

**CHAMPAIGN COUNTY BOARD**  
**ENVIRONMENT and LAND USE COMMITTEE AGENDA**

County of Champaign, Urbana, Illinois  
Thursday, January 4, 2024 - 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  
Kyle Patterson

John Farney  
Emily Rodriguez  
Jilmala Rogers  
Chris Stohr

<b>Agenda</b>	<b>Page #'s</b>
<b>I. Call to Order</b>	
<b>II. Roll Call</b>	
<b>III. Approval of Agenda/Addendum</b>	
<b>IV. Approval of Minutes</b>	<b>1-5</b>
<b>A. November 9, 2023 – Regular Meeting</b>	
<b>V. Public Participation</b>	
<b>VI. Communications</b>	
<b>VII. <u>New Business: Items for Information Only</u></b>	
<b>A. E-mail from Phillip Carper of Seymour regarding nuisance roosters</b>	<b>6</b>
<b>B. Notice of Non-Compliance with Illinois Noxious Weed Law</b>	<b>7</b>
<b>VIII. <u>New Business: Items to be approved by ELUC</u></b>	<b>8</b>
<b>A. Annual Hotel/Motel License: Urbana Motel Inc. dba Motel 6 at 1906 North Cunningham Avenue, Urbana for 01/01/24- 12/31/24.</b>	
<b>IX. <u>New Business: Items to receive and Place on File by ELUC to allow a 30-Day Review Period</u></b>	
<b>A. Proposed amendment to Nuisance Ordinance to prohibit the keeping of roosters</b>	<b>9-13</b>
<b>B. Authorization for a public hearing on a proposed Zoning Ordinance text amendment to add requirements for Battery Energy Storage Systems (BESS)</b>	<b>14-44</b>
<b>X. <u>New Business: Items to be Recommended to the County Board</u></b>	<b>45-62</b>
<b>A. Zoning Case 109-AM-23. A request by Anthony Donato, d.b.a. Donato Solar – Bondville LLC, to amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 on a 77.5-acre tract in the East Half of the</b>	

*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)  
January 4, 2024 Agenda

Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and commonly known as a farm field bordering the north side of Illinois Route 10 and located one-quarter mile east of CR 500 E.

**XI. Other Business**

**A. Monthly Reports**

- i. October 2023

**63-75**

**XII. Chair's Report**

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

**XIV. Adjournment**



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

**MINUTES – Pending Approval**

DATE: Thursday, November 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)	
	John Farney
Kyle Patterson	
Emily Rodriguez	
Jilmala Rogers	
Chris Stohr	
Eric Thorsland (Chair)	

**County Staff:** John Hall (Zoning Administrator) and Liz Dillingham (Recording Secretary)

**Others Present:** Public Participation-Elizabeth Reddington

**MINUTES**

**I. Call to Order**

Committee Chair Thorsland called the meeting to order at 6:36 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 seconded by Mr. Esry. Upon voice vote, the **MOTION CARRIED** unanimously to approve the agenda.

**IV. Approval of Minutes**

A. October 5, 2023 – Regular Meeting

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

32 **V. Public Participation**

33 Elizabeth Reddington-Discussed Zoning Cases 099-S23 and 100-S-2023 in detail.

34  
35 Ms. Reddington stated the projects would have ground mounted solar gardens which has been  
36 approved by the State of Illinois. Utility customers can subscribe to the capacity that is generated from  
37 the systems to save on their energy bills. The property tax revenue would significantly increase as well.  
38 These projects will encourage work force training and development programs. Farmland will be  
39 preserved, and the projects will be noted as a harmonious neighbor based on no emissions or pollutions  
40 that comes from the technology they would be installing. This by nature is renewable energy to help the  
41 environment. Ms. Reddington explained the systems size and generation. No noise can be heard  
42 outside the fence. Native vegetation and pollinator species will be planted throughout the array in the  
43 fenced in area, creating a natural habitat and decreased mowing. The site will become resilient to  
44 downpours and helps with stormwater management plans. At the end of the systems life, they will de-  
45 commission the system according three things; the solar lease, adhering to the Department of  
46 Agricultural Impact Mitigation Act, and the decommissioning plan according to counties zoning  
47 ordinance. This includes removing all modules, equipment, cables, and concrete foundations for the  
48 equipment pads. The timeline to de-commission will be 2 months long. Any equipment that can be  
49 recycled, will be. The site will be returned to the original condition.

50  
51 **VI. Communications**

52  
53 None

54  
55 **VII. New Business: Items for Information Only**

56 **A. E-mail from Terry McLaren**

57  
58 Mr. Esry responded to his e-mail. Mr. Esry indicated he noticed people are abusing the recycling bins in  
59 St. Joseph dumping trash into the cardboard bins.

60  
61 **VIII. New business: Items to be approved by ELUC**

62 **A. Recreation & Entertainment License:** Taylor Feldkamp for Demo Derby at the Champaign County  
63 Fairgrounds, 1302 North Coler Avenue, Urbana. 4/18/24- 4/20/24.

64  
65 Mr. Esry asked Mr. Hall if there had been problems at previous events. The Sheriff had signed off  
66 approving the event.

67  
68 Mr. Hall stated the previous promoter had a negative event. Since Mr. Feldkamp purchased the event,  
69 there has not been negative reports.

70  
71 Mr. Esry motioned to approve the event and seconded by Mr. Stohr.

72  
73 Mr. Stohr inquired as to the redaction of page 12. Mr. Hall stated the redacted information was to  
74 remove personal information from the promoter in the original application.

75  
76 Upon a voice, motioned carried to approve the Demolition Derby.



79 **IX. New Business: Items to be recommended to the County Board**

80 **A. Zoning Case 099-S-23.** A request by Champaign Solar 1 LLC, a subsidiary of Pivot Energy  
81 Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT  
82 LLC, to authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW),  
83 including access roads and wiring, in the AG-1 Agriculture Zoning District, on the south 35.2 acres of  
84 a 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of Section  
85 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, and  
86 commonly known as farmland owned by JHBLT LLC on the north side of CR 0N and including the  
87 following waivers of standard conditions:

88 Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance  
89 in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

90  
91 Part B: A waiver for a separation distance of 42 feet between the solar inverters and the perimeter  
92 fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

93  
94 Part C: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver  
95 therefrom with the relevant local highway authority prior to consideration of the Special Use Permit  
96 by the Board, per Section 6.1.5 G. of the Zoning Ordinance. Other waivers may be necessary.  
97

98 **B. Decommissioning and Site Reclamation Plan for Zoning Case 099-S-23.** A request by Champaign  
99 Solar 1 LLC, a subsidiary of Pivot Energy Development LLC, with CEO Tom Hunt; via agent Merrill  
100 Read, and participating landowner JHBLT LLC, to approve the Decommissioning and Site  
101 Reclamation Plan for the PV Solar Farm in Zoning Case 099-S-23 with a total nameplate capacity of 5  
102 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, on the  
103 south 35.2 acres of a 90-acre tract of land west of the Canadian National Railroad in the Southeast  
104 Quarter of Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum  
105 Township, and commonly known as farmland owned by JHBLT LLC on the north side of CR 0N.  
106

107 **C. Zoning Case 100-S-23.** A request by Champaign Solar 1b LLC, a subsidiary of Pivot Energy  
108 Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT  
109 LLC, to authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW),  
110 including access roads and wiring, in the AG-1 Agriculture Zoning District, on 26.7 acres in the north  
111 half of a 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of  
112 Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township,  
113 and commonly known as farmland owned by JHBLT LLC on the north side of CR 0N and including the  
114 following waivers of standard conditions:

115  
116 Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance  
117 in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

118  
119 Part B: A waiver for a separation distance of 10 feet between the solar inverters and the perimeter  
120 fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

121  
122 Part C: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver

there from with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance. Other waivers may be necessary.

**D. Decommissioning and Site Reclamation Plan for Zoning Case 100-S-23.** A request by Champaign Solar 1b LLC, a subsidiary of Pivot Energy Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT LLC, to approve the Decommissioning and Site Reclamation Plan for the PV Solar Farm in Zoning Case 100-S-23 with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, on 26.7 acres in the north half of a 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, and commonly known as farmland owned by JHBLT LLC on the north side of CR ON.

Mr. Thorsland stated the packet was put together very well and it was much appreciation.

Mr. Hall stated the petitioner did an especially good job on the tile mapping. Mutual tiles were identified as well as some drainage district tile. The plan was revised to stay away from those tiles. An easement will be created for the drainage district tile that all must be documented as part of the permitting. Mr. Hall agreed it has been a good application.

Mr. Stohr inquired about the requests for waiver of the minimum separation distances that are big. He wanted to know if it would cause difficulties with an adjoining property.

Mr. Hall said the closet house is almost 1000 FT away, but less than 1000 FT away and they waived the requirement for screening, so he did not see it being a problem.

Mr. Stohr inquired about the request for a separate waiver for the distance from the municipality.

Mr. Hall stated the municipality waived the ordinance requirement for a second ELUC meeting and they haven't provided any comments which he takes to be a good sign.

Ms. Reddington stated a road use agreement will be forthcoming from Douglas County. The property is on the Champaign & Douglas County line.

Mr. Esry asked about the AC/DC use with Ms. Reddington explaining the process.

Mr. Thorsland stated he appreciated her explanation.

**MOTION** by Mr. Thorsland to approve A, B, C, & D, together. Mr. Patterson moved to approve; Ms. Rodriguez seconded. Mr. Esry mentioned keeping this topic off the consent agenda. Mr. Thorsland agreed and explained to Ms. Reddington the process. Upon voice vote, the **MOTION CARRIED** unanimously.

165       **X.     Other Business**  
166           A.   October 2023 Monthly Reports  
167  
168           Mr. Hall stated permits & cases should be slowing down.  
169  
170       **XI.    Chair’s Report**  
171  
172           None  
173  
174       **XII.   Designation of Items to be Placed on the Consent Agenda**  
175  
176           None  
177  
178       **XIII.   Adjournment**  
179  
180           Chair Thorsland adjourned the meeting at 7:03 p.m.

# RECEIVED

DEC 18 2023

CHAMPAIGN COUNTY ZONING DEPARTMENT

Philip Carper  
111 E. South St.  
P O Box 12  
Seymour, Illinois 61875  
December 17, 2023

Champaign County Board Environment and Land Use Committee  
Brookens Administration Center  
1776 E. Washington  
Urbana, Illinois 61802

Dear Environment and Land Use Committee,

My name is Philip Carper. I am a retired 69 year resident of the unincorporated town of Seymour, Illinois in Champaign County. I am a landowner and have resided in my present residence for 44 years.

Recently, my neighbor acquired eight chickens, two ducks, and two roosters. Since October 24, 2023, the roosters have become a noise nuisance. The roosters crow all hours of the day and night. The roosters and chickens and ducks live in an approximately six feet tall arched enclosure about eight feet by 16 feet. The arch is covered with chicken wire and tarps.

I have talked to my neighbor on more than one occasion about the rooster's crowing. They have not taken any action to quell the noise. Putting the rooster in a hutch enclosure inside arched enclosure does not curtail the noise.

I have gotten wakened nearly every night since October 24, 2023, between 10 PM to 8 AM from the rooster crow. I have also been disturbed during the day in my home and yard.

I would encourage enacting the ordinance for Champaign County to prohibit roosters in a residential area and limit the number of chickens and ducks kept in a residential area.

I would also encourage immediate enforcement to remove the rooster nuisance.

Sincerely,  
  
Philip Carper



**NOTICE OF NONCOMPLIANCE**  
**505 ILCS 100/1 et seq.**

**Bureau of Environmental Programs**

State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/785-2427 (voice) • Fax 217/524-4882 • 866/287-2999 (TTY/TDD)  
Pesticide Misuse Hotline 1-800-641-3934 (voice)

December 13, 2023

Champaign County Board  
101 East Main St.  
Urbana, IL 61802

Dear Sir or Madam,

Pursuant to 505 ILCS 100/4, the Director of the Illinois Department of Agriculture is issuing this Notice of Noncompliance with regard to certain requirements of the Illinois Noxious Weed Law. Links to the aforementioned statute and associated regulations are shown below. Under their provisions, the governing body of each county is designated as a *Control Authority* and is to do the following:

- 1) establish a coordinated program for control and eradication of noxious weeds within the county;
- 2) conduct an examination of all land under its jurisdiction for compliance with the Act;
- 3) compile data on infested areas and areas eradicated;
- 4) advise persons responsible for controlling and eradicating noxious weeds of the best and most practical methods of noxious weed control and eradication;
- 5) investigate or aid in the investigation and prosecution of violations of the Act;
- 6) publish notices for control and eradication of noxious weeds as set forth in the Act and rules and as prescribed by the Director; and
- 7) cooperate with Federal, State, and local authorities in carrying out the provisions of the Act and its rules.

*Control Authorities* may employ one or more *weed control superintendents* who must be certified by the Director of the Illinois Department of Agriculture to carry out many of the various activities authorized in the Act including the examination of lands under the *Control Authority's* jurisdiction, the investigation of complaints, the issuance of control notices, the creation and submittal prior to December of each year of an annual report, and the creation and submittal on or before the first day of November of each year of a comprehensive work plan for the next calendar year.

Please take a few minutes and review the statute and associated regulations, the status of your current noxious weed control program, and whether improvements might be made to improve its effectiveness.

The statute and associate regulations can be found by following the links as indicated:

Statute – <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1693&ChapterID=40>

Rule – <http://ilga.gov/commission/jcar/admincode/008/00800220sections.html>

If you have any questions or comments, please feel free to contact us at the Department of Agriculture at your convenience.

Sincerely,

A handwritten signature in black ink that reads 'Brad A. Beaver'.

Brad A Beaver, Chief  
Bureau of Environmental Programs





STATE OF ILLINOIS,  
Champaign County

Application for Hotel/Motel License

FILED

DEC 21 2023

CHAMPAIGN COUNTY CLERK

Application for License under County Ordinance No. 5 Providing for the  
Licensing and Regulation of Public Lodging Facilities within the County.

FOR OFFICE USE ONLY

License No.: 2024-H1  
Business Name: URBANA MOTEL INC  
License Fee: \$ 200.00  
Filing Fee: \$ 4.00  
TOTAL FEE: \$ 204.00  
Clerk: [Signature]

The Filing Fee for a Hotel/Motel License is \$25.00 plus \$3.00 for each room available for occupancy.

**In no case shall the total fee exceed \$200.00.** An additional \$4.00 Clerk's Fee should be added for the issuance of the license. **All checks should be made payable to the Champaign County Clerk.**

The undersigned individual, partnership, or corporation hereby makes application to the County Board of Champaign County, Illinois, for a license pursuant to County Board Ordinance No. 5, to operate and maintain a Hotel/Motel for the use of the general public outside of the limits of any City, Village, or incorporated Town, and in support of said application, makes the following statements under oath.

1. Name of Business: Urbana Motel INC, Motel 6
2. Location of Place of Business for which application is made: 1906 North Cunningham Avenue, Urbana, IL 61802
3. Number of rooms available: 80
4. Name, age, and address of the applicant; and in case of a copartnership, the name, age, and address of all persons who share in the profits; and in case of a corporation, the name, age, and address of the directors of the corporation, are:

NAME	AGE	ADDRESS
<u>PRAVIN PATEL</u>	<u>55</u>	<u>1906 N Cunningham Ave</u> <u>URBANA, IL 61802</u>

5. Is applicant a citizen of the United States of America? ✓ Yes   No  
Place of birth: INDIA  
If naturalized, place and date of naturalization: U.S.A
6. The applicant intends to operate or maintain the above business at: 1906 North Cunningham Avenue, Urbana, IL 61802

#### AFFIDAVIT

PRAVIN PATEL, being first duly sworn on his oath, deposes and states that he is the identical person whose name is signed to the above application, and that each and all of the statements made therein are true and correct.

[Signature]

Signature of Applicant

Signature of Applicant

Signed and sworn to before me this 15 day of December, 2023.



[Signature]  
Notary Public:

It is understood that a violation by the applicant of any of the laws of the State of Illinois or of the United States, or of any Resolution or Ordinance of the County Board of the County of Champaign, Illinois, in the conduct of the business aforesaid, shall be grounds for the revocation of any license issued hereunder.

Amount of License Fee Accompanying This Application: \$

TO: **Environment and Land Use Committee**

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

DATE: **December 22, 2023**

RE: **Proposed Amendment to the *Champaign County Nuisance Ordinance* prohibiting roosters in residential zoning districts within 1,000 feet of a home rule municipality**

REQUEST: **Hold for a 30-day review period**

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At its October 5, 2023 meeting, ELUC members discussed a request for a *Nuisance Ordinance* amendment to prohibit roosters in residential zoning districts within 1,000 feet of a home-rule municipality. ELUC members requested that Planning and Zoning Staff proceed with drawing up an amendment for their consideration.

The only home rule municipalities in Champaign County as of 2023 are Champaign, Urbana, Savoy, and Rantoul.

## **PUBLIC COMMENTS RECEIVED**

In an email sent to ELUC members on September 20, 2023, Norman Davis, Champaign Township Supervisor, said he has received numerous complaints about a rooster. He requested an amendment to the Nuisance Ordinance to prohibit roosters within residentially zoned areas.

Several complaints were also received from the Dewey area in April 2022, and from another resident in the Seymour area on November 28, 2023. Dewey and Seymour are unincorporated towns that do not fall within 1,000 feet of a home rule municipality, so the proposed amendment would not be responsive to those complaints.

## **ATTACHMENTS**

- A Email from Norman Davis, Champaign Township Supervisor, dated September 20, 2023
- B Map of Residential zoning districts within 1,000 feet of home rule municipalities created by P&Z Staff on December 14, 2023
- C Draft amendment to the *Nuisance Ordinance* dated December 22, 2023

## Susan Burgstrom

---

**From:** John Hall  
**Sent:** Wednesday, December 13, 2023 1:58 PM  
**To:** Susan Burgstrom  
**Subject:** FW: Nuisance Code Changes

-----Original Message-----

From: Champaign Township Supervisor <supervisor@champaigntownship.com>  
Sent: Wednesday, September 20, 2023 10:19 AM  
To: Aaron Esry <ale7496@yahoo.com>; Jim Goss <jegoss64@gmail.com>; Kyle Patterson <kylepatterson@co.champaign.il.us>; Emily Rodriguez <erodriguez@co.champaign.il.us>; Jilmala Rogers <jilmalarogerscuforcountyboard@gmail.com>; Chris Stohr <cstohr.ccbd10@gmail.com>; Eric Thorsland <ericfor1@yahoo.com>  
Cc: Albert W. York <al.york@comcast.net>; Charles W. Campo <cwc43700@co.champaign.il.us>  
Subject: Nuisance Code Changes

September 20, 2023

To: The Champaign County Environment and Land Use Committee

From: Norman Davis, Champaign Township Supervisor

Ladies and Gentlemen:

I am writing to you today in my capacity as the Supervisor for Champaign Township. I would like to ask for and recommend a couple of amendments or additions (or refinements, if you will) to the existing ordinances pertaining to nuisance properties.

As the supervisor for the township, one of the main roles I have is to take constituent (resident) complaints and try to resolve them.

Recently, I have been receiving a plethora of complaints regarding the house at 2603 S. Mattis Ave, Champaign. It is, technically, within the unincorporated limits of Champaign County, being in Champaign Township. However, there seems to be some on-going problems with the property.

The owner does not seem to care if he leaves furniture, non-working vehicles, downed trees, etc., scattered around the yard. He also has domestic fowl on the property, including ducks and chickens and, especially, roosters. That is the reason behind the most recent spate of complaints: roosters crowing early in the morning when people are trying to sleep so that they can go to their jobs. I've had complaints about the bird crowing as early as 3:00 AM!

This property is not located a mile outside the city limits. It is, indeed, nearly next-door to properties within the city proper. It is a residential neighborhood, not an agricultural area.

What I would like to propose is an amendment to the nuisance code that would prohibit rooster within a residential zoning area. The City of Champaign does not allow rooster because of the noise they make, and I would like to see a similar addition to the codes for the county. Such a code addition would also need some teeth to the violations, such as a progressive fine system for successive violations.

This is a problem, and with the codes being as they are, the Zoning and Planning Department have their hands tied as there is no violation for having noise-making animals in the code. They can ask, but they can't prohibit such animals. I



have asked the Humane Society to look into the matter, but they told me that, in this area, they do not have people competent in farm animal violations. I believe my only recourse is your committee, for you to put together and recommend an amendment to the existing codes to prohibit noise-making animals, both barnyard and other domestic animals, such as barking dogs.

There is precedent for this action: in 2016 or 2017, an amendment to the nuisance code was created to prohibit burning of leaves and limbs within a 1,000 feet of the City of Champaign and City of Urbana city limits.

This was a very good addition to the code, as it provides for much cleaner air and less distress for people with breathing issues. I urge you to consider this (and perhaps some other) additions or amendments to the existing code.

I would be available for talks about this issue at your convenience.

Sincerely,

Norman E. Davis, Supervisor  
Champaign Township

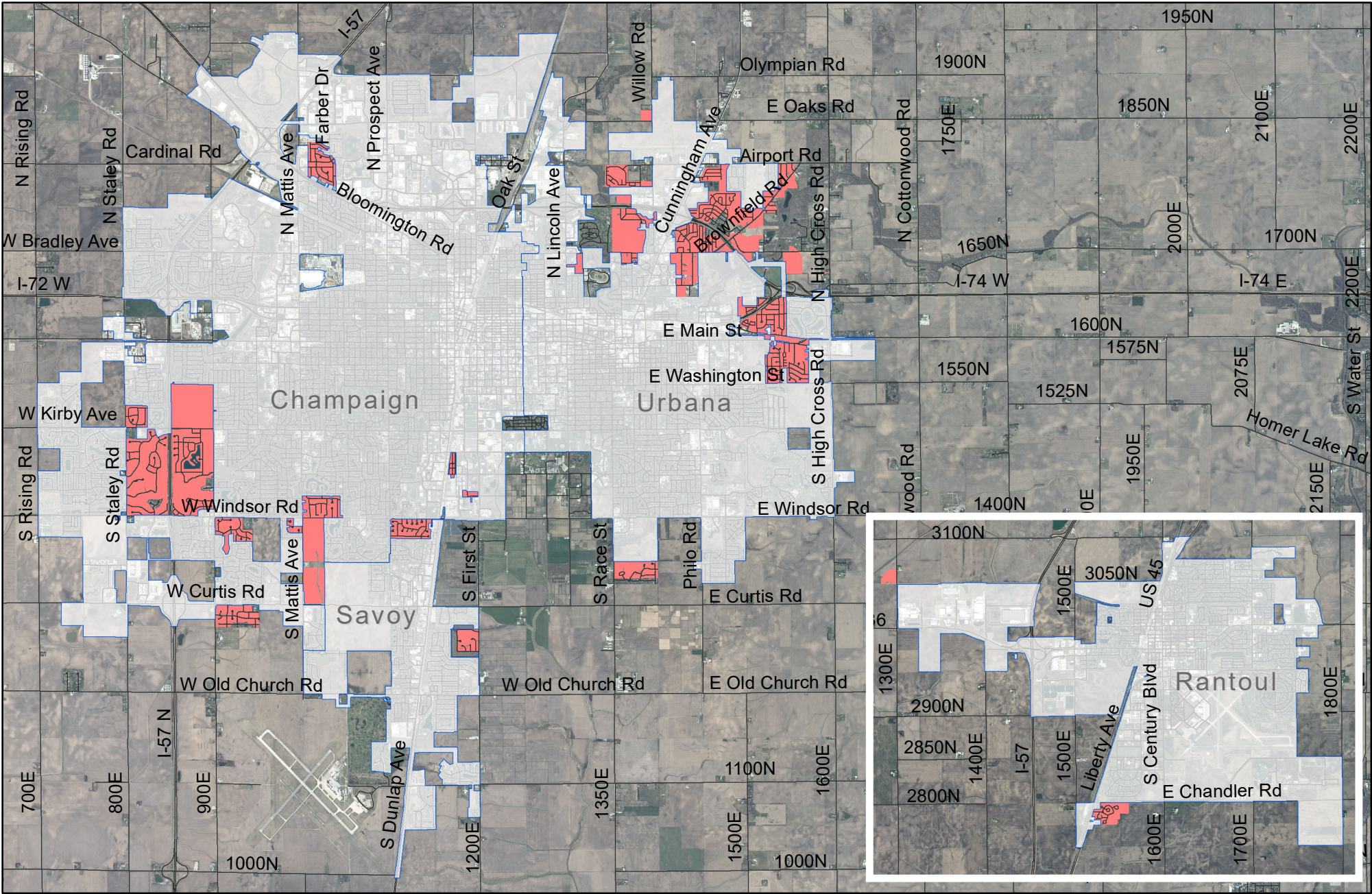
--

Norman E. Davis  
Champaign Township Supervisor  
P.O. Box 3428  
Champaign, Il. 61826  
217-352-9433



# Residential Zoning within 1,000 feet of Home Rule Municipalities

December 2023



- Home Rule Municipalities
- Residential Zoning within 1,000 feet

0 0.375 0.75 1.5 Miles



Champaign County  
Department of  
PLANNING &  
ZONING



## **Proposed Amendment to the Champaign County Nuisance Ordinance**

December 22, 2023

**1. Add the following new definition to Subsection 2.2 Terms Defined:**

ROOSTER: the male of the species *Gallus gallus domesticus* or chicken.

**2. Add new Item O. under Subsection 3.2 Activities and Conditions Constituting Public Nuisances:**

O. The keeping of ROOSTERS in Residential zoning districts within 1,000 feet of a home rule municipality.

TO: **Environment and Land Use Committee**

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

DATE: **December 22, 2023**

RE: **Authorization for Public Hearing on Proposed Zoning Ordinance Text  
Amendment to Add Requirements for Battery Energy Storage Systems  
(BESS)**

---

## **BACKGROUND**

Battery Energy Storage Systems (BESS) are increasing in demand, particularly in combination with PV Solar Farms or as standalone facilities to bolster the energy grid. Champaign County has received two informal inquiries for BESS and there are no regulations established in the Zoning Ordinance for BESS.

A BESS can be defined as “an electrochemical device that charges (or collects energy) from the grid or a power plant and then discharges that energy at a later time to provide electricity or other grid services when needed” (*Grid-Scale Battery Storage: Frequently Asked Questions*, National Renewable Energy Laboratory).

The major uses and benefits of a BESS are:

- Balancing grid supply and demand and improving quality and reliability
- Peak electricity demand shaving and price arbitrage opportunities
- Storing and smoothing renewable electricity generation
- Deferring electricity infrastructure investments
- Back-up power
- Reducing end-user demand and demand charges
- Integration with microgrids

(Source: US Energy Information Administration)

## **BESS in Illinois**

The State of Illinois has prioritized BESS through the Clean Energy and Jobs Act (CEJA) of 2021, but so far the State has a very limited set of incentives to offer energy storage developers. P&Z Staff have found no regulations or guidance from the State of Illinois in implementing these systems.

Other counties and municipalities in Illinois have adopted BESS regulations in their ordinances. In developing the proposed amendment for Champaign County, P&Z Staff took other jurisdictions' ordinances into consideration.

## **LITHIUM-ION BATTERIES**

Lithium-ion batteries are the most commonly used type in a BESS. According to New York State Energy Research and Development Authority (NYSERDA), lithium-ion batteries are preferred because:

- They store the most energy per unit weight or volume of any battery;

- They have a minimal maintenance cost;
- They are readily available – millions are made each year;
- Their cost is dropping; and
- They are portable – utilities can move them as desired.

Lithium-ion batteries also have disadvantages that must be planned for and mitigated if used in a BESS:

- They need protection from overcharge/discharge to avoid thermal runaway, which is an uncontrolled temperature rise that can result in damage to other battery cells, fire, and/or explosion.
- They need temperature control, usually through air-conditioned containers and fans.

Improving technology, stricter engineering certifications, new guidelines from the National Fire Protection Association (NFPA), and appropriate local regulations have contributed to making a BESS much safer than even a few years ago.

### **PROPOSED TEXT AMENDMENT**

An outline of the proposed amendment is attached.

### **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 January 4, 2024, the anticipate timeline (\*earliest possible dates) is as follows:

1. Public Hearing opens at the Champaign County Zoning Board of Appeals (CCZBA)	<b>Thursday, March 14, 2024</b>
2. Public Hearing closes at CCZBA and the CCZBA makes recommendations to the Champaign County Board	<b>*Thursday, April 11, 2024</b>
3. Environment and Land Use Committee of the Champaign County Board (ELUC) affirms or amends CCZBA's recommendation	<b>*Thursday, May 9, 2024</b>
4. Environment and Land Use Committee of the Champaign County Board makes a recommendation to the Champaign County Board	<b>*Thursday, June 6, 2024</b>
5. Champaign County Board makes a final determination	<b>*Thursday, June 20, 2024</b>

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\*earliest anticipated dates of action

### **ATTACHMENTS**

A      Draft BESS Text Amendment to the Champaign County Zoning Ordinance

## EXHIBIT A: PROPOSED AMENDMENT

### 1. Add the following to Section 3. Definitions:

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM (BESMS):** An electronic system that protects energy storage systems from operating outside of their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM (BESS):** an energy storage power station that collects energy from the electrical grid and then discharges that energy at a later time to provide electricity when needed.

- A. TIER-1 BATTERY ENERGY STORAGE SYSTEMS have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. TIER-2 BATTERY ENERGY STORAGE SYSTEMS have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

### 2. Add new paragraph 4.2.1 C.8. as follows:

#### 4.2.1 CONSTRUCTION and USE

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

8. A BATTERY ENERGY STORAGE SYSTEM may be authorized as a SPECIAL USE Permit in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.”

### 3. Amend Section 5.2 as follows:

#### SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- BATTERY ENERGY STORAGE SYSTEM would be a new land use allowed by Special Use Permit in the AG-1 Agriculture, AG-2 Agriculture, B-1 Rural Trade Center, B-4 General Business, I-1 Light Industry and I-2 Heavy Industry Zoning Districts, as shown in the table below.

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
BATTERY ENERGY STORAGE SYSTEM, TIER-1 <sup>32</sup>															
BATTERY ENERGY STORAGE SYSTEM, TIER-2 <sup>33</sup>		S	S						S			S		S	S

## EXHIBIT A: PROPOSED AMENDMENT



= Permitted on individual LOTS as a  
Special Use Permit



= Permitted by right

### 4. Add new Footnotes 32 and 33 under Section 5.2 as follows:

- 32. A TIER-1 BATTERY ENERGY STORAGE SYSTEM is permitted by-right in all zoning districts, subject to the setback and yard requirements in Section 5.3 of the Zoning Ordinance. No Zoning Use Permit shall be required if the area occupied by the TIER-1 BESS is less than 150 square feet.
- 33. A TIER-2 BATTERY ENERGY STORAGE SYSTEM is subject to the requirements of Section 6.1.8 of the Zoning Ordinance.

### 5. Add new Section 6.1.8 as follows:

#### 6.1.8 TIER-2 BATTERY ENERGY STORAGE SYSTEMS

A TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit may only be authorized in the AG-1 Agriculture Zoning DISTRICT, the AG-2 Agriculture Zoning DISTRICT, B-1 Rural Trade Center, B-4 General Business, I-1 Light Industry Zoning District, or the I-2 Heavy Industry Zoning District subject to the following standard conditions.

##### A. General Standard Conditions

##### (1) Right to farm

- a. The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

##### B. Minimum LOT Standards

- (1) There are no minimum LOT AREA, AVERAGE LOT WIDTH, or maximum LOT COVERAGE requirements for a TIER-2 BATTERY ENERGY STORAGE SYSTEM.
- (2) There is no maximum LOT AREA requirement on BEST PRIME FARMLAND.

##### C. Minimum Standard Conditions for Separations for a TIER-2 BATTERY ENERGY STORAGE SYSTEMS from adjacent USES and STRUCTURES

The location of each TIER-2 BATTERY ENERGY STORAGE SYSTEM shall provide the following required separations as measured from the BATTERY ENERGY STORAGE SYSTEM fencing:

- (1) The perimeter fencing shall be at least 50 feet from the RIGHT OF WAY of any STREET.

## EXHIBIT A: PROPOSED AMENDMENT

- (2) The perimeter fencing shall be at least 200 feet from the nearest point on any property line.
  - (3) There shall be at least 500 feet of separation from any existing DWELLING or existing PRINCIPAL BUILDING. This separation may be reduced to no less than 200 feet upon submission of a PRIVATE WAIVER signed by the owner of said DWELLING or PRINCIPAL BUILDING.
  - (4) 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 or for other purposes deemed necessary by the BOARD.
  - (5) When a TIER-2 BATTERY ENERGY STORAGE SYSTEM is included in a PV SOLAR FARM or a SOLAR ARRAY or a WIND FARM, the separations required in Sections 6.1.8 (2) and (3) shall only apply to the TIER-2 BATTERY ENERGY STORAGE SYSTEM, except for the interconnection point and driveway for the TIER-2 BATTERY ENERGY STORAGE SYSTEM, and shall not apply to any part of the PV SOLAR FARM or a SOLAR ARRAY or a WIND FARM.
- D. Standard Conditions for Design and Installation of any TIER-2 BATTERY ENERGY STORAGE SYSTEM.
- (1) Any building that is part of a TIER-2 BATTERY ENERGY STORAGE SYSTEM shall include as a requirement for a Zoning Compliance Certificate, a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 101-369 regarding building code compliance and conforms to the Illinois Accessibility Code.
  - (2) Electrical Components
    - a. All electrical components of the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall conform to the National Electrical Code as amended.
    - b. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. **Source: NY BESS Guidebook for Local Governments**
  - (3) Maximum Height. The height limitation established in Section 5.3 shall not apply to a TIER-2 BATTERY ENERGY STORAGE SYSTEM. The maximum height of all above ground STRUCTURES shall be identified in the application and as approved in the SPECIAL USE Permit.



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- (4) Warnings
  - a. A reasonably visible warning sign shall be installed and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number. **Source: NY BESS Guidebook for Local Governments**
  - b. As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. **Source: NY BESS Guidebook for Local Governments**
- (5) No construction may intrude on any easement or right-of-way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
- (6) Safety
  - a. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards as applicable:
    - (a) IEEE 1578 (Institute of Electrical and Electronics Engineers; Recommended Practice for Stationary Battery Electrolyte Spill Containment and Management);
    - (b) NFPA 13 (Standard for Installation of Sprinkler Systems);
    - (c) NFPA 68 (Standard on Explosion Prevention by Deflagration Venting);
    - (d) NFPA 69 (Standard on Explosion Prevention Systems);
    - (e) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
    - (f) UL 1642 (Standard for Lithium Batteries);

## EXHIBIT A: PROPOSED AMENDMENT

- (g) UL 1741 or UL 62109 (Inverters and Power Converters);
  - (h) Certified under the applicable electrical, building, and fire prevention codes as required;
  - (i) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- b. BATTERY ENERGY STORAGE MANAGEMENT SYSTEM.
  - (a) A TIER-2 BESS shall include a BATTERY ENERGY STORAGE MANAGEMENT SYSTEM to protect the energy storage systems from operating outside of the safe operating parameters and that will disconnect electrical power to the energy storage system or place it in a safe condition if potentially hazardous temperatures or other conditions are detected.
  - (b) The application shall include a description of the proposed BATTERY ENERGY STORAGE MANAGEMENT SYSTEM by an Illinois Licensed Professional Engineer.
- c. Hazard detection systems.
  - (a) A TIER-2 BESS shall include appropriate hazard detection systems including smoke and heat detectors and gas meters that are monitored by a control center and used to alert operators to emergency situations.
  - (b) The application shall include a description of the hazard detection systems and the control center by an Illinois Licensed Professional Engineer.
- d. Fire suppression
  - (a) Safe access to the TIER-2 BESS by the relevant Fire Protection Department shall be considered in the site plan design.
  - (b) Sprinklers should be installed per NFPA 13 but in-rack fire suppression shall also be included. An onsite water source shall be provided that is acceptable to the relevant Fire Protection Department. The sizing of the water source shall be specified in the application by an Illinois Licensed Professional Engineer.

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- (c) Containment around the TIE-2 BESS structure shall be provided to capture sprinkler system run-off. The sizing of the containment area shall be specified in the application by an Illinois Licensed Professional Engineer and the containment area shall be detailed on the site plan.
  - (d) Gaseous suppression agents may be used against incipient fires but shall not be the only suppression agent.
- e. Ground-fault protection
  - (a) Three-phase installations shall have adequate ground-fault protection and the application shall include a discussion of the adequacy of the proposed ground fault protection by an Illinois Licensed Professional Engineer.
  - (b) Systems with little or no impedance shall be designed to trip off-line automatically.
  - (c) In systems that have high levels of impedance the overvoltage shall be controlled with grounding banks, other forms of impedance grounding, or surge arresters. The electrical components at risk of overvoltage shall also have phase-to-phase level insulation.
  - (d) The application shall include a description of the ground-fault protection by an Illinois Licensed Professional Engineer.
- f. Control of electrolyte spill. The application shall include a discussion by an Illinois Licensed Professional Engineer regarding possible electrolyte spill and the adequacy of the proposed control of electrolytes in the event of a spill.
- g. Ventilation
  - (a) For TIER-2 BESS that is located inside a habitable building, the ventilation of the TIER-2 BESS should take the building ventilation systems into account to prevent any hazardous gases from being drawn into habitable rooms and putting building occupants at risk.
  - (b) The application shall include a narrative written by an Illinois Licensed Professional Engineer addressing gas production in the TIER-2 BESS under thermal runaway conditions and the safeguards included to control and/or respond to gas production. The safeguards shall include a series of safeguards including fire suppression, ventilation, and explosion mitigation.

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### E. Standard Conditions to Mitigate Damage to Farmland

- (1) All underground wiring or cabling for the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be at a minimum depth of 5 feet below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile.
- (2) Protection of agricultural drainage tile
  - a. The applicant shall endeavor to locate all existing agricultural drainage tile prior to establishing any construction staging areas, construction of any necessary TIER-2 BATTERY ENERGY STORAGE SYSTEM access lanes or driveways, construction of any TIER-2 BATTERY ENERGY STORAGE SYSTEM STRUCTURES, any equipment, underground wiring, or cabling. The applicant shall contact affected landowners and tenants and the Champaign County Soil and Water Conservation District and any relevant drainage district for their knowledge of tile line locations prior to the proposed construction. Drainage districts shall be notified at least two weeks prior to disruption of tile.
  - b. The location of drainage district tile lines shall be identified prior to any construction and drainage district tile lines shall be protected from disturbance as follows:
    - (a) All identified drainage district tile lines and any known existing drainage district tile easement shall be staked or flagged prior to construction to alert construction crews of the presence of drainage district tile and the related easement.
    - (b) Any drainage district tile for which there is no existing easement shall be protected from disturbance by a 30 feet wide no-construction buffer on either side of the drainage district tile. The no-construction buffer shall be staked or flagged prior to the start of construction and shall remain valid for the lifetime of the TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit and during any deconstruction activities that may occur pursuant to the TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit.
    - (c) Construction shall be prohibited within any existing drainage district easement and also prohibited within any 30 feet wide no-construction buffer on either side of drainage district tile that does not have an existing easement unless specific construction is authorized in writing by all commissioners of the relevant drainage district. A copy of the written

## EXHIBIT A: PROPOSED AMENDMENT

authorization shall be provided to the Zoning Administrator prior to the commencement of construction.

- c. Any agricultural drainage tile located underneath construction staging areas, access lanes, and driveways shall be replaced as required in Section 6.3 of the Champaign County Storm Water Management and Erosion Control Ordinance.
  - d. Any agricultural drainage tile that must be relocated shall be relocated as required in the *Champaign County Storm Water Management and Erosion Control Ordinance*.
  - e. Conformance of any relocation of drainage district tile with the *Champaign County Storm Water Management and Erosion Control Ordinance* shall be certified by an Illinois Professional Engineer. Written approval by the drainage district shall be received prior to any backfilling of the relocated drain tile and a copy of the approval shall be submitted to the Zoning Administrator. As-built drawings shall be provided to both the relevant drainage district and the Zoning Administrator of any relocated drainage district tile.
  - f. All tile lines that are damaged, cut, or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.
  - g. All exposed tile lines shall be screened or otherwise protected to prevent the entry into the tile of foreign materials, loose soil, small mammals, etc.
  - h. Permanent tile repairs shall be made within 14 days of the tile damage provided that weather and soil conditions are suitable or a temporary tile repair shall be made. Immediate temporary repair shall also be required if water is flowing through any damaged tile line. Temporary repairs are not needed if the tile lines are dry and water is not flowing in the tile provided the permanent repairs can be made within 14 days of the damage.
  - i. All damaged tile shall be repaired so as to operate as well after construction as before the construction began.
  - j. Following completion of the TIER-2 BATTERY ENERGY STORAGE SYSTEM construction, the applicant shall be responsible for correcting all tile line repairs that fail, provided that the failed repair was made by the Applicant.
- (3) All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by TIER-2 BATTERY ENERGY STORAGE SYSTEM construction, maintenance, and/or decommissioning shall be restored by the

## EXHIBIT A: PROPOSED AMENDMENT

applicant to the pre- TIER-2 BATTERY ENERGY STORAGE SYSTEM construction condition.

### (4) Topsoil replacement

For any open trenching required pursuant to TIER-2 BATTERY ENERGY STORAGE SYSTEM construction, the topsoil shall be stripped and replaced as follows:

- a. The top 12 inches of topsoil shall first be stripped from the area to be trenched and from an adjacent area to be used for subsoil storage. The topsoil shall be stored in a windrow parallel to the trench in such a manner that that it will not become intermixed with subsoil materials.
- b. All subsoil material that is removed from the trench shall be placed in the second adjacent stripped windrow parallel to the trench but separate from the topsoil windrow.
- c. In backfilling the trench, the stockpiled subsoil material shall be placed back into the trench before replacing the topsoil.
- d. The topsoil must be replaced such that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored.

### (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 TIER-2 BATTERY ENERGY STORAGE SYSTEM lease.
- b. Unless specifically provided for otherwise in the TIER-2 BATTERY ENERGY STORAGE SYSTEM lease, the Applicant shall mitigate soil compaction and rutting for all areas of farmland that were traversed with vehicles and construction equipment or where topsoil is replaced in open trenches.

### (6) Land leveling

- a. The Applicant shall not be responsible for leveling of disturbed land if exempted by the TIER-2 BATTERY ENERGY STORAGE SYSTEM lease.
- b. Unless specifically provided for otherwise in the TIER-2 BATTERY ENERGY STORAGE SYSTEM lease, the Applicant shall level all disturbed land as follows:

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- (a) Following the completion of any open trenching, the applicant shall restore all land to its original pre-construction elevation and contour.
- (b) Should uneven settling occur or surface drainage problems develop as a result of the trenching within the first year after completion, the applicant shall again restore the land to its original pre-construction elevation and contour.

### (7) Permanent Erosion and Sedimentation Control Plan

- a. Prior to the approval of any Zoning Use Permit, the Applicant shall provide a permanent soil erosion and sedimentation plan for the TIER-2 BATTERY ENERGY STORAGE SYSTEM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.
- b. As-built documentation of all permanent soil erosion and sedimentation improvements for the TIER-2 BATTERY ENERGY STORAGE SYSTEM including any access road prepared by an Illinois Licensed Professional Engineer shall be submitted and accepted by the Zoning Administrator prior to approval of any Zoning Compliance Certificate.

### (8) Retention of all topsoil

No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the TIER-2 BATTERY ENERGY STORAGE SYSTEM.

### (9) Minimize disturbance to BEST PRIME FARMLAND

- a. Any TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be minimized at all times consistent with good engineering practice.

## F. Standard Conditions for Use of Public Streets

Any TIER-2 BATTERY ENERGY STORAGE SYSTEM applicant proposing to use any County Highway or a township or municipal STREET for the purpose of transporting TIER-2 BATTERY ENERGY STORAGE SYSTEM equipment for construction, operation, or maintenance of the TIER-2 BATTERY ENERGY

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STORAGE SYSTEM shall identify all such public STREETS and pay the costs of any necessary permits and the costs to repair any damage to the STREETS caused by the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM for which the relevant highway authority has agreed in writing to waive the requirements of subparagraphs 6.1.8 F.1, 6.1.8 F.2, and 6.1.8 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- TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM construction.
    - (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 TIER-2 BATTERY ENERGY STORAGE SYSTEM construction and pay for any strengthening of structures that may be necessary to accommodate the proposed traffic loads caused by the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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.



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- 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 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM.
- 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM construction.
- l. The Applicant shall transport the TIER-2 BATTERY ENERGY STORAGE SYSTEM loads so as to minimize adverse impact on the local traffic including farm traffic.
- m. The Applicant shall schedule TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 in 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

## EXHIBIT A: PROPOSED AMENDMENT

repairs pursuant to the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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- TIER-2 BATTERY ENERGY STORAGE SYSTEM construction baseline survey similar to the pre- TIER-2 BATTERY ENERGY STORAGE SYSTEM construction baseline survey to identify the extent of repairs necessary to return the STREETS to the pre- TIER-2 BATTERY ENERGY STORAGE SYSTEM construction condition.
- 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM and restore such STREETS to the condition they were in at the time of the pre-TIER-2 BATTERY ENERGY STORAGE SYSTEM construction inventory.
- x. All TIER-2 BATTERY ENERGY STORAGE SYSTEM 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.

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- 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM construction and following construction of the TIER-2 BATTERY ENERGY STORAGE SYSTEM.
  - 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 Coordination with Local Fire Protection District
- (1) The Applicant shall submit to the local fire protection district a copy of the site plan.
  - (2) The Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan. The emergency response plan shall include the following information:

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- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the TIER-2 BATTERY ENERGY STORAGE MANAGEMENT SYSTEM, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with TIER-2 BATTERY ENERGY STORAGE SYSTEM equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged TIER-2 BATTERY ENERGY STORAGE SYSTEM equipment from the facility.
- g. Other procedures as determined necessary by the relevant Fire Protection District to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

Source: NY BESS Guidebook for Local Governments

- (3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

### H. Standard Conditions for Allowable Noise Level

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- (1) Noise levels from any TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code*, Subtitle H: Noise, Parts 900, 901, 910).
- (2) The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 a TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM.
    - (b) Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed TIER-2 BATTERY ENERGY STORAGE SYSTEM within 1,500 feet of the proposed TIER-2 BATTERY ENERGY STORAGE SYSTEM.
    - (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 TIER-2 BATTERY ENERGY STORAGE SYSTEM.
    - (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.
- (4) After construction of the TIER-2 BATTERY ENERGY STORAGE SYSTEM, 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:

## EXHIBIT A: PROPOSED AMENDMENT

- a. The Zoning Administrator shall make the Environment and Land Use Committee aware of complaints about noise.
- 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.

### I. 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.

### J. 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.

### K. Standard Conditions for Acceptable Wildlife Impacts

The TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.

### L. Screening and Fencing

#### (1) Perimeter fencing

- a. TIER-2 BATTERY ENERGY STORAGE SYSTEM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.
- b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- c. 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.

## EXHIBIT A: PROPOSED AMENDMENT

### (2) Screening

- a. Areas within 10 feet on each side of the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be cleared of combustible vegetation and other combustible growth. Source: DeKalb County draft ordinance
- b. A visual screen shall be provided around the perimeter of the TIER-2 BATTERY ENERGY STORAGE SYSTEM as follows:
  - (a) The visual screen shall be provided for any part of the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 greases and other native flowering plants and/or an area of agricultural crop production that will conceal the TIER-2 BATTERY ENERGY STORAGE SYSTEM from view from adjacent 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM. If the evergreen foliage below a height of 7 feet disappears over time, the screening shall be replaced.



## EXHIBIT A: PROPOSED AMENDMENT

- 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 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit application.
- M. Standard Condition for Liability Insurance
- (1) The Owner or Operator of the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of at least \$5 million per occurrence and \$5 million in the aggregate.
  - (2) The general liability policy shall identify landowners in the SPECIAL USE Permit as additional insured.
- N. Operational Standard Conditions



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- (1) Maintenance
    - a. Any physical modification to the TIER-2 BATTERY ENERGY STORAGE SYSTEM that increases the number of batteries or structures and/or the land area occupied by the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall require a new SPECIAL USE Permit. Like-kind replacements shall not require recertification nor will replacement of equipment provided replacement is done in fashion similar to the original installation.
  - (2) Materials Handling, Storage and Disposal
    - a. All solid wastes related to the construction, operation and maintenance of the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be removed from the site promptly and disposed of in accordance with all Federal, State and local laws.
    - b. All hazardous materials related to the construction, operation, maintenance, and decommissioning of the TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be handled, stored, transported and disposed of in accordance with all applicable local, State and Federal laws.
  - (3) Vegetation management
    - a. The TIER-2 BATTERY ENERGY STORAGE SYSTEM 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.
- O. 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM and all costs related to removal of access driveways.

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- (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 TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM.
  - c. Authorization for the GOVERNING BODY and its authorized representatives for right of entry onto the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM or prior to ceasing operations of the TIER-2 BATTERY ENERGY STORAGE SYSTEM, 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

## EXHIBIT A: PROPOSED AMENDMENT

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. Provisions for the removal of structures, debris, cabling, and associated equipment on the surface and to a level of not less than five feet below the surface, and the sequence in which removal is expected to occur. **Source: Sangamon County, IL**
- i. A stipulation that should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction the TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit shall be deemed void.
- j. A stipulation that the Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.
- k. 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.
- l. 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM begins operations, 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.

## EXHIBIT A: PROPOSED AMENDMENT

- m. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- (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 TIER-2 BATTERY ENERGY STORAGE SYSTEM has 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM shall be authorized by the Zoning Administrator until the TIER-2 BATTERY ENERGY STORAGE SYSTEM owner shall provide the COUNTY with financial assurance to cover 10% 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) On or before the sixth anniversary of the Commercial Operation Date, the TIER-2 BATTERY ENERGY STORAGE SYSTEM Owner shall provide the COUNTY with Financial Assurance to cover 50% 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM Owner shall provide the COUNTY with Financial Assurance to cover 100% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning

## EXHIBIT A: PROPOSED AMENDMENT

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 TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM; 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.
  - (b) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.8 O.(4).b.(a) 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

## EXHIBIT A: PROPOSED AMENDMENT

or for simple disposal and other similar costs including but not limited to the decommissioning of the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 total financial assurance after deduction of the net estimated salvage value shall not be less than \$1,000 per acre.
  - (g) The credit for net estimated salvage value attributable to any TIER-2 BATTERY ENERGY STORAGE SYSTEM may not exceed the estimated cost of removal of the above-ground portion of that TIER-2 BATTERY ENERGY STORAGE SYSTEM 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, 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) On the tenth anniversary of the financial assurance and at least once every five 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 TIER-

## EXHIBIT A: PROPOSED AMENDMENT

2 BATTERY ENERGY STORAGE SYSTEM 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.
    - (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. Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.8 O.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.8 O.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
  - g. 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and

## EXHIBIT A: PROPOSED AMENDMENT

the Owner is not diligently repairing such TIER-2 BATTERY ENERGY STORAGE SYSTEM or component.

- b. In the event that the Owner declares the TIER-2 BATTERY ENERGY STORAGE SYSTEM or any TIER-2 BATTERY ENERGY STORAGE SYSTEM component to be functionally obsolete for tax purposes.
  - c. There is a delay in the construction of any TIER-2 BATTERY ENERGY STORAGE SYSTEM of more than 6 months after construction on that TIER-2 BATTERY ENERGY STORAGE SYSTEM begins.
  - d. Any TIER-2 BATTERY ENERGY STORAGE SYSTEM 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 TIER-2 BATTERY ENERGY STORAGE SYSTEM or component thereof that is otherwise derelict for a period of 6 months.
  - f. The TIER-2 BATTERY ENERGY STORAGE SYSTEM is in violation of the terms of the TIER-2 BATTERY ENERGY STORAGE SYSTEM 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.
  - i. The Applicant has either failed to receive a copy of the certification of design compliance required by paragraph 6.1.8 D. or failed to submit it to the COUNTY within 12 consecutive months of receiving a Zoning Use Permit regardless of the efforts of the Applicant to obtain such certification.
- (6) The Zoning Administrator may, but is not required to, deem the TIER-2 BATTERY ENERGY STORAGE SYSTEM abandoned, or the standards set forth in Section 6.1.8 O.(5) met, with respect to some, but not all, of the TIER-2 BATTERY ENERGY STORAGE SYSTEM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the



## **EXHIBIT A: PROPOSED AMENDMENT**

reclamation work as to that portion of the TIER-2 BATTERY ENERGY STORAGE SYSTEM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining TIER-2 BATTERY ENERGY STORAGE SYSTEM.

- (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.

### **P. Complaint Hotline**

- (1) Prior to the commencement of construction on the TIER-2 BATTERY ENERGY STORAGE SYSTEM and during the entire term of the COUNTY Board SPECIAL USE Permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.
- (2) The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.
- (3) The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.
- (4) Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.
- (5) All calls shall be recorded and the recordings shall be saved for transcription for a minimum of two years.
- (6) A copy of the telephone number hotline log shall be provided to the Zoning Administrator on a monthly basis.
- (7) The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

### **Q. Standard Conditions for Expiration of TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit**

A TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.

### **R. Application Requirements**

- (1) In addition to all other information required on the SPECIAL USE Permit application and required by Section 9.1.11A.2., the application shall contain or be accompanied by the following information:

**EXHIBIT A: PROPOSED AMENDMENT**

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 that were approved in the TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit.

- d. An electrical diagram detailing the TIER-2 BATTERY ENERGY STORAGE SYSTEM layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices. Source: Johnson County, IA
- 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.

**6. Add new Section 9.3.1 K. as follows:**

- K. TIER-1 BATTERY ENERGY STORAGE SYSTEM.....no fee
- TIER-2 BATTERY ENERGY STORAGE SYSTEM.....\$1800 per megawatt

**7. Add new Section 9.3.3 B.(9) as follows:**

- (9) TIER-1 BATTERY ENERGY STORAGE SYSTEM.....no fee
- TIER-2 BATTERY ENERGY STORAGE SYSTEM.....\$1,320 per megawatt

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

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

Date: **December 22, 2023**

RE: **Recommendation for rezoning Case 109-AM-23**

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

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

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## BACKGROUND

The petitioner would like to construct two principal uses on the 77-acre subject property: a 1,367 square foot Data Center and a 6-megawatt (MW) PV Solar Array. The development area would occur on about 17 acres in the middle of the tract. Neither of these uses can be built in the AG-1 Agriculture Zoning District, so a Map Amendment is needed to rezone the subject property to AG-2 Agriculture.

## STATUS

The Zoning Board of Appeals (ZBA) voted 4-3 to “RECOMMEND DENIAL” of this map amendment at its November 30, 2023 meeting. The ZBA found that the rezoning achieved all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan, but that it did not align with the Village of Bondville’s plans for its one-and-one-half mile extraterritorial jurisdiction (ETJ). More details on the relevance of the ETJ can be found in the “ONE-AND-ONE-HALF MILE EXTRATERRITORIAL JURISDICTION” section below.

The data center in Case 110-S-23 was denied by the Zoning Board of Appeals on November 30, 2023, because it is not allowed in the AG-1 Agriculture Zoning District and they had recommended denial of the rezoning to AG-2, so the use did not conform with the AG-1 district. The ZBA is the final authority on Special Use Permits.

Also contingent upon the rezoning, the PV Solar Array will require a County Board Special Use Permit (Case 111-S-23). The ZBA decided to wait on the rezoning decision by the County Board before making a recommendation on the PV Solar Array. The ZBA hearing for Case 111-S-23 was continued to February 15, 2024.

The ZBA has previously approved four other PV Solar Array/Data Center facilities for the petitioners in other locations. ZBA member comments at the November 30, 2023 meeting alluded to not having issues with the concept of the project, but they support the Village of Bondville’s protest of placing such a facility within the Village’s ETJ.

There are two approved special conditions for the rezoning regarding acceptance of the Right to Farm Resolution 3425 and that the map amendment approval is contingent upon related Special Use Permit cases 110-S-23 and 112-S-23.

Public comments regarding the rezoning can be found in the “PUBLIC COMMENTS” section below.

## **ONE-AND-ONE-HALF MILE EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. The Village of Bondville filed a Resolution of Protest on the rezoning (Attachment C), which triggers a supermajority vote at the County Board.

County zoning applies up to the corporate limits, including within the Village’s ETJ. The Village of Bondville is surrounded by AG-1 Agriculture zoning. This is unusual because there is usually AG-2 Agriculture Zoning within one-and-one-half miles of corporate limits. The Champaign County Zoning Ordinance states, “The AG-2 Agriculture district is intended to prevent scattered indiscriminate urban development and to preserve the agricultural nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within one and one-half miles of existing communities in the county.”

The Village of Bondville has planning jurisdiction and subdivision jurisdiction within their ETJ. They also have protest rights on County rezonings within that area. The Village of Bondville Comprehensive Plan calls for residential and commercial land uses in the area where the petitioner wants to locate their project. As mentioned in the public comments below, Mayor John Garth said the Village has invested about \$2 million in a sewer line along Route 10 to support new development, and they need development in that corridor that will help pay for the system.

## **PUBLIC COMMENTS**

Citing that the proposed map amendment and development would be “injurious to the citizens of the Village,” the Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV Solar Array and the Data Center.

Other comments received, in summary:

- (1) In an email received September 13, 2023, Beth Chepan stated that the subject property area was prime development ground that would generate tax revenue for Bondville. She said that no income would come to the Village of Bondville with the proposed solar farm. She also expressed concerns about noise and landscaping maintenance. She asked the Zoning Department to disregard Bondville as an option for the solar farm.
- (2) In an email received September 13, 2023, Sean Arie stated he is a property owner and volunteer firefighter for Bondville, and is against the proposed solar farm. He believes that Donato Solar does not intend to be a good neighbor and the development would dramatically impact the growth of the Village. He also expressed concerns about economic impacts, detriment to current residents, and limiting future residential or commercial growth.

- (3) In an email received September 14, 2023, Timothy and Julie Arie stated that as residents of the Village of Bondville, they are opposed to the proposed solar farm. They said there appears to be no benefit to the Village of Bondville. They expressed concerns about noise, upkeep, and property values.
- (4) At the September 14, 2023 ZBA meeting, the following comments were received:
- a. John Garth, President of the Village of Bondville, stated it appears that the proposed project will not help the Village of Bondville. He said his back yard will basically be facing the solar farm and data center. He said on behalf of the Village of Bondville Trustees and residents, he expressed concerns about how the presence of the data center and solar field could present a threat to the health, peace, and safety of the residents of Bondville if desirable plans for landscape decommissioning and noise analysis aren't implemented. He added that if the project is not implemented with certain parameters, it stands to interrupt their Village's Comprehensive Plan for growth that includes commercial and residential development for that entire area. He said their comprehensive plan calls for commercial along IL Route 10 with nothing but residential behind that all the way to Interstate 72. He said the village has spent millions of dollars to put in a new sewer system, which would allow them to expand commercially and residentially along IL Route 10. He said the residents of Bondville still have 2+/- million dollars of this project to yet pay for. He said taking out all the ground and putting it into a solar field will take away the ability for them to have any residential development, which will help pay down this debt. He said there are residents directly across from the proposed location who would be impacted by what final plans are implemented regarding decommissioning, landscape, weed control, roadway upgrades, noise, and as well as any future development opportunities. He said he was concerned about fire suppression. He said they are opposed to the Special Use Permits and changing from the AG-1 to AG-2 Zoning District. He said that they are concerned about growth of their town and property values.
  - b. Ron Hursey is a resident of Bondville. He stated he has concerns about the data center building and the noise that will be created.
  - c. Luke Saathoff is a resident of Bondville. He stated he has spent years on the planning commission when the comprehensive plan was put together, then spent 12 to 14 years on the village board when they did the sanitary sewer project. He said the area along IL Route 10 now has sewer, water, gas and drainage, and that is the primary area for the Village to develop. He said this is a for profit business that wants to put it here and rezone farmland and take it from what Bondville's vision was and say they have a better vision for it. He said maybe it is time for the petitioner to start working with the Village of Bondville.
  - d. Brent Cork, a resident of Bondville, said he has concerns that any previous investment to promote growth of the Village would be thwarted by the proposed solar farm. He said he feels that the petitioner has not answered questions about the project truthfully and that doesn't sit well.

- e. Francis Barker, who lives outside Bondville, said he was concerned about all the drainage tiles, pipelines, sewer lines, etc. going through the subject property. He said easements for that infrastructure need to be looked at and discussed.
- (5) At the November 30, 2023 ZBA meeting, the following comments were received:
- a. Brent Cork, a resident of Bondville and also on the Bondville Zoning Board of Appeals, said the Village of Bondville had questions for the petitioner that went unanswered, and said that doesn't show good character and doesn't bode well.
  - b. Mr. John Garth, Bondville Village President, said the Village of Bondville is in opposition to this, which the Board has already seen by the protest that they have filed. He said he was in this room earlier today for a jury summons, and after he left he went over to the County Assessor's office. He said the petitioner has already purchased the ground and filed a deed for it, which was illegally done. He said they did not come to the Village of Bondville for a subdivision agreement or subdivision of the property. He said as of this morning, the County Assessor's office has rescinded the deed, contacted GIS, and has had it removed until subdivision qualifications have been met with the Village of Bondville. He said this goes to show that rules don't apply to them, but rules do apply to the rest of us and again goes to show the character or style of work that this organization is doing in their unwillingness to work with said laws and jurisdictional boundaries that the Village of Bondville has. He asked why the entity doesn't work with the Village of Bondville since it's within their one-and-one-half mile jurisdiction.

## **PROPOSED SPECIAL CONDITIONS**

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

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

**Conformance with Land Resource Management Plan Policy 4.2.3.**

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

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

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

## **ATTACHMENTS**

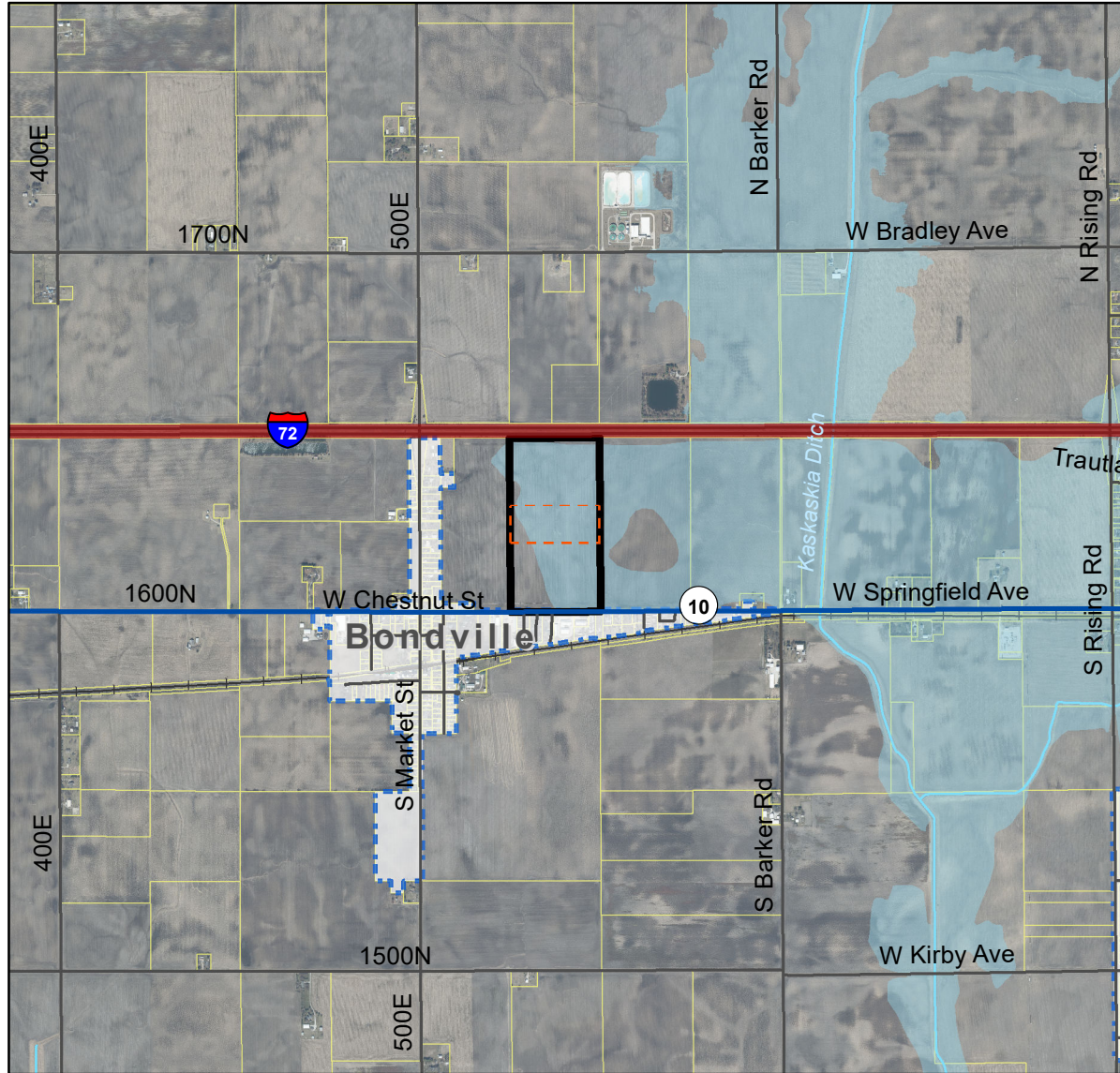
- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan received November 30, 2023
- C Resolution of Protest from the Village of Bondville received September 13, 2023
- D Copy of Right to Farm Resolution 3425
- E Summary Finding of Fact and Final Determination for Case 109-AM-23 as approved by the ZBA on November 30, 2023



# Location Map

Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23  
September 14, 2023

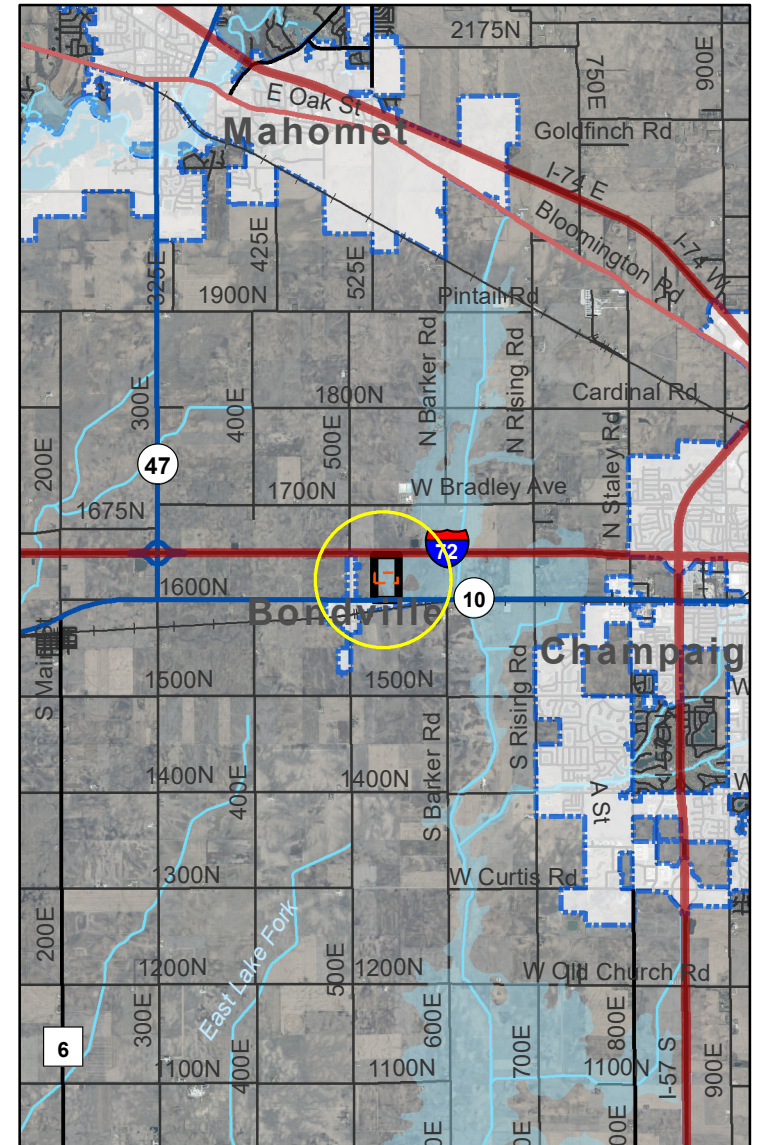
Subject Property



- Subject Property
- Solar farm fenced area
- Municipal Boundary
- Flood Hazard Area
- Streams

0 0.1250.25 0.5 Miles

Property location in Champaign County



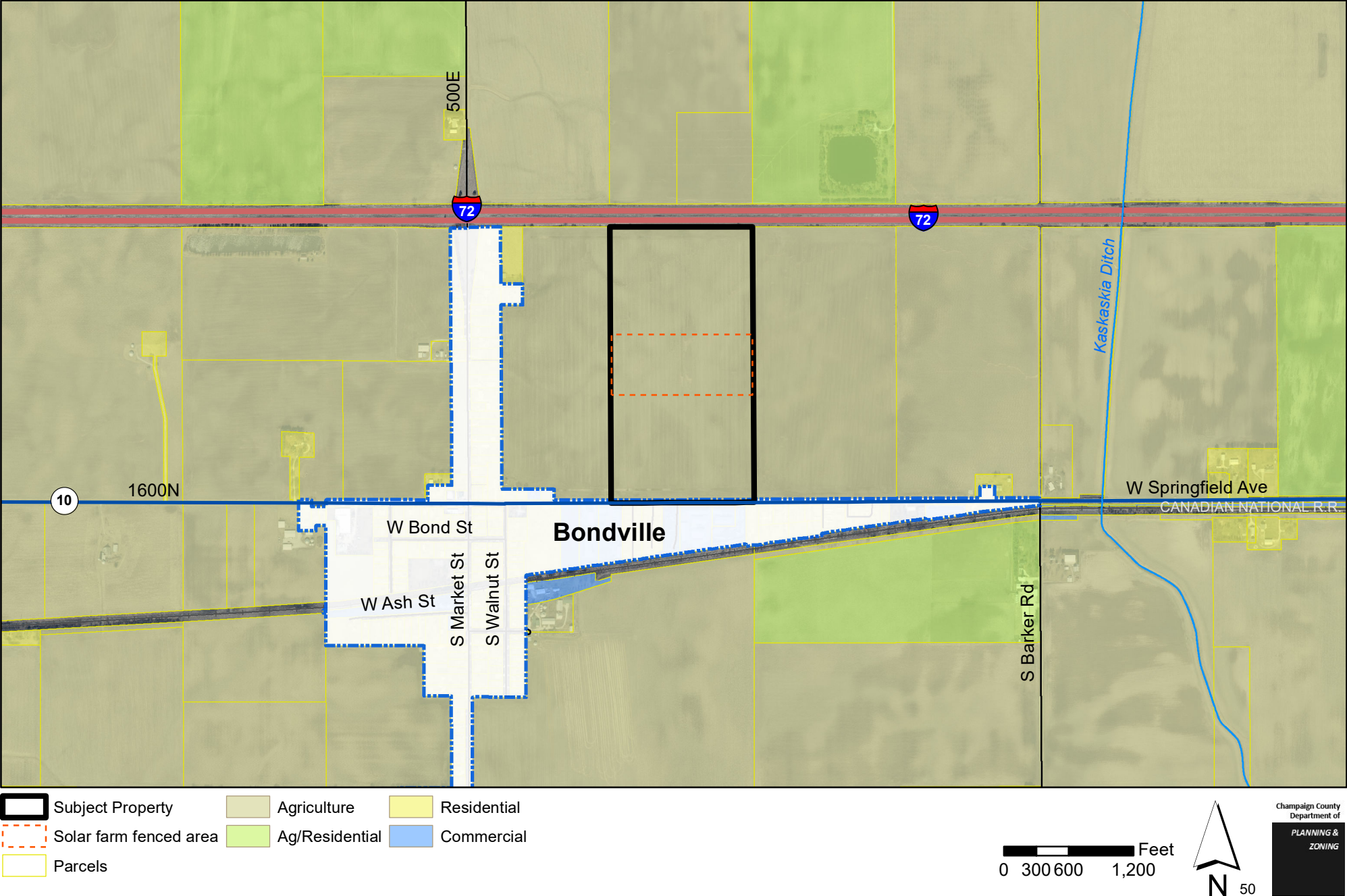
0 0.5 1 2 Miles





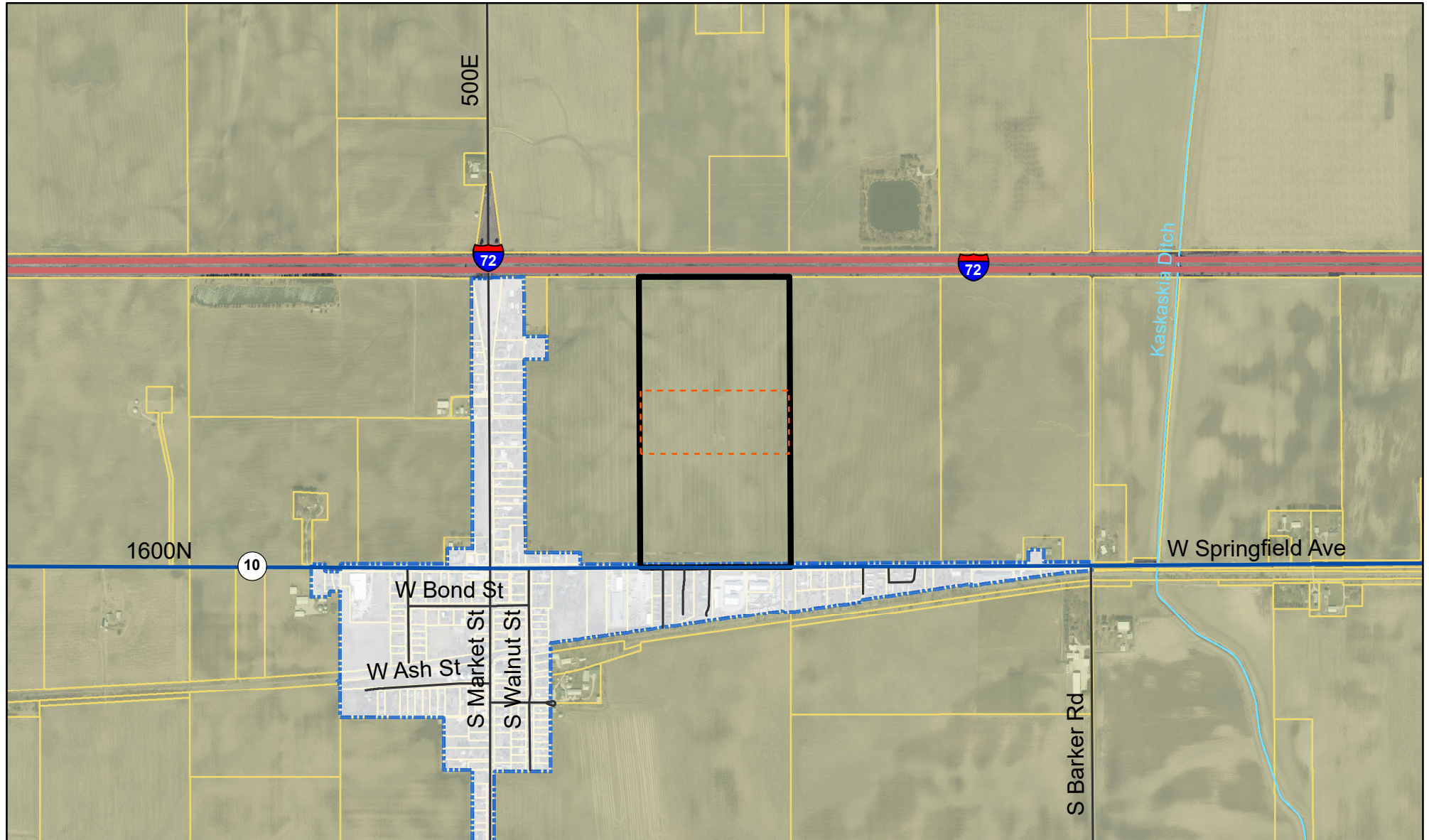
# Land Use Map





Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23  
September 14, 2023



# Zoning Map

Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23  
September 14, 2023



-  Subject Property
-  Solar farm fenced area
-  Parcels
-  AG-1 Agriculture

0 300 600 1,200 Feet







TEMPORARY CONSTRUCTION EASEMENT  
PERMANENT SANITARY SEWER EASEMENT  
ILLINOIS POWER COMPANY EASEMENT  
ILLINOIS BEL. TELEPHONE EASEMENT  
GRANT OF RIGHT OF WAY EASEMENT  
PERMANENT SANITARY SEWER EASEMENT  
NORTH R.O.W. LINE, L. ROUTE 10

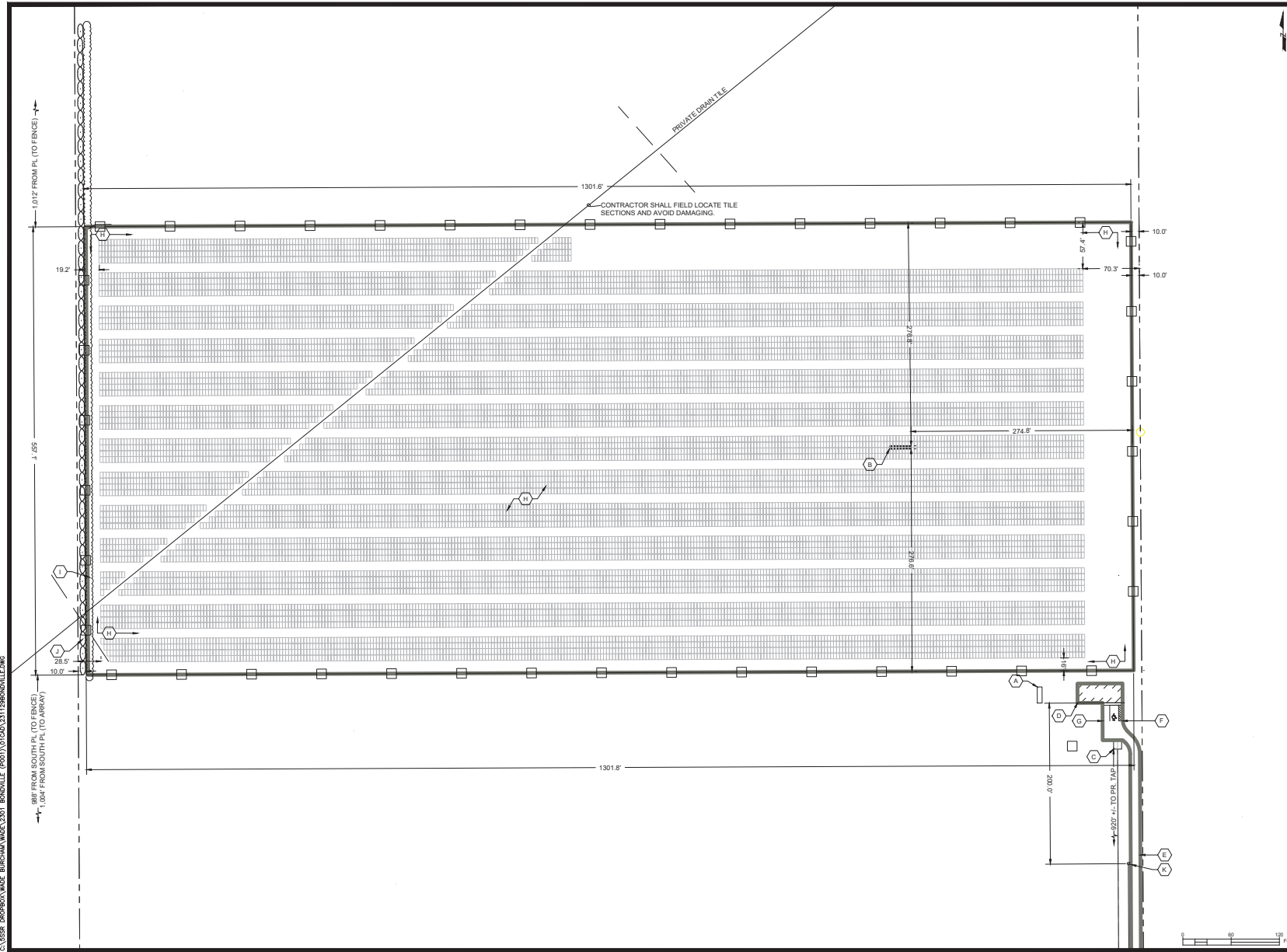
	11/09/23	
	11/08/23	
	10/31/23	
	8/22/23	
	8/21/23	
	8/15/23	
	<b>Date</b>	



52

BONDVILLE, IL

AWING NO



GEN 50:20

SYMBOLS LEGEND:

**RESOLUTION NO. 2023-09-01**

**A RESOLUTION OF PROTEST AGAINST  
Amending the County Zoning Map to change the zoning district designation from the AG-1  
Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a  
data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second  
principal use as a proposed County Board Special Use Permit in related Case 111-S-23  
(County Case No. Case No. 109-AM-23)**

WHEREAS, the Village of Bondville, Illinois, a municipal corporation, has adopted and administers a Zoning Ordinance and a Subdivision Ordinance, which Subdivision Ordinance is also applicable in the 1.5 mile Extraterritorial Territorial Jurisdiction beyond the Village corporate limits, all as provided the State law;

WHEREAS, the Zoning Administrator of the County of Champaign has referred to the Village a copy of an application for **Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 (County Case No. Case No. 109-AM-23);**

WHEREAS, the President and Board of Trustees of the Village of Bondville, have determined that the proposed amendment would be injurious to the citizens of the Village;

**BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF BONDVILLE, CHAMPAIGN COUNTY, ILLINOIS, as follows:**

Section 1. The Village Board finds and determines that the facts contained in the above recitations are true.

Section 1. That the Village Board hereby resolves that the Village of Bondville should and does hereby protest **Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 (County Case No. Case No. 109-AM-23);**

Section 2. That the Village President, or his designee, for and on behalf of the Village Board, is authorized and directed to file this Resolution of Protest with the County Clerk of the County of Champaign and mail copies of this Resolution of Protest as required by law.

(rest of page left blank)

**RECEIVED**

**SEP 13 2023**

CHAMPAIGN CO. P & Z DEPARTMENT

Upon motion by Trustee Mund, seconded by Trustee Hursey, passed by the President and Board of Trustees of the Village of Bondville, Illinois this 11 day of Sept, 2023, by roll call vote, as follows:

Voting "aye" (names): Mund, Farney, Woods,  
Hursey, Kerr

Voting "nay" (names) - none -

Absent (names) Wells

APPROVED this 11 day of Sept, A.D. 2023.

[Signature]  
Village President

(SEAL)  
Attest:  
13 [Signature]  
Village Clerk

STATE OF ILLINOIS )  
COUNTY OF CHAMPAIGN ) SS  
VILLAGE OF BONDVILLE )

### CERTIFICATE OF RESOLUTION

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Clerk of the Village of Bondville, Champaign County, Illinois (the “Municipality”), and as such official I am the keeper of the records and files of the Municipality and of the President and Board of Trustees (the “Corporate Authorities”).

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 11 day of Sept, 2023, insofar as same relates to the adoption of Resolution No. 2023-09-01, entitled:

**A RESOLUTION OF PROTEST AGAINST Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23  
(County Case No. Case No. 109-AM-23)**

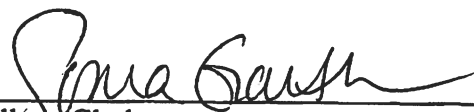
a true, correct and complete copy of which Resolution (the “Resolution”) as adopted at such meeting appears in the proceedings of the minutes of such meeting and is hereto attached. The Resolution was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Resolution were taken openly, that the vote on the adoption of such Resolution was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that the agenda for the meeting was duly posted at the Village Hall and so that each page of the agenda was continuously visible for public review and inspection in a Village Hall window 24/7 at least 48 hours prior to the meeting, that such meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such Resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Bondville, Illinois, this 11 day of Sept, 2023.

The undersigned Village Clerk hereby certifies that she published the above Resolution by posting it on Sept 11, 2023, at the Village Hall, the Fire Department and the Village Park, three prominent places in the Village of Bondville, Illinois.



  
Village Clerk



**RESOLUTION NO. 3425**

**A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY**

**WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and**

**WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and**

**WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.**

**NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:**

**1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.**

**2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.**

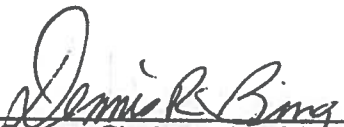
**3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.**

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24<sup>th</sup> day of  
May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:

  
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

## SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023, and November 30, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
      - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
      - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
      - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
    - (2) It will **NOT IMPEDE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
      - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
      - c. Policy 4.2.3 requiring that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(2)).
      - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(3)).
    - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
      - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
      - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).

- c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
    - (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
    - (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
  - D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
    - Goal 1 Planning and Public Involvement
    - Goal 2 Governmental Coordination
    - Goal 3 Prosperity
    - Goal 5 Urban Land Use
    - Goal 6 Public Health & Public Safety
    - Goal 7 Transportation
    - Goal 8 Natural Resources
    - Goal 9 Energy Conservation
    - Goal 10 Cultural Amenities
  - E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the LaSalle and Sinclair factors because of the following:
    - A. This area has a mix of land uses.
    - B. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
    - C. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
    - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
  3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
    - A. Establishing the AG-2 District in this location will **NOT WORSEN** hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because the subject property is in the flood hazard area 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*.

- B. Establishing the AG-2 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i), see Item 21.G.).
- C. Establishing the AG-2 District at this location **WILL NOT** impact the protection of natural features (Purpose 2.0 (o), see Item 21.J.).
- D. Establishing the AG-2 District at this location **WILL NOT** change the agricultural nature or character of the area (Purpose 2.0 (q), see Item 21.L.).
- E. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M.).

4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:

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

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

**Conformance with Land Resource Management Plan Policy 4.2.3.**

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

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

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

## **FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 109-AM-23** should **NOT BE ENACTED** by the County Board in the form attached hereto.

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

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- B. **The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.**

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

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

## ***MONTHLY REPORT for OCTOBER 2023<sup>1</sup>***

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

### **Zoning Cases**

The distribution of cases filed, completed, and pending is detailed in Table 1. Four zoning cases were filed in October and one was filed in October 2022. The average number of cases filed in October in the preceding five years was 2.2.

Two Zoning Board of Appeals (ZBA) meetings were held in October and five cases were completed. Two ZBA meetings were held in October 2022 and six cases were completed. The average number of cases completed in October in the preceding five years was 4.0.

By the end of October there were 15 cases pending. By the end of October 2022 there were 10 cases pending.

**Table 1. Zoning Case Activity in October 2023 & October 2022**

Type of Case	October 2023 2 ZBA meetings		October 2022 2 ZBA meetings	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	3	3	0	2
SFHA Variance	0	0	0	0
Special Use	1	2	0	2
Map Amendment	0	0	0	1
Text Amendment	0	0	1	1
Change of Nonconforming Use	0	0	0	0
Administrative Variance	0	0	0	1
Interpretation / Appeal	0	0	0	0
TOTALS	4	5	1	6
Total cases filed (fiscal year)	37 cases		35 cases	
Total cases completed (fiscal year)	35 cases		33 cases	
Cases pending*	15 cases		10 cases	
* Cases pending includes all cases continued and new cases filed				

<sup>1</sup> Note that approved absences and sick days resulted in an average staffing level of 61.0% or the equivalent of 4.9 full time staff members (of the 8 authorized) present on average for each of the 21 workdays in October.



## **Subdivisions**

No County subdivision was approved in October. No municipal subdivision plat was reviewed for compliance with County zoning in October.

## **Zoning Use Permits**

A detailed breakdown of permitting activity appears in Table 2. A list of all Zoning Use Permits issued for the month is at Appendix A. Permitting activity in October can be summarized as follows:

- 11 permits for 12 structures were approved in October compared to 10 permits for 10 structures in October 2022. The five-year average for permits in October in the preceding five years was 16.
- 25 months out of the last 60 months have equaled or exceeded the five-year average for number of permits (including August 2023, June 2023, May 2023, April 2023, July 2022, May 2022, December 2021, November 2021, March 2021, December 2020, November 2020, September 2020, August 2020, July 2020, June 2020, March 2020, January 2020, December 2019, November 2019, October 2019, September 2019, August 2019, July 2019, April 2019, and January 2019).
- 4.5 days was the average turnaround (review) time for complete initial residential permit applications in October.
- \$1,987,708 was the reported value for the permits in October compared to a total of \$1,624,185 in October 2022. The five-year average reported value for authorized construction in October was \$3,902,408.
- 24 months in the last 60 months have equaled or exceeded the five-year average for reported value of construction (including September 2023, August 2023, March 2023, August 2022, July 2022, June 2022, May 2022, February 2022, December 2021, September 2021, July 2021, May 2021, March 2021, December 2020, November 2020, September 2020, August 2020, July 2020, June 2020, December 2019, October 2019, July 2019, April 2019, and January 2019).
- \$2,552 in fees were collected in October compared to a total of \$3,783 in October 2022. The five-year average for fees collected in October was \$4,862.
- 24 months in the last 60 months have equaled or exceeded the five-year average for collected permit fees (including September 2023, August 2023, May 2023, March 2023, September 2022, July 2022, June 2022, May 2022, February 2022, September 2021, March 2021, December 2020, November 2020, October 2020, August 2020, July 2020, June 2020, March 2020, January 2019, November 2019, October 2019, April 2019, December 2018, and November 2018).

**Table 2. Zoning Use Permits Approved in October 2023**

	CURRENT MONTH			FISCAL YEAR TO DATE		
PERMITS	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:						
Residential	1	0	250,000	5	0	2,309,000
Other	2	0	173,329	32	0	2,580,867
SINGLE FAMILY Resid.:	2	1,566	1,115,000	13	8,714	5,496,000
New - Site Built						
Manufactured						
Additions	1	498	250,000	14	3,112	1,721,924
Accessory to Resid.	4	423	199,379	55	10,467	2,701,058
TWO-FAMILY Residential						
<b>Average turn-around approval time for the above permit categories</b>	4.5 days					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural						
Neighborhood						
COMMERCIAL: New				6	40,656	18,382,780
Other				3	2,431	320,000
INDUSTRIAL: New						
Other						
OTHER USES: New						
Other						
SIGNS						
TOWERS (Incl. Acc. Bldg.)						
OTHER PERMITS	1	65	0	14	933	97,924
<b>TOTAL APPROVED</b>	11/12	2,552	1,987,708	142/155	66,313	33,609,553

\* 11 permits were issued for 12 structures in October 2023; 10 permits require inspect. and Compl. Certif.

◇ 142 permits have been issued for 155 structures since 1/1/23.

**NOTE:** Home occupations and Other permits (change of use, temporary use) total 14 since 1/1/23, (this number is not included in the total number of structures).

8 Zoning Use Permit App. were *received* and *approved* in October 2023.

3 Zoning Use Permit App. *approved* in October 2023 had been *received* in prior months.

- There were 9 lot split inquiries and 272 other zoning inquiries in October.
- Two sets of ZBA minutes were transcribed in October.

### Conversion of Best Prime Farmland

Table 3 summarizes conversion of Best Prime Farmland as a result of any County zoning approval so far in 2020.

**Table 3. Best Prime Farmland Conversion in 2023**

	October 2023	2023 to date
<b>Zoning Cases.</b> Approved by the ZBA, a Zoning Case can authorize a new principal use on Best Prime Farmland that was previously used for agriculture.	0.0 acres	0.00 acres
<b>Subdivision Plat Approvals.</b> Approved by the County Board outside of ETJ areas, a subdivision approval can authorize the creation of new Best Prime Farmland lots smaller than 35 acres: Outside of Municipal ETJ areas <sup>1</sup>	0.00 acres	0.0 acres
Within Municipal ETJ areas <sup>2</sup>	0.00 acre	0.00 acre
<b>Zoning Use Permits.</b> Approved by the Zoning Administrator, a Permit can authorize a new non-agriculture use on a lot that did not previously exist or was not previously authorized in either a zoning case or a subdivision plat approval.	0.00 acres	0.00 acres
Agricultural Courtesy Permits	0.00 acres	0.00 acres
<b>TOTAL</b>	0.00 acres	0.00 acres
NOTES 1. Plat approvals by the County Board. 2. Municipal plat approvals.		

### Zoning Compliance Inspections

- 31 Zoning Compliance Inspections were made in October for a total of 291 Zoning Compliance Inspections so far in 2023.
- 19 Zoning Compliance Certificates were issued in October for a total of 88 Certificates so far in 2023. Some were based on aerial photography. The 2023 budget anticipated a total of 166 compliance certificates for an average of 2.7 certificates per week.

### Zoning and Nuisance Enforcement

Table 4 contains the detailed breakdown of enforcement activity for October and can be summarized as follows:

- 16 new complaints were received in October compared to 4 new complaints received in October 2022. No complaint was referred to another agency in October and no complaint was referred to another agency in October 2022.
- 41 enforcement inspections were conducted in October compared to 22 inspections in October 2022.
- Two contacts were made prior to written notification in October and no contact was made in October 2022.
- 41 investigation inquiries were made in October. The 2023 budget anticipates an average of 7.0 initial investigation inquiries per week.
- Eight complaints were resolved in October and one complaint was resolved in October 2022.
- 120 complaints were left open (unresolved) at the end of October.
- No new violation was added in October and no First Notice and one Final Notice was issued. In October 2022, one new violation was added along with one First Notice and no Final Notice. The budget anticipated a total of 10 First Notices for 2023.
- No case was referred to the State's Attorney's Office in October and none were referred in October 2022. The budget anticipated a total of five cases to be forwarded to the State's Attorney's Office in 2023.
- Two violations and eight complaints were resolved in October compared to eight violations and one complaint that were resolved in October 2022. The budget anticipated a total of 110 resolved complaints and/or violations in 2023.
- 369 complaints and violations remain open at the end of October compared to 391 open complaints and violations at the end of October 2022.
- In addition to the activities summarized in Table 4, other activities of Enforcement staff in October included the following:
  1. Answering phones and helping customers when needed due to unavailability or absence of Zoning Technicians.
  2. Coordinated with landowners, complainants, and the State's Attorney's Office regarding enforcement cases that have been referred to the State's Attorney's Office.

## **APPENDICES**

### **A Zoning Use Permit Activity In October 2023**

### **B Active Land Disturbance Erosion Control Permits In The Champaign County MS4 Jurisdictional Area**

### **C Zoning Compliance Certificates Issued in October 2023**

**Table 4. Enforcement Activity During October 2023**

	FY2022 TOTALS <sup>1</sup>	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023	July 2023	Aug. 2023	Sep. 2023	Oct. 2023	Nov. 2023	Dec. 2023	TOTALS FY2023 <sup>1</sup>
Complaints Received	70	5	4	14	9	8	10	12	10	10	16			98
Initial Complaints Referred to Others <sup>2</sup>	2	0	0	0	0	0	0	0	0	0	0			0
Inspections	314	14	37	61	20	39	42	39	53	51	41 <sup>7</sup>			397 <sup>8</sup>
Phone Contact Prior to Notice	18	2	0	1	2	1	1	2	3	1	2			15
Complaints Resolved	60	7	1	11	4	5 <sup>9</sup>	14	4	11	9	8 <sup>9</sup>			74 <sup>10</sup>
<b>Open Complaints<sup>3</sup></b>	<b>96</b>	<b>94</b>	<b>97</b>	<b>100</b>	<b>105</b>	<b>108</b>	<b>104</b>	<b>112</b>	<b>111</b>	<b>112</b>	<b>120</b>			<b>120</b>
New violations	16	0	0	3	1	1	2	0	4	1	0			12
First Notices Issued	16	0	0	3	1	1	2	0	4	1	0			12
Final Notices Issued	1	0	0	0	0	0	0	1	1	0	1			2
Referrals to SAO <sup>4</sup>	2	0	0	0	0	0	0	0	0	0	0			0
Violations Resolved <sup>5</sup>	69	1	1	3	2	1	14	3	0	5	2 <sup>11</sup>			25 <sup>12</sup>
<b>Open Violations<sup>6</sup></b>	<b>272</b>	<b>271</b>	<b>270</b>	<b>270</b>	<b>269</b>	<b>269</b>	<b>254</b>	<b>251</b>	<b>255</b>	<b>251</b>	<b>249</b>			<b>249<sup>13</sup></b>
<b>TOTAL Open Complaints &amp; Violations</b>	<b>368</b>	<b>365</b>	<b>367</b>	<b>370</b>	<b>374</b>	<b>377</b>	<b>358</b>	<b>363</b>	<b>366</b>	<b>363</b>	<b>369</b>			<b>369</b>

Notes

1. Total in bold face includes complaints and/ or violations from previous years.
2. Initial Complaints Referred to Others is included in the number of Complaints Resolved.
3. Open Complaints are complaints that have not been resolved and have not had a Case number assigned.
4. Referrals to SAO (State's Attorney's Office) are not included in Open Violations unless actually resolved.
5. Resolved violations are violation cases that have been inspected, notice given, and violation is gone, or inspection has occurred, and no violation has been found to occur on the property.,
6. Open Violations are unresolved violation cases and include any case referred to the State's Attorney.
7. 15 of the 41 inspections performed were for the new complaints received in October 2023.
8. 90 of the 397 inspections performed in 2023 have been for complaints received in 2023.
9. Three of the complaints resolved in October 2023 were received in October 2023.
10. 24 of the complaints resolved in 2023 were received in 2023.
11. None of the violations resolved in October were for complaints that had been received in October 2023.
12. None of the violations resolved in 2023 were for complaints that were also received in 2023.
13. Total open violations include 23 cases that have been referred to the State's Attorney, one of which was referred as early as 2009. 4 of the 23 cases are currently active cases in Champaign County Circuit Court. At the end of 2004 there were 312 Open Violations.

# **APPENDIX A. ZONING USE PERMIT ACTIVITY IN OCTOBER 2023**

<b>Permit Number; Zoning District</b>	<b>Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
265-23-01  AG-1	A 39-acre tract of land located in the SW corner of the SW ¼ of Section 09, Raymond Township; 406 County Road 2000 East, Sidney, Illinois.  P.I.N.: 21-34-09-300-005	Darin Riggs	09/22/2023 10/02/2023	Construct an addition to an existing single-family home and authorize an existing accessory ground-mounted PV Solar Array and a detached agricultural shed (3 structures).
270-23-01  AG-2	Lot 11 of Trailside 1 <sup>st</sup> Subdivision of Section 13, Mahomet Township; 902 South Surrey Court, Mahomet, Illinois.  P.I.N.: 15-13-13-379-009	John and Weyhrich Melton	09/27/2023 10/04/2023	Install an accessory ground-mounted PV Solar Array.  Cases: 049-V-22 and 054-V-22
270-23-02  CR	Lot 1 of Salt Fork River Subdivision of Section 22, St. Joseph Township; 2193 Homer Lake Road, St. Joseph, Illinois.  P.I.N.: 28-22-22-400-023	James Lowe	09/27/2023 10/06/2023	Construct a detached accessory storage shed with a shop for agricultural purposes.
276-23-01  AG-1	A 1.76-acre tract of land located in the SE ¼ of Fractional Section 03, Hensley Township; 2329 County Road 1000 East, Champaign.  P.I.N.: 12-14-03-400-005	Helen Carmien	10/03/2023 10/03/2023	Construct an addition to an existing single-family home.




Land Disturbance Erosion Control Permit also required

\*received and reviewed, however, not approved during reporting month

**APPENDIX A. ZONING USE PERMIT ACTIVITY IN OCTOBER 2023**

<b>Permit Number; Zoning District</b>	<b>Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
276-23-02  AG-1	A 5.33-acre tract of land located in Part of the E ½ of the NW ¼ of Section 31, St. Joseph Township; 1836 County Road 1250 North, Urbana, Illinois.  P.I.N.: 28-22-31-100-003	Jon and Dina Swanson	10/03/2023 10/04/2023	Construct a single-family home with an attached garage.
277-23-01  B-4	Lot 1 of Bank Champaign N.A. Subdivision No. 1 of Section 13, Mahomet Township; 103 North Prairieview Road, Mahomet, Illinois.  P.I.N.: 15-13-13-101-014	Louis Luksander, Owner and Ken Thomason, Lessee	10/04/2023 10/04/2023	Change the Use of a portion of the existing building and parking area to establish an Automobile Sales (open lot), and a Minor Automobile Repair Shop (all indoors).  Cases: 929-AM-94 and 985-S-95
283-23-01	Under Review			
285-23-01  AG-1	An 80-acre tract of land being a part of the W ½ of the NE ¼ of Section 09, Sadorus Township; 263 County Road 500 North, Ivesdale, Illinois.  P.I.N.: 22-31-09-200-004 & 005	James and Marilee Hixson	10/12/2023 10/18/2023	Install an accessory ground-mounted PV Solar Array.
290-23-01  AG-1	A 31.19-acre tract of land being a part of the NW ¼ of the SW ¼ of Section 04, Colfax Township; 1146 County Road 200 East, Seymour, Illinois.  P.I.N.: 05-25-04-300-006	Jack and Peyton Plunk	10/17/2023 10/19/2023	Construct a single-family home with an attached garage.

 Land Disturbance Erosion Control Permit also required

\*received and reviewed, however, not approved during reporting month



**APPENDIX A. ZONING USE PERMIT ACTIVITY IN OCTOBER 2023**

<b>Permit Number; Zoning District</b>	<b>Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
291-23-01  AG-1	2 tracts of land comprising of 3.20 acres located in the SE corner of the SW ¼ and the SW corner of the SE ¼ of Section 26, St. Joseph Township; 2248 County Road 1300 North, St. Joseph, Illinois.  P.I.N.: 28-22-26-300-007 & 008	Kevin C. Watson	10/18/2023 10/20/2023	Construct a detached accessory garage.
291-23-02  AG-1	2-acre tract of land located in the SE corner of the SE ¼ of Section 24, Scott Township; 592 County Road 1400 North, Champaign, Illinois.  P.I.N.: 23-19-24-400-005	Justin and Leslie Smith	10/18/2023 10/20/2023	Install an accessory ground-mounted PV Solar Array.
292-23-01	Under Review			
292-23-02	Under Review			
296-23-01  CR	2.00-acre tract of land being a part of the E ½ of the SW Corner of the SE ¼ of the NW ¼ of Section 28, East Bend Township; 832 County Road 3150 North, Dewey, Illinois.  P.I.N.: 10-02-28-100-018	Dustin and Madeline Darling	10/23/2023 10/31/2023	Install an accessory ground-mounted PV Solar Array.
298-23-01	Under Review			
303-23-01	Under Review			
303-23-02	Under Review			
303-23-03	Under Review			



Land Disturbance Erosion Control Permit also required

\*received and reviewed, however, not approved during reporting month

**APPENDIX B. ACTIVE LAND DISTURBANCE EROSION CONTROL PERMITS**

<b>Permit Number; Zoning;</b>	<b>Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied Date Approved Date of Final Stabilization</b>	<b>Project (Related Zoning Case)</b>
155-16-02  CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Champaign County Fair Association	06/03/16 08/10/16	Construct a parking lot and bus shelter
195-16-01  CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Champaign County Fair Association	07/13/16 08/02/16	Construct a detached storage shed
265-22-01  R-1	Lot 62 of Lincolnshire Fields SE Subdivision of Section 21, Champaign Township; 3210 Valley Brook Drive, Champaign, Illinois PIN: 03-20-21-452-001	Scott and Sara Garth	09/22/2022 10/07/2022	Construct a new single-family home with attached garage  265-22-01 LDEC

**APPENDIX C. ZONING COMPLIANCE CERTIFICATES ISSUED IN OCTOBER 2023**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
10/12/2023	193-13-01	Lots 4 & 5 of Block 1 in Simeon H. Busey's Fourth Addition to Penfield, Section 4, Compromise Township. 213 East Street, Penfield. PIN: 06-12-04-308-004 & 009	A detached garage
10/18/2023	209-17-01	Two tracts of land located in the NE Quarter of the East Half of the NE Quarter of Section 16, Hensley Township. 2199 CR 900E, Champaign, Illinois PIN: 12-14-16-200-002 & 005	A detached garage.
10/18/2023	136-23-01	Lot 61 of Windsor Park Second Subdivision, Section 25, Champaign Township. 4 Regent Ct, Champaign, Illinois. PIN: 03-20-25-103-014	A detached accessory storage shed.
*10/19/2023	120-16-01	Part of a Subdivision of the East Half of the NE Quarter, Section 9, Sidney Township. 2095 CR 1100N, Sidney, Illinois. PIN: 24-28-09-200-023	A detached storage shed
*10/19/2023	118-16-02	A tract of land in the SW Corner of the SE Quarter and the SE Corner of the SW Quarter, Section 31, Champaign Township. 5702 W Old Church Rd, Champaign, Illinois. PIN: 03-20-31-400-004	A covered porch addition to an existing single-family home and a previously constructed detached garage.
*10/19/2023	299-21-01	Lot 89 of Edgewood 6 <sup>th</sup> Subdivision, Section 10, Urbana Township. 2405 John Drive, Urbana, Illinois. PIN: 30-21-10-328-006	A sunroom addition (replacing existing sunroom addition).
*Zoning Compliance Inspection based on the current aerial photography			

**APPENDIX C. ZONING COMPLIANCE CERTIFICATES ISSUED IN OCTOBER 2023**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
*10/19/2023	264-22-01	Lot 1 of Wayne Richardson Subdivision of Section 2, Tolono Township. 1711 West Old Church Road, Champaign, Illinois PIN: 29-26-02-100-008	A third car attached garage addition and two bedrooms to an existing single-family home and an existing yard shed.
*10/19/2023	325-22-03	A tract of land located in the NW ½ of the SE ¼ of Section 4 and in the NW corner of the NW ¼ of Section 9, South Homer Township. 2758 CR 1100N, Homer, Illinois. PIN: 26-30-04-400-006 & 009 & 26-30-04-200-003	A ground-mounted solar array.
*10/19/2023	143-22-01	A tract of land located in the NE ½ of the SE ¼ of Section 1, Sidney Township/ 2382 CR 1150N, Homer, Illinois PIN: 24-28-01-200-00	Two additions and one covered porch to the existing single-family home.
*10/19/2023	194-22-01	A tract of land part of the SE ¼ of the SW ¼ of Section 25, Raymond Township. 2344 CR 100N, Broadlands, Illinois. PIN: 21-34-25-300-003 & 004	An accessory storage shed for ag use.
*10/19/2023	280-22-01	A tract of land located at the SW ¼ of the SW ¼ of Section 33, Ogden Township. 1808 CR 2700E, Ogden, Illinois PIN: 17-18-33-300-006	A ground-mounted solar array.
*10/19/2023	074-22-02	Lot 1 and Lot 2 of the 1 <sup>st</sup> Plat of Homestead Estates Subdivision, Section 26, Newcomb Township. 490 CR 2500N, Mahomet, Illinois PIN: 16-07-26-477-011	A sunroom addition to an existing single-family home.
*10/19/2023	027-23-01	A tract of land part of the S ½ of the NE ¼ of Section 2, Philo Township. 155N Cleveland St. Philo, Illinois PIN: 19-27-23-200-016	A machine shed for ag use.
*Zoning Compliance Inspection based on the current aerial photography			

**APPENDIX C. ZONING COMPLIANCE CERTIFICATES ISSUED IN OCTOBER 2023**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
*10/24/2023	251-16-02	A 1.51-acre tract of land located in the NW Quarter, Section 12, Compromise Township. 2313 CR 2900N, Gifford, Illinois PIN: 06-10-12-100-005	A detached garage.
*10/24/2023	252-16-02	Tract B of a Plat of Survey of the South Half of the NE Quarter of the NE Quarter, Section 20, Tolono Township. 879 CR 800E, Champaign, Illinois. PIN: 29-26-20-200-011	A sunroom addition to an existing single-family home.
10/26/2023	071-16-01	Lot 1 of Hodge-Webb Subdivision, Section 30, Mahomet Township. 1942A CR 0E, Mahomet, Illinois. PIN: 15-13-30-301-001	An addition to an existing single-family home and in-ground pool.
10/27/2023	322-22-01	Lot 1 of Orange Blossom Estates, Section 18, Hensley Township. 700 CR 2175N, Champaign, Illinois. PIN: 12-14-18-200-010	A ground-mounted PV solar array and an above-ground pool.
10/27/2023	207-23-02	A 0.84-acre tract in the South Half of the SE Quarter of the SW Quarter, Section 29, Somer Township. 510 Centennial Farm Rd, Champaign, Illinois. PIN: 25-15-29-300-005	An accessory storage unit and an accessory carport.
10/30/2023	308-16-01	Lot 30, Park Hills Subdivision, Section 11, Mahomet Township. 1619 Golf Dr, Mahomet, Illinois. PIN: 15-13-11-402-004	A detached garage and an in-ground swimming pool.
*Zoning Compliance Inspection based on the current aerial photography			