

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

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

CASE NO. 894-S-17

SUPPLEMENTAL MEMORANDUM #3
September 20, 2018

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

Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:**
Note: cross-out and underlined text is current based on newest information

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

~~Part B: A waiver for a separation of 350 feet in lieu of the minimum required 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential districts, per Section 6.1.5 D.(5) of the Zoning Ordinance.~~

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

Part B: A waiver 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.

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

Other waivers may be necessary.

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

Site Area: **PV Solar Farm Special Use Permit Area is about ~~15.56~~ 15.94 acres**

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

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

The petitioners submitted a Revised Site Plan on September 18, 2018 – see Attachment A. The revised waivers listed at the top of this memorandum are current based on the newest information provided by the petitioners. The only waivers remaining are for information that will most likely not

be available prior to a final determination by the ZBA. Special conditions E and F were added to ensure compliance with the requirements.

The petitioners submitted revised Exhibit E showing the updated Special Use Permit area, received September 19, 2018 – see Attachment B.

New evidence regarding noise levels has been added to the Summary of Evidence – see below.

Attachment C is an analysis of assessed values for the subject property, provided by ZBA Board Member Frank DiNovo. See the “Analysis of Assessed Values” section below.

P&Z Staff revised the Annotated Aerial: Separation Distances and Screening - see Attachment D, and updated the Summary of Evidence – see Attachment E.

ESTIMATED NOISE LEVELS

The following will replace the statements on page 26 of the Summary of Evidence dated August 30, 2018, under Item 9.B.(13):

- (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.
 - (b) Distances from adjacent residences were provided in the revised Site Plan received September 18, 2018.
 - (c) A statement regarding noise was provided in Exhibit H of the application received August 13, 2018: “Solar facilities are virtually silent, with the only noise generated coming from a quiet buzz from the inverters. While levels can range depending on inverters, the string inverters being used in this project would likely generate between 20 and 40 decibels (similar to a fridge).”
 - (d) The proposed inverter, the Sungrow SG125HV, was identified in Exhibit B of the application received August 13, 2018. The project would use 16 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.
 - i. The video showed that doubling the number of sources (in this case, inverters) resulted in an increase of 3 dB.

 - ii. The proposed St. Joseph Solar Farm project proposes 16 inverters, which would double the inverter noise levels cited by Sungrow four times over. Using the highest noise level provided by Sungrow, 61.6 dB at 1 meter, P&Z Staff estimated that 16 inverters would create 73.6 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 estimate 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 16 inverters would be 29.7 dB.

 - (ii) At a separation of 1,357 feet from the inverter (the closest residential lot less than 10 acres to the inverter in the proposed solar farm), the noise level for the 16 inverters would be 21.3 dB at the residential property line.

 - (iii) At the closest property line to the inverters, which is approximately 480 feet to the east, the noise level for the 16 inverters would be 30.3 dB. The 80-acre lot to the east does not have any buildings, but it could potentially be subdivided for residential lots in the future.

 - (iv) At the St. Joseph Sportsman Club north property line, which is 775 feet south of the inverters, the noise level would be 26.1 dB.

 - (v) P&Z Staff estimates are not as accurate as an actual noise study.

ANALYSIS OF ASSESSED VALUES

The following evidence will be added as Item 10.C.(4)d. in the Revised Summary of Evidence dated September 27, 2018:

- d. A comparison of property tax valuations for existing farmland and the proposed solar farm use was completed by ZBA member Frank DiNovo, received by P&Z Staff on September 11, 2018 and entered as a Document of Record in Supplemental Memorandum #3 dated September 20, 2018. The analysis, which provides data sources but has not been verified by the Assessor's Office, indicates that the current assessed value for the farmland on the 15.6-acre solar farm site is \$8,611 and would average \$13,884 for the next 19 years. The assessed value in year 1 for the subject property with the 2 MW solar farm installed would be \$436,000, but would decline to \$186,815 by year 19, and would average \$186,815 for years 1 through 19 for an average net increase in assessed value of \$172,930. Net increases in tax revenues reflect the net increase in assessed value. The average net increase in tax revenue to St. Joseph Township will be \$12,208 per year for years 1 – 19.

PROPOSED SPECIAL CONDITIONS - REVISED

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 approved site plan consists of the following documents:**
- **Sheet T1.1: Permit Set Cover received August 13, 2018**
 - **Sheet L1.1: Site Layout received September 18, 2018**
 - **Sheet L2.1: Tracker System Detail received August 13, 2018**
 - **Sheet L2.3: Fence-Gate Detail received January 25, 2018**
 - **Sheet L2.3: Agricultural Fence Detail received August 13, 2018**
 - **Sheet E1.1: Single Line Diagram received August 13, 2018**
 - **Sheet E2.1: DC & AC Conductor Schedule received January 25, 2018**
 - **Sheet E4.1: Grounding Details received January 25, 2018**
 - **Sheet E9.1: Equipment Specification Sheets received August 13, 2018**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

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

The above special conditions are required to ensure that:

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

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

The above special condition is necessary to ensure the following:

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

- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 - 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 - 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution 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.**
 - 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources**

Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.

5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 894-S-17 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The above special condition is required to ensure that:

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

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

The above special condition is required to ensure that:

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

- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**

3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
4. **Maintain a current general liability policy as required by 6.1.5 O.**
5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

The above special condition is required to ensure that:

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

ATTACHMENTS

- A Revised Site Plan received September 18, 2018
- B Revised Exhibit E: Special Use Permit Area, received September 19, 2018
- C Analysis of Assessed Values for Case 894-S-17 provided by Frank DiNovo, received September 11, 2018
- D Revised Annotated Aerial: Separation Distances and Screening dated September 18, 2018
- E Revised Summary of Evidence, Finding of Fact and Final Determination dated September 27, 2018



Community Power Group, LLC
 4849 Rugby Avenue, Suite 1000
 Bethesda, MD 20814
 Phone Main: +1 202 844 6423
 Fax: +1 301 657 4494
 Homepage: www.communitypowergroup.com

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 Professional Engineer:

PE Seal:

DRAWING ISSUE

<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Construction
<input type="checkbox"/> Customer Approval	<input type="checkbox"/> As-built
<input type="checkbox"/> Permitting	<input type="checkbox"/> Other

REVISIONS

Rev	By	App	Description	Date
1			Issue for review	10/1/18
2			Revised drawing	10/1/18
3			Final design	10/1/18

SYSTEM SUMMARY

MODULE
 MANUFACTURER: HANWHA QCELL
 MODULE MODEL: Q.PLUS L-G4.2 345
 MODULE OUTPUT: 345
 MODULE COUNT: 7,776
 STRING SIZE: 27
 NUMBER OF STRINGS: 288
 SYSTEM OUTPUT: 2,682.72 kW DC

INVERTER
 MANUFACTURER: SUNGROW
 INVERTER MODEL: SG125HV
 RATING: 125 kW
 QUANTITY: 18
 DC SYSTEM VOLTAGE: 1500 V
 SYSTEM OUTPUT: 2,000 kW AC
 DC: AC RATIO: 1.34

RACKING
 MANUFACTURER: ATI
 GCR: 28%
 FOUNDATION: DRIVEN POST
 CONFIGURATION: 1P
 AZIMUTH: 180'
 MOTOR QUANTITY: 4
 MODULES PER TRACKER: 81
 POST QUANTITY: TBD

BOS
 TRANSFORMER RATING: 2000 KVA
 TRANSFORMER QTY: 1
 INTERCON. VOLTAGE: TBD
 AC PB RATING/QTY: 2500 A/1

FENCE
 APPROX. 3,712 LF
 APPROX. AREA ENCLOSED = 15.77 ACRES

POST TO POST ROW SPACING
 EQUATING TO A GCR OF 28% @ A LEVEL GRADE

12' WIDE ACCESS ROAD
 APPROX. AREA = 8,543 SQ.FT
 APPROX. LENGTH = 648'

PRESUMED POI LOCATION

AC TRENCH PATH: 709 LF
 FROM TRANSFORMERS TO POI

APPROX. UTILITY TOWER SHADE ON DEC 21
 AT 10AM/2PM & 9AM/3PM
 ASSUMED AVG. HEIGHT = 180'

18' WIDE GATE

301'-5"

2.0 MVA AC EQUIPMENT PAD (TYP.)

471'-8"

455'-4"

40'

23'-8"

296'-10"

16'-6" 23'-1" 16'

RECEIVED
 SEP 18 2018
 CHAMPAIGN CO. P & Z DEPARTMENT

Project Name: COMMUNITY POWER GROUP - ST. JOSEPH SOLAR I
 Site Address: ST. JOSEPH, IL 61873
 40°7'29.76"N; 88°1'1.02"W

Sheet Name: SITE LAYOUT

Scale: 1"=70' | Project ID: TBD

Sheet No: L1.1

Exhibit E – Special Use Permit Area



RECEIVED

SEP 19 2018

CHAMPAIGN CO. P & Z DEPARTMENT

CASE 894-S-17 Community Power Group, LLC and Erin Huls and Chris Soppet

Property Tax Valuation as provided in PA 100-0781

Notes Re:
Sources

ASSESSED VALUE PER MW

Year	1	19	25	Average Over 25 Years	
Trended Real Property Cost Basis at average inflation rate shown:	2.0%	218,000	311,358	350,639	279,304
Allowance for Physical Depreciation			-219,782	-330,013	-148,615
Assessment Floor (30% of Trended Real Prop Cost Basis)		65,400	93,407	105,192	
Assessed Value per MW (Trended Real Prop Cost Basis minus Depreciation but not less than Assessment Floor)		218,000	93,407	105,192	148,359

PROPOSED PROJECT

Assessed Value of Proposed Solar Farm with specified capacity in MW	2	2	436,000	186,815	210,384	296,718
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EXISTING FARMLAND

Parcel (PIN: 28-22-12-200-006) Current Assessed Value of Farmland	3		\$31,950			
Parcel Total Acreage	3		57.84			
Parcel Average Farmland AV per acre			\$552			
Solar Farm Site area in acres:	4		15.6			
Avg. Year to Year Change in Champaign Co. Farmland value 1996-2016:	5		2.7%			
Assessed Value of Project Site Farmland with year to year change at:		2.7%	8,595	13,884	16,291	12,053

NET INCREASE IN ASSESSED VALUE

Net Change in Assessed Value (Solar Farm minus Project Site Farmland)			427,405	172,930	194,093	284,665
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SOURCES

- The initial value of \$218,000 and the 30% floor value are established in PA 100-0781. All calculations are as specified in the Act. <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0781&GA=100>
- The capacity is that stated in the petitioner's application.
- Champaign County Assessment Office and Champaign County GIS Consortium <http://www.maps.ccgisc.org/public/Disclaimer.aspx>
- The fenced area indicated in the petitioner's application.
- This is a simple percentage, not a compound rate. Illinois Department of Revenue Property Tax Statistic (Table 17). <http://www.revenue.state.il.us/AboutIdor/TaxStats/>
- Champaign County Rate Book, Champaign County Treasurer and Champaign County Clerk. All calculations use 2017 rates. <http://www.co.champaign.il.us/treasurer/Rates.php>, <http://www.co.champaign.il.us/treasurer/taxlookup.php>

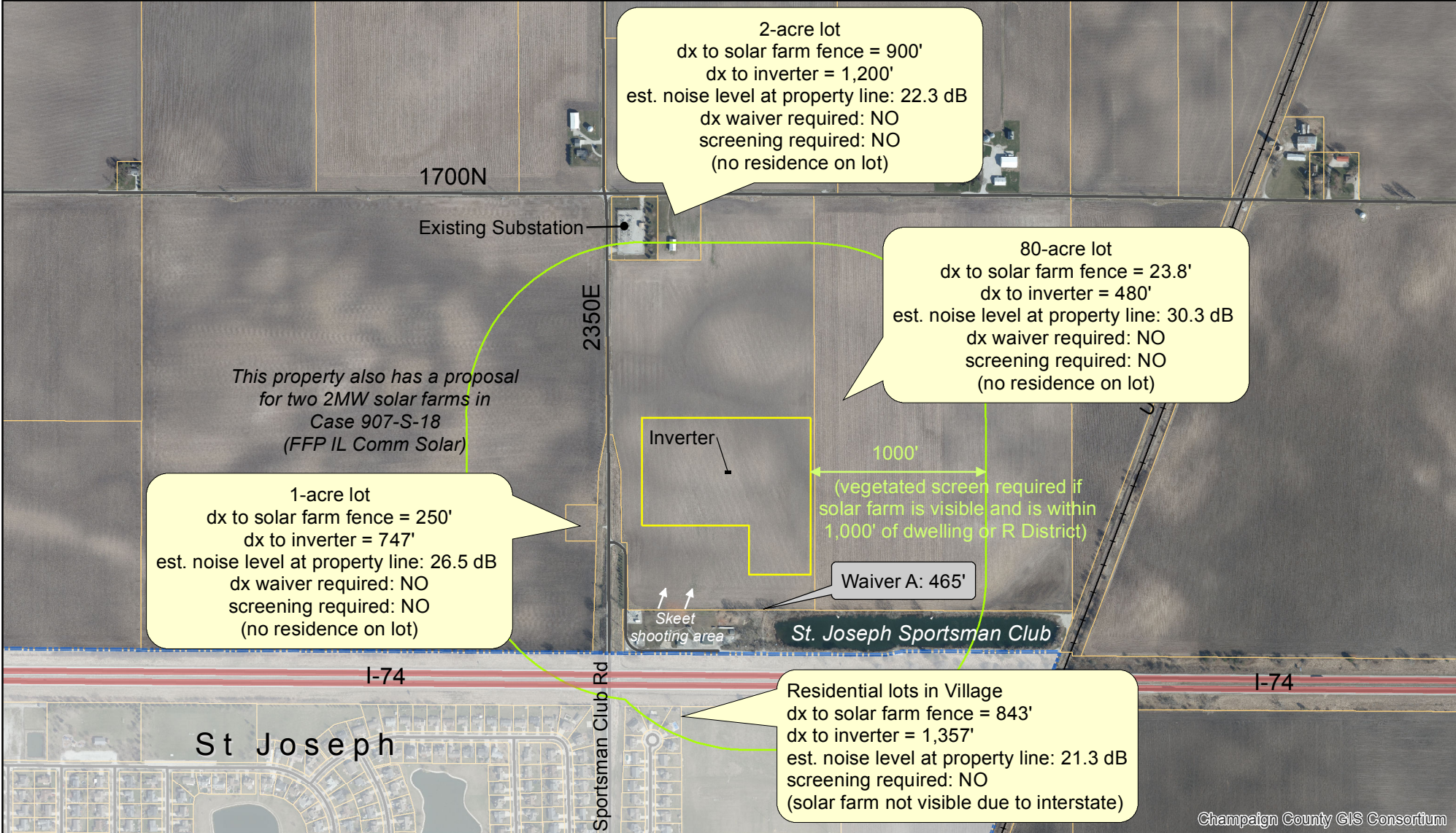
NET INCREASE IN TAX REVENUE

Year	1	19	25	Average Over 25 Years	25 Year Total	Net Present Value with 2% Discount Rate	Net Present Value with 5% Discount Rate	Net Present Value with 7% Discount Rate	
St. Joseph Twp., Tax Code 1, 2017 Tax Rates (dollars per \$100 AV)	6								
101 COUNTY	0.8481	3,625	1,467	1,646	2,414	62,770	50,157	39,495	34,434
201 FOREST PRESERVE	0.0925	395	160	180	263	6,846	5,471	4,308	3,756
301 COMM COLL 505	0.5411	2,313	936	1,050	1,540	40,048	32,001	25,198	21,969
314 SCHOOL DIST 169	2.6906	11,500	4,653	5,222	7,659	199,139	159,124	125,298	109,242
333 HIGH SCHOOL305C	2.0013	8,554	3,461	3,884	5,697	148,122	118,358	93,198	81,256
419 ST JOE STAN FIRE	0.2940	1,257	508	571	837	21,760	17,387	13,691	11,937
761 ST JOSEPH TWP	0.2820	1,205	488	547	803	20,872	16,678	13,132	11,450
762 ST JOE RD & BR	0.1564	668	270	304	445	11,576	9,250	7,283	6,350
763 ST JOE PERM ROAD	0.1537	657	266	298	438	11,376	9,090	7,158	6,240
Total at Aggregate Rate (All Taxing Bodies)	7.0597	30,174	12,208	13,702	20,097	522,509	417,515	328,763	286,635

Annotated Aerial: Separation Distances and Screening

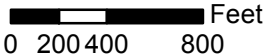
Case 894-S-17
September 27, 2018

REVISED 09/20/18



Legend

- Solar farm fenced area
- Municipal Boundary
- Fenced area 1000' buffer
- Parcels



REVISED DRAFT 09/27/18

894-S-17

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

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

Date: September 27, 2018

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

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

Note: cross-out and underlined text is current based on newest information

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~~Part B: A waiver for a separation of 350 feet in lieu of the minimum required 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential districts, per Section 6.1.5 D.(5) of the Zoning Ordinance.~~

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

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REVISED DRAFT 09/27/18**Case 894-S-17**
Page 3 of 72**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 30, 2018** and September 27, 2018, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioners are Community Power Group LLC, with agent Michael Borkowski, owner and sole officer of Community Power Group, and participating landowners Erin ~~Huls~~ and Chris Soppet. Regarding the petitioners:
 - A. St. Joseph Solar 1 is the name of the proposed solar farm, which is wholly owned by Community Power Group LLC, 4849 Rugby Avenue, Suite 1000, Bethesda, MD 20814.
 - B. The participating landowners, Erin ~~Huls~~ and Chris Soppet, signed agreements on December 2, 2017, with Community Power Group LLC for the use of their property for the proposed PV solar farm.
2. The subject property is a 57.84-acre tract in the West Half of the Northeast Quarter of Section 12 of Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township, and commonly known as the property just north of the St. Joseph's Sportsman Club. The petitioners anticipate using approximately ~~15.56~~15.94 acres of the subject property as the Special Use Permit area, per the application received August 13, 2018 and revised Site Plan received September 18, 2018.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of St. Joseph, 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 St. Joseph Township, which has 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 zoned AG-1 Agriculture and is currently in agricultural production.
 - B. Land northwest of the subject property is zoned AG-1 Agriculture and is in use as an electric substation approved under case 918-S-94.
 - C. Land northeast of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - D. Land east and west of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - E. Land south of the subject property is zoned AG-1 Agriculture and is in use as the St. Joseph Sportsman Club.

REVISED DRAFT 09/27/18**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan for the proposed Special Use:
- A. The applicant has submitted several packets which together comprise the Special Use Permit application.
- (1) Special Use Permit application received December 20, 2017, which includes:
 - a. Sheet L1.1: Site Layout
 - (2) Permit Set received January 25, 2018, which includes:
 - a. Sheet T1.1: Permit Set Cover
 - b. Sheet L1.1: Site Layout
 - c. Sheet L2.1: Tracker System Detail
 - d. Sheet L2.3: Fence-Gate Detail
 - e. Sheet E1.1: Single Line Diagram
 - f. Sheet E2.1: DC & AC Conductor Schedule
 - g. Sheet E4.1: Grounding Details
 - h. Sheet E9.1: Equipment Specification Sheets
 - (3) Special Use Permit application received August 13, 2018, which includes the following additional Permit Set sheets:
 - a. Sheet T1.1: Permit Set Cover
 - b. Sheet L1.1: Site Layout (revised, expanded solar farm area)
 - c. Sheet L2.1: Tracker System Detail
 - d. Sheet L2.3: Agricultural Fence Detail (note sheet numbering was used before, but sheet has different information)
 - e. Sheet E1.1: Single Line Diagram
 - f. Sheet E9.1: Equipment Specification Sheets
 - (4) Revised Sheet L1.1: Site Layout received September 18, 2018
 - (5) The Site Plan will include the following sheets, reflecting the newest information received:
 - a. Sheet T1.1: Permit Set Cover received August 13, 2018
 - b. Sheet L1.1: Site Layout received September 18, 2018
 - c. Sheet L2.1: Tracker System Detail received August 13, 2018
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 - h. Sheet E4.1: Grounding Details received January 25, 2018
 - i. Sheet E9.1: Equipment Specification Sheets received August 13, 2018
- B. The permit sheets listed in Item 5.A.(5) above will be the Site Plan for the Special Use Permit. The Site Plan indicates the following existing and proposed features:
- (1) There are no existing features on the 57.84-acre subject property.
 - (2) Proposed features include:

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- a. A 2-megawatt (MW) COMMUNITY PV SOLAR FARM site; and
 - b. Approximately ~~3,680~~3,712 linear feet of 7-foot tall perimeter fence; and
 - c. 7,776 solar modules, proposed model Hanwha Qcell Q.Plus L-G4.2 345;
 - d. One 18 feet by 34 feet equipment pad for the inverters, located approximately ~~640~~657 feet east of the CR2350 street centerline and approximately ~~725~~775 feet north of the south property line; and
 - (1) Note that Permit Set sheet L1.1: Site Layout received ~~August 13~~September 18, 2018, shows the inverter scaling to approximately 18 feet by 34 feet, while Exhibit G: Decommissioning Plan states that the equipment pad would be 8 feet by 10 feet.
 - e. 16 string inverters, proposed model Sungrow SG125HV;
 - f. A 12 feet wide access road extending approximately ~~651~~648 feet east of CR 2350E; and
 - g. An 18 feet wide security gate; and
 - h. A presumed Point of Interconnection (POI) located approximately 595 feet north of the south property line and approximately 26 feet east of the CR 2350E street centerline.
 - i. A trenched power line runs to the inverter.
 - j. A 250 feet setback to the nearest parcel less than 10 acres;
 - k. Approximately 850 feet between the nearest home and the PV SOLAR FARM array; and
 - l. 188 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 2350E.
 - m. The solar farm is proposed to be located on soils that are Best Prime Farmland.
- B. There are no previous Zoning Use Permits for the subject property.
- C. There are no previous Zoning Cases for the subject property; however, a Special Use Permit was approved on April 21, 1994 for Central Illinois Light Company (CILCO) to construct an electrical substation at the southeast corner of CR 1700N at CR 2350E in Case 918-S-94.

REVISED DRAFT 09/27/18**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.
 - (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.

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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 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.

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- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness 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.
- (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.

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- (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.
 - (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.

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- (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 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.

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- (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.
 - (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.

REVISED DRAFT 09/27/18**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, **“Illinois is required to acquire 3,000 MW of solar by the year 2030 and agriculturally zoned properties are ideal locations. This solar farm will not hinder or harm any surrounding land uses and has been located to where no residences will be largely affected by the farm in any way.”**
 - 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 CILCO substation located at the southeast corner of the intersection of CR 1700N at CR 2350E.
 - E. The St. Joseph Sportsman Club is located south of the subject property. The facility includes a skeet shooting range.
(1) At the August 30, 2018 ZBA meeting, Petitioner Michael Borkowski testified that the proposed solar farm was designed to be located outside the ballistic zone of the range.

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, **“Solar farms are installed and decommissioned in a way to ensure that the land it is installed on will not be degraded. The solar farm is monitored remotely and does not cause any harm to the surrounding land. A decommissioning plan is attached as Exhibit K.”**
 - B. Regarding surface drainage, the Natural Resource Report by the Champaign County Soil and Water Conservation District received February 23, 2018, states: “The site has a very slight slope to the South and East. 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 2350E.
 - (2) CR 2350E is approximately 20 feet wide and is comprised of oil and chip.

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- (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 2350E had an ADT of 300 west of the subject property. CR 1700N had an ADT of 275 north of the subject property.
 - (4) No significant increase in traffic is expected.
 - (5) The St. Joseph Township Highway Commissioner has been notified of this case and no comments have been received.
 - (6) The petitioner has requested a waiver of a Road Use Agreement with Rod Maddock, St. Joseph Township Highway Commissioner. See the discussion under item 9.B.(11)a.
- D. Regarding fire protection:
- (1) No information was provided in the application received August 13, 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 St. Joseph-Stanton Fire Protection District was notified of this case and no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, per FEMA Panels 17019CO350D and 17019CO475D, effective date October 2, 2013.
- F. The 57.84 acre subject property is considered Best Prime Farmland. The soil on the subject property consists of 152A Drummer silty clay loam, 149A Brenton silt loam, and 663B Clare silt loam, and has an average Land Evaluation Factor of 99.
- (1) The proposed solar farm area is comprised of soils 152A and 149A, and has an average Land Evaluation Factor of 100.
- G. Regarding outdoor lighting on the subject property, the Permit Set received August 13, 2018, does not indicate outdoor lighting. 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 August 30, 2018 ZBA meeting:
- (1) During cross-examination of petitioner Michael Borkowski, Tami Fruhling-Voges, Mayor of St. Joseph, asked how the Village could gain local benefit from energy savings. She asked if there is a limit to the number of credits that the solar farm could supply. She asked if there were state reimbursements to the company for developing solar farms. She asked about the township road agreement, and

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expressed concern that the developer would use village maintained roads to travel to and from the site.

a. Michael Borkowski responded that once they have all the approvals in place and there is 100% certainty that the project will move forward, they can begin to reach out to communities to solicit subscribers, hopefully from nearby communities, offering discounted prices. He said that St. Joseph could absolutely have first rights on subscribing. He said that the proposed solar farm would supply energy to 400 households, and if there is additional demand, perhaps some of their other farms could provide credits. He said that a federal investment tax credit is available, but no Illinois tax credits. He said that the only traffic would be delivery of the solar panels and racking over 2 to 3 months, which would require about 20 trucks, and then it would be only occasional maintenance vehicles.

(2) During cross-examination of petitioner Michael Borkowski, Steve Meier, a member of the St. Joseph Sportsman Club, asked how deep trenching would go for underground equipment, and how they would know if they hit an agricultural drain tile.

a. Michael Borkowski responded that a field tile survey is required, and poles go 4 to 5 feet deep. He said that they are required to repair any tiles they damage.

(3) Tami Fruhling-Voges, Mayor of St. Joseph, 407 N Third, St. Joseph, stated that she is a Sportsman Club member. She said that they met as the Village Board about solar farms 2 weeks ago, and the board needs more time to digest all the information. She said that right now, the board would not be in favor of waivers for any of the solar farms proposed around the village, although this location is not as bad as other potential solar farms. She said that the Village Comprehensive Plan shows the subject property as agriculture in the Future Land Use Map, which leaves the door open for many things down the road, whereas a solar farm would limit growth. She said that if someone offered to cost share the utilities under the interstate, they would want to grow the village in that direction.

(4) Chris Soppet, owner of the subject property, stated that he does not want to jeopardize the Sportsman Club. He said he supports solar, and they worked for months on a lease with Michael Borkowski. He said that he is concerned about drainage and impacts on farming and feels that the lease does a good job of dealing with that. In terms of why the subject property is ideal for solar, he said that the southern half of their field yields about 10% less than the north half, and the notch in the southwest corner is where skeet shooting goes, and they want to keep a good relationship with the Sportsman Club.

(5) Bradley Marsh, 1703 CR 2350E, St. Joseph, represents the Union Drainage District St. Joseph/Ogden. He said that he is concerned about breaking tile, since there is no way of knowing where tile is. He said that as the resident on the northwest corner of the intersection where they propose the solar farm, if the solar farm would expand to the north, noise would be closer to him, and he does not know how that

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would impact him. He said that he was not in favor of the substation that went in on the southeast corner of the intersection, and he thinks there could be a better place for the solar farm. He said that the substation sometimes has big booms, night lights, and the screening is not kept up.

(6) Tiffany McElroy-Smetzer, 405 East Lincoln, St. Joseph, stated that discussing variances for the solar farm 1 week after approving the solar farm ordinance makes it seem that all that work preparing the solar farm text amendment was for nothing. She said that the solar farm developer should buy more land so as not to need the waivers. She said she is not against solar farms and likes the pollinator plantings idea. She does not think that development should be limited just because development might happen 20-30 years from now.

(7) David Marsh, who farms the land west of Bradley Marsh's property to the northwest of the subject property, said that the Drainage District does not need the stress of more tile breaks.

- J. Regarding parking, there is no required parking for the proposed PV SOLAR FARM.
- 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, **“The proposed use does not interfere or affect the essential character or primary use of the district in which land is located. The proposed use may conform to pending ordinance.”**
- 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).

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- 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.

Revised Exhibit E of the Special Use Permit application received September 18, 2018, shows a ~~39.78-15.94-acre~~ Special Use Permit area on the 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.

(1) In the application received August 13, 2018, the Site Layout on sheet L1.1 shows a 12 feet wide private access within a 24 feet wide area.

(2) The petitioners submitted a revised Exhibit E on September 19, 2018, which indicates a 40 feet wide area for accessways outside the solar farm fenced area, which is compliant with the Zoning Ordinance. 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.

The application received August 13, 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.

(1) 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.

(2) 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.

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- (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 St. Joseph has a Contiguous Urban Growth Area, but the subject property is located just outside the CUGA boundary.
- ii. The [revised Sheet L1.1 Site Layout](#) received on [September 18, 2018](#), indicates a separation of approximately 465 feet between the PV SOLAR FARM perimeter fence and the St. Joseph municipal boundary.
- iii. Part A of the waiver reflects the reduced separation distance between a PV SOLAR FARM and the 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.

Exhibit L of the application received August 13, 2018, includes an email dated August 10, 2018 from Nick Mento to Tami Fruhling-Voges, Mayor of St. Joseph. Mayor Voges confirmed that the Village had received the information regarding the Special Use Permit application for a COMMUNITY PV SOLAR FARM within 1.5 miles of the village limits.

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

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- a. Exhibit L of the application received August 13, 2018, states: “The mayor of St. Joseph has been contacted and will be discussing the facility on August 14th, 2018. Community Power Group received positive feedback on the location of the facility from the Village. The resolution will be decided upon prior to the County Board vote.”
- b. Joe Lierman, Attorney for the Village of St. Joseph, called Susan Burgstrom on August 16, 2018, to request more details on the resolution. He said that the Village Trustees would likely discuss the need for a resolution at their meeting on August 28, 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.

The nearest CR District is over 1 mile away from the subject property.

- (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) Exhibit H of the application received August 13, 2018, includes an Interconnection Request Application which was sent to Ameren Illinois on December 19, 2017.
 - 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. Exhibit F of the application received August 13, 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. Both CR 2350E and CR 1700N are MINOR STREETS, and the Site Plan received with the application on August 13, 2018, shows that fencing is set back approximately 200 feet from the closest street centerline on CR 2350E.
 - (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.
 - a. 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. Attachment G of the Preliminary Memorandum dated August 24, 2018 Attachment C of Supplemental Memo 3 dated September 20, 2018, shows these separations.
 - (i) There is a 0.93 acre vacant lot in agricultural production across the street to the west of the proposed solar farm. The lot is 250 feet from the PV SOLAR FARM perimeter fence.
 - (ii) The distance between the proposed inverter and the 1-acre vacant property is approximately 725-747 feet.
 - (iii) There is a 2-acre lot in agricultural production north of the proposed solar farm. The lot is 945-900 feet from the PV SOLAR FARM perimeter fence.

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- (iv) The distance between the proposed inverter and the 2-acre lot to the north is approximately ~~1,245~~1,200 feet.
- 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) All other adjacent lots less than 10 acres in area are at least 240 feet from the PV SOLAR FARM perimeter fence.
- (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 PRINCIPAL BUILDING on the 15-acre St. Joseph Sportsman Club is located approximately ~~380~~400 feet south of the PV SOLAR FARM perimeter fence.
 - ii. 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.
 - iii. The closest separation between the perimeter fencing and a SIDE or REAR LOT LINE is ~~25~~23.8 feet on the east property line.
- (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. Exhibit H of the application received January 25, 2018, states: “Solar facilities are virtually silent, with the only noise generated coming from a quiet buzz from the inverters. While levels can range depending on inverters, the string inverters being used in this project would likely generate between 20 and 40 decibels (similar to a fridge).”
- (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

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- 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:
- 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 13.5 miles from the subject property. The closest Frasca Airport runway is approximately 9 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 3 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 6 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. Exhibit D of the application received August 13, 2018, shows 16 inverters located on an equipment pad in the center of the PV SOLAR FARM, approximately 250 feet from the south perimeter fence. There is approximately 475 feet of land in agricultural production between the south perimeter fence and the south subject property line that abuts the St. Joseph

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Sportsman Club. Waiver Part C relates to this reduced separation distance.

- ii. The revised Sheet L1.1: Site Layout received September 18, 2018, shows the 16 inverters located on the equipment pad approximately 297 feet from the south perimeter fence. A waiver is no longer required for this separation distance.
- iii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Sheet L1.1: Site Layout received September 18, 2018:
 - (i) There is approximately 1,950 feet between the proposed inverters and the 15-acre lot to the northwest.
 - (ii) There is approximately 1,357 feet between the proposed inverters and the closest lot with a dwelling, which is to the south inside the Village of St. Joseph.
 - (iii) The 80-acre property to the east could establish by-right lots outside of a 515 foot radius of the proposed inverters.

- (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 Special Use Permit application packet received August 13, 2018, includes a spec sheet for the proposed racking system that indicates a standard 54-inch height.
 - ii. In an email received August 17, 2018, Nick Mento from Community Power Group responded to questions from Susan Burgstrom, and stated that the panels would reach approximately 7 to 8 feet.
- (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 revised Sheet L1.1: Site Layout received September 18, 2018, shows that there is a 40-38.5 feet separation between the east property line and the nearest PV SOLAR FARM module.

- (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

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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 13, 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 Special Use Permit application packet received August 13, 2018, states that the developer will follow the 2011 NFPA National Electrical Code.
 - (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. On page 4 of the Decommissioning Plan received with the SUP application on ~~December 20, 2017~~ August 13, 2018, the petitioner states: “This project will have cable both above ground and placed below the ground surface.”
 - ii. On page 2 of Supplement A to the signed Solar Facility Site Lease Agreement (redacted) received on December 20, 2017, the petitioner states under item 1.A. that “Underground electrical cables will be buried with a minimum of 5 feet of top cover where it crosses Active Cropland.”
- 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) In an email received August 17, 2018, Nick Mento from Community Power Group responded to questions from Susan Burgstrom, and stated that the panels would reach approximately 7 to 8 feet.
- 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 draft Permit Set received January 25, 2018, illustrates on sheet L2.3 that the perimeter fence gate will have high voltage warning signs.
- 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

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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 57.84 acre subject property is considered Best Prime Farmland. The soil on the subject property consists of 152A Drummer silty clay loam, 149A Brenton silt loam, and 663B Clare silt loam, and has an average Land Evaluation Factor of 99.
 - (a) The proposed solar farm area is comprised of soils 152A and 149A, and has an average Land Evaluation Factor of 100.
 - 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.
 - c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, Exhibit I: Landscape Plan received August 13, 2018 states:
 - (a) Year-round pollinator friendly ground cover can complement existing agriculture in the area and also helps combat excessive runoff.
 - (b) Seed mixes can include a diversity of flowering plants that can:
 - i. Provide food and habitat for butterflies, bees, and insects that pollinate flowering forbs (wildflowers) and some commercial agricultural crops;
 - ii. Significantly reduce wind and surface water erosion;
 - iii. Significantly reduce fertilizer, herbicide, and pesticide applications, resulting in improved water quality;
 - iv. Increase organic matter and water holding capacity of soils. The result is higher quality soils for farming when the site is decommissioned;
 - v. Improve the aesthetic look of the solar facility.

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- 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) On page 2 of Supplement A to the signed Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, the petitioner states under item 1.A. that “Underground electrical cables will be buried with a minimum of 5 feet of top cover where it crosses Active Cropland.”
- 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. Page 2 of Supplement A of the signed Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017 states: “The Lessee will work with the Lessor to identify the tile lines traversing the property included within the Premises. All tile lines identified in this manner will be permanently marked prior to construction for the duration of the lease to alert Construction, Maintenance, and Deconstruction crews to the possible need for tile line repairs.”
- ii. The Natural Resources Report by the Champaign County Soil and Water Conservation District (CCSWCD) received February 23, 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. The Special Use Permit Application received August 13, 2018, does not include information regarding contact with the Drainage District. However, notice was sent to Union Drainage Districts #2 and #7 St Joseph-Ogden regarding this case ~~and no comments have been received.~~
- (i) At the August 30, 2018 ZBA meeting, Bradley Marsh, 1703 CR 2350E, St. Joseph, stated that he represents the Union Drainage District St. Joseph/

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Ogden. He said that he is concerned about breaking tile, since there is no way of knowing where tile is.

- (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. No information was required or submitted for the Special Use Permit application.

- (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. Pages 2 and 3 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, detail how the petitioner will repair damaged tile lines. The methods appear to be consistent with Section 6.3 of the SWMEC Ordinance, as long as the petitioner seeks approval from relevant Approval Authorities and Drainage Districts when relevant.

- (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. Pages 2 and 3 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received December 20, 2017, detail how the petitioner will repair damaged tile lines. The methods appear to be consistent with Section 6.3 of the SWMEC Ordinance, as long as the petitioner seeks approval from relevant Approval Authorities and Drainage Districts.

- (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. Pages 2 and 3 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, detail how the petitioner will repair damaged tile lines. The methods appear to be consistent with Section 6.3 of the SWMEC Ordinance,

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as long as the petitioner seeks approval from relevant Approval Authorities and Drainage Districts when relevant.

- (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. Part 3.C. of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- (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. Part 3.D. of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- (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. Parts 3.D. and 3.H. of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conform to the Zoning Ordinance.
- (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. Part 3.B. of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- (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. Part 3.J. of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) Parts 5 and 6 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application

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on December 20, 2017, state that the Lessee will return rutted and/or unevenly settled land to its original condition.

- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) Part 2 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, provides the method the petitioner will use to replace topsoil.
 - (b) The petitioner does not specify to what depth the topsoil will be removed as required in Subparagraph 6.1.5 F.(4)a.
 - (c) Otherwise, Part 2 of the Agreement appears to be in conformance.
- h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) Part 5 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) Part 6 of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The application received August 13, 2018, includes a Weed and Grass Control Plan that refers to erosion control, 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) Part 2.A. of Supplement A of the Solar Facility Site Lease Agreement (redacted) received in the Special Use Permit application on December 20, 2017, conforms to the Zoning Ordinance.
- 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) Exhibit I of the application received August 13, 2018, includes a Weed and Grass Control Plan, and the information conforms to the Zoning Ordinance.

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- (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 and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.
 - (a) Exhibit J of the application received August 13, 2018, states: "Community Power Group is currently discussing a waiver for the requirements of subparagraphs 6.1.5 G.(1), (2) and (3) of Champaign County Zoning Ordinance for the Community PV Solar Farm proposed within this permit application. Rod Maddock, Road Commissioner, is the point of contact with the Township of St. Joseph regarding the waiver. Community Power Group will aim to have a signed document attesting to the above statements by September 6, 2018 and a signed waiver pending discussions between Community Power Group and the Township regarding possible other conditions by the County Board meeting that will discuss this application.
 - (b) Waiver Part C was added because an Agreement was not likely to be finalized prior to the Special Use Permit determination.
 - (c) A special condition has been added to ensure receipt of either the waiver from the 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 13, 2018, regarding whether the applicant has submitted a copy of the Site Plan to the

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local Fire Protection District. There is no timeline for completing this requirement.

- b. The St. Joseph-Stanton 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.~~
- ~~(b) Specification sheets for the proposed inverter to be used were included in Exhibit D of the application received August 13, 2018.~~
- ~~(c) Distances from adjacent residences were provided in Exhibit F of the application received August 13, 2018.~~
- ~~(d) A statement regarding noise was provided in Exhibit H of the application received December 20, 2017.~~
- (a) A Special Use Permit application for a Community PV Solar Farm does not require a noise level analysis unless the Board requires one.
- (b) Distances from adjacent residences were provided in the revised Site Plan received September 18, 2018.
- (c) A statement regarding noise was provided in Exhibit H of the application received August 13, 2018: "Solar facilities are virtually silent, with the only noise generated coming from a quiet buzz from the inverters. While levels can range depending on inverters, the string inverters being used in this project would likely generate between 20 and 40 decibels (similar to a fridge)."
- (d) The proposed inverter, the Sungrow SG125HV, was identified in Exhibit B of the application received August 13, 2018. The project would use 16 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

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potentially be subdivided for residential lots in the future.

(iv) At the St. Joseph Sportsman Club north property line, which is 775 feet south of the inverters, the noise level would be 26.1 dB.

(v) 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 received December 20, 2017, stated: “the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. No action is required, and the consultation is valid for 2 years.”
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. In a letter received August 17, 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. Exhibit G of the Special Use Permit application packet received in the Special Use Permit application on December 20, 2017, refers to the EcoCAT report that was provided with the application, and also states that “solar poses no threat to wildlife or natural resources in general.”
- (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) Sheet L2.3 of the Permit Set received January 25, 2018, shows a 7-foot tall fence with Knox boxes, which conforms to the Zoning Ordinance.
 - (b) Regarding weed control, Exhibit I to the application received August 13, 2018, includes a Weed and Grass Control Plan, which conforms to the Zoning Ordinance.

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- i. Noxious weed control is discussed on pages 4 and 5 of the Weed and Grass Control Plan.
 - 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 revised Sheet L1.1: Site Layout received September 18, 2018, shows that the nearest existing DWELLING is approximately 850 feet from the proposed solar farm perimeter fence; however, Interstate 74 prohibits visibility of the solar farm from that residence, so no waiver is required.
- (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. In Exhibit F of the Special Use Permit application packet received on December 20, 2017, the petitioner states: “The location of the community solar garden was selected in order to maximize the amount of contiguous land the landowner has access to post-construction and to minimize the effect on viewsheds. On the north side, there are virtually zero neighbors that would be able to see the project. On the south side, the closest residential area is across I-74 and their viewshed is only obstructed by the existing cell tower. To the east and west, land is mostly dominated by agricultural fields and therefore have minimal impact in those directions. Finally, an important point is that solar panels are designed to absorb light and not reflect it. Therefore, glare will not be an issue.”
- (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) Community Power Group (CPG) has an insurance clause in its Solar Facility Site Lease Agreement with landowners which stipulates that CPG will have insurance below what is required by law, unless the law states a greater amount is required, in which case CPG will comply with what is required.
 - b. Subparagraph 6.1.5 O.(2) states: “The general liability policy shall identify landowners in the SPECIAL USE permit as additional insured.”

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- (a) Community Power Group (CPG) has a clause in its Solar Facility Site Lease Agreement with landowners which states that landowners in the SPECIAL USE permit are additional insured.
- (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 an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
- (a) Exhibit K of the application received August 13, 2018, states: “The solar panels will not be manually cleaned for a majority of the year with rain taking care of most dust. In other extraordinary circumstances where manual removal of material built up on solar panels is needed, water will be sufficient brought in from a water truck. The water used would be less than that typically used on the agricultural land. Furthermore, in cases of long term snow build up (as snow will often remove itself from the panels, physical removal with brooms or other rudimentary equipment will be sufficient).”
- (b) Regarding an estimation of the daily and annual gallons of water used and the source of the water, in an email received August 17, 2018, Nick Mento from Community Power Group responded to questions from Susan Burgstrom, and stated: “Any water being used will be from an off-site source. No wells or on-site water sources will be utilized or installed. Any water will be transported from off-site. However, most panel cleaning can be done by rainwater and the most we could expect off-site water to be used (from a water truck) would be twice a year in the case of little rain and dust concerns.”
- 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) Exhibit I of the application received August 13, 2018, includes a Weed and Grass Control Plan. 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.

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- (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:
 - (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. Exhibit G of the application received August 13, 2018, is 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. Exhibit G of the application received August 13, 2018, demonstrates conformance to the Zoning Ordinance.
 - (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) Exhibit G of the application received August 13, 2018, includes estimates for decommissioning the solar panels.
 - (ii) No reference was made to interim soil erosion control.
 - (iii) Regarding estimates being made by an Illinois Licensed Professional Engineer, Exhibit G states: "Community Power Group will accept providing cost estimates from an Illinois Licensed Professional Engineer for the

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decommissioning/site reclamation as a condition of the special use permit.”

- (iv) **Waiver Part B and a** special condition **were** 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.
 - (ii) Final grading and surface treatment estimates were provided only for the aggregate access roads and pads.
 - 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.
 - 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) Exhibit G of the application received August 13, 2018, states: “Community Power Group will accept, as a condition of the special use permit, to be required to provide an irrevocable letter of credit from a federally insured financial institution within 200 miles of Urbana.”
- (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 regarding the Letter of Credit.
 - (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

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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.
 - (a) The costs reported in the Decommissioning Plan received August 13, 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 and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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

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- of inspecting the methods of reclamation or for performing actual reclamation if necessary.
- i. The Decommissioning and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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.
- i. The Decommissioning and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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

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- preparing requests for proposals and bidding documents required to comply with state law or Champaign County purchasing policies.
- i. The Decommissioning and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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. Page 4 of the Decommissioning Plan received August 13, 2018, demonstrates compliance with the following: “All cables placed on this site will be salvaged. Below ground cables will be pulled and conduits will be removed during the decommissioning of the project.”
- (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 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 and Site Reclamation Plan received August 13, 2018, states: “In all cable locations outside the access roads, the trenches are backfilled with onsite earthen materials with at least 6 inches of topsoil. At roads, the cables will be in conduits and back filled to prevent rutting.”
 - 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

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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 and Site Reclamation Plan received August 13, 2018, states: “The access roads are designed to simply move the topsoil to the side of the roads and be used as fill. This topsoil can easily be regraded back to create a usable condition and ensure proper drainage.”
- 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 and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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.
 - i. The Decommissioning and Site Reclamation Plan received August 13, 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

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independent of the Applicant's obligation to provide financial assurance.

- i. The Decommissioning and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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 and Site Reclamation Plan received August 13, 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 warranty is provided at the time of Zoning Use Permit approval,

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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 proposes using SOLAR PV modules which 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.
 - (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. Exhibit G of the application received August 13, 2018, includes the minimum \$1,000 per acre financial assurance required by Section 6.1.5 Q.(4)b.(g).
- (c) Subparagraph 6.1.5 Q.(4)c. of the Ordinance states that the GOVERNING BODY has the right to require multiple letters of

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- 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 net salvage value.
- (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 net salvage value.
- (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 net salvage value.
- (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.

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- 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 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 financial assurance.
 - 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. 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.
- (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 13, 2018, demonstrates compliance with this requirement.
- 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 PV SOLAR FARM Special Use Permit application received August 13, 2018, demonstrates compliance with this requirement.
- 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 PV SOLAR FARM Special Use Permit application received August 13, 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. Revised Exhibit E: Special Use Permit Area received September 19, 2018, demonstrates compliance with this requirement.
- (c) The location of all below-ground wiring.
- i. No information was found in the Special Use Permit application received December 20, 2017, or the amended application received August 13, 2018.

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- ii. In an email received August 17, 2018, Nick Mento responded to questions from Susan Burgstrom, and stated: “there are only minor below ground wiring to connect rows of panels which will not be finalized until the building permit stage.
- (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. No information was found in the Special Use Permit application received December 20, 2017, or the amended application received August 13, 2018.
 - ii. In an email received August 17, 2018, Nick Mento responded to questions from Susan Burgstrom, and stated: “Above-ground wiring, when it comes to solar, have utility-standard setups that are identical to the poles present on the side of streets that have wires running along them. All solar facilities of similar size will employ near identical telephone poles to run wires from the inverter to the pre-existing poles on the side of the road.”
- (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 13, 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).

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- (a) Exhibit L of the application received August 13, 2018, includes an email dated August 10, 2018 from Nick Mento to Tami Fruhling-Voges, Mayor of St. Joseph. Mayor Voges confirmed that the Village had received the information regarding the Special Use Permit application for a COMMUNITY PV SOLAR FARM within 1.5 miles of the village limits.
- 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) Exhibit L of the application received August 13, 2018, states: “The mayor of St. Joseph has been contacted and will be discussing the facility on August 14th, 2018. Community Power Group received positive feedback on the location of the facility from the Village. The resolution will be decided upon prior to the County Board vote.”
 - (b) Joe Lierman, Attorney for the Village of St. Joseph, called Susan Burgstrom on August 16, 2018, to request more details on the resolution. He said that the Village Trustees would likely discuss the need for a resolution at their meeting on August 28, 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) Exhibit H of the application received August 13, 2018, includes an Interconnection Request Application which was sent to Ameren Illinois on December 19, 2017.
 - (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) On August 13, 2018, the Petitioner submitted revisions to the PV SOLAR FARM Special Use Permit application received December 20, 2017. Updated information has been listed under Item 5 of this

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Summary of Evidence and discussed in further detail when relevant under Items 7 through 9.

(b) The P&Z Department received a revised Sheet L1.1: Site Layout on September 18, 2018.

(c) The P&Z Department received a revised Exhibit E: Special Use Permit Area on September 18, 2018.

- 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 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. Total impervious area would be approximately 4.47 acres of the subject property's 57.84 acres, or 7.74%.
 - (a) The Permit Set received August 13, 2018, refers to the solar panels having a Ground Coverage Ratio (GCR) of 28%, referring to post to post row spacing. The permit set also establishes that there will be approximately 8,650 square feet (0.2 ac) of access road and approximately 442 square feet (0.01 ac) of equipment pad.
 - b. Using the 90,000 square feet rectangle that would include the most impervious area, staff calculated that less than 1 acre (43,560 square feet) would be impervious area (~31,862 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, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the 57.84-acre subject property is located in St. Joseph's 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:

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- (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.
- 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.

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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.
 - d. A comparison of property tax valuations for existing farmland and the proposed solar farm use was completed by ZBA member Frank DiNovo, received by P&Z Staff on September 11, 2018 and entered as a Document of Record in Supplemental Memorandum #3 dated September 20, 2018. The analysis, which provides data sources but has not been verified by the Assessor's Office, indicates that the current assessed value for the farmland on the 15.6-acre solar farm site is \$8,611 and would average \$13,884 for the next 19 years. The assessed value in year 1 for the subject property with the 2 MW solar farm installed would be \$436,000, but would decline to \$186,815 by year 19, and would average \$186,815 for years 1 through 19 for an average net increase in assessed value of \$172,930. Net increases in tax revenues reflect the net increase in assessed value. The average net increase in tax revenue to St. Joseph Township will be \$12,208 per year for years 1 – 19.
- (5) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.
- 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.

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- b. Impervious area is within the limits of not requiring a Storm Water Management Plan.
 - c. The Decommissioning Plan received August 13, 2018, states: “The initial site grading performed during the construction of the solar farm is designed to be done in such a manner as to limit mass earth moving and only include efforts to ensure positive drainage of the site.”
- (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.
 - c. Public comments received during the August 30, 2017 ZBA meeting are provided under Item 8 of this Summary of Evidence.
- (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 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

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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 does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (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.

- (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.

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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 465 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM:
- (1) A PV SOLAR FARM may locate within one-half mile of a municipality that has a zoning ordinance if the municipality submits a resolution regarding the PV SOLAR FARM prior to consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board.
 - a. Exhibit L of the application received August 13, 2018, states: “The mayor of St. Joseph has been contacted and will be discussing the facility on August 14th, 2018. Community Power Group received positive feedback on the location of the facility from the Village. The resolution will be decided upon prior to the County Board vote.”
 - (2) St. Joseph is on the opposite side of Interstate 74, which serves as a buffer.
 - (3) At the August 30, 2018 ZBA meeting, Tami Fruhling-Voges, Mayor of St. Joseph, stated that they met as the Village Board about solar farms 2 weeks ago, and the board needs more time to digest all the information. She said that right now, the board would not be in favor of waivers for any of the solar farms proposed around the village, although this location is not as bad as other potential solar farms. She said that the Village Comprehensive Plan shows the subject property as agriculture in the Future Land Use Map, which leaves the door open for many things down the road, whereas a solar farm would limit growth. She said that if someone offered to cost share the utilities under the interstate, they would want to grow the village in that direction.
 - (4) As of September 20, 2018, no resolution has been received from the Village.
- B. Regarding Part B of the proposed waivers, for a separation distance of 250 feet in lieu of 275 feet between a PV SOLAR FARM electrical inverter and the PV SOLAR FARM perimeter fence:
- (1) This waiver is no longer required because of the following:
 - a. In the application received August 13, 2018, the applicant placed the inverter approximately 320 feet from the north fence and 250 feet from the south fence. ~~Moving the equipment pad north to the other side of the proposed access road would still require a waiver for being less than 275 from the fence.~~

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- b. In the revised Sheet L1.1: Site Layout received September 18, 2018, the applicant reconfigured the solar farm equipment such that the inverters are no closer than 296.8 feet from the perimeter fence.
- ~~(2) South of the south fence, there is land in agricultural production and the interstate.~~
- ~~(3) The PV SOLAR FARM inverter is proposed to be located approximately 1,300 feet from the nearest residential lot, which is on the south side of Interstate 74.~~
- C. Regarding Part C of the proposed waivers, for a 24-foot area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet:
- (1) This waiver is no longer required because of the following:
- a. In the application received August 13, 2018, the applicant showed a 24 foot wide area for access lanes.
- b. In the revised Sheet L1.1: Site Layout received September 18, 2018, the applicant reconfigured the Special Use Permit Area such that this waiver is no longer required.
- D. Regarding new Part B 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.
- E. Regarding new Part C 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:

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- A. Without Part A of the proposed waivers, the PV solar farm could not be located on the subject property because the entire property is within one-half mile of the St. Joseph municipal boundary.
- B. Without new Part B of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to prepare cost estimates.
- C. Without new Part C 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 465 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM:
 - (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 Community Power Group LLC on December 2, 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) Community Power Group LLC had no County zoning regulations to follow when they started their design process for the subject property.
 - B. Regarding Parts B and C of the proposed waivers, the applicant was not responsible for requiring these waivers 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 465 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM, the requested waiver (variance) is 18% of the minimum required, for a variance of 92%.
 - B. Regarding new Part B 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%.

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- C. Regarding new Part C 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%.

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 St. Joseph Township Highway Commissioner has been notified of this case, and no comments have been received.
- B. The St. Joseph-Stanton Fire Protection District has been notified of this case, and no comments have been received.
- C. The Drainage Districts for the subject property have been notified of this case, ~~and no comments have been received.~~ At the August 30, 2018 ZBA meeting, Bradley Marsh, stated that he represents the Union Drainage District St. Joseph/Ogden. He said that he is concerned about breaking tile, since there is no way of knowing where tile is.
- 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 approved site plan consists of the following documents:**
- **Sheet T1.1: Permit Set Cover received August 13, 2018**
 - **Sheet L1.1: Site Layout received ~~August 13~~September 18, 2018**
 - **Sheet L2.1: Tracker System Detail received August 13, 2018**
 - **Sheet L2.3: Fence-Gate Detail received ~~December 20, 2017~~January 25, 2018**
 - **Sheet L2.3: Agricultural Fence Detail received August 13, 2018**
 - **Sheet E1.1: Single Line Diagram received August 13, 2018**
 - **Sheet E2.1: DC & AC Conductor Schedule received ~~December 20, 2017~~January 25, 2018**
 - **Sheet E4.1: Grounding Details received ~~December 20, 2017~~January 25, 2018**
 - **Sheet E9.1: Equipment Specification Sheets received August 13, 2018**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

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

The above special conditions are required to ensure that:

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

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

The above special condition is necessary to ensure the following:

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

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

- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**

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

The above special condition is required to ensure that:

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

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

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The above special condition is required to ensure that:

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

I. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:

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

The above special condition is required to ensure that:

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

REVISED DRAFT 09/27/18**DOCUMENTS OF RECORD**

1. Special Use Permit Application received December 20, 2017, with attachments:
 - a. Exhibit A - Legal Description
 - b. Exhibit B – Sample Solar Ordinance
 - c. Exhibit C – Site Plan
 - d. Exhibit D – Surrounding Land Uses
 - e. Exhibit E – Surrounding Topography
 - f. Exhibit F – Minimizing Visual Impact
 - g. Exhibit G – Impact on Wildlife
 - h. Exhibit H – Stray Voltage, Broadcast Interference
 1. Exhibit I – Impact on Development, Property Values, and Aesthetic
 - i. Exhibit J – Drainage
 - j. Exhibit K – Decommissioning Plan

2. Permit Set received January 25, 2018, including:
 - a. Sheet T1.1: Permit Set Cover
 - b. Sheet L1.1: Site Layout
 - c. Sheet L2.1: Tracker System Detail
 - d. Sheet L2.3: Fence-Gate Detail
 - e. Sheet E1.1: Single Line Diagram
 - f. Sheet E2.1: DC & AC Conductor Schedule
 - g. Sheet E4.1: Grounding Details
 - h. Sheet E9.1: Equipment Specification Sheets

3. Special Use Permit Application received August 13, 2018, with attachments:
 - a. Exhibit A - Legal Description
 - b. Exhibit B - Project Summary
 - c. Exhibit C - Project Contacts
 - d. Exhibit D – Permit Set, including:
 - Sheet T1.1: Permit Set Cover
 - Sheet L1.1: Site Layout (revised, expanded solar farm area)
 - Sheet L2.1: Tracker System Detail
 - Sheet L2.3: Agricultural Fence Detail (note sheet numbering was used before, but sheet has different information)
 - Sheet E1.1: Single Line Diagram
 - Sheet E9.1: Equipment Specification Sheets
 - e. Exhibit E - Special Use Permit Area
 - f. Exhibit F - Separation of Farm from Dwellings
 - g. Exhibit G - Decommissioning J Site Reclamation Covenants & Letter of Credit
 - h. Exhibit H - Interconnection Application
 1. Exhibit I - Landscape Plan
 - i. Exhibit J - Highway Requirements
 - j. Exhibit K - Cleaning Materials
 1. Exhibit L - Notification of Municipality

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4. Natural Resource Report by the Champaign County Soil and Water Conservation District received February 23, 2018
5. Email from Nick Mento received August 17, 2018, with attachments:
 - Addendum to Champaign County Special Use Permit Applications for Community Solar Gardens – St. Joseph Solar
 - Letter from the Illinois State Historic Preservation Office dated May 16, 2018
6. Preliminary Memorandum dated August 24, 2018, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Site Plan sheets, reflecting the newest information received:
 - Sheet T1.1: Permit Set Cover received August 13, 2018
 - Sheet L1.1: Site Layout received August 13, 2018
 - Sheet L2.1: Tracker System Detail received August 13, 2018
 - Sheet L2.3: Fence-Gate Detail received January 25, 2018
 - Sheet L2.3: Agricultural Fence Detail received August 13, 2018
 - Sheet E1.1: Single Line Diagram received January 25, 2018
 - Sheet E2.1: DC & AC Conductor Schedule received January 25, 2018
 - Sheet E4.1: Grounding Details received January 25, 2018
 - Sheet E9.1: Equipment Specification Sheets received August 13, 2018
 - C SUP Application Exhibits, reflecting the newest information received:
(duplicate page lettering with a 1 refers to receipt on December 20, 2017 and 2 refers to receipt on August 13, 2018)
 - Exhibit B: Project Summary received August 13, 2018
 - Exhibit E: Special Use Permit Area received August 13, 2018
 - Exhibit F(1): Minimizing Visual Impact received December 20, 2017
 - Exhibit F(2): Separation of Farm from Dwellings received August 13, 2018
 - Exhibit G(1): Impact on Wildlife received December 20, 2017
 - Exhibit G(2): Decommissioning / Site Reclamation Covenants & Letter of Credit received August 13, 2018
 - Exhibit H(1): Stray Voltage, Broadcast Interference, and Noise received December 20, 2017
 - Exhibit H(2): Interconnection Application received August 13, 2018
 - Exhibit I(1): Impact on Development, Property Values, and Aesthetic received December 20, 2017
 - Exhibit I(2): Landscape Plan / Weed and Grass Control Plan received August 13, 2018
 - Exhibit J(1): Drainage received December 20, 2017
 - Exhibit J(2): Highway Requirements received August 13, 2018
 - Exhibit K(1): Decommissioning Plan received December 20, 2017

NOTES:

 - *The Decommissioning Plan received December 20, 2017 is not included in the packet because an updated version was provided as Exhibit G received August 13, 2018.*
 - *Supplement A of the Solar Facility Site Lease Agreement included in this Exhibit is confidential and will not be distributed; some references are made to the Agreement in the Summary of Evidence.*
 - Exhibit K(2): Cleaning Materials received August 13, 2018
 - Exhibit L: Notification of Municipality received August 13, 2018

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- D Annotated Aerial: Separation Distances and Screening, created by P&Z Staff on August 23, 2018
- E Natural Resource Report by the Champaign County Soil and Water Conservation District received February 23, 2018
- F Email from Nick Mento received August 17, 2018, with attachments:
 - Addendum to Champaign County Special Use Permit Applications for Community Solar Gardens – St. Joseph Solar
 - Letter from the Illinois State Historic Preservation Office dated May 16, 2018
- G Checklist for status of Special Use Permit application requirements created by P&Z Staff on August 22, 2018
- H Summary of Evidence, Finding of Fact and Final Determination dated August 30, 2018
- I Solar Farm Text Amendment as approved by the Champaign County Board on August 23, 2018

7. Supplemental Memorandum #1 dated August 30, 2018, with attachments:

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

8. Supplemental Memorandum #2 dated August 30, 2018, with attachments:

- A Solar Farm Decommissioning Costs from Various Solar Farms Including Proposed Costs for Cases 894-S-17 and 897-S-18
- B Fact Sheet: Decommissioning Solar Panel Systems (NYSERDA)
- C Exhibit F: Decommissioning Plan for Devine-Johnson Solar Project (NEXTERA)
- D Proposed Decommissioning Cost Estimate for South Forty Solar Farm
- E Removal Cost Estimate for Proposed 2.7 MW Solar Farm in Chester NY by Norman Dupuis

9. Revised Sheet L1.1 Site Layout received September 18, 201810. Revised Exhibit E: Special Use Permit Area received September 19, 201811. Supplemental Memorandum #3 dated September 20, 2018, with attachments:

- A Revised Site Plan received September 18, 2018
- B Revised Exhibit E: Special Use Permit Area, received September 19, 2018
- C Analysis of Assessed Values for Case 894-S-17 provided by Frank DiNovo, received September 11, 2018
- D Revised Annotated Aerial: Separation Distances and Screening dated September 18, 2018
- E Revised Summary of Evidence, Finding of Fact and Final Determination dated September 27, 2018

REVISED DRAFT 09/27/18**Case 894-S-17
Page 63 of 72****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **894-S-17** held on **August 30, 2018, and September 27, 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 3rd side by the Interstate highway spur, and the 4th 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 distance of 465 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM:
- (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 new Part B 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:

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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 new Part C 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:***

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- A. **The approved site plan consists of the following documents:**
- **Sheet T1.1: Permit Set Cover received August 13, 2018**
 - **Sheet L1.1: Site Layout received ~~August 13~~September 18, 2018**
 - **Sheet L2.1: Tracker System Detail received August 13, 2018**
 - **Sheet L2.3: Fence-Gate Detail received ~~December 20, 2017~~January 25, 2018**
 - **Sheet L2.3: Agricultural Fence Detail received August 13, 2018**
 - **Sheet E1.1: Single Line Diagram received August 13, 2018**
 - **Sheet E2.1: DC & AC Conductor Schedule received ~~December 20, 2017~~January 25, 2018**
 - **Sheet E4.1: Grounding Details received ~~December 20, 2017~~January 25, 2018**
 - **Sheet E9.1: Equipment Specification Sheets received August 13, 2018**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

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

The above special conditions are required to ensure that:

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

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

The above special condition is necessary to ensure the following:

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

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

- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution 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.**
- 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- 6. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
- 7. The telephone number for the complaint hotline required by 6.1.5 S.**
- 8. Any updates to the approved Site Plan from Case 894-S-17 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The above special condition is required to ensure that:

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

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

The above special condition is required to ensure that:

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

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

The above special condition is required to ensure that:

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

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Page 69 of 72****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 **894-S-17** is hereby {**GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED**} to the applicant, **Community Power Group LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

Authorize a Community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, and

{ SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS: }

- Part A: A waiver for a distance of 465 feet in lieu of one-half mile (2,640 feet) between a municipal boundary and a PV SOLAR FARM, per Section 6.1.5 B.(2) of the Zoning Ordinance.**
- Part B: A waiver for 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.**
- Part C: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G.**

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. The approved site plan consists of the following documents:**
- **Sheet T1.1: Permit Set Cover received August 13, 2018**
 - **Sheet L1.1: Site Layout received ~~August 13~~ September 18, 2018**
 - **Sheet L2.1: Tracker System Detail received August 13, 2018**
 - **Sheet L2.3: Fence-Gate Detail received January 25, 2018**
 - **Sheet L2.3: Agricultural Fence Detail received August 13, 2018**
 - **Sheet E1.1: Single Line Diagram received August 13, 2018**
 - **Sheet E2.1: DC & AC Conductor Schedule received January 25, 2018**
 - **Sheet E4.1: Grounding Details received January 25, 2018**
 - **Sheet E9.1: Equipment Specification Sheets received August 13, 2018**
- 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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- 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. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution 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.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 7. **The telephone number for the complaint hotline required by 6.1.5 S.**

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8. **Any updates to the approved Site Plan from Case 894-S-17 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- H. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings in perpetuity.**
 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