

CASE NO. 894-S-17 & 897-S-18

SUPPLEMENTAL MEMORANDUM #1

August 30, 2018

Petitioners: **Community Power Group LLC, via agent Michael Borkowski, Owner of Community Power Group, and participating landowners Erin Huls and Chris Soppet**

Request:

Case 894-S-17

Authorize a Community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Note: underlined or strikethrough text is new since the advertised legal notice

Part A: A waiver for a distance of ~~725~~ 465 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM, per Section 6.1.5 B.(2) of the Zoning Ordinance.

Part B: A waiver for a separation distance of 250 feet in lieu of 275 feet between a PV SOLAR FARM electrical inverter and the PV SOLAR FARM perimeter fence, per Section 6.1.5 D.(6) of the Zoning Ordinance.

Part C: A waiver for a 24 feet wide area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet, per Section 6.1.5 B.(1)b. of the Zoning Ordinance.

Other waivers may be necessary.

Location: A 57.84-acre tract in the West Half of the Northeast Quarter of Section 12 of Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township, and commonly known as the property just north of the St. Joseph's Sportsman Club.

Site Area: PV Solar Farm Special Use Permit Area is about 15.56 acres

Case 897-S-18

Authorize a Community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Note: underlined or strikethrough text is new since the advertised legal notice

Part A: A waiver for a distance of ~~165~~ 153 feet in lieu of the minimum required 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area, per Section 6.1.5 D.(3)a. of the Zoning Ordinance.

Part B: A waiver for a separation distance of ~~30~~ 28 feet in lieu of 275 feet between a PV SOLAR FARM electrical inverter and the PV SOLAR FARM perimeter fence, per Section 6.1.5 D.(6) of the Zoning Ordinance.

Part C: A waiver for a 24 feet wide area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet, per Section 6.1.5 B.(1)b. of the Zoning Ordinance.

Other waivers may be necessary.

Location: **A 36.77-acre tract in the West Half of the North Half of the Northwest Quarter of Section 20 of Township 22 North, Range 9 East of the Third Principal Meridian in Ludlow Township, and commonly known as the farmland adjacent to the electric substation on the southeast corner of the intersection of CR 3300N and CR 1300E.**

Site Area: **PV Solar Farm Special Use Permit Area is about 15.48 acres**

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

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

Effective June 29, 2018, the State of Illinois amended the Counties Code (*55 ILCS 5/5-12020*) to require a commercial renewable energy facility owner of a commercial solar energy facility that is located on landowner property to enter into an Agricultural Impact Mitigation Agreement with the Department of Agriculture – see Attachment A.

Effective August 10, 2018, the State of Illinois amended the Property Tax Code (*35 ILCS 200/10-5*) in consideration of property valuation for solar energy systems – see Attachment B.

Regarding the proposed St. Joseph solar farm (Case 894-S-17)

- An email from Daniel Duitsman was received today (August 30, 2018) with comments regarding the proposed St. Joseph solar farm – see Attachment C.
- P&Z Staff intended to include information about an existing municipal Comprehensive Plan when a solar farm is proposed within 1.5 miles of a municipality with zoning. St. Joseph adopted its Comprehensive Plan on April 23, 2013. Attachment D is the Future Land Use Map from the approved Comprehensive Plan. P&Z Staff recommends adding the following language as Item 3.A.(1) on page 2 in the Summary of Evidence dated August 30, 2018:

“ii. St. Joseph adopted its Comprehensive Plan on April 23, 2013. The approved Official Map of Future Land Use shows the subject property in an area that would be “maintained as primarily agriculture.” There are no urban uses proposed north of the St. Joseph Sportsman Club on the Future Land Use map.”

Regarding the proposed Rantoul area solar farm (Case 897-S-18)

- P&Z Staff requested clarification about how the proposed Ludlow solar farm could connect to the adjacent substation and power line that are owned by Eastern Illini Electric Cooperative. Nick Mento, Community Power Group, responded by email on August 30, 2018 – see Attachment E.

PROPOSED SPECIAL CONDITIONS - CORRECTED

Special Condition A listed incorrect dates on some of the permit sheets; the following underlined dates are correct.

- A. **The approved site plan consists of the following documents:**
- **Sheet T1.1: Permit Set Cover received August 13, 2018**
 - **Sheet L1.1: Site Layout received August 13, 2018**
 - **Sheet L2.1: Tracker System Detail received August 13, 2018**
 - **Sheet L2.3: Fence-Gate Detail received January 25, 2018**
 - **Sheet L2.3: Agricultural Fence Detail received August 13, 2018**
 - **Sheet E1.1: Single Line Diagram received August 13, 2018**
 - **Sheet E2.1: DC & AC Conductor Schedule received January 25, 2018**
 - **Sheet E4.1: Grounding Details received January 25, 2018**
 - **Sheet E9.1: Equipment Specification Sheets received August 13, 2018**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

That the land affected by PV SOLAR FARM is restored to its pre-construction capabilities.

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

The above special conditions are required to ensure that:

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

- F. **A Roadway Upgrade and Maintenance Agreement signed by the Highway Commissioner and approved by the Environment and Land Use Committee shall be submitted at the time of application for a Zoning Use Permit.**

The above special condition is necessary 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.

- 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. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 894-S-17 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The above special condition is required to ensure that:

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

- 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 above special condition is required to ensure that:

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

- 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 above special condition is required to ensure that:

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

ATTACHMENTS

- A Text of Public Act 100-0598 regarding amendment of the Counties Code (*55 ILCS 5/5-12020*) to require an Agricultural Impact Mitigation Agreement with the Department of Agriculture
- B Text of Public Act 100-0598 regarding amendment of the Property Tax Code (*35 ILCS 200/10-5*) in consideration of property valuation for solar energy systems
- C Email from Daniel Duitsman received August 30, 2018
- D Future Land Use Map from the Village of St. Joseph Comprehensive Plan, adopted on April 23, 2013
- E Email from Nick Mento, Community Power Group LLC, received August 30, 2018

Public Act 100-0598

SB2591 Enrolled

LRB100 17172 SLF 32327 b

AN ACT concerning agriculture.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Counties Code is amended by changing Section 5-12020 as follows:

(55 ILCS 5/5-12020)

Sec. 5-12020. Wind farms. Notwithstanding any other provision of law, a county may establish standards for wind farms and electric-generating wind devices. The standards may include, without limitation, the height of the devices and the number of devices that may be located within a geographic area. A county may also regulate the siting of wind farms and electric-generating wind devices in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. There shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. A commercial wind energy facility owner, as defined in the Renewable Wind Energy Facilities Agricultural Impact Mitigation Act, must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the county to grant the permit extension. Counties may allow test wind towers to be sited without formal approval by the county board. Any provision of a county zoning ordinance pertaining to wind farms that is in effect before August 16, 2007 (the effective date of Public Act 95-203) may continue in effect notwithstanding any requirements of this Section.

A county may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.

(Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15; 99-642, eff. 7-28-16.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-13-26 as follows:

(65 ILCS 5/11-13-26)

Sec. 11-13-26. Wind farms. Notwithstanding any other provision of law:

(a) A municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction. There shall be at least one public hearing not more than 30 days prior to a siting decision by the corporate authorities of a municipality. Notice of the hearing shall be published in a newspaper of general circulation in the municipality. A commercial wind energy facility owner, as defined in the Renewable Wind Energy Facilities Agricultural Impact Mitigation Act, must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a municipality prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the municipality to grant the permit extension. A municipality may allow test wind towers to be sited without formal approval by the corporate authorities of the municipality. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.

(b) A municipality may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line. A setback requirement imposed by a municipality on a renewable energy system may not be more restrictive than as provided under this subsection. This subsection is a limitation of home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15; 99-642, eff. 7-28-16.)

Section 15. The Wind Energy Facilities Agricultural Impact Mitigation Act is amended by changing Sections 1, 5, 10, and 15 as follows:

(505 ILCS 147/1)

Sec. 1. Short title. This Act may be cited as the Renewable Wind Energy Facilities Agricultural Impact Mitigation Act.

(Source: P.A. 99-132, eff. 7-24-15.)

(505 ILCS 147/5)

Sec. 5. Purpose. The primary purpose of this Act is to promote the State's welfare by protecting landowners during the construction and deconstruction of commercial renewable wind energy facilities.

(Source: P.A. 99-132, eff. 7-24-15.)

(505 ILCS 147/10)

Sec. 10. Definitions. As used in this Act:

"Abandonment of a commercial wind energy facility" means when deconstruction has not been completed within 18 months after the commercial wind energy facility reaches the end of its useful life. For purposes of this definition, a commercial wind energy facility will be presumed to have reached the end of its useful life if (1) no electricity is generated for a continuous period of 12 months and (2) the commercial wind energy facility owner fails, for a period of 6 consecutive months, to pay the landowner amounts owed in accordance with the underlying agreement.

"Abandonment of a commercial solar energy facility" means 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 the underlying agreement.

"Agricultural impact mitigation agreement" means an agreement between the commercial wind energy facility owner or the commercial solar energy facility owner and the Department of Agriculture described in Section 15 of this Act.

"Commercial renewable energy facility " means a commercial wind energy facility or commercial solar energy facility as defined in this Act.

"Commercial solar energy facility" means 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 the effective date of this amendatory Act of the 100th General Assembly. "Commercial solar energy facility" does not include a solar energy conversion facility: (1) for which a permit to construct has been issued before the effective date of this amendatory Act of the 100th General Assembly; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before the effective date of this amendatory Act of the 100th General Assembly; 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" means a private commercial enterprise that owns a commercial solar energy facility. A commercial solar energy facility owner is not nor shall it be deemed to be a public utility as defined in the Public Utilities Act.

"Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this Act. "Commercial wind energy facility" does not include a wind energy conversion

facility: (1) that has submitted a complete permit application to a county or municipality and for which the hearing on the completed application has commenced on the date provided in the public hearing notice, which must be before the effective date of this Act; (2) for which a permit to construct has been issued before the effective date of this Act; or (3) that was constructed before the effective date of this Act.

"Commercial wind energy facility owner" means a private commercial enterprise that owns or operates a commercial wind energy facility. A commercial wind energy facility owner is not nor shall it be deemed to be a public utility as defined in the Public Utilities Act.

"Construction" means the installation, preparation for installation, or repair of a commercial renewable wind energy facility.

"County" means the county where the commercial renewable wind energy facility is located.

"Deconstruction" means the removal of a commercial renewable wind energy facility from the property of a landowner and the restoration of that property as provided in the agricultural impact mitigation agreement.

"Department" means the Department of Agriculture.

"Landowner" means any person (1) with an ownership interest in property that is used for agricultural purposes and (2) that is a party to an underlying agreement.

"Underlying agreement" means the written agreement with a landowner, 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 commercial wind energy facility or commercial solar energy facility on the property of the landowner.

(Source: P.A. 99-132, eff. 7-24-15.)

(505 ILCS 147/15)

Sec. 15. Agricultural impact mitigation agreement.

(a) A commercial renewable wind energy facility owner of a commercial wind energy facility or a commercial solar energy facility that is located on landowner property shall enter into an agricultural impact mitigation agreement with the Department outlining construction and deconstruction standards and policies designed to preserve the integrity of any agricultural land that is impacted by commercial renewable wind energy facility construction and deconstruction. The construction and deconstruction of any commercial solar energy facility shall be in conformance with the Department's standard agricultural impact mitigation agreement referenced in subsection (f) of this Section. Except as provided in subsection (a-5) of this Section, the terms and conditions of the Department's standard agricultural impact mitigation agreement are subject to and may be modified by an underlying agreement between the landowner and the commercial solar energy facility owner.

(a-5) Prior to the commencement of construction, a commercial solar energy facility owner shall submit to the county in which the commercial solar facility is to be located a deconstruction plan. A commercial solar energy facility owner

shall provide the county with an appropriate financial assurance mechanism consistent with the Department's standard agricultural impact mitigation agreement for and to assure deconstruction in the event of an abandonment of a commercial solar energy facility.

(b) The agricultural impact mitigation agreement for a commercial wind energy facility shall include, but is not limited to, such items as restoration of agricultural land affected by construction, deconstruction (including upon abandonment of a commercial wind energy facility), construction staging, and storage areas; support structures; aboveground facilities; guy wires and anchors; underground cabling depth; topsoil replacement; protection and repair of agricultural drainage tiles; rock removal; repair of compaction and rutting; land leveling; prevention of soil erosion; repair of damaged soil conservation practices; compensation for damages to private property; clearing of trees and brush; interference with irrigation systems; access roads; weed control; pumping of water from open excavations; advance notice of access to private property; indemnification of landowners; and deconstruction plans and financial assurance for deconstruction (including upon abandonment of a commercial wind energy facility).

(b-5) The agricultural impact mitigation agreement for a commercial solar energy facility shall include, but is not limited to, such items as restoration of agricultural land affected by construction, deconstruction (including upon abandonment of a commercial solar energy facility); support structures; aboveground facilities; guy wires and anchors; underground cabling depth; topsoil removal and replacement; rerouting and permanent repair of agricultural drainage tiles; rock removal; repair of compaction and rutting; construction during wet weather; land leveling; prevention of soil erosion; repair of damaged soil conservation practices; compensation for damages to private property; clearing of trees and brush; access roads; weed control; advance notice of access to private property; indemnification of landowners; and deconstruction plans and financial assurance for deconstruction (including upon abandonment of a commercial solar energy facility). The commercial solar energy facility owner shall enter into one agricultural impact mitigation agreement for each commercial solar energy facility.

(c) For commercial wind energy facility owners seeking a permit from a county or municipality for the construction of a commercial wind energy facility, the agricultural impact mitigation agreement shall be entered into prior to the public hearing required prior to a siting decision of a county or municipality regarding the commercial wind energy facility. The agricultural impact mitigation agreement is binding on any subsequent commercial wind energy facility owner that takes ownership of the commercial wind energy facility that is the subject of the agreement.

(c-5) A commercial solar energy facility owner shall, not less than 45 days prior to commencement of actual construction, submit to the Department a standard agricultural impact mitigation agreement as referenced in subsection (f) of this

Section signed by the commercial solar energy facility owner and including all information required by the Department. The commercial solar energy facility owner shall provide either a copy of that submitted agreement or a copy of the fully executed project-specific agricultural impact mitigation agreement to the landowner not less than 30 days prior to the commencement of construction. The agricultural impact mitigation agreement is binding on any subsequent commercial solar energy facility owner that takes ownership of the commercial solar energy facility that is the subject of the agreement.

(d) If a commercial renewable ~~wind~~ energy facility owner seeks an extension of a permit granted by a county or municipality for the construction of a commercial wind energy facility prior to the effective date of this Act, the agricultural impact mitigation agreement shall be entered into prior to a decision by the county or municipality to grant the permit extension.

(e) The Department ~~may shall~~ adopt rules that are necessary and appropriate for the implementation and administration of agricultural impact mitigation agreements as required under this Act.

(f) The Department shall make available on its website a standard agricultural impact mitigation agreement applicable to all commercial solar energy facilities within 60 days after the effective date of this amendatory Act of the 100th General Assembly.

(g) Nothing in this amendatory Act of the 100th General Assembly and nothing in an agricultural impact mitigation agreement shall be construed to apply to or otherwise impair an underlying agreement for a commercial solar energy facility entered into prior to the effective date of this amendatory Act of the 100th General Assembly.

(Source: P.A. 99-132, eff. 7-24-15.)

Section 99. Effective date. This Act takes effect upon becoming law.

Effective Date: 6/29/2018

Public Act 100-0781

SB0486 Enrolled

LRB100 05150 HLH 15160 b

AN ACT concerning revenue.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Property Tax Code is amended by changing Section 10-5 and by adding Division 20 of Article 10 as follows:

(35 ILCS 200/10-5)

Sec. 10-5. Solar energy systems; definitions. It is the policy of this State that the use of solar energy systems should be encouraged because they conserve nonrenewable resources, reduce pollution and promote the health and well-being of the people of this State, and should be valued in relation to these benefits.

(a) "Solar energy" means radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

(b) "Solar collector" means

(1) An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct and indirect solar energy, specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; or

(2) A mechanism that absorbs solar energy and converts it into electricity; or

(3) A mechanism or process used for gathering solar energy through wind or thermal gradients; or

(4) A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity.

(c) "Solar storage mechanism" means equipment or elements (such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or combinations thereof) that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

(d) "Solar energy system" means

(1)(A) A complete assembly, structure, or design of solar collector, or a solar storage mechanism, which uses solar energy for generating electricity that is primarily consumed on the property on which the solar energy system resides, or for heating or cooling gases, solids, liquids, or other materials for the primary benefit of the property on which the solar energy system resides;

(B) The design, materials, or elements of a system and its maintenance, operation, and labor components, and the necessary components, if any, of supplemental conventional

energy systems designed or constructed to interface with a solar energy system; and

(C) Any legal, financial, or institutional orders, certificates, or mechanisms, including easements, leases, and agreements, required to ensure continued access to solar energy, its source, or its use in a solar energy system, and including monitoring and educational elements of a demonstration project.

(2) "Solar energy system" does not include

(A) Distribution equipment that is equally usable in a conventional energy system except for those components of the equipment that are necessary for meeting the requirements of efficient solar energy utilization; and

(B) Components of a solar energy system that serve structural, insulating, protective, shading, aesthetic, or other non-solar energy utilization purposes, as defined in the regulations of the Department of Commerce and Economic Opportunity; and -

(C) A commercial solar energy system, as defined by this Code, in counties with fewer than 3,000,000 inhabitants.

(3) The solar energy system shall conform to the standards for those systems established by regulation of the Department of Commerce and Economic Opportunity.
(Source: P.A. 94-793, eff. 5-19-06.)

(35 ILCS 200/Art. 10 Div. 20 heading new)

Division 20. Commercial Solar Energy Systems

(35 ILCS 200/10-720 new)

Sec. 10-720. Definitions. For the purpose of this Division 20:

"Allowance for physical depreciation" means (i) the actual age in years of the commercial solar energy system on the assessment date divided by 25 years, multiplied by (ii) its trended real property cost basis. The physical depreciation, however, may not reduce the value of the commercial solar energy system to less than 30% of its trended real property cost basis.

"Commercial solar energy system" means any device or assembly of devices that (i) is ground installed and (ii) uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

"Commercial solar energy system real property cost basis" means the owner of a commercial solar energy system's interest in the land within the project boundaries and real property improvements and shall be calculated at \$218,000 per megawatt of nameplate capacity. For the purposes of this Section, "nameplate capacity" has the same definition as found in Section 1-10 of the Illinois Power Agency Act.

"Ground installed" means the installation of a commercial solar energy system, with the primary purpose of solar energy

generation for wholesale or retail sale, on a parcel or tract of land.

"Trended real property cost basis" means the commercial solar energy system real property cost basis multiplied by the trending factor.

"Trending factor" means a number equal to the Consumer Price Index (U.S. city average all items) published by the Bureau of Labor Statistics for the December immediately preceding the assessment date, divided by the Consumer Price Index (U.S. city average all items) published by the Bureau of Labor Statistics for December of 2017.

(35 ILCS 200/10-725 new)

Sec. 10-725. Improvement valuation of commercial solar energy systems in counties with fewer than 3,000,000 inhabitants. Beginning in assessment year 2018, the fair cash value of commercial solar energy system improvements in counties with fewer than 3,000,000 inhabitants shall be determined by subtracting the allowance for physical depreciation from the trended real property cost basis. Functional obsolescence and external obsolescence of the solar energy device may further reduce the fair cash value of the commercial solar energy system improvements, to the extent they are proved by the taxpayer by clear and convincing evidence.

(35 ILCS 200/10-735 new)

Sec. 10-735. Commercial solar energy systems not subject to equalization. Commercial solar energy systems assessable under this Division are not subject to equalization factors applied by the Department or any board of review, assessor, or chief county assessment officer.

(35 ILCS 200/10-740 new)

Sec. 10-740. Survey for ground installed commercial solar energy systems; parcel identification numbers for property improved with a ground installed commercial solar energy system. Notwithstanding any other provision of law, the owner of the ground installed commercial solar energy system shall commission a metes and bounds survey description of the land upon which the commercial solar energy system is installed, including access routes, over which the owner of the commercial solar energy system has exclusive control. The owner of the ground installed commercial solar energy system shall, at his or her own expense, use an Illinois-registered land surveyor to prepare the survey. The owner of the ground installed commercial solar energy system shall deliver a copy of the survey to the chief county assessment officer and to the owner of the land upon which the ground installed commercial solar energy system is constructed. Upon receiving a copy of the survey and an agreed acknowledgement to the separate parcel identification number by the owner of the land upon which the ground installed commercial solar energy system is constructed, the chief county assessment officer shall issue a separate parcel identification for the real property improvements, including the land containing the ground installed commercial solar energy system, to be used only for

the purposes of property assessment for taxation. The property records shall contain the legal description of the commercial solar energy system parcel and describe any leasehold interest or other interest of the owner of the commercial solar energy system in the property. A plat prepared under this Section shall not be construed as a violation of the Plat Act.

(35 ILCS 200/10-745 new)

Sec. 10-745. Real estate taxes. Notwithstanding the provisions of Section 9-175 of this Code, the owner of the commercial solar energy system shall be liable for the real estate taxes for the land and real property improvements of a ground installed commercial solar energy system. Notwithstanding the forgoing, the owner of the land upon which a commercial solar energy system is installed may pay any unpaid tax of the commercial solar energy system parcel prior to the initiation of any tax sale proceedings.

(35 ILCS 200/10-750 new)

Sec. 10-750. Property assessed as farmland. Notwithstanding any other provision of law, real property assessed as farmland in accordance with Section 10-110 in the assessment year prior to valuation under this Division shall return to being assessed as farmland in accordance with Section 10-110 in the year following completion of the removal of the commercial solar energy system as long as the property is returned to a farm use as defined in Section 1-60 of this Act, notwithstanding that the land was not used for farming for the 2 preceding years.

(35 ILCS 200/10-755 new)

Sec. 10-755. Abatements. Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation as set forth in this Code, order the clerk of the appropriate municipality or county to abate any portion of real property taxes otherwise levied or extended by the taxing district on a commercial solar energy system.

(35 ILCS 200/10-760 new)

Sec. 10-760. Applicability. The provisions of this Division apply for assessment years 2018 through 2033.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective Date: 8/10/2018

Susan Burgstrom

From: Daniel L Duitsman <d Duits99@shout.net>
Sent: Thursday, August 30, 2018 1:47 PM
To: Susan Burgstrom
Subject: Solar Farm

To: Champaign County Zoning

1. I would share with you that I am against a variance in the Zoning on this level. These have been put in place for a specific reason. This would stop any potential for growth to the north. It would be different in a situation where an individual is requesting it for a garage where the others on either side are already a foot closer to the road and they will all line up with the variance. I believe that was the original purpose of a variance.
2. I am a member of the Sportsman Club and it would be nice if there would be some consideration for this facility as it has been there as long as I can remember. I understand that they do not own the ground, though they have offered to buy some space to protect the Club.
3. I believe that the Township will not provide a variance due to the extensive damage that they anticipate to the road. Road 1700N has a lot of traffic and the township spends and has spent a great deal of money to keep it in the shape it is in.
4. The village has voted the project down Tuesday night for the first reason I shared.
5. Lastly I own the two acres next to the substation to the east. This will destroy my property value. For this reason I would request the developer information so that I may offer my property also if the project goes through.

This is not my wish for this to happen.

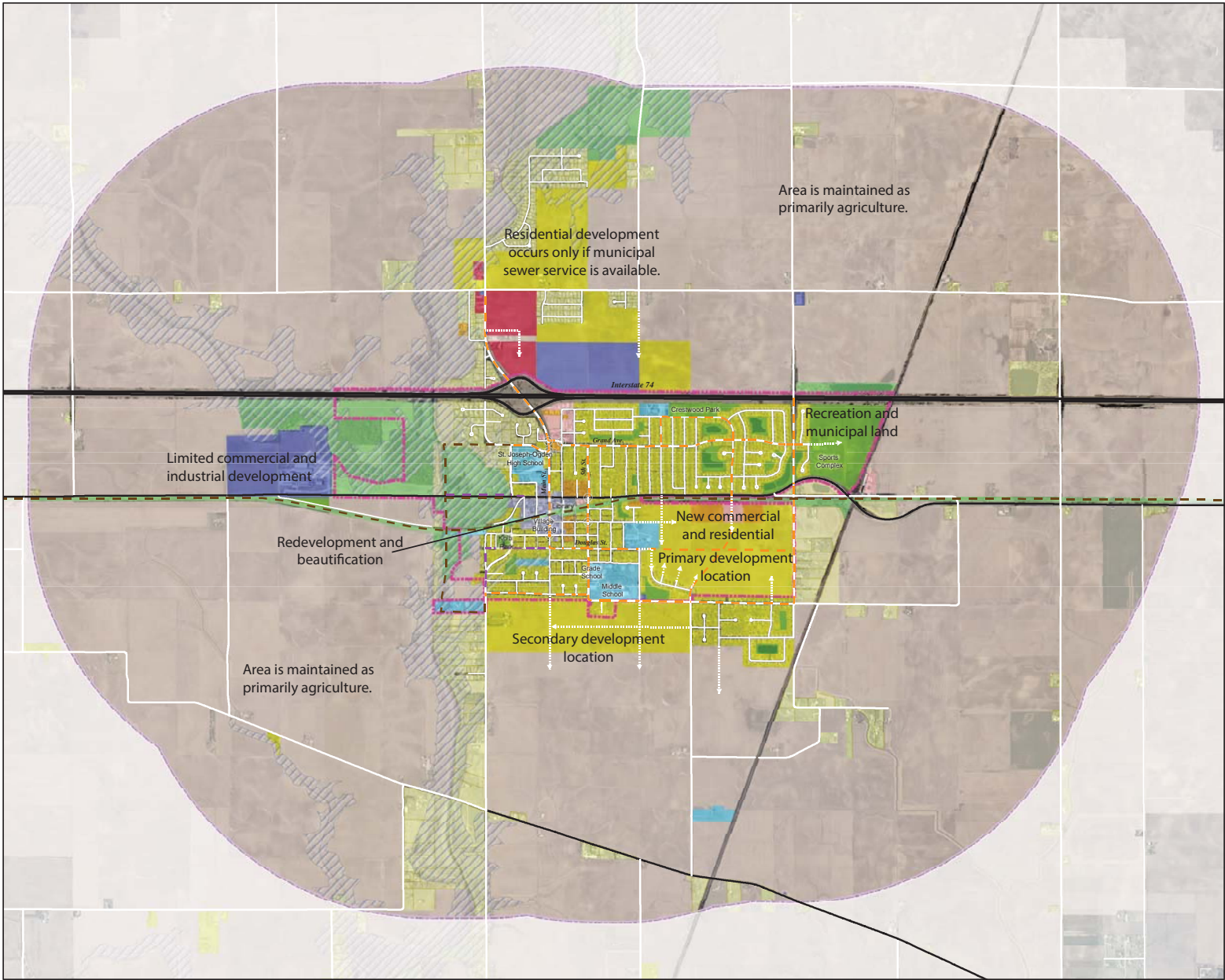
Thanks for taking my comments!
Daniel L. Duitsman

Sent from my iPhone

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AUG 30 2018

CHAMPAIGN CO. P & Z DEPARTMENT



**Official Map
 Future Land Use**
 St. Joseph Comprehensive Plan

- Legend**
- Important Intersections
 - Street Extensions
 - Proposed Bike Route
 - Proposed Sidewalk Addition
 - Proposed Trail
 - Municipal Boundary
 - Draft Flood Hazard Area

- FutureLandUse**
- Downtown
 - Regional Business
 - Community Business
 - Agricultural
 - Institutional
 - Industrial
 - Mixed Residential
 - Urban Residential
 - Suburban Residential
 - Natural Recreation
 - Neighborhood Recreation

Disclaimer:
 This map is for study purposes only. The information contained on the map is not guaranteed accurate and should not be used for legal purposes.

Susan Burgstrom

From: Nick Mento <nmento@communitypowergroup.com>
Sent: Thursday, August 30, 2018 3:46 PM
To: Susan Burgstrom
Subject: Champaign Solar / Electric Co-Ops

Susan,

Regarding utility interconnection and Champaign Solar, the following can be shared with the Board:

Community Power Group is in discussions with Prairie Power / Eastern Illini Electric Co-op as they are interested in hosting community solar in their territory. There's pending litigation, initiated by ComEd, challenging the co-ops ability to participate in the community solar program (as defined by the Future Energy Jobs Act). Pending the results of this litigation, Prairie Power / Eastern Illini have expressed interest in a community solar garden at this site.

Best regards,
Nick

Nick Mento
Project Manager
Community Power Group
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