Champaign County
Department of

PLANNING & ZONING

#### Brookens Administrative Center

1776 E. Washington Street Urbana, Illinois 61802

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

# CASES 109-AM-23, 110-S-23, 111-S-23 & 112-V-23

SUPPLEMENTAL MEMORANDUM #2 November 30, 2023

**Petitioner:** Anthony Donato, d.b.a. Donato Solar – Bondville LLC

# **Request:**

### CASE 109-AM-23

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23.

#### CASE 110-S-23

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23, and subject to the following waiver:

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

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires written approval of the DATA CENTER location by the relevant Fire Protection District.

## CASE 111-S-23

Authorize a photovoltaic solar array with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):

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

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

Part C: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).

#### Case 112-V-23

Authorize the following variance for the data center proposed as a Special Use Permit in related case 110-S-23:

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

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

**Location**: A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott

Township.

**Site Area**: approximately 17 acres of a 77.5-acre tract

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner

John Hall, Zoning Administrator

#### **STATUS**

As mentioned in the previous memorandum, Section 6.1.3 of the Zoning Ordinance contains a standard condition for a Data Center Special Use Permit: "The location of the Data Center must be approved in writing by the relevant Fire Protection District."

On November 30, 2023, P&Z Staff received an email forwarded from Mr. Grilo in which Adam Shaw, Bondville Fire Chief, states the location of the data center is acceptable. The waiver added in the previous memo is no longer necessary.

Chief Shaw stated in the email that he would like to be able to run a brush truck between the solar farm fence and the arrays. He has agreed that the 16 foot width between the fence and the arrays as shown on the site plan is sufficient.

Chief Shaw also stated that he wants a fire hydrant within 200 feet of the data center along the gravel road leading to the project. Special condition G. has been revised by adding part 4 to ensure compliance.

The email also includes discussion of where a Knox box should be located for use by the fire department. A Knox box is a requirement for the solar array. Special condition G.4. also includes a requirement for the Knox box installation prior to receiving a Zoning Compliance Certificate.

#### PROPOSED SPECIAL CONDITIONS - REVISED

The following special conditions are proposed for Map Amendment Case 109-AM-23:

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

B. The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.

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

That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.

The following special conditions are proposed for Special Use Permit Case 110-S-23:

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.

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.

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

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

New commercial buildings shall be in conformance with Public Act 96-704.

The following special conditions are proposed for Special Use Permit Case 111-S-23:

- A. The approved site plan consists of the following documents:
  - Site Plan sheets received August 25 November 30, 2023.

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

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

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

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

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

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

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

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

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

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

That the land affected by PV SOLAR FARM is restored to its preconstruction capabilities.

E. A Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.

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

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

- **E**. Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:
  - 1. The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.
  - 2. The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.
  - 3. Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.

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

The Special Use Permit complies with Ordinance requirements regarding road use agreements.

- **F**. The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:
  - 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.

- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.
- 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.
- 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).
- 6. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.
- 7. The telephone number for the complaint hotline required by 6.1.5 S.
- 8. Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.

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

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

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

4. A fire hydrant shall be installed along the gravel drive within 200 feet of the data center in compliance with the relevant standards of the relevant jurisdiction and written acceptance by the Bondville Fire Department shall be submitted to the Zoning Administrator and a Knox box shall be installed at the door to the Data Center.

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

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

- H. The Applicant or Owner or Operator of the PV SOLAR 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 special condition stated above is required to ensure the following:

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

- **I**. Within the boundary of the solar farm, the petitioner shall:
  - 1. Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;
  - 2. Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and

Anthony Donato NOVEMBER 30, 2023

3. No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required "as-built" drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.

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

To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.

J. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.

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

To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.

Within one year of residential development (i.e. construction of a dwelling)
 within 1,000 feet of the PV SOLAR ARRAY on the north, east, and south sides,
 the owner of the PV SOLAR ARRAY will establish vegetative screening per
 Section 6.1.5 M.(2) of the Zoning Ordinance.

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

To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.

There are no proposed special conditions for Variance Case 112-V-23.

#### **ATTACHMENTS**

- A Legal advertisement
- B Email from Tony Grilo and Adam Shaw received November 30, 2023
- C Revised Site Plan received November 30, 2023 2 sheets

LEGAL PUBLICATION: WEDNESDAY, AUGUST 30, 2023 CASES: 109-AM-23, 110-S-23, 111-S-23 & 112-V-23

NOTICE OF A PUBLIC HEARING IN REGARD TO A REZONING, TWO SPECIAL USE PERMITS WITH WAIVERS AND A VARIANCE ON PROPERTY IN UNINCORPORATED CHAMPAIGN COUNTY UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE

Anthony Donato, d.b.a. Donato Solar – Bondville LLC, 707 Osterman Ave, Deerfield, IL 60015, has filed petitions for a Zoning Map Amendment, two Special Use Permits with waivers, and a Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, IL.

A public hearing will be held **Thursday**, **September 14**, **2023**, **at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

#### CASE 109-AM-23

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23.

#### CASE 110-S-23

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23, and subject to the following waiver:

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

#### CASE 111-S-23

Authorize a photovoltaic solar array with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):

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

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

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

Part D: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).

#### Case 112-V-23

Authorize the following variance for the data center proposed as a Special Use Permit in related case 110-S-23:

Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 16 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

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

## SUBJECT PROPERTY:

A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair Champaign County Zoning Board of Appeals

## TO BE PUBLISHED: WEDNESDAY, AUGUST 30, 2023 ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.

Brookens Administrative Center

1776 E. Washington Street

Urbana, IL 61802 Phone: 384-3708

Our News Gazette account number is 99225860.

# **Susan Burgstrom**

From: Sent: Tony Grilo <tonygrilo@gmail.com> Thursday, November 30, 2023 7:08 AM

To:

Susan Burgstrom

Subject:

Fwd: Bondville Datacenter and Solar Project

----- Forwarded message -----

From: Shaw, Adam <ajshaw@urbanaillinois.us>

Date: Thu, Nov 30, 2023, 6:56 AM

Subject: RE: Bondville Datacenter and Solar Project

To: Tony Grilo <tonygrilo@gmail.com>

RECEIVED

NOV 3 0 2023

CHAMPAIGN CO. P & Z DEPARTMENT

Tony,

The site plan appears to be acceptable to me. For the fire hydrant you will probably need to work with Illinois American Water since they own the water mains.

Thanks, Adam Shaw

From: Tony Grilo <tonygrilo@gmail.com>

**Sent:** Wednesday, November 29, 2023 10:49 AM **To:** Shaw, Adam <<u>ajshaw@urbanaillinois.us</u>>

Subject: Re: Bondville Datacenter and Solar Project

Attaching here. It shows a hydrant within 200' of the datacenter. I will work through the city requirements or American Water requirements for that. Additionally, it shows the dimension between the panels and fence as 16' so you can see that part as well. If you could reply to this email to confirm that the location of the datacenter is acceptable to you and you don't see any other issues with the site plan. That would be very helpful.

Thanks Adam

Tony

On Mon, Nov 27, 2023 at 10:38 AM Tony Grilo <tonygrilo@gmail.com> wrote:

10-4, I will have an updated site plan sent over soon for your confirmation!

Thanks

Tony

On Mon, Nov 27, 2023 at 6:54 AM Shaw, Adam <ajshaw@urbanaillinois.us> wrote:

Tony,

There will be 16' between the panels and the fence, if that is the case that will work for our brush truck. Yes I would like a fire hydrant placed within 200' of the Data Center building.

Thanks,

**Adam Shaw** 

From: Tony Grilo <<a href="mailto:tonygrilo@gmail.com">tony Grilo </a><a href="mailto:tonygrilo@gmail.com">tony Grilo <<a href="mailto:tonygrilo@gmail.com">tony Grilo <</a><a href="mailto:tonygrilo@gmail.com">tony Grilo </a><a href="mailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailto:tonygrilo@gmailt

Subject: Re: Bondville Datacenter and Solar Project

Just checking in on the path around the array and if you verified a need for a hydrant.

Thanks Adam! Tony

On Thu, Nov 16, 2023, 6:02 AM Tony Grilo <tonygrilo@gmail.com> wrote:

Normally we put the fence 10' off of the property line then the panels would be 16' off of the fencing. How much room do you need for a brush truck? I think I can make that work for you without issue.

I understand about the knox box and I think once we are built and done then I will get with you and you can tell me the best spot for the knox box.

I wouldn't be opposed to a fire hydrant but with it being solar and mostly electrical we can't use water anyway. Additionally the county is requiring me to have a decommissioning plan to remove all of the panels, fencing, data center, etc from the site. That would end up leaving a hydrant in the middle of a field potentially. Lastly, since this parcel won't be in Village limits I'm not sure they will let me do that or will they? I can reach out to John Garth about it but I do remember him telling me something before about the water/sewer access and limitations that are built onto it.

If Bondville says yes and you want the hydrant then I can plan for a hydrant to be within 200' of the Data center building.

Let me know what you think and we can go from there, thank you!

Tony

On Tue, Nov 14, 2023, 4:47 AM Shaw, Adam <a is haw@urbanaillinois.us wrote:

Good Morning Tony,

Looking at your site plan the fence will be located North of the Data Center. If that is the case I would recommend to place the Knox box near an entrance to the Data Center with a code or key for the fence gate inside the Knox box. Since this Data Center is located so far off of Route 10, can a hydrant be placed within 200' of the proposed Data Center, near the gravel drive? How much room is between the panels and the proposed fence on the West, North and South sides? I would like to be able to drive a brush truck type vehicle around the outside of the panels all the way around the site.

Thanks,

# ADAM J. SHAW

Fire Chief Bondville Fire Department 101 West Chestnut Street Bondville, IL 61815

# Phone/Fax: (217) 863-2585

# bondvillefire@yahoo.com

From: Tony Grilo < tonygrilo@gmail.com >
Sent: Monday, November 13, 2023 8:43 AM
To: Shaw, Adam < ajshaw@urbanaillinois.us >
Subject: Re: Bondville Datacenter and Solar Project

Hey Adam

Checking back in on this. I do still need your approval on the data center portion and any other comments you may have on the solar array. If you could offer any opinions, thoughts, or concerns related to the fire safety that would be great.

Thanks Tony

On Fri, Oct 27, 2023 at 2:31 PM Tony Grilo < tonygrilo@gmail.com > wrote:

Hey Adam

From what I understand you are the fire chief for Bondville. Part of my requirement with the county is to give you a copy of the site plan for the data center and solar array and get any comments or concerns from you.

I have attached the site plan. One thing not identified is the location of the knox boxes. I do expect to have the fence gate to be locked but happy to do however you want. I can lock it with a combo lock that your department has the combo for or we can put a keyed lock and have a knox box at the gate. The building will have a knox box at the entry door.

Additionally, once the project is complete then we will host a training session for your department to make sure all deactivation protocols are shown to the department. Everything will be labeled and I'm happy to have you out to offer any feedback for safety/labeling.

Thanks and if you have any thoughts feel free to call me.

Tony

Under the Illinois Freedom of Information Act (FOIA), any written communication to or from City of Urbana employees, officials or board and commission members regarding City of Urbana business is a public record and may be subject to public disclosure.



