

CASE NO. 898-S-18

SUPPLEMENTAL MEMORANDUM #2

November 14, 2018

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

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

Petitioners: Prairie Solar 1, LLC, via agent Patrick Brown, Director of Development for BayWa r.e. Solar Projects LLC, and the participating landowners listed in Attachment A

Request: Authorize a Utility-scale PV Solar Farm with a total nameplate capacity of 150 megawatts (MW), including access roads and wiring, in the AG-1 and AG-2 Agriculture Zoning Districts, and including the following waivers of standard conditions:

Part A: A waiver for a distance of 1,175 feet between a PV Solar Farm and 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 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 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: In Sidney Township the following sections are included with exceptions as described in Attachment A: Sections 11, 12, 13, 14, 15, 22 and 23, Township 18 North, Range 10 East of the 3rd Principal Meridian.

**Site Area: PV Solar Farm Special Use Permit Area is approximately ~~1685.31~~ 1,609 acres
Fenced solar farm area is approximately ~~1275.25~~ 1,191 acres**

Time Schedule for Development: As soon as possible

**Prepared by: Susan Burgstrom
Senior Planner**

**John Hall
Zoning Administrator**

STATUS

P&Z Staff received the following items from the petitioner on November 13, 2018:

- Supplemental letter from George Gunnoe, BayWa r.e. Development Manager (Attachment B)
- Revised Site Plan sheets and Landscape Plan sheet (Attachment C)
- PowerPoint presentation regarding drainage (Attachment D)

Major changes are revising the Decommissioning Plan to include soil testing in response to toxicity concerns from the solar panels; and adding vegetative screening along the northern fence line in response to concerns from neighbors living north of the railroad tracks. The petitioner also clarified that the project boundary acreage is approximately 1,609 acres, and the fenced area is approximately 1,191 acres.

See Attachment D for the PowerPoint presentation regarding agricultural drainage. The petitioner's drainage expert will be in attendance at the November 15th ZBA meeting to present and answer questions.

No comments have been received since the November 1, 2018, public hearing for Case 898-S-18.

See Attachment E for a revised Summary of Evidence dated November 15, 2018.

BEST PRIME FARMLAND DISTURBANCE COMPARISON

The following evidence was added under Item 9.B.(10) regarding the difference between the proposed solar farm and by-right residential development in terms of estimated land disturbance on the subject properties.

- b. Best prime farmland to be developed as a solar farm will be 100% converted. However, there is a distinction between conversion of best prime farmland and actual disturbance of best prime farmland. An analysis of the actual disturbance of best prime farmland (not merely the conversion of use) that would result from the construction of the solar farm compares with the land disturbance that would result from by-right residential development as follows:
 - (a) The land disturbed by the construction of the solar farm will total approximately 40 acres of the 1,609 acres (2.4%), per Table 2: Agricultural Impacts on page 10 of the BayWa r.e. Prairie Solar Project Report received October 24, 2018.
 - i. This land disturbance includes the installation of supports for the proposed single axis tracking arrays, construction of the compacted earth access roads and electrical substation, installation of underground trenching for underground wiring, electrical inverters, and fencing.
 - ii. The compacted earth access roads total approximately 23.3 acres of these 40 acres.
 - iii. PV solar farms do not require the permanent conversion of farmland; solar arrays and other equipment can be removed at the owner's choosing and the land can be put back into agricultural production.
 - (b) The amount of land that would be disturbed under "by-right" residential development on the same tracts would be approximately 26 acres of the 1,609 acres (1.6%), per an analysis by P&Z Staff.

PUBLIC TESTIMONY FROM NOVEMBER 1, 2018 ZBA MEETING

The following testimony was received during the November 1, 2018 ZBA meeting, and can be found under Item 8 in the revised Summary of Evidence dated November 15, 2018, attached to this memorandum.

- (1) The following testimony was received at the November 1, 2018 ZBA meeting:
 - a. The following questions were received during cross-examination of the petitioner:
 - (a) Colleen Ruhter stated that she was curious about the land that is being leased that is not inside the fencing. She asked if that land is still being leased by the petitioner, and are the farmers being paid for that land. Patrick Brown responded no, it would be outside the lease area, and that it would go back to farming. Ms. Ruhter asked if the leased area is only within the fence. Mr. Brown stated yes, that is their anticipated goal. Ms. Ruhter asked if that separation from her house would remain the way it is now. Mr. Brown confirmed that. Ms. Ruhter asked if 10 years from now, someone wants to come and build a neighborhood there, is it not restrained within a lease with BayWa. Mr. Brown stated that is correct. Ms. Ruhter asked if someone were to do that, would they be grandfathered against the setback requirements from the solar farm. Mr. Brown responded that he does not know how the county would handle that in the subdivision process, and that it is outside their lease area.
 - (b) Matt Herriott said that Mr. Brown testified that BayWa would pattern tile the project area, and asked if the pattern tiling would be installed before or after the solar panels. Mr. Brown said he imagined it would go in before the panels, because it would probably be too difficult after with the machine; he does not know how big the machine is. He said it seems reasonable to do all the civil work first, then the underground work, and then install the project. Mr. Herriott asked, once the panels are all up, what is the distance going to be between the rows of panels. Mr. Brown stated that it varies; there is this thing called Ground Coverage Ratio (GCR). He said that in this case, we are not ground constrained, so they can move the panel rows out wider, so that way they don't shade on each other when they turn. He said that typically that is around 10 feet; you can drive a backhoe or Bobcat between them – there is plenty of space in between them. Mr. Brown referred to a picture of row spacing in their PowerPoint and said it is a good representation of the amount of space. He said that the modules can also be unbolted and removed if more space is needed. Mr. Herriott asked if the petitioner would be prepared to sign a contract that all the tile work would be done before installing the solar panels. Mr. Brown asked who the contract would be with. Mr. Herriott said it would be with the drainage district and the other landowners that tie into that district. Mr. Brown stated that could be something they could do, or they could work with the County to make a condition. Mr. Pat Fitzgerald, attorney for the petitioner, stated that is something that BayWa could certainly accept as a condition. Mr. Brown stated that it is more of a civil matter, but if the County wants to make findings based upon making a condition, then they would accept that condition. Mr. Fitzgerald told Mr. Herriott that they appreciate that talk is cheap, and they can sit up here and say all kinds of things, but the real proof is, are they willing to be subject to a condition by the County,

and they obviously are. Mr. Herriott stated that he understood that, but everyone needs to understand what the plan is, and now is obviously the time to talk about concerns as well. Mr. Fitzgerald said that the drainage consultant would attend the next meeting on November 15th if Mr. Herriott would like to ask any particular questions of him. Mr. Herriott asked if the Unit 7 school district is the only school the petitioner is aware of that this project is in. Mr. Brown said that is correct. Mr. Herriott stated that a quarter of the project is in the Heritage school district. Mr. Brown said that he appreciated the information and they would look into it. Mr. Herriott asked if the 40-acre footprint of the actual pylons going into the ground would still be a 40-acre footprint once the pylons are removed on that 1,200 acres. Mr. Brown said that the 40-acre footprint is actual material touching the ground. He said that if Mr. Herriott is asking about when the excavator goes in and rips out the pylons, they are not considering where the tractor goes as it removes the pylons in the calculation of farmland conversion. Mr. Brown said that it is all going to be decompacted and reseeded anyway.

- (c) Joyce Hurd asked when the solar farms are decommissioned, are there any chemical ground tests done, and is there a guarantee that there would be no toxic residue from the solar panels. Mr. Brown stated that there are no chemicals coming out of the solar panels; it is basically silica, glass, and aluminum. He said it is not like a plasma tv where you break it and liquid drips out, there is nothing in it. He said that if anything were to fall on the ground it would be if the module would break and glass would fall on the ground. He said there are no known substances, but there is one panel that is made by First Solar, that BayWa has never installed before, which has cadmium telluride that is used in the manufacturing process, but is not a liquid that is going to fall on the ground and contaminate the groundwater or anything like that.
- (d) Chuck White referred to selling the solar energy, and asked if the petitioner had checked with Unit 7, which has 4 schools. Mr. Brown said that they had spoken with the school district on different matters, and it is something BayWa is looking into. Mr. White asked about the 14 jobs shown on the petitioner's graph in the presentation, and what would those 14 jobs be. Mr. Brown responded that with solar farms, a lot of the time they want to hire local employees to do electrical work, mowing, any kinds of repairs that happen onsite, and module washing that they propose at least once a year. He said that there are some labor-intensive jobs and some electrical jobs that they would like to fill locally. Mr. DiNovo asked for clarification on whether the 14 jobs are 14 Full Time Equivalent jobs. Mr. Brown responded yes.
- (e) Colleen Ruhter asked Mr. Brown if he knows when their Erosion Control Plan would be completed and would decommissioning, whenever that occurs down the line, would also need an Erosion Control Plan. Mr. Brown said that she is correct on the last statement; any time you have land disturbance in construction you have to comply with NPDES. He said that this project is slated to start construction in 2021, so six months before construction they will do the design engineering and said that the NPDES permit is a State permit versus a county permit. He told Ms. Ruhter that he knows she requested to see

the plan when it becomes available, and he has no problem letting her see the plan and making sure that she has protections around her property. Ms. Ruhter asked if he had a timeline, and said that Mr. Herriott brought up a good point about decommissioning as well as construction. Mr. Brown said it would not be anytime soon, and that the Erosion Control Plan for decommissioning would basically be the reverse of construction, and you still have to comply with NPDES.

- (f) Lisa Nesbitt stated that she lives on the north side of the highway. She said that when the petitioner changed their solar farm site plan, they moved the project closer to her home. She said that she was in the dark until this week that the project would be anywhere near them. She said she is confused because one of the projects that just passed is community scale, and this project is commercial and appears to create about 30 times more power. Mr. Brown clarified that the project is 150 MW. Ms. Nesbitt said that the community scale project was 4 MW on 22 acres, and Mr. Brown appeared to say that the 150 MW farm went from 1,200 acres down to 306 acres down to 40 acres. Mr. Brown said that the project will need 1,200 acres for the panels, equipment, road, fencing, setbacks and such. He said that the 306 acres refers to if all the solar panels were laid side by side, it would cover 306 acres, and if all the pylons were set side by side, it would cover 40 acres. Ms. Nesbitt asked how much of any of this acreage is still going to be farmable around the project. Mr. Brown stated that they have found no compatible farm use for inside the fence, but outside the fence is up to the landowner. He said that one of the reasons that they made the setbacks larger was so that people can still farm those areas and not make them so small that they cannot do anything with it. Ms. Nesbitt asked how much acreage would be left for farming on the subject properties. Mr. Brown said he does not have that calculation of what the reduction was from the setback, they are only calculating what is inside their fence for the permission. He said in some places the setbacks are 600 feet long by one-half mile – it's rather large. Mr. DiNovo said that if the total site is 1,275 acres and the area inside the fence is 1,140 acres, that would leave 135 acres. Mr. Brown stated that originally, the site was 1,685 acres, and the fenced area was 1,275 acres, so it is about 400 acres when you start spreading it out, and is large enough to farm. Mr. Fitzgerald asked Mr. Brown if farming would be able to start again upon conclusion of the development. Mr. Brown said yes. Ms. Nesbitt said she was also confused about what she has heard in testimony in the other community solar farm cases about having to remove 3 feet of topsoil; she said she did not hear Mr. Brown say that would be part of taking everything out. Mr. Brown said that there is an agricultural mitigation agreement in the report that has several requirements about topsoil replacement, trench locations, and similar details. He said that they are not removing any of the soil; he said they are going to make trenches that are maybe 3 feet by 4 feet and are going to take the soil out, stockpile it onsite, and then put that same topsoil right back on top of the trench. He said they are not exporting any of the soil out, and all the best prime farmland will stay on the site. Ms. Nesbitt asked if BayWa is going to try to contract with Frito Lay for power since it is so close. Mr. Brown said that he is not part of their power

marketing department, so his general answer is that they will go after any large corporations that have a high demand in this area first. He said if Frito Lay ends up having renewable energy needs and they find out about it, absolutely – they need people that have a high demand year-round that can take the power. He said that is part of the idea of why they decided to site the project here in Champaign County. Ms. Nesbitt asked what the setbacks for the project are because they do not live very far away. She asked, for example, how far back from the railroad tracks would the solar farm be. Mr. Brown stated that he does not know exactly where her home is, and staff helped clarify the location on the site plan. He stated that without the actual engineering drawings in front of him it would be an estimate. Mr. Fitzgerald asked Mr. Brown if he could perhaps calculate the information later and get back with Ms. Nesbitt at the next meeting. Mr. Brown said they are at least a couple hundred feet from her property. Ms. Nesbitt stated that she wants to make sure she is at least as far from the site as everyone else. Mr. Brown said he wanted to mention that there is a very high berm between her property and the site due to the railroad tracks. Ms. Nesbitt said that even with 12 feet corn over the top of it, she can see all the way beyond the southernmost point of the site. She asked Mr. Brown if they would be willing to train all the volunteer firefighters, not just from Sidney, but from Homer, Broadlands, Tolono, and possibly St. Joseph or Ogden, because it is all volunteer out there. Mr. Brown said that they would be willing to train anyone that is willing to show up, but they will not go out and coordinate a bunch of training. He said that they are working with the Sidney and Homer fire departments, but if they want to, at the time of the training, arrange for others to attend, they can do that. Mr. Elwell asked Mr. Hall about a difference in acreage between the blue memo cover sheet and page 10 in the BayWa report. Mr. Hall said that the blue sheet says the fenced area is 1,275.25 acres, and that is on a total area of 1,685.31 acres. He said he would like to know in the report where he found the 1,100 acres number. Mr. DiNovo said it was on page 10, Table 2, and it says total property acres are 1,586, and total fenced area acres are 1,140. Mr. Hall suggested that Mr. Brown take another look at Table 2 before the next meeting.

- (g) Jeff Justus asked if BayWa was going to let people farm the land that is outside of the solar farm fenced area. He said, for example, if the solar company has leased 80 acres, and there are 60 acres inside the solar farm fence, leaving 20 outside, he assumes that the whole 80 acres has been leased by BayWa, and does that mean that the owner or farmer has to lease the 20 acres back from BayWa to farm the land. Mr. Brown stated that they are still in negotiations with the landowners on the actual lease area. He said there are two different things: the property they have under option, and the permit that is before the county now. He said that this hearing, in his opinion, is only about what is inside the fence line, and everything that is outside the fence line is in negotiation with the landowner, whether they are going to have to lease it, or if BayWa is going to give it back to them to farm it. He said that they try to make the setbacks big enough to where they can farm it, lease it out, or whatever they want to do with it. Mr. Justus asked if BayWa leases an area outside the fence, is it not in BayWa's control. Mr. Brown said kind of, but they are not motivated to lease more land than they need; otherwise, it hurts the project economics. Mr.

Justus asked, in other words, they are going to lease the land that is inside the fence, and the area outside the fence is going to be left to the landowner. Mr. Brown stated that is correct. Mr. Justus asked if it is the case that they will not know the number of solar panels they need until the lease negotiations are done. Mr. Brown said that is not correct, and that leasing the land and having entitlement to the land are two different things. He said he could lease 1,000 acres but only get a permit for one acre, but still have to pay for the entire 1,000 acres. He said it is their goal to only lease the land that will be in the project fenced area, and any land outside of that fence would go back to the owner to continue farming, lease to other farmers, or whatever they want to do with it. Mr. Justus said that they live south of Sidney, and have kind of been left out of the negotiations of the homes, and they are going to be kind of surrounded, so they would like to be included in some of BayWa's negotiations as time goes on. Mr. Brown asked Mr. Justus to identify his house on the map. He said he goes back to the old saying, "if it's too good to be true, it probably is." He said that he applauds what he is hearing, but it's a little hard to believe. Mr. Brown said that he can assure Mr. Justus that the last thing this project wants to do is deal with is neighbors complaining that their drain tile is messed up or have to go dig it up. He said that going out and trying to locate these old drains and figure them out is so much effort, that at some point you're spending more work trying to get out of work, and it's better to just go put a new one in so you know where it is and you move down the road. He said that with the warranty, if someone calls and says there is a problem, they will call the drain tile guy and tell them to go fix the problem. He said it is a level of insurance for the project that they don't ever have to deal with drainage tiles. Mr. Justus asked if BayWa was only going to replace or reengineer the tiles on the farms they are going to rent; he said that he has main drainage tile that goes through his farm, but way up the line, there is the large drainage district tile that is on other property not involved with the solar farm, and that is all kind of interconnected. He said that they plan to replace the solar panel area with a nice new tile, but upstream there is still old, broken tile, and he does not know where they are going to draw the line. Mr. Brown said that BayWa has been in negotiations, and it is only the tile within the vicinity of the solar project. He said, like any development that comes into this county, for example a new store, you would not make them improve the road all the way from here to Chicago, you would only have them do the part in front of their store. He said that this is how they are going to do the project here; they will work on a certain section, and it's rather expensive to do. He said they will do the tile within their project properties, locate it in a favorable area, and give rights to the drainage district to come in and maintain it. Mr. Fitzgerald asked Mr. Brown if it is fair to say that the money that the drainage district would otherwise have to spend to repair old tile in this area, that if BayWa comes in and puts in new tile, that is money the drainage district does not have to spend in that area and hopefully they would have money to spend elsewhere and address some of Mr. Justus's issues. Mr. Brown concurred, and said it is an added benefit to the community. He said that they are looking at the mutual connections as well; if a farm is next to their project, they are going to make sure they connect to the farm tile and that it is appropriate. He added that if there is a guy a mile upstream whose tile is not working well, that is

outside the scope of what they are doing. He showed a visual simulation of Mr. Justus's farm on the screen, and said that it shows how far the project is set back from his property, although it is not a perfect representation. Mr. Justus asked if he could obtain a booklet like the Board has. Mr. Brown responded that it is on the County's website, and said it is actually better online because he can pull up the maps and see details better. Mr. Justus said it would be interesting to hear what the drainage engineers have to say at the next meeting, but for the soils here in Champaign County, the tile people recommend "X" amount of feet between tile lines, so it will be interesting to see what they recommend and how the recommended tile lines are going to coincide with the rows of solar panels. Mr. Brown said that is the benefit; it can be between 70 and 80 feet, and basically we'll have piles every 10 feet, and they are both grid patterns, so you can just shift grid patterns. He agreed with Mr. Justus that the old tiles really don't have a pattern, so the new tile works well for them. Mr. Justus said that there have been landowners who have pattern tiled in the last several years, and asked Mr. Brown if their new pattern tiling would overlap the newer pattern tiling the landowners put in. Mr. Brown responded no, there are two adjacent to Mr. Justus; one is pattern tiled and the other is not, so they would go in and do the other that is not pattern tiled. He said they have language in their contract that says that BayWa has to preserve and take care of the tile, so they will not go over the pattern tiling that is already done. Ms. Lee said that she has a question based on what happened in the cross-examination. She asked Mr. Brown how many more acres does BayWa have options on. Mr. Brown said that he has options on the couple hundred acres he moved away from on the west side of Sidney, and they own them for 18 months. He said they have lots of options, and they just try to find the best place within the options. Ms. Lee asked if they have other options close to this area. Mr. Brown responded what they have proposed today, minus the area they moved away from, are the only options they have in the area. He said they are not looking for more land, nor do they have time to keep looking. He said it is an expensive cost to continue to move the project and redesign it; at some point they have to put their pencil down.

- b. The following testimony was received at the November 1, 2018, ZBA meeting:
- (a) Ms. Joyce Hurd, 2232B CR 1000N, Sidney, stated that most of her questions have been answered. She said she would like the article she sent from Forbes on October 25, 2018, to be made a Document of Record for this case. She said she has a question about the economic projections – how well do the solar panels work, and are they including down time in their predictions. She said she has a comment about toxicity; one of the gentlemen from another solar company said that solar panels are pretty much equivalent to household electronics, and in saying that, it seems he was indicating that they were safe. She said she wanted to point out that the State of Illinois said that household electronics are not safe for landfills, we are no longer allowed to throw them away or put electronics in landfills because of their lack of safety, so she is not 100% convinced that electronics out in the rain like these solar panels are safe either. She said she hopes there would be some kind of actual testing to prove that the farmland is safe if the decommissioning ever occurs.

PROPOSED SPECIAL CONDITIONS - REVISED

A. The approved site plan consists of the following documents:

- Sheets 1 through 9 of the Site Plan received November 13, 2018.
- Sheets 10 through 12 of the Site Plan received October 24, 2018.
- Sheet L1 Landscape Plan received ~~October 24, 2018~~ November 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 revised Sheet L1 Landscape 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.

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

The Special Use Permit complies with Ordinance requirements and considers the needs of adjacent residents.

- G. Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Sidney Township 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.

- H. 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. **A Storm Water Management Plan which conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **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.**
4. **A Crossing Agreement with the relevant Drainage District(s) for any solar farm construction that intrudes on any easement or right of way for drainage district ditch or tile, per 6.1.5 E.(5).**
5. **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.**
6. **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.**
7. **Documentation regarding the seed to be used for the pollinator vegetative ground cover planting, per 6.1.5 F.(9).**
8. **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.**
9. **The telephone number for the complaint hotline required by 6.1.5 S.**

10. **Any updates to the approved Site Plan from Case 898-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.

- I. The petitioner shall install sound reduction kits from the inverter manufacturer to each of the inverters in the solar farm so that operational sound levels will be no more than 39 dBA at all existing residences within 1,500 feet of the project site.**

The above special condition is required to ensure that:

The PV SOLAR FARM is constructed consistent with the Special Use Permit approval.

- J. 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. A noise study to verify that the required sound reduction kits for all inverters result in no more than 39 dBA noise level at all existing residences within 1500 feet of the project site.**
- 4. 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.

- K. 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 Legal Description/Participating Landowners
- B Memorandum from George Gunnoe, BayWa r.e. Development Manager received November 13, 2018, with attachment:
 - Revised Decommissioning Plan received November 13, 2018
- C Revised Site Plan sheets and Landscape Plan sheet received November 13, 2018
- D Slides from PowerPoint presentation on agricultural drainage received November 13, 2018
- E Revised Summary of Evidence, Finding of Fact, and Final Determination dated November 15, 2018

Case 898-S-18 Subject Properties and Participating Landowners

Section 11, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes that part of Section 11 that lies south of County Highway 15 and includes the following properties owned by the following participating landowners:

- 7.11 acres owned by Frances Marguerite Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
- 9.18 acres owned by O'Neill Farms Inc., 3449 Lincoln Trail Road, Fithian IL 61844-0000.
- 41.00 acres owned by Carole L. Nussmeyer, 101 West Windsor Road, Apt. 3304, Urbana IL 61802-6663.

Section 12, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes that part of the Southwest Quarter of Section 12 that lies south of County Highway 15 and includes the following properties owned by the following participating landowners:

- 34.54 acres owned by Rink Agricultural & Investment Partnership LP, 24332 Stripmine Road, Wilmington IL 60481-9342.
- 32.5 acres owned by Willis Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.

Section 13, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the West Half of Section 13 and includes the following properties owned by the following participating landowners:

- 160 acres owned by Willis Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
- 160 acres owned by Rink Agricultural & Investment Partnership LP, 24332 Stripmine Road, Wilmington IL 60481-9342.

Section 14, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the North 520 acres of Section 14 and includes the following properties owned by the following participating landowners:

- 120.00 acres owned by Frances Marguerite Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
- 80.00 acres owned by Eugene O'Neill, 3449 Lincoln Trail Road, Fithian IL 61844-0000.
- 160 acres owned by the United Commercial Bank Scully Trust c/o Farmland Solutions LLC, POB 169, Sherman IL 62684-0169.
- 65.00 acres owned by James Kent Krukewitt & Linda L. Krukewitt, 911 CR 2400E, Homer IL 61849-9734.
- 60.00 acres owned by the Shirley A. Esch Trustee, 2110 East Oakland Avenue, Bloomington IL 61701-5759.
- 98.00 acres owned by Jane Owens, POB 35, LeRoy IL 61752-0035.

Section 15, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the following properties owned by the following participating landowners in the Southeast Quarter of Section 15:

- 43.00 acres owned by Shawn A. & Kara F. Walker, 407 West Diller Street, Broadlands IL 61816-9752.
- 42.50 acres owned by John Grobe c/o Busey Ag Services, 3002 West Windsor Road, Champaign IL 61822-6106.
- Part of another 42.50 acres owned by John Grobe c/o Busey Ag Services, 3002 West Windsor Road, Champaign IL 61822-6106.

Section 22, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the following properties owned by the following participating landowners in the North Half of Section 22:

- 86.67 acres owned by the Michael L. Hastings and Vicky L. Hastings Trust, 2083 CR 1325N, St. Joseph IL 61873-9778.
- 85.19 acres owned by the Terry L. Wolf Trustee, 2761 CR 1100N, Homer IL 61849-9763.
- 84.67 acres owned by David L. Hastings, 24 Meridian Terrace, Paxton IL 60957-1849.
- 18.00 acres owned by Julian Stipp, 877 CR 2200E, Sidney IL 61877-9643.

Section 23, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the following properties owned by the following participating landowners in the Northeast Quarter of Section 23:

- 80.00 acres owned by Jane Owens, POB 35, LeRoy IL 61752-0035.
- 76.85 acres owned by Rink Agricultural & Investment Partnership LP, 24332 Stripmine Road, Wilmington IL 60481-9342.

Susan Burgstrom

From: George Gunnoe <George.Gunnoe@baywa-re.com>
Sent: Monday, November 12, 2018 7:08 PM
To: Susan Burgstrom
Cc: Patrick Brown
Subject: RE: memo
Attachments: Supplemental Letter & Decommissioning Plan 11.12.2018.pdf; Revised Site Plan 11.12.2018.pdf; Revised Landscape Plan 11.12.2018.pdf

Susan,

I apologize for the delay. Please see the attached supplemental letter and material. Feel free to contact me if you have any questions or comments.

The following changes have been made in response to the last ZBA meeting on November 1st:

- In response to Ms. Hurd's concerns related to the panels and toxicity, BayWa r.e. proposes to add a soil testing requirement to Section 2.8, Site Restoration, located on Page 4 of our draft Decommissioning Plan. Please see the attached revised Decommissioning Plan. Furthermore, we would like to direct Ms. Hurd to the Health and Safety Impacts of Solar Photovoltaics by the NC Clean Energy Technology Center for more information related to the minimal risks of site contamination.
- In response to Ms. Nesbitt's question and comments related to the distance of the project from her residence and the lack of visual screening, based on Champaign County aerial mapping data, BayWa r.e. estimates the distance to be approximately 700 feet away and proposes a landscape buffer be added along the railroad to act as a visual screen. The additional landscape buffer will start at the corner of County Road 2200 E and County Road 1000 N and extend passed 2254 County Road 1000N. Please see the attached revised site and landscape plan for more information.
- In response to the Board's question related to the total acreage of the project, Baywa r.e. has consulted with our engineering group and has determined the project boundary acreage to be approximately 1,609 acres and the fenced acreage to be approximately 1,191 acres. The discrepancy was due to incorrect parcel data. The attached revised site plan reflects the correct acreage mentioned above.

We look forward to seeing you, John, and the ZBA on Thursday this week.

Take care,
George

George Gunnoe | Development Manager | 832 303 2477 | george.gunnoe@baywa-re.com

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NOV 13 2018

CHAMPAIGN CO. F & Z DEPARTMENT

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Wednesday, November 7, 2018 6:59 AM
To: Patrick Brown <Patrick.Brown@baywa-re.com>; George Gunnoe <George.Gunnoe@baywa-re.com>
Subject: memo

November 12, 2018

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

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CHAMPAIGN CO. P & Z DEPARTMENT

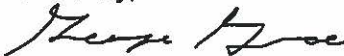
Re: Prairie Solar Supplemental Memo

Dear Champaign County,

BayWa r.e. would like to submit a supplemental memo in response to the questions asked during the Zoning Board of Appeals meeting on November 1, 2018. Please see the following responses:

- In response to Ms. Hurd's concerns related to the panels and toxicity, BayWa r.e. proposes to add a soil testing requirement to Section 2.8, Site Restoration, located on Page 4 of our draft Decommissioning Plan. Please see the attached revised Decommissioning Plan. Furthermore, we would like to direct Ms. Hurd to the Health and Safety Impacts of Solar Photovoltaics by the NC Clean Energy Technology Center for more information related to the minimal risks of site contamination.
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- In response to the Board's question related to the total acreage of the project, Baywa r.e. has consulted with our engineering group and has determined the project boundary acreage to be approximately 1,609 acres and the fenced acreage to be approximately 1,191 acres. The discrepancy was due to incorrect parcel data. The attached revised site plan reflects the correct acreage mentioned above.

Sincerely,



George J. Gunnoe

Development Manager

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CHAMPAIGN CO. P & Z DEPARTMENT

**PRAIRIE SOLAR 1
DECOMMISSIONING PLAN**

DRAFT

Prepared by BayWa r.e. Solar Projects, LLC

Prepared for: Champaign County, Illinois

Dated: October 8, 2018

1. INTRODUCTION

1.1 Project Background

Prairie Solar 1 is a 150MW AC solar array located in Champaign County, Illinois, spanning approximately 1,222 acres. The solar photovoltaic power array owned by Prairie Solar 1, LLC, ("Project"), is anticipated to operate for a period of no less than 20 years under a power purchase agreement from Utility/Commercial-Industrial Consumer. It is anticipated that the Project will use the existing technology up to an additional twenty years for a total operating period of 40 years. At the completion of its operating life, the Project will either be redeveloped with modern equipment, or it will be decommissioned and removed from the site in accordance with this plan.

1.2 Objectives

The objective of this Decommissioning Plan, ("Plan"), is to provide the requisite financial surety to guarantee the decommissioning of the Project.

1.3 Plan Conditions:

Prior to commencing with any decommissioning activities in accordance with this Plan, Prairie Solar 1, LLC will provide documentation to process the appropriate permit(s). If the Project is to be redeveloped, a new building plan permit will be processed before any installation of new equipment. Decommissioning the Project will allow the parcels that were changed under the Project's Special Use Permit (SUP) to be returned to their original zone classifications.

2. DECOMMISSIONING OF FACILITY AFTER CEASING OPERATION

2.1 General Environmental Protection

During decommissioning and restoration activities, general environmental protection and mitigation measures will be implemented. Many activities during decommissioning will be comparable to the construction phase, including the use of heavy equipment on site, preparing staging areas, and restoring constructible areas.

2.2 Pre-Decommissioning Activities

Prior to engaging in decommissioning activities, Prairie Solar 1, LLC will provide documentation to process the appropriate permits in accordance with all relevant county, state and federal statutes in place at the time of decommissioning.

Prior to any decommissioning or removal of equipment, staging areas will be delineated as appropriate. At the end of the Project's useful life, it will first be de-energized and isolated from all external electrical lines. All decommissioning activities will be conducted within designated areas; this includes ensuring that vehicles and personnel stay within the demarcated areas. Work to decommission the collector lines

and Project-owned transmission lines will be conducted within the boundaries of the municipal road allowance and appropriate private lands.

2.3 Equipment Decommissioning and Removal

The basic components of the Project are photovoltaic (PV) modules, mechanical racking system, electrical cabling, inverter racks, transformers and concrete pads as described below.

- **Modules:** The modules will be removed by hand and placed in a truck to be returned for recycling or disposal as described below in section 2.4.
- **Mechanical racking system:** will be removed with an excavator with a demolition thumb. The recyclable metal will be loaded on trucks and hauled away in accordance with section 2.9.
- **Inverters Racks and Inverters:** The inverters and its racks will be removed by hand and loaded on trucks for recycling in compliance with section 2.5.
- **Transformers:** Transformers will be removed in compliance with section 2.5 and then loaded on to a truck with a crane and sent for recycling.
- **Concrete pads:** The equipment will be disconnected and transported off site by truck. The concrete foundations and support pads will be broken up by mechanical equipment (backhoe-hydraulic hammer/shovel, jackhammer), loaded onto dump trucks and removed from the site. Smaller pre-cast concrete support pads and/or pre-manufactured metal skids will be removed intact by cranes and loaded onto trucks for reuse, or will be broken up and hauled away by dump trucks.

2.4 PV Module Collection and Recycling

All modules will be disconnected, removed from the trackers, packaged and transported to a designated location for resale, recycling or disposal. Any disposal or recycling will be done in accordance with applicable laws and requirements. The connecting underground cables and the junction boxes will be de-energized, disconnected, and removed. The mechanical racking system supporting the PV modules will be unbolted and dismantled by laborers using standard hand tools, possibly assisted by small portable cranes. All support structures will be completely removed by mechanical equipment and transported off site for salvage or reuse. Any demolition debris that is not salvageable will be transported by truck to an approved disposal area. Other salvageable equipment and/or material will be removed from the site for resale, scrap value or disposal.

2.5 Electrical Equipment and Inverters

All decommissioning of electrical devices, equipment, and wiring/cabling will be in accordance with local, state and federal laws. Any electrical decommissioning will include obtaining required permits, and following applicable safety procedures before de-energizing, isolating, and disconnecting electrical devices, equipment and cabling.

Decommissioning will require the removal of the electrical equipment, including inverters, transformers, underground/aboveground cables and overhead lines. Equipment and material may be salvaged for resale or scrap value depending on the market conditions.

2.6 Roads, Parking Area

All access roads and the parking area will be removed to allow for the complete rehabilitation of these areas unless the landowner provides written consent to retain these features. Typically, the granular base covering of these areas will be removed using a wheel loader to strip off the material and dump trucks to haul the aggregate to a recycling facility or approved disposal facility. The underlying subsoil, if exhibiting significant compaction (more likely for the site entrance road than the interior access roads), will then be diked using a tractor and disc attachment to restore the soil structure and to aerate the soil. Clean topsoil will be imported on site by dump truck, replaced over the area and leveled to match the existing grade.

2.7 Other Components

Unless retained for other purposes, removal of all other facility components from the site will be completed, including but not limited to surface drains, access road cross-culverts, and fencing. Anything deemed usable shall be recovered and reused elsewhere. All other remaining components will be considered as waste and managed according to local, state, and federal laws. For safety and security, the security fence will be dismantled and removed from the site after all major components, PV modules, tracker system and foundations have been removed.

2.8 Site Restoration

The following activities will be undertaken to restore the site to substantially its previous condition;

- Soil testing will be performed to determine if any contaminants from equipment have been leaked.
- Site cleanup, re-grading to original contours and, if necessary, restoration of surface drainage swales and ditches.
- Any trenches/drains excavated by the Project will be filled with suitable materials and leveled.
- Any road, parking area will be removed completely, filled with suitable sub-grade material and leveled.
- Any compacted ground will be tilled, mixed with suitable sub-grade materials and leveled.
- Topsoil will be spread as necessary to ensure suitable conditions for vegetation re-growth and reseeded with native seed mix to promote vegetation.

The project fence and existing fire access roads may remain in place upon written consent of the landowner.

2.9 Management of Wastes and Excess Materials

All waste and excess materials will be disposed of in accordance with local, state and federal laws. Waste that can be recycled under municipal programs will be done accordingly. Waste that requires disposal will be disposed of in a state licensed facility by a state licensed hauler.

2.10 Emergency Response and Communications Plans

During decommissioning, , Prairie Solar 1, LLC will coordinate with local authorities, the public, and others as required to provide them with information about the ongoing activities. Besides regular direct/indirect communication, signs will be posted at the Project facility to give information to the local public and

visitors. The Prairie Solar 1, LLC contact information (telephone number, email and mailing address) will be made public for those seeking more information about the decommissioning activities and/or reporting emergencies and complaints. All inquiries will be directed to the Prairie Solar 1, LLC Representative who will respond to any inquiry. In the event of an emergency, Prairie Solar 1, LLC will mobilize its resources to the site to respond to the event. Personnel involved in decommissioning will be trained in the emergency response and communications procedures. Emergency response procedures will be prepared prior to decommissioning.

3. PROJECT DECOMMISSIONING COST ESTIMATE

3.1 Cost Estimate:

Prairie Solar 1, LLC shall provide a detailed Decommissioning Cost Estimate, prepared by an Illinois Licensed Engineer, prior to the issuance of building permits, which shall include the following:

- a) Three (3) individual, gross estimated costs to perform decommissioning for: above-ground restoration, below-ground restoration, and environmental remediation as set forth in Section II above ("Gross Cost");
- b) an increase of the Gross Cost by 25% to eliminate any discrepancy in cost estimation techniques ("Contingency");
- c) the estimated resale and salvage values associated with the Project equipment ("Salvage Value");
- d) a reduction from the Salvage Value by 30% such that only 70% of the Salvage Value can be used as a credit against the Gross Cost and Admin Factor. The Salvage Value multiplied by 70% is the ("Salvage Credit").

Thus the Decommissioning Cost Estimate formula is:

Gross Cost + Contingency - Salvage Credit = the "Decommissioning Cost Estimate".

Salvage value may be deducted from the Decommissioning Cost Estimate, only if the PV solar farm maintains free and clear of liens and encumbrances, including financing liens and provide proof prior to issuance of Special Use Permit, or deduct the amount of liens or encumbrances from salvage value, or any and all financial security agreements entered into by the applicant are subject to the covenant required by Section 6.1.1 A.2.

The Decommissioning Cost Estimate shall include a table allocating the net cost estimate across the Project area, based on the percentage of generating capacity in megawatts (MW) on each property ("Allocation Areas"). The Allocation Areas will be divided based upon the lease areas, however Allocation Areas will reference the underlying land, in case ownership of the underlying land changes control during the life of the Project.

3.2 Security:

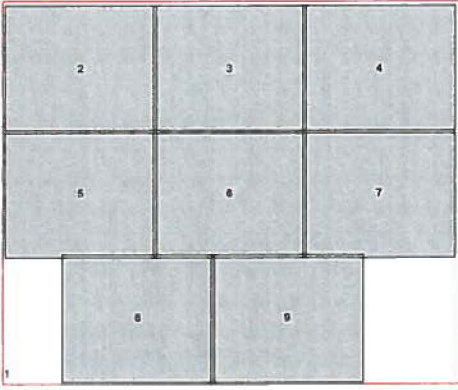
Prairie Solar 1, LLC will provide an amount equal to One Hundred Twenty-Five percent (125%) the

Decommissioning Cost Estimate (as determined by an Illinois Licensed Engineer, per section 3), ("Decommissioning Security"). All financial assurances required by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall count towards the total financial assurance. Decommissioning Security shall be provided by Prairie Solar 1, LLC prior to the Commercial Operation Date.

The Decommissioning Security will be in the form of a irrevocable letter of credit and an escrow account with the governing body as the beneficiary per section 6.1.5 Q(4) of the Solar Ordinance. The governing body has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits, and the Applicant, its successors in interests, and all parties to decommissioning shall adjust the amount of financial assurance in escrow to ensure that it reflects current and accurate information. Unless the Governing Body states otherwise, the Champaign County State's Attorney's Office shall review and approve every Letter of Credit prior to Zoning Administrator Acceptance. Decommissioning estimates will be updated once every three (3) years for the first twelve (12) years of operation, and every other year, thereafter. Estimates will be created by an Independent Illinois Licensed Professional Engineer.

Payment of the Decommissioning Security is to be made in equal installments over the first thirteen (13) years of the facility's life.

DRAFT



Legend

- Easement
- Existing Overhead Lines
- Existing Roads
- Railroad Tracks
- Stream Centerline
- Existing Contours
- Project Boundary - 1809.28 Ac.
- Fence - 1190.75 Ac (7' Min. Height)
- Solar Arrays
- Inverters - 2750 kW (32 Total)
- Proposed MV Cables
- Access Roads - Native Compacted
- Substation - 195' x 180'
- 0.5 Mi. Sidney Village Municipal Setback
- 240' Residential Setback
- 65' Road Setback
- 10'/20' Property Line Setback
- 275' Inverter Setback
- 30' Fence Setback
- Landscaping Buffer

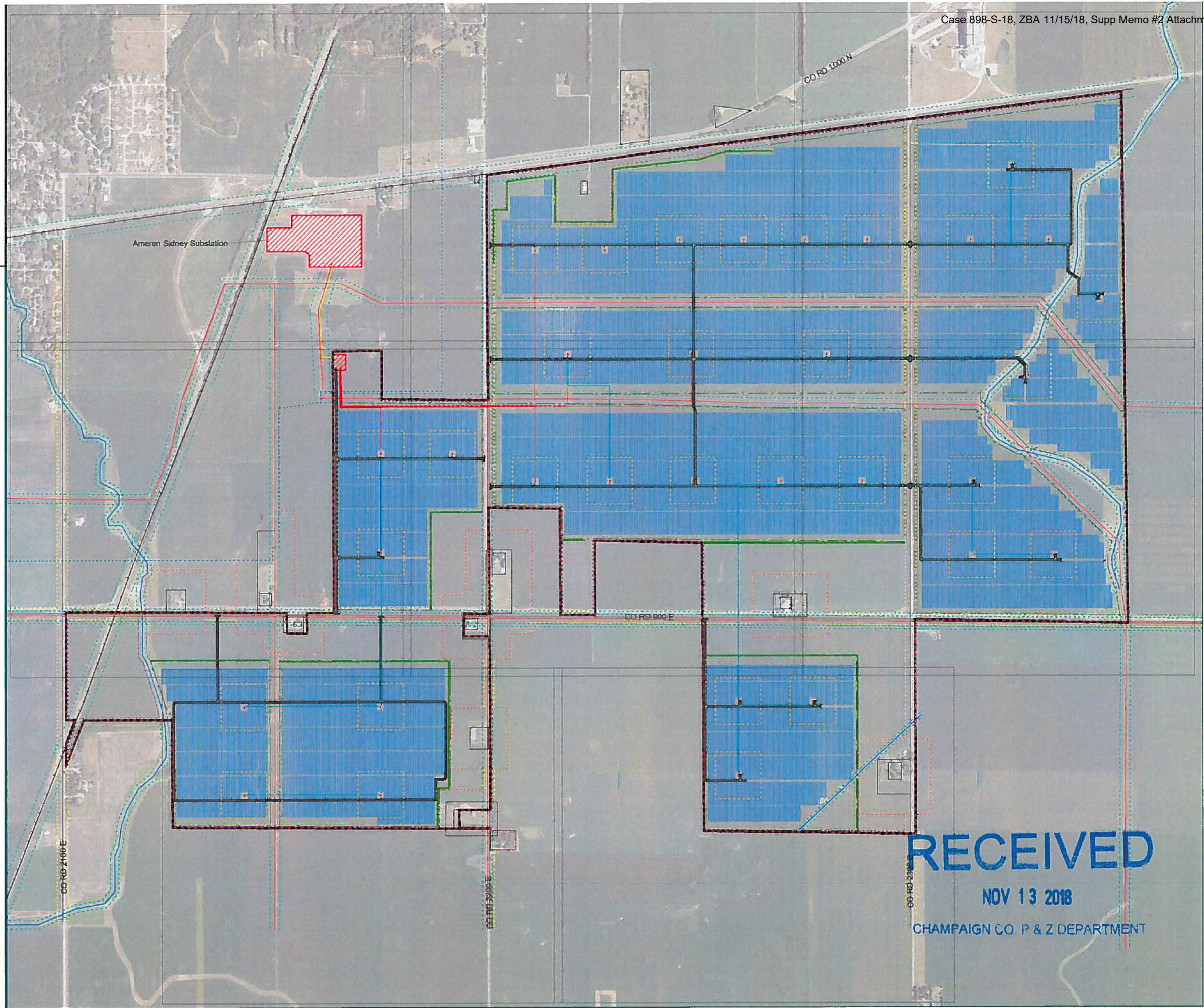
NOTE
LAYOUT PLACED USING COUNTY GIS AERIAL MAP IS SHOWN STRICTLY FOR REFERENCE.

***Project Setbacks**
 A. Sidney Village Municipal Setback - 0.5 Mile
 B. Road Setback - 65 Feet
 C. Resident Setback - 240 Feet
 D. Rear Setback - 20 Feet
 E. Side Setback - 10 Feet

Solar Arrays
 555,552 400 W Single-Axis Tracker Modules
 150 MW

Access Roads (Native Compacted)
 20' Width

Perimeter Fence
 Approximately 102,478 Linear Feet of minimum 7-foot tall perimeter fence. Security gates are 24 feet wide.



PROJECT NAME & LOCATION
BAYWA - PRAIRIE SOLAR I
 SIDNEY, CHAMPAIGN COUNTY - ILLINOIS, 61877

DATE	10/22/2018
PROJECT NUMBER	99999
PROJECT NAME	BAYWA - PRAIRIE SOLAR I
DESIGNED BY / DRAWN BY	C. DECHIARA

NOTES
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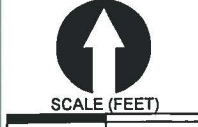
REVISIONS	
NO.	DESCRIPTION

DRAWING DESCRIPTION
SITE IMPROVEMENTS PLAN

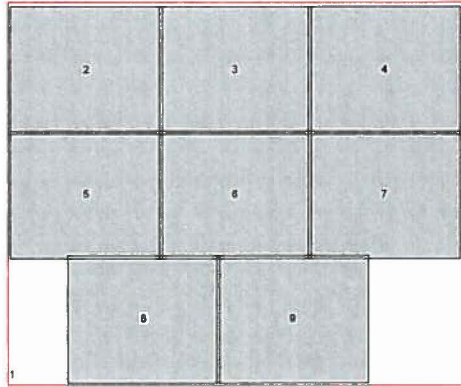
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PLANS PRINTED AS 11x17 A8E HALF SCALE		
SCALE	SHEET NUMBER	
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BayWa

Legend

- Easement
- Existing Overhead Lines
- Existing Roads
- Railroad Tracks
- Stream Centerline
- Existing Contours
- Project Boundary - 1609.26 Ac.
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- Inverters - 2750 kW (32 Total)
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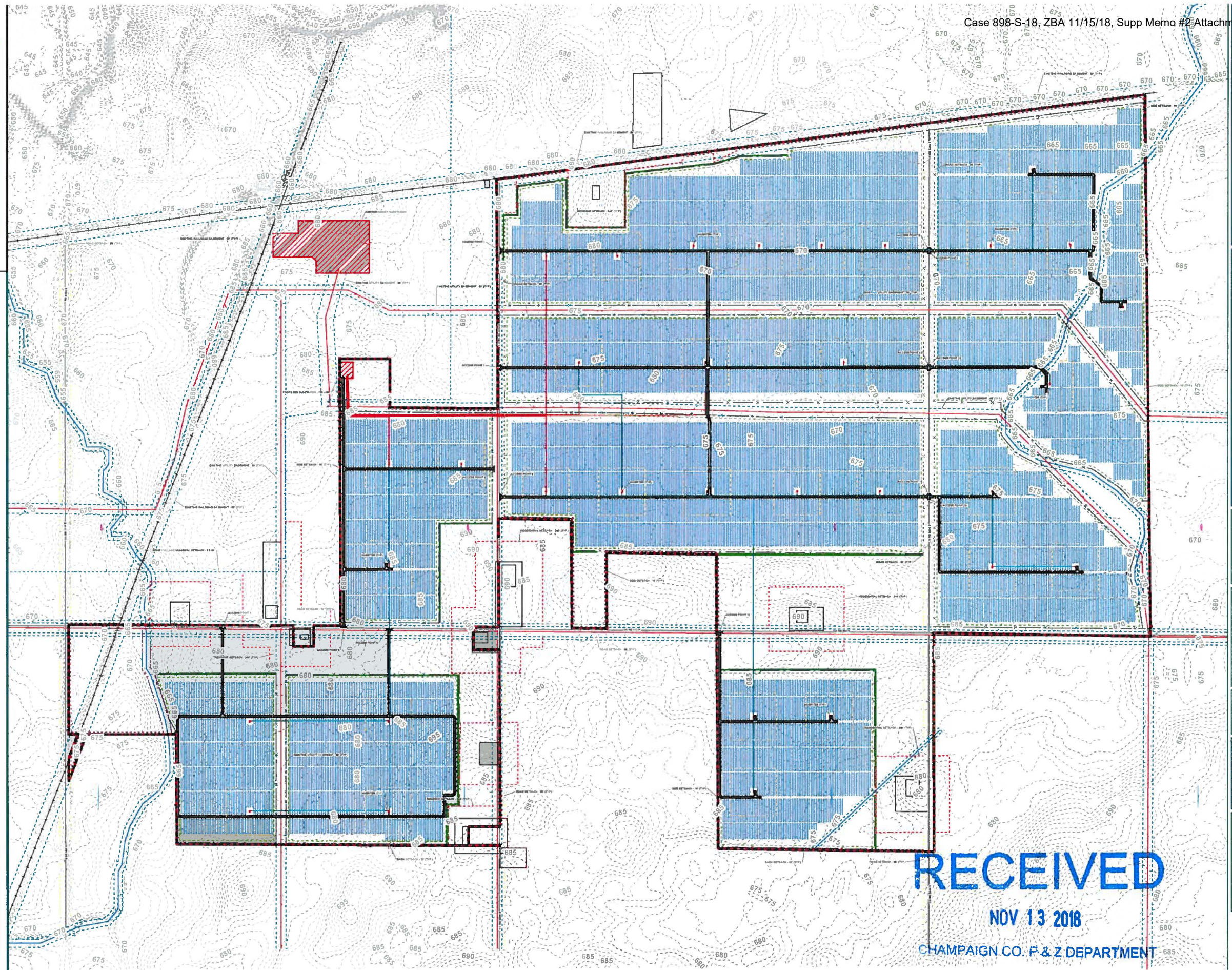
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150 MW

Access Roads (Native Compacted)
20' Width

Perimeter Fence
Approximately 102,478 Linear Feet of minimum 7-foot tall
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PROJECT NAME & LOCATION
BAYWA - PRAIRIE SOLAR I
SIDNEY, CHAMPAIGN COUNTY -
ILLINOIS, 61877

DATE: 10/4/2018
PROJECT NUMBER: 99999
PROJECT NAME: BAYWA - PRAIRIE SOLAR I
DESIGNED BY / DRAWN BY: C. DECHIARA

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IMPROVEMENTS
PLAN

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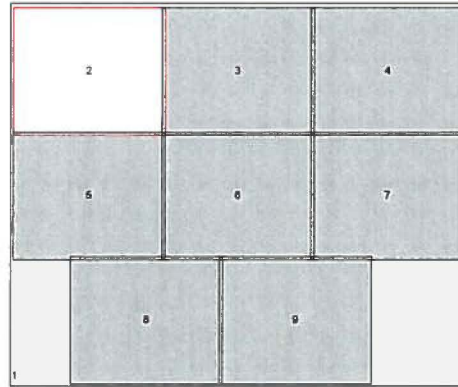
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PLANS PRINTED AS 11X17 ARE HALF SCALE
SCALE SHEET NUMBER
H: 1" = 600' 1

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CHAMPAIGN CO. P & Z DEPARTMENT

BayWa



Legend

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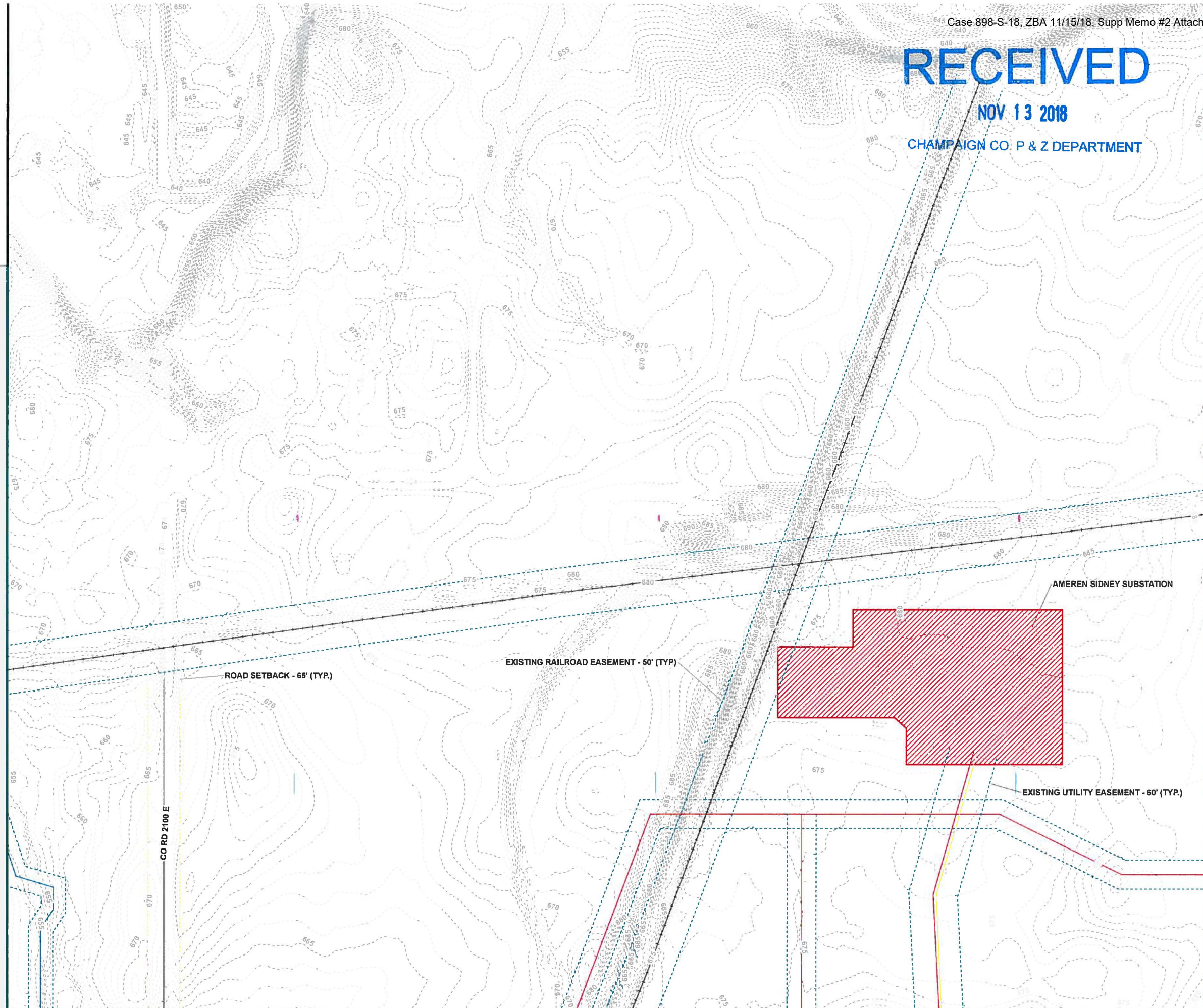
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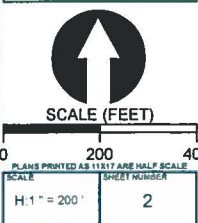
BAYWA - PRAIRIE SOLAR I
 SIDNEY, CHAMPAIGN COUNTY -
 ILLINOIS, 61877

DATE	10/4/2018
PROJECT NUMBER	99999
PROJECT NAME	BAYWA - PRAIRIE SOLAR I
DESIGNED BY/DRAWN BY	C. DECHIARA

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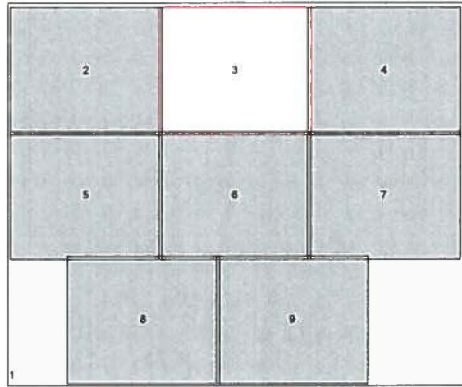
SITE IMPROVEMENTS PLAN



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NOV 13 2018

CHAMPAIGN CO. P & Z DEPARTMENT



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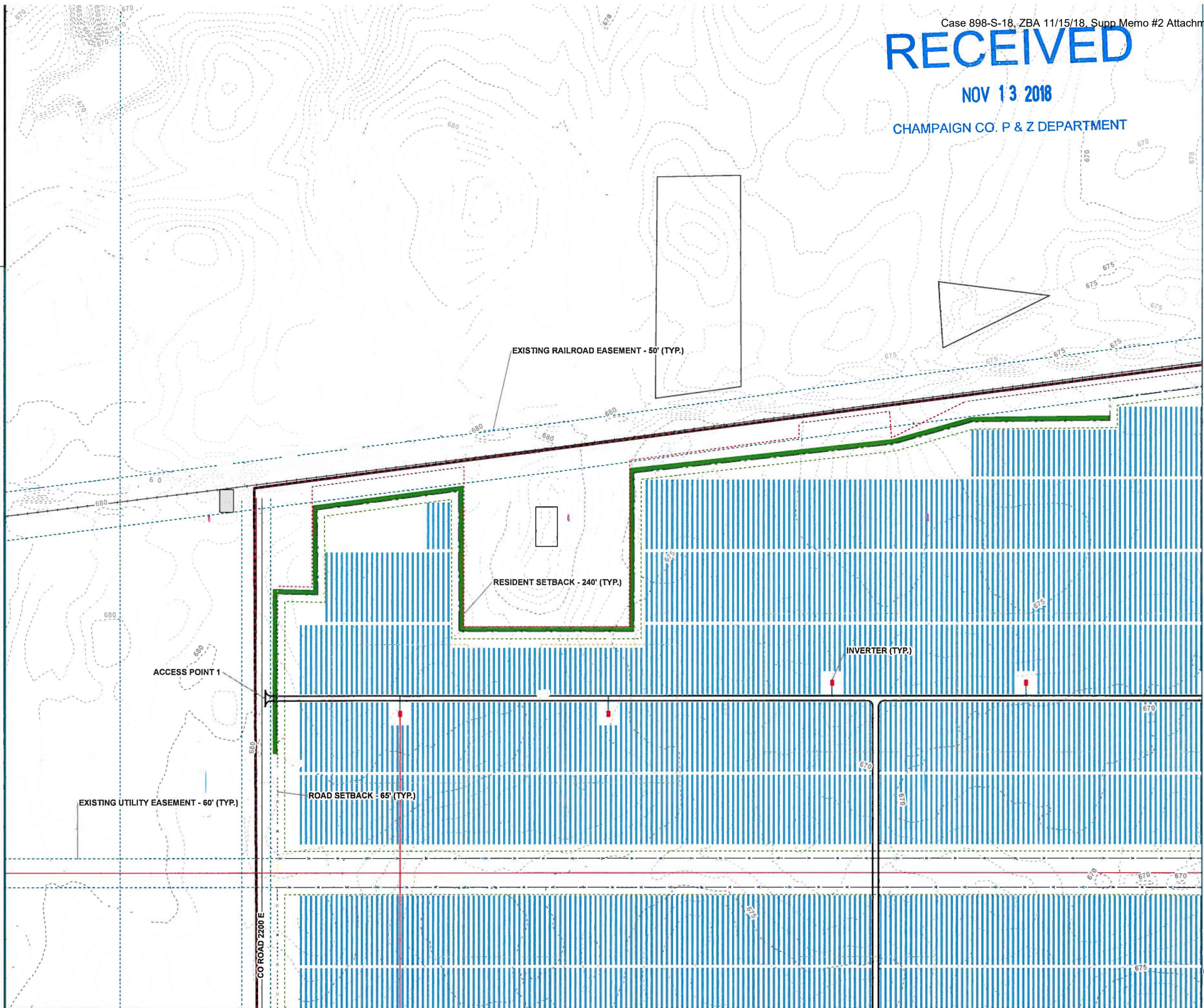
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PROJECT NAME & LOCATION
BAYWA - PRAIRIE SOLAR I
SIDNEY, CHAMPAIGN COUNTY - ILLINOIS, 61877

DATE: 10/4/2018
PROJECT NUMBER: 99999
PROJECT NAME: BAYWA - PRAIRIE SOLAR I
DESIGNED BY: C. DECHIARA

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NO.	DATE	DESCRIPTION

DRAWING DESCRIPTION
SITE IMPROVEMENTS PLAN

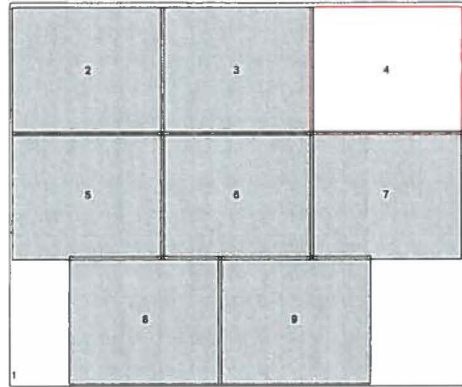


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H. 1" = 200' 3

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Legend

- Easement
- Existing Overhead Lines
- Existing Roads
- Railroad Tracks
- Stream Centerline
- Existing Contours
- Project Boundary - 1609.26 Ac.
- Fence - 1190.75 Ac (7' Min. Height)
- Solar Arrays
- Inverters - 2750 kW (32 Total)
- Proposed MV Cables
- Access Roads - Native Compacted
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- 0.5 Mi. Sidney Village Municipal Setback
- 240' Residential Setback
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- 10'/20' Property Line Setback
- 275' Inverter Setback
- 30' Fence Setback
- Landscaping Buffer

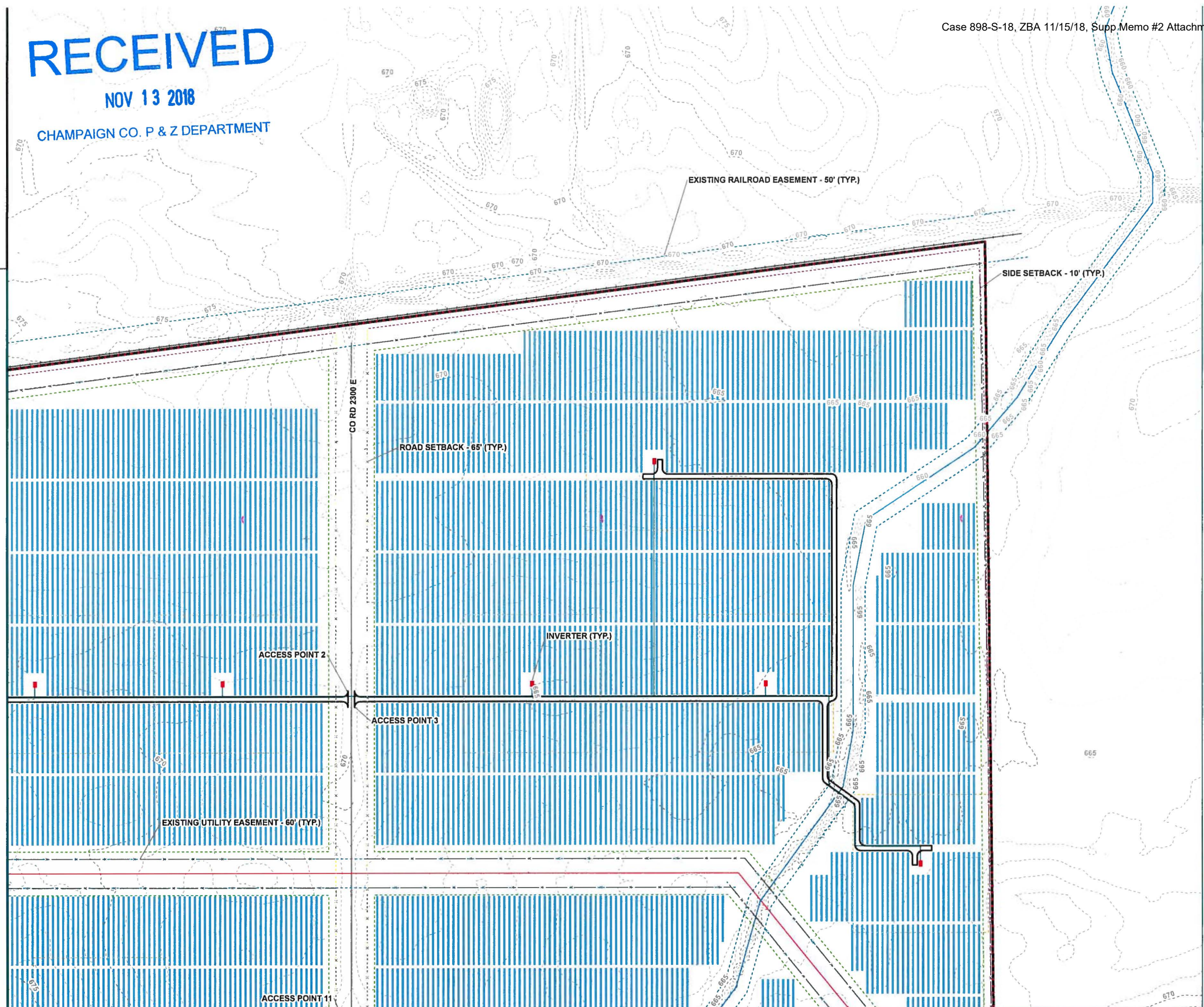
NOTE:
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 E Side Setback - 10 Feet

Solar Arrays:
 555,552 400 W Single-Axis Tracker Modules
 150 MW

Access Roads (Native Compacted):
 20' Width

Perimeter Fence:
 Approximately 102,478 Linear Feet of minimum 7-foot tall perimeter fence. Security gates are 24 feet wide.



BayWa

PROJECT NAME & LOCATION
BAYWA - PRAIRIE SOLAR I
 SIDNEY, CHAMPAIGN COUNTY - ILLINOIS, 61877

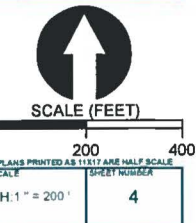
DATE: 10/4/2018
 PROJECT NUMBER: 99999
 PROJECT NAME: BAYWA - PRAIRIE SOLAR I
 DESIGNED BY / DRAWN BY: C. DECHIARA

NOTES
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REVISIONS	
NO.	DESCRIPTION

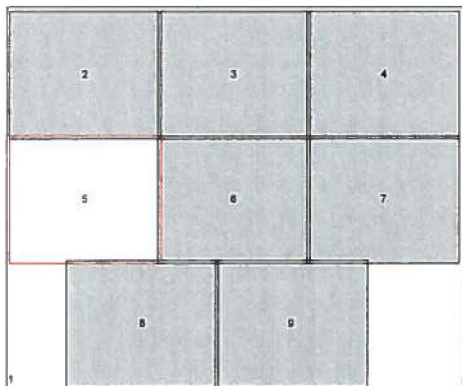
SITE IMPROVEMENTS PLAN



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CHAMPAIGN CO. P & Z DEPARTMENT



Legend

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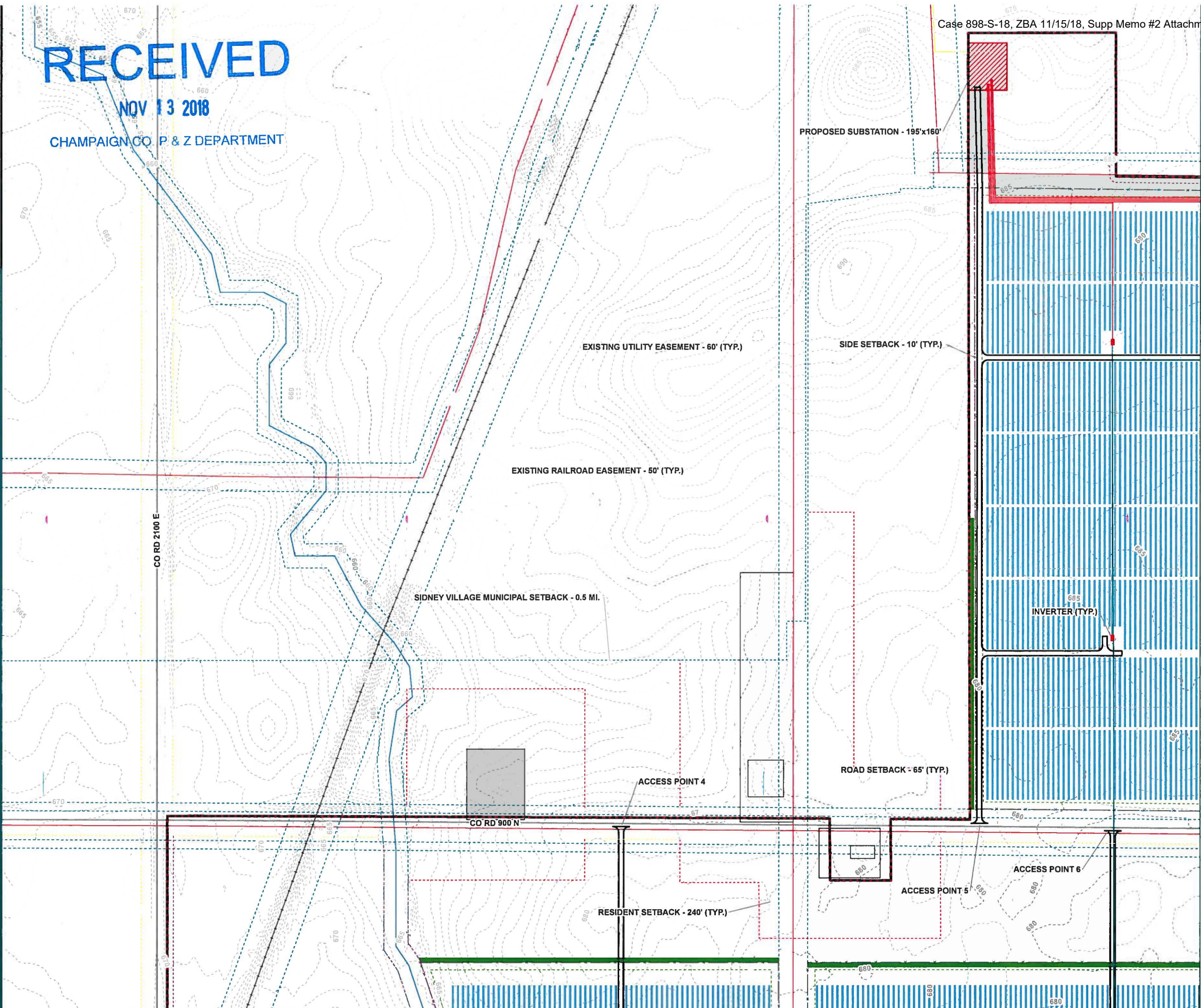
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SIDNEY, CHAMPAIGN COUNTY - ILLINOIS, 61877

DATE	10/4/2018
PROJECT NUMBER	99999
PROJECT NAME	BAYWA - PRAIRIE SOLAR I
DESIGNED BY / DRAWN BY	C. DECHIARA

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REVISIONS	
NO.	DESCRIPTION

DRAWING DESCRIPTION
SITE IMPROVEMENTS PLAN



SCALE (FEET)
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SCALE: 1" = 200'
SHEET NUMBER: 5

BayWa

BAYWA - PRAIRIE SOLAR I
SIDNEY, CHAMPAIGN COUNTY -
ILLINOIS, 61877

DATE 10/4/2018
PROJECT NUMBER 99999
PROJECT NAME BAYWA - PRAIRIE SOLAR I
DESIGNED BY / DRAWN BY C. DECHIARA

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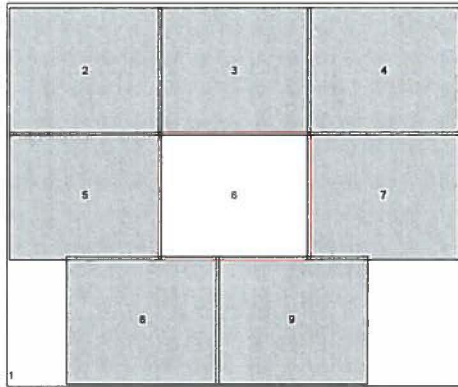
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SITE IMPROVEMENTS PLAN



SCALE (FEET)

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PLANS PRINTED AS 1/4" = 1' HALF SCALE
SCALE SHEET NUMBER
H: 1" = 200' 6



Legend

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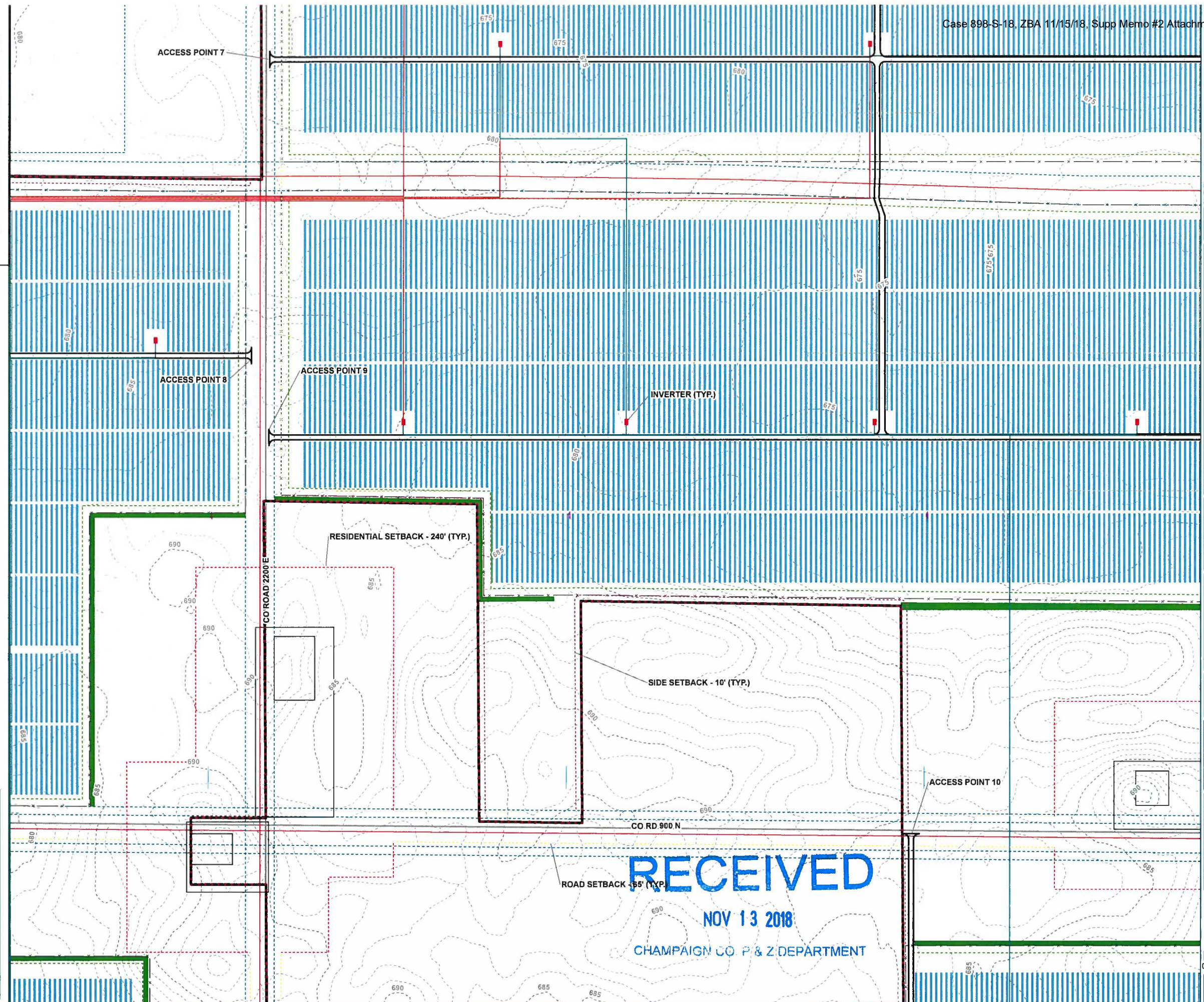
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Solar Arrays:
555,552 400 W Single-Axis Tracker Modules
150 MW

Access Roads (Native Compacted):
20' Width

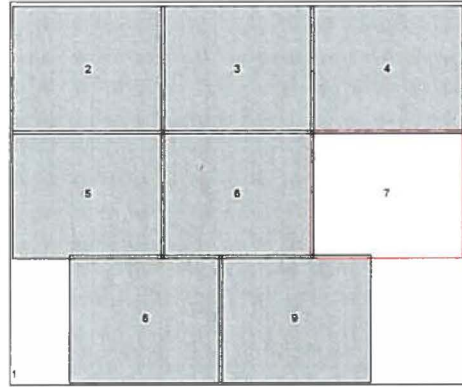
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BayWa

PROJECT NAME & LOCATION
BAYWA - PRAIRIE SOLAR I
 SIDNEY, CHAMPAIGN COUNTY - ILLINOIS, 61877

DATE: 10/4/2018
 PROJECT NUMBER: 99999
 PROJECT NAME: BAYWA - PRAIRIE SOLAR I
 DESIGNED BY: C. DECHIARA

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REVISIONS	
NO.	DESCRIPTION

DRAWING DESCRIPTION
SITE IMPROVEMENTS PLAN



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H. 1" = 20'	7	

Legend

- - - Easement
- - - Existing Overhead Lines
- - - Existing Roads
- - - Railroad Tracks
- - - Stream Centerline
- - - Existing Contours
- [Red Box] Project Boundary - 1609.26 Ac.
- x - x - Fence - 1190.75 Ac (7' Min. Height)
- [Blue Box] Solar Arrays
- [Red Box] Inverters - 2750 kW (32 Total)
- [Blue Line] Proposed MV Cables
- [Black Line] Access Roads - Native Compacted
- [Red Hatched Box] Substation - 195' x 160'
- [Dashed Blue Line] 0.5 Mi. Sidney Village Municipal Setback
- [Dashed Red Line] 240' Residential Setback
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- [Dashed Purple Line] 10'/20' Property Line Setback
- [Dashed Green Line] 275' Inverter Setback
- [Dashed Orange Line] 30' Fence Setback
- [Green Box] Landscaping Buffer

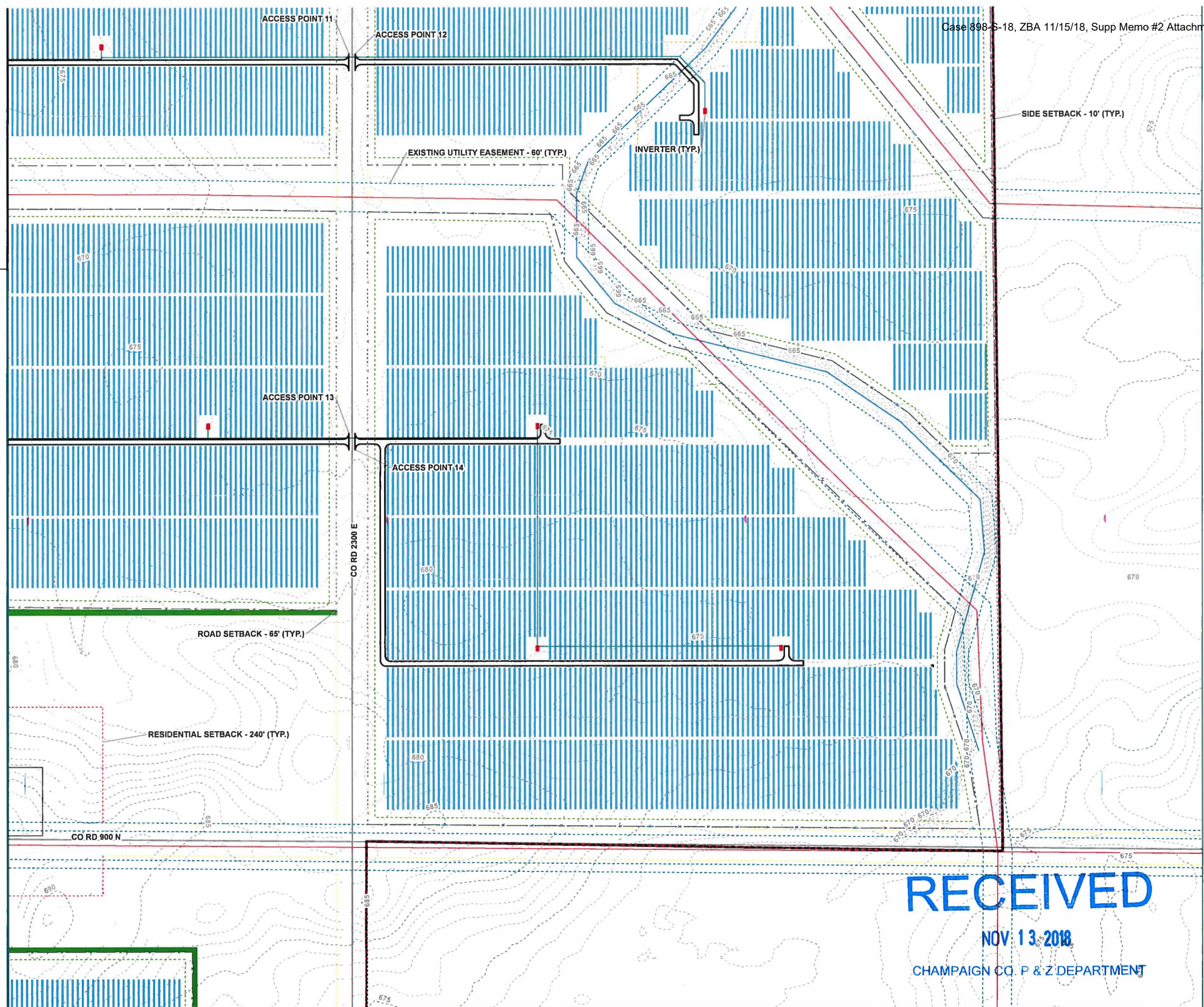
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CHAMPAIGN CO. P & Z DEPARTMENT

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SIDNEY, CHAMPAIGN COUNTY -
ILLINOIS, 61877

DATE: 10/4/2018
PROJECT NUMBER: 99999
PROJECT NAME: BAYWA - PRAIRIE SOLAR I
DESIGNED BY / DRAWN BY: C. DECHIARA

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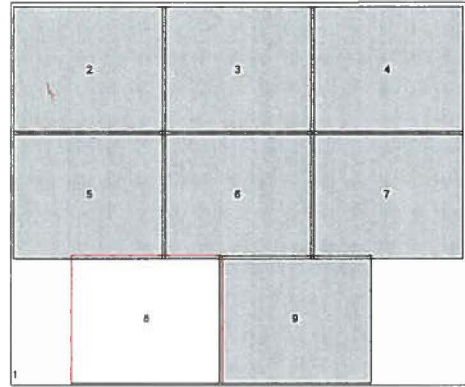
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DRAWING DESCRIPTION

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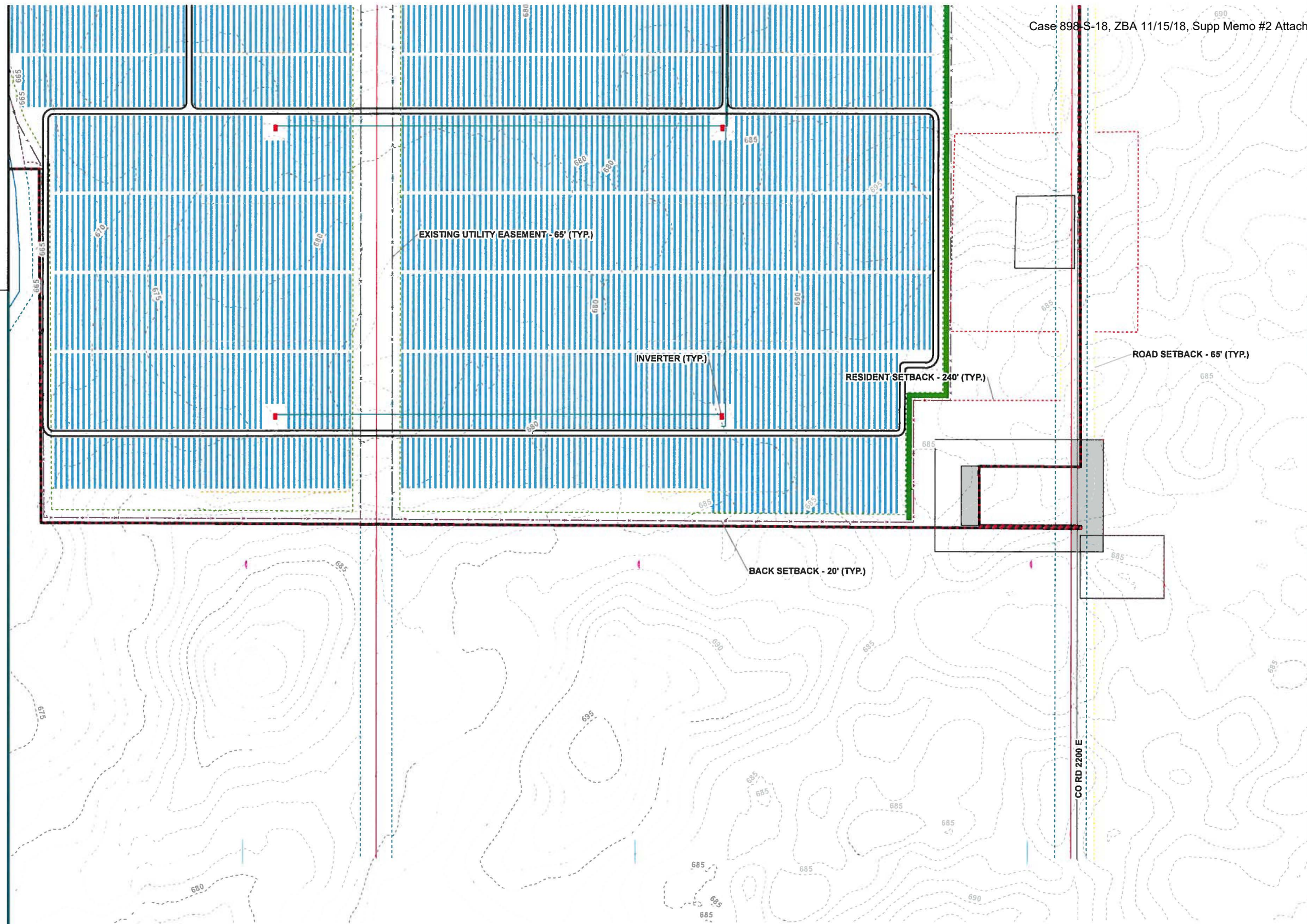
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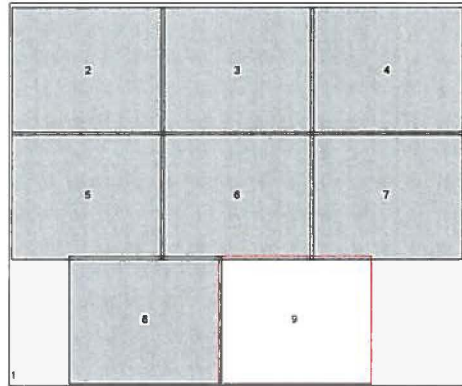
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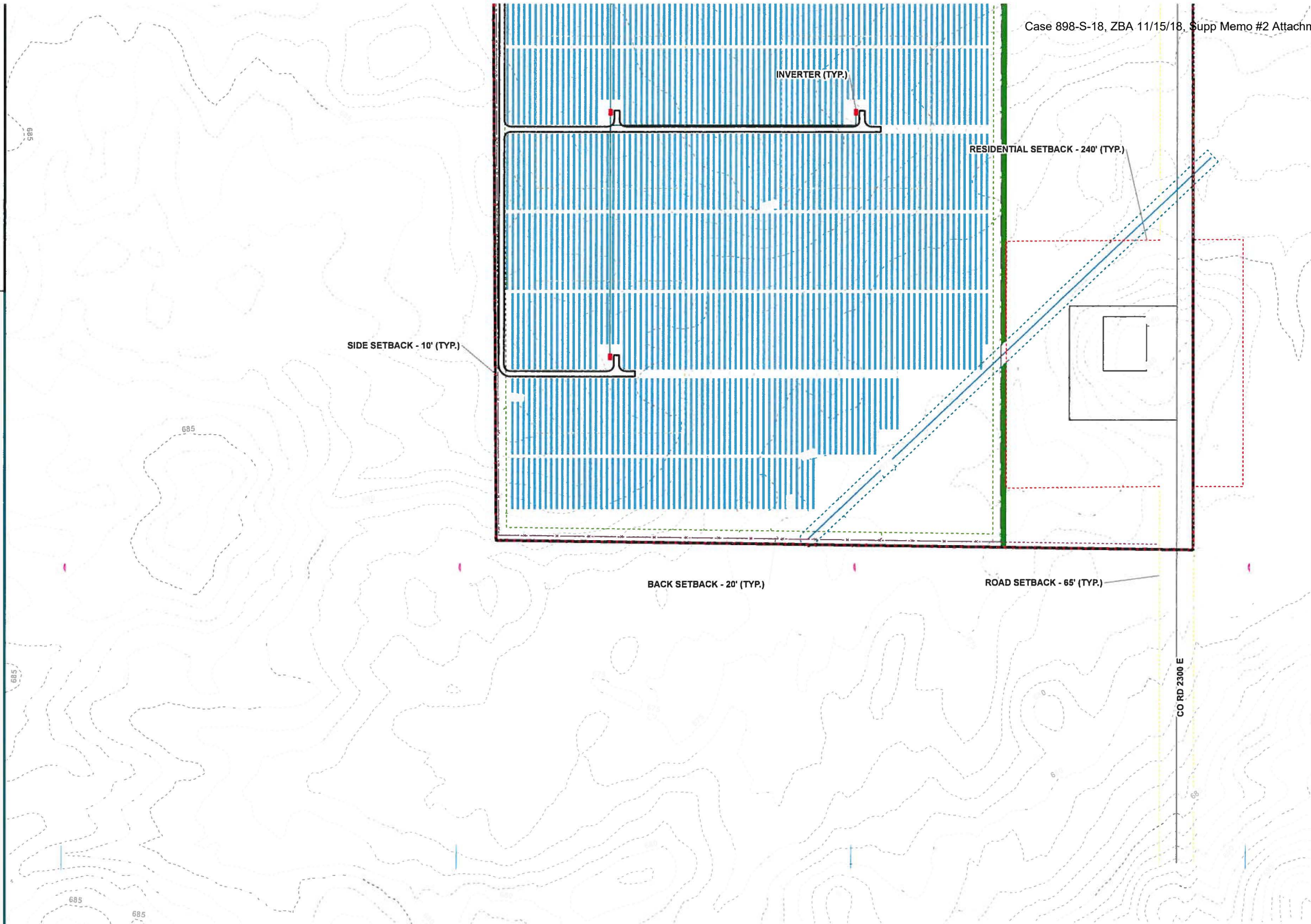
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BAYWA - PRAIRIE SOLAR I
SIDNEY, CHAMPAIGN COUNTY - ILLINOIS, 61877

DATE: 10/4/2018
PROJECT NUMBER: 99999
PROJECT NAME: BAYWA - PRAIRIE SOLAR I
DESIGNED BY / DRAWN BY: C. DECHIARA

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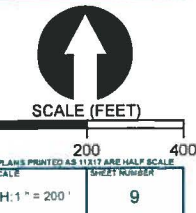
REVISIONS	
NO.	DESCRIPTION

Observed Description:
SITE IMPROVEMENTS PLAN

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PLANT LEGEND

EVERGREEN SHRUB	BOTANICAL NAME / COMMON NAME	SIZE	SPACING
	JUNIPERUS VIRGINIANA / EASTERN RED CEDAR	6' C.G.	12'

NATIVE GRASS	BOTANICAL NAME / COMMON NAME	SIZE	SPACING
	ANDROPOGON GERARDI / BIG BLUESTEM GRASS	3 GAL	4'
	PANICUM VIRGATUM / SWITCH GRASS	3 GAL	4'

GROUND COVER	BOTANICAL NAME / COMMON NAME	SIZE	SPACING
	SEE GROUND COVER SEED MIX SCHEDULE BELOW	SEED	NA

MAINTENANCE PLAN

SHRUBS/GRASSES

- IRRIGATE NEWLY PLANTED SHRUBS AND GRASSES WITH AN AUTOMATIC DRIP SYSTEM OR REGULAR WATERING VIA PORTABLE WATER TANK DURING THE FIRST GROWING SEASON.
- STAKE SHRUBS WITH 2 STEEL T-POSTS EACH SHRUB. PROVIDE NON-ABRASIVE RUBBER TIES.
- PROVIDE 2"-3" THICK SHREDDED BARK MULCH RING, 4' WIDE AT BASE OF EACH SHRUB.
- PROVIDE 2"-3" THICK SHREDDED BARK MULCH RING, 2' WIDE AT BASE OF EACH GRASS.
- REMOVE DEAD OR DISEASED SHRUB/GRASS FROM SITE AND REPLACE WITH NEW SHRUB/GRASS PER PLANT LEGEND.

GROUND COVER

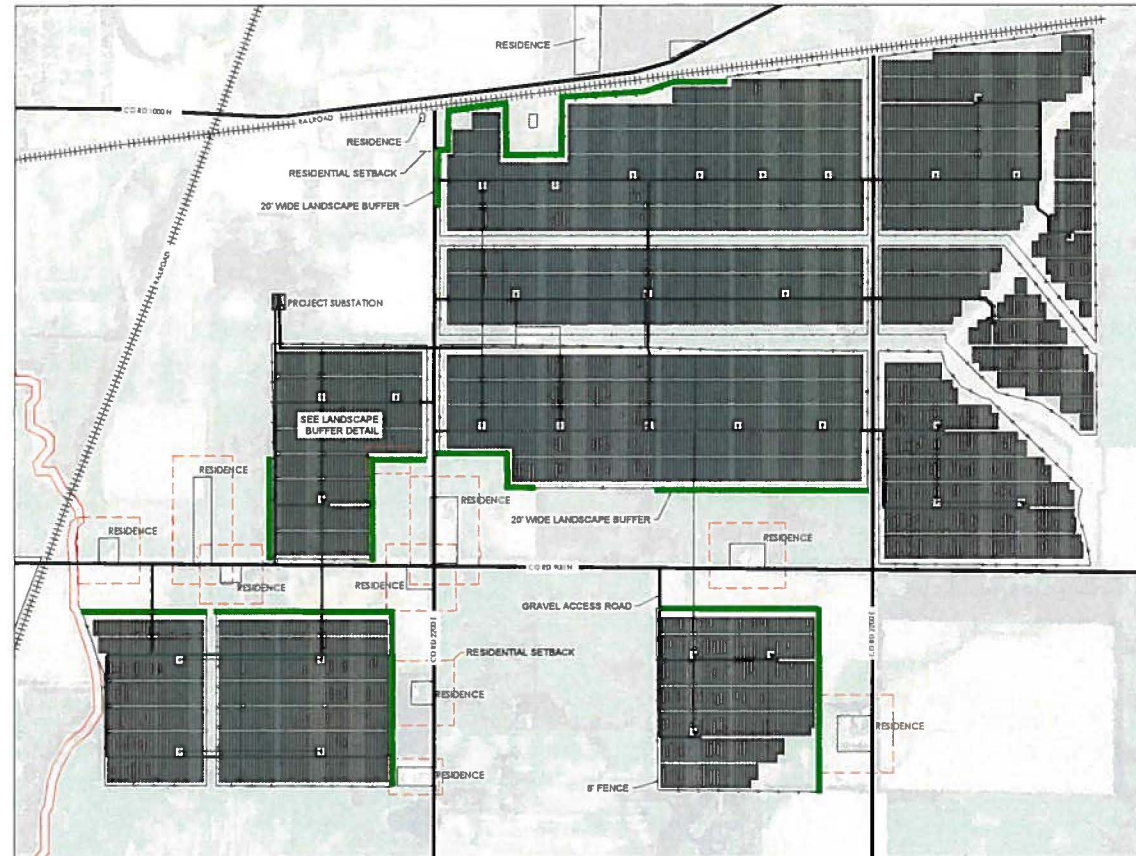
- GROUND COVER INSIDE THE FENCE AND IN THE LANDSCAPE BUFFER SHALL BE MOWED PERIODICALLY TO MAINTAIN A HEIGHT OF 8"-10".
- APPLY BROAD SPECTRUM HERBICIDE ALONG FENCE AND AROUND PANEL SUPPORTS TO CONTROL PLANT GROWTH NOT SUPPRESSED BY MOWING.
- CONDUCT REGULAR INSPECTIONS THROUGHOUT THE GROWING SEASON. SELECTIVELY APPLY HERBICIDE TO CONTROL PATCHES OF NOXIOUS WEED GROWTH.
- SUPPLEMENTAL SEEDING (OVERSEEDING) MAY BE NECESSARY TO PROMOTE DENSE PLANT GROWTH. TYPICALLY THIS IS CONDUCTED IN THE SECOND GROWING SEASON AFTER INSTALLATION.

GROUND COVER SEED MIX SCHEDULE

Application Rate is 45.55 lbs/ac

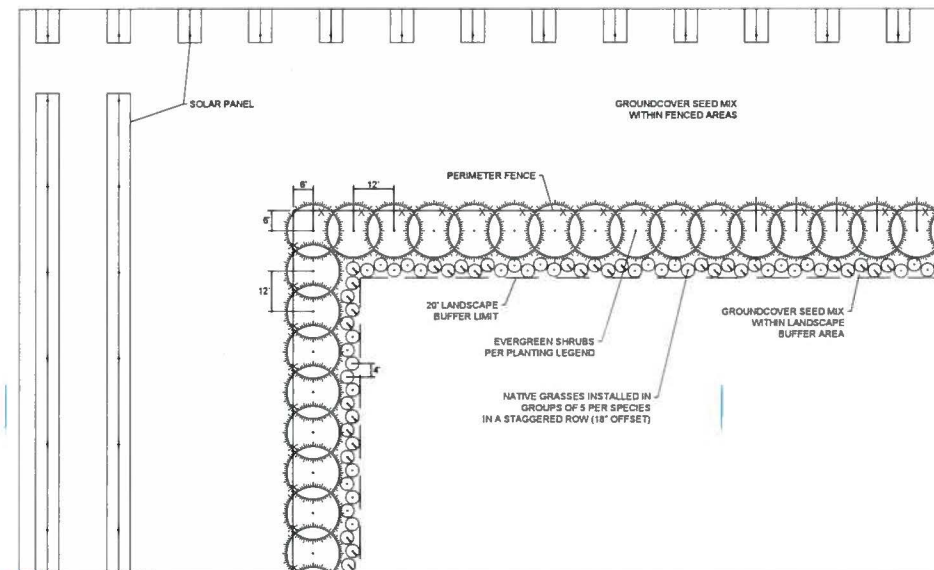
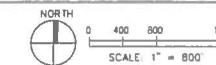
Botanical Name	Common Name	Percent Wt.
Avena sativa	oats (temporary cover)	53.3%
Bouteloua curtipendula	side-oats grama	7.1%
Carex bicknellii	copper-shouldered oval sedge	0.1%
Carex brevior	plains oval sedge	0.3%
Chamaecrista fasciculata	partridge pea	1.8%
Coreopsis lanceolata	sand coreopsis	0.6%
Dalea purpurea	purple prairie clover	0.3%
Echinacea purpurea	Purple coneflower	0.6%
Elymus canadensis	Canada wild rye	9.5%
Koeleria pyramidata	June grass	0.3%
Lolium multiflorum	annual rye grass	14.8%
Rudbeckia hirta	black-eyed susan	1.8%
Schizachyrium scoparium	little bluestem	9.5%

Total 100%

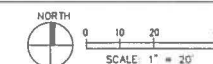


SCHEMATIC LANDSCAPE PLAN

20' WIDE LANDSCAPE BUFFER



LANDSCAPE BUFFER DETAIL



General Notes

Finish Grading - The soil shall be conditioned by loosening and finely pulverizing the soil to a depth of three inches. The fine grading and soil conditioning will be done just prior to groundcover seeding.

Groundcover - Apply groundcover seed mix by hand-crank, tow-behind broadcaster, or no-till seed drill (see below). When broadcasting, start with half of the seed and try to cover a measured area with that amount of seed. Take the remaining half of the seed, go to the opposite end of the site and cover it again. This approach helps prevent running out of seed, a common occurrence. After broadcasting is complete, it is important to use a cultipacker or roller over the area to make good seed-to-soil contact. If a roller is not available, tractor tires can be used instead. Do not cover seed more than 1/4-inch deep.

No-Till Drill - For large groundcover areas and areas of existing vegetation, use a no-till seed drill, which does not require the soil to be tilled before planting, resulting in minimal soil disturbance. No-till drills plant seed in rows by opening slits in the soil, into which seed is deposited. Several brands of no-till drills are available to plant prairie forbs and grasses. If using a no-till drill, follow the specific manufacturer's recommendations. Because the diversity of seed sizes makes drill calibration a challenge, perform a few test areas first to help prevent running out of seed.

Shrubs - All shrubs shall be container grown.



No.	Revision/Issue	Date
1.	PERMIT	10.24.18
2.	PERMIT REVISED	11.22.18



Project Name and Address

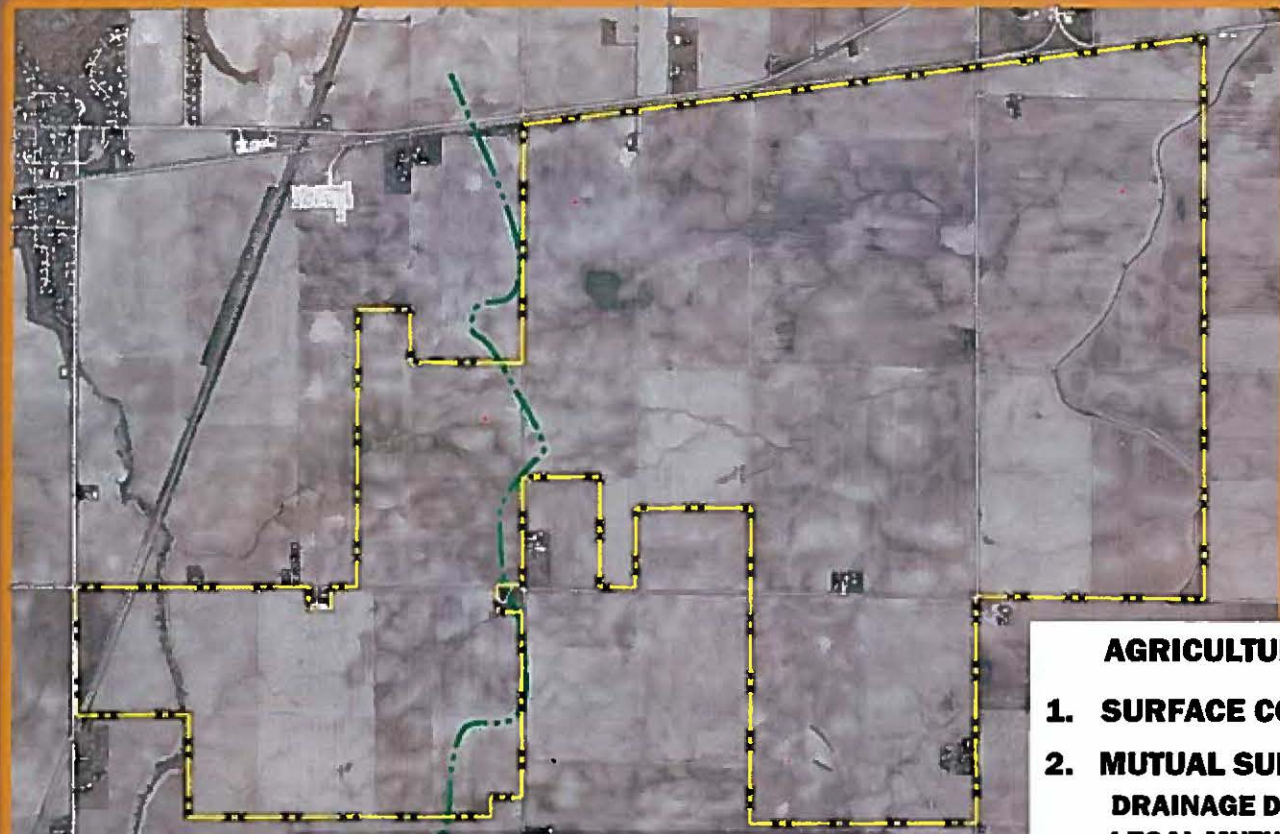
PRAIRIE SOLAR 1
SIDNEY, CHAMPAIGN COUNTY,
IL 61877

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Sheet Size: 42" x 30"	

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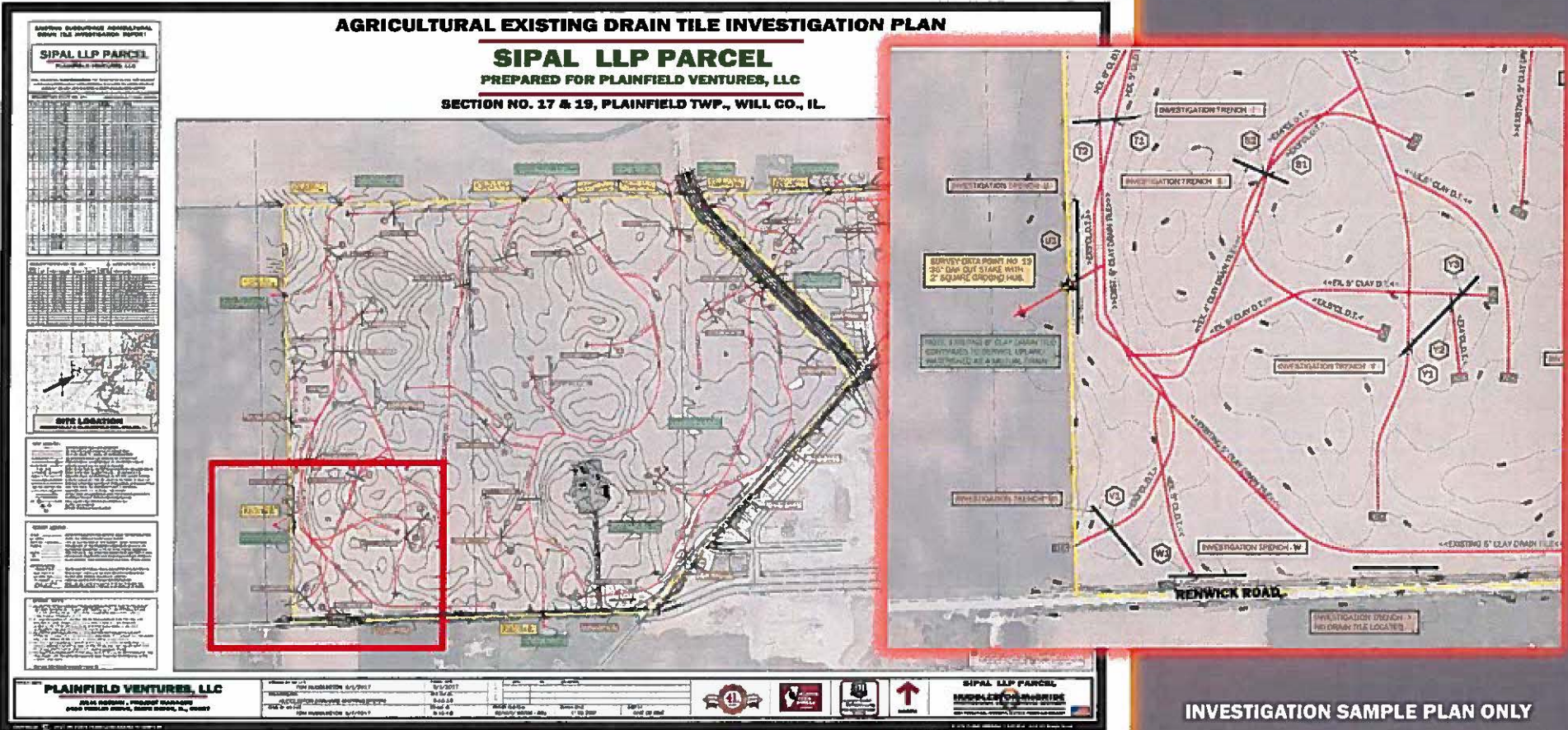
CHAMPAIGN CO P & Z DEPARTMENT

PRAIRIE SOLAR 1998 PHOTO

- AGRICULTURAL DRAINAGE PRINCIPALS**
- 1. SURFACE CONVEYANCE**
 - 2. MUTUAL SUBSURFACE MAINLINE SYSTEMS
DRAINAGE DISTRICT SYSTEM
LEGAL MUTUAL MAINLINES**
 - 3. ON SITE LOCAL SUBSURFACE DRAINAGE**



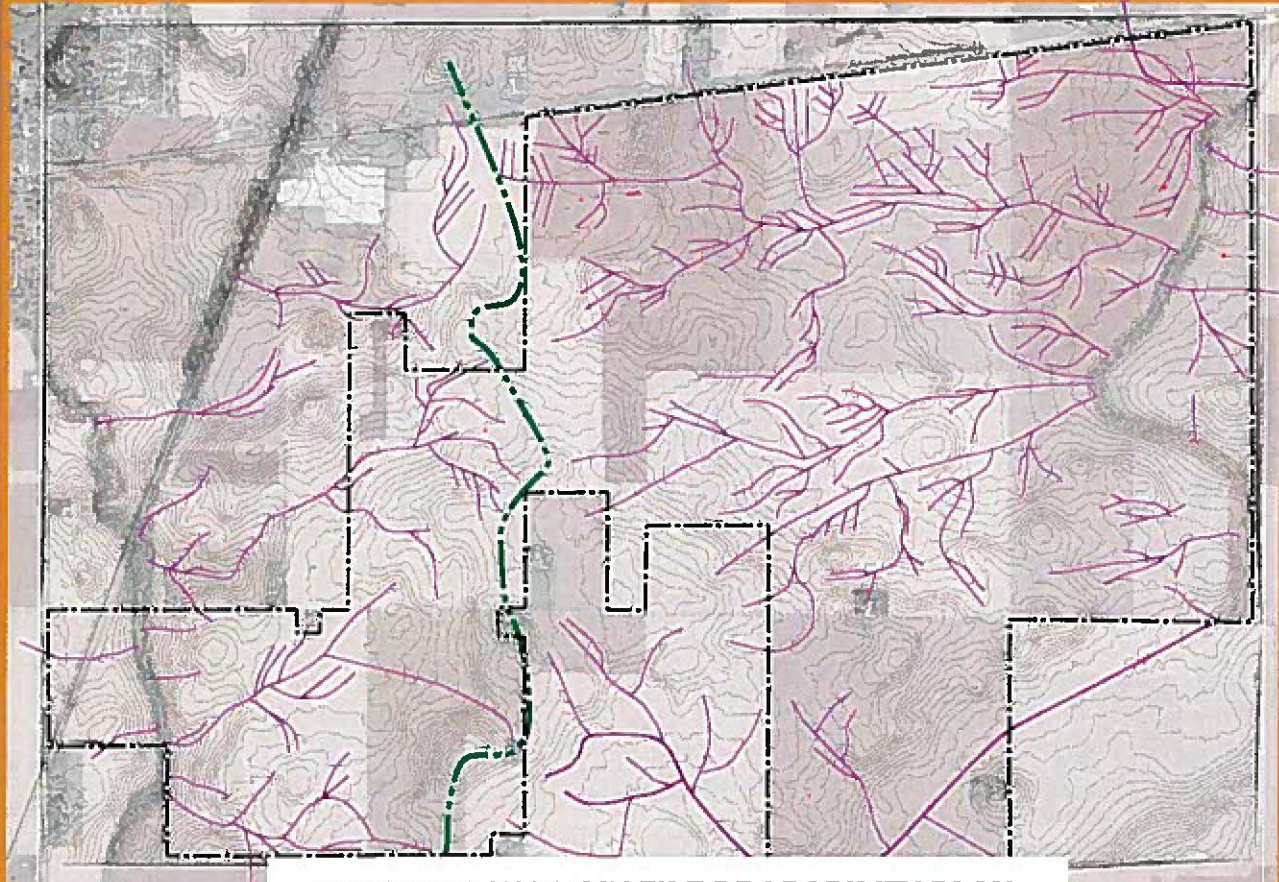
Agricultural Drainage Preliminary Drainage Evaluation
 PRAIRIE SOLAR.....BayWa, renewable energy and ARC Perspectives, Inc.



INVESTIGATION SAMPLE PLAN ONLY



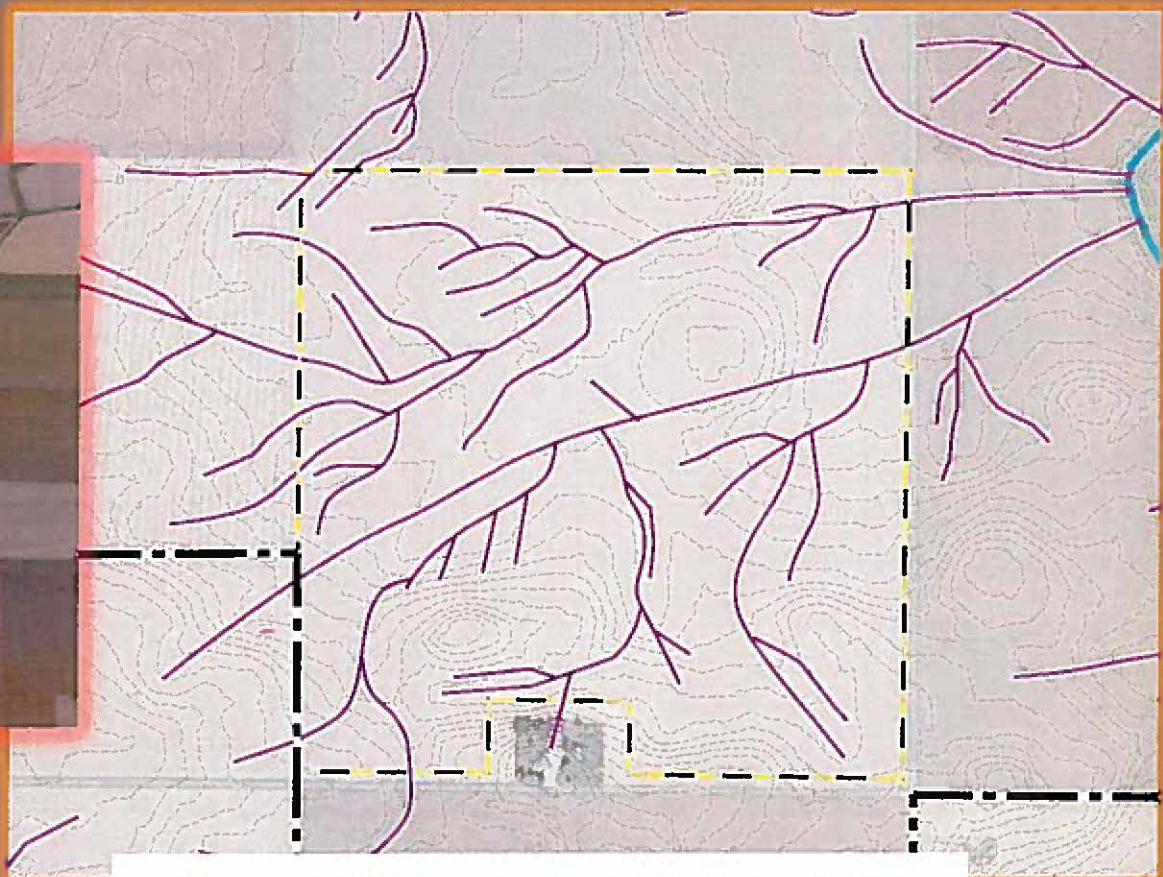
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SUBSURFACE DRAIN TILE PROBABILITY PLAN



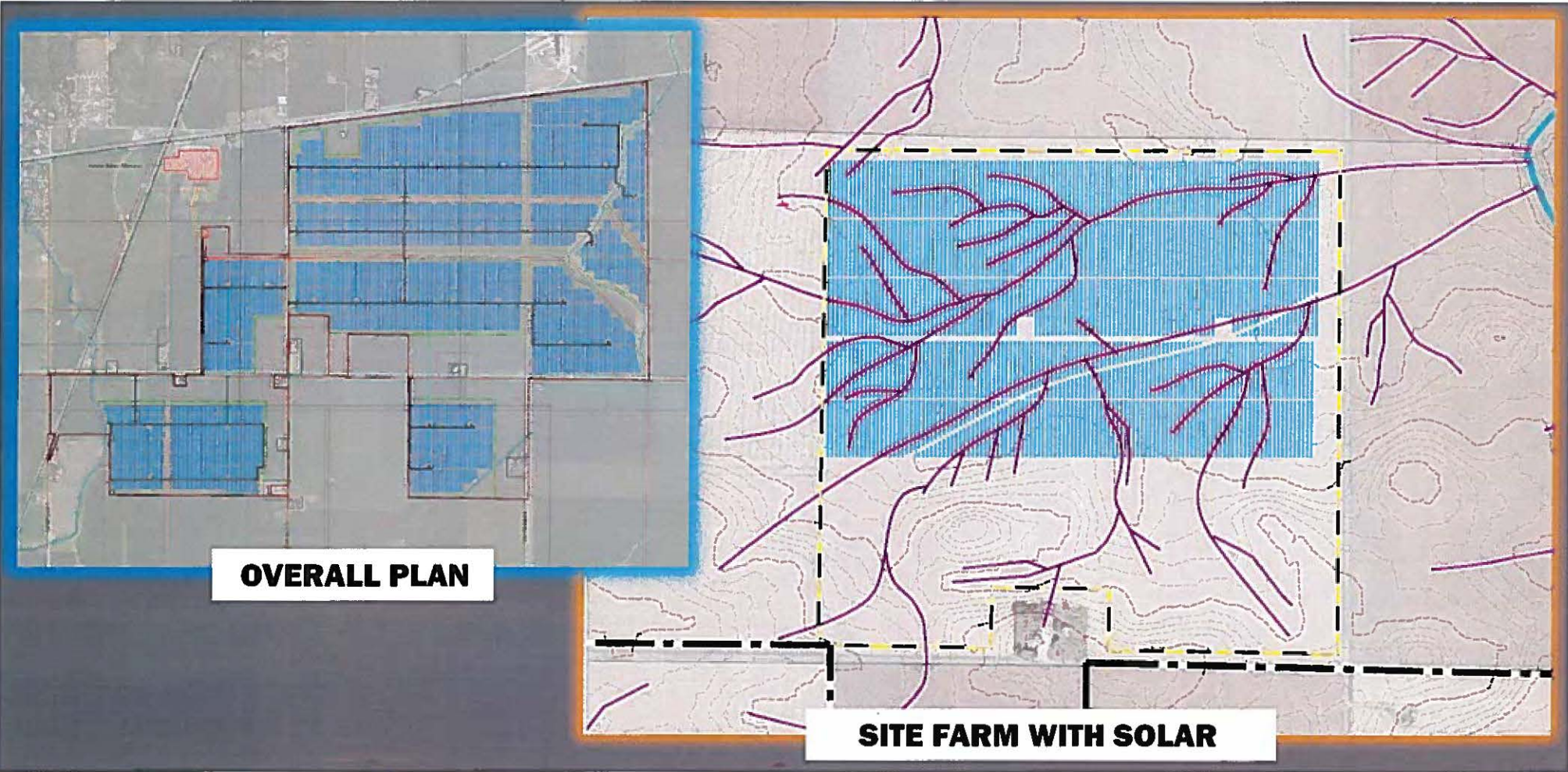
Agricultural Drainage Preliminary Drainage Evaluation
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SITE FARM WITH RANDOM EXISTING DRAIN TILES



Agricultural Drainage Preliminary Drainage Evaluation
PRAIRIE SOLAR.....BayWa, renewable energy and ARC Perspectives, Inc.

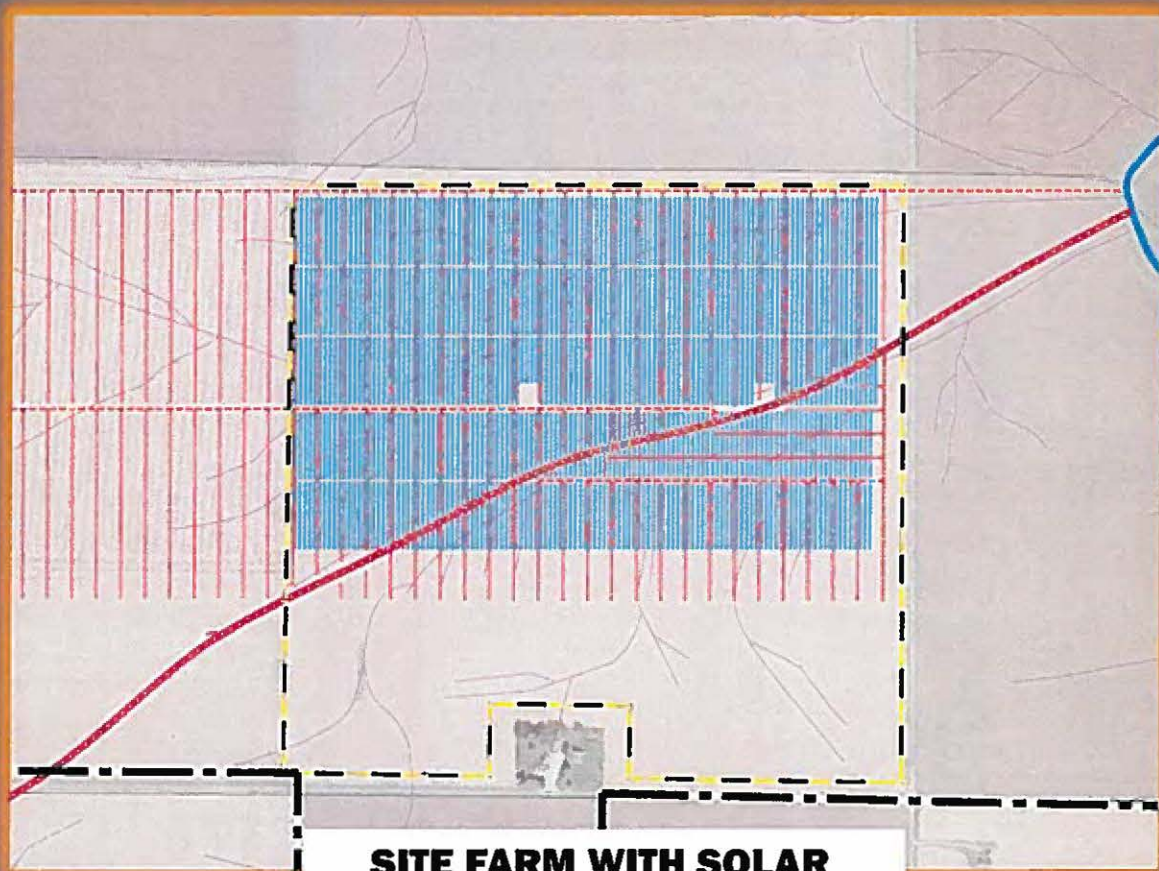
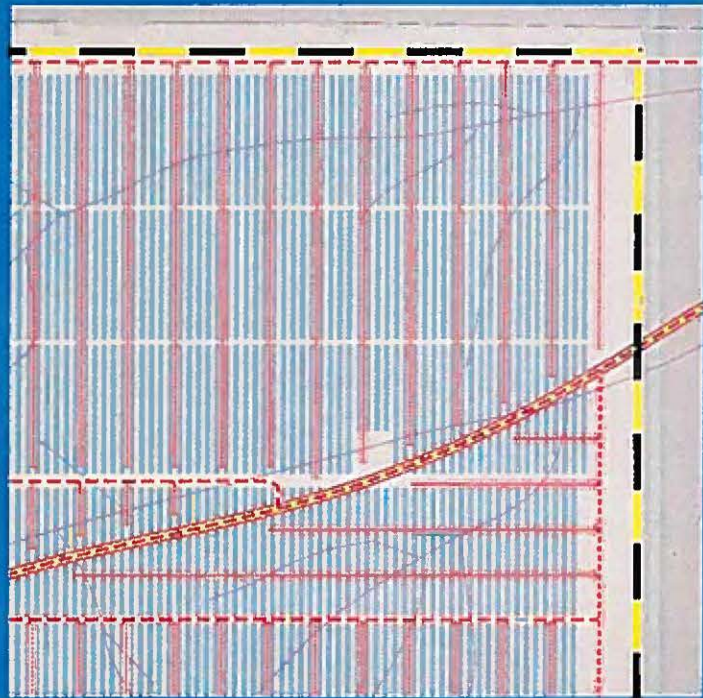


OVERALL PLAN

SITE FARM WITH SOLAR



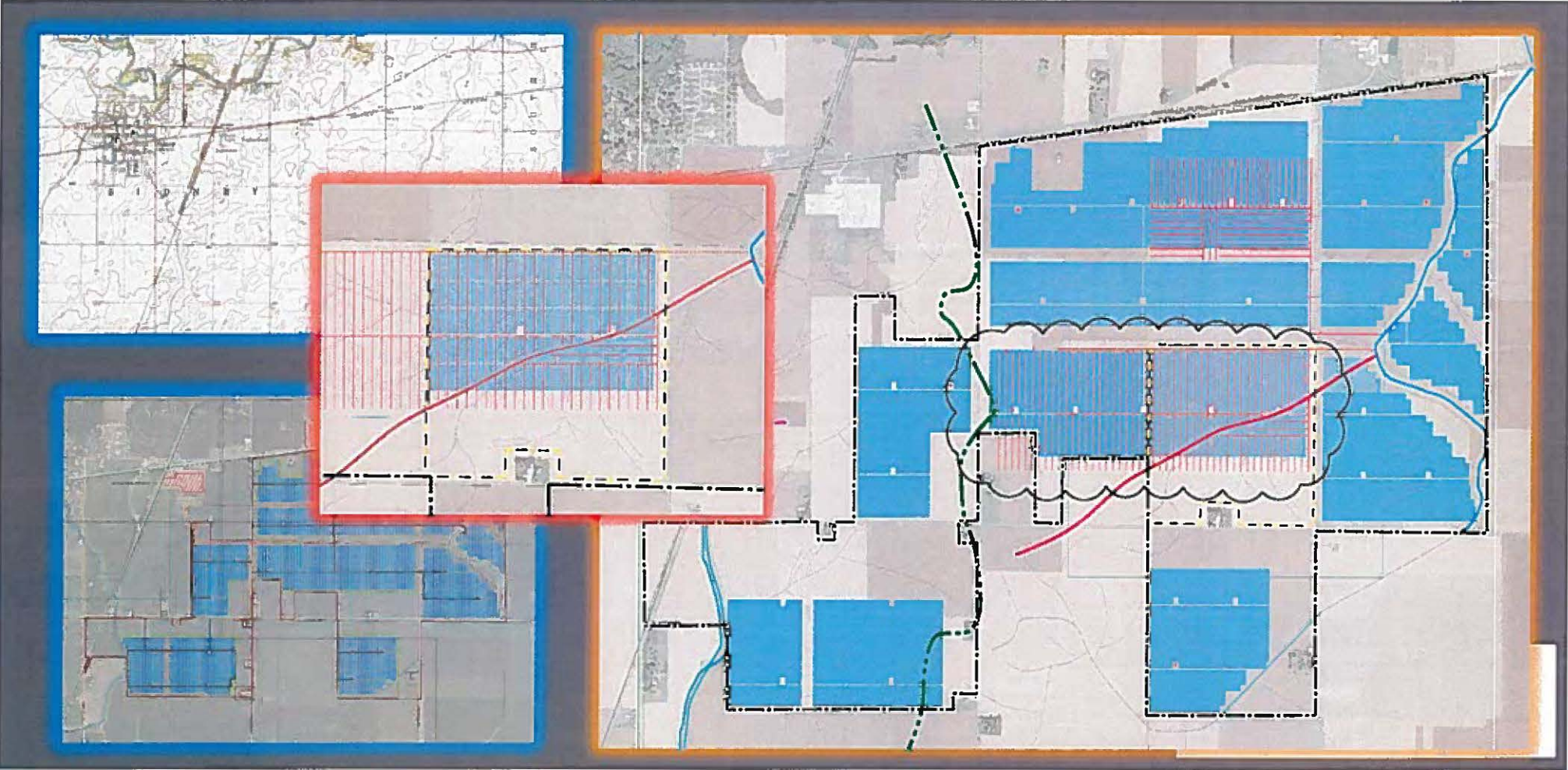
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SITE FARM WITH SOLAR



Agricultural Drainage Preliminary Drainage Evaluation
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Agricultural Drainage Preliminary Drainage Evaluation
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REVISED DRAFT 11/15/18

898-S-18

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

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

Date: ***{November 15, 2018}***

Petitioners: **Prairie Solar 1, LLC, via agent Patrick Brown, Director of Development for BayWa r.e. Solar Projects LLC, and the participating landowners listed in Attachment A**

Request: **Authorize a Utility-scale PV Solar Farm with a total nameplate capacity of 150 megawatts (MW), including access roads and wiring, in the AG-1 and AG-2 Agriculture Zoning Districts, and including the following waivers of standard conditions (other waivers may be necessary):**

Part A: A waiver for a distance of 1,175 feet between a PV Solar Farm and 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 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.

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REVISED DRAFT 11/15/18**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 1, 2018, and November 15, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioners are Prairie Solar 1, LLC, via agent Patrick Brown, Director of Development for BayWa r.e. Solar Projects LLC, and the participating landowners listed in Attachment A and under Item 2 below. Regarding the petitioners:
 - A. Prairie Solar 1 is the name of the proposed solar farm, which is wholly owned by BayWa r.e. Development, LLC, with Chief Executive Officer, Jam Attari; Chief Financial Officer, William Gulley; and Chief Operating Officer, David Sanders, all with offices at 17901 Von Karman Avenue, Suite 1050, Irvine, CA 92614.
 - B. The participating landowners signed agreements on various dates or are in the process of negotiating agreements with BayWa r.e. Development, LLC for the use of their property for the proposed PV solar farm.

2. The subject properties total ~~1,685.31~~ 1,609 acres, and are located as per the following descriptions:
 - A. Section 11, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes that part of Section 11 that lies south of County Highway 15 and includes the following properties owned by the following participating landowners:
 1. 7.11 acres owned by Frances Marguerite Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
 2. 9.18 acres owned by O'Neill Farms Inc., 3449 Lincoln Trail Road, Fithian IL 61844.
 3. 41.00 acres owned by Carole L. Nussmeyer, 101 West Windsor Road, Apt. 3304, Urbana IL 61802-6663.
 - B. Section 12, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes that part of the Southwest Quarter of Section 12 that lies south of County Highway 15 and includes the following properties owned by the following participating landowners:
 1. 34.54 acres owned by Rink Agricultural & Investment Partnership LP, 24332 Stripmine Road, Wilmington IL 60481-9342.
 2. 32.5 acres owned by Willis Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
 - C. Section 13, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the West Half of Section 13 and includes the following properties owned by the following participating landowners:
 1. 160 acres owned by Willis Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
 2. 160 acres owned by Rink Agricultural & Investment Partnership LP, 24332 Stripmine Road, Wilmington IL 60481-9342.

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- D. Section 14, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the North 520 acres of Section 14 and includes the following properties owned by the following participating landowners:
1. 120.00 acres owned by Frances Marguerite Winston, 3325 Stoneybrook Drive, Champaign IL 61822-5231.
 2. 80.00 acres owned by Eugene O'Neill, 3449 Lincoln Trail Road, Fithian IL 61844.
 3. 160 acres owned by the United Commercial Bank Scully Trust c/o Farmland Solutions LLC, POB 169, Sherman IL 62684-0169.
 4. 65.00 acres owned by James Kent Krukewitt & Linda L. Krukewitt, 911 CR 2400E, Homer IL 61849-9734.
 5. 60.00 acres owned by the Shirley A. Esch Trustee, 2110 East Oakland Avenue, Bloomington IL 61701-5759.
 6. 98.00 acres owned by Jane Owens, POB 35, LeRoy IL 61752-0035.
- E. Section 15, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the following properties owned by the following participating landowners in the Southeast Quarter of Section 15:
1. 43.00 acres owned by Shawn A. & Kara F. Walker, 407 West Diller Street, Broadlands IL 61816-9752.
 2. 42.50 acres owned by John Grobe c/o Busey Ag Services, 3002 West Windsor Road, Champaign IL 61822-6106.
 3. Part of another 42.50 acres owned by John Grobe c/o Busey Ag Services, 3002 West Windsor Road, Champaign IL 61822-6106.
- F. Section 22, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the following properties owned by the following participating landowners in the North Half of Section 22:
1. 86.67 acres owned by the Michael L. Hastings and Vicky L. Hastings Trust, 2083 CR 1325N, St. Joseph IL 61873-9778.
 2. 85.19 acres owned by the Terry L. Wolf Trustee, 2761 CR 1100N, Homer IL 61849-9763.
 3. 84.67 acres owned by David L. Hastings, 24 Meridian Terrace, Paxton IL 60957-1849.
 4. 18.00 acres owned by Julian Stipp, 877 CR 2200E, Sidney IL 61877-9643.
- G. Section 23, T18N, R10E of the 3rd P.M., Sidney Township. The Special Use Permit includes the following properties owned by the following participating landowners in the Northeast Quarter of Section 23:
1. 80.00 acres owned by Jane Owens, POB 35, LeRoy IL 61752-0035.
 2. 76.85 acres owned by Rink Agricultural & Investment Partnership LP, 24332 Stripmine Road, Wilmington IL 60481-9342.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
- A. Some of the subject properties are located within the one and one-half mile extraterritorial jurisdiction of the Village of Sidney, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.

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- (1) Within the 1.5-mile ETJ, Champaign County has zoning jurisdiction, and the Village has subdivision and land use planning jurisdiction.
 - a. There are no subdivisions required for the proposed solar farm.
 - b. The Village of Sidney Comprehensive Plan adopted on June 5, 2000, shows all of Sidney Township Section 5 southeast of the railroad tracks with an “Industrial” land use.
- B. The subject properties are located within Sidney Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
 - A. The subject properties are zoned AG-1 Agriculture except for a small part of one property, which is zoned AG-2 Agriculture. PV SOLAR FARMS are allowed in both AG-1 and AG-2 zoning districts with a County Board Special Use Permit.
 - B. The subject properties are generally in agricultural production, interspersed with farmsteads.
 - C. All subject properties are south of the Norfolk Southern rail line and are east of the Union Pacific rail line.
 - D. Lands surrounding the subject properties are generally in agricultural production, interspersed with farmsteads, with 2 exceptions:
 - (1) The Ameren electric substation located northwest of the subject properties; and
 - (2) The Frito-Lay plant located to the northeast.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan for the proposed Special Use:
 - A. Sheet 1: Site Improvements Plan received October 24, 2018, shows the following proposed features:
 - (1) A 150-megawatt (MW) utility-scale PV SOLAR FARM site covering ~~1,685.31~~ 1,609 acres, including ~~1275.25~~ 1,191 fenced acres; and
 - (2) One 195 feet by 160 feet private substation located south of the existing Ameren Substation;
 - (3) 555,552 single axis tracker modules, proposed model Canadian Solar HiKu CS3W-400; and
 - (4) 32 central inverters, proposed model SMA Sunny Central 2750-EV-US;
 - (5) Approximately 103,509 linear feet of minimum 7-foot tall perimeter fence; and

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- (6) A series of 20 feet wide native compacted access roads.
- (7) Security gates are 24 feet wide, with two 12-foot swinging gates; and
- (8) Trenched power lines run to the central inverters.
- (9) A 240 feet setback to the nearest residential parcel less than 10 acres;
- (10) Approximately 225 feet between the nearest non-participating residential lot and the nearest PV SOLAR FARM array; and
 - a. The closest residential lot is located on CR 2200E, approximately 0.46 mile south of CR 900N; this land owner signed a private waiver with the petitioner approving of this separation distance.
 - b. Otherwise, the closest non-participating residential lot is approximately 280 feet from the nearest solar array.
- (11) 65 feet between the PV SOLAR FARM perimeter fence and the any road that runs through the project site, verified in an email received from George Gunnoe on October 17, 2018.
- (12) The solar farm is proposed to be located on soils that are Best Prime Farmland.

B. Sheet 1: Site Improvements Plan received November 13, 2018, shows the following proposed features:

- (1) A 150-megawatt (MW) utility-scale PV SOLAR FARM site covering ~~1,685.31~~ 1,609 acres, including ~~1275.25~~ 1,191 fenced acres; and
- (2) Approximately ~~103,509~~ 102,478 linear feet of minimum 7-foot tall perimeter fence; and

(3) Additional vegetative screening along the north fence line.

- C. Previous Zoning Use Permits for the subject properties and adjacent residences include:
 - (1) ZUPA #78-03-01 was approved on March 24, 2003, for Craig and Tannie Justus to construct their single-family home at 2268 CR 900N, Homer (non-participating).
 - (2) ZUPA #145-05-01 was approved on June 13, 2005, for Julian Stipp to construct an agricultural building with living quarters for the farmer at 877 CR 2200E, Sidney (participating).
 - (3) ZUPA #288-08-02 was approved on October 16, 2008, for Darrin and Jenny Stipp to construct their single-family home at 851 CR 2200E, Sidney (non-participating).
- D. There are no previous Zoning Cases for the subject properties.

REVISED DRAFT 11/15/18**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a “PV SOLAR FARM” in the AG-1 and AG-2 Agriculture Zoning Districts 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) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (7) “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.
 - (8) “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.

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- (9) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (10) “LOT LINES” are the lines bounding a LOT.
- (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) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
- (16) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (17) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.

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- (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) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (25) “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.
- (26) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:

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- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- C. Section 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
 - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
 - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
 - (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
 - (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
 - (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.

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Item 6.E. continued

- (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.
 - (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;

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- (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.
 - (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.

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- 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.

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, **“Solar energy is a free, renewable energy source that does not create any emissions during electricity generation. This facility will help adding renewable, greenhouse gas free electricity to the energy mix in Illinois and thus improve air quality and quality of life for its residents. The availability of flat, suitable land in Champaign County provides an opportunity to the County and its residents to generate additional sources of revenue through lease and tax payments, construction and maintenance work.”**
 - 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 AMEREN substation located at the southeast corner of the intersection of CR 1000N (County Highway 15) and the Norfolk Southern railroad track.
 - E. Participating landowners have signed or are in the process of signing option agreements.

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8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The project will be developed, constructed and operated by experienced professional companies, adhering to all legal and code requirements. All setback requirements will be adhered to. The site will be fenced during construction and operation to prevent trespassing and accidents. No cabling or electrical units will be accessible to non-authorized persons. Operation of a solar plant is quiet and emission free, not creating hazard to neighbors or wildlife.”**
- B. Regarding surface drainage:
- (1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received October 9, 2018, states: “Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses like agriculture averaging 4-5 tons/acre/year. Sediment entering creeks, rivers and lakes degrade water quality and reduce capacity, which increases the risk of flooding. Sediment also carries other possible pollutants such as chemicals and metals by adhering to the sediment’s surface. It is extremely important that the developer employ Best Management Practices such as silt fencing, construction road stabilization, and vegetative cover, to help reduce soil erosion and protect water quality during construction and after.”
 - (2) A report titled “Agricultural Drainage Considerations Including modifications and maintenance recommendations for ground mounted solar projects within existing agricultural land use areas” was created for the petitioner by Tom Huddleston of Huddleston McBride Land Drainage on October 8, 2018, and received October 24, 2018. The report states: “During the planning phases of any land use change within agricultural areas, it is essential to understand drainage characteristics within the proposed local site and adjoining watershed. Agri drainage systems are generally considered to be regional designs that improve drainage efficiencies within an area wide or watershed basis. Therefore drainage management within a single land tract must take in consideration the consequences and effects to the lands of others as indicated and required by Illinois Drainage Code and local ordinances.”
 - (3) The decommissioning plan received with the application on ~~October 9~~November 13, 2018, states: The following activities will be undertaken to restore the site to substantially its previous condition:
 - a. Soil testing will be performed to determine if any contaminates from equipment have been leaked.
 - b. Site cleanup, re-grading to original contours and, if necessary, restoration of surface drainage swales and ditches.
 - c. Any trenches/drains excavated by the Project will be filled with suitable materials and leveled.

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Item 8.B.(3) continued

- d. Any road, parking area will be removed completely, filled with suitable sub-grade material and leveled.
 - e. Any compacted ground will be tilled, mixed with suitable sub-grade materials and leveled.
 - f. Topsoil will be spread as necessary to ensure suitable conditions for vegetation re-growth and reseeded with native seed mix to promote vegetation.
- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have a total of 14 new access points, each with a 20 feet wide access lane:
 - a. CR 900N has 4 existing residential access points between the Union Pacific railroad tracks and CR 2200E. The petitioner proposes 3 additional access points in this road segment:
 - (a) Access Point 4 is located on the south side of CR 900N, approximately 0.64-mile west of CR 2200E.
 - (b) Access Point 5 is located on the north side of CR 900N, approximately 0.36-mile west of CR 2200E.
 - (c) Access Point 6 is located on the south side of CR 900N, approximately 0.25-mile west of CR 2200E.
 - b. CR 900N has 1 existing residential access point between CR 2200E and CR 2300E. The petitioner proposes 1 additional access point in this road segment.
 - (a) Access Point 10 is located on the south side of CR 900N, approximately 0.5-mile east of CR 2200E.
 - c. CR 2200E has 2 residential access points between the Norfolk Southern railroad tracks and CR 900N. The petitioner proposes 4 additional access points in this road segment.
 - (a) Access Point 1 is located on the east side of CR 2200E, approximately 0.17-mile south of the railroad tracks.
 - (b) Access Point 7 is located on the east side of CR 2200E, approximately 0.43-mile south of the railroad tracks.
 - (c) Access Point 8 is located on the west side of CR 2200E, approximately 0.37-mile north of CR 900N.
 - (d) Access Point 9 is located on the east side of CR 2200E, approximately 0.3-mile north of CR 900N.
 - d. CR 2200E has 2 residential access points between CR 900N and CR 800N. The petitioner proposes no additional access points in this road segment.

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- e. CR 2300E has no residential access points between the Norfolk Southern railroad tracks and CR 900N. The petitioner proposes 6 additional access points at 3 locations along this road segment:
 - (a) Access Points 2 and 3 are located across from each other on CR 2300E, approximately 0.3-mile of the railroad tracks.
 - (b) Access Points 11 and 12 are located across from each other on CR 2300E, approximately 0.56-mile south of the Norfolk Southern railroad tracks.
 - (c) Access Points 13 and 14 are located across from each other on CR 2300E, approximately 0.32-mile north of CR 900N.
 - f. CR 2300E has 1 residential access point between CR 900N and CR 800N. The petitioner proposes no additional access points in this road segment.
- (2) Regarding proposed construction traffic for the solar farm, the petitioner submitted a Traffic and Haul Route for the proposed solar farm on October 9, 2018. A second revision was received on October 24, 2018. The Haul Route map received October 24, 2018, indicated the following:
- a. The preferred haul route would use the Urbana trumpet interchange to US150/IL130 spur, travel south on IL130/High Cross Road to County Highway 15 (County Road 1000N), through the Village of Sidney to CR2100E, then south to CR 900N to the site.
 - b. The less preferred haul route would use the Ogden exit at I-74, travel south on IL Route 49 (CR 2700E), turn right on US 150 through St. Joseph and Mayview to IL Route 130, traveling south to County Highway 15 (County Road 1000N), through the Village of Sidney to the site.
 - c. The petitioner expects approximately 1,920 trucks during construction, which is expected to occur between February and October 2022.
 - d. No significant increase in traffic is expected after construction.
 - e. P&Z Staff sent the Traffic and Haul Route map received October 9, 2018, to the Sidney Township Road Commissioner, IDOT, Village of Ogden, and Village of St. Joseph on October 12, 2018, and requested comments. The following comments were received:
 - (a) In an email received October 15, 2018, Tami Fruhling-Voges, Mayor of St. Joseph, stated: "I appreciate you letting me know the route for the Sidney Solar Farm. After reviewing the map with our engineer, we don't feel that this should be an issue for the village. Hopefully option #1 will be the one mostly use because Rt. 150 through St. Joseph can get ridiculous at times especially this

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summer. My concern would be if they were using the Interstate at the St. Joseph exit to the Sidney Slab to get to Sidney. This road is already in poor condition and would not tolerate the additional traffic, especially 1900 trucks.”

- f. The revised Traffic and Haul Route Map received October 24, 2018 was not sent to area road jurisdictions, but was included as an attachment to the Preliminary Memorandum dated October 25, 2018.
- (3) The following are characteristics of existing roads within the proposed solar farm area:
 - a. CR 2200E is ranges from 14 to 16 feet wide and is comprised of oil and chip.
 - b. CR 2300E is approximately 18 feet wide and is comprised of oil and chip.
 - c. CR 900N is approximately 18 feet wide and is comprised of oil and chip.
 - (4) The following are characteristics of existing roads on the Traffic & Haul Route map received October ~~924~~, 2018.
 - a. IL Route 130 (CR 1600E / S High Cross Rd) is a paved two-lane highway that is approximately 32 feet wide plus 6 feet wide gravel shoulders.
 - b. County Highway 15 (CR 1000N) is a two-lane marked road that is approximately 24 feet wide plus 4 feet wide gravel shoulders.
 - c. US Route 150 (CR 1600N / E Warren St) is a two-lane marked road that is approximately 24 feet wide plus 6 feet wide gravel shoulders.
 - d. IL Route 49 (CR 2700E) is a two-lane marked road that is approximately 24 feet wide plus 4 feet wide gravel shoulders.
 - (5) 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 properties.
 - a. CR 2200E had an ADT of 50 south of CR 1000N.
 - b. CR 2300E had an ADT of 50 south of CR 1000N.
 - c. CR 900N had an ADT of 100 near the proposed solar farm.
 - d. IL Route 49 (CR 2700E) in Ogden had an ADT of 4,200 and an ADT of 3,550 north of Homer.
 - e. CR 1000N (County Highway 15) had an ADT of 4,700 west of the Village of Sidney, 2,950 east of the Village of Sidney, and 2,200 east of CR 2300E.

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- f. IL Route 130 (CR 1600E/S High Cross Rd) had an ADT of 6,150 north of CR 1000N (County Highway 15).
 - g. US Route 150 (CR 1600N / E Warren St) had an ADT of 4,850 west of St. Joseph, an ADT of 6,150 in St. Joseph, and an ADT of 2,650 east of St. Joseph.
- (6) Champaign County Highway Engineer Jeff Blue has been notified of the hearing for this and no comments have been received.
 - (7) The Sidney Township Highway Commissioner has been notified of the hearing for this case and no comments have been received.
 - (8) The petitioner is working on a Road Use Agreement with the Sidney Township Highway Commissioner and with County Engineer Jeff Blue.
 - a. Waiver Part C was added because an Agreement was not likely to be finalized prior to the Special Use Permit determination.
 - b. A special condition has been added to ensure receipt of a complete Roadway Upgrade and Maintenance agreement from the County, ~~and Sidney Township,~~ ~~and South Homer Townships.~~
- D. Regarding fire protection:
- (1) In a letter dated October 6, 2018 and received October 24, 2018, Sidney Fire Protection District Chief Earl Bennett verified that he had received a copy of the Site Plan from the petitioner.
 - (2) The Sidney Fire Protection District was notified of this case and no comments have been received.
- E. The subject properties are not located within a Special Flood Hazard Area, per FEMA Panels 17019C0464D and 17019CO475D, effective date October 2, 2013.
- F. The subject properties are considered Best Prime Farmland. The soil consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, 67A Harpster silty clay loam, 56B Dana silt loam, 171B Catlin silt loam, 153A Pella silty clay loam, 481A Raub silt loam, and 234A Sunbury silt loam, and has an average Land Evaluation Factor of 99 (Natural Resources Information Report by the Champaign County Soil and Water Conservation District received October 9, 2018).
- (1) The Vegetative Ground Cover, Management, and Weed Control report received October 24, 2018, states: “By reestablishing native prairies as a “cover crop” for solar farms, biodiversity will be increased, organic matter intensified, and soil erosion prevented. Resting agricultural land with cover crops remedies itself to a healthier state as the natural processes are reestablished. Over the life of the solar facility, the land will become healthier and rejuvenated for future generations of production agriculture.”

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- G. Regarding outdoor lighting on the subject property, the application received October 9, 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:
- (1) The following is a summary of testimony received during the solar farm text amendment hearings regarding the proposed solar farm that is specific to solar farms in the Sidney area:
 - a. At the March 15, 2018 ZBA public hearing, the following testimony was received:
 - (a) Ted Hartke, 1183 CR 2300 East, Sidney, requested a setback that would achieve a maximum noise level not to exceed 39 dBA.
 - (b) Tannie Justus, 2268 CR 900N, Homer, stated that she believes that with such a world in turmoil, having multiple sources of energy, independent of other countries, is a good thing, as is not placing our entire source of energy in one or two baskets. She said that in time, solar may well prove it can help, possibly offering a cleaner footprint, and she feels that it deserves a chance. She said that she would be a hypocrite to denounce the project, just because it is coming to her back door, front door, side door and yes, the other side too. She said that a chance to be heard, understood, and made all right in the end is what she seeks, because she has put 35 years of blood, sweat and tears into her property, her piece of heaven, as she likes to say. She said that she needs to know that they and the property are afforded certain protections before she can totally can be on board.
 - (c) Tim Osterbur, 302 Witt Park Road, Sidney, asked if the Village of Sidney's one and one-half mile jurisdiction covers the solar farm or is it strictly the County's jurisdiction.
 - i. John Hall stated that the County has the zoning jurisdiction up to the Village of Sidney's municipal boundary. He said that state law does not give municipalities or township plan commissions protest rights on special use permits, which is what the solar farm case will be, but the County has always asked municipalities if they have comments on a special use permit in their extra-territorial jurisdiction. He said that in this instance, staff has gone beyond that by writing in the standard conditions that when a special use permit is received for a solar farm that is within one and one-half mile of a municipality, it has to be documented that the municipality knows about it and before the County Board votes; the

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standard condition is to receive a non-opposition letter from that municipality. He said that even if the municipality is opposed, the County Board can vote over and above that opposition, but we are trying to make sure that municipalities have as much of a chance to comment on a solar farm.

- b. At the March 29, 2018 ZBA public hearing, the following testimony was received:
- (a) Colleen Ruhter, 910 CR 2200E, Sidney, stated that she is not against solar energy, and she has spent most of her career as a civil engineer advocating for environmentally friendly design and construction. She said that she would love to see solar panels on the roof of every house in this country, but that word country has another meaning, a rural setting. She said that most people in Champaign County, outside of the city limits would say that they live in the country. She said that she and her husband just officially established their own small family farm that they dubbed “That Little Farm in the Country” and just established their Limited Liability Company (LLC). She said that if a solar farm is constructed near and around their home, that ideal no longer exists, because they will be “That Little Farm in the Industrial Park”. She had concerns about being surrounded by fencing, not having screening to protect their rural view, wildlife, weed control, chemical spraying near her farm, establishment and maintenance of vegetative cover under the solar panels, flooding and erosion, noise, protection from solar equipment breaking down over time, and diminished property values due to the solar farms.
 - (b) Ted Hartke, 1183 CR 2300 East, Sidney, repeated his advocacy for noise levels no higher than 39 dBA at the property line. He said there is no shortage of energy and no need for renewable energy. He said that operating solar farms is theft of a person’s property, and that he would very much appreciate it if this Board would look after the health, safety and welfare of citizens who live in homes near the wind and solar farms. He said that he would hope that the Board remembers the purpose of their job and it isn’t to make people feel good about where their power comes from and it isn’t the Board’s job to make landowners profitable to host facilities or assist special interest groups in making money. He said that this Board is here to protect the citizens of Champaign County.
 - (c) Tim Osterbur, 302 Witt Park Road, Sidney, stated that the wind ordinance has a one and one-half mile jurisdiction requirement from incorporated municipalities, and he would hope that the Board would strongly consider making that same requirement for solar farms, as it will lower property values.

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- (d) Jeff Justus, 2155 CR 900N, Sidney, stated that he is a lifelong farmer in the Sidney area and he lives in the area where a solar farm is proposed. He said that he is concerned about the drainage on the farms that will be involved in the proposed solar farm near Sidney. He said that the proposed solar farm's economic impact on the community, if we have 1,200 acres of solar panels, is going to reduce the amount of money spent locally by the farmers, and the grain is hauled to Premier Cooperative in Sidney or Frito-Lay outside of Sidney. He said that personally, he does not know what the community will gain tax wise or whether they will gain anything, but it does affect our local businesses as well and that is money that will not be spent in our community for 40 years.
- (e) Daniel Herriot, 30 Dunlap Woods, Sidney, stated that he is a third-generation resident of Sidney and he is currently raising the fourth generation in Sidney. He said that his family has lived in Sidney for a very long time and will continue to live there in the future. He said that he heard that the lease for a proposed solar farm is going to be 40 years, but the life of the panels is only 25 years so there is a lapse of 15 years where new panels must be installed. He asked as a lifelong resident of Sidney, that the Board put a lot of thought into the decommissioning clause and what the solar farm will look like at year 39.
- (f) Colleen Ruhter, 910 CR 2200E, Sidney, stated that 40 years is a long time and the ordinance should take this into consideration, because it isn't just her community, but could be in a lot of other people's communities, in perpetuity. She said that the long-term effects should be considered by this Board.
- c. On April 3, 2018, an email was received from Jason Arrasmith, a resident of and Trustee of the Village of Sidney. In the email, he stated: "Last night at our regular board meeting we heard from several residents of the village and county. Everyone at the meeting voiced their concerns about a wide range of topics. Some of the most voiced concerns were noise, visual blight, drainage and decommissioning of the solar farm when it is past it's life. From what I heard from those in attendance most of these issues are not being addressed. The fact that the developer is asking for a noise level to be at 45 dbs is a big concern for the well being of our community. Part of the area they are proposing is directly next to Sidney. 45 dbs is too loud to be that close to a residential area. This project is also taking up good farm land and some of the only land available to be developed with housing. I am asking that you not change the county zoning to allow this kind of development to be so close to communities. I also think that it is very important that these companies be held responsible for the cleanup and return of the land to its natural state when the leasing of the land is complete. A line of credit is not

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good enough. Too many companies have gone out of business or bankrupt leaving a mess behind for someone else to resolve. We need to protect our communities and our precious farm land. Insist on an escrow account that will cover all costs for the restoration of the land. Ultimately the Village Board took a straw poll last night and all members present voted not in favor of the project. Please take this into consideration as you discuss this issue.”

- d. At the April 5, 2018 ZBA public hearing, the following testimony was received:
- (a) Cory Willard, 503 S. David, Sidney, stated that he sat on the Board for the Village of Sidney for six years, and people had to jump through hoops in order to build within one and one-half mile of Sidney. He said that he considers a proposed solar farm to be an industrial complex, and both the Village of Sidney and Champaign County have given a lot to the electrical grid and at night you cannot see stars, because it looks like a factory exists on the east side of town and the substation is lit up better than some of the factory areas located in Champaign and Urbana. He said that a proposed solar farm near Sidney is a huge concern for Mr. Willard, his wife and his children, because they moved to Sidney to raise their children and to have the rural life.
 - (b) Leroy Schluter, 8 Wesley Court, Sidney, stated that he is a trustee for the Village of Sidney. He said that the Village of Sidney Board of Trustees did a non-binding vote to see how many trustees were in favor of the project, and of the five of the seven trustees present, all five voted in opposition of the proposed project. He said that Chuck White, Village of Sidney President, asked the members in the audience if anyone was in favor of the proposed project, and not one hand was raised in favor, and it was a unanimous disapproval of the pending project. He stated that he understands that the way the proposed ordinance is written, the Village of Sidney has no jurisdiction within one and one-half miles of the village regarding the solar farm. He said that the Village of Sidney trustees feel that regardless of whether it is a wind farm, solar farm, hog farm, trucking operation, slaughter house, or whatever, that they should have a say about what goes in that area. He stated that the Village of Sidney and its constituents are concerned about the noise levels, and if a solar farm will be constructed near Sidney, they request the noise be kept at 39 dBA or less. He said that they are also concerned about the effects of a solar farm regarding property value, village growth, and decommissioning after the life of the solar farm. He said that he and most of the people present tonight come from an agricultural background and they are all concerned about a proposal that would take 1,300 acres of the best farm ground out of production.

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- (c) Chuck White, who resides at 309 S. Bryan St., Sidney, stated that he is the Village of Sidney's President. He said that he has concerns regarding a proposed solar farm being so close to town, and the Village of Sidney not having much input on what is going on.
- (d) Michael Bryant, 21 South Scarborough Court, Sidney, he has a family and he has concerns. He said that his home would be located approximately 500 feet from a proposed solar plant. He requested that the CCZBA and the County Board allows each city or village to decide what is in their own best interest. He said that he does not believe that the Village of Sidney or its residents believe that having a solar plant or transmission line, or electrical grid, should be located within one and one-half mile of their boundary without obtaining the Village of Sidney's permission.
- (e) Chris Bromley, 201 Austin Drive, Sidney, stated that he fears that if the one and one-half mile jurisdiction is not honored for the Village of Sidney, the proposed solar farms will be located on the edge of their town, and it will affect property values.
- (f) Rich Rutherford, who resides at 319 S. Scarborough, Sidney, stated that the proposed solar farm is too close to Sidney. He said that he hopes that the Board has compassion for the citizens of Sidney, because it will lower their property values due to appearance, noise related issues, etc. He said that the map indicates a rural home that will have the solar farm on three sides of it, and the 500 feet separation is not going to mean anything to the property owners because they will be completely surrounded. He said that he believes in clean energy, but there are ways to go about it, and there are not ways, and ramming it down a community's throat is not the way to do it. He said that the one and one-half mile jurisdiction is a big deal to the Sidney community and they would appreciate decibel levels under 39 dBA. He said that the citizens of the Sidney area would like to be notified as to when is the right time. He said that rather than placing a small ad in the paper regarding the Zoning Board meeting, a letter should be sent to everyone who has signed the registers indicating that the meeting involves their area and they should attend the meeting.
- (g) Colleen Ruhter, 910 CR 2200E, Sidney, stated that she is concerned about noise and setbacks. She said that the setbacks from the residence should be the same regardless of the acreage, and it should be from the property line. She said that she needs to be able to make use of all her land and walk from one corner to the other. She said that the noise level limit should be at the property line and she should not be forced to not use a portion of her yard that is more than 250 feet past her house just because she is fortunate enough to own

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land that is more than 250 feet past her house. She also had concerns about erosion control.

- (h) Ted Hartke, 1183 CR 2300E, Sidney, stated that that he wants it to be very clear that the Village of Sidney and other municipalities desire the same protections for a solar energy farm as they do for a wind renewable energy farm. He said that his previous testimony has been provided to the Board and each time he has called for a maximum noise level of 39 dBA. He said that he is beginning to get a little bit worried that 39 dBA may be too high and that it needs to be 35 dBA. He said that the bottom chart he wants to point out where widespread complaints begin. He said that IEPA case studies indicate that widespread complaints begin at 33.5 dBA. He said that noise impacts are 100% avoidable, such as the use of noise barriers, noise sheds, or placing the inverters in the center of the project and away from people. He said that certainly allowing the small villages to decide what is best for their neighborhoods is the right thing to do, because they are the ones who live there, and they would do a lot better of a job in making that decision for themselves, as the neighbors could make their decision whether to sign a waiver or give away the entire property and go elsewhere.
 - (i) Jeremy Ruhter, 910 CR 2200E, Sidney, stated that noise can be mitigated in many ways: shielding, housing around the inverters, and asking a company to do things like that for public health should not be obstacle for deciding these factors, and in his opinion, the Board should base their decisions on public health and not what the Board sees as being economically feasible for one company. He said that it is good that the solar farm will be located in the country, but there are people who live there too, and there is no reason why their homes should be impacted.
- e. The following emails and letters were received prior to the April 12, 2018, ZBA public hearing:
- (a) On April 6, 2018, an email was received from Mallory Seidlitz, who lives on the south end of the Longview Road in Sidney, approximately 1 mile from the proposed solar panels. In the email, she stated: "Though I am not opposed to the use of solar energy, I am opposed to using some of the best farm land in the county for that purpose. Not only do I have minor nuisance concerns about the noise level and the aesthetic, but I also feel that it would impact our community in major ways. Our property values will decrease, and flooding may be increased without plant systems to slow down and absorb extra moisture. Furthermore, it is my understanding that the energy garnered from these panels will not benefit our village or surrounding areas, nor will we see a decrease in energy costs. To me,

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- it is difficult to understand why placement of these panels in our community would be allowed. Respectfully, I ask that you please consider my opinion (and the opinions of other village members) when making zoning decisions regarding the solar panels.”
- (b) On April 11, 2018, a letter was received from Rebecca Sinkes, who lives on Longview Road in Sidney. In the letter, she states: “My main concerns regarding the solar farm ordinance arise from noise pollution, the lack of incorporated township protection, and removing valuable farmland from production. Our town needs to have a 1.5 mile limit around the town, so that we can decide what goes in the town limit. If our town wants the solar farm within the town limits, we should be able to choose to let them build. We should not have this thrust upon our residents without being able to control what happens in our town. If the LLC were to go bankrupt, there would be NO money to put the land back into farmland, and we would have a large solar field rotting next to our town. It is my hope that you will change the ordinance to allow for a 1.5 mile protection for incorporated townships, a 35 dB(A) noise limit AT the property line of all properties next to solar farms, and the protection of our farmland through either not taking it out of commission, and/or demanding that these companies set aside enough money to take down the solar farm and bring the land back into useable farmland.”
- (c) On April 11, 2018, an email was received from Staci Bromley, 210 Austin Drive, Sidney. In the email, she stated: “The proposed solar farm acreage will be extremely close to my home. As a resident and parent of 3 young children, I am strongly opposed to the location of said solar farm. One of the huge aspects of living in a small town is the quiet nature and the open field views. This will drastically change for the worse if you allow the solar panel farm to be located where it is proposed. I fear for the health and well-being of our children. The decibels this solar farm will produce constantly are well above what is deemed as quality living. The landscape will also be destroyed by the chain link fence and wires. The proposed prairie grass will only make the appearance worse and the safety concerns for the country roads and accidents weigh heavily on our minds. Please take our valid concerns into consideration when you make your vote.”
- (d) On April 11, 2018, an email was received from Shannon Kurtenbach, 623 CR 2100E, Sidney. In the email, she states: “It is clear, that the residence of Sidney, also speaking on behalf of the residence of most small rural towns in Champaign County if a solar farm was presented to be built right next to the village, do not want solar farms built right next to the community, occupying valuable

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farmland, and close to any kind of residential structures, be it within village limits or outside of village limits. I also find it noteworthy to mention that the company who wants to install this solar farm next to Sidney in prime farmland, first started installing their solar farms on land that was no longer 'good' land. Nine out of their first thirteen solar farm developments were built on capped landfill ground and one was built on retired animal research ground. Only three of these first thirteen were built on 'greenfield' land. However, in its thirty-four latest projects which are still in the 'development' stage, are all thirty-four proposed to be built on 'greenfield' land. The most beneficial thing for Champaign County is to implement a solar ordinance to only allow them to be installed on the worst land (non-prime land) within the county, such as brownfields or former gravel operations. The most important question I ask of you, is what are the goals and priorities for Champaign County when it comes to solar energy use and permitting the installation of these solar farms? That is truly the ultimate question. If Champaign County and its residents, clearly other than those receiving some kind of kick back/payment directly or those friends/relatives of someone receiving the same from the company, do not receive any or a very minimal benefit from these solar farm, then what is really the point of permitting these solar farms to occupy prime land within Champaign County and adjacent to a village or encroaching upon personal residences.”

- (e) On April 12, 2018, an email was received from Mary Tiefenbrunn, PO Box 323, Sidney. In the email, she expressed opposition to construction of a solar "farm," or any type of large-scale industrial, energy production, or manufacturing plant, within a mile of the residential area of a Champaign County town or village. She said that residents of Sidney and other small towns in Champaign County are primarily concerned about the impact of the proposed solar plant on the quality of life of those living near the site. In particular, noise and destruction of the visual landscape they currently enjoy.
- (f) On April 12, 2018, an email was received from Chris Bromley, 201 Austin Drive, Sidney. In the email, he asked the Board to consider writing into this ordinance the 1.5-mile provision when it comes to solar farms.
- (g) On April 12, 2018, an email was received from Michael Bryant, 21 S. Scarborough Ct, Sidney. In the email, he states that realistic distances from home owners properties should be considered, and that 1,000 feet of separation would reduce the impact of noise on my and others' health. He said that he is in favor of each local municipality maintaining the 1.5-mile jurisdiction on land usage around its city limits. My personal and professional opinion is that at

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1,000 feet minimum, the perceived health impact will be minimum. This allows Solar energy into the county if renewable energy is the goal and not profitability.

- (h) On April 12, 2018, an email was received from Penny Sigler, a resident of Sidney. In the email she states: "I have been a resident of Sidney since 1982 and born and raised in farming communities. I am in total disagreement of having solar panels put on rich farm land (instead of getting rich on farm land) that can be used in much better ways like feeding our country. Also, there needs to be at least 2 miles or more before it invades the quietness and beautiful countryside that we own and raise our children in. I have lived near railroad tracks for the majority of my life - which I chose to do. I would not want to have bought land and raised my family and then someone move right in and build something that would turn our lives upside down without a choice. Surely there are rules and regulations that can be put forth to keep our countryside preserved as it was meant to be."
- (i) On April 12, 2018, an email was received from Jason Arrasmith, a resident and Trustee of Sidney. In the email, he states: "The Village of Sidney Board does not want the Solar project directly adjacent to Sidney. I also personally do not think this is good for the Village of Sidney. Sidney and all Cities, towns and villages in Champaign County deserve the right to have the 1.5 mile area to determine future development. The proposed changes for the solar farm does not allow for this and will close off Sidney from any development for at least the next 25 years. I also ask that you include setbacks from adjacent properties and houses to at least 500-1000 ft. We must protect the citizens property values and maintain a healthy place to live. When the Champaign County Board developed the ordinances for Wind Farms these things were taken into consideration and the 1.5 mile was protected. This should not be any different for the development of solar farms in Champaign County."
- f. At the April 12, 2018 ZBA public hearing, the following testimony was received:
 - (a) Paul Lewis, 2 Stewart Lane, Sidney, stated that he does not have an opinion on this particular project, but he does have strong opinions regarding the process of how we got here tonight. He said that he served approximately 10 years on the Zoning Board for Sidney and was one of the people who wrote the comprehensive plan. He said that the Sidney Village Board always found that things went a lot smoother when a developer approached a local community, addressed concerns, and then went forward. He said there is not a lot of trust from the people of the Sidney community, particularly

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- regarding the one and one-half mile rule, although he will commend the Board for including the one and one-half mile exclusion in the proposed ordinance. He said that this is called a renewable energy source, but it is basically an industrial project, so it is important for the developer to meet with the people who will be most impacted and alleviate any concerns that they may have, as well as can be.
- (b) Pat McIntosh, 204 N. Harrison, Sidney, stated that the proposed solar farm could generate a lot of money for the area.
 - (c) Jim Rector, 9 Dunlap Woods, Sidney, stated that he has not heard any concerns regarding sprawl. He said that it is his understanding that a proposed solar farm will include 1,300 acres, but there is no reason why that solar plantation will not grow far beyond that size. He said that the substation at Sidney transmits a great deal of power further east, and its capacity far exceeds the available solar space in our entire county. He asked the Board to indicate what the county will do to control the sprawl. He said that the developers are paying three to four times the rent for the land, and he could see the rest of the land in Champaign County turning into a solar farm and nothing more.
 - (d) Chris Hitz, 204 East Main, Sidney, asked the Board to observe the current version of the ordinance and leave the one and one-half mile so the Village of Sidney can grow and the residents can develop their town. He also asked the Board to keep a good neighbor policy in the ordinance so that the neighbors' space is not invaded.
 - (e) Rich Rutherford, 319 S. Scarborough, Sidney, stated that his residence is less than three-quarters of a mile from it. He said that the ordinances that are proposed look pretty good, but he does not believe that the majority of people realize how large the proposed project is really going to be; two square miles is huge. He said that the one and one-half mile rule is important to the Village of Sidney, because they want to be able to control what goes in that area so that the village can grow. He said that the Village of Sidney is not trying to kill the solar farm deal, but the developers should at least be courteous to the residents and have setbacks of 500 or 1,000 feet from the property line, not the home.
 - (f) Tannie Justus, 2268 CR 900N, Homer, said that when she first saw a map of a proposed solar farm site near Sidney, she freaked out, because the darkened area on the map indicated that her property was literally surrounded. She said that after seeing the drawing, she felt more at ease if this were in fact to become reality, and any less setback would not have made her feel at ease. She said that she would like to see a plant buffer across the road as well, at least the

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- distance of the property line, and that was not included on the emailed drawing. She stated that in seeing the drawing from Mr. Brown indicating the 250 feet setback and the 50 feet plant buffer at the property line, plus talking to Mr. Brown, the inverters which seem to be the major noise concern would be placed no closer than the settled upon setback, which is hopefully no less than 250 feet. She said that when the project is close to a residence, the inverters could be moved further out into the project to increase that setback distance from residences even more, thus reducing noise levels, and this would help mitigate some of her noise concerns.
- (g) Chuck White, 309 S. Bryan, Sidney, stated that he serves as the Village of Sidney President. He said that he would like to know if the County Board could determine a certain amount of acreage allowed for a solar project, and once that amount is reached, they are done. He asked that after the 10 or 30-year cycle of a solar farm, what happens to the panels, do they go to a landfill or are they recycled. He said that he certainly hopes that 1,300 acres of panels will not be stacked on the property.
- (h) Tim Osterbur, 302 Witt Park Road, Sidney, stated that when speaking about setbacks, he does not feel that 500 feet is out of line for an industrial power plant. He said that there must be a difference in the ordinance between a community solar project that would not require a 500 feet setback or perhaps a 250 feet setback, and a utility scale solar farm. He said that 500 feet to a homeowner's property line is not a lot to ask for, and everyone has heard a lot of testimony regarding how quiet the inverters are, so if they are that quiet, the allowed noise level should be 36 dBA with no issues. He said that we have to respect the property rights of the homeowners. He asked the Board to set the setbacks at 500 feet around a residence, and a 36-dBA noise level.
- (i) Jeff Justus, 2155 CR 900N, Sidney, stated that he understands that there is a proposed language in the ordinance for district tile, but during the last ten years when farming was economical, there have been hundreds of thousands of dollars spent and hundreds of thousands of feet of tile installed in the fields by farmers. He asked how the developer will differentiate between a privately-owned tile and a district tile, unless the farmer or drainage commissioner is standing right there. He said that perhaps the ordinance should include language regarding topsoil, because if the topsoil is removed, the farm will be worthless. He said that the footings that the solar farm are placed upon should be required to be totally removed at decommissioning and not partially removed.

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- (j) Colleen Ruhter, who resides at 910 CR 2200 E, Sidney, stated that she deeply appreciates the revision to paragraph 6.1.5 D.3. that there are now two setbacks proposed, one from the property line and one from the inverters, but she is concerned that there are different requirements for personal property.
 - (k) Ted Hartke, 1183 CR 2300E, Sidney, stated that he is very happy to see that this process is working, and he appreciates everyone who has brought items to the attention of this Board. He said that the Village of Sidney should maintain their one and one-half mile jurisdictional area, and the Village of Sidney should come up with how far they would like to have the panels from the Village of Sidney's homes. He said that he agrees with the two-stage setback where the setback from the benign panel is different from the setback to a potentially noisy inverter. He said that he believes that everyone owns all their land and that they should be able to use it for whatever they want, and if you are a farmer who wants to have a solar farm, then great, use all of it, but when the use and enjoyment and the ability to use all that land crosses the property line is when there is trouble. He said that unfortunately, visibility, property value, and noise cross the property line. He said that he has been advocating for 39 dBA so that people can use their entire property without adverse health effects and not being stressed.
- g. At the April 26, 2018 ZBA public hearing, the following testimony was received:
- (a) Ted Hartke, 1183 CR 2300E, Sidney, stated that he believes that the basis for limiting the size of a solar farm should be the same basis as limiting a lot on best prime farmland to three acres. He said that if the property lines should be adhered to, then the noise limit trespassing the property line should also be adhered to, because people own their properties up to the property line, straight up into the air and down into the ground. He said that noise encroachment is an encroachment on the neighbor. He said that during a meeting last night at the Village of Sidney, a solar developer claimed that no one would ever hear the noise. Mr. Hartke stated that if the solar developer's statement is true, then all solar developers should be held to a 39 dBA maximum, because at 40 dBA health effects begin.
 - (b) Paul Lewis, 2 Stewart Lane, Sidney, stated that he generally feels pretty good about the ordinance when he walks in the meeting, but feels the opposite when the meeting is over, and that is because of the text changes that occur between the meetings. He said that on April 25, 2018, the Village of Sidney had a very good meeting with Mr. Brown and his team, and it appears that they are taking the Village of Sidney's concerns into account and have modified their

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plan. He said that he would not say that he is opposed to solar energy, but realistically he does not believe that the solar farm will have a 25-year lifespan, because technology will move forward and it is possible that solar farms, wind farms, and nuclear plants will not be necessary.

- h. At the May 3, 2018 ZBA public hearing, the following testimony was received:
- (a) Chuck White, 309 S. Bryan, Sidney, stated that he had a question on the handout from the April 26th memorandum. He referred to page 2, where there were some comments on existing sewer service or plans for sewer service coming in the future. He asked if that means that a certain town that is getting ready to put a sewer in would still have the 1.5-mile rights to control. He said that he knows a certain town has paid hundreds of thousands of dollars for engineering, and has a plan in place, and is hopefully going to start on it within the next couple of years.
 - i. Mr. Hall stated that the Contiguous Urban Growth Area (CUGA) either (1) has land designated for urban land use and is located within the service area of a public sanitary sewer system with existing service, or a plan to have it available within the next 5 years; or (2) land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing service, or a plan to have it available within the next 5 years; or (3) land surrounded by incorporated land or other urban land within the county. He said that land surrounded by incorporated land would not have to be sewerable or it would be essentially inside that municipality, and it is considered a Contiguous Urban Growth Area. He said, for example, with Champaign and Urbana, they have 1.5-mile extraterritorial jurisdiction (ETJ); he does not know what percentage of it is a Contiguous Urban Growth Area, but it is certainly no more than half. He said that there are large areas of the Urbana ETJ that are not Contiguous Urban Growth Areas, and in general, if it is not a CUGA, it is also more than one-half mile from the municipality.
 - (b) Ted Hartke, 1183 CR 2300E, Sidney, stated that he believes this ambient noise level for California Ridge Wind Farm that is on this chart is being used as an excuse to keep noise levels too high on the solar farm, which is why he thinks it is relevant. He said that farther down on the chart, Illinois Pollution Control Board long-term background ambient noise level for land use category for quiet residential daytime is at 40 dBA. He said that his goal is to try to keep the noise levels below 40 dBA. He said that in the rural area in the nighttime, he notes that it is all the way down at 30 dBA; 30 dBA is

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what we are used to living with in the country. He said he knows that we are talking about the sun only shines during the day, therefore solar panels are quiet at night, that is understandable; however, at 6 a.m., the sun is up and these solar panels will be tipped toward the sun. He said people will still be sleeping at 6 a.m. and the noise could be as high as 45 dBA inside their homes. He suggested language changes to the proposed text amendment regarding noise levels and acceptable limits.

- i. On June 8, 2018, a letter was received from Marjorie Tingley, a resident of the Sidney area. In the letter, she states: “We have not signed up our farm ground at this point. I believe firmly that there has to be rules and regulations governing this project not only for Sidney Township, but for the whole of Champaign County and the Zoning Board is trying to make sure that these rules and regulations are fair to everyone. To discourage a company such as BayWa from coming to Sidney Township with the taxes they will be paying is unthinkable. The taxes would be a tremendous advantage to the township and to the county. In a State that is basically bankrupt these extra taxes could do a lot of good for a lot things. Even if Unit 7 received half of the projected annual tax money, it would provide a lot of opportunities for our young people and many others. All of you know that our roads and bridges could benefit from an influx of new money and the list goes on. The opposition doesn't seem to accept the fact that the landowner still owns the property and will continue to pay the taxes that are assessed each year. Any other taxes that this project generates is just an added advantage. Solar is coming and if not in Sidney Township someplace else and I would hope that the population of Sidney Township would be smart enough to accept it.”
- j. At the June 14, 2018 ZBA public hearing, the following testimony was received:
 - (a) Tiffany McElroy-Smetzer, PO Box 1005, St. Joseph, stated that her mother is a property owner in the area for a proposed solar farm. She said that this is a hard decision for her mother, because she loves the farmland, the crops that are grown, etc.; it is her entire life. But she is also a 72-year old woman with kidney failure and the choice of whether to sign up her land or not is her choice. She said that her father has been gone for twenty years and an agreement with the solar company would provide financial stability for her mother that she would not be able to get somewhere else.
 - (b) Ted Hartke, 1183 CR 2300E, Sidney, stated that Page 3 of the May 3, 2018, minutes indicates testimony from John Hall as follows: “He said that another number that has been mentioned is 39 dBA; that would require increasing the property line separation to 330 feet plus the 275 feet to the inverter, or 605 feet total, with the noise at the property line to be 39 dBA.” Mr. Hartke stated that he believes that the distance should be checked again, and he wonders if perhaps an

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acoustician should be involved to tell the Board what the noise level is at 10 meters and what it will be at 605 feet, or at 800 feet as Mr. Hartke had previously recommended, or even at 1,000 feet, which would finally provide a safe zone. He said that he believes that the decommissioning costs should require that the developer submits a plan regarding the removal of the panels and where they intend to dispose of them, whether it is at a landfill - and we now know that there is no landfill in Illinois which takes solar panel materials - or whether they are sending it to a recycling or e-waste disposal facility, and what it will cost.

- k. At the June 28, 2018 ZBA public hearing, the following testimony was received:
- (a) Ted Hartke, 1183 CR 2300E, Sidney, stated that the one-half mile separation from the Village should be considered. He suggested that lower noise levels than the Illinois Pollution Control Board limits should be used in the proposed text amendment.
 - (b) Chuck White, 309 S. Bryan, Sidney, stated that property value will be hurt by the solar farms, and asked the Board to limit how much solar can go around towns.
 - (c) Mary White, 1141 CR 900N, Sidney, had concerns about heavy winds and the solar panels, height of the panels, and site issues at intersections.
 - (d) Daniel Herriott, 30 Dunlap Woods, Sidney, requested that the 5-acre lot size be increased to 10 acres, referring to proposed section 6.1.5 D. of the text amendment.

(2) The following testimony was received at the November 1, 2018 ZBA meeting:

a. The following questions were received during cross-examination of the petitioner:

- (a) Colleen Ruhter stated that she was curious about the land that is being leased that is not inside the fencing. She asked if that land is still being leased by the petitioner, and are the farmers being paid for that land. Patrick Brown responded no, it would be outside the lease area, and that it would go back to farming. Ms. Ruhter asked if the leased area is only within the fence. Mr. Brown stated yes, that is their anticipated goal. Ms. Ruhter asked if that separation from her house would remain the way it is now. Mr. Brown confirmed that. Ms. Ruhter asked if 10 years from now, someone wants to come and build a neighborhood there, is it not restrained within a lease with BayWa. Mr. Brown stated that is correct. Ms. Ruhter asked if someone were to do that, would they be grandfathered against the

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setback requirements from the solar farm. Mr. Brown responded that he does not know how the county would handle that in the subdivision process, and that it is outside their lease area.

- (b) Matt Herriott said that Mr. Brown testified that BayWa would pattern tile the project area, and asked if the pattern tiling would be installed before or after the solar panels. Mr. Brown said he imagined it would go in before the panels, because it would probably be too difficult after with the machine; he does not know how big the machine is. He said it seems reasonable to do all the civil work first, then the underground work, and then install the project. Mr. Herriott asked, once the panels are all up, what is the distance going to be between the rows of panels. Mr. Brown stated that it varies; there is this thing called Ground Coverage Ratio (GCR). He said that in this case, we are not ground constrained, so they can move the panel rows out wider, so that way they don't shade on each other when they turn. He said that typically that is around 10 feet; you can drive a backhoe or Bobcat between them – there is plenty of space in between them. Mr. Brown referred to a picture of row spacing in their PowerPoint and said it is a good representation of the amount of space. He said that the modules can also be unbolted and removed if more space is needed. Mr. Herriott asked if the petitioner would be prepared to sign a contract that all the tile work would be done before installing the solar panels. Mr. Brown asked who the contract would be with. Mr. Herriott said it would be with the drainage district and the other landowners that tie into that district. Mr. Brown stated that could be something they could do, or they could work with the County to make a condition. Mr. Pat Fitzgerald, attorney for the petitioner, stated that is something that BayWa could certainly accept as a condition. Mr. Brown stated that it is more of a civil matter, but if the County wants to make findings based upon making a condition, then they would accept that condition. Mr. Fitzgerald told Mr. Herriott that they appreciate that talk is cheap, and they can sit up here and say all kinds of things, but the real proof is, are they willing to be subject to a condition by the County, and they obviously are. Mr. Herriott stated that he understood that, but everyone needs to understand what the plan is, and now is obviously the time to talk about concerns as well. Mr. Fitzgerald said that the drainage consultant would attend the next meeting on November 15th if Mr. Herriott would like to ask any particular questions of him. Mr. Herriott asked if the Unit 7 school district is the only school the petitioner is aware of that this project is in. Mr. Brown said that is correct. Mr. Herriott stated that a quarter of the project is in the Heritage school district. Mr. Brown said that he appreciated the information and they would look into it. Mr. Herriott asked if the 40-acre footprint of the actual pylons going into the ground would

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- still be a 40-acre footprint once the pylons are removed on that 1,200 acres. Mr. Brown said that the 40-acre footprint is actual material touching the ground. He said that if Mr. Herriott is asking about when the excavator goes in and rips out the pylons, they are not considering where the tractor goes as it removes the pylons in the calculation of farmland conversion. Mr. Brown said that it is all going to be decompacted and reseeded anyway.
- (c) Joyce Hurd asked when the solar farms are decommissioned, are there any chemical ground tests done, and is there a guarantee that there would be no toxic residue from the solar panels. Mr. Brown stated that there are no chemicals coming out of the solar panels; it is basically silica, glass, and aluminum. He said it is not like a plasma tv where you break it and liquid drips out, there is nothing in it. He said that if anything were to fall on the ground it would be if the module would break and glass would fall on the ground. He said there are no known substances, but there is one panel that is made by First Solar, that BayWa has never installed before, which has cadmium telluride that is used in the manufacturing process, but is not a liquid that is going to fall on the ground and contaminate the groundwater or anything like that.
- (d) Chuck White referred to selling the solar energy, and asked if the petitioner had checked with Unit 7, which has 4 schools. Mr. Brown said that they had spoken with the school district on different matters, and it is something BayWa is looking into. Mr. White asked about the 14 jobs shown on the petitioner's graph in the presentation, and what would those 14 jobs be. Mr. Brown responded that with solar farms, a lot of the time they want to hire local employees to do electrical work, mowing, any kinds of repairs that happen onsite, and module washing that they propose at least once a year. He said that there are some labor-intensive jobs and some electrical jobs that they would like to fill locally. Mr. DiNovo asked for clarification on whether the 14 jobs are 14 Full Time Equivalent jobs. Mr. Brown responded yes.
- (e) Colleen Ruhter asked Mr. Brown if he knows when their Erosion Control Plan would be completed and would decommissioning, whenever that occurs down the line, would also need an Erosion Control Plan. Mr. Brown said that she is correct on the last statement; any time you have land disturbance in construction you have to comply with NPDES. He said that this project is slated to start construction in 2021, so six months before construction they will do the design engineering and said that the NPDES permit is a State permit versus a county permit. He told Ms. Ruhter that he knows she requested to see the plan when it becomes available, and

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he has no problem letting her see the plan and making sure that she has protections around her property. Ms. Ruhter asked if he had a timeline, and said that Mr. Herriott brought up a good point about decommissioning as well as construction. Mr. Brown said it would not be anytime soon, and that the Erosion Control Plan for decommissioning would basically be the reverse of construction, and you still have to comply with NPDES.

- (f) Lisa Nesbitt stated that she lives on the north side of the highway. She said that when the petitioner changed their solar farm site plan, they moved the project closer to her home. She said that she was in the dark until this week that the project would be anywhere near them. She said she is confused because one of the projects that just passed is community scale, and this project is commercial and appears to create about 30 times more power. Mr. Brown clarified that the project is 150 MW. Ms. Nesbitt said that the community scale project was 4 MW on 22 acres, and Mr. Brown appeared to say that the 150 MW farm went from 1,200 acres down to 306 acres down to 40 acres. Mr. Brown said that the project will need 1,200 acres for the panels, equipment, road, fencing, setbacks and such. He said that the 306 acres refers to if all the solar panels were laid side by side, it would cover 306 acres, and if all the pylons were set side by side, it would cover 40 acres. Ms. Nesbitt asked how much of any of this acreage is still going to be farmable around the project. Mr. Brown stated that they have found no compatible farm use for inside the fence, but outside the fence is up to the landowner. He said that one of the reasons that they made the setbacks larger was so that people can still farm those areas and not make them so small that they cannot do anything with it. Ms. Nesbitt asked how much acreage would be left for farming on the subject properties. Mr. Brown said he does not have that calculation of what the reduction was from the setback, they are only calculating what is inside their fence for the permission. He said in some places the setbacks are 600 feet long by one-half mile – it's rather large. Mr. DiNovo said that if the total site is 1,275 acres and the area inside the fence is 1,140 acres, that would leave 135 acres. Mr. Brown stated that originally, the site was 1,685 acres, and the fenced area was 1,275 acres, so it is about 400 acres when you start spreading it out, and is large enough to farm. Mr. Fitzgerald asked Mr. Brown if farming would be able to start again upon conclusion of the development. Mr. Brown said yes. Ms. Nesbitt said she was also confused about what she has heard in testimony in the other community solar farm cases about having to remove 3 feet of topsoil; she said she did not hear Mr. Brown say that would be part of taking everything out. Mr. Brown said that there is an agricultural mitigation agreement in the report that has several requirements about topsoil replacement.

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trench locations, and similar details. He said that they are not removing any of the soil; he said they are going to make trenches that are maybe 3 feet by 4 feet and are going to take the soil out, stockpile it onsite, and then put that same topsoil right back on top of the trench. He said they are not exporting any of the soil out, and all the best prime farmland will stay on the site. Ms. Nesbitt asked if BayWa is going to try to contract with Frito Lay for power since it is so close. Mr. Brown said that he is not part of their power marketing department, so his general answer is that they will go after any large corporations that have a high demand in this area first. He said if Frito Lay ends up having renewable energy needs and they find out about it, absolutely – they need people that have a high demand year-round that can take the power. He said that is part of the idea of why they decided to site the project here in Champaign County. Ms. Nesbitt asked what the setbacks for the project are because they do not live very far away. She asked, for example, how far back from the railroad tracks would the solar farm be. Mr. Brown stated that he does not know exactly where her home is, and staff helped clarify the location on the site plan. He stated that without the actual engineering drawings in front of him it would be an estimate. Mr. Fitzgerald asked Mr. Brown if he could perhaps calculate the information later and get back with Ms. Nesbitt at the next meeting. Mr. Brown said they are at least a couple hundred feet from her property. Ms. Nesbitt stated that she wants to make sure she is at least as far from the site as everyone else. Mr. Brown said he wanted to mention that there is a very high berm between her property and the site due to the railroad tracks. Ms. Nesbitt said that even with 12 feet corn over the top of it, she can see all the way beyond the southernmost point of the site. She asked Mr. Brown if they would be willing to train all the volunteer firefighters, not just from Sidney, but from Homer, Broadlands, Tolono, and possibly St. Joseph or Ogden, because it is all volunteer out there. Mr. Brown said that they would be willing to train anyone that is willing to show up, but they will not go out and coordinate a bunch of training. He said that they are working with the Sidney and Homer fire departments, but if they want to, at the time of the training, arrange for others to attend, they can do that. Mr. Elwell asked Mr. Hall about a difference in acreage between the blue memo cover sheet and page 10 in the BayWa report. Mr. Hall said that the blue sheet says the fenced area is 1,275.25 acres, and that is on a total area of 1,685.31 acres. He said he would like to know in the report where he found the 1,100 acres number. Mr. DiNovo said it was on page 10, Table 2, and it says total property acres are 1,586, and total fenced area acres are 1,140. Mr. Hall suggested that Mr. Brown take another look at Table 2 before the next meeting.

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(g) Jeff Justus asked if BayWa was going to let people farm the land that is outside of the solar farm fenced area. He said, for example, if the solar company has leased 80 acres, and there are 60 acres inside the solar farm fence, leaving 20 outside, he assumes that the whole 80 acres has been leased by BayWa, and does that mean that the owner or farmer has to lease the 20 acres back from BayWa to farm the land. Mr. Brown stated that they are still in negotiations with the landowners on the actual lease area. He said there are two different things: the property they have under option, and the permit that is before the county now. He said that this hearing, in his opinion, is only about what is inside the fence line, and everything that is outside the fence line is in negotiation with the landowner, whether they are going to have to lease it, or if BayWa is going to give it back to them to farm it. He said that they try to make the setbacks big enough to where they can farm it, lease it out, or whatever they want to do with it. Mr. Justus asked if BayWa leases an area outside the fence, is it not in BayWa's control. Mr. Brown said kind of, but they are not motivated to lease more land than they need; otherwise, it hurts the project economics. Mr. Justus asked, in other words, they are going to lease the land that is inside the fence, and the area outside the fence is going to be left to the landowner. Mr. Brown stated that is correct. Mr. Justus asked if it is the case that they will not know the number of solar panels they need until the lease negotiations are done. Mr. Brown said that is not correct, and that leasing the land and having entitlement to the land are two different things. He said he could lease 1,000 acres but only get a permit for one acre, but still have to pay for the entire 1,000 acres. He said it is their goal to only lease the land that will be in the project fenced area, and any land outside of that fence would go back to the owner to continue farming, lease to other farmers, or whatever they want to do with it. Mr. Justus said that they live south of Sidney, and have kind of been left out of the negotiations of the homes, and they are going to be kind of surrounded, so they would like to be included in some of BayWa's negotiations as time goes on. Mr. Brown asked Mr. Justus to identify his house on the map. He said he goes back to the old saying, "if it's too good to be true, it probably is." He said that he applauds what he is hearing, but it's a little hard to believe. Mr. Brown said that he can assure Mr. Justus that the last thing this project wants to do is deal with is neighbors complaining that their drain tile is messed up or have to go dig it up. He said that going out and trying to locate these old drains and figure them out is so much effort, that at some point you're spending more work trying to get out of work, and it's better to just go put a new one in so you know where it is and you move down the road. He said that with the warranty, if someone calls and says there is a problem, they will call the drain tile guy and tell them to go fix the problem. He said it is a

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level of insurance for the project that they don't ever have to deal with drainage tiles. Mr. Justus asked if BayWa was only going to replace or reengineer the tiles on the farms they are going to rent; he said that he has main drainage tile that goes through his farm, but way up the line, there is the large drainage district tile that is on other property not involved with the solar farm, and that is all kind of interconnected. He said that they plan to replace the solar panel area with a nice new tile, but upstream there is still old, broken tile, and he does not know where they are going to draw the line. Mr. Brown said that BayWa has been in negotiations, and it is only the tile within the vicinity of the solar project. He said, like any development that comes into this county, for example a new store, you would not make them improve the road all the way from here to Chicago, you would only have them do the part in front of their store. He said that this is how they are going to do the project here; they will work on a certain section, and it's rather expensive to do. He said they will do the tile within their project properties, locate it in a favorable area, and give rights to the drainage district to come in and maintain it. Mr. Fitzgerald asked Mr. Brown if it is fair to say that the money that the drainage district would otherwise have to spend to repair old tile in this area, that if BayWa comes in and puts in new tile, that is money the drainage district does not have to spend in that area and hopefully they would have money to spend elsewhere and address some of Mr. Justus's issues. Mr. Brown concurred, and said it is an added benefit to the community. He said that they are looking at the mutual connections as well; if a farm is next to their project, they are going to make sure they connect to the farm tile and that it is appropriate. He added that if there is a guy a mile upstream whose tile is not working well, that is outside the scope of what they are doing. He showed a visual simulation of Mr. Justus's farm on the screen, and said that it shows how far the project is set back from his property, although it is not a perfect representation. Mr. Justus asked if he could obtain a booklet like the Board has. Mr. Brown responded that it is on the County's website, and said it is actually better online because he can pull up the maps and see details better. Mr. Justus said it would be interesting to hear what the drainage engineers have to say at the next meeting, but for the soils here in Champaign County, the tile people recommend "X" amount of feet between tile lines, so it will be interesting to see what they recommend and how the recommended tile lines are going to coincide with the rows of solar panels. Mr. Brown said that is the benefit; it can be between 70 and 80 feet, and basically we'll have piles every 10 feet, and they are both grid patterns, so you can just shift grid patterns. He agreed with Mr. Justus that the old tiles really don't have a pattern, so the new tile works well for them. Mr. Justus said that there have been landowners who have pattern tiled in the last several years, and asked Mr. Brown

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if their new pattern tiling would overlap the newer pattern tiling the landowners put in. Mr. Brown responded no, there are two adjacent to Mr. Justus; one is pattern tiled and the other is not, so they would go in and do the other that is not pattern tiled. He said they have language in their contract that says that BayWa has to preserve and take care of the tile, so they will not go over the pattern tiling that is already done. Ms. Lee said that she has a question based on what happened in the cross-examination. She asked Mr. Brown how many more acres does BayWa have options on. Mr. Brown said that he has options on the couple hundred acres he moved away from on the west side of Sidney, and they own them for 18 months. He said they have lots of options, and they just try to find the best place within the options. Ms. Lee asked if they have other options close to this area. Mr. Brown responded what they have proposed today, minus the area they moved away from, are the only options they have in the area. He said they are not looking for more land, nor do they have time to keep looking. He said it is an expensive cost to continue to move the project and redesign it; at some point they have to put their pencil down.

b. The following testimony was received at the November 1, 2018, ZBA meeting:

(a) Ms. Joyce Hurd, 2232B CR 1000N, Sidney, stated that most of her questions have been answered. She said she would like the article she sent from Forbes on October 25, 2018, to be made a Document of Record for this case. She said she has a question about the economic projections – how well do the solar panels work, and are they including down time in their predictions. She said she has a comment about toxicity; one of the gentlemen from another solar company said that solar panels are pretty much equivalent to household electronics, and in saying that, it seems he was indicating that they were safe. She said she wanted to point out that the State of Illinois said that household electronics are not safe for landfills, we are no longer allowed to throw them away or put electronics in landfills because of their lack of safety, so she is not 100% convinced that electronics out in the rain like these solar panels are safe either. She said she hopes there would be some kind of actual testing to prove that the farmland is safe if the decommissioning ever occurs.

- 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.

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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 project will comply with County's Solar Ordinance that was approved on 08-23-2018.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
 - (2) There is no required parking.
 - (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
 - a. Zoning Administrator John Hall evaluated the revised Site Plan received ~~October 24~~November 13, 2018, and determined that it appears to conform with this requirement.
 - (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
 - a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
 - (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
 - i. The Village of Sidney does not have a Contiguous Urban Growth Area.
 - ii. A preliminary site plan received March 1, 2018, showed the PV solar farm located within one-half mile of the Village of Sidney. The petitioner redesigned the project area based on public input received during case 895-AT-18 for the solar farm text amendment to the Zoning Ordinance and during a public meeting held at the Village of Sidney on April 25, 2018.

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- iii. The revised Site Plan received ~~October 24, 2018~~November 13, 2018, shows a separation of one-half mile between the Village of Sidney corporate limits and the farthest edge of the private substation located south of the existing Ameren substation.
 - (i) The private substation is located on a participating property that is within one-half mile of the Village, but the fenced solar farm area is outside one-half mile of the Village.
- (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
 - i. The petitioner has not received confirmation from the Village of Sidney that their Special Use Permit application has been received.
 - (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.
 - i. No resolution from the Village of Sidney has been received as of ~~October 24~~November 13, 2018.
 - ii. Notice of the November 1, 2018, ZBA public hearing was sent by P&Z Staff to the Village of Sidney on October 19, 2018.
 - iii. Notice of the November 15, 2018, ZBA public hearing was sent by P&Z Staff to the Village of Sidney on November 7, 2018.
- b. Item 6.1.5 B.2.(b) requires PV SOLAR FARMS to be a minimum of one-half mile from the CR Conservation Recreation District.
 - (a) There is an inherent incompatibility of solar farms with at least the larger wildlife (i.e. deer) in the CR District and the fencing would obstruct wildlife movement. In addition, the CR District is the principal rural residential district and thus it is somewhat analogous to the one-half mile separation from a municipality.

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- (b) Consideration should be given to the fact that the nearest CR District is approximately 1,175 feet north of the proposed PV SOLAR FARM, and is on the other side of the railroad tracks from the PV SOLAR FARM.
- (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) In an email received October 19, 2018, George Gunnoe of BayWa r.e. copied P&Z Staff on a verification from David Schoon of Miso Energy that the BayWa r.e. interconnection application had been received on March 7, 2018.
 - 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.
 - (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
 - a. The revised Site Plan received ~~October 24~~November 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

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- 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. In an email received October 17, 2018, George Gunnoe, Development Manager with BayWa r.e., stated that they plan on setting the fences back 65 feet from any road that runs through the site.
 - ii. The revised Site Plan received ~~October 24~~November 13, 2018, shows the 65 feet setback.
- (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. The subject properties meet minimum zoning lot requirements.
- (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.
 - (i) P&Z Staff verified that the revised Site Plan received ~~October 24~~November 13, 2018, shows that all adjacent LOTS 10 acres or less in area bordered on no more than two sides by the PV SOLAR FARM have at least 240 feet of separation from the property line or have a personal waiver from the landowner.
 - 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) There is a 1.48-acre lot bordered on 3 sides on the south side of CR 900N on the western end of the solar farm. The closest distance between the property line and the PV SOLAR FARM fence is approximately 337 feet.
 - (ii) There is a 2-acre lot bordered on 3 sides in the southwest corner of the intersection of CR 900N and CR 2200E. The closest distance between the property line and the PV SOLAR FARM fence is approximately 320 feet.

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- (iii) There is a 2.35-acre lot surrounded on 4 sides on the north side of CR 900N approximately one-quarter mile west of CR 2300E. The closest distance between the property line and the PV SOLAR FARM fence is approximately 470 feet.
- (iv) There is a 3.15-acre lot surrounded on 3 sides on the west side of CR 2300E approximately one-third mile south of CR 900N. The closest distance between the property line and the PV SOLAR FARM fence is 240 feet.

iii. The petitioner submitted visual simulations of selected areas within the proposed project area to illustrate the approximate difference between how the area appears currently and how the area might appear with the proposed solar farm. The visual simulations were introduced as Appendix 2 of the BayWa report that was distributed with the Preliminary Memorandum dated October 25, 2018.

- (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. There is an 88-acre lot on the east end of the proposed solar farm with a PRINCIPAL BUILDING, directly south of the Norfolk Southern railroad. The closest distance between the property line and the solar farm fence is 240 feet. The separation distance is approximately 2,500 feet.
 - ii. There are numerous other lots greater than 10 acres surrounding the proposed PV SOLAR FARM, but none of them have existing DWELLINGS or existing PRINCIPAL BUILDINGS. The PV SOLAR FARM perimeter fencing is at least 10 feet from all SIDE and REAR LOT LINES.
- (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. A draft Noise Assessment Technical Report prepared for the petitioners by Dudek, 621 Chapala, Street, Santa Barbara, CA, 93101 was received with the application on October 9, 2018.

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The report provides a range of noise levels, which can be summarized as follows:

- (i) Existing (pre-development) ambient noise was measured on 9/26/18 to 9/27/18 at the following locations (indicated on the Receiver Location Map):
 1. On CR2100E (South Bryant Street) south of the Village of Sidney (site indicated as LT1) at the nearest residence to the west of the project. Note that harvest activity was occurring nearby.
 2. On CH15 east of the Village of Sidney (site indicated as LT2) at the nearest residence to the north of the project boundaries.
 3. On CR2400E (site indicated as LT3) at the nearest residence to the east which is one-half mile east of the project site. Note that harvest activity was occurring nearby.
 4. On CR2200E (site indicated as LT4) at the nearest residence to the south of the project site.
- (ii) The ambient noise survey identified the following ambient sound levels:
 1. Daytime noise levels between 48 and 63 dBA L_{eq} at LT3 and LT4 along township roads with nighttime noise levels between 39 and 56 dBA L_{eq} with a resulting day-night average noise level of 58 dBA L_{dn} at LT3 and LT4.
 2. Daytime noise levels between 60 and 73 dBA L_{eq} at LT1 and LT2 with nighttime noise levels between 54 and 72 dBA L_{eq} with a resulting average day-night noise level of 66 dBA L_{dn} at LT1 and 74 dBA L_{dn} at LT2.
 3. Note that the Illinois Pollution Control Board (IPCB) maximum allowable noise emitted to Class A (residence) land, adjusted for A weighting, is 60.7 dBA for daytime and 51.2 for nighttime.
- (iii) The proposed inverter is the SMA Sunny Central 2750 EV model which the manufacturer claims produces a sound pressure level 64 dBA measured at 10 meters (33 feet). Note that the noise consultant had to convert the

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single value dBA provided by the manufacturer to multi-octave-band frequencies for purposes of the modeling.

- (iv) Noise levels from the proposed step-up transformer at the substation were included in the modeling.
- (v) Noise levels were modeled at 16 existing residences (indicated with “R” designation on the Receiver Locations Map) in the vicinity of the proposed solar farm. Noise levels were modeled both without using factory noise reduction kits on the inverters and with the factory inverter noise reduction kits. Noise results were well within the allowable noise limit both with and without inverter noise reduction kits. The results were as follows:
 1. R1: 35 dBA Leq without sound reduction kits and 30 dBA with sound reduction kits
 2. R2: 39 dBA Leq without sound reduction kits and 34 dBA with sound reduction kits
 3. R3: 38 dBA Leq without sound reduction kits and 33 dBA with sound reduction kits
 4. R4: 40 dBA Leq without sound reduction kits and 34 dBA with sound reduction kits
 5. R5: 43 dBA Leq without sound reduction kits and 37 dBA with sound reduction kits
 6. R6: 43 dBA Leq without sound reduction kits and 38 dBA with sound reduction kits
 7. R7: 42 dBA Leq without sound reduction kits and 36 dBA with sound reduction kits
 8. R8: 41 dBA Leq without sound reduction kits and 36 dBA with sound reduction kits
 9. R9: 40 dBA Leq without sound reduction kits and 35 dBA with sound reduction kits
 10. R10: 38 dBA Leq without sound reduction kits and 33 dBA with sound reduction kits
 11. R11: 36 dBA Leq without sound reduction kits and 31 dBA with sound reduction kits

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12. R12: 44 dBA Leq without sound reduction kits and 38 dBA with sound reduction kits
 13. R13: 41 dBA Leq without sound reduction kits and 36 dBA with sound reduction kits
 14. R14: 42 dBA Leq without sound reduction kits and 37 dBA with sound reduction kits
 15. R15: 42 dBA Leq without sound reduction kits and 37dBA with sound reduction kits
 16. R16: 42 dBA Leq without sound reduction kits and 36 dBA with sound reduction kits
- ii. In an email received October 19, 2018, George Gunnoe, BayWa r.e. Development Manager, affirmed the statement regarding sound reduction kits for every inverter: “We won’t be able to achieve the 39 dBA limit at every off-site receptor unless we equip every single inverter in the project with a sound reduction kit. We have decided to make the commitment.” A special condition has been proposed to require the installation of inverter sound reduction kits in the constructed solar farm.
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
- i. The Prairie Solar Energy Project Glare Study prepared by POWER Engineers and received with the application on October 9, 2018, states: “After review of the GlareGauge analysis, POWER determined potential glare visible from the proposed solar operations is limited to the inactive Justus RLA Runway 18 approach midday during the winter months. Potential glare reported has a hazard level of “yellow” with the potential for temporary after-image. No other occurrences of potential glare were reported for residential or motorist viewers due to the rotational limits and wake/stow procedures of solar operations. Should the Justus RLA return to operational status, POWER encourages communication with

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the FAA so potential glare occurrences may be documented in the Justus RLA's additional remarks and/or instrument procedures to inform pilots when and where potential glare may be visible. Based on these findings, it is POWER's professional opinion that the proposed Prairie Solar Energy Project will not impact active airport operations or cause distraction to nearby residences and motorists."

- (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 new 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. P&Z Staff has verified that the 32 inverters shown on the revised Site Plan received ~~October 24~~November 13, 2018, are at least 275 feet away from the PV SOLAR FARM perimeter fence.

 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received November 13~~October 24~~, 2018:
 - (i) There is a 5-acre residential lot on the north side of CR 900N on the western end of the solar farm. The closest distance between the property line and any inverter is approximately 1,350 feet.

 - (ii) There is a 1.48-acre residential lot on the south side of CR 900N on the western end of the solar farm. The closest distance between the property line and any inverter is approximately 1,000 feet.

 - (iii) There is a 2-acre residential lot in the southwest corner of the intersection of CR 900N and CR 2200E. The closest distance between the property line and any inverter is approximately 1,200 feet.

 - (iv) There is a 5.47-acre residential lot in the northeast corner of the intersection of CR 900N and CR 2200E.

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The closest distance between the property line and any inverter is approximately 975 feet.

- (v) There is a 2.35-acre residential lot on the north side of CR 900N approximately one-quarter mile west of CR 2300E. The closest distance between the property line and any inverter is approximately 1,050 feet.
 - (vi) There is a 3.15-acre residential lot on the west side of CR 2300E approximately one-third mile south of CR 900N. The closest distance between the property line and any inverter is approximately 1,060 feet.
- iii. In an email received October 19, 2018, George Gunnoe, BayWa r.e. Development Manager, stated: “We won’t be able to achieve the 39 dBA limit at every off-site receptor unless we equip every single inverter in the project with a sound reduction kit. We have decided to make the commitment.”
- (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 specification sheets received with the application on October 9, 2018, indicate that the tracker has a standard height of 54 inches, a solar array has a height of 83.7 inches.
 - ii. In an email received October 24, 2018, Patrick Brown stated that the maximum height would be “seven to eight feet. Sometimes there are undulations in the ground that make it a bit higher. The posts will drive it higher if there is a slope.”
 - (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 Site Plan received ~~October 24~~ **November 13**, 2018, shows that there is a 37.5 feet separation between the east property line of the PV SOLAR FARM and the nearest 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 professional that that the constructed building conforms to Public Act

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96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.

- (a) The Special Use Permit application packet received October 9, 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. In an email received October 17, 2018, George Gunnoe, Development Manager with BayWa r.e., states that the developer will conform to the NEC and FCC requirements.
 - (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. In an email received October 17, 2018, George Gunnoe, Development Manager with BayWa r.e., stated: “The depth depends on Voltage rating and type. The perfect drain tile depth is 4ft deep. With this in mind, along with the advice from our drainage tile expert, we intend on minimizing all impacts to ag drainage tile.”
 - ii. In an email received October 19, 2018 (2:07 p.m.), Mr. Gunnoe provided a table provided by the NEC showing the Minimum Cover Requirements for burying different types of cables and conduit.
- 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) Sheet 12: Site Details received October 24, 2018, indicates that the tallest private substation equipment would be 53 feet.
 - (b) Solar array height will be seven to eight 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) No information was required or submitted for the Special Use Permit application.

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- e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
- (a) No information was required or submitted for the Special Use Permit application.
 - (b) The subject property does not have a connection to public sewer or water.
 - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The subject properties are considered Best Prime Farmland. The soil consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, 67A Harpster silty clay loam, 56B Dana silt loam, 171B Catlin silt loam, 153A Pella silty clay loam, 481A Raub silt loam, and 234A Sunbury silt loam, and has an average Land Evaluation Factor of 99 (Natural Resources Information Report by the Champaign County Soil and Water Conservation District received October 9, 2018).
 - b. Best prime farmland to be developed as a solar farm will be 100% converted. However, there is a distinction between conversion of best prime farmland and actual disturbance of best prime farmland. An analysis of the actual disturbance of best prime farmland (not merely the conversion of use) that would result from the construction of the solar farm compares with the land disturbance that would result from by-right residential development as follows:
 - (a) The land disturbed by the construction of the solar farm will total approximately 40 acres of the 1,609 acres (2.4%), per Table 2: Agricultural Impacts on page 10 of the BayWa r.e. Prairie Solar Project Report received October 24, 2018.
 - i. This land disturbance includes the installation of supports for the proposed single axis tracking arrays, construction of the compacted earth access roads and electrical substation, installation of underground trenching for underground wiring, electrical inverters, and fencing.
 - ii. The compacted earth access roads total approximately 23.3 acres of these 40 acres.
 - iii. PV solar farms do not require the permanent conversion of farmland; solar arrays and other equipment can be removed at the owner's choosing and the land can be put back into agricultural production.

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- (b) The amount of land that would be disturbed under “by-right” residential development on the same tracts would be approximately 26 acres of the 1,609 acres (1.6%), per an analysis by P&Z Staff.
- c. 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. A sample Agreement was provided with the application received October 9, 2018.
- d. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the Vegetative Ground Cover, Management and Weed Control report received October 24, 2018 states:
- (a) “The soils within the project site were originally formed by prairies over thousands of years. They are beautiful soils with a high organic matter, great nutrient availability, and good water retention capacity. Taking land out of agricultural production is a topic of great public concern. The hosting of solar energy production facilities on agricultural land is not a permanent land use conversion. By reestablishing native prairies as a “cover crop” for solar farms, biodiversity will be increased, organic matter intensified, and soil erosion prevented. Resting agricultural land with cover crops remedies itself to a healthier state as the natural processes are reestablished. Over the life of the solar facility, the land will become healthier and rejuvenated for future generations of production agriculture.”
- e. 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) In an email received October 17, 2018, George Gunnoe, Development Manager with BayWa r.e., stated: “The depth depends on Voltage rating and type. The perfect drain tile depth is 4ft deep. With this in mind, along with the advice from our drainage tile expert, we intend on minimizing all impacts to ag drainage tile.”
- (b) In an email received October 19, 2018 (2:07 p.m.), Mr. Gunnoe provided a table provided by the NEC showing the Minimum Cover Requirements for burying different types of cables and conduit.
- f. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) A cover letter from Tom Huddleston of Huddleston McBride Land Drainage of Rochelle, Illinois, was received October 24, 2018. The letter states that Huddleston McBride Land Drainage Company has

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been retained by BayWa r.e. Solar Projects, LLC for the purpose of maintaining local and regional agricultural drainage systems within and related to the proposed Prairie Solar LLC, Champaign County solar project and the intent is to work with the BayWa professional design team to identify, locate, map and recommend drainage improvements for the Prairie Solar project. The letter from Huddleston McBride Land Drainage has attached to it a brief report titled "Agricultural Drainage Considerations Including modifications and maintenance recommendations for ground mounted solar projects within existing agricultural land use areas". The brief report is intended to clarify the basics of subsurface agricultural drainage tile systems including onsite evaluation and recommendations for maintenance, modification, and repair. The brief report can be summarized as follows:

- i. Onsite drainage investigations and evaluations are critical to comprehend onsite conditions and significance to other tracts. Drainage investigation map reports should include field reconnaissance and record research work in effort to identify existing drainage features including slit trenching to verify existence of drain tile. All drain tile encountered during investigation should be logged on field mapping and repaired to their original state following NRCS practices. Drain tile routes should be located by surface probing or electronic detection and field staked at <20 feet intervals. It is critical that mutual drainage tiles and surface flow systems that benefit the lands of others be carefully identified and protected. The final drain tile base map should locate all existing drain tile routes and include an attached field report containing the size, flow, system effectiveness, restriction siltation, pipe invert to ground surface depth, pipe type/quality, system classification and specific field notes.
- ii. Depending on the project site and existing drainage conditions, it will be mandatory to maintain the existing agricultural mutual drainage system which is necessary to maintain the drainage rights of the lands of others. It will be recommended to maintain local (onsite) drainage systems which will assure a stable water table and preserve the ability for continued farming after the duration of the project. It shall also be noted that poorly maintained local drainage systems during the solar project existence may cause jurisdictional wetland conditions which will alter future farm practices and the ability for correction or improvement." The two basic methods of preserving farm drainage within the solar project are "complete avoidance and protection" and "replacement by like kind procedures".

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- iii. The “complete avoidance and protection” method of preserving farm drainage would require that all existing drainage systems be carefully evaluated for obvious failures and repair splices be implemented. Existing drain tiles which conflict with specific solar support column locations will need to be rerouted by “warp section” repair and “lined out” by surface chalk marking and protected from heavy intense surface traffic. Wide track low compaction construction equipment is mandatory. It will also be necessary to create contingency plans for access and drain tile repair during operation of the solar facility.
- iv. The “replacement by like kind procedures” method of preserving farm drainage are more intensive than avoidance and protection and requires existing clay drain tile systems to be removed and replaced with polyethylene perforated or solid dual wall pipe of same size at same depth grade and location. “Like kind” replacement drain tile which conflict with specific solar support column locations will need to be rerouted by “warp section” repair and maintain a separation at least four-feet from the support columns. All drain tiles that egress or ingress the project site shall include a six-inch online riser pipe within two-feet of the project boundary, to be used for flow verification, system identification, and pipe ventilation. All additional existing drain tile feeder laterals encountered during the “like kind” replacement process shall be evaluated and considered for replacement by the same “like kind” procedure. All replacement tile systems shall be located by GPS at state plan coordinates and included on record maps.

(b) A PowerPoint presentation regarding the proposed solar farm’s impact on agricultural drainage tile was received November 13, 2018, and included as an attachment to Supplemental Memorandum #2 dated November 13, 2018.

- g. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) No information was required or submitted for the Special Use Permit application.
- h. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) No information was required or submitted for the Special Use Permit application.
- i. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.

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- (a) The Vegetative Ground Cover, Management and Weed Control report received October 24, 2018 states: “Cover-cropping with short native grass species creates biomass both above and below ground and over time improves the integrity of the soil by preventing soil compaction.”
- j. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) No information was required or submitted for the Special Use Permit application.
- k. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) No information was required or submitted for the Special Use Permit application.
- l. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) No information was required or submitted for the Special Use Permit application.
- m. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
 - (a) The Vegetative Ground Cover, Management and Weed Control report received October 24, 2018, states:
 - i. Regarding use of native plant species: “Cover-cropping with short native grass species creates biomass both above and below ground and over time improves the integrity of the soil by controlling water run-off and erosion; cultivating microbial matter; slowing the movement of soil particles; increasing organic matter; improving water infiltration; and preventing soil compaction.”
 - ii. Regarding species selection serving a secondary habitat purpose: “The above recommended native prairie grasses provide habitat for insects along with providing seeds that serve as food sources to small mammals, birds, reptiles, and amphibians. The establishment of a native grassland provides cover for birds and small animals to hide from predators. By reestablishing native prairies as a ‘cover crop’ for solar farms, biodiversity is increased.”
 - iii. Regarding use of a combination of management approaches: “During the first year, the growth of grasses occurs predominantly underground. About 80 percent of broadleaves can be controlled by mowing at a height of 10-12 inches, helping control broadleaves and other invasive species. The planting of multiple species naturally helps to

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control weeds and diseases. Although never maintenance free, once a prairie has been established for 3-5 years, it becomes easier to manage. First 3-5 years:

1. Inspect project site once to twice a month during the growing season (March - September) for broad leaf weeds.
2. Spot mow or spot spray with herbicide to control any broad leaf weeds as identified by maintenance or landscape inspection personnel.
3. Begin a complete mowing July 1st to prevent the release of mature seeds.
4. Depending on growth conditions, a second mowing later in the season may be required.
5. Drummer soil tends to maintain the water table close to the surface in areas with 0-2% slope. The project area may experience drainage issues during the period of vegetation establishment. Replant, if necessary.”

(b) Section 6.1.5 F.(9)a.(b)iv. states, “The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the PV SOLAR FARM SPECIAL USE permit application. The landscape plan shall include the weed control plan required by Section 6.1.5 P.(3).”

i. Sheet L1: Landscape Buffer Detail, was received on October 24, 2018, and includes specific locations and types of vegetative cover and screening for the proposed solar farm.

(i) On November 1, 2018, P&Z Staff told Patrick Brown that vegetative screening would be needed on the north side of the solar farm fenced area because the subject properties are visible to residences on the north side of the railroad tracks.

(ii) On November 5, 2018, P&Z Staff sent an email to Patrick Brown and George Gunnoe regarding the proposed 20 feet wide landscape buffer and how it does not meet the required NRCS standard established in the Zoning Ordinance. Staff supplied the relevant NRCS standard in the email.

ii. A revised Sheet L1 was received on November 13, 2018, and showed the additional required screening on the north side of the solar farm fenced area.

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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) Waiver Part C was added because an Agreement was not likely to be finalized prior to the Special Use Permit determination.
 - (b) A special condition has been added to ensure receipt of a complete Roadway Upgrade and Maintenance agreement from the County, ~~and Sidney Township, and South Homer Townships.~~
 - 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. In a letter dated October 6, 2018 and received October 24, 2018, Sidney Fire Protection District Chief Earl Bennett verified that he had received a copy of the Site Plan from the petitioner.
 - b. The Sidney Fire Protection District was notified of the hearing for 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).

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- (a) The application received October 9, 2018, identified a proposed inverter, the Sunny Central 2750-EV-US model, and included specification sheets. The project would use 32 inverters.
 - (b) Distances from adjacent residences were provided in the revised Site Plan received ~~October 24~~November 13, 2018.
 - (c) Page 26 of the Noise Assessment Technical Report received with the application on October 9, 2018, states: "Predicted sound levels from the proposed Prairie Solar facility would fall well below limits specified under 35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910, with conversion of these octave-band based limits to single value dBA pressure levels. Reference to the highly intrusive sound limits in Section 901.103 which are expressed in dBA provides confidence the Section 901.102 limits converted to dBA sound pressure limits are appropriate and reasonable, and probably represent more stringent restrictions with regard to allowable sound levels. The proposed Prairie Solar project would therefore comply with noise restrictions applicable to the project. The applicant proposes to equip each and every inverter with a sound reduction kit from the manufacturer. The assessment of operational noise with the inverters equipped with this sound reduction kit concludes that operational sound levels would be less than 39 dBA Leq at all existing residences within 1,500 feet of the project site. A final analysis would be provided with "the building plan set to the ELUC for Zoning Certification approval".
 - i. In an email received October 19, 2018, George Gunnoe, BayWa r.e. Development Manager, affirmed the statement regarding sound reduction kits for every inverter: "We won't be able to achieve the 39 dBA limit at every off-site receptor unless we equip every single inverter in the project with a sound reduction kit. We have decided to make the commitment."
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. A Threatened and Endangered Species Report was received with the application on October 9, 2018. The report appears to be in compliance.
- (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 dated October 23, 2018, and received October 24, 2018, Jackson Group stated that they have initiated the Section 106 consultation process with the Illinois Department of Natural Resources-Historic Preservation Office (IHPO). They have 30 days to respond and a determination of whether cultural resource surveys are required for the proposed project will be determined.

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- b. The letter also stated that a preliminary review of the Illinois archaeological GIS database was conducted on October 2, 2018, and resulted in no sites within the project area.
- (16) Paragraph 6.1.5 L. states: “The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.”
- a. The Threatened and Endangered Species Report received October 9, 2018, identified 4 species covered under the Endangered Species Act with potential to occur within the most current property boundary.
 - b. Page 1 of the report states: “It is the Jackson Group’s professional opinion that the project area is extremely poor habitat for the Indiana and northern long-eared bats because of the lack of forested habitat and the project area is dominated by agricultural fields. Additionally, because the project area is dominated by agricultural fields only a few areas exist with potential for the Eastern prairie fringed orchid or Prairie bush clover to occur. These areas are located along the narrow stream riparian zones which are found flowing north to south along the far southwestern and eastern boundaries of the proposed project area. It is the Jackson Group’s professional opinion that the project area is extremely poor habitat for either the Eastern prairie fringed orchid or Prairie bush clover.”
 - c. Page 2 of the report states: “Jackson Group biologist also coordinated with the Illinois Department of Natural Resources (ILDNR) and utilized EcoCat ILDNR’s ecological compliance assessment tool to evaluate the proposed project area for state listed threatened and endangered species covered under the Illinois Endangered Species Protection Act. Only one species the Bigeye Chub (*Hybopsis amblops*) within the minnow family (*Cyprinidae*) was identified by EcoCAT with potential to occur. It is the Jackson Groups professional opinion based on knowledge of the species habitat requirements that the project area is extremely poor habitat for the bigeye chub as streams within the proposed project boundary have been heavily impacted by agricultural practices. Additionally, this species is exceptionally intolerant of siltation which is a common in stream whose watersheds are dominated by agricultural.”
- (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) The revised Site Plan received October 24, 2018, shows a 7-foot tall fence. There is no information regarding Knox boxes.

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- (b) Regarding weed control, the Vegetative Ground Cover, Management, and Weed Control Plan demonstrates compliance with this requirement.
- 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 Site Plan received October 24, 2018, identifies areas where a landscaping buffer would be installed.
 - (c) The Landscape Plan received October 24, 2018, illustrates a 20 feet wide landscape buffer for areas near existing dwellings.
 - (d) The revised Site Plan and Landscape Plan sheets received November 13, 2018 shows additional 20 feet wide vegetative screening along the north solar farm fence line.
 - (e) It is not clear if the proposed visual screen is compliant with the Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelterbreak Establishment and Practice Standard 327 Conservation Cover; a special condition has been added to ensure compliance.
- (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. Page 7 of the Prairie Solar Energy Project Glare Study prepared by POWER Engineers and received with the application on October 9, 2018, states: “In addition to airport operations, the proposed solar operations were analyzed to evaluate and document any occurrences of glare that would potentially cause distractions to ground-based viewers including nearby residences and motorists. Google Earth aerial imagery was used to identify residential structures and roadways within one mile of the Project. A representative sample was then selected for analysis based on line of site, proximity, and elevation relative to the Project. Proposed solar operations were then studied from KOPs located at 50 selected residences and seven major roadways adjacent to the site (Figure 5). Residential and motorist viewer heights analyzed were slightly above average to record worst case scenarios.”

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- b. Page 12 of the Study states: “it is POWER’s professional opinion that the proposed Prairie Solar Energy Project will not impact active airport operations or cause distraction to nearby residences and motorists.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. No information was required or submitted in the Special Use Permit application received October 9, 2018.
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
- a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
 - (a) No information was provided in the application received October 9, 2018 or in the supplemental materials received October 24, 2018.
 - b. Subparagraph 6.1.5 P.(3) states: “The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.
 - (a) The Vegetative Ground Cover, Management, and Weed Control report received October 24, 2018, appears to be consistent with this requirement and with 505 ILCS 100/1 et seq.
 - c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:

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- (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
- i. A draft Decommissioning Plan for the proposed PV SOLAR FARM was received with the application on October 9, 2018, and a revised version was received on November 13, 2018.
- (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. The ~~draft-revised~~ Decommissioning Plan received ~~October 9~~November 13, 2018, does not include information on this requirement.
- (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. The ~~draft-revised~~ Decommissioning Plan received ~~October 9~~November 13, 2018, states: "Prairie Solar 1, LLC shall provide a detailed Decommissioning Cost Estimate, prepared by an Illinois Licensed Engineer, prior to the issuance of building permits, which shall include three (3) individual, gross estimated costs to perform decommissioning for: above-ground restoration, below-ground restoration, and environmental remediation."
- ii. Waiver Part B and a special condition were added to ensure compliance.
- (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
- i. The ~~draft-revised~~ Decommissioning Plan received ~~October 9~~November 13, 2018, includes language regarding this requirement.
- ii. Waiver Part B and a special condition were added to ensure compliance.

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- (e) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
 - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
 - (f) 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.
 - (g) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
 - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
 - (h) 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 ~~draft-revised~~ Decommissioning Plan received ~~October 9~~November 13, 2018, does not include reference to making street repairs, but does include removing access driveways.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
- (a) The petitioner has not provided all information required in the ~~draft-revised~~ Decommissioning Plan received ~~October 9~~November 13, 2018.
 - (b) Waiver Part B and a special condition were added to ensure compliance.

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- 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. Regarding compliance with this subparagraph:
- (a) The ~~draft-revised~~ Decommissioning Plan received ~~October 9~~November 13, 2018, states: “The Decommissioning Security will be in the form of an irrevocable letter of credit and an escrow account with the governing body as the beneficiary per section 6.1.5 Q(4) of the Solar Ordinance. The governing body has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits, and the Applicant, its successors in interests, and all parties to decommissioning shall adjust the amount of financial assurance in escrow to ensure that it reflects current and accurate information. Unless the Governing Body states otherwise, the Champaign County State’s Attorney’s Office shall review and approve every Letter of Credit prior to Zoning Administrator Acceptance. Decommissioning estimates will be updated once every three (3) years for the first twelve (12) years of operation, and every other year, thereafter. Estimates will be created by an Independent Illinois Licensed Professional Engineer. Payment of the Decommissioning Security is to be made in equal installments over the first thirteen (13) years of the facility’s life.”
- 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

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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. The petitioner provided an unsigned sample Agricultural Impact Mitigation Agreement with the application received October 9, 2018.
 - b. 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.
- 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) A Project Description was included as part 1.3 of the Vegetative Ground Cover, Management, and Weed Control report received October 24, 2018.
 - 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 application received October 9, 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

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- 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 revised Site Plan received ~~October 24~~November 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 B.(1).
 - i. Zoning Administrator John Hall evaluated the revised Site Plan received ~~October 24~~November 13, 2018, and determined that it appears to conform with this requirement.
 - (c) The location of all below-ground wiring.
 - i. The revised Site Plan received ~~October 24~~November 13, 2018, demonstrates compliance with this requirement.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. Sheet 12: Site Details of the revised Site Plan received ~~October 24~~November 13, 2018, demonstrates compliance with this requirement.
 - (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 revised Site Plan received ~~October 24~~November 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.

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- e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
- (a) The petitioner has not received confirmation from the Village of Sidney that their Special Use Permit application has been received.
- f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.5 B.(2)a.(c).
- (a) No resolution from the Village of Sidney has been received as of ~~October 24~~November 13, 2018.
- (b) Notice of the November 1, 2018, ZBA public hearing was sent by P&Z Staff to the Village of Sidney on October 19, 2018.
- (c) Notice of the November 15, 2018, ZBA public hearing was sent by P&Z Staff to the Village of Sidney on November 7, 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) In an email received October 19, 2018, George Gunnoe of BayWa r.e. copied P&Z Staff on a verification from David Schoon of Miso Energy that the BayWa r.e. interconnection application had been received on March 7, 2018.
- (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.

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- (a) The P&Z Department received a preliminary Site Plan on March 1, 2018 that was prepared prior to adoption of the County's solar farm text amendment on August 23, 2018.
 - (b) The P&Z Department received a revised application and Site Plan on October 9, 2018.
 - (c) The P&Z Department received a revised Site Plan and supplemental materials on October 24, 2018.
 - (d) The P&Z Department received a revised Site Plan and supplemental materials on November 13, 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 not exempt from the Storm Water Drainage Plan requirement.
 - a. A Storm Water Drainage Plan will be required as part of the construction permitting process. A special condition has been added to ensure compliance.
 - (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, the subject properties are not located within a Special Flood Hazard Area, per FEMA Panels 17019C0464D and 17019CO475D, effective date October 2, 2013.
 - E. Regarding the Subdivision Regulations, the subject properties located in the County's subdivision jurisdiction appear to be in compliance.
 - F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 and AG-2 Agriculture Zoning districts:
 - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-1 and AG-2 Agriculture districts because it is only authorized in the AG-1 and AG-2 Districts.

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- 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 and AG-2 districts 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.
- The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- (2) The types of uses authorized in the AG-1 and AG-2 districts are in fact the types of uses that have been determined to be acceptable in the AG-1 and AG-2 districts. 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.

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- (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. Regarding the value of nearby properties, the ZBA reviewed two property value impact studies during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, and found no direct evidence indicating that solar farms have a negative effect on property values.
 - b. Regarding the value of the subject property, during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, ZBA found that the land owner receives an annual payment from the PV SOLAR FARM operator far in excess of the value of a crop from that land.
 - c. Section 6.1.5 Q. of the PV SOLAR FARM text amendment approved on August 23, 2018, includes a standard condition requiring a Decommissioning and Site Reclamation Plan that is intended to ensure there is adequate financial assurance for removal of a PV SOLAR FARM at the end of its useful life. Ensuring adequate site reclamation is one method of protecting surrounding property values.
 - d. The application received October 9, 2018, included a Tax Benefits report, which states that Prairie Solar LLC estimated first year tax revenue using 2017 rates (most recent) based on Fair Market Value of \$218,000/MW (per State statute). Total tax revenue created from the 150 MW solar farm for Year 1 would be \$716,838.50.

- (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, per FEMA Panels 17019C0464D and 17019CO475D, effective date October 2, 2013.

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- b. A Storm Water Management Plan is required as part of the construction permitting process, and a special condition has been added to ensure compliance.
 - c. The Decommissioning Plan received ~~October 9~~November 13, 2018, states: “The following activities will be undertaken to restore the site to substantially its previous condition: site cleanup, re-grading to original contours and, if necessary, restoration of surface drainage swales and ditches.”
- (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 related to the proposed solar farm received during the solar farm text amendment process are summarized in 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.

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

- (10) Paragraph 2.0(m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

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

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

The subject property is located in the AG-1 and AG-2 Agriculture districts 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 and AG-2 Agriculture districts 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 and AG-2 Agriculture districts 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.

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The entire project area is located in an Agriculture zoning district, which is the only zoning DISTRICT in which a PV SOLAR FARM is authorized.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

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

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. Regarding Part A of the proposed waivers, for a distance of 1,175 feet in lieu of one-half mile (2,640 feet) between a PV SOLAR FARM and the CR Conservation Recreation zoning district:
- (1) There is an inherent incompatibility of solar farms with at least the larger wildlife (i.e., deer) in the CR District and the fencing would obstruct wildlife movement.
 - (2) The CR District is the principal rural residential district and thus it is somewhat analogous to the one-half mile separation from a municipality.
 - (3) For this case, the nearest CR District is north of the Norfolk Southern railroad tracks and so the issues related to incompatibility do not seem so great even with the lesser separation.
- B. Regarding 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.
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) Township schedules for approving an agreement 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 approved by ELUC at the time of application for a Zoning Use Permit.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without Part A of the proposed waivers, the north 1,465 feet (approximately) of the proposed solar farm could not be constructed.
 - B. Without 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 and other Decommissioning and Site Reclamation Plan requirements.
 - C. Without 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 County, ~~and~~ Sidney Township, ~~and South Homer 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 1,175 feet in lieu of one-half mile (2,640 feet) between a PV SOLAR FARM and the CR Conservation Recreation zoning district:
 - (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.
 - (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) BayWa r.e. Solar Projects 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 1,175 feet in lieu of one-half mile (2,640 feet) between a PV SOLAR FARM and the CR Conservation Recreation zoning district, the requested waiver (variance) is 45% of the minimum required, for a variance of 55%.

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- B. Regarding 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%.
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement 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 Sidney Township Highway Commissioner has been notified of this case, and no comments have been received.
- B. The Sidney Fire Protection District has been notified of this case, and no comments have been received.
- C. The Drainage Districts for the subject property have been notified of this case, and no comments have been received.
- 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:**
- **Sheets 1 through 9 of the Site Plan received November 13, 2018.**
 - **Sheets 10 through 12 of the Site Plan received October 24, 2018.**
 - **Sheet L1 Landscape Plan received ~~October 24, 2018~~ November 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:

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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 revised Sheet L1 Landscape 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.**

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

The Special Use Permit complies with Ordinance requirements and considers the needs of adjacent residents.

- FG. Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer and Sidney Township 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.

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GH. 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. **A Storm Water Management Plan which conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **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.**
4. **A Crossing Agreement with the relevant Drainage District(s) for any solar farm construction that intrudes on any easement or right of way for drainage district ditch or tile, per 6.1.5 E.(5).**
5. **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.**
6. **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.**
7. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
8. **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.**
9. **The telephone number for the complaint hotline required by 6.1.5 S.**
10. **Any updates to the approved Site Plan from Case 898-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.

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- HI.** The petitioner shall install sound reduction kits from the inverter manufacturer to each of the inverters in the solar farm so that operational sound levels will be no more than 39 dBA at all existing residences within 1,500 feet of the project site.

The above special condition is required to ensure that:

The PV SOLAR FARM is constructed consistent with the Special Use Permit approval.

- IJ.** 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. A noise study to verify that the required sound reduction kits for all inverters result in no more than 39 dBA noise level at all existing residences within 1500 feet of the project site.
 4. 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.

- JK.** 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.

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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.

DOCUMENTS OF RECORD

1. Preliminary Special Use Permit Application and Site Plan received February 9, 2018
2. Revised Site Plan received March 1, 2018
3. Revised Site Plan received October 9, 2018
4. Revised Site Plan received October 24, 2018
5. Partial Revised Special Use Permit Application received October 9, 2018, with attachments:
 1. Table of Contents
 2. Special Use Permit application
 3. Landowner Map & Information
 4. Site Plan
 5. Glare Analysis
 6. Agriculture Impact Mitigation Agreement
 7. Traffic/Haul Route Plan & Road Use Agreement
 8. Noise Study
 9. Threatened & Endangered Species Report
 10. Decommissioning Plan
 11. JEDI
 12. Tax Benefits
 13. Health and Safety
 14. Equipment Specifications
6. Natural Resource Report by the Champaign County Soil and Water Conservation District dated September 2018 and received October 9, 2018
7. Public comment received during Case 895-AT-11 Solar Farm Text Amendment specific to proposed Sidney area solar farm:
 - A. Email from Jason Arrasmith received April 3, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #7 dated April 5, 2018
 - B. Email from Mallory Seidlitz received April 6, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #9 dated April 11, 2018
 - C. Email from Rebecca Sinkes received April 11, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #9 dated April 11, 2018
 - D. Email from Staci Bromley received April 11, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #9 dated April 11, 2018
 - E. Email from Shannon Kurtenbach received April 11, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #9 dated April 11, 2018
 - F. Email from Mary Tiefenbrunn received April 12, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #10 dated April 12, 2018
 - G. Email from Chris Bromley received April 12, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #10 dated April 11, 2018
 - H. Email from Michael Bryant received April 12, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #10 dated April 11, 2018

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- I. Email from Penny Sigler received April 12, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #10 dated April 11, 2018
 - J. Email from Jason Arrasmith received April 12, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #10 dated April 11, 2018
 - K. Letter from Marjorie Tingley received June 8, 2018, originally distributed in Case 895-AT-18 Supplemental Memorandum #15 dated June 14, 2018
8. Remainder of Partial Revised Special Use Permit Application items received October 24, 2018:
1. Drainage Tile Study
 2. Cultural & Historic Review
 3. Noxious Weed & Vegetation Management Plan
 4. Visual Simulations
 5. Landscape Plan
9. Preliminary Memorandum dated October 25, 2018, with attachments:
- A Legal Description/Participating Landowners
 - B Case Maps (Location Map, Land Use, and Zoning)
 - C Revised Site Plan received October 24, 2018
 - D Select application exhibits received October 24, 2018:
 - 1 Sheet L1: Landscape Plan
 - 2 Decommissioning Plan
 - 3 Drainage and Tile report cover letter
 - 4 Received Location Map from Noise study
 - E SUP Application Exhibits, as listed in Documents of Record #5 and #8 (separate bound copy for ZBA members and upon request at P&Z Department)
 - F Sidney Comprehensive Development Plan Map adopted June 5, 2000
 - G Inventory of Illinois Drainage and Levee Districts 1971, Drainage District #1 of the Town of Sidney
 - H Email from Tami Fruhling-Voges, Mayor of St. Joseph, received October 15, 2018
 - I Email from George Gunnoe, BayWa r.e. Development Manager received October 15, 2018
 - J Email from George Gunnoe, BayWa r.e. Development Manager received October 17, 2018
 - K Email from George Gunnoe, BayWa r.e. Development Manager received October 19, 2018 (1:59 p.m.), with attachments:
 - Email verification from David Schoon of Miso Energy that the BayWa r.e. interconnection application had been received on March 7, 2018
 - L Email from George Gunnoe, BayWa r.e. Development Manager received October 19, 2018 (2:07 p.m.)
 - M Email from George Gunnoe, BayWa r.e. Development Manager received October 19, 2018 (2:34 p.m.)
 - N Email from Patrick Brown received October 24, 2018
 - O Checklist for status of Special Use Permit application requirements created by P&Z Staff on October 25, 2018
 - P Summary of Evidence, Finding of Fact and Final Determination dated November 1, 2018
 - Q Solar Farm Text Amendment as approved by the Champaign County Board on August 23, 2018

Documents of Record continued

10. Supplemental Memorandum #1 dated November 1, 2018, with attachments:
 - A Legal Description/Participating Landowners
 - B Memorandum from Jonathan Leech to Patrick Brown dated October 30, 2018 and received November 1, 2018

11. "If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?", Michael Shellenberger, May 23, 2018, <https://www.forbes.com>, submitted by Joyce Hurd on October 25, 2018

12. Memorandum from Jonathan Leech, Dudek, received from Patrick Brown, BayWa Director of Development, on October 31, 2018

13. Memorandum from Patrick Brown, BayWa Director of Development, dated and received November 1, 2018

14. Email from George Gunnoe received November 13, 2018, with attachments:
 - Supplemental letter from George Gunnoe, BayWa r.e. Development Manager
 - Revised Site Plan sheets and Landscape Plan sheet
 - PowerPoint presentation regarding drainage

15. Supplemental Memorandum #2 dated November 13, 2018, with attachments:
 - A Legal Description/Participating Landowners
 - B Memorandum from George Gunnoe, BayWa r.e. Development Manager received November 13, 2018, with attachment:
 - Revised Decommissioning Plan received November 13, 2018
 - C Revised Site Plan sheets and Landscape Plan sheet received November 13, 2018
 - D Slides from PowerPoint presentation on agricultural drainage received November 13, 2018
 - E Revised Summary of Evidence, Finding of Fact, and Final Determination dated November 15, 2018

REVISED DRAFT 11/15/18**Case 898-S-18
Page 83 of 93****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **898-S-18** held on **November 1, 2018, and November 15, 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}*.

Findings of Fact continued

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 1,175 feet in lieu of one-half mile (2,640 feet) between a PV SOLAR FARM and the CR Conservation Recreation zoning district:
 - (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:

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Page 85 of 93*Findings of Fact continued*

- B. Regarding 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) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- C. Regarding Part C of the proposed waivers, for 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:

Findings of Fact continued

7. **THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**

- A. **The approved site plan consists of the following documents:**
- **Sheets 1 through 9 of the Site Plan received November 13, 2018.**
 - **Sheets 10 through 12 of the Site Plan received October 24, 2018.**
 - **Sheet L1 Landscape Plan received ~~October 24, 2018~~ November 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.

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Findings of Fact continued

F. A revised Sheet L1 Landscape 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.

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

The Special Use Permit complies with Ordinance requirements and considers the needs of adjacent residents.

FG. Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer and Sidney Township 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.

GH. 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. **A Storm Water Management Plan which conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **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.**
4. **A Crossing Agreement with the relevant Drainage District(s) for any solar farm construction that intrudes on any easement or right of way for drainage district ditch or tile, per 6.1.5 E.(5).**
5. **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.**
6. **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.**
7. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

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8. **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.**
9. **The telephone number for the complaint hotline required by 6.1.5 S.**
10. **Any updates to the approved Site Plan from Case 898-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.

- HI.** **The petitioner shall install sound reduction kits from the inverter manufacturer to each of the inverters in the solar farm so that operational sound levels will be no more than 39 dBA at all existing residences within 1,500 feet of the project site.**

The above special condition is required to ensure that:

The PV SOLAR FARM is constructed consistent with the Special Use Permit approval.

- IJ.** **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. **A noise study to verify that the required sound reduction kits for all inverters result in no more than 39 dBA noise level at all existing residences within 1500 feet of the project site.**
 4. **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.

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Findings of Fact continued

JK. 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.

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, recommends that:

The Special Use requested in Case **898-S-18** be {*GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED*} to the applicant, **BayWa r.e. Solar Projects LLC**, to authorize the following as a Special Use on land in the AG-1 and AG-2 Agriculture Zoning districts:

Authorize a Utility-scale PV Solar Farm with a total nameplate capacity of 150 megawatts (MW), including access roads and wiring, and

{ SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS: }

- Part A:** A waiver for a distance of 1,175 feet in lieu of one-half mile (2,640 feet) between a PV SOLAR FARM, and the CR Conservation Recreation Zoning District in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)b. of the Zoning Ordinance.
- 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:
- Sheets 1 through 9 of the Site Plan received November 13, 2018.
 - Sheets 10 through 12 of the Site Plan received October 24, 2018.
 - Sheet L1 Landscape Plan received ~~October 24, 2018~~ November 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.
- 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

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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 revised Sheet L1 Landscape 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.**
- FG.** Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer and Sidney Township Highway Commissioner, and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.
- GH.** 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. A Storm Water Management Plan which conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.
 3. 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.
 4. **A Crossing Agreement with the relevant Drainage District(s) for any solar farm construction that intrudes on any easement or right of way for drainage district ditch or tile, per 6.1.5 E.(5).**
 5. 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.
 6. 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.
 7. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).

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8. **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.**
9. **The telephone number for the complaint hotline required by 6.1.5 S.**
10. **Any updates to the approved Site Plan from Case 898-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

HI. **The petitioner shall install sound reduction kits from the inverter manufacturer to each of the inverters in the solar farm so that operational sound levels will be no more than 39 dBA at all existing residences within 1,500 feet of the project site.**

- IJ.** **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. **A noise study to verify that the required sound reduction kits for all inverters result in no more than 39 dBA noise level at all existing residences within 1500 feet of the project site.**
 4. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

JK. **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).**

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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 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