



CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE AGENDA

County of Champaign, Urbana, Illinois

Thursday, September 4, 2025 - 6:30 p.m.

Shields-Carter Meeting Room

Bennett Administrative Center, 102 E. Main St., Urbana

Committee Members:

Eric Thorsland – Chair

Aaron Esry – Vice-Chair

John Farney

Jennifer Locke

Emily Rodriguez

Jilmala Rogers

Jason Votava

Agenda	Page #
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. August 7, 2025 – Regular Meeting	1 - 4
V. Public Input	
VI. Communications	
VII. <u>New Business: Items to be Approved by ELUC</u>	
A. Recreation & Entertainment License for Araceli Gutierrez for a Spanish Rodeo at the Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana, IL to be held on September 7, 2025.	5 - 13
B. Recreation & Entertainment License for Araceli Gutierrez for a Spanish Rodeo at the Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana, IL to be held on October 5, 2025.	14 - 22
VIII. <u>New Business: Items to be recommended to the County Board</u>	
A. Zoning Case 162-S-25. A request by Mahomet IL Solar 1, LLC, c/o Summit Ridge Energy LLC, via agent Moira Cronin, Senior Manager, Project Development, and participating landowners Paul Nurmi Trustee, and Greater Heritage Farms LLC to authorize a Community PV Solar Farm with a total nameplate capacity of 4.99 megawatts and totaling approximately 36 acres in the AG-2 Zoning District on the South side of US Highway 150, in the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 17 Township 20 North, Range 7 East of the Third Principal Meridian, in Mahomet Township, commonly known as farmland owned by Greater Heritage Farms LLC and Paul Nurmi Trustee with the following waivers of standard conditions: Part A: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of	23 - 49

All meetings are at the Bennett Administrative Center – 102 E Main Street in Urbana – unless otherwise noted. To enter Bennett after 4:30 p.m., enter at the south (main) entrance located off Main Street. 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.

Appeals, per Section 6.1.5 G.(1).

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

Part C: A waiver for locating the PV Solar Farm 65 feet from a non-participating lot that is 10 acres or less in area in lieu of the minimum required separation of 240 feet between the solar farm fencing and the property line, per Section 6.1.5 D.(3)a.

Part D: A waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

- B. Decommissioning and Site Reclamation Plan for Zoning Case 162-S-25.** A request by Mahomet IL Solar 1, LLC, c/o Summit Ridge Energy LLC, via agent Moira Cronin, Senior Manager, Project Development, and participating landowners Paul Nurmi Trustee, and Greater Heritage Farms LLC to authorize a Decommissioning and Reclamation Plan for a Community PV Solar Farm with a total nameplate capacity of 4.99 megawatts and totaling approximately 36 acres in the AG-2 Zoning District on the South side of US Highway 150, in the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 17 Township 20 North, Range 7 East of the Third Principal Meridian, in Mahomet Township, commonly known as farmland owned by Greater Heritage Farms LLC and Paul Nurmi Trustee. 50 - 116
- C. Zoning Case 130-AT-24.** Amend the Champaign County Zoning Ordinance to add “Battery Energy Storage System” as a new principal use and indicate that a Battery Energy Storage System may be authorized by a County Board 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; add requirements and fees for “Battery Energy Storage Systems”; add any required definitions, and make certain other revisions to the Ordinance as detailed in the full legal advertisement. 117 - 181

IX. Other Business

A. Monthly Reports -None

X. Chair’s Report

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

XII. Adjournment



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

MINUTES – Pending Approval

DATE: Thursday, August 7, 2025
TIME: 6:30 p.m.
PLACE: Shields-Carter Meeting Room
Bennett Administrative Center
102 E. Main St., Urbana, IL 61801

Committee Members

Present	Absent
Aaron Esry (Vice-Chair)	
John Farney	
Jennifer Locke	
Emily Rodriguez	
Jilmala Rogers	
Jason Votava	
	Eric Thorsland (Chair)

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

Others Present: None

MINUTES

I. Call to Order

Committee Vice-Chair Esry called the meeting to order at 6:30 p.m.

II. Roll Call

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

III. Approval of Agenda/Addendum

MOTION by Ms. Locke to approve the agenda; seconded by Mr. Farney. Upon voice vote, the **MOTION CARRIED** unanimously.

IV. Approval of Minutes

A. May 8, 2025 – Regular Meeting

MOTON by Mr. Farney to approve the May 8, 2025 minutes; seconded by Ms. Rogers. Upon voice vote, the **MOTION CARRIED** unanimously.

32 **V. Public Input**

33

34 There was no public input. Slips were received from Tim and Talor Ray and Dustin Ehler. Neither spoke
35 but were available to answer questions if needed later in the meeting.

36

37 **VI. Communications**

38

39 Mr. Esry welcomed Jason Votava to the committee.

40

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

42

43 **A. Status of Solar Farm Special Use Permits and Zoning Use Permits in Unincorporated Champaign County**

44

45 This was included for the committee's information and as a reminder of the status of the various solar farms
46 that have been approved. Mr. Farney asked if for the certificate of compliance if someone goes and inspects
47 the project? Mr. Hall said that they do, typically when the developer calls and says they're ready.

48 Alternatively, on some of these, they will be contacting the developer saying they need to get this wrapped
49 up. He also added that their office had spent most of the day talking with potential solar farm developers.

50

51 Ms. Rogers asked how long it usually takes for solar farms to be in compliance. Mr. Hall said for solar farms it
52 usually takes about two years. Mr. Farney asked about the developers they were talking to and if they were
53 looking just at Champaign County or looking at other counties also. There are multiple developers looking
54 primarily at Champaign County and they are new names we have not heard of.

55

56 **VIII. New Business: Items to be recommended to the County Board**

57

58 **A. Subdivision Case 207-25 Ray's Minor Subdivision.** Final Plat Approval of a One-Lot Minor
59 Subdivision located in the Southwest Quarter of Section 33 of Township 19N-Range 14W of the
60 Second Principal Meridian in South Homer Township and commonly known as the undeveloped
61 area on the north side of CR 1200 N located 415 feet east of Illinois Route 49.

62

63 **MOTION** by Ms. Locke to recommend County Board approval of a resolution approving Subdivision
64 Case 207-25 Ray's Minor Subdivision; seconded by Ms. Rogers.

65

66 Mr. Hall said that the Highway Commissioner was supportive of this sub-division. A complaint was
67 received from a neighbor who objects to it. This is an unusual lot, it is a flag lot that meets all lot
68 requirements.

69

70 Mr. Votava had concerns about the septic system and soil report. What steps are in place to meet
71 the requirements. Mr. Hall answered that they will have to get a permit from the health
72 department. The health department reviews all permits. The comments in the NRI report, is one
73 of the shortcomings of the NRI. They're high-level comments not based on specific soils and not
74 put together by someone like we have at the health department who is licensed to review these
75 things. We actually have soil investigations that have been done on site, submitted to the health
76 department and there will be no problem getting a septic system on this property. Mr. Votava
77 asked about the cautions about water softener salt on the leach field and if we are skeptical of the

NRI finding, to what degree should we consider the results of the environmental impact study. The NRI report is useful. However, in the case of soils, actual soil investigations have been done by the Health Department. Actual soil investigations on site are much more useful than generalized information in the report.

Mr. Farney said the caution on the water softener salt is something that appears on all the NRIR reports. The Health Department report is more accurate, and they know their stuff. Mr. Votava said he did not see a final recommendation from the survey.

The Rays have done everything they could. A plat of sub-division is necessary. Mr. Votava said there were results but no evaluation/summary on the septic. Mr. Hall said this has been signed off on by the Health Department. The next step will be the design of the septic system and that has to be approved by the Health Department.

The committee was reminded that this is a plat review, and all the requirements have been met.

Ms. Rodriguez asked to consider the motion.

Upon voice vote, the **MOTION CARRIED**. This item will not be on the Consent Agenda.

- B. **Zoning Case 167-AM-25.** Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to expand operations of a Farm Chemicals and Fertilizer Sales business including storage and mixing of blended fertilizer on a 3-acre tract in the Northwest Quarter of the Northeast Quarter of Fractional Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N, St. Joseph.

MOTION Mr. Farney to recommend County Board approval of an ordinance approving Zoning Case 167-AM-25; seconded by Ms. Locke.

Mr. Hall stated this was recommended unanimously by ZBA. It complies with all goals and objectives of the land resource management plan.

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

IX. Other Business

A. Monthly Reports

There were no monthly reports

X. Chair's Report

There was no Chair's Report.

122 **XI. Designation of Items to be Placed on the Consent Agenda**
123
124 Items to be placed on the Consent Agenda include item VIII. B.
125

126 **XII. Adjournment**
127
128 Vice-Chair Esry adjourned the meeting at 6:51 p.m.
129



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

Applications for License under County
Ordinance No. 55 Regulating Recreational &
Other Businesses within the County (for use
by businesses covered by this Ordinance other
than Massage Parlors and similar enterprises)

FILED
Filing Fees:
AUG 22 2025
Jason Ammons
CHAMPAIGN COUNTY CLERK

License No. 2025-ENT-25
Date(s) of Event(s) 9-7-2025
Business Name: ARACELI GUTIERREZ
License Fee: \$ 10.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 14.00

Checker's Signature: _____

Per Year (or fraction thereof): \$ 100.00
Per Single-day Event: \$ 10.00
Clerk's Filing Fee: \$ 4.00

Checks Must Be Made Payable To: Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the
issuance of a license to engage a business controlled under County Ordinance No. 55 and makes
the following statements under oath:

- A. 1. Name of Business: Araceli Gutierrez
2. Location of Business for which application is made: 1302N. Coler AVE
Urbana IL, 61801
3. Business address of Business for which application is made: _____
4. Zoning Classification of Property: _____
5. Date the Business covered by Ordinance No. 55 began at this location: September 7, 2025
6. Nature of Business normally conducted at this location: County Fair
Champaign County Fair
7. Nature of Activity to be licensed (include all forms of recreation and entertainment
to be provided): _____
8. Term for which License is sought (specifically beginning & ending dates): _____
CONTACT Name: Araceli Gutierrez **Phone:** (217) 377-1002
9. Do you own the building or property for which this license is sought? NO
10. If you have a lease or rent the property, state the name and address of the owner and
when the lease or rental agreement expires: yes 1 Day event
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this
application showing location of all buildings, outdoor areas to be used for various
purposes and parking spaces. See page 3, Item 7.

**INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE
AND WILL BE RETURNED TO APPLICANT**

See 7.

- B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: Araceli Gutierrez Date of Birth: REDACTED
Place of Birth: _____ Social Security No.: REDACTED
Residence Address: 4514 Lindsey Rd.
Citizenship: _____ If naturalized, place and date of naturalization: _____
PHONE #: (217) 377-1002 EMAIL: Araceli90@icloud.com

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): Araceli Gutierrez
Date of Birth: REDACTED Place of Birth: _____
Social Security Number: REDACTED Citizenship: _____
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: 4514 Lindsey Road
Champaign IL 61822
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: _____

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer **only** if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered: _____
2. Date of Incorporation: _____ State wherein incorporated: _____

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: _____ Title: _____

Date elected or appointed: _____ Social Security No.: _____

Date of Birth: _____ Place of Birth: _____

Citizenship: _____

If naturalized, place and date of naturalization: _____

PHONE # _____

EMAIL: _____

Residential Addresses for past three (3) years: _____

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

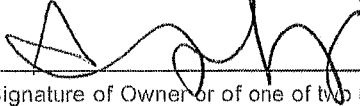
(NOTE: All annual licenses expire on December 31st of each year)

AFFIDAVIT

(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

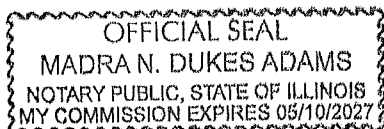


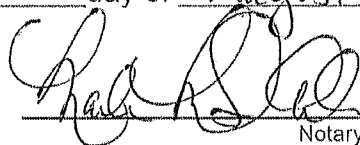
Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this 24th day of August, 2025





Notary Public

AFFIDAVIT

(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

Signature of President

Signature of Secretary

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

Facility Rental Agreement

This contract for the rental of a venue is made this day, August 13, 2025, by and between the Champaign County Fair Association, hereafter referred to as the Owner, and Araceli Gutierrez, hereafter referred to as the Renter.

Whereas, the Renter desires to temporarily rent, occupy, and make use of the Owner's venue, located at 1302 N. Coler Ave., Urbana, IL 61801, and known as the Champaign County Fairgrounds, and

Whereas, the Owner agrees to such rental, occupation, and use in consideration of certain payments and covenants herein enumerated;

Now, therefore, the parties agree to the following terms and conditions:

1. To reserve calendar dates, a non-refundable deposit in the amount of 50% of the total rental cost is required with this agreement no later than sixty (60) days prior to Event and will be applied to rental charges upon final settlement of accounts. A separate check in the amount of 100% of the total rental cost is also required for a damage/security deposit which will be held and returned to the Renter upon settlement, minus any charges for actual damages done to the venue by Renter or his/her associates. Assessment to be done by Fair Personnel at the close of the event.
2. The Renter shall have access to and use the Kesler Hall exhibit building, October 5, 2025, for the purpose of hosting the Renter's Event: Spanish Rodeo. All events held at the Champaign County Fairgrounds will fall under the County noise ordinance (Section 3) and must end by 10:30pm each night of the event.
3. Renter must obtain an R&E License from the Champaign County Clerk Office. Renter shall provide the Owner with a copy of the issued permit no later than thirty (30) days prior to the Event Date. Renter is also responsible for obtaining their own liquor license if adult beverages will be offered during any time of the event.
4. The full Rental Fee for the use of the venue described in (2) above shall be \$3,000 PLUS a restroom-cleaning fee of \$100. The balance of the Rental Fee due, less the non-refundable deposit described in (1) above, shall be payable to the Owner within three days of the rental period's expiration described in (2) above. At that time, Renter shall also tender to Owner all keys and other access control devices in his/her possession.
5. ~~In addition to rent, Renter will pay Owner \$25 per 110 hookup and/or \$50 per 220 hookups for each electrical hookup utilized by a profit-bearing vendor.~~ Otherwise, Renter will furnish all other equipment necessary for its Event unless otherwise agreed in writing with Owner. Aladdin Electric is the only authorized company or person allowed to perform electrical work of any kind at the expense of the Renter. This fee also applies to any vendor who requires hard wiring into electrical boxes. There is no charge for water and can only be used with a hose hookup at a spigot.
6. Renter shall remove all personal property, trash, and other items that were not present in the venue when Renter took control of it. Trash removal service can be provided by the Owner at the expense of the Renter.
7. Upon Renter's completion of his/her obligations under (4) and (6) above, the Owner shall return to Renter the security deposit minus any amounts deemed necessary to repair damages inflicted upon the venue by

Renter and/or Renter's associates, guests, invitees, contractors, and all other persons whatsoever who enter the venue during the rental period, whether or not such persons did so with Renter's knowledge or consent.

8. Renter shall not do anything which will in anyway impair the reasonable obligation of any policy of insurance upon the premises. Renter shall procure and maintain at Renter's cost and expense policies of insurance insuring the Promoter against public liability, covering the premises rented and use and operation thereof, with limits of not less than \$1 million combine single limit. Any insurance required to be procured and maintained by the Renter shall not be subject to cancellation except after ten (10) days prior written notice to the Owner and shall name Owner as an additional insured. Renter shall provide to the Owner a certificate evidencing the insurance of said insurance policy or policies.

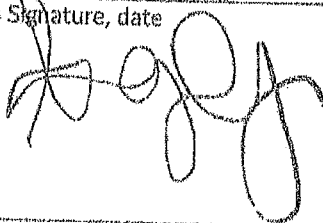
9. In the event that the Renter fails to pay the balance due within the time period agreed upon in this contract, interest shall accrue upon the unpaid balance at the rate of 10% per year until it is paid. Renter shall also be liable to owner for any legal fees, court costs, and other expenses associated with collection.

10. Renter will be liable for any physical damages, legal actions, and/or loss of reputation or business opportunities that Owner may incur as a consequence of the actions of Renter or any of Renter's guests while Renter is in control of the venue, and shall indemnify and hold harmless the Owner against any and all legal actions which may arise from Renter's use of the venue.

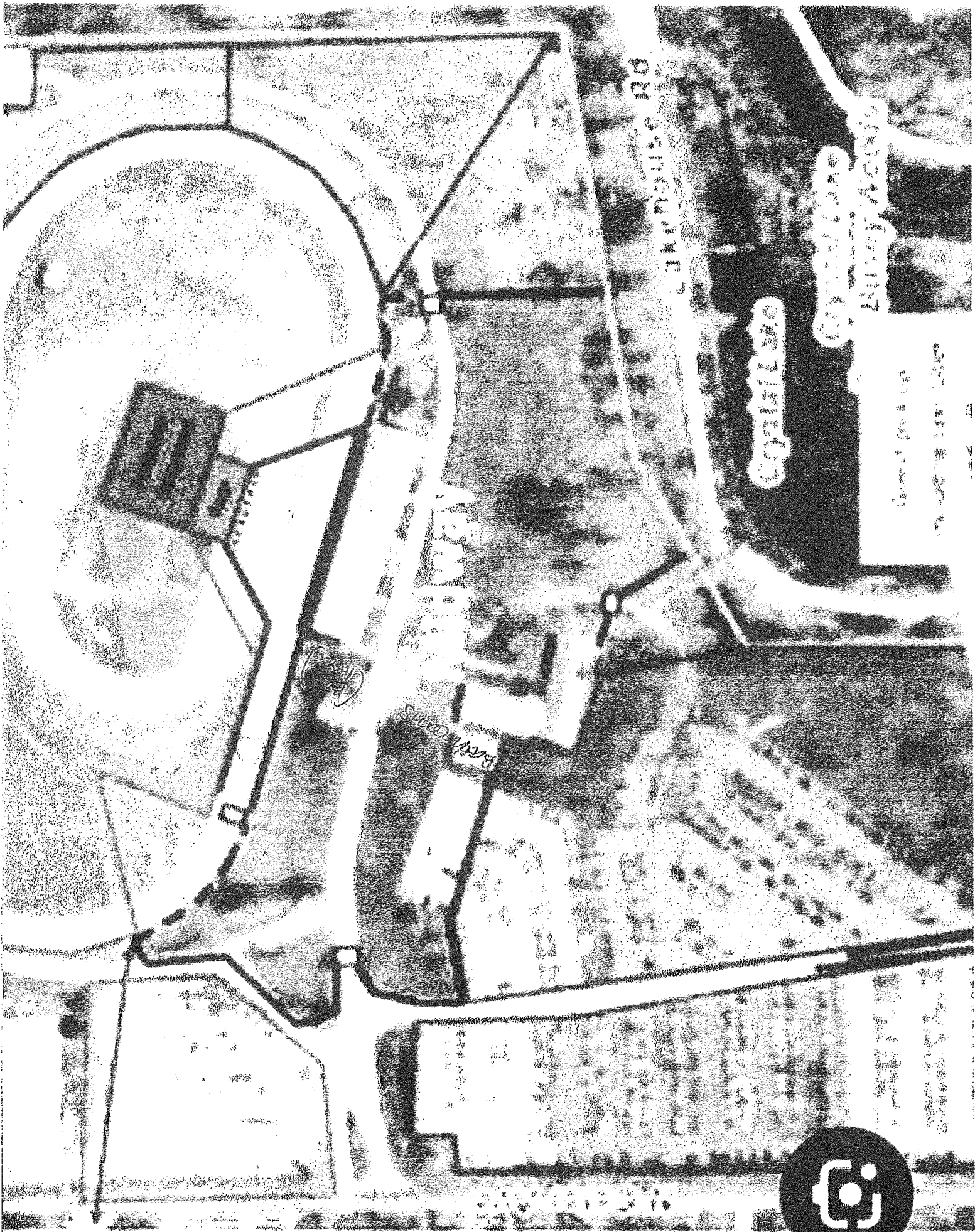
11. Renter may cancel the Event by notifying Owner by providing notice thirty (30) days or more before the Event Date. In such an event, Owner shall refund to Renter the full amount of the Rental Fee less the deposit. In the event if the Event is cancelled within thirty (30) days of the Event Date, Owner shall have the right to retain and/or collect the full Rental Fee.

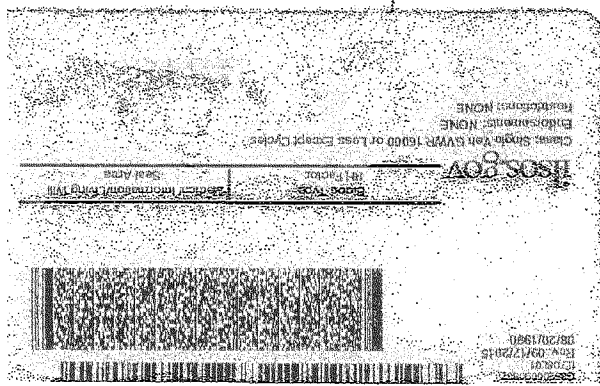
12. Any disputes arising under this contract shall be adjudicated in the Owner's local jurisdiction.

In witness of their understanding of and agreement to the terms and conditions herein contained, the parties affix their signatures below.

Renter's Signature, date 	Owner's Signature, date Araceli Gutiérrez
Printed Name	Printed Name Lacey Teare, Manager Champaign County Fair Association
Address	Address 1302 N. Coler Ave. Urbana, IL 61801
Phone	Phone (217) 367-8461

Sept. 7, 2025







CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08-21-2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 217-355-5555 217-355-6768 Brya Insurance Agency 2002 S Neil Street Champaign, IL 61820	CONTACT NAME: David Counter PHONE (A/C, No, Ext): 217-355-5555 FAX (A/C, No): 217-355-6768 E-MAIL: elizabeth@bryainsurance.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: HOUSTON CASUALTY COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 42374
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INSURED 217-419-3467
ARACELI GUTIERREZ
4814 Lindsey Rd
Champaign, IL 61822

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: <input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input checked="" type="checkbox"/>		H24SE00172/TM422337	09/07/2025	09/08/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	HOST LIQUOR LIABILITY			H24SE00172/TM422337	09/07/2025	09/08/2025	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Location : Champaign County Fairgrounds 1302 N Coler Ave Urbana, il 61801

CERTIFICATE HOLDER Phone : Fax: CHAMPAIGN COUNTY 1776 E. WASHINGTON ST URBANA, IL 61802	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

Applications for License under County
Ordinance No. 55 Regulating Recreational &
Other Businesses within the County (for use
by businesses covered by this Ordinance other
than Massage Parlors and similar enterprises)

FILED

Filing Fees:

AUG 22 2025

Champaign County Clerk

Per Year (or fraction thereof): \$ 100.00
Per Single-day Event: \$ 10.00
Clerk's Filing Fee: \$ 4.00

License No. 2025-ENT-26
Date(s) of Event(s) 10/5/2025
Business Name: ARACELI GUTIERREZ
License Fee: \$ 10.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 14.00

Checker's Signature: _____

Checks Must Be Made Payable To: Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the
issuance of a license to engage a business controlled under County Ordinance No. 55 and makes
the following statements under oath:

- A. 1. Name of Business: Araceli Gutierrez
2. Location of Business for which application is made: 1302 N. COLER AVE
URBANA IL 61801
3. Business address of Business for which application is made: _____
4. Zoning Classification of Property: _____
5. Date the Business covered by Ordinance No. 55 began at this location: OCTOBER 5, 2025
6. Nature of Business normally conducted at this location: CHAMPAIGN COUNTY FAIR
7. Nature of Activity to be licensed (include all forms of recreation and entertainment
to be provided): _____
8. Term for which License is sought (specifically beginning & ending dates): _____
CONTACT Name: Araceli Gutierrez Phone: (217) 377-1007
9. Do you own the building or property for which this license is sought? NO
10. If you have a lease or rent the property, state the name and address of the owner and
when the lease or rental agreement expires: yes 1 Day Court
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this
application showing location of all buildings, outdoor areas to be used for various
purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE
AND WILL BE RETURNED TO APPLICANT

OCT 5

- B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: Araceli Gutierrez Date of Birth: REDACTED
Place of Birth: REDACTED Social Security No.: REDACTED
Residence Address: 4514 Lindsey Road, Champaign IL
Citizenship: --- If naturalized, place and date of naturalization: ---
PHONE # (217) 377-1002 EMAIL: Araceli.g96@icloud.com

If, during the license period, a new manager or agent is hired to conduct this business, the applicant **MUST** furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): Araceli Gutierrez
Date of Birth: REDACTED Place of Birth: ---
Social Security Number: REDACTED Citizenship: ---
If naturalized, state place and date of naturalization: ---
2. Residential Addresses for the past three (3) years: 4514 Lindsey Road,
Champaign IL 61822
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: ---

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer **only** if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered: ---
2. Date of Incorporation: --- State wherein incorporated: ---

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: _____ Title: _____

Date elected or appointed: _____ Social Security No.: _____

Date of Birth: _____ Place of Birth: _____

Citizenship: _____

If naturalized, **place** and **date** of naturalization: _____

PHONE # _____

EMAIL: _____

Residential Addresses for past three (3) years: _____

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

(NOTE: All annual licenses expire on December 31st of each year)

AFFIDAVIT

(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

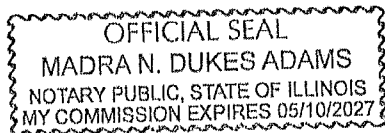
I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this 22nd day of August, 2025



Notary Public

AFFIDAVIT

(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

Signature of President

Signature of Secretary

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public



Facility Rental Agreement

This contract for the rental of a venue is made this day, August 13, 2025, by and between the Champaign County Fair Association, hereafter referred to as the Owner, and Araceli Gutierrez, hereafter referred to as the Renter.

Whereas, the Renter desires to temporarily rent, occupy, and make use of the Owner's venue, located at 1302 N. Coler Ave., Urbana, IL 61801, and known as the Champaign County Fairgrounds, and

Whereas, the Owner agrees to such rental, occupation, and use in consideration of certain payments and covenants herein enumerated;

Now, therefore, the parties agree to the following terms and conditions:

1. To reserve calendar dates, a non-refundable deposit in the amount of 50% of the total rental cost is required with this agreement no later than sixty (60) days prior to Event and will be applied to rental charges upon final settlement of accounts. A separate check in the amount of 100% of the total rental cost is also required for a damage/security deposit which will be held and returned to the Renter upon settlement, minus any charges for actual damages done to the venue by Renter or his/her associates. Assessment to be done by Fair Personnel at the close of the event.
2. The Renter shall have access to and use the Kesler Hall exhibit building, September 7, 2025, for the purpose of hosting the Renter's Event: Spanish Rodeo. All events held at the Champaign County Fairgrounds will fall under the County noise ordinance (Section 3) and must end by 10:30pm each night of the event.
3. Renter must obtain an R&E License from the Champaign County Clerk Office. Renter shall provide the Owner with a copy of the Issued permit no later than thirty (30) days prior to the Event Date. Renter is also responsible for obtaining their own liquor license if adult beverages will be offered during any time of the event.
4. The full Rental Fee for the use of the venue described in (2) above shall be \$3,000 PLUS a restroom cleaning fee of \$100. The balance of the Rental Fee due, less the non-refundable deposit described in (1) above, shall be payable to the Owner within three days of the rental period's expiration described in (2) above. At that time, Renter shall also tender to Owner all keys and other access control devices in his/her possession.
5. ~~In addition to rent, Renter will pay Owner \$25 per 110 hookup and/or \$50 per 220 hookups for each electrical hookup utilized by a profit-bearing vendor.~~ Otherwise, Renter will furnish all other equipment necessary for its Event unless otherwise agreed in writing with Owner. Aladdin Electric is the only authorized company or person allowed to perform electrical work of any kind at the expense of the Renter. This fee also applies to any vendor who requires hard wiring into electrical boxes. There is no charge for water and can only be used with a hose hookup at a spigot.
6. Renter shall remove all personal property, trash, and other items that were not present in the venue when Renter took control of it. Trash removal service can be provided by the Owner at the expense of the Renter.
7. Upon Renter's completion of his/her obligations under (4) and (6) above, the Owner shall return to Renter the security deposit minus any amounts deemed necessary to repair damages inflicted upon the venue by

Renter and/or Renter's associates, guests, invitees, contractors, and all other persons whatsoever who enter the venue during the rental period, whether or not such persons did so with Renter's knowledge or consent.

8. Renter shall not do anything which will in anyway impair the reasonable obligation of any policy of insurance upon the premises. Renter shall procure and maintain at Renter's cost and expense policies of insurance insuring the Promoter against public liability, covering the premises rented and use and operation thereof, with limits of not less than \$1 million combine single limit. Any insurance required to be procured and maintained by the Renter shall not be subject to cancelation except after ten (10) days prior written notice to the Owner and shall name Owner as an additional insured. Renter shall provide to the Owner a certificate evidencing the insurance of said insurance policy or policies.

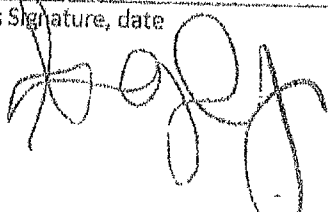
9. In the event that the Renter fails to pay the balance due within the time period agreed upon in this contract, interest shall accrue upon the unpaid balance at the rate of 10% per year until it is paid. Renter shall also be liable to owner for any legal fees, court costs, and other expenses associated with collection.

10. Renter will be liable for any physical damages, legal actions, and/or loss of reputation or business opportunities that Owner may incur as a consequence of the actions of Renter or any of Renter's guests while Renter is in control of the venue, and shall indemnify and hold harmless the Owner against any and all legal actions which may arise from Renter's use of the venue.

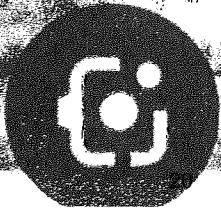
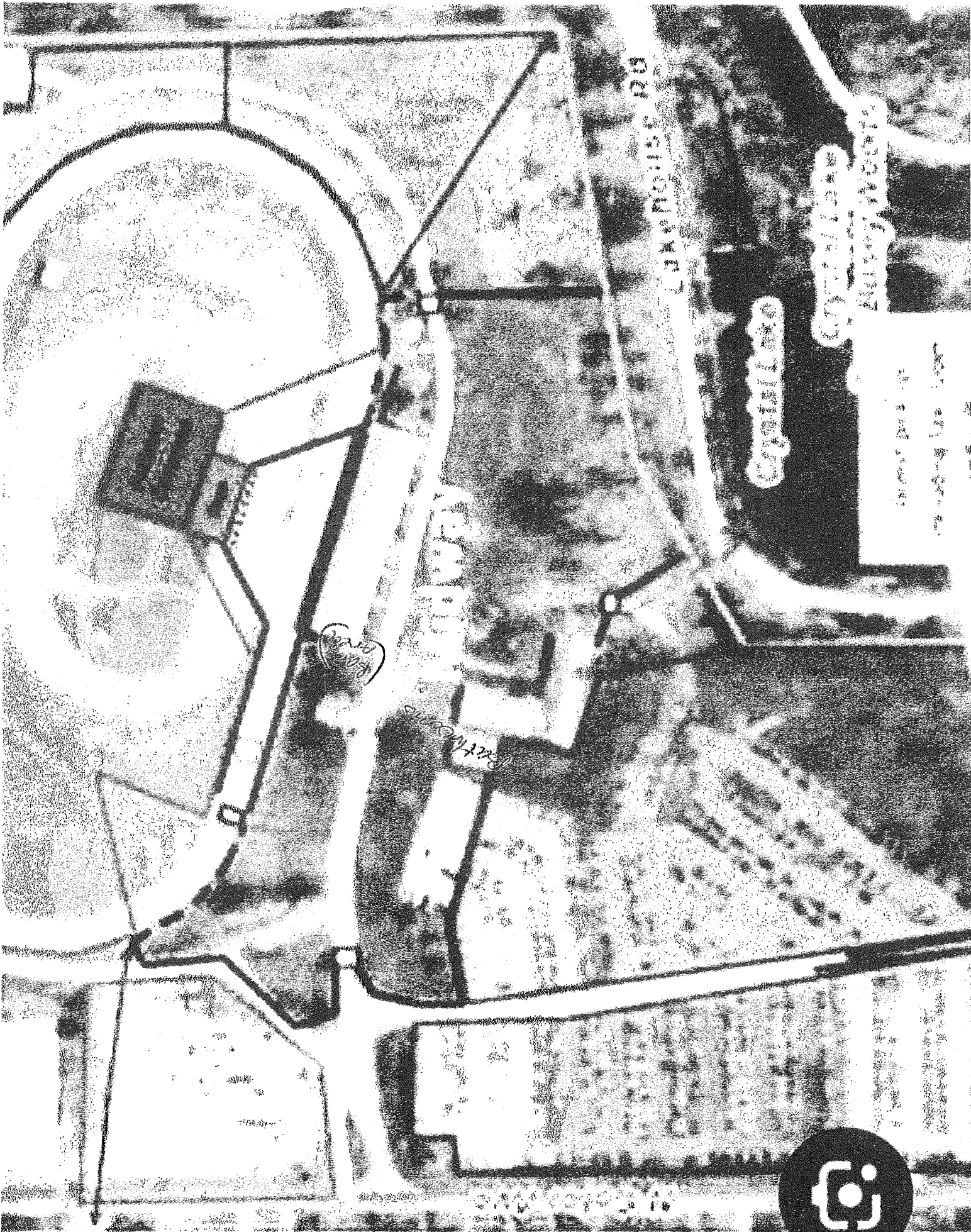
11. Renter may cancel the Event by notifying Owner by providing notice thirty (30) days or more before the Event Date. In such an event, Owner shall refund to Renter the full amount of the Rental Fee less the deposit. In the event if the Event is cancelled within thirty (30) days of the Event Date, Owner shall have the right to retain and/or collect the full Rental Fee.

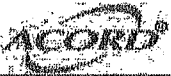
12. Any disputes arising under this contract shall be adjudicated in the Owner's local jurisdiction.

In witness of their understanding of and agreement to the terms and conditions herein contained, the parties affix their signatures below.

Renter's Signature, date 	Owner's Signature, date Araceli Gutiérrez
Printed Name	Printed Name Lacey Teare 8/11/25 Lacey Teare, Manager Champaign County Fair Association
Address	Address 1302 N. Coler Ave. Urbana, IL 61801
Phone	Phone (217) 367-8461

Oct 5, 2025





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08-21-2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 217-355-5555 217-355-6768 Brya Insurance Agency 2002 S Neil Street Champaign, IL 61820	CONTACT NAME: David Counter PHONE (A/C, No, Ext): 217-355-5555 E-MAIL: elizabeth@bryainsurance.com FAX (A/C, No): 217-355-6768 ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: HOUSTON CASUALTY COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIG # 42374
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COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A			H24SE00172/TM422337	10/05/2025	10/06/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	HOST LIQUOR LIABILITY			H24SE00172/TM422337	10/05/2025	10/06/2025	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Location : Champaign County Fairgrounds 1302 N Coler Ave Urbana, il 61801

CERTIFICATE HOLDER Phone :

Fax:

CANCELLATION

CHAMPAIGN COUNTY
1776 E. WASHINGTON ST
URBANA, IL 61802

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**PLANNING &
ZONING**

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

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

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

From: **John Hall, Zoning Administrator**
Charlie Campo, Senior Planner

Date: **August 26, 2025**

RE: **Recommendation for County Board Special Use Permit
Cases 162-S-25**

Petitioner: **Mahomet IL Solar 1, LLC, c/o Summit Ridge Energy LLC, via agent
Moirra Cronin, Senior Manager, Project Development, and participating
landowners Paul Nurmi Trustee, and Greater Heritage Farms LLC**

Request: **Case 162-S-25
Authorize a Community PV Solar Farm with a total nameplate capacity
of 4.99 megawatts (MW), including access roads and wiring, in the AG-2
Zoning District, and including the following waivers of standard
conditions:**

**Part A: A waiver for not entering into a Roadway Upgrade and
Maintenance Agreement or waiver therefrom with the
relevant local highway authority prior to consideration of the
Special Use Permit by the Zoning Board of Appeals, per
Section 6.1.5 G.(1).**

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

**Part C: A waiver for locating the PV Solar Farm 65 feet from a non-
participating lot that is 10 acres or less in area in lieu of the
minimum required separation of 240 feet between the solar
farm fencing and the property line, per Section 6.1.5 D.(3)a.**

**Part C: A waiver for providing financial assurance for the
Decommissioning and Site Reclamation Plan in the form of a
surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.**

Location: **Approximately 36 acres on two tracts of land with PIN's 15-13-17-100-012
(52.66 acres) and 15-13-17-200-010 (43.17 acres), totaling 95.83 acres on
the South side of US Highway 150, in the West Half of the Northeast
Quarter and the East Half of the Northwest Quarter of Section 17
Township 20 North, Range 7 East of the Third Principal Meridian, in
Mahomet Township, commonly known as farmland owned by Greater
Heritage Farms LLC and Paul Nurmi Trustee.**

BACKGROUND

The petitioner applied for a Special Use Permit to construct a 4.99 (MW) Community Photovoltaic (PV) Solar Farm on a 36-acre site on the south side of US-150 in Mahomet Township. The petitioners request waivers from standard conditions for the Special Use Permit. A PV Solar Farm located less than one and one-half miles from an incorporated municipality is required to have a minimum of two public hearings held 28 days apart, before the Zoning Board of Appeals (ZBA) unless that requirement is waived by the municipality. The project is then required to be heard at two Environment and Land Use Committee

(ELUC) meetings unless that requirement is waived by the municipality before it can move on to final determination by the County Board. The Village of Mahomet has not submitted a waiver for this requirement. Public Act 102-1123 requires a final decision within 30 days of the close of a public hearing for a solar farm.

STATUS

The ZBA held the first public hearing on this case on March 27, 2025. The Case was continued to the May 29, 2025, meeting. A second public hearing was held on May 29, 2025, and the case was continued to the August 14, 2025, meeting. At the August 14, 2025, meeting the ZBA voted 3 to 1 with 1 abstention and 2 members absent, to recommend approval. Because the motion did not receive the required 4 affirmative votes it is forwarded to ELUC with a recommendation to deny the Special Use Permit.

ZONING ORDINANCE CONFLICT WITH 55 ILCS 5/5-12020

The Champaign County Zoning Ordinance requires two hearings at ELUC held 30 days apart to allow comments from any relevant municipal authority unless that requirement is waived by the municipal authority. State law requires the County to decide on the Special Use Permit not more than 30 days after the close of the public hearing at the ZBA.

PROJECT CONFORMANCE WITH 55 ILCS 5/5-12020

State law requires that a County must approve a development that meets the requirements of 55 ILCS 5/5-12020. This project meets those requirements. The Findings of Fact by the ZBA for this case were all affirmative.

WAIVERS

The four requested waivers to the standard conditions are as follows:

1. A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.
 - A. A Roadway Upgrade and Maintenance Agreement will be required prior to the approval of a Zoning Use Permit for construction. A Special Condition for this requirement has been included.
2. A waiver for locating the PV Solar Farm less than one and one-half miles from an incorporated municipality per Section 6.1.5 B.(2)a.
 - A. Zoned municipalities do not have protest rights in Special Use Permit cases. Notice was sent by the Department to the Village of Mahomet. A copy of the Special Use permit application was provided to the Village of Mahomet. A public hearing for a PV Solar Farm within one and one-half miles of a municipality with zoning shall occur at a minimum of two Board meetings no less than 28 days apart unless the requirement is waived by the relevant municipality. The Village of Mahomet has not submitted a waiver for this requirement.

3. A waiver for locating the PV Solar Farm 65 feet from a non-participating lot that is 10 acres or less in area in lieu of the minimum required separation of 240 feet between the solar farm fencing and the property line, per Section 6.1.5 D.(3)a.
 - A. The subject property is adjacent to the Norfolk Southern rail line which is located between US-150 and the Subject Property. The rail line right-of way is broken up into parcels that are less than 10 acres in area. The solar farm fencing is 65 feet from the rail line right-of-way property line. The petitioner is requesting a setback of 65 feet in lieu of the required 240 feet. If the rail line was mapped as a right-of-way and not individual parcels the maximum required separation would be 60 feet.
4. A waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.
 - A. The Champaign County State's Attorney's Office (SAO) has provided an email regarding the relative merits and concerns regarding a surety bond versus a letter of credit. The SAO points out that the Illinois Public Construction Bond Act allows the use of surety bonds for State construction contracts but requires a minimum credit rating of A- for the company providing the surety bond. Importantly, the SAO email states "...surety bond collection frequently requires a lawsuit to recover, while a letter of credit is a much simpler process...". Collecting on a letter of credit is just a matter of presenting the necessary documents to the bank that holds the letter of credit. The SAO email is consistent with the Norton Rose Fulbright article that was part of Attachment F to Supplemental Memorandum #1. The article recommends that one should "...craft the surety bond to minimize the disadvantages of a surety bond compared to a letter of credit". The SAO email provides the Board with substantial evidence to recommend either denial or approval of the waiver.

PUBLIC INPUT RECEIVED

The following is a summary of testimony received for this zoning case:

1. P&Z Staff has received the following comments from the public in opposition to the project prior to the Public Hearing on February 27, 2025, which were provided as a handout to the Board at the meeting:
 - A. An email from Karen Hansen received 2/20/25
 - B. Two Emails from Karen Boulanger received 2/20/25 and 2/23/25
 - C. Two Emails from Alexis Godbee received 2/20/25 and 2/24/25
 - D. An email from Diana Harmon received 2/21/25
 - E. An email from Nicholas Burd received 2/22/25
 - F. An email from Linda Hambleton received 2/22/25
 - G. An email from Ryan Kutil received 2/22/25
 - H. An email from Alana Harris received 2/23/25
 - I. An email and photos from Debra Bunch received 2/24/25
 - J. Emails from Cheryl and David Sproul received 2/26/25
 - K. Call from Jim Gunther received 2/27/25
 - L. An email from Teresa D'Urso received 2/27/25
 - M. An email from Lisa Peithmann received 2/27/25
 - N. An email from Sara Vrona received 2/27/25
 - O. An email from Lara Schwaiger received 02/27/25

2. The following testimony was received at the February 27, 2025, Public Hearing:
 - A. Mike Murphy, 1507 W. North Shore Dr., Spring Lake Homeowners Association President, noted that the Homeowners Association is currently engaged in a multi-year project to remove silt from Spring Lake. The HOA is concerned with any erosion from the project that will impact Spring Lake and hopes they can remain involved with the permitting process for this development.
 - B. Brian Hartman, 403 S. North Shore Dr. stated that he is in support of solar development but would prefer that the remaining area of the parcel be developed as a natural space and not continued to be farmed in order to reduce chemical runoff to Spring Lake.
 - C. Karen Boulanger, 404 S. North Shore Dr. stated that she has concerns regarding the establishment of the new trees used for screening without being regularly watered.
 - D. Linda Hambleton, 406 S. Bryarfield Ct. requested that the developer abide by the 1.5-mile separation to municipal limits.
 - E. Ted Hartke, 1183 CR 2300E, Sidney, stated that neighbors should be able to enjoy all of their property with neighboring noise levels below the minimum noise levels allowed by the Illinois Pollution Control Board. Mr. Hartke read a quote from the Illinois Pollution Control Board Noise Ordinance regarding the problems caused by excessive noise. Mr. Hartke asked the Board to impose a 39 dbA limit for noise at the property line of adjacent properties. Mr. Hartke also discussed the number of power poles at a different solar development and requested that power poles at solar farms be located away from the road and closer to the project site. Mr. Hartke also discussed the inefficiency of renewable energy and requested that no waivers be granted for the development. Mr. Hartke proposed moving the project away from the eastern property line so no trees will need to be removed.
3. P&Z Staff has received the following comments from the public in opposition to the project prior to the Public Hearing on May 29, 2025:
 - A. An email from Lisa Fredericksen received May 27, 2025
 - B. An email from Dave and Cheryl Sproul received May 27, 2025
 - C. An email from Anita Johnson received May 28, 2025
 - D. An email from Katie Sheridan received May 28, 2025
 - E. An email from Kitty Grubb received May 28, 2025
 - F. An email from George Grubb received May 28, 2025
4. The following testimony was received at the May 29, 2025, Public Hearing:
 - A. Debra Bunch, 405 S. Bryarfield Ct. stated that she has concerns regarding the appearance of the solar farm from her house and the decommissioning process.
 - B. Alexis Godbee, 501 S. North Shore Dr. stated that she has concerns regarding the appearance, and sound of the solar farm and the risk of damage to the environment during its construction.
 - C. Matt Corray, 1516 W. North Shore Dr. stated that he has concerns with the loss of farmland, impact to wildlife and the access to the property for fire protection vehicles.

- D. Mike Murphy, 1507 W. North Shore Dr., Spring Lake Homeowners Association President stated that 70% of the HOA members surveyed by the Association were opposed to the solar farm development.
 - E. Cindy Shepherd 2010 Burlison Dr. Urbana spoke in support of the benefits of the solar development.
 - F. Linda Hambleton, 406 S. Bryarfield Ct. stated that she has concerns regarding noise, glare, heat, electromagnetic fields and disturbance to the wildlife caused by the proposed development.
 - G. Rick Hambleton, 406 S. Bryarfield Ct. stated that he has concerns with water pollution and decreased property values as a result of the proposed development.
 - H. Dustin Rittenhouse 108 Hickory St. stated that he does not support the proposed development.
5. P&Z Staff has received the following comments from the public in opposition to the project prior to the Public Hearing on August 14, 2025:
- A. An email from Deb Caparoon received July 31, 2025
 - B. An email from Debra Bunch received August 5, 2025
 - C. An email from Sarah Vrona received August 9, 2025
 - D. An email from Alexis Godbee received August 10, 2025
 - E. An email from Karen Hansen received August 10, 2025
 - F. An email from the Mahomet Spring Lake Homeowners Association received August 11, 2025 with survey analysis received August 12, 2025
 - G. An email from Nicholas Burd received August 12, 2025
 - H. An email from Kitty and George Grubb received August 12, 2025
 - I. An email from Anita Johnson received August 12, 2025
 - J. An email from Russ Taylor received August 12, 2025
 - K. An email from Lisa Fredericksen received August 13, 2025
 - L. An email from Dave and Cheryl Sproul received August 13, 2025
 - M. An email from Amanda Alman received August 14, 2025
 - N. An email from Dennis Detweiler received August 14, 2025
 - O. An email from Elizabeth Detweiler received August 14, 2025
 - P. An email from Bob and Ginny Schlorff received August 14, 2025
 - Q. An email from Alexis Godbee received August 14, 2025 including petition with napes of people opposed to the project
 - R. An email from Margaret Givens received August 14, 2025

The following testimony was received at the August 14, 2025, Public Hearing:

- A. David Sproul 408 S. Bryarfield Ct. stated that he is opposed to the project and has concerns with the requested waivers.
- B. Debra Bunch, 405 S. Bryarfield Ct. stated that a location in Champaign is better for a solar development.

- C. Linda Hambleton, 406 S. Bryarfield Ct. stated that she has concerns regarding disruption to cellular service, lighting, panel degradation, safety and health effects of solar farms.
- D. Tyler Bozarth, 501 S. North Shore Dr. stated that he has concerns regarding environmental impacts of the project.
- E. Alexis Godbee, 501 S. North Shore Dr. stated that she has concerns with the proximity to the railroad, how long the developer has been in business and the impacts on property values and noted the petition that was submitted opposing the project.
- F. Karen Hansen, 2216 CR 0 E, stated that she has concerns with fires and train derailment.
- G. Matt Corray, 1516 W. North Shore Dr. stated that he has concerns with the electrical infrastructure, and the property tax revenue of the project.

PROPOSED SPECIAL CONDITIONS

- A. **The approved site plan consists of the following documents:**
 - **Sheet C01 of the revised Site Plan received August 7, 2025.**

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

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

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

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

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

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

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

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

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

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

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

- E. **Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, shall be submitted at the time of application for a Zoning Use Permit.**

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

To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.

- F. **Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
1. **A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 2. **Desktop mapping and field reconnaissance shall identify all areas where drain tiles are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
 3. **Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
 4. **Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 5. **All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping and AIMA standards.**
 6. **Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 7. **All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.**
 8. **A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array**

shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.

9. **Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **An irrevocable letter of credit (or surety bond, if a waiver is received) to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
3. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
5. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
6. **The telephone number for the complaint hotline required by 6.1.5 S.**
7. **Any updates to the approved Site Plan from Case 162-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
 1. **Maintain the pollinator plantings, vegetative screening and fencing in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 4. **Maintain a current general liability policy as required by 6.1.5 O.**
 5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
 6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
 7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

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

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

- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

That the current version of the Zoning Ordinance has been referenced

ATTACHMENTS

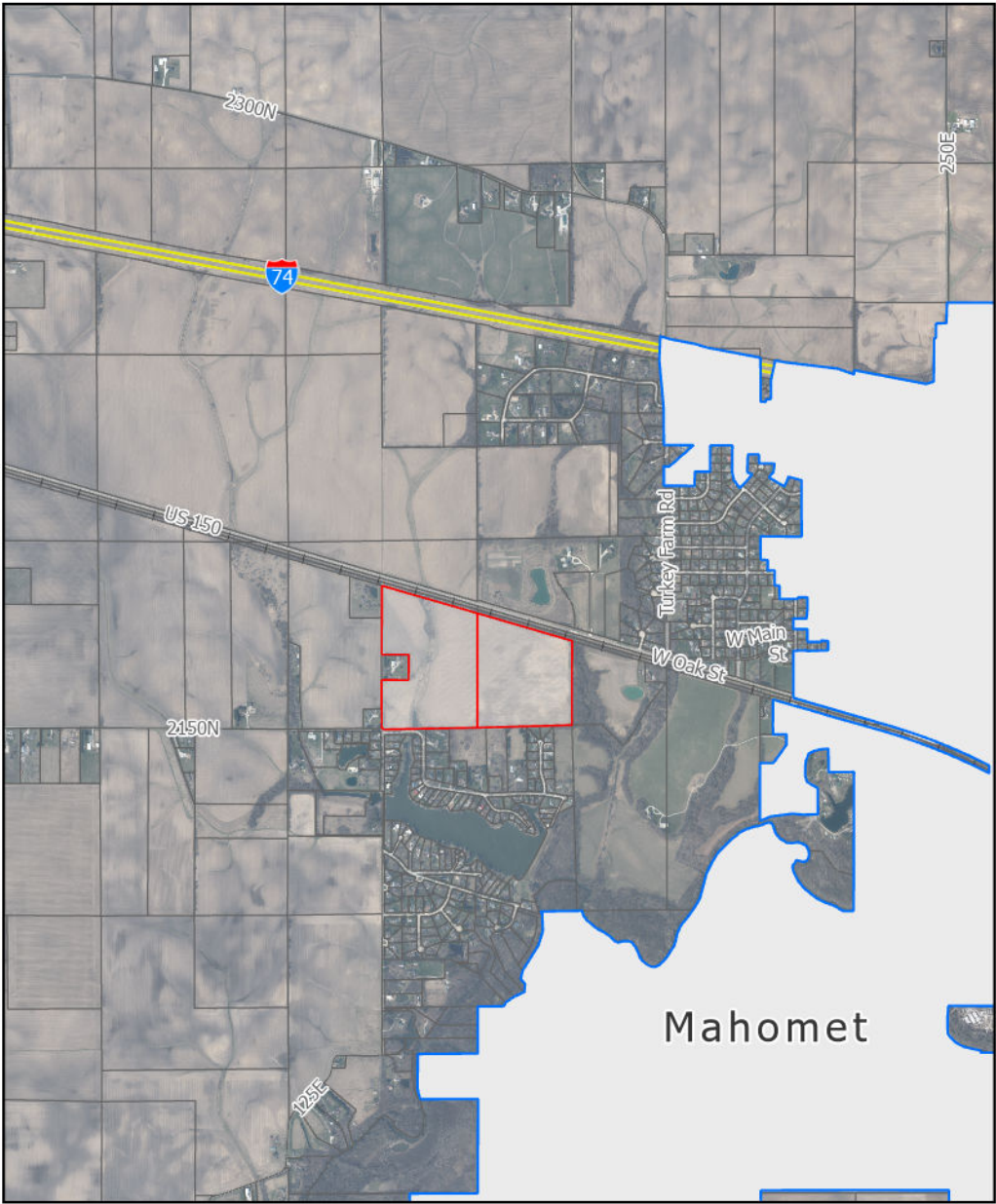
- A Case Maps (Location, Land Use, Zoning)
- B Finding of Fact and Final Determination for Case 162-S-25 as approved by the ZBA on August 14, 2025
- C Revised Site Plan received August 7, 2025

Location Map

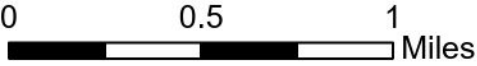
Case 162-S-25

February 27, 2025

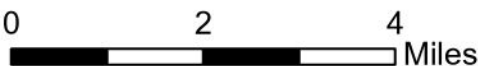
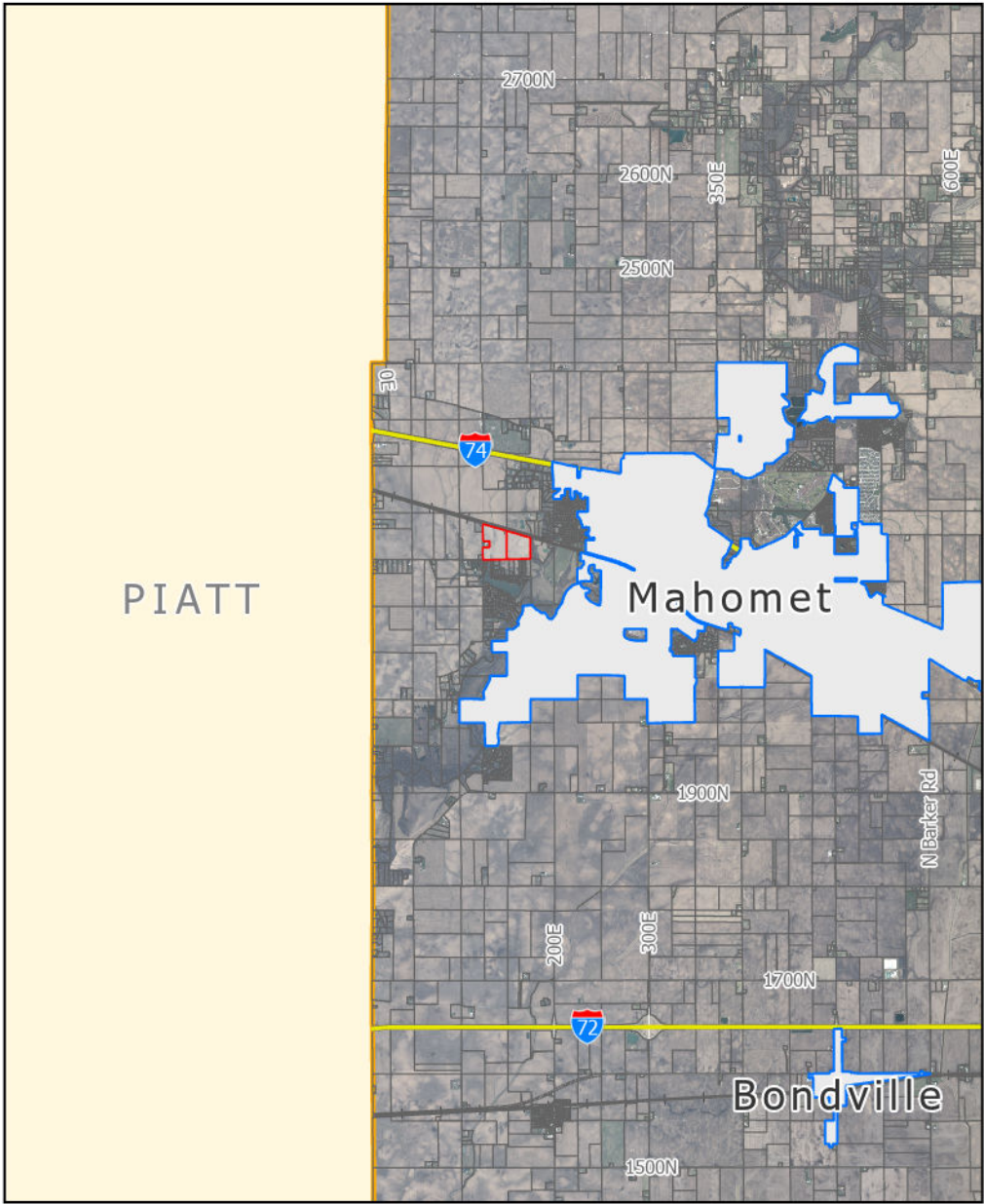
Subject Properties



-  Subject Parcels
-  Municipal Boundary



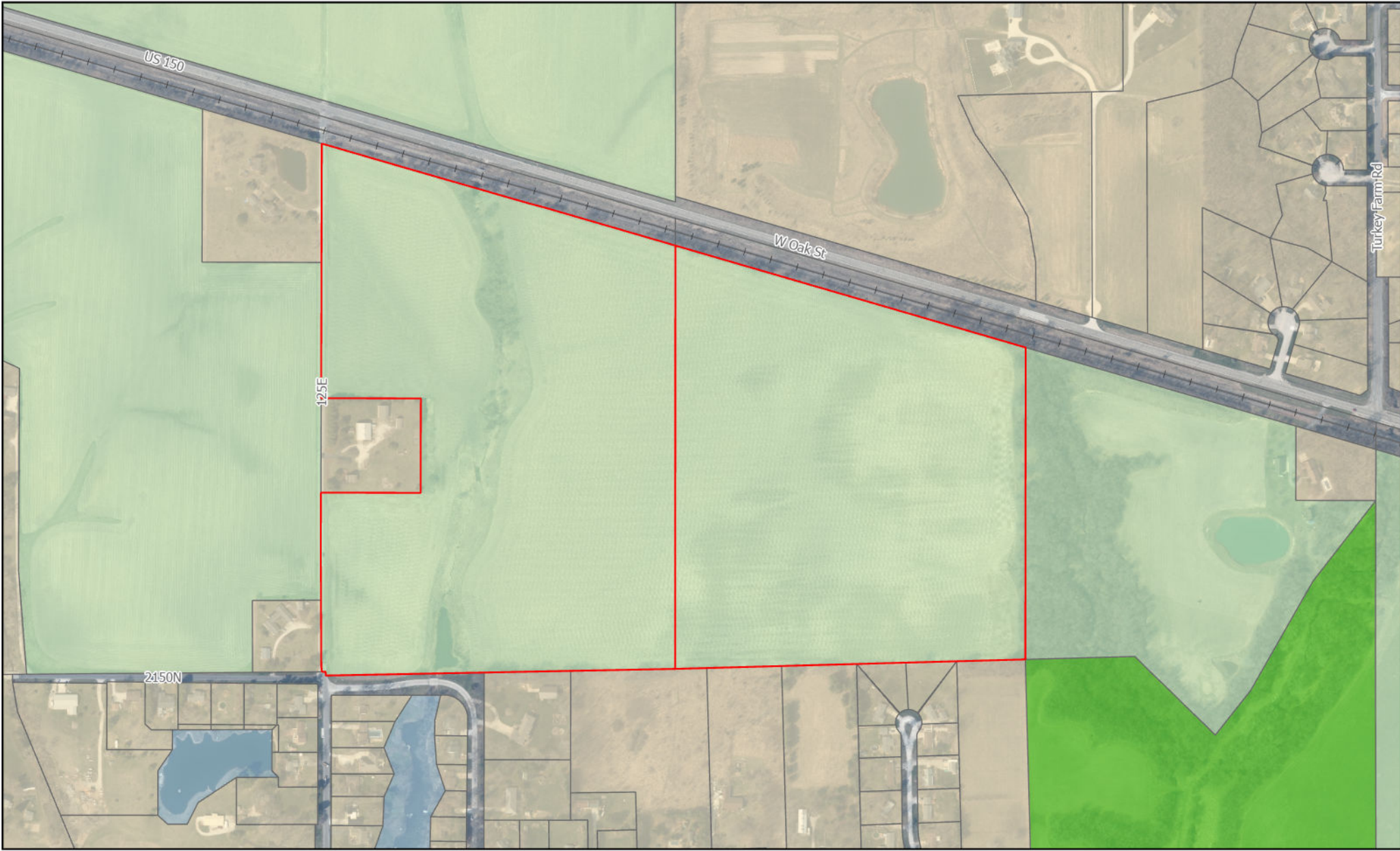
Property Location in Champaign County








Land Use Map

Case 162-S-25

February 27, 2025



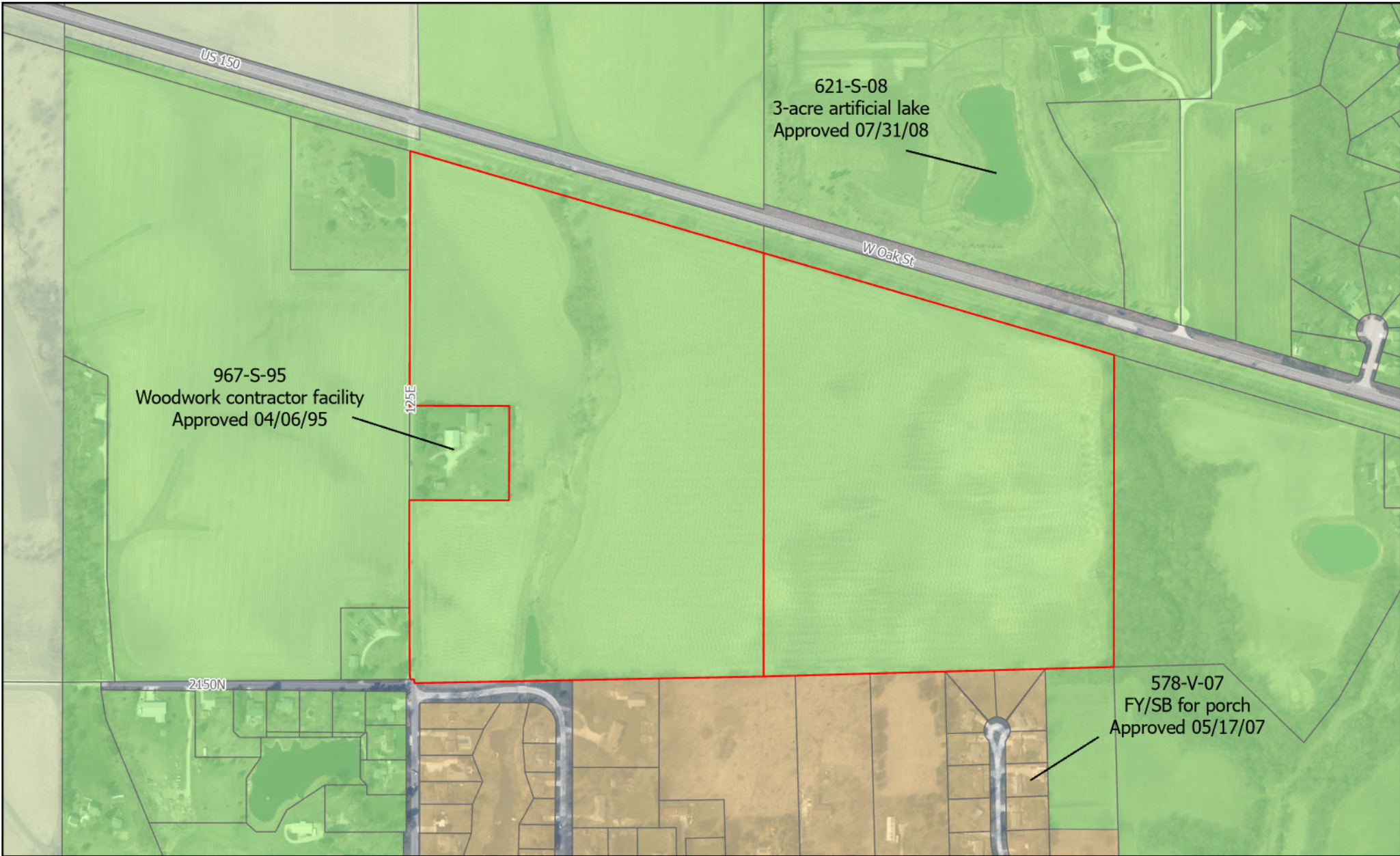
- | | | |
|--|---|--|
|  Subject Parcels |  Residential |  Agricultural/Residential |
|  Agricultural |  Water/Residential | |

0 500 1,000 Feet

Zoning Map

Case 162-S-25

February 27, 2025



- Subject Parcels
- AG-1 Agriculture
- AG-2 Agriculture
- R-1 Single Family Residence

05001,000

Feet

N

35

PLANNING & ZONING

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **162-S-25** held on **February 27, 2025, May 29, 2025, and August 14, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **IS** necessary for the public convenience at this location because: the State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025 and the Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
2. The requested Special Use Permit **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN** is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **ADEQUATE** traffic capacity and the entrance location has **ADEQUATE** visibility.
 - b. Emergency services availability is **ADEQUATE** because: the subject property is approximately 2.4 miles from the Cornbelt fire station, and Chief John Koller with the Cornbelt Fire Protection District approved the site plan with the condition that the access drive be widened to 20 feet.
 - c. The Special Use **WILL** be compatible with adjacent uses because: the proposed project is surrounded by land in agricultural production to the west, a railroad line and US-150 to the north, a wooded area and land in agricultural production to the east and a residential development to the south, and the nearest residence is about 378 feet from the PV SOLAR FARM fenced area.
 - d. Surface and subsurface drainage will be **ADEQUATE** because: no part of the subject property is in the Special Flood Hazard Area and the proposed project must comply with the Storm Water Management and Erosion Control Ordinance.
 - e. Public safety will be **ADEQUATE** because: relevant jurisdictions were notified of this case, and no comments have been received.
 - f. The provisions for parking will be **ADEQUATE** because: no parking is required for a PV SOLAR FARM.
 - g. The property **IS WELL SUITED OVERALL** for the proposed improvements because: the site is reasonably well-suited in all respects and has no major defects.
 - h. Existing public services **ARE** available to support the proposed SPECIAL USE without undue public expense because: no additional public services are necessary for the proposed development.

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

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

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

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

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

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

- A. Regarding Part A of the proposed waivers for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals:
 - (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: The requested waiver (variance) is 0% of the minimum required, for a variance of 100% and A special condition has been added requiring this information prior to approval of a Zoning Use Permit.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

structures elsewhere in the same district because: The petitioner is working with the Mahomet Township Highway Commissioner on either a waiver or a Roadway Upgrade and Maintenance Agreement and A special condition has been added requiring this information prior to approval of a Zoning Use Permit

- (1) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: Without the proposed waiver, the Special Use Permit process might have to be extended in order to have sufficient time to prepare this document.
 - (2) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: The petitioner is working with the Mahomet Township Highway Commissioner to receive either an agreement or a waiver from this requirement.
 - (3) The requested waiver **SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS** the minimum variation that will make possible the reasonable use of the land/structure because: Roadway agreements take time to establish, and that timeframe is not entirely in the control of the petitioner.
- B. Regarding Part B of the proposed waivers for a separation distance of less than one-half mile from an incorporated municipality:
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: The nearest area of the solar farm is approximately .53 miles from the Village of Mahomet and The requested waiver (variance) is 35% of the minimum required, for a variance of 65% and Relevant jurisdictions have been notified of this case. The Village of Mahomet has not submitted any objection to this development and Neighboring landowners have been notified of this case, some expressed concerns about noise, visual impacts, property values and siltation in the nearby lake.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the location has access to the powerlines along CR 125 E and takes advantage of the existing vegetative screening along the railroad and the property to the east and is set back ¼ mile from CR 125 E.
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: the location has access to the powerlines along CR 125 E and takes advantage of the existing vegetative

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

screening along the railroad and the property to the east and is set back ¼ mile from CR 125 E.

- (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure because: without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.
- C. Regarding Part C of the proposed waivers for locating the PV Solar Farm 65 feet from a non-participating lot that is 10 acres or less in area in lieu of the minimum required separation of 240 feet between the solar farm fencing and the property line:
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: the requested waiver (variance) is 27% of the minimum required, for a variance of 73% and relevant jurisdictions have been notified of this case, and no comments have been received.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the adjacent lot less than 10 acres is a railroad right-of-way on the north side of the development.
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: the northernmost part of the PV SOLAR FARM would have to be moved south 175 feet, which could affect the feasibility of the project and would place the PV SOLAR FARM too close to the homes to the south.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: railroad right-of-way is not typically considered a property under 10 acres.
 - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure because: the northernmost part of the PV SOLAR FARM would have to be moved south 175 feet, which could affect the feasibility of the project and would place the PV SOLAR FARM too close to the homes to the south.
- D. Regarding Part D of the proposed waivers for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit:
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: the requested waiver (variance) is 0% of the minimum required, for a variance of 100% and the developer will provide financial assurance for decommissioning in the form of a surety bond.

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

- (1) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- (2) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: the developer will have to provide a different form of financial assurance for decommissioning.
- (3) The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the applicant because: the petitioners were made aware of this requirement when they applied for the Special Use Permit and the petitioner has testified that they have used both surety bonds and letters of credit.
- (4) The requested waiver **IS NOT** the minimum variation that will make possible the reasonable use of the land/structure because: the petitioner has testified that they have used both surety bonds and letters of credit.

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

- A. **The approved site plan consists of the following documents:**
- **Sheet C01 of the revised Site Plan received August 7, 2025.**

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

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

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

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

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

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

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

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

- D. **A signed Decommissioning and Site Reclamation Plan that has been approved by Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

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

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

- E. **Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, shall be submitted at the time of application for a Zoning Use Permit.**

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

To ensure full compliance with the intent of the Zoning Ordinance in a timely manner that meets the needs of the applicant.

- F. **Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
1. **A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 2. **Desktop mapping and field reconnaissance shall identify all areas where drain tiles are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
 3. **Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
 4. **Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 5. **All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping and AIMA standards.**
 6. **Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 7. **All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.**

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

8. **A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
9. **Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **An irrevocable letter of credit (or surety bond, if a waiver is received) to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
3. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
5. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
6. **The telephone number for the complaint hotline required by 6.1.5 S.**
7. **Any updates to the approved Site Plan from Case 162-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

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

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

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

- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
 1. **Maintain the pollinator plantings in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 4. **Maintain a current general liability policy as required by 6.1.5 O.**
 5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
 6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
 7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

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

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

- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

That the current version of the Zoning Ordinance has been referenced.

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

FINAL DETERMINATION

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

The Special Use requested in Case **162-S-25** is hereby **DENIED** to the applicant, **Mahomet IL Solar 1, LLC, c/o Summit Ridge Energy LLC**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:

Authorize a Community PV Solar Farm with a total nameplate capacity of 4.99 megawatts (MW), including access roads and wiring, and

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:

Part A: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals, per Section 6.1.5 G.(1).

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

Part C: A waiver for locating the PV Solar Farm 65 feet from a non-participating lot that is 10 acres or less in area in lieu of the minimum required separation of 240 feet between the solar farm fencing and the property line, per Section 6.1.5 D.(3)a.

Part D: A waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. The approved site plan consists of the following documents:**
 - Sheet C01 of the revised Site Plan received August 7, 2025.**
- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. A signed Decommissioning and Site Reclamation Plan that has been approved by Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

- E. Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, shall be submitted at the time of application for a Zoning Use Permit.**
- F. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
 - 1. A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 - 2. Desktop mapping and field reconnaissance shall identify all areas where drain tiles are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
 - 3. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
 - 4. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 - 5. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping and AIMA standards.**
 - 6. Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 - 7. All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.**
 - 8. A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
 - 9. Future access shall be guaranteed for maintenance of all mutual drain tiles.**
- G. The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **An irrevocable letter of credit (or surety bond, if a waiver is received) to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 3. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 5. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 6. **The telephone number for the complaint hotline required by 6.1.5 S.**
 7. **Any updates to the approved Site Plan from Case 162-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- H. A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
- I. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings in perpetuity.**

FINDINGS OF FACT AND FINAL DETERMINATION FOR CASE 162-S-25

As approved by the ZBA on August 14, 2025

2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 4. **Maintain a current general liability policy as required by 6.1.5 O.**
 5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
 6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
 7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**
- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**
- K. **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.**
- L. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

SIGNED:

Cynthia Cunninham, Interim Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

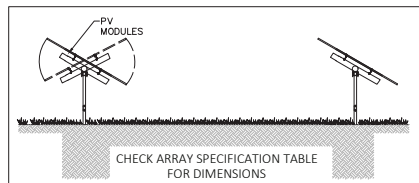
Date

NOTES:

1. THE PROPOSED SITE PLAN IS CONCEPTUAL. FINAL EQUIPMENT SELECTION MAY CHANGE DEPENDING ON AVAILABILITY.
2. PARCEL BOUNDARY LINE IS BASED ON GIS DATA AND SHOULD BE CONSIDERED APPROXIMATE AND IS BEING SHOWN FOR REFERENCE PURPOSES ONLY.
3. WETLAND DELINEATION HAVE BEEN REFERENCED FROM THE NATIONAL WETLANDS INVENTORY AND IS BEING SHOWN FOR REFERENCE PURPOSES.
4. POINT OF INTERCONNECTION LOCATION IS APPROXIMATE AND WILL BE DETERMINED FOLLOWING A SITE SURVEY BY THE ELECTRICAL UTILITY. POINT OF INTERCONNECTION POLE SERIES TO BE DESIGNED IN ACCORDANCE WITH ELECTRICAL UTILITY STANDARDS.
5. TOPOGRAPHICAL INFORMATION IS REFERENCED FROM NOAA LIDAR DATES 2019-2020.
6. LOCATIONS OF WIRING WITHIN THE SOLAR ARRAY FOR REFERENCE PURPOSES ONLY. ACTUAL ROUTINGS TO BE DETERMINED IN 30% DESIGN STAGE.
7. SITE PLAN IN ACCORDANCE WITH CHAMPAIGN COUNTY SOLAR ORDINANCE

ARRAY SPECIFICATIONS	
DC SYSTEM SIZE (kW)	7419.84 kW
AC SYSTEM SIZE (kW)	5000 kW
DC/AC RATIO	1.48
MODULE MODEL	Q.PEAK DUO XL-G11S.3/BFG
MODULE POWER	590 W
MODULE COUNT	12,576
RACKING MANUFACTURER	FLEXRACK FLEXTRACK S-SERIES
RACKING QUANTITY	(140) 1x72; (45) 1x48; (14) 1x24; SAT
STRING LENGTH	24
STRING QUANTITY	524
INVERTER TYPE	KACO BLUEPLANET 125-TL3-INT
INVERTER QUANTITY	(40) 125 kW
AZIMUTH	180°
TILT ANGLE / PHI LIMITS	±55°
NOMINAL PITCH (FEET)	22.44
INTER-ROW SPACING (FEET)	14.36
GROUND COVERAGE RATIO	0.360
TORQUE TUBE HEIGHT (FEET)	5.3 MIN; 5.8 DESIGN
TRACKER LEADING EDGE (FEET)	2 MIN; 2.5 DESIGN

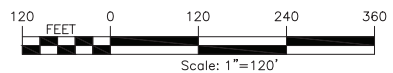
SYSTEM SECTION VIEW



LEGEND

Diagram illustrating the layout of a property with various features and dimensions:

- PROPERTY LINE**: Indicated by a red dashed line.
- LEASE LINE**: Indicated by a blue dashed line.
- FENCE LINE**: Indicated by a line with 'x' marks.
- SOLAR MODULES**: Represented by a long blue rectangle.
- EQUIPMENT PAD**: Represented by a black rectangle with the text "EQUIPMENT PAD" inside.
- 1 FT CONTOURS**: Indicated by a line with a dimension of ~ 580 .
- CHAINLINK FENCE GATE**: Represented by a gate icon.
- OVERHEAD ELECTRIC LINE**: Indicated by a line with the label "OE".
- UNDERGROUND ELECTRIC LINE**: Indicated by a line with the label "UE".
- UTILITY POLE**: Represented by a pole icon.
- STORAGE SHED**: Represented by a black rectangle with the text "STORAGE SHED" inside.



REV	BY	DESCRIPTION	DATE
9	AW5	PROJECT NAME UPDATE	07/18/2024
10	AMA	ACCESS EASEMENT UPDATE	07/23/2024
11	AW5	MATCH LEASE AREA TO ALTA	07/30/2024
12	AMA	ACCESS EASEMENT UPDATE	09/09/2024
13	AMA	MODULE UPDATE TO G115.3	03/10/2025
14	TJH	CAB ALIGNMENT & LOGO UPDATE	07/09/2025
15	DEI	DRIVEWAY WIDTH WIDENED 20'	08/07/2025

DRAWING ISSUE

<input checked="" type="checkbox"/>	PRELIMINARY
<input type="checkbox"/>	PERMITTING
<input type="checkbox"/>	BID
<input type="checkbox"/>	CONSTRUCTION
<input type="checkbox"/>	AS-BUILT
<input type="checkbox"/>	OTHER _____



PE SEAL/CONSULTANT:

NOT FOR
CONSTRUCTION

MAHOMET IL SOLAR 1, LLC
COUNTY RD 125 E,
MAHOMET, IL 61853
LAT/LONG: 40.194906, -88.4340

LAT/LONG: 40.194906, -88.434093

UTILITY: AMEREN
CHAMPAIGN COUNTY

CONCEPTUAL SITE PLAN

DRAWING TITLE:

DWG NO.

C 01

Champaign County
Department of

**PLANNING &
ZONING**

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

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

From: **John Hall, Zoning Administrator**
Charlie Campo, Senior Planner

Date: **August 26, 2025**

RE: **Recommendation for County Board Special Use Permit
Cases 162-S-25**

Petitioner: **Mahomet IL Solar 1, LLC, c/o Summit Ridge Energy LLC, via agent
Moirra Cronin, Senior Manager, Project Development, and participating
landowners Paul Nurmi Trustee, and Greater Heritage Farms LLC**

Request: **Case 162-S-25
Authorize a Community PV Solar Farm with a total nameplate capacity
of 4.99 megawatts (MW), including access roads and wiring, in the AG-2
Zoning District, and including the following waivers of standard
conditions:**

**Part A: A waiver for not entering into a Roadway Upgrade and
Maintenance Agreement or waiver therefrom with the
relevant local highway authority prior to consideration of the
Special Use Permit by the Zoning Board of Appeals, per
Section 6.1.5 G.(1).**

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

**Part C: A waiver for locating the PV Solar Farm 65 feet from a non-
participating lot that is 10 acres or less in area in lieu of the
minimum required separation of 240 feet between the solar
farm fencing and the property line, per Section 6.1.5 D.(3)a.**

**Part C: A waiver for providing financial assurance for the
Decommissioning and Site Reclamation Plan in the form of a
surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.**

Location: **Approximately 36 acres on two tracts of land with PIN's 15-13-17-100-012
(52.66 acres) and 15-13-17-200-010 (43.17 acres), totaling 95.83 acres on
the South side of US Highway 150, in the West Half of the Northeast
Quarter and the East Half of the Northwest Quarter of Section 17
Township 20 North, Range 7 East of the Third Principal Meridian, in
Mahomet Township, commonly known as farmland owned by Greater
Heritage Farms LLC and Paul Nurmi Trustee.**

BACKGROUND

The petitioner applied for a Special Use Permit to construct a 4.99 (MW) Community Photovoltaic (PV) Solar Farm on a 36-acre site on the south side of US-150 in Mahomet Township. The petitioners have requested a waiver from the standard conditions to provide financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

There is one document needing ELUC approval per the Zoning Ordinance as part of Case 162-S-25:

Section 6.1.5 Q. of the Zoning Ordinance requires a Decommissioning and Site Reclamation plan that complies with Section 6.1.1 A including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

DECOMMISSIONING AND SITE RECLAMATION PLAN

P&Z Staff reviewed the Decommissioning and Site Reclamation Plan (DSRP) received on August 7, 2025, against the Zoning Ordinance requirements in Section 6.1.5 Q. Staff found the narrative in the DSRP to be in compliance with the Zoning Ordinance.

Staff reviewed the cost estimates in the DSRP and compared them with previously approved DSRP cost estimates and found that the cost estimates for the current case 162-S-25 were comparable.

ATTACHMENTS

- A Case 162-S-25 Decommissioning and Site Reclamation Plan with decommissioning cost estimate received August 7, 2025



March 11, 2024
Rev 1: July 18, 2024
Rev 2: April 16, 2025
Rev 3: May 29, 2025
Rev 4: August 7, 2025

DECOMMISSIONING PLAN

IL - MAHOMET
County Rd 125 E
Mahomet, IL 61853
Champaign County
LAT/LONG: 40.194906, -88.434093

Prepared by: Summit Ridge Energy

Dale Johnson, PE
License Expiration: 11/30/2025





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ATTACHMENTS

- ATTACHMENT 1: DECOMMISSIONING ESTIMATE
- ATTACHEMTN 2: SITE PLAN
- ATTACHMENT 3: CODE OF ORDINANCE
- ATTACHMENT 4: AGRICULTURAL IMPACT MITIGATION AGREEMENTS (AIMA)

OVERVIEW

Summit Ridge Energy, operating under Mahomet IL Solar 1, LLC, has prepared this Decommissioning Plan for a proposed Solar Energy Facility in Champaign County, IL called the Mahomet Solar Project. The site is located off County Rd 125 E, on an agricultural site.

The purpose of the Plan is to provide the general scope of work and construction cost estimate for the decommissioning and assurance process. This document outlines the decommissioning activities required to restore the Small Solar Energy System site to a meadow condition that existed before the construction of the Solar Energy Facility after a 40-year design life.

The solar system will produce power using photovoltaic (PV) panels mounted on ground-supported galvanized metal piles. The facility generally includes equipment pads, perimeter security fencing, underground electrical conduits, overhead wires and utility poles, and a gravel access driveway. The energy generated from the system will be supplied to the public utility grid. The major civil infrastructure quantities are summarized below, with the full detailed list provided in Attachment 1:

- Gravel Driveway – 58,637 Square Feet
- Perimeter Fence – 4,632 Linear Feet
- (2) Equipment Pads – 670 Square Feet (each)
- Solar Modules – 12,576 Hanwah Q.peak

The decommissioning cost assessment has been split between solar facility dismantlement, disposal, and site restoration, which reflects the overall decommissioning process. The reported costs include labor, materials, equipment, contractor's overhead, contingency, and profit; the labor costs have been estimated using regional labor rates. The decommissioning is to follow all guidelines outlined in the local Code of Ordinance in Attachment 3 and the Standard Agricultural Impact Mitigation Agreement (AIMA) in Attachment 4.

DISMANTLEMENT AND DEMOLITION

The dismantling and demolition of the Facility shall include the removal of all solar electric systems, buildings, cabling, electrical components, roads, foundations, piles, poles, fences, and any other associated facilities.

A significant amount of the components of the photovoltaic system at the Facility will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their resale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed of. It is anticipated that materials may be salvaged and some of the costs recovered.

Following coordination with the local power company regarding timing and required procedures for disconnecting the Facility from the electrical grid, all electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Modules, inverters, transformers, meters, fans, lighting fixtures, and other electrical structures will be removed. The photovoltaic mounting system framework will be dismantled and recycled. The galvanized support piles will be completely removed and recycled.

The term “hazardous” will be defined by the laws and regulations in effect at the time of decommissioning. Disposal of these materials at a landfill will be governed by State and Public Local Laws of the Authority Having Jurisdiction (AHJ) including the Code of Illinois Regulations (COILR) governing waste disposal at surrounding area landfills, and as may be amended from time to time.

Finally, all associated structures will be demolished and removed from the site for recycling or disposal, but no later than within 6 months days after the end of energy production. Any facility unutilized for a continuous period of 12 months will be considered abandoned. The Owner shall decommission the project within 12 months of abandonment. The owner or operator shall notify the AHJ by certified mail of the proposed date of discontinued operations and plans for removal. This will include the site fence, gates, access driveways, equipment foundations, and underground cables, which will likely be reclaimed or recycled. Landscape or grading may remain if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.

Consultation with the landowner will determine if the access driveway should be left in place for their continued use. If the driveway is preferred to remain, the landowner will submit a request to the Board of Supervisors that such driveway remains. If the access driveway is deemed unnecessary, the contractor will remove the access driveway and restore this area with native soils and seeding. The gravel surface and base course will be removed completely. Any “clean” concrete will be crushed and disposed of off-site or recycled (reused either on- or off-site). Sanitary facilities will be provided on-site for the workers conducting the decommissioning of the Facility. Abandoned underground conduits/raceways will be capped at each end. Above-ground lines and all poles will be removed, along with associated equipment (isolation switches, fuses, metering) and holes will be filled with clean topsoil.

Erosion and sediment control measures are required during the decommissioning process. These measures include a stabilized construction entrance, silt fence, concrete washout stations, and ground stabilization practices. The owner/operator will restore the project location to a vegetated meadow condition.

As with the project’s construction, noise levels during the decommissioning work will increase. Proper steps will be followed to minimize the disturbance, such as using proper equipment for removing the support piles. Work hours are assumed to be 8 hours a day, during daylight. Also, road traffic in the area may increase temporarily due to crew and equipment movements.

Further details of the on-site stabilization are included in subsequent sections.

DISPOSAL OR RECYCLING OF MATERIAL

During the decommissioning phase, a variety of excess materials can be salvaged. Most of the materials used in a solar facility are reusable. Any remaining materials will be removed and disposed of off-site at an appropriate facility. The project general contractor will maximize recycling and reuse and will work with manufacturers, local subcontractors, and waste firms to segregate material to be recycled, reused and/or disposed of properly.

The project developer will be responsible for arranging the collection or recycling of fence, racking piles, PV panels, panel tracker equipment, AC and DC wiring, inverters, and miscellaneous equipment for salvage value.

Gravel may be reused as general fill on-site with the property owner's permission. The remaining gravel, geotextile fabric, concrete, and debris need to be separated and transported off-site by truck to the appropriate facilities for recycling and disposal in accordance with federal, state, and local solid waste management regulations.

Acceptable waste facilities could include a local recycling and disposal facility. Local landfills can accept non-recyclable waste; this estimate assumes a cost for the transport and a local disposal fee. For the recyclable metal components, such as steel piles and racking, there are a selection of local metal recyclers/scrap yards, which are available to purchase the components upon decommissioning. We have assumed the transportation and delivery fee to a local metal recycler, for the purposes of this estimate and have excluded any salvage value.

A final site walkthrough will be conducted to remove debris and/or trash generated within the site during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed.

SITE STABILIZATION AND RESTORATION

The areas of the Facility that are disturbed (during decommissioning) will require minor grading activities to restore the site to a pre-development condition. Grading is required to establish a uniform and consistent slope; the ground will be stabilized via hydroseeding with the surface treatment approved by the building inspector/planning board, including application of a selected grass seed mix to surfaces disturbed during the decommissioning process. Compacted soils shall be decompacted as agreed to by the landowner. Additionally, minor volumes of soil material will be required to restore the access driveways and concrete equipment pad area. All site stabilization activities will be completed in accordance with the approved Sediment and Erosion Control Plan issued by the local AHJ. At the time of approval of this plan, it is unknown whether a permit will be required for the proposed activities described above.

CURRENT PERMITTING REQUIREMENTS

We anticipate the following permits may be required prior to the commencement of the decommissioning work: National Pollution Discharge Elimination Systems (NPDES) and a local Building Permit. Other permits that may be required include a site development permit and/or road use agreement. However, because the decommissioning is expected to occur later in the future, the permitting requirements will be reviewed and might be subject to revisions based on local, state, and federal regulations at the time.

CHAMPAIGN COUNTY ZONING REQUIREMENTS

The Project Company shall comply with all decommissioning requirements of the Champaign County Zoning Ordinance (as amended through 02/23/2023), pertinent sections as follows. For the full text, see Attachment 3 – Code of Ordinance.

Per Section 6.1.5.Q.(3), the Project Company acknowledges that:

- (a) They must notify the governing body by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the Project Company as debtor, within ten days of commencement of proceeding.
- (b) They agree that the sale, assignment in fact or law, or such other transfer of Project Company's financial interest in the Mahomet Solar Farm shall in no way affect or change the Project Company's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV Solar Farm.
- (c) They must authorize the governing body and its authorized representatives to enter the Mahomet Solar Farm premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
- (d) They must enter into a Roadway Use and Repair Agreement with the relevant highway authority at the time of decommissioning. (Requirement for the Project Company, its successors in interest, and all parties to the decommissioning and site reclamation plan)
- (e) They must provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project. (Requirement for the Project Company, its successors in interest, and all parties to the decommissioning and site reclamation plan).
- (f) They must oblige to perform the work in the decommissioning and site reclamation plan before abandoning the Mahomet Solar Farm or prior to ceasing production of electricity from the Mahomet Solar Farm, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land. (Requirement for the Project Company, its successors in interest, and all parties to the decommissioning and site reclamation plan).
- (g) They must provide payment for 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) They must remove below ground concrete to a depth of 54 inches at a minimum. The depth of removal of foundation concrete will be certified in writing by an Illinois Licensed Professional Engineer and the certification will be submitted to the Zoning Administrator.

- (i) Underground electrical cables of a depth of 5 feet or greater may be left in place.
- (j) Any remaining holes resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
 - a. The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original Mahomet Solar Farm construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade
 - b. The native soils excavated at the time of the original Mahomet Solar Farm construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the Mahomet Solar Farm. The methods for storing the excavated native soils during the operating lifetime of the Mahomet Solar Farm shall be included in the decommissioning and site reclamation plan.
 - c. If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist of Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
 - d. An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.
- (k) Should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction the Mahomet Solar Farm Special Use Permit shall be deemed void.
- (l) The Project Company has obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Project Company's obligation to provide financial assurance.
- (m) The liability of the Project Company's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of financial assurance.
- (n) If the Project Company 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 Mahomet solar farm begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

From Section 6.11A.9 and Section 6.15Q.

The Zoning Administrator may draw on the funds to have Mahomet Solar Farm removed when any of the following occur:

- a. No response is received from the land owner within thirty (30) days from initial notification by the Zoning Administrator;
- b. The land owner does not enter, or breaches any term of a written agreement with the County to remove the Mahomet Solar Farm as provided in Section 6.11A.8.;
- c. Any breach or performance failure of any provision of the decommissioning and site reclamation plan;
- d. The owner of record has filed a bankruptcy petition, or compromised Champaign County's interest in the letter of credit in any way not specifically allowed by the decommissioning and site reclamation plan;
- e. A court of law has made a finding that the Mahomet Solar Farm constitutes a public nuisance;
- f. The owner of record has failed to replace an expiring letter of credit within the deadlines set forth in Section 6.11A.6. of the Zoning Ordinance; or
- g. Any other conditions to which Champaign County and the land owner mutually agree, as set forth in the decommissioning and site reclamation plan.
- h. In the event that Mahomet Solar Farm or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity, and the Owner is not diligently repairing the Mahomet Solar Farm or component
- i. In the event that the Owner declares the Mahomet Solar Farm or any Mahomet Solar Farm component to be functionally obsolete for tax purposes.
- j. There is a delay in the construction of the Mahomet Solar Farm of more than 6 months after construction on the Mahomet Solar Farm begins.
- k. Any Mahomet Solar Farm or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
- l. Any Mahomet Solar Farm or component thereof that is otherwise derelict for a period of 6 months.
- m. The Mahomet Solar Farm is in violation of the terms of the Mahomet Solar Farm Special Use Permit for a period exceeding ninety (90) days.
- n. 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 Mahomet Solar Farm Special Use Permit or compromised Champaign County's interest in the decommissioning and site reclamation plan.
- o. Champaign County discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the Mahomet Solar Farm Special Use Permit Zoning Case.
- q. The Applicant has either failed to receive a copy of the certification of design compliance required by paragraph 6.15D. or failed to submit it to Champaign County within 12 consecutive months of receiving a Zoning Use Permit regardless of the efforts of the Applicant to obtain such certification
- r. The Zoning Administrator may, but is not required to, deem the Mahomet Solar Farm abandoned, or the standards set forth above met, with respect to some, but not all, of the Mahomet Solar Farm. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the Mahomet Solar Farm only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining Mahomet Solar Farm

SCHEDULE

The decommissioning process is estimated to take approximately sixteen to eighteen (16-18) weeks, but no longer than six (6) months, and is intended to occur outside of the winter season. The decommission must be complete within twelve (12) months after the end of the useful life of the facility.

Per the guidelines outlined in Agricultural Impact Mitigation Agreements (AIMA), and if deemed necessary by the AHJ, a sum equal to ten (10), fifty (50), and one hundred (100) percent of the projected decommissioning expenses must be submitted to the AHJ on or before the first, sixth and eleventh anniversary of the commencement of commercial activities, respectively.

SOLAR DECOMMISSIONING ESTIMATE

The decommissioning estimate is based on regional labor costs and disregards salvage value at the end of a 40-year lifespan. Using publicly available construction cost data from the 2024 RS Means Site Work book, the daily cost for different construction crew types that will be needed to perform the decommissioning work was identified. The duration of each type of activity was assumed e.g. removing modules, piles, etc., and the cost for each deconstruction activity was quantified. Using the duration of each subtask, and the cost for a daily crew rate, a total decommissioning cost was calculated. An additional 2.5% administrative fee and a 25% increase were added to the total demolition costs at the AHJ's request. The total decommissioning cost estimate is **\$654,530**; the detailed cost estimate is included in Attachment 1 – Decommissioning Estimate.

ATTACHMENT 1: DECOMMISSIONING ESTIMATE

DECOMMISSIONING COST ANALYSIS
IL - SRE - MAHOMET IL SOLAR 1, LLC
 DATE: 08/07/2025



	Labor Hours, Daily total	Daily Cost (includes Sub O&P)	Comment
Crew			
A-3C: Skid Steer 78 HP, 1 Equip Operator	8	\$ 1,169.70	General Site Work/loading
A-3D: 1 Flatbed Trailer 25 ton, 1 pickup truck, 1 Truck Driver	8	\$ 1,088.24	Module Loading
B-10B: 1 Dozer 200 HP, 1 Equipment operator, 0.5 laborer,	12	\$ 2,648.93	Remove Driveway, Site restoration
B-12D: 1 Hydraulic Excavator 3.5 CY, 1 Equip operator, 1 Laborer,	16	\$ 3,761.86	Remove Piles, excavation etc
B-17: 1 Backhoe 48 HP, 1 Dump Truck 8 CY, 2 laborers, 1 Operator, 1 Driver	32	\$ 3,454.23	Material Loading
A-31: 1 Hydraulic Crane 40 ton, 1 Equip operator	8	\$ 3,337.44	Material Loading
A-3P: Forklift, 31' reach, 1 operator	8	\$ 1,431.37	Equipment and Operator
B-2: 1 Labor Foreman, 4 laborers	40	\$ 2,925.60	General Labor
R-1: 1 foreman, 3 electricians, 2 apprentice	48	\$ 4,767.60	Skilled Labor
Equip. Rent-Boom, 60', w/ Operator-1 day (sect. 0154-40-0075)	8	\$ 571.50	Rental for Overhead line removal

Material and Equipment Removal Unit Rates			Hours
	Hours	Pile Removal Rate, piles/day	50
Module Removal Rate, module/hour	144	Time to remove overhead lines, LF/hr	50
Module Wire Removal Rate, hr	0.5	Time to remove a utility pole/hr	1
Time to remove AC/DC lines, LF/hr	100	Inverter Removal Rate, hr/inverter	0.5
Rack Removal Rate (Rack,wire,motor), Strings/hour	6	Transformer/switchgear Removal Rate, hr/unit	2
Grading Rate, CY/hour	100	Racking Loading Rate, min/LF	0.1
Fence Removal Rate, LF/Hr	300	Ground Seeding Rates, Ac/hr	1
Silt Fence Install/Removal rates, LF/HR	100	Tree Removal Rate/hr	0.1

DEMOLITION	QTY		Time to Complete Task, Days	Completed by Crew ID#	Labor Hours/ Total	Cost, \$
Remove Modules	12,576	Modules	11	B-2, A-3D, A-3P	616	\$ 59,897.31
Remove Inverters	40	EA	3	B-2, R-1	264	\$ 23,079.60
Remove Transformer, Switchgear, and misc. electrical equipment(s) loading	2	EA	1	A-31	8	\$ 3,337.44
Remove Foundation Piles	2295	EA	6	B-12D, A-3C, A-3D	192	\$ 36,118.80
Remove Racking (torque tubes, motor, & supports) Strings	524	Strings	11	A-3D, A-3C, B-12D	352	\$ 66,217.80
Remove DC Wiring	5,661	LF	8	R-1, B-12D	512	\$ 68,235.68
Remove AC Wiring	2,772	LF	4	R-1, B-12D	256	\$ 34,117.84
Remove Fence	4,632	LF	2	B-17	64	\$ 6,908.46
Remove Gravel Access Drive	2172	CY	3	A-3C, B-10B, B-12D	108	\$ 22,741.47
Removal Utility Poles	16	EA	2	Rent-Boom Lift	16	\$ 1,143.00
Remove Equipment Pad	2	LS	1	B-12D, B-2	56	\$ 6,687.46
Remove Vegetative Screening	611	Trees	12	A-3C, A-3D, B-2	96	\$ 62,202.48
					<i>Subtotal</i>	\$ 390,687.34
SITE RESTORATION						
Re-Seeding and mulching and site cleanup/restoration	36	AC	5	A-3C, B-2	240	\$ 20,477
Temporary Erosion and Sediment Control / silt fence	4245	LF	5	B-12D	80	\$ 18,809
Construction Entrance	1	EA	1	B-12D	16	\$ 3,762
					<i>Subtotal</i>	\$ 43,047.66
OTHER COSTS			Unit Cost			
Transportation to transfer station (Assumes 10 truckloads reqd)	28	MILE	\$ 3.05			\$ 854.00
Disposal (C&D) (Assumes W6 x 8 x 17 ft Piles)	156	Tons	\$ 100.00			\$ 15,606.00
Disposal (module weight 75 pounds)	472	Tons	\$ 100.00			\$ 47,160.00
					<i>Subtotal</i>	\$ 63,620.00

Notes

1. The crew rates provided are based on regional labor and crew rates per the RS Means: Site Work & Landscape Cost data book version 2024.

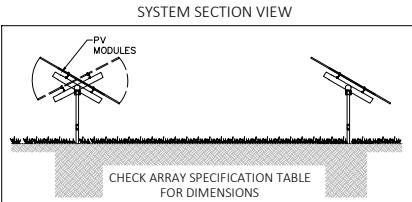
Labor Hours Total	2,780
Subtotal	\$ 497,355
Mobilization Cost, \$ (10%)	\$ 49,736
AHJ Required 25% Contingency for Demolition	\$ 97,672
AHJ 2.5% Administrative Fee for Demolition	\$ 9,767
TOTAL	\$ 654,530

ATTACHMENT 2: SITE PLAN



- NOTES:
- THE PROPOSED SITE PLAN IS CONCEPTUAL. FINAL EQUIPMENT SELECTION MAY CHANGE DEPENDING ON AVAILABILITY.
 - PARCEL BOUNDARY LINE IS BASED ON GIS DATA AND SHOULD BE CONSIDERED APPROXIMATE AND IS BEING SHOWN FOR REFERENCE PURPOSES ONLY.
 - WETLAND DELINEATION HAVE BEEN REFERENCED FROM THE NATIONAL WETLANDS INVENTORY AND IS BEING SHOWN FOR REFERENCE PURPOSES.
 - POINT OF INTERCONNECTION LOCATION IS APPROXIMATE AND WILL BE DETERMINED FOLLOWING A SITE SURVEY BY THE ELECTRICAL UTILITY. POINT OF INTERCONNECTION POLE SERIES TO BE DESIGNED IN ACCORDANCE WITH ELECTRICAL UTILITY STANDARDS.
 - TOPOGRAPHICAL INFORMATION IS REFERENCED FROM NOAA LIDAR DATED 2019-2020.
 - LOCATIONS OF WIRING WITHIN THE SOLAR ARRAY FOR REFERENCE PURPOSES ONLY. ACTUAL ROUTINGS TO BE DETERMINED IN 30% DESIGN STAGE.
 - SITE PLAN IN ACCORDANCE WITH CHAMPAIGN COUNTY SOLAR ORDINANCE

ARRAY SPECIFICATIONS	
DC SYSTEM SIZE (kW)	7419.84 kW
AC SYSTEM SIZE (kW)	5000 kW
DC/AC RATIO	1.48
MODULE MODEL	Q.PEAK DUO XL-G11S.3/BFG
MODULE POWER	590 W
MODULE COUNT	12,576
RACKING MANUFACTURER	FLEXRACK FLEXTRACK S-SERIES
RACKING QUANTITY	(140) 1x72; (45) 1x48; (14) 1x24; SAT
STRING LENGTH	24
STRING QUANTITY	524
INVERTER TYPE	KACO BLUEPLANET 125-TL3-INT
INVERTER QUANTITY	(40) 125 kW
AZIMUTH	180°
TILT ANGLE / PHI LIMITS	±55°
NOMINAL PITCH (FEET)	22.44
INTER-ROW SPACING (FEET)	14.36
GROUND COVERAGE RATIO	0.360
TORQUE TUBE HEIGHT (FEET)	5.3 MIN; 5.8 DESIGN
TRACKER LEADING EDGE (FEET)	2 MIN; 2.5 DESIGN



LEGEND	
PROPERTY LINE	---
LEASE LINE	- - -
FENCE LINE	x x x x
SOLAR MODULES	
EQUIPMENT PAD	■
1 FT CONTOURS	- 580 -
CHAINLINK FENCE GATE	⌋
OVERHEAD ELECTRIC LINE	OE
UNDERGROUND ELECTRIC LINE	UE
UTILITY POLE	⊙
STORAGE SHED	□



REV	BY	DESCRIPTION	DATE
9	AMS	PROJECT NAME UPDATE	07/18/2024
10	AMS	ACCESS EASEMENT UPDATE	07/23/2024
11	AMS	MATCH LEASE AREA TO ALTA	07/30/2024
12	AMS	ACCESS EASEMENT UPDATE	09/09/2024
13	AMS	MODULE UPDATE TO G11S.3	03/10/2025
14	THH	CAB ALIGNMENT & LOGO UPDATE	07/09/2025
15	DEJ	DRIVEWAY WIDTH WIDENED 20'	08/07/2025

DRAWING ISSUE

<input checked="" type="checkbox"/>	PRELIMINARY
<input type="checkbox"/>	PERMITTING
<input type="checkbox"/>	BID
<input type="checkbox"/>	CONSTRUCTION
<input type="checkbox"/>	AS-BUILT
<input type="checkbox"/>	OTHER



PE SEAL/CONSULTANT:

NOT FOR CONSTRUCTION

PROJECT: MAHOMET IL SOLAR 1, LLC
COUNTY RD 125 E,
MAHOMET, IL 61853
LAT/LONG: 40.194906, -88.434093

UTILITY: AMEREN
CHAMPAIGN COUNTY

STATE: ILLINOIS

DRAWING TITLE:

CONCEPTUAL SITE PLAN

DWG NO:

C 01

64

ATTACHMENT 3: CODE OF ORDINANCE

6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM County BOARD SPECIAL USE Permit

A PHOTOVOLTAIC (PV) SOLAR FARM County BOARD SPECIAL USE Permit may only be authorized in the AG-1, Agriculture, Zoning DISTRICT or the AG-2, Agriculture, Zoning DISTRICT subject to the following standard conditions.

- A. In what follows, PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- B. General Standard Conditions
 - (1) The area of the PV SOLAR FARM County BOARD SPECIAL USE Permit must include the following minimum areas:
 - a. All land that will be exposed to a noise level greater than that authorized to Class A land as established by *35 Ill. Admin. Code Parts 900, 901 and 910* under paragraph 6.1.5I.
 - b. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the SPECIAL USE Permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
 - c. All necessary PV SOLAR FARM STRUCTURES and ACCESSORY STRUCTURES including electrical distribution lines, inverters, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY and all waterwells that will provide water for the PV SOLAR FARM. For purposes of determining the minimum area of the SPECIAL USE Permit, underground cable installations shall be provided a minimum 40 feet wide area.
 - d. All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (2) The PV SOLAR FARM County BOARD SPECIAL USE Permit shall not be located in the following areas:
- a. Less than one and one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include the following:
 - (a) No part of a PV SOLAR FARM shall be located within a contiguous growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit.
 - (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one and one-half miles from any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
 - (c) The PV SOLAR FARM SPECIAL USE Permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE Permit application to any municipality within one and one-half miles of the proposed PV SOLAR FARM.
 - (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.
 - (e) The public hearing for any proposed PV SOLAR FARM that is located within one and one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two Board meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (f) For any proposed PV SOLAR FARM that is located within one and one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.
- (g) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE Permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE Permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE Permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the COUNTY BOARD, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one and one-half miles of a municipality the Environment and Land Use Committee recommendation can be referred to the COUNTY BOARD without a comment period.
- (h) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one and one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE Permit by the Champaign COUNTY BOARD, the ZONING ADMINISTRATOR shall provide documentation to the COUNTY BOARD that any municipality within one and one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the COUNTY BOARD.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (3) Interconnection to the power grid
 - a. The PV SOLAR FARM SPECIAL USE Permit application shall include documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid.
 - b. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM.
- (4) 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.

C. Minimum LOT Standards

- (1) There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/or for PV SOLAR FARM maintenance and management facilities.
- (2) There is no maximum LOT AREA requirement on BEST PRIME FARMLAND.

D. Minimum Standard Conditions for Separations for PV SOLAR FARM from adjacent USES and STRUCTURES

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

- (1) PV SOLAR FARM fencing shall be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5M.2.a. but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (2) For properties participating in the solar farm: No required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning LOT is provided for the existing DWELLING or PRINCIPAL BUILDING.
- (3) For properties not participating in the solar farm:
 - a. For any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
 - (a) For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
 - (b) For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the BOARD.
 - b. For any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
 - c. Additional separation may be required to ensure that the noise level required by *35 Ill. Admin. Code Parts 900, 901 and 910* is not exceeded or for other purposes deemed necessary by the BOARD.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (4) A separation of at least 500 feet from any of the following unless the SPECIAL USE Permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation from any of the following:
 - a. any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
 - b. any RESTRICTED LANDING AREA that is NONCONFORMING or which has been authorized by SPECIAL USE Permit and that existed on or for which there had been a complete SPECIAL USE Permit application received by April 22, 2010, or any approach zone for any such RESTRICTED LANDING AREA; or
 - c. any RESIDENTIAL AIRPORT that existed on or for which there had been a complete SPECIAL USE Permit application received by April 22, 2010, or any approach zone for any such RESIDENTIAL AIRPORT.
- (5) A separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- (6) Electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- (7) Separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
- (8) PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

E. Standard Conditions for Design and Installation of any PV SOLAR FARM.

- (1) Any building that is part of a PV SOLAR FARM 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 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
- (2) Electrical Components
 - a. All electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
 - b. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV SOLAR FARM construction and minimizing impacts on agricultural drainage tile.
- (3) Maximum Height. The height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM. The maximum height of all above ground STRUCTURES shall be identified in the application and as approved in the SPECIAL USE Permit.
- (4) Warnings
 - a. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (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.

F. Standard Conditions to Mitigate Damage to Farmland

- (1) All underground wiring or cabling for the PV SOLAR FARM 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 or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (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 PV SOLAR FARM access lanes or driveways, construction of any PV SOLAR FARM STRUCTURES, any common switching stations, substations, and installation of 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 PV SOLAR FARM SPECIAL USE Permit and during any deconstruction activities that may occur pursuant to the PV SOLAR FARM 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 authorization shall be provided to the Zoning Administrator prior to the commencement of construction.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- c. Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, any common switching stations, and substations 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. All permanent and temporary tile repairs shall be made as detailed in the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R. and shall not be waived or modified except as authorized in the SPECIAL USE Permit.
- i. All damaged tile shall be repaired so as to operate as well after construction as before the construction began.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- j. Following completion of the PV SOLAR FARM 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 PV SOLAR FARM construction and/or decommissioning shall be restored by the applicant to the pre-PV SOLAR FARM construction condition in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R.
- (4) Topsoil replacement
- For any open trenching required pursuant to PV SOLAR FARM 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.
 - e. All topsoil shall be placed in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R.
- (5) Mitigation of soil compacting and rutting
- a. The Applicant shall not be responsible for mitigation of soil compaction and rutting if exempted by the PV SOLAR FARM lease.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- b. Unless specifically provided for otherwise in the PV SOLAR FARM 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.
 - c. All mitigation of soil compaction and rutting shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R.
- (6) Land leveling
 - a. The Applicant shall not be responsible for leveling of disturbed land if exempted by the PV SOLAR FARM lease.
 - b. Unless specifically provided for otherwise in the PV SOLAR FARM lease, the Applicant shall level all disturbed land as follows:
 - (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.
 - c. All land leveling shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R.
- (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 PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- b. As-built documentation of all permanent soil erosion and sedimentation improvements for the PV SOLAR FARM 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 PV SOLAR FARM.

(9) Minimize disturbance to BEST PRIME FARMLAND

- a. Any PV SOLAR FARM to be located on BEST PRIME FARMLAND shall minimize the disturbance to BEST PRIME FARMLAND as follows:
 - (a) The disturbance to BEST PRIME FARMLAND caused by construction and operation of the PV SOLAR FARM shall be minimized at all times consistent with good engineering practice.
 - (b) Disturbance to BEST PRIME FARMLAND shall be offset by establishment of a vegetative ground cover within the PV SOLAR FARM that includes the following:
 - i. The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.
 - ii. The species selected shall serve a secondary habitat purpose as much as possible.
 - iii. Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- iv. The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE Permit application. The landscape plan shall include the weed control plan required by Section 6.1.5 P.3.

G. Standard Conditions for Use of Public Streets

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

- (1) Prior to the close of the public hearing before the BOARD, the Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements of subparagraphs 6.1.5G.1, 6.1.5G.2, and 6.1.5G.3, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:
 - a. The applicant shall agree to conduct a pre-PV SOLAR FARM construction baseline survey to determine existing STREET conditions for assessing potential future damage including the following:
 - (a) A videotape of the affected length of each subject STREET supplemented by photographs if necessary.
 - (b) Pay for costs of the County to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the PV SOLAR FARM construction.
 - (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.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

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

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- m. The Applicant shall schedule PV SOLAR FARM construction traffic in a way to minimize adverse impacts on emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic.
- n. The Applicant shall provide as much advance notice as 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 repairs pursuant to the PV SOLAR FARM construction.
- q. The Applicant shall notify all relevant parties of any temporary STREET closures.
- r. The Applicant shall obtain easements and other land rights needed to fulfill the Applicant's obligations under this Agreement.
- s. The Applicant shall agree that the County shall design all STREET upgrades in accordance with the most recent edition of the IDOT Bureau of Local Roads and Streets Manual.
- t. The Applicant shall provide written Notice to Proceed to the relevant STREET maintenance authority by December 31 of each year that identifies the STREETS to be upgraded during the following year.
- u. The Applicant shall provide dust control and grading work to the reasonable satisfaction of the County Engineer on STREETS that become aggregate surface STREETS.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

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

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- b. A schedule of the across road culverts and bridges affected by the project and the recommendations as to actions, if any, required with respect to such culverts and bridges and estimates of the cost to replace such culverts and bridges.
 - c. A schedule of the anticipated STREET repair costs to be made in advance of the PV SOLAR FARM construction and following construction of the PV SOLAR FARM.
 - 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.
- H. 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) Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.
 - (3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- I. Standard Conditions for Allowable Noise Level
 - (1) Noise levels from any PV SOLAR FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (*35 Illinois Administrative Code*, Subtitle H: Noise, Parts 900, 901, 910).
 - (2) The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed PV SOLAR FARM equipment necessary for a competent noise analysis.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (3) The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:
 - a. The SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis that includes the following:
 - (a) The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed PV SOLAR FARM.
 - (b) Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed PV SOLAR FARM within 1,500 feet of the proposed PV SOLAR FARM.
 - (c) Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within 1,500 feet of the proposed PV SOLAR FARM.
 - (d) The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and sound levels.
 - b. For a COMMUNITY PV SOLAR FARM the Board may require submission of a noise analysis that meets the standard of paragraph 6.1.5I.(3)a.
- (4) After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:
 - a. The Zoning Administrator shall make the Environment and Land Use Committee aware of complaints about noise that have been received by the Complaint Hotline.
 - b. If the Environment and Land Use Committee determines that the noise is excessive, the Environment and Land Use Committee shall require the Owner or Operator to take responsible steps to mitigate the excessive noise.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

J. 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.

K. 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.

L. Standard Conditions for Acceptable Wildlife Impacts

The PV SOLAR FARM 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.

M. Screening and Fencing

(1) Perimeter fencing

- a. PV SOLAR FARM equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 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.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

(2) Screening

- a. A visual screen shall be provided around the perimeter of the PV SOLAR FARM as follows:
 - (a) The visual screen shall be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT except that the visual screen may not be required within the full 1,000 feet of an existing DWELLING or residential DISTRICT provided the Applicant submits a landscape plan prepared by an Illinois Registered Landscape Architect and the BOARD finds that the visual screen in the landscape plan provides adequate screening. However, the visual screen shall not be required if the PV SOLAR FARM is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.
 - (b) The visual screen shall be waived if the owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the BOARD or GOVERNING BODY.
 - (c) The visual screen shall be a vegetated buffer as follows:
 - i. A vegetated visual screen buffer that shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants and/or an area of agricultural crop production that will conceal the PV SOLAR FARM from view from adjacent abutting property may be authorized as an alternative visual screen subject to specific conditions.
 - ii. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the PV SOLAR FARM. If the evergreen foliage below a height of 7 feet disappears over time, the screening shall be replaced.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

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

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

N. Standard Conditions to Minimize Glare

- (1) The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- (2) After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:
 - a. The Zoning Administrator shall make the Environment and Land Use Committee aware of complaints about glare that have been received by the Complaint Hotline.
 - b. If the Environment and Land Use Committee determines that the glare is excessive, the Environment and Land Use Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

O. Standard Condition for Liability Insurance

- (1) The Owner or Operator of the PV SOLAR FARM 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.

P. Operational Standard Conditions

- (1) Maintenance
 - a. The Owner or Operator of the PV SOLAR FARM must submit, on an annual basis, a summary of operation and maintenance reports to the Environment and Land Use Committee and any other operation and maintenance reports as the Environment and Land Use Committee reasonably requests.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- b. Any physical modification to the PV SOLAR FARM that increases the number of solar conversion devices or structures and/or the land area occupied by the PV SOLAR FARM shall require a new County BOARD SPECIAL USE Permit. Like-kind replacements shall not require recertification nor will replacement of transformers, cabling, etc. provided replacement is done in fashion similar to the original installation.
 - c. The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.
- (2) Materials Handling, Storage and Disposal
 - a. All solid wastes related to the construction, operation and maintenance of the PV SOLAR FARM 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 and maintenance of the PV SOLAR FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, State and Federal laws.
- (3) Vegetation management
 - a. The PV SOLAR FARM SPECIAL USE Permit application shall include a weed control plan for the total area of the SPECIAL USE Permit including areas both inside of and outside of the perimeter fencing.
 - b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (55 ILCS 100/1 *et. seq.*).
 - c. The weed control plan shall be explained in the application.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

Q. Standard Condition for Decommissioning and Site Reclamation Plan

- (1) The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of paragraph 6.1.1A.
- (2) In addition to the purposes listed in subparagraph 6.1.1A.4., the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
- (3) The decommissioning and site reclamation plan required in paragraph 6.1.1A. shall also include the following:
 - a. A stipulation that the applicant or successor shall notify the GOVERNING BODY by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of proceeding.
 - b. A stipulation that the applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the PV SOLAR FARM shall in no way affect or change the applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.
 - c. Authorization for the GOVERNING BODY and its authorized representatives for right of entry onto the PV SOLAR FARM premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
 - d. A stipulation that at such time as decommissioning takes place the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
 - e. A stipulation that the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- f. A stipulation that the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.
- g. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Champaign COUNTY may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to: attorney's fees; construction management and other professional fees; and the costs of preparing requests for proposals and bidding documents required to comply with State law or Champaign COUNTY purchasing policies.
- h. The depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Engineer and the certification shall be submitted to the Zoning Administrator.
- i. Underground electrical cables of a depth of 5 feet or greater may be left in place.
- j. The hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
 - (a) The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original PV SOLAR FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (b) The native soils excavated at the time of the original PV SOLAR FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the PV SOLAR FARM. The methods for storing the excavated native soils during the operating lifetime of the PV SOLAR FARM shall be included in the decommissioning and site reclamation plan.
 - (c) If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist of Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
 - (d) An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.
- k. A stipulation that should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction the PV SOLAR FARM SPECIAL USE Permit shall be deemed void.
- l. A stipulation that the Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.
- m. A stipulation that the liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of financial assurance.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

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

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (b) On or before the sixth anniversary of the Commercial Operation Date, the PV SOLAR FARM Owner shall provide the COUNTY with Financial Assurance to cover 62.5% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.
 - (c) On or before the eleventh anniversary of the Commercial Operation Date, the PV SOLAR FARM Owner shall provide the COUNTY with Financial Assurance to cover 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.
- b. Net salvage value may be deducted for decommissioning costs as follows:
 - (a) One of the following standards shall be met:
 - i. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall maintain the PV SOLAR FARM free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
 - ii. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall deduct from the salvage value credit the amount of any lien or encumbrance on the PV SOLAR FARM; or
 - iii. Any and all financing and/or financial security agreements entered into by the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1A.2 that the reclamation work be done.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (b) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.5Q.4.b.(1). prior to the issuance of any Zoning Use Permit and upon every renewal of the financial assurance and at any other time upon the request of the Zoning Administrator.
- (c) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide in the decommissioning and site reclamation plan for legal transfer of the STRUCTURE to the demolisher to pay the costs of reclamation work, should the reclamation work be performed.
- (d) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the PV SOLAR FARM STRUCTURES, equipment, and access roads.
- (e) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgement as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
- (f) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
- (g) The total financial assurance after deduction of the net estimated salvage value shall not be less than \$1,000 per acre.
- (h) The credit for net estimated salvage value attributable to any PV SOLAR FARM may not exceed the estimated cost of removal of the above-ground portion of that PV SOLAR FARM on the subject site.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

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

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A-” by S&P or a rating of “A3” by Moody’s, or a rating of “A-” by Kroll Bond Rating Agency.
 - (c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P, Moody’s, or Kroll Bond Rating Agency is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P, Moody’s, or Kroll Bond Rating Agency meets or exceeds the minimum acceptable long term corporate debt (credit) rating.
 - f. At all times the value of the irrevocable letter of credit shall be increased annually as necessary to reflect actual rates of inflation over the life span of the PV SOLAR FARM and the amount shall be equal to or exceed 125% of the amount of the independent engineer’s cost estimate as increased by known and documented rates of inflation since the PV SOLAR FARM was approved.
 - g. Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.5Q.4.d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5Q.4. shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
 - h. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1A.5.
 - i. Unless the Governing Body approves otherwise, the Champaign County State’s Attorney’s Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.
- (5) In addition to the conditions listed in subparagraph 6.1.1A.9. the Zoning Administrator may also draw on the funds for the following reasons:
- a. In the event that any PV SOLAR FARM or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such PV SOLAR FARM or component.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- b. In the event that the Owner declares the PV SOLAR FARM or any PV SOLAR FARM component to be functionally obsolete for tax purposes.
 - c. There is a delay in the construction of any PV SOLAR FARM of more than 6 months after construction on that PV SOLAR FARM begins.
 - d. Any PV SOLAR FARM or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
 - e. Any PV SOLAR FARM or component thereof that is otherwise derelict for a period of 6 months.
 - f. The PV SOLAR FARM is in violation of the terms of the PV SOLAR FARM SPECIAL USE Permit for a period exceeding ninety (90) days.
 - g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the SPECIAL USE Permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.
 - h. The COUNTY discovers any material misstatement of fact of misleading omission of fact made by the Applicant in the course of the SPECIAL USE Permit Zoning Case.
 - i. The Applicant has either failed to receive a copy of the certification of design compliance required by paragraph 6.1.5D. 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 PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5Q.5. met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (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.
- R. Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (1) If provided by state law, the Applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (2) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (3) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the COUNTY Board SPECIAL USE Permit.
 - (4) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- S. Complaint Hotline
 - (1) Prior to the commencement of construction on the PV SOLAR FARM 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.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- (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.

T. Standard Conditions for Expiration of PV SOLAR FARM COUNTY Board SPECIAL USE Permit

A PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.

U. 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:
 - a. A PV SOLAR FARM Project Summary, including, to the extent available:
 - (a) A general description of the project, including its approximate DC and AC generating capacity; the maximum number and type of solar devices, and the potential equipment manufacturer(s).
 - (b) The specific proposed location of the PV SOLAR FARM including all tax parcels on which the PV SOLAR FARM will be constructed.
 - (c) The specific proposed location of all tax parcels required to be included in the PV SOLAR FARM COUNTY Board SPECIAL USE Permit.
 - (d) A description of the Applicant, Owner and Operator, including their respective business structures.
 - b. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the PV SOLAR FARM COUNTY Board SPECIAL USE Permit.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- c. A site plan for the PV SOLAR FARM indicating the following:
 - (a) The approximate planned location of all PV SOLAR FARM STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substation(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
 - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM COUNTY Board SPECIAL USE Permit as required by subparagraph 6.1.5A.(1).
 - (c) The location of all below-ground wiring.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM COUNTY Board SPECIAL USE Permit. PV SOLAR FARM structures include substations, third party transmission lines, maintenance and management facilities, or other significant structures.
- d. All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.

SECTION 6.1.5 PHOTOVOLTAIC (PV) SOLAR FARM COUNTY BOARD SPECIAL USE PERMIT – CONT.

- e. The PV SOLAR FARM SPECIAL USE Permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE Permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5B.(2)a.(b).
 - f. A municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the Zoning Administrator prior to the consideration of the PV SOLAR FARM SPECIAL USE Permit by the Champaign COUNTY Board or, in the absence of such a resolution, the Zoning Administrator shall provide documentation to the COUNTY Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the COUNTY Board as required by Section 6.1.5B.(2)a.(c).
 - g. Documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5B.(3)b.
- (2) The Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the COUNTY Board SPECIAL USE Permit application is pending.
 - (3) The Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.

**ATTACHMENT 4: STANDARD AGRICULTURAL IMPACT
MITIGATION AGREEMENTS (AIMA)**

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT

between
Mahomet IL Solar 1, LLC

and the
ILLINOIS DEPARTMENT OF AGRICULTURE
Pertaining to the Construction of a Commercial Solar Energy Facility
in
Champaign County, Illinois

Pursuant to the Renewable Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147), the following standards and policies are required by the Illinois Department of Agriculture (IDOA) to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a Commercial Solar Energy Facility. They were developed with the cooperation of agricultural agencies, organizations, Landowners, Tenants, drainage contractors, and solar energy companies to comprise this Agricultural Impact Mitigation Agreement (AIMA).

Mahomet IL Solar 1, LLC, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 5 MW AC Commercial Solar Energy Facility in Champaign County [GPS Coordinates: 40.1949, -88.4340], which will consist of up to 37.95 acres that will be covered by solar facility related components, such as solar panel arrays, racking systems, access roads, an onsite underground collection system, inverters and transformers and any affiliated electric transmission lines. This AIMA is made and entered between the Facility Owner and the IDOA.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA shall be revised, with the Facility Owner's input, to reflect the IDOA's most current Solar Farm Construction and Deconstruction Standards and Policies. This AIMA, and any updated AIMA, shall be filed with the County Board by the Facility Owner prior to the commencement of Construction.

The below prescribed standards and policies are applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned agricultural land.

Conditions of the AIMA

The mitigative actions specified in this AIMA shall be subject to the following conditions:

- A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities. IDOA may utilize any legal means to enforce this AIMA.
- B. Except for Section 17. B. through F., all actions set forth in this AIMA are subject to modification through negotiation by Landowners and the Facility Owner, provided such changes are negotiated in advance of the respective Construction or Deconstruction activities.
- C. The Facility Owner may negotiate with Landowners to carry out the actions that Landowners wish to perform themselves. In such instances, the Facility Owner shall offer Landowners the area commercial rate for their machinery and labor costs.

Standard Solar AIMA V.8.19.19

- D. All provisions of this AIMA shall apply to associated future Construction, maintenance, repairs, and Deconstruction of the Facility referenced by this AIMA.
- E. The Facility Owner shall keep the Landowners and Tenants informed of the Facility's Construction and Deconstruction status, and other factors that may have an impact upon their farming operations.
- F. The Facility Owner shall include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement.
- G. Execution of this AIMA shall be made a condition of any Conditional/Special Use Permit. Not less than 30 days prior to the commencement of Construction, a copy of this AIMA shall be provided by the Facility Owner to each Landowner that is party to an Underlying Agreement. In addition, this AIMA shall be incorporated into each Underlying Agreement.
- H. The Facility Owner shall implement all actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Facility.
- I. No later than 45 days prior to the Construction and/or Deconstruction of a Facility, the Facility Owner shall provide the Landowner(s) with a telephone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.
- J. If there is a change in ownership of the Facility, the Facility Owner assuming ownership of the Facility shall provide written notice within 90 days of ownership transfer, to the Department, the County, and to Landowners of such change. The Financial Assurance requirements and the other terms of this AIMA shall apply to the new Facility Owner.
- K. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.
- L. Within 30 days of execution of this AIMA, the Facility Owner shall use Best Efforts to provide the IDOA with a list of all Landowners that are party to an Underlying Agreement and known Tenants of said Landowner who may be affected by the Facility. As the list of Landowners and Tenants is updated, the Facility Owner shall notify the IDOA of any additions or deletions.
- M. If any provision of this AIMA is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the AIMA shall be interpreted as if it did not contain the unenforceable provision.

Definitions

Abandonment

When Deconstruction has not been completed within 12 months after the Commercial Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Commercial Solar Energy Facility shall be presumed to have reached the end of its useful life if the Commercial Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement.

Aboveground Cable	Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.
Agricultural Impact Mitigation Agreement (AIMA)	The Agreement between the Facility Owner and the Illinois Department of Agriculture (IDOA) described herein.
Agricultural Land	Land used for Cropland, hayland, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government conservation programs used for purposes as set forth above.
Best Efforts	Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.
Commercial Operation Date	The calendar date of which the Facility Owner notifies the Landowner, County, and IDOA in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.
Commercial Solar Energy Facility (Facility)	A solar energy conversion facility equal to or greater than 500 kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018. "Commercial solar energy facility" does not include a solar energy conversion facility: (1) for which a permit to construct has been issued before June 29, 2018; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts.
Commercial Solar Energy Facility Owner deemed (Facility Owner)	A person or entity that owns a commercial solar energy facility. A Commercial Solar Energy Facility Owner is not nor shall it be to be a public utility as defined in the Public Utilities Act.
County	The County or Counties where the Commercial Solar Energy Facility is located.
Construction	The installation, preparation for installation and/or repair of a Facility.
Cropland	Land used for growing row crops, small grains or hay; includes land which was formerly used as cropland, but is currently enrolled in a government conservation program; also includes pastureland that is classified as Prime Farmland.

Deconstruction	The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.
Deconstruction Plan	<p>A plan prepared by a Professional Engineer, at the Facility's expense, that includes:</p> <ol style="list-style-type: none">(1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things:<ol style="list-style-type: none">i. the number of solar panels, racking, and related facilities involved;ii. the original Construction costs of the Facility;iii. the size and capacity, in megawatts of the Facility;iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs);v. the Construction method and techniques for the Facility and for other similar facilities; and(2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.
Department	The Illinois Department of Agriculture (IDOA).
Financial Assurance	A reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or Landowner as beneficiary.
Landowner	Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.
Prime Farmland	Agricultural Land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as "Prime Farmland" (generally considered to be the most productive soils with the least input of nutrients and management).
Professional Engineer	An engineer licensed to practice engineering in the State of Illinois.
Soil and Water Conservation District (SWCD)	A unit of local government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.
Tenant	Any person, apart from the Facility Owner, lawfully residing or leasing/renting land that is subject to an Underlying Agreement.
Topsoil	The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.
Underlying Agreement	The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Facility on the property of the Landowner.

Underground Cable	Electrical power lines installed below the ground surface to be utilized for conveyance of power within a Facility or from a Commercial Solar Energy Facility to the electric grid.
USDA Natural Resources Conservation Service (NRCS)	An agency of the United States Department of Agriculture that provides America's farmers with financial and technical assistance to aid with natural resources conservation.

Construction and Deconstruction Standards and Policies

1. Support Structures

- A. Only single pole support structures shall be used for the Construction and operation of the Facility on Agricultural Land. Other types of support structures, such as lattice towers or H-frames, may be used on nonagricultural land.
- B. Where a Facility's Aboveground Cable will be adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures shall be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.
- C. When it is not possible to locate Aboveground Cable next to highway or railroad right-of-way, Best Efforts shall be expended to place all support poles in such a manner to minimize their placement on Cropland (i.e., longer than normal above ground spans shall be utilized when traversing Cropland).

2. Aboveground Facilities

Locations for facilities shall be selected in a manner that is as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains or is adjacent to the Facility.

3. Guy Wires and Anchors

Best Efforts shall be made to place guy wires and their anchors, if used, out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land other than Cropland. Where this is not feasible, Best Efforts shall be made to minimize guy wire impact on Cropland. All guy wires shall be shielded with highly visible guards.

4. Underground Cabling Depth

- A. Underground electrical cables located outside the perimeter of the (fence) of the solar panels shall be buried with:
 1. a minimum of 5 feet of top cover where they cross Cropland.
 2. a minimum of 5 feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland.
 3. a minimum of 3 feet of top cover where they cross pastureland and other Agricultural Land not classified as Prime Farmland.

4. a minimum of 3 feet of top cover where they cross wooded/brushy land.
 - B. Provided that the Facility Owner removes the cables during Deconstruction, underground electric cables may be installed to a minimum depth of 18 inches:
 1. Within the fenced perimeter of the Facility; or
 2. When buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface.
 - C. If Underground Cables within the fenced perimeter of the solar panels are installed to a minimum depth of 5 feet, they may remain in place after Deconstruction.
- 5. Topsoil Removal and Replacement**
- A. Any excavation shall be performed in a manner to preserve topsoil. Best Efforts shall be made to store the topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
 - B. Best Efforts shall be made to store all disturbed subsoil material near the excavation site and separate from the topsoil.
 - C. When backfilling an excavation site, Best Efforts shall be used to ensure the stockpiled subsoil material will be placed back into the excavation site before replacing the topsoil.
 - D. Refer to Section 7 for procedures pertaining to rock removal from the subsoil and topsoil.
 - E. Refer to Section 8 for procedures pertaining to the repair of compaction and rutting of the topsoil.
 - F. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
 - G. Based on the mutual agreement of the landowner and Facility Owner, excess soil material resulting from solar facility excavation shall either be removed or stored on the Landowner's property and reseeded per the applicable National Pollution Discharge Elimination System (NPDES) permit/Stormwater Pollution Prevention Plan (SWPPP). After the Facility reaches the end of its Useful Life, the excess subsoil material shall be returned to an excavation site or removed from the Landowner's property, unless otherwise agreed to by Landowner.
- 6. Rerouting and Permanent Repair of Agricultural Drainage Tiles**
- The following standards and policies shall apply to underground drainage tile line(s) directly or indirectly affected by Construction and/or Deconstruction:
- A. Prior to Construction, the Facility Owner shall work with the Landowner to identify drainage tile lines traversing the property subject to the Underlying Agreement to the extent reasonably practicable. All drainage tile lines identified in this manner shall be shown on the Construction and Deconstruction Plans.

- B. The location of all drainage tile lines located adjacent to or within the footprint of the Facility shall be recorded using Global Positioning Systems (GPS) technology. Within 60 days after Construction is complete, the Facility Owner shall provide the Landowner, the IDOA, and the respective County Soil and Water Conservation District (SWCD) with "as built" drawings (strip maps) showing the location of all drainage tile lines by survey station encountered in the Construction of the Facility, including any tile line repair location(s), and any underground cable installed as part of the Facility.

C. Maintaining Surrounding Area Subsurface Drainage

If drainage tile lines are damaged by the Facility, the Facility Owner shall repair the lines or install new drainage tile line(s) of comparable quality and cost to the original(s), and of sufficient size and appropriate slope in locations that limit direct impact from the Facility. If the damaged tile lines cause an unreasonable disruption to the drainage system, as determined by the Landowner, then such repairs shall be made promptly to ensure appropriate drainage. Any new line(s) may be located outside of, but adjacent to the perimeter of the Facility. Disrupted adjacent drainage tile lines shall be attached thereto to provide an adequate outlet for the disrupted adjacent tile lines.

D. Re-establishing Subsurface Drainage Within Facility Footprint

Following Deconstruction and using Best Efforts, if underground drainage tile lines were present within the footprint of the facility and were severed or otherwise damaged during original Construction, facility operation, and/or facility Deconstruction, the Facility Owner shall repair existing drainage tiles or install new drainage tile lines of comparable quality and cost to the original, within the footprint of the Facility with sufficient capacity to restore the underground drainage capacity that existed within the footprint of the Facility prior to Construction. Such installation shall be completed within 12 months after the end of the useful life of the Facility and shall be compliant with Figures 1 and 2 to this Agreement or based on prudent industry standards if agreed to by Landowner.

- E. If there is any dispute between the Landowner and the Facility Owner on the method of permanent drainage tile line repair, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.
- F. During Deconstruction, all additional permanent drainage tile line repairs beyond those included above in Section 6.D. must be made within 30 days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner. If the Facility Owner and Landowner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may implement the recommendations of the appropriate County SWCD and such implementation constitutes compliance with this provision.
- G. Following completion of the work required pursuant to this Section, the Facility Owner shall be responsible for correcting all drainage tile line repairs that fail due to Construction and/or Deconstruction for one year following the completion of Construction or Deconstruction, provided those repairs were made by the Facility Owner. The Facility Owner shall not be responsible for drainage tile repairs that the Facility Owner pays the Landowner to perform.

7. Rock Removal

With any excavations, the following rock removal procedures pertain only to rocks found in the uppermost 42 inches of soil, the common freeze zone in Illinois, which emerged or were brought to the site as a result of Construction and/or Deconstruction.

- A. Before replacing any topsoil, Best Efforts shall be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which emerged or were brought to the site as a result of Construction and/or Deconstruction.
- B. If trenching, blasting, or boring operations are required through rocky terrain, precautions shall be taken to minimize the potential for oversized rocks to become interspersed in adjacent soil material.
- C. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, shall be removed from the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

8. Repair of Compaction and Rutting

- A. Unless the Landowner opts to do the restoration work on compaction and rutting, after the topsoil has been replaced post-Deconstruction, all areas within the boundaries of the Facility that were traversed by vehicles and Construction and/or Deconstruction equipment that exhibit compaction and rutting shall be restored by the Facility Owner. All prior Cropland shall be ripped at least 18 inches deep or to the extent practicable, and all pasture and woodland shall be ripped at least 12 inches deep or to the extent practicable. The existence of drainage tile lines or underground utilities may necessitate less ripping depth. The disturbed area shall then be disked.
- B. All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on Cropland adjacent to the Facility.
- C. The Facility Owner shall restore all rutted land to a condition as close as possible to its original condition upon Deconstruction, unless necessary earlier as determined by the Landowner.
- D. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

9. Construction During Wet Weather

Except as provided below, construction activities are not allowed on agricultural land during times when normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils. With input from the landowner, wet weather conditions may be determined on a field by field basis.

- A. Construction activities on prepared surfaces, surfaces where topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.

- B. Construction activities on unprepared surfaces will be done only when work will not result in rutting which may mix subsoil and topsoil. Determination as to the potential of subsoil and topsoil mixing will be made in consultation with the underlying Landowner, or, if approved by the Landowner, his/her designated tenant or designee.

10. Prevention of Soil Erosion

- A. The Facility Owner shall work with Landowners and create and follow a SWPPP to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Facility.
- B. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's property, the Facility Owner shall consider the recommendations of the appropriate County SWCD to resolve the disagreement.
- C. The Facility Owner may, per the requirements of the project SWPPP and in consultation with the Landowner, seed appropriate vegetation around all panels and other facility components to prevent erosion. The Facility Owner must utilize Best Efforts to ensure that all seed mixes will be as free of any noxious weed seeds as possible. The Facility Owner shall consult with the Landowner regarding appropriate varieties to seed.

11. Repair of Damaged Soil Conservation Practices

Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.

12. Compensation for Damages to Private Property

The Facility Owner shall reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Agricultural Land shall be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement.

13. Clearing of Trees and Brush

- A. If trees are to be removed for the Construction or Deconstruction of a Facility, the Facility Owner shall consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.
- B. If there are trees of commercial or other value to the Landowner, the Facility Owner shall allow the Landowner the right to retain ownership of the trees to be removed and the disposition of the removed trees shall be negotiated prior to the commencement of land clearing.

14. Access Roads

- A. To the extent practicable, access roads shall be designed to not impede surface drainage and shall be built to minimize soil erosion on or near the access roads.

- B. Access roads may be left intact during Construction, operation or Deconstruction through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations.
- C. If the access roads are removed, Best Efforts shall be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their construction, or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping shall be performed consistent with Section 8.

15. Weed/Vegetation Control

- A. The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.
- B. The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.
- C. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
- D. The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.

16. Indemnification of Landowners

The Facility Owner shall indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of the Commercial Solar Energy Facility, including Construction and Deconstruction thereof, and also including damage to such Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns.

17. Deconstruction Plans and Financial Assurance of Commercial Solar Energy Facilities

- A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
 - 1. Solar panels, cells and modules;
 - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
 - 3. Solar panel foundations, if used (to depth of 5 feet);

4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
 5. Overhead collection system components;
 6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;
 7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
 8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
 9. Debris and litter generated by Deconstruction and Deconstruction crews.
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.
- C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of Deconstruction if the County agrees that all interests in the salvage value are subordinate or have been subordinated to that of the County if Abandonment occurs.

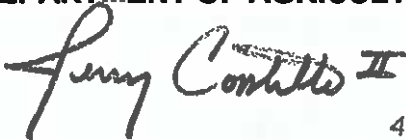
- E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County and Facility may mutually agree on the selection of a Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.
- F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

Concurrence of the Parties to this AIMA

The Illinois Department of Agriculture and Mahomet IL Solar 1, LLC concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in Champaign County within the State of Illinois.

The effective date of this AIMA commences on the date of execution.

**STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE**



By: Jerry Costello II, Director



By Clay Nordsiek, Deputy General Counsel

Mahomet IL Solar 1, LLC



By Bridget Callahan

1000 Wilson Blvd #2400
Arlington, VA 22209

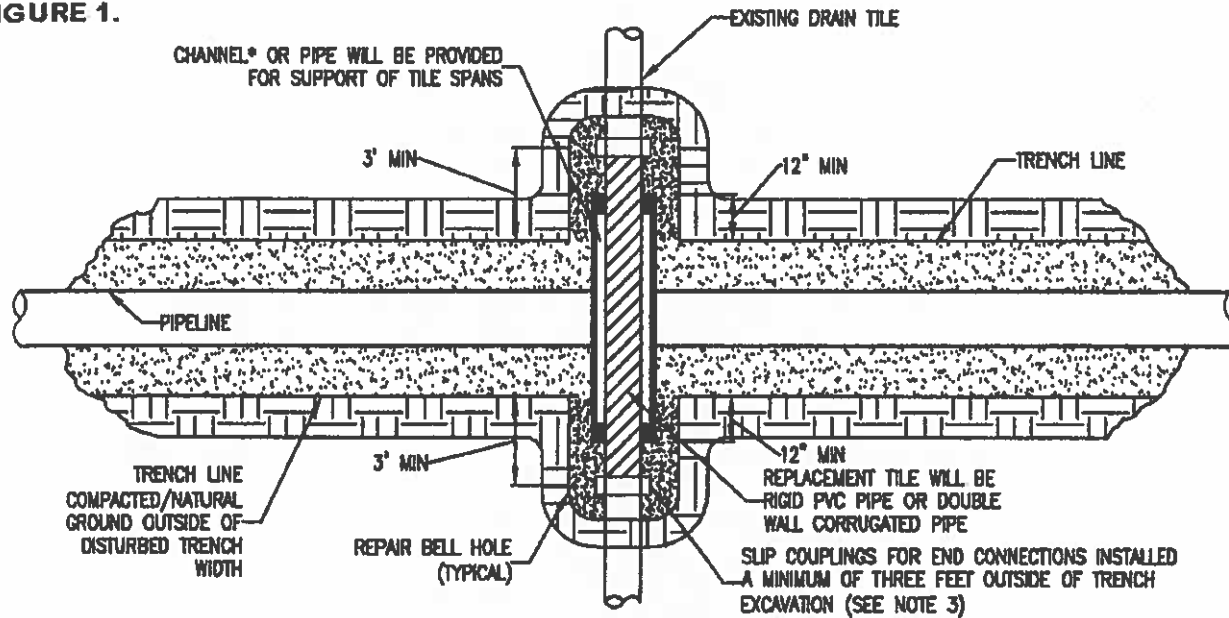
Address

801 E. Sangamon Avenue,
State Fairgrounds, POB 19281
Springfield, IL 62794-9281

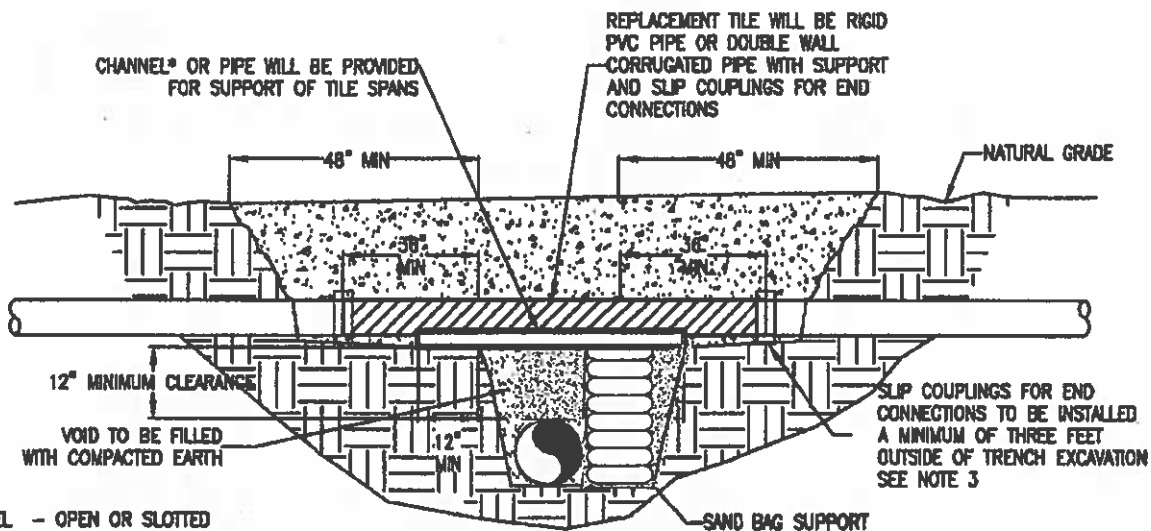
November 26, 2024

1/29, 2025

FIGURE 1.



PLAN
N.T.S.



CROSS SECTION
N.T.S.

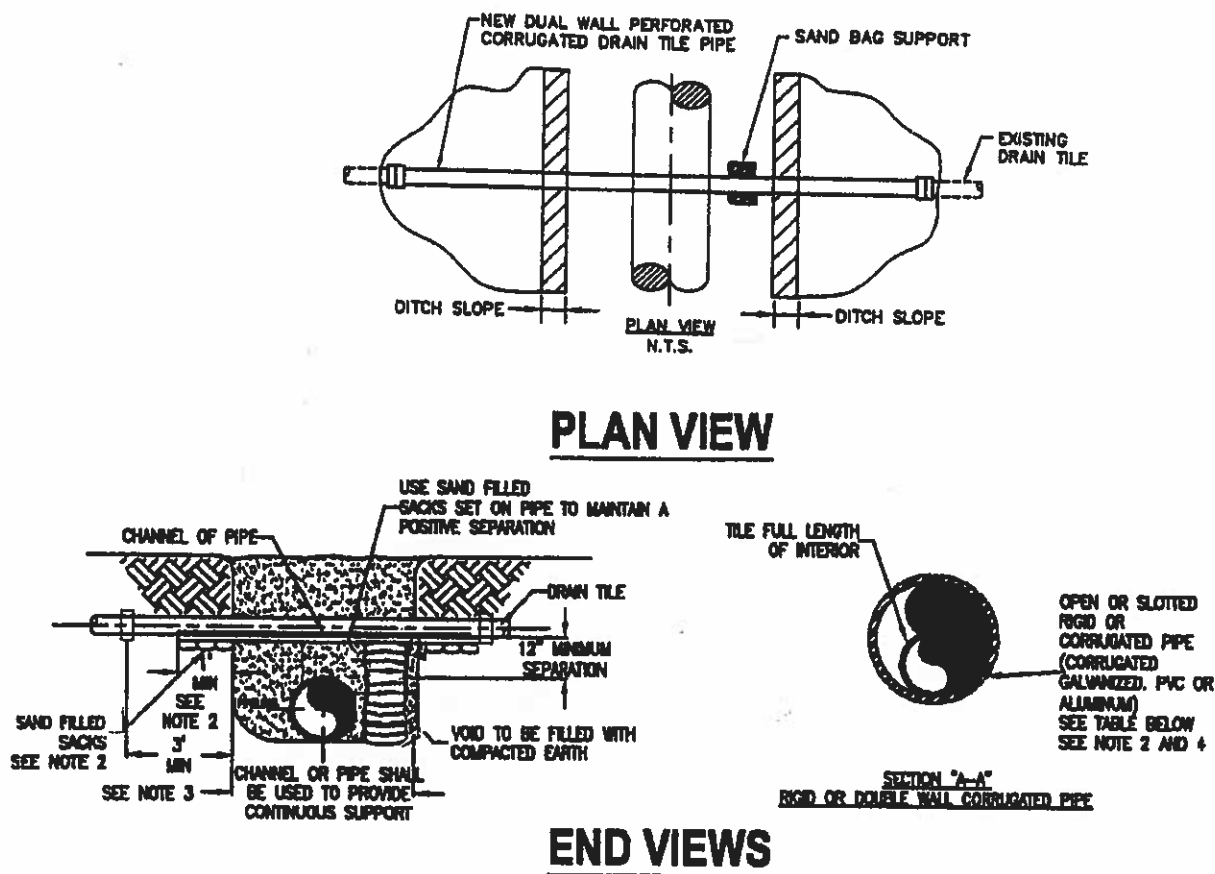
*CHANNEL - OPEN OR SLOTTED
CORRUGATED GALVANIZED, PVC OR
ALUMINUM CRADLE TO SUPPORT
DRAIN TILE.

NOTE:

1. IMMEDIATELY REPAIR TILE IF WATER IS FLOWING THROUGH TILE AT TIME OF TRENCHING. IF NO WATER IS FLOWING AND TEMPORARY REPAIR IS DELAYED, OR NOT MADE BY THE END OF THE WORK DAY, A SCREEN OR APPROPRIATE 'NIGHT CAP' SHALL BE PLACED ON OPEN ENDS OF TILE TO PREVENT ENTRAPMENT OF ANIMALS ETC.
2. CHANNEL OR PIPE (OPEN OR SLOTTED) MADE OF CORRUGATED GALVANIZED PIPE, PVC OR ALUMINUM WILL BE USED FOR SUPPORT OF DRAIN TILE SPANS.
3. INDUSTRY STANDARDS SHALL BE FOLLOWED TO ENSURE PROPER SEAL OF REPAIRED DRAIN TILES.

TEMPORARY DRAIN TILE REPAIR

FIGURE 2.



MINIMUM SUPPORT TABLE			
TILE SIZE	CHANNEL SIZE	PIPE SIZE	
3"	4" @ 5.4 #/ft	4"	STD. WT.
4'-5"	5" @ 6.7 #/ft	6"	STD. WT.
6'-9"	7" @ 9.8 #/ft	9'-10"	STD. WT.
10"	10" @ 15.3 #/ft	12"	STD. WT.

NOTE:

1. TILE REPAIR AND REPLACEMENT SHALL MAINTAIN ORIGINAL ALIGNMENT GRADIENT AND WATER FLOW TO THE GREATEST EXTENT POSSIBLE. IF THE TILE NEEDS TO BE RELOCATED, THE INSTALLATION ANGLE MAY VARY DUE TO SITE SPECIFIC CONDITIONS AND LANDOWNER RECOMMENDATIONS.
2. 1'-0" MINIMUM LENGTH OF CHANNEL OR RIGID PIPE (OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE) SHALL BE SUPPORTED BY UNDISTURBED SOIL, OR IF CROSSING IS NOT AT RIGHT ANGLES TO PIPELINE, EQUIVALENT LENGTH PERPENDICULAR TO TRENCH. SHIM WITH SAND BAGS TO UNDISTURBED SOIL FOR SUPPORT AND DRAINAGE GRADIENT MAINTENANCE (TYPICAL BOTH SIDES).
3. DRAIN TILES WILL BE PERMANENTLY CONNECTED TO EXISTING DRAIN TILES A MINIMUM OF THREE FEET OUTSIDE OF EXCAVATED TRENCH LINE USING INDUSTRY STANDARDS TO ENSURE PROPER SEAL OF REPAIRED DRAIN TILES INCLUDING SLIP COUPLINGS.
4. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR THE INSTALLATION OF THE TILE FOR THE FULL LENGTH OF THE RIGID PIPE.
5. OTHER METHODS OF SUPPORTING DRAIN TILE MAY BE USED IF ALTERNATE PROPOSED IS EQUIVALENT IN STRENGTH TO THE CHANNEL/PIPE SECTIONS SHOWN AND IF APPROVED BY COMPANY REPRESENTATIVES AND LANDOWNER IN ADVANCE. SITE SPECIFIC ALTERNATE SUPPORT SYSTEM TO BE DEVELOPED BY COMPANY REPRESENTATIVES AND FURNISHED TO CONTRACTOR FOR SPANS IN EXCESS OF 20', TILE GREATER THEN 10" DIAMETER, AND FOR "HEADER" SYSTEMS.
6. ALL MATERIAL TO BE FURNISHED BY CONTRACTOR.
7. PRIOR TO REPAIRING TILE, CONTRACTOR SHALL PROBE Laterally INTO THE EXISTING TILE TO FULL WIDTH OF THE RIGHTS OF WAY TO DETERMINE IF ADDITIONAL DAMAGE HAS OCCURRED. ALL DAMAGED/DISTURBED TILE SHALL BE REPAIRED AS NEAR AS PRACTICABLE TO ITS ORIGINAL OR BETTER CONDITION.

PERMANENT DRAIN TILE REPAIR

Champaign County
Department of

**PLANNING &
ZONING**

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

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

From: **John Hall, Zoning Administrator**
Charlie Campo, Senior Planner

Date: **August 26, 2025**

RE: **Zoning Ordinance Text Amendment Case 130-AT-24**

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance to add “Battery Energy Storage System” as a new principal use and indicate that a Battery Energy Storage System may be authorized by a County Board 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; add requirements and fees for “Battery Energy Storage Systems”; add any required definitions, and make certain other revisions to the Ordinance as detailed in the full legal description in Attachment I.**

STATUS

At the July 31, 2025, public hearing the Zoning Board of Appeals voted 5-0 to forward the case with a RECOMMENDATION FOR APPROVAL.

BACKGROUND

The Champaign County Environment and Land Use Committee discussed this proposed amendment at the January 4, 2024, meeting and approved opening a ZBA public hearing for the amendment at the February 8, 2024, meeting. Public hearings for the case were held before the ZBA on March 28, 2024, July 11, 2024, December 12, 2024, March 13, 2025, May 15, 2025, July 17, 2025, and July 31, 2025.

CHANGES TO DRAFT AMENDMENT

Changes to the draft amendment that was last seen by ELUC include changes based on National Fire Protection Association (NFPA) standard 855 (Standard for the Installation of Stationary Energy Storage Systems) and developer input. These include revised separation distances to Municipalities, existing principal buildings, and new Rural Residential Overlay Districts. The Findings of Fact for LRMP Goal 6 have been included as Attachment C, and identify changes made to the proposed amendment that relate to NFPA 855. The amendment was also revised to make BESS a County Board Special Use Permit.

FUTURE CHANGES TO NFPA 855

An update to the requirements of NFPA 855 is expected in 2026 at which time the requirements of the Zoning Ordinance should be reviewed against any changes possibly amended. The current amendment should be adopted now and can be re-examined after any relevant updates to NFPA 855.

NEXT STEPS

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation, and then make a final recommendation to the County Board at the next regularly scheduled Committee meeting (October 10, 2025, in this instance). The delay in a final recommendation is intended to give municipalities and townships with plan commissions time to provide comments or protests.

ATTACHMENTS

- A Legal advertisement dated March 13, 2024
- B Finding of Fact for Goal 6 of the Champaign County Land Resource Management Plan
- C Approved Summary Finding of Fact for Case 130-AT-24 dated July 31, 2025
- D Proposed Amendment dated July 31, 2025

**NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 130-AT-24

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, March 28, 2024 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows regarding Battery Energy Storage Systems (BESS):

1. Add the following definitions to Section 3.0 Definitions: BATTERY ENERGY STORAGE MANAGEMENT SYSTEM (BESMS), BATTERY ENERGY STORAGE SYSTEM (BESS), TIER-1 BATTERY ENERGY STORAGE SYSTEMS, TIER-2 BATTERY ENERGY STORAGE SYSTEMS.
2. Add new paragraph 4.2.1 C.8. to provide that a BATTERY ENERGY STORAGE SYSTEM may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.
3. Amend Section 5.2 as follows:
 - a. Add “BATTERY ENERGY STORAGE SYSTEM” to be 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.
 - b. Add Footnotes 32 and 33 regarding TIER-1 and TIER-2 requirements.
4. Add new Section 6.1.8 TIER-2 BATTERY ENERGY STORAGE SYSTEMS to establish regulations including but not limited to:
 - a. General standard conditions
 - b. Minimum lot standards
 - c. Minimum separations
 - d. Standard conditions for design and installation
 - e. Standard conditions to mitigate damage to farmland
 - f. Standard conditions for use of public streets
 - g. Standard conditions for coordination with local fire protection district
 - h. Standard conditions for allowable noise level
 - i. Standard conditions for endangered species consultation
 - j. Standard conditions for historic and archaeological resources review
 - k. Standard conditions for acceptable wildlife impacts
 - l. Screening and fencing
 - m. Standard condition for liability insurance

- n. Operational standard conditions
 - o. Standard conditions for Decommissioning and Site Reclamation Plan
 - p. Complaint hotline
 - q. Standard conditions for expiration of Special Use Permit
 - r. Application requirements
5. Regarding BATTERY ENERGY STORAGE SYSTEMS fees, revise Section 9 as follows:
- a. Add new paragraph 9.3.1 K. to add application fees for a BATTERY ENERGY STORAGE SYSTEMS Zoning Use Permit.
 - b. Add new subparagraph 9.3.3 B.(9) to add application fees for a BATTERY ENERGY STORAGE SYSTEMS SPECIAL USE permit.

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

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, MARCH 13, 2024, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Our News Gazette account number is 99225860.

LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, and 6.4 are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

Objective 6.1 has four subsidiary policies but none are directly relevant to BATTERY ENERGY STORAGE SYSTEMS however the proposed amendment will *HELP ACHIEVE* Goal Objective 6.1 for the following reasons:

- (1) Supplemental Memorandum #2 dated 12/12/24 included many revisions intended to provide for public safety. The principal changes for safety were the following:
 - a. The National Fire Protection Association 855 Standard for Installation of Stationary Energy Storage Systems requirement for a “Hazard Mitigation Analysis” was added. The Hazard Mitigation Analysis must be approved by the relevant fire protection district. The Zoning Administrator is to receive a copy of the approved Hazard Mitigation Analysis with the Zoning Use Permit Application.
 - b. The NFPA 855 requirement for a “Commissioning Report” prior to the BESS going into operation were added. Both the relevant fire protection district and the Zoning Administrator are to receive copies of the Commissioning Report.
 - c. Access drive requirements were added. Any part of the TIER-2 BESS must be within 100 feet from an access drive.
 - d. NFPA 855 requirements for smoke and fire detection systems were added. Smoke and fire detection systems are not required for outdoor locations.
 - e. NFPA 855 requirements for fire control and suppression (including water availability) were added. Fire control and suppression (including water availability) are not required for outdoor locations more than 100 feet from other buildings and property lines unless recommended by the relevant fire protection district or otherwise required by the Board.

- f. NFPA 855 requirements for explosion control were added. NFPA 855 requires explosion control for nearly all BESS.
 - g. General NFPA 855 requirements were added for TIER-2 BESS proposed to be in or on a building.
 - h. NFPA 855 requirements for “Remediation Measures” were added. NFPA 855 requires the BESS owner to provide authorized service personnel to assist emergency responders and allows for the “authority having jurisdiction” to also require the owner to provide “hazard support personnel” to monitor the BESS for possible ignition or reignition
 - i. Because of the safety concerns, the Special Use Permit requirement was also changed to a County Board Special Use Permit.
- (2) NFPA 855 is due to be updated in 2026 and it would behoove Champaign County to review the BESS requirements for any necessary changes based on the 2026 NFPA 855.
 - (3) Supplemental Memorandum #3 dated 3/13/25 reviewed best practice recommendations for minimum separations of BESS facilities including the use of “air plume simulation modeling” to study the down-wind impacts of a BESS failure. The authors of one paper recommended “...to complete a plume dispersion study of the BESS and surrounding area, especially if there are occupied buildings within .25 mile.” The authors also recommended that in the absence of a site-specific plume dispersion study, that evacuation or shelter-in-place be implemented within a quarter mile of a BESS site with a BESS fire or battery failure.
 - (4) Supplemental Memorandum #4 dated 3/13/25 reviewed an air plume simulation modeling exercise that analyzed two hypothetical situations, one involving a simulated thermal runaway of a .25 MWh BESS battery over a one-hour period and a second involving a simulated combustion of a .25 MWh BESS battery over one hour and eight hours. All simulations assumed a low wind speed of 6 m/s (4.9 mph). The thermal runaway simulation included two different assumptions about state of charge of the battery (high charge and low charge) and two different assumptions about the volume of gas released from the thermal runaway (low volume and high volume). **The thermal runaway simulation resulted in levels of hydrogen fluoride that were “well above” the USEPA Acute Exposure Guideline Levels for a distance of 300 meters (975 feet) downwind. This exposure would be a significant concern for firefighters and surrounding populations.** The combustion simulation included various assumptions about the amount of heat released (low and high) and the

burn time (1 hour and 8 hours) and whether individual battery racks burn in series or the entire battery container all at once. The combustion simulation results did not exceed the USEPA Acute Exposure Guideline Levels because the heat from combustion in all simulations made the plume rise high enough that concentrations at the ground surface were not a problem.

- (5) After reviewing Supplemental Memorandums #3 and #4 at the 3/13/25 public hearing, the ZBA was interested in revising the proposed amendment to require a ¼ mile separation from a proposed TIER-2 BESS to the nearest principal building.
- (6) Supplemental Memorandum #5 dated 5/08/25 reviewed two alternative separations with one being a one-quarter mile separation to property lines and the other being a hybrid approach with a ¼ mile separation to the nearest principal building and a minimum separation of 825 feet to non-participating property lines. Testimony was offered at the 5/15/25 public hearing from a prospective BESS developer about the anticipated difficulty of meeting either the 825 feet or the 1/4 mile separation to non-participating property lines.
- (7) Supplemental Memorandum #7 dated 7/17/25 proposed adding the ¼ mile separation from a TIER-2 BESS to the nearest principal building.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2024; July 16, 2024; December 12, 2024; March 13, 2025; May 15, 2025; July 17, 2025, and July 31, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 3, 4 and 6.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2 and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goals 5, 7, 8 and 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

REVISED DRAFT

130-AT-24

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{July 31, 2025}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows regarding Battery Energy Storage Systems (BESS):**

- 1. Add the following definitions to Section 3.0 Definitions: BATTERY ENERGY STORAGE MANAGEMENT SYSTEM (BESMS), BATTERY ENERGY STORAGE SYSTEM (BESS), TIER-1 BATTERY ENERGY STORAGE SYSTEMS, TIER-2 BATTERY ENERGY STORAGE SYSTEMS.**
- 2. Add new paragraph 4.2.1 C.8. to provide that a BATTERY ENERGY STORAGE SYSTEM may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.**
- 3. Amend Section 5.2 as follows:**
 - a. Add “BATTERY ENERGY STORAGE SYSTEM” to be 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.**
 - b. Add Footnotes 32 and 33 regarding TIER-1 and TIER-2 requirements.**
- 4. Add new paragraph 5.4.3 G. to prohibit any dwelling a Rural Residential Overlay Zoning District from being established within one-quarter mile of a TIER-2 BATTERY ENERGY STORAGE SYSTEM.**
- 5. Add new Section 6.1.8 TIER-2 BATTERY ENERGY STORAGE SYSTEMS to establish regulations including but not limited to:**
 - a. General standard conditions**
 - b. Minimum lot standards**
 - c. Minimum separations**
 - d. Standard conditions for design and installation**
 - e. Standard conditions to mitigate damage to farmland**
 - f. Standard conditions for use of public streets**
 - g. Standard conditions for coordination with local fire protection district**

- h. Standard conditions for allowable noise level
 - i. Standard conditions for endangered species consultation
 - j. Standard conditions for historic and archaeological resources review
 - k. Standard conditions for acceptable wildlife impacts
 - l. Screening and fencing
 - m. Standard condition for liability insurance
 - n. Operational standard conditions
 - o. Standard conditions for Decommissioning and Site Reclamation Plan
 - p. Complaint hotline
 - q. Standard conditions for expiration of Special Use Permit
 - r. Application requirements
6. Regarding BATTERY ENERGY STORAGE SYSTEMS fees, revise Section 9 as follows:
- a. Add new paragraph 9.3.1 K. to add application fees for a BATTERY ENERGY STORAGE SYSTEMS Zoning Use Permit.
 - b. Add new subparagraph 9.3.3 B.(9) to add application fees for a BATTERY ENERGY STORAGE SYSTEMS SPECIAL USE permit.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2024; July 16, 2024; December 12, 2024; March 13, 2025; May 15, 2025; July 17, 2025; and July 31, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to introduce requirements for BATTERY ENERGY STORAGE SYSTEMS in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 3 as follows:

- A. Objective 3.1 states, “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will ***HELP ACHIEVE*** Objective 3.1 as follows:

- (1) The proposed text amendment will allow further development of renewable energy, which will allow newer technologies to improve Champaign County’s business climate.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.7, 4.8 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

- A. Objective 4.1 states as follows: **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.”**

The proposed amendment will ***HELP ACHIEVE*** Objective 4.1 for the following reasons:

- (1) The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: **“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.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.1 for the following reasons:

- a. The standard conditions for BATTERY ENERGY STORAGE SYSTEMS will ensure the following:
 - (a) The proposed amendment requires minimum separations between any BATTERY ENERGY STORAGE SYSTEM and existing adjacent use to minimize issues of land use compatibility.
 - (b) No BATTERY ENERGY STORAGE SYSTEM shall interfere with agricultural operations (see Objective 4.2).
 - (c) No BATTERY ENERGY STORAGE SYSTEM shall be located at any location that is not well-suited for that BATTERY ENERGY STORAGE SYSTEM (see Objective 4.3).
 - (d) The proposed amendment establishes standard conditions to ensure that the allowable noise level created by a BATTERY ENERGY STORAGE SYSTEM is consistent with the Illinois Pollution Control Board regulations that are the same for all rural land uses.
 - (e) The proposed amendment requires BATTERY ENERGY STORAGE SYSTEMS to have an approved Decommissioning and Site Reclamation Plan to ensure that funds will be available to remove a BATTERY ENERGY STORAGE SYSTEM should it ever become non-functional.
- (3) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
 - b. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.2 regarding no interference with agricultural operations.
 - c. The proposed amendment will **HELP ACHIEVE** the County's policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which states, "On best prime farmland the County may authorize non-residential development." Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.
- B. Objective 4.2 is entitled "Development Conflicts with Agricultural Operations" and states, "Champaign County will require that each *discretionary review* development will not interfere with agricultural operations."

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, "The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area."**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - b. BATTERY ENERGY STORAGE SYSTEMS **ARE** services better provided in a rural area as evidenced by the following:
 - (a) BATTERY ENERGY STORAGE SYSTEMS do not require access to most utilities.
 - (b) BATTERY ENERGY STORAGE SYSTEMS are not compatible with principal structures within the minimum separation distance established by the Zoning Ordinance.
- (2) **Policy 4.2.2 states, "The County may authorize *discretionary review* development in a rural area if the proposed development:**
 - a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**

- c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed Special Use Permit requirements for BATTERY ENERGY STORAGE SYSTEMS include minimum separations, standard conditions to mitigate damage to farmland, a signed Roadway Upgrade and Maintenance agreement, and a Decommissioning and Site Reclamation Plan.

- (3) **Policy 4.2.3 states, “The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. The proposed Special Use Permit requirements for BATTERY ENERGY STORAGE SYSTEMS include minimum separations, standard conditions to mitigate damage to farmland

- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. The proposed amendment requires minimum separations from adjacent uses and structures as a standard condition.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.

- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- a. Because so much of Champaign County consists of best prime farmland soils, any development of a BATTERY ENERGY STORAGE SYSTEM is likely to be on best prime farmland.
- b. Standard conditions for BATTERY ENERGY STORAGE SYSTEMS will ensure that they shall not be approved on any location that is not well-suited as follows:
 - (a) The proposed amendment identifies areas where BATTERY ENERGY STORAGE SYSTEMS should not be located.
 - (b) The proposed amendment requires and Endangered Species Consultation with the IDNR and IDNR recommendations will be included in the Agency Action Report submitted with the Special Use Permit Application.
 - (c) The proposed amendment requires consultation with the State Historic Preservation Officer of IDNR and IDNR recommendations will be included in the Agency Action Report submitted with the Special Use Permit Application.

- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.3. for the following reason:

- a. A BESS will only be allowed as a Special Use Permit and it is assumed that a Special Use Permit will not be allowed if there is any undue public expense.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

- a. The proposed amendment requires a Roadway Upgrade and Maintenance Agreement with the relevant highway authority.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**

- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. As reviewed for Policy 4.2.1 in this Finding of Fact:
 - (a) BATTERY ENERGY STORAGE SYSTEMS **ARE** services better provided and therefore **ARE** appropriate in a rural area.
- b. Regarding location of a BATTERY ENERGY STORAGE SYSTEM on a less productive site, the following is reviewed under Policy 4.3.2 in this Finding of Fact:
 - (a) It is unlikely that a BATTERY ENERGY STORAGE SYSTEM in Champaign County will be located on less than best prime farmland.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment is **NOT RELEVANT** to Goal 5 in general.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, and 6.4 are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

Objective 6.1 has four subsidiary policies but none are directly relevant to BATTERY ENERGY STORAGE SYSTEMS however the proposed amendment will **HELP ACHIEVE** Goal Objective 6.1 for the following reasons:

- (1) Supplemental Memorandum #2 dated 12/12/24 included many revisions intended to provide for public safety. The principal changes for safety were the following:
 - a. The National Fire Protection Association 855 Standard for Installation of Stationary Energy Storage Systems requirement for a “Hazard Mitigation Analysis” was added. The Hazard Mitigation Analysis must be approved by the relevant fire protection district. The Zoning Administrator is to receive a copy of the approved Hazard Mitigation Analysis with the Zoning Use Permit Application.

- b. The NFPA 855 requirement for a “Commissioning Report” prior to the BESS going into operation were added. Both the relevant fire protection district and the Zoning Administrator are to receive copies of the Commissioning Report.
 - c. Access drive requirements were added. Any part of the TIER-2 BESS must be within 100 feet from an access drive.
 - d. NFPA 855 requirements for smoke and fire detection systems were added. Smoke and fire detection systems are not required for outdoor locations.
 - e. NFPA 855 requirements for fire control and suppression (including water availability) were added. Fire control and suppression (including water availability) are not required for outdoor locations more than 100 feet from other buildings and property lines unless recommended by the relevant fire protection district or otherwise required by the Board.
 - f. NFPA 855 requirements for explosion control were added. NFPA 855 requires explosion control for nearly all BESS.
 - g. General NFPA 855 requirements were added for TIER-2 BESS proposed to be in or on a building.
 - h. NFPA 855 requirements for “Remediation Measures” were added. NFPA 855 requires the BESS owner to provide authorized service personnel to assist emergency responders and allows for the “authority having jurisdiction” to also require the owner to provide “hazard support personnel” to monitor the BESS for possible ignition or reignition
 - i. Because of the safety concerns, the Special Use Permit requirement was also changed to a County Board Special Use Permit.
- (2) NFPA 855 is due to be updated in 2026 and it would behoove Champaign County to review the BESS requirements for any necessary changes based on the 2026 NFPA 855.
- (3) Supplemental Memorandum #3 dated 3/13/25 reviewed best practice recommendations for minimum separations of BESS facilities including the use of “air plume simulation modeling” to study the down-wind impacts of a BESS failure. The authors of one paper recommended “...to complete a plume dispersion study of the BESS and surrounding area, especially if there are occupied buildings within .25 mile.” The authors also recommended that in the absence of a site-specific plume dispersion study, that evacuation or shelter-in-place be implemented within a quarter mile of a BESS site with a BESS fire or battery failure.
- (4) Supplemental Memorandum #4 dated 3/13/25 reviewed an air plume simulation modeling exercise that analyzed two hypothetical situations, one involving a simulated thermal runaway of a .25 MWh BESS battery over a one-hour period and a second involving a simulated combustion of a .25 MWh BESS battery over one

hour and eight hours. All simulations assumed a low wind speed of 6 m/s (4.9 mph). The thermal runaway simulation included two different assumptions about state of charge of the battery (high charge and low charge) and two different assumptions about the volume of gas released from the thermal runaway (low volume and high volume). **The thermal runaway simulation resulted in levels of hydrogen fluoride that were “well above” the USEPA Acute Exposure Guideline Levels for a distance of 300 meters (975 feet) downwind. This exposure would be a significant concern for firefighters and surrounding populations.** The combustion simulation included various assumptions about the amount of heat released (low and high) and the burn time (1 hour and 8 hours) and whether individual battery racks burn in series or the entire battery container all at once. The combustion simulation results did not exceed the USEPA Acute Exposure Guideline Levels because the heat from combustion in all simulations made the plume rise high enough that concentrations at the ground surface were not a problem.

- (5) After reviewing Supplemental Memorandums #3 and #4 at the 3/13/25 public hearing, the ZBA was interested in revising the proposed amendment to require a ¼ mile separation from a proposed TIER-2 BESS to the nearest principal building.
- (6) Supplemental Memorandum #5 dated 5/08/25 reviewed two alternative separations with one being a one-quarter mile separation to property lines and the other being a hybrid approach with a ¼ mile separation to the nearest principal building and a minimum separation of 825 feet to non-participating property lines. Testimony was offered at the 5/15/25 public hearing from a prospective BESS developer about the anticipated difficulty of meeting either the 825 feet or the 1/4 mile separation to non-participating property lines.
- (7) Supplemental Memorandum #7 dated 7/17/25 proposed adding the ¼ mile separation from a TIER-2 BESS to the nearest principal building.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment is **NOT RELEVANT** to Goal 7 in general.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. Objectives 8.1, 8.3, 8.5, 8.6, 8.7, 8.8, and 8.9 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will **HELP ACHIEVE** Goal 8 for the following reasons:

- A. Objective 8.2 is entitled “Soil” and states, “Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”

The proposed amendment will **HELP ACHIEVE** Objective 8.2 because of the following:

- (1) **Policy 8.2.1 states, “The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 91 and includes land parcels with mixed soils that have a Land Evaluation score of 91 or greater as defined in the LESA.”**

The proposed amendment will **HELP ACHIEVE** Policy 8.2.1 for the following reason:

- a. The Board considers soil resources for any Special Use Permit.

- B. Object 8.4 is entitled “Surface Water Protection” and states, “Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.”

The proposed amendment will **HELP ACHIEVE** Objective 8.4 because of the following:

- (1) **Policy 8.4.2 states, “The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.”**

The proposed amendment will **HELP ACHIEVE** Policy 8.4.2 for the following reason:

- a. The Board considers surface water protection for any Special Use Permit.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. Objectives 9.1, 9.2, 9.3, and 9.4 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will **HELP ACHIEVE** the achievement of Goal 9 for the following reason:

- A. Objective 9.5, which has no subsidiary policies, states, **“Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.”**

The proposed amendment will **HELP ACHIEVE** Objective 9.5 as follows:

- (1) BESS integrated within PV SOLAR FARMS can optimize use of renewable energy while achieving the desired setbacks that PV SOLAR FARMS already provide through the Zoning Ordinance.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed amendment is **NOT RELEVANT** to Goal 10 in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose. See the discussion under LRMP Goal 6.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose. See the discussion under LRMP Goal 6.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is consistent with this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is consistent with this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is consistent with this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is consistent with this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is consistent with this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:

- A. A classification which allows BATTERY ENERGY STORAGE SYSTEMS to be developed while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
- B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2024; July 16, 2024; December 12, 2024; March 13, 2025; May 15, 2025; July 17, 2025 and July 31, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 3, 4 and 6.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2 and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goals 5, 7, 8 and 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

DOCUMENTS OF RECORD

1. Legal advertisement for Case 130-AT-24
2. Preliminary Memorandum for Case 130-AT-24 dated March 20, 2024, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated December 22, 2024, with attachment:
 - Draft BESS Text Amendment to the Champaign County Zoning Ordinance
 - C National Fire Protection Association (NFPA). (June 2020) *Energy Storage Systems Safety Fact Sheet*. <https://www.nfpa.org>.
 - D The American Clean Power Association. (July 2023) *First Responder's Guide to Lithium-Ion Battery Energy Storage System Incidents*. <https://cleanpower.org/resources/first-responders-guide-to-bess-incidents/>
 - E National Renewable Energy Laboratory (NREL). (September 2019). *Grid Scale Battery Storage Frequently Asked Questions*. <https://www.nrel.gov>
 - F New York State Energy Research and Development Authority (NYSERDA). (May 2021) *Battery Energy Storage Systems 101* presentation. <https://www.nyserda.ny.gov> (on ZBA meetings website)
 - G New York State Energy Research and Development Authority (NYSERDA). (October 2020) *New York Battery Energy Storage System Guidebook for Local Governments*. <https://www.nyserda.ny.gov> (on ZBA meetings website)
 - H DeKalb County. (March 15, 2023) Ordinance O2023-009: An ordinance amending Section 52-E-12, "Sustainable Energy Systems," of the Dekalb County Code to add a new subsection C, "Battery Energy Storage Systems." <https://dekalbcounty.org/>
 - I Exeter Associates. (February 2022) *Siting and Safety Best Practices for Battery Energy Storage Systems*.
 - J Velocity EHS. (July 2021) *Morris Lithium Battery Fire Highlights Emergency Planning, Hazardous Chemical Management*. <https://www.ehs.com> (on ZBA meetings website)
 - K Michael Urbanec. (July 2021) *No evacuation for battery fire at energy storage facility east of Grand Ridge*. <https://www.shawlocal.com>. (on ZBA meetings website)
 - L Julian Spector. (August 2020) *What Sparked the Arizona Battery Fire? LG Chem has a different version*. <https://www.greentechmedia.com> (on ZBA meetings website)
 - M Andy Colthorpe. (February 2022) *World's biggest lithium battery storage now completely offline*. <https://www.energy-storage.news> (on ZBA meetings website)
 - N Pacific Northwest National Laboratory. (October 2023) *Energy Storage in Local Zoning Ordinances*. <https://www.pnnl.gov/publications/energy-storage-local-zoning-ordinances>

- O Comments received regarding the proposed text amendment as of March 20, 2024
- P Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 130-AT-24 dated March 28, 2024, with attachment:
 - Exhibit A: Proposed Amendment dated March 28, 2024
- 3. Supplemental Memorandum #1 for Case 130-AT-24 dated July 3, 2024
- 4. Supplemental Memorandum #2 for Case 130-AT-24 dated December 12, 2024, with attachments:
 - A Legal Advertisement
 - B Revised Draft Amendment
 - C Excerpt of NFPA 855 pages 1 -42
 - D Cordelio Power BESS 101 presentation to Illinois Renewable Energy Conference October 2024
- 5. Supplemental Memorandum #3 for Case 130-AT-24 dated March 13, 2025, with attachments:
 - A Changes to Case 130-AT-24 Version 12/12/2024 based on Tenaska Comments
 - B Lessons Learned from Air Plume Modeling of Battery Energy Storage System Failure Incidents. EPRI, Palo Alto, CA. 2024
 - C Hazards of lithium-ion battery energy storage systems (BESS), mitigation strategies, minimum requirements, and best practices. Mylenbusch, Ian S., Kieran Claffey, and Benjamin Chu. Process Safety Progress 2023; 42:664-673
 - D Air Quality Report SDG& E Battery Fire, 571 Enterprise Street, Escondido CA. 2024
 - E Water Quality Report SDG& E Battery Fire, 571 Enterprise Street, Escondido CA. 2024
 - F Battery Storage Fire in California Sparks Widespread Safety Concerns. The Energy Mix. June 7, 2024
 - G Incidents similar to Moss Landing battery fire are unlikely but stricter regulations proposed. pv-magazine.com. January 28, 2025
 - H Moss Landing fire leads to emergency regulations. pv-magazine.com. February 7, 2025
 - I Legal advertisement
- 6. Supplemental Memorandum #4 for Case 130-AT-24 dated March 13, 2025, with attachment:
 - A *Air Modeling Simulations of Battery Energy Storage System Fires*. EPRI, Palo Alto CA. 2022
- 7. Supplemental Memorandum #5 for Case 130-AT-24 dated May 8, 2025, with attachments:
 - A Legal Advertisement
 - B Revised Draft Amendment dated 05/08/2025
 - C
 - 1. Diagram of ¼ Mile Separation to Principal Building
 - 2. Proposed text for ¼ Mile Separation to Principal Building

- D
 - 1. Diagram of ¼ Mile Separation to Non-Participating Property Lines
 - 2. Map Exhibit of ¼ Mile Separation to Non-Participating Property Lines
 - 3. Proposed text for ¼ Mile Separation to Non-Participating Property Lines
 - E
 - 1. Diagram of Hybrid Separation
 - 2. Map Exhibit of Hybrid Separation
 - 3. Proposed text for Hybrid Separation
- 8. Supplemental Memorandum #6
- 9. Supplemental Memorandum #7 for Case 130-AT-24 dated July 17, 2025, with attachments:
 - A Legal Advertisement
 - B Revised Sections 5.4.3 G., 6.1.8A.(2) and 6.1.8C.(3)
- 10. Supplemental Memorandum #8 for Case 130-AT-24 dated July 17, 2025, with attachments:
 - A Legal Advertisement
 - B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 130-AT-24 dated July 17, 2025, with attachment:
 - Exhibit A: Proposed Amendment dated March 28, 2024

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 130-AT-24** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

EXHIBIT A. PROPOSED AMENDMENT AS OF 7/17/2025

1. Add the following to Section 3. Definitions:

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM (BESMS): An electronic system that protects battery 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 electrochemical energy storage system that collects energy from the electrical grid or other electrical resource 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 unit 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 County Board 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 County Board 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 ³²																

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-2 ³³		B	B						B			B		B	B



= Permitted on individual LOTS as a Special Use Permit



= County Board Special Use Permit



= Permitted by right

4. Add new Footnotes 31 and 32 under Section 5.2 as follows:

31. 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.
32. A TIER-2 BATTERY ENERGY STORAGE SYSTEM is subject to the requirements of Section 6.1.8 of the Zoning Ordinance.

5. Add new paragraph 5.4.3 G. as follows:

- G. Any DWELLING in a Rural Residential Overlay Zoning District is prohibited from being established within one-quarter mile of a TIER-2 BATTERY ENERGY STORAGE SYSTEM.

6. 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.

(2) The TIER-2 BATTERY ENERGY STORAGE SYSTEM (TIER-2 BESS) County BOARD SPECIAL USE Permit shall not be located in the following areas:

- a. Less than one and three-quarter miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an

existing substation. Any request for a waiver of this minimum separation shall include the following:

- (a) No part of a TIER-2 BESS shall be located within one-quarter mile of a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed TIER-2 BESS to a municipal boundary at the time of application for the SPECIAL USE Permit.
- (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one and three-quarter miles from any proposed TIER-2 BESS upon the receipt of any substantial TIER-2 BESS SPECIAL USE permit application in addition to any notice otherwise required.
- (c) The TIER-2 BESS SPECIAL USE Permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE Permit application to any municipality within one and three-quarter miles of the proposed TIER-2 BESS .
- (d) Municipal subdivision approval for any TIER-2 BESS land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.
- (e) The public hearing for any proposed TIER-2 BESS that is located within one and three-quarter miles of a municipality that has a zoning ordinance shall occur at a minimum of two Board meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
- (f) For any proposed TIER-2 BESS that is located within one and three-quarter miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.
- (g) After the initial review of the BOARD recommendation for the TIER-2 BESS SPECIAL USE Permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the TIER-2 BESS SPECIAL USE Permit

shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the TIER-2 BESS SPECIAL USE Permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the COUNTY BOARD, unless the municipal comment period is waived in writing by any relevant municipality. If a TIER-2 BESS is not located within one and three-quarter miles of a municipality the Environment and Land Use Committee recommendation can be referred to the COUNTY BOARD without a comment period.

- (h) If no municipal resolution regarding the TIER-2 BESS is received from any municipality located within one and three-quarter miles of the TIER-2 BESS prior to the consideration of the TIER-2 BESS SPECIAL USE Permit by the Champaign COUNTY BOARD, the ZONING ADMINISTRATOR shall provide documentation to the COUNTY BOARD that any municipality within one and three-quarter miles of the TIER-2 BESS was provided notice of the meeting dates for consideration of the proposed TIER-2 BESS SPECIAL USE Permit for both the Environment and Land Use Committee and the COUNTY BOARD.

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 SYSTEM 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 set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.8L.(2) but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET nor shall the TIER-2 BESS equipment be less than 55 feet from the centerline of a MINOR STREET and a minimum of 75 feet from the centerline of a COLLECTOR STREET

and a minimum of 85 feet from the centerline of a MAJOR STREET. The location of perimeter fencing relative to a STREET can also be affected by the presence of a DWELLING or PRINCIPAL BUILDING per 6.1.8C.(2).

- (2) For properties participating in the TIER-2 BESS: More than 100 feet required separation from any existing DWELLING or existing PRINCIPAL BUILDING unless fire control and suppression are provided for the TIER-2 BESS per Section 6.1.8D.h. in which case the minimum required separation is 10 feet and otherwise, except as required to ensure that a minimum zoning LOT is provided for the existing DWELLING or PRINCIPAL BUILDING.
- (3) For properties not participating in the TIER-2 BESS, the minimum separation to the nearest NONPARTICIPATING PRINCIPAL BUILDING shall be 1,320 feet measured from the nearest BESS equipment to the PRINCIPAL BUILDING. This separation may be reduced by a PRIVATE WAIVER signed by the owner of the PRINCIPAL BUILDING. No minimum separation shall be required to a building on an electrical substation property or to a building on a PARTICIPATING PV SOLAR FARM or a PARTICIPATING WIND FARM.
- (4) 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 6.1.8C.(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.

- (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.
- (4) Warnings
 - a. A reasonably visible warning sign shall be installed and shall include the type of technology associated with the BATTERY ENERGY STORAGE SYSTEM, 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.
 - 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.
- (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. Standards. 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) and UL 9540A (Standard for Testing Methods for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems) 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; only required for installations using lead-acid batteries);
 - (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) NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems)
 - (f) NFPA 1142 (Standard on Water Supplies for Suburban and Rural Firefighting);
 - (g) NFPA 2010 (Standard for Fixed Aerosol Fire Extinguishing Systems);
 - (h) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
 - (i) UL 1642 (Standard for Lithium Batteries);
 - (j) UL 1741 or UL 62109 (Inverters and Power Converters);
 - (j) 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. Hazard Mitigation Analysis
- (a) The Special Use Permit Application shall include a commitment to the provision of a Hazard Mitigation Analysis that will comply with the requirements of NFPA 855 and an approved Special Use Permit shall include a special condition of approval requiring compliance with NFPA 855 requirements for a Hazard Mitigation Analysis.
 - (b) Prior to application for a Zoning Use Permit, the TIER-2 BESS Owner shall provide to the relevant fire protection district or department a Hazard Mitigation Analysis of the proposed BESS that meets the requirements of NFPA 855.
 - (c) The relevant fire protection district or department shall document their approval of the Hazard Mitigation Analysis in writing if the Hazard Mitigation Analysis meets the requirements for approval in Section 4.4.3 of NFPA 855.
 - (d) The Zoning Use Permit Application for the proposed TIER-2 BESS shall include documentation that the relevant fire

protection district or department has approved the Hazard Mitigation Analysis and a copy of the approved Hazard Mitigation Analysis shall be submitted with the Zoning Use Permit Application.

- c. Commissioning Report
 - (a) Prior to requesting a Zoning Compliance Certificate to authorize operation of the TIER-2 BESS, the TIER-2 BESS Owner shall provide to the relevant fire protection district or department a Commissioning Report that meets the requirements of NFPA 855.
 - (b) A Zoning Compliance Certificate for a TIER-2 BESS shall not be issued unless the Zoning Administrator receives written documentation that the relevant fire protection district or department has received the Commissioning Report and a copy of the Commissioning Report shall be submitted to the Zoning Administrator.
- d. Vegetation control.
 - (a) Areas within 10 feet on each side of outdoor TIER-2 BESS equipment shall be cleared of combustible vegetation except that grass may be used as a ground cover provided it is maintained such that it does not form a means of readily transmitting fire.
- e. Access drives.
 - (a) For TIER-2 BESS that are located outdoors, no part of the TIER-2 BESS shall be located more than 100 feet from an access drive that is a minimum of 20 feet wide and made of eight inches of compacted aggregate and with corner radii that meets the requirements of the relevant fire protection district or department.
- f. BATTERY ENERGY STORAGE MANAGEMENT SYSTEM
 - (a) When thermal runaway protection is required by NFPA 855 for the type of TIER-2 BESS that is proposed, the 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 and prevent thermal runaway.

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- (b) Both the Special Use Permit Application and the Zoning Use Permit Application shall include a basic description of the proposed BATTERY ENERGY STORAGE MANAGEMENT SYSTEM.
- g. Smoke and fire detection systems.
 - (a) Smoke and fire detection systems shall not be required for TIER-2 BESS that are installed outdoors (not on or inside a building or in a walk-in unit no larger than 53 feet by 8.5 feet by 9.5 feet) unless smoke and fire detection systems are recommended to the BOARD in writing by the relevant fire protection district or department or unless the BOARD requires smoke and fire detection systems as a special condition of approval.
 - (b) Smoke and fire detection systems shall be required for TIER-2 BESS that are installed on or inside a building or in a walk-in unit larger than 53 feet by 8.5 feet by 9.5 feet.
 - (c) When smoke and fire detection systems are required by NFPA 855 for the type of TIER-2 BESS that is proposed, the following descriptions shall be provided at relevant times in the zoning approval process:
 - i. The Special Use Permit Application shall include a basic description of the proposed smoke and fire detection systems.
 - ii. The Zoning Use Permit Application shall include a description of the proposed smoke and fire detection systems by an Illinois Licensed Professional Engineer including both text and drawings.
- h. Fire control and suppression
 - (a) Fire control and suppression systems and water supply for fire fighting shall not be required for TIER-2 BESS that are installed outdoors (not on or inside a building or in a walk-in unit no larger than 53 feet by 8.5 feet by 9.5 feet) and located more than 100 feet from other buildings, lot lines, public ways, stored combustible materials, hazardous materials, high-piled stock, and other exposure hazards not associated with electrical grid infrastructure unless fire suppression systems and water supply are recommended to the BOARD in writing by the relevant fire protection district or department or unless the BOARD requires fire suppression systems and/ or water supply as a special condition of approval.

- (b) Fire control and suppression systems and water supply for fire fighting shall be required for TIER-2 BESS that are installed outdoors (not located on or inside a building or in a walk-in unit larger than 53 feet by 8.5 feet by 9.5 feet) and located less than 100 feet from other buildings, lot lines, public ways, stored combustible materials, hazardous materials, high-piled stock, and other exposure hazards not associated with electrical grid infrastructure or located on or inside a building or a walk-in unit that is larger than 53 feet by 8.5 feet by 9.5 feet).
 - (c) When fire control and suppression systems and water supply for fire fighting are required by NFPA 855 for the type of TIER-2 BESS that is proposed, the following descriptions shall be provided at relevant times in the zoning approval process:
 - i. The Special Use Permit Application shall include a basic description of the proposed fire control and suppression systems and water supply.
 - ii. The Zoning Use Permit Application shall include a description of the proposed fire control and suppression systems and water supply, by an Illinois Licensed Professional Engineer including both text and drawings.
 - (d) The relevant fire protection district or department shall be the authority having jurisdiction per NFPA 855 for approving TIER-2 BESS to be installed in open parking garages and/or dedicated-use BESS buildings and/or outdoor walk-in enclosures without the protection of automatic fire control and suppression systems where authorized by NFPA 855 and such approvals shall be documented in writing and a copy of the approval shall be submitted with the Zoning Use Permit Application.
- i. Explosion control.
- (a) Explosion prevention or deflagration venting shall be provided that will comply with the requirements of NFPA 855 for the type of TIER-2 BESS that is proposed.
 - (b) The Special Use Permit Application shall include a commitment to the provision of explosion prevention and/or deflagration venting that will comply with the requirements of NFPA 855 and an approved Special Use Permit shall include a special condition of approval requiring compliance with NFPA 855 requirements for explosion prevention and/or deflagration venting.

- (c) The actual description of the explosion prevention or deflagration venting to be provided shall be part of the Hazard Mitigation Analysis required by Sec. 6.1.8D.(6)b.
- j. Ground-fault protection
 - (a) Three-phase installations shall have adequate ground-fault protection.
 - (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 Zoning Use Permit Application shall include a description of the ground-fault protection by an Illinois Licensed Professional Engineer.
- k. Control of electrolyte spill.
 - (a) When spill control is required by NFPA 855 for the type of TIER-2 BESS that is proposed, the Special Use Permit Application shall include a general description and written discussion for the proposed control of electrolyte spill that will meet NFPA 855 requirements.
 - (b) The Zoning Use Permit Application shall include a description of the proposed spill control by an Illinois Licensed Professional Engineer .
- l. Neutralization of spills from free-flowing electrolyte.
 - (a) When neutralization of free-flowing electrolyte is required by NFPA 855 for the type of TIER-2 BESS that is proposed, the Special Use Permit Application shall include a written discussion of the proposed neutralization that meets the requirements of NFPA 855.
 - (b) The Zoning Use Permit Application shall include a written discussion of the proposed neutralization by an Illinois Licensed Professional Engineer that meets the requirements of NFPA 855.

- m. Safety caps. When safety caps are required by NFPA 855 for the type of TIER-2 BESS that is proposed, both the Special Use Permit Application and the Zoning Use Permit Application shall include a description of the proposed safety caps that meets the requirements of NFPA 855.
- n. Exhaust ventilation.
 - (a) When exhaust ventilation is required by NFPA 855 for the type of TIER-2 BESS that is proposed, the following descriptions shall be provided at relevant milestones:
 - i. The Special Use Permit Application shall include a basic description of the proposed exhaust ventilation.
 - ii. The Zoning Use Permit Application shall include a description of the proposed exhaust ventilation by an Illinois Licensed Professional Engineer including both text and drawings.
- o. TIER-2 BESS in or on buildings.
 - (a) When a TIER-2 BESS is proposed to be located in or on a building or in a walk-in unit larger than 53 feet by 8.5 feet by 9.5 feet, compliance with all relevant NFPA 855 requirements shall be explained in general in the Special Use Permit Application with more detailed description submitted at the time of Zoning Use Permit Application including text and drawings by an Illinois Licensed Architect and/or an Illinois Licensed Professional Engineer.
- p. Remediation measures.
 - (a) As required by NFPA 855, in the event that a fire or other event has damaged the TIER-2 BESS and ignition or reignition of the TIER-2 BESS is possible, the owner of the TIER-2 BESS shall provide authorized service personnel to be dispatched to assist emergency first responders to mitigate the hazard or remove damaged equipment from the premises within a response time approved by the relevant fire protection district or department in the approved emergency response plan.
 - (b) When required by the relevant fire protection district or department, the owner of the TIER-2 BESS shall provide hazard support personnel at the expense of the owner of the TIER-2 BESS to respond to possible ignition or re-ignition of the damaged TIER-2 BESS within a response time approved by the relevant fire protection district or department in the approved emergency response plan, as required by NFPA 855.

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- (c) The trained hazard support personnel shall be approved by the relevant fire protection district or department.
 - (d) The authorized service personnel shall be permitted to perform the duties of the hazard support personnel.
 - (e) Required hazard support personnel shall monitor the TIER-2 BESS continuously in a method approved by the relevant fire protection district or department until the hazard is mitigated and the relevant fire protection district or department gives authorization to the owner or authorized agent that onsite hazard support personnel are no longer required.
 - (f) On-duty hazard support personnel shall have the responsibilities listed in NFPA 855.
 - (g) The Special Use Permit application shall include a commitment to the provision of authorized service personnel and/or hazard support personnel that will comply with the requirements of NFPA 855 and an approved Special Use Permit shall include a special condition of approval requiring compliance with NFPA 855 requirements for the provision of authorized service personnel and/or hazard support personnel.
- (7) Cooling of a TIER-2 BESS shall not use groundwater other than for closed-loop geothermal cooling. The application shall include a description of the proposed cooling system of the TIER-2 BESS.

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 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 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 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:
 - (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

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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 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 BATTERY ENERGY STORAGE SYSTEM 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.
- 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 is commercially reasonable to obtain approval of the STREET maintenance authority when it is necessary for a STREET to be closed due to a crane crossing or for any other reason. Notwithstanding the generality of the aforementioned, the Applicant will provide 48 hours' notice to the extent reasonably practicable.
- o. The Applicant shall provide signs indicating all highway and STREET closures and work zones in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices.
- p. The Applicant shall establish a single escrow account and a single Irrevocable Letter of Credit for the cost of all STREET upgrades and repairs pursuant to the 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.
 - 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:
 - 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.
 - i. An explanation of the arrangements for the TIER-2 BESS owner to provide authorized service personnel and/ or hazard support personnel to assist first responders to mitigate the hazard or remove damaged equipment from the premises within an acceptable response time.
- (3) Documentation that the relevant fire protection district or department has accepted the emergency response plan shall be submitted with the Zoning Use Permit Application.
 - (4) 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

- (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:

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- 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) The Zoning Use Permit Application shall include an updated noise analysis if there are any changes in BESS equipment or any changes in BESS equipment locations from the approved Special Use Permit.
- (5) 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:
 - 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 SPECIAL USE Permit Application.

(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.
- 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.
 - 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 BATTERY ENERGY STORAGE SYSTEM

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 BATTERY ENERGY STORAGE SYSTEM 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

- (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 Conditions 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.
- (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 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.
 - 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.
 - 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.
 - n. The Decommissioning and Site Reclamation Plan shall comply with the requirements of NFPA 855.
- (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.4.c. 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 12.5% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. 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 62.5% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.
 - (c) On or before the eleventh anniversary of the Commercial Operation Date, the TIER-2 BATTERY ENERGY STORAGE SYSTEM Owner shall provide the COUNTY with Financial Assurance to cover 125% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c. and otherwise compliant with Section 6.1.1A.5.
- b. Net salvage value may be deducted for decommissioning costs as follows:
 - (a) One of the following standards shall be met:
 - i. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation

- plan shall maintain the 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 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-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 the Zoning Compliance Certificate is issued and 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.
- (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 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.3., the application shall contain or be accompanied by the following information:
 - a. A TIER-2 BATTERY ENERGY STORAGE SYSTEM Project Summary, including, to the extent available:
 - (a) A general description of the project, the proposed BESS technology (type of BESS); the proposed BESS capacity at the point of interconnection; the maximum number and type of battery devices; the maximum area occupied by the BESS development; the expected lifetime of the battery devices; any planned capacity maintenance (augmentation); the proposed project features to respond to any BESS technology specific requirements of NFPA 855; and the potential equipment manufacturer(s). The maximum number and type of battery devices may be different at the time of application for a Zoning Use Permit based on the actual equipment manufacturer but the BESS technology and the proposed BESS capacity at the point of interconnection and the maximum area occupied by the BESS development should not exceed that approved in the SPECIAL USE Permit.
 - (b) The specific proposed location of the TIER-2 BATTERY ENERGY STORAGE SYSTEM including all tax parcels on

which the BATTERY ENERGY STORAGE SYSTEM will be constructed.

- (c) A description of the Applicant, Owner and Operator, including their respective business structures.
- b. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit.
- c. A site plan for the TIER-2 BATTERY ENERGY STORAGE SYSTEM indicating the following:
 - (a) The approximate planned location of all TIER-2 BATTERY ENERGY STORAGE SYSTEMS, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, battery devices, electrical inverter(s), electrical transformer(s), electrical cabling, ancillary equipment, screening and fencing, third party transmission lines, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
 - (b) The site plan shall clearly indicate the area of the proposed TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit.
 - (c) The general location of below-ground wiring.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - (e) The separation of all TIER-2 BATTERY ENERGY STORAGE SYSTEM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that the greater separation does not increase the noise impacts that were approved in the TIER-2 BATTERY ENERGY STORAGE SYSTEM SPECIAL USE Permit.
- d. All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.

- (2) The Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the SPECIAL USE Permit application is pending.
- (3) The Zoning Use Permit Application shall include the following:
 - a. Any updates or changes to the information that was submitted for the SPECIAL USE Permit but any changes must be consistent with the approved SPECIAL USE Permit.
 - b. Any information specifically required in Section 6.1.8 for a Zoning Use Permit Application.
 - c. Any other information necessary to document the authorized construction including 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.

7. Add new paragraph 9.3.1 K. as follows:

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

8. Add new subparagraph 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