

CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE AGENDA

County of Champaign, Urbana, Illinois
Thursday, March 9, 2023 - 6:30 p.m.

Shields-Carter Meeting Room
Brookens Administrative Center, 1776 E. Washington St., Urbana

Committee Members:

Eric Thorsland – Chair
Aaron Esry – Vice-Chair
Jim Goss
Kyle Patterson

Emily Rodriguez
Jilmala Rogers
Chris Stohr

Agenda	Page #'s
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. February 9, 2023 – Regular Meeting	1 - 4
V. Public Participation	
VI. Communications	
VII. <u>New Business: Items to be Recommended to the County Board</u>	
A. Zoning Case 083-S-22. A request by Anthony Donato, d.b.a. IAG Investments, LLC to authorize a Special Use Permit for a photovoltaic solar array with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring as a County Board Special Use Permit and as a second principal use in addition to a data center authorized by the ZBA in related Case 082-S-22, in the AG-2 Agriculture and B-3 Highway Business Zoning Districts on a 21-acre tract in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township that is located west of the Road Ranger facility with an address of 4910 N. Market St., Champaign, and including the following waivers of standard conditions:	5 - 26
Part A: A waiver from providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A 3.	
Part B: A waiver from locating the PV Solar Array less than one and one-half miles from an incorporated municipality with a zoning ordinance per Section 6.1.5 B.(2)a.	
Part C: A waiver from submitting a Roadway Upgrade and Maintenance Agreement prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G.(1).	

All meetings are at Brookens Administrative Center – 1776 E Washington Street in Urbana – unless otherwise noted. To enter Brookens after 4:30 p.m., enter at the north (rear) entrance located off Lierman Avenue. Champaign County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities. Please contact Administrative Services, 217-384-3776, as soon as possible but no later than 48 hours before the scheduled meeting.

CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE (ELUC)
March 9, 2023 Agenda

- B. **Decommissioning and Site Reclamation Plan for Zoning Case 083-S-22.** A request 27 - 39
By Anthony Donato, via IAG Investments LLC, to approve the Decommissioning and Site Reclamation Plan for the PV SOLAR ARRAY in Zoning Case 083-S-22 with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, on a 21-acre tract in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township that is located West of the Road Ranger facility with an address of 4910 N. Market St., Champaign.

 - C. **Noise Analysis for Zoning Case 083-S-22.** A request by Anthony Donato, via IAG 40 - 45
Investments LLC, to approve the noise analysis for the PV SOLAR ARRAY in Zoning Case 083-S-22 with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, on a 21-acre tract in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township that is located west of the Road Ranger facility with an address of 4910 N. Market St., Champaign.

 - D. **Authorization for Public Hearing on Proposed Zoning Ordinance Text Amendment 46 - 104
to Revise Requirements for Wind Farm and PV Solar Farm as required by Public
Act 102-1123.**
- VIII. Other Business
- A. Semi-Annual Review of CLOSED Session Minutes
- IX. Chair's Report
- X. Designation of Items to be Placed on the Consent Agenda
- XI. Adjournment



**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – Subject to Review and Approval

DATE: Thursday, February 9, 2023
TIME: 6:30 p.m.
PLACE: Shields-Carter Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Vice-Chair)	
	Jim Goss
	Kyle Patterson
Emily Rodriguez	
Jilmala Rogers	
Chris Stohr	
	Eric Thorsland (Chair)

County Staff: John Hall (Zoning Administrator), Steve Sommers (County Executive), and Mary Ward (Recording Secretary)

Others Present: None

MINUTES

I. Call to Order

Committee Vice-Chair Esry called the meeting to order at 6:34 p.m.

II. Roll Call

Roll call was taken, and a quorum was declared present.

III. Approval of Agenda/Addendum

MOTION by Ms. Rogers to approve the agenda and addendum with the removal of item VIII. G., seconded by Mr. Stohr. Upon voice vote, the **MOTION CARRIED** unanimously to approve the agenda and addendum.

IV. Approval of Minutes

A. January 5, 2023 – Regular Meeting

MOTION by Mr. Stohr to approve the minutes of the January 5, 2023 regular meeting, seconded by Ms. Rogers. Upon voice vote, the **MOTION CARRIED** unanimously to approve the minutes.

34 **V. Public Participation**

35

36 Tony Grilo with Donato Solar spoke briefly and was here to answer any questions regarding zoning cases
37 067-AM-22 and 070-S-22.

38

39 **VI. Communications**

40

41 There were no communications for the committee.

42

43 **VII. New Business: Items for Information Only**

44

45 A. Illinois Environmental Protection Agency Notice of Application for Renewal of National Pollutant Discharge
46 Elimination System Permit IL 0072052 for the Safety-Kleen Systems Inc. Terminal located at 500 West
47 Anthony Drive, Urbana, IL

48

49 This item was presented for information only and no action is required. Mr. Stohr questioned why
50 Representative Ammons was not on the distribution list. This is property is not in her district.

51

52 **VIII. New Business: Items to be Recommended to the County Board**

53

54 A. **Zoning Case 067-AM-22.** A request by Anthony Donato, d.b.a. Donato Solar – Urbana LLC, to amend
55 the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning
56 District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related
57 Zoning Case 068-S-22 and a PV solar array as a second principal use as a proposed County Board Special
58 Use Permit in related Case 070-S-22, on a 13.62-acre tract in the Southwest Quarter of the Northwest
59 Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer
60 Township, commonly known as the farmland located on the northwest corner of the intersection of West
61 Oaks Road and Squire Farm Rd, Urbana.

62

63 **MOTION** by Ms. Rodriguez and seconded by Ms. Rogers to approve Zoning Case 067-AM-22. Discussion
64 followed. Mr. Hall stated that this is recommended unanimously by ZBA. There were lots of comments
65 at the public hearing including decommissioning concerns and rezoning. The rezoning and requirements
66 we have for a solar array should probably benefit the environment. The City of Urbana will not be
67 considering the rezoning.

68

69 Upon voice vote, the **MOTION CARRIED** unanimously.

70

71 B. **Zoning Case 070-S-22.** A request by Anthony Donato, d.b.a. Donato Solar – Urbana LLC, subject to the
72 rezoning in related Case 067-AM-22 and in addition to the Special Use Permit requested in related Case
73 068-S-22, to authorize a Special Use Permit for a photovoltaic solar array with a total nameplate capacity
74 of 4 megawatts (MW), including access roads and wiring, as a County Board Special Use Permit and as a
75 second principal use, on a 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section
76 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, commonly
77 known as the farmland located on the northwest corner of the intersection of West Oaks Road and
78 Squire Farm Rd, Urbana, and including the following waivers of standard conditions:

79

80 Part A: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost
81 estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use
Permit by the Zoning Board of Appeals, per Section 6.1.1 A.3.

82 Part B: A waiver for locating the PV Solar Array less than one-half mile from an incorporated municipality
83 and within the contiguous urban growth area of a municipality per Section 6.1.5 B.(2)a.
84

85 Part C: A waiver for a separation distance of 97 feet between the solar inverters and the perimeter fence
86 in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).
87

88 **MOTION** by Ms. Rogers to approve Zoning Case 070-S-22, seconded by Ms. Rodriguez.
89

90 Mr. Hall said that on the North edge of this solar array is the Beaver Lake Drainage ditch. The developer
91 has met with 2 of the 3 Drainage District commissioners and they have mapped out easements for the
92 drainage district. The ZBA recommended this unanimously.
93

94 Upon voice vote, the **MOTION CARRIED** unanimously.
95

- 96 C. **Decommissioning and Site Reclamation Plan for Zoning Case 070-S-22.** A request by Anthony Donato,
97 via IAG Investments LLC, d.b.a. Donato Solar- Urbana LLC, to approve the Decommissioning and Site
98 Reclamation Plan for the PV SOLAR ARRAY in Zoning Case 070V-22 with a total nameplate capacity of 4
99 megawatts (MW), including access roads and wiring, subject to the rezoning in Case 067-AM-22, on
100 a 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32, Township 20 North,
101 Range 9 East of the Third Principal Meridian in Somer Township, commonly known as the farmland
102 located on the northwest corner of the intersection of West Oaks Road and Squire Farm Rd, Urbana.
103

104 **MOTION** to approve the Decommissioning and Site Reclamation Plan for Zoning Case 070-S-22 was made
105 by Mr. Stohr and seconded by Ms. Rogers.
106

107 This uses the same numbers as the Rantoul plan that was approved in November. This also spells out in
108 the text all the ways the county can use the financial assurance, if necessary.
109

110 Upon voice vote, the **MOTION CARRIED** unanimously.
111

- 112 D. Adjustment of Financial Assurance for the California Ridge Wind Farm (Champaign County Special Use
113 Permit 696-S-11)
114

115 This is third updated on the California Ridge Wind Farm financial assurance. The have used the same
116 engineer for each estimate, so it's easy to track the changes. All the numbers are good. Jeff Blue looked
117 at the road information and thought that was also a good estimate. At this time, we actually have more
118 financial assurance than what we need as they opted to leave the letter of credit at a larger amount. In
119 May there will be about \$1million put into the escrow account.
120

121 **MOTION** by Ms. Rodriguez to approve as presented and seconded by Ms. Rogers. Upon voice vote, the
122 **MOTION CARRIED** unanimously.
123

- 124 E. Resolution Authorizing Agreement to Use State Farm Center Parking Lot for IEPA One-Day Household
125 Hazardous Waste Collection on April 15, 2023
126

127 This will be the second year to use this parking lot for the Household Hazardous Waste Collection. This
128 may change before this goes to the County Board and if so, will report the change to the County Board.
129

130 **MOTION** by Mr. Stohr to approve the agreement, seconded by Ms. Rogers. Upon voice vote, the
131 **MOTION CARRIED** unanimously.

- 132
133 F. **Zoning Case 058-AT-22.** An Omnibus Text Amendment to Amend the Champaign County Zoning
134 Ordinance to Update Material Management/Solid Waste-Related Uses as described generally in the
135 legal advertisement.

136
137 **MOTION** by Mr. Stohr to approve Zoning Case 058-AT-22, seconded by Ms. Rogers.

138
139 City of Urbana voted no protest on this. Mr. Stohr also wanted to thank Susan Monte for all her work
140 on this.

141
142 Upon voice vote, the **MOTION CARRIED** unanimously.

143
144 **IX. Other Business**

- 145 A. Monthly Reports
146 1. November 2022
147 2. December 2022
148

149 Mr. Hall said that we ended 2022 with 43 zoning cases filed, that’s the most in more than a decade, and ended
150 the year with 12 cases pending. Susan Burgstrom has done a fantastic job keeping up with the zoning cases
151 this year. The November and December 2022 monthly reports were received and placed on file. Mr. Hall also
152 mentioned that the backlog of enforcement cases came down a lot this year. Is really pleased with the way
153 Zoning Officer, Charlie Campo, has been handling these.

154
155 **X. Chair’s Report**

156
157 There was no Chair’s Report
158

159 **XI. Designation of Items to be Placed on the Consent Agenda**

160
161 Items to be placed on the Consent Agenda include: VIII. A., B., C., D., E., and F.
162

163 **XII. Adjournment**

164
165 Mr. Esry adjourned the meeting at 7:03 p.m.
166

Champaign County
Department of

**PLANNING &
ZONING**

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

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

To: **Champaign County Environment & Land Use Committee**

From: **John Hall, Zoning Administrator
Susan Burgstrom, Senior Planner**

Date: **February 27, 2023**

RE: **Recommendation for County Board Special Use Permit
Case 083-S-22**

Request: **Authorize a photovoltaic solar array with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit and including the following waivers of standard conditions in the AG-2 Agriculture and B-3 Highway Business Zoning Districts (other waivers may be necessary):**

Part A: A waiver from providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.

Part B: A waiver from locating the PV Solar Array less than one and one-half miles from an incorporated municipality with a zoning ordinance per Section 6.1.5 B.(2)a.

Part C: A waiver from submitting a Roadway Upgrade and Maintenance Agreement prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G.(1).

Petitioner: **Anthony Donato, d.b.a. IAG Investments LLC**

STATUS

The Zoning Board of Appeals (ZBA) voted 7-0 to “RECOMMEND ENACTMENT” of this County Board Special Use Permit at its January 26, 2023 meeting. All findings were affirmative.

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. The subject property is located within Hensley Township, which has a Plan Commission.

A PV Solar Farm County Board Special Use Permit typically must go through two ELUC meetings before it can move on to final determination by the County Board. However, Section 6.1.5 B(2)(g) of the Zoning Ordinance allows the project to only have one ELUC meeting if the relevant municipality waives this requirement in writing. In an email received December 27, 2022, the City of Champaign waived the requirement for having two meetings – see Attachment C.

There are nine approved special conditions for case 083-S-22 listed below.

No negative comments were received from the public regarding the proposed development.

BACKGROUND

The petitioner would like to construct two principal uses on the 21-acre subject property: a 1,344 square foot Data Center and a 5-megawatt (MW) PV Solar Array. The Data Center requires a Special Use Permit (Case 082-S-22) that was approved at the January 26, 2023 ZBA meeting. The PV Solar Array requires a County Board Special Use Permit (Case 083-S-22).

APPROVED SPECIAL CONDITIONS FOR CASE 083-S-22

- A. **The approved site plan consists of the following documents:**
- **Site Plan sheets received January 4, 2023.**

The above special condition is required to ensure that:

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 necessary 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 pre-construction capabilities.

- E. **A signed Decommissioning and Site Reclamation Plan and a noise analysis per Section 6.1.5 I. that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section**

6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

The above special conditions are required to ensure that:

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

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. The telephone number for the complaint hotline required by 6.1.5 S.**
- 7. Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**
- 8. A noise study that meets the requirements of 6.1.5 I.3. that has been 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.

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

- 1. An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from**

the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.

2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

The 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.

- 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.

- I. **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:

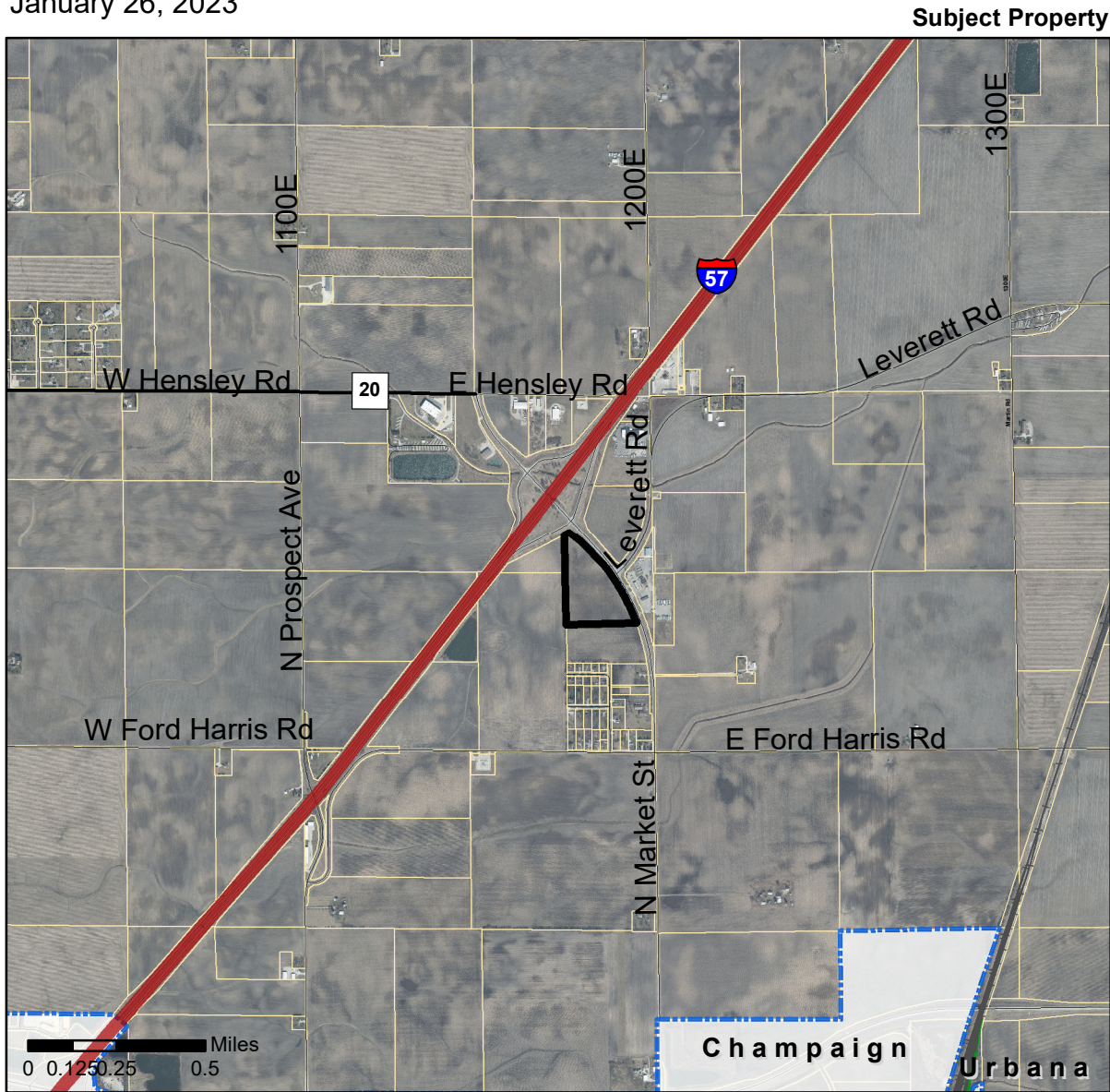
Conformance with Policy 4.2.3 of the Land Resource Management Plan.




ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 4, 2023
- C Email from City of Champaign waiving public comment period received December 27, 2022
- D Finding of Fact and Final Determination for Case 083-S-22 as approved by the ZBA on January 26, 2023

Location Map

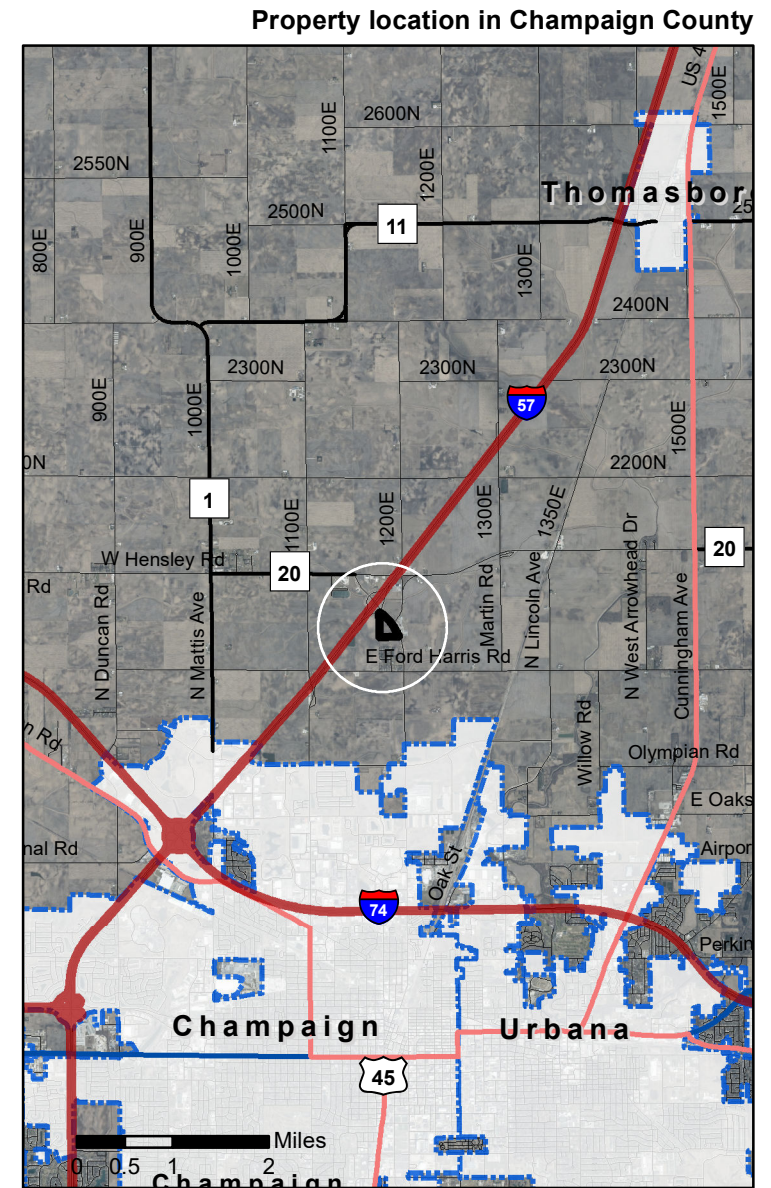
Cases 082-S-22, 083-S-22 & 084-V-22
January 26, 2023



-  Subject Property
-  Municipal Boundary
-  Parcels

0 0.1250.25 0.5 Miles

Subject Property



0 0.5 1 2 Miles

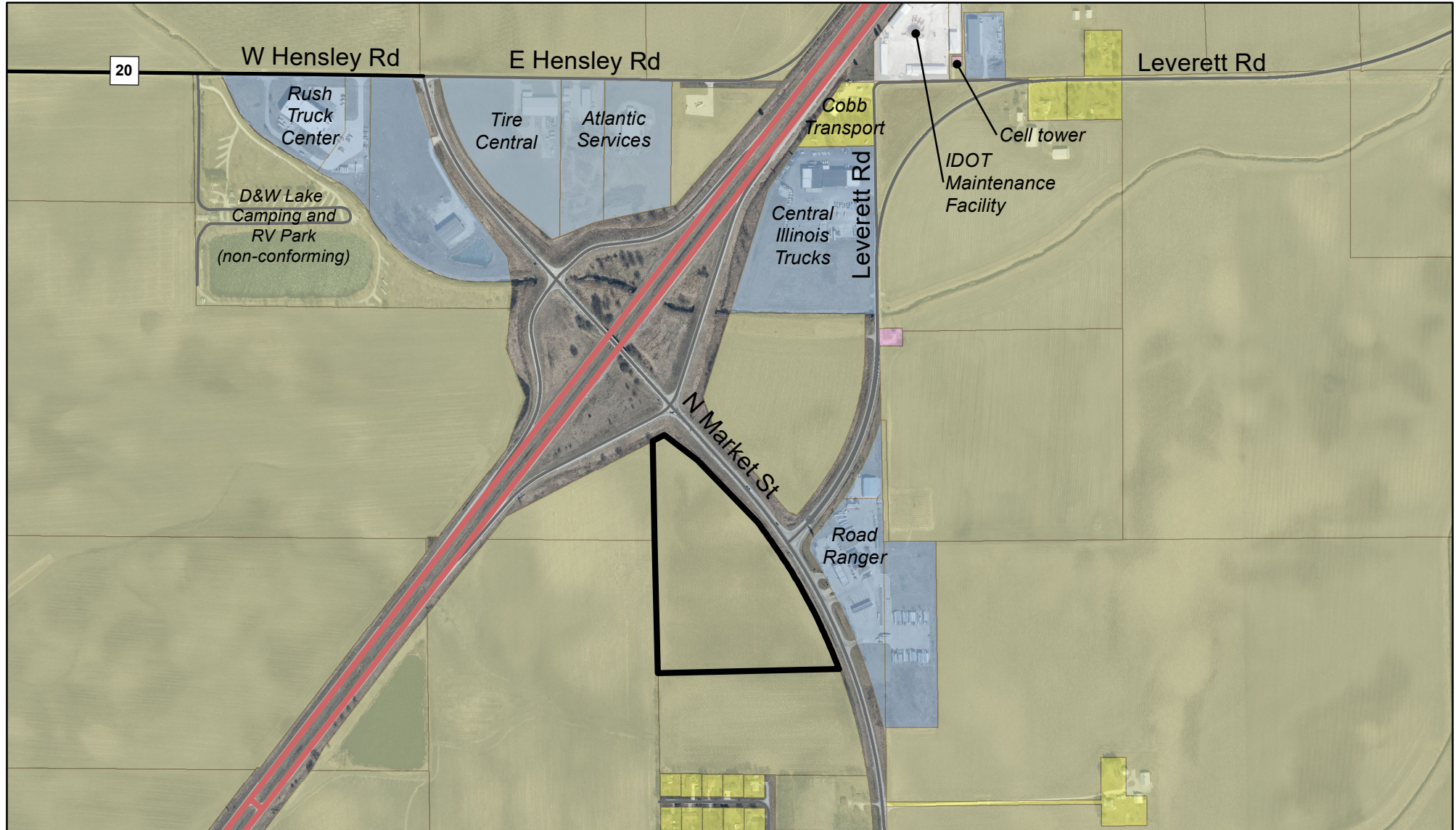
Property location in Champaign County



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Cases 082-S-22, 083-S-22 & 084-V-22
January 26, 2023



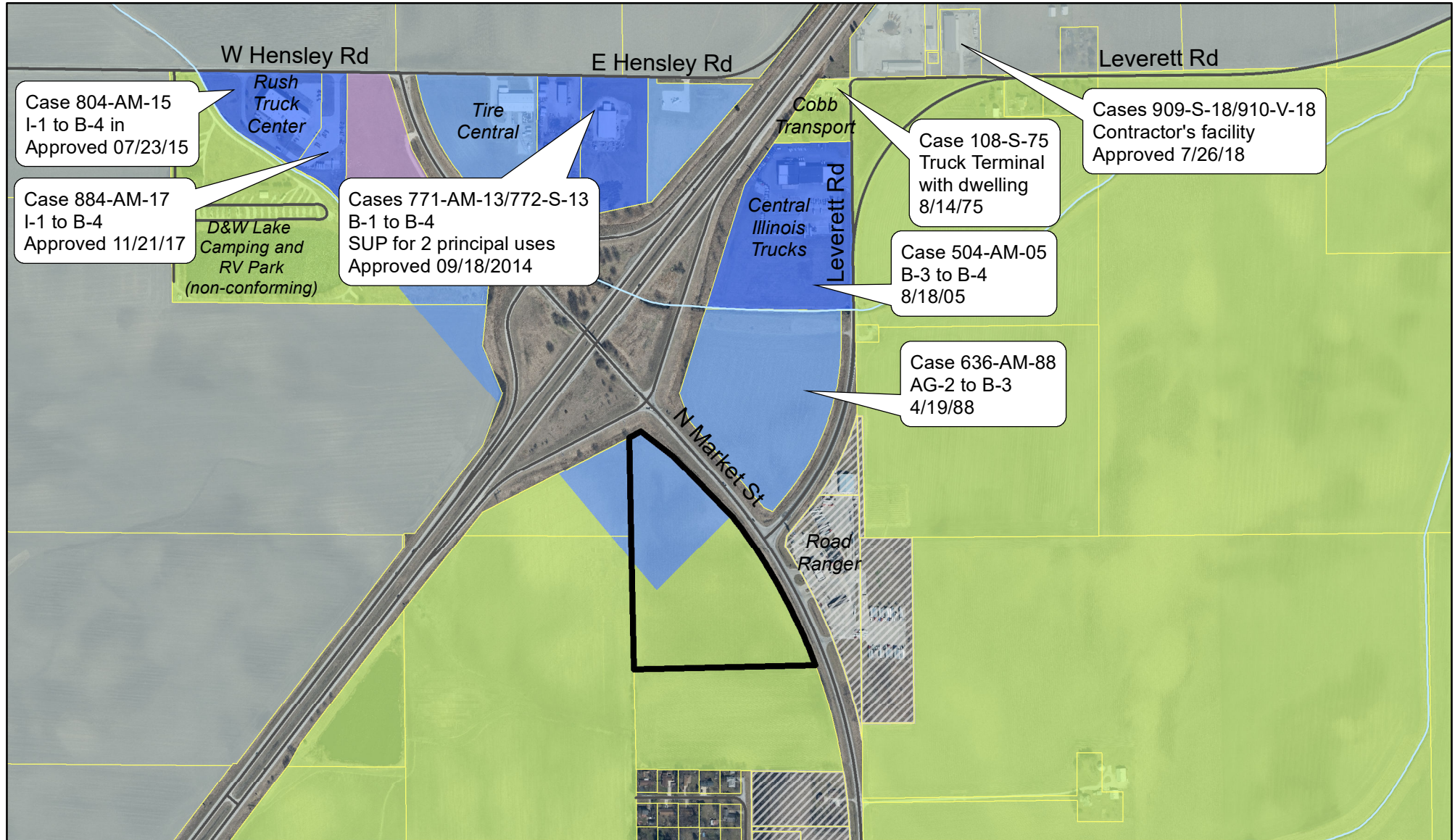
- Subject Property
- Agriculture/Residential
- Utilities
- Residential
- Commercial
- Tax Exempt
- Agriculture

Feet
 0 200 400 800

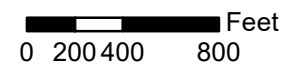
Champaign County
 Department of
**PLANNING &
 ZONING**

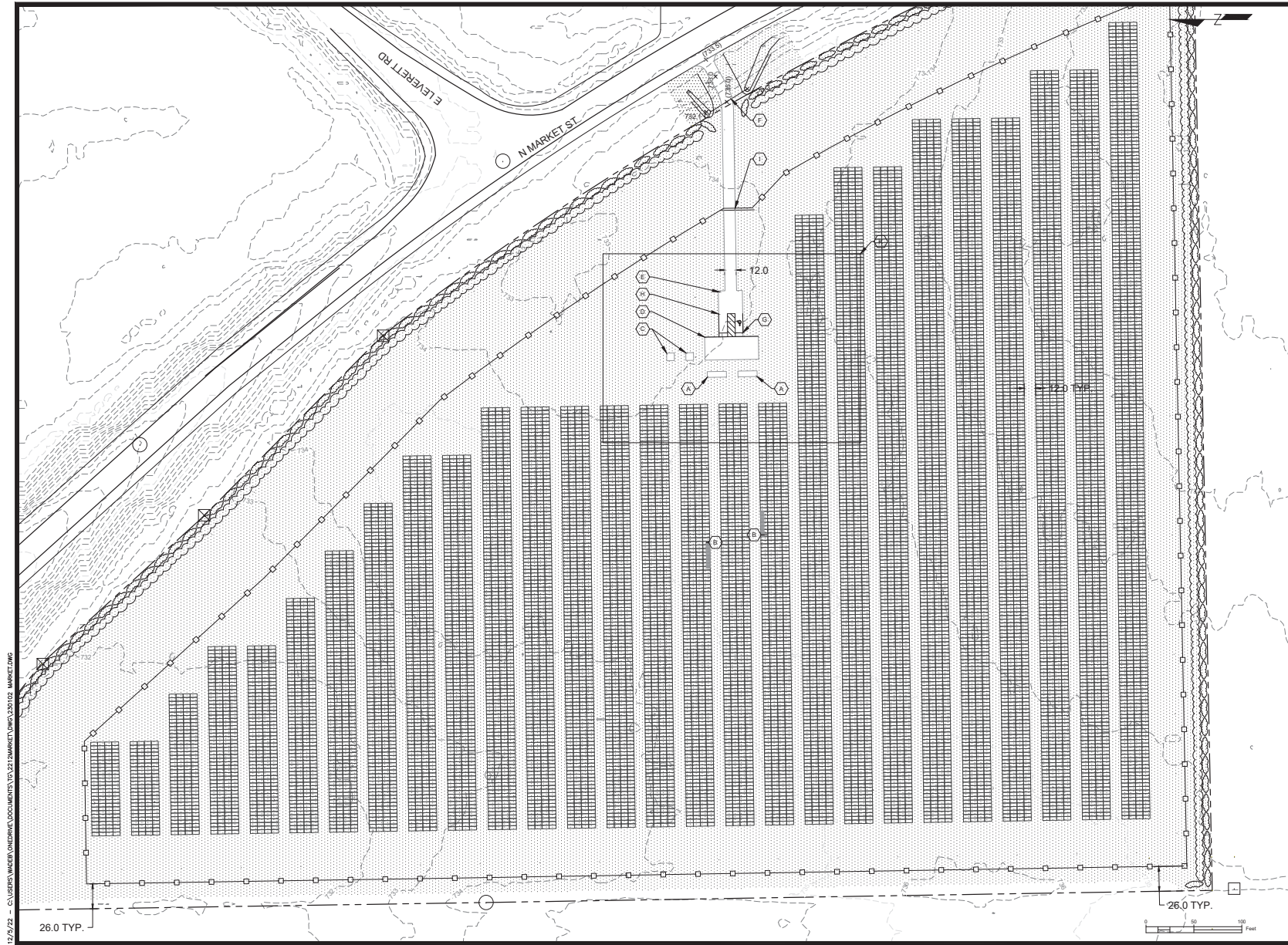
Zoning Map

Cases 082-S-22, 083-S-22 & 084-V-22
January 26, 2023



- Subject Property
- Parcels
- AG-1 Agriculture
- AG-2 Agriculture
- B-4 General Business
- I-1 Light Industry
- B-3 Highway Business
- Annexation Agreement





SYMBOLS LEGEND:

- EX. EXISTING
- PR. PROPOSED
- 733--- EXISTING GRADE
- EX. PROPERTY LINE
- [Grid Pattern] PROPOSED SOLAR PANEL ARRAY
- x(735.0) EX. SPOT ELEV.
- x732.5 PR. SPOT ELEV.
- PR. 7' CHAIN LINK FENCE

GENERAL NOTES:

- (A) PR. SWITCH GEAR
- (B) PR. INVERTERS
- (C) PR. AMEREN TRANSFORMER
- (D) PR. DATA CENTER
- (E) PR. GRAVEL DRIVE (MAINTAIN EXISTING DRAINAGE PATTERS EXCEPT WHERE NOTED)
- (F) PR. 12" DRIVEWAY PIPE
- (G) ADA (VAN) PARKING SPACE, RAMP, SURFACING TO DOORWAY, STRIPING, PARKING BLOCK, AND SIGN
- (H) STANDARD PARKING SPACE AND BLOCK
- (I) PR. GATE
- (K) SEE DATA CENTER DETAIL

RECEIVED
 JAN 4, 2023
 CHAMPAIGN COUNTY
 PLANNING & ZONING

SHEET NOTES:

1. TOPOGRAPHY BASED ON THE NATIONAL ELEVATION DATASET (NED) 1/8 ARC-SECOND RESOLUTION (USGS NED NED19 NAD83 W108X25 E CHAMPAIGNCO 2018 1/8 ARC-SECOND 2010 15 X 15 MINUTE IMG) WARPPED TO NSRS 2011 ILLINOIS STATE PLANES, EAST ZONE, US FOOT.

MARKET STREET SOLAR FARM

SITE PLAN

DRAWING NO. 3
 SHEET NO. 3 of 6

CHAMPAIGN, IL

BTB ENERGY
 INFO@BTBCONTRACTING.COM
 (224) 757-5784

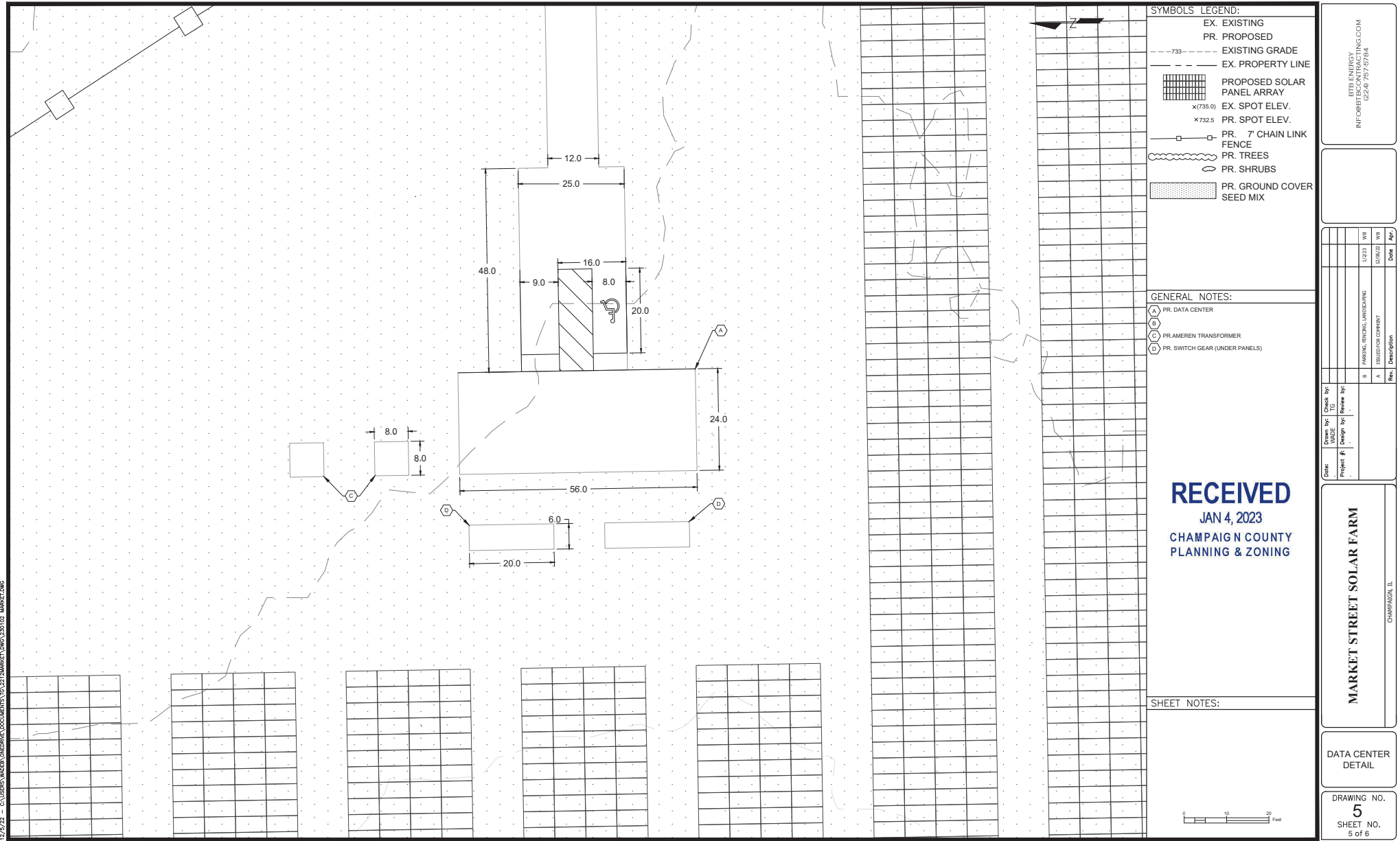
Drawn By	Check By	Date
US	US	

Project #	Temp by	Review by	Date	Appr.
			1/2/23	WB

Rev.	Description
A	ISSUED FOR COMMENT
B	FINAL PERMITS/UNDERWRITING

12/5/22 - C:\USERS\WJAMES\WORKSPACE\DOCUMENTS\10-22\MARKET_SOLAR\DWG\230102.MARKET.LWG

GEN 50:20



- SYMBOLS LEGEND:**
- EX. EXISTING
 - PR. PROPOSED
 - - - 733 - - - EXISTING GRADE
 - - - EX. PROPERTY LINE
 - PROPOSED SOLAR PANEL ARRAY
 - x(735.0) EX. SPOT ELEV.
 - x732.5 PR. SPOT ELEV.
 - PR. 7' CHAIN LINK FENCE
 - PR. TREES
 - PR. SHRUBS
 - PR. GROUND COVER SEED MIX

- GENERAL NOTES:**
- (A) PR. DATA CENTER
 - (B) PR. AMEREN TRANSFORMER
 - (C) PR. SWITCH GEAR (UNDER PANELS)

RECEIVED
 JAN 4, 2023
 CHAMPAIGN COUNTY
 PLANNING & ZONING

SHEET NOTES:



BTB ENERGY
 INFO@BTBCONTRACTING.COM
 (224) 757-5784

Rev.	Description	Date	Appr.
A	ISSUED FOR COMMENT	12/06/21	WB
B	PANING, FINISH, UNDERGANG	1/2/23	WB

MARKET STREET SOLAR FARM
 CHAMPAIGN, IL

**DATA CENTER
 DETAIL**

DRAWING NO.
5
 SHEET NO.
 5 of 6

12/5/22 - C:\USERS\WJESSE\WORKSPACE\DOCUMENTS\10122\MARKET\DWG\5.230102 - MARKET.DWG

GEN 50:20

Susan Burgstrom

From: Rob Kowalski <Rob.Kowalski@champaignil.gov>
Sent: Tuesday, December 27, 2022 10:12 AM
To: Susan Burgstrom
Subject: Re: solar farm zoning case questions

RECEIVED

DEC 27 2022

CHAMPAIGN COUNTY CLERK

CAUTION: External email, be careful when opening.

Thanks Susan. This is very helpful. I think we are fine with waiving the two-ZBA and two-ELUC meeting requirement. The site is identified in our Comprehensive Plan as Tier 3 which is not ready for urban development due to lack of sewers and urban services. Additionally, the city doesn't have jurisdiction of adjacent streets or access and the land use is generally compatible with agricultural uses.

Rob

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Tuesday, December 27, 2022 9:45 AM
To: Rob Kowalski <Rob.Kowalski@champaignil.gov>
Subject: RE: solar farm zoning case questions

[EXTERNAL]

Sure. I've attached the site plan and the area zoning map.

Thanks!
Susan

From: Rob Kowalski <Rob.Kowalski@champaignil.gov>
Sent: Tuesday, December 27, 2022 9:43 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Re: solar farm zoning case questions

CAUTION: External email, be careful when opening.

Hi Susan,

Thanks for letting me know this. Before we decide, can you possibly email me a map of the proposed site where the solar farm will be established? I know generally where we are talking about but would like to see where the arrays will be. Thanks!

Rob

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Tuesday, December 27, 2022 9:16 AM
To: Rob Kowalski <Rob.Kowalski@champaignil.gov>
Subject: solar farm zoning case questions

[EXTERNAL]

Hi Rob,

This email is regarding the community solar farm case 084-S-22 proposed by Anthony Donato to be located on Market Street west of the Road Ranger truck stop just south of the I-57 interchange (docketed for ZBA on January 26, 2023).

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

Would the City prefer that two ZBA meetings be held for this case or does the City want to waive that requirement so that only one ZBA meeting needs to be held?

2. The Zoning Ordinance similarly requires two Environment and Land Use Committee meetings for solar farm cases unless this requirement is waived by the municipality.

Would the City prefer that two ELUC meetings be held for this case or does the City want to waive that requirement so that only one ELUC meeting needs to be held?

An email response would be sufficient to convey that the City chooses or does not choose to waive these requirements.

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Planning & Zoning
1776 E Washington St
Urbana, IL 61802
217-384-3708
www.co.champaign.il.us

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **083-S-22** held on **January 26, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **IS** necessary for the public convenience at this location because: the State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025, and the Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
2. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **ADEQUATE** traffic capacity and the entrance location has **ADEQUATE** visibility because: traffic volumes are not expected to increase significantly other than during construction of the project, and notice was sent to the Township Supervisor and the Township Road Commissioner, and no comments have been received.
 - b. Emergency services availability is **ADEQUATE** because: the subject property is located within the Thomasboro Fire Protection District and is approximately 7.1 road miles from the Thomasboro Fire Station. The Fire Chief was notified of these cases, and no comments have been received other than the Knox box.
 - c. The Special Use **WILL** be compatible with adjacent uses because: the proposed PV SOLAR ARRAY will not be disruptive to surrounding agriculture.
 - d. Surface and subsurface drainage will be **ADEQUATE** because: no part of the subject property is located within a mapped floodplain, and a Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.
 - e. Public safety will be **ADEQUATE** because: the subject property is located within the Thomasboro Fire Protection District and is approximately 7.1 road miles from the Thomasboro Fire Station. The Fire Chief was notified of these cases, and no comments have been received other than the Knox box.
 - f. The provisions for parking will be **ADEQUATE** because: a PV SOLAR ARRAY does not require parking, and there is no significant increase in traffic expected for the proposed development.
 - g. The property **IS WELL SUITED OVERALL** for the proposed improvements because: the site is reasonably well-suited in all respects and has no major defects.
 - h. Existing public services **ARE** available to support the proposed SPECIAL USE without undue public expense because: no additional public services are necessary for the proposed development.

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

- i. Existing public infrastructure together with the proposed development **IS** adequate to support the proposed development effectively and safely without undue public expense because: no new public infrastructure is required for the proposed development.

Note the Board may include other relevant considerations as necessary or desirable in each case.

**The Board may include additional justification if desired, but it is not required.*

- 3a. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** conform to the applicable regulations and standards of the DISTRICT in which it is located, subject to approval of the requested waivers.
- 3b. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **CONFORM** to all relevant County ordinances and codes.
 - b. The Special Use **WILL** be compatible with adjacent uses.
 - c. Public safety will be **ADEQUATE**.
4. The requested Special Use Permit, {**SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**} **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit **IS** necessary for the public convenience at this location.
 - c. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use **IS NOT** an existing nonconforming use.
6. Regarding necessary waivers of standard conditions:

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

- A. Regarding Part A of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board:
 - (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: the petitioner will still need to provide this document prior to receiving a Zoning Use Permit.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

structures elsewhere in the same district because: some details such as cost estimates are not available until closer to construction.

- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: some details such as cost estimates are not available until closer to construction.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: some details such as cost estimates are not available until closer to construction.
 - (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS** the minimum variation that will make possible the reasonable use of the land/structure.
- B. Regarding Part B of the proposed waivers, for locating the PV SOLAR ARRAY less than one and one-half miles from an incorporated municipality:
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of these cases, and no comments have been received.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the City of Champaign is aware of the proposed project. In an email received December 27, 2022, Rob Kowalski, Assistant Planning & Development Director, stated, “The site is identified in our Comprehensive Plan as Tier 3 which is not ready for urban development due to lack of sewers and urban services. Additionally, the city doesn’t have jurisdiction of adjacent streets or access and the land use is generally compatible with agricultural uses.”
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: without the waiver, the project could not be constructed on the subject property.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: the petitioner was not aware of this requirement when they purchased the land for the project.
 - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure because: without the waiver, the project could not be constructed on the subject property.
- C. Regarding Part C of the proposed waivers, for not submitting a Roadway Upgrade and Maintenance Agreement prior to consideration of the Special Use Permit by the Board:

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: the petitioner will still need to provide this document prior to receiving a Zoning Use Permit.
- (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the petitioner will provide an agreement or waiver therefrom at a later time.
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.
- (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: the petitioner will provide an agreement or waiver therefrom at a later time.
- (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS** the minimum variation that will make possible the reasonable use of the land/structure.

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 approved site plan consists of the following documents:**
- **Site Plan sheets received January 4, 2023.**

The above special condition is required to ensure that:

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 necessary to ensure the following:

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

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 pre-construction capabilities.

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

The above special conditions are required to ensure that:

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

- 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. **The telephone number for the complaint hotline required by 6.1.5 S.**

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

7. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**
8. **A noise study that meets the requirements of 6.1.5 I.3. that has been 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.

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

The 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.

- 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.**

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

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.

- I. **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.

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. **HAVE** 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 **083-S-22** be **GRANTED WITH SPECIAL CONDITIONS** to the applicant, **Anthony Donato, d.b.a. IAG Investments LLC**, to authorize the following as a Special Use:

Authorize a photovoltaic solar array with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture and B-3 Highway Business Zoning Districts as a second principal use as a County Board Special Use Permit and including the following waivers of standard conditions (other waivers may be necessary):

Part A: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.

Part B: A waiver for locating the PV Solar Array less than one and one-half miles from an incorporated municipality with a zoning ordinance per Section 6.1.5 B.(2)a.

Part C: A waiver for not submitting a Roadway Upgrade and Maintenance Agreement prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G.(1).

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **The approved site plan consists of the following documents:**
 - **Site Plan sheets received January 4, 2023.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. **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.**
- E. **A signed Decommissioning and Site Reclamation Plan and a noise analysis per Section 6.1.5 I. that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section**

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22*As approved by the ZBA on January 26, 2023*

6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

- 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. The telephone number for the complaint hotline required by 6.1.5 S.**
 - 7. Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**
 - 8. A noise study that meets the requirements of 6.1.5 I.3. that has been approved by the Environment and Land Use Committee.**
- 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.**

FINDING OF FACT AND FINAL DETERMINATION FOR CASE 083-S-22

As approved by the ZBA on January 26, 2023

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

- H. **The Applicant or Owner or Operator of the PV SOLAR 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.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

Champaign County
Department of

**PLANNING &
ZONING**

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

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

To: **Champaign County Environment & Land Use Committee**

From: **John Hall, Zoning Administrator
Susan Burgstrom, Senior Planner**

Date: **February 27, 2023**

RE: **Document requiring ELUC approval from Zoning Case 083-S-22**

Request: **ELUC approval of a Decommissioning and Site Reclamation Plan including cost estimates and a noise study for the 6 MW PV solar array that is the subject of Zoning Case 083-S-22**

Petitioner: **Anthony Donato, d.b.a. IAG Investments LLC**

BACKGROUND

The petitioner seeks Special Use Permit approval from the Champaign County Board at its March 23, 2023 meeting to construct a 5-megawatt (MW) Photovoltaic (PV) Solar Array north of Champaign.

There were two documents required that were not included in the initial Special Use Permit approval. The Zoning Board of Appeals approved a special condition as part of Case 083-S-22 to ensure that these documents would be reviewed and approved by ELUC at a later date.

- **Special Condition E. states: “A signed Decommissioning and Site Reclamation Plan and a noise analysis per Section 6.1.5 I. that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.”**

DECOMMISSIONING AND SITE RECLAMATION PLAN

P&Z Staff reviewed the Decommissioning and Site Reclamation Plan (DSRP) received on February 21, 2023, against the Zoning Ordinance requirements in Section 6.1.5 Q. Staff found the narrative in the DSRP to be in compliance with the Zoning Ordinance.

Staff reviewed the cost estimates in the DSRP and compared them with previously approved cost estimates from Zoning Case 064-S-22. The cost estimates from 064-S-22 were approved by ELUC in November 2022. Staff found that the cost estimates for the current case 083-S-22 were comparable to those in case 064-S-22.

NOISE STUDY

A noise study by Shiner Acoustics was received on February 17, 2023 (Attachment B). The study found that the proposed solar farm would be expected to meet IPCB noise regulations at nearby residential properties.

ATTACHMENTS

- A Case 080-S-22 Decommissioning and Site Reclamation Plan with decommissioning cost estimate received February 21, 2023
- B Noise Study by Shiner Acoustics received February 17, 2023

Decommissioning & Site Reclamation Plan

4911 N Market St, Champaign, IL, 61822

5mw Ground Mounted Solar Project

RECEIVED

FEB 21 2023

CHAMPAIGN CO. P & Z DEPARTMENT



Date Signed 02.21.2023
Exp 11.30.2023



Introduction

Donato Solar – Champaign, LLC (“Owner”) proposes to develop a solar photovoltaic (PV) facility (the Project”) with a maximum nameplate capacity of five megawatts alternating current (5 MWac). The Project will be developed on private property located along the east side on N Market St, at approximately 4911 N Market St, Champaign, IL, 61822, (the “Property”), as shown in Figure 1.

The Project consists of approximately 14 acres within a 20.5-acre parent parcel of private land located in Hensley, IL Township, Champaign County, Illinois. The Project will produce electricity to be used onsite and connected to the local distribution grid utilizing existing overhead lines along N Market St. Interconnection to the grid will include both underground and overhead wires along with new utility poles located on the Property.

Approval Process

As a condition to Champaign County (“County”) providing Zoning Use Permit Approval (“Approval”) of the Project on the Property, Owner shall submit a decommissioning and site reclamation plan to the County for the subject site. This Decommissioning and Site Reclamation Plan (the “DSRP”) describes the anticipated activities and process for decommissioning of the proposed facility following its useful life. The purpose of decommissioning is to restore the Property to a clean, safe and usable condition for continued use by the landowner.

The DSRP shall be binding upon all successors of title, lessees, any operator and/or owner of the Project, and all parties to the decommissioning and site reclamation plan. Prior to Approval, the landowner or Owner shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance (the “Security”).

The Owner agrees that the sale, assignment in fact or law, or such other transfer of owner’s financial interest in the PV SOLAR FARM shall in no way affect or change owner’s obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance, and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

Decommissioning consists of the removal of above-ground and below-ground facility components,

management of excess materials and waste as well as the restoration of the Property, as applicable. Activities are expected to take between 8-10 weeks but no longer than four-months. The Owner agrees to remove any part of the Project and all associated equipment and structures if the Project part ceases to function for six (6) consecutive months, unless the Owner is diligently working to repair that part.

Future consultation will occur with the County prior to decommissioning to discuss preferences and commitments to restore the Property to its pre-construction condition or a similar state. All decommissioning and restoration activities will adhere to the requirements set forth by Occupational Health and Safety Administration (OSHA) and will be in accordance with all applicable federal, state and local permitting requirements. As with the construction phase, an on-site manager responsible for safety will be present on-site (generally the contractor's project manager) while decommissioning activities are taking place.

Upon removal and decommissioning of the Project, the Owner shall inform the County accordingly, in writing. Upon the County's determination that the Owner has decommissioned and removed the Solar Energy Project and restored the Property as required under the Site Plan Approval, the County shall: (i) release the Owner from this Plan; (ii) issue a certificate of completion and release and (iii) return or release any unused portion of the Security to the Owner. A determination that the removal and restoration has been satisfactorily completed shall be in the reasonable discretion of the County. The Owner and its agents and consultants shall fully comply with all reasonable requests for inspections and information by the County and its agents.

If the Owner fails to complete the required removal of the Project and restoration of the Property as set forth herein, the County shall be entitled to utilize the Security provided hereunder to the extent necessary, in the County's reasonable discretion, to complete the removal and restoration process. Any portion of the Security that is not utilized as set forth herein shall be returned to the Owner, less reasonable administrative costs. In the event that the County elects to obtain the Security, in whole or in part, as described in this paragraph, it shall notify the Owner accordingly, in writing and, within fourteen (14) days of such writing, the Security shall be paid to the County.

The Plan is based on current procedures and experience. These procedures may be subject to revision based on new experiences and requirements over time. At the time of decommissioning, various options and procedures will be re-evaluated to ensure that decommissioning is safe and beneficial to the environment.

Financial Assurance

To fulfill its obligations to provide the Security, the Owner shall be required to execute and file with the County a Letter of Credit ("LOC"), in an amount sufficient for the faithful performance of the terms and conditions of the Approval issued hereunder, and to provide for the aforesaid removal and restoration of the Property subsequent to removal of the Project. The Owner shall deliver, to the County, suitable evidence of the establishment of the LOC prior to the Approval of the Project.

Section 6.1.5Q.(4)a. of the Zoning Ordinance requires the amount of the LOC to be 12.5% of the decommissioning cost (including allowable salvage) at the time of Zoning Use Permit Approval, and 62.5% of the decommissioning cost (including allowable salvage) at the sixth anniversary of operation, and 125% of the decommissioning cost (including allowable salvage) at the eleventh anniversary of operation. Section 6.1.5Q.(4)d. of the Zoning Ordinance requires the amount of the financial assurance to be updated every five years for the first 25 years and every two years thereafter. Additionally, Section 6.1.5Q.(4)f. of the Zoning Ordinance requires the amount of the LOC to equal or exceed 125% of the decommissioning cost estimate at all times.

Upon County's request, per Section 6.1.5Q.(4)d. of the Zoning Ordinance, the Owner shall update the amount of the LOC every five years for the first 25 years and every two years thereafter. The Owner shall deliver to the County evidence of the new balance of the Security, as aforesaid.

The Owner shall at all times provide the County with the name of the current Owner or Owners of the Project, updated no more than forty five (45) days after transfer of title.

The Engineer's Cost Estimate for the DSRP is included in Exhibit 1.

Further Stipulations

The Owner confirms the review of the relevant County Zoning Ordinance sections, including Sections 6.1.1.A and 6.1.5.Q, and confirms the additional stipulations and requirements contained therein:

- 1) Owner or successor shall notify the County by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding within 10 days if commencement of the proceeding.
- 2) The County and its authorized representatives are authorized by the Owner for right of entry onto the Project premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
- 3) At such time as decommissioning takes place the Owner, its successors in interest, and all parties to the DSRP are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
- 4) The Owner, its successors in interest, and all parties to the DSRP shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
- 5) Should the DSRP be deemed invalid by a court of competent jurisdiction the Project SPECIAL USE permit shall be deemed void.
- 6) The Owner's obligation to complete the DSRP and to pay all associated costs shall be independent of the Owner's obligation to provide the Security.
- 7) The liability of the Owner's failure to complete the DSRP or any breach of the DSRP requirement shall not be capped by the amount of the Security, and the Owner will provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required to be carried out by Champaign County.

- 8) If the Owner desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Owner installs equipment or property increasing the cost of decommissioning after the Project begins to produce electricity, at any point, the Owner shall first obtain the consent of the Zoning Administrator. If the Owner's lien holders remove equipment or property credited to the salvage value, the Owner shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.
- 9) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.5. Q.(4)b.(a) prior to issuance of any Zoning Use Permit and upon every renewal of the Security and at any other time upon the request of the Zoning Administrator.
- 10) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide in the decommissioning and site reclamation plan for legal transfer of the Project to the demolisher to pay the costs of reclamation work, should the reclamation work be performed by Champaign County.
- 11) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the Project, equipment, and access roads.
- 12) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
- 13) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
- 14) The total amount of the Security after deduction of the net estimated salvage value shall not be less than \$1,000 per acre.
- 15) The credit for net estimated salvage value attributable to the Project may not exceed the estimated cost of removal of the above-ground portion of the Project on the subject site.
- 16) Net salvage value may be deducted from decommissioning costs as follows:
 - (a) One of the following standards shall be met:
 - i) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall maintain the Project free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
 - ii) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall deduct from the salvage value credit the amount of any lien or encumbrance on the Project; or
 - iii) Any and all financing and/or financial security agreements entered into by the Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1 A.2 that the reclamation work be done.
- 17) The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.

- 18) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:
- a) At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less not than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Use Permit approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
 - b) At all times, the value of the irrevocable letter of credit shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the Project was approved.
- 19) The long term corporate debt (credit) rating of the letter of credit issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:
- a) The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).
 - b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.
 - c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.
- 20) At all times the value of the irrevocable letter of credit shall be increased annually as necessary to reflect actual rates of inflation over the life span of the Project and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the Project was approved.
- 21) Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.5 Q.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5 Q.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
- 22) Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1 A.5.
- 23) Unless the Governing Body approves otherwise, the Champaign County State's Attorney's Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.
- 24) In addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for the following reasons:

- a) In the event that any Project or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such Project or component.
 - b) In the event that the Owner declares the Project or any Project component to be functionally obsolete for tax purposes.
 - c) There is a delay in the construction of any Project of more than 6 months after construction on that Project begins.
 - d) Any Project or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
 - e) Any Project or component thereof that is otherwise derelict for a period of 6 months.
 - f) The Project is in violation of the terms of the Project SPECIAL USE permit for a period exceeding ninety (90) days.
 - g) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the County's interest in the decommissioning and site reclamation plan.
 - h) The County discovers any material misstatement of fact or misleading omission of fact made by the Owner in the course of the special use permit zoning case.
- 25) The Zoning Administrator may, but is not required to, deem the Project abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the Project, to the extent that such portion of the Project otherwise meets the standards of abandonment or the standards set forth in Section 6.1.5 Q.(5). In that event, the Zoning Administrator may draw upon the Security to perform the reclamation work as to that portion of the Project only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining Project.

Permitting & Approvals

Prior to the initiation of decommissioning activities, local code will be reviewed for applicability with decommissioning activities. The County will be consulted to confirm and applications made for appropriate permits and approvals. At a minimum, it is anticipated that a new storm water pollution prevention plan (SWPPP) will be required along with a building permit. It is assumed that neither a new or revised site plan or special use permit would be necessary because decommissioning activities are associated with the originally issued approvals.

Potential negative environmental effects from decommissioning of the facility will be mitigated through use of erosion and sediment control measures, limiting the use of heavy machinery (where possible), and maintaining a buffer from natural features. These control measures, as well as other mitigation measures used during construction will be re-implemented during the decommissioning phase and until the site is stabilized.

Throughout the decommissioning process, the County will be provided with regular updates and notice upon completing the restoration activities.

Facility Description

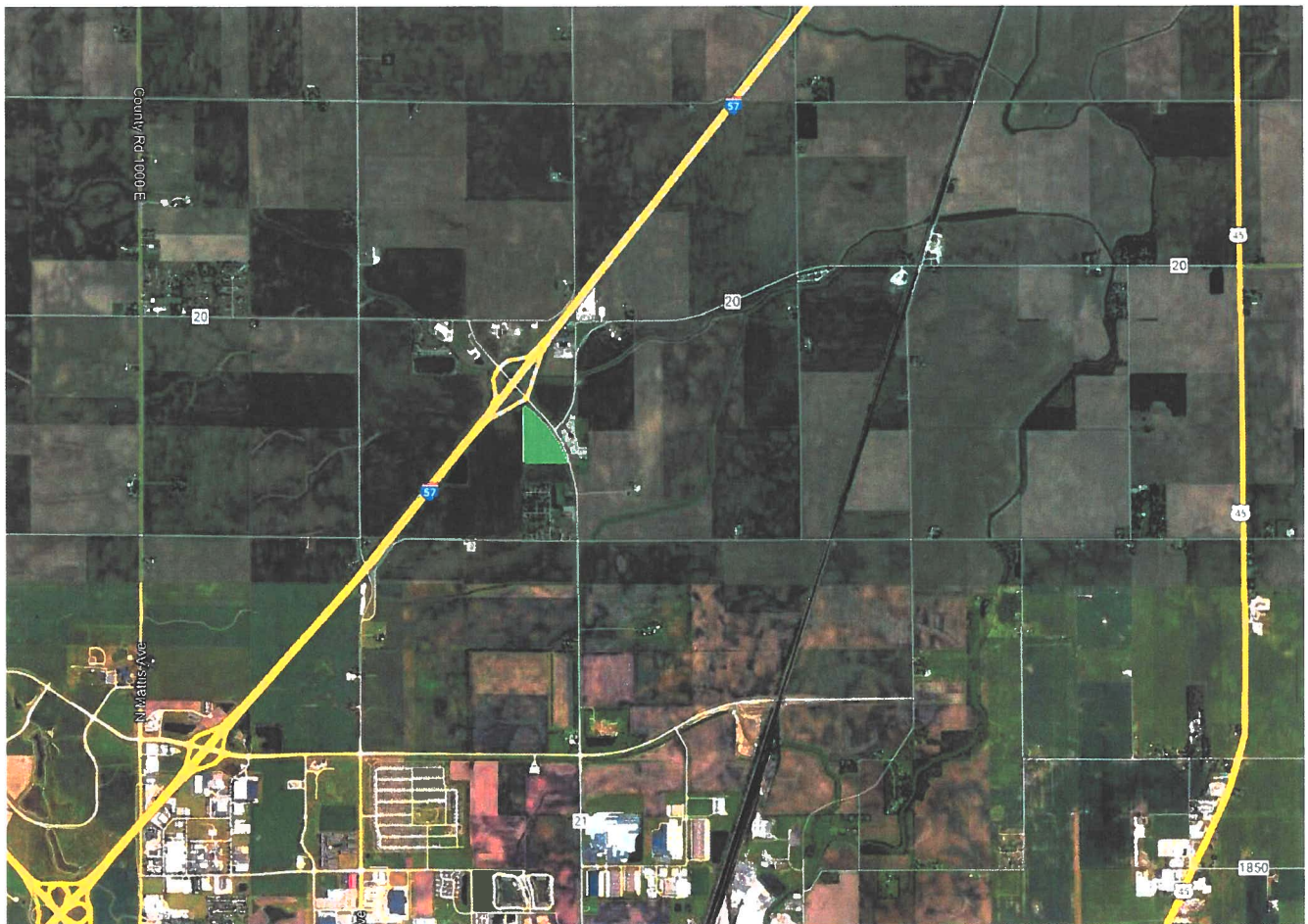
The solar PV modules will be installed on metal racking structures with a fixed tilt and secured to the ground utilizing direct push or technology. Direct Current (DC) wiring with the Project will be secured behind the modules, collected at a common point and transition underground to the inverters. From the inverter/transformer pad, AC wiring will run underground until a point before N Market St where it will surface and connect to a series of utility poles on the Property before connecting to National Grid's Project.

Access to the Project will be from N Market St utilizing a 20' wide crushed stone road constructed for access to the facility. The access road would be up to approximately 500-feet in length.

The transformer skid will be mounted on a concrete pad located within the array. The pad used for the skid will be approximately 15' x 6'.

The site will be secured with a seven-foot perimeter fence.

Figure 1: Project Location



Decommissioning

A significant amount of the components of the Project will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their resale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed of.

Following coordination with the local utility company regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the Project will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Inverters, transformers, and switchgear will be lifted, secured onto flat beds, and transported off-site for processing.

Modules will be detached from the racking system and stacked for removal. However, in the event of a total fracture, the broken module will be recycled at a PV recycling facility.

The metal piling systems used to secure the PV Project in the ground will be removed entirely and if full removal is not possible, then terminated at a depth greater than five feet from grade or at bedrock whichever is shallower. The piling materials will be collected and recycled. Additionally, all associated metal mounting structures along with the metal perimeter fencing and gates will be removed and either reused or sent for recycling.

Grade slabs will be broken, removed, and recycled. Unless requested by the landowner for the access road to remain, materials from road construction will be removed, shipped off-site for either re-use or disposal. If necessary, the former road bed will be backfilled and graded with material native to the region to blend it with the immediately adjacent and existing topography.

Aboveground utility poles owned by the Project will be completely removed and disposed of off-site in accordance with utility best practices. Overhead wires will be removed from the area of the solar modules and terminated at the point of interconnection. Underground wiring at depths of less than five feet will be removed and recycled.

Prior to final demobilization, a final walkthrough of the Project area and the Property is completed to police for and ensure all debris is collected and removed.

Site Restoration

Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment. The disturbed areas will then be seeded either by hand or via hydro seeding to reestablish vegetation compatible with the Property and region. It is

anticipated that a seed mix native to the area will be used by the decommissioning contractor, unless the landowner instructs that they will begin using the property for agricultural purposes and will reestablish the area with agricultural vegetation.

The DSRP and cost estimate includes provisions for the removal and restoration of the access driveways. The construction, operation, and decommissioning of the project will not require alterations to any public streets, therefore no repairs to public streets are anticipated.

Donato Solar - Champaign, LLC**Estimated Decommissioning Costs**

Project Name: Donato Solar - Champaign
Date: 2/17/2023
By: AFG/LAG

Project Size 7.44 MW-DC 5 MW-AC

	Quantity	Unit	Unit Cost	Total Cost
Mobilization/Demobilization	1		\$10,000	\$10,000

Permitting

State Permits	1		\$10,000	\$10,000
Subtotal				\$10,000

SWPPP and SPCC plan. Cost is an estimate based on current market rate.

Civil Infrastructure

Removal of Security Fence	3800	Feet	\$2.85	\$10,830
Subtotal				\$10,830

Structural Infrastructure

Removal of Racking	480	Hours	\$64.78	\$31,094
Removal of Steel Posts	1708	Posts	\$9.76	\$16,670
Haul Steel Racking and Posts.	320	Ton	\$10.00	\$3,200
Subtotal				\$50,964

Electrical Collection/Transmission System

Removal of PV Modules	15413	Units	\$7.75	\$119,451
Haul PV Modules	554.868	Ton	\$10.00	\$5,549
Removal of Combiner Boxes	32	Units	\$35.00	\$1,120
Removal of Inverters	32	Units	\$35.00	\$1,120
Removal of Panelboard and Transformers	1		\$2,500.00	\$2,500
Removal of DC wiring	612000	Feet	\$0.15	\$91,800
Removal of Underground of AC wiring	50400	Feet	\$2.25	\$113,400
Haul Wiring	23.9184	Ton	\$10.00	\$239
Subtotal				\$335,179

Electrical removal costs were based on industry standard installation time for a 3 man crew. Pad mounted and underground wiring/equipment were based on 2 man crew with necessary equipment.

Site Restoration

Permanent Seeding on damaged area	14 Acres	\$250	\$3,500
Subtotal			\$3,500

Assumed pollinator habitat/native plant.

Subtotal of Construction Activities			\$420,473
County Administration Cost (2.5%)	0.025		\$10,512
Total Demolition Costs			\$430,985

Salvage

Fencing	7.98 Ton	\$127.00	\$1,013
Steel Posts and Racking	320 Ton	\$127.00	\$40,640
PV Modules	15413 Units	\$18.00	\$277,434
Inverters and Transformers	32 Units	\$500.00	\$16,000
Copper Wiring	34884 LBS	\$1.05	\$36,628
Aluminum Wiring	12952.8 LBS	\$0.08	\$1,036
Subtotal Net Salvage			\$372,752

70% of Salvage Value			\$260,926.32
Demolition Minus Salvage			\$170,058.60
5% Buffer			\$8,502.93
Total LOC Amount			\$178,561.53

Scrap values are based on 5yr averages from Mack's Recycling. Data available upon request.

BTB Energies
26413 W. South St.
Ingleside, IL 60041

February 16, 2023

Attn: Mr. Tony Grilo

Re: Market Street Solar Farm Noise Study
Urbana, IL

Dear Mr. Grilo:

The purpose of this report is to evaluate the noise impact of a proposed solar farm located at approximately 4910 N Market Street in Champaign, IL based on sound level measurements conducted on site and analysis of the data.

The solar farm will occupy roughly 685,000 sqft on the site which is located north of residential properties with a small farm field between them. The residential properties are approximately 1000 feet north of the nearest noise generating equipment. There will be a data center located in the middle of the lot as well as a dry cooler to the west of the data center and two banks of inverters to the west of the dry cooler. The expected noise from the site will be from the dry cooler and the inverter banks.

To evaluate the noise impact of the solar farm, we conducted a sound survey on the site to establish existing sound levels. We then created an acoustic model to predict the solar farm's sound levels at the nearby residential properties based on sound emanating from the equipment.

Criteria

The city of Champaign does not have a noise ordinance with numeric limits, but defers to state regulations. Our analysis and recommendations will be based on meeting the Illinois Pollution Control Board (IPCB) Noise Regulations for sound emitting from Class C land to Class A land during evening hours (10pm to 7am), which are the most stringent.

As part of our evaluation, we used data from the sound study to compare against the IPCB noise regulations to set a design goal for octave band sound levels. The design goal is set as the IPCB noise regulations or ambient sound levels, whichever is higher. The octave band levels of the noise regulations, ambient sound levels, and design goal are shown in Table 2 below.

Sound Survey

Long term acoustical measurements were conducted south of the property and east of Boll Lane. The measurements started the afternoon of Tuesday 1/24/23 and the equipment was retrieved on the afternoon of Friday 1/27/23. An aerial photograph showing the approximate location of the sound level meter is shown in Figure 1.

RECEIVED

FEB 17 2023

CHAMPAIGN CO P & Z DEPARTMENT

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February 16, 2023

The following instrumentation was used:

- Norsonic 140 sound analyzer
- Norsonic Nor 1209 preamplifier
- Norsonic Nor 1225 ½" condenser microphone
- Norsonic 1251 sound calibrator
- Microphone extension cable
- Microphone windscreen
- Tripod

The exterior microphone and preamplifier were connected to the analyzer. The microphone was protected with a windscreen and attached to the tripod, which was secured to a utility pole. The analyzer and battery were contained in a weathertight case. The sound level meter was calibrated before and after the measurements. However, during our measurements we believe someone or something interacted with the Pelican case, shifting it around and causing the equipment to end the recording. The equipment was able to run for over 24 hours and provide a full "nighttime" period for evaluation.

Figure 1
Aerial Photo Showing Microphone Location, Market Street,
The Solar Farm Site, and nearby Residential Property



The analyzer measured A-weighted and one-third octave band sound pressure levels. Data were sampled continuously. The L_{eq} (time-average) spectrum and other statistics were stored for each hour and one-minute intervals. We used the data to calculate the average sound level

BTB Energy

February 16, 2023

(L_{eq}) for the entire measurement as well as for daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. The average sound level for the whole measurement period was 55 dBA. The day/night sound level results are summarized in Table 1 below.

The primary source contributing to the measured sound levels at the site was traffic from Market Street and Interstate 57. A graph of the sound pressure levels over the duration of the study is shown in Figure 2.

Table 1
Results of January 24-27, 2023 Acoustical Study
Day/Night Average Sound Levels, dB re 20 μ Pa, A-weighted

Date	Day	Daytime L_{eq} , dBA	Nighttime L_{eq} , dBA
1/24/23*	Tue	53	
1/24/23 – 1/25/23	Tue – Wed		52
1/25/23*	Wed	59	

*Measurements did not include the full extent of “daytime” hours.

Figure 2
Measured Sound Levels (L_{eq}) during
Measurement Period of 1/24/23 – 1/25/23

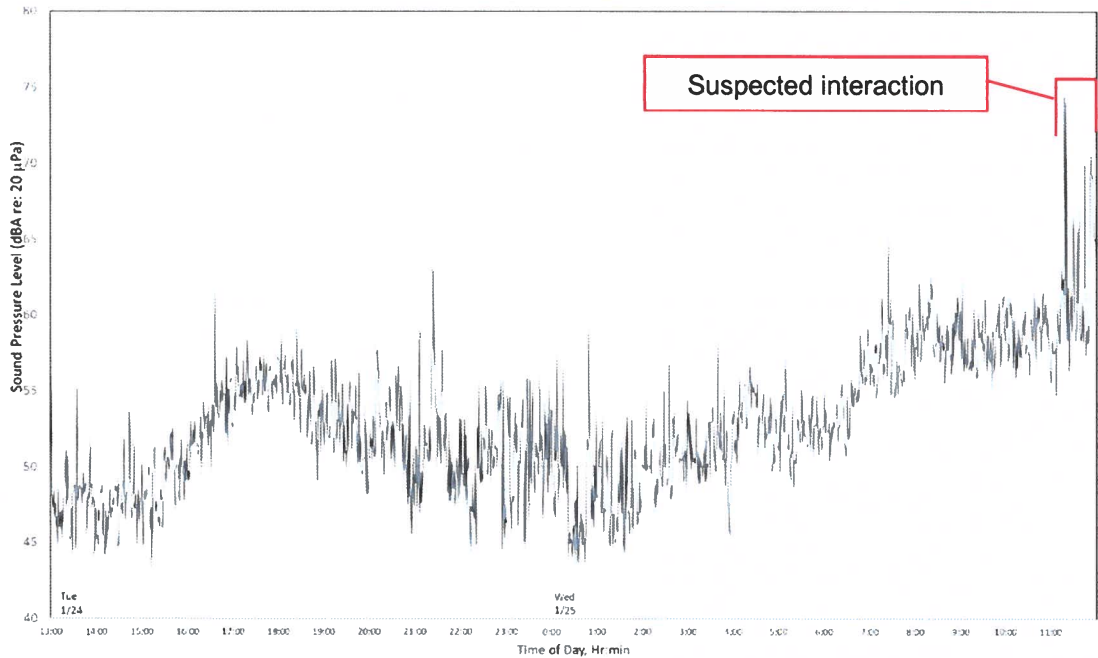


Table 2
IPCB Noise Regulations, Measured Ambient Sound Pressure Levels, and
Sound Level Design Goal, dB re 20 μ Pa

	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz	dBA
IPCB Nighttime Class C to Class A Land	69	67	62	54	47	41	36	32	32	51
Site Ambient	64	64	54	47	49	48	40	36	41	52
Design Goal	69	67	62	54	49	48	40	36	41	52

The nighttime measurement period of 1/24/23 – 1/25/23 was used for the site ambient levels in Table 2.

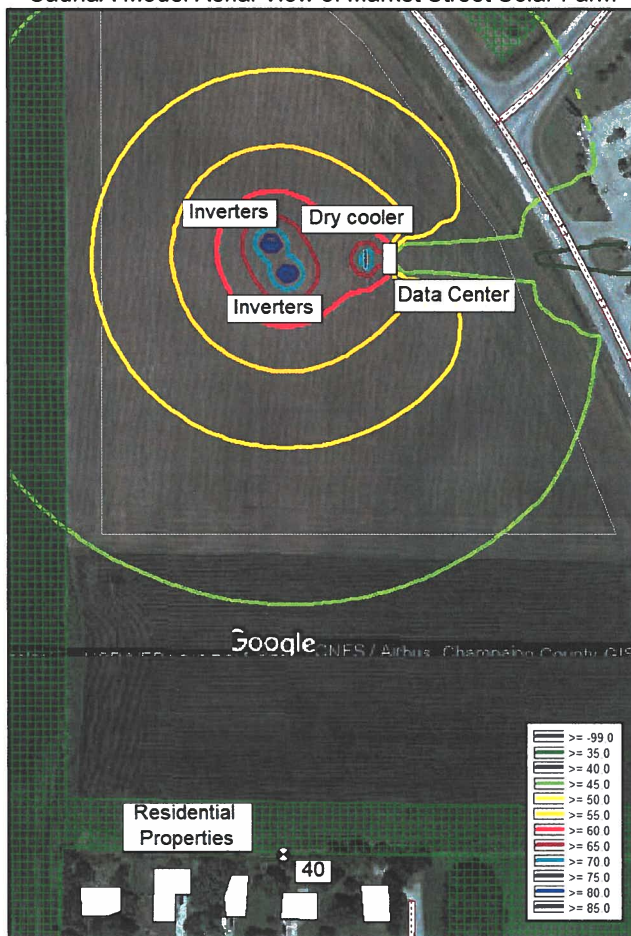
Modeling

We used CadnaA from DataKustik GmbH for our acoustic model. CadnaA is industry-accepted software used to calculate sound levels of multiple sources and propagation paths at multiple receiver points. The software considers the factors that influence sound propagation, such as distance, shielding by buildings, ground effect and atmospheric absorption, and source directivity.

The manufacturers of the proposed equipment were not able to provide octave band sound level data for the dry cooler or inverters. They were only able to provide an overall sound pressure level of 74 dBA for the dry cooler and 69 dBA for the inverters when measured at 1 meter from the equipment at nominal operating conditions. To evaluate octave band sound levels in our model for the equipment, we extrapolated the sound spectra from data that we had for a comparable pieces of equipment.

Figure 3 presents sound level contours superimposed on an aerial photograph of the site. The graphics show the predicted sound levels of the equipment of the solar farm. Sound levels at the residential property line, at 5 feet above ground level are shown. The predicted sound levels at the residential properties are also summarized in Table 3 below.

Figure 3
CadnaA Model Aerial View of Market Street Solar Farm



BTB Energy

February 16, 2023

Table 3
Design Goal and Calculated Sound Levels at Adjacent Residential Property
From Solar Farm Noise Sources, dB re 20 μ Pa

	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz	dBA
IPCB Nighttime Class C to Class A Land	69	67	62	54	47	41	36	32	32	51
Design Goal	69	67	62	54	49	48	40	36	41	52
Calculated Adjacent Residential Property Line	26	38	42	29	29	38	33	23	18	40

Comments and Recommendations

Based on our model and calculations, the proposed solar farm would be expected to meet IPCB noise regulations at the nearby residential property.

Note that if the noise generating equipment locations are changed and the equipment is located closer to the residential property, the solar farm may no longer meet the noise ordinance.

If you have questions concerning this report, please do not hesitate to contact us.

Respectfully submitted,

Shiner Acoustics, LLC



Ryan M Garner
RMG:

TO: Environment and Land Use Committee

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

DATE: February 27, 2023

**RE: Authorization for Public Hearing on Proposed Zoning Ordinance Text
Amendment to Revise Requirements for Wind Farms and PV Solar
Farms as Required by Public Act 102-1123**

BACKGROUND

Public Act 102-1123 was signed by Governor Pritzker on January 27, 2023. The Act requires Illinois counties to amend their wind and solar farm zoning ordinances to be no stricter than what PA 102-1123 allows. The Act is less strict than the Champaign County Zoning Ordinance in numerous ways, including but not limited to reducing separations to non-participating properties and dwellings, allowing increased height of wind towers, and not requiring Aircraft Detection Lighting Systems (ADLS). Recently, Champaign County Zoning Board of Appeals heard significant testimony that noise limits should be lowered for wind and solar farms; PA 102-1123 removes that possibility by setting noise limits to be no stricter than Illinois Pollution Control Board standards.

The Act sets a 120-day timeline for counties to amend their ordinances as of the effective date of January 27, 2023. As can be seen in the table below, Champaign County's approval process for this text amendment could take six months or longer given the anticipated public comments and established meeting schedules.

ALTERNATIVE TEXT AMENDMENT

Some Illinois counties have taken the approach that since Public Act 102-1123 removes all discretion for counties in the approval of a wind farm or solar farm, then the only approval really necessary is the typical zoning use permit approval.

The special use permit approach provides the best opportunity for the public to review any proposed wind or solar farm. Also, during the public hearing for a special use permit, all testimony is under oath and that is the only way to ensure truthful testimony.

For these reasons, P&Z Staff feel that retaining the special use permit approval as a requirement for wind and solar farm approvals is the best option for County review of wind and solar farms.

TEXT AMENDMENT PUBLIC HEARING TIMELINE

The public hearing requires a legal advertisement in the newspaper and notice provided to all relevant municipalities. If the public hearing is authorized by ELUC on March 9, 2023, the anticipated timeline (*earliest possible dates) is as follows:

Zoning Administrator
FEBRUARY 27, 2023

-
- | | |
|--|-----------------------------------|
| 1. Public Hearing opens at the Champaign County Zoning Board of Appeals (CCZBA) | Thursday, March 30, 2023 |
| 2. Public Hearing closes at CCZBA and the CCZBA makes recommendations to the Champaign County Board | *Thursday, May 11, 2023 |
| 3. Environment and Land Use Committee of the Champaign County Board (ELUC) affirms or amends CCZBA's recommendation | Thursday, June 8, 2023 |
| 4. Environment and Land Use Committee of the Champaign County Board makes a recommendation to the Champaign County Board | *Thursday, August 10, 2023 |
| 5. Champaign County Board makes a final determination | *Thursday, August 24, 2023 |
-

*earliest anticipated dates of action

ATTACHMENTS

- A Draft Wind and Solar Energy Amendment to the Champaign County Zoning Ordinance
- B Public Act 102-1123 excerpt

EXHIBIT A: PROPOSED AMENDMENT

1. Add definitions in Section 3. Definitions:

FACILITY OWNER: (i) a person with a direct ownership interest in a WIND FARM or a PV SOLAR FARM, or both, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

NON-PARTICIPATING PROPERTY: real property that is not a PARTICIPATING PROPERTY.

OCCUPIED COMMUNITY BUILDING: any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

PARTICIPATING PROPERTY: real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

2. Revise definitions in Section 3. Definitions:

DWELLING-~~or PRINCIPAL BUILDING~~, PARTICIPATING: A DWELLING on land that is leased to a WIND FARM or PV SOLAR FARM.

DWELLING-~~or PRINCIPAL BUILDING~~, NON-PARTICIPATING: A DWELLING on land that is not leased to a WIND FARM or PV SOLAR FARM.

PV SOLAR FARM, COMMUNITY: A PV SOLAR FARM of not more than 2,0005,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a "community renewable generation project" and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels totaling 5 MW. as either: a) two 2 MW projects on one parcel, or b) one 2 MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.

3. Revise the statement at the beginning of Section 6.1.4 as follows:

Prior to <effective date>, a WIND FARM County BOARD SPECIAL USE Permit may only be authorized in the AG-1, Agriculture Zoning DISTRICT subject to the following conditions:

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4. Add new Section 6.1.5 WIND FARM SPECIAL USE Permit as follows:

As of <effective date>, a WIND FARM SPECIAL USE Permit may only be authorized in the AG-1, AG-2, I-1, and I-2 Zoning DISTRICTS subject to the following conditions:

- A. General Standard Conditions
 - 1. The WIND FARM County Board SPECIAL USE Permit shall not be located less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
 - 2. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M.
- B. Minimum Lot Standards
 - 1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a WIND FARM or for LOTS for WIND FARM TOWERS, substations, and WIND FARM maintenance and management facilities.
- C. Minimum Standard Conditions for Separations for WIND FARM TOWERS from adjacent USES and STRUCTURES.

The location of each WIND FARM TOWER shall provide the following required separations:

- 1. At least 1.1 times the maximum blade tip height of the wind tower from the center of the base of a WIND FARM TOWER to the nearest point on the outside wall of any PARTICIPATING DWELLING provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations.
- 2. At least 2.1 times the maximum blade tip height of the wind tower from the center of the base of a WIND FARM TOWER to the nearest point on the outside wall of any existing NON-PARTICIPATING DWELLING or OCCUPIED COMMUNITY BUILDING provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations.
- 3. The above separations may be reduced to a distance no less than 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) upon submission of a PRIVATE WAIVER signed by the owner of said NON-PARTICIPATING DWELLING or OCCUPIED COMMUNITY BUILDING or adjacent property. The PRIVATE WAIVER must specify the agreed minimum separation and specifically

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acknowledge that the grantor accepts the resulting noise level caused by the WIND FARM.

4. A separation distance equal to 1.1 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the center of the base of a WIND FARM TOWER to the center point of the public STREET RIGHT OF WAY.
 5. A separation distance equal to 1.1 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the center of the base of a WIND FARM TOWER to the nearest non-participating property line. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said non-participating property. The PRIVATE WAIVER must specify the agreed minimum separation.
 6. A separation distance equal to 1.1 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the center of the base of a WIND FARM TOWER to the nearest easement for a third-party electrical transmission lines. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said electrical transmission line. The PRIVATE WAIVER must specify the agreed minimum separation.
 7. Any PRIVATE WAIVER establishing an agreement for a lesser minimum separation as authorized above shall be submitted prior to the final determination by the Board and must be recorded as part of the chain of title in the deed to any relevant tract of land prior to authorization of any relevant ZONING USE PERMIT. No waiver of a standard condition shall be required in the event of a duly agreed and signed PRIVATE WAIVER.
 8. At least 2.1 times the maximum blade tip height of the WIND TOWER to the nearest point on the property line of fish and wildlife areas and Illinois Nature Preserve Commission protected lands.
- D. Standard Conditions for Design and Installation of WIND FARM TOWERS.
1. 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.
 2. The WIND FARM shall comply with all applicable Federal Aviation Administration (FAA) requirements which shall be explained in the application. The minimum lighting requirement of the FAA shall not be exceeded.

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- E. Standard Conditions to Mitigate Damage to Farmland
1. All underground wiring or cabling for the WIND FARM shall be at a minimum depth as established by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M.
 2. Protection of agricultural drainage tile
 - a. Protection of agricultural drainage tile shall comply with the Agriculture Impact Mitigation Agreement with the Illinois Department of Agriculture as required by Section 6.1.5 M.
 3. All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by WIND FARM construction and/or decommissioning shall be restored by the applicant to the pre-WIND FARM construction condition in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M.
 4. Topsoil replacement
 - a. All topsoil shall be placed in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M.
 5. Mitigation of soil compaction and rutting
 - a. All mitigation of soil compaction and rutting shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M.
 6. Land leveling
 - a. The applicant shall not be responsible for leveling of disturbed land if exempted by the WIND FARM lease.
 - b. All land leveling shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M.
- F. Standard Conditions for Use of Public STREETS

Any WIND FARM applicant proposing to use any County Highway or township or municipal STREET for the purpose of transporting WIND FARM TOWERS or Substation parts and/or equipment for construction, operation, or maintenance of the WIND FARM TOWERS or Substation(s), shall identify all such public

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STREETS and pay the costs of any necessary permits and costs to repair any damage to the STREETS specifically and uniquely attributable to the WIND FARM construction, as follows:

1. The Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer; or Township Highway Commissioner; or municipality where relevant. Agreements with the County Engineer shall not be forwarded to the County Board before the WIND FARM SPECIAL USE permit is forwarded. All other agreements shall be executed prior to the close of the public hearing before the BOARD. The signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:
 - a. The applicant shall agree to conduct a pre-WIND FARM construction baseline survey to determine existing STREET conditions for assessing potential future damage including the following:
 - (1) A videotape of the affected length of each subject STREET supplemented by photographs if necessary.
 - (2) Pay for costs of the County to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the WIND FARM construction.
 - (3) Pay for any strengthening of STREET structures that may be necessary to accommodate the proposed traffic loads caused by the WIND FARM construction.
 - b. The applicant shall agree to pay for costs of the County Engineer to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the WIND FARM construction and pay for any strengthening of structures that may be necessary to accommodate the proposed traffic loads caused by the WIND FARM construction.
 - c. The applicant shall agree upon an estimate of costs for any other necessary roadway improvements prior to construction.
 - d. The applicant shall obtain any necessary approvals for the STREET improvements from the relevant STREET maintenance authority.
 - e. The applicant shall obtain any necessary Access Permits including any required plans.

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- f. The applicant shall erect permanent markers indicating the presence of underground cables.
- g. The applicant shall install marker tape in any cable trench.
- h. The applicant shall become a member of the Illinois statewide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or “JULIE”) and provide JULIE with all of the information necessary to update its record with respect to the WIND FARM.
- i. The applicant shall use directional boring equipment to make all crossings of County Highways for the cable collection systems.
- j. The applicant shall provide plans for the widening of any corner radius that is necessary to facilitate the turning movements of the transport trucks used by the applicant.
- k. The applicant shall pay for the necessary temporary STREET improvements for the widened corner radii and pay for the cost to return the widened radii to their original lines and grades when no longer needed for the WIND FARM construction unless the STREET maintenance authority requests that the widened radii remain as improved.
- l. The applicant shall notify the STREET maintenance authority in advance of all oversize moves and crane crossings.
- m. The applicant shall provide the County Engineer with a copy of each overweight and oversize permit issued by the Illinois Department of Transportation for WIND FARM construction.
- n. The applicant shall transport the WIND FARM TOWER segments and other oversize loads so as to minimize adverse impact on the local traffic including farm traffic.
- o. The applicant shall schedule WIND FARM construction traffic in a way to minimize adverse impacts on emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic.
- p. The applicant shall provide as much advance notice as is commercially reasonable to obtain approval of the STREET maintenance authority when it is necessary for a STREET to be closed due to a crane crossing or for any other reason. Notwithstanding the generality of the aforementioned, the applicant will provide 48 hours notice to the extent reasonably practicable.

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- q. The applicant shall provide signs indicating all highway and STREET closures and work zones in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices.
- r. The applicant shall establish a single escrow account and a single Irrevocable Letter of Credit for the cost of all STREET upgrades and repairs pursuant to the WIND FARM construction.
- s. The applicant shall notify all relevant parties of any temporary STREET closures.
- t. The applicant shall obtain easements and other land rights needed to fulfill the applicant's obligations under this agreement.
- u. The applicant shall provide written Notice to Proceed to the relevant STREET maintenance authority by December 31 of each year that identifies the STREETS to be upgraded during the following year.
- v. The applicant shall provide dust control and grading work to the reasonable satisfaction of the County Engineer on STREETS that become aggregate surface STREETS.
- w. The applicant shall conduct a post-WIND FARM construction baseline survey similar to the pre-WIND FARM construction baseline survey to identify the extent of repairs necessary to return the STREET to the pre-WIND FARM construction condition.
- x. The applicant shall pay for the cost of all repairs to all STREETS that are damaged by the applicant during the construction of the WIND FARM and restore such STREETS to the condition they were in at the time of the pre-WIND FARM construction inventory.
- y. All WIND FARM construction traffic shall exclusively use routes designated in the approved Transportation Impact Analysis.
- z. The applicant shall provide liability insurance in an acceptable amount to cover the required STREET construction activities.
- aa. The applicant shall pay for the present worth costs of life consumed by the construction traffic as determined by the pavement management surveys and reports on the roads which do not show significant enough deterioration to warrant immediate restoration.

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- bb. Provisions for expiration date on the agreement.
 - cc. Other conditions that may be required.
2. A condition of the County Board SPECIAL USE Permit approval shall be that the Zoning Administrator shall not authorize a Zoning Use Permit for the WIND FARM until the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, has approved a Transportation Impact Analysis provided by the applicant and prepared by an independent engineer that is mutually acceptable to the applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, that includes the following:
- a. Identify all such public STREETS or portions thereof that are intended to be used by the applicant during construction of the WIND FARM as well as the number of loads, per axle weight of each load; and type of equipment that will be used to transport each load.
 - b. A schedule of the access road culverts and bridges affected by the project and the recommendations as to actions, if any, required with respect to such culverts and bridges and estimates of the cost to replace such culverts and bridges.
 - c. A schedule of the anticipated STREET repair costs to be made in advance of the WIND FARM construction and following construction of the WIND FARM.
 - d. The applicant shall reimburse the County Engineer; or Township Highway Commissioner; or municipality where relevant, for all reasonable engineering fees including the costs of a third party consultant, incurred in connection with the review and approval of the Transportation Impact Analysis.
3. At such time as decommissioning takes place the Applicant or its successors in interest shall enter into a Roadway Use and Repair Agreement with the appropriate highway authority.
- G. Standard Conditions for Allowable Noise Level
- 1. Noise levels from each WIND FARM TOWER or WIND FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).

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Items G.2 through G.5 below might go beyond the constraints established by Public Act 102-1123. The Act allows that a project can be required to be compliant with IPCB regulations, but it does not specify that a noise study can be required. Staff is working to verify whether these statements can be included.

2. The applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis.
3. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.
4. The applicant shall submit a map of the relevant noise contours for the proposed WIND FARM and indicate the proposed WIND FARM TOWERS and all existing PRINCIPAL BUILDINGS within at least 1,500 feet of any WIND FARM TOWER or within the coverage of the relevant noise contours.
5. If a computer model is used to generate the required noise contours the applicant shall clearly state the assumptions of the model's construction and algorithms so that a competent and objective third party can as simply as possible verify the noise contours and noise data.
6. After construction of the WIND FARM the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:
 - a. The Zoning Administrator may seek authorization from the County Board to hire a noise consultant to determine the noise produced by the WIND FARM in a manner consistent with the Illinois Pollution Control Board (IPCB) regulations (*35 Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
 - b. The Zoning Administrator may require the WIND FARM owner to cooperate fully with the noise consultant in the enforcement action including shutting down all wind turbines to allow documentation of ambient noise levels.
 - c. In the event that a violation of the IPCB noise regulations is identified the Zoning Administrator may require the WIND FARM owner to take whatever actions are necessary to stop the violation and comply with the noise regulations. The Zoning Administrator may seek direction from the Environment and Land Use Committee regarding the actions necessary to stop the violation.

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- d. Further, in the event that a violation of IPCB noise regulations is identified the WIND FARM owner shall reimburse to the County the cost of the noise consultant.

H. Standard Conditions for Endangered Species Consultation

The applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report or, if applicable, a copy of the Detailed Action Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

I. Standard Conditions for Historic and Archaeological Resources Review

The applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

J. Standard Conditions for Fish and Wildlife Impacts

The applicant shall apply for consultation with the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines." The application shall include a copy of the consultation review from the U.S. Fish and Wildlife Service.

K. Standard Conditions for Shadow Flicker

1. The applicant shall submit the results of a study on potential shadow flicker. The shadow flicker study shall identify the locations of both summer and winter shadow flicker that may be caused by the project with an expected duration of 30 hours or more per year.
2. Shadow flicker that exceeds the above standards shall be mitigated by any means such as landscaping, awnings, or fencing.

Item L below (formerly Section 6.1.4 P Decommissioning and Site Reclamation Plan) might go beyond the constraints established by Public Act 102-1123. Staff is working to verify whether these statements can be included. In addition, staff is working on verifying whether related Section 6.1.1. can be included.

L. Standard Condition for Decommissioning Plan and Site Reclamation Plan

1. The applicant shall submit a signed site reclamation plan conforming to the requirements of paragraph 6.1.1 A.

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2. In addition to the purposes listed in subparagraph 6.1.1 A.4. the reclamation agreement shall also include provisions for anticipated repairs for any public STREET used for the purpose of reclamation of the WIND FARM and all costs related to removal of access driveways.
3. The Site Reclamation Plan required in paragraph 6.1.1 A. shall also include the following:
 - a. A stipulation that the applicant shall notify the GOVERNING BODY by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.
 - b. A stipulation that the applicant shall agree that the sale, assignment in fact or at law, or such other transfer of applicant's financial interest in the WIND FARM shall in no way affect or change applicant's obligation to continue to comply with the terms of this agreement. Any successor or assignee shall assume the terms, covenants and obligations of this Agreement and agrees to assume all reclamation liability and responsibility for the WIND FARM.
 - c. Authorization for the GOVERNING BODY and its authorized representatives for right of entry onto the WIND FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
 - d. A stipulation that at such time as decommissioning takes place, the Applicant or it's successors in interest are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
 - e. A stipulation that the Applicant shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
 - f. A stipulation that the Applicant shall be obliged to perform the work in the site reclamation plan before abandoning the WIND FARM or prior to ceasing production of electricity from the WIND FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance, and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.
 - g. The site reclamation plan shall provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required. Associated costs

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include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposals and bidding documents required to comply with State law or Champaign County purchasing policies.

- h. The depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Engineer and the certification shall be submitted to the Zoning Administrator.
- i. The hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
 - (1) The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original WIND FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.
 - (2) The native soils excavated at the time of the original WIND FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the WIND FARM. The methods for storing the excavated native soils during the operating lifetime of the WIND FARM shall be included in the site reclamation plan.
 - (3) If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
 - (4) An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of

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compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

- j. A stipulation that should the site reclamation plan be deemed invalid by a court of competent jurisdiction the WIND FARM SPECIAL USE Permit shall be deemed void.
 - k. A stipulation that the Applicant's obligation to complete the site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.
 - l. A stipulation that the liability of the Applicant's failure to complete the site reclamation plan or any breach of the site reclamation plan requirement shall not be capped by the amount of the financial assurance.
 - m. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value or if the Applicant installs equipment or property increasing the cost of decommissioning after the WIND FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value the Applicant shall promptly notify the Zoning Administrator. In either of these events the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.
4. To comply with paragraph 6.1.1A.5., the Applicant shall provide financial assurance in the form of an irrevocable letter of credit and an escrow account as follows:
- a. At the time of SPECIAL USE Permit approval the amount of financial assurance to be provided for the site reclamation plan shall be 210% of the decommissioning costs as determined in the independent engineer's cost estimate to complete the decommissioning work described in Section 6.1.1 A.4.a. and 6.1.1A.4.b and 6.1.1A.4.c.
 - b. Net salvage value may be deducted from decommissioning costs as follows:
 - (1) One of the following standards shall be met:

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- i. The Applicant shall maintain the WIND FARM TOWERS free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
 - ii. The Applicant shall deduct from the salvage value credit the amount of any lien or encumbrance on each WIND FARM TOWER; or
 - iii. Any and all financing and/or financial security agreements entered into by the Applicant shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1A.2 that the reclamation work be done.
- (2) The applicant shall provide proof of compliance with paragraph 6.1.5 L.4(b)(1) prior to issuance of any Zoning Use Permit and upon every renewal of the financial assurance and at any other time upon the request of the Zoning Administrator.
- (3) The Applicant shall provide in the site reclamation plan for legal transfer of the STRUCTURE to the demolisher to pay the costs of reclamation work, should the reclamation work be performed.
- (4) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the tower, the hub assembly, the bed plate, the nacelle, the turbine, the blades, the tower cabling and internal wiring, the transformers, the foundation, the access roads.
- (5) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
- (6) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total

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actual salvage value shall be available in the event that decommissioning is actually required.

- (7) The credit for net estimated salvage value attributable to any WIND FARM TOWER may not exceed the estimated cost of removal of the above-ground portion of that WIND FARM TOWER on the subject site.
- c. The GOVERNING BODY has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.
 - d. The Applicant shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:
 - (1) At least once every three years for the first 12 years of the financial assurance and at least once every year thereafter the Applicant shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
 - (2) At all times the total combined value of the irrevocable letter of credit and the escrow account shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the WIND FARM was approved; and an amount for any future years left in the anticipated 25 year life span of the WIND FARM at an assumed minimum rate of inflation of 3% per year.
 - e. The applicant or WIND FARM owner shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account over the first 13 years of the WIND FARM operation as follows:
 - (1) The applicant or WIND FARM owner and the GOVERNING BODY shall agree on a mutually acceptable financial institution at which an escrow account shall be established.
 - (2) The GOVERNING BODY shall be the beneficiary of the escrow account for the purpose of the reclamation of the WIND FARM in the event that the WIND FARM owner is incapable of decommissioning the WIND FARM.

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- (3) The applicant or WIND FARM owner shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record, pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 *ILCS* 9/101 *et seq.*
 - (4) The applicant or WIND FARM owner shall make annual deposits to the escrow account over a 12 year period and shall simultaneously provide a replacement irrevocable letter of credit that is reduced accordingly.
 - (5) At all times the total combined value of the irrevocable letter of credit and the escrow account shall be increased annually as necessary to reflect actual rates of inflation over the life span of the WIND FARM and the amount shall be equal to or exceed the following:
 - i. the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the WIND FARM was approved; plus
 - ii. an amount for any future years left in the anticipated life span of the WIND FARM at an assumed minimum rate of inflation of 3% per year.
 - (6) Any interest accrued on the escrow account that is over and above the total value required by subparagraph 6.1.5 L.3.(b) (4) shall go to the WIND FARM owner.
 - (7) In order to provide funding for decommissioning at the time of decommissioning, the WIND FARM applicant or WIND FARM owner may exchange a new irrevocable letter of credit in an amount equal to the amount in the escrow account in exchange for the GOVERNING BODY agreeing to a release of the full amount of the escrow account.
- f. Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.5 L.4.(d), the amount to be placed in the escrow account pursuant to this paragraph 6.1.5 L.4. shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
 - g. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 M. shall count towards the total

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financial assurance required for compliance with paragraph 6.1.1A.5.

5. In addition to the conditions listed in subparagraph 6.1.1A.9. the Zoning Administrator may also draw on the funds for the following reasons:
 - a. In the event that any WIND FARM TOWER or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such WIND FARM TOWER or component.
 - b. In the event that the Owner declares any wind turbine or other component to be functionally obsolete for tax purposes.
 - c. There is a delay in the construction of any WIND FARM TOWER of more than 6 months after construction on that WIND FARM TOWER begins.
 - d. Any WIND FARM TURBINE appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
 - e. Any WIND FARM TURBINE is otherwise derelict for a period of 6 months.
 - f. The WIND FARM is in violation of the terms of the WIND FARM SPECIAL USE permit for a period exceeding ninety (90) days.
 - g. The Applicant has failed to maintain financial assurance in the form and amount required by the SPECIAL USE Permit or compromised the COUNTY's interest in the site reclamation plan.
 - h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the SPECIAL USE Permit zoning case.
6. The Zoning Administrator may, but is not required to, deem the WIND FARM abandoned, or the standards set forth in Section 6.1.5 L.5. met, with respect to some, but not all, of the WIND FARM TURBINES in the WIND FARM. In that event the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to those WIND FARM TURBINES only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining WIND FARM TURBINES in the WIND FARM.
7. The Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit and

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evidence of the escrow account must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

M. Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture

1. The Applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
2. The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
3. All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the COUNTY Board SPECIAL USE Permit.
4. Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.

N. Application Requirements

1. In addition to all other information required on the SPECIAL USE Permit application and required by Section 9.1.1 A.2. the application shall contain or be accompanied by the following information:
 - a. A WIND FARM Project Summary, including, to the extent available:
 - (1) A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of wind turbines, number of wind turbines, and name plate generating capacity of each wind turbine; the maximum height of the WIND FARM TOWER(S); and the maximum diameter of the WIND FARM TOWER rotor(s).
 - (2) The specific proposed location of the WIND FARM including all tax parcels on which the WIND FARM will be constructed.
 - (3) The specific proposed location of all tax parcels required to be included in the WIND FARM County Board SPECIAL USE Permit.

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- (4) A description of the applicant; Owner and Operator, including their respective business structures.
 - b. The name(s), address(es), and phone number(s) of the applicant(s), Owner and Operator, and all property owner(s) for the WIND FARM County Board SPECIAL USE Permit.
 - c. A site plan for the installation of all WIND FARM TOWERS indicating the following:
 - (1) The approximate planned location of each WIND FARM TOWER, other PRINCIPAL STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, substation(s), electrical cabling from the WIND FARM TOWER to the Substation(s), ancillary equipment, third party transmission lines, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
 - (2) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR COMMUNITY BUILDINGS or uses shall be shown or dimensioned on the approved site plan for the SPECIAL USE Permit unless the Board authorizes a lesser separation in a special condition of approval or any required and duly authorized waivers of paragraph 6.1.5 C. Authorization of a separation of less than 90% of that indicated on the approved site plan for the SPECIAL USE Permit shall require an updated noise study meeting the requirements of paragraph 6.1.5 G. to be submitted with the Zoning Use Permit application. WIND FARM structures include WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.
 - d. The Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Special Use Permit Application to authorize construction.
 - e. All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
2. The applicant shall notify the COUNTY of any changes to the information provided above that occurs while the SPECIAL USE Permit application is pending.

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5. Renumber all references to Section **6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM County BOARD SPECIAL USE Permit** to new **Section 6.1.6** and add the following statement to the beginning of new Section 6.1.6:

Prior to <effective date>, a PHOTOVOLTAIC (PV) SOLAR FARM County BOARD SPECIAL USE Permit may only be authorized in the AG-1, Agriculture, Zoning DISTRICT or the AG-2, Agriculture, Zoning DISTRICT subject to the following standard conditions:

6. Add new **Section 6.1.7 PHOTOVOLTAIC (PV) SOLAR FARM SPECIAL USE Permit as follows:**

As of <effective date>, a PHOTOVOLTAIC (PV) SOLAR FARM SPECIAL USE Permit may only be authorized in the AG-1, AG-2, I-1, and I-2 Zoning DISTRICTS subject to the following conditions:

- A. In what follows, PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- B. Minimum LOT Standards
 - (1) There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/or for PV SOLAR FARM maintenance and management facilities.
 - (2) There is no maximum LOT AREA requirement on BEST PRIME FARMLAND.
- C. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES

The location of each PV SOLAR FARM shall provide the following required separations as measured from the exterior of the above ground portion of the PV SOLAR FARM STRUCTURES and equipment including fencing:

- (1) PV SOLAR FARM fencing shall be set back from the street centerline a minimum of 50 feet.
- (2) For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning LOT is provided for the existing DWELLING or PRINCIPAL BUILDING.
- (3) For properties not participating in the solar farm:
 - a. 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.

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- b. 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.
 - c. Additional separation may be required to ensure that the noise level required by *35 Ill. Admin. Code Parts 900, 901 and 910* is not exceeded.
- D. Standard Conditions for Design and Installation of any PV SOLAR FARM.
- (1) Electrical Components
 - a. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV SOLAR FARM construction and minimizing impacts on agricultural drainage tile.
 - (2) Maximum Height. The height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM. The maximum height of all above ground STRUCTURES shall be identified in the application and as approved in the SPECIAL USE Permit.
- E. Standard Conditions to Mitigate Damage to Farmland
- (1) All underground wiring or cabling for the PV SOLAR FARM shall be at a minimum depth as established by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.7 N.
 - (2) Protection of agricultural drainage tile

Protection of agricultural drainage tile shall comply with the Agriculture Impact Mitigation Agreement with the Illinois Department of Agriculture as required by Section 6.1.7 N.
 - (3) All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by PV SOLAR FARM construction and/or decommissioning shall be restored by the applicant to the pre-PV SOLAR FARM construction condition in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.7 N.
 - (4) Topsoil replacement

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All topsoil shall be placed in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.7 N.

- (5) Mitigation of soil compacting and rutting
 - a. The Applicant shall not be responsible for mitigation of soil compaction and rutting if exempted by the PV SOLAR FARM lease.
 - b. All mitigation of soil compaction and rutting shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.7 N.
- (6) Land leveling
 - a. The Applicant shall not be responsible for leveling of disturbed land if exempted by the PV SOLAR FARM lease.
 - b. All land leveling shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.7 N.
- (7) Minimize disturbance to BEST PRIME FARMLAND
 - a. Any PV SOLAR FARM to be located on BEST PRIME FARMLAND shall minimize the disturbance to BEST PRIME FARMLAND as follows:
 - (a) The disturbance to BEST PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.
 - (b) Disturbance to BEST PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:
 - i. The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.
 - ii. The species selected shall serve a secondary habitat purpose as much as possible.

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- iii. Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.
- iv. The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE Permit application. The landscape plan shall include the weed control plan required by Section 6.1.7 L.1.

F. Standard Conditions for Use of Public Streets

Any PV SOLAR FARM Applicant proposing to use any County Highway or a township or municipal STREET for the purpose of transporting PV SOLAR FARM or Substation parts and/or equipment for construction, operation, or maintenance of the PV SOLAR FARM or Substation(s), shall identify all such public STREETS and pay the costs of any necessary permits and the costs to repair any damage to the STREETS specifically and uniquely attributable to the PV SOLAR FARM construction, as follows:

- (1) Prior to the close of the public hearing before the BOARD, the Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements of subparagraphs 6.1.7 F.1, 6.1.7 F.2, and 6.1.7 F.3, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:
 - a. The applicant shall agree to conduct a pre-PV SOLAR FARM construction baseline survey to determine existing STREET conditions for assessing potential future damage including the following:
 - (a) A videotape of the affected length of each subject STREET supplemented by photographs if necessary.
 - (b) Pay for costs of the County to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the PV SOLAR FARM construction.

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- (c) Pay for any strengthening of STREET structures that may be necessary to accommodate the proposed traffic loads caused by the PV SOLAR FARM construction.
- b. The Applicant shall agree to pay for costs of the County Engineer to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the PV SOLAR FARM construction and pay for any strengthening of structures that may be necessary to accommodate the proposed traffic loads caused by the PV SOLAR FARM construction.
- c. The Applicant shall agree upon an estimate of costs for any other necessary roadway improvements prior to construction.
- d. The Applicant shall obtain any necessary approvals for the STREET improvements from the relevant STREET maintenance authority.
- e. The Applicant shall obtain any necessary Access Permits including any required plans.
- f. The Applicant shall erect permanent markers indicating the presence of underground cables.
- g. The Applicant shall install marker tape in any cable trench.
- h. The Applicant shall become a member of the Illinois state wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or “JULIE”) and provide JULIE with all of the information necessary to update its record with respect to the PV SOLAR FARM.
- i. The Applicant shall use directional boring equipment to make all crossings of County Highways for the cable collection system.
- j. The Applicant shall notify the STREET maintenance authority in advance of all oversize moves and crane crossings.
- k. The Applicant shall provide the County Engineer with a copy of each overweight and oversize permit issued by the Illinois Department of Transportation for the PV SOLAR FARM construction.
- l. The Applicant shall transport the PV SOLAR FARM loads so as to minimize adverse impact on the local traffic including farm traffic.

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- m. The Applicant shall schedule PV SOLAR FARM construction traffic in a way to minimize adverse impacts on emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic.
- n. The Applicant shall provide as much advance notice as is commercially reasonable to obtain approval of the STREET maintenance authority when it is necessary for a STREET to be closed due to a crane crossing or for any other reason. Notwithstanding the generality of the aforementioned, the Applicant will provide 48 hours notice to the extent reasonably practicable.
- o. The Applicant shall provide signs indicating all highway and STREET closures and work zones in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices.
- p. The Applicant shall establish a single escrow account and a single Irrevocable Letter of Credit for the cost of all STREET upgrades and repairs pursuant to the PV SOLAR FARM construction.
- q. The Applicant shall notify all relevant parties of any temporary STREET closures.
- r. The Applicant shall obtain easements and other land rights needed to fulfill the Applicant's obligations under this Agreement.
- s. The Applicant shall agree that the County shall design all STREET upgrades in accordance with the most recent edition of the IDOT Bureau of Local Roads and Streets Manual.
- t. The Applicant shall provide written Notice to Proceed to the relevant STREET maintenance authority by December 31 of each year that identifies the STREETS to be upgraded during the following year.
- u. The Applicant shall provide dust control and grading work to the reasonable satisfaction of the County Engineer on STREETS that become aggregate surface STREETS.
- v. The Applicant shall conduct a post-PV SOLAR FARM construction baseline survey similar to the pre-PV SOLAR FARM construction baseline survey to identify the extent of repairs necessary to return the STREETS to the pre-PV SOLAR FARM construction condition.

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- w. The Applicant shall pay for the cost of all repairs to all STREETS that are damaged by the Applicant during the construction of the PV SOLAR FARM and restore such STREETS to the condition they were in at the time of the pre-PV SOLAR FARM construction inventory.
 - x. All PV SOLAR FARM construction traffic shall exclusively use routes designated in the approved Transportation Impact Analysis.
 - y. The Applicant shall provide liability insurance in an acceptable amount to cover the required STREET construction activities.
 - z. The Applicant shall pay for the present worth costs of life consumed by the construction traffic as determined by the pavement management surveys and reports on the roads which do not show significant enough deterioration to warrant immediate restoration.
 - aa. Provisions for expiration date on the agreement.
 - bb. Other conditions that may be required.
- (2) A condition of the County Board SPECIAL USE Permit approval shall be that the Zoning Administrator shall not authorize a Zoning Use Permit for the PV SOLAR FARM until the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality where relevant, that includes the following:
- a. Identify all such public STREETS or portions thereof that are intended to be used by the Applicant during construction of the PV SOLAR FARM as well as the number of loads, per axle weight of each load, and type of equipment that will be used to transport each load.
 - b. A schedule of the across road culverts and bridges affected by the project and the recommendations as to actions, if any, required with respect to such culverts and bridges and estimates of the cost to replace such culverts and bridges.
 - c. A schedule of the anticipated STREET repair costs to be made in advance of the PV SOLAR FARM construction and following construction of the PV SOLAR FARM.

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- d. The Applicant shall reimburse the County Engineer, or Township Highway Commissioner, or municipality where relevant, for all reasonable engineering fees including the cost of a third-party consultant, incurred in connection with the review and approval of the Transportation Impact Analysis.
 - (3) At such time as decommissioning takes place, the Applicant or its successors in interest shall enter into a Roadway Use and Repair Agreement with the appropriate highway authority.
- G. Standard Conditions for Allowable Noise Level
- (1) Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (*35 Illinois Administrative Code*, Subtitle H: Noise, Parts 900, 901, 910).

Items G.(2) through G.(3) below might go beyond the constraints established by Public Act 102-1123. The Act allows that a project can be required to be compliant with IPCB regulations, but it does not specify that a noise study can be required. Staff is working to verify whether these statements can be included.

- (2) The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.
- (3) The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:
 - a. The SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:
 - (a) The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.
 - (b) Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.
 - (c) Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.

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- (d) The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.
 - b. For a COMMUNITY PV SOLAR FARM the Board may require submission of a noise analysis that meets the standard of paragraph 6.1.7 G.(3)a.
- (4) After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:
 - a. The Zoning Administrator shall make the Environment and Land Use Committee aware of complaints about noise that have been received by the Complaint Hotline.
 - b. If the Environment and Land Use Committee determines that the noise is excessive, the Environment and Land Use Committee shall require the Owner or Operator to take responsible steps to mitigate the excessive noise.
- H. Standard Conditions for Endangered Species Consultation

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

I. Standard Conditions for Historic and Archaeological Resources Review

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The application shall include a copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.

J. Standard Conditions for Acceptable Fish and Wildlife Impacts

The applicant shall apply for consultation with the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to

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public review. The application shall include a copy of the consultation review by the U.S. Fish and Wildlife Service.

K. Screening and Fencing

(1) Perimeter fencing

- a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 6 feet.
- b. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 *ILCS* 100/1 *et. seq.*). Management of the vegetation shall be explained in the application.

(2) Screening

- a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:
 - (a) The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the Applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the BOARD finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.
 - (b) The visual screen shall be waived if the owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the BOARD or GOVERNING BODY.
 - (c) The visual screen shall be a vegetated buffer as follows:
 - i. A vegetated visual screen buffer that shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants and/or an area of agricultural crop production that will conceal the PV SOLAR FARM from view from adjacent

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abutting property may be authorized as an alternative visual screen subject to specific conditions.

- ii. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the evergreen foliage below a height of 7 feet disappears over time, the screening shall be replaced.
- iii. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelterbreak Establishment except that the planting shall be located as close as possible to the PV SOLAR FARM fence while still providing adequate clearance for maintenance.
- iv. A planting of tall native grasses and other native flowering plants may be used as a visual screen buffer for any PV module installation that is no more than 8 feet tall provided that the width of planting shall be authorized by the BOARD and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.
- v. An area of agricultural crop production may also be authorized by the BOARD as an alternative visual screen buffer with a width of planting as authorized by the BOARD provided that the PV SOLAR FARM perimeter fence is opaque. Any area of crop production that is used as a vegetated visual screen shall be planted annually and shall be replanted as necessary to ensure a crop every year regardless of weather or market conditions.
- vi. Any vegetated screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE Permit application.

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L. Operational Standard Conditions

(1) Vegetation management

- a. The PV SOLAR FARM SPECIAL USE Permit application shall include a weed control plan for the total area of the SPECIAL USE Permit including areas both inside of and outside of the perimeter fencing.
- b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (55 ILCS 100/1 *et. seq.*).
- c. The weed control plan shall be explained in the application.

Item M below (formerly Section 6.1.5 Q Decommissioning and Site Reclamation Plan) might go beyond the constraints established by Public Act 102-1123. Staff is working to verify whether these statements can be included. In addition, staff is working on verifying whether related Section 6.1.1. can be included.

M. Standard Condition for Decommissioning and Site Reclamation Plan

- (1) The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of paragraph 6.1.1A.
- (2) In addition to the purposes listed in subparagraph 6.1.1A.4., the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
- (3) The decommissioning and site reclamation plan required in paragraph 6.1.1A. shall also include the following:
 - a. A stipulation that the applicant or successor shall notify the GOVERNING BODY by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of proceeding.
 - b. A stipulation that the applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change the applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

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- c. Authorization for the GOVERNING BODY and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
- d. A stipulation that at such time as decommissioning takes place the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
- e. A stipulation that the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
- f. A stipulation that the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.
- g. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Champaign COUNTY may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to: attorney's fees; construction management and other professional fees; and, the costs of preparing requests for proposals and bidding documents required to comply with State law or Champaign COUNTY purchasing policies.
- h. The depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Engineer and the certification shall be submitted to the Zoning Administrator.
- i. Underground electrical cables of a depth of 5 feet or greater may be left in place.

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- j. The hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
 - (a) The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.
 - (b) The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.
 - (c) If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist of Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
 - (d) An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.
- k. A stipulation that should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction the PV SOLAR FARM SPECIAL USE Permit shall be deemed void.
- l. A stipulation that the Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all

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associated costs shall be independent of the Applicant's obligation to provide financial assurance.

- m. A stipulation that the liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of financial assurance.
 - n. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the PV SOLAR FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.
- (4) To comply with paragraph 6.1.1A.5., the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as follows:
- a. At the time of SPECIAL USE Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Section 6.1.1A.4.a. and 6.1.1A.4.b., and 6.1.1A.4c. and shall otherwise be compliant with Section 6.1.1A.5. except that if the PV SOLAR FARM modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Use Permit approval, financial assurance may be provided for the decommissioning and site reclamation plan as follows:
 - (a) No Zoning Use Permit to authorize construction of the PV SOLAR FARM shall be authorized by the Zoning Administrator until the PV SOLAR FARM owner shall provide the COUNTY with financial assurance to cover 12.5% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a.

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and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.

(b) On or before the sixth anniversary of the Commercial Operation Date, the PV SOLAR FARM Owner shall provide the COUNTY with Financial Assurance to cover 62.5% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.

(c) On or before the eleventh anniversary of the Commercial Operation Date, the PV SOLAR FARM Owner shall provide the COUNTY with Financial Assurance to cover 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.

b. Net salvage value may be deducted for decommissioning costs as follows:

(a) One of the following standards shall be met:

- i. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall maintain the PV SOLAR FARM free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
- ii. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall deduct from the salvage value credit the amount of any lien or encumbrance on the PV SOLAR FARM; or
- iii. Any and all financing and/or financial security agreements entered into by the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1A.2 that the reclamation work be done.

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- (b) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.7 M.4.b.(1). prior to the issuance of any Zoning Use Permit and upon every renewal of the financial assurance and at any other time upon the request of the Zoning Administrator.
- (c) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide in the decommissioning and site reclamation plan for legal transfer of the STRUCTURE to the demolisher to pay the costs of reclamation work, should the reclamation work be performed.
- (d) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the PV SOLAR FARM STRUCTURES, equipment, and access roads.
- (e) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgement as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
- (f) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
- (g) The total financial assurance after deduction of the net estimated salvage value shall not be less than \$1,000 per acre.
- (h) The credit for net estimated salvage value attributable to any PV SOLAR FARM may not exceed the estimated cost of removal of the above-ground portion of that PV SOLAR FARM on the subject site.

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- c. The GOVERNING BODY has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.
- d. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:
 - (a) At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the PV SOLAR FARM modules have an unlimited warranty of a least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Use Permit approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
 - (b) At all times, the value of the irrevocable letter of credit shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the PV SOLAR FARM was approved.
- e. The long term corporate debt (credit) rating of the letter of credit issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:
 - (a) The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by Standard and Poor's Financial Services LLC (S&P) and/or Moody's Investors Service (Moody's) and/or the Kroll Bond Rating Agency.

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- (b) The 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.
 - (c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P, Moody’s, or Kroll Bond Rating Agency is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P, Moody’s, or Kroll Bond Rating Agency meets or exceeds the minimum acceptable long term corporate debt (credit) rating.
 - f. At all times the value of the irrevocable letter of credit shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer’s cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.
 - g. Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.7 M.4.d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.7 M.4. shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
 - h. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.7 N. shall count towards the total financial assurance required for compliance with paragraph 6.1.1A.5.
 - i. Unless the Governing Body approves otherwise, the Champaign County State’s Attorney’s Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.
- (5) In addition to the conditions listed in subparagraph 6.1.1A.9. the Zoning Administrator may also draw on the funds for the following reasons:
- a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

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- b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.
 - c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.
 - d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
 - e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.
 - f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE Permit for a period exceeding ninety (90) days.
 - g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the SPECIAL USE Permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.
 - h. The COUNTY discovers any material misstatement of fact of misleading omission of fact made by the Applicant in the course of the SPECIAL USE Permit Zoning Case.
- (6) The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.7 M.5. met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
- (7) The decommissioning and site reclamation plan shall be included as a condition of approval by the Board and the signed and executed irrevocable letter of credit and evidence of the escrow account must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
- N. Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.

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- (1) The Applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (2) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (3) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the SPECIAL USE Permit.
 - (4) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- O. Application Requirements
- (1) In addition to all other information required on the SPECIAL USE Permit application and required by Section 9.1.11 A.2., the application shall contain or be accompanied by the following information:
 - a. A PV SOLAR FARM Project Summary, including, to the extent available:
 - (a) A general description of the project, including its approximate DC and AC generating capacity; the maximum number and type of solar devices, and the potential equipment manufacturer(s).
 - (b) The specific proposed location of the PV SOLAR FARM including all tax parcels on which the PV SOLAR FARM will be constructed.
 - (c) The specific proposed location of all tax parcels required to be included in the PV SOLAR FARM COUNTY Board SPECIAL USE Permit.
 - (d) A description of the Applicant, Owner and Operator, including their respective business structures.
 - b. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the PV SOLAR FARM SPECIAL USE Permit.
 - c. A site plan for the PV SOLAR FARM indicating the following:

EXHIBIT A: PROPOSED AMENDMENT

- (a) The approximate planned location of all PV SOLAR FARM STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substation(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
 - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM SPECIAL USE Permit.
 - (c) The location of all below-ground wiring.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM SPECIAL USE Permit. PV SOLAR FARM structures include substations, third party transmission lines, maintenance and management facilities, or other significant structures.
- d. All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
- (2) The Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the SPECIAL USE Permit application is pending.
 - (3) The Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Special Use Permit Application.

Section 5-12020 as follows:

(55 ILCS 5/5-12020)

Sec. 5-12020. Commercial Wind farms, electric-generating wind devices, and commercial wind energy facilities and commercial solar energy facilities.

(a) As used in this Section:

"Commercial solar energy facility" means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

"Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102nd General Assembly.

"Facility owner" means (i) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary

rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

"Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or

supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

"Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Protected lands" means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act;

or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Supporting facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.

"Wind tower" includes the wind turbine tower, nacelle, and blades.

(b) Notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning under Section 5-12007, a county may establish standards

for commercial wind energy facilities, commercial solar energy facilities, or both ~~wind farms and electric generating wind devices~~. The standards may include all of the requirements specified in this Section but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive than specified in this Section, ~~without limitation, the height of the devices and the number of devices that may be located within a geographic area~~. A county may also regulate the siting of commercial wind energy facilities with standards that are not more restrictive than the requirements specified in this Section ~~wind farms and electric generating wind devices~~ in unincorporated areas of the county that are outside ~~of~~ the zoning jurisdiction of a municipality and that are outside the 1.5-mile radius surrounding the zoning jurisdiction of a municipality.

(c) If a county has elected to establish standards under subsection (b), before the county grants siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, the county board of the county in which the facility is to be sited or the zoning board of appeals for the county shall hold ~~There shall be~~ at least one public hearing. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than 45 days after the filing of the application for the facility. The county shall allow interested parties to a

special use permit an opportunity to present evidence and to cross-examine witnesses at the hearing, but the county may impose reasonable restrictions on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. The county shall also allow public comment at the public hearing in accordance with the Open Meetings Act. The county shall make its siting and permitting decisions not more than 30 days after the conclusion of the public hearing ~~prior to a siting decision by the county board.~~ Notice of the hearing shall be published in a newspaper of general circulation in the county. A ~~commercial wind energy facility owner, as defined in the Renewable Energy Facilities Agricultural Impact Mitigation Act,~~ must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the county to grant the permit extension. Counties may allow test wind towers or test solar energy systems to be sited without formal approval by the county board. ~~Any provision of a county zoning ordinance pertaining to wind farms that is in effect before August 16, 2007 (the effective date of Public Act 95-203) may continue in effect~~

~~notwithstanding any requirements of this Section.~~

(d) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to be in compliance with this Section within 120 days after the effective date of this amendatory Act of the 102nd General Assembly.

(e) A county may ~~not~~ require:

(1) a wind tower of a commercial wind energy facility to be sited as follows, with setback distances measured from the center of the base of the wind tower: ~~or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.~~

Setback Description

Setback Distance

Occupied Community Buildings

2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Participating Residences

1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Nonparticipating Residences 2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Boundary Lines of Participating Property None

Boundary Lines of Nonparticipating Property 1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property

Public Road Rights-of-Way 1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way

Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead way Utility Service Lines to Individual Houses or 1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of containing the overhead line

Outbuildings)

Overhead Utility Service None

Lines to Individual

Houses or Outbuildings

Fish and Wildlife Areas 2.1 times the maximum blade
and Illinois Nature tip height of the wind tower
Preserve Commission to the nearest point on the
Protected Lands property line of the fish and
wildlife area or protected
land

This Section does not exempt or excuse compliance with
electric facility clearances approved or required by the
National Electrical Code, The National Electrical Safety
Code, Illinois Commerce Commission, Federal Energy
Regulatory Commission, and their designees or successors.

(2) a wind tower of a commercial wind energy facility
to be sited so that industry standard computer modeling
indicates that any occupied community building or
nonparticipating residence will not experience more than
30 hours per year of shadow flicker under planned
operating conditions;

(3) a commercial solar energy facility to be sited as
follows, with setback distances measured from the nearest

edge of any component of the facility:

<u>Setback Description</u>	<u>Setback Distance</u>
<u>Occupied Community Buildings and Dwellings on Nonparticipating Properties</u>	<u>150 feet from the nearest point on the outside wall of the structure</u>
<u>Boundary Lines of Participating Property</u>	<u>None</u>
<u>Public Road Rights-of-Way</u>	<u>50 feet from the nearest edge</u>
<u>Boundary Lines of Nonparticipating Property</u>	<u>50 feet to the nearest point on the property line of the nonparticipating property</u>

(4) a commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet; and

(5) a commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's

arrays are at full tilt.

The requirements set forth in this subsection (e) may be waived subject to the written consent of the owner of each affected nonparticipating property.

(f) A county may not set a sound limitation for wind towers in commercial wind energy facilities or any components in commercial solar energy facility that is more restrictive than the sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

(g) A county may not place any restriction on the installation or use of a commercial wind energy facility or a commercial solar energy facility unless it adopts an ordinance that complies with this Section. A county may not establish siting standards for supporting facilities that preclude development of commercial wind energy facilities or commercial solar energy facilities.

A request for siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, shall be approved if the request is in compliance with the standards and conditions imposed in this Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and federal statutes and regulations.

(h) A county may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind energy

facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.

(i) A county may not require permit application fees for a commercial wind energy facility or commercial solar energy facility that are unreasonable. All application fees imposed by the county shall be consistent with fees for projects in the county with similar capital value and cost.

(j) Except as otherwise provided in this Section, a county shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy facility or commercial solar energy facility or related financial assurances that are more restrictive than those included in the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, or standard solar agricultural impact mitigation agreement, version 8.19.19, as applicable and in effect on December 31, 2022. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by those agricultural impact mitigation agreements, minus the salvage value of the project.

(k) A county may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.

(l) A county may require certain vegetative screening

surrounding a commercial wind energy facility or commercial solar energy facility but may not require earthen berms or similar structures.

(m) A county may set blade tip height limitations for wind towers in commercial wind energy facilities but may not set a blade tip height limitation that is more restrictive than the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.

(n) A county may require that a commercial wind energy facility owner or commercial solar energy facility owner provide:

(1) the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(2) the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

~~Only a county may establish standards for wind farms, electric generating wind devices, and commercial wind energy~~

~~facilities, as that term is defined in Section 10 of the Renewable Energy Facilities Agricultural Impact Mitigation Act, in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and outside the 1.5 mile radius surrounding the zoning jurisdiction of a municipality.~~

(o) A county may require a commercial wind energy facility or commercial solar energy facility to adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

(p) A county may require a facility owner to:

(1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

(2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

(q) A county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(r) To maximize community benefits, including, but not limited to, reduced stormwater runoff, flooding, and erosion at the ground mounted solar energy system, improved soil

health, and increased foraging habitat for game birds, songbirds, and pollinators, a county may (1) require a commercial solar energy facility owner to plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (2) require the submittal of a vegetation management plan in the application to construct and operate a commercial solar energy facility in the county.

No later than 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Illinois Department of Natural Resources shall develop guidelines for vegetation management plans that may be required under this subsection for commercial solar energy facilities. The guidelines must include guidance for short-term and long-term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.

(s) If a facility owner enters into a road use agreement with the Illinois Department of Transportation, a road district, or other unit of local government relating to a commercial wind energy facility or a commercial solar energy facility, the road use agreement shall require the facility owner to be responsible for (i) the reasonable cost of improving roads used by the facility owner to construct the commercial wind energy facility or the commercial solar energy facility and (ii) the reasonable cost of repairing roads used

by the facility owner during construction of the commercial wind energy facility or the commercial solar energy facility so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. Roadways improved in preparation for and during the construction of the commercial wind energy facility or commercial solar energy facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

The road use agreement shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the commercial wind energy facility or the commercial solar energy facility. Road-related fees, permit fees, or other charges imposed by the Illinois Department of Transportation, a road district, or other unit of local government under a road use agreement with the facility owner shall be reasonably related to the cost of administration of the road use agreement.

(t) Notwithstanding any other provision of law, a facility owner with siting approval from a county to construct a commercial wind energy facility or a commercial solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or

under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy facility or the commercial solar energy facility within a reasonable time after construction of the commercial wind energy facility or the commercial solar energy facility is complete.

(u) The amendments to this Section adopted in this amendatory Act of the 102nd General Assembly do not apply to (1) an application for siting approval or for a special use permit for a commercial wind energy facility or commercial solar energy facility if the application was submitted to a unit of local government before the effective date of this amendatory Act of the 102nd General Assembly or (2) a commercial wind energy facility or a commercial solar energy facility if the facility owner has submitted an agricultural impact mitigation agreement to the Department of Agriculture before the effective date of this amendatory Act of the 102nd General Assembly.

(Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)

Section 35. The Public Utilities Act is amended by changing Section 8-402.2 as follows: