

CASE 086-AT-23

SUPPLEMENTAL MEMORANDUM #2

MAY 11, 2023

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows in order to ensure compliance with Public Act 102-1123:

1. Add the following definitions to Section 3.0 Definitions: FACILITY OWNER, NON-PARTICIPATING PROPERTY, OCCUPIED COMMUNITY BUILDING, PARTICIPATING PROPERTY.
2. Revise the following definitions in Section 3.0 Definitions: PARTICIPATING DWELLING, NON-PARTICIPATING DWELLING, COMMUNITY PV SOLAR FARM
3. Revise Section 6.1.4 WIND FARM SPECIAL USE PERMIT to establish an effective date for regulating previously authorized WIND FARMS.
4. Add new Section 6.1.5 PROPOSED WIND FARM SPECIAL USE PERMIT to establish regulations applicable after an effective date for proposed WIND FARMS, including but not limited to:
 - a. Establish a separation from each WIND FARM TOWER of 1.1 times the maximum blade tip height to the nearest PARTICIPATING DWELLING, to the center point of a public street right-of-way, to the nearest non-participating property line, and to third-party transmission lines.
 - b. Establish a separation from each WIND FARM TOWER of 2.1 times the maximum blade tip height to the nearest NON-PARTICIPATING DWELLING or OCCUPIED COMMUNITY BUILDING, and to the nearest point on the property line of fish and wildlife areas and Illinois Nature Preserve Commission protected lands.
 - c. Establish that the total WIND FARM TOWER HEIGHT (measured to the tip of the highest rotor blade) must receive a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.
 - d. Establish that the financial assurance for WIND FARMS will be based on the requirements in the Agricultural Impact Mitigation Agreement but will be required to be an Escrow Account.
 - e. Add other new standard conditions consistent with Public Act 102-1123.
5. Renumber existing Section 6.1.5 to new Section 6.1.6 PHOTOVOLTAIC (PV) SOLAR FARM and establish an effective date for regulating previously authorized PHOTOVOLTAIC (PV) SOLAR FARMS.
6. Add new Section 6.1.7 PROPOSED PHOTOVOLTAIC (PV) SOLAR FARM to establish regulations applicable after an effective date for

proposed PHOTOVOLTAIC (PV) SOLAR FARMS, including but not limited to:

- a. Establish a separation of 50 feet between the PV SOLAR FARM fencing and the street centerline.
- b. Establish a separation of 50 feet between the nearest edge of any component of the PV SOLAR FARM and the nearest point on the property line of the non-participating property.
- c. Establish a separation of 150 feet from the nearest edge of any component of the PV SOLAR FARM and the nearest point on the outside wall of an OCCUPIED COMMUNITY BUILDING or NON-PARTICIPATING DWELLING.
- d. Establish that the financial assurance for PV SOLAR FARMS will be based on the requirements in the Agricultural Impact Mitigation Agreement.
- e. Add other new standard conditions consistent with Public Act 102-1123.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

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

STATUS

Public Act 102-1123 requires that a public hearing start within 45 days of receipt of an application for a wind or solar farm and final determination be made within 30 days of the close of the public hearing. In Champaign County, wind farms and solar farms require a County Board decision after the ZBA hearing and one ELUC meeting.

Staff did a brief analysis of the 2023 meeting calendar, including ZBA, ELUC, and full County Board meetings. Due to standard meeting schedules, there are three months of the year when Champaign County would not be able to meet the 30-day statutory deadline: February, June, and September.

Staff proposes adding the following as Item 18 in the Findings of Fact:

18. Public Act 102-1123 requires that a final determination be made regarding a wind farm or solar farm project within 30 days of the close of the public hearing. In Champaign County, wind farms and solar farms require a County Board decision after the ZBA hearing and one ELUC meeting. Due to standard meeting schedules for ZBA, ELUC, and County Board, there are three months of the year when Champaign County would not be able to meet the 30-day statutory deadline: February, June, and September.

PROPOSED ADDITION TO AMENDMENT

Staff proposes adding language to the amendment regarding the 45-day and 30-day statutory deadlines. The proposed changes acknowledge that sometimes the County will be unable to meet the 30-day deadline while seeking permission from the developer to extend the approval timeline.

In the “Strict” version (Attachment B from Supplemental Memo 1)

Page A-23: 6.1.5 P. Deadlines for Start of Public Hearing and Governing Body Determination

- (1) A public hearing for a PV SOLAR FARM shall begin within 45 days of filing a complete SPECIAL USE Permit application. This requirement is imposed by Public Act 102-1123 and the number of days shall not be increased or eliminated unless waived by the developer.
- (2) A decision on the SPECIAL USE Permit shall be made within 30 days after the conclusion of the public hearing. This requirement is imposed by Public Act 102-1123 and the number of days shall not be increased or eliminated unless waived by the developer.

Page A-45: 6.1.7 P. add the phrase “unless waived by the developer” to the end of items P.1 and P.2.

In the “Less strict” version (Attachment C from Supplemental Memo 1)

Page A-28: 6.1.5 V. Deadlines for Start of Public Hearing and Governing Body Determination

Add the phrase “unless waived by the developer” to the end of items V.1 and V.2.

Page A-58: 6.1.7 W. Deadlines for Start of Public Hearing and Governing Body Determination

Add the phrase “unless waived by the developer” to the end of items W.1 and W.2.