for the right of**
- 17 **agricultural activities to continue on adjacent land consistent with the Right to**
- 18 **Farm Resolution 3425.**

19
20 **The special condition stated above is required to ensure the following:**
21 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

22
23 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

24
25 Mr. Grilo agreed.

- 26
- 27 **B. The Map Amendment is contingent upon approval of Cases 063-S-22 and 064-S-22.**
- 28
- 29 **The special condition stated above is required to ensure the following:**
- 30 **That the Special Use is consistent with the Zoning Ordinance and ZBA**
- 31 **recommendations.**

32
33 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

34
35 Mr. Grilo agreed.

36
37 Mr. Elwell thanked Mr. Grilo and asked how the Board would like to proceed.

38
39 Mr. Randol made a motion to adopt the Preliminary Draft, Documents of Record, and move to the Final
40 Determination for Case 062-AM-22.

41
42 Ms. Burgstrom said the Board has some Documents of Record to add that were distributed at tonight's
43 meeting.

44
45 Mr. Randol asked if staff wanted those in all the documents that the Board received at tonight's meeting
46 added to this proposal.

47
48 Ms. Burgstrom said yes please.

1 Mr. Elwell said the motion was to move to the Final Determination for Case 062-AM-22.

2

3 Mr. Randol said sorry.

4

5 Mr. Elwell said he apologizes and asked Mr. Randol to repeat his motion one more time.

6

7 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Preliminary Draft, Documents of**
8 **Record, and move to the Final Determination for Case 062-AM-22. The motion carried by voice**
9 **vote.**

10

11 Mr. Elwell told Mr. Grilo that a full Board wasn't present at tonight's meeting and four affirmative votes
12 would be needed for the approval this case out of the five Board members present tonight. He asked him
13 if he would like to continue with this case or if he would like to push this to a meeting where all seven
14 Board members were present.

15

16 Mr. Grilo asked if every Board member was going to vote yes or what. He just assumes they go for it and
17 asked if it has to be five out of five affirmative votes from the present Board members tonight.

18

19 Mr. Elwell said no, only four Board members.

20

21 Mr. Grilo said it has to be four out of five affirmative votes from the present Board members tonight. He
22 thinks they should move on with it and hope they don't have to cross that bridge and thanked him for
23 asking that.

24

25 Mr. Elwell said that he would be reading the Final Determination for Case 062-AM-22 from Attachment
26 G, page 26 of 26 in Supplemental Memorandum #1, as follows:

27

28 **FINAL DETERMINATION FOR CASE 062-AM-22**

29 **Mr. Randol moved, seconded by Mr. Bates, that pursuant to the authority granted by Section 9.2**
30 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
31 **recommends that:**

32

33 **The Zoning Ordinance Amendment requested in Case 062-AM-22 should BE ENACTED**
34 **by the County Board in the form attached hereto.**

35

36 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

37

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

41

42 B. **The Map Amendment is contingent upon approval of Cases 063-S-22 and 064-S-22.**

43

44 Mr. Elwell requested a roll call vote.

45

46 The vote was called as follows:

47	Randol- yes	Roberts- yes	Anderson- yes	Herbert- absent
48	Elwell- yes	Wood – absent	Bates- yes	

49

1 **The motion carried.**

2

3 Mr. Elwell congratulated Mr. Grilo on receiving his five affirmative votes on Case 062-AM-22.

4

5 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and move to
6 the Findings of Fact for Case 063-S-22.

7

8 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
9 **Record, and move to the Findings of Fact for Case 063-S-22. The motion carried by voice vote.**

10

11 Ms. Burgstrom said she wanted to just note that the Findings of Fact for Case 063-S-22 also includes the
12 Variance for Case 065-V-22 all in the same findings.

13

14 Mr. Elwell asked if he should amend his motion or does he need to amend the motion. He entertained a
15 motion to adopt the Summary of Evidence, Documents of Record, and move to the Findings of Fact for
16 Cases 063-S-22 and 065-V-22.

17

18 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
19 **Record, and move to the Findings of Fact for Cases 063-S-22 and 065-V-22. The motion carried by**
20 **voice vote.**

21

22 Mr. Elwell said that he would be reading the Findings of Fact for Cases 063-S-22 and 065-V-22 from
23 Attachment H, page 25 of 30 in Supplemental Memorandum #1, as follows:

24

25 **FINDINGS OF FACT FOR CASES 063-S-22 AND 065-V-22**

26 From the documents of record and the testimony and exhibits received at the public hearing for zoning
27 case **063-S-22** held on **August 11, 2022** and **October 13, 2022**, the Zoning Board of Appeals of
28 Champaign County finds that:

29

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

32

33 Mr. Anderson asked what page they were on.

34

35 Mr. Elwell said they were on page 25 of 30.

36

37 Mr. Randol said Case 063-S-22 should be on page 25 of 30. He said Ms. Burgstrom is getting ready to put
38 it up on the projector.

39

40 Ms. Burgstrom said sorry, they need to add a special condition to Case 063-S-22 in relation to doing the
41 noise analysis in time for the permit, they added that for Case 064-S-22, but she forgot to add it for Case
42 063-S-22, so she is looking for a way to get that up on the projector.

43

44 Mr. Elwell asked if the special condition needed to be in Case 063-S-22 if it was already in Case 064-S-
45 22.

46

47 Ms. Burgstrom said it does need to be in there because it is for the data center noise analysis and the other
48 is for the solar array noise analysis.

49

1 Mr. Elwell said okay.

2
3 Ms. Burgstrom asked Mr. Elwell if he wanted to go through the special conditions at this point for Case
4 063-S-22 or hold off until the end of the Findings of Fact where they are, because usually they do it before
5 the findings, but they didn't this time.

6
7 Mr. Elwell said he would prefer to do them now and then go to the Findings of Fact, but they already have
8 the motion to move to the Findings of Fact, so should they go through the Findings of Fact first and then
9 do the special conditions, or should he ask for another motion.

10
11 Ms. Burgstrom said they are a part of the Findings of Fact; they can do them at the end of Findings of
12 Fact.

13
14 Mr. Elwell said let's go ahead and do it that way since they already have the motion.

15
16 **FINDINGS OF FACT FOR CASES 063-S-22 AND 065-V-22**

17 From the documents of record and the testimony and exhibits received at the public hearing for zoning
18 case **063-S-22** held on **August 11, 2022** and **October 13, 2022**, the Zoning Board of Appeals of
19 Champaign County finds that:

20
21 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
22 **location because:**

23
24 Mr. Bates said the requested Special Use Permit IS necessary for the public convenience at this location
25 because: the petitioner has already purchased the property, which is adjacent to the necessary power lines
26 and is near an existing substation.

27
28 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
29 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT /***
30 ***WILL}* be injurious to the district in which it shall be located or otherwise detrimental to**
31 **the public health, safety, and welfare because:**

32
33 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
34 **location has *{ADEQUATE / INADEQUATE}* visibility because:**
35

36 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
37 visibility because: the traffic volumes are not expected to increase significantly other than during
38 construction of the project. He said the Village of Rantoul, which maintains County Road 1500 East, does
39 not anticipate additional wear and tear to the road. He said a notice was sent to the Township Supervisor
40 and the Township Road Commissioner, and no comments have been received.

41
42 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**
43

44 Mr. Randol said the emergency services availability is ADEQUATE because: the subject property is
45 located approximately 2.4 road miles from the Rantoul Fire Station. He said in a letter dated July 9, 2022,
46 the Rantoul Fire Chief said that there are no anticipated fire safety issues with the proposed project.

47
48 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**

1 Mr. Bates said the Special Use WILL be compatible with adjacent uses because: the subject property is
2 surrounded by agriculture, with one dwelling to the west that is approximately 700 feet from the data
3 center.

4
5 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**

6
7 Mr. Randol said the surface and subsurface drainage will be ADEQUATE because: no part of the subject
8 property is located within a mapped floodplain. He said a Storm Water Drainage Plan and detention basin
9 will be required if more than 16 percent of the subject property is impervious area, including gravel,
10 buildings, and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.

11
12 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

13
14 Mr. Bates said the public safety will be ADEQUATE because: the subject property is located
15 approximately 2.4 road miles from the Rantoul Fire Station and in a letter dated July 9, 2022, the Rantoul
16 Fire Chief said that there are no anticipated fire safety issues with the proposed project. He said a notice
17 was sent to the Township Supervisor and Township Road Commissioner, and no comments have been
18 received.

19
20 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

21
22 Mr. Randol said the provisions for parking will be ADEQUATE because: there is no significant increase
23 in traffic expected for the data center.

24
25 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed**
26 **improvements because:**

27
28 Mr. Bates said the property IS well suited overall for the proposed improvements because: the site can be
29 safely and soundly accommodated using simple engineering and common, easily maintained construction
30 methods with no unacceptable negative effects on neighbors or the general public.

31
32 **h. Existing public services {ARE/ARE NOT} available to support the proposed**
33 **SPECIAL USE without undue public expense because:**

34
35 Mr. Randol said the existing public services ARE available to support the proposed Special Use without
36 undue public expense because: no additional public services are necessary for the proposed development.

37
38 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}**
39 **adequate to support the proposed development effectively and safely without undue**
40 **public expense because:**

41
42 Mr. Bates said the existing public infrastructure together with the proposed development IS adequate to
43 support the proposed development effectively and safely without undue public expense because: no new
44 public infrastructure is required for the proposed development.

45
46 Mr. Bates said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
47 *HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
48 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1 **3a. The requested Special Use Permit {*SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 2 ***HEREIN*} {*DOES / DOES NOT*} conform to the applicable regulations and standards of the**
 3 **DISTRICT in which it is located.**

4
 5 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 6 *IMPOSED HEREIN* DOES conform to the applicable regulations and standards of the district in which it
 7 is located.

8
 9 **3b. The requested Special Use Permit {*SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 10 ***HEREIN*} {*DOES / DOES NOT*} preserve the essential character of the DISTRICT in which**
 11 **it is located because:**

12
 13 **a. The Special Use will be designed to {*CONFORM / NOT CONFORM*} to all relevant**
 14 **County ordinances and codes.**

15
 16 Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and
 17 codes.

18
 19 **b. The Special Use {*WILL / WILL NOT*} be compatible with adjacent uses.**

20
 21 Mr. Randol said the Special Use WILL be compatible with adjacent uses.

22
 23 **c. Public safety will be {*ADEQUATE / INADEQUATE*}.**

24
 25 Mr. Randol said the public safety will be ADEQUATE.

26
 27 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 28 *IMPOSED HEREIN* DOES preserve the essential character of the district in which it is located.

29
 30 **4. The requested Special Use Permit {*SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 31 ***HEREIN*} {*IS / IS NOT*} in harmony with the general purpose and intent of the Ordinance**
 32 **because:**

33
 34 **a. The Special Use is authorized in the District.**

35
 36 **b. The requested Special Use Permit {*IS/ IS NOT*} necessary for the public convenience**
 37 **at this location.**

38
 39 Mr. Bates said the requested Special Use Permit IS necessary for the public convenience at this location.

40
 41 **c. The requested Special Use Permit {*SUBJECT TO THE SPECIAL CONDITIONS***
 42 ***IMPOSED HEREIN*} is so designed, located, and proposed to be operated so that it**
 43 **{*WILL / WILL NOT*} be injurious to the district in which it shall be located or**
 44 **otherwise detrimental to the public health, safety, and welfare.**

45
 46 Mr. Bates said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
 47 *HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
 48 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1 d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS*
2 *IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the
3 DISTRICT in which it is located.
4

5 Mr. Bates said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
6 *HEREIN* DOES preserve the essential character of the district in which it is located.
7

8 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
9 *IMPOSED HEREIN* IS in harmony with the general purpose and intent of the Ordinance.
10

11 5. The requested Special Use IS NOT an existing non-conforming use.
12

13 Mr. Randol said they are saying that because there is nothing at all there except a cornfield at this time.
14

15 6. Regarding the variance:

16 a. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the
17 land or structure involved, which are not applicable to other similarly situated land
18 and structures elsewhere in the same district because:
19

20 Mr. Bates said the special conditions and circumstances DO exist which are peculiar to the land or
21 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
22 the same district because: the proposed data center will be monitored remotely and will have only
23 occasional visits by employees for maintenance therefore limited need for parking and no need for a
24 loading berth.
25

26 b. Practical difficulties or hardships created by carrying out the strict letter of the
27 regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or
28 otherwise permitted use of the land or structure or construction because:
29

30 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
31 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
32 structure or construction because: without the proposed variance, the petitioner would have to utilize area
33 set aside for the proposed solar array for parking and loading berth areas.
34

35 c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO*
36 *NOT}* result from actions of the applicant because:
37

38 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
39 from actions of the applicant.
40

41 Mr. Bates said because the petitioner does not expect any visitors to the data center and only occasional
42 visits by employees.
43

44 d. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{IS / IS*
45 *NOT}* in harmony with the general purpose and intent of the Ordinance because:
46

47 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
48 because: the petitioner does not anticipate visitors or deliveries at this site, they do not expect many
49 employee visits, because the data center will be monitored remotely.

- e. **The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ {WILL / WILL NOT} be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:**

Mr. Bates said the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: notice of the proposed variance was sent to relevant jurisdictions, and no comments have been received at this time.

- f. **The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ {IS / IS NOT} the minimum variation that will make possible the reasonable use of the land/structure because:**

Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: the petitioner would have to reduce the size of the proposed solar array if they have to provide more parking and a loading berth space.

Mr. Elwell told Mr. Grilo they have a couple more special conditions he was going to read and to agree in the affirmative if he agrees.

7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

**The special condition stated above is required to ensure the following:
That the proposed Special Use meets applicable State requirements for accessibility.**

Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

Mr. Grilo agreed.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

**The special condition stated above is required to ensure the following:
That the proposed use is in compliance with the Zoning Ordinance.**

Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

Mr. Grilo agreed.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International**

1 **Building Code, and (B) the current edition or most recent preceding edition of the**
2 **National Electrical Code NFPA 70.**

3
4 **The special condition stated above is required to ensure the following:**
5 **New commercial buildings shall be in conformance with Public Act 96-704.**

6
7 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

8
9 Mr. Grilo agreed.

10
11 Ms. Burgstrom said that she put something up on the projector and needs some help editing it.

12
13 Mr. Elwell asked if they needed a statement for Item D. of required to ensure the following.

14
15 Ms. Burgstrom said yes let her pull that up.

16
17 **D. A noise study shall be completed by the petitioner that meets the requirements of**
18 **6.1.5 I.3. and has been approved by the Environment and Land Use Committee.**

19
20 **The above special condition is required to ensure that:**
21 **The Data Center is constructed consistent with the Special Use Permit**
22 **approval and in compliance with the Ordinance requirements.**

23
24 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

25
26 Mr. Grilo agreed.

27
28 Mr. Elwell entertained a motion to adopt the Summary Evidence, Documents of Record, and the Findings
29 of Fact for Cases 063-S-22 and 065-V-22, as amended.

30
31 **Mr. Bates moved, seconded by Mr. Randol, to adopt the Summary Evidence, Documents of Record,**
32 **and the Findings of Fact for Cases 063-S-22 and 065-V-22, as amended. The motion carried by voice**
33 **vote.**

34
35 Mr. Elwell told Mr. Grilo that a full Board wasn't present at tonight's meet and four affirmative votes
36 would be needed for the approval this case out of the five Board members present tonight. He asked him
37 if he would like to continue with this case or would he like to have a continuance of this case.

38
39 Mr. Grilo said lets go on with it.

40
41 Mr. Elwell entertained a motion to move to the Final Determination for Case 063-S-22.

42
43 **Mr. Bates moved, seconded by Mr. Randol, to move to the Final Determination for Case 063-S-22.**
44 **The motion carried by voice vote.**

45
46 Mr. Elwell said that he would be reading the Final Determination for Case 063-S-22 from Attachment H,
47 page 29 of 30 in Supplemental Memorandum #1, as follows:

FINAL DETERMINATION FOR CASE 063-S-22

Mr. Randol moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 063-S-22 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant, Donato Solar – Rantoul LLC, to authorize the following:

Authorize a Data Center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 062-AM-22.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol- yes	Roberts- yes	Anderson- yes	Herbert- absent
Elwell- yes	Wood – absent	Bates- yes	

The motion carried.

Mr. Elwell congratulated Mr. Grilo on receiving all four affirmative votes plus the fifth vote. He said moving to Case 065-V-22, again, they don't have a full Board present at tonight's meet and asked Mr. Grilo if he would like for them to continue.

Mr. Grilo said yes please go on.

Mr. Elwell entertained a motion to move to the Final Determination for Case 065-V-22.

Mr. Roberts moved, seconded by Mr. Randol, to move to the Final Determination for Case 065-V-22. The motion carried by voice vote.

Mr. Elwell said that he would be reading the Final Determination for Case 065-V-22 from Attachment H, page 30 of 30 in Supplemental Memorandum #1, as follows:

FINAL DETERMINATION FOR CASE 065-V-22

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

The Variance requested in Case 065-V-22 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant, Donato Solar – Rantoul LLC, to authorize the following variance in the AG-2 Agriculture Zoning District:

Authorize the following variance for the Data Center proposed as a Special Use Permit in related case 063-S-22:

1 **Part A: Authorize a variance for 7 parking spaces in lieu of the minimum required 30 parking**
2 **spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.**

3
4 **Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading**
5 **berth, per Section 7.4.1 C.5. of the Zoning Ordinance**

6
7 Mr. Elwell requested a roll call vote.

8
9 The vote was called as follows:

10	Randol- yes	Roberts- yes	Anderson- yes	Herbert- absent
11	Elwell- yes	Wood – absent	Bates- yes	

12
13 **The motion carried.**

14
15 Mr. Elwell congratulated Mr. Grilo. He asked Ms. Burgstrom if they only had the two special conditions
16 for Case 064-S-22.

17
18 Mr. Elwell said that he would be reading the special conditions for Case 064-S-22 from Attachment I,
19 page 40 of 58 in Supplemental Memorandum #1, as follows:

20
21 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 064-S-22**

22
23 **17. Regarding proposed special conditions of approval:**

24
25 **A. The approved site plan consists of the following documents:**

- 26 • **Site Plan sheets received September 16, 2022.**

27
28 **The above special condition is required to ensure that:**

29 **The constructed PV SOLAR FARM is consistent with the Special Use Permit**
30 **approval.**

31
32 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

33
34 Mr. Grilo agreed.

35
36 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
37 **issue a Zoning Compliance Certificate on the subject property until the lighting**
38 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

39
40 **The special condition stated above is required to ensure the following:**

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

43
44 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

45
46 Mr. Grilo agreed.

1 C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
2 proposed PV SOLAR FARM until the petitioner has demonstrated that the
3 proposed Special Use complies with the Illinois Accessibility Code, if necessary.
4

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

6 That the proposed Special Use meets applicable state requirements for
7 accessibility.
8

9 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.
10

11 Mr. Grilo agreed.
12

13 D. The Zoning Administrator shall not authorize a Zoning Use Permit until the
14 petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement
15 with the Illinois Department of Agriculture per the requirements established in
16 Paragraph 6.1.5 R. of the Zoning Ordinance.
17

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

19 That the land affected by PV SOLAR FARM is restored to its pre-
20 construction capabilities.
21

22 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.
23

24 Mr. Grilo agreed.
25

26 E. A signed Decommissioning and Site Reclamation Plan that has been approved by
27 ELUC is required at the time of application for a Zoning Use Permit that complies
28 with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a
29 decommissioning cost estimate prepared by an Illinois Professional Engineer.
30

31 The above special conditions are required to ensure that:

32 The Special Use Permit complies with Ordinance requirements and as
33 authorized by waiver.
34

35 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.
36

37 Mr. Grilo agreed.
38

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

- 41
- 42 1. Documentation of the solar module’s unlimited 10-year warranty and the 25-
43 year limited power warranty.
44
- 45 2. Certification by an Illinois Professional Engineer that any relocation of
46 drainage district tile conforms to the Champaign County Storm Water
47 Management and Erosion Control Ordinance.
48

- 1 3. An irrevocable letter of credit to be drawn upon a federally insured financial
- 2 institution with a minimum acceptable long term corporate debt (credit
- 3 rating of the proposed financial institution shall be a rating of “A” by S&P
- 4 or a rating of “A3” by Moody’s or a rating of “A-” by Kroll Bond Rating
- 5 Agency within 200 miles of Urbana or reasonable anticipated travel costs
- 6 shall be added to the amount of the letter of credit.
- 7
- 8 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM
- 9 including any access road that conforms to the relevant Natural Resources
- 10 Conservation Service guidelines and that is prepared by an Illinois Licensed
- 11 Professional Engineer.
- 12
- 13 5. Documentation regarding the seed to be used for the pollinator planting, per
- 14 6.1.5 F.(9).
- 15
- 16 6. The telephone number for the complaint hotline required by 6.1.5 S.
- 17
- 18 7. Any updates to the approved Site Plan per the requirements provided in
- 19 Section 6.1.5 U.1.c.
- 20
- 21 8. A noise study that meets the requirements of 6.1.5 I.3. that has been
- 22 approved by the Environment and Land Use Committee.

The above special condition is required to ensure that:

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

28 Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

30 Mr. Grilo agreed.

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

- 35
- 36 1. An as-built site plan of the PV SOLAR FARM including structures, property
- 37 lines (including identification of adjoining properties), as-built separations,
- 38 public access road and turnout locations, substation(s), electrical cabling
- 39 from the PV SOLAR FARM to the substations(s), and layout of all structures
- 40 within the geographical boundaries of any applicable setback.
- 41
- 42 2. As-built documentation of all permanent soil erosion and sedimentation
- 43 improvements for all PV SOLAR FARM including any access road prepared
- 44 by an Illinois Licensed Professional Engineer.
- 45
- 46 3. An executed interconnection agreement with the appropriate electric utility
- 47 as required by Section 6.1.5 B.(3)b.
- 48

The above special condition is required to ensure that:

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

Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

Mr. Grilo agreed.

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

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

**The above special condition is required to ensure that:
Future requirements are clearly identified for all successors of title, lessees, any operator and/or owner of the PV SOLAR ARRAY.**

Mr. Elwell asked Mr. Grilo if he was in agreement with that special condition.

Mr. Grilo agreed.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 064-S-22, as amended.

Mr. Roberts moved, seconded by Mr. Randol, to adopt the Summary of Evidence and Documents of Record as amended, and move to the Findings of Fact for Case 064-S-22. The motion carried by voice vote.

1 Mr. Elwell said that he would be reading the Findings of Fact for Case 064-S-22 from Attachment I, page
2 46 of 58 in Supplemental Memorandum #1, as follows:

3
4 **FINDINGS OF FACT FOR CASE 064-S-22**

5 From the documents of record and the testimony and exhibits received at the public hearing for zoning
6 case **064-S-22** held on **August 11, 2022 and October 13, 2022**, the Zoning Board of Appeals of
7 Champaign County finds that:

8
9 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
10 **location because:**

11
12 Mr. Bates said the requested Special Use Permit IS necessary for the public convenience at this location
13 because: the State has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's
14 energy coming from renewable sources by 2025. He said the Illinois Future Energy Jobs Act requires
15 installation of 3,000 Megawatts of new solar capacity by 2030. He said there is an existing Ameren
16 substation located west of the Canadian National railroad tracks approximately 2,400 feet northeast of the
17 subject property.

18
19 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
20 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT /***
21 ***WILL}* be injurious to the district in which it shall be located or otherwise detrimental to**
22 **the public health, safety, and welfare because:**

23
24 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
25 **location has *{ADEQUATE / INADEQUATE}* visibility because:**
26

27 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
28 visibility because: traffic volumes are not expected to increase significantly other than during construction
29 of the project. He said the Village of Rantoul, which maintains County Road 1500 East, they don't
30 anticipate additional wear and tear to the road. He said the notice was also sent to the Township Supervisor
31 and the Township Road Commissioner and have received no comments back.

32
33 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**
34

35 Mr. Bates said the emergency services availability is ADEQUATE because: the subject property is located
36 approximately 2.4 road miles from the Rantoul Fire Station. He said in a letter dated July 9, 2022, the
37 Rantoul Fire Chief said that he saw no issues with the design of the proposed project.

38
39 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**
40

41 Mr. Randol said the Special Use WILL be compatible with adjacent uses because: the proposed PV solar
42 array will not be disruptive to any of the surrounding agriculture. He said the inverters are located
43 approximately 700 feet from the adjacent residence to the west.

44
45 **d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:**
46

47 Mr. Bates said the surface and subsurface drainage will be ADEQUATE because: no part of the subject
48 property is located within a mapped floodplain. He said a Storm Water Drainage Plan and detention basin

1 will be required if more than 16% of the subject property is impervious area, including gravel, buildings,
2 and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.

3
4 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

5
6 Mr. Randol said the public safety will be ADEQUATE because: the subject property is located
7 approximately 2.4 road miles from the Rantoul Fire Station. He said in a letter dated July 9, 2022 from
8 the Rantoul Fire Chief said that they saw no issues with the design of the proposed project. He said a
9 notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments
10 have been received either.

11
12 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

13
14 Mr. Bates said the provisions for parking will be ADEQUATE because: a PV solar array does not require
15 parking and there is no significant increase in traffic expected for the proposed development.

16
17 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed**
18 **improvements because:**

19
20 Mr. Randol said the property IS well suited overall for the proposed improvements because: the property
21 site is reasonably well-suited in all respects and has no major defects.

22
23 **h. Existing public services {ARE/ARE NOT} available to support the proposed**
24 **SPECIAL USE without undue public expense because:**

25
26 Mr. Bates said the existing public services ARE available to support the proposed Special Use without
27 undue public expense because: no additional public services are necessary for the proposed development.

28
29 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}**
30 **adequate to support the proposed development effectively and safely without undue**
31 **public expense because:**

32
33 Mr. Randol said the existing public infrastructure together with the proposed development IS adequate to
34 support the proposed development effectively and safely without undue public expense because: no new
35 public infrastructure is required for the proposed development.

36
37 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
38 *IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious
39 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

40
41 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
42 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
43 **DISTRICT in which it is located, subject to approval of the requested waivers.**

44
45 Mr. Bates said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
46 *HEREIN* DOES conform to the applicable regulations and standards of the district in which it is located,
47 subject to approval of the requested waivers.

1 **3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 2 ***HEREIN* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which**
 3 **it is located because:**

4
 5 **a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant**
 6 **County ordinances and codes.**

7
 8 Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and
 9 codes.

10
 11 **b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.**

12
 13 Mr. Randol said the Special Use WILL be compatible with adjacent uses.

14
 15 **c. Public safety will be *{ADEQUATE / INADEQUATE}*.**

16
 17 Mr. Randol said the public safety will be ADEQUATE.

18
 19 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 20 *IMPOSED HEREIN* DOES preserve the essential character of the district in which it is located.

21
 22 **4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 23 ***HEREIN* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance**
 24 **because:**

25 **a. The Special Use is authorized in the District.**

26
 27 **b. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience**
 28 **at this location.**

29
 30 Mr. Bates said the requested Special Use Permit IS necessary for the public convenience at this location.

31
 32 **c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
 33 ***IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it**
 34 ***{WILL / WILL NOT}* be injurious to the district in which it shall be located or**
 35 **otherwise detrimental to the public health, safety, and welfare.**

36
 37 Mr. Bates said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
 38 *HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
 39 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

40
 41 **d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
 42 ***IMPOSED HEREIN* *{DOES / DOES NOT}* preserve the essential character of the**
 43 **DISTRICT in which it is located.**

44
 45 Mr. Bates said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
 46 *HEREIN* DOES preserve the essential character of the DISTRICT in which it is located.

47
 48 Mr. Roberts said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 49 *IMPOSED HEREIN* IS in harmony with the general purpose and intent of the Ordinance.

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

2

3 6. Regarding necessary waivers of standard conditions:

4

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

9

10 Mr. Elwell asked if there was any discussion from the Board.

11

12 Mr. Randol said that he doesn’t ever remember seeing that statement in anything before.

13

14 Mr. Hall said he thinks they have included it a few times before, but it doesn’t happen that often, it’s very
15 pleasant when it does, but it doesn’t happen that often.

16

17 Mr. Elwell asked Mr. Randol if he would like for him to read all this.

18

19 Mr. Randol said please do.

20

21 A. Regarding Part A of the proposed waivers, for not providing a Decommissioning
22 and Site Reclamation Plan that includes cost estimates prepared by an Illinois
23 Licensed Professional Engineer prior to consideration of the Special Use Permit by
24 the Board:

25

26 (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent
27 of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the
28 neighborhood or to the public health, safety, and welfare because:

29

30 Mr. Randol said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
31 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.

32

33 (2) Special conditions and circumstances *{DO / DO NOT}* exist which are
34 peculiar to the land or structure involved, which are not applicable to other
35 similarly situated land and structures elsewhere in the same district because:

36

37 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
38 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
39 the same district because: the petitioner still needs to provide some documents prior to receiving the
40 Zoning Use Permit.

41

42 (3) Practical difficulties or hardships created by carrying out the strict letter of
43 the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable
44 or otherwise permitted use of the land or structure or construction because:

45

46 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
47 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
48 structure or construction because: some details such as cost estimates are not available until closer to
49 construction.

- 1 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 2 **/ DO NOT} result from actions of the applicant because:**

3
 4 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 5 from actions of the applicant because: some details such as cost estimates are not available until closer to
 6 construction.

- 7
 8 **(5) The requested waiver {SUBJECT TO THE PROPOSED SPECIAL**
 9 **CONDITION} {IS / IS NOT} the minimum variation that will make possible**
 10 **the reasonable use of the land/structure.**

11
 12 Mr. Randol said the requested waiver *SUBJECT TO THE PROPOSED SPECIAL CONDITIONS* IS the
 13 minimum variation that will make possible the reasonable use of the land/structure.

- 14
 15 **B. Regarding Part B of the proposed waivers, for locating the PV SOLAR ARRAY less**
 16 **than one-half mile from an incorporated municipality and within the contiguous**
 17 **urban growth area of a municipality:**

- 18
 19 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent**
 20 **of the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
 21 **neighborhood or to the public health, safety, and welfare because:**

22
 23 Mr. Bates said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
 24 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because: the
 25 Village of Rantoul indicated its support for constructing the project within the contiguous urban growth
 26 boundary and less than one-half mile from the municipality.

- 27
 28 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
 29 **to the land or structure involved, which are not applicable to other similarly**
 30 **situated land and structures elsewhere in the same district because:**

31
 32 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 33 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 34 the same district because: the Village of Rantoul indicated its support for constructing the project within
 35 the contiguous urban growth boundary and less than one-half mile from the municipality.

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

40
 41 Mr. Bates said the practical difficulties or hardships created by carrying out the strict letter of the
 42 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 43 structure or construction because: without the waiver, the project could not be constructed on the subject
 44 property.

- 45
 46 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 47 **/ DO NOT} result from actions of the applicant because:**

1 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 2 from actions of the applicant because: the Village of Rantoul indicated its support for constructing the
 3 project.

- 4
 5 **(5) The requested waiver {SUBJECT TO THE PROPOSED SPECIAL**
 6 **CONDITION} {IS / IS NOT} the minimum variation that will make possible**
 7 **the reasonable use of the land/structure because:**

8
 9 Mr. Bates said the requested waiver *SUBJECT TO THE PROPOSED SPECIAL CONDITIONS* IS the
 10 minimum variation that will make possible the reasonable use of the land/structure because: without the
 11 waiver, the project could not be constructed on the subject property.

- 12
 13 **C. Regarding Part C of the proposed waivers, for locating 235 feet from a non-**
 14 **participating existing dwelling on a lot that is more than 10 acres in area in lieu of**
 15 **the minimum required separation of 255 feet:**

- 16
 17 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent**
 18 **of the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
 19 **neighborhood or to the public health, safety, and welfare because:**

20
 21 Mr. Randol said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
 22 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.

- 23
 24 **(2) Special conditions and circumstances {DO / DO NOT} exist which are**
 25 **peculiar to the land or structure involved, which are not applicable to other**
 26 **similarly situated land and structures elsewhere in the same district because:**

27
 28 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 29 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 30 the same district because: the petitioner was not aware of this requirement when they purchased the subject
 31 property to begin his project.

- 32
 33 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 34 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable**
 35 **or otherwise permitted use of the land or structure or construction because:**

36
 37 Mr. Bates said the practical difficulties or hardships created by carrying out the strict letter of the
 38 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 39 structure or construction because: the petitioner would have to reduce the size of the PV solar array.

- 40
 41 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 42 **/ DO NOT} result from actions of the applicant because:**

43
 44 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO result from
 45 actions of the applicant because: the petitioner was not aware of this requirement when they purchased
 46 the land for the project.

47
 48 Mr. Hall said that these waivers are being treated like variances, and the Board can't approve a waiver
 49 unless there is an affirmative finding for each of the criteria.

1 Mr. Randol said so it has to be positive for every finding, but isn't the whole issue with that, because the
2 petitioner wasn't aware of what had to be done – he isn't looking at it negatively.

3
4 Mr. Hall said any response to number four that says it does result from actions of the applicant is a negative
5 finding, so could it be that since the petitioner was not aware of the requirement when they purchased the
6 land and asked Mr. Randol if he could find that, that does not result from his actions.

7
8 Mr. Randol said he was looking at it like if the petitioner knew all of this to begin with, the petitioner may
9 not have proceeded, but he guesses that is an assumption.

10
11 Mr. Hall said when he hears that, he would think it would not result from actions of the applicant, because
12 he didn't know this applied.

13
14 Mr. Randol said he concedes.

15
16 Mr. Elwell said so do not.

17
18 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties **DO NOT** result
19 from actions of the applicant because: the petitioner was not aware of this requirement when they
20 purchased the land for the project.

21
22 **(5) The requested waiver {SUBJECT TO THE PROPOSED SPECIAL**
23 **CONDITION} {IS / IS NOT} the minimum variation that will make possible**
24 **the reasonable use of the land/structure because:**

25
26 Mr. Randol said the requested waiver *SUBJECT TO THE PROPOSED SPECIAL CONDITIONS* IS the
27 minimum variation that will make possible the reasonable use of the land/structure because: the petitioner
28 could set the solar arrays 20 feet further back on the subject property.

29
30 **D. Regarding Part D of the proposed waivers, for a separation distance of 165 feet**
31 **between the solar inverters and the perimeter fence in lieu of the minimum required**
32 **275 feet:**

33
34 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent**
35 **of the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
36 **neighborhood or to the public health, safety, and welfare because:**

37
38 Mr. Bates said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
39 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because: the
40 275 feet is not possible because the lot width is insufficient; however, the closest residence to the north or
41 south is approximately 1,700 feet to the north.

42
43 **(2) Special conditions and circumstances {DO / DO NOT} exist which are**
44 **peculiar to the land or structure involved, which are not applicable to other**
45 **similarly situated land and structures elsewhere in the same district because:**

46
47 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
48 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
49 the same district because: the lot width is insufficient to meet the required separation distance.

- 1 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 2 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable**
 3 **or otherwise permitted use of the land or structure or construction because:**
 4

5 Mr. Bates said the practical difficulties or hardships created by carrying out the strict letter of the
 6 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 7 structure or construction because: without the waiver, the project could not be constructed on the subject
 8 property.
 9

- 10 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 11 **/ DO NOT} result from actions of the applicant because:**
 12

13 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 14 from actions of the applicant because: the petitioner was not aware of this requirement when they
 15 purchased the land for the project, and they did not create the tract of land.
 16

- 17 **(5) The requested waiver {SUBJECT TO THE PROPOSED SPECIAL**
 18 **CONDITION} {IS / IS NOT} the minimum variation that will make possible**
 19 **the reasonable use of the land/structure because:**
 20

21 Mr. Bates said the requested waiver *SUBJECT TO THE PROPOSED SPECIAL CONDITION* IS the
 22 minimum variation that will make possible the reasonable use of the land/structure because: without the
 23 waiver, the project could not be constructed on the subject property.
 24

25 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
 26 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
 27 **PARTICULAR PURPOSES.**
 28

29 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the Findings
 30 of Fact for Case 064-S-22, as amended.
 31

32 **Mr. Roberts moved, seconded by Mr. Bates, to adopt the Summary of Evidence, Documents of**
 33 **Record, and the Findings of Fact for Case 064-S-22, as amended. The motion carried by voice vote.**
 34

35 Mr. Elwell told Mr. Grillo that a full Board wasn't present at tonight's meet and four affirmative votes
 36 would be needed for the approval this case out of the five Board members present tonight. He asked him
 37 if he would like to proceed with this case.
 38

39 Mr. Grillo said yes please.
 40

41 Mr. Elwell entertained a motion to move to the Final Determination for Case 064-S-22.
 42

43 **Mr. Bates moved, seconded by Mr. Roberts, to move to the Final Determination for Case 064-S-22.**
 44 **The motion carried by voice vote.**
 45

46 Mr. Elwell said that he would be reading from Attachment I, page 55 of 58 in Supplemental Memorandum
 47 #1, as follows:
 48
 49

FINAL DETERMINATION FOR CASE 064-S-22

Mr. Randol moved, seconded by Mr. Bates, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:

The Special Use requested in Case 064-S-22 be GRANTED WITH SPECIAL CONDITIONS to the applicant, Donato Solar – Rantoul LLC, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol- yes	Roberts- yes	Anderson- yes	Herbert- absent
Elwell- yes	Wood – absent	Bates- yes	

The motion carried.

Mr. Hall said that map amendment will be at the November 3, 2022 ELUC meeting.

Mr. Elwell thanked Mr. Grilo for his patience tonight.

Mr. Grilo thanked the Board and staff, and he knows he will be back in couple of weeks, but he just wanted to make the Board aware in case they’re not aware; not taking anything away from Mr. Hall, but he has been mainly working with Ms. Burgstrom, and she has been incredible throughout the entire process, which is complicated, because there is a lot of information to absorb, and she answers the phone, replies to emails extremely quick, is so incredibly helpful, and has been a godsend through this whole process. He really appreciates it and just in case they were unaware, and she is a wealth of information.

Mr. Elwell said two things Mr. Grilo, one is she has a reputation to keep up with, so let’s kind of keep a lid on that, and two, it’s been very refreshing have a petitioner listen to what the Board has wanted to see and hear from him, and in a very prudent timeline to be able to come back and say this is what I found, and this is what you asked for, so from their end of things, that is greatly appreciated. He said Ms. Burgstrom does have a reputation to keep up with.

7. New Public Hearings - None

8. Staff Report - None

9. Other Business

Mr. Anderson said he would like to compliment Mr. Randol, Mr. Bates, and Mr. Elwell for handling most of the load tonight, and Mr. Elwell had read several words out loud tonight and he is glad his voice held out.

Mr. Elwell thanked Mr. Anderson. He said his wife has told him several times that he has a big mouth.

Mr. Randol said he better stop while he is ahead.

1 Mr. Elwell said he does agree, it was very appreciative getting through these four cases.
2
3 Mr. Randol said he is glad it was him doing all of the reading tonight and not him; he is entitled to get
4 tongue tied and twisted once in a while.
5
6 Mr. Elwell asked if they could come in costumes to the next meeting.
7
8 Mr. Hall said there is no dress code.
9
10 Mr. Elwell said wait there is no dress code.
11
12 Mr. Bates asked if they had gotten any feedback on the Pledge of Allegiance.
13
14 Mr. Elwell told him that was the second thing he was going to ask. He asked Mr. Hall if there was no
15 dress code.
16
17 Mr. Hall said there is no dress code.
18
19 Mr. Elwell said no shirt and shoes.
20
21 Mr. Hall said there is literally no dress code.
22
23 Mr. Elwell said he doesn't believe Mr. Roberts was here the last time when he had asked of the
24 consensus of starting the meeting with the Pledge of Allegiance. He believes last year when he brought
25 this up Mr. Roberts hadn't had any thoughts on it. He seems to have remembered him say no to it or
26 not wanting to do it.
27
28 Mr. Roberts said that is correct.
29
30 Mr. Elwell asked what that would look like and would it have to go to the State's Attorney or anything
31 like that.
32
33 Mr. Hall asked if he was talking about adding the Pledge of Allegiance.
34
35 Mr. Elwell said yes, to the beginning of each meeting.
36
37 Mr. Hall said it should be an amendment to the By-laws just so everything is consistent, but the State's
38 Attorney said they could certainly invite everyone to participate in the Pledge of Allegiance, but they
39 couldn't make it a requirement or penalize someone for not participating.
40
41 Mr. Elwell asked how they would get that in the By-laws.
42
43 Mr. Hall said they could propose an amendment to the By-laws, which would add the Pledge of
44 Allegiance as a standard part of every meeting.
45
46 Mr. Elwell asked if that would have to be advertised.
47
48 Mr. Hall said amendments to the By-laws have normally never been advertised, however, they did
49 check with the State's Attorney regarding virtual public participation at ZBA meetings, and the State's

1 Attorney said the Board could amend their By-laws to allow that, but that would have to be advertised
2 and in effect receive a public hearing. He said it doesn't have to be approved by the County Board, but
3 they have to give the public the chance to comment.
4

5 Mr. Roberts asked if they would be embarrassed if he didn't participate when they do that.
6

7 Mr. Elwell said absolutely not, so if he understands this correctly, they could do both of those at the
8 same time.
9

10 Mr. Hall said yes, he would only want to include the virtual testimony in the newspaper advertisement,
11 but then when folks come to the meeting, they could be dealing with both. He said the way they
12 normally do the By-laws is the amendment is read at one meeting and then it can't be approved until
13 the second meeting, so the public does have a chance to comment on it.
14

15 Mr. Elwell said okay and asked if there was any downside to the virtual public participation.
16

17 Mr. Randol said from the experiences they had during all the COVID-19 stuff with the virtual zoom
18 meetings, he thinks it would be a hassle and disruption; they continually had trouble.
19

20 Mr. Hall said as he recalls there were disruptions, but he doesn't recall any meeting that went smoothly
21 with trying to do remotely.
22

23 Mr. Randol said he doesn't think they had one that was flawless.
24

25 Mr. Hall said which is kind of frustrating, it became so commonplace, but yet still it was never perfect,
26 and even today the County Board at their last mixed meeting was not perfect.
27

28 Mr. Elwell said he does like the idea of being able to have the public participation, he likes that thought,
29 but having the laptops in front of them, it was just really difficult on several different levels. He said
30 that was brought up and he thinks they should at least have a discussion over it, and he doesn't know
31 what that would look like for them in the agenda, but if they could have that discussion, he thinks that
32 would be appreciated.
33

34 Mr. Hall said again, to have the discussion they would need to advertise.
35

36 Mr. Elwell said right.
37

38 Mr. Hall said he wants to do that, and he wants to have that discussion even though the general feeling
39 here tonight is not seen as a good thing.
40

41 Mr. Randol said he would tell them what, if they enact something like that he is going to resign,
42 because it is a hassle, and he is totally against it. He said that he has served on this Board long enough
43 that he doesn't care whether he is here or not and if they have to do that, it was just not productive he
44 doesn't think.
45

46 Mr. Elwell said the only reason he brings this up is because of Justin Leerkamp and to be able to have
47 that conversation about this for him since he is not here, and it was never published or anything. He
48 said he doesn't think it is going to go, but Mr. Leerkamp asked for it and he thinks at the very least
49 they should have that conversation of why they think that, but he is going to leave that up to them.

1 Mr. Bates said he definitely thinks it warrants a discussion and referred to Mr. Elwell's point about
2 putting everything on the table and at least everyone is aware they weren't closeminded or closed ears
3 to the general public.

4
5 Mr. Elwell said from their experience, it doesn't work very well, but for others it could work very well,
6 and just having that conversation of them making a good earnest effort with this, but it just wasn't
7 productive, he thinks would be good for Mr. Leerkamp to hear.

8
9 Mr. Randol said it was frustrating and it wasn't productive in his opinion, but he agrees that somebody
10 needs to understand that from the Board's perspective.

11
12 Mr. Hall said the earliest they could do the advertisement, now again, he is assuming since they have
13 to provide public notice of that particular amendment to the By-laws, he is assuming they would want
14 to meet the standard not less than 15 days and not more than 30 days legal advertisement, which would
15 make the earliest that the Board could consider that would be at the meeting on December 1, 2022.

16
17 Mr. Bates asked if it would be for both of those items.

18
19 Mr. Hall said yes, so that is what they will plan to do.

20
21 Mr. Elwell thanked him and asked if there was anything else.

22
23 Mr. Anderson referred to the two Board members that were absent at tonight's meeting. He asked if
24 health issues were one of the excuses.

25
26 Mr. Elwell said he was unaware.

27
28 Ms. Burgstrom said they didn't receive any reason why tonight, it was just a no.

29
30 Mr. Elwell said he thinks they saw the special conditions and didn't want to be deaf by him talking,
31 that's his thought.

32
33 Mr. Bates said not to extend this, but in all seriousness if that scenario were to happen and asked if
34 Mr. Elwell was not able to attend then what would happen.

35
36 Mr. Elwell congratulated Mr. Bates.

37
38 Mr. Bates said no.

39
40 Mr. Hall said the Board that night would have to select a temporary chair.

41
42 Mr. Elwell congratulated Mr. Bates.

43
44 **A. Review of Docket**

45
46 Mr. Elwell asked if there was going to be any absences coming up.

47
48 Mr. Bates said the only foreseeable one would be the December 29, 2022 meeting for him.

49

1 Mr. Elwell said okay and asked Mr. Hall when their next meeting was.

2

3 Mr. Hall said October 27, 2022.

4

5 **10. Adjournment**

6

7 Mr. Elwell entertained a motion to adjourn the meeting.

8

9 **Mr. Roberts moved, seconded by Mr. Bates, to adjourn the meeting. The motion carried by voice**
10 **vote.**

11

12 The meeting adjourned at 8:38p.m.

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14 Respectfully Submitted

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18 Secretary of the Zoning Board of Appeals

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