

## **CASE NO. 895-AT-18**

*SUPPLEMENTAL MEMORANDUM #4*

*March 15, 2018*

**Petitioner:** Zoning Administrator

**Request:** Amend the Champaign County Zoning Ordinance to add “Solar Farm” as a new principal use under the category “Industrial Uses: Electric Power Generating Facilities” and indicate that Solar Farm may be authorized by a County Board Special Use Permit in the AG-1 Zoning District and the AG-2 Zoning District; add requirements and fees for “Solar Farm”; add any required definitions; and make certain other revisions are made to the Ordinance as detailed in the full legal description in Attachment A.

**Location:** Unincorporated Champaign County

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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

(217) 384-3708

[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)

[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

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### **STATUS**

A letter from Patrick Brown of BayWa-re Solar Projects LLC was received on March 14, 2018, in which he provided input on the proposed decommissioning requirements in Section 6.1.5.P. See Attachment B.

John Hall created a comparison table for decommissioning requirements, including financial assurances. The table compares the proposed Champaign County requirement, the Agricultural Impact Mitigation Agreement requirement, and the BayWa-re proposal. See Attachment C.

A letter from Anne Bjornson Parkinson was received on March 14, 2018, in which she supports building a solar farm in Champaign County and notes that quality of life is an issue. See Attachment D.

Staff created 3 plan views depicting required solar farm screening adjacent to a residential property. See Attachment E.

### **ATTACHMENTS**

- A Legal advertisement
- B Letter from Patrick Brown of BayWa-re Solar Projects LLC received on March 14, 2018
- C Comparison table for decommissioning requirements dated March 14, 2018
- D Letter from Anne Bjornson Parkinson received on March 14, 2018
- E Plan views depicting required solar farm screening adjacent to a residential property created by staff on March 15, 2018

**LEGAL PUBLICATION: WEDNESDAY, FEBRUARY 14, 2018**

**CASE: 895-AT-18**

**NOTICE OF PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE  
CHAMPAIGN COUNTY ZONING ORDINANCE.**

CASE: 895-AT-18

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change 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 1, 2018, at 6:30 p.m.** prevailing time in the Lyle Shields 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 to:

Amend the Champaign County Zoning Ordinance as follows:

Part A. Amend Section 3 by adding definitions including but not limited to “NOXIOUS WEEDS” and “SOLAR FARM”.

Part B. Add paragraph 4.2.1 C.5. to indicate that SOLAR FARM may be authorized by County Board SPECIAL USE permit as a second PRINCIPAL USE on a LOT in the AG-1 DISTRICT or the AG-2 DISTRICT.

Part C. Amend Section 4.3.1 to exempt SOLAR FARM from the height regulations except as height regulations are required as a standard condition in new Section 6.1.5.

Part D. Amend subsection 4.3.4 A. to exempt WIND FARM LOT and SOLAR FARM LOT from the minimum LOT requirements of Section 5.3 and paragraph 4.3.4 B. except as minimum LOT requirements are required as a standard condition in Section 6.1.4 and new Section 6.1.5.

Part E. Amend subsection 4.3.4 H.4. to exempt SOLAR FARM from the Pipeline Impact Radius regulations except as Pipeline Impact Radius regulations are required as a standard condition in new Section 6.1.5.

Part F. Amend Section 5.2 by adding “SOLAR FARM” as a new PRINCIPAL USE under the category “Industrial Uses: Electric Power Generating Facilities” and indicate that SOLAR FARM may be authorized by a County Board SPECIAL USE Permit in the AG-1 Zoning DISTRICT and the AG-2 Zoning DISTRICT and add new footnote 15. to exempt a SOLAR FARM LOT from the minimum LOT requirements of Section 5.3 and paragraph 4.3.4 B. except as minimum LOT requirements are required as a standard condition in new Section 6.1.5.

Part G. Add new paragraph 5.4.3 F. that prohibits the Rural Residential OVERLAY DISTRICT from being established inside a SOLAR FARM County Board SPECIAL USE Permit.

Part H. Amend Subsection 6.1.1 A. as follows:

1. Add SOLAR FARM as a NON-ADAPTABLE STRUCTURE and add references to the new Section 6.1.5 where there are existing references to existing Section 6.1.4.
2. Revise subparagraph 6.1.1 A.11.c. by deleting reference to Section 6.1.1A. and add reference to Section 6.1.1A.2.

Part I. Add new subsection 6.1.5 SOLAR FARM County Board SPECIAL USE Permit with new standard conditions for SOLAR FARM.

Part J. Add new subsection 9.3.1 J. to add application fees for a SOLAR FARM zoning use permit.

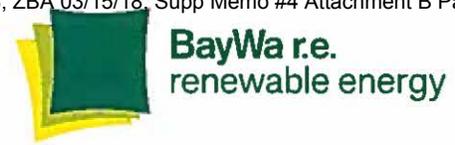
Part K. Add new subparagraph 9.3.3 B.8. to add application fees for a SOLAR FARM County Board SPECIAL USE permit.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, FEBRUARY 14, 2018 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



March 13, 2018

Champaign County  
Zoning Board of Appeals  
c/o John Hall Zoning Administrator  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

RECEIVED

MAR 14 2018

CHAMPAIGN CO. P & Z DEPARTMENT

**RE: Draft Solar Ordinance- Decommissioning Requirements Section 6.1.5.P**

Dear Champaign County Zoning Administrator,

BayWa-re is very pleased with the progress and changes made to the draft solar ordinance. The County has been very responsive in taking industry's concerns into account. Albeit, there remains one major issue that needs discussion and a further consideration before any recommendation is made for approval of the ordinance. The decommissioning requirements are the most stringent that we have evaluated in the Country. It is a common requirement across the Country to have a plan for the afterlife of the powerplant encase the owner defaults. We understand the importance and genesis of this requirement from the approval of the previous Wind Ordinance. It should be noted that that wind and solar development are greatly different and should be treated as such in the draft solar ordinance.

**Section 6.1.5.P of the draft ordinance should be revised to allow for decommissioning requirements to go into effect starting at year 15 as follows:**

1. The ordinance as proposed requires placing financial security at year one and then annually replacing this security with a cash escrow annually until year 12. This structure is financially onerous and is unnecessary to achieve the goal of removing the project at the end of life. There is little to no financial burden on the County if the project company defaulted within the first half of the project life. The **Actual Value** of the power plant far exceeds estimated **Salvage Value** at the end of life. These powerplants have tremendous value the first 20 years. The solar panel degradation warranty is for 20 years on any tier one panels. This is a guarantee backed by a major company with financial means to back the warranty. Additionally, the powerplant itself is designed for a 35 to 40-year life expectancy.
2. We propose Section 6.1.5.P be amended to require the applicant to enter into a binding decommissioning agreement at year one with the approval of the Special

Use Permit. The binding agreement would require that a decommissioning plan, cost estimate for removal, and form of security acceptable to the County be provided at year 15 and not at year one. The cost estimate and security would then be updated every three years until the project is decommissioned.

In closing, we agree that the project should have a decommissioning requirement backed by a secured financial agreement. We do not agree that it needs to happen immediately at year one because of the tremendous **Actual Value** of the powerplant. We appreciate the opportunity to participate in this process, and look forward to an amenable outcome that works for the County, Community, and Industry.

Sincerely,

patrick.brown@  
baywa-re.com

Digitally signed by  
patrick.brown@baywa-re.com  
DN: cn=patrick.brown@baywa-  
re.com  
Date: 2018.03.14 11:20:26 -0700

Patrick Brown  
Director of Development  
BayWa-re Solar Projects LLC.

**Case 895-AT-18 Comparison of Site Reclamation and Decommissioning Requirements Including Financial Assurance DRAFT March 14, 2018**

<b>Site Reclamation and Decommissioning Parameters</b>	<b>Proposed Champaign County Solar Farm Requirement</b>	<b>State of Illinois Dept. of Agriculture Agricultural Impact Mitigation Agreement (AIMA) For Commercial Wind Energy Facility</b>	<b>BayWa Proposal</b>
When is site reclamation plan required	Site reclamation plan required as part of the Special Use Permit application and included in Special Use Permit approval  (Sec. 6.1.1A.1.)	A Deconstruction Plan shall be filed with the county during the permit process and a second Deconstruction Plan shall be filed with the county on or before the end of the 10 <sup>th</sup> year of commercial operation  (Sec. 21.C)	Binding agreement to enter into a decommissioning plan required at time of Special Use Permit approval but decommissioning plan not required until 15 <sup>th</sup> year of operation (letter dated 3/13/18)
Value of required financial assurance to pay for decommissioning and site reclamation	150% of estimated decommissioning cost (Sec. 6.1.5P.4.(a))	100% of estimated deconstruction cost required eventually- see below	Not specified but presumably 100%
When is financial assurance required	Prior to issuance of Zoning Use Permit  (Sec. 6.1.1A.5.)	Financial assurance required in phases over first 11 years of operation: <ul style="list-style-type: none"> <li>▪ 10% of estimated deconstruction cost required on or before first anniversary of operation</li> <li>▪ 50% of estimated deconstruction cost required on or before sixth anniversary of operation</li> <li>▪ 100% of estimated deconstruction cost required by the eleventh anniversary of operation</li> </ul> (Sec. 21.D.)	15 <sup>th</sup> year of operation  (letter dated 3/13/18)
Type of financial assurance required	Letter of Credit at first and then converted to Escrow Account over first 13 years (Sec. 6.1.5P.4.(d) & (e))	Not specified	Letter of Credit preferable  (letter of 2/8/18)
Required update of financial assurance	Every 3 years for first 12 years and every year thereafter  (Sec. 6.1.5P.4.(d)(2))	No required update but may occur on tenth anniversary of operation and every five years thereafter (Sec. 21.E.)	Every three years after year 15
NOTES			

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MAR 14 2018

CHAMPAIGN CO P & Z DEPARTMENT

March 13, 2018

Champaign County Board  
Brookens Administrative Center  
1776 East Washington Street  
Urbana, IL 61802

Dear Champaign County Board Members:

Kudos to you for moving toward building a solar farm in Champaign County. I feel you must know the majority of Champaign County residents support you. I have had many conversations about solar at coffee shops and grocery stores with strangers in line as I run errands in my daily life. They represent a broad demographic in Champaign because many of us care so deeply interested. The consensus is we must use sustainable, renewable fuels to continue to be a species on this planet, and quickly.<sup>1</sup>

I write to you immediately after seeing the hearing about the solar farm on television because I heard the well-thought-out concerns of citizens and board members about noise and other issues. I do agree that quality of life is an issue. Of course, when compared to the quality of life of:

1. Being extinct as a species,
2. Having more pipelines through Illinois,
3. Having fracking forced upon us in S. Illinois, destroying our beautiful Giant City state park and the waters there;

You get the picture. Solar and other sustainables are the only choices we have. And we support accommodations as needed.

Thank you again for moving so quickly and bravely into the changing future, as Europe, China, Russia, and Canada are doing. I am positive you will receive much help and support on this from many county members.

Yours in fighting our extinction,

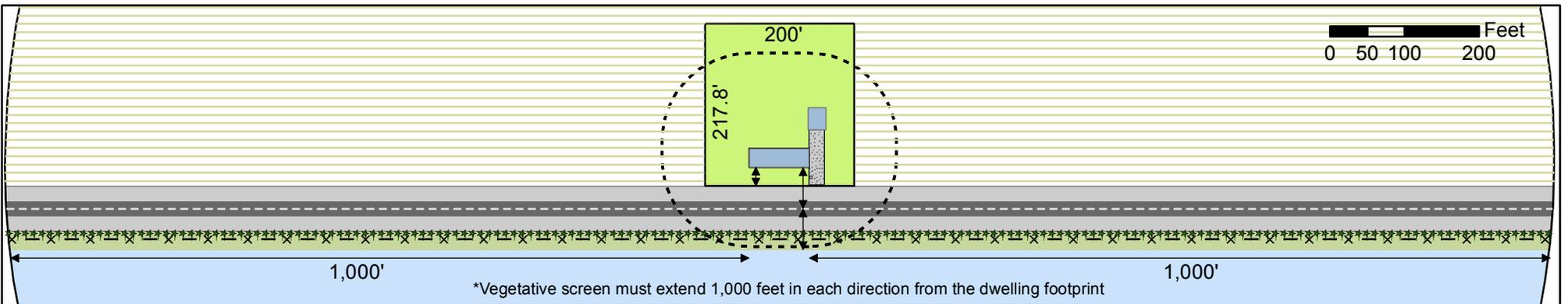
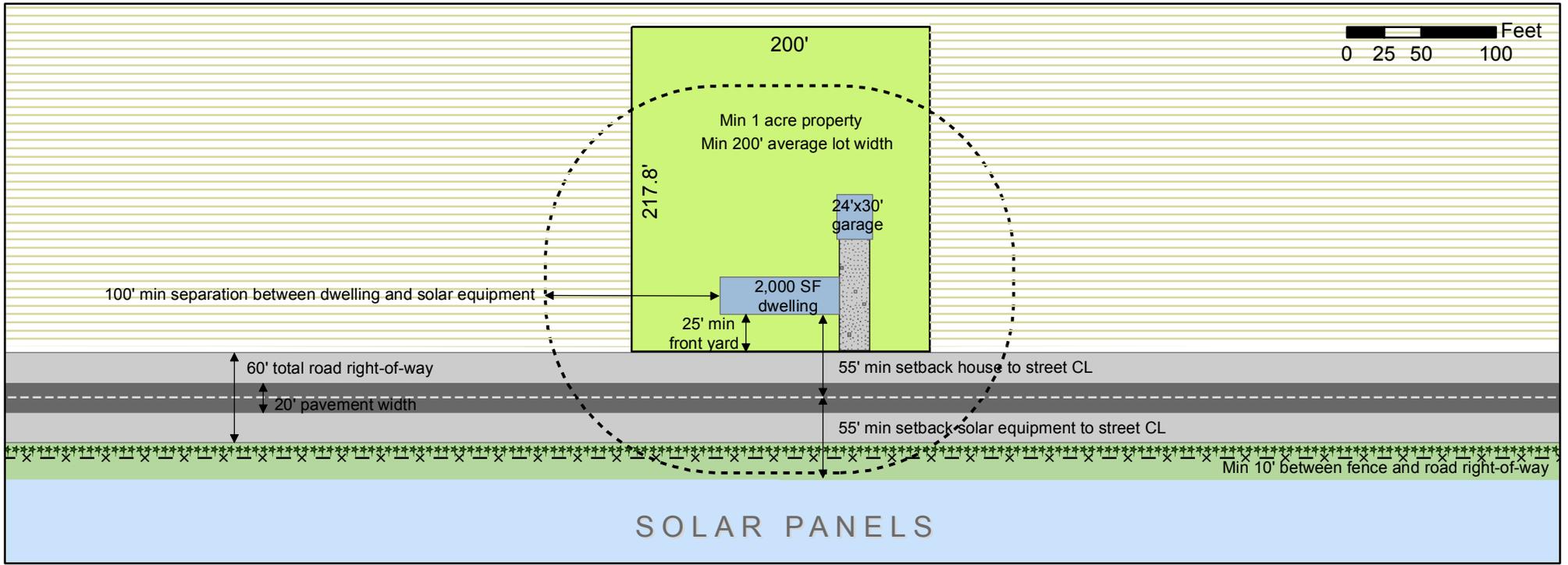


Anne Bjornson Parkinson  
1604C Lyndhurst Drive  
Savoy, IL 61874  
847.373.2944  
bjornsona@ameritech.net

<sup>1</sup> See the book *This Changes Everything* by Naomi Klein, Simon & Schuster (New York, NY: 2014).

Cc: Shana Jo Crews, Steve Summers

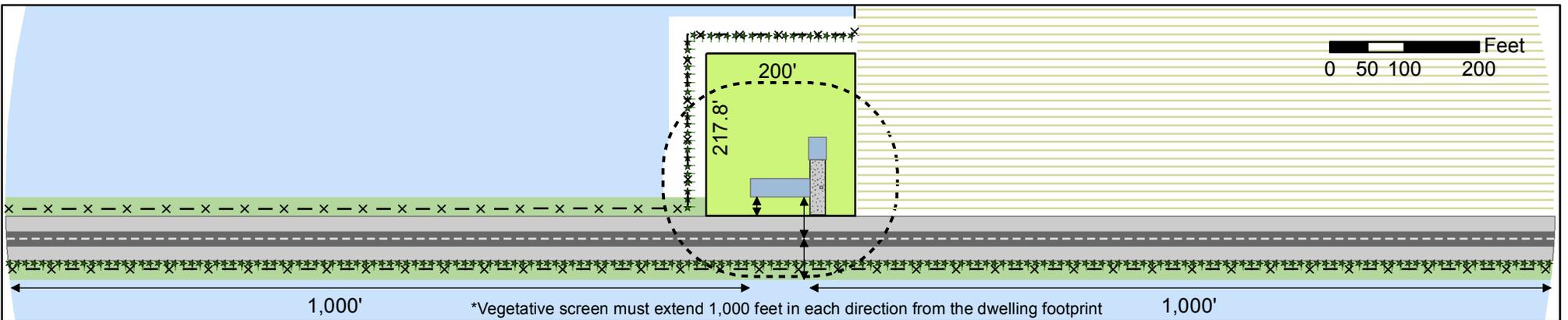
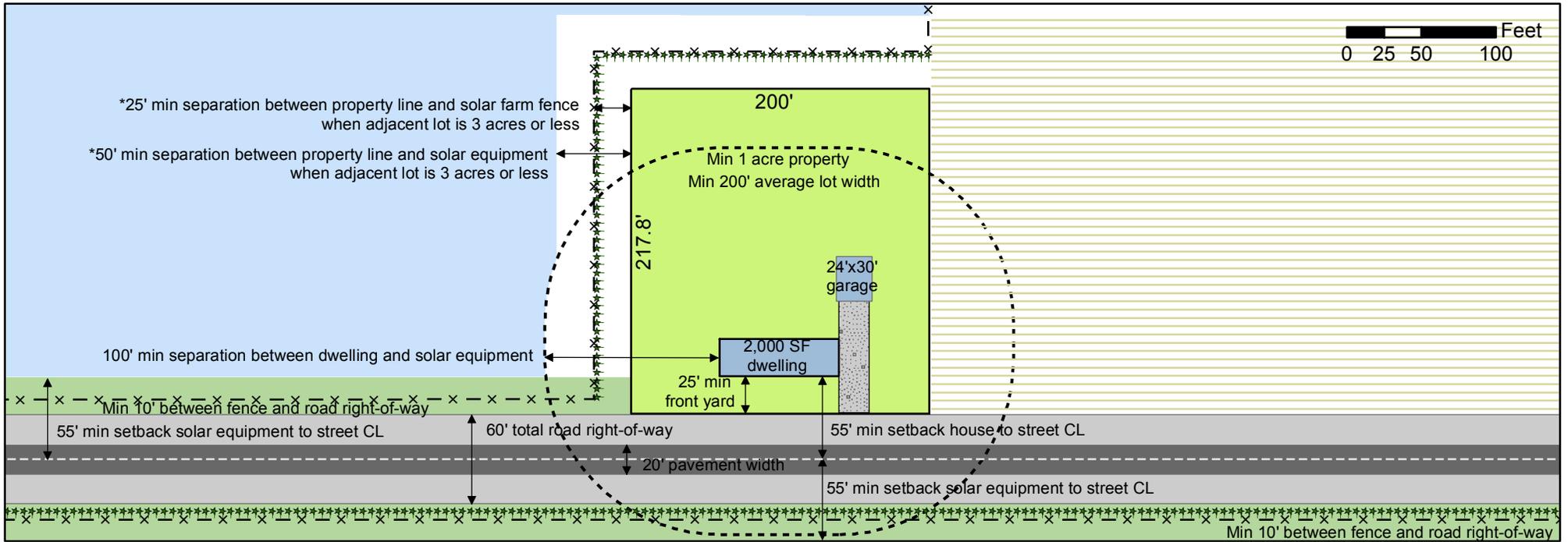
# Required Solar Farm Screening When Located on Opposite Side of Street From a Residential Property (Plan View)



## Legend

- × — × Fence
  - \*\*\*\*\* \*Vegetative Screen required within 1,000' of a dwelling
  - 100ft buffer b/w dwelling and solar farm
  - Residential Structures
  - Driveway
  - Solar panels
  - 1 acre residential property
  - Driveway
  - Solar panels
  - 1 acre residential property
  - grass separation
  - Paved Road
  - Township Road 60-foot ROW
- \* Screening requirement per revised amendment to be distributed 03/29/18

# Required Solar Farm Screening When Located on Two Sides of a Residential Property (Plan View)



## Legend

× — × Fence

\*\*\*\*\* \*Vegetative screen required within 1,000' of a dwelling

----- 100ft buffer b/w dwelling and solar farm

■ Residential Structures

■ Driveway

■ Solar panels

■ 1 acre residential property

■ Paved Road

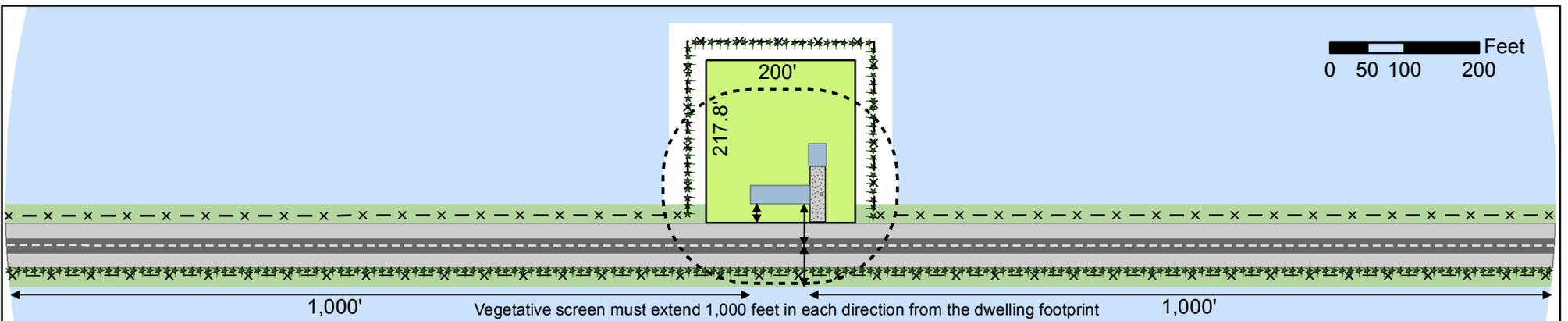
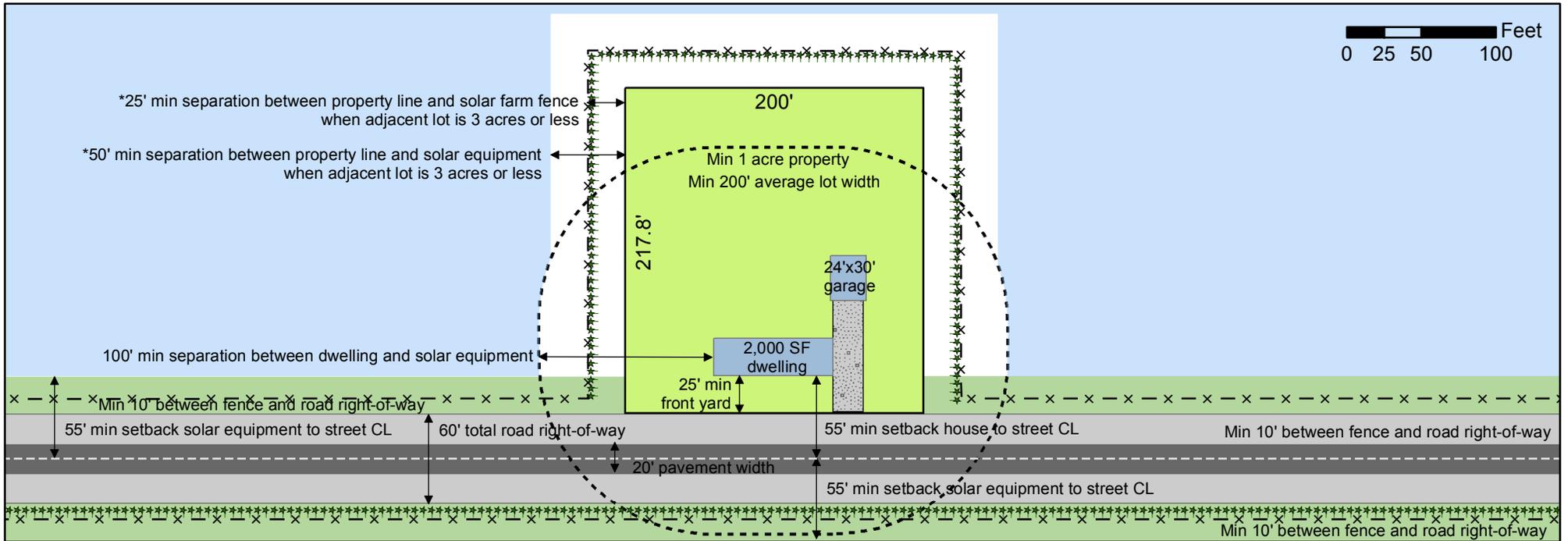
■ Township Road 60-foot ROW

■ Grass separation

\* Screening requirement per revised amendment to be distributed 03/29/18



# Required Solar Farm Screening When Located on Three Sides of a Residential Property (Plan View)



## Legend

× - × Fence

\*\*\*\*\* \*Vegetative screen required within 1,000' of a dwelling

----- 100ft buffer b/w dwelling and solar farm

Residential Structures

Driveway

solarpanel3sides

1 acre residential property

Paved Road

Township Road 60-foot ROW

Grass separation

\* Screening requirement per revised amendment to be distributed 03/29/18

