

## CASE NO. 903-S-18

PRELIMINARY MEMORANDUM

September 6, 2018

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)

**Petitioners:** FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104, via agent David Dickson, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz

**Request:** Authorize two Community PV Solar Farms, each with a nameplate capacity of 2 megawatts (MW) for a total of 4 MW, including access road and wiring, in the AG-1 Agriculture Zoning District, and including the following **waivers of standard conditions:**

*Note: Some waivers have been revised based on new evidence received after the required legal advertisement was submitted.*

**Part A:** A waiver for a separation of ~~0~~ 218 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 distance of ~~1,000~~ 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.

**Part C:** A waiver for a 33 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.

**Part D:** A waiver for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b. of the Zoning Ordinance.

**Part E:** A waiver for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet, per Section 6.1.5 D.(8) of the Zoning Ordinance.

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

**Part G:** 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.

Other waivers may be necessary.

**Location:** 121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney.

Site Area: **PV Solar Farm Special Use Permit Area is about 22.59 acres**

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

Prepared by: **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## **BACKGROUND**

The petitioner applied for a Special Use Permit to construct two 2 megawatt (MW) Photovoltaic (PV) Community Solar Farms on the north side of CR 1000N (County Highway 15) on a 121.79-acre property. The “Wolf/Wertz Sidney Solar Project” is proposed to have 16,968 solar modules and 32 125kW inverters surrounded by a 7 feet tall wire fence with a security gate. Access would be from CR 1000N via a 20-foot wide gravel access road.

The Illinois Future Energy Jobs Act (FEJA) went into effect on June 1, 2017. Solar farm developers have been establishing lease options with area landowners since that time. The owners of the subject property signed a Memorandum of Option to Ground Lease Agreement with Forefront Power LLC on December 28, 2017.

Champaign County began to draft a text amendment to allow solar farms in January 2018, and determined that all solar farm applications would be heard if the County adopted the text amendment. The County Board approved the text amendment at its meeting on August 23, 2018. FFP IL Community Solar LLC had no County zoning regulations to follow when they started their design process for the subject property, and they have worked with P&Z staff to provide information in response to proposed revisions made during the amendment process.

P&Z Staff believe the petitioners have provided sufficient evidence to begin a public hearing for this solar farm facility.

## **REQUESTED WAIVERS**

Waiver Part A is for a distance of 218 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. This waiver was added because there is a 1-acre residential lot adjacent to the subject property. The landowner was notified of this case and no comments have been received.

Waiver Part B is for a distance of 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b. of the Zoning Ordinance. The 121.79-acre subject is split-zoned AG-1 Agriculture and CR Conservation Recreation. The proposed PV SOLAR FARM would be located entirely in the AG-1 Agriculture Zoning District. There is an inherent incompatibility of solar farms with at least the larger wildlife (i.e., deer) in the CR District and the fencing would obstruct wildlife movement. In addition, the CR District is the principal rural residential district and thus it is somewhat analogous to the one-half mile separation from a municipality.

Waiver Part C is for a 33-foot 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. The proposed private accessway will run between two sections of solar panels and the applicant appears to believe that 33 feet is sufficient for this development.

Waiver Part D is for a separation distance of 0 feet in lieu of the minimum required 10 feet between a PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b. of the Zoning Ordinance. It is not clear why the petitioners did not provide 10 feet of separation.

Waiver Part E is for a separation distance of 20 feet in lieu of the minimum required 26 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, per Section 6.1.5 D.(8) of the Zoning Ordinance. It is not clear why the petitioners did not provide 26 feet of separation.

Waiver Part F is for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3. The petitioner provided basic estimates for decommissioning in the application received August 24, 2018, but it does not include all the required information. Special Condition E has been added and states that ELUC can approve the DSR Plan in the event that the Special Use Permit is granted prior to receiving the Plan.

Waiver Part G is 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. No information has been provided regarding how St. Joseph Township intends to proceed with this requirement, and their decision might not come before the Board is prepared to make a final determination. Special Condition F has been added and states that ELUC can approve the Agreement in the event that the Special Use Permit is granted prior to receiving the executed agreement.

### **SUMMARY OF COMPLIANCE WITH THE SOLAR ORDINANCE AS APPROVED BY THE COUNTY BOARD ON AUGUST 23, 2018**

The Summary of Evidence attached to this Preliminary Memorandum details how the proposed project conforms to the solar farm text amendment. The requirements have a variety of benchmarks, and some information is not required until the Zoning Use Permit phase should the Special Use Permit be approved. P&Z Staff created a draft checklist for solar farm applicants so they could be clear about what information is required at the time of application. The checklist in Attachment G was completed by P&Z staff for Case 903-S-18, and can be used to help guide the Board in its discussion of the Special Use Permit.

### **PROPOSED SPECIAL CONDITIONS**

The following special conditions, combined with the requested waivers, would ensure that the proposed solar farm is in compliance with the Zoning Ordinance.

- A. **The Site Plan received August 24, 2018 is the approved site plan for Case 903-S-18.**

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 the 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 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. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “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 903-S-18 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 and required visual screening in perpetuity.**
  - 2. Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
  - 3. Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
  - 4. Maintain a current general liability policy as required by 6.1.5 O.**
  - 5. Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
  - 6. Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
  - 7. Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

The above special condition is required to ensure that:

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

## **ATTACHMENTS**

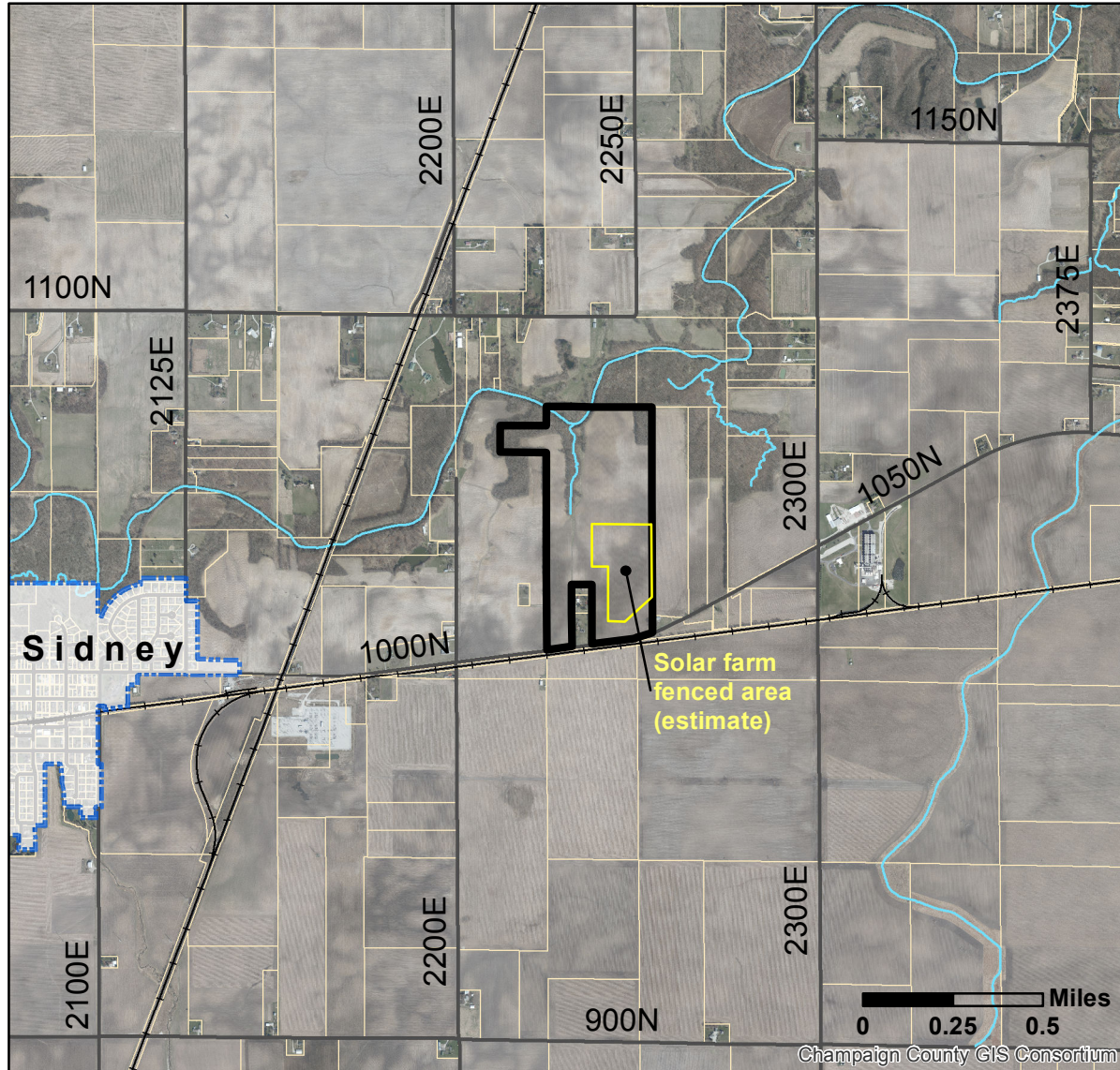
- A** Case Maps (Location Map, Land Use, and Zoning)
- B** Site Plan (Exhibit 2) and Proposed Landscape Plan (Exhibit 3) received August 24, 2018
- C** SUP Application Exhibits
1. Project Narrative
  2. Traffic Impacts
  3. General Construction and Development Criteria
  4. Vegetative Maintenance
  5. Interconnection Request Application Form
  6. Decommissioning Plan
  7. Erosion Control Plan
  8. Vegetative Maintenance Plan
  9. Complaint Resolution
  10. Township Submittal: letter to Mayor of Sidney dated May 24, 2018
  11. Cleaning and Water Usage
  12. EcoCAT Natural Resource Review Results dated March 27, 2018
  13. State Historic Preservation Office letter dated May 23, 2018

- D Annotated Aerial: Separation Distances and Screening, created by P&Z Staff on August 30, 2018
- E Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018
- F Email from David Dickson received August 31, 2018
- G Checklist for status of Special Use Permit application requirements created by P&Z Staff on August 29, 2018
- H Summary of Evidence, Finding of Fact and Final Determination dated September 13, 2018
- I Solar Farm Text Amendment as approved by the Champaign County Board on August 23, 2018
- J Village of Sidney Comprehensive Plan Land Development Map dated June 5, 2000 and received May 11, 2018

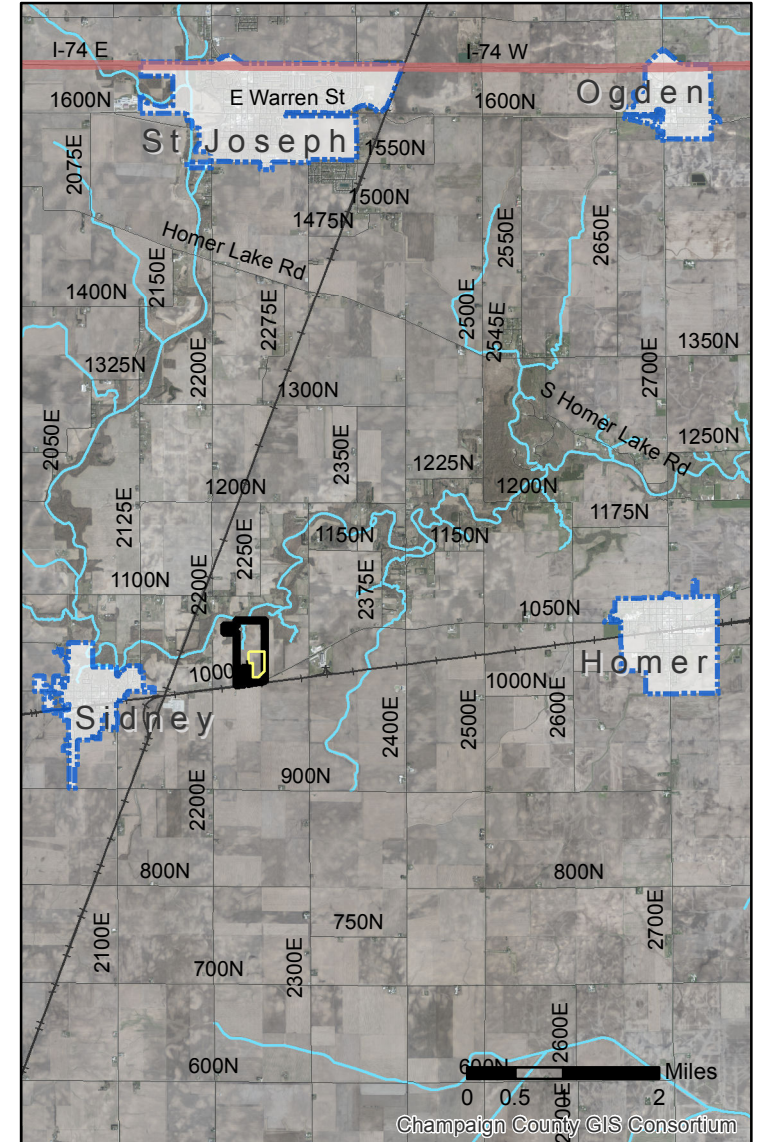
# Location Map

Case 903-S-18  
September 13, 2018

Subject Property



Property location in Champaign County



## Legend

-  Subject Property
-  Municipal Boundary
-  Parcels
-  Streets

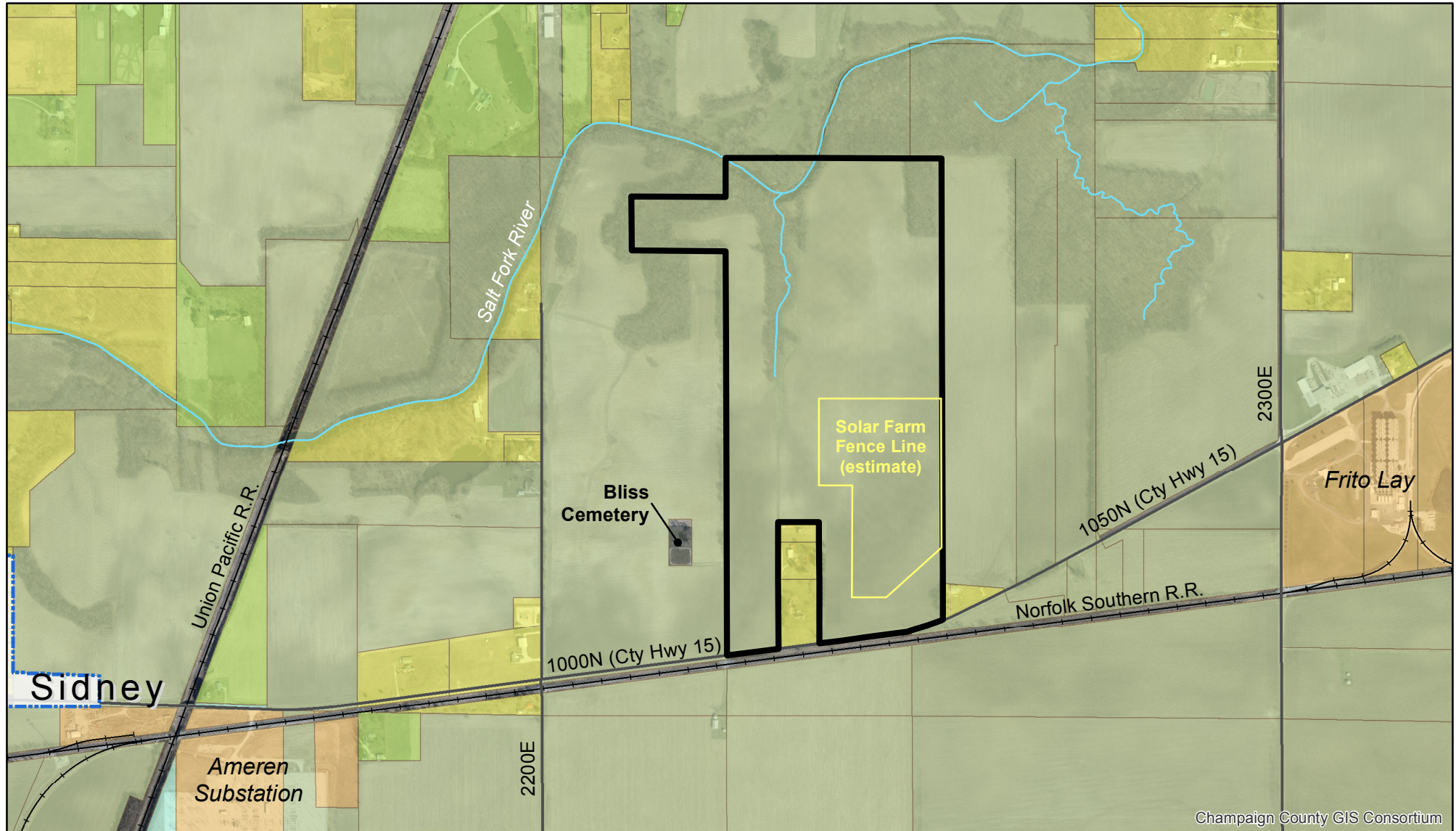


Champaign County  
Department of  
PLANNING &  
ZONING



# Land Use Map

Case 903-S-18  
September 13, 2018



## Legend

- |                    |          |                |                       |
|--------------------|----------|----------------|-----------------------|
| Solar Fenced Area  | Streets  | Residential    | Commercial/Industrial |
| Subject Property   | Railroad | Agriculture    | Utility               |
| Municipal Boundary | Streams  | Ag-Residential |                       |

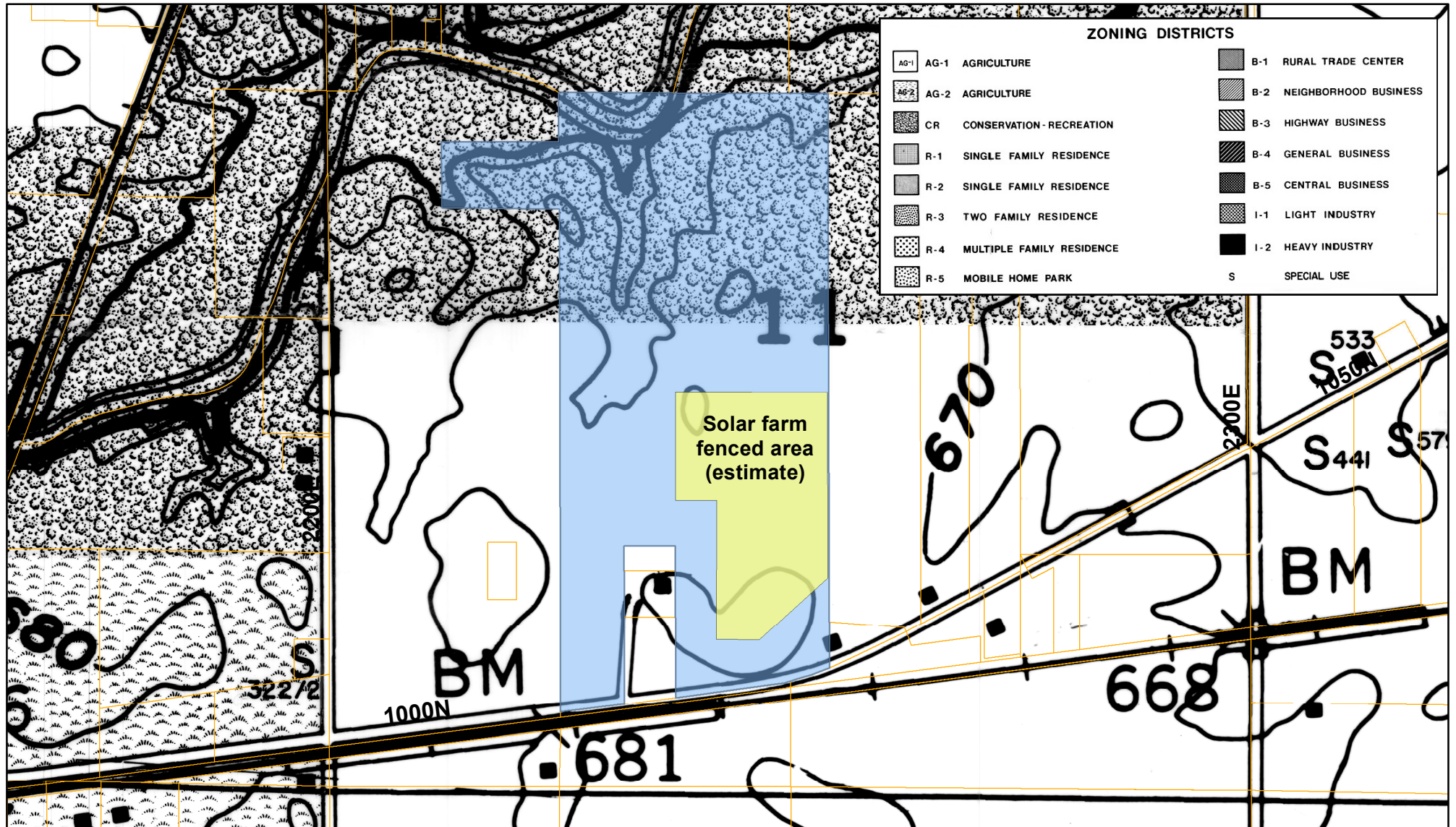
0 250 500 1,000 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 903-S-18  
September 13, 2018



## Legend

- Solar Fenced Area
- Subject Property
- Parcels

0 200 400 800 Feet



Champaign County  
Department of  
**PLANNING &  
ZONING**

**General Notes:**

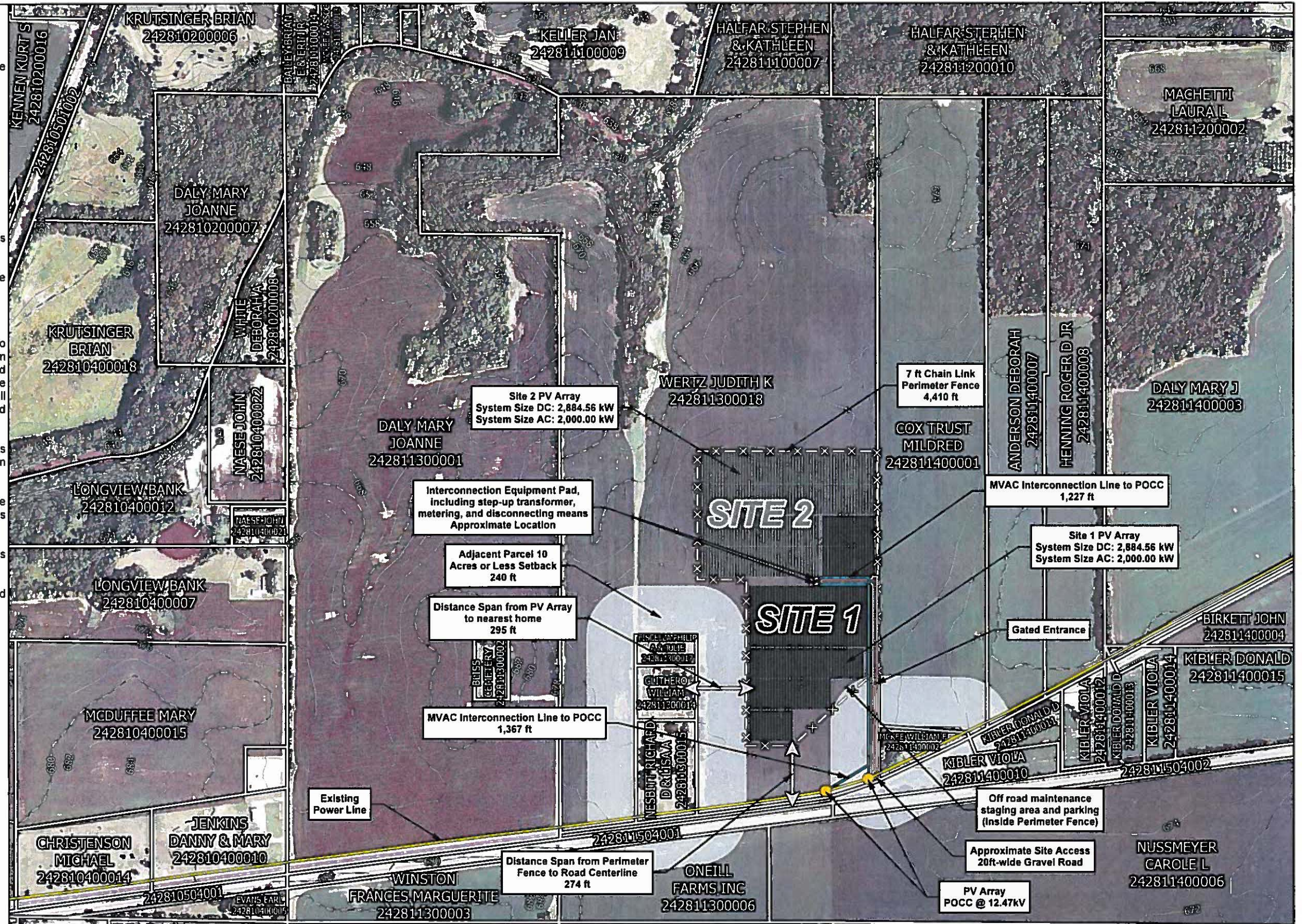
- Project size: 2MW-AC, 2.884MW-DC.
- Project location: The subject parcel PIN is 242811300018. The project is located in the west half of T18N R10E S11.
- Parcel address: 2200-2298 County Rd 1000 N, Sidney, IL 61877.
- Parcel owner: Wertz, Judith K.
- Parcel area: 123.18 acres
- Project area: 22.59 Acres
- Current land use and zone: Agricultural District, Zone A-1.
- PV Array consists of solar PV modules mounted on a single-axis tracker, with a row spacing of 14.26ft.
- Access road will be all-weather, and be designed to accommodate construction, maintenance, and first responder traffic.
- No lighting is proposed for the project.
- A landscape screening/buffering is proposed for the project to conform with the county requirements. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce stormwater runoff and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.
- The project does not lie within a special flood hazard area as shown on FEMA FIRM panel 17019C0475D (effective on 10/02/2013).
- The locations of the proposed project improvements are preliminary and subject to change based on revised specifications and constraints.
- The project will meet or exceed applicable local and national codes and standards, including National Electric Code (NEC) Article 690.
- Project signage and equipment labeling will be clearly visible and meet or exceed local, utility, and NEC standards.

**Acronyms**

- AC: Alternating Current
- DC: Direct Current
- MVAC: Medium Voltage Alternating Current
- POCC: Point Of Common Coupling
- PV: Photovoltaic
- ROW: Right-Of-Way



Data Source(s): Westwood (2018), Illinois NAIP Imagery (Accessed 2018), Census Bureau (2017), FEMA (2018), Champaign County GIS (2018).



**Legend**

- Perimeter Fence
- Setback Area
- Existing Power Line
- Parcel Boundary
- Site 1 PV Array Solar Panels
- PV Array POCC
- Interconnection Equipment Pad
- Distance Span
- Site 2 PV Array Solar Panels
- MVAC Interconnection Line to POCC
- Access Road
- 10ft Contour
- 2ft Contour

**RECEIVED**

AUG 24 2018

CHAMPAIGN CO. P & Z DEPARTMENT

**Wolf/Wertz Sidney Site 1 & 2 Solar Project**  
Sidney Township, Champaign County, Illinois

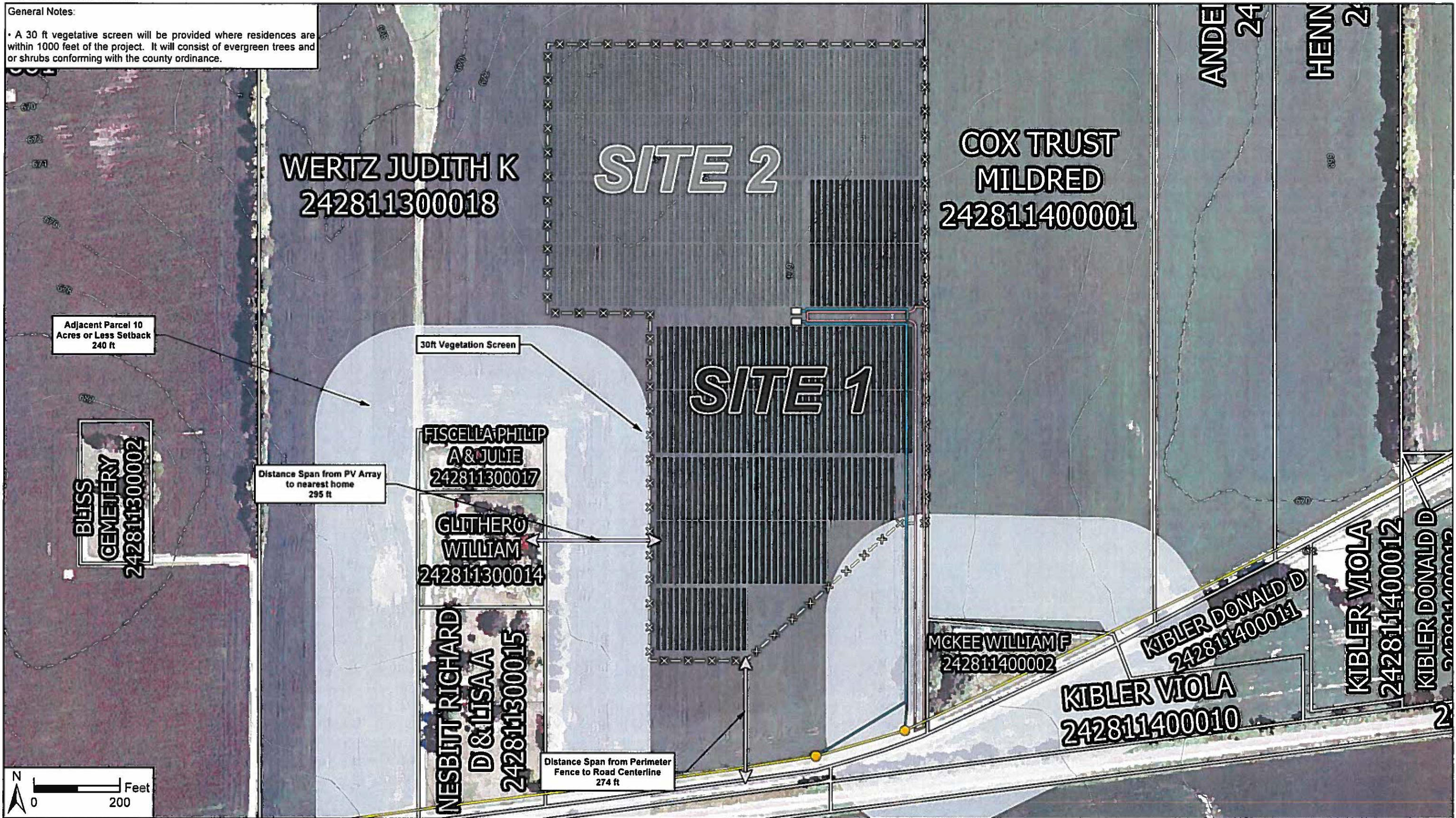
**Proposed Site Plan**

EXHIBIT 2

Map Document: N:\0014797\_000\GIS\SVT\_Web\MapDoc\_100820.aprx 8/24/2018 5:40 PM redw40

Case 903-S-18, ZBA 09/13/18, Attachment B Page 1 of 2

General Notes:  
• A 30 ft vegetative screen will be provided where residences are within 1000 feet of the project. It will consist of evergreen trees and or shrubs conforming with the county ordinance.



Adjacent Parcel 10 Acres or Less Setback 240 ft

BLISS CEMETERY 242811300002

Distance Span from PV Array to nearest home 295 ft

30ft Vegetation Screen

FISCELLA PHILIP A & JULE 242811300017

GLUTHERO WILLIAM 242811300014

NESBITT RICHARD D & LISAA 242811300015

Distance Span from Perimeter Fence to Road Centerline 274 ft

MCKEE WILLIAM F 242811400002

KIBLER DONALD D 242811400011

KIBLER VIOLA 242811400010

KIBLER VIOLA 242811400012

KIBLER DONALD D 242811400013



Data Source(s): Westwood (2018); Illinois NAIP Imagery (Accessed 2018); Census Bureau (2017); FEMA (2018); Champaign County GIS (2018).

Legend

- Perimeter Fence
- Site 1 PV Array Solar Panels
- Site 2 PV Array Solar Panels
- Setback Area
- PV Array POCC
- MVAC Interconnection Line to POCC
- Existing Power Line
- Interconnection Equipment Pad
- Access Road
- Parcel Boundary
- Distance Span
- 10ft Contour
- 2ft Contour

Westwood  
Toll Free (888) 937-6150 westwoodps.com  
Westwood Professional Services, Inc.

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AUG 24 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Wolf/Wertz Sidney Site 1 & 2 Solar Project  
Sidney Township, Champaign County, Illinois

Proposed Landscape Plan

EXHIBIT 3

**RECEIVED****AUG 24 2018****CHAMPAIGN CO. P & Z DEPARTMENT****Special Use Supplemental Application Information****1. Project Narrative**

FFP IL Community Solar, LLC proposes to develop a 4 megawatt (MW) solar facility on a 22.59-acre tract of land (Project Area) located along County Road 1000 North, approximately 1.1-miles east of Sidney, Illinois. The Project Area is located within a 121.79-acre parent parcel of land identified by the Champaign County Assessor's Office as Parcel ID 24-28-11-300-018 and is reportedly owned by Judith Wertz.

The Wolf - Wertz solar project (Project) will be comprised of rows of photovoltaic (PV) cell panels mounted on posts set into the ground (solar arrays). FFP IL Community Solar, LLC will mount the solar arrays on single-axis trackers with each solar array tilting between 60/-60 degree angles. The height of the solar array will not exceed 12-feet above ground surface and FFP IL Community Solar, LLC intends to utilize Trina TSM-340-DD14A modules; however, the specific solar array configuration for this Project will be decided once additional site specific information and design components are determined. The Trina TSM-340-DD14A modules are UL and CSI (California Solar Initiative) listed. According to the Solar Energy Industries Association, the proposed 4MW solar project is capable of powering approximately 600-homes in Illinois with clean, renewable energy.

**2. Traffic Impacts**

Due to the rural location of the Project Area and size of the solar project (4 MWs), traffic impacts are expected to be minimal. Project development may be divided into the four phases: site preparation, material and equipment delivery, solar garden construction, and solar garden maintenance.

The following Table illustrates a typical, conservative estimated average daily trip generation by vehicle for each Project phase for an approximate 4 MW solar project.

Project Phase (Time Period)	Vehicle Type	Estimated Gross Vehicle Weight	Number of Vehicles Per Day	Maximum and Average Vehicle Trips Per Day
Site Preparation (approx. 4-6 weeks)	Equipment Hauling Trucks	30,000-65,000 lbs	0-2	0-4
	Passenger Vehicles	2,000-10,000 lbs	2-5	4-10
	Fuel Delivery	20,000-30,000 lbs	1	2
				<b>Max - 16/Ave - 6</b>
Material and Equipment Delivery (approx. 4 weeks)	Conex Container and Delivery Trucks	30,000-50,000 lbs	5-15	10-30
	Equipment Hauling Trucks	20,000-40,000 lbs	0-4	0-8
				<b>Max - 38/Ave - 10</b>
Solar Garden Installation (4-5 months)	Passenger Vehicles	2,000 to 10,000 lbs	10-15	20-30
	Fuel Truck	20,000 to 30,000 lbs	1	2
	Material Delivery Truck	20,000 to 30,000 lbs	1	2

				<b>Max - 34/Ave - 24</b>
<b>Operations (ongoing once operational)</b>	Utility Vehicle	2,000 to 10,000 lbs	1 per month or less	
				<b>Max - 2/Ave - 0</b>

Project related traffic during all phases will not be significant during AM and PM peak periods (7:00 – 9:00 AM and 4:00 – 6:00 PM, respectively).

### 3. General Construction and Development Criteria

- *Glare* - FFP IL Community Solar, LLC intends to utilize Trina TSM-340-DD14A photovoltaic modules which are constructed of anti-reflective coated tempered glass. In addition, the facility will be sited strategically to avoid glint and glare reflection towards adjacent roadways and surrounding areas.
- *Lighting* – No lighting is proposed for this Project.
- *Security Fencing* - The entire project premises will be surrounded by a six-foot tall standard chain-link fence with a one-foot barbed wire apron on extension arms. The project will be designed to meet or exceed applicable local and national safety standards, specifically including: the currently enforced edition of the National Electric Code (NEC), and such regulations provided by the interconnecting utility. The project will include a visible and lockable manual safety switch, which will be made accessible to first responders, the utility, and maintenance personnel via gate lockbox, code, or other method to be defined prior to construction. Additionally, the solar inverters (which convert electricity from the solar modules from DC to AC) are listed to the UL-1741 standard, which provides for immediate shutdown upon loss of an electrical signal from the utility.
- *Warning Signage* - Visible warning signs shall be posted at each ingress/egress point associated with the project. The project emergency contact information and 911 address will be clearly posted on all warning signage.
- *Utility Connection* – The applicant is currently in the process of obtaining a power purchase agreement with the local electric company.
- *Endangered Species and Wetlands* - Please see attached EcoCAT consultation report.
- *Compliance with Additional Regulations* - FFP IL Community Solar, LLC fully intends to comply with all federal, state, and local laws and regulations. Other than submittal to IDNR regarding EcoCAT and the State Historic Preservation Office, there have been no other consultation with agencies to date.

### 4. Vegetative Maintenance

Following construction of the solar facility, disturbed grounds will be re-established with low growth / low maintenance ground cover. The vegetative maintenance contractor will be responsible for inspecting and maintaining the vegetative integrity of the solar facility. The contractor will conduct on-site activities

during growing months at the frequency of approximately 2-3 times per year. The contractor is expected to adjust site maintenance frequency based on time of year and weather conditions. To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted and on-site field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity.

The proposed project may follow practices that: (1) provide native perennial vegetation and foraging habitat which is beneficial to game birds, songbirds, and pollinators; and (2) reduce storm water runoff and erosion at the solar site. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.

## 5. Champaign County Planning and Zoning Department

### Special Use Permit Application (continued)

10. Reasons the proposed use is necessary for the public convenience at the above noted location.

*The proposed solar project is situated within a predominantly agricultural area located approximately 1.1-miles east of Sidney, Illinois. Allowing this property to be developed into a solar facility will provide approximately 4 MWs of clean, renewable energy to the local electrical grid. In addition, this project will help generate additional income for the landowner, contribute to job creation stimulation through new investments in energy efficiency, renewables, and innovation, and help preserve the State of Illinois' low energy rates for residents and businesses within the County .*

11. List those reasons which will ensure to the County that the proposed land use designed, located, and operated so that it will not be injurious to the District in which it shall be located or otherwise detrimental to the public welfare.

*The proposed Project would be situated on rural agricultural land, located away from public areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals associated with solar energy, no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of the County are expected.*

*According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a non-reflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating*

*current. This noise is generally not audible above ambient noise outside of the perimeter fence.*

12. Does the proposed use conform to the applicable regulations and standards of, and preserve the essential character of, the District in which it shall be located except where such regulations and standards are modified by Section 6 of the County Zoning Ordinance.

*Due to the rural location of the proposed Project Area, adverse impacts to the surrounding areas are expected to be negligible. The general land use surrounding the Project Area is comprised predominantly of agricultural farmland under cultivation of row crops. The proposed Project would remove the land from agricultural production on the Project Area only, and will have no effect on surrounding agricultural fields.*

*The proposed solar facility will be maintained in association with all applicable ordinances set forth by Champaign County and is small enough in size (4 MWs) to not significantly impact the current and/or future operations conducted at the adjacent properties. Furthermore, the solar array will be strategically sited to avoid glint and glare reflection towards adjacent roadways and surrounding areas. As a result, the solar facility is not anticipated to negatively impact the character of this district.*



02/09/2018

**Distributed Generation Pre-Application Report  
FEJA – Wolf Wertz – Sidney Site 1 & 2  
4 MW**

This Pre-Application Report is in response to the attached Pre-Application Request Form submitted to Ameren Illinois by Forefront Power. The proposed project is a 4MW project to be located in Sidney, IL.

The Electric Distribution Company (EDC) is Ameren Illinois. The likely substation to serve the proposed point of interconnection (POI) for this project is the Sidney substation. The preliminary circuit identified to provide the supply at this POI is feeder 2. This Pre-Application Report provides the following information in response to Forefront Power inquiry for FEJA – Wolf Wertz site.

1) Normal rating (in megavolt amperes (MVA)) of substation/area bus, bank or circuit based on normal or operating ratings likely to serve the proposed point of interconnection;

**Sidney Substation 69/12.47 kV transformer – 12.5 MVA  
Feeder F22-2 – 7.08 MVA**

2) Existing aggregate generation capacity (in MVA) interconnected to a substation/area bus, bank or circuit (i.e., amount of generation online) likely to serve the proposed point of interconnection;

**There is no known existing generation on circuit 2.**

**The aggregate capacity of other generation connected at voltages below 12.5 kV is not readily available.**

3) Aggregate queued generation capacity (in MVA) for a substation/area bus, bank or circuit (i.e., amount of generation in the queue) likely to serve the proposed point of interconnection;

**There is presently no (zero MVA) aggregate queued generation capacity for feeder 2.**

4) Available capacity (in MVA) of substation/area bus or bank and circuit likely to serve the proposed point of interconnection (i.e., total capacity less the sum of existing aggregate generation capacity and aggregate queued generation capacity);

**Available capacity at Sidney – 12.5 MVA  
Available capacity at Feeder 2 – 7.08 MVA**

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5) Substation nominal distribution voltage and/or transmission nominal voltage, if applicable, based on the interconnection point;

**Sidney is a 69kV to 12.47kV nominal voltage substation.**

6) Nominal distribution circuit voltage at the proposed point of interconnection;

**Nominal circuit voltage for the Sidney circuits is 12.47kV.**

7) Approximate circuit distance between the proposed point of interconnection and the substation;

**The Point of Interconnection (POI) is approximately 0.63 miles to the Sidney substation.**

8) Relevant line section actual or estimated peak load and minimum load data, including daytime minimum load (i.e., 10 a.m. to 4 p.m. for fixed solar photovoltaic (PV) panel systems and 8 a.m. to 6 p.m. for PV systems utilizing tracking systems), and absolute minimum load, when available;

	Peak Load (MVA)	Minimum Load* (MVA)	Absolute Minimum Load (MVA)
<b>Sidney Sub XFM</b>	6.56	2.18	
<b>Feeder 2</b>	2.05	0.50	

Peak Load determined using metering date from 07/12/2017 for substation transformer and 07/25/2017 for feeder 2.

\*Minimum load between 02/09/2017-02/09/2018.

9) Number and rating of protective devices and number and type (standard, bi-directional) of voltage regulating devices between the proposed point of interconnection and the substation/area. Identify whether the substation has a load tap changer;

**Circuit 2 is protected in the substation by a 1200 amp GE breaker. Circuit 2 has 3-250kVA, 328 amp bi-directional regulators that are currently locked in forward operation. The substation transformer does not have a load tap changer.**

10) Number of phases available at the proposed point of interconnection. If a single phase, distance from the three-phase circuit;

**3-phase.**

11) Limiting conductor ratings from the proposed point of interconnection to the distribution substation;

**The limiting conductor rating is 693 amps (556 MCM AA – SN).**

12) Whether the point of interconnection is located on a spot network, grid network or radial supply;

**The system at the POI is a radial supply on feeder 2.**

13) Based on the proposed point of interconnection, existing or known constraints such as, but not limited to, electrical dependencies at that location, short circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints or secondary networks.

**The customer/applicant is responsible for the installation of main overcurrent/fault protection that will coordinate with the EDC's distribution system protection.**

The above data provided in this Pre-Application Report represents the best readily available information at the time this report was prepared. The provision of information on "available capacity" (see Item 4 above) does not imply that an interconnection up to this level may be completed without impacts, since there are many variables studied as part of the interconnection review process and data provided in the pre-application report may become outdated at the time of the submission of the complete application.

**Prepared by:**

**Troy Kimbro  
Engineer, Div. IV.**



# Decommissioning Plan

## 4MWac Ground Mounted Project



ForeFront Power | [www.forefrontpower.com](http://www.forefrontpower.com)  
100 Montgomery Street | Suite 725  
San Francisco, CA 94104

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# 1. Background





## Facility Description

ForeFront Power, LLC proposes to develop a solar photovoltaic (PV) facility (the "Project") with a maximum nameplate capacity of four megawatts alternating current (4 MWac). The Project will be developed on private property located along the north side on County Road 1000 North, approximately 1.1-miles east of Sidney, Illinois (the "Property"), as shown in Figure 1.

The Project consists of approximately 22.59-acres within a 121.79-acre parent parcel of private land located in the Sidney Township, Champaign County, Illinois. The Project will produce electricity delivered to National Grid's local distribution system utilizing existing lines along County Road 1000 North. Interconnection to National Grid's system will include both underground and overhead wires along with new utility poles located on the Property.

The solar PV modules will be installed on metal racking structures with a single-axis tracker and secured to the ground utilizing either direct push or anchor screw technology. Direct Current (DC) wiring with the Project will be secured behind the modules, collected at a common point and transition underground to the inverters. From the inverter/transformer pad, AC wiring will run underground until a point before County Road 1000 North where it will surface and connect to a series of utility poles on the Property before connecting to National Grid's system.

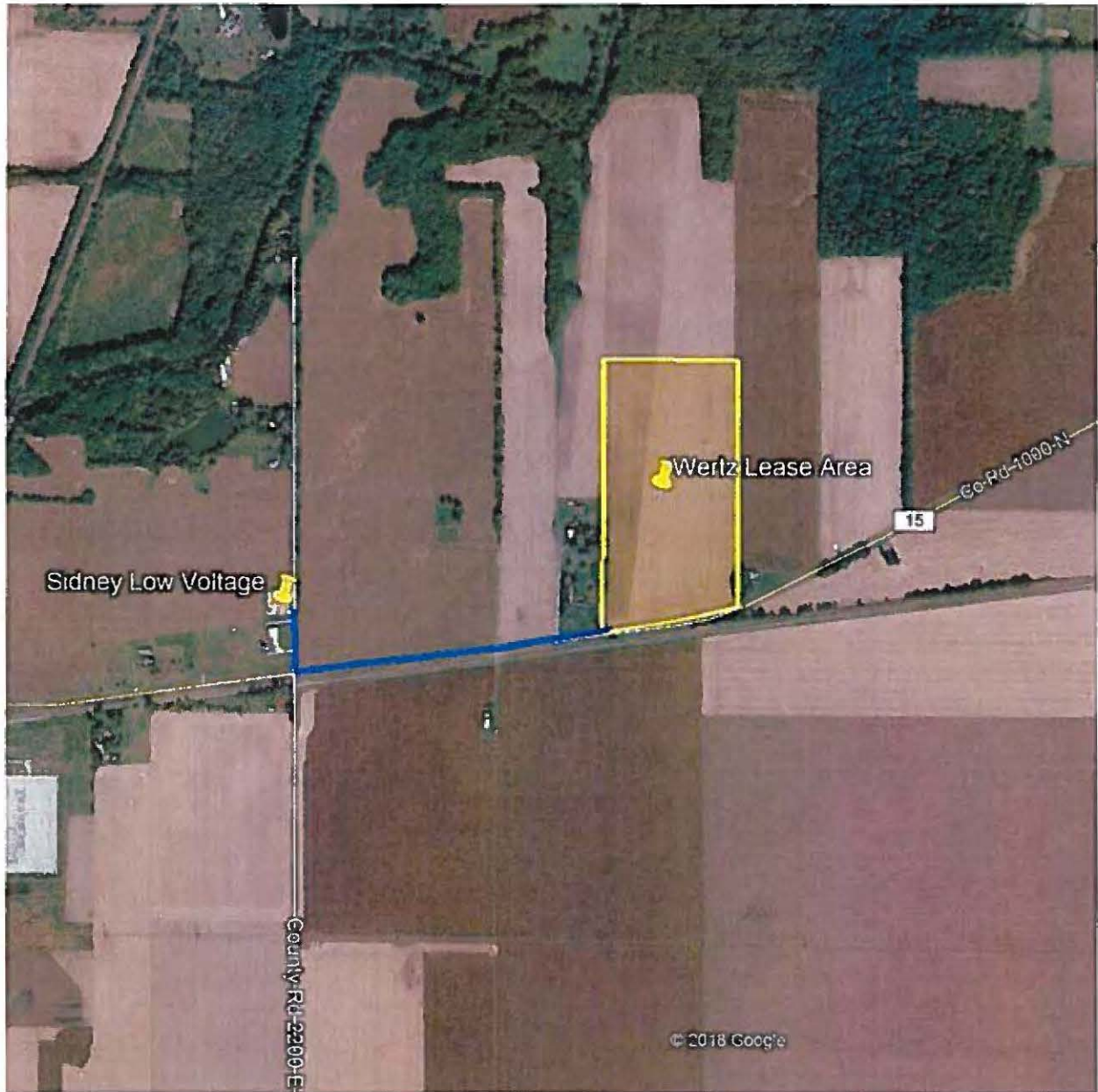
Access to the Project will be from County Road 1000 North utilizing a 15' wide crushed stone road constructed for access to the facility. The access road would be up to approximately 1,000-feet in length.

The inverters and transformer skid will be mounted on a concrete pad located within the array. The pad used for the skid will be approximately 34-feet x 13-feet.

The site will be secured with a seven-foot perimeter fence consisting of six-foot chain link topped by three strands of barbed wire making up the last foot.



Figure 1: Project Location







## 2. Decommissioning Activities

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## Introduction

The Decommission Plan (the "Plan") describes anticipated activities and process for decommissioning of the proposed facility following its useful life. The purpose of decommissioning is to restore the Property to a clean, safe and usable condition for continued use by the landowner.

Decommissioning consists of the removal of above-ground and below-ground facility components, management of excess materials and waste as well as the restoration of Project lands, as applicable. Activities are expected to take between 8-10 weeks but no longer than four-months.

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

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

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

## Equipment Removal

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

Following coordination with the local utility company regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the 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. Inverters, transformers, and switchgear will be lifted, secured onto flat beds, and transported off-site for processing.



Modules will be detached from the racking system and stacked for removal. However, in the event of a total fracture, the interior materials are silicon-based and may not be considered hazardous. Disposal of these materials at a landfill will be permissible.

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

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

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

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

## Site Restoration

Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment. The disturbed areas will then be seeded either by hand or via hydro seeding to reestablish vegetation compatible with the Property and region. It is anticipated that a seed mix native to the area will be used by the decommissioning contractor, unless the landowner instructs that they will begin using the property for agricultural purposes and will reestablish the area with agricultural vegetation.



# 3. Permitting





## Permitting & Approvals

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

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



# 4. Decommissioning Assurance

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## Form of Assurance

A Decommissioning Agreement (“Agreement”), Exhibit 1, will be established for the project entered into by the Operator/Owner of the project and the municipality. The Agreement will result in the Operator/Owner securing a bond as assurance. The bond will begin with and maintained for the duration term established in the Agreement. The bond will be maintained and updated according to the Agreement and remain in place through the completion of decommissioning activities at the Project. The amount and term of the bond will be established and agreed upon by both parties.

## Use of Assurance

In the event that the Operator/Owner fails to undertake decommissioning activities within the established period of the Agreement, the municipality shall have the right to undertake decommissioning activities and make a claim against the decommissioning assurance. In such circumstances, the municipality shall have such access to the Property as may be necessary to allow its qualified contractors to conduct decommissioning activities.



# Appendix

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Exhibit 1: Decommissioning Agreement

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# *Exhibit 1*

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## Decommissioning Agreement

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**TOWN OF \_\_\_\_\_**

**SOLAR ENERGY SYSTEM DECOMMISSIONING AGREEMENT**

This Solar Energy System Decommissioning Agreement ("Agreement") is entered into this \_\_\_ day of \_\_\_\_\_, 201\_ by and among the following parties:

"Operator"	== OPERATOR==, a ==INCORPORATION==, with an address of ==ADDRESS==,
"Town"	Town of _____, being a municipal corporation in the State of _____, County of _____, with its offices for the transaction of town business located at: _____

**PREAMBLE**

WHEREAS, on \_\_\_\_\_, based on the Operator's application, and after duly noticed public hearing(s), the Town, by its Planning Board, granted site plan approval (hereinafter "Site Plan Approval") of a solar energy facility (hereinafter "Solar Energy System") on real property (hereinafter "Property") described in Schedule A attached hereto, as shown on the Site Plan entitled \_\_\_\_\_, Town of \_\_\_\_\_, \_\_\_\_\_ County, Illinois," prepared by == ENGINEERING FIRM ==, dated \_\_\_\_\_ (hereinafter "Site Plan"), a copy of which is attached as Schedule B; and

WHEREAS, the above-described Site Plan Approval provides that the Operator "[S]hall agree in writing, to remove the solar energy system and all associated equipment and structures if the solar energy system ceases to be used for its intended purpose for twelve (12) consecutive months and the Operator does not provide reasonable evidence of intent to restart operations within six (6) months thereafter. Removal of such obsolete and/or unused structures shall be completed within three (3) months thereafter or as soon as feasible due to weather restrictions;" and

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**WHEREAS**, as a condition to providing the Site Plan Approval, the Town requires that Operator sign this agreement, which provides that the Operator shall be required to execute and file, prior to the (tenth) 10<sup>th</sup> year of operation, with the Town Clerk a bond, or other form of surety reasonably acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the Site Plan Approval issued hereunder, and to provide for the aforesaid removal and restoration of the Property subsequent to removal of the Solar Energy System. The amount of the bond or security shall be no less than one hundred ten percent (110%) of the cost of the removal of the solar energy system and restoration of the site, and shall be reviewed and adjusted at five (5)-year intervals upon request of the Town; and

**WHEREAS**, the sum of \$XX,XXX.00 is an amount sufficient for the aforesaid removal of the Solar Energy System and subsequent restoration of the Property, based upon the documentation attached hereto as Exhibit A ("Removal Letter") and, therefore, determined that the required amount of surety for the aforesaid removal and restoration of the property is \$XX,XXXX.00; and

**WHEREAS**, the Operator hereby agrees to remove the Solar Energy System and all associated equipment and structures if the Solar Energy System ceases to be used for its intended purpose for twelve (12) consecutive months and the Operator does not provide reasonable evidence of intent to restart operations within six (6) months thereafter. Removal of the Solar Energy System, obsolete and/or unused structures shall be completed within three (3) months thereafter or as soon as feasible due to weather restrictions; and

**WHEREAS**, the Operator hereby agrees to execute and file with the Town Clerk a bond, or other form of surety acceptable to the Town Attorney and Engineer ("Security"), in the amount of \$XX,XXX.00 to provide for the aforesaid removal of the Solar Energy System and subsequent restoration of the Property. Further, prior to the end of each 5-year period after the establishment of the security, upon Town's request, the Operator shall provide the Town with an updated Removal Letter setting forth an updated estimate for the removal of such obsolete and or unused structures, which updated estimate shall be subject to review and approval by the Town, which approval shall not unreasonably be withheld and the Security shall be changed to reflect the updated estimate approved by the Town for such removal and restoration of the site;

**NOW THEREFORE**, for and in consideration of the mutual promises set forth below, and after good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

## **SECTION 1. INCORPORATION OF PREAMBLE**

The Preamble shall be incorporated into and become an enforceable part of this Surety Agreement.

## **SECTION 2. EFFECTIVE DATE**

This agreement shall be effective upon its execution by all parties hereto. This agreement may be executed in multiple counterparts.

## **SECTION 3. OBLIGATIONS, DUTIES, AND RIGHTS OF THE TOWN**

- a. Upon removal and decommissioning of the Solar Energy System, the Operator shall inform the Town accordingly, in writing. Upon the Town's determination that the Operator has decommissioned and removed the Solar Energy System and restored the Property as required under the Site Plan Approval, the Town shall: (i) release the Operator from this agreement; (ii) issue a certificate of completion and release and (iii) return or release any unused portion of the Security to the Operator. A determination that the removal and restoration has been satisfactorily completed shall be in the reasonable discretion of the Town. The Operator and its agents and consultants shall fully comply with all reasonable requests for inspections and information by the Town and its agents.
- b. If the Operator fails to complete the required removal of the Solar Energy System and restoration of the Property within six (6) months of cessation of the Solar Energy System as set forth herein, the Town shall be entitled to utilize the Security provided hereunder to the extent necessary, in the Town's reasonable discretion, to complete the removal and restoration process. Any portion of the Security that is not utilized as set forth herein shall be returned to the Operator, less reasonable administrative costs. In the event that the Town elects to obtain the Security, in whole or in part, as described in this paragraph, it shall notify the Operator accordingly, in writing and, within fourteen (14) days of such writing, the Security shall be paid to the Town.

## **SECTION 4. OBLIGATIONS, DUTIES, AND RIGHTS OF THE OPERATOR AND SURETY ENTITY**

- a. The Operator shall deliver, to the Town, suitable evidence of the establishment of the Security prior to the (tenth) 10<sup>th</sup> year of operation of the Solar Energy System. The Town requires that the Operator obtain a Surety for the Security, with said Surety binding itself to a Surety Agreement with the Town.
- b. Upon Town's request, within thirty (30) days prior to the end of each five (5)-year period after the establishment of the Security, the Operator shall provide the Town with an updated Removal Letter setting forth an updated estimate for the removal of such obsolete and or unused structures and the Security shall be altered to reflect the updated

estimate for such removal. The Operator shall deliver to the Town evidence of the new balance of the Security, as aforesaid.

- c. The Operator agrees that the Security shall not be released except in accordance with the terms hereof.
- d. The Operator agrees that the Security shall not be released in full, unless another method of security is provided, until the removal and restoration has been satisfactorily completed as reasonably determined by the Town and the Town issued a Certificate of Compliance evidencing same.
- e. The Operator shall at all times provide the Town forthwith (no more than forty five (45) days after transfer of title) with the name of the current Operator or Operators of the Solar Energy System.

**SECTION 5. BINDING EFFECT**

This agreement, and any amendments thereto, shall be binding on the Operator, the Operator's agents and representatives, and any successors to the Operator's title, interest, and rights in the parcel of land constituting this subdivision, including executors, administrators, devisees, heirs, successors and assigns of the Operator.

**SECTION 6. USE OF TERMINOLOGY**

Use of the term "Operator" in this surety agreement is for convenience only and should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this agreement and any amendments thereon. Use of the term "Site Planning Town" or "Town" in this covenant is for convenience only and may include agents or representatives of the Site Planning Town.

**SECTION 7. APPOINTMENT OF AN AGENT**

If someone other than the Operator will represent the Operator, the Operator must designate such representative below.

Name of representative:

\_\_\_\_\_

Address of representative:

\_\_\_\_\_

Tel. #: Days \_\_\_\_\_ Evenings \_\_\_\_\_

Relationship of representative to Operator:

\_\_\_\_\_

In executing this surety agreement, the Operator hereby authorizes the person or persons named above to represent his/its interest before the Site Planning Town with respect to the matters that are the subject of this surety agreement.

## **SECTION 8. AMENDMENTS**

This surety agreement may be amended, in writing, by agreement of all of the parties to this agreement.

## **SECTION 9. GOVERNING LAW**

This agreement, and any amendments thereto, shall be governed by the laws of the State of Illinois and shall be enforceable only in a Illinois Court of competent jurisdiction.

## **SECTION 10. SEVERABILITY**

If a court of competent jurisdiction determines that any provision of this surety agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, I, the Operator, hereby certify under the pains and penalties of perjury that the information contained in this surety agreement is true and complete; and we, the parties to this surety agreement, set our hands and seals to this agreement on the date(s) written below.

**OPERATOR**

\_\_\_\_\_  
Signature of Operator                      Date                      Witness

By:

Its:

Duly authorized

TOWN OF \_\_\_\_\_

\_\_\_\_\_  
Signature of Town                      Date                      Witness

By:

Its:

Duly authorized

STATE OF ILLINOIS :

:SS.:

COUNTY OF \_\_\_\_\_ :

On the \_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF ILLINOIS

STATE OF ILLINOIS :

:SS.:

COUNTY OF \_\_\_\_\_ :

On the \_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF ILLINOIS



Project Name: Wolf-Wertz Solar  
 Date: August 24, 20  
 WPS Project Number: 0014797.00  
 By: JTW

Project Size	4	MW-AC	2.88 MW-DC		
	Quantity	Unit	Unit Cost	Total Cost	Cost Per MW
<b>Mobilization/Demobilization</b>	1	Lump Sum	\$20,000.00	\$20,000	\$10,000
<b>Permitting</b>					
State Permits	1	Lump Sum	\$10,000.00	\$10,000	N/A
<b>Subtotal Permitting</b>				\$10,000	
<b>Civil Infrastructure</b>					
Removal Gravel Surfacing from Road	216	Cubic Yards	\$4.00	\$862	\$431
Haul Gravel Removed from Road	216	Cubic Yards	\$6.00	\$1,293	\$647
Disposal of Gravel Removald from Road	216	Cubic Yards	\$10.00	\$2,156	\$1,078
Grade Road Corridor	15,520	Square Feet	\$0.25	\$3,880	\$1,940
Erosion and Sediment Control Along Road	150	Linear Feet	\$2.00	\$300	\$150
Removal of Security Fence	3,000	Linear Feet	\$6.00	\$18,000	\$9,000
<b>Subtotal Civil Infrastructure</b>				\$26,491	
<b>Structural Infrastructure</b>					
Removal Tracker Array Steel Foundation Post Full Depth	2,020	Each	\$13.00	\$26,260	\$13,130
Haul Tracker Array Steel Post	182	Ton	\$6.75	\$1,227	\$614
Removal PCU Station Post to a 4' Depth	20	Each	\$65.00	\$1,300	\$650
Haul PCU Station Post	20	Each	\$3.00	\$60	\$30
Removal Array Racking	91	Ton	\$200.00	\$18,241	\$9,120
Haul Array Racking	91	Ton	\$6.75	\$616	\$308
<b>Subtotal Structural Infrastructure</b>				\$47,703	

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<b>Electrical Collection/Transmission System</b>					
Removal of PV Moduals	8,484	Each	\$10.00	\$84,840	\$42,420
Removal of Inverter Stations	16	Each	\$60.00	\$960	\$480
Removal of Panelboards	2	Each	\$40.00	\$80	\$40
Removal of PCU Station (Inverter/Transformer)	2	Each	\$2,000.00	\$4,000	\$2,000
Removal of Riser Pole and Overhead Cable	1	Each	\$1,000.00	\$1,000	\$500
Removal of SCADA Equipment	1	Each	\$1,000.00	\$1,000	\$500
Removal of Underground Collector System Cables	2,160	Linear Feet	\$5.00	\$10,800	\$5,400
Removal of DC System Cables	30,300	Linear Feet	\$1.00	\$30,300	\$15,150
Removal of Fiber Optic Cable	2	Per MW	\$500.00	\$1,000	\$500
<b>Subtotal Electrical Collection/Transmission System</b>				<b>\$133,980</b>	
<b>Site Restoration</b>					
Stabilized Construction Entrance	1	Each	\$2,225.00	\$2,225	\$1,113
Perimeter Controls	0	Linear Feet	\$2.00	\$0	\$0
Till to farmable condition on project area	13	Acres	\$1,300.00	\$16,939	\$8,470
<b>Subtotal Site Restoration</b>				<b>\$19,164</b>	
<b>Subtotal Demolition/Removals</b>				<b>\$257,338</b>	
<b>Salvage</b>					
Fencing	3,000	Linear Feet	\$0.00	\$0	\$0
Steel Posts	182	Tons	\$260.00	\$47,268	\$23,634
Module Racking	91	Tons	\$260.00	\$23,713	\$11,856
PV Modules	8,484	Each	\$11.97	\$101,537	\$50,768
String Inverters	16	Each	\$3.69	\$59	\$30
Inverter/Transformer	2	Each	\$123.69	\$247	\$124
Scada Equipment	1	Each	\$0.00	\$0	\$0
Collection Lines (DC Copper)	8,640	Pounds	\$1.82	\$15,725	\$7,862
<b>Subtotal Slavage</b>				<b>\$188,549</b>	
<b>Total Demolition Minus Salvage</b>				<b>\$68,790</b>	



# Erosion Control Plan

## 4MWac Ground Mounted Project

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### Project Information

**Project Name:** Wolf-Wertz Solar Sites 1 and 2  
**Address:** County Road 1000 North, Sidney Township, IL  
**Project Area:** 22.59-acres

### Introduction

What follows is an example erosion and sedimentation control plan based on the standards set forth by the State of Illinois Department of Natural Resources. The plan was modified to detail best management practices which may be deployed to may be deployed to address project site conditions, such that soil compaction is minimized, and water discharges do not contain pollutants or characteristics which will cause receiving water bodies to fail to meet water quality standards.

The following plan describes the most practical and effective practices to control erosion and prevent sediment from leaving the site. This plan should be organized and presented in a clear and concise manner. Because this site is located in a relatively flat open field with a history of cultivation activity, the soil compaction should be minimized, which in turn should contribute to a very low level of run off volumes, pollutant concentration, and recovery of natural vegetation post construction.

### Project Description

The proposed project will involve the construction and operation of a photovoltaic solar power generation facility that is expected to produce as much as 4 MW AC of renewable electric power. The Project will be interconnected with local electric provider's distribution system via connection to existing power lines located adjacent to the property. Approximately 22.59-acres will be disturbed during the construction period. The site is located in Champaign County, approximately 1.1-miles east of Sidney, IL.

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#### Adjacent Property

The land use in the vicinity of the proposed site includes unimproved agriculture land, and very low density rural residential. The map on the next page is meant to demonstrate the existing project site and nearby parcels.

## Planned Erosion and Sedimentation Control Practices

#### Sedimentation Basin

A sedimentation basin will be constructed at the low point of the property if deemed necessary by the environmental engineer. All water from disturbed areas will be directed to this basin before leaving the site.

#### Temporary Gravel Construction Entrance

A temporary gravel construction entrance will be installed near the east entrance of the site to wash vehicle tires at this location. The entrance will be graded so the runoff water will be directed to the applicable erosion control structures on the site.

#### Temporary Diversion

A temporary diversion structure such as silt fencing, gravel, hay bales, level spreader, or coil logs will be constructed at any natural low points leaving the subject property.

#### Sediment Fence

A sediment fence will be constructed along the perimeter of the project, along any diversion berms, and over exposed raw materials and soils if deemed necessary by the environmental engineer.

#### Land Grading

As stated above, there will be minimal grading of this site because of the existing flat site conditions. This will contribute to a low level of soil compaction, which in turn should contribute to a very low level of runoff volumes, pollutant concentration, and recovery of natural vegetation post construction. Construction activities should be minimized to areas where the primary road will be constructed and where the main electric cable will be trenched.

#### Construction Road Stabilization

As soon as the final grade is reached on the entrance road, the subgrade will be sloped with a crown to drain to the south and north, and the necessary compaction will be reached per the engineer of record's stated spec.

#### Dust Control

Dust control is not expected to be a problem due to the small area of exposure and the relatively short duration of construction (approximately 3 months). Should excessive dust be generated, it will be controlled by sprinkling and instituting a water truck for periodic use.

ForeFront Power | [www.forefrontpower.com](http://www.forefrontpower.com)

100 Montgomery Street | Suite 725  
San Francisco, CA 94104



## Construction Schedule

- Obtain plan approval and other applicable permits
- Flag the work limits and mark all areas needed for erosion control
- Hold pre-construction meeting at least one week prior to construction
- Install temporary gravel construction entrance and necessary silt fence
- Construct roads
- Clear any vegetation although this looks to be very minimal
- Begin driving Foundations
- Install solar panel tracking structure
- Install solar panels
- Trenching for all underground electrical
- Installation of electrical wiring
- Placement of string inverters
- Placement of transfer and necessary protective devices
- DC Commissioning
- Inverter and System Commissioning
- Final Punchlist
- Demobilization of all construction materials

## Maintenance Plan

- All erosion and sedimentation control practices will be checked for stability and operation following every runoff-producing rainfall but in no case less than once every week. Any needed repairs will be made immediately to maintain all practices as designed and installed for all appropriate phases of construction.
- Sediment will be removed from any sediment diversion structure when the level of sediment reached .5 ft below the top of the structure. Any gravel that needs to be installed per the environmental engineer will be cleaned and replaced when the gravel no longer serves its intended purpose.
- Sediment will be removed from the sediment fence when it becomes .5 ft deep at the fence. The sediment fence will be repaired as necessary to maintain a barrier.
- All seeded areas will be fertilized, reseeded as necessary, and mulched according to specifications in the vegetative plan to maintain a vigorous, dense vegetative cover.



# Vegetative Maintenance

## 4MWac Ground Mounted Project

---

### Project Information

**Project Name:** Wolf-Wertz Solar Sites 1 and 2  
**Address:** County Road 1000 North, Sidney Township, IL  
**Project Area:** 22.59-acres

### Background

Following construction of the solar facility, disturbed grounds will be re-established with low growth / low maintenance ground cover. The vegetative maintenance contractor will be responsible for inspecting and maintaining the vegetative integrity of the solar facility. The contractor will conduct on-site activities during growing months at the frequency of approximately 2-3 times per year. Contractor is expected to adjust site maintenance frequency based on time of year and weather conditions. To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted and on-site field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity.

It is important to note this scope of work covers work along the access road and w/in the fence line of the project. Remaining lands outside the fence will continue to be utilized for agricultural purposes and maintained by the landowner or their representative.

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## Site Activities

### Perimeter Maintenance

The perimeter fence line will be inspected for items of trash, that may have accumulated since the previous site visit. These items will be collected and disposed of offsite. Vegetative growth along the fence line will also be trimmed and maintained to prevent the growth of weeds or tall grasses.

### Mowing

Mowing is a three-step process. First, the mower or bush hog trims the large areas. Second, trimmers are used to cut around structural elements and other places the mower couldn't reach. Finally, any vegetation that was thrown and stuck to the modules will be cleaned off.

Additionally, spot-mowing is recommended for reducing invasive plants while native species are becoming established. Spot-mowing should be done at a raised height to avoid damaging native plants.

### Site Inspections

During each maintenance visit, the site will be inspected for signs of or early indicators of erosion. Any areas of concern will be immediately presented to the project owner/developer to evaluate and implement corrective measures. Should the contractor observe a non-typical condition or change in site conditions the project owner / developer will be immediately notified.

### Screening Maintenance

Should vegetative screening be installed at the PV facility, Contractor will be responsible for monitoring the general health of each plant. If any plant succumbs and fails to establish its self, contractor will work with the responsible nursery to redeem the warranty and replace the deceased plant with another of the same species.

### Access Road Maintenance

During maintenance activities, the access road will be inspected and maintained to ensure that vegetative creep does not occur. This will include the mowing of at least a 3-foot strip paralleling each side of the road. Additionally, any observed vegetative creep within the road will be removed.



Table 1: Scope of Work

Activity	Frequency	Timing
<b>Perimeter Maintenance</b>	8-12 Weeks	May - October
<b>Mowing</b>	8-12 Weeks	May - October
<b>Site Inspections</b>	8-12 Weeks	May - October
<b>Screening Maintenance*</b>	4-8 Weeks	May - October
<b>Access Road Maintenance</b>	8-12 Weeks	May - October

\*Two years only to ensure vegetation planted for screening is adequately established





# **Complaint Resolution Procedure**

Version 1.1

August 2018

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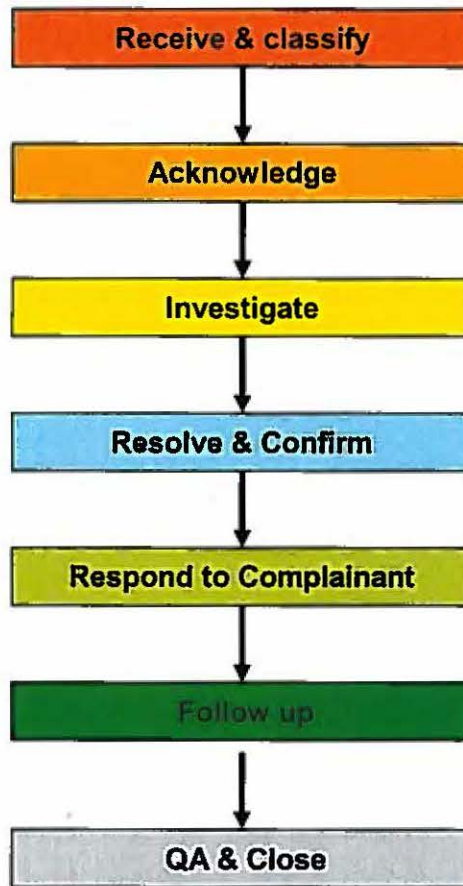
**AUG 24 2018**

**CHAMPAIGN CO. P & Z DEPARTMENT**

<b>Overview</b>	<ul style="list-style-type: none"> <li>○ This is the official Complaint Resolution Procedure across Forefront Power</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>○ To deliver a <b>consistent, high-quality and accountable</b> response to complaints across Forefront Power</li> </ul>
<b>Services Covered</b>	<ul style="list-style-type: none"> <li>○ Community Solar Development and Construction</li> </ul>
<b>Groups involved</b>	
<b>Document Control</b>	
<b>Date</b>	
<b>Author</b>	
<b>Business Owner</b>	
<b>Reviewed by</b>	
<b>Update comments</b>	

## Process Overview

The following key steps must be followed for all customer complaints received by Forefront Power staff:



The requirements for each of these steps is detailed below

## 1 Receive & classify

### Summary

Ensure that all potential issues are captured by the organization, and classified for escalation, review and action as required.

- Any complaint, issue or negative interaction (whether this is formally logged or not), must be logged and classified for action.
- All complaints must be prioritised as follows:
  - **Priority 1 – urgent**, potential high impact. **Requires a response to the complainant within 3 working days.**
  - This should be used (sparingly) for major issues with property owners or nearby landowners.
  - Also this could be used in a situation where the complainant may be in a position to influence or make public statements that would impact upon the Forefront Power brand or reputation.
  - **Priority 2, - non-urgent**, lower impact. Requires a response to the customer within 2 working weeks.
  - This should be used for most complaints with individual landowners, as this allows a reasonable time to collect information and produce a balanced response.
- Discretion and flexibility should be exercised in prioritizing all complaints
- The staff member logging the complaint should review the complaint and it's priority with the Forefront Manager before proceeding to the next step.
- Forefront Managers will decide on the appropriate person(s) to carry out subsequent steps, including the investigation.
- All Priority 1 complaints must be escalated immediately to the Forefront Operations Manager.

## 2 Acknowledge

### Summary

Ensure that every complaint receives a formal written acknowledgement, containing an expectation of when they will receive a response, and the person dealing with it.

- All complaints, regardless of priority, should receive a pro forma (see below) acknowledgement sent out 1<sup>st</sup> class mail on the day of receipt.

## 3 Investigate

### Summary

Follow up all aspects of the complaint, both internal and external, to ensure that the key facts are identified and clarified.

- The priority of the complaint will drive the timescale for completion (3 days for urgent or 2 weeks for non-urgent).
- All areas of interaction and communication should be established (who, what, where, when, why etc) and documented where possible.

## 4 Resolve & Confirm

### Summary

Ensure that the final resolution is clear and fair. Also confirm the proposed action and resolution with another senior Forefront personnel.

- Ensure that the proposed resolution meets corporate guidelines and does not prejudice Forefront in any unnecessary legal or financial manner.
- Document the proposed action and discuss and agree with Forefront Operations Manager.
- Discuss and review the solution from both the corporate and complainant viewpoint to ensure fairness and clarity.
- The review should include recognition and documentation of any underlying issues that have contributed to the complaint and recommendations for actions to prevent further occurrence.

**5 Respond to Customer**

**Summary**  
Provide the customer with the resolution within the timescales promised.

- The details of the findings and proposed resolution should be clearly explained (in written or verbal form as appropriate) to the complainant - within the agreed timescales.
- If this cannot be done on time the complainant should be contacted by telephone to request further time.

**6 Follow up**

**Summary**  
Ensure that complaints are followed up to confirm that customers are satisfied with the response given.

- All Priority 1 complaints and 95% of priority 2 complaints must be followed up within a reasonable timescale.
- This will be carried out by the Forefront's Relations team.
- The follow up should identify the following
  - Is the complainant satisfied with the response?
  - Did they feel that their complaint was properly and fairly handled?
- Any negative responses to these questions should be referred to Operations Managers for action and direct follow up with complainants.

**QA & Close**

**Summary**  
Ensure that the organization as a whole is aware of complaints and any underlying issues. Plan actions to remove these and prevent future recurrence.

- All complaints should be reviewed monthly as part of the Forefront's review meetings.
- Any complaints where action can be taken to avoid recurrent must be acted upon and raised with the appropriate managers/teams across the organization.

**Complaint logging form/screen****Key Details required**

<b>Raised by</b>	Forefront Power staff member receiving and logging the complaint
<b>Date</b>	Date and time received
<b>Complaint Code</b>	Classification of complaint type TBD
<b>Complaint Reference No.</b>	System generated
<b>Complainant Name</b>	
<b>Complainant Address</b>	
<b>Complainant Contact number</b>	
<b>Description</b>	Description of complaint – details
<b>Business Impact</b>	Description of impact on customers business/operation
<b>Priority</b>	Complaint priority 1 – urgent 2- non-urgent
<b>Acknowledgement</b>	Date letter sent
<b>Owner/assigned to</b>	
<b>Corrective action/resolution</b>	Details of findings and proposed solution

<b>Resolution confirmed by</b>	Date and owner
<b>Complainant Contacted</b>	Date and owner
<b>Complainant Followed up</b>	Date and owner
<b>Key Issues identified</b>	
<b>Long term actions required</b>	
<b>Issues and actions accepted –</b>	Date and owner



**Acknowledgement letter**

Dear

Thank you for contacting us today with your complaint/problem.

We are sorry that you have had to do this and apologize for any inconvenience this has caused you.

We view complaints as positive and helpful feedback and will do everything we can to resolve this fairly and quickly to your satisfaction.

We aim to respond to you within 3 days/2weeks with a suitable resolution.

Should you need to contact us again regarding this matter, your reference number is xxxxxxxx.

I look forward to reaching a suitable resolution to this matter and thank you again for taking time to raise this with us.

Yours

(Forefront Power Representative)

2740 Dallas Parkway, #280  
Plano, TX 75093

Main (214) 473-4640  
Fax (972) 767-3041

westwoodps.com  
(888) 937-5150

# Westwood

May 24, 20188

Village of Sidney  
Attn: Charles White  
309 S. Bryan Street  
Sidney, Illinois, 61877

**Re: Special Use Permit – Champaign County**

Dear Mr. White:

Please find included in this packet a copy of the Special Use Permit Application that has been submitted to the Champaign County Planning and Zoning Department on behalf of FFP Community Solar, LLC. The application is being submitted for your review to fulfil the requirements of the Special Use Application due to the proximity of the proposed solar development site from the Village of Sidney, IL.

Please contact me if you have any questions.

Sincerely,

**WESTWOOD PROFESSIONAL SERVICES**



**David Dickson**  
**ENVIRONMENTAL SCIENTIST**  
david.dickson@westwoodps.com

**Direct** (214) 556-6864  
**Main** (214) 473-4640  
**Cell** (417) 766-1237

**Westwood** Multi-Disciplined Surveying & Engineering  
2740 North Dallas Parkway, #280 | Plano, TX 75093

**westwoodps.com**  
(888) 937-5150

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**CHAMPAIGN CO. P & Z DEPARTMENT**

**Community Solar – Cleaning**

When necessary, the proposed project will be cleaned by a licensed, insured commercial solar cleaning firm. The proposed project estimates using no more than 20,000 gallons of water per year. Various technologies may be used to clean the panels, and official cleaning methods will be determined on a case by case basis. Cleaning methods may include one or more of the types presented below, or other methods as technology advances.



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**Applicant:** FFP IL Community Solar, LLC  
**Contact:** Tom Braman  
**Address:** 100 Montgomery Street  
Suite 725  
San Francisco, CA 94104

**IDNR Project Number:** 1809270  
**Date:** 03/27/2018

**Project:** Wolf/Wertz - Sidney Site 1  
**Address:** County Road 1000 North, Sidney

**Description:** FFP IL Community Solar, LLC is proposing to construct a utility-scale solar energy facility on the Project Premises

### Natural Resource Review Results

#### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Bigeye Chub (*Hybopsis amblops*)

**An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.**

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

**County:** Champaign

**Township, Range, Section:**  
18N, 10E, 11



**IL Department of Natural Resources  
Contact**  
Natalia Jones  
217-785-5500  
Division of Ecosystems & Environment

**Government Jurisdiction**  
Champaign County Planning and Zoning  
John Hall  
1776 East Washington Street  
Urbana, Illinois 61802

#### **Disclaimer**

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

#### **Terms of Use**

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

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**CHAMPAIGN CO. P & Z DEPARTMENT**

IDNR Project Number: 1809270

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

#### **Security**

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

#### **Privacy**

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Bruce Rauner, Governor

Wayne Rosenthal, Director

March 28, 2018

Tom Braman  
FFP IL Community Solar, LLC and FFP IL Community Solar II, LLC  
100 Montgomery Street  
Suite 725  
San Francisco, CA 94104

**RE: Wolf/Wertz - Sidney Site 1**  
**Project Number(s): 1809270**  
**County: Champaign**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Natalia Jones  
Division of Ecosystems and Environment  
217-785-5500

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**AUG 24 2018**

CHAMPAIGN CO. P & Z DEPARTMENT



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

Bruce Rauner, Governor  
Wayne A. Roseenthal, Director

Champaign County  
Sidney  
CR 1000 North, east of CR 2200 E  
Section:11-Township:18N-Range:10E  
SUP  
New construction, solar energy facility

PLEASE REFER TO: SHPO LOG #028040418

May 23, 2018

David L. Dickson  
Westwood Professional Services  
2740 Dallas Parkway, Suite 280  
Plano, TX 75093

Dear Mr. Dickson:

The Illinois State Historic Preservation Office is required by the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended, 17 IAC 4180) to review all state funded, permitted or licensed undertakings for their effect on cultural resources. Pursuant to this, we have received information regarding the referenced project for our comment.

Our staff has reviewed the specifications under the state law and assessed the impact of the project as submitted by your office. We have determined, based on the available information, that no significant historic, architectural or archaeological resources are located within the proposed project area.

According to the information you have provided concerning your proposed project, apparently there is no federal involvement in your project. However, please note that the state law is less restrictive than the federal cultural resource laws concerning archaeology. If your project will use federal loans or grants, need federal agency permits, use federal property, or involve assistance from a federal agency, then your project must be reviewed under the National Historic Preservation Act of 1966, as amended. Please notify us immediately if such is the case.

This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the IL Human Skeletal Remains Protection Act (20 ILCS 3440).

Please retain this letter in your files as evidence of compliance with the Illinois State Agency Historic Resources Preservation Act.

If further assistance is needed please contact my office at 217/782-4836.

Sincerely,

Rachel Leibowitz, Ph.D.  
Deputy State Historic  
Preservation Officer

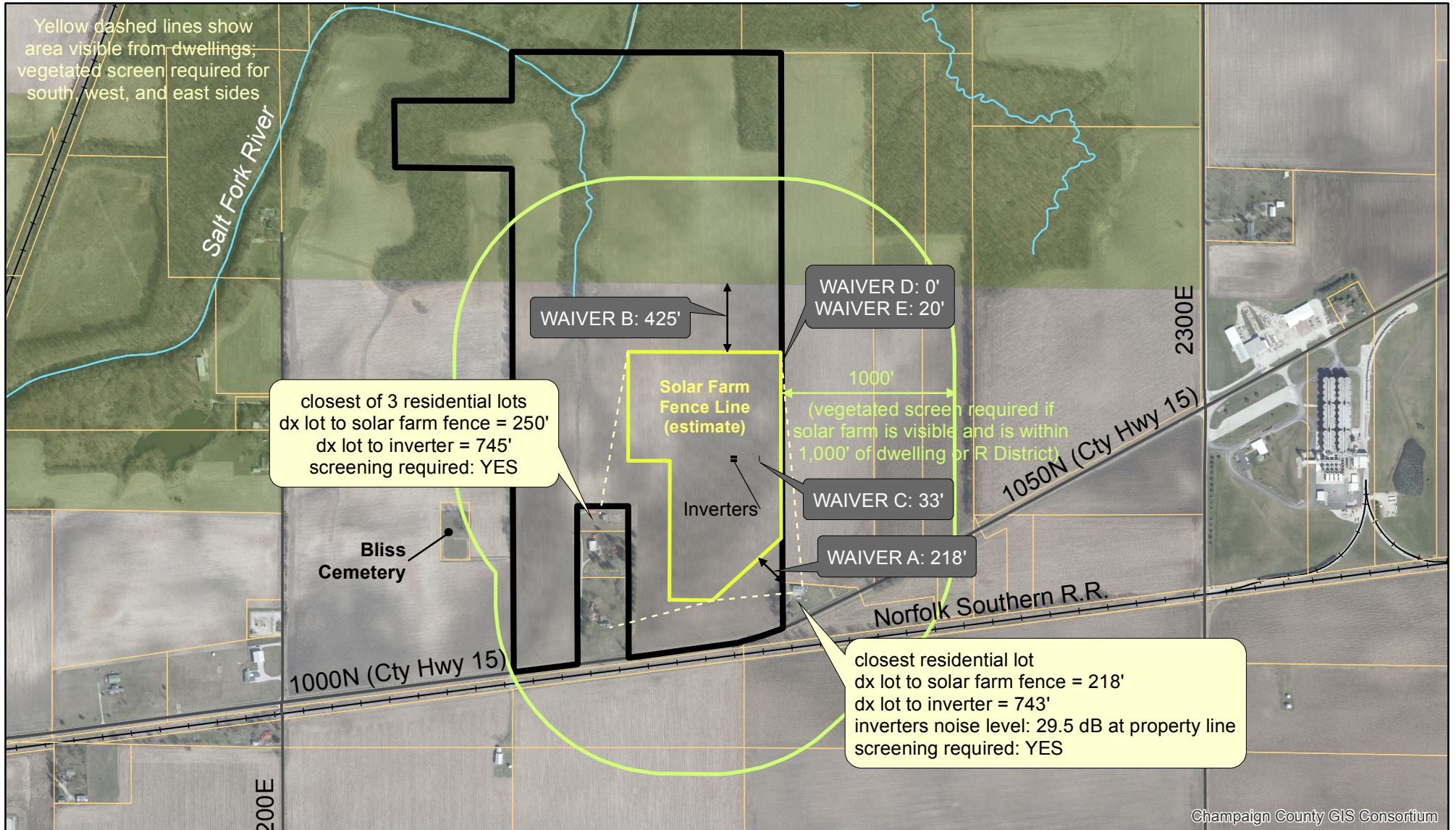
# RECEIVED

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CHAMPAIGN CO. P & Z DEPARTMENT

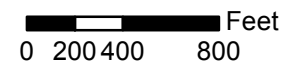
# Annotated Aerial: Separation Distances and Screening

Case 903-S-18  
September 13, 2018



## Legend

- Solar Fenced Area
- Parcels
- Streets
- Subject Property
- Solar Fenced Area 1000 feet buffer
- Streams
- Railroad
- CR Zoning District







# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- www.ccsxcd.com

## NATURAL RESOURCE REPORT

**Development Name:** FFP IL Community Solar, LLC

**Date Reviewed:** May 7th, 2018

**Requested By:** Sam Youneszadeh

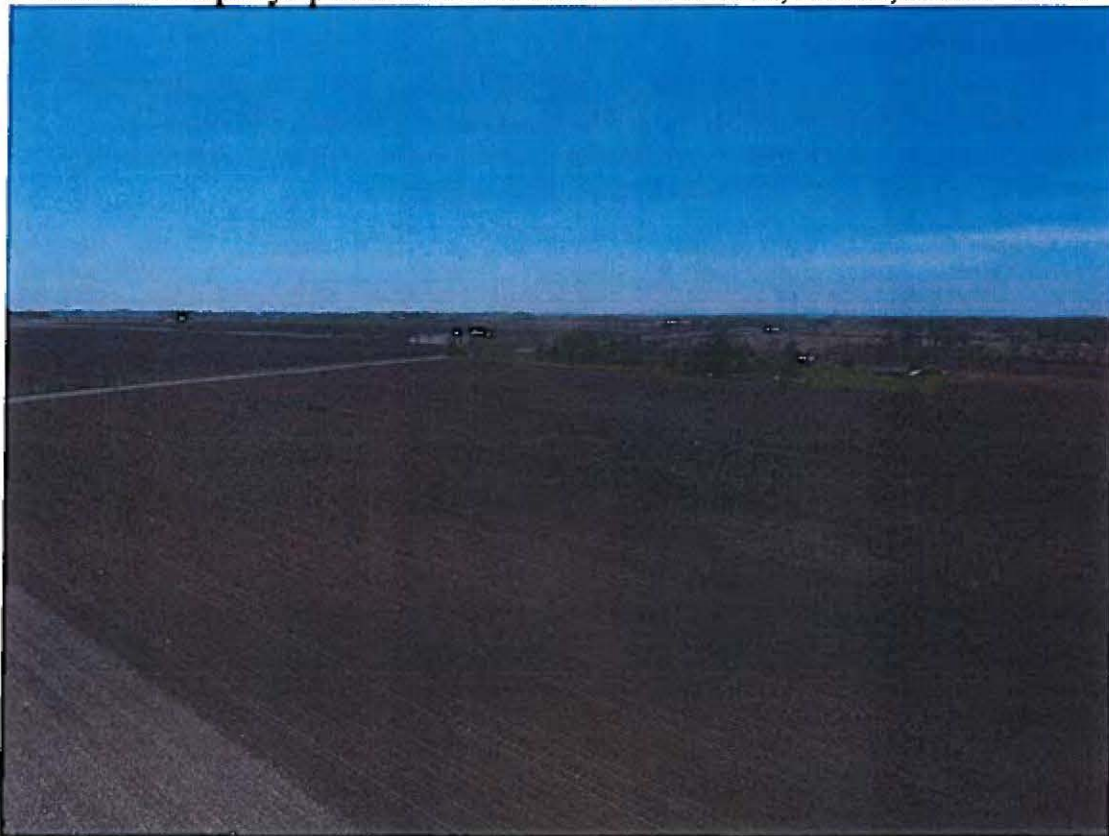
**Address:** 100 Montgomery Street, Suite 725  
San Francisco, CA 94104

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**CHAMPAIGN CO. P & Z DEPARTMENT**

**Location of Property:** part of the SW  $\frac{1}{4}$  of sec.11 in T. 18 N., R.10 E., of the 3<sup>rd</sup>. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on May 7th, 2018.

July 16, 2018



# Champaign County

Soil and Water Conservation District  
 2110 West Park Court Suite C Champaign, IL 61821  
 (217) 352-3536 Extension 3 --- www.ccsxcd.com

## SITE SPECIFIC CONCERNS

- The area that is to be developed has 4 soil types (Drummer Silty Clay Loam 152A, Flanagan silt loam 154A, Xenia silt loam 291B, and Sunbury silt loam 234A) that is severe wetness or ponding for dwellings with a basement.

## SOIL RESOURCE

### a) Prime Farmland:

This tract is considered best prime farmland for Champaign County by the LE calculation.

This tract has an L.E. Factor of 97; see the attached worksheet for this calculation.

### b) Soil Characteristics:

There is four (4) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe wetness or ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow			Septic Fields	Steel Corrosion	Concrete Corrosion
			Excavations	Basements	Roads			
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate
154A	Flanagan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate
291B	Xenia Silt Loam	2-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate
234A	Sunbury Silt Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate

### c) Erosion:

This area that may be developed, will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has a very slight slope to the South and West which could allow erosion during construction and heavy rainfall events. The area is currently in Soybean residue, erosion control measures must be installed before construction starts.



# Champaign County

Soil and Water Conservation District  
 2110 West Park Court Suite C Champaign, IL 61821  
 (217) 352-3536 Extension 3 --- [www.ccswcd.com](http://www.ccswcd.com)

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## d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue sedimentation control after.

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

This link has a resource to help develop a SWPPP for small lots:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

## WATER RESOURCE

### a) Surface Drainage:

The site has a very slight slope to the South and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.

### b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Remember that tile in this area of the county maybe small, yet it may drain several miles of ground around the area to be developed.

Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.



# Champaign County

Soil and Water Conservation District  
 2110 West Park Court Suite C Champaign, IL 61821  
 (217) 352-3536 Extension 3 --- [www.ccsxcd.com](http://www.ccsxcd.com)

## c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

*EPA Stormwater Pollution Prevention Plan Reference Tool:*

**EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size.** *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

A new small lots plan can be found at this website location:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

## d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to [www.epa.gov/owow/nps/lid/costs07](http://www.epa.gov/owow/nps/lid/costs07).



# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- www.ccsxcd.com

## CULTURAL, PLANT, AND ANIMAL RESOURCE

### a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

### b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

**The Illinois Natural Heritage Database shows protected resources may be in the vicinity of the project location.**

### c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. The soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by

  
Joe Rothermel  
Board Chairman

Prepared by

  
Jonathon Manuel  
Resource Conservationist

# Wolf-Wertz Solar

Date: 4/30/2018

Field Office: CHAMPAIGN SERVICE CENTER

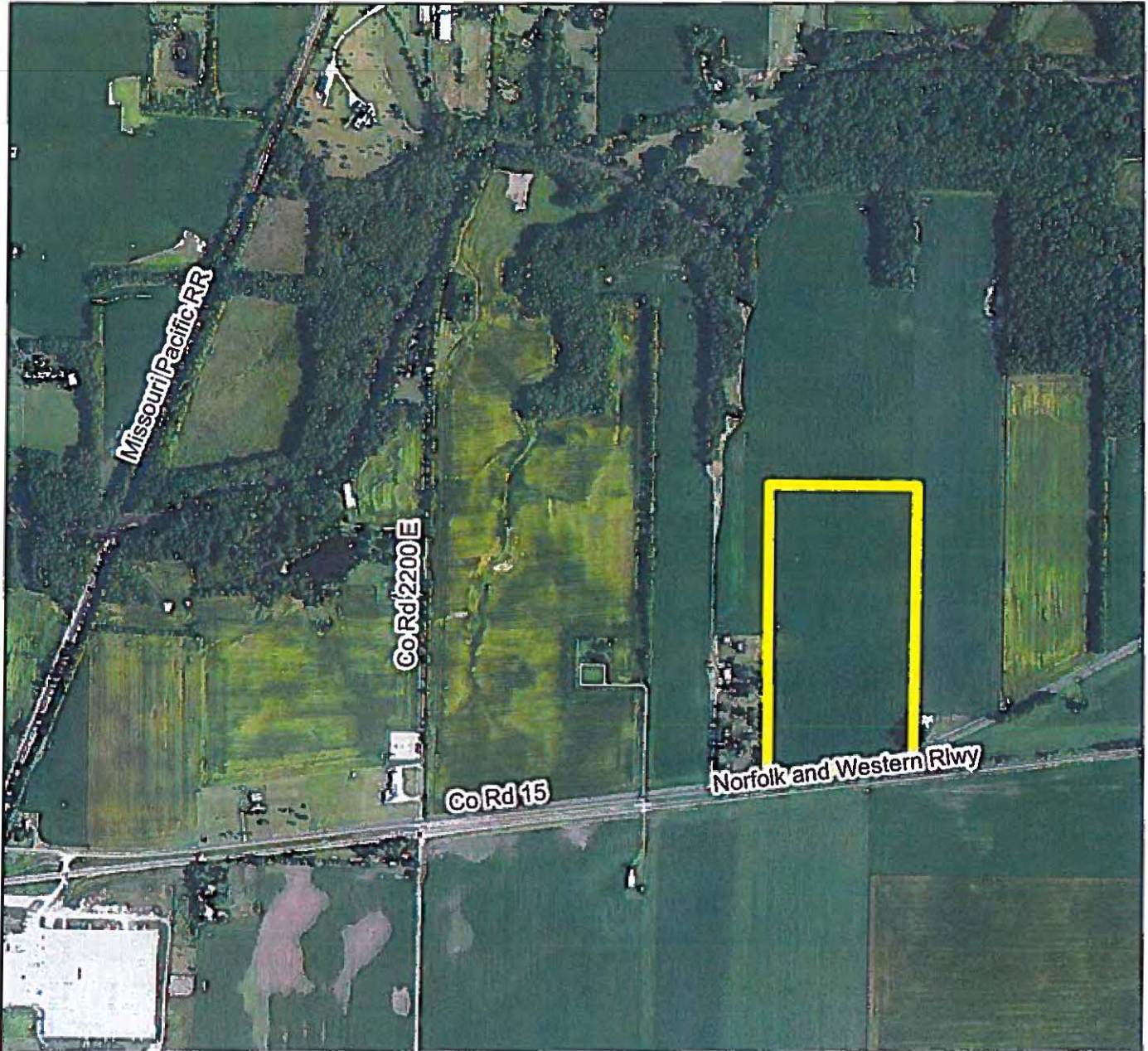
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Aerial 2015

State and County: IL, Champaign County, Illinois

Legal Description: Sw 1/4 of Section 11, T18N, R10E



### Legend

- Wolf-Wertz solar
- fe\_2007\_17019\_edges

Prepared with assistance from USDA-Natural Resources Conservation Service



## LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	100	17.7	1770.0
154A	Flanagan	1	100	9.6	960.0
291B	Xenia	9	83	5.7	473.1
234A	Sunbury	4	91	0.2	18.2
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

**Total LE Weighted Factor= 3221.3**

**Acreage= 33.2**

**Land Evaluation Factor For Site=**

<b>97</b>
-----------

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

# Wolf-Wertz Solar

Date: 4/30/2018

Field Office: CHAMPAIGN SERVICE CENTER

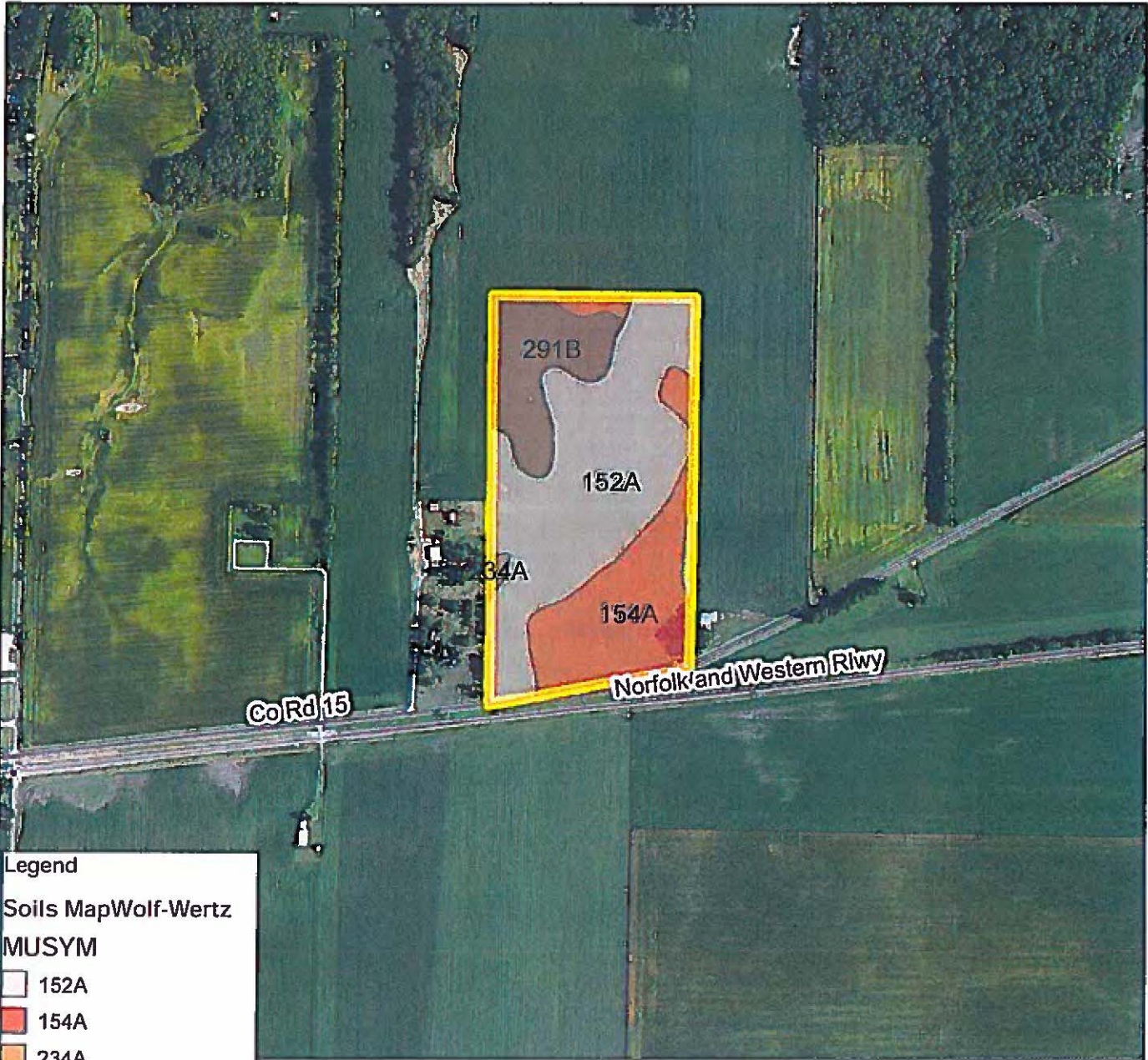
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: Sw 1/4 of Section 11, T18N, R10E

Aerial 2015



Legend

Soils MapWolf-Wertz

MUSYM

- 152A
- 154A
- 234A
- 291B
- Wolf-Wertz solar

fe\_2007\_17019\_edges

Prepared with assistance from USDA-Natural Resources Conservation Service







**Applicant:** Champaign County Soil & Water Conservation District    **IDNR Project Number:** 1810419  
**Contact:** Jonathon Manuel    **Date:** 04/30/2018  
**Address:** 2110 West Park Court  
 Suite C  
 Champaign, IL 61821  
  
**Project:** Wolf Wertz Solar  
**Address:** 2110 West Park Court, Suite C, Champaign

**Description:** new solar farm

### Natural Resource Review Results

*This project was submitted for information only. It is not a consultation under Part 1075.*

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

**Bigeye Chub (*Hybopsis amblops*)**

**Location**

The applicant is responsible for the accuracy of the location submitted for the project.



**County:** Champaign

**Township, Range, Section:**  
18N, 10E, 11

**IL Department of Natural Resources**  
**Contact**  
 Impact Assessment Section  
 217-785-5500  
 Division of Ecosystems & Environment

**Disclaimer**

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

**Terms of Use**

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1810419

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

#### **Security**

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

#### **Privacy**

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

# Wolf-Wertz Solar

Date: 4/30/2018

Field Office: CHAMPAIGN SERVICE CENTER

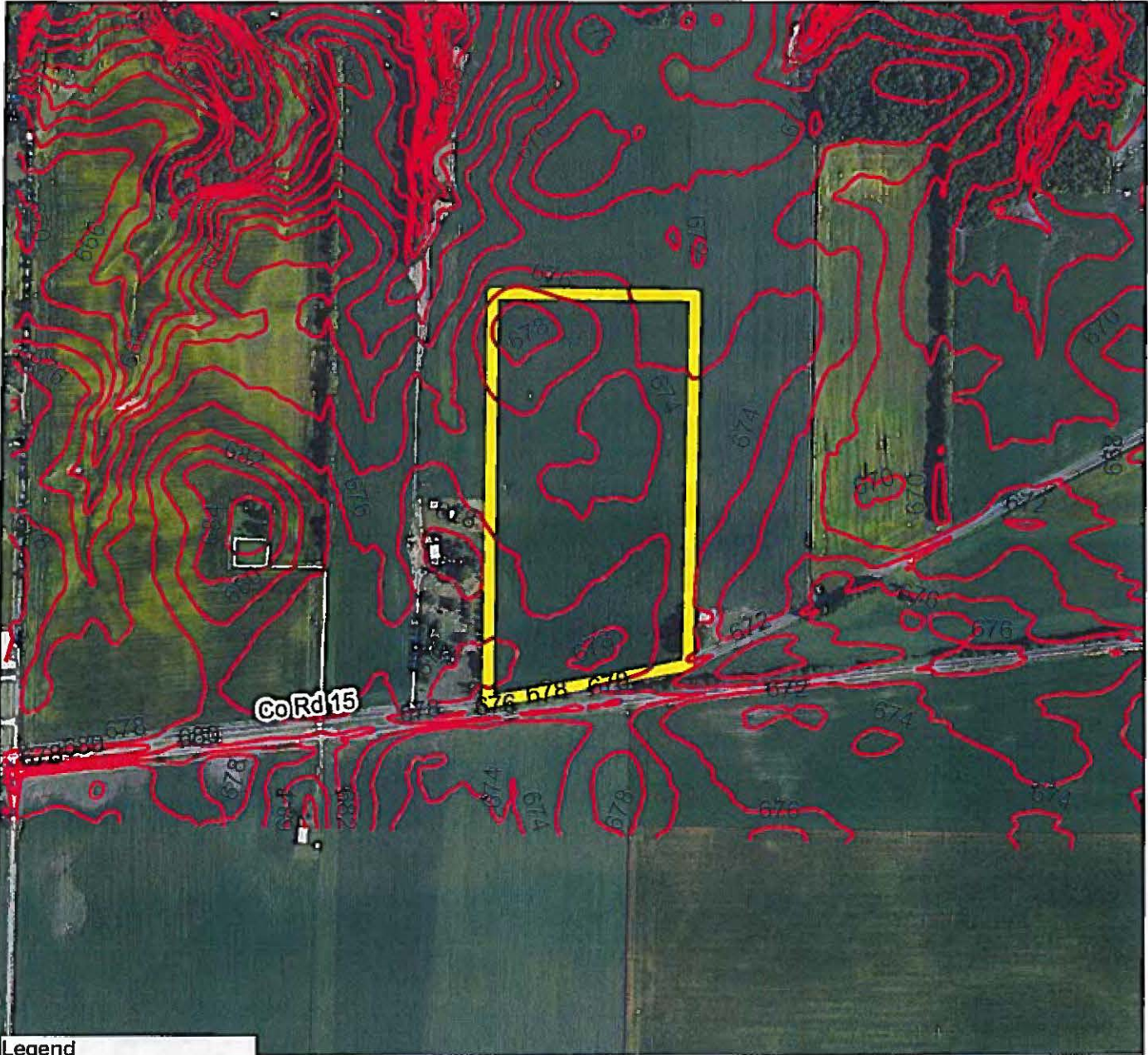
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Aerial 2015

Legal Description: Sw 1/4 of Section 11, T18N, R10E



### Legend

- 3\_T18N\_R10E\_SEC11
- Wolf-Wertz solar
- fe\_2007\_17019\_edges

Prepared with assistance from USDA-Natural Resources Conservation Service



# Wolf-Wertz Solar

Date: 4/30/2018

Field Office: CHAMPAIGN SERVICE CENTER

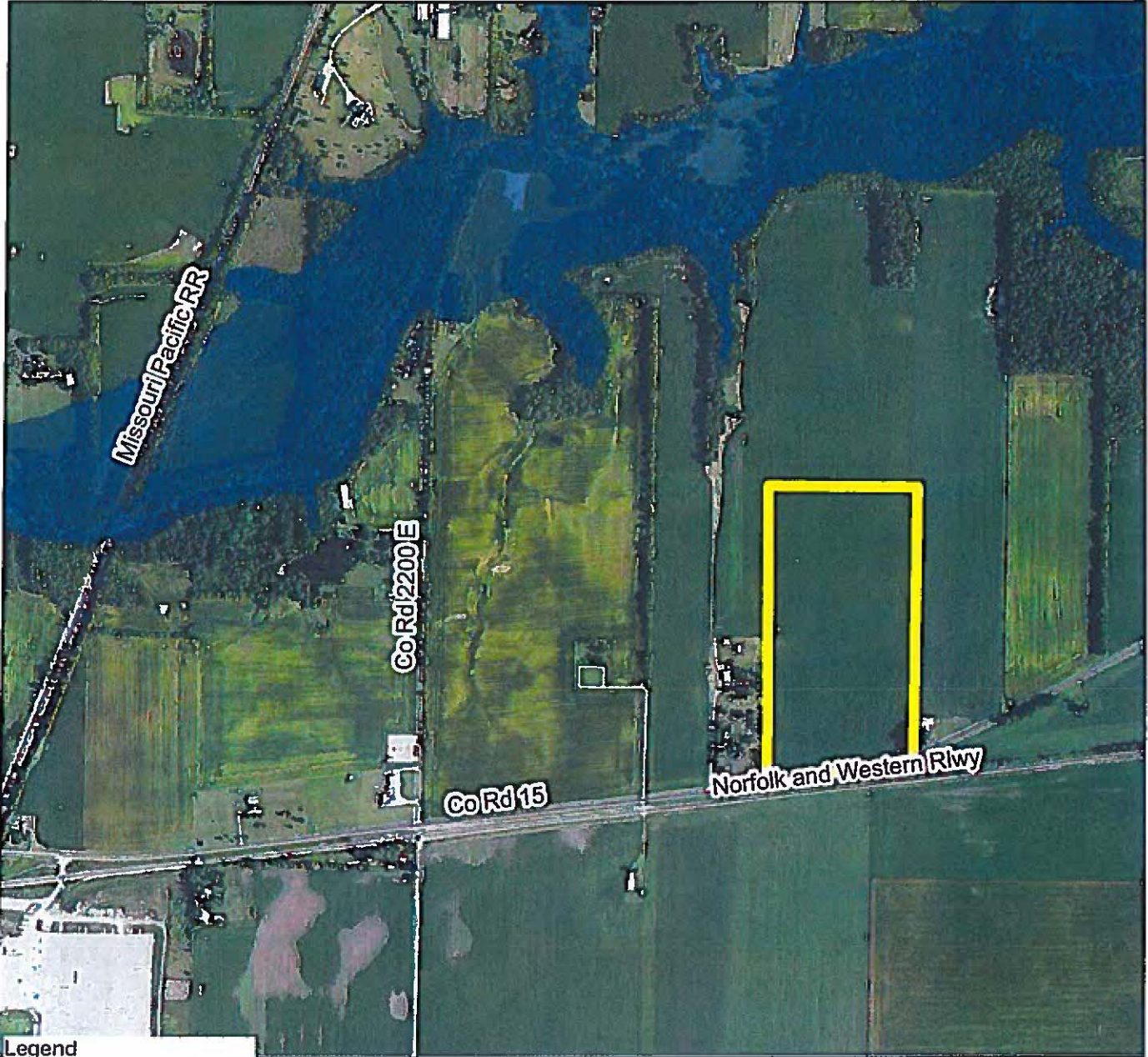
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Aerial 2015

State and County: IL, Champaign County, Illinois

Legal Description: Sw 1/4 of Section 11, T18N, R10E



Legend

- Wolf-Wertz solar
- fe\_2007\_17019\_edges
- fema\_a\_il019

Prepared with assistance from USDA-Natural Resources Conservation Service



# Wolf-Wertz Solar

Date: 4/30/2018

Field Office: CHAMPAIGN SERVICE CENTER

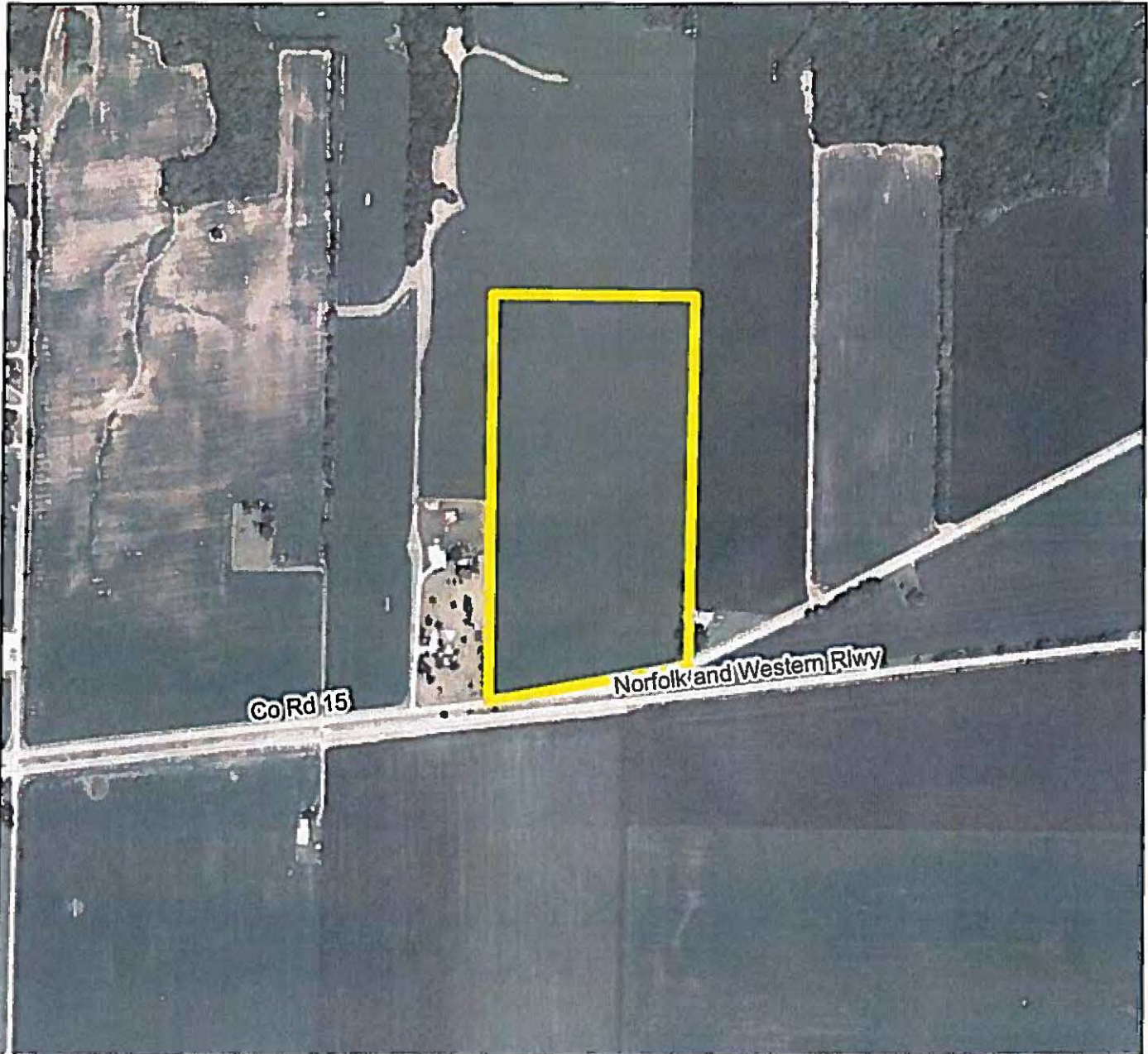
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois


Aerial 2006

Legal Description: Sw 1/4 of Section 11, T18N, R10E

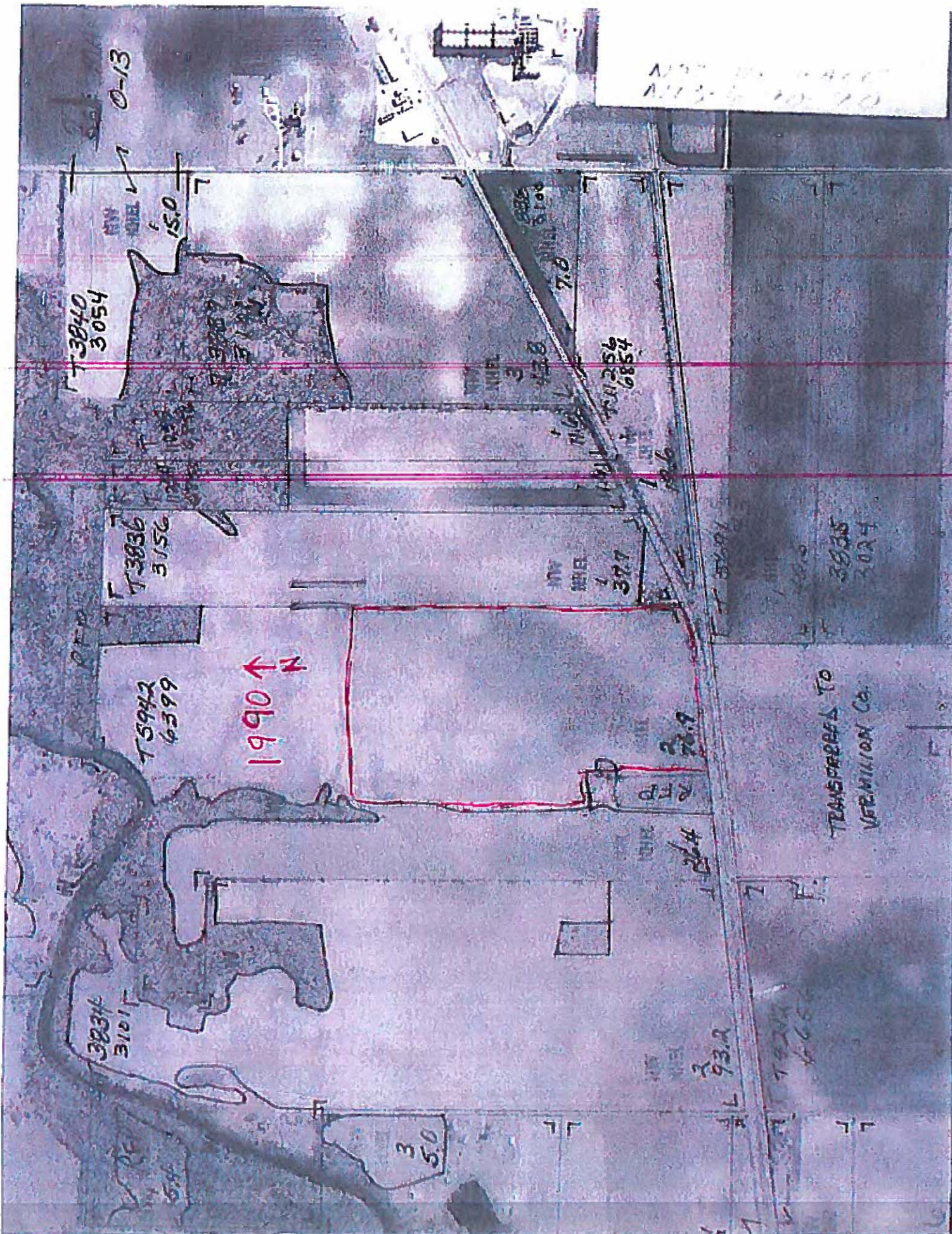


Prepared with assistance from USDA-Natural Resources Conservation Service

### Legend

-  Wolf-Wertz solar
- fe\_2007\_17019\_edges







1976 ↕

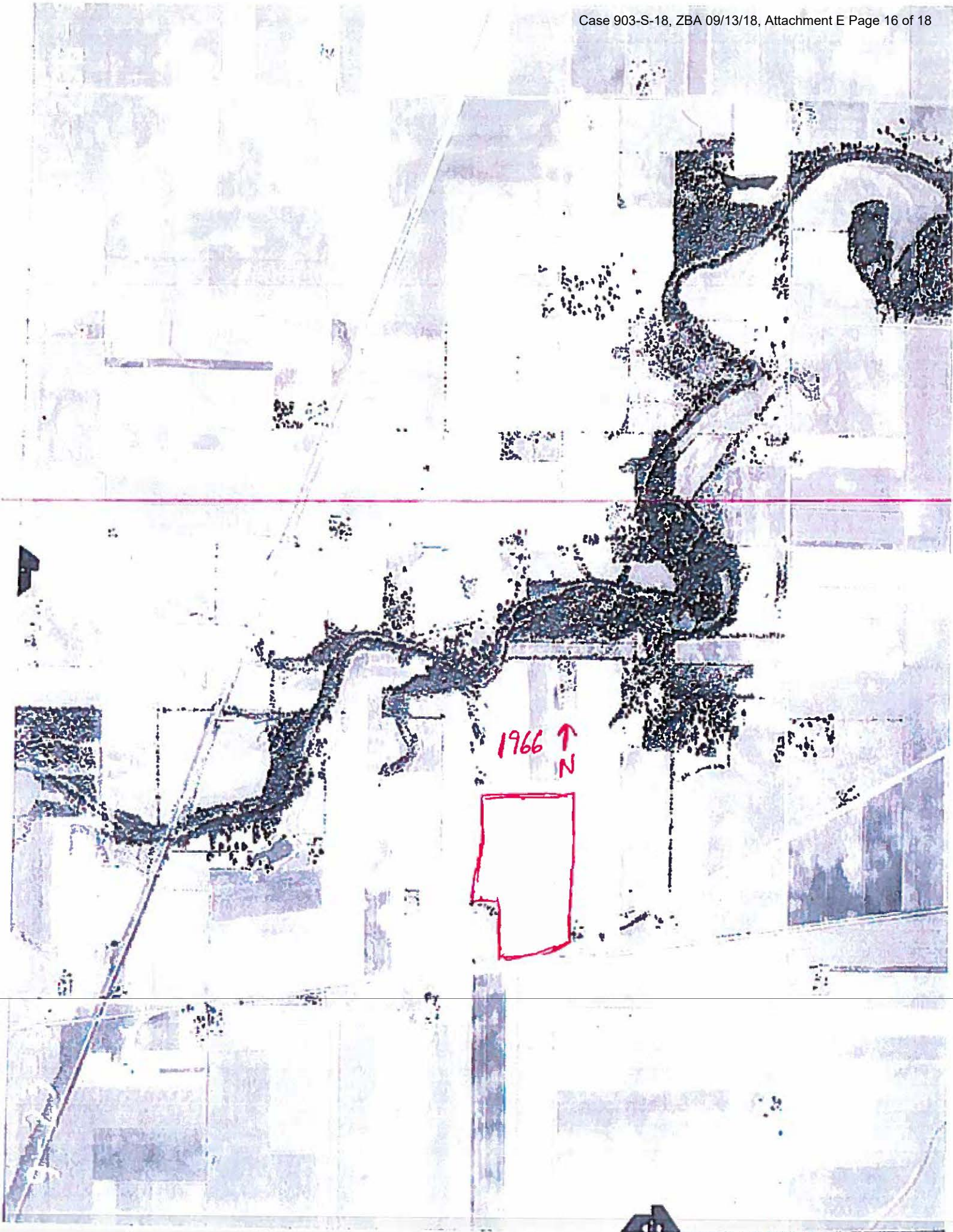
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X-15-145

X-1180

X-1180

X-199

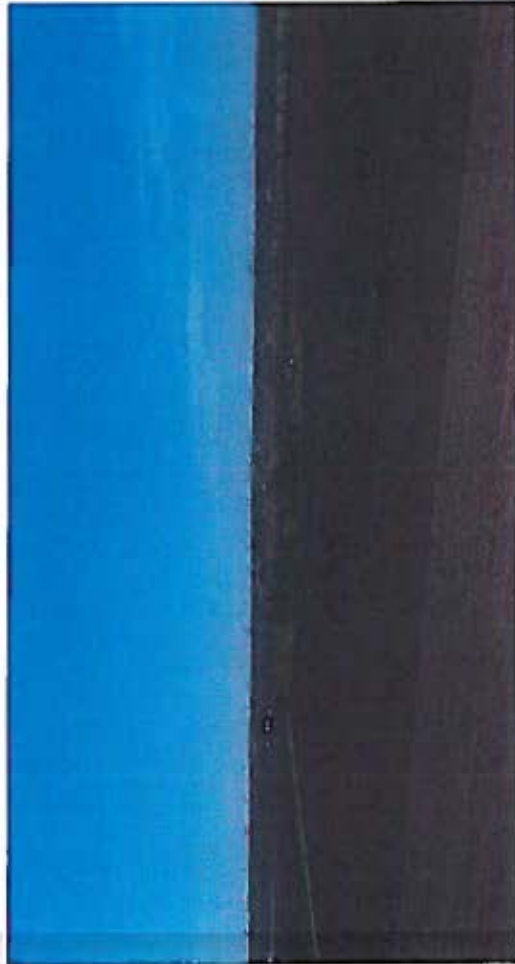
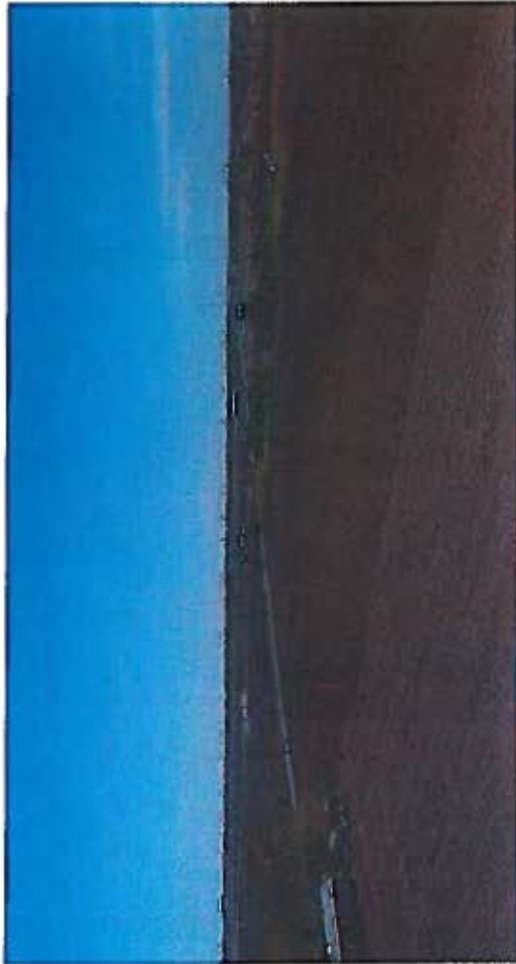






IL A  
AP-1A  
S-1 AMPAIGN CO. ILL.

1940



## Susan Burgstrom

---

**From:** David Dickson <David.Dickson@westwoodps.com>  
**Sent:** Friday, August 31, 2018 7:43 AM  
**To:** Susan Burgstrom  
**Cc:** Micah Beard  
**Subject:** RE: inverters and solar modules

Sorry, I forgot to address the groundcover ratio with my previous email. The groundcover ratio for each project is as follows:

- Wolf/Wertz – 45% GCR
- St. Joe-East – 33% GCR
- St. Joe-West – 45% GCR

Also, please note that the modules are only fully flat at noon and during wind events, they are otherwise stowed at an angle.

Thanks

David Dickson  
ENVIRONMENTAL SCIENTIST  
david.dickson@westwoodps.com

Direct (214) 556-6864  
Main (214) 473-4640  
Cell (417) 766-1237

Westwood Multi-Disciplined Surveying & Engineering  
2740 North Dallas Parkway, #280 | Plano, TX 75093

westwoodps.com  
(888) 937-5150

RECEIVED

AUG 31 2018

CHAMPAIGN CO. P & Z DEPARTMENT

---

**From:** David Dickson  
**Sent:** Friday, August 31, 2018 7:34 AM  
**To:** 'Susan Burgstrom' <sburgstrom@co.champaign.il.us>  
**Cc:** Micah Beard <Micah.Beard@westwoodps.com>  
**Subject:** RE: inverters and solar modules

Good morning Susan,

Please see your previous email below as my responses to each of your questions are in blue.

Thanks and let me know if you need anything else!

---

**From:** Susan Burgstrom [<mailto:sburgstrom@co.champaign.il.us>]  
**Sent:** Thursday, August 30, 2018 8:12 AM  
**To:** David Dickson <[David.Dickson@westwoodps.com](mailto:David.Dickson@westwoodps.com)>  
**Subject:** inverters and solar modules

Hi David,

Could you please send me a spec sheet for the type of inverter that will most likely be used for the Forefront projects, as well as how many inverters will be used on each project?

- Type of Inverter – SG125HV; spec sheet attached. However, please note that Forefront may change the inverter in the future but it will still be a smaller “string” inverter rather than a large central inverter. Same goes for the module.
- Number of Inverters/project:
  - Wolf-Wertz – 32
  - St. Joe-East - 32
  - St. Joe-West – 16

Could you also please send me the number of solar modules that will be used for each project?

- Number of panels/project:
  - Wolf-Wertz – 16,698
  - St. Joe-East – 16,968
  - St. Joe West – 8,484

Thanks!

Susan

**Susan Burgstrom**, AICP  
Senior Planner  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: 217-384-3708

F: 217-819-4021

**Checklist for status of Special Use Permit application requirements**  
**Case 903-S-18**

<b>Ordinance Section</b>	<b>Required Items</b>	<b>Status</b>
<b>U.(1)</b>	SUP complete application, signed	✓
<b>U.(1)a.</b>	PV Solar Farm project summary	✓
	• Project description with:	✓
	• approximate DC and AC generating capacity	✓
	• maximum number of solar devices	✓
	• type of solar devices	✓
	• potential equipment manufacturer(s)	✓
	• The specific proposed location of the PV SOLAR FARM including all tax parcels on which the PV SOLAR FARM will be constructed	✓
	• The specific proposed location of all tax parcels required to be included in the PV SOLAR FARM County Board SPECIAL USE Permit	✓
<b>U.(1)b.</b>	• A description of the Applicant; Owner and Operator, including their respective business structures	✓
	The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s)	✓
<b>U.(1)c.</b>	Site Plan, including:	See line items below
	• The approximate planned location of:	✓
<b>U.(1)c.(a)</b>	○ all PV SOLAR FARM STRUCTURES	✓
	○ property lines (including identification of adjoining properties)	✓
	○ required separations	✓
	○ public access roads and turnout locations	✓
	○ access driveways	✓
	○ to the extent possible, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substations(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	Some details will not be finalized until the Zoning Use Permit phase
<b>U.(1)c.(b)</b>	• Area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 A.(1)	✓
<b>U.(1)c.(c)</b>	• The location of all below-ground wiring	Not applicable to this case – all below ground wiring is entirely within the PV solar farm area and not on other parts of the property
<b>U.(1)c.(d)</b>	• The location, height, and appearance of all above-ground wiring and wiring structures	Provided at ZUP phase
<b>U.(1)c.(e)</b>	• 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.	✓

**Checklist for status of Special Use Permit application requirements  
Case 903-S-18**

<b>U.(1)d.</b>	All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance:	See line items below
6.1.1 A.1.	<ul style="list-style-type: none"> <li>Decommissioning and Site Reclamation Plan</li> </ul>	See attached Plan; Special Condition added
6.1.1 A.2.	<ul style="list-style-type: none"> <li>the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance</li> </ul>	Special Condition added
6.1.1 A.3.	<ul style="list-style-type: none"> <li>Separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer.</li> </ul>	Waiver needed; Special Condition added
6.1.1 A.5.	<ul style="list-style-type: none"> <li>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</li> </ul>	Special Condition added
6.1.5 B.(3)a.	<ul style="list-style-type: none"> <li>Documentation that the applicant or PV SOLAR FARM is in the queue to acquire an interconnection agreement to the power grid</li> </ul>	Application submitted, Special Condition added
6.1.5 F.(9)a.(b)iv.	<ul style="list-style-type: none"> <li>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) and the vegetative screen buffer required by Section 6.1.5 M.(2)a.</li> </ul>	General landscape plan provided, but needs more details; Special Condition added
6.1.5 G.(1)	<ul style="list-style-type: none"> <li>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 Township Highway Commissioner...except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements of subparagraphs 6.1.5 G.(1), (2), and (3)</li> </ul>	Special Condition added to get approval by ELUC
6.1.5 I.(3)a.	<ul style="list-style-type: none"> <li>The SPECIAL USE permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis per the requirements of Section 6.1.5 I.(3)a. For a COMMUNITY PV SOLAR FARM the Board may require submission of a noise analysis that meets the standard of paragraph 6.1.5 I.(3)a.</li> </ul>	Not required with application because this is a Community solar farm; Board can require
6.1.5 P.(1)a.(c)	<ul style="list-style-type: none"> <li>The Application shall explain methods/materials used to clean the PV SOLAR FARM equipment including an estimate of the daily and annual gallons of water used and the source of the water and the 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.</li> </ul>	✓
<b>U.(1)e.</b>	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 6.1.5 B.(2)a.(b)	✓
<b>U.(1)f.</b>	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, as required by Section 6.1.5 B.(2)a.(c)	No information from the Village of Sidney; P&Z has notified the Village of ZBA hearing

**PRELIMINARY DRAFT**

**903-S-18**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

---

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

Date: ***September 13, 2018***

Petitioners: **FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104, via agent David Dickson, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz**

Request: **Authorize two Community PV Solar Farms, each with a nameplate capacity of 2 megawatts (MW) for a total of 4 MW, including access road and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions (other waivers may be necessary):**

*Note: Some waivers have been revised based on new evidence received after the required legal advertisement was submitted.*

Part A: A waiver for a separation of 0 218 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 distance of ~~1,000~~ 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.

Part C: A waiver for a 33 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.

Part D: A waiver for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b. of the Zoning Ordinance.

Part E: A waiver for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet, per Section 6.1.5 D.(8) of the Zoning Ordinance.

***PRELIMINARY DRAFT***

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

Part G: 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.

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**Case 903-S-18 Final Determination..... 66 – 69**



**PRELIMINARY DRAFT****Case 903-S-18**  
**Page 3 of 69****SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 13, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioners are FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104, via agent David Dickson, Westwood Multi-Disciplined Surveying & Engineering, 2740 North Dallas Parkway #280, Plano, TX 75093, with FFP IL Community Solar LLC officers Go Mizoguchi, 243 Scarsdale Boulevard, Scarsdale, NY, 10583; Paul Walker, 6980 Springhill Drive, Niwot, CO 80503; and Kristin Frooshani, 628 Harvey St, Baltimore, MD 21230, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz. Regarding the petitioners:
  - A. Wolf/Wertz Sidney Site 1 & 2 is the name of the proposed PV SOLAR FARM, which is wholly owned by FFP IL Community Solar LLC, 100 Montgomery Street, Suite 725, San Francisco, CA 94104.
  - B. The participating landowners, Mildred Catherine Wolf and Judith K. Wertz, signed an agreement on December 28, 2017, with FFP IL Community Solar LLC for the use of their property for the proposed PV SOLAR FARM.
2. The subject property is a 121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney. The petitioners anticipate using approximately 22.59 acres of the subject property for the PV SOLAR FARM, per the application received August 24, 2018.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located 4,512 feet (0.85 mile) from the Village of Sidney, which is within the one and one-half mile extraterritorial jurisdiction of the Village, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
  - B. The subject property is located within Sidney Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
  - A. The subject property is split-zoned AG-1 Agriculture and CR Conservation Recreation, and is currently agriculture land in production. The proposed PV SOLAR FARM would be located entirely in the AG-1 Agriculture Zoning District.
  - B. The subject property surrounds three residential properties, all in the AG-1 Agriculture Zoning District.
  - C. Land north of the subject property is zoned CR Conservation Recreation and is wooded area surrounding the Salt Fork River.

**PRELIMINARY DRAFT**

- D. Land west of the subject property is split-zoned AG-1 Agriculture and CR Conservation Recreation and is in agricultural production. The 1.25-acre Bliss Cemetery is located about 250 feet west of the subject property.
- E. Land east of the subject property is split-zoned AG-1 Agriculture and CR Conservation Recreation and is in agricultural production. There is a residence adjacent to the southeast corner of the subject property along CR 1000N (County Highway 15).
- F. Land south of the subject property, on the south side of CR 1000N (County Highway 15), is zoned AG-1 Agriculture and is in agricultural production.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

- 5. Regarding the Site plan for the proposed Special Use received on August 24, 2018:
  - A. Exhibit 2: Proposed Site Plan, includes the following features:
    - (1) There is an existing power line along the north side of the CR 1000N (County Highway 15) to which the PV SOLAR FARM would connect.
    - (2) Proposed features include:
      - a. Two 2 MW COMMUNITY PV SOLAR FARM sites; and
      - b. Approximately 4,410 linear feet of 7-foot tall perimeter fence; and
      - c. 16,968 solar modules, per an email from David Dickson received August 31, 2018;
        - (a) Under the Project Narrative section of the application received August 24, 2018, it states: “FFP IL Community Solar, LLC intends to utilize Trina TSM-340-DD14A modules; however, the specific solar array configuration for this Project will be decided once additional site-specific information and design components are determined. The Trina TSM-340-DD14A modules are UL and CSI (California Solar Initiative) listed.”
      - d. Two interconnection equipment pads, located approximately 1,000 feet north of the CR 1000N (County Highway 15) street centerline; and
        - (a) The Facility Description on page 4 of the Decommissioning Plan received August 24, 2018, states that each concrete pad will be approximately 34 feet by 13 feet.
      - e. 32 string inverters, per an email from David Dickson received August 31, 2018;
        - (a) Mr. Dickson also stated in the email that the proposed inverter is the Sungrow model SG125HV. He stated: “please note that Forefront may change the inverter in the future, but it will still be a smaller “string” inverter rather than a large central inverter. Same goes for the module.”
      - f. A 20-foot wide access road extending approximately 1,235 feet north from CR 1000N (County Highway 15); and

**PRELIMINARY DRAFT****Case 903-S-18**  
**Page 5 of 69**

- g. A gated entrance approximately 450 feet north of CR 1000N (County Highway 15); and
  - h. Two Points of Interconnection (POI) located on the north side of CR 1000N (County Highway 15); and
  - i. A 240 feet setback to the nearest 10-acre parcel; and
  - j. 295 feet between the nearest home and the PV SOLAR FARM array; and
  - k. 274 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 1000N (County Highway 15).
  - l. The PV SOLAR FARM is proposed to be located on soils that are Best Prime Farmland.
- B. Exhibit 3: Proposed Landscape Plan, includes the following features:
- (1) A 30 feet vegetation screen along the western PV SOLAR FARM perimeter fence.
- C. There are no previous Zoning Use Permits for the subject property.
- D. There are no previous Zoning Cases for the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a “COMMUNITY PV SOLAR FARM” in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. The County Board amended the Zoning Ordinance by adopting PV SOLAR FARM requirements when it adopted Ordinance No. 2018-4 on August 23, 2018.
  - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
    - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
      - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
      - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
      - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.

**PRELIMINARY DRAFT**

- (3) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
- (4) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (5) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (8) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (9) “LOT LINES” are the lines bounding a LOT.
- (10) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
- (11) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (12) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (13) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (14) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and

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management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.

- (15) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (16) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (17) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opacity or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (19) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (20) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (21) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (22) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (23) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.

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- (24) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- C. Section 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
  - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
  - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
  - (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
  - (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
  - (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
  - (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
  - (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.

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- (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
  - (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
  - (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
  - (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
  - (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
  - (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
  - (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
  - (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
  - (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
  - (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
  - (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
  - (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.
  - (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as 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 welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is

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not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

- b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - a. Special conditions and circumstances 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.
    - b. 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
    - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.



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- (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION**

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The proposed solar project is situated within a predominantly agricultural area located approximately 1.1-miles east of Sidney, Illinois. Allowing this property to be developed into a solar facility will provide approximately 4 MWs of clean, renewable energy to the local electrical grid. In addition, this project will help generate additional income for the landowner, contribute to job creation stimulation through new investments in energy efficiency, renewables, and innovation, and help preserve the State of Illinois' low energy rates for residents and businesses within the County.”**
- B. 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.
- C. The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
- D. There is an existing power line along the south end of the subject property which connects to the Ameren substation south of the Village of Sidney.

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The proposed Project would be situated on rural agricultural land, located away from public areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals associated with solar energy, no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of the County are expected.**

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**“According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a non-reflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”**

- B. Regarding surface drainage, the Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018, states: “The site has a very slight slope to the South and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.”
- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have one access on CR 1000N (County Highway 15).
  - (2) CR 1000N (County Highway 15) is a marked two-lane highway that is approximately 24 feet wide. It is comprised of oil and chip and has 3 feet wide gravel shoulders.
  - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 1000N had an ADT of 2,200 near the subject property.
  - (4) No significant increase in traffic is expected.
  - (5) The Sidney Township Highway Commissioner has been notified of this case and no comments have been received.
  - (6) No information was provided regarding a Roadway Upgrade and Maintenance Agreement with Champaign County and/or Sidney Township, which is a requirement of the Special Use Permit unless the petitioner requests a waiver from the local jurisdiction(s).
- D. Regarding fire protection:
- (1) No information was provided in the application received August 24, 2018, regarding whether the applicant has submitted a copy of the Site Plan to the local Fire Protection District. There is no timeline for completing this requirement.
  - (2) The Sidney Fire Protection District was notified of this case and no comments have been received.

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- E. Part of the subject property is located within a Special Flood Hazard Area, per FEMA Panel 17019CO475D, effective date October 2, 2013.
- (1) The proposed PV SOLAR FARM area is not located within the SFHA.
- F. The 121.79-acre subject property is considered Best Prime Farmland. The soil in the proposed PV SOLAR FARM area consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 291B Xenia silt loam, and has an average Land Evaluation Factor of 95.
- G. Regarding outdoor lighting on the subject property, the Site Plan received August 24, 2018, states that no lighting is proposed for the project. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.
- I. Regarding neighborhood concerns, the following testimony was received at the September 13, 2018 ZBA meeting: *(placeholder)*
- J. Regarding parking, there is no required parking for the proposed PV SOLAR FARM. The Site Plan received August 24, 2018 indicates an “Off road maintenance staging area and parking (inside perimeter fence).”
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“Due to the rural location of the proposed Project Area, adverse impacts to the surrounding areas are expected to be negligible. The general land use surrounding the Project Area is comprised predominantly of agricultural farmland under cultivation of row crops. The proposed Project would remove the land from agricultural production on the Project Area only, and will have no effect on surrounding agricultural fields.**

**“The proposed solar facility will be maintained in association with all applicable ordinances set forth by Champaign County and is small enough in size (4 MWs) to not significantly impact the current and/or future operations conducted at the adjacent properties. Furthermore, the solar array will be strategically sited to avoid glint and glare reflection towards adjacent roadways and surrounding areas. As a**

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**result, the solar facility is not anticipated to negatively impact the character of this district.”**

- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
  - (2) There is no required parking.
  - (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
    - a. Item 6.1.5 B.(1)a. requires that the area include 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 6.1.5 I.
      - (a) The Project Narrative of the Special Use Permit application received August 24, 2018, states that the solar facility will be on a 22.59-acre tract on the 121.79-acre subject property. No noise analysis is required for a COMMUNITY PV SOLAR FARM unless specified by the ZBA.
    - b. Item 6.1.5 B.(1)b. requires that the area include all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS, allowing a minimum 40 feet wide area for each.
      - (a) The Site Plan received August 24, 2018, shows a 20 feet wide gravel access road, and an area approximately 33 feet wide.
      - (b) Waiver Part C was added regarding the 40 feet wide minimum area.
    - c. Item 6.1.5 B.(1)c. requires that the area include 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, allowing a minimum 40 feet wide area for underground cable installations.
      - (a) The application received August 24, 2018, appears to be in compliance.
    - d. Item 6.1.5 B.(1)d. requires that the area include all aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
      - (a) Per Section 6.1.5 R.(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.

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- (b) Per Section 6.1.5 U.(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. A special condition has been added to ensure compliance.
- (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
- a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
    - (a) No part of a PV SOLAR FARM shall be located within 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 PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
      - i. The Village of Sidney Comprehensive Plan adopted on June 5, 2000, includes a Comprehensive Land Development Map showing village growth extending east to CR 2200E. The subject property is approximately one-quarter mile east of the future planning area.
      - ii. The Village of Sidney does not have a Contiguous Urban Growth Area.
      - iii. The Special Use Permit application received August 24, 2018, indicates a separation of approximately 5,420 feet (1.02 miles) between the PV SOLAR FARM perimeter fence and the Sidney municipal boundary.
    - (b) 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.
      - i. The application received August 24, 2018, includes a letter from Westwood Professional Services to Village of Sidney Mayor Charles White dated May 24, 2018, which included a copy of the Special Use Permit application.
    - (c) 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

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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.

- i. No information has been received from the Village of Sidney.
  - ii. The P&Z Department sent the Village of Sidney Clerk notice of the ZBA hearing for this case on August 29, 2018.
- b. Item 6.1.5 B.2.(b) requires PV SOLAR FARMS to be a minimum of one-half mile from the CR Conservation Recreation District.
- (a) The nearest CR District is approximately 425 feet away from the PV SOLAR FARM perimeter fence.
  - (b) Waiver Part B was added regarding this separation distance.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- 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.
    - (a) The application received August 24, 2018, includes a “Distributed Generation Pre-Application Report” from Ameren Illinois dated February 9, 2018, which is a response to a Pre-Application Request submitted by Forefront Power.
  - 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.
    - (a) A special condition has been added to ensure compliance.
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “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.”
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

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- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The proposed Site Plan received August 24, 2018, shows the separations between the solar farm fence and the nearest residences.
  - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
    - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to 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 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
      - i. The proposed Site Plan received August 24, 2018, shows a distance of 274 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 1000N (County Highway 15).
    - (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is 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.
      - i. There are no buildings on the subject property.
    - (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      - i. 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. The proposed Site Plan received August 24, 2018 shows the following separations:
        - (i) There are three residential lots west of the proposed PV SOLAR FARM. These lots are 240 feet from the PV SOLAR FARM perimeter fence.
        - (ii) The distance between the proposed inverters and the closest of these residential lots is approximately 745 feet.
        - (iii) There is a 1-acre residential lot near the southeast corner of the proposed PV SOLAR FARM. The lot is approximately 218 feet from the PV SOLAR FARM perimeter fence. Waiver Part A was added for this separation distance.

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- (iv) The distance between the proposed inverter and this 1-acre lot is approximately 743 feet.
  - (v) All other adjacent lots less than 10 acres in area are at least 240 feet from the PV SOLAR FARM fence.
- ii. 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.
- (i) The PV SOLAR FARM does not border any lot on more than two sides.
- (d) Subparagraph 6.1.5 D.(3)b. states that 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.
- i. The property has lots more than 10 acres in area to the north, east, and west, but none of them have residences or principal buildings.
  - ii. The proposed Site Plan received August 24, 2018, shows the PV SOLAR FARM fence sitting on the east property line. Waiver Part D was added for this separation distance.
- (e) Subparagraph 6.1.5 D.(3)c. states that 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.
- i. The application received August 24, 2018, states: “the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”
- (f) Subparagraph 6.1.5 D.(4) states that there must be 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



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- show no detrimental affect with less than a 500 feet separation from any of the following:
- i. Any AIRPORT premises or any AIRPORT approach zone within five miles of the end of the AIRPORT runway; or
    - (i) The closest Willard Airport runway is approximately 11.4 miles from the subject property. The closest Frasca Airport runway is approximately 10.5 miles from the subject property.
  - ii. 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
    - (i) The closest RESTRICTED LANDING AREA is approximately 1.5 miles from the subject property.
  - iii. 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.
    - (i) The closest RESIDENTIAL AIRPORT is approximately 5.8 miles from the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that 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.
- i. The proposed Site Plan received August 24, 2018, shows 2 equipment pads in the center of the PV SOLAR FARM, approximately 295 feet from the east perimeter fence.
  - ii. Regarding the distance between the inverter pad and nearby dwellings:
    - (i) The distance between the proposed inverters and the closest of the three residential lots to the west is approximately 745 feet.

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- (ii) The distance between the proposed inverters and the 1-acre lot to the southeast is approximately 743 feet.
  - (i) Subparagraph 6.1.5 D.(7) states that 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.
    - i. The Project Narrative received August 24, 2018, states: “the height of the solar array will not exceed 12 feet above ground surface.”
  - (j) Subparagraph 6.1.5 D.(8) states that 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.
    - i. The proposed Site Plan received August 24, 2018, shows that there is a 20 feet separation between the 39.25-acre property to the east and the nearest PV SOLAR FARM module.
    - ii. Waiver Part E was added for this separation distance.
- (9) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS. Compliance with paragraph 6.1.5 E. can be summarized as follows:
  - a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
    - (a) The Special Use Permit application packet received August 24, 2018, does not include any buildings.
  - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
    - (a) Part 6.1.5 E.(2)a. states that 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.
      - i. The proposed Site Plan received August 24, 2018, states that the project will meet or exceed applicable local and national codes and standards, including National Electrical Code (NEC) Article 690.
    - (b) Part 6.1.5 E.(2)b. states that 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.
      - i. The Facility Description on page 4 of the Decommissioning Plan received August 24, 2018, states: “Direct Current (DC)

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wiring with the Project will be secured behind the modules, collected at a common point and transition underground to the inverters. From the inverter/transformer pad, AC wiring will run underground until a point before County Road 1000 North where it will surface and connect to a series of utility poles on the Property before connecting to National Grid's system.”

- c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
    - (a) The Project Narrative received August 24, 2018, states: “the height of the solar array will not exceed 12 feet above ground surface.”
  - d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
    - (a) The Project Narrative received August 24, 2018, states: “Visible warning signs shall be posted at each ingress/egress point associated with the project. The project emergency contact information and 911 address will be clearly posted on all warning signage.”
  - e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM 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.
    - (a) No information was required or submitted for the Special Use Permit application.
    - (b) The subject property does not have a connection to public sewer or water.
    - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The 121.79-acre subject property is considered Best Prime Farmland. The soil in the proposed PV SOLAR FARM area consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 291B Xenia silt loam, and has an average Land Evaluation Factor of 95.
  - b. The Applicant anticipates signing an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per 505 ILCS 147/15(b), effective June 29, 2018.

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- c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the application received August 24, 2018 states:
- (a) The Site Plan received August 24, 2018, states: “A landscape screening/buffering is proposed for the project to conform with the county requirements. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce stormwater runoff and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.”
  - (b) “Following construction of the solar facility, disturbed grounds will be re-established with low growth/low maintenance ground cover.”
  - (c) “To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted and on-site field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity. The proposed project may follow practices that: (1) provide native perennial vegetation and foraging habitat which is beneficial to game birds, songbirds, and pollinators; and (2) reduce storm water runoff and erosion at the solar site. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.”
- d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling 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 6.1.5 R.
- (a) No information was submitted with the application received August 24, 2018.
- e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) Section 6.1.5 F.(2)a. states: “The applicant shall endeavor to locate all existing agricultural drainage tile... 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.”
    - i. No information was submitted with the application received August 24, 2018.

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- ii. The Natural Resources Report by the Champaign County Soil and Water Conservation District (CCSWCD) received August 3, 2018, states: “It is likely that the site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Remember that tile in this area of the county may be small, yet it may drain several miles of ground around the area to be developed.”
  - iii. There is no Drainage District for the subject property.
- (b) Section 6.1.5 F.(2)b. states: “The location of drainage district tile lines shall be identified prior to any construction and drainage district tile lines shall be protected from disturbance...”
- i. There is no Drainage District for the subject property.
- (c) Section 6.1.5 F.(2)c. states: “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.”
- i. No information was required or submitted for the Special Use Permit application.
- (d) Section 6.1.5 F.(2)d. states: “Any agricultural drainage tile that must be relocated shall be relocated as required in the Champaign County Storm Water Management and Erosion Control Ordinance.”
- i. No information was required or submitted for the Special Use Permit application.
- (e) Section 6.1.5 F.(2)e. states: “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.”
- i. There is no Drainage District for the subject property.
- (f) Section 6.1.5 F.(2)f. states: “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.”
- i. No information was required or submitted for the Special Use Permit application.

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- (g) Section 6.1.5 F.(2)g. states: “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.”
  - i. No information was required or submitted for the Special Use Permit application.
- (h) Section 6.1.5 F.(2)h. states: “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...”
  - i. No information was required or submitted for the Special Use Permit application.
- (i) Section 6.1.5 F.(2)i. states: “All damaged tile shall be repaired so as to operate as well after construction as before the construction began.”
  - i. No information was required or submitted for the Special Use Permit application.
- (j) Section 6.1.5 F.(2)j. states: “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.”
  - i. No information was required or submitted for the Special Use Permit application.
- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
  - (a) No information was required or submitted for the Special Use Permit application.
- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
  - (a) The Erosion Control Plan received August 24, 2018, did not provide information regarding topsoil replacement.
- h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
  - (a) The application received August 24, 2018, states:
    - i. Regarding construction: “There will be minimal grading of this site because of the existing flat site conditions. This will contribute to a low level of soil compaction, which in turn should contribute to a very low level of run off volumes, pollutant concentration, and recovery of natural vegetation post construction. Construction activities should be minimized to areas where the primary road will be constructed and where the main electric cable will be trenched.”
    - ii. Regarding maintenance: “To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted and on-site

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field inspections will be conducted prior to mowing or cutting to ensure that these practices occur when the site is able to withstand this type of activity.”

- ii. Regarding site restoration: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the pending of waters and address any rutting or other depressions caused by removal equipment.”
- i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
    - (a) No information was provided in the application received August 24, 2018.
  - j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
    - (a) The application received August 24, 2018, includes a general Erosion Control Plan, but it does not specify that the petitioner will provide a permanent soil erosion and sedimentation plan for the PV SOLAR FARM or that they will provide as-built documentation, both prepared by an Illinois Licensed Professional Engineer.
    - (b) No information was required for the Special Use Permit application.
  - k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
    - (a) No information was required or provided in the application received August 24, 2018.
  - l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
    - (a) The application received August 24, 2018, includes information regarding vegetative ground cover. Exhibit 3: Proposed Landscape Plan, states: “A 30 feet vegetative screen will be provided where residences are within 1,000 feet of the project It will consist of evergreen trees and or shrubs conforming with the county ordinance.” Exhibit 3 also refers to the 30 feet vegetative screen along the west side of the proposed PV SOLAR FARM fence.
    - (b) No information was provided regarding a weed control plan.
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State’s Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed

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and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.

- (a) CR 1000E (County Highway 15) is under County Highway jurisdiction.
  - (b) No information was provided from a local highway authority in the application received August 24, 2018.
  - (c) The County Highway Department and Sidney Township were both notified of this case on August 29, 2018, and no comments have been received.
  - (d) A special condition has been added to ensure receipt of either the waiver from the County/Township or a complete Roadway Upgrade and Maintenance agreement.
- b. Paragraph 6.1.5 G.(2) requires that 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.
- (a) No information was required or submitted for the Special Use Permit application.
- c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
- (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. No information was provided in the application received August 24, 2018, regarding whether the applicant has submitted a copy of the Site Plan to the local Fire Protection District. There is no timeline for completing this requirement.
  - b. The Sidney Fire Protection District was notified of this case and no comments have been received.
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
    - (a) A Special Use Permit application for a Community PV Solar Farm does not require a noise level analysis unless the Board requires one.



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- (b) Distances from adjacent residences were provided in the proposed Site Plan received August 24, 2018.
- (c) A statement regarding noise was provided in the application received August 24, 2018: “According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a non-reflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”
- (d) In an email received August 31, 2018, David Dickson provided the following technical specifications:
  - i. The proposed inverter is the Sungrow SG125HV; this project will require 32 of these string inverters.
- (e) P&Z Staff requested noise level information from Sungrow for the SG125HV inverter. In an email received August 31, 2018, Richard Wang attached a “SG125HV Noise Level Test Report” which provided the following information:
  - i. The noise test was completed in the shielding room at the Sungrow Testing Center. One meter from the inverter, test noise levels were the following:
    - (i) Bottom of inverter: 61.6 dB
    - (ii) Left side of inverter: 56.9 dB
    - (iii) Top of inverter: 53.7 dB
    - (iv) Right side of inverter: 53.2 dB
    - (v) Background noise: 31.1 dB
  - ii. P&Z Staff requested any available information on noise levels for 16 inverters combined, but no information was provided.
- (f) In an email received August 31, 2018, Michael Borkowski of Community Power Group LLC shared a video resource by Michael van Biezen, a physics professor at Loyola Marymount University, referring to calculating sound levels from multiple noise sources combined.

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- i. The video showed that doubling the number of sources (in this case, inverters) resulted in an increase of 3 dB.
  - ii. The proposed Wolf-Wertz project proposes 32 inverters, which would double the inverter noise levels cited by Sungrow five times over. Using the highest noise level provided by Sungrow, 61.6 dB at 1 meter, P&Z Staff determined that 32 inverters would create 76.6 dB at 1 meter.
  - iii. P&Z Staff utilized an online tool during the solar farm text amendment process for Case 895-AT-18 to calculate noise levels at a series of distances from one inverter. Using this online tool, which can be found at <http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html>, P&Z Staff estimated the following noise levels for the proposed inverters:
    - (i) At a separation of 515 feet from the inverter (the minimum required without a waiver by the Solar Farm text amendment approved by the County Board on August 23, 2018), the noise level for the 32 inverters would be 32.7 dB.
    - (ii) At a separation of 743 feet from the inverter (the closest residence on a lot less than 10 acres to the inverter in the proposed solar farm), the noise level for the 32 inverters would be 29.5 dB.
    - (iii) At the closest property line to the inverters, which is approximately 295 feet to the east, the noise level for the 32 inverters would be 37.5 dB. The 39.25-acre lot to the east does not have any buildings on it.
    - (iv) P&Z Staff estimates are not as accurate as an actual noise study.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
- a. An Ecological Compliance Assessment Tool (EcoCAT) consultation report dated March 27, 2018, and received August 24, 2018, stated: “the Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location: Bigeye Chub (*Hypopsis amblops*).
  - b. A follow-up letter from IDNR dated March 28, 2018, and received August 24, 2018, stated that the Department evaluated the information and concluded that adverse effects are unlikely. IDNR terminated the consultation.
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:

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- a. In a letter received August 24, 2018, The Illinois State Historic Preservation Office states: “We have determined, based on the available information, that no significant historic, architectural or archaeological resources are located within the proposed project area. This clearance remains in effect for two (2) years from the date issuance. It does not pertain to discovery during construction.”
- (16) Paragraph 6.1.5 L. states: “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.”
- a. The application received August 24, 2018, refers to the EcoCAT report that was provided with the application.
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
- a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
    - (a) Regarding fencing, the application received August 24, 2018, states: “The entire project premises will be surrounded by a six-foot tall standard chain-link fence with a one-foot barbed wire apron on extension arms. The project will be designed to meet or exceed applicable local and national safety standards, specifically including: the currently enforced edition of the National Electric Code (NEC), and such regulations provided by the interconnecting utility. The project will include a visible and lockable manual safety switch, which will be made accessible to first responders, the utility, and maintenance personnel via gate lockbox, code, or other method to be defined prior to construction.”
    - (b) Regarding weed control, the application received August 24, 2018, states: “To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.” There is no specific vegetation management plan included in the application.
  - b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
    - (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen 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.
    - (b) The proposed Site Plan received August 24, 2018, shows that the nearest existing DWELLING is approximately 295 feet from the proposed solar farm perimeter fence.

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- (c) The Site Plan received August 24, 2018, states: “A landscape screening/buffering is proposed for the project to conform with the county requirements. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce stormwater runoff and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.”
  - (d) The application received August 24, 2018 states: “Should vegetative screening be installed at the PV facility, Contractor will be responsible for monitoring the general health of each plant. If any plant succumbs and fails to establish its self, contractor will work with the responsible nursery to redeem the warranty and replace the deceased plant with another of the same species.”
- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that 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.
- a. The application received August 24, 2018, states: “FFP IL Community Solar, LLC intends to utilize Trina TSM-340-DD14A photovoltaic modules which are constructed of anti-reflective coated tempered glass. In addition, the facility will be sited strategically to avoid glint and glare reflection towards adjacent roadways and surrounding areas.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. Subparagraph 6.1.5 O.(1) states: “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 a least \$5 million per occurrence and \$5 million in the aggregate.”
    - (a) No information was provided in the application received August 24, 2018.
  - b. Subparagraph 6.1.5 O.(2) states: “The general liability policy shall identify landowners in the SPECIAL USE permit as additional insured.”
    - (a) No information was provided in the application received August 24, 2018.
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
- a. Subparagraph 6.1.5 P.(1)c. states: “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 the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require

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an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”

- (a) The application received August 24, 2018, states: “When necessary, the proposed project will be cleaned by a licensed, insured commercial solar cleaning firm. The proposed project estimates using no more than 20,000 gallons of water per year. Various technologies may be used to clean the panels, and official cleaning methods will be determined on a case by case basis. Cleaning methods may include one or more of the types presented below, or other methods as technology advances.
- b. Subparagraph 6.1.5 P.(3) states: “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. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.
    - (a) The application received August 24, 2018, does not include a detailed Weed and Grass Control Plan. The application states:
      - i. Vegetative growth along the fence line will be trimmed and maintained to prevent the growth of weeds or tall grasses.
      - ii. Spot-mowing is recommended for reducing invasive plants while native species are becoming established. Spot-mowing should be done at a raised height to avoid damaging native plants.
      - iii. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.
    - (b) It is not clear if the plan is consistent with 505 ILCS 100/1 et seq.
  - c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:

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- (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
  - i. The application received August 24, 2018, includes a Decommissioning Plan for the proposed PV SOLAR FARM.
  
- (b) Subparagraph 6.1.1 A.2. of the Ordinance requires that the decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
  - i. No information was provided on these topics in the Decommissioning Plan received August 24, 2018.
  
- (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
  - i. Section 6.1.1 A.4.a. is for removal of the above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control.
    - (i) The application received August 24, 2018, includes estimates for decommissioning the solar panels.
    - (ii) No reference was made to interim soil erosion control.
    - (iii) No reference was made regarding estimates being made by an Illinois Licensed Professional Engineer.
    - (iv) A special condition has been added to ensure compliance.
  - ii. Section 6.1.1 A.4.b. is for below-ground restoration, including final grading and surface treatment.
    - (i) No reference was found for site grading for the actual panel post locations or interim soil erosion control in the application received August 24, 2018.
    - (ii) Final grading and surface treatment estimates were provided only for the aggregate access roads and pads in the application received August 24, 2018.

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- iii. Section 6.1.1 A.4.c. is for any environmental remediation required by State or Federal law.
  - (i) No reference was found on environmental remediation in the application received August 24, 2018.
- iv. Section 6.1.1 A.4.d. is for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
  - (i) No reference was found regarding a letter of credit for decommissioning in the application received August 24, 2018.
- (d) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
  - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (e) Subparagraph 6.1.1 A.6. of the Ordinance establishes a time period prior to the expiration of the irrevocable letter of credit during which the Zoning Administrator shall contact the landowner regarding the intent to renew the letter of credit and the landowner shall reply within a certain amount of time.
  - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (f) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
  - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (g) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, 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.

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- (a) The costs reported in the Decommissioning Plan received August 24, 2018, do not include the costs for any street repairs but do include the cost of removing access driveways.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to also include the following:
- (a) Subparagraph 6.1.5 Q.(3)a. of the Ordinance requires 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 the proceeding.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (b) Subparagraph 6.1.5 Q.(3)b. of the Ordinance requires 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 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.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (c) Subparagraph 6.1.5 Q.(3)c. of the Ordinance requires 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.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (d) Subparagraph 6.1.5 Q.(3)d. of the Ordinance requires 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.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (e) Subparagraph 6.1.5 Q.(3)e. of the Ordinance requires 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.



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- i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- (f) Subparagraph 6.1.5 Q.(3)f. of the Ordinance requires 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.
- i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- (g) Subparagraph 6.1.5 Q.(3)g. of the Ordinance requires 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 service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Champaign County purchasing policies.
- i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- (h) Subparagraph 6.1.5 Q.(3)h. of the Ordinance requires that depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Engineer and the certification shall be submitted to the Zoning Administrator.
- i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- (i) Subparagraph 6.1.5 Q.(3)i. of the Ordinance states that underground electrical cables at a depth of 5 feet or greater may be left in place.
- i. The Decommissioning Plan received August 24, 2018, states: "Underground wiring at depths of less than four-feet will be removed and recycled."
- (j) Subparagraph 6.1.5 Q.(3)j. of the Ordinance states that the hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
- i. Section 6.1.5 Q.(3)j.(a) requires that the excavation resulting from the removal of foundation concrete shall only be

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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.

- (i) The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- ii. Section 6.1.5 Q.(3)j.(b) requires that 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.
    - (i) The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - iii. Section 6.1.5 Q.(3)j.(c) requires that if the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
    - (i) The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - iv. Section 6.1.5 Q.(3)j.(d) requires that 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.
    - (i) The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- (k) Subparagraph 6.1.5 Q.(3)k. of the Ordinance requires 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.

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- i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (l) Subparagraph 6.1.5 Q.(3)l. of the Ordinance requires 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.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (m) Subparagraph 6.1.5 Q.(3)m. of the Ordinance requires 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 the financial assurance.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
  - (n) Subparagraph 6.1.5 Q.(3)n. of the Ordinance requires that 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.
    - i. The Decommissioning Plan received August 24, 2018, does not include information about this requirement.
- d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance as follows:
  - (a) Subparagraph 6.1.4 Q.4.(a) of the Ordinance requires that 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 Sections 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and shall otherwise be compliant with Section 6.1.1.A.5. except that if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that

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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:

- i. No Zoning Use Permit to authorize construction of the SOLAR FARM shall be authorized by the Zoning Administrator until the 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 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.
  - ii. On or before the sixth anniversary of the Commercial Operation Date, the 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 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.
  - iii. On or before the eleventh anniversary of the Commercial Operation Date, the 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 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.
    - (i) The applicant did not provide details of the warranty in the application received August 24, 2018.
    - (ii) If the applicant provides proof of that warranty, cost estimates and financial assurances can be determined as part of the Zoning Use Permit process rather than as part of the Special Use Permit process. A special condition has been added.
- (b) Subparagraph 6.1.5 Q.(4)b. of the Ordinance states that net salvage value may be deducted from decommissioning costs under certain conditions.
- i. No specifics were required or submitted for approval of the Special Use Permit regarding net salvage value.
- (c) Subparagraph 6.1.5 Q.(4)c. of the Ordinance states that the GOVERNING BODY has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.
- i. No specifics were required or submitted for approval of the Special Use Permit regarding letters of credit.

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- (d) Subparagraph 6.1.5 Q.(4)d. of the Ordinance states that 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.
  - i. No specifics were required or submitted for approval of the Special Use Permit regarding financial assurance.
  
- (e) Subparagraph 6.1.5 Q.(4)e. of the Ordinance requires that 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.
  - i. No specifics were required or submitted for approval of the Special Use Permit regarding this requirement.
  
- (f) Subparagraph 6.1.5 Q.(4)f. of the Ordinance requires that 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.
  - i. No specifics were required or submitted for approval of the Special Use Permit regarding the value of the letter of credit.
  
- (g) Subparagraph 6.1.5 Q.(4)g. of the Ordinance states that should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.5 Q.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5 Q.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
  - i. No specifics were required or submitted for approval of the Special Use Permit regarding the value of the letter of credit.
  
- (h) Subparagraph 6.1.5 Q.(4)h. of the Ordinance requires that any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1 A.5.
  - i. No specifics were required or submitted for approval of the Special Use Permit regarding financial assurance.
  
- (i) Subparagraph 6.1.5 Q.(4)i. of the Ordinance requires that unless the Governing Body approves otherwise, the Champaign County State's

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Attorney's Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.

- i. No specifics were required or submitted for approval of the Special Use Permit regarding a letter of credit.
- e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
- (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
- f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(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.
- (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
- g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that 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 must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
- (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. 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.
  - b. No information regarding this standard condition is required as part of the Special Use Permit application. A special condition has been added to ensure compliance.
- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.

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- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
    - (a) The Special Use Permit application received August 24, 2018, includes a Project Summary.
  - b. Subparagraph 6.1.5 U.(1)b. requires 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.
    - (a) The Special Use Permit application received August 24, 2018, includes this information.
  - c. Subparagraph 6.1.5 U.(1)c. requires a site plan for the SOLAR FARM which includes 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 Substations(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.
      - i. The application received August 24, 2018, demonstrates compliance with this requirement.
    - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 A.(1).
      - i. The application received August 24, 2018, demonstrates compliance with this requirement.
    - (c) The location of all below-ground wiring.
      - i. No information was provided in the application received August 24, 2018.

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- (d) The location, height, and appearance of all above-ground wiring and wiring structures.
  - i. No information was provided in the application received August 24, 2018.
- (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 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 includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
  - i. The PV SOLAR FARM Special Use Permit application received August 24, 2018, demonstrates compliance with this requirement.
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
  - (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.
- e. Subparagraph 6.1.5 U.(1)e. requires that 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 6.1.5 B.(2)a.(b).
  - (a) The application received August 24, 2018, includes a letter from Westwood Professional Services to Village of Sidney Mayor Charles White dated May 24, 2018, which included a copy of the Special Use Permit application.
- f. Subparagraph 6.1.5 U.(1)f. requires that 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 6.1.5 B.(2)a.(c).
  - (a) No information has been received from the Village of Sidney.



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- (b) The P&Z Department sent the Village of Sidney Clerk notice of the ZBA hearing for this case on August 29, 2018.
  - g. Subparagraph 6.1.5 U.(1)g. requires that 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 6.1.5 B.(3)b.
    - (a) The application received August 24, 2018, includes a “Distributed Generation Pre-Application Report” from Ameren Illinois dated February 9, 2018, which is a response to a Pre-Application Request submitted by Forefront Power.
    - (b) A special condition has been added to ensure that an executed agreement has been provided prior to issuance of a Zoning Compliance Certificate.
  - h. Subparagraph 6.1.5 U.(2) requires that 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.
    - (a) Updated information has been listed under Item 5 of this Summary of Evidence and discussed in further detail when relevant under Items 7 through 9.
  - i. Subparagraph 6.1.5 U.(2) requires that 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.
    - (a) A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed PV SOLAR FARM is not exempt from the SWMEC Ordinance.
  - (2) Regarding the SWMEC requirement for a Storm Water Drainage Plan, the subject property is exempt from the Storm Water Drainage Plan requirement because it has less than 16% impervious area with that part containing no more than 1 acre of impervious area within a rectangular area of 90,000 square feet:
    - a. There is approximately 19.6 acres of solar panel area on the 121.79-acre subject property in the proposed Site Plan received August 24, 2018.
    - b. In an email received August 31, 2018, David Dickson stated that the Ground Coverage Ratio (GCR) for the proposed solar farm is 45%.
      - (1) 45% of 19.6 acres is 8.82 acres of impervious area, or 7.2% of the 121.79-acre subject property.
      - (2) The Site Plan received August 24, 2018 also establishes that there will be approximately 24,700 square feet (0.57 ac) of access road inside the Special Use Permit area, and approximately 884 square

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feet (0.02 ac) of equipment pad area, for a total of 9.41 acres of impervious area.

- c. P&Z Staff calculated that within a rectangular area of 90,000 square feet including the most impervious area, less than 1 acre (43,560 square feet) would be impervious area (~43,250 square feet).
- (3) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, part of the subject property is located within a Special Flood Hazard Area, per FEMA Panel 17019CO475D, effective date October 2, 2013.
  - (1) The proposed PV SOLAR FARM area is not located within the SFHA.
- E. Regarding the Subdivision Regulations, the 121.79-acre subject property is located in the Village of Sidney subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
  - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-1 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
    - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
      - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
      - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.

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- B. See Section 12 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):
 

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
  - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
  - (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers. This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
  - (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
    - a. Regarding the value of nearby properties, the ZBA reviewed two property value impact studies during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, and found no direct evidence indicating that solar farms have a negative effect on property values.
    - b. Regarding the value of the subject property, during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, ZBA found that the land owner receives an annual payment from the PV SOLAR FARM operator far in excess of the value of a crop from that land.
    - c. Section 6.1.5 Q. of the PV SOLAR FARM text amendment approved on August 23, 2018, includes a standard condition requiring a Decommissioning and Site Reclamation Plan that is intended to ensure there is adequate financial assurance for removal of a PV SOLAR FARM at the end of its useful life. Ensuring adequate site reclamation is one method of protecting surrounding property values.
  - (5) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

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Other than additional traffic during construction and/or decommissioning of the PV SOLAR FARM, no significant increase in traffic is anticipated.

- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The requested Special Use Permit is outside of the Special Flood Hazard Area.
  - b. Impervious area is within the limits of not requiring a Storm Water Management Plan.
  - c. The Erosion Control Plan received August 24, 2018, states: “there will be minimal grading of this site because of the existing flat site conditions. This will contribute to a low level of soil compaction, which in turn should contribute to a very low level of runoff volumes, pollutant concentration, and recovery of natural vegetation post construction. Construction activities should be minimized to areas where the primary road will be constructed and where the main electric cable will be trenched.”
- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (8) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (9) Paragraph 2.0(i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0(j.) states that one purpose is dividing 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; and paragraph 2.0(k) states that one purpose is fixing regulations and

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standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0(l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (10) Paragraph 2.0(m) of the Ordinance states that one purpose of the Ordinance is preventing 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.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and none of the current structures or the current use existed on the date of adoption.

- (11) Paragraph 2.0(n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

- (12) Paragraph 2.0(o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property has wooded areas to the north, and the Salt Fork River runs through the northwest corner of the subject property. There are no natural features in the vicinity of the proposed PV SOLAR FARM site.

- (13) Paragraph 2.0(p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

- (14) Paragraph 2.0(q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The entire subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

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- (15) Paragraph 2.0(r) of the Ordinance states that one purpose of the Ordinance 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 entire project area is located in an Agriculture zoning district, which is the only zoning DISTRICT in which a PV SOLAR FARM is authorized.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. The proposed Special Use is not an existing NONCONFORMING USE.

**RELATED TO THE WAIVERS, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. Regarding Part A of the proposed waivers, for a distance of 218 feet in lieu of the minimum required 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area:
- (1) A vegetative screen compliant with Section 6.1.5 M. will be required for residential lots within 1,000 feet of the PV SOLAR FARM.
  - (2) Adjacent landowners were notified of the proposed project, and no comments have been received.
- B. Regarding Part B of the proposed waivers, for a separation distance of 425 feet in lieu of the minimum required one-half mile (2,640 feet) from the CR Conservation Recreation Zoning District:
- (1) There is an inherent incompatibility of solar farms with at least the larger wildlife (i.e., deer) in the CR District and the fencing would obstruct wildlife movement.
  - (2) The CR District is the principal rural residential district and thus it is somewhat analogous to the ½ mile separation from a municipality.
  - (3) For this case, the nearest CR District is mostly farmland and so the issues related to incompatibility do not seem so great even with the lesser separation.
- C. Regarding Part C of the proposed waivers, for a 33-foot area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet:
- (1) The proposed private accessway will run between two sections of solar panels and the applicant appears to believe that 33 feet is sufficient for this development.
- D. Regarding Part D of the proposed waivers, for a distance of 0 feet between the PV SOLAR FARM fence and the nearest property line for any adjacent lot that is more than 10 acres in area in lieu of the minimum required 10 feet:
- (1) There is no existing dwelling or principal building on the adjacent lot to the east.

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- (2) Fencing for other uses in Champaign County is allowed to be constructed on the property line.
- E. Regarding Part E of the proposed waivers, for a distance of 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet:
- (1) There is no existing dwelling or principal building on the adjacent lot to the east.
- F. Regarding Part F of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board:
- (1) Some details that are required to develop the cost estimates might not be available until the Zoning Use Permit phase, when more specific calculations are made by the applicants.
  - (2) A special condition has been added requiring the applicant to submit a Decommissioning and Site Reclamation Plan approved by ELUC at the time of application for a Zoning Use Permit.
- G. Regarding Part G 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 Board:
- (1) Township schedules for approving an agreement or a waiver do not necessarily occur prior to the Special Use Permit approval process.
  - (2) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit.

***RELATED TO THE WAIVERS, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE***

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without Part A of the proposed waivers, the applicant would have to reduce the size of the PV SOLAR FARM or move the sites farther north.
  - B. Without Part B of the proposed waivers, the PV solar farm could not be located on the subject property because no part of the subject property is over one-half mile from the CR Conservation-Recreation District.
  - C. Without Part C of the proposed waivers, the applicant would need to increase the accessway path by 7 feet, which would reduce the number of panels they could install and impact the feasibility of the project.
  - D. Without Part D of the proposed waivers, the applicant would have to reduce the PV SOLAR FARM area by 10 feet on the east side.

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- E. Without Part E of the proposed waivers, the applicant would have to reduce the PV SOLAR FARM area by 6 feet on the east side.
- F. Without Part F of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to prepare cost estimates.
- G. Without Part G of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to acquire a signed Agreement or waiver from the Township.

**RELATED TO THE WAIVERS, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT**

- 14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. Regarding Part A of the proposed waivers, for a distance of 218 feet in lieu of 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area:
    - (1) The Illinois Future Energy Jobs Act went into effect on June 1, 2017.
    - (2) Solar farm developers have been establishing lease options with area landowners since that time. The owner of the subject property signed a Solar Facility Site Lease Agreement with FFP IL Community Solar LLC on December 28, 2017.
    - (3) Champaign County began to draft a text amendment to allow solar farms in January 2018, and determined that all solar farm applications would be heard if the County adopted the text amendment.
    - (4) FFP IL Community Solar LLC had no County zoning regulations to follow when they started their design process for the subject property.
  - B. Regarding Part B of the proposed waivers, for a separation distance of 425 feet in lieu of one-half mile (2,640 feet) from the CR Conservation Recreation Zoning District: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.
  - C. Regarding Part C of the proposed waivers, for a 33-foot area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.
  - D. Regarding Part D of the proposed waivers, for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.
  - E. Regarding Part E of the proposed waivers, for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.



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- F. Regarding Part F of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.
- G. Regarding Part G 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 Board: the applicant was not responsible for requiring this waiver for the same reasons detailed for waiver Part A.

**GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVERS ARE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

- 15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
  - A. Regarding Part A of the proposed waivers, for a distance of 218 feet in lieu of 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area, the requested waiver (variance) is 90.8% of the minimum required, for a variance of 9.2%.
  - B. Regarding Part B of the proposed waivers, for a separation distance of 425 feet in lieu of one-half mile (2,640 feet) from the CR Conservation Recreation Zoning District, the requested waiver (variance) is 16% of the minimum required, for a variance of 84%.
  - C. Regarding Part C of the proposed waivers, for a 33-foot area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet, the requested waiver (variance) is 82.5% of the minimum required, for a variance of 17.5%.
  - D. Regarding Part D of the proposed waivers, for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
  - E. Regarding Part E of the proposed waivers, for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area in lieu of the minimum required 26 feet, the requested waiver (variance) is 76.9% of the minimum required, for a variance of 23.1%.
  - F. Regarding Part F of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
  - G. Regarding Part G 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 Board: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

**PRELIMINARY DRAFT****RELATED TO THE WAIVERS, GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVERS ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE**

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Sidney Township Highway Commissioner has been notified of this case, and no comments have been received.
  - B. The Sidney Fire Protection District has been notified of this case, and no comments have been received.
  - C. There are no Drainage Districts for the subject property.
  - D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

17. Regarding proposed special conditions of approval:
- A. **The Site Plan received August 24, 2018 is the approved site plan for Case 903-S-18.**

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:

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**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 the 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 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. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "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.**

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7. **Any updates to the approved Site Plan from Case 903-S-18 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 and required visual screening in perpetuity.**
  2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
  3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
  4. **Maintain a current general liability policy as required by 6.1.5 O.**
  5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
  6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**

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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.**

**PRELIMINARY DRAFT****DOCUMENTS OF RECORD**

1. Special Use Permit Application received August 24, 2018, with attachments:
  - a. Supplemental Application Information, including:
    - Project Narrative
    - Traffic Impacts
    - General Construction and Development Criteria
    - Vegetative Maintenance
    - Additional responses to P&Z Department SUP application questions 10-12
  - b. Conceptual Layout, including:
    - Exhibit 1: Conceptual Layout
    - Exhibit 2: Proposed Site Plan
    - Exhibit 3: Proposed Landscape Plan
  - c. Legal Description
  - d. FFP IL Community Solar, LLC Information
  - e. Landowner Information
  - f. Interconnection Request Application Form
  - g. Decommissioning Plan
  - h. Erosion Control Plan
  - i. Vegetative Maintenance Plan
  - j. Complaint Resolution
  - k. Roadway Authority (*placeholder only*)
  - l. Township Submittal: letter to Mayor of Sidney dated May 24, 2018
  - m. Cleaning and Water Usage
  - n. EcoCAT Natural Resource Review Results dated March 27, 2018
  - o. State Historic Preservation Office letter dated May 23, 2018
2. Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018
3. Email from David Dickson received August 31, 2018
4. Preliminary Memorandum dated September 6, 2018, with attachments:
  - A Case Maps (Location Map, Land Use, and Zoning)
  - B Site Plan (Exhibit 2) and Proposed Landscape Plan (Exhibit 3) received August 24, 2018
  - C SUP Application Exhibits
    1. Project Narrative
    2. Traffic Impacts
    3. General Construction and Development Criteria
    4. Vegetative Maintenance
    5. Interconnection Request Application Form
    6. Decommissioning Plan
    7. Erosion Control Plan
    8. Vegetative Maintenance Plan
    9. Complaint Resolution

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10. Township Submittal: letter to Mayor of Sidney dated May 24, 2018
  11. Cleaning and Water Usage
  12. EcoCAT Natural Resource Review Results dated March 27, 2018
  13. State Historic Preservation Office letter dated May 23, 2018
- D Annotated Aerial: Separation Distances and Screening, created by P&Z Staff on August 30, 2018
- E Natural Resource Report by the Champaign County Soil and Water Conservation District received August 3, 2018
- F Email from David Dickson received August 31, 2018
- G Checklist for status of Special Use Permit application requirements created by P&Z Staff on August 29, 2018
- H Summary of Evidence, Finding of Fact and Final Determination dated September 13, 2018
- I Solar Farm Text Amendment as approved by the Champaign County Board on August 23, 2018
- J Village of Sidney Comprehensive Plan Land Development Map dated June 5, 2000 and received May 11, 2018

**PRELIMINARY DRAFT****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **903-S-18** held on **September 13, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
  
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 / WILL}* 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 / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because\*}*:
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*: it is bordered on 2 sides by commercial uses, on the 3<sup>rd</sup> side by the Interstate highway spur, and the 4<sup>th</sup> side will be screened from adjacent residential use.
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because\*}*:
  - e. Public safety will be *{ADEQUATE / INADEQUATE} {because\*}*:
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because\*}*: additional off-street parking will be provided to meet the requirements of the ordinance.
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:

*(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 / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located because:
  
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.



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4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
- a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit ***{IS/ IS NOT}*** 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 / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** 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 a separation of  $\theta$  218 feet in lieu of the minimum required 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area:
- (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
  - (2) Special conditions and circumstances ***{DO / DO NOT}*** 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:
  - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
  - (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- B. Regarding Part B of the proposed waivers, for a distance of 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet):

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- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
  - (2) Special conditions and circumstances *{DO / DO NOT}* 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:
  - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
  - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- C. Regarding Part C of the proposed waivers, for a 33-foot wide area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
  - (2) Special conditions and circumstances *{DO / DO NOT}* 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:
  - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
  - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- D. Regarding Part D of the proposed waivers, for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:

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- (2) Special conditions and circumstances *{DO / DO NOT}* 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:
  - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
  - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- E. Regarding Part E of the proposed waivers, for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area in lieu of the minimum required 26 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
  - (2) Special conditions and circumstances *{DO / DO NOT}* 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:
  - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
  - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- F. Regarding Part F of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
  - (2) Special conditions and circumstances *{DO / DO NOT}* 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:

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- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:

G. Regarding Part G 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 Board:

- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- (2) Special conditions and circumstances **{DO / DO NOT}** 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:
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / 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 Site Plan received August 24, 2018 is the approved site plan for Case 903-S-18.**

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.**

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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. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "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.**

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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 903-S-18 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 and required visual screening in perpetuity.**

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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.**

**PRELIMINARY DRAFT****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 / HAVE NOT}** been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **903-S-18** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant, **FFP IL Community Solar LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

**Authorize two Community PV Solar Farms, each with a nameplate capacity of 2 megawatts (MW) for a total of 4 MW, including access road and wiring, and**

***{ SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS: }***

- Part A: A waiver for a separation of ~~0~~ 218 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 distance of ~~1,000~~ 425 feet from the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b.
- Part C: A waiver for a 33 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.
- Part D: A waiver for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b. of the Zoning Ordinance.
- Part E: A waiver for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet, per Section 6.1.5 D.(8) of the Zoning Ordinance.
- Part F: Not providing a Decommissioning and Site Reclamation Plan that include cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.
- Part G: 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.



**PRELIMINARY DRAFT****Case 903-S-18  
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- A. The Site Plan received August 24, 2018 is the approved site plan for Case 903-S-18.**
- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**
- E. A signed Decommissioning and Site Reclamation Plan 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.**
- 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.**
- 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 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.**

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6. **The telephone number for the complaint hotline required by 6.1.5 S.**
  7. **Any updates to the approved Site Plan from Case 903-S-18 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 and required visual screening in perpetuity.**
  2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
  3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
  4. **Maintain a current general liability policy as required by 6.1.5 O.**
  5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
  6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
  7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

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

SIGNED:

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals  
Date

**Solar Farm Text Amendment as Approved by County Board**

August 23, 2018

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**1. Add the following to Section 3.0 Definitions (somewhat similar to the definition of WIND FARM):**

NOXIOUS WEEDS: any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.

PHOTOVOLTAIC (PV): A type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.

PV SOLAR FARM: A unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.

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

**2. Add new subparagraph 4.2.1 C.4. as follows:**

4. A PV SOLAR FARM may be authorized as a County Board SPECIAL USE permit in the AG-1, Agriculture Zoning District or the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.

**3. Add new subparagraph 4.3.4 H.4.i. as follows (similar to existing 4.3.4 H.4.h. for wind farms):**

- i. PV SOLAR FARM except as PIPELINE IMPACT RADIUS regulations are required in Subsection 6.1.5.

**4. Amend Section 5.2 as follows (similar to existing WIND FARM designation):**

Add “PV SOLAR FARM” as a COUNTY BOARD Special Use Permit in the AG-1 District and AG-2 District by a “B”.

**5. Add the following as footnote 15 under the Special Provisions for the AG-1 District in Section 5.3 (similar to existing footnote 14 for LOTS in a WIND FARM):**

15. LOTS in a PV SOLAR FARM County Board SPECIAL USE Permit and intended for PV SOLAR FARM, related substations, and PV SOLAR FARM maintenance and management

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facilities are exempt from the requirements of Section 5.3 except as such regulations are required by Subsection 6.1.5.

**6. Add new paragraph 5.4.3 F. as follows:**

- F. The Rural Residential Overlay Zoning District is prohibited from being established within a PV SOLAR FARM County Board SPECIAL USE Permit.

**7. Amend Section 6.1.1 to read as follows:**

- A. Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES
  - 1. In the course of BOARD review of a SPECIAL USE request, the BOARD may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any WIND FARM and any PV SOLAR FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a decommissioning and site reclamation plan to the BOARD for the subject site.
  - 2. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
  - 3. Separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer.
    - a. Cost estimates provided shall be subject to approval of the BOARD.
    - b. Except as provided in Section 6.1.4 P. and Section 6.1.5 Q., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.
  - 4. The decommissioning and site reclamation plan shall provide for:
    - a. removal of above-ground portion of any STRUCTURE on the subject site; site grading; and interim soil erosion control;
    - b. below-ground restoration, including final grading and surface treatment;
    - c. any environmental remediation required by State or Federal law;

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- d. provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
5. No Zoning Use Permit for such SPECIAL USE will be issued until the applicant provides the COUNTY with 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.
- a. Unless specified elsewhere in this Ordinance, the irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an independent engineer's cost estimate to complete the work described in Section 6.1.1 A.4.a., Section 6.1.1 A.4.b., and Section 6.1.1 A.4.c.
- b. The provisions of this subparagraph notwithstanding, a different amount may be required as a special condition.
- c. The letter of credit, or a successor letter of credit pursuant to Section 6.1.1 A.6. or 6.1.1 A.14., shall remain in effect and shall be made available to the COUNTY for a term specified as a standard condition elsewhere in this ordinance, an indefinite term, or for a different term that may be required as a special condition.
6. One hundred eighty (180) days prior to the expiration date of an irrevocable letter of credit submitted pursuant to this Section, the Zoning Administrator shall notify the landowner or applicant in writing and request information about the landowner or applicant's intent to renew the letter of credit, or remove the NON-ADAPTABLE STRUCTURE. The landowner or applicant shall have thirty (30) days to respond in writing to this request. If the landowner or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with Section 6.1.1 A.4.a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:
- a. confirm that the bank has renewed the letter of credit; or
- b. inspect the subject property for compliance with Section 6.1.1 A.4.a.;
- c. draw on the letter of credit and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to Section 6.1.1 A.4.a.
7. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE abandoned in place. Factors to be considered in making this finding include, but are not limited to:
- a. the nature and frequency of use as set forth in the application for SPECIAL USE;

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- b. the current nature and frequency of use;
  - c. whether the NON-ADAPTABLE STRUCTURE has become a public nuisance, or otherwise poses a risk of harm to public health or safety;
  - d. whether the NON-ADAPTABLE STRUCTURE has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding properties and the public as a whole than was originally intended.
  - e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.
8. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE is abandoned in place, the Zoning Administrator shall issue notice to the land owner at the owner's last known address, lessees, any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan, that the COUNTY will draw on the performance guarantee within thirty (30) days unless the owner appeals the Zoning Administrator's finding, pursuant to Section 9.1.8 or enters into a written agreement with the COUNTY to remove such NON-ADAPTABLE STRUCTURE in accordance with Section 6.1.1 A.4. within ninety (90) days and removes the NON-ADAPTABLE STRUCTURE accordingly.
9. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE removed as per Section 6.1.1 A.4. of the decommissioning and site reclamation plan 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 said NON-ADAPTABLE structure as provided in Section 6.1.1 A.8.;
  - c. any breach or performance failure of any provision of the decommissioning and site reclamation plan ;

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- d. the owner of record has filed a bankruptcy petition, or compromised the COUNTY's interest in the letter of credit in any way specifically allowed by the decommissioning and site reclamation plan ;
  - e. a court of law has made a finding that a NON-ADAPTABLE STRUCTURE 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 6.1.1 A.6.; or
  - g. any other conditions to which the COUNTY and the land owner mutually agree, as set forth in the decommissioning and site reclamation plan .
10. Once the letter of credit has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered into pursuant to Section 6.1.1. A.2. shall expire, and the COUNTY shall act to remove said covenant from the record of the property at the Recorder of Deeds within forty-five (45) days.
  11. The proceeds of the letter of credit may only be used by the COUNTY to:
    - a. remove the NON-ADAPTABLE STRUCTURE and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE, in accordance with the most recent decommissioning and site reclamation plan submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE;
    - b. pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited to, attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposal and bidding documents required to comply with state law or Champaign County purchasing policies; and
    - c. remove any covenants placed on the title in conjunction with Section 6.1.1. A.2.

The balance of any proceeds remaining after the site has been reclaimed shall be returned to the issuer of the letter of credit.

12. No dispute as to the necessity or reasonableness of any costs of performing the site reclamation work identified in Section 6.1.1 A.11. shall impair the ability of Champaign County to draw on the Financial Assurance.
13. In accordance with the provisions of the Illinois Mechanic's Lien Act, 770 ILCS 60/1 and 60/7, the Applicant or successors in interest agree that any contractor retained by Champaign County to perform the decommissioning



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and site reclamation work in Section 6.1.1 A.11. shall have a lien upon the Project to the full extent of all costs of performing the decommissioning and site reclamation work identified in Section 6.1.1 A.11., and that such lien shall be superior to any claim or lien of any other creditor, incumbrancer or purchaser.

14. Upon transfer of any property subject to a letter of credit pursuant to this Section, the new owner or applicant of record shall submit a new irrevocable letter of credit of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall submit a new decommissioning and site reclamation plan, pursuant to Section 6.1.1 A.4.a., and, for WIND FARMS, Section 6.1.4 P., and for PV SOLAR FARMS, 6.1.5 Q. Once the new owner or applicant of record has done so, the letter of credit posted by the previous owner or applicant shall be released, and the previous owner shall be released from any further obligations under the decommissioning and site reclamation plan.
15. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE STRUCTURE.
16. Should the decommissioning and site reclamation plan, or any part of it, be deemed invalid by a court of competent jurisdiction, the associated SPECIAL USE permit shall be deemed void.

**8. Add new subsection 6.1.5 as follows (NOTE: the following new subsection is based on the existing subsection 6.1.4 for “WIND FARM”):**

**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 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 6.1.5 I.
    - b. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the

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- 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 6.1.5 R.
- (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 unless the following is provided:
    - (a) No part of a PV SOLAR FARM shall be located within 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 PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
    - (b) 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.
    - (c) 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

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FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.

- b. Less than one-half mile from the CR Conservation Recreation Zoning District.
- (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 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 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 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.

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- (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.
- (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

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- 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.
- 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.

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- (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 6.1.5 R.
- (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-foot 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

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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-foot 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, 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

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required by paragraph 6.1.5 R. 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.
  - 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 6.1.5 R.

(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 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 6.1.5 R.
- (5) Mitigation of soil compaction and rutting
- a. The Applicant shall not be responsible for mitigation of soil compaction and rutting if exempted by the PV SOLAR FARM lease.
  - b. Unless specifically provided for otherwise in the PV SOLAR FARM lease, the Applicant shall mitigate soil compaction and rutting for all



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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 6.1.5 R.

(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 6.1.5 R.

(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.
- 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.

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- (9) Minimizing 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.
- 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 Substations(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 6.1.5 G.(1), (2), and (3), and the signed and

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

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

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- 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.
  - 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 estimated of the cost to replace such culverts and bridges;
  - c. A schedule of the anticipated STREET repair costs to be made in advance of the PV SOLAR FARM construction and following construction of the PV SOLAR FARM.

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- d. The Applicant shall reimburse the County Engineer; or Township Highway Commissioner; or municipality where relevant, for all reasonable engineering fees including the costs of a third party consultant, incurred in connection with the review and approval of the Transportation Impact Analysis.
  - (3) At such time as decommissioning takes place, the Applicant or its successors in interest shall enter into a Roadway use and Repair Agreement with the appropriate highway authority.
- 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.
  - (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.

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- (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 6.1.5 I.(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 reasonable steps to mitigate the excessive noise.
- 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 from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

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**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.

**(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



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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.
- 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 as authorized by the BOARD and the planting shall otherwise be planted and maintained per the recommendations of the Natural Resources Conservation Service Practice Standard 327 Conservation Cover and further provided that the PV SOLAR FARM perimeter fence is opaque.
- v. An area of agricultural crop production may also be authorized by the BOARD as an alternative visual screen buffer with a width of planting as authorized by the BOARD provided that the PV SOLAR FARM perimeter fence is opaque. Any area of crop production that is used as a vegetated visual screen shall be planted annually and shall be replanted as necessary to ensure a crop every year regardless of weather or market conditions.
- vi. Any vegetated screen buffer shall be detailed in a landscape plan drawing that shall be included with the PV SOLAR FARM SPECIAL USE permit application.

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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 a 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.
  - 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 re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation.

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- 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 the 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 (505 ILCS 100/1 et seq.)
- c. The weed control plan shall be explained in the application.

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 6.1.1 A.
- (2) In addition to the purposes listed in subparagraph 6.1.1 A.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 6.1.1 A. 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 the proceeding.

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- 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 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.
- 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 service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Champaign County purchasing policies.

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- 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 at 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.
  - (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 or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
  - (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.

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

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- engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.
- (b) On or before the sixth anniversary of the Commercial Operation Date, the 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 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.
- (c) On or before the eleventh anniversary of the Commercial Operation Date, the 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 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.
- b. Net salvage value may be deducted from 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 6.1.1 A.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

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- of compliance with paragraph 6.1.5. Q.(4)b.(a) prior to issuance of any Zoning Use Permit and upon every renewal of the 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 judgment 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.
- 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:



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- (a) At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less not than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Use Permit approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the 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 both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).
  - (b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.
  - (c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating,

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- 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 6.1.5 Q.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5 Q.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
  - h. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1 A.5.
  - 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 6.1.1 A.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.
  - 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

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- financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.
- h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the 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 6.1.5 D. or failed to submit it to the County within 12 consecutive months of receiving a Zoning Use Permit regardless of the efforts of the Applicant to obtain such certification.
- (6) The Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
  - (7) The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit and evidence of the escrow account must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
- 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.

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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 recording shall be saved for transcription for a minimum of two years.
- (6) A copy of the telephone number hotline 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 Condition 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 9.1.11 A.2., the application shall contain or be accompanied by the following information:
  - a. A PV SOLAR FARM Project Summary, including, to the extent available:
    - (a) A general description of the project, including its approximate DC and AC generating capacity; the maximum number and type of solar devices; and the potential equipment manufacturer(s).
    - (b) The specific proposed location of the PV SOLAR FARM including all tax parcels on which the PV SOLAR FARM will be constructed.

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- (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.
- c. A site plan for the 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 Substations(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 6.1.5 A.(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 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 includes 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.

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- 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 6.1.5 B.(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.
  - 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 6.1.5 B.(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.

**9. Add the following paragraph 9.3.1 J. for Zoning Use Permit fee:**

- J. PV SOLAR FARM with not more than 7.5 megawatt nameplate rating..... \$1,800 per megawatt (includes COMMUNITY PV SOLAR FARM)  
  
PV SOLAR FARM with nameplate rating of more than 7.5 megawatts.... \$13,500 plus \$1,260 for each megawatt more than 7.5 megawatts

**10. Revise subsection 9.3.3 as follows:**

**9.3.3 Zoning Case Filing Fees**

- A. General Provisions
  - (1) No zoning case filing shall be accepted until the filing fee has been paid.
  - (2) No zoning case filing fee shall be waived unless the Zoning Administrator determines that the petition is the only means reasonably available to bring a

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property into compliance with the provisions of this ordinance and the non-compliance is due solely to staff error.

- (3) No zoning case filing fee shall be refunded after required legal notice has been made by mail or publication unless the Zoning Administrator determines such filing to have been based solely upon staff error.
- (4) No amendment to any petition which requires new legal notice shall be considered until an amended petition fee has been received unless the Zoning Administrator determines such amendment to be required due solely to staff error.
- (5) The fee for SPECIAL USE permits shall be determined based on the larger of the following (except for County Board WIND FARM or PV SOLAR FARM SPECIAL USE Permits):
  - a. the area of farmland taken out of production as a result of the SPECIAL USE; or
  - b. when farmland will not be taken out of production as a result of the SPECIAL USE, the land area taken up by the existing STRUCTURES and all proposed CONSTRUCTION proposed in the SPECIAL USE application.
- (6) When some combination of VARIANCE, SPECIAL USE and Map Amendment cases is required simultaneously for the same property, the total filing fee shall include the following (except for County Board WIND FARM or PV SOLAR FARM Special Use Permits):
  - a. The standard fee for the most expensive individual zoning case; and
  - b. one-half of the standard fee for any other required VARIANCE, SPECIAL USE, or Map Amendment provided that
  - c. no additional fees shall be included for multiple zoning cases of the same type that can be advertised in the same legal advertisement.

**B. Fees**

(1) VARIANCES

a. ADMINISTRATIVE VARIANCES.. \$100

b. Minor or Major VARIANCES..... \$200

(2) SPECIAL USE permits and Map Amendments (except for County Board WIND FARM or PV SOLAR FARM Special Use Permit)

a. Two acres or less and Base Fee for larger areas .....\$400

**Solar Farm Text Amendment as Approved by County Board**  
August 23, 2018

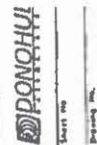
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- b. More than two acres but no more than 12 acres. ....add \$40 per acre to Base Fee for each acre over two acres
  - c. More than 12 acres add \$10 per acre for each acre over 12 acres and add to fees in a. and b. above
- (3) Appeals and Interpretations.....\$200
  - (4) Change of Nonconforming Use.....\$100
  - (5) Amendment to Petitions (requiring new legal notice) .....\$100
  - (6) County Board WIND FARM Special Use Permit..... \$20,000 or \$440 per WIND FARM TURBINE TOWER, whichever is greater
  - (7) BIG WIND TURBINE TOWER SPECIAL USE Permit per BIG WIND ..... TURBINE TOWER.....\$3,300
  - (8) County Board PV SOLAR FARM Special Use Permit
    - PV SOLAR FARM with not more than 7.5 megawatt nameplate rating..... \$1,320 per megawatt (includes COMMUNITY PV SOLAR FARM)
    - PV SOLAR FARM with nameplate rating of more than 7.5 megawatts to 112.5 megawatts.....\$9,240 plus \$102 for each megawatt more than 7.5 megawatts and up to 112.5 megawatts
    - PV SOLAR FARM with more than 112.5 megawatt nameplate rating..... \$180 per megawatt



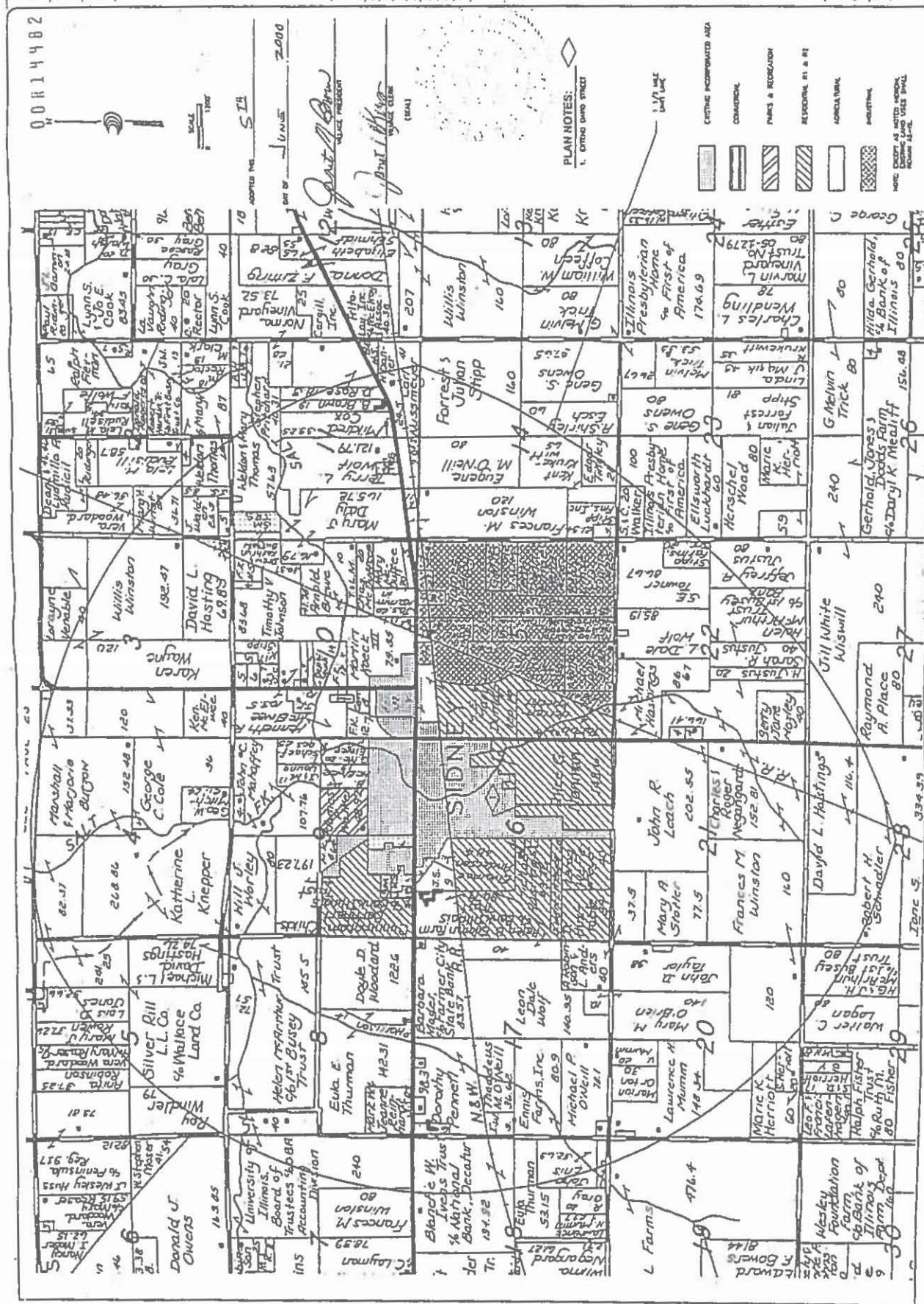
PROFESSIONAL LAND SURVEYOR'S STATEMENT

Village of Sidney, Illinois  
Comprehensive Development Plan  
Sidney, Illinois



Scale 1" = 1000'

Project No.	1022B
Project Date	05/05/20
Prepared By	Donohui
Checked By	Donohui
Drawn By	Donohui
Approved By	Donohui
Scale	1" = 1000'



Owner Name	Acres	Owner Name	Acres
Wm. McLaughlin	78.59	Francis M. Winston	120
Blanche W. Livers	80	John R. Leach	602.55
Ernest W. Livers	80	Mary A. Stotter	77.5
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Ernest W. Livers	80	Mary A. Stotter	77.5
Ernest W. Livers	80	Francis M. Winston	120