

CASE 074-S-22

SUPPLEMENTAL MEMORANDUM #5
MARCH 8, 2023

Petitioner: Medanos Solar LLC, via agent Kiera Gavin

Request: Authorize a Community PV Solar Farm with a total nameplate capacity of 5 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 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. 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. of the Zoning Ordinance.

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. of the Zoning Ordinance.

Part D: A waiver for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 K. of the Zoning Ordinance.

Other waivers may be necessary.

Location: A 48.64-acre tract in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter and part of a 197.02-acre tract in the east half of Section 4, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer Township, and commonly known as farmland owned by Terry Wolf on the north side of CR 1100N (County Highway 15) northeast of the Village of Homer, Illinois.

Site Area: 245.66 acres (46.4 acre fenced solar farm area)

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**, Senior Planner
John Hall, Zoning Administrator

STATUS

This case was continued from the March 2, 2023 ZBA meeting. At that meeting, the Board decided that the Village of Homer should have more time to comment on the revised Site Plan received February 28, 2023 before making a determination. P&Z Staff notified Jim White, Mayor of Homer, about the Board's decision via email on March 3, 2023. The Village of Homer Board will meet on Monday, March 13, 2023 and presumably will provide comments after that meeting.

A revised Summary of Evidence, Finding of Fact and Final Determination can be found in Attachment B.

PROPOSED SPECIAL CONDITIONS

The following special conditions were agreed upon by Kiera Gavin at the March 2, 2023 ZBA meeting.

- A. **The approved site plan consists of the following documents:**
- **Revised Site Plan received February 28, 2023.**

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

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 required to ensure the following:

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

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

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

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

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

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

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

- F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement signed by the Village of Homer and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**

7. **An agency action report from the State Historic Preservation Office regarding historic and archaeological resources review, as required by 6.1.5 K.**
8. **The telephone number for the complaint hotline required by 6.1.5 S.**
9. **Any updates to the approved Site Plan from Case 074-S-22 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 4. **Maintain a current general liability policy as required by 6.1.5 O.**

5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

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

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

- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

- K. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **Within the boundary of the solar farm, the petitioner shall:**

- (1) **Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
- (2) **Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
- (3) **No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

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

To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.

- M. **The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit**

including any repairs that may be necessary for up to one year after decommissioning and site reclamation.

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

To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.

ATTACHMENTS

- A Legal advertisement
- B Revised Summary of Evidence, Findings of Fact and Final Determination dated March 16, 2023

LEGAL PUBLICATION: WEDNESDAY, DECEMBER 14, 2022

CASE: 074-S-22

**NOTICE OF A PUBLIC HEARING IN REGARD TO A SPECIAL USE PERMIT WITH
WAIVERS UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING
ORDINANCE**

CASE: 074-S-22

Medanos Solar LLC, PO Box 14055, Chicago, IL, a subsidiary of Cultivate Power, LLC, owned by Brian Matthay, 2819 Buchanan St, San Francisco, CA 94123 and Noah Hyte, 321 Beloit Ave, Los Angeles, CA 90049, via agent Kiera Gavin, and participating landowner Terry Wolf, 1409 W Bridalveil Pl, Oro Valley, AZ, have filed a petition for a Special Use Permit with Waivers under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, December 29, 2022, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Authorize a Community PV Solar Farm with a total nameplate capacity of 5 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 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. 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. of the Zoning Ordinance.
- 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. of the Zoning Ordinance.
- Part D: A waiver for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 K. of the Zoning Ordinance.

Other waivers may be necessary.

On the following properties:

A 48.64-acre tract in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter and part of a 197.02-acre tract in the east half of Section 4, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer

Township, and commonly known as farmland owned by Terry Wolf on the north side of CR 1100N (County Highway 15) northeast of the Village of Homer, Illinois.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, DECEMBER 14, 2022 ONLY

Send bill and one copy to: Champaign County Department of Planning and Zoning
 Brookens Administrative Center
 1776 E. Washington Street
 Urbana, IL 61802
 Phone: 384-3708

Our News Gazette account number is 99225860.

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074-S-22

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

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

Date: ***{~~December 29, 2022~~February 16, 2023 March 2, 2023March 16, 2023}***

Petitioners: **Medanos Solar LLC, via agent Kiera Gavin, and participating landowner Terry Wolf**

Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 5 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 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. 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. of the Zoning Ordinance.

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. of the Zoning Ordinance.

Part D: A waiver for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 K. of the Zoning Ordinance.

~~Part E: A waiver for a separation distance of 115 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).~~

Other waivers may be necessary.

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Page 3 of 61**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 29, 2022, February 16, 2023, March 2, 2023 and March 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Medanos Solar LLC, PO Box 14055, Chicago, IL 60614, a subsidiary of Cultivate Power, LLC, owned by Brian Matthay, 2819 Buchanan St, San Francisco, CA 94123 and Noah HYTE, 321 Beloit Ave, Los Angeles, CA 90049; via agent Kiera Gavin, and participating landowner Terry Wolf, 1409 W Bridalveil Pl, Oro Valley, AZ 85737 are the developers of the proposed PV Solar Farm.
2. The subject property is a 48.64-acre tract in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter and part of a 197.02-acre tract in the east half of Section 4, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer Township, and commonly known as farmland owned by Terry Wolf on the north side of CR 1100N (County Highway 15) northeast of the Village of Homer, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located 0 feet from the Village of Homer, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases. The Village of Homer does not have a one and one-half mile extra-territorial jurisdiction because it does not have a Comprehensive Plan.
 - B. The subject property is located within South Homer 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 48.64-acre subject property is zoned AG-2 Agriculture and is currently in agricultural production. The 197.02-acre subject property is split-zoned AG-1 and AG-2 Agriculture and is in agricultural production.
 - (1) The proposed PV SOLAR FARM would be located on approximately 46.4 acres of the two subject properties.
 - B. Land north of the subject property is zoned AG-1 Agriculture and is land in agricultural production.
 - C. Land south of the subject property is zoned AG-2 Agriculture and is agricultural production with several residences. Part of the area to the south is within the Village of Homer.
 - D. Land west of the subject property is partly within the Village of Homer and partly zoned AG-1 and AG-2 Agriculture and land is in agricultural production.
 - E. Land east of the subject property is in Vermilion County, which does not have zoning. Land is in agricultural production.

REVISED DRAFT 03/16/23**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the Site plan for the proposed Special Use received September 19, 2022:
- A. The Site Plan by Kimley Horn includes the following proposed features:
- (1) One 5-megawatt community PV SOLAR FARM site on approximately 53.7 acres; and
 - (2) 7-feet tall perimeter fence; and
 - (3) Two equipment pads located approximately 1,225 feet north of the CR 1100N (County Highway 15) centerline; and
 - (4) A 20-foot wide gravel access road extending approximately 1,400 feet north from CR 1100N (County Highway 15); and
 - (5) A gated security entrance approximately 980 feet north of CR 1100N (County Highway 15); and
 - (6) The Point of Interconnection (POI) is proposed to connect to an existing power line that runs along the south side of CR 1100N (County Highway 15); and
 - (7) The nearest parcel 10 acres or less in area not owned by Terry Wolf is 240 feet from the solar farm fenced area; and
 - (8) The nearest parcel greater than 10 acres in area is 26 feet from the solar farm fenced area, and the nearest principal building on that property is approximately 1,700 feet from the fenced area; and
 - (9) The nearest residence is approximately 640 from the solar farm fenced area; and
 - (10) There is a separation of 385 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 1100N (County Highway 15).
- B. A revised Site Plan received November 21, 2022 indicates the following changes:
- (1) The fenced area of the PV Solar Farm has been moved north in order to avoid a drainage tile and to create more separation from the Homer Village Hall property.
 - (2) The area within the fence has been reduced from 53.7 acres to 46.4 acres.
 - (3) The access gate has been moved farther north.
 - (4) The separation between the PV SOLAR FARM perimeter fence and the proposed location for the inverters has decreased to 115 feet from the south fence. Waiver Part E has been added due to this change.
 - (5) The separation between the PV SOLAR FARM perimeter fence and the street centerline of CR 1100N (County Highway 15) has increased from 385 feet to 765 feet.

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- (6) There is a drainage tile shown on the site plan located within a 40 feet wide drain tile corridor with a 30 feet wide assumed drain tile setback on either side of the drain tile corridor.
- a. No construction is planned above the tile or within either the drain tile corridor or the assumed drain tile setback.
- C. A revised Site Plan received January 26, 2023 indicates the following changes:
- (1) The proposed inverter site has been moved north so that there is approximately 495 feet between the south solar farm fence and the inverters. There is approximately 280 feet between the inverters and the north solar farm fence. This change removes the need for Waiver Part E.
- (2) The access road has been extended farther north to reach the new inverter location.
- D. A revised Site Plan received February 1, 2023 indicates the following change:
- (1) “Limits of Disturbance” lines were added around the periphery of the solar farm.
- E. A revised Site Plan received February 14, 2023 indicates the following change:
- (1) The proposed access road has been moved east onto another property owned by Terry Wolf.
- F. A revised Site Plan received February 28, 2023 indicates the following changes:
- (1) The five power poles that were formerly adjacent to the Village Hall have been moved north to be adjacent to the ball field.
- (2) The proposed access road has been moved back to the original location east of the Village Hall property in order to provide access to the power poles.
- (3) Vegetative screening was added along the south fence line of the PV SOLAR FARM.
- (4) Noise barrier fencing was added around the inverters.
- G. There are no previous Zoning Use Permits for the subject property.
- (1) Zoning Case 922-S-18 was approved on January 31, 2019 for a PV Solar Farm Special Use Permit on land adjacent to the subject property on the south side of CR 1100N (County Highway 15). No Zoning Use Permit application was filed for construction of the PV Solar Farm.
- H. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a “COMMUNITY PV SOLAR FARM” in the AG-1 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.

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- (1) The County Board amended the Zoning Ordinance by amending PV SOLAR FARM requirements when it adopted Ordinance 2020-1 on February 24, 2020, Ordinance 2020-7 on May 22, 2020, and Ordinance 2020-8 on May 22, 2020.

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) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (5) “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.
- (6) “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.
- (7) “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.
- (8) “LOT LINES” are the lines bounding a LOT.
- (9) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.

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- (10) “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).
- (11) “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.
- (12) “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.
- (13) “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.
- (14) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (15) “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.
- (16) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (17) “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.
- (18) “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.

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- (19) “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.
- (20) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (21) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (22) “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.
 - © MINOR STREET: Township roads and other local roads.
- 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).

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- (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
- (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
- (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
- (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
- (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
- (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
- (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
- (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
- (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.

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- (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (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

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accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“The proposed special use is necessary for Illinois to reach the statutory targets of 50% renewable energy by 2040 (Public Act 102-0662) and will bring clean energy to Champaign County, an opportunity for local subscribers to save on their electricity bill, and increase local property taxes. The existing Ameren infrastructure, level topography, and limited neighbors make this an ideal location for a solar farm.”**
 - B. The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State’s energy coming from renewable sources by the year 2025.
 - C. The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
 - D. There is an existing power line along the south side of CR 1100N (County Highway 15).

REVISED DRAFT 03/16/23**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The proposed project will not be injurious to the District, the surrounding area, or the public welfare. Solar is a proven and safe technology and a low-impact development. See Exhibit B – Solar Overview for more information on project safety. The project’s development will improve environmental health and economic development of the surrounding area.”**
- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource Report received November 22, 2022, provides a map showing that the PV Solar Farm fenced area generally drains toward the northeast.
- (2) In an email received February 7, 2023, from the #1 Town of South Homer Drainage District, Attorney Brian Schurter stated that the project as proposed does not directly affect any District tiles, but asked that the District be kept abreast of any changes to the proposal.
- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have one access on CR 1100N (County Highway 15).
- (2) CR 1100N (County Highway 15) is a marked rural two-lane County Highway that is approximately 22 feet wide. It is comprised of oil and chip and has 4 feet wide gravel shoulders.
- (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. CR 1100N (County Highway 15) had an ADT of 1,350 near the subject property.
- (4) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.
- (5) The South Homer Township Highway Commissioner has been notified of this case and no comments have been received.
- (6) Champaign County Highway Department has been notified of this case and has agreed to waive the requirement for a Roadway Upgrade and Maintenance Agreement.
- (7) The petitioner has also requested a Roadway Upgrade and Maintenance Agreement or waiver therefrom from the Village of Homer.

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- D. Regarding fire protection:
- (1) The subject properties are approximately 0.5 mile from the Village of Homer fire station.
 - (2) In an email received November 21, 2022, Fire Chief Don Happ acknowledged receipt of the site plan for the proposed PV Solar Farm.
 - (3) The Homer Fire Protection District was notified of this case and no comments have been received.
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The subject properties are considered Best Prime Farmland. The Natural Resource Information Report received November 22, 2022, states that the soil on the subject properties consists of 152A Drummer silty clay loam, 171B Catlin silt loam, 154A Flanagan silt loam, and 56B Dana silt loam, and 663B Clare silt loam, and has an average Land Evaluation Factor of 99.
- G. Regarding outdoor lighting on the subject property, the application received September 21, 2022, states that there will be no 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 parking, there is no required parking for the proposed PV SOLAR FARM.
- J. Regarding public input received:
- (1) At the December 29, 2023 ZBA meeting, cross-examination of the petitioner's agent touched on concerns about noise, visual blight, the possibility of increasing setbacks to residential neighbors, property values, vegetation management, decommissioning plan, screening, and protection of drainage tile.
 - (2) On January 26, 2023, Village of Homer Resolution 2023 – R-2 opposing the solar farm project was received. The Resolution listed the following reasons for opposing the development:
 - a. The Solar Project is in very close proximity to the Village precluding natural and desirable development in one of the limited directions for expansion for the Village and contrary to Village plans.
 - b. The Solar Project will create noise from its inverters and any transformer thereby being a nuisance.
 - c. Due to its proximity to the Village, the Solar Project will create visual blight reducing views, disrupt local habitat, and expose those in proximity to electromagnetic waves/radiation which do not already exist.
 - d. The Solar Project will negatively affect area property values.

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- (3) At the February 16, 2023 ZBA meeting, the following testimony was received:
- a. Ted Hartke testified regarding concerns about noise and the location of power poles adjacent to the Village Hall.
 - b. Jim White, Interim Mayor of Homer, testified regarding concerns about the location of the power poles adjacents to the Village Hall and screening for the solar farm.
- (4) At the March 2, 2023 ZBA meeting, the following testimony was received:
- a. Suzanne Smith said she appreciated all the proposed upgrades. She asked about the types of plants that would be used in the vegetative screening and asked if plants would be replaced if they die. She asked about the noise fence and its durability for the life of the project. She said she lives on a farm north of the subject property. She said she is an advocate for renewable energy but hopes that time will be taken to learn about the solar industry. She said our area is being inundated by wind and solar projects and she hopes we take time to understand these things prior to making decisions. She expressed concerns about waiving regulations such as the waiver for locating within one-half mile of a municipality. She said that decommissioning plans are very important and she hopes there will be a very thorough decommissioning plan so they will not be left with a mess of a retired solar array in the future.
- K. A noise study by Kimley Horn was received on January 26, 2023 from the petitioner's agent. A noise study is not required for a community PV SOLAR FARM, but the petitioner decided to submit an analysis due to noise concerns. The analysis can be summarized as follows:
- (1) Sound levels generated from inverters are anticipated to be the main source of sound from the proposed project.
 - (2) A reference level of 79 dB(A) at 1 meter from each of two inverters was used.
 - (3) The Medanos solar site will not be operational during nighttime hours.
 - (4) The predicted maximum operational sound levels at the surrounding noise-sensitive land uses are anticipated to be below 45 dB(A), which is below the Champaign County Solar Farm Ordinance and IPCB noise level limits.
 - (5) The study concludes that "noise mitigation measures are not needed at this time since the anticipated operational sound levels will remain below the IPCB allowable octave band sound pressure levels at Class A property boundaries during daytime hours."
- L. 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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GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“Yes, the proposed use conforms to the regulations and standards of the AG-1 and AG-2 Districts. The project will not impact the essential character of the Districts because it is a low-profile installation – maximum panel height of 12 feet – and blends in well to the rural landscape. The project will not produce any emissions and will not inhibit neighboring properties’ ability to farm or enjoy their property. After the prospective 40-year life of the project, it will be fully removed through the decommissioning and reclamation process and can be returned to agricultural use.”**
- 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. The revised Site Plan received November 21, 2022 appears to conform to 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 subject property is located within one-half mile of the Village of Homer.
 - ii. In an email received December 12, 2022, the Mayor of Homer stated, “The Village of Homer Board of Trustees voted on November 14th, 2022, to not oppose the proposed solar farm that is being developed by Cultivate Power

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Medanos Solar LLC. This vote was based on the latest proposed site plan dated November 1, 2022. This includes a 480' set back from the Homer Village Hall property located at 500 E Second St pin #26-30-04-124-004. Also includes a 40' drain tile corridor with a 30' drain tile set back over the 24" Village storm drain tile. It was also stated that there would be no damage done to the tile from the construction or future maintenance of the access road or buried electrical service lines.”

- (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 Village of Homer acknowledged receipt of the complete Special Use Permit application.
 - (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR shall provide documentation to the 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 Homer has been received as of December 14, 2022.
 - ii. Notice of the December 29, 2022, ZBA public hearing was sent by P&Z Staff to the Village of Homer on December 14, 2022.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
 - (a) The petitioner included an interconnection application with their Special Use Permit application received September 19, 2022.
 - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR ARRAY prior to issuance of the Zoning Compliance Certificate.
- (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,

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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.”

- a. A special condition has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- a. 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 November 21, 2022 shows the separations between the solar farm fence and adjacent buildings and uses.
 - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
 - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
 - i. The revised Site Plan received November 21, 2022 demonstrates compliance with the 55 feet setback from CR 1100N (County Highway 15), which is a COLLECTOR STREET.
 - (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) There are several lots that are 10 acres or less in lot area adjacent to the subject properties. Two of the lots that are 10 acres or less are owned by petitioner Terry Wolf, and for those lots the separation is less than 240

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feet with permission of Mr. Wolf. The remaining lots of 10 acres or less meet the required 240 feet separation.

- 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 one lot of 10 acres or less that is not owned by the petitioner and is bordered on two sides by the PV SOLAR FARM. The proposed separation in 240 feet.

- (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 a 226-acre lot on the west side of the proposed PV SOLAR FARM but it does not contain a PRINCIPAL BUILDING.
 - ii. 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. There are no proposed additional separations at this time.

- (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. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of the subject properties.

- (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.

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- 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. The inverters shown on the revised Site Plan received ~~November 21, 2022~~January 26, 2023, are approximately ~~115~~280 feet away from the PV SOLAR FARM perimeter fence. Waiver Part E ~~has been added due to this change~~is no longer needed due to this change.
 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received November 21, 2022:
 - (i) There is a 1.38-acre lot with a residence to the southeast of the inverters. The closest distance between the property line and an inverter is approximately ~~828~~1,140 feet.
 - iii. In a revised Site Plan received February 28, 2023, the petitioner added noise reduction fencing around the inverters.
 - (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
 - i. The application stated that the arrays will not exceed 12 feet in height at maximum tilt.
 - (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 November 21, 2022, shows that there is a 26 feet separation between the subject property lines and the nearest array.
- (9) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS. Compliance with paragraph 6.1.5 E. can be summarized as follows:
- a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-

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

- (a) The Special Use Permit application packet received September 19, 2022, 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. No information was required or submitted for the Special Use Permit application.
 - (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. No information was required or submitted for the Special Use Permit application.
 - c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
 - (a) The petitioner indicated that all above ground structures would be less than twelve feet tall except for the 35 feet tall utility poles.
 - d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (a) The petitioner stated in the Special Use Permit application that appropriate warning signs will be posted at the base of all pad-mounted transformers and substation.
 - 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) The Village of Homer has a 40-foot drainage corridor and a 30-foot drain tile setback on the subject property; the petitioner has agreed that no solar equipment will be constructed within this easement and that is demonstrated on the revised Site Plan received November 21, 2022.

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- (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 soil within the approximate PV SOLAR FARM fenced area is Best Prime Farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, 663B Clare silt loam, 56B Dana silt loam 2, and 171B Catlin silt loam, and has an average Land Evaluation score of 99.
 - b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per *505 ILCS 147/15(b)*. A special condition has been added to ensure compliance.
 - c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the petitioner stated in their Vegetation Plan received November 21, 2022, “Native plant communities contribute minerals, enzymes and bacteria needed to restore health to soil that has been damaged by decades of artificial fertilizers and tilling. Additionally, native plants offer a secondary purpose of providing forage and nesting spaces for native bees, insects butterflies, bats, song and game birds and small mammals.”
 - d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
 - (a) The Special Use Permit application received September 19, 2022 states that all underground wiring or cabling will be at a minimum depth of 5 feet below grade.
 - e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
 - (a) The petitioner stated on the application, “The project recognizes the importance of drain tile to the continued agricultural prosperity in the county and will abide by all drain requirements noted in this section. This includes consultation with the Soil and Water Conservation District and compliance with the Champaign County Storm Water Management and Erosion Control Ordinance when appropriate.”
 - f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.

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- (a) The petitioner stated on the application, “The project will restore any impacted soil conservation practices such as terraces, grassed waterways if impacted by construction or decommissioning.”
 - g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) The petitioner stated on the application, “The project will comply with topsoil replacement requirements.”
 - h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) The petitioner stated on the application, “The project will comply with the compaction and rutting mitigation requirements of this section.”
 - i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) The petitioner stated on the application, “The project will comply with the land leveling requirements of this section.”
 - j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The petitioner stated on the application, “Prior to construction, the project will submit an erosion and sediment control plan prepared by an Illinois PE.”
 - k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) The petitioner stated on the application, “No topsoil shall be removed, stripped, or sold from the property.”
 - l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
 - (a) The petitioner stated on the application, “The project area is located on best prime farmland and will utilized the steps outlined in this section to offset and minimize any disturbance. See attached Exhibit for the Landscape Plan and Weed Control Plan.”
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State’s Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.

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- (a) The Champaign County Highway Department provided an email received November 29, 2022 that indicated they waived the Roadway Upgrade and Maintenance agreement requirement.
 - (b) The petitioner is in discussion with the Village of Homer regarding this requirement, which is the reason for inclusion of Waiver Part C.
- 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) The Champaign County Highway Department provided an email received November 29, 2022 that indicated they waived the Transportation Impact Analysis requirement.
 - (b) The petitioner is in discussion with the Village of Homer regarding this requirement, which is the reason for inclusion of Waiver Part C.
- 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. The subject property is located approximately 0.5 road miles from the Homer Fire Station. The Fire Chief has been notified of this case and no comments have been received.
 - b. The petitioner stated in their application, "The project will submit a site plan to the Homer FPD and coordinate with the development of an emergency response plan if the FPD requests a plan. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations."
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
 - (a) The petitioner stated in their application, "The project noise levels will be in compliance with the Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910). The project requests an exemption from the requirements of this section because, although the project is 5MW,

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Public Act 102-0662 increased the defined size of a community solar farm from 2MW to 5MW, and therefore the project should be considered a COMMUNITY PV SOLAR FARM and be exempt from the Ordinance's requirements under 6.1.5 I.(3)a. Additionally, the project's main source of noise, the two inverters, will meet the setback requirements of section 6.1.5 D.(6). The attached inverter specification sheet (Exhibit I) identifies that the inverter noise emission is only 67 decibels measured at 10 meters distance."

- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
 - (a) The project size is considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is not required unless the ZBA requires one.
 - i. ~~The ZBA should carefully consider whether a noise analysis is required due to the proximity to the Village of Homer. Although the ZBA has not required a noise study for this project, the petitioner submitted a noise study received February 1, 2023 that indicates compliance with IPCB standards.~~
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The petitioner stated in their application, "The project completed an EcoCAT consultation with the IDNR and attached results as Exhibit G. The IDNR found that adverse effects to endangered species are unlikely from the project."
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. The petitioner stated in their application, "The project proposes to consult with the State Historic Preservation Officer prior to commencing construction and will supply the Agency Action Report or other comparable findings from the SHPO. The project is unable to provide this report at this time due to constraints in the development timeline."
- (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 petitioner stated in their application, "The project will be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality."
- (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

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provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.

- (a) The petitioner stated in their application, “The project will be fully enclosed by a 7’ fence with a gated entrance that allows for emergency personnel access. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law.”
- 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.
- i. The petitioner stated in their application, “The project proposes not to install any visual screening because the nearest dwellings, south of the project, are screened by robust existing tree lines and the next nearest dwellings, west of the project, are 1000 feet from the project or more. Because of this, we believe the solar farm will be sufficiently screened by virtue of existing topography.”
- ii. Based on concerns voiced during the public hearings, the petitioner has agreed to install vegetative screening along the southern fence line of the PV SOLAR FARM, as indicated in the revised Site Plan received February 28, 2023.
- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that the design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- A. The petitioner stated in the application, “The project was designed to minimize glare to adjacent properties by utilizing an anti-reflective coating on panels.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. The petitioner stated in the application, “The project will meet the liability insurance requirements outlined in this section.”
- (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

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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) The petitioner stated on the application, “The project will comply with maintenance reporting standards and materials handling standards in this section. The panel cleaning methods have not yet been determined by the project but will use industry-standard methods proven safe and effective, for example see Exhibit J.”
 - 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 petitioner submitted a Vegetation Plan including a weed control plan received November 21, 2022.
 - 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:
 - (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
 - i. The petitioner stated in their application, “The project requests a waiver from the submission of a completed Decommissioning and Site Reclamation Plan at this time but submits the attached Exhibit E in assurance of our commitment to proper decommissioning of the project. The project agrees to submit a completed Decommissioning and Site Reclamation Plan prior to authorization of a Zoning Use Permit.”
 - ii. The petitioner submitted a Decommissioning and Site Reclamation Plan on February 7, 2023 and a revised DSRP on February 16, 2023.

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- (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. A special condition has been added that the petitioners will provide a Decommissioning and Site Reclamation Plan to be approved by ELUC prior to applying for a Zoning Use Permit.
- (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 petitioner has requested a waiver to provide detailed cost estimates at a later date.
 - ii. Waiver Part B and a special condition were added to ensure compliance.
 - iii. The petitioner submitted a Decommissioning and Site Reclamation Plan including cost estimates received February 7, 2023, and a revised DSRP on February 16, 2023.
- (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. Waiver Part B allowing approval at a later date and a special condition were added to ensure compliance.
- (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 regarding the Letter of Credit.
- (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

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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) Waiver Part B and a special condition allowing approval at a later date were added to ensure compliance.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
- (a) Waiver Part B and a special condition allowing approval at a later date were added to ensure compliance.
- 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 Letter of Credit must be supplied prior to receiving a Zoning Use Permit.
- 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.

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- f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
- (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
- g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
- (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner stated in the application, “The project will enter into an AIMA with the Illinois DOA and will meet the requirements outlined in this section.”
- 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.
- a. A special condition has been added to ensure compliance.
- (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.

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- (a) A Project Description was included with the application received September 19, 2022.
- 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 September 19, 2022, demonstrates compliance with this requirement.
- c. Subparagraph 6.1.5 U.(1)c. requires a site plan for the SOLAR FARM which includes the following:
 - (a) The approximate planned location of all PV SOLAR FARM STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substations(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
 - i. The revised Site Plan received November 21, 2022, appears to demonstrate 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. The revised Site Plan received November 21, 2022 appears to conform to this requirement.
 - (c) The location of all below-ground wiring.
 - i. The revised Site Plan received November 21, 2022 appears to conform to this requirement.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. The revised Site Plan received November 21, 2022 appears to conform to 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

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FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.

- i. The revised Site Plan received November 21, 2022 appears to conform to this requirement.
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
 - (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.
 - e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
 - (a) The Village of Homer has acknowledged receipt of the Special Use Permit application.
 - f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.5 B.(2)a.(c).
 - (a) No resolution from the Village of Homer has been received as of December 14, 2022. On January 26, 2023, Village of Homer Resolution 2023 – R-2 opposing the solar farm project was received. The Resolution listed the following reasons for opposing the development:
 - i. The Solar Project is in very close proximity to the Village precluding natural and desirable development in one of the limited directions for expansion for the Village and contrary to Village plans.
 - ii. The Solar Project will create noise from its inverters and any transformer thereby being a nuisance.
 - iii. Due to its proximity to the Village, the Solar Project will create visual blight reducing views, disrupt local habitat, and expose those in proximity to electromagnetic waves/radiation which do not already exist.

REVISED DRAFT 03/16/23iv. The Solar Project will negatively affect area property values.

- (b) Notice of the December 29, 2022, ZBA public hearing was sent by P&Z Staff to the Village of Homer on December 14, 2022.
 - g. Subparagraph 6.1.5 U.(1)g. requires that documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5 B.(3)b.
 - (a) The petitioner included an application for an interconnection agreement with their Special Use Permit application received September 19, 2022.
 - (b) A special condition has been added to ensure compliance.
 - h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
 - (a) The P&Z Department received a revised Site Plan and supplemental materials on November 21, 2022.
 - (b) The P&Z Department received a revised Site Plan and noise study on January 26, 2023.
 - (c) The P&Z Department received a revised Site Plan and a slightly reformatted noise study on February 1, 2023.
 - (d) The P&Z Department received a revised Site Plan and a Decommissioning and Site Reclamation Plan on February 16, 2023.
 - € The P&Z Department received a revised Site Plan and a slightly reformatted noise study on February 28, 2023.
 - 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.
 - (2) A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
 - (2) 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.

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- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject properties are located in Champaign County's subdivision jurisdiction and 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.
- 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 15 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

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- (2) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

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.

- (3) 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.
- (4) 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.
- (5) 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, it is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - b. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
 - (a) If the petitioner is denied the special use permit, the property can still be used for agricultural production.
 - 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.
- (6) 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.

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- (7) 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 not in a Special Flood Hazard Area.
 - b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
- (8) 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.
- (9) 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.

- (10) Paragraph 2.0(i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0(j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0(k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0(l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

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- (11) 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 no structures exist on the subject property.

- (12) 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.

- (13) 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 petitioners requested a natural resource review from the Illinois Department of Natural Resources EcoCAT tool. The review identified numerous protected resources that might be in the vicinity of the proposed PV Solar Farm. IDNR evaluated the information and “concluded that adverse effects are unlikely.” No further action is required by IDNR regarding natural resources.

- (14) 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.

- (15) 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 subject property is located in the AG-1 and AG-2 Agriculture Districts and is, by definition, a rural use.

- (16) Paragraph 2.0(r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

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

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

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:

- A. Regarding Part A of the proposed waivers, for a distance of 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. of the Zoning Ordinance:
- (1) In an email received November 21, 2022, Village of Homer Clerk Sharon Jeffers acknowledged receipt of a copy of the Special Use Permit application.
 - (2) On December 12, 2022, the Village of Homer Mayor submitted an email in support of the proposed project on behalf of the Village of Homer Board of Trustees.
 - (3) The P&Z Department sent the Village of Homer Clerk notice of the ZBA hearing for this case on December 14, 2022.
 - (4) Adjacent landowners within 250 feet of the subject property were sent notification of the proposed project on December 14, 2022, ~~and no comments have been received.~~
 - (5) On January 26, 2023, Village of Homer Resolution 2023 – R-2 opposing the solar farm project was received. The Resolution listed the following reasons for opposing the development:
 - a. The Solar Project is in very close proximity to the Village precluding natural and desirable development in one of the limited directions for expansion for the Village and contrary to Village plans.
 - b. The Solar Project will create noise from its inverters and any transformer thereby being a nuisance.
 - c. Due to its proximity to the Village, the Solar Project will create visual blight reducing views, disrupt local habitat, and expose those in proximity to electromagnetic waves/radiation which do not already exist.
 - d. The Solar Project will negatively affect area property values.
 - (6) At the December 29, 2023 ZBA meeting, cross-examination of the petitioner’s agent touched on concerns about noise, visual blight, the possibility of increasing setbacks to residential neighbors, property values, vegetation management, decommissioning plan, screening, and protection of drainage tile.
 - (7) At the February 16, 2023 ZBA meeting, testimony was received regarding concerns about visual blight and the location of power poles.

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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:
- (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 or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) The Champaign County Highway Department has agreed to waive the requirement for a Roadway Upgrade and Maintenance Agreement.
 - (2) The petitioner is working with the Village of Homer on either a waiver or a Roadway Upgrade and Maintenance Agreement.
 - (3) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit from the Village of Homer.
- D. Regarding Part D of the proposed waivers, for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board:
- (1) The State Historic Preservation Office is experiencing a backlog.
 - (2) A special condition has been added requiring the applicant to submit a State Historic Preservation review at the time of application for a Zoning Use Permit.
- ~~E. Regarding Part E of the proposed waivers, for inverters that are 115 feet from the PV SOLAR FARM fence in lieu of 275 feet:~~
- ~~(1) The petitioners originally had the inverters 275 feet from the south fence, but the Village of Homer requested that the south fence line be moved farther north, which triggered the need for this waiver.~~
 - ~~(2) The petitioners considered moving the inverters farther north to meet this requirement, but determined that they have been moved as far north as the project allows.~~

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

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- A. Without Part A of the proposed waivers, the applicant would have to consider a different configuration for the PV SOLAR FARM only on the eastern 197-acre subject property.
- B. Without Parts B, C, and D of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents, and they might lack the accuracy that can only be secured in the construction permitting phase.
- ~~C. Without Part E of the proposed waiver, the PV SOLAR FARM fence would have to be moved farther south, which is closer than the Village of Homer would like.~~

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 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet):
- (1) On December 12, 2022, the Village of Homer submitted an email supporting the proposed PV Solar Farm project. The email stated, “The Village of Homer Board of Trustees voted on November 14th, 2022, to not oppose the proposed solar farm that is being developed by Cultivate Power Medanos Solar LLC. This vote was based on the latest proposed site plan dated November 1, 2022. This includes a 480' set back from the Homer Village Hall property located at 500 E Second St pin #26-30-04-124-004. Also includes a 40' drain tile corridor with a 30' drain tile set back over the 24" Village storm drain tile. It was also stated that there would be no damage done to the tile from the construction or future maintenance of the access road or buried electrical service lines.”
 - ~~(2) On January 26, 2023, Village of Homer Resolution 2023 – R-2 opposing the solar farm project was received. The Resolution listed the following reasons for opposing the development:

 - a. The Solar Project is in very close proximity to the Village precluding natural and desirable development in one of the limited directions for expansion for the Village and contrary to Village plans.
 - b. The Solar Project will create noise from its inverters and any transformer thereby being a nuisance.
 - c. Due to its proximity to the Village, the Solar Project will create visual blight reducing views, disrupt local habitat, and expose those in proximity to electromagnetic waves/radiation which do not already exist.
 - d. The Solar Project will negatively affect area property values.~~
 - ~~(3) In response to Village concerns, the petitioners moved the inverters farther north on the site and completed a noise study to verify compliance with IPCB regulations.~~

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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:
- (1) Some of the information required for a DSRP will only be available closer to construction time.
- 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 petitioner is working with the Village of Homer to receive either an agreement or a waiver from the Village.
- D. Regarding Part D of the proposed waivers, for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board:
- (1) The State Historic Preservation Office is experiencing a backlog.

~~E. Regarding Part E of the proposed waivers, for inverters that are 115 feet from the PV SOLAR FARM fence in lieu of 275 feet: the Village of Homer requested that the south fence line be moved farther north, which is closer to the inverters.~~

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 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
- 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 or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
- D. Regarding Part D of the proposed waivers, for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources 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%.

~~E. Regarding Part E of the proposed waivers, for inverters that are 115 feet from the PV SOLAR FARM fence in lieu of 275 feet: the requested waiver (variance) is 42% of the minimum required, for a variance of 58%.~~

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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. South Homer Township has been notified of this case, and no comments have been received.
 - B. Champaign County Highway Department has been notified of this case, and has submitted a waiver from the requirement for a Roadway Upgrade and Maintenance Agreement.
 - C. The Homer Fire Protection District has been notified of this case, and no comments have been received.
 - D. Drainage District #1 of the Town of South Homer has been notified of this case, ~~and no comments have been received.~~ In an email received February 7, 2023, from the #1 Town of South Homer Drainage District, Attorney Brian Schurter stated that the project as proposed does not directly affect any district tiles, but asked that the District be kept abreast of any changes to the proposals.
 - E. The petitioners have held public meetings with the Village of Homer Board of Trustees, and the petitioners have made adjustments to their site plan based on concerns raised by the Village Board.
 - F. 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:**
 - Revised Site Plan received ~~November 21, 2022~~ February 28, 2023.

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

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.

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

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

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

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

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

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

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

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

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

- F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the Village of Homer and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or**

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a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.

4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.
5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).
6. *(Note: not needed if a waiver is received)* A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.
7. An agency action report from the State Historic Preservation Office regarding historic and archaeological resources review, as required by 6.1.5 K.
8. The telephone number for the complaint hotline required by 6.1.5 S.
9. Any updates to the approved Site Plan from Case 074-S-22 per the Site Plan requirements provided in Section 6.1.5 U.1.c.
- ~~10. The petitioners will submit a copy of a resolution from the Village of Homer or a letter from the Village of Homer Mayor certifying that the part of the PV solar farm that is inside the Village of Homer has proper municipal zoning for that use.~~

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

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

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

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3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
4. ~~**The petitioners will ensure that the part of the PV solar farm that is inside the Village of Homer has proper municipal zoning for that use.**~~

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

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

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

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

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

- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

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- K. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

L. Within the boundary of the solar farm, the petitioner shall:

- (1) Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
- (2) Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
- (3) No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

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

To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.

- M. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**

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

To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.

DOCUMENTS OF RECORD

1. Special Use Permit Application received September 19, 2022, with attachments:
 - A Site Plan
 - B Supplemental Application Information, including:
 - Solar Overview
 - Construction Overview
 - Constraints Map
 - O&M Overview, including Landscape and Weed Control Plan
 - Decommissioning Plan
 - IDNR EcoCAT consultation
 - Proof of Interconnection Application
 - Inverter specification sheet
 - Panel cleaning overview

2. Email from Kiera Gavin received November 21, 2022, with attachments:
 - A Revised Site Plan
 - B Email from Village of Homer Clerk Sharon Jeffers
 - C Email from Homer Fire Chief Don Happ
 - D Vegetation Management Plan

3. Natural Resource Report by the Champaign County Soil and Water Conservation District received November 22, 2022

4. Preliminary Memorandum dated December 20, 2022, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Revised Site Plan received November 21, 2022
 - C Constraints Map received September 19, 2022
 - D Solar Overview received September 19, 2022
 - E Construction Overview received September 19, 2022
 - F O&M Overview received September 19, 2022
 - G Decommissioning Plan received September 19, 2022
 - H IDNR EcoCAT consultation received September 19, 2022
 - I Proof of Interconnection Application received September 19, 2022
 - J Inverter specification sheet received September 19, 2022
 - K Panel cleaning overview received September 19, 2022
 - L Vegetation Management Plan received November 21, 2022
 - M Natural Resource Report by the Champaign County Soil and Water Conservation District received November 22, 2022
 - N Email from Jeff Blue, County Highway Engineer, received November 29, 2022
 - O Email from Jim White, Homer Village Mayor, received December 12, 2022
 - P Site visit images taken September 21, 2022
 - Q Summary of Evidence, Summary Finding of Fact and Final Determination dated December 29, 2022

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5. Email from Kiera Gavin received January 26, 2023, with attachments:
 - A Revised site plan
 - B Noise study by Kimley Horn dated January 20, 2023
6. Resolution No. 2023 – R-2 in opposition to the project received January 26, 2023
7. Email from Kiera Gavin received February 1, 2023, with attachments:
 - A Revised site plan
 - B Noise study by Kimley Horn dated January 27, 2023
8. Email from #1 Town of South Homer Drainage District received February 7, 2023
9. Email from Kiera Gavin received February 7, 2023, with attachment:
 - A Decommissioning and Site Reclamation Plan
10. Supplemental Memorandum #1 dated February 8, 2023, with attachments:
 - A Legal advertisement
 - B Revised Site Plan received February 1, 2023
 - C Noise Study received February 1, 2023
 - D Resolution of protest from the Village of Homer received January 26, 2023
 - E Email from the #1 Town of South Homer Drainage District received February 7, 2023
 - F Decommissioning and Site Reclamation Plan by Kimley Horn received February 7, 2023
 - G Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated February 16, 2023
11. Supplemental Memo #2 dated February 14, 2023, with attachments:
 - A Legal advertisement
 - B Revised Site Plan received February 14, 2023
12. Handouts distributed at February 16, 2023 ZBA meeting:
 - A Decommissioning and Site Reclamation Plan received February 16, 2023
 - B Real Estate Adjacent Property Value Impact Report by Cohn Reznick received February 16, 2023
 - C Letter from subject property owner Terry Wolf received February 16, 2023
 - D Hartke handout on community noise response prediction
 - E Hartke handout: Solar Panels Create Noise Nuisance in Edgartown
13. Supplemental Memo #3 dated February 22, 2023, with attachments:
 - A Legal advertisement
14. Supplemental Memo #4 dated March 2, 2023, with attachments:
 - A Legal advertisement
 - B Revised Site Plan received February 28, 2023
 - C Updated Noise Study received February 28, 2023
 - D Decibels map and noise level chart received February 28, 2023
 - E Summary of Evidence, Finding of Fact and Final Determination dated March 2, 2023

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **074-S-22** held on **December 29, 2022, February 16, 2023, March 2, 2023 and March 16, 2023**, 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:
 - a. *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.*
 - b. *The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.*
 - c. *There is an existing power line along the south side of CR 1100N (County Highway 15).*
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*}*:
 - a. *The subject properties are approximately 0.5 mile from the Village of Homer fire station.*
 - b. *In an email received November 21, 2022, Fire Chief Don Happ acknowledged receipt of the site plan for the proposed PV Solar Farm.*
 - c. *The Homer Fire Protection District was notified of this case and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - a. ~~*In an email received December 12, 2022, the Village of Homer Mayor expressed support for the project being adjacent to the Village of Homer.*~~
 - b. ~~*A resolution of protest was received from the Village of Homer on January 26, 2023, citing incompatibility concerns with the proximity of the project to the village.*~~
 - c. ~~*Input received at public hearings included concerns about noise, visual blight, the possibility of increasing setbacks to residential neighbors, property values, vegetation management, decommissioning plan, screening, power pole locations, and protection of drainage tile.*~~
 - d. ~~*The proposed PV solar farm is compatible with adjacent agriculture.*~~
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No part of the subject property is in the Special Flood Hazard Area.*
 - b. *The proposed project must comply with the Storm Water Management and Erosion Control Ordinance.*

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- c. ***The petitioners, in coordination with the Village of Homer, have established a drain tile corridor and setback for the village tile that crosses the subject property.***
- e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
- a. ***Relevant jurisdictions were notified of this case, and no comments have been received regarding safety.***
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
- a. ***No parking is required for a PV SOLAR FARM.***
- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
- a. ***The site is reasonably well-suited in all respects and has no major defects.***
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:
- a. ***No additional public services are necessary for the proposed development.***
- 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*}*:
- a. ***No new public infrastructure is required for the proposed development.***

(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, subject to approval of the requested waivers.
- 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}*.
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

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{WILL / WILL NOT} be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- 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 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet):
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *The petitioners have held public meetings with the Village of Homer Board of Trustees, and the petitioners have made adjustments to their site plan based on concerns raised by the Village Board.*
 - (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:
 - a. *On December 12, 2022, the Village of Homer Mayor submitted an email in support of the proposed project on behalf of the Village of Homer Board of Trustees. On January 26, 2023, Village of Homer Resolution 2023 – R-2 opposing the solar farm project was received.*
 - b. *Adjacent landowners within 250 feet of the subject property were sent notification of the proposed project on December 14, 2022, and no comments have been received. At ZBA meetings, testimony touched on concerns about noise, visual blight, the possibility of increasing setbacks to residential neighbors, property values, vegetation management, decommissioning plan, screening, power pole locations, and protection of drainage tile.*
 - (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:
 - a. *Without Part A of the proposed waivers, the applicant would have to consider a different configuration for the PV SOLAR FARM only on the eastern 197-acre subject property.*
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:

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- a. ***The petitioners have held public meetings with the Village of Homer Board of Trustees, and the petitioners have made adjustments to their site plan based on concerns raised by the Village Board.***
- (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:
- a. ***The private access drive that connects County Highway 15 to the PV Solar Farm is within the Village of Homer municipal limits.***
- 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: ***the petitioner will still need to provide this document prior to receiving a Zoning Use Permit.***
- (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: ***cost estimates for the DSRP are unique to each solar project.***
- (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: ***the Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents, and they might lack the accuracy that can only be secured in the construction permitting phase.***
- (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because: ***some details such as cost estimates are not available until closer to construction.***
- (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.
- 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:
- a. ***The petitioner will still need to provide this documentation prior to receiving a Zoning Use Permit.***

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- (2) Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. ***The petitioner is working with the Village of Homer on either a waiver or a Roadway Upgrade and Maintenance Agreement.***
 - b. ***A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit from the Village of Homer.***
 - (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:
 - a. ***The Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents, and they might lack the accuracy that can only be secured in the construction permitting phase.***
 - (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***The petitioner is working with the Village of Homer to receive either an agreement or a waiver from the Village.***
 - (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.
- D. Regarding Part D of the proposed waivers, for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources 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: ***a special condition has been added that the petitioner must submit this information as part of their Zoning Use Permit application.***
 - (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: ***the State Historic Preservation Office is experiencing a backlog.***
 - (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: ***without the waiver, the Special Use Permit process would have to be extended until the State Historic Preservation Office overcomes its backlog.***

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- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: *the State Historic Preservation Office is experiencing a backlog.*
- (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.

~~E. Regarding Part E of the proposed waivers, for inverters that are 115 feet from the PV SOLAR FARM fence in lieu of the minimum required 275 feet:~~

- ~~(1) The waiver *{IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because: *the requested waiver (variance) is 42% of the minimum required, for a variance of 58%.*~~
- ~~(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:~~
- ~~a. *The petitioners originally had the inverters 275 feet from the south fence, but the Village of Homer requested that the south fence line be moved farther north, which triggered the need for this waiver.*~~
- ~~b. *The petitioners considered moving the inverters farther north to meet this requirement, but determined that they have been moved as far north as the project allows.*~~
- ~~(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: *without Part E of the proposed waiver, the PV SOLAR FARM fence would have to be moved farther south, which is closer than the Village of Homer would like.*~~
- ~~(4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: *the Village of Homer requested that the south fence line be moved farther north, which is closer to the inverters.*~~
- ~~(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: *the petitioners considered moving the inverters farther north to meet this requirement, but determined that they have been moved as far north as the project allows.*~~

7. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:*

- A. The approved site plan consists of the following documents:
- Revised Site Plan received ~~November 21, 2022~~ February 28, 2023.

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

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 required to ensure the following:

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

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

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

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

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

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

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

- F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the Village of Homer and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required 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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1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. ***(Note: not needed if a waiver is received)* A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **An agency action report from the State Historic Preservation Office regarding historic and archaeological resources review, as required by 6.1.5 K.**
8. **The telephone number for the complaint hotline required by 6.1.5 S.**
9. **Any updates to the approved Site Plan from Case 074-S-22 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
10. ~~**The petitioners will submit a copy of a resolution from the Village of Homer or a letter from the Village of Homer Mayor certifying that the part of the PV solar farm that is inside the Village of Homer has proper municipal zoning for that use.**~~

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

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

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

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

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

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

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

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

- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

- K. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. Within the boundary of the solar farm, the petitioner shall:**

- (1) Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
- (2) Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
- (3) No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

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

To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.

- M. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**

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

To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.

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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 **074-S-22** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant, **Medanos Solar LLC**, to authorize the following as a Special Use on land in the AG-1 and AG-2 Agriculture Zoning Districts:

Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, and

{SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:}

- Part A: A waiver for a distance of 0 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. 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. of the Zoning Ordinance.
- 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. of the Zoning Ordinance.
- Part D: A waiver for not completing consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 K. of the Zoning Ordinance.

~~Part E: A waiver for a separation distance of 115 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).~~

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **The approved site plan consists of the following documents:**
- **Revised Site Plan received ~~November 21, 2022~~ February 28, 2023.**
- 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.**

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- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**
- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**
- F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the Village of Homer and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**
- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 7. **An agency action report from the State Historic Preservation Office regarding historic and archaeological resources review, as required by 6.1.5 K.**
 8. **The telephone number for the complaint hotline required by 6.1.5 S.**

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9. Any updates to the approved Site Plan from Case 074-S-22 per the Site Plan requirements provided in Section 6.1.5 U.1.c.
 - ~~10. The petitioners will submit a copy of a resolution from the Village of Homer or a letter from the Village of Homer Mayor certifying that the part of the PV solar farm that is inside the Village of Homer has proper municipal zoning for that use.~~
- H. A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:
1. An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.
 2. As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.
 3. An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.
 - ~~4. The petitioners will ensure that the part of the PV solar farm that is inside the Village of Homer has proper municipal zoning for that use.~~
- I. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:
1. Maintain the pollinator plantings in perpetuity.
 2. Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).
 3. Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).
 4. Maintain a current general liability policy as required by 6.1.5 O.
 5. Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.
 6. Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.

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7. Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.

J. The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

K. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

L. Within the boundary of the solar farm, the petitioner shall:

- (1) Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
- (2) Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
- (3) No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

M. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date