

## CASE NO. 903-S-18

SUPPLEMENTAL MEMORANDUM #2

October 18, 2018

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

(217) 384-3708

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

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

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

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

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

~~Part A: A waiver for a separation of 0 218 feet in lieu of the minimum required 240 feet between the PV Solar Farm and non-participating properties 10 acres or less in area, per Section 6.1.5 D.(3)a. of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

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

~~Part C: A waiver for a 33 feet wide area for all necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS in lieu of the minimum required 40 feet, per Section 6.1.5 B.(1)b. of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

~~Part D: A waiver for 0 feet between the PV SOLAR FARM fence and the nearest property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b. of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

~~Part E: A waiver for 20 feet between PV SOLAR FARM solar equipment other than inverters and the nearest property line of any lot more than 10 acres in area, in lieu of the minimum required 26 feet, per Section 6.1.5 D.(8) of the Zoning Ordinance. WAIVER NO LONGER NEEDED~~

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

~~Part G: Not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. WAIVER NO LONGER NEEDED~~

**Other waivers may be necessary.**

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

Site Area: **PV Solar Farm Special Use Permit Area is about ~~22.59~~ 22.48 acres**

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

Prepared by: **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## STATUS

A revised Exhibit 2: Site Plan and Exhibit 3: Landscape Plan was received on October 17, 2018 – see Attachment A and the Revised Site Plan section below. Waivers Part A, C, D, and E are no longer necessary. The proposed site is still the same distance from the CR Conservation-Recreation District, so Waiver Part B (now Waiver Part A) is still necessary.

A Decommissioning and Site Reclamation Plan will not be finalized during the Special Use Permit process, so Waiver Part F (now Waiver Part B) is still necessary.

A signed waiver from the requirement for a Roadway Upgrade and Maintenance Agreement was received from Champaign County Highway Engineer Jeff Blue on October 1, 2018 – see Attachment B. Waiver Part G and Special Conditions F. and G.(5) are no longer necessary. P&Z Staff verified with Jeff Blue that his waiver letter received October 1, 2018, still applies based on the revised Site Plan received October 17, 2018.

An email was received October 16, 2018 from Chief Earl Bennett of the Sidney Fire Protection District – see Attachment C. Chief Bennett stated that he received a copy of the site plans for the solar farms, and that he would like to have a meeting in the future to develop an emergency response plan.

A letter was received from Art Rapp, 401 Aspen Ct, St. Joseph, on September 17, 2018 – see Attachment D.

## REVISED SITE PLAN

The revised Site Plan received October 16, 2018, indicates the following changes, which will be reflected under Item 5 in the Summary of Evidence:

1. The fence line is now 240 feet from the nearest non-participating property 10 acres or less in area instead of the previous 218 feet. This change makes Waiver Part A no longer necessary.
2. The fence line is now 15 feet from the nearest non-participating property more than 10 acres in area instead of the previous 0 feet. This change makes Waiver Part D no longer necessary.
3. The access drive and the Point of Interconnection have been moved west. The access road is no longer on the curve, which was a concern of the Sidney Township Road Commissioner, and is farther from the McGee property, which was a concern of Mr. McGee. The new location is approximately 470 feet from the residential properties to the west.

4. The project area is now 22.48 acres rather than the previous 22.59 acres.
5. Exhibit 3: Landscape Plan shows that vegetative screening has been added along the west and south fence lines.

### **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 Site Plan received ~~August 24, 2018~~ October 17, 2018 is the approved site plan for Case 903-S-18.**

The above special condition is required to ensure that:

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

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

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

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

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

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

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

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

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

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

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

The above special conditions are required to ensure that:

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

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

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

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

- G. The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:
1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.
  2. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.
  3. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.
  4. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).
  - ~~5. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.~~
  6. The telephone number for the complaint hotline required by 6.1.5 S.
  7. Any updates to the approved Site Plan from Case 903-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.

The above special condition is required to ensure that:

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

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

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

The above special condition is required to ensure that:

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

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

The above special condition is required to ensure that:

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

## **ATTACHMENTS**

- A Revised Exhibit 2: Site Plan and Exhibit 3: Landscape Plan received October 17, 2018
- B Signed waiver from the requirement for a Roadway Upgrade and Maintenance Agreement received from Champaign County Highway Engineer Jeff Blue on October 1, 2018
- C Email from Chief Earl Bennett of the Sidney Fire Protection District received October 16, 2018
- D Letter from Art Rapp received September 17, 2018

General Notes:

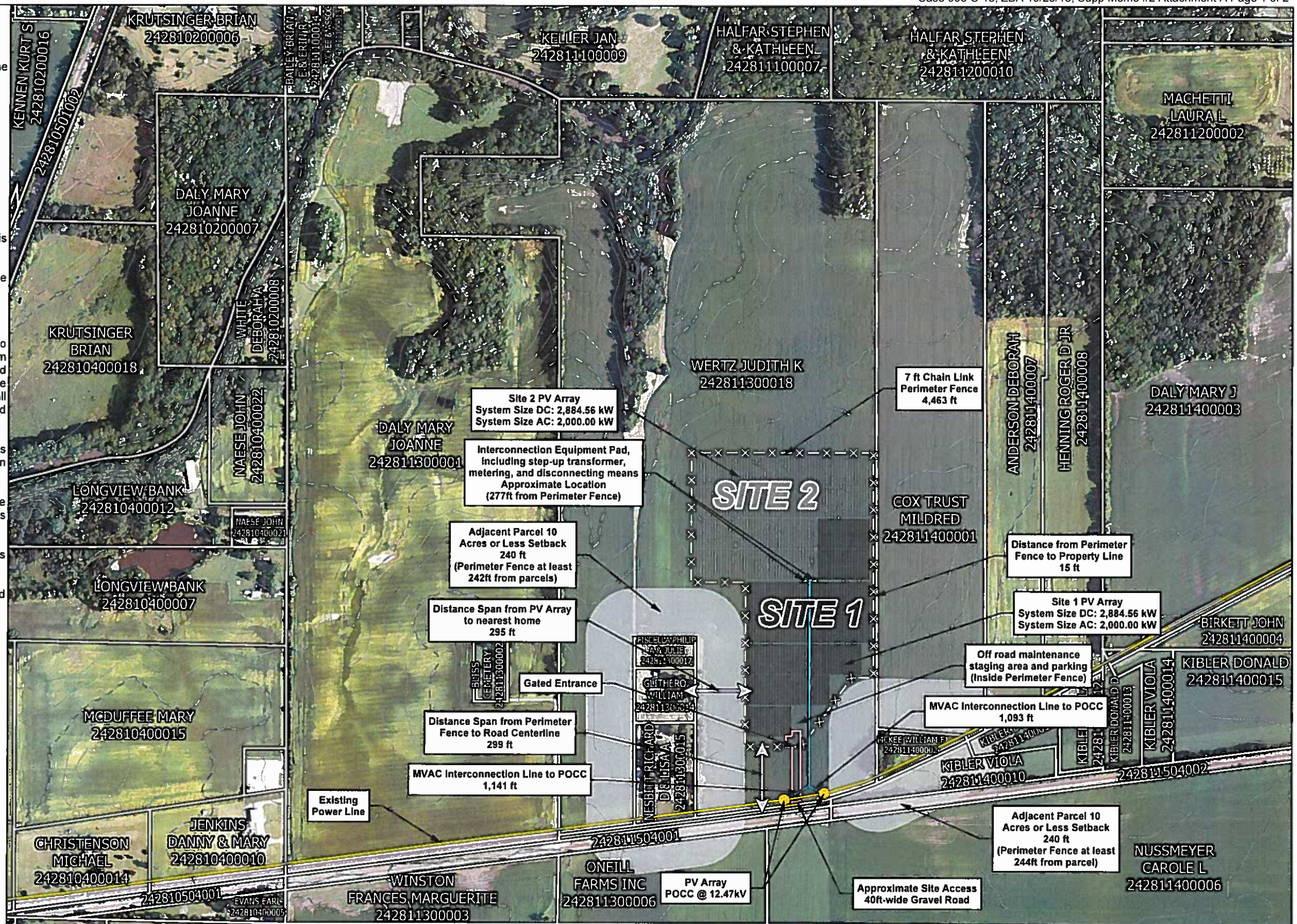
- Project size: 2MW-AC, 2.884MW-DC.
- Project location: The subject parcel PIN is 242811300018. The project is located in the west half of T18N R10E S11.
- Parcel address: 2200-2298 County Rd 1000 N, Sidney, IL 61877.
- Parcel owner: Wertz, Judith K.
- Parcel area: 123.18 acres
- Project area: 22.48 Acres
- Current land use and zone: Agricultural District, Zone A-1.
- PV Array consists of solar PV modules mounted on a single-axis tracker, with a row spacing of 14.26ft.
- Access road will be all-weather, and be designed to accommodate construction, maintenance, and first responder traffic.
- No lighting is proposed for the project.
- A landscape screening/buffering is proposed for the project to conform with the county requirements. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce stormwater runoff and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.
- The project does not lie within a special flood hazard area as shown on FEMA FIRM panel 17019C0475D (effective on 10/02/2013).
- The locations of the proposed project improvements are preliminary and subject to change based on revised specifications and constraints.
- The project will meet or exceed applicable local and national codes and standards, including National Electric Code (NEC) Article 690.
- Project signage and equipment labeling will be clearly visible and meet or exceed local, utility, and NEC standards.

Acronyms

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



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



Legend

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

RECEIVED

OCT 17 2018

CHAMPAIGN CO P & Z DEPARTMENT

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

Proposed Site Plan

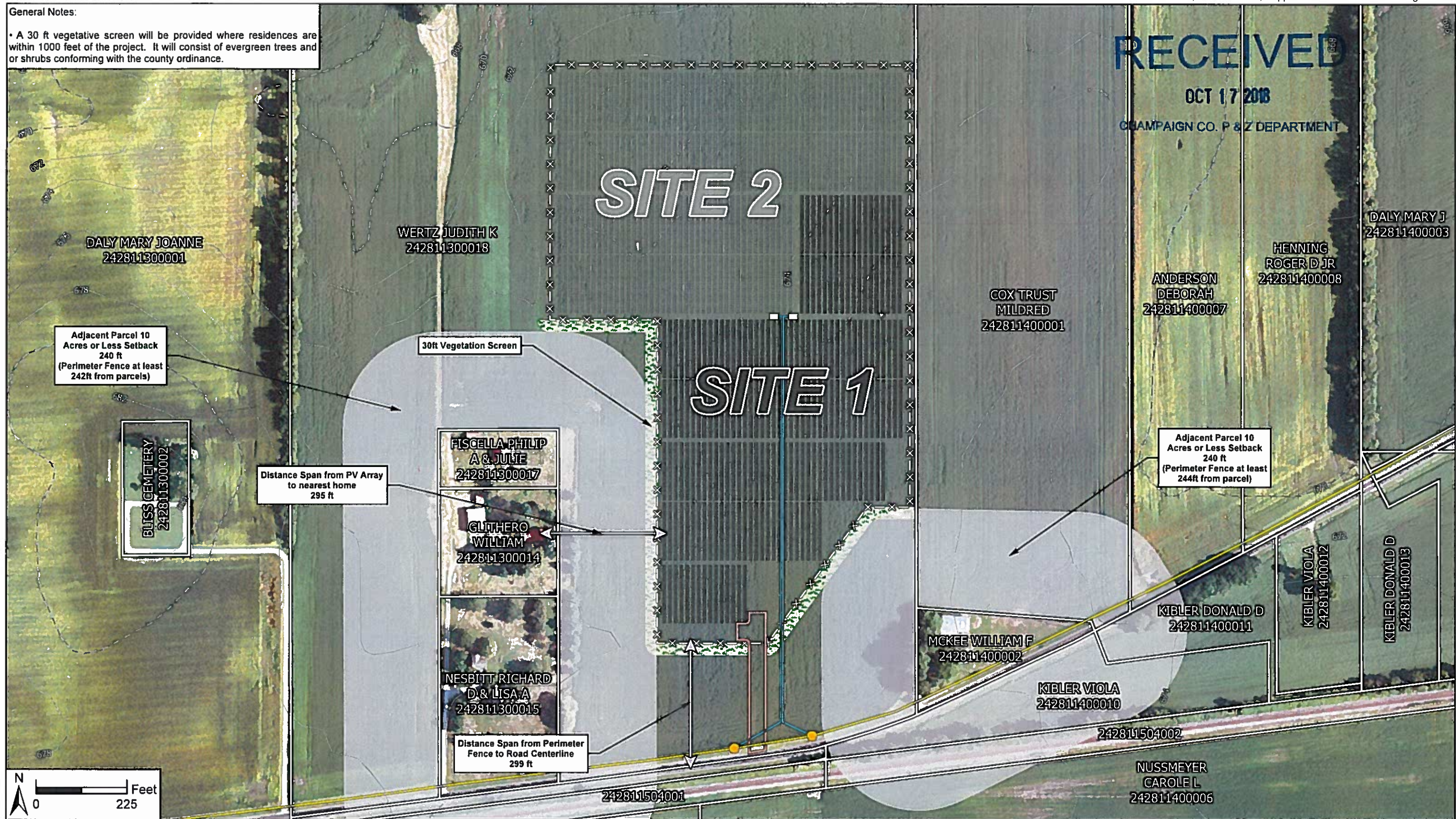
EXHIBIT 2

Map Document: N:\0011787.DWG\GIS\F... 10/17/2018 10:59 AM redw@e

**General Notes:**

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

**RECEIVED**  
 OCT 17 2018  
 CHAMPAIGN CO. P & Z DEPARTMENT



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

Legend	
	Perimeter Fence
	Setback Area
	Existing Power Line
	Parcel Boundary
	30ft Vegetation Screen
	Site 1 PV Array Solar Panels
	PV Array POCC
	Interconnection Equipment Pad
	Distance Span
	Site 2 PV Array Solar Panels
	MVAC Interconnection Line to POCC
	Access Road
	10ft Contour
	2ft Contour

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

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

**Proposed Landscape Plan**

EXHIBIT 3

Map Document: N:\9014797\_00\GIS\SF\WestWertz\_Enh2\_SitePlan\_180620.dwg 10/17/2018 10:47 AM rcdw@w



# CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

**JEFF BLUE  
COUNTY ENGINEER**

1605 E. MAIN STREET

(217) 384-3800  
FAX (217) 328-5148

URBANA, ILLINOIS 61802

September 2, 2018

**John Hall  
Champaign County Planning and Zoning Director  
1776 E. Washington Street  
Urbana, Il 61802**

**Re: Wolf/Wertz Sidney Solar Project**

**Dear Sir:**

**In accordance with the Solar Farm Text Amendment as approved by the Champaign County Board on August 23, 2018 I hereby waive the requirements of subparagraphs 6.1.5 G.(1) a, b, c, p, v, x, z, and (2).**



**Jeff Blue, P.E.  
Champaign County Engineer**

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**OCT 01 2018**

**CHAMPAIGN CO. P & Z DEPARTMENT**

**David Dickson**

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**From:** Earl Bennett <earlben59@yahoo.com>  
**Sent:** Thursday, September 27, 2018 11:59 AM  
**To:** David Dickson  
**Subject:** Re: RE: Solar farm site plan - Conditions of Champaign County Solar Ordinance

sure just let me know.

Thanks

On Thursday, September 27, 2018, 9:12:21 AM CDT, David Dickson <David.Dickson@westwoodps.com> wrote:

Mr. Bennett,

Thank you for getting back to me so quickly, I greatly appreciate it.

I've been speaking with the developer of the project (Forefront Power) and Mr. Ed Switzer will actually be in the area next Thursday, Oct 4<sup>th</sup>. Depending on your availability, would it be possible to schedule the Emergency Response Plan meeting with you on this date, at around 2:30 or 3pm?

Thank you!

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

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

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

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

**RECEIVED**

**OCT 16 2018**

**CHAMPAIGN COUNTY CLERK DEPARTMENT**

**From:** Earl Bennett [mailto:earlben59@yahoo.com]  
**Sent:** Thursday, September 20, 2018 2:16 PM  
**To:** David Dickson <David.Dickson@westwoodps.com>  
**Subject:** Re: Solar farm site plan - Conditions of Champaign County Solar Ordinance

your plans were received and reviewed. This sight is with in Sidney Fire protection District. We would like to have a meeting in the future to develop a emergency response plan. Thank you in advance for your cooperation and help in this matter.

Chief Earl Bennett

On Thursday, September 20, 2018, 1:59:43 PM CDT, David Dickson <[David.Dickson@westwoodps.com](mailto:David.Dickson@westwoodps.com)> wrote:

Good afternoon,

My name is David Dickson with Westwood Professional Services, an environmental/engineering firm. We have a client that is interested in pursuing solar development just outside of Sidney in Champaign County, IL. As part of the permitting process, we are required by the Champaign County Solar Ordinance to submit a copy of our proposed solar development site plan to the Local Fire Protection District. As such, please find attached the site plan for the Wolf-Wertz proposed solar project for your review. In addition, below is a screenshot of the applicable section of the ordinance for your reference. If you are not the fire department with jurisdiction over this site, would it be possible to point me in the right direction or provide me with the contact information for who would be.

**H. Standard Conditions for Coordination with Local Fire Protection District**

- (1) The Applicant shall submit to the local fire protection district a copy of the site plan.**
- (2) Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.**
- (3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.**

If you have any questions or concerns, please don't hesitate to reach out as I will be more than happy to assist any way that I can.

Also, if you could please send me an email acknowledging receipt of these site plans, I would greatly appreciate it. We need to show proof of submittal to the County.

Champaign County Clerk  
Brookens Administration Center  
1776 E. Washington St.  
Urbana, IL 61802



To whom it may concern,

I attended the County Zoning Board meeting on Thursday, September 13, 2018 regarding proposed solar farm variances. Several things that came to mind which I will try to list are as follows;

1. There were a bunch of people wanting to speak out against the proposed solar farms and in fact, the board meeting adjourned at 10pm without concluding comments on the smaller Sidney solar farm let alone hearing testimony about the Saint Joseph farm.
2. The county zoning board appears to have made up their mind (favorably) about solar farms and constricted rebuttal testimony so as to preclude negative comments. (My opinion)
3. The solar farm representative was less than forthright providing general details of their existing solar farms across the country.
4. The solar farm representative provided a power point but skillfully evaded direct questions which required more specifics which "might" compromise them.

The old term "follow the money" is the key. It seems the solar farm details need to be finalized by January 15<sup>th</sup> for state grant money as I understood it. I have been unable to ascertain the financial incentives to builders/operators of the solar farms at the present time.

I have concerns about the sincerity of the solar farm builders/operators as when questioned about various aspects of the proposed solar farms whereby they could provide various aspects & details of their existing solar farms across the country, they/he seemed to purposely elude the public as well as the county zoning board. Whether it be drainage which the nobody was allowed to question how they would repair field tiles when the solar representative stated pilings would be driven into the ground or why noise level tests were not conducted at property lines as the board chairman seemed to protect him from public questions.

This does not even broach the subject of the solar farm offering any written assurances so as to quell some concerns as expressed by the public. I believe if the public would have introduced questions along this train of thought the chairman would have squashed it as it would not have been in line with rebuttal testimony in regard to solar farm representative testimony.






Whereas this was my first county board meeting I listened to the chair repeat many times as rebuttal questions needed to be within the parameters of testimony of the testifying person and to expedite the process. This is fine in a court of law but there needs to be some latitude

with consideration due to laymen public especially when it took the board approximately ½ an hour to decide to adjourn an attempt to pick another meeting date.

Several of the public comments expressed their concerns about taking very productive crop land and turning it into a solar farm. While I agree the land owners should be allowed the opportunity to do with the land as they want, this should be a long-term concern. Why wouldn't the proposed solar farms want to build over one of the sealed ash pits at one of the shut down coal fired generating plant where connecting to the power grids already exists?

Here is a list of closed generating plants in Illinois and this does not even include the coal fired Dynegy plant at Oakwood right next to us in Vermilion, County. How many other Illinois generating plants are closed and not on this list?

### Closed/Cancelled stations<sup>[edit]</sup>

Name	Location	Coordinates	Type	Nameplate capacity (MW)	Generating units	Owner	Links	Status
<a href="#">Future Gen</a>	<a href="#">Morgan County</a>	 39°49'23"N 90°33'58"W	Coal	229				Cancelled in 2015
<a href="#">Hutsonville Power Station</a>	<a href="#">Crawford County</a>	 39°8'2.4"N 87°39'36"W	Coal	151	2	<a href="#">Ameren</a>	<a href="#">[1]</a>	Closed in 2011
<a href="#">Meredosia Power Station</a>	<a href="#">Morgan County</a>	 39.823°N 90.567°W	Coal/petroleum	513	4	<a href="#">Ameren</a>	<a href="#">[2]</a>	Closed in 2011
Wood River	<a href="#">Alton</a>	 38.864°N 90.134°W	Coal/natural gas	594		<a href="#">Dynegy</a>		Closed in 2016
<a href="#">Zion</a>	<a href="#">Zion</a>	 42.4460578°N 87.8027112°W	Nuclear	2080	2	<a href="#">Exelon</a>		Closed 1998 <sup>[1]</sup>

I will concede I am getting a crash course about solar farms and left the meeting with more questions than answers. I do not like the that the county reduced zoning limits from what has been recognized in the past and I feel the county should question the sincerity of the solar farm representatives when zoning was significantly reduced they immediately wanted more. One would assume they were privy to conversations prior to this reduction so why ask to move the goal posts when the ink is barely dry?

I will digress but another thing that concerns me was when the public questioned and asked for an admission from anyone testifying who might be connected monetarily or otherwise to the solar farms in some manner. I felt it was a valid question as it could demonstrate bias and the question of recusal might be appropriate. Unfortunately, one of the board members Frank (?) took particular exception and went on a tirade somewhat unrelated to the actual question. The board member may have animus towards that individual but I am confident the public left feeling Frank(?) has a biased connection with the solar farms whatever it might be.

I left the meeting reminiscent of a time share presentation by the solar farm representative and not a good feeling that the zoning board really has a handle on this issue. With no written assurances nor the exploration of securing any such documents along with a lack of definitive information does not bode well for the future. I will concede that I may be wrong as one meeting should not render a finite conclusion but I feel those attending this meeting have similar sentiments.

In closing, I feel the county should not grant any variances in addition to their present zoning for solar farms and respect all municipalities, townships, homeowners and individuals who have valid concerns which should not be ignored.

Sincerely,  
Arthur Rapp  
401 Aspen Ct.  
Saint Joseph, IL  
61873

Cc File

*ARapp602@aol.com*